



Superfund/Oil Program Implementation Manual Fiscal Year 2002/2003

*Program Implementation Guidance for OERR, OSRE,
FFRRO,
FFEO and the Oil Program (Headquarters and Regional
Offices)*

Program Goals and Planning Requirements

Program Implementation Procedures





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 3, 2001

MEMORANDUM

SUBJECT: FY 2002 - 2003 Superfund/Oil Program Implementation Manual (SPIM)

FROM: Dottie Pipkin, Director
Planning Analysis & Resource Management, OERR

Peter Neves, Acting Chief
Program Evaluation & Coordination Branch, OSRE

TO: Addressees

PURPOSE

The purpose of this document is to transmit the attached OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year (FY) 2002 - 2003". The SPIM is available as a WORDPERFECT file and, also, will be made available in Lotus Notes and on the Agency INTRANET.

BACKGROUND

The SPIM was last published in March 1999 for FY 2001 with two changes issued in October 2000 and January 2001. For FY 2002 and 2003, we revised the manual to cover a two year period to synchronize the SPIM development cycle with the other OSWER biennial program management manuals.

DOCUMENT

For FY 2002 and 2003, the SPIM is in a loose leaf, three ring binder format. Appendix H, "Community Involvement", has been significantly revised from FY 2001. Appendix G, "Government Performance and Results Act (GPRA)", will be sent under separate cover upon finalization of the GPRA information for FY 2002.

Please distribute this document to your Superfund managers and responsible staff. If you have any specific programmatic questions or comments, please contact the subject matter expert identified at the end of each chapter or appendix. For general questions about the SPIM, please contact Robert White, OERR/PARM (703-603-8873).

Attachment



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)
Regional Oil Program 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)
Elaine Davies
Barry Breen
Larry Reed
Susan Bromm
OERR Center Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Sandra Connors
Neilima Senjalia
Frederick Stiehl (2222A)
James Woolford (5101)
Dana Stalcup
Eric Burman (5103)
Lance Elson (2261A)
Randy Hippen
Marie Bell (5101)
Willie Griffin
Kenneth Fisher
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Bruce Pumphrey
Dela Ng
Scott Blair
Jack Winder
Filomena Chau
Kevin Brittingham
Jeff Josephson
Patricia Gowland
Hans Waetjen



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
July 16, 2001

MEMORANDUM

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

FROM: Dottie Pipkin, Director
Planning, Analysis and Resources Management, OERR

Dela Ng, Acting Chief
Program Evaluation & Coordination Branch, OSRE

TO: Address List (attached)

This document transmits the attached Change 1 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003". Change 1 adds Appendix G, "Government Performance and Results Act (GPRA)," and amends the Cover, Acronym List, Chapter II, "Program Planning and Reporting Requirements"; Exhibit III.6, "Who Pays for What" chart in Chapter III, "Superfund Budget Process & Financial Management"; Appendix A, "Site Assessment"; and Appendix B, "Response Actions".

DOCUMENT

The FY 02/03 SPIM was published in April 2001. Change 1 adds Appendix G since the GPRA information was still being finalized for FY 2002 when the SPIM was originally published. For Appendix A, the new qualifier "B" and modified non-NPL status code "AX", which indicate that a "site is being addressed as part of another non-NPL site," are added to eleven measures in Appendix A. These measures are indicated in the Change Log. For Appendix B, we deleted Paragraph B.A.III.w, "Non-NPL Site Completion"; and made changes to Paragraphs B.A.III.x, "Five Year Reviews," B.A.III. aa. "Human Exposure Controlled" and B.A.III.bb. "Contaminated Groundwater Migration Controlled." Please refer to the attached Change Log for a summary of the final changes.

IMPACT ON CERCLIS/WASTELAN:

Please see Impact Statement.

ACTION:

The SPIM is in three-ring format. Please remove the old materials from your SPIM and insert the 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 last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general questions.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
February 28, 2002

MEMORANDUM

SUBJECT: Change 2, FY 2002/2003 Superfund/Oil Program Implementation Manual (SPIM)

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

Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE

TO: Address List (attached)

This document transmits the attached Change 2 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003". Change 2 amends Exhibit II.9 "Action Lead Codes" chart in Chapter II, "Program Planning and Reporting Requirements"; Appendix B, "Response Targets and Measures"; Appendix C, "Enforcement"; Appendix D, "Federal Facilities;" and Exhibit E.2 in Appendix E, "Information Systems".

DOCUMENT

The FY 02/03 SPIM was published in April 2001. Change 1 was finalized on July 16, 2001. Change 2 was circulated for review in October 2001. Please refer to the attached Change Log for a summary of the final changes for Change 2. The "Screening PRP Search Completions" measure proposed for inclusion in Appendix B in the draft Change 2 is not included in the final. Regional comments are under review by the Office of Site Remediation Enforcement (OSRE).

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 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 revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions.



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)
Elaine Davies
Barry Breen
Craig Hooks
Larry Reed
Susan Bromm
OERR Center Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Ken Patterson
Neilima Senjalia
Frederick Stiehl (2222A)
James Woolford (5101)
Dana Stalcup
Eric Burman (5103)
Lance Elson (2261A)
Randy Hippen
Marie Bell (5101)
Willie Griffin
Kenneth Fisher
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Bruce Pumphrey
Dela Ng
Scott Blair
Jack Winder
Filomena Chau
Kevin Brittingham
Jeff Josephson
Patricia Gowland
Hans Waetjen
Ben Hamm (5101)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

June 26, 2002

MEMORANDUM

SUBJECT: Change 3, FY 2002/2003 Superfund/Oil Program Implementation Manual (SPIM)

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

Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE

TO: Address List (attached)

This document transmits Change 3 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003". Change 3 amends/adds: Managers' Schedule of Significant Events; Office of Emergency and Remedial Response Organization Chart; paragraph II.G, "HQ/Regional Roles and Responsibilities", and Exhibit II.9, "Action Lead Codes in WasteLAN," in Chapter II, "Program Planning and Reporting Requirements"; Exhibit III.6, "Who Pays for What," in Chapter III, Superfund Budget Planning Process and Financial Management"; Appendix B, "Response Targets and Measures"; Appendix C, "Enforcement"; Appendix D, "Federal Facilities"; Appendix E, "Information Systems"; Appendix G, "GPRA"; and a new Appendix J to provide Tribal definitions and measures.

DOCUMENT

The FY 02/03 SPIM was published in April 2001. Change 1 was finalized on July 16, 2001 and Change 2 on February 28, 2002. Change 3 was circulated for review in May 2002. Please refer to the attached Change Log for a summary of the final changes for Change 3.

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 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 revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions.

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
Barry Breen
Elliott Gilberg
Elaine Davies
Larry Reed
Susan Bromm
OERR Center Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Ken Patterson
Neilima Senjalia
Frederick Stiehl (2222A)
James Woolford (5101)
Dana Stalcup
Eric Burman (5103)
Lance Elson (2261A)
Randy Hippen
Marie Bell (5101)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Bruce Pumphrey
Dela Ng
Scott Blair
Dan Dickson
Filomena Chau
Jack Winder
Kevin Brittingham

Jeff Josephson
Patricia Gowland
Hans Waetjen
Ben Hamm (5101)
Mary Kemp



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 27, 2002

MEMORANDUM

SUBJECT: Change 4, FY 2002/2003 Superfund/Oil Program Implementation Manual (SPIM)

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

Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE

TO: Address List (attached)

This document transmits Change 4 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003". Change 4 amends/adds: Chapter 1, "Program Goals & Priorities"; Chapter II, "Program Planning and Reporting Requirements"; Exhibit III.6, "Who Pays for What," in Chapter III, "Superfund Budget Planning Process and Financial Management"; Appendix A, "Site Assessment/NPL Listing Targets & Measures"; Appendix B, "Response Targets and Measures"; and Appendix C, "Enforcement". These changes will add/amend definitions on mega-sites, Superfund alternative sites (previously NPL equivalent sites), and pre-Sara sites.

DOCUMENT

The FY 02/03 SPIM was published in April 2001. Change 1 was finalized on July 16, 2001; Change 2, on February 28, 2002 and Change 3, on June 26, 2002 Change 4 was circulated for review in July 2002. Please refer to the attached Change Log for a summary of the final changes for Change 4.

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 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 revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions.

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
Barry Breen
Elliott Gilberg
Elaine Davies
Susan Bromm
OERR Center Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Sandra Connors
Neilima Senjalia
Frederick Stiehl (2222A)
James Woolford (5106G)
Dana Stalcup
Eric Burman (5103)
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Dela Ng
Scott Blair
Dan Dickson
Filomena Chau
Anne Berube
Kevin Brittingham (2733R)
Jeff Josephson
Patricia Gowland
Hans Waetjen

Ben Hamm (5101)
Nancy Lindsay
Joshua Barber
Steven Blankenship



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

MEMORANDUM

SUBJECT: Change 5, FY 2002/2003 Superfund/Oil 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)

This document transmits Change 5 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003". Change 5 amends: the Acronym List in the Manager's Schedule; Chapter I, "Program Goals and Priorities"; Exhibit III.6, "Who Pays for What Chart" in Chapter III, "Superfund Budget Planning Process and Financial Management"; Appendix B, "Response Action"; Appendix C, "Enforcement"; Appendix D, "Federal Facilities Priorities"; Appendix E, "Information Systems"; Appendix F, "Oil Pollution Prevention and Response Program" and Appendix G, "Government Performance and Results Act".

DOCUMENT

The FY 02/03 SPIM was published in April 2001. Change 1 was finalized on July 16, 2001; Change 2, on February 28, 2002; Change 3, June 26, 2002; and Change 4, September 27, 2002. The proposed Change 5 was circulated for review on December 18, 2002; and comments were to be received by January 17, 2003. Please refer to the attached Change 5 Log for a summary of the final changes for Change 5.

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 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 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 or each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The SPIM can be found on the web @ <http://www.epa.gov/superfund/action/process/spim.htm> and will contain the updates for Change 5 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)
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
OERR Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Sandra Connors
Neilima Senjalia
Frederick Stiehl (2222A)
James Woolford (5106G)
Dana Stalcup
Doug Disrud (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)
Jim Maas (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



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

Impact Analysis
Change 2, FY 02/03 SPIM
February 2002

The following is the potential impact from the final changes to Chapter II and Appendices B, C, and D of the FY 02/03 SPIM that may affect WasteLAN.

Chapter II

Same as Appendix B.

Appendix B

New lead action codes of SA, ST, and SS for PRP-financed RDs and RAs from Special Accounts will need to be added to WasteLAN.

In addition, the SCAP reports, especially the SCAP-14 and SCAP-16, will need to be changed to include the new lead codes of SA, ST, and SS for PRP-financed RDs and RAs from Special Accounts.

Appendix C

The addition of PPA Assessments and Enforcement Instruments that are PPAs and their related subactions and screens will need to be added in the Brownfields area of WasteLAN.

Appendix D

A new Action Name of "Removal Action Decision Doc" will need to be added to WasteLAN.

Impact Analysis
Change 3, FY 02/03 SPIM
26 June 02

The following are potential impacts resulting from changes made to the final FY 02/03 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

New lead code of 'SG' required changes to WasteLAN (See Appendix B below).

Chapter 3

No impact.

Appendix B

The addition of lead action codes of SA, ST, SS, and SG for PRP-financed removals from a Special Account and SA, ST and SS for PRP-financed RIs, FSs and RI/FSs from a Special Account was required in WasteLAN.

In addition, the SCAP reports, specifically SCAP-04, SCAP-14, and SCAP-16 required changes to include the new lead codes of SA, ST, SS, and SG for the appropriate categories. The Budget AOA screen will use this new query logic.

Five year review type will need to be added to the ROD SCAP Smart screen.

Appendix C

The new SubAction "Memorandum for the Record" is required to be available for RD/RA Negotiations "AN", Removal Negotiations "RN", Negotiation (Generic) "NG" and Cost Recovery Negotiations "NE" in WasteLAN. In addition, the ENFR-62 report requires changes to include the new SubAction.

Appendix D

No impact.

Appendix E

SCAP reports (SCAP-14, SCAP-15, SCAP-16, SCAP-08) required update to Data Sponsor lists. In addition, the Risk Assessment module is being deleted.

Appendix G

SCAP-15 changes were needed to implement new FY 03 changes.

Appendix J

Two new Special Initiatives (Tribal Concerns and Tribal Involvement) will need to be added to the Site Program Priority table. SCAP-15 requires updates to reflect the new reporting requirements.

Impact Analysis
Change 4, FY 02/03 SPIM
27 SEP 02

The following are potential impacts resulting from changes made to the final FY 02/03 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 1

No impact

Chapter 2

Potential changes to SCAP reports to capture pre-SARA and mega sites. The Special Initiative Indicator of “NPL Equivalent” will need to be changed to “Superfund Alternative”. In addition, the SCAP reports, specifically the SCAP-14 and SCAP-16, will need to be changed to display “Superfund Alternative” instead of “NPL Equivalent”.

Chapter 3

See Appendix B below.

Appendix A

The system will need to change to restrict certain actions at archive sites.

Appendix B

The addition of lead action codes of SA, ST, and SS for PRP-financed LTRA and SS for O&M from a Special Account will need to be added to WasteLAN. In addition, the SCAP report, specifically SCAP-04, will need to be changed to include the new lead codes of SA, ST, and SS. The Budget AOA screen will use this new query logic.

The Special Initiative Indicator of “NPL Equivalent” will need to be changed to “Superfund Alternative”. In addition, the SCAP reports, specifically the SCAP-14 and SCAP-16, will need to be changed to display “Superfund Alternative” instead of “NPL Equivalent”.

Five Year review SCAP screens will need to be designed to capture new requirements. In addition, the ROD SCAP screen will need to be modified. Changes to project schedule are needed to initiate plan dates for five year review actions when RA on-site construction and PCOR and FCOR completion dates are entered. In addition, the five year review planned completion date will need to be uneditable once the completion dates have been entered for certain actions based on five year review type.

Modifications to the SCAP-14 and SCAP-16 will need to be made to capture new five year review requirements.

Appendix C

The Special Initiative Indicator of “NPL Equivalent” will need to be changed to “Superfund Alternative” which is the same as needed for Appendix B above.

Appendix D

No system changes are necessary to reincorporate FF RDs as this action was never deleted from WasteLAN.

Appendix E

No impact.

Impact Analysis
Change 5
FY02/03 SPIM
13 MARCH 03

The following are potential impacts resulting from Change 5 to the FY 02/03 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 1

No impacts anticipated.

Chapter 3

As a result of changes made to the *Who Pays For What Chart*, the following changes will need to be made to WasteLAN:

1. Several action names will be modified for consistency;
2. Some actions will be made historical; and
3. Financial screens will be changed to address those actions that are not being made historical but will no longer be used for funding.

In addition, create a new allowance in WasteLAN to track counter-terrorism funding and modify the IFMS/WasteLAN transfer to accommodate this type of funding. In addition, modify the Add/Edit Financial screens in WasteLAN to facilitate entry of the new budget organization add-on codes (i.e., CUD, CUE, CUF, CUG).

Appendix B

A new screen, 'Exposures/Releases Controlled Worksheet ' will be added to the Program Management module . In addition, Indicator B: *Achieving Permanent Cleanup Goals* will be removed from the Environmental Indicators screen, and the Options menu. The options menu will be changed to address Indicator A as Populations Protected, and Indicator C as Cleanup Technologies Applied. The Program Management reports, PGMT-08, PGMT-09, and PGMT-10 will be modified to have all references to goal attainment removed. *Human Exposure Under Control*, and *Groundwater Migration Under Control* will be added to the PGMT-09, and PGMT-10 reports.

Modify the reference table for actions to change the subactions PCOR and FCOR to action level.

Appendix C

Measure 8 (Orphan Share- EPA Offers) in the Enforcement Measures of Success Report (ENFR-62) will be modified to include RI/FS.

Appendix D

Refer to appendix B changes for environmental indicators and PCOR and FCOR.

Appendix E

Possible data sponsor modification to the SCAP-14 report.

Appendix F

SCAP-08 modifications are needed for the combining of two measures into one Oil Spill Response & Monitoring. In addition, the Program Management screens will need to be modified to include new measure and delete old oil measures.

Appendix G

No impacts anticipated.

Appendix H

No impacts anticipated.

Impact Analysis
Change 6, FY 02/03 SPIM
22 SEP 03

The following are potential impacts resulting from the Change 6, FY 02/03 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.

Appendix B

No impact. SCAP Reports already corrected.

Superfund/Oil Program Implementation Manual FY 02/03
Managers' Schedule of Significant Events

**This Page Left
Intentionally Blank**

MANAGERS' SCHEDULE OF SIGNIFICANT EVENTS

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

FY 02

OCTOBER 2001 QUARTER 1 (FY 02)

- 2¹ The AAs and OC approve the first and second quarter AOA
- 5 HQ pulls national Environment Indicators (EI) data from WasteLAN
- 5 HQ pulls 4th quarter FY 01 accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Initial FY 01 end-of-year Program Assessment
- 12 HQ pulls 4th quarter FY 01 accomplishment data from WasteLAN for review of end of year accomplishments and inclusion in Annual Performance Report.
- Mid - HQ/Regions begin work planning sessions on the final FY02 GPRAs Annual Performance Goals and
Oct Program Targets/Measures and budget.

NOVEMBER 2001

- TBD SF National Policy Managers Meeting
- 13 OMB passback of FY 03 budget request
- TBD AA/RA Priorities Meeting for FY03
- 14-15 Superfund Focus Forum (SFF) - Charleston, SC (tentative dates)

DECEMBER 2001

- Late HQ appeal of the OMB FY 03 budget passback
- Nov/
- Early
- Dec

¹Dependent on approval of final appropriations.

JANUARY 2002 QUARTER 2 (FY 02)

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

FEBRUARY 2002

- Early Feb HQ submits FY 03 Annual Performance Plan (budget request) to the President
- 20 HQ distributes FY 01 EI analysis to HQ/Regional managers

MARCH 2002

- 7 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 02
- 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 01

APRIL 2002 QUARTER 3 (FY 02)

- 5 The AAs and OC approve the 3rd quarter AOA
- 5 HQ pulls accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Mid-Year Work Planning evaluation
- 5 HQ pulls national Environmental Indicators (EI) data from CERCLIS
- TBD NPMs issue consolidated guidance for FY 03-04

MAY 2002

- 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 03 program initiatives to the Regional Administrator.

MAY 2002 (cont'd)

- 29 HQ program offices meet with the Administrator to review FY 03 program goals
- Late Annual Goal Team Meetings with Deputy Administrator on FY 02 progress and FY 04 priorities
May
- Late Superfund Focus Forum (technical)
May

JUNE 2002

- 3-25 Regions generate their plans for FY 03 and FY 04 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 03 Superfund goals and priorities and FY 04 investments to the Administrator and Regional Administrators
- 11 Administrator and OC provide HQ program offices and Regions with policy for FY 04 budget formulation
- 21 HQ submits 4th quarter AOA request to the AAs and places it in WasteLAN
- 28 Regions input AOA to IFMS

JULY 2002 QUARTER 4 (FY 02)

- 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 03 and FY 04 budget request
- 8 Enforcement provides:
1) Special program reports; and
2) 3rd quarter performance evaluations
- Early HQ offices submit proposed FY 04 budgets
July

<u>JULY 2002 (cont'd)</u>	
15	HQ sends memorandum to Regions on proposed budgets and GPRA annual performance goals and program targets/measures.
15-19	HQ program offices and lead Regions make presentation to Administrative/Deputy Administrator on FY 04 program priorities [FY 04 Budget Forum]
22-26	Regional conference call on HQ analyses
Late July	Administrator passback of FY 04 budget request
<u>AUGUST 2002</u>	
Mid	HQ develops FY 04 budget for submission to the Office of Management and Budget (OMB)
7	HQ pulls WasteLAN data to assist in preparation of the FY 04 budget/FY 03 work planning
Late	HQ develops strategy for presenting the FY 04 budget to OMB
Late	HQ sends memorandum to Regions on final budgets and GPRA targets/annual performance goals and internal measures
TBD	Final revisions to FY04 APGs and APMs due to OCFO
<u>SEPTEMBER 2002</u>	
Early Sept	HQ submits FY 04 budget to OMB
9	HQ pulls data from WasteLAN for first quarter FY 03 AOA
Mid Sept	HQ pulls WasteLAN data to assist in preparation of the FY 03 work planning.
Mid Sept	HQ performs final FY 03 Full Time Equivalent (FTE) distribution
20	HQ submits FY 03 first quarter AOA request to the AAs and places it in WasteLAN

SEPTEMBER 2002 (cont'd)

27¹ Regions input AOA to IFMS

FY 03**OCTOBER 2002 QUARTER 1 (FY 03)**

2¹ 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 FY02 accomplishment data from WasteLAN and provides for:
1) Special program reports; and
2) Initial FY 02 end-of-year Program Assessment

11 HQ pulls 4th quarter FY02 accomplishment data from WasteLAN for review of end of year accomplishments and inclusion in Annual Performance Report

Mid- Oct HQ/Regions begin work planning sessions on the final FY 03 GPRA annual performance goals and program targets/measures and budget

NOVEMBER 2002

TBD SF National Policy Managers Meeting

Mid- Nov Superfund Focus Forum (SFF)

Late Nov OMB passback of FY 04 budget requests

TBD AA/RA Priorities Meeting for FY 04

DECEMBER 2002

Late Nov/ Early Dec HQ appeal of the OMB FY 04 budget passback

¹ Dependent on approval of final appropriations.

JANUARY 2003 QUARTER 2 (FY 03)

- 7 SCAP Pull - 5th working day of the month
- Mid- Jan HQ sends memorandum to regions on final budgets, GPRA annual performance goals, and program targets/measures.
- Mid- Jan Regions revise WasteLAN to reflect final negotiated budget and GPRA performance goals and targets/measures.

FEBRUARY 2003

- Early Feb HQ submits FY 04 Annual Performance Plan (budget request) to the President
- 20 HQ distributes FY 02 EI analysis to HQ/Regional managers

MARCH 2003

- 7 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 03
- 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 02

APRIL 2003 QUARTER 3 (FY 03)

- 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 04-05

MAY 2003

- 7 HQ analysis of Regional pipeline (upcoming year and one year out) and historical performance trends
- 14 HQ program offices characterize and submit their FY04 program initiatives to the Regional Administrator
- 29 HQ program offices meet with the Administrator to review FY 04 program goals
- Late May Annual Goal Team Meetings with Deputy Administrator on FY 03 progress and FY 05 priorities
- Late May Superfund Focus Forum (technical)

JUNE 2003

- 3-25 Regions generate their plans for FY 04 and FY 05 by ensuring updated schedules and financial information in WasteLAN
- 6 HQ pulls planning information from WasteLAN:
1) for fourth quarter AOA; and
2) to support FY 04 and FY 05 budget request
- 6 HQ pulls financial data for analysis of Regional obligation/commitment rates
- 6 HQ presents FY 04 Superfund goals and priorities and FY 05 investments to the Administrator and Regional Administrators
- 11 Administrators and OC provide HQ program offices and Regions with policy for FY 05 budget formulation
- 20 HQ submits 4th quarter AOA request to the AAs and places it in WasteLAN
- 27 Regions input AOA to IFMS

JULY 2003 QUARTER 3 (FY 03)

- 2 The AAs and OC approve the 4th quarter AOA
- 8 Enforcement provides:
1) Special program reports; and
2) 3rd quarter performance evaluations

JULY 2003 (cont'd)

- Early HQ offices submit proposed FY 05 budgets
- 14-18 HQ program offices and lead Regions make presentations to Administrative/Deputy Administrator on FY 05 program priorities [FY 05 Budget Forum]
- 21-25 Regional conference call on HQ analyses
- Late Administrator passback of FY 05 budget request

AUGUST 2003

- 1-15 HQ develops FY 05 budget for submission to the Office of Management and Budget (OMB)
- 7 HQ pulls WasteLAN data to assist in preparation of the FY 05 budget/FY 04 work planning.
- Late HQ develops strategy for presenting the FY 05 budget to OMB

SEPTEMBER 2003

- Early HQ submits FY 05 budget to OMB
- 9 HQ pulls data from WasteLAN for first quarter FY 04 AOA
- Mid Sept HQ pulls WasteLAN data to assist in preparation of the FY 04 work planning.
- Mid Sept HQ performs final FY 04 Full Time Equivalent (FTE) distribution
- 19 HQ submits FY 04 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 OE —	Assistant Administrator for the Office of Enforcement
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
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
BLM —	Bureau of Land Management
BRAC —	Base Realignment or Closure
BTAG —	Biological Technical Assistance Group
BUREC —	Bureau of Reclamation
CA —	Cooperative Agreement
CADD —	Corrective Action Decision Document
CAS No. —	Chemical Abstract Number
CBD —	Commerce Business Daily
CD —	Consent Decree
CEPP —	Chemical Emergency Preparedness and Prevention Program
CEPPO —	Chemical Emergency Preparedness and Prevention Office (OSWER)
CERCLA —	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS —	Comprehensive Environmental Response, Compensation, and Liability Information System
CERFA —	Community Environmental Response Facilitation Act
CFO —	Chief Financial Officer
CIAO —	Citizen Information and Access Offices
CIOC —	Community Involvement & Outreach Center (OERR)
CLP —	Contract Laboratory Program
CN —	Commitment Notice
CO —	Contracting Officer
COI —	Conflict of Interest
CPCA —	Core Program Cooperative Agreement
CR —	Community Relations

CRCR —	Cost Recovery Category Report
CRP —	Community Relations Plan
CWA —	Clean Water Act
CWG —	Community Work Groups
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
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
FINDS —	Facility Index System
FMC-Ci—	Financial Management Center - Cincinnati
FMD —	Financial Management Division

FMFIA —	Federal Managers Financial Integrity Act
FMO —	Financial Management Office
FOIA —	Freedom of Information Act
FOSL —	Finding of Suitability to Lease
FOST —	Finding of Suitability to Transfer
FR —	Federal Register
FRP —	Facility Response Plan
FS —	Feasibility Study
FTE —	Full-time Equivalent
FUDS —	Formerly Used Defense Sites
FY —	Fiscal Year
FY/Q —	Fiscal Year/Quarter
GAD —	Grants Administration Division
GAO —	Government Accounting Office
GFO —	Good Faith Offer
GICS —	Grants Information Control System
GIS —	Geographic Information System
GNL —	General Notice Letter
GPRA —	Government Performance and Results Act
HAZDAT —	Hazardous Data System
HHS —	Health and Human Services
HI —	Hazard Index
HQ —	Headquarters
HRS —	Hazard Ranking System
HSWA —	Hazardous and Solid Waste Amendments
HWC —	Hazardous Waste Collection
IAG —	Interagency Agreement
IFMS —	Integrated Financial Management System
IG —	Inspector General
IMC —	Information Management Coordinator
IMPM —	Information Management/Program Measurement Center (OERR)
IMS —	Integrated Management Strategy
IOTV —	Interoffice Transfer Voucher
LAN —	Local Area Network
LEPC —	Local Emergency Planning Committee
LERP —	Local Emergency Response Plan
LOC —	Letter of Credit
LOE —	Level of Effort
LTCS —	Long Term Contracting Strategy
LTRA —	Long Term Response Action
MARS —	Management and Accounting Reporting System
MBO —	Management by Objectives
MM/DD/YY —	Month/Day/Year
MMS —	Minerals Management Service
MOA —	Memorandum of Agreement
MOHR —	Magnitude of Hazard Reduction
MORR —	Magnitude of Risk Reduction
MOU —	Memorandum of Understanding
MSCA —	Multi-Site Cooperative Agreement
NAPL —	Non-Aqueous Phase Liquid
NBAR —	Non-Binding Allocation of Responsibility
NCP —	National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan
NEEPPS —	National Environment Performance Partnership System

OSWER Directive 9200.3-14-1G-P

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
OAM —	Office of Acquisition Management
OARM —	Office of Administration and Resources Management
OC —	Office of the Comptroller
OD —	Office Director
OE —	Office of Enforcement
OECA —	Office of Enforcement and Compliance Assurance
OERR —	Office of Emergency and Remedial Response (OSWER)
O&F —	Operational and Functional
OFFE —	Office of Federal Facilities Enforcement (OE)
OIG —	Office of the Inspector General
O&M —	Operation and Maintenance
OMB —	Office of Management and Budget
OPA —	Oil Pollution Act of 1990
OPAC —	On-line Payment and Collections
OPC —	Oil Program Center
OPPE —	Office of Policy, Planning, and Evaluation
OPRP —	Oil Pollution Response & Prevention Center (OERR)
ORC —	Office of Regional Counsel
ORD —	Office of Research and Development
OSC —	On-Scene Coordinator
OSPS —	Outreach/Special Project Staff (OSWER)
OSRE —	Office of Site Remediation and Enforcement
OSW —	Office of Solid Waste
OSWER —	Office of Solid Waste and Emergency Response
OU —	Operable Unit
OUST —	Office of Underground Storage Tanks (OSWER)
PA —	Preliminary Assessment
PAH —	Polycyclic Aromatic Hydrocarbons
PARM —	Policy Analysis & Resources Management Center (OERR)
PC —	Personal Computer
PCB —	Polychlorinated biphenyl
PCOR —	Preliminary Close-Out Report
PECB —	Program Evaluation & Compliance Branch (OSRE)
PNRS —	Preliminary Natural Resource Surveys
PO —	Project Officer
POD —	Program Operations Division (OFFE)
POLREP —	Pollution Report
POS —	Program Operations Staff (OSRE)
PPED —	Program Policy & Evaluation Division (OSRE)
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
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
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
SCRIPS —	Superfund Cost Recovery Image Processing System
SCORES —	Superfund Cost Organization and Recovery Enhancement System
SCORPIOS —	Superfund Cost Recovery Package and Image On-Line 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
SMOA —	State Memorandum of Agreement
SMP —	Site Management Plan
SMSA —	Standard Metropolitan Statistical Area
SNAP —	Superfund National Assessment Program
SNL —	Special Notice Letter
SOL —	Statute of Limitations

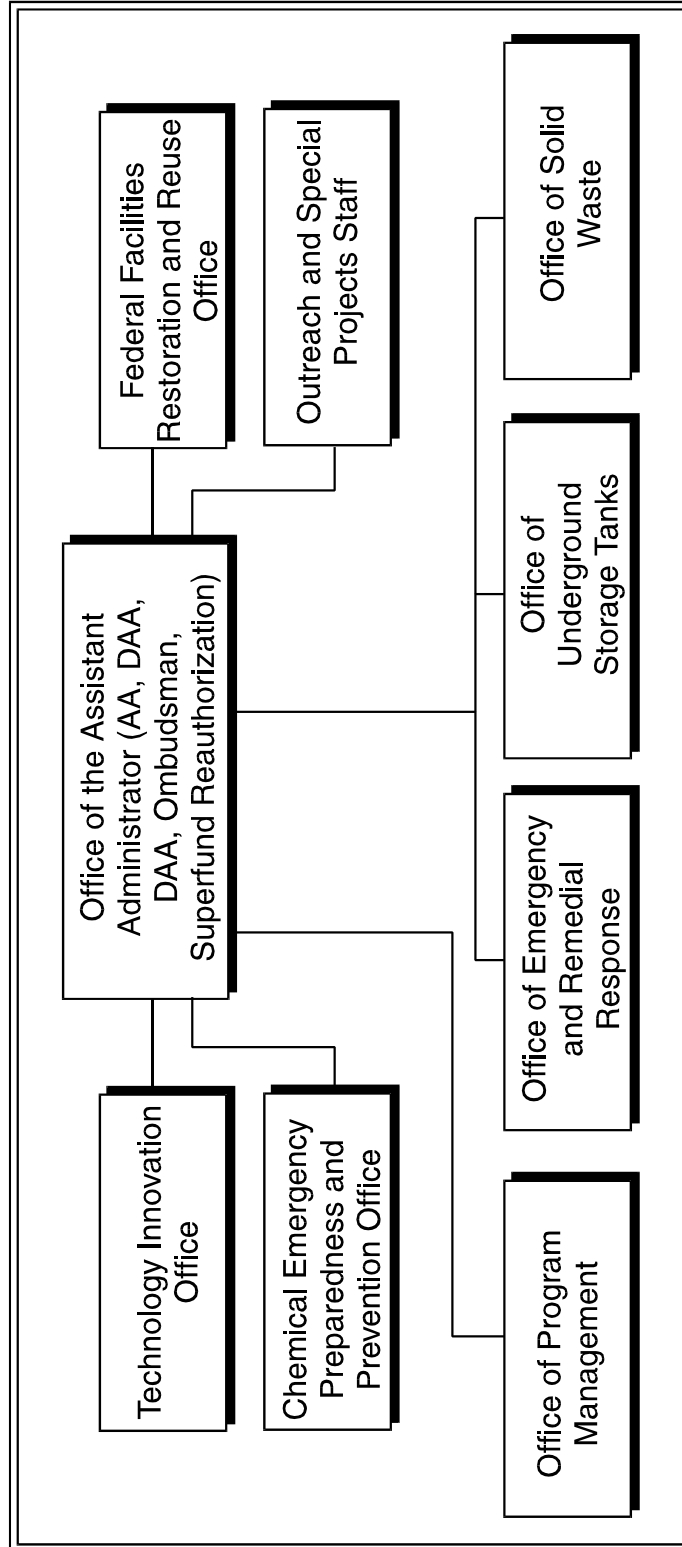
OSWER Directive 9200.3-14-1G-P

SOW —	Statement of Work
SPCC —	Spill Prevention Control and Countermeasure
SRA —	Superfund Reform Act
SRIS —	Superfund Report Information System
SSA —	Site Screening and Assessment
SSAB —	Site Specific Advisory Board
SSC —	Superfund State Contracts
S/S ID —	Site/Spill Identification Number
SSP —	Site Safety Plan
START —	Superfund Technical Assistance and Response Team
STSI —	State, Tribal, & Site Identification Center (OERR)
TAG —	Technical Assistance Grants
TAT —	Technical Assistance Team
TBD —	To Be Determined
TDD —	Technical Direction Document
TSCA —	Toxic Substances Control Act
TQM —	Total Quality Management
TRC —	Technical Review Committee
TRW —	Technical Review Workgroup
TSD —	Treatment, Storage, Disposal Facility
UAO —	Unilateral Administrative Order
USCG —	United States Coast Guard
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

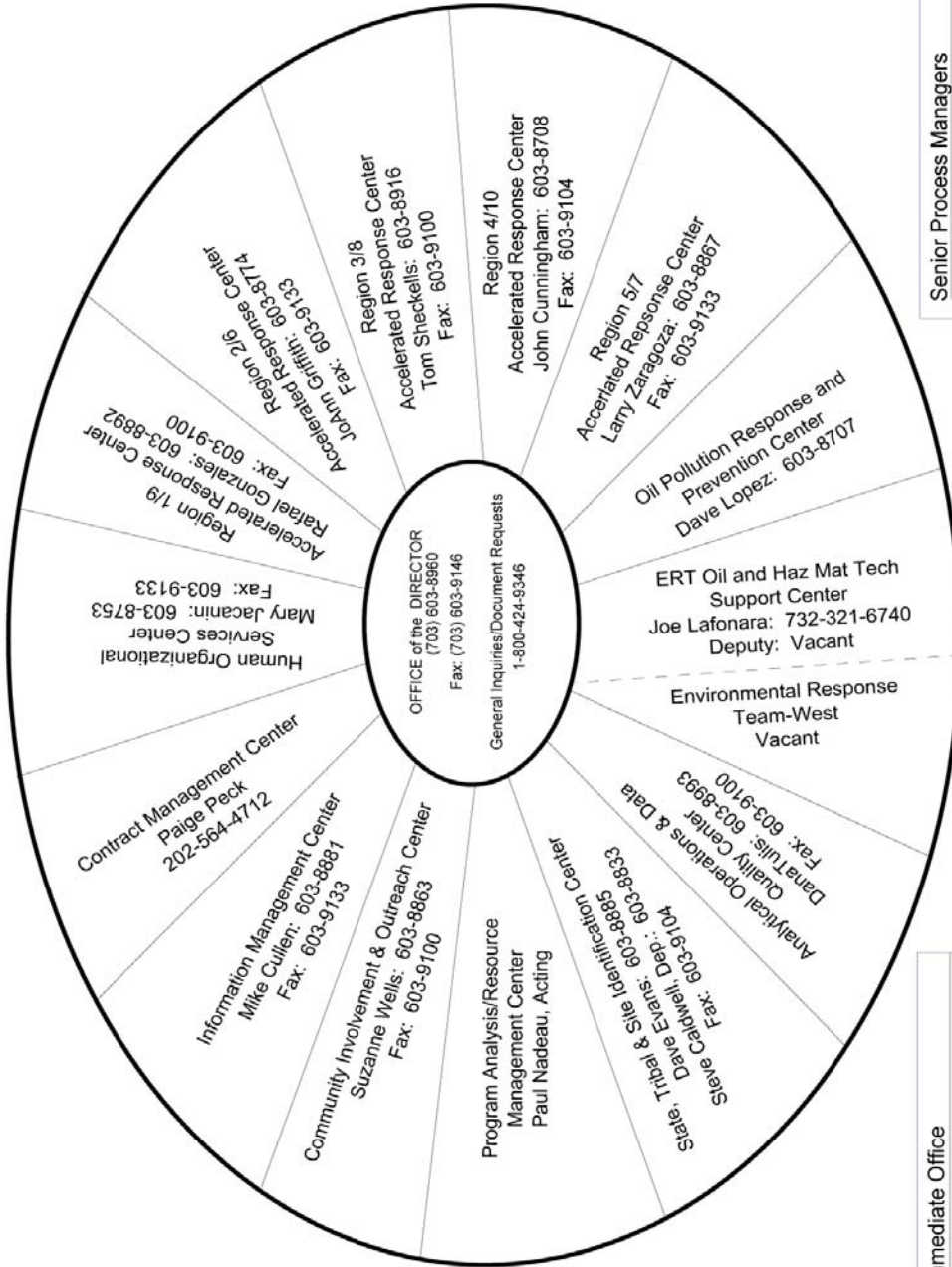
Organizational Charts

**This Page Left
Intentionally Blank**

Office of Solid Waste and Emergency Response



U.S. EPA Office of Emergency and Remedial Response



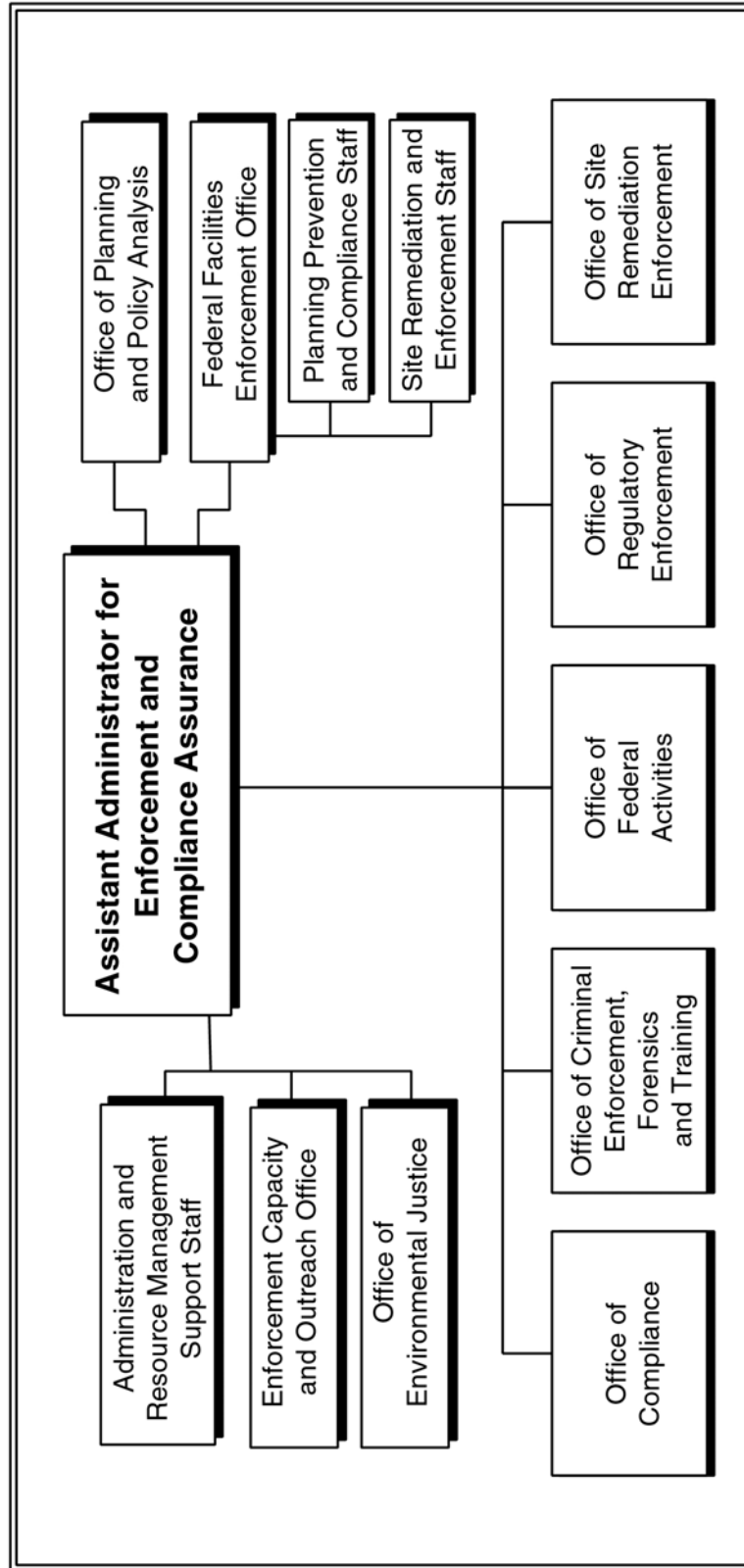
Senior Process Managers

Risk: David Bennett 603-8759
 Response Decision: Bruce Means 603-8815
 Pipeline Integration: John Smith 603-8802
 Emergency Response: Mark Mjones 603-8727

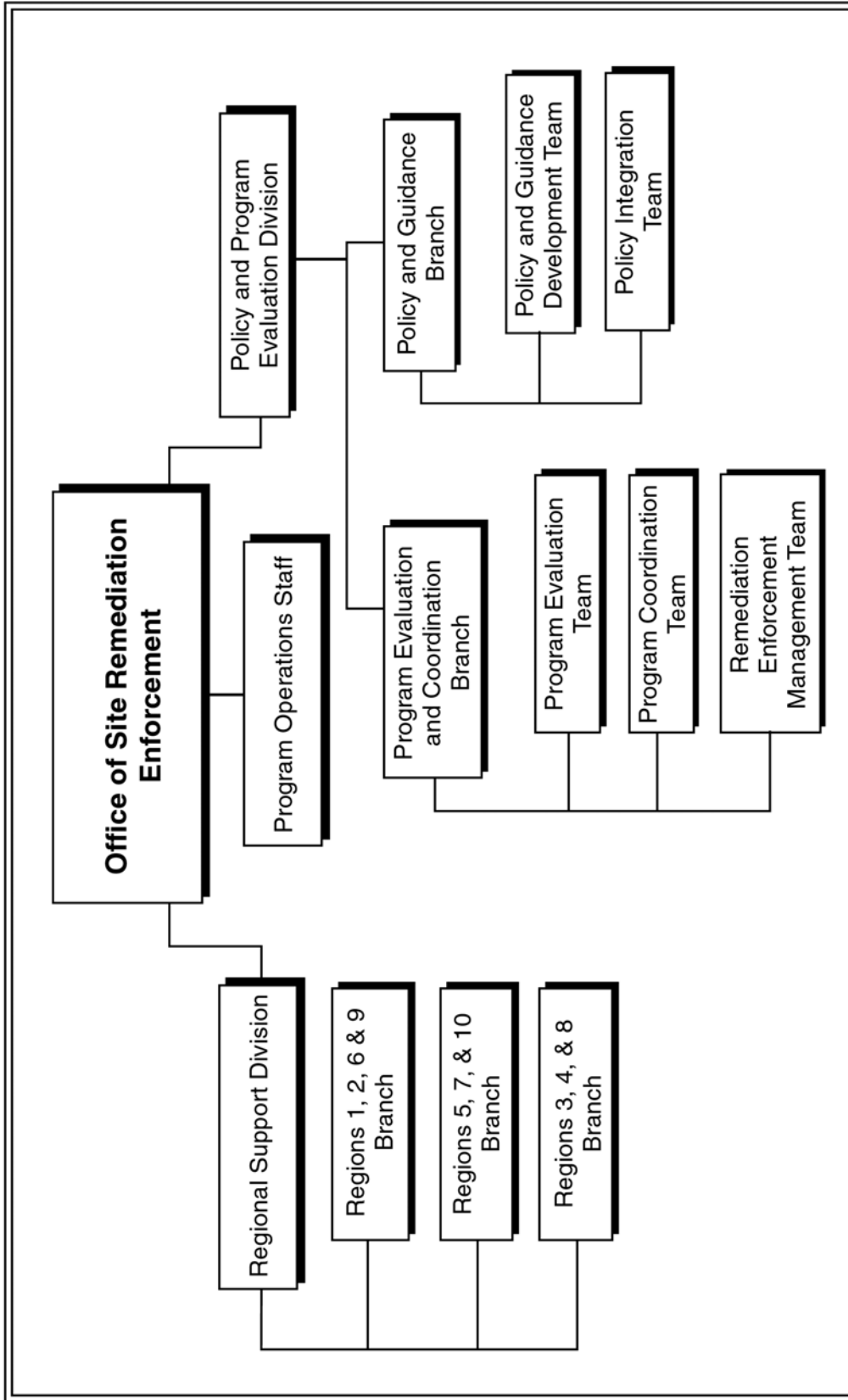
OERR Immediate Office

Director: Michael B. Cook
 Deputy Director: Elaine Davies
 Deputy Director: Larry Reed
 Superfund Reform Advocate: Bill Ross

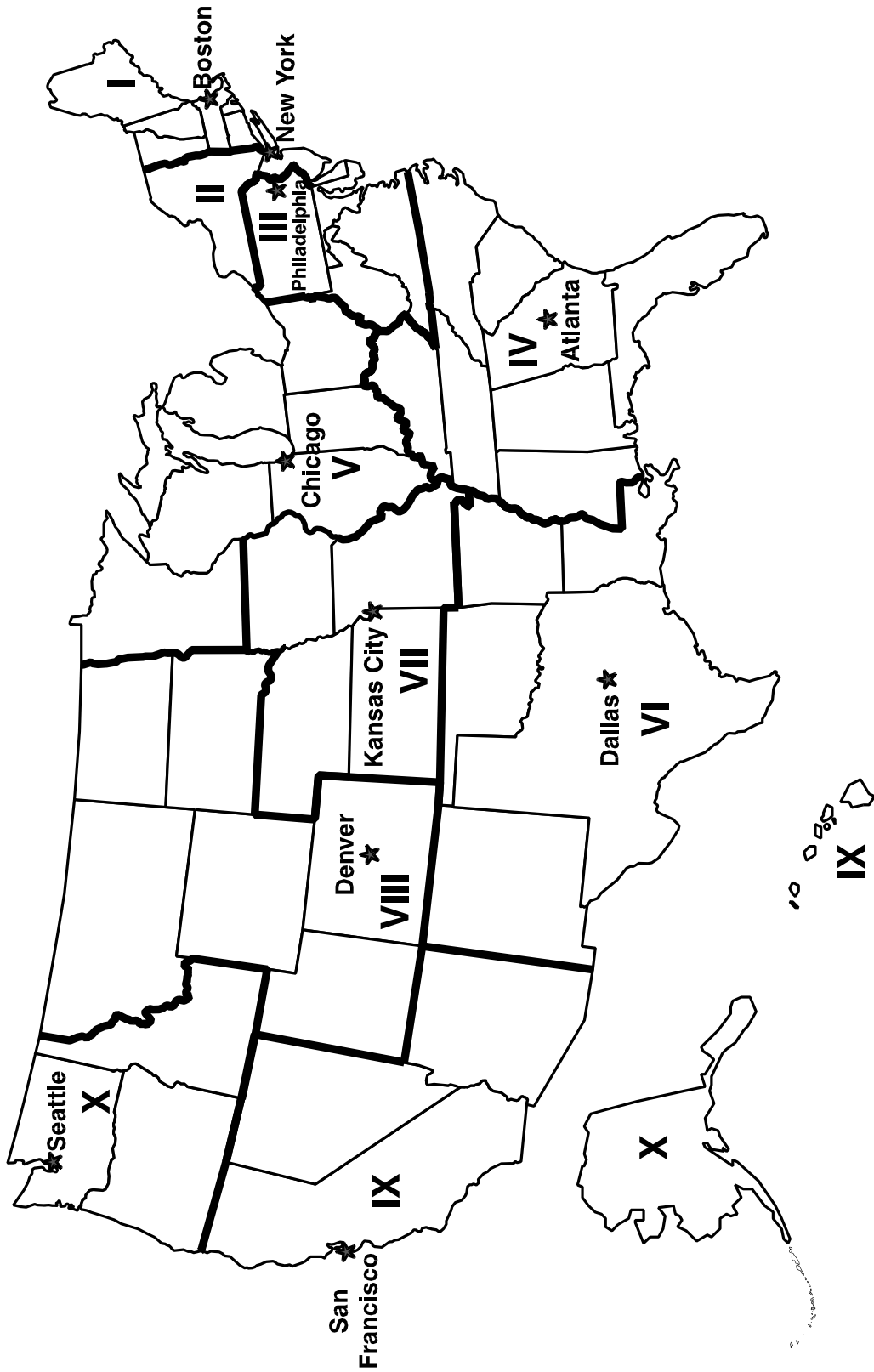
Office of Enforcement and Compliance Assurance



Office of Site Remediation Enforcement



Regional Map



**This Page Left
Intentionally Blank**

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.

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

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 02/03 Superfund/Oil Program Implementation Manual contains information on:
- Managers' Schedule of Significant Events;
- Program goals and priorities;
- Program planning and reporting requirements; and
- Financial management.

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

- 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 contains program priorities, measures, definitions, planning and reporting requirements, and financial information for the Oil Program; and
- 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.

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

MANAGERS' SCHEDULE OF SIGNIFICANT EVENTS	i
ACRONYMS	xi
ORGANIZATIONAL CHARTS	xix
OSWER	xix
OERR	xx
OECA	xxi
OSRE	xxii
REGIONAL MAP	xxiv
 PROGRAM GOALS AND PLANNING REQUIREMENTS	
CHAPTER I PROGRAM GOALS AND PRIORITIES	I-1
I.A Introduction	I-1
I.A.1 Superfund and its History	I-1
I.B Current Program Priorities	I-2
I.B.1 Government Performance and Results Act (GPRA)	I-2
I.B.2 Superfund	I-2
a. Protect Public Health and the Environment	I-3
i. Removal Actions	I-3
ii. Construction Completions	I-3
iii. Innovative Technologies	I-3
iv. Post Construction Completion	I-4
b. Promoting a Fairer Superfund Enforcement Program	I-5
c. Maximizing Program Effectiveness and Efficiency	I-7
i. Site Assessment	I-7
ii. Base Closures	I-7
iii. Lead-based (Pb) Paint and Property Transfer at BRAC Installations	I-8
iv. Environmental Indicators	I-9
v. Effective Contract Management	I-9
d. Building Superfund Partnerships	I-10
i. Enhanced State and Tribal Capabilities	I-10
ii. Superfund Block Funding/EPA Performance Partnership Grants	I-11
iii. Clarifying Policy for NPL Listings	I-11
iv. Core Program Funding	I-11
I.B.3 Encouraging a Customer Orientation	I-12
I.B.4 Brownfields	I-12
a. History	I-12
b. Brownfields National Partnership Action Agenda	I-12
c. Brownfields Pilots	I-12
d. Targeted Brownfields Assessments	I-13
e. Tax Incentive	I-13

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

CHAPTER I (cont'd)

I.B.5 Oil	I-13
I.B.6 Government Paperwork Elimination Act (GPEA)	I-13
I.C Superfund Reforms	I-14
I.C.1 Improving Lead (Pb) Risk Assessments and Cleanup Decision	I-15
I.C.2 Measures	I-15
I.D Superfund Redevelopment Initiative	I-16
I.E Subject Matter Experts	I-17

CHAPTER II PROGRAM PLANNING AND REPORTING REQUIREMENTS II-1

II.A Introduction	II-1
II.B Integrated Planning	II-1
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-14
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-16
II.K.3 Regional Reviews	II-17
II.K.4 Management Reporting	II-17
a. Superfund Management Reports	II-17
b. Annual Reporting Requirements	II-18
II.L Target and Definition Change Requests	II-19
Maintaining the Planning Estimates/Targets	II-19
II.M Special Reporting Topics	II-20
II.M.1 Brownfields	II-20
II.M.2 Site Assessment	II-20
II.M.3 Base Closure	II-20

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

Chapter II (cont'd)

II.M.4 Pre-SARA Sites Initiative	II-20
II.M.5 Mega Sites	II-21
II.M.6 Superfund Alternative Sites	II-22
II.N General Work Planning and Reporting Requirements	II-22
II.N.1 Data Lockout on Historical Accomplishments	II-22
II.N.2 Data Validation and Verification	II-22
II.N.3 Action Lead Codes	II-23
II.N.4 Lead Changes	II-25
II.N.5 Action Qualifiers for Assessment Actions	II-27
a. No Further Remedial Action Planned (NFRAP)	II-27
b. Further Evaluation	II-27
c. Perform a Removal	II-28
d. Defer the Site to RCRA (Subtitle C) or the NCR	II-28
e. Sites Addressed as Part of Existing NPL Sites	II-28
f. Sites Addressed as Part of Other Existing Non-NPL Sites	II-28
II.N.6. Record of Decision (ROD)	II-29
a. ROD Changes	II-29
i. Other Remedy Changes Document Non-Significant Remedy Changes ..	II-29
ii. Explanation of Significant Differences (ESDs) Document Significant Changes to a Component	II-29
iii. ROD Amendments are Fundamental Changes to the ROD	II-30
b. RODs Requiring No Physical Construction	II-30
II.N.7. Anomalies and Phased Projects	II-31
II.O Subject Matter Experts	II-32

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 FY02/03 Superfund Program Goals and Priorities	III-6
a. National Program Goals and Priorities	III-6
b. Response Program Budget	III-7
c. Enforcement Budget	III-8
d. Federal Facilities Response Budget	III-8
e. Federal Facilities Enforcement Budget	III-9

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

Chapter III (cont'd)

f. Brownfields Budget	III-9
III.C. Regional Operating Plan and Advice of Allowance Development	III-10
III.C.1 Developing the Regional Operating Plan and the SCAP Process	III-10
III.C.2 Advice of Allowance Procedures	III-10
III.C.3 FY02/03 Regional Operating Plan and AOA Distribution	III-13
III.C.4 AOA Utilization	III-14
III.C.5 Deobligating Prior Year Funds	III-14
III.C.6 Contingency Accounts	III-15
III.C.7 Budget Object Classes	III-15
III.C.8 Flexibility Within and Between Allowances	III-16
a. Remedial Action Allowance	III-16
b. Pipeline Operations Allowance	III-16
c. Removal Allowance	III-16
d. Enforcement Allowance	III-16
e. Federal Facilities Allowance	III-17
f. Federal Facilities Enforcement Budget	III-17
g. Brownfields Allowance	III-17
III.C.9 AOA Change Request Procedures	III-17
III.C.10 Budget Sources and Associated Action Codes	III-19
III.D Superfund Financial Management	III-35
III.D.1 Financial Management Roles and Responsibilities	III-35
a. Regional Financial Management Office	III-35
b. Regional Administrator	III-36
c. Regional Program Office	III-36
d. On Scene Coordinator	III-36
e. Remedial Program Manager	III-37
f. Regional Project Officer/Deputy Project Officer	III-37
g. Administrative Support Unit	III-37
h. Financial Management Division/Office of the Comptroller	III-38
i. Office of Acquisition Management	III-38
j. Grants Administration Division/Office of Administration	III-38
k. Budget Division/OC	III-38
l. Financial Management Center-Cincinnati (FMC)	III-38
m. Research Triangle Park (RTP) Office of Administration	III-38
III.D.2 Superfund Accounting Information	III-39
III.D.3 Financial Data Management Systems and Tools	III-40
III.D.4 Handling Financial Data in the CERCLIS/WasteLAN Environment	III-41
a. Entering Response and Federal Facility Data into CERCLIS/WasteLAN	III-41
b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN	III-42
c. Correcting Financial Data	III-42
III.D.5 The Funding Process	III-44
a. Approvals	III-44
b. Commitments	III-45
c. Obligations	III-45
d. Payments	III-45

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

Chapter III (cont'd)

e. Deobligations	III-46
III.D.6 Financial Management of Contracts	III-46
a. Site-Specific Contracts	III-46
b. Non-Site Specific Contracts	III-46
III.D.7 Other Financial Vehicles	III-49
a. Interagency Agreements	III-49
b. Cooperative Agreements	III-49
c. Superfund State Contracts (SSCs)	III-49
III.E Cost Recovery Process	III-51
III.E.1 Cost Recovery Referral Development Process	III-51
a. Initiation of Cost Recovery Process	III-51
b. Cost Documentation and Reconciliation	III-51
c. Work Performed Documentation and Reconciliation	III-51
d. Site File Maintenance	III-52
e. Superfund Indirect Costs	III-52
f. Annual Allocation	III-52
g. Cashout/Special Accounts	III-52
h. Department of Justice Involvement	III-52
III.E.2 Cost Recovery Tools & Systems	III-53
a. SCRIPS and SCORES	III-53
b. SCORPIOS	III-53
c. ETS	III-53
III.F Superfund Financial Contact Information	III-54
III.F.1 Regional Cost Recovery Contacts	III-54
III.F.2 Headquarters Cost Recovery Contacts	III-55
III.F.3 Regional Budget Coordinators	III-56
III.F.4 Subject Matter Experts	III-57

INDEX	A
-------------	---

PROGRAM IMPLEMENTATION PROCEDURES

APPENDIX A Site Assessment/NPL Listing Targets and Measures

A.A. SITE ASSESSMENT/NPL LISTING FY 02/03 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 02/03 Site Assessment/NPL Listing Targets and Measures	A-2
A.A.4 GPRa and Site Assessment	A-2
A.A.5 Site Assessment/NPL Listing Definitions	A-5
a. Targeted Brownfields Assessment	A-5
b. Pre-CERCLIS Screening Assessments	A-7
c. Non-NPL Site Status	A-9
d. Site Discovery	A-10

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

Appendix A (cont'd)

e. Sites Archived	A-10
f. Preliminary Assessments (PA) at Non-Federal Facility Sites	A-12
g. Federal Facility Preliminary Assessment Reviews	A-15
h. Site Inspections (SI) at Non-Federal Facility Sites	A-16
i. Combined PA/SI Assessments at Non-Federal Facility Sites	A-18
j. Site Inspection Prioritizations (SIPs) at Non-Federal Facility Sites	A-19
k. Site Reassessment	A-21
l. Expanded Site Inspections (ESI) at Non-Federal Facility Sites	A-22
m. Federal Facility SI Reviews	A-23
n. Federal Facility ESI Reviews	A-25
o. Integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) at Non-Federal Facility Sites	A-26
p. State Deferral of Non-Federal Facility Sites	A-28
q. Hazard Ranking System Package (HRS)	A-29
r. Integrated Removal/Remedial Evaluation	A-30
s. NPL Listing	A-33
t. Other Cleanup Activity	A-34
A.B. SUBJECT MATTER EXPERTS	A-36

APPENDIX B Response Action

B.A. FY 02/03 RESPONSE TARGETS AND MEASURES	B-1
B.A.1 Overview of FY 02/03 Response Actions Targets/Measures	B-1
B.A.2 Superfund Durations	B-1
B.A.3 Response Action Definitions	B-4
Part I. Remedy Selection	
a. Remedial Investigation (RI) Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-4
b. Feasibility Study (FS) Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-7
c. Combined RI/FS Start (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-9
d. Treatability Studies	B-11
e. Start of Public Comment Period (<i>Proposed Plan to Public</i>) (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-11
f. RI/FS Duration (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-12
g. Engineering Evaluation/Cost Analysis (EE/CA)	B-13
h. Decision Document Developed	B-13
Part II. Removal and Remedial Implementation	
i. Removal Starts	B-15
j. Removal Completions	B-16
k. Remedial Design (RD) Start (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-18
l. RD Completion (NPL & Superfund Alternative(Formerly NPL-Equivalent))	B-20

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

Appendix B (cont'd)

m. Remedial Action (RA) Start (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-22
n. RA Contract Award (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-24
o. Start of On-Site Construction	B-25
p. Operational and Functional (O&F)	B-27
q. Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-28
r. NPL Site Construction Completions	B-31
Part III. Post Construction	
s. Long-Term Remedial Response (LTRA and PRP LR) (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-34
t. Operation and Maintenance (O&M)	B-35
u. Cleanup Goals Achieved	B-36
v. NPL Site Completions	B-37
w. Five-Year Reviews	B-37
x. Partial NPL Deletion	B-39
y. Final NPL Deletion	B-40
Part IV. Environmental Indicators	
z. Human Exposure Under Control	B-41
aa. Migration of Contaminated Groundwater Under Control	B-43
bb. Populations Protected	B-45
cc. Cleanup Technologies Applied	B-46
Part V. Support Activities	
dd. Support Agency Assistance	B-47
ee. Technical Assistance	B-47
ff. Pre-design Assistance	B-48
B.B. SUBJECT MATTER EXPERTS	B-49

APPENDIX C Enforcement

C.A. FY 02/03 TARGETS AND MEASURES FOR ENFORCEMENT	C-1
C.A.1 Overview	C-1
C.A.2 Targets And Measures For Baseline Enforcement	C-5
Criteria for Credit of Enforcement Activities at Superfund Alternative Sites.	C-5
a. Potentially Responsible Party (PRP) Search Starts	C-6
b. PRP Search Completions	C-6
c. Section 104(e) Referrals And Orders Issued	C-7
d. Issuance of General Notice Letters (GNLs)	C-8
e. Issuance of Special Notice Letters (SNLs)	C-8

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

Appendix C (cont'd)

f. Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts	C-9
g. Remedial Design/Remedial Action (RD/RA) Negotiation Starts	C-9
h. Completion or Termination of Negotiations For RD/RA	C-10
i. Completion or Termination of Negotiations For Cleanup (RD/RA, Removals, and Other)	C-11
j. Percentage of Remedial Action Starts Initiated by PRPs at non-Federal Facility NPL and Superfund Alternative Sites	C-13
k. Total Response Commitments (Including Dollar Value)	C-14
l. Enforcement Settlements/Instruments for RD/RA/Long Term Response (LR)	C-15
m. <i>De Minimis</i> Settlements And Number of Parties	C-17
n. Cashout Settlements	C-18
o. Section 106, 106/107, 107 Case Resolution	C-19
p. Issuance of Demand Letter	C-20
q. Total Cost Recovery Settlements (Including Dollar Value)	C-20
r. Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals	C-21
s. Recoverable Past Costs That Have Been Addressed by Program-to-Date Via Settlements, Write-offs, or Referrals	C-22
t. Number And Amount of CERCLA Penalties Assessed	C-24
u. Number And Amount of CERCLA Supplemental Environmental Projects (SEPs)	C-25
v. Compliance Monitoring: Noncompliance With Active Enforcement Instrument For Response And Enforcement Actions	C-25
w. Use of Alternative Dispute Resolution (ADR)	C-27
x. Number Of Settlements Where EPA Settled Based On Ability-to-Pay Determinations	C-28
y. Prospective Purchaser Agreements (PPAs) - Assessed And Finalized	C-29
z. Issuance Of Comfort/Status Letters	C-30
aa. Orphan Share - EPA Offer And Compensation	C-31
bb. Issue Cleanup Orders to Parties in an Equitable Manner	C-33
cc. <i>De Micromis</i> Settlements And Number of Parties	C-34
dd. PRP Oversight Administration	C-35
ee. Settlements Designating Deposits to Special Accounts	C-36
ff. Deposits Into Special Accounts	C-37
gg. Settlements Designating Disbursements From Special Accounts to PRPs	C-38
hh. Disbursements From Special Accounts For Response Actions	C-39
C.B SUBJECT MATTER EXPERTS	C-40

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

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-2
D.A.4 BRAC Budget and Financial Guidance	D-3
a. Resources and Tracking Mechanisms	D-3
b. Accountability for Resources	D-3
 D.B. FACILITIES FY 02/03 TARGETS AND MEASURES	 D-4
D.B.1 Overview of FY 02/03 Federal Facilities Targets and Measures	D-4
a. Reporting of Non-NPL Federal Facilities Data	D-5
D.B.2 Federal Facilities Definitions	D-8
a. Base Closure Decisions	D-8
b. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	D-9
c. Federal Facility Dispute Resolution	D-10
d. Use of Supplemental Environmental Projects (SEPs)	D-10
e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts	D-11
f. Timespan from Final NPL Listing to RI/FS or RFI Start	D-11
g. Decision Documents	D-12
h. Remedial Design	D-12
i. Duration of ROD to IAG Negotiation Completion	D-13
j. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts	D-13
k. Timespan from ROD Signature to RA Start	D-14
l. RA or CMI Completions	D-15
m. Removal or RCRA Interim/Stabilization Measure (ISM) — Starts and Completions	D-18
n. NPL Site Construction Completions	D-18
o. Operation and Maintenance (O&M)	D-21
p. Cleanup Goals Achieved	D-21
q. Federal Facility Five-Year Reviews	D-22
r. Federal Facility Partial NPL Deletion	D-22
s. Federal Facility Final NPL Deletion	D-23
D.B.3 Community Involvement Definitions	D-24
a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)	D-24
b. Technical Assistance Grants (TAGs)	D-25
c. Technical Outreach Services for Communities (TOSC)	D-26
 D.C. SUBJECT MATTER EXPERTS	 D-26

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

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
i. Brownfields	E-7
E.A.2 Superfund Data Architecture	E-9
E.A.3 Reporting Superfund Information	E-10
WasteLAN Users	E-11
E.A.4 Applicability of the Freedom of Information Act	E-12
a. Reports Releasable under Freedom of Information Act (FOIA)	E-12
b. Sensitive Information Not Releasable under FOIA	E-12
c. Ad Hoc Reporting	E-15
d. Accessing FOIA Information	E-15
E.A.5 Data Owners/Sponsorship	E-17
E.B DATA SPONSORS	E-18

APPENDIX F Oil Pollution Prevention and Response Program

F.A. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES	F-1
F.A.1 Overview	F-1
F.A.2 Oil Program Initiatives	F-1
a. Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination	F-1
b. Implementing FRPs	F-1
c. Implementing the NCP	F-2
d. Developing and Maintaining Data Systems	F-3
e. Improving the SPCC Program	F-3
f. Coordinating with Other Agencies	F-3
F.A.3 Oil Spill Prevention and Cleanup Activities	F-4
F.B. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS	F-4

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

Appendix F (cont'd)

F.B.1 Overview	F-4
F.B.2 National Oil and Hazardous Substances Pollution Contingency Plan	F-5
F.B.3 Regional Contingency Plans	F-5
F.B.4 Area Contingency Plans	F-5
F.B.5 Federal Response Plan	F-6
F.B.6 Communications Requirements Associated with a Release	F-7
F.C. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT	F-8
F.C.1 Overview	F-8
F.C.2 Budget Formulation	F-8
F.C.3 Operating Plan Development	F-8
F.C.4 Budget Execution	F-8
F.D. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 02/03 MEASURES	F-9
F.D.1 Overview	F-9
F.E. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS	F-10
F.E.1 Prevention Measures:	F-10
a. Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews	F-10
b. Spill Prevention, Control, and Countermeasure (SPCC) Facilities in Compliance	F-10
F.E.2 Preparedness Measures	F-11
a. Oil Facility Response Plans Reviewed and Approved	F-11
b. Preparedness for Response Exercise Program (PREP) Area Drills	F-11
F.E.3 Response Measures	F-12
a. Oil Spill Notifications/Evaluations	F-12
b. Oil Spill Response & Monitoring	F-12
c. Cost Documentation	F-13
F.E.4 Enforcement Measures	F-14
a. Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	F-14
b. Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	F-14
c. Orders for Removal Issued to a Responsible Party	F-14
F.F. SUBJECT MATTER EXPERTS	F-15

Superfund/Oil Program Implementation Manual FY 02/03

Table Of Contents

APPENDIX G GPRA

G.A. GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993	G-1
Background	G-1
G.A.1. Strategic Plan Requirements	G-2
a. Comprehensive Mission Statement	G-2
b. General Goals and Objectives	G-2
c. Description of How General Goals and Objectives Will Be Achieved	G-2
d. Goals in the Annual Performance Plan and in a Strategic Plan	G-2
e. Key Factors Affecting Achievement of General Goals and Objectives	G-2
f. Program Evaluations	G-3
G.A.2 Annual Performance Plan	G-3
a. Performance Goals	G-3
b. Resources	G-3
c. Performance Indicators	G-3
d. Verification and Validation	G-3
G.A.3. Annual Performance Report	G-3
G.B. SUPERFUND/OIL GPRA STRUCTURE	G-4
G.C. SUBJECT MATTER EXPERTS	G-7

APPENDIX H Community Involvement

H.A. FY 01 TARGETS AND MEASURES	H-1
H.A.1 Overview of FY 02/03 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

Superfund/Oil Program Implementation Manual FY 02/03

Table of Contents

APPENDIX I (This Section Intentionally Left Blank)

APPENDIX J Tribal Involvement

J.A.	FY 02/03 TARGETS AND MEASURES	
J.A.1.	Overview	J-1
a.	Superfund Assessments Conducted at Sites that are of Concern to Tribes (Current FY/Inception to Date)	J-2
b.	Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment	J-2
c.	Tribes Supported by Superfund Cooperative Agreements	J-3
d.	Superfund Dollars Provided for Building Tribal Capacity	J-3
e.	Percentage of Superfund Sites that are of Concern to Tribes Where a Tribe is Actively Involved	J-4
J.B.	SUBJECT MATTER EXPERTS	J-4

Superfund/Oil Program Implementation Manual FY 02/03

List of Exhibits

CHAPTER I PROGRAM GOALS AND PRIORITIES

EXHIBIT I.1 SUBJECT MATTER EXPERTS I-17

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-15

EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS II-17

EXHIBIT II.9 ACTION LEAD CODES IN WasteLAN II-24

EXHIBIT II.10 CODING OF TAKEOVERS II-27

EXHIBIT II.11 REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING II-31

EXHIBIT II.12 SCAP REPORT CONTACTS II-32

EXHIBIT II.13 SUBJECT MATTER EXPERTS II-33

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 THE ADVICE OF ALLOWANCE PROCESS III-12

EXHIBIT III.4 CHANGE REQUEST REQUIRED III-18

EXHIBIT III.5 AOA CHANGE PROCESS PROCEDURES III-19

Superfund/Oil Program Implementation Manual FY 02/03

List of Exhibits

Chapter III (cont'd)

EXHIBIT III.6 FY02 WHO PAYS FOR WHAT	III-20
EXHIBIT III.7 FY03 WHO PAYS FOR WHAT	III-20
EXHIBIT III.8 ACCOUNT NUMBER STRUCTURE	III-39
EXHIBIT III.9 HANDLING FINANCIAL DATA IN THE CERCLIS/WASTELAN ENVIRONMENT	III-43
EXHIBIT III.10 EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS	III-48
EXHIBIT III-11 REGIONAL SUPERFUND COST RECOVERY CONTACTS	III-54
EXHIBIT III-12 HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS	III-55
EXHIBIT III-13 REGIONAL BUDGET COORDINATORS	III-56
EXHIBIT III-14 HEADQUARTERS SUBJECT MATTER EXPERT CONTACTS	III-57

APPENDIX A

EXHIBIT A.1 SITE ASSESSMENT/NPL LISTING ACTIVITIES	A-3
EXHIBIT A.2 SUBJECT MATTER EXPERTS	A-36

APPENDIX B

EXHIBIT B.1 RESPONSE ACTION ACTIVITIES	B-2
EXHIBIT B.2 SUPERFUND HUMAN EXPOSURES CONTROLLED WORKSHEET	B-42
EXHIBIT B.3 SUPERFUND GROUNDWATER RELEASES CONTROLLED WORKSHEET	B-44
EXHIBIT B.4 SUBJECT MATTER EXPERTS	B-49

APPENDIX C

EXHIBIT C.1 ENFORCEMENT ACTIVITIES	C-2
EXHIBIT C.2 SUBJECT MATTER EXPERTS	C-40

Superfund/Oil Program Implementation Manual FY 02/03

List of Exhibits

APPENDIX D

EXHIBIT D.1 FEDERAL FACILITIES ACTIVITIES	D-6
EXHIBIT D.2 REMEDIAL PIPELINE FLOW CHARTS	D-17
EXHIBIT D.3 SUBJECT MATTER EXPERTS	D-26

APPENDIX E

EXHIBIT E-1 SUPERFUND DATA ARCHITECTURE	E-10
EXHIBIT E.2 DATA SPONSORS	E-18

APPENDIX F

EXHIBIT F.1 RELATIONSHIP OF OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANS	F-6
EXHIBIT F.2 FY 02/03 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIONS	F-9
EXHIBIT F.3 SUBJECT MATTER EXPERTS	F-15

APPENDIX G

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

APPENDIX H

EXHIBIT H.2 COMMUNITY INVOLVEMENT REQUIREMENTS	H-5
EXHIBIT H.3 CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES	H-12
EXHIBIT H.4 SUBJECT MATTER EXPERTS	H-13

Appendix J

EXHIBIT J.1. TRIBAL INVOLVEMENT ACTIVITIES	J-1
EXHIBIT J.2. SUBJECT MATTER EXPERTS	J-4

**FY 02/03 SPIM
CHANGE 6 LOG**
September 22, 2003

Section	Requestor	Change Description
Appendix B		
Appendix B, B.A.3.i, Removal Starts	Robert White	References to Coast Guard lead codes have been removed.

**FY 02/03 SPIM
CHANGE 5 LOG**

March 13, 2003

Section	Requestor	Change Description
Manager's Schedule		
Acronym List	Robert White/ Teresa Jones	Not Otherwise Specified (NOS) has been added to the acronym list.
Chapter I		
I.B.I. iv. Environmental Indicators (EI)	Melanie Hoff	Added & changed language for EI.
Chapter III		
Exhibit III.6, <i>Who Pays for What</i> Chart	Alan Youkeles	Added new, second chart for FY03 to parallel new <u>IFMS Action Code</u> Catalog. Original chart kept & designated as <i>For FY02</i> .
Appendix B		
EXHIBIT B.1, Response Action Activities	Melanie Hoff	Changed text for EI categories & added <i>Cleanup Technology Applied</i> . Deleted Indicator B - Progress Through Environmental Indicators
	Melanie Hoff	<i>Human Exposure Under Control</i> and <i>Migration of Contaminated Groundwater Under Control</i> have been marked as GPRA APMs.
B.A.3.q, Completion of a Response Action/Activity (NPL & PRP-lead NPL-Equivalent)	Tracy Hopkins	Language in the Definition of Accomplishment modified to match guidance (Close Out Procedures for NPL Sites, OSWER Directive 9230.2-09A-P).
B.A.3.r, NPL Site Construction Completions	Richard Jeng	Changes made to the NPL Construction Completion measure due to PCOR and FCOR becoming action level activities rather than subactions. This change resulted from the Five Year Review implementation in WasteLAN.
B.A.3.w, Five-Year Reviews	Josh Barbera	Added language to clarify that for Federal Facilities, five year reviews are tracked as program measures.

**FY 02/03 SPIM
CHANGE 5 LOG**

March 13, 2003

Section	Requestor	Change Description
PART IV. ENVIRONMENTAL INDICATORS Paragraphs: z. <i>HUMAN EXPOSURE UNDER CONTROL</i> aa. <i>MIGRATION OF CONTAMINATED GROUND WATER UNDER CONTROL</i> bb. <i>POPULATIONS PROTECTED</i> cc. <i>CLEANUP TECHNOLOGIES APPLIED</i>	Melanie Hoff	Altered text & titles. Deleted Indicator B - Progress Through Environmental Indicators.
Appendix C		
C.A.2. aa. Orphan Share - EPA Offer & Compensation	Dela Ng	Added RI/FS reference.
Appendix D		
D.A.3, RCRA activities at Federal Facility NPL Sites	Josh Barber	Language changed to reflect new EI language.
D.B.2.1, RA or CMI Completions	Josh Barber	Regarding the Completion of a Response Action/Activity (NPL & PRP-lead NPL-Equivalent) language has been modified to match guidance (Close Out Procedures for NPL Sites, OSWER Directive 9230.2-09A-P).
D.B.2.n, NPL Site Construction Completions	Josh Barber	Changes made to the NPL Construction Completion measure due to PCOR and FCOR becoming action level activities rather than subactions. This change resulted from the Five Year Review implementation in WasteLAN.
D.B.2.q, Federal Facility Five-Year Reviews	Josh Barber	Added language to clarify that for privately owned Superfund sites , five year reviews are tracked as program targets.
D.B.3.c, Technical Outreach Services for Communities (TOSC)	Josh Barber	New language included for the Definition of Accomplishment for a TOSC.
Appendix E		
E.A.4.d, Accessing FOIA Information	Margaret Brown	Language in the Accessing FOIA Information has been revised.
E.B, Data Sponsors	Hans Waetjen	Remove David Bennet from SME list.

**FY 02/03 SPIM
CHANGE 5 LOG**

March 13, 2003

Section	Requestor	Change Description
Appendix F		
F.D.1 Overview	Lori Lee	Renamed Oil Spill Cleanups to Oil Spill Response & Monitoring. Deleted Oil Spill Monitoring/ Directing
b. <i>OIL SPILL CLEANUPS</i> c. <i>OIL SPILL MONITORING/ DIRECTING</i>	Lori Lee	Combined the two measures to become Oil Spill Response & Monitoring.
F.F. Subject Matter Experts	Lori Lee	Added Lori Lee and David Lopez. Deleted Janet Weiner and Dana Stalcup
Appendix G		
G.B, Superfund/Oil GPRA Structure	Lori Lee	Language in Appendix G has been modified to match corresponding language in Appendix F.
Appendix H		
H.A.1.c, Technical Outreach Services for Communities (TOSC)	Leslie Leahy	New language included for the Definition of Accomplishment for a TOSC.

**FY 02/03 SPIM
CHANGE 4 LOG
September 26, 2002**

Section	Requestor	Change Description
Chapter I		
I.B.2.a.iv, Post Construction Completion	Mike Bellot	Modified language on institutional controls.
I.B.2.d, Building Superfund Partnerships iv. Core Program Funding Pg. I-12	Kirby Biggs	Added section for Core Program Funding.
I.B.2.d, Building Superfund Partnerships iv. Core Program Funding Pg. I-12	Jim Maas	Added language for Brownfields.
Chapter II		
II.E Overview of the Planning Process	Silvina Fonseca	Added text about site planning in WasteLAN.
II.M.1 Brownfields	Jim Maas	Added language for Brownfields
II.M.4 Pre-SARA Sites Initiative II.M.5 Mega Sites II.M.6 Superfund Alternative Sites (Formally NPL-equivalent sites), Pg. 20-22	Bill Ross Bruce Means Steve Caldwell/ Joan Fisk Dela Ng	Added definitions for Mega Sites, & Pre-SARA Sites, and provided reference for Superfund Alternative Sites.
Exhibit II.9, Action Lead Codes in WasteLAN, Pg. II-23	Dela Ng	Revised Definition of lead code 'SA', 'SS', 'ST' and 'SG' to be consistent with Appendix B text.
II.N.7, Anomalies and Phased Projects	Robert White	Updated Anomaly Codes in Exhibit II.11.
Chapter III		
Exhibit III.6, Who Pays for What chart	Dela Ng	Added new response lead codes 'SA', 'ST', and 'SS' for the following actions: Fund LTRA and Operation and Maintenance. Revised Definition of lead codes 'SA', 'SG', 'SS', and 'ST' in the 'Key to Leads' at the end of the 'Who Pays for What' chart to be consistent with Appendix B text.
III.B.3 FY 02/03 Superfund Program Goals and Priorities; b. Response Program Budget Pg. III-7	Kirby Biggs	Added Core program activities to the response budget.
III.B.3 FY 02/03 Superfund Program Goals and Priorities; f. Brownfields Program Budget Pg. III-9	Jim Mass	Modified Brownfields budget section to reflect new brownfields legislation and VCPs..

**FY 02/03 SPIM
CHANGE 4 LOG
September 26, 2002**

Section	Requestor	Change Description
Appendix A		
A.A.4, GPRA and Site Assessment	Randy Hippen	Modified GPRA definition for Final Assessment Decisions (FADs).
A.A.5.a, Targeted Brownfields Assessment	Jim Mass	Updated Targeted TBA measure for clarification of requirements.
A.A.5.b, Pre-CERCLIS Screening Assessments	Jennifer Griesert	Updated Pre-CERCLIS Screening measure to track these activities site-specifically.
A.A.5.c, Non-NPL Status	Jennifer Griesert	Updated the Non-NPL Status measure.
A.A.5.e, Sites Archived	Randy Hippen	Updated the Archived Sites measure to clarify certain actions can be added to an archived site in addition to expanding the categories that can be archived.
Appendix B		
Entire Appendix	Robert White/Dela Ng	Replaced "NPL-Equivalent" with "Superfund Alternative" to be consistent the memorandum from Barry Breen and Michael B. Cook concerning "Response Selection and Enforcement Approach for Superfund Alternative Sites" dated June 24, 2002.
B.h Decision Documents Developed	Silvina Fonseca	Added text about requirements for five year reviews.
B.m Remedial Action (RA) Start (NPL & PRP-lead NPL-Equivalent)	Dela Ng	For PRP-financed under Federal enforcement (MR- and RP-leads), clarified the date to be used for the RA Start date when work is not performed under a separate enforcement instrument for RA only.
B.o Start of On-Site Construction	Silvina Fonseca	Added text about requirements for five year reviews.
B.r NPL Site Construction Completions	Silvina Fonseca	Added text about requirements for five year reviews.

**FY 02/03 SPIM
CHANGE 4 LOG
September 26, 2002**

Section	Requestor	Change Description
Appendix B (Continued)		
B.s, Long-Term Response Action (LTRA and PRP LR) (NPL & PRP-Lead NPL-Equivalent), Pg. B-31	Dela Ng	Add language for PRP-financed LTRA from a Special Account.
B.t, Operation and Maintenance (O&M), Pg. B-32 - 33	Dela Ng	Add language for PRP-financed O&M from a Special Account.
B.w Five-Year Reviews	Silvina Fonseca	Updated the measure to include new system requirements.
Appendix C		
EXHIBIT C.1, Pg. C-2	Dela Ng	Replaced "NPL-Equivalent" with "Superfund Alternative" to be consistent with the memorandum from Barry Breen and Michael B. Cook concerning "Response Selection and Enforcement Approach for Superfund Alternative Sites" dated June 24, 2002 for RD/RA Negotiation Starts, Completion or Termination of Negotiations for RD/RA, and Percentage of Remedial Action Starts.
C.A.2 Targets and Measures for Baseline Enforcement	Dela Ng	Replaced "Criteria for Credit of Enforcement Activities at NPL-Equivalent Sites" with "Criteria for Credit of Enforcement Activities at Superfund Alternative Sites". Replaced "NPL-Equivalent" with "Superfund Alternative" and revised corresponding WasteLAN data elements as needed for all targets and measures.
C.j Percentage of Remedial Action Starts Initiated by PRPs at Non-Federal Facility NPL and NPL-Equivalent Sites	Dela Ng	Changed to refer to Appendix B RA Start Definition of Accomplishment for enforcement lead.
C.y, Prospective Purchaser Agreements (PPAs)-Assessed and Finalized, Pg. C-29	Dela Ng	Change Definition to reflect the Small Business Liability Relief and Brownfields Revitalization Act. Changed language from Brownfield site to Brownfield property.

**FY 02/03 SPIM
CHANGE 4 LOG
September 26, 2002**

Section	Requestor	Change Description
Appendix D		
D.B.2.h, Remedial Design, Pg. D-12	Marie Bell	Restored the Remedial Design measure to this appendix.
Appendix E		
E.A.1.i, Brownfields, Pg. E-7	Jim Maas	Revised TBA language.
E.B, Subject Matter Experts, Pg. E-17	Hans Waetjen	Updated Subject Matter Experts.
Appendix I		
Appendix I: (This section intentionally left blank)	Robert White	Added Appendix I Section Header page to ensure users of the manual understand that Section I is intentionally not used.

**FY 02/03 SPIM
CHANGE 4 LOG
September 26, 2002**

Section	Requestor	Change Description
General		
All sections	Robert White	Updated Subject Matter Expert lists to reflect changes in roles and responsibilities.
Managers' Schedule		
Managers' Schedule, July 2002 Quarter 4 (FY 02), Pg. iii	Robert White	Updated the date for HQ data pull from WasteLAN for fourth quarter AOA and to support FY 03 and FY 04 budget requests.
U.S. EPA Office of Emergency and Remedial Response chart, Pg. xx	Robert White	Replaced John Riley with Paige Peck as the contact for the Contract Management Center. Added Mike Cook as the Office Director of OERR, changed Larry Reed to Deputy Director, and deleted the Acting Deputy Director.
Chapter II		
II.G.1, Maintaining Planning/ Accomplishment Data in WasteLAN, Pg. II-8 through II-10	Robert White	Added section for Regional Centers roles and responsibilities. Updated the roles and responsibilities of the Subject Matter Experts regarding comments in the IG "CERCLIS Data Quality Audit No. 2000-0000776," dated March 12, 2002. Defined "focus study."
II.I.2, WasteLAN Reports for Planning/ Target Setting, Pg. II-13 Exhibit II-6, Planning/Target Setting WasteLAN Reports, Pg. II-14 II.J, WasteLAN Reports for Accomplishment Reporting, Pg. II-14 Exhibit II-7, Program Evaluation WasteLAN Reports, Pg. II-15	Robert White	Updated the name of the SCAP 13 report from Site Assessment Report to Site Assessment/Brownfields Report.
Exhibit II.9, Action Lead Codes in WasteLAN, Pg. II-23	Dela Ng	Added new action lead code 'SG'.
II.N.6.b, RODs Requiring No Physical Construction, Pg. II-29	Hans Waetjen	Removed "access restriction fencing" from the list of Limited Action RODs.

**FY02/03 SPIM
Change 3 Log
Continued**

Section	Requestor	Change Description
Chapter III		
Exhibit III.6, Who Pays for What chart, Pgs. III-19 through III-27	Dela Ng	Added new response lead codes 'SA', 'ST', and 'SS' for the following actions: Engineering Evaluation/Cost Analysis, Fund FS, Fund RA, Fund RI, Fund Combined RI/FS, and Remedial Design. Added new response lead codes 'SA', 'SG', 'ST' and 'SS' for Fund Removal.
Exhibit III.6, Who Pays for What chart, Pg. III-27	Eugene Rainwater	Added new response lead codes 'SA', 'SG', 'SS', and 'ST' to the 'Key to Leads' at the end of the 'Who Pays for What' chart.
Exhibit III-10, Regional Cost Recovery Contacts, Pg. III-46	Lynne Kershner	Replaced Gary Hanson with Ruth Broome.
Appendix B		
Appendix B, General	Robert White	Due to multiple changes, the entire Appendix is being reissued.
B.a, Remedial Investigation (RI) Starts (NPL & NPL-Equivalent), Pg. B-5	Dan Dickson	Add new lead action codes of SA, ST and SS for PRP-financed RIs from a Special Account.
B.a, Remedial Investigation (RI) Starts (NPL & NPL-Equivalent), Pg. B-5	Dan Dickson	Add new lead action codes of SA, ST and SS for PRP-financed RIs from a Special Account.
B.b, Feasibility Study (FS) Starts (NPL & NPL-Equivalent), Pg. B-7	Dan Dickson	Add new lead action codes of SA, ST and SS for PRP-financed FSs from a Special Account.
B.c, Combined RI/FS Start (NPL & NPL-Equivalent), Pg. B-9	Dan Dickson	Add new lead action codes of SA, ST and SS for PRP-financed RI/FSs from a Special Account.
B.i, Removal Starts, Pg. B-15	Dan Dickson	Add new lead action codes of SA, ST, SS, and SG for PRP-financed removals from a Special Account.
B.h, Decision Documents Developed, Pg. B-14	Silvina Fonseca	Added requirement for five year review type to be entered into WasteLAN.
B.m, Remedial Action (RA) Start (NPL & NPL-Equivalent), Pg. B-21	Dela Ng	Added language to the definition stating that PRP-financed actions may be performed at NPL and NPL-equivalent sites except RAs financed from a Special Account.

**FY02/03 SPIM
Change 3 Log
Continued**

Section	Requestor	Change Description
Appendix C		
EXHIBIT C.1, Pg. C-3	Dan Dickson	Change De Minimis to GPRA annual performance reporting measure and program target.
EXHIBIT C.1, Pg. C-4	Dan Dickson	Change PPAs Assessed and Finalized to GPRA annual performance reporting measures and make PPAs Assessed a program target. Change Orphan Share Offers to a GPRA annual performance reporting measure and program target.
C.m, De Minimis Settlements and Number of Parties, Pg. C-17	Dan Dickson	Change from GPRA annual performance goal to a GPRA annual performance reporting measure and a program target.
C.y, Prospective Purchaser Agreements (PPAs)-Assessed and Finalized, Pg. C-29, C-30	Dan Dickson	Change from GPRA annual performance goal to a GPRA annual performance reporting measure and a program target.
C.aa, Orphan Share - EPA Offer and Compensation, Pg. C-31, C-32	Dan Dickson	Include oral offers in definition of Accomplishments. Also change from GPRA annual performance goal to a GPRA annual performance reporting measure and a program target.
Appendix D		
D.A.1, Overview, Pg. D-1	Marie Bell	Updated budget numbers in the "Overview" language.
D.A.4.a, Resources and Tracking Mechanisms, Pg. D-3	Marie Bell	Added language about the expiration of the current EPA/DoD BRAC MOU at the end of FY 2002
Appendix E		
Table of Contents	Hans Waetjen	Remove section "b. Risk Assessment."
E.A.1, The Purpose of WasteLAN, Pg. E-1	Hans Waetjen	Remove "Risk Assessment" from the list of categories of site/incident activities that have national definitions and national requirements.
E.A.1.b, Risk Assessment, Pg. E-2	Hans Waetjen	Remove section "b. Risk Assessment."

**FY02/03 SPIM
Change 3 Log
Continued**

Section	Requestor	Change Description
E.A.1.b, Remedy Selection, Pg. E-2	Hans Waetjen	Added language about reviewing ROD data.
E.B., Data Sponsors, Pg. E-16	Hans Waetjen	Updated Data Sponsor list.
Appendix G		
Appendix G, General	Robert White	Due to multiple changes, the entire Appendix is being reissued.
G.B., Superfund/Oil GPRA Structure, Pgs. G-4, G-5, and G-6	Emily Johnson	Updated section to reflect FY 2003 changes.
G.C, Subject Matter Experts, Pg. G-7	Emily Johnson	Updated Subject Matter Expert list.
Appendix J		
New appendix.	Kirby Biggs, Peggy Schwebke	Added new Tribal Appendix.

**FY02/03 SPIM
CHANGE 2 LOG
February 11, 2002**

Section	Requestor	Change Description
Chapter II		
Exhibit II.9, Pg. II-23	Dela Ng	Add new lead action codes of SA, ST and SS for PRP-financed RDs and RAs from a Special Account.
Appendix B		
B.k, Remedial Design (RD) Start (NPL and NPL Equivalent), Pg. B-17, 18	Dela Ng	Add new lead action codes of SA, ST and SS for PRP-financed RDs from a Special Account.
NOTE: Subsequent pages issued due to shifting of page numbers resulting from Change 2 additions.		
B.m, Remedial Action (RA) Start (NPL and PRP-lead NPL-Equivalent), Pg. B - 19-22	Dela Ng	Add new lead action codes of SA, ST and SS for PRP-financed RAs from a Special Account.
Appendix C		
<i>C.b, Screening PRP Search Completions, Pg. C-6 NOTE: No change made to this page. This is Note to the Record.</i>	<i>Dela Ng</i>	<i>NOTE: Measure is not included in the final Change 2. Regional comments are under review by the Office of Site Remediation Enforcement (OSRE).</i>
C.g, Remedial Design/Remedial (RD/RA) Negotiation Starts, Pg. C-10	Dela Ng	Add "Definition of Accomplishment" for RD/RA negotiations that are phased sequentially and concurrently.
NOTE: Subsequent pages issued due to shifting of page numbers resulting from Change 2 additions.		
C.s, Recoverable Past Costs that Have Been Addressed by Program to date via Settlements, Write-offs, or Referrals, Pg C-23	Dela Ng	Change previous WasteLAN names under "Past Costs Addressed" area to correspond to current WasteLAN screen data names.
C.v, Compliance Monitoring: Noncompliance with Active Enforcement Instrument for Response and Enforcement Actions, Pg. C-27	Dela Ng	Change incorrect WasteLAN name to the current WasteLAN screen data name.
C.y, Prospective Purchaser Agreements (PPAs) -Assessed and Finalized, Pg. C-29,30	Dela Ng	Include Brownfield sites. A written request for a prospective purchaser agreement replaces a formal written request.
Appendix D		
D.B.2.g, Decision Documents, Pg. D-12	Marie Bell	Add "Removal Action Decision Document" completion date.
Appendix E		
Exhibit E.2, Data Sponsors, Page E-16	Hans Waetjan	Update names

FY 02/03 SPIM

Change 1

July 21, 2001

Section	Requestor	Change Description
Cover		
Cover	Robert White	Minor correction to OSWER Publication number.
Acronym List		
Acronym List	Lynn Kershner, Reg 10	Added FCOR and PCOR to the acronym list
Chapter 1		
I.B.4.c. Brownfields Pilots Pg. I-13	Eric Burman	Funding for individual BCRLF Pilots and coalition pilots was raised from \$500,000 to \$1,000,000.
I.B.4.e. Tax Incentive Pg. I-14	Eric Burman	Language was included indicating that the tax incentive has been extended through December 31, 2003 and that geographic restrictions on the use of the tax incentive have been removed.
Chapter 2		
II. N. 2 Data Validation and Verification Pg. II-21	Courtney McEnergy	Deleted RA On-Site Construction as a required action to be included in the control plan.
II.N.6.a.i Other Remedy Changes Document Non-significant Remedy Changes Pg. II-28	Bruce Means	Modified language of this section to clarify that documentation should be part of the Administrative Record for the ROD.
Chapter 3		
Exhibit III.6 Who Pays For What chart Pg. III-17	Alan Youkeles/Robert White	Modified the Who Pays For What chart to reflect current IFMS action list
Appendix A		
A.A.5.f -o, r Preliminary Assessments, FF PA, Site Inspection, FF SI, ESI, Combined PA/SI, SIP, Site Reassessment, FF ESI, Integrated ESI/RI, Integrated Removal/Remedial Evaluation Pg. A-11-30	Jennifer Griesert	Updated the qualifier code for 'Site is being addressed as part of another non-NPL site' (B) and updated the non-NPL status code of 'Site is being addressed as part of another non-NPL site' (AX).

**FY 02/03 SPIM
Change 1 Log
Continued**

Section	Requestor	Change Description
A.A.5.r Integrated Removal/Remedial Evaluations Pg. A-28	Randy Hippen/ Jennifer Griesert	Updated language for the measure to reflect the new action names and how the actions should be entered into WasteLAN. In addition modified references to tracking separate actions for integrated assessments in the following measures: PA, ESI, Combined PA/SI and ESI/RI.
Appendix B		
Non-NPL Site Completion Formerly on Pg. B-33	Schatzi Fitz-James/Randy Hippen	Deleted the Non-NPL Site Completion measure.
B.A.3.w Five Year Reviews Pg B-33	Rafael Gonzales	Modified special planning and reporting to require start dates and to set the trigger for the start of five year reviews at 'five years after the start of the RA on-site construction'.
B.A.3.z Human Exposure Under Control and B.A.3.aa Groundwater Migration Under Control Pg. B-36, 38	Melanie Hoff	Add language in Special Planning and Reporting to indicate that Human Exposure is Under Control and Contaminated Groundwater Migration is Under Control on the Site Description/Operable Units screen in WasteLAN.
Appendix C		
Table of Contents	Dela Ng	Updated Table of Contents to reflect FY 02/03.
Appendix F		
Exhibit F.2, F.E.3.b, F.E.3.c Oil Spill Response Table of contents and Pg F-9, 12, and 13	Dana Stalcup	Deleted the new Oil Spill Response and replaced it with the previously deleted GPRA measures: Oil Spill Cleanup and Oil Spill Response Monitoring/Directing.
Appendix G		
Entire Appendix	Eric Burman	Entire appendix is now final

Superfund/Oil Program Implementation Manual FY 02/03

Chapter I: Program Goals and Priorities

**This Page Intentionally
Left Blank**

Chapter I Program Goals and Priorities

Table of Contents

CHAPTER I PROGRAM GOALS AND PRIORITIES	I-1
I.A Introduction	I-1
I.A.1 Superfund and its History	I-1
I.B Current Program Priorities	I-2
I.B.1 Government Performance and Results Act (GPRA)	I-2
I.B.2 Superfund	I-2
a. Protect Public Health and the Environment	I-3
i. Removal Actions	I-3
ii. Construction Completions	I-3
iii. Innovative Technologies	I-3
iv. Post Construction Completion	I-4
b. Promoting a Fairer Superfund Enforcement Program	I-5
c. Maximizing Program Effectiveness and Efficiency	I-7
i. Site Assessment	I-7
ii. Base Closures	I-7
iii. Lead-based (Pb) Paint and Property Transfer at BRAC Installations	I-8
iv. Environmental Indicators	I-9
v. Effective Contract Management	I-9
d. Building Superfund Partnerships	I-10
i. Enhanced State and Tribal Capabilities	I-10
ii. Superfund Block Funding/EPA Performance Partnership Grants	I-11
iii. Clarifying Policy for NPL Listings	I-11
iv. Core Program Funding	I-11
I.B.3 Encouraging a Customer Orientation	I-12
I.B.4 Brownfields	I-12
a. History	I-12
b. Brownfields National Partnership Action Agenda	I-12
c. Brownfields Pilots	I-12
d. Targeted Brownfields Assessments	I-13
e. Tax Incentive	I-13
I.B.5 Oil	I-13
I.B.6 Government Paperwork Elimination Act (GPEA)	I-13
I.C Superfund Reforms	I-14
I.C.1 Improving Lead (Pb) Risk Assessments and Cleanup Decision	I-15
I.C.2 Measures	I-15
I.D Superfund Redevelopment Initiative	I-16
I.E Subject Matter Experts	I-17

Chapter 1

Program Goals and Priorities

List of Exhibits

EXHIBIT I.1 SUBJECT MATTER EXPERTS I-17

CHAPTER I PROGRAM GOALS AND PRIORITIES

I.A INTRODUCTION

The focus of the Superfund program is to maximize the protection of human health and the environment through fast, effective cleanup of priority hazardous waste sites and releases. To accomplish the greatest number of cleanups possible and make the best use of limited resources, maximizing Potentially Responsible Party (PRP) participation in cleanups is essential. The most important principle of the Superfund program is that the worst sites are cleaned up first. In addition, the acceleration of site cleanup and construction completion at sites on the National Priorities List (NPL) is integral to the success of the program. Post construction activities, including Five Year Reviews, operating Fund-financed groundwater restoration systems, monitoring operation and maintenance performed by States, PRPs and Federal facilities, implementing and monitoring institutional controls, and deleting sites from the NPL, are important to ensure the long term protectiveness of completed sites and remedies. Implementation of the program is facilitated by a strong collaboration with the States, Indian Tribes, and other Federal agencies. Partnerships are also an integral part of the Brownfields program. Furthermore, collaboration with the Department of Defense (DoD) will be necessary as the Agency continues to assist in assessing base closure properties.

The Superfund program will continue to employ Environmental Indicators (EIs) as a crucial tool for evaluation and communication and, in Fiscal Years (FY) 02 and 03, the Superfund and Oil programs will continue to implement the Government Performance and Results Act (GPRA) of 1993. This Superfund Program Information Manual (SPIM) is a biennial document covering FY 02 and 03. This will synchronize the SPIM with the Agency's two year planning cycles.

I.A.1 Superfund and its History

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

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

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

- Increased the size of the Trust Fund to \$8.5 billion and refined its finances;
(**Note:** The Fund was largely financed by a tax on crude oil and 42 commercially used chemicals. The taxing authority expired December 31, 1995)
- Stressed the development and use of permanent remedies;
- Provided stronger enforcement and settlement tools;
- Increased State involvement in the Superfund Program; and

- 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) was revised based on SARA and is the major regulatory framework that guides the Superfund response effort. The NCP outlines a step-by-step process for implementing Superfund responses and defines 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 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 Omnibus Reconciliation Act of 1990, which extended Superfund authority from FY 90, 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.

I.B CURRENT PROGRAM PRIORITIES

I.B.1 Government Performance and Results Act (GPRA)

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, which includes a mission statement and sets out long-term goals and objectives; 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. Please refer to Appendix G, "Government Performance and Results Act (GPRA)," for a definition of Program Results Codes (PRCs), Annual Performance Goals (APGs), and Annual Performance Measures (APMs).

I.B.2 Superfund

The continued focus of the Superfund program in FY 02/03 is to maximize the protection of human health and the environment through fast, efficient cleanup of priority hazardous waste sites and releases. Protecting public health and the environment, promoting a fundamentally fairer Superfund program, maximizing program effectiveness and efficiency, building Superfund partnerships, and encouraging a customer orientation are Superfund's highest priorities for FY 02/03. Superfund also shall work toward reauthorization and show program progress through Superfund Reforms and compliance with GPRA.

a. Protect Public Health and the Environment

EPA is committed to increasing the number of NPL construction completions (see Appendix B for the definition of construction completion). To accomplish this objective, the Agency will ensure that available resources are disbursed in a fiscally sound manner—according to the risk prioritization scheme, and that appropriate contract vehicles (including performance based contracts and IAGs) are available. In addition, the Superfund program will provide real time policy calls to promote efficient cleanup. Maximizing PRP involvement will be imperative to meeting this goal.

i. 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 our response personnel. EPA will also ensure that the appropriate resources and contract vehicles are available to conduct necessary removal actions.

ii. Construction Completions

The current goal is to accomplish 895 construction completions by the end of FY 2002. There are a sufficient number of sites with final Record of Decision (RODs) signed to meet this goal. Sites in the Remedial Design/Remedial Action (RD/RA) stages will be efficiently managed to ensure work continues in a timely manner through to construction completion. Regions and States must continue to work together to identify opportunities for expediting construction completions and response actions.

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

iii. 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.

iv. Post Construction Completion

As a result of the increase in construction completion sites, the post construction completion workload required to ensure that the Superfund response actions remain protective for human health and the environment also is increasing. Post construction completion encompasses a number of discrete but related activities including: Five Year Reviews; implementation and management 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 and PRPs 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 on the projected ten year cost of the program, 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 are required at over 800 sites as of January 2001. The program completed 672 reviews through September 2000 with 180 in FY 2000. 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. Revised guidance on conducting Five Year Reviews is nearing completion and training has been, and will continue to be, provided to the 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. 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. Examples of institutional controls include zoning restrictions, excavation and building permits, easements, covenants, deed notices, and advisories. 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 lag 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 to aid with the implementation, monitoring and enforcement of ICs; estimating the costs of ICs; and planning for ICs. 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 facilities, PRPs or the States. 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 or is planning to conduct 20 pilot optimization studies during FY 2001. 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 and all cleanup levels have been achieved. As of January 2001, 230 sites were deleted from the NPL. Expedient deletion of sites is a post construction emphasis. In FY 2001 and beyond, EPA plans to delete 30 sites per year.

b. Promoting a Fairer 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, reducing transaction costs, entering into fair settlements, addressing past costs, and eliminating barriers to redevelopment. The major areas of emphasis for the Superfund enforcement program include the following:

- **Maximizing PRP Involvement/Enforcement First:** To leverage the number of cleanups that can be accomplished, maximizing PRP participation is a priority. Key areas of emphasis are early initiation of PRP searches, completing negotiations in a timely manner, and maximizing PRP-lead cleanup activities. EPA will continue to seek to achieve the GPRA goal of 70 percent PRP participation level in new remedial actions starts at Superfund sites, which include NPL and NPL Equivalent sites. As a result of the enforcement first strategy, PRPs have undertaken the majority of new cleanup actions over the past years, leveraging Superfund resources to maximize cleanups far beyond what could be done if only the Trust Fund was used. Early involvement by PRPs ensures that their transaction and cleanup costs are kept to a minimum.
- **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. This will also apply to small volume waste contributors seeking and obtaining *de minimis* settlements with the Agency.
- **Addressing Past Costs > \$200,000:** For cost recovery, the emphasis will be on addressing all sites with total outstanding costs greater than \$200,000 prior to the expiration of the Statute of Limitations (SOL), and encouraging the regions, where available resources permit, to address high dollar cases and sites with non-settling, or non-complying parties that could be targeted for cost recovery action.
- **Eliminating Barriers to Redevelopment/Assessing Request for Prospective Purchaser Agreements and Comfort/Status Letters:** EPA will evaluate all completed requests for prospective purchaser agreements and comfort/status letters to assist in the removal of liability barriers for sustainable development/Brownfields initiatives.
- **Responsible Fiscal Management/Implementing the PRP Oversight Reform:** The purpose of the reform on PRP oversight is to conduct appropriate and effective PRP oversight while still ensuring that PRPs conduct high quality cleanups and the public's interest is protected. In addition, the regions will place a high priority on sound fiscal management by managing and collecting Superfund accounts receivable. To accomplish this, program focus will be on:
 - Maintaining prompt, current and accurate oversight billing;
 - Maximizing collections of outstanding monies due the Superfund Trust Fund;
 - Continuing to improve communications with PRPs by focusing on efforts to engage in open dialogues with PRPs that have settlements with EPA as a means to promote appropriate oversight that ensures the development and implementation of protective cleanups; giving careful consideration to the associated costs being charged to PRPs; and maximizing EPA recovery of oversight costs; and
 - Resolving all outstanding collection disputes, and referring those cases that are not resolved to the U.S. Department of Justice (DOJ) for collection.
- **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.
- **Establishment and Disbursement from Special Accounts:** EPA will continue to make greater use of Special Accounts and place the funds received from cashout and cost recovery settlements into Special Accounts. All funds in a Special Account must be applied to the direct costs of the response covered by the settlement. Since these accounts accrue interest, the total amount of money available from the accounts will increase, providing EPA with more money to: 1) pay for part of an EPA led response; 2) defray costs EPA incurs at a PRP led site (e.g., past costs or oversight costs); or 3) help pay the costs of a PRP led response.
- **Alternative Dispute Resolution:** EPA is expanding its use of ADR as a way to reduce the costs of achieving settlement with PRPs. PRPs who choose this alternative should see dramatically reduced transaction costs compared to what would have been encountered during litigation. Also, ADR can be used in other contexts (e.g., disputes with States regarding cleaning up sites).
- **Equitable Issuance of UAOs:** EPA will issue UAOs to the maximum manageable number of PRPs wherever there is sufficient basis to include them. Issuance of these UAOs will compel those PRPs to participate in, and share the cost of, the specific response actions. The participation of these PRPs, even if only through a financial contribution, will reduce the portion of the cleanup cost that is borne by PRPs who have settled with EPA.

c. Maximizing Program Effectiveness and Efficiency

To maximize the effectiveness and efficiency of the Superfund program during FY 02/03, EPA HQ and regions will work to improve the implementation of the program based on the following processes:

- Develop appropriate long-term contract strategies;
- Continue to improve WasteLAN for project, program, and enforcement management of Superfund, and ensure that there are subject matter experts for key areas;
- Enhance resource management controls; and
- Strengthen the program by incorporating quality assurance, peer review, and program evaluation components into rule makings, guidances, and policies.

i. Site Assessment

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. The continued assessment of sites potentially affected by asbestos contamination from the Libby, Montana mine is a top priority. Further, regions should continue to work with the States and Tribes on the Government Accounting Office (GAO) survey universe to identify who will take the lead to assess the sites and determine what work needs to be done.

High risk sites are not limited to the sites potentially affected by Libby asbestos contamination and GAO sites. Some will be 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. 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.

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 fund special projects designed to reduce the time and/or costs of assessing sites without compromising the integrity of the site assessment decisions. Regions must obtain concurrence from OERR if more than 10 percent of annual site assessment funding is used for special projects. Regions performing special projects are responsible for communicating the scope of these projects to other EPA Regional and HQ site assessment staff.

ii. Base Closures

Under the Base Realignment and Closure Acts (BRAC) of 1988, 1991, 1993, and 1995, 205 military installations were scheduled for closure or realignment. Of this total, 108 are part of the Fast Track Cleanup Program, and of those, 33 sites are on the NPL, and there are a number of non-NPL sites requiring 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. 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.

Although the EPA/DoD MOU which provides support to the BRAC program expires September 30, 2002, under CERCLA, in FY 03 EPA will still have ongoing statutory commitments at these installations (oversight, technical assistance, and property transfer responsibilities). EPA also serves as an asset to Tribes, States, local governments, redevelopment authorities, and to affected communities.

iii. Lead-based (Pb) Paint and Property Transfer at BRAC Installations

Questions concerning the appropriate response to the potential release of lead (Pb) in soil as a result of the historic use of lead-based paint (LBP) is an issue that could delay the completion of cleanup and the transfer of property at Base Realignment and Closure (BRAC) installations. As a policy issue, however, it is not just limited to BRAC properties. This topic was discussed by the Defense Environmental Response Task Force (DERTF) during FY 1997.

Examples of issues that have arisen on LBP include:

- Type and quantity of information required to support the CERCLA 120(h)(3) covenant;
- Application of CERCLA and Title X (including Toxic Substance Control Act (TSCA) Section 403) in residential areas;
- The need for a workable approach for non-residential/industrial areas including areas where children may be present (e.g., recreational areas); and
- Language and basis for regulator concurrence on Finding of Suitability of Transfer (FOSTs) and Finding of Suitability of Lease (FOSLs).

In 1999, the Department of Housing and Urban Development (HUD) and EPA continued to move forward to promulgate regulations under the Residential Lead Based Hazard Reduction Act of 1992 (Title X). In FY 99, HUD finalized the 1012/1013 rule which implements the sections under Title X and ensures that housing receiving Federal assistance and Federally owned housing that is sold does not pose LBP hazards to young children. The 1012/1013 rule became effective in September 2000. In December 2000, EPA finalized the TSCA 403 rule which defines lead hazard standards. The effective date for this rule is March 6, 2001. (EPA issued policies under CERCLA and TSCA on LBP in July 1994.) In 1994, DoD issued a policy to the Services to comply with the requirements of Title X. This policy was rescinded when the DoD/EPA interim field guide was signed in December 1999. State governments continue to propose and enact LBP regulations, policies and guidance. EPA and DoD both want to ensure that the forthcoming regulations are applied in a manner which is fully protective of human health and the environment. DoD intends to comply with these regulations in such a manner as to satisfy CERCLA 120 (h)(3) concerns. The objective for residential areas is to achieve an adequate level of CERCLA equivalence by use of the soon to be released HUD Title X regulations, existing HUD guidelines, EPA's forthcoming TSCA Section 403 Rule, and EPA's existing guidance on LBP.

In March 1999, EPA and DoD signed a plan of action on how both agencies will handle lead contamination due to LBP at residential and nonresidential properties located on BRAC facilities. Both EPA and DoD agreed that for residential properties, Title X procedures provide efficient, effective, and legally adequate framework for addressing LBP hazards in residential areas and that, as a matter of policy, CERCLA/RCRA will not be applied except in limited circumstances. To assist EPA and DoD personnel to understand and comply with current HUD, EPA, and Occupational Safety and Health Administration (OSHA) regulations on LBP, EPA and DoD jointly developed a field guide. In December of 1999, EPA and DoD signed off on the Interim Lead-Based Paint Field Guide. The guide provides a framework for EPA and DoD project managers to manage and control LBP at BRAC facilities. EPA has received comments from the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) and will review and incorporate the comments in the interim field guide. EPA is preparing a lead-base paint policy statement for Federal facilities which will incorporate model language for EPA's comments on FOST.

iv. Environmental Indicators

In 1989, EPA's Administrator directed all EPA programs, including Superfund, to develop Environmental Indicators (EIs) to document and communicate environmental progress. Superfund EIs are designed to communicate that the true measure of the program's success is tangible progress in protecting human health and the environment through incremental site cleanup activities. EIs can show how, and to what extent, Superfund cleanups are reducing risks to people and the environment.

Superfund's current environmental indicators are program-based indicators that measure efforts at each stage of Superfund's "cleanup pipeline" toward addressing hazardous waste problems and achieving established goals. The Superfund program uses **four** indicators to measure its progress. These indicators are:

- **Populations Protected** quantifies efforts to protect people and the environment from immediate threats—including supplying safe water, securing sites, and relocating threatened populations.
- **Cleanup Technologies Applied** characterizes the volumes of waste handled and the application of appropriate treatment and containment technologies to hazardous site cleanup.

Human Exposure Under Control: Are all identified human exposure pathways from contamination at the site under control or below health-based levels for current land and/or groundwater use conditions? "Under control" means that adequately protective controls are in place to prevent any unacceptable human exposure under current land- and groundwater-use conditions only. This environmental indicator does not consider potential future land- or groundwater-use conditions nor ecological receptors.

- **Migration of Contaminated Ground Water Under Control:** Is the migration of contaminated groundwater from the site being controlled through engineering remedies or natural processes?

Data collected via these four indicators show how Superfund cleanup activities are continually and incrementally reducing the threats that hazardous waste poses to people and the environment.

v. 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.

d. Building Superfund Partnerships

FY 02/03 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, 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.

i. 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 is manually gathering the information directly from the regions to establish a baseline for these performance measures. During FY 01, OERR will review options to determine how to modify WasteLAN to capture the information electronically.

ii. 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; block funding awards have been made to twelve States and three Tribes. 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 (in FY 2001) to facilitate use of consolidated funding where appropriate.

iii. Clarifying Policy for NPL Listings

During FY 97, OSWER issued two policy statements for listing sites on the NPL, which increased the role of States and Tribes in NPL site selection. The November 14, 1996, policy memorandum entitled "Coordinating with the States on National Priorities List Decisions" requires regions to query States/Tribes regarding their support for NPL listing as early as practical, ideally prior to initiating a Hazard Ranking System (HRS) package.

A follow-up memorandum was issued on July 25, 1997, entitled "Coordinating with the States on National Priorities List Decisions -- Issue Resolution Process." This policy calls for formal correspondence and high-level negotiations between the region and State, and provides a process for the AA SWER to decide any cases that can not be resolved directly between the region and State/Tribe. Both of these policies will remain in effect in FY02/03.

The Superfund program has also streamlined the listing process. This includes increased early technical assistance, and in some cases having the HQ Quality Assurance contractor prepare the document record.

There were four combined Proposed and Final NPL Listing rules that were published during FY 00. Current plans are for quarterly Proposed and Final NPL listing rules for FY 02/03. Any questions regarding NPL listing policies or technical assistance should be directed to the State, Tribal and Site Identification Center of OERR.

iv. Core Program Funding

For FY 2003 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.

Through the end of FY 02, Brownfields Voluntary Cleanup Programs are funded under Superfund Core Program Cooperative Agreements under the authority of CERCLA 104(d) with Superfund appropriations. Starting in FY03, Superfund Core Program Cooperative Agreements will no longer be the vehicle for funding these agreements. Due to the passage of the new Brownfields law (Public Law 107-118), FY 03 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 03 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.

I.B.3 Encouraging a Customer Orientation

To provide superior customer service, the following priorities established in FY 98 will continue in FY 02/03:

- Enhance service to internal and external EPA Superfund customers, as well as to regional customers by providing timely, accurate information;
- Promote effective team performance by mentoring and providing leadership that adapts to the person and the situation, and by providing tools for teams to use in becoming more effective and in solving performance problems; and
- Enhance the readiness of regional staff in dealing with emergency situations.

I.B.4 Brownfields

a. History

EPA's Brownfields Economic Redevelopment Initiative is a comprehensive approach to empower states, communities, and other stakeholders to prevent, assess, safely clean-up, and sustainably reuse Brownfields. EPA defines Brownfields as **abandoned, idled, or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination**. Through the Brownfields Action Agenda, announced by EPA January 1995, EPA and other Federal agencies are focusing on clarifying environmental liability and clean-up issues through issuance of prospective purchaser agreements and comfort status letters, providing funding for demonstration pilot projects and other search efforts, initiating partnerships with key stakeholders, conducting outreach activities, implementing job development and training programs, and addressing environmental justice concerns. The Agency has worked with States, cities, Federally recognized Indian Tribes, community representatives, other Federal Agencies, and other stakeholders to implement the many commitments made in January 1995.

b. Brownfields National Partnership Action Agenda

EPA convened an interagency working group of more than 20 Federal departments and agencies to coordinate Brownfields activities. The workgroup has developed the National Partnership Action Agenda, which includes specific commitments of resources and activities supporting Brownfields from EPA and its Federal partners (HUD, HHS, DOC, GSA, DOT and others) as well as non-Federal partners. The National Partnership demonstrates how coordinated action on Brownfields cleanup and redevelopment at the Federal level can help support efforts at the local level.

c. Brownfields Pilots

As part of the Brownfields Action Agenda, the Agency has awarded 362 Brownfields Assessment Demonstration Pilots that are funded through cooperative agreements of up to \$200,000 each for a two-year period. The Brownfields pilot program is intended to provide EPA, states, local governments, and Federally recognized Indian tribes with useful information and new strategies for promoting a unified approach to environmental assessment, clean-up, and reuse. EPA also has 37 Brownfields Job Training and Development Demonstration Pilots, and 104 Brownfields Clean-up Revolving Loan Fund (BCRLF) Pilots. The Job Training Pilots are each funded up to \$200,000 over two years, and bring together affected stakeholders to address the issue of providing environmental employment and training for residents in communities impacted by Brownfields. The individual BCRLF Pilots are

each funded up to \$1,000,000 while coalition pilots are eligible for up to \$1,000,000 per eligible entity within the coalition. The BCRLF Pilots enable States, political subdivisions, and Indian Tribes to make low-interest loans to facilitate the clean-up and redevelopment of Brownfields.

In addition to the Assessment, Job Training and BCRLF pilots, EPA, in partnership with more than 15 Federal agencies, has designated 28 Brownfields Showcase Communities as part of its National Partnership commitments. These Showcase Communities have three main goals: to promote environmental protection, economic redevelopment and community revitalization through assessment, clean-up and sustainable reuse of Brownfields; to link Federal, state, local and non-governmental action supporting community efforts to restore and reuse Brownfields; and to develop national models demonstrating the positive results of public and private collaboration addressing Brownfields challenges.

d. Targeted Brownfields Assessments

EPA's Targeted Brownfields Assessment (TBA) program is designed to help States, Tribes, and municipalities especially those without Brownfields Assessment Demonstration Pilots, minimize the uncertainties of contamination associated with Brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at Brownfields sites. TBA supplements and works with other efforts under EPA's Brownfields Initiative to promote clean-up and redevelopment of Brownfields.

e. Tax Incentive

Originally signed into law in August 1997, the Taxpayer Relief Act (Public Law 105-34) included a tax incentive to spur the cleanup and redevelopment of brownfields in distressed urban and rural areas. Federal tax law generally requires that those expenditures that increase the value or extend the useful life of a property—or those that adapt the property to a different use—be capitalized; and, if the property is depreciable, that the costs be depreciated over the life of the property. Prior to the Brownfields Tax Incentive, many environmental remediation expenditures fell under these restrictions, and had to be capitalized over time.

Under the Brownfields Tax Incentive, environmental cleanup costs became fully deductible in the year they are incurred, rather than having to be capitalized. The government estimates that the tax incentive costs approximately \$300 million in annual tax revenue. The tax incentive is expected to leverage \$3.4 billion in private investment and return 8,000 brownfields to productive use. This ability to spur investment in blighted properties and revitalize communities makes the tax incentive a valuable tool for restoring brownfields. On December 21, 2000, the tax incentive was extended through December 31, 2003, and geographic restrictions on use of the tax incentive were removed.

I.B.5 Oil

The Agency shares responsibility with the United States Coast Guard (USCG) and other agencies for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will work on finalizing proposed revisions to the Oil Pollution Prevention regulation, also known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation; work with facilities on ensuring compliance with the SPCC regulation; continue the review, inspection, and approval of facility response plans (FRP); continue the development and improvement of area contingency plans (ACP) and participation in area drills and other exercises; and respond to oil spills, or direct, monitor or support others' responses, in accordance with the NCP.

I.B.6 Government Paperwork Elimination Act (GPEA)

This act provides new rules on the way the Agency seeks information from the public. GPEA requires Federal agencies to provide for the (1) option of electronic maintenance, submission, or disclosure of information, when practicable, as a substitute for paper; and (2) use and accept electronic signatures, when practicable. This must be done by the end of the FY 03. To comply, EPA submitted to the Office of Management and Budget (OMB), in FY 00, plans and schedules for GPEA implementation. EPA has begun to implement GPEA by developing electronic reporting options and a Central Data Exchange (CDX) facility for receipt of electronic information.

I.C SUPERFUND REFORMS

The Superfund program has achieved substantial progress in cleaning up hazardous waste sites and protecting human health and the environment during its more than 20 year existence. In addition, there have been serious proposals for improving the program, making it faster, fairer, and more efficient. Since 1993, EPA has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening the program prior to reauthorization to testing concepts developed during Congressional debate on actual legislation. As a result of all the new and continuing reforms, Superfund is a dramatically different program today than it was at its inception.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Since 1980, EPA has evaluated more than 41,000 sites, conducted more than 6,500 early actions, and completed construction at over 759 of the more than 1,400 sites on the NPL in an effort to protect human health and the environment. Final remedies have been selected at more than 1,000 sites, and design and implementation of the remedies is underway. In addition, 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, reduced litigation and bureaucracy and made common sense improvements to Superfund.

On June 23, 1993, EPA announced 17 initiatives aimed at: (1) increasing enforcement fairness and reducing transaction costs; (2) improving cleanup effectiveness and consistency; (3) expanding meaningful public involvement; and (4) enhancing the State role in the Superfund program. On September 30, 1994, EPA issued the "Superfund Administrative Reforms Closeout Report," which identified lessons learned from the first round of reforms. It also closed out several of the initiatives and identified a group of continuing initiatives to be integrated into the Superfund program.

In February 1995, EPA announced an additional 12 initiatives designed to improve the Superfund program. This second round of reforms encompassed six general areas: enforcement; economic redevelopment; community involvement and outreach; environmental justice; consistent program implementation; and State and Tribal empowerment.

In October 1995, EPA announced the third and final round of "Superfund Reforms." This third round of "common sense" reforms was intended to assist State and local governments, communities, and industries involved in cleanups to more easily: (1) make cost-effective cleanup choices that protect public health and the environment; (2) reduce litigation so more time and money can be spent on cleanup and less on lawyers; and (3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level.

The FY 02/03 priorities for Superfund reforms are: (1) completion of ongoing reform commitments; (2) consistent implementation of reform initiatives in HQ and the regions; (3) refinement of the reforms based on experience to date; and (4) further evaluation of reforms and enhanced communication of impacts and results to stakeholders. EPA will

assure nationally consistent implementation of the reforms through the following measures: aggressive efforts to assure that program implementers and their managers are familiar with each reform; increased understanding of the circumstances giving rise to the reforms; and enhanced management accountability based on appropriate monitoring of results and program accomplishments. [For additional information on this topic, please see Appendix C (OECA).] The Superfund Reforms web page (www.epa.gov/superfund/programs/reforms) will be used to share reform experiences from site-to-site and region-to-region, as it continues to refine and improve the ways the Superfund program is implemented.

I.C.1 Improving Lead (Pb) Risk Assessments and Cleanup Decisions

Superfund Reform 6c, utilize expert workgroup on lead (Pb), provides for making fuller use of the work of the Technical Review Workgroup (TRW) for project managers that manage lead site cleanups. The TRW is a group of technical experts from EPA Regional offices and several HQ offices that provide advice on the assessment of lead risks. Two steps have been taken to improve better decisions. First, a group named the Lead Sites Workgroup (LSW) has been formed. The LSW is made up of site managers from across the country that address lead contamination, some representatives of the TRW, and relevant HQ offices. Second, the activities of both of these groups are discussed with the Lead Sites Consultation Group (LSCG), which is composed of Regional Waste Management Division Directors or their designees. This group is chaired by the Director of OERR. The interactions among these groups should help to ensure that priorities are set according to program needs and better science will be communicated in the support of lead cleanup decisions.

I.C.2 Measures

The following measures have been identified for FY 02/03 to evaluate the impact that Superfund reforms have had on the program. For more information on this topic, please see Appendix C, Enforcement.

1. Number of proposed cleanup decisions reviewed by the National Remedy Review Board and the estimated impact of reviews.
2. Number of existing RODs for site cleanups updated based on (1) the latest in scientific information and technological advancements, or (2) non-scientific changes and the estimated dollar savings as a result of reviews.
3. Number of partial site deletions (Federal facility and other NPL sites) initiated by EPA to return property to productive uses return, and the economic and other impacts on the community.
4. Number of Federal Facility Agreements revised to reflect changes in priority activities within DoD and Department of Energy (DOE) facilities (i.e., number of agreements and number of milestones revised).
5. Number of negotiations where EPA offered to compensate a portion of the orphan share and the total dollar amount offered; and number of settlements where EPA compensated for a portion of the orphan share and the total dollar amount compensated.
6. Number of settlements establishing interest-bearing special accounts for future site costs and the total dollar amount set aside in such accounts.
7. For each section 106 UAO issued, the number of parties identified at the site, the number of parties excluded and documentation of the reasons for exclusion.
8. Number of settlements with de micromis parties and number of de micromis parties entering into such settlements.
9. Number of Prospective Purchaser Agreements (PPAs) issued; the number of comfort/status letters issued.

10. Number of sites where EPA discussed its previous and planned oversight activities with capable and cooperative PRPs, sent a letter to the PRPs describing efforts to control/reduce oversight, and issued an oversight bill as appropriate.

11. Number of sites archived from CERCLIS.

I.D. SUPERFUND REDEVELOPMENT INITIATIVE

Superfund cleanups address real threats to public health and the environment and have been instrumental in returning sites to productive uses. In the last five 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 Initiative (SRI) — to facilitate the return of Superfund sites to productive use. Announced on July 23, 1999, this initiative builds on the success noted above, as well as on the achievements of the Superfund reforms focused on economic redevelopment. In carrying out this initiative, the program 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 SRI. 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. SRI 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 SRI, 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 the redevelopment of Superfund sites. Ten pilot sites were selected during FY 99 and forty additional pilots were selected during FY 00. All pilots will be monitored and evaluated for lessons learned and potential future program enhancements. The other components of SRI include: revisions to policy and guidance where needed, and new guidances 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.

I.E SUBJECT MATTER EXPERTS

The following exhibit identifies the subject matter experts for Chapter I Program Goals and Priorities.

EXHIBIT I.1 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Robert White	Chapter Lead	(703) 603-8873
Art Flaks	Contracts	(703) 603-9088
Scott Blair	Enforcement	(202) 564-6023
Dela Ng	Enforcement	(202) 564-6073
Melanie Hoff	Environmental Indicators	(703) 603-9133
Joshua Barber	Federal Facilities (FF)	(703) 603-0265
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Jeff Heimerman	Innovative Technology	(703) 603-7191
Monica McEaddy	Lead (Pb)/FF	(703) 603-0044
Larry Zaragosa	Lead (Pb)/OERR	(703) 603-8867
David Lopez	Oil	(703) 603-8706
Tracy Hopkins	Post Construction	(703) 603-8788
Dana Stalcup	Removal/Counter Terrorism	(703) 603-8735
Ray Worley	Removal/Counter Terrorism	(703) 603-8724
Angelo Carasea	Site Assessment	(703) 603-8828
Randy Hippen	Site Assessment	(703) 603-8829
Robert Myers	State and Tribal	(703) 603-8851
Janet Weiner	Superfund Redevelopment/PARM	(703) 603-8717
John Harris	Superfund Redevelopment	(703) 603-9075
William Ross	Superfund Reforms	(703) 603-8974
Paul Nadeau	Post Construction/PARM	(703) 603-8974

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

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-1
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-14
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-16
II.K.3 Regional Reviews	II-17
II.K.4 Management Reporting	II-17
a. Superfund Management Reports	II-17
b. Annual Reporting Requirements	II-18
II.L Target and Definition Change Requests	II-19
Maintaining the Planning Estimates/Targets	II-19
II.M Special Reporting Topics	II-20
II.M.1 Brownfields	II-20
II.M.2 Site Assessment	II-20
II.M.3 Base Closure	II-20
II.M.4 Pre-SARA Sites Initiative	II-20
II.M.5 Mega Sites	II-21
II.M.6 Criteria for Credit of Remedial Pipeline Activities at Superfund Alternative Sites	II-22
II.N General Work Planning and Reporting Requirements	II-22
II.N.1 Data Lockout on Historical Accomplishments	II-22
II.N.2 Data Validation and Verification	II-22
II.N.3 Action Lead Codes	II-23
II.N.4 Lead Changes	II-25
II.N.5 Action Qualifiers for Assessment Actions	II-27
a. No Further Remedial Action Planned (NFRAP)	II-27

**Chapter II
Program Planning and Reporting Requirements**

Table of Contents (cont'd)

b. Further Evaluation	II-27
c. Perform a Removal	II-28
d. Defer the Site to RCRA (Subtitle C) or the NCR	II-28
e. Sites Addressed as Part of Existing NPL Sites	II-28
f. Sites Addressed as Part of Other Existing Non-NPL Sites	II-28
II.N.6. Record of Decision (ROD)	II-29
a. ROD Changes	II-29
i. Other Remedy Changes Document Non-Significant Remedy Changes ..	II-29
ii. Explanation of Significant Differences (ESDs) Document Significant Changes to a Component	II-29
iii. ROD Amendments are Fundamental Changes to the ROD	II-30
b. RODs Requiring No Physical Construction	II-30
II.N.7. Anomalies and Phased Projects	II-31
II.O. Subject Matter Experts	II-32

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-15
EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS	II-17
EXHIBIT II.9 ACTION LEAD CODES IN WasteLAN	II-24
EXHIBIT II.10 CODING OF TAKEOVERS	II-27
EXHIBIT II.11 REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING	II-31
EXHIBIT II.12 SCAP REPORT CONTACTS	II-32
EXHIBIT II.13 SUBJECT MATTER EXPERTS	II-33

**This Page Intentionally
Left Blank**

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 Emergency and Remedial Response (OERR), Office of Site Remediation Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), the Federal Facilities Restoration and Reuse Office (FFRRO), and the Outreach and Special Project Staff (OSPS) 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 (ASWER), Assistant Administrator for the Office of Enforcement and Compliance Assistance (AOECA), 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 site assessment, response, enforcement, Federal facilities and Brownfields 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 02/03 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. The budget will be based upon (1) the President's budget, (2) Regional WasteLAN planning data, and (3) GPRA annual performance goals and the ability of a Region to contribute to the program's targets. 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). These allocations balance the needs of the Superfund program with the needs of other Agency programs.
- *Development of the initial operating plan occurs six months prior to the FY and is finalized before the start of the FY.* The proposed response, Federal facilities, and enforcement operating plans are developed based on the average amount of money obligated/tasked by the Region in each of the AOA categories during the current year, and Regional projections for the upcoming years considering prior year expenditures. OSWER and OECA negotiate the final operating plan based on Region response to the initial operating plan, the Regional pipeline, past Regional accomplishments and planned durations/dollars, Regional requests for the budget reserve, and associated GPRA annual performance goal commitments. OSWER and OECA provide resources to support the program through the Advice of Allowance (AOA) and workload process. Regions are expected to work within the annual Regional budgets established at the start of the year until the mid-year evaluation. Regions have flexibility within the general budget and AOA structure to shift funds as needed to meet priority activities. (See Chapter III for additional information on shifting funds.) Once the operating plan is established at the start of the year, additional resources generally can be shifted to a Region only at the expense of resources from other Regions. However, HQ may shift funds among the Regions depending on the level of use and need.
- *Use of the mid-year evaluation to realign resources in the current FY.* Current year resource adjustments focus on changes needed due to cost and project schedule modifications. Changes may result in shifts within program areas and among Regions, and revised annual funding levels. Estimates developed in April/May for the upcoming FY represent the first formal opportunity for changing resources among program areas at a national level. The revised resource estimates also serve as a "baseline" for examining program needs in the budget year.

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

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 GPRA 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 GPRA 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 GPRA annual performance plan, the Superfund budget, Agency Operating Plan, Memorandum of Agreement/Management Agreements and the Superfund workload models. GPRA 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 02 will be used to formulate the FY 04 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 and the total level of FTEs to be made available for distribution. 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.

Brownfields budgets are based on decisions during selection of pilot sites. Progress tracking of the Brownfields program is being led by the Institute for Responsible Management (IRM) with support from individual Regions.

The negotiated SCAP targets and resulting budget are reflected in the Operating Plan issued to the Regions early in the fiscal year. This plan requires Congressional approval before it is finalized. Guidance for reprogramming funds between Program Resource Codes (PRC) is provided in the Agency's operating plan.

In FY 02/03, 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). Guidance for reprogramming between Program Results Codes (PRCs) are provided in the Agency's operating plan. **[Note: *Shifts between PRCs in excess of \$500,000 requires Congressional approval.*]**

Executive Order 12088, Federal Compliance with Pollution Control Standards, directs the head of each executive agency to ensure that all necessary actions are taken for the prevention, control, and abatement of environmental pollution

with respect to all facilities and activities under control of the agency. The Executive Order directs that an annual plan be developed and submitted to the EPA Administrator and specifies that in preparing its plan, each executive agency will ensure that the plan provides for compliance with all applicable pollution control standards. The Federal Agency Environmental Management Program Planning Guidance (FEDPLAN) is a major compliance assistance tool that implements the Executive Order, and is used to identify, track, and report environmental projects that will enable an agency to meet existing requirements or correct identified compliance problems. OMB Circular A-11 further requires that estimates for design and construction of Federal facilities or remedial environmental projects be submitted (for funding) only after consultation with EPA. EPA will then review each agency's pollution abatement plan during a formal update cycle, using newly designed computer software called FEDPLAN-PC, that provides direct feedback to each Federal agency.

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

← Minimum		Maximum →
Operating Year Budget (FY 02)	Planning Year Budget (FY 03)	Out Year Budget (FY 04)
	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 02/2)	3. Formulations Begins 12-18 months prior to FY; largely dependent on Regional planning data in WasteLAN (Begins 02/3)
	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
	2. Pricing factors can be changed through Regional/HQ consensus	3. Pricing factors are subject to review
	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
	2. Regions request funds to meet GPRA annual performance and Regional pipeline goals	3. Maximum flexibility to design budget to optimize cross-program priorities
	2. Final GPRA annual performance goals set final resource levels (02/4)	3. N/A
	2. Candidate sites are identified for the Priority Panel	3. N/A

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

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

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;

OSWER Directive 9200.3-14-1 G-P

- 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 October/November. 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 June, 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 September. In developing the FY operating plan (base budget), HQ will review financial data for the current and upcoming years as well as historical obligation trends. Funding needs will be totaled in each of the AOAs.

Regions can assume in FY 02 that their removal budget will be held at the same level as FY 01 and is unaffected by this proposal. Also, funding for a new start and on-going remedial actions will be unaffected by this proposal.

HQ will review the funds requested for the activities falling under the Pipeline Operations AOA and then calculate the percentage of funds that each Region is requesting compared to the total Pipeline Operations AOA. HQ will allocate 60 percent of these funds to the Regions [i.e., if a Region was to receive \$30 million as their percentage of the Pipeline Operations AOA, \$18 million (60 percent) would be allocated as part of the base budget.] Each Region's base budget will consist of the funds from 1) the straight-lined Removal AOA based on the FY 00 allocation and 2) 60 percent of its portion of the Pipeline Operations AOA.

To develop targets and allocate the remaining funds for the Pipeline Operations AOA, HQ will conduct Regional OU-specific pipeline analyses (upcoming year and one year out) and a historical trends analysis. The analyses will include a review of historical performance trends, a comparison of Region-specific targets to the national annual response program performance targets (e.g., 75 construction completions in FY 01), and a projection of resources needed to meet these targets. The results of the analyses will be used by the Regional Center Coordinators and the Planning, Analysis and Resources Management Center (PARM) when conducting Regional work planning negotiations as a tool to assess Region-specific target levels. The allocation of the remaining funds for the Pipeline Operations AOA (i.e., the remaining 40 percent) will be allocated based on the ability of a Region to contribute to the GPRA response program performance targets for FY 02/03. The Superfund Federal facilities response program will conduct a similar analysis and share the results with the Regional Superfund Federal Facility Program Managers.

OSRE reviews each Region's planned needs for the Superfund Enforcement AOA for the upcoming fiscal year along with historical budget utilization rates. The operating plan for each Region is based on a three year average utilization rate as a proportion of the national enforcement outlays over the same period, but does not exceed the region's planned needs. Sixty percent (60%) of the enforcement extramural resources are distributed to the regions in the first quarter of the FY. The remaining AOA balance will be distributed during the third quarter, based on each Region's performance and budget utilization rate.

- *October/November* - 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 02/03 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. Enforcement extramural budget carryover amounts are calculated and the FY Regional enforcement budget allocation is finalized. Regions revise their final targets based on commitments that were not met the previous year.
- *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.

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 by the Office Director for the program office proposing the change, and receive the comments/concurrence of OSRE, OERR, FFRRO, OSPA, 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/Oil 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 Entering the final budget into WasteLAN Determining the AOA based on planned activities in WasteLAN Entering and maintaining AOA data 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/Oil 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; and
 - Support the development of requirements for electronic data submission.
 - 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.

- **OERR 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;
- Semi-annual 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.

In addition to the program management and assessment tools traditionally used by OSWER, Executive 12088, Federal Compliance and Pollution Control Standards, is applied to ensure that all necessary actions are taken for the prevention, control and abatement of environmental pollution associated with all facilities and activities under the control of every executive agency. The Executive Order requires the development of an annual plan, that provides for compliance with all applicable pollution control standards. The FEDPLAN is the tool that is used to identify, track and report on these environmental projects.

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 OERR, OSRE, FFRRO, FFEO, and the Regions. In the Regions, a joint review of commitments should be undertaken by the program office and ORC. The dates for pulling 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 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 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 02/03 TARGET SETTING**

Month	Regional Responsibilities	HQ Responsibilities
March/April		
April/May		
May/June		
July/August/ September		
October/ November		

Month	Regional Responsibilities	HQ Responsibilities
November		

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 *OPA Measures Report* (SCAP-08) is used by EPA for tracking accomplishments and reporting progress made toward achieving program goals under the Oil Pollution Act (OPA).
- The *Site Assessment/Brownfields Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP measures. The information provided by this report is used in conjunction with the SCAP-14 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 *Contract Planning (Bulk Funding) Report* (SCAP-21R) is used by the Regions to track and balance the tasking of their bulk funding obligations. The report calculates the difference between the Regions current bulk funding obligations and the associated tasking by Obligor Document Number (ODN) and Document Control Number (DCN).
- The *Cost Recovery Targeting Report* (ENFR-17) estimates potential targets for cost recovery.

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-08:	OPA Measures Report
SCAP-13:	Site Assessment/Brownfields Report
SCAP-14/14 F:	Superfund Accomplishments Report
SCAP-15:	GPR A Report
SCAP-16:	Reconciliation (SCAP-14 Audit) Report
SCAP-21R:	Contract Planning (Bulk Funding) Report
ENFR-17:	Cost Recovery Targeting 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 Superfund Accomplishments Report (SCAP-14), the GPR A Report (SCAP-15), Site Assessment Report (SCAP-13), or Enforcement Measures of Success Report (ENFR-62), 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/Brownfields 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.
- *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/Brownfields 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-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/measures 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 will be conducting Regional reviews in FY 02/03.

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, OERR, FFEO, FFRRO, OSRE, and OSPS 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 AOs 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 Regional Reviews

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

II.K.4 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 database 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 package has evolved over time to address a variety of project needs, providing EPA senior managers with summary graphic reports and backup site detail information.

OSWER Directive 9200.3-14-1 G-P

The FY 02/03 packages 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 semi-annually, illustrate the progress being made by the Agency in both the movement of projects through the Superfund pipeline and in the trend toward increased involvement by PRPs. The semi-annual packages produced by OERR are divided into three distinct sections:

- *Report I: SCAP Estimates and Accomplishments* - This section graphically displays specific program targets and accomplishments by Region, the percent of annual targets achieved in the major response and enforcement program areas, and annual target and accomplishment totals by activity for each Region.
- *Report II: Trends Analysis* - These graphs present the duration analyses of pipeline events, including RI/FS, RD, and RA durations, durations from proposed to final listing, and proposed listing to first RI/FS start, first RD start, and first RA start, for both fund and enforcement. Users can request that the duration reports be run for a given FY or Region.
- *Report III: Superfund Historical Performance* - These reports provide graphical presentations of progress made at NPL and non-NPL sites. Various information, including site, enforcement, budget, and project data, are used to present an overall picture of the Superfund program activities.

Additional management reports produced by OSRE include:

- *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.

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.

III.L TARGET AND DEFINITION CHANGE REQUESTS

After targets have been finalized and funding levels developed, the SCAP process provides the flexibility to modify plans during the year. Modifications to planned GPR A 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 OERR, OECA, FFRRO, or OSPS, Office Directors, as applicable, when the Region is unable to make a site substitution for a target.***

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.

OERR, OECA, FFRRO, and OSPS 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.

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 three exceptions are 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 these measures require HQ approval.

II.M SPECIAL REPORTING TOPICS

II.M.1 Brownfields

EPA’s Brownfields Program is funded using **Brownfields appropriations** under CERCLA authorities. While EPA’s Brownfields program has many components, **planning and reporting of Targeted Brownfields Assessments (TBAs)** component will be recorded in WasteLAN system. However, Brownfields TBAs are not considered part of the CERCLIS system nor a part of the SCAP process. **Regions must enter Brownfields TBA annual planning data, by quarter, for “Targeted Brownfields Assessments” and “Number of Brownfields Properties Addressed by TBAs.” Annual planning data should be entered in October of each fiscal year. On a monthly basis, the Regions are required to enter and reconcile accomplishment data in WasteLAN in two different modules: in the Accomplishments Tracking Screens and in the Brownfields Module.**

II.M.2 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.3 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.4 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. By the end of FY 2001, construction was completed at all but 220 of these sites. OERR's initiative calls on the Regions to place a priority on the completion of construction at these sites by identifying the issues delaying completion of construction, developing a site-specific schedule for resolution of issues, leveraging management, staff and other resources toward these sites, and tracking and reporting site progress. Superfund will track the progress of Pre-SARA sites largely via the WasteLAN database, since the system contains both the projected and actual dates for construction completion.

II.M.5 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 all federal and non-federal facility NPL and non-NPL sites. 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.6 Criteria for Credit of Remedial Pipeline Activities at 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 internal controls for WasteLAN data were previously cited as a weakness by the Office of the Inspector General. In response to this weakness, the Regions developed and submitted control plans in 1994. 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. Regions will address the following specific actions by name to assure that essential data are not missing from the database: (1) NPL Action Memos (RF & AM), Decision Document Developed; (2) NPL ROD, Decision Document Developed; (3) Non-NPL Action Memos (RF & AM), Decision Document Developed; (4) RA Start (FUND), PRP RA Start; (5) Remedial Actions, Start of Response Actions/Activities; and (6) Limited Remedial Actions, Start of Response Actions/Activities.

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 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)
OH	Other
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 and used in accordance with the flexible funding priorities outlined in Chapter III.

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 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' (code pending) 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' (code pending) .

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.

II.N.6 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:

US EPA
Attn. Superfund Docket, 5202G
Ariel Rios Building
1200 Pennsylvania Avenue N.W.
Washington DC 20460

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. 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. 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). 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, Ground water, 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)

II.N.7. 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	PBS	PHASE II
01	RA1		RP	00/3	01/1	PBC	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, (202) 260-8427 et al
SCAP-4E	Enforcement Financial Summary (Enforcement maintains this report)	Alice Ludington, (202) 564-6066
SCAP-4F	Federal Facility Financial Summary	Marie Bell, (202) 260-8427
SCAP-4R	Response Financial Summary Report	Willie Griffin, (703) 603-8911
SCAP-08	OPA Measures Report	Janet Weiner, (703) 603-8717 Dana Stalcup, (703) 603-8735
SCAP-13	Site Assessment/Brownfields Report	Randy Hippen, (703) 603-8829 Juanita Standifer, (202) 260-9192 Terry Jeng, (703) 603-8749 Jennifer Griesert, (703) 603-8888 James Maas, (202) 260-8927
SCAP-14	The Superfund Accomplishments Report	Robert White, (703) 603-8873 Dan Dickson, (202) 564-6041 Renee Wynn, (202) 260-8366 Marie Bell, (202) 260-8427 et al
SCAP-15	GPRA Report	Emily Johnson, (703) 603-8764
SCAP-16	Reconciliation SCAP 14 Audit Report	Robert White, (703) 603-8873 et al
SCAP-21	Contract Bulk Funding Report	Jennifer Hemsley, (703) 603-8921

EXHIBIT II.13 SUBJECT MATTER EXPERTS

Subject Matter Experts	Subject Area	Phone #
Sharon Blandford Art Flaks	Chapter 2 Lead	(703) 608-8752 (703) 603 9088
Dela Ng	Enforcement	(202) 564-6073
Emily Johnson	GPRA	(703) 603-8764
Mark Mjones	Emergency Response/Removal	(703) 603-8727
Matthew Charsky	RODs/Remedy Selection	(703) 603-8777
Hans Waetjen	RODs/Remedy Selection	(703) 603-8906
Robert White	SCAP Reports Owner	(703) 603-8873
Melanie Hoff	Program Planning/EI	(703) 603-8808
Erin Conley	Management Reports	(703) 603-8928
Alan Youkeles	PARM	(703) 603-9026

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

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

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

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 FY02/03 Superfund Program Goals and Priorities	III-6
a. National Program Goals and Priorities	III-6
b. Response Program Budget	III-7
c. Enforcement Budget	III-8
d. Federal Facilities Response Budget	III-8
e. Federal Facilities Enforcement Budget	III-9
f. Brownfields Budget	III-9
III.C. Regional Operating Plan and Advice of Allowance Development	III-10
III.C.1 Developing the Regional Operating Plan and the SCAP Process	III-10
III.C.2 Advice of Allowance Procedures	III-10
III.C.3 FY02/03 Regional Operating Plan and AOA Distribution	III-13
III.C.4 AOA Utilization	III-14
III.C.5 Deobligating Prior Year Funds	III-14
III.C.6 Contingency Accounts	III-15
III.C.7 Budget Object Classes	III-15
III.C.8 Flexibility Within and Between Allowances	III-16
a. Remedial Action Allowance	III-16
b. Pipeline Operations Allowance	III-16
c. Removal Allowance	III-16
d. Enforcement Allowance	III-16
e. Federal Facilities Allowance	III-17
f. Federal Facilities Enforcement Budget	III-17
g. Brownfields Allowance	III-17
III.C.9 AOA Change Request Procedures	III-17
III.C.10 Budget Sources and Associated Action Codes	III-19
III.D Superfund Financial Management	III-35
III.D.1 Financial Management Roles and Responsibilities	III-35
a. Regional Financial Management Office	III-35
b. Regional Administrator	III-36
c. Regional Program Office	III-36
d. On Scene Coordinator	III-36
e. Remedial Program Manager	III-37
f. Regional Project Officer/Deputy Project Officer	III-37
g. Administrative Support Unit	III-37

Chapter III Superfund Budget Process and Financial Management

Table of Contents (cont'd)

h. Financial Management Division/Office of the Comptroller	III-38
i. Office of Acquisition Management	III-38
j. Grants Administration Division/Office of Administration	III-38
k. Budget Division/OC	III-38
l. Financial Management Center-Cincinnati (FMC)	III-38
m. Research Triangle Park (RTP) Office of Administration	III-38
III.D.2 Superfund Accounting Information	III-39
III.D.3 Financial Data Management Systems and Tools	III-40
III.D.4 Handling Financial Data in the CERCLIS/WasteLAN Environment	III-41
a. Entering Response and Federal Facility Data into CERCLIS/WasteLAN	III-41
b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN	III-42
c. Correcting Financial Data	III-42
III.D.5 The Funding Process	III-44
a. Approvals	III-44
b. Commitments	III-45
c. Obligations	III-45
d. Payments	III-45
e. Deobligations	III-46
III.D.6 Financial Management of Contracts	III-46
a. Site-Specific Contracts	III-46
b. Non-Site Specific Contracts	III-46
III.D.7 Other Financial Vehicles	III-49
a. Interagency Agreements	III-49
b. Cooperative Agreements	III-49
c. Superfund State Contracts (SSCs)	III-49
III.E Cost Recovery Process	III-51
III.E.1 Cost Recovery Referral Development Process	III-51
a. Initiation of Cost Recovery Process	III-51
b. Cost Documentation and Reconciliation	III-51
c. Work Performed Documentation and Reconciliation	III-51
d. Site File Maintenance	III-52
e. Superfund Indirect Costs	III-52
f. Annual Allocation	III-52
g. Cashout/Special Accounts	III-52
h. Department of Justice Involvement	III-52
III.E.2 Cost Recovery Tools & Systems	III-53
a. SCRIPS and SCORES	III-53
b. SCORPIOS	III-53
c. ETS	III-53
III.F Superfund Financial Contact Information	III-54
III.F.1 Regional Cost Recovery Contacts	III-54
III.F.2 Headquarters Cost Recovery Contacts	III-55
III.F.3 Regional Budget Coordinators	III-56
III.F.4 Subject Matter Experts	III-57

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 THE ADVICE OF ALLOWANCE PROCESS	III-12
EXHIBIT III.4 CHANGE REQUEST REQUIRED	III-18
EXHIBIT III.5 AOA CHANGE PROCESS PROCEDURES	III-19
EXHIBIT III.6 FY02 WHO PAYS FOR WHAT	III-20
EXHIBIT III.7 FY03 WHO PAYS FOR WHAT	III-20
EXHIBIT III.8 ACCOUNT NUMBER STRUCTURE	III-39
EXHIBIT III.9 HANDLING FINANCIAL DATA IN THE CERCLIS/WASTELAN ENVIRONMENT	III-43
EXHIBIT III.10 EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS	III-48
EXHIBIT III-11 REGIONAL SUPERFUND COST RECOVERY CONTACTS	III-54
EXHIBIT III-12 HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS	III-55
EXHIBIT III-13 REGIONAL BUDGET COORDINATORS	III-56
EXHIBIT III-14 HEADQUARTERS SUBJECT MATTER EXPERT CONTACTS	III-57

**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) 02/03 response, enforcement, Brownfields 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 contracts for site assessment, cleanup, enforcement, regulation development support, and Congressionally directed reports. Examples of administrative expenses are staff related costs, salaries, overhead, and contracts for program evaluation support and data analysis. 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 FY01, the FY03 (outyear) budget is being formulated, the FY02 budget (planning year) is being reviewed and amended, and the FY01 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 nine months prior to the start of that FY. This means that SCAP data existing in the third quarter of FY 01 is used to formulate the FY 03 budget request. The schedules for all response, enforcement, Brownfields and Federal facilities 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.

The first step in the budget formulation process consists of a thorough program characterization by HQ program offices with the participation of the lead region. This characterization groups related activities within each program area. It identifies the statutory basis for the activities, the associated resources, the type and number of outputs, the environmental outcomes derived from these activities, and the major strategic choices facing each program area.

Based on this characterization, in April 2000, for example, the OSWER and OECA strategic plans were updated and the FY 02/03 goals and priorities were presented to the Administrator. The Administrator may change the priorities based on overall Agency goals. Once a decision is made by the Administrator on the final Superfund goals, resource

needs are identified (including investments/disinvestments). The site data in CERCLIS/WasteLAN are then reevaluated to ensure that the program outputs and resource levels accurately reflect these goals.

Budget requests, reflecting both the OSWER and OECA strategic plans and the data in CERCLIS/WasteLAN, are prepared and sent to the Administrator in July/August. 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 August. OMB makes any changes to the budget requests and passes them back to EPA in November, nine months prior to the start of the budget FY.

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.

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. In the third quarter, HQ prepares the preliminary regional operating plan. In addition, program goals and priorities are first reviewed with the Administrator and then presented to the Regional Administrators. Generally, in the summer 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. 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 advice of allowances (AOA). Throughout the year, utilization of funds is assessed to determine the need for remaining AOAs.

Exhibit III.1 provides a timeline of the FY 02, FY 03, and FY 04 budget/financial activities.

**EXHIBIT III.1
BUDGET TIMELINE***

Month, Year	Outyear Budget (FY 04)	Planning Year Budget (FY 03)	Current Year Budget (FY 02)
October 2001			<ul style="list-style-type: none"> • Congress appropriates dollars to the Agency • EPA submits Agency Operating Plan to Congress for approval • AA SWER and OC approve allocation of the first and second quarter portion of the AOA for the response budget (60% of Pipeline Operations AOA; straight-lined Removal AOA based on prior year's allocation, 50% for Federal facilities AOA.) • AA OECA and OC approve allocation of the first quarter and second quarter portion of the AOA for the technical enforcement case budget and the full year AOA for the legal case budget
November 2001	<ul style="list-style-type: none"> • Update to strategic plan begins 	<ul style="list-style-type: none"> • OMB passback of budget request 	
December 2001		<ul style="list-style-type: none"> • HQ appeal of the OMB budget passback 	
January 2002		<ul style="list-style-type: none"> • President's Budget submitted to Congress 	
March 2002			<ul style="list-style-type: none"> • Third quarter response AOAs and remaining enforcement AOA calculated

Month, Year	Outyear Budget (FY 04)	Planning Year Budget (FY 03)	Current Year Budget (FY 02)
April 2002	<ul style="list-style-type: none"> • Annual Planning Meeting for FY04 held 	<ul style="list-style-type: none"> • HQ prepares preliminary regional operating plan 	<ul style="list-style-type: none"> • AA SWER and OC approve third quarter AOA for response • AA OECA and OC approve final planned AOA for enforcement • Mid-year assessment held to evaluate utilization of regional programmatic budgets • HQ summarizes resource distribution by function and statutes
May 2002		<ul style="list-style-type: none"> • Regions generate their plan • Meeting with the Administrator to review program goals 	
June 2002	<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
July 2002	<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 04)	Planning Year Budget (FY 03)	Current Year Budget (FY 02)
August 2002	<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"> Congressional appropriations hearings on passback 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 2002		<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

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

III.B.2 Budget Structure

Program Results Code and National Program Managers

Beginning in FY 99, the Agency's budget structure began reflecting changes made in accordance with the Government Performance and Results Act (GPRA). Under the revised budget structure, 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, 03 for enforcement, and 08 for Brownfields). In addition, Congress establishes Superfund spending caps in the appropriations report language. These spending caps are referred to as functions. Functions are currently defined as National Program Managers (NPM).

The Program Results Code (PRC) is the account number for the program field and is structured so it identifies the goal, objective, subobjective and NPM associated with those resources. Exhibit III.2 shows PRCs that support key program areas.

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

<i>Response Program</i> Removal Actions Remedial Action Pipeline Operations	50102D
<i>Federal Facility Response</i>	50102D
<i>Federal Facility Enforcement</i>	50104E
<i>Enforcement</i>	50103E
<i>Brownfields</i>	50108D

III.B.3 FY 02/03 Superfund Program Goals and Priorities

The FY 02/03 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.

To implement these priorities and baseline program activities, resources are being distributed in FY 02/03 to meet the following goals, which are not listed in priority order:

a. National Program Goals and Priorities

- Address cost recovery with outstanding costs greater than \$200,000 prior to SOLs (Statute of Limitations);
- Timely oversight billings;
- Focus on collecting outstanding monies due to the Fund;
- Economic redevelopment (Brownfields, environmental justice);
- Superfund site reuse;
- Worst sites first;
- Maximize PRP participation/effective and timely PRP searches;
- Increase the pace of cleanup;
- Enforcement fairness/reduce transaction costs;
- Community involvement/relations (information access, environmental justice);
- Remedy reform (expanded removal authority);
- State program development;
- Information management/data quality;
- Final site assessment decisions

b. Response Program Budget (50102D)

The response program budget provides funds for:

- 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;
- Oversight of all RP-lead Remedial Investigation/Feasibility Study (RI/FS), Remedial Design (RD), RA, and removal projects;
- Ongoing RI/FS and RD projects;
- Five-year reviews;
- Integrated/combined assessments to eliminate the SI backlog;
- Priority regional resource needs;
- New Expanded Site Inspection (ESI)/RI/FS projects;
- New RDs;
- Listing of new sites on the NPL;
- Support activities, such as laboratory support; and
- Core Program cooperative agreements which assist states and tribes in developing infrastructure to support the federal Superfund program.

In addition, the Agency has set aside funds to be used for response actions that have been reviewed by the National Risk-Based Priority Panel. These include:

- New Non-time critical (NTC) removal actions above base removal budget;
- New RAs;
- Long-term actions at NPL sites; and
- Ongoing RA projects to construction completion.

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 (OERR and OSRE) and utilizes a risk-based environmental priority setting approach. All new cleanup work is funded in sequence of national ranking, unless the AA SWER grants an exemption. Determination on whether a project represents new or existing work will be made by the Panel. New cleanup work consists of large removal actions that exceed funding levels available within a region's baseline removal budget, as well as cleanup activities at sites where no previous actions have taken place. The panel meets twice a year for evaluation of projects.

c. Enforcement Budget (50103E)

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 the following goals and priorities:

- 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;
- Ensuring PRP compliance with all work and cost recovery settlements;
- Settlements with *de minimis* and de micromis parties and municipalities;
- Orphan share determinations/offers;
- Addressing requests for Prospective Purchaser Agreements (PPAs) and comfort letters, as appropriate;
- Issuing UAOs to the “largest manageable” number of PRPs; and
- Using alternative dispute resolution (including for PRP allocations and for early cost recovery case resolution).

d. Federal Facilities Response Budget (50102D)

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.

For Fast Track cleanup of Base Realignment or Closure (BRAC) sites where oversight is needed, extramural funds can be used from this PRC.

e. Federal Facilities Enforcement Budget (50104E)

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.

f. Brownfields Budget (50108D)

In FY 03, the grants awarded under the Brownfields Program are funded under the State and Tribal Assistance Grants (STAG) appropriation account if the President's FY 03 budget is passed by Congress. This new budget structure for Brownfields is part of the Administration's plan for implementing the new Brownfields legislation. Superfund money that was allocated, prior to FY 03, to Brownfields programs (including money that is deobligated and reobligated) may continue to be used for Brownfields programs. The Brownfields budget funds the following activities:

- Brownfields Assessment Grants to help States, Tribes, and local governments perform environmental assessments at brownfields properties;
- Brownfields Cleanup Revolving Loan Fund grants to establish local loan fund to clean up brownfields properties;
- Brownfields Cleanup grants to directly fund the clean up of brownfields properties;
- Job Training and Workforce Development grants;
- Targeted Brownfields Assessments (TBAs) at Brownfields properties, especially those without access to an EPA Brownfields Assessment Grant. Due to the passage of the new Brownfields law (Public Law 107-118) and the new 03 funding structure, EPA will have authority under CERCLA 104(k)(2) (A)(ii) to perform Federal-administered TBA's via contract with funding from one of the earmarks in the STAG appropriation. The Agency can also fund states and tribes to perform State or Tribal-administered TBA's under CERCLA 128(a) with STAG appropriations from the other STAG earmark, if the States and tribes choose to use their CERCLA 128(a) grant for that purpose.
- Technical assistance, research and training grants to facilitate Brownfields Revitalization.
- Establishing and enhancing state and tribal response programs.
- Funding for Brownfields grants will be provided under the authority of CERCLA 104(k) and 128(a) from new appropriations from the State and Tribal Assistance Grants (STAG) appropriation account, not the Superfund account. EPA's administrative costs for the program will come from the Environmental Programs and Management (EP&M) appropriation account.

- Superfund money, from prior to FY 03, that was allocated to Brownfields Voluntary Cleanup Programs or Targeted Brownfields Assessments (including money that is deobligated and reobligated) may continue to be used in Superfund Core Program Cooperative Agreements.

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

III.C.1 Developing the Regional Operating Plan and the SCAP Process

SCAP is an acronym for the Superfund Comprehensive Accomplishments Plan. The term SCAP is used to refer to both the annual work planning process for projecting accomplishments for a subject fiscal year and for the accomplishment reporting mechanism.

Regions are required to plan their obligations in CERCLIS/WasteLAN within the program-specific allowances. Planned obligations for regional activities must fall within the total identified budget levels, 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 HQ proposed total budget level must be designated as “alternate.” This will allow HQ to see the regional funding priorities, the activities the region would like to conduct with the budget reserve, the activities that will not be performed as a result of lack of funds, and provide the information needed for any supplemental funding requests.

Final budgets will be developed upon completion of the work planning meetings between HQ and the regions, usually held near the start of each fiscal year. The Operating Plan for each fiscal year is based on the final SCAP plans developed in preparation for, and refined during, the work planning sessions. Though regions are required to operate within their final negotiated annual operating budgets, adjustments within this budget can be made during the FY.

Prior to the beginning of the FY, each region will be given a proposed operating plan allocation for removal, remedial, enforcement, Brownfields and Federal facility programs. A region will not receive funds above its annual operating budget unless a SCAP amendment/change request has been approved by HQ. The “approved” regional budget must balance with the sum of actual obligations, open commitments to date, and remaining planned resources (see Regional SCAP Reports 4R, 4D, 4F and 4E) or the entire AOA will not be approved.

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

III.C.2 Advice of Allowance Procedures

The AOA is based on the Operating Plan which identifies projected obligations for each quarter of the FY. Funds available for obligation, however, are limited to projected needs for the upcoming quarter (two quarters for Enforcement). In FY 02/03, OECA will also take into consideration the degree to which each regions expenditures are site-specific in developing the AOA for the second half of the FY.

Superfund response resources are allocated and tracked separately from other Agency funds. For this reason, the budget for Response (50102D -Respond to Superfund Hazardous Waste Sites) is distributed using a unique AOA account code (a one-letter designator in the fifth position of the AOA code) for each allowance. Resources designated for Superfund Enforcement (50103E) do not have an AOA identifier at this time.

Within the SCAP process, obligations are planned either site-, project-, OU-, or non-site specifically. Some planned obligations are associated with specific site activities, while other planned obligations are estimates of total funding

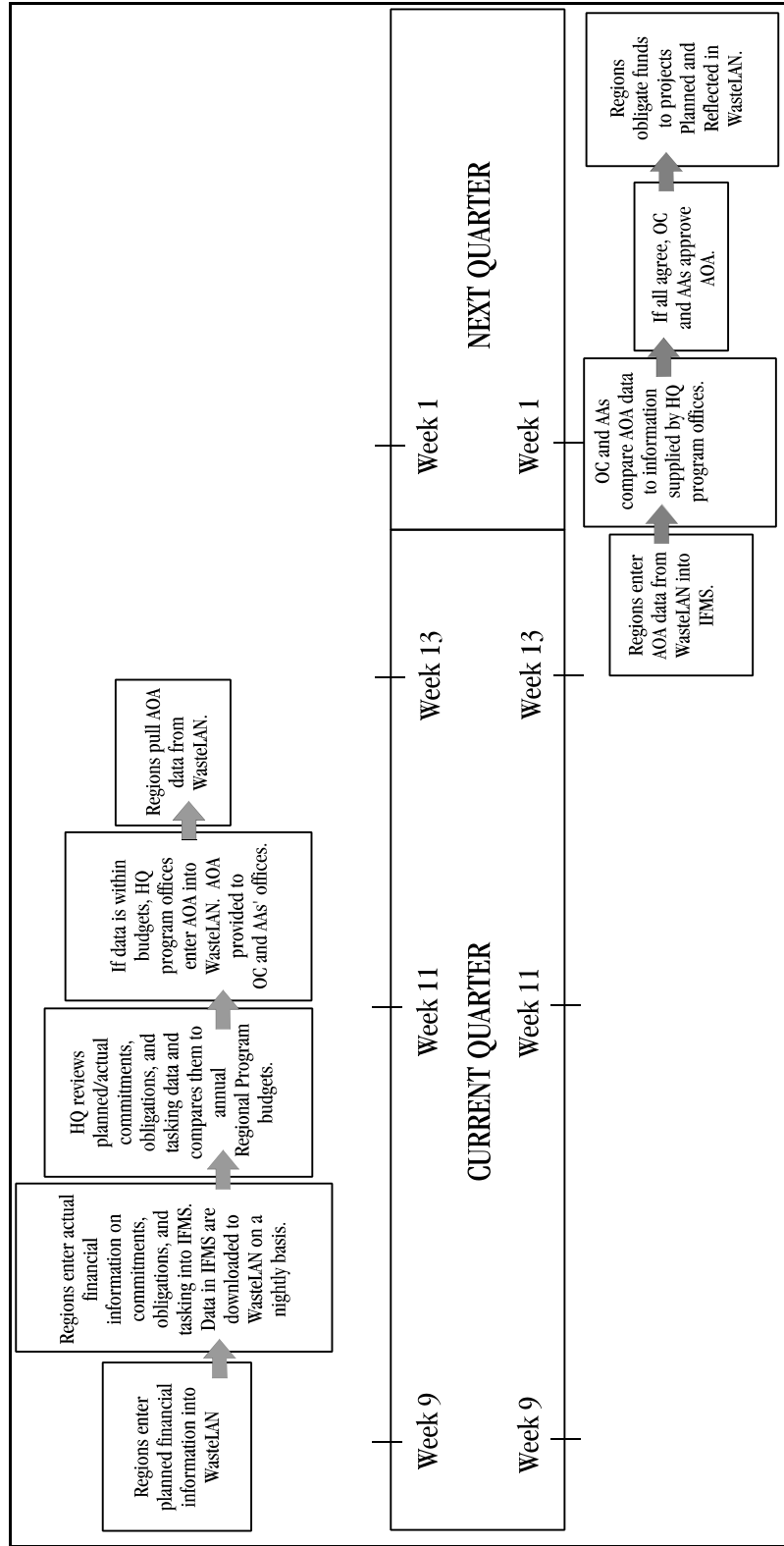
required for an activity within a region (i.e., contract bulk funding). The CERCLIS/WasteLAN database has been designed to accommodate site- and non-site specific planning. Regions should be certain all their extramural funding needs are reflected in CERCLIS/WasteLAN such that there is a crosswalk between the CERCLIS/WasteLAN planned financial data and the regional AOA. Regions should plan site specifically to the maximum extent practicable.

The planned obligations identified through the SCAP process are the basis for the AOA approval by the Office of the Comptroller (OC) and the AA SWER or the AA OECA. No money will be issued to the regions through the AOA process unless the appropriate project-specific obligation and open commitment data are reflected in CERCLIS/WasteLAN (use SCAP-4D/4E/4R/4F Reports).

After discussions with the regions to clarify questions or issues and ensure that the regional budget was not exceeded, HQ will enter the AOAs into CERCLIS/WasteLAN two weeks before the end of the quarter. Regions must pull these reports from CERCLIS/WasteLAN and enter these amounts into IFMS. The one exception to this process pertains to first quarter allowances. Because first quarter allowances are entered into IFMS by HQ, regional personnel do not have to pull the reports from CERCLIS/WasteLAN or enter the amounts into IFMS for the first quarter.

The AAs and their staff, in conjunction with OC, review the funding levels entered into IFMS by the region and compare them to the AOA amounts generated by the HQ program offices. If the two agree, within three working days after the start of the quarter, the HQ OC Budget Division, and the AAs and their staff approve the AOA in IFMS, and the funds are available for obligation. If the AOA entered into IFMS by the regions does not agree with the AOA entered in CERCLIS/WasteLAN by HQ, IFMS will not be approved. Only projects planned in CERCLIS/WasteLAN can be funded by the AOA. Regional Budget Coordinators should work closely with their Regional finance office on the entry of the correct AOA into IFMS. These schedules may be revised if the third quarter AOA is issued early or, if the region requests and HQ approves, an advance on their fourth quarter AOA. (See Exhibit III.3 The Advice of Allowance Process)

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



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

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

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

- Reduce the next quarter's AOA for Pipeline Operations or Federal facility by the amount that was not committed or obligated; or
- Request that regions follow the OC's change request procedures to return RA funds to HQ.

III.C.3 FY 02/03 Regional Operating Plan and AOA Distribution

The FY 02/03 Regional Response, Federal facilities, Brownfields, and Enforcement budgets will be developed and allocated as follows.

- **Response Budget (Removal, Pipeline Operations and Remedial Action Allowances)** - Each region's base response budget consists of funds from: 1) the straight-lined Removal AOA (based on the prior year's allocation) and 2) 60 percent of its portion of the Pipeline Operations AOA [based on the average of FY 01 (actual), FY 02 (planned) for the allocation in FY 02 and FY 02 (actual) and FY 03 (planning) financial data, taking into consideration negotiated commitments for the FY 03 allocation]. This portion of the Pipeline Operations budget is distributed in the first quarter. The remaining 40 percent for the Pipeline Operations AOA will be allocated during the third (20 percent) and fourth (20 percent) quarters based on the ability of the region to contribute to the GPRA response program performance targets for the year and budget utilization rates.
- **Federal Facilities Budget** - Each region will receive 50% of their portion of the budget during the first quarter and the remainder during the third quarter. 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.
- **Enforcement Budget (technical and legal allowance)** - The initial operating budget will be based on historical utilization (i.e., outlays) rates over the last three years, adjusted to consider planned funding needs and negotiated targets. In addition, prior year enforcement support contract carryover will be considered in the operating budget formulation as a source for funding planned needs. In the first quarter, 60 percent of the region's portion of the enforcement budget will be allocated. The remainder will be allocated in the third quarter, although adjustments may be made based on utilization rates and planned needs. In addition, as noted

earlier, OECA will consider the degree to which regional expenditures are site specific in distributing the AOA for the second half of the FY.

- **Brownfields Budget** - Each region will receive funding for the following: 1) assessment, Brownfields cleanup, revolving loan fund, and job training pilot projects awarded based on a competitive national selection process; 2) supplemental assessment pilot funding based on regional and HQ evaluation of pilot performance since the initial award was made; 3) State Voluntary Cleanup program funding based on regional negotiations with States and Tribes; and 4) Targeted Brownfields Assessment funding based on regional negotiations with States and Tribes. Funding is distributed to the regions based on the pilot projects selected and is provided to the regions on a continual basis throughout each quarter depending on pilot award.

III.C.4 AOA Utilization

Traditionally, the AOA obligation rate through the first two quarters of the FY has been low. As a result, HQ has implemented the following measures to improve performance:

- **Response** - Regions will not receive their third quarter AOA for a specific response category unless the commitment/obligation rate is 50 percent or greater in that AOA category. For example, if the commitment/obligation rate for one response allowance (i.e., Pipeline Operation) is 35 percent while the rate for another (i.e., Removals) is 65 percent, the third quarter Removal AOA would be issued, but the site Pipeline Operations AOA would not be issued.
- **Enforcement** - Regions receive their operating budget in two advices. The second advice is allocated in the latter half of the fiscal year based on regional performance and budget utilization rates.

HQ will continue to assist the regions to facilitate the prompt obligation of funds. An effort will be made to increase the obligation rate by providing third quarter allowances to regions in advance. Depending on whether a region has achieved the above-cited criteria, regions can request advances on their fourth quarter AOA's. HQ will provide allowance/obligation comparison reports to the regions for review on a monthly basis.

For those regions that continue to have a low rate of commitment/obligation/tasking, OSWER and OECA will renegotiate the region's operating plan for the remainder of the year at mid-year in April/May. This negotiation could potentially result in a reduction in the region's annual budget.

III.C.5 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 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 issues the Superfund Deobligation Guidance. It explains the general procedures for deobligation of funds and the specific procedures as required by the 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. Regions may request that deobligated funds be recertified and returned to the region to address budget shortfalls. HQ will work with the OC to ensure that any funds deobligated are returned to the region through the recertification process following the guidelines established in the Superfund Deobligation Policy.

III.C.6 Contingency Accounts

A non-site specific remedial contingency account is available in CERCLIS/WasteLAN. The remedial contingency account cannot be used for developing regional budgets. It can only be used during the operating year for “holding” remedial response funds made available:

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

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

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

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

III.C.7 Budget Object Classes

Resources are used for funding programmatic needs and are divided into several different budget object classes (BOC). This includes Programmatic Contracts and Interagency Agreements (IAGs) - BOC 32; Grants and Cooperative Agreements - BOC 41; and Programmatic expenses - BOC 29. In addition, Site-Specific Travel - BOC 28 is also funded out of programmatic dollars.

Site-specific travel is traditionally managed as an administrative expense. 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 percent (whichever is greater) of their Pipeline Operations allowance 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 maybe reprogrammed between object classes without HQ approval. HQ will not increase a region's budget or AOA to replace extramural funds used for site-specific travel.

III.C.8 Flexibility Within and Between Allowances

Regions are required to operate within their quarterly AOA and their annual regional budget. Regions are responsible for managing the funds issued in the AOA, and for operating within budget ceilings, floors, and other restrictions. In all cases, a SCAP adjustment is necessary whenever funds are redirected/reprogrammed from their planned use. A change request must be approved by HQ before funds can be reprogrammed to activities outside the allowance. HQ approval generally will be given for the redirection of unused funds for Agency priorities. For further information on the national budget/agency priorities, see "The National Budget Priorities" Section earlier in this chapter.

a. Remedial Action Allowance

The funding for RAs and NPL non-time-critical removal actions ranked by the National Risk-Based Priority Panel are held in a reserve account for national distribution and issued site-specifically when the schedules in CERCLIS/WasteLAN indicate the site is ready for funding and HQ has been notified. Funding for ongoing projects, long-term response action (LTRA), and five-year reviews may be reprogrammed by the regions. RA funds made available as a result of bids coming in below expected amounts will be returned to HQ for funding of other priority RA projects. In some cases, HQ may recommend that the region retain the funds to support unanticipated cost escalations for RAs. In situations where the PRPs settle after the AOA is issued, remaining funds in the AOA must be sent back to HQ through a change request. RA funds cannot be moved into the Pipeline Operations AOA. If the site lead changes from Fund to PRP prior to obligating the funds, the RA allowance must be returned to HQ; separate provisions should be made to make adjustments to the Pipeline Operations allowance to fund oversight of the PRP RA. In the situation where the PRPs take over after the obligation of funds for an RA, the program office will need to work with the regional Financial Management Office (FMO) to revise the Account Number, since the Agency is acting in an oversight role instead of performing the response action. The funds that will not be needed for oversight should be deobligated.

b. Pipeline Operations Allowance

Regions may redirect funds within the Pipeline Operations Allowance to meet site or activity priorities. Funds saved within the Pipeline Operations allowance as a result of a settlement or where actual costs are lower than estimated will generally stay within the region. These funds may be used within the allowance for other projects. Funds from the Pipeline operations allowance may be moved to the Removal or Remedial Action allowances. Regions are allowed to redirect funds in the Pipeline Operations AOA to accommodate deficient PRP projects.

c. Removal Allowance

Funds may be redirected within the Removal allowance. However, it is important to note that, generally, funds cannot be shifted out of the Removal allowance.

d. Enforcement Allowance

Funds may be redirected within the enforcement allowance only to other enforcement projects.

e. Federal Facilities Allowance

Funds cannot be shifted into or out of the Federal facility allowance.

f. Federal Facilities Enforcement Budget (50104E)

Funds cannot be shifted out of the Federal facility account.

g. Brownfields Allowance

Funds cannot be shifted into or out of the Brownfields allowance.

III.C.9 AOA Change Request Procedures

In some situations, a change request is required as a result of regional changes to SCAP. Exhibit III.4 identifies flexible funding and other situations where an AOA change request is required. Exhibit III.5 describes the procedures to be followed in each of these situations. HQ will not approve a change request unless CERCLIS/WasteLAN is revised to reflect the change.

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

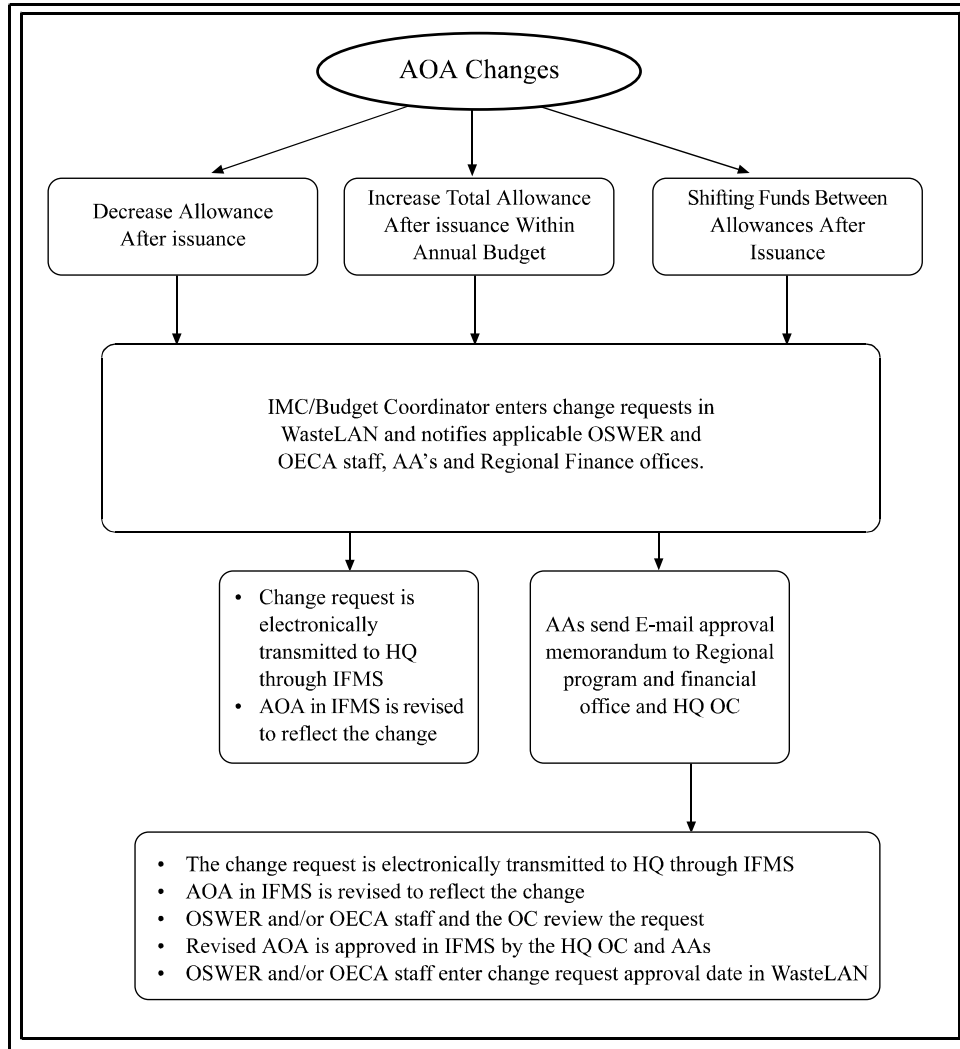
- Purpose/justification;
- Amount;
- Site name and Site Spill Identification (S/SID) if allowance is issued site-specifically;
- Program Results Codes (50103E-enforcement, 50102D-response/Federal facility, 50104E-Federal facility enforcement, or 50108D-Brownfields); and
- Allowance that is being increased and/or allowance that is being decreased.

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

**EXHIBIT III.4
CHANGE REQUEST REQUIRED**

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

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



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. **For the purposes of Change 5, there are two separate “Who Pays for What” charts. The first is for FY02 and the second for FY03.**

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Administrative Records (Project Support)	AR	Site-specific only (S)	CG, EP, F, S, TR, MR FF FE, SE	Pipeline Operations Federal Facility Response Enforcement
Aerial Survey	AS	Site-specific and site-related (ZZ) only (R)	CG, EP, F, PS, RP, S, TR, MR FF	Pipeline Operations Federal Facility Response
Alternative Dispute Resolution	AD	Site-specific, site-related (ZZ), and non-site (B)	CG, TR, F, PS, S, EP, SE, FE	Pipeline Operations Enforcement
Brownfields Assessment Pilots and Showcase Communities	NY	Non-site-specific only (N)	F	Brownfields
Brownfields Capitalization of Revolving Loan Funds	OL	Non-site-specific only (N)	F	Brownfields
Brownfields General	BZ	Site-specific, site-related (ZZ), and non-site (B)	F	Brownfields
Brownfields Environmental Justice	OK	Non-site-specific only (N)	F	Brownfields
Brownfields Job Training/Workforce Development	OJ	Non-site-specific only (N)	F	Brownfields
Brownfields Site-Specific Voluntary Cleanup Program	NZ	Site-specific, site-related (ZZ), and non-site (B)	F	Brownfields
Brownfields State Voluntary Cleanup Programs	HC	Non-site-specific only (N)	F	Brownfields
Brownfields Targeted Brownfields Assessment	ON	Site-specific and site-related (ZZ) only (R)	F, S, EP, TR FF	Brownfields
Brownfields Technical Assistance/Outreach/Research	OA	Non-site-specific only (N)	F	Brownfields
Brownfields Technical Support to Tribes	OI	Non-site-specific only (N)	F	Brownfields
Bulk Funding Obligations	WQ	Site-specific, site-related (ZZ), and non-site (B)	F FF FE	Pipeline Operations Federal Facility Response Enforcement
Claim in Bankruptcy Proceedings	CB	Site-specific only (S)	FE	Enforcement

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Combined PA/SI	NX	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR, FF	Pipeline Operations, Federal Facility Response
Compliance Enforcement	UZ	Site-specific only (S)	FE, SE	Enforcement
Contract Program Management (Administrative)	QC	Site-specific, site-related (ZZ), and non-site (B)	F	Pipeline Operations
Cost Recovery Decision Document	DD	Site-specific only (S)	FE	Enforcement
Cost Recovery Negotiations	NE	Site-specific only (S)	FE, SE	Enforcement
Deletion from NPL	ND	Site-specific only (S)	F, EP	Pipeline Operations
Design Assistance	DA	Site-specific only (S)	EP, RP, S, TR, MR, PS, F FF	Pipeline Operations Federal Facility Response
Ecological Risk Assessment	JF	Site-specific only (S)	EP, S, F, MR, TR FF	Pipeline Operations Federal Facility Response
Enforcement Contract Management	TM	Site-specific, site-related (ZZ), and non-site (B)	FE	Enforcement
Engineering Evaluation/Cost Analysis	EE	Site-specific only (S)	CG, EP, PS, F, S, TR, MR, RP, SA, SS, ST FF	Pipeline Operations Federal Facility Response
ESI/RI	SS	Site-specific only (S)	F, S, TR, EP FF	Pipeline Operations Federal Facility Response
ESI (Expanded Site Inspection)	ES	Site-specific only (S)	EP, F, S, TR	Pipeline Operations
Federal Facilities and BRAC General Support and Management	TX	Non-site-specific only (N)	FF	Federal Facility Response
Federal Facility Community Involvement	LZ	Site-specific only (S)	FF	Federal Facility Response
Federal Facility Docket	GA	Site-specific only (S)	FF	Federal Facility Enforcement
Federal Facility ESI Review	TZ	Site-specific and site-related (ZZ) only (R)	F, S, EP, TR, FF	Pipeline Operations Federal Facility Response
Federal Facility FS	NI	Site-specific only (S)	FF	Federal Facility Response
Federal Facilities Oversight	OX	Site-specific only (S)	FF	Federal Facility Response

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Federal Facility PA Review	RX	Site-specific and site-related (ZZ) only (R)	F, S, EP, TR, FF	Pipeline Operations Federal Facility Response
Federal Facility RA	LY	Site-specific only (S)	FF	Federal Facility Response
Federal Facility RD	LX	Site-specific only (S)	FF	Federal Facility Response
Federal Facility Removal	LV	Site-specific only (S)	FF	Federal Facility Response
Federal Facility RI	NH	Site-specific only (S)	FF	Federal Facility Response
Federal Facility RI/FS	LW	Site-specific only (S)	FF	Federal Facility Response
Federal Facility SI Review	TY	Site-specific and site-related (ZZ) only (R)	F, S, EP, TR, FF	Pipeline Operations Federal Facility Response
Final Listing on NPL	NF	Site-specific only (S)	EP, F	Pipeline Operations
Five Year Remedy Assessment	FE	Site-specific only (S)	EP, F, S, MR, TR, PS FF	Remedial Action Federal Facility Response
Forward Planning /Redevelopment/Reuse	FM	Site-specific only (S)	F	Pipeline Operations
Fund FS	FS	Site-specific only (S)	EP, F, S, PS, TR, SA, SS, ST	Pipeline Operations
Fund LTRA	LR	Site-specific only (S)	EP, F, S, TR, SA, SS, ST	Remedial Action
Fund RA	RA	Site-specific only (S)	EP, F, S, TR, SA, SS, ST	Remedial Action
Fund RI	RI	Site-specific only (S)	EP, F, S, TR, SA, SS, ST	Pipeline Operations
Fund Combined RI/FS	CO	Site-specific only (S)	F, S, TR, SA, SS, ST	Pipeline Operations
Fund Removal	RV	Site-specific only (S)	CG, EP, F, S, TR, SA, SS, ST, SG	Removal
General Enforcement	GE	Non-site-specific only (N)	FE	Enforcement
Generic PA/SI	QB	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
General Support and Management	BM	Non-site-specific only (N)	F	Pipeline Operations

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Groundwater Monitoring - Post ROD	GM	Site-specific only (S)	EP, F, MR, PS, RP, S, TR	Pipeline Operations
			FF	Federal Facility Response
Health Assessment	HA	Site-specific only (S)	EP, F, S	Pipeline Operations
			FF	Federal Facility Response
HRS Package	HR	Site-specific only (S)	EP, F, S	Pipeline Operations
Human Health Risk Assessment	ED	Site-specific only (S)	EP, F, MR, PS, RP, S, TR	Pipeline Operations
			FF	Federal Facility Response
Information Mgt Support	IJ	Site-specific, site-related (ZZ), and non-site (B)	F	Pipeline Operations
			FE	Enforcement
			FF	Federal Facility Response
Integrated Assessment	EA	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facility Response
Integrated Assessment Combined PA/SI	OU	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facilities Response
Integrated Assessment ESI	OY	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facilities Response
Integrated Assessment ESI/RI	OV	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facilities Response
Integrated Assessment HRS Package	OZ	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facilities Response
Integrated Assessment PA	PX	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR	Pipeline Operations
			FF	Federal Facilities Response

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Integrated Assessment SI	QJ	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR FF	Pipeline Operations Federal Facilities Response
Laboratory Support	LA	Site-specific, site-related (ZZ), and non-site (B)	F FE FF	Pipeline Operations Enforcement Federal Facility Response
Legal Review and Analysis (for intramural, legal staff only)	PS	Site-specific and site-related (ZZ) only (R)	FE	Enforcement
Litigation – Generic	LT	Site-specific only (S)	FE, SE	Enforcement
Local Government Reimbursement	EV	Site-specific only (S)	F	Pipeline Operations
Multi-Site Cooperative Agreement	MS	Site-specific and site-related (ZZ) only (R)	EP, SE FF F, S	Enforcement Federal Facility Response Pipeline Operations
Negotiation - Generic	NG	Site-specific only (S)	FE, SE	Enforcement
Negotiations – RD/RA	AN	Site-specific only (S)	FE, SE	Enforcement
Negotiations – Removal	RN	Site-specific only (S)	FE	Enforcement
Negotiations – RI/FS	FN	Site-specific only (S)	FE, SE	Enforcement
Negotiations – IAGs	IN	Site-specific only (S)	FE, SE FE	Enforcement Federal Facility Enforcement
Non-NPL PRP Search	RP	Site-specific and site-related (ZZ) only (R)	EP, FE, SE	Enforcement
NPL PRP Search	NS	Site-specific only (S)	EP, FE, SE	Enforcement
Operations and Maintenance	OM	Site-specific only (S)	TR, MR, RP, PS, S, SS FF	Pipeline Operations Federal Facility Response
PA (Preliminary Assessment)	PA	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Partial Deletion	GR	Site-specific only (S)	EP, F	Pipeline Operations

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Pre-CERCLIS Screening	HX	Site-specific and site-related (ZZ) only (R)	F, S, TR FF	Pipeline Operations Federal Facility Response
Preparation of Cost Documentation	PC	Site-specific only (S)	FE, SE	Enforcement
Proposal to NPL	NP	Site-specific only (S)	EP, F,	Pipeline Operations
Prospective Purchaser Assessments	QX	Site-specific only (S)	FE	Enforcement
PRP Community Involvement	EL	Site-specific only (S)	FE, SE, CG	Pipeline Operations
PRP FS	NK	Site-specific only (S)	RP, PS, MR	Pipeline Operations
PRP LTR	ME	Site-specific only (S)	RP, PS, MR	Pipeline Operations
PRP RA	BF	Site-specific only (S)	RP, PS	Pipeline Operations
PRP RD	BE	Site-specific only (S)	RP, PS, MR	Pipeline Operations
PRP Remedial Investigation	NA	Site-specific only (S)	RP, PS, MR	Pipeline Operations
PRP Removal	BB	Site-specific only (S)	RP, PS, MR	Removal
PRP RI/FS	BD	Site-specific only (S)	RP, PS, MR	Pipeline Operations
RCRA Facility Assessment	AA	Site-specific and site-related (ZZ) only (R)	F, S, PS, TR, CG, EP FF	Pipeline Operations Federal Facility Response
Real Property Acquisition	RL	Site-specific only (S)	F, S	Pipeline Operations
Records Management	SW	Site-specific, site-related (ZZ), and non-site (B)	F FE FF	Pipeline Operations Enforcement Federal Facility Response
Remedial Contract Management	JU	Site-specific, site-related (ZZ), and non-site (B)	F	Pipeline Operations
Remedial Community Involvement	CR	Site-specific only (S)	EP, F, S, TR	Pipeline Operations
Remedial Design	RD	Site-specific only (S)	EP, F, S, TR, SA, SS, ST	Pipeline Operations
Remedial Support and Management	BO	Non-site-specific only (N)	F	Pipeline Operations
Removal Assessment	RS	Site-specific and site-related (ZZ) only (R)	CG, EP, MR, RP, PS, F, S, TR FF	Pipeline Operations Federal Facility Response

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Removal Community Involvement	RC	Site-specific only (S)	CG, EP, RP, PS, F, S, TR, MR	Pipeline Operations
Removal Contract Management	EZ	Site-specific, site-related (ZZ), and non-site (B)	F	Pipeline Operations, Removal
Removal/Remedial Contract Management	JT	Site-specific, site-related (ZZ), and non-site (B)	F FF	Pipeline Operations Federal Facility Response
Removal Support and Management	BN	Non-site-specific only (N)	F	Pipeline Operations, Removal
Removed from Proposed NPL	NR	Site-specific only (S)	EP, F	Pipeline Operations
Research & Development	BG	Site-specific and site-related (ZZ) only (R)	F, S	Pipeline Operations
Section 104(e) Ref Litigation (site access)	SF	Site-specific only (S)	FE, SE	Enforcement
Section 106 Litigation	SX	Site-specific only (S)	FE, SE	Enforcement
Section 106/107 Litigation	CL	Site-specific only (S)	FE, SE	Enforcement
Section 107 Litigation	SV	Site-specific only (S)	FE, SE	Enforcement
SEE Program	SM	Site-specific, site-related (ZZ), and non-site (B)	F FE FF	Pipeline Operations Enforcement Federal Facility Response
SI (Site Inspection)	SI	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Site Reassessment	OO	Site-specific and site-related (ZZ) only (R)	EP, F, S, TR, FF	Pipeline Operations, Federal Facility Response
Site Security and Maintenance	PD	Site-specific only (S)	F, S, TR	Pipeline Operations
Site-Specific BRAC Costs	PX	Site-specific only (S)	FF	Federal Facility Response
State Core Program	SK	Non-site-specific only (N)	S, EP, F	Pipeline Operations
State Support Agency Cooperative Agreement (Management Assistance/Enforcement)	MA	Site-specific and site-related (ZZ) only (R)	EP, F, S FE FF	Pipeline Operations Enforcement Federal Facility Response

EXHIBIT III.6
FY02 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Technical Assistance	TA	Site-specific, site-related (ZZ), and non-site (B)	EP, S, MR, TR, F, RP, PS FF	Pipeline Operations Federal Facility Response
Technical Assistance Grant	TG	Site-specific only (S)	F FF	Pipeline Operations Federal Facility Response
Training	TH	Non-site-specific only (N)	F FE	Pipeline Operations Enforcement
Tribal Core Program	TK	Non-site-specific only (N)	TR, F, EP,	Pipeline Operations
Tribal Support Agency Cooperative Agreement (Management Assistance/Enforcement)	TJ	Site-specific and site-related (ZZ) only (R)	TR, F, EP, FE FF	Pipeline Operations Enforcement Federal Facility Response

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

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	ZZ and B	CG, TR, F, PS, S, EP, SE, FE	Pipeline Operations Enforcement
Brownfields Capitalization of Revolving Loan Funds	OL	N	F	Brownfields
Brownfields Assessment Pilots and Showcase Communities	NY	N	F	Brownfields

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Brownfields General	BZ	B	F	Brownfields
Brownfields Environmental Justice	OK	N	F	Brownfields
Brownfields Job Training/Workforce Development	OJ	N	F	Brownfields
Brownfields Site-Specific Voluntary Cleanup Program	NZ	B	F	Brownfields
Brownfields State Voluntary Cleanup Programs	HC	N	F	Brownfields
Brownfields Targeted Brownfields Assessment	ON	R	EP, F, S, TR FF	Brownfields
Brownfields Technical Assistance/Outreach/Research	OA	N	F	Brownfields
Brownfields Technical Support to Tribes	OI	N	F	Brownfields
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	ZZ and B	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	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			
Deletion from NPL Deleted - Use Administrative Records (AR)	ND			

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
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, PS , 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	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			
FF Removal Deleted - Use FF Oversight (OX)	LV			
FF RI Deleted - Use FF Oversight (OX)	NH			

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
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	FE	S	EP, F, S, TR, RP, PS, MR FF	Remedial Action Federal Facility Response
Forward Planning /Redevelopment/Reuse	FM	S	F	Pipeline Operations
General Support and Management	BM	N	F	Pipeline Operations, Removal
General Enforcement	GE	N	FE	Enforcement Federal Facility Enforcement
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
Integrated Assessment ESI Deleted - Use Generic PA/SI (QB)	OY			
Integrated Assessment ESI/RI Deleted - Use Generic PA/SI (QB)	OV			

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Integrated Assessment SI Deleted - Use Generic PA/SI (QB)	QJ			
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 PA Deleted - Use Generic PA/SI (QB)	PX			
Integrated Assessment HRS Package Deleted - Use Generic PA/SA (QB)	OZ			
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	EP , FE, SE	Enforcement
NPL RP Search	NS	S	EP , FE, SE	Enforcement
Operations and Maintenance (for EPA-conducted O & M, only reimburseable resources may be used)	OM	S	RP, PS, MR, SS FF	Pipeline Operations Federal Facility Response
PA (Preliminary Assessment)	PA	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Partial Deletion Deleted - Use Administrative Records (AR)	GR			

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
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 RI/FS	BD	S	RP, PS, MR	Pipeline Operations
PRP Removal	BB	S	RP, PS, MR	Removal
PRP RA	BF	S	RP, PS, MR	Pipeline Operations
PRP LR	ME	S	RP, PS, MR	Pipeline Operations
PRP RI	NA	S	RP, PS, MR	Pipeline Operations
PRP RD	BE	S	RP, PS, MR	Pipeline Operations
PRP Community Involvement Delete - 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)				
Remedial Contract Management Deleted - use Contract Management (JU)				
Remedial Support and Management Deleted - Use General Support Management (BM)	BO			

EXHIBIT III.6
FY03 WHO PAYS FOR WHAT

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
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 106/107 Litigation	CL	S	FE, SE	Enforcement
Section 106 Litigation	SX	S	FE, SE	Enforcement
Section 107 Litigation	SV	S	FE, SE	Enforcement
Section 104(e) Ref Litigation (site access)	SF	S	FE, SE	Enforcement
SEE Program	SM	B	F FE FF	Pipeline Operations Enforcement Federal Facility Response

**EXHIBIT III.6
FY03 WHO PAYS FOR WHAT**

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

<u>KEY TO SITE DESIGNATION:</u>					
S	=	SITE-SPECIFIC ONLY		B=	SITE-SPECIFIC, SITE-RELATED (ZZ), AND NON-SITE
R	=	SITE-SPECIFIC AND SITE-RELATED (ZZ) ONLY		N=	NON-SITE-SPECIFIC ONLY
<u>KEY TO LEADS:</u>					
CG	=	COAST GUARD	SD	=	STATE DEFERRAL
EP	=	EPA IN-HOUSE	SE	=	STATE ENFORCEMENT
F	=	EPA FUND- FINANCED	SG	=	PRP-FINANCED ACTION FROM A SPECIAL ACCOUNT PERFORMED BY USCG
FE	=	FEDERAL ENFORCEMENT			
FF	=	FEDERAL FACILITY RESPONSE	SN	=	STATE, NO FUND MONEY
MR	=	MIXED FUNDING FEDERAL/RP	SR	=	PRP LEAD UNDER STATE, NO FUND MONEY
PS	=	PRP RESPONSE UNDER STATE	SS	=	PRP-FINANCED ACTION FROM A SPECIAL ACCOUNT PERFORMED BY STATE
RP	=	RESPONSIBLE PARTY			
S	=	STATE, FUND FINANCED	ST	=	PRP-FINANCED ACTION FROM A SPECIAL ACCOUNT PERFORMED BY TRIBAL GOVERNMENT
SA	=	PRP-FINANCED ACTION FROM A SPECIAL ACCOUNT PERFORMED BY EPA	TR	=	TRIBAL LEAD, FUND FINANCED
<u>Key to Budget Source/AOA Category</u>					
		<u>PRC</u>	<u>AOA</u>		<u>PRC</u> <u>AOA</u>
Pipeline Operations	=	50102D	P	Federal Facility Response	= 50102D F
Response Actions	=	50102D	R	Enforcement	= 50103E (and ERC) N/A
Removal	=	50102D	E	Federal Facility Enforcement	= 50104E N/A

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) 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

- Assigns Account Number, Document Control Number, and Cooperative Agreement identification numbers
- Enters quarterly AOA into IFMS, controls regional allowance, maintains Automated Document Control Register (ADCR), and reconciles transactions
- 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

OSWER Directive 9200.3-14-1G-P

- 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

- 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

c. Regional Program Office

- Assigns the Account Number, Document Control Number, and Cooperative Agreement identification numbers
- 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
- Enters 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. The limits and processes pertaining

to OSCs may be changed at any time by issuance of the new OSC warrants by Office of Acquisition and Management (OAM). These new authorities and limits shall supersede those placed in the manual. Currently, Ordering Officer responsibilities include:

- Obligates a maximum of \$250,000 for removal actions; and
- Develops statements of work and cost ceilings for removal.

e. Remedial Program 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 the contact for technical program area specific financial management issues is the applicable regional center. Contact Headquarters Program Analysis & Resources Management Center (PARM), Program Evaluation & Compliance Branch (PECB), Federal Facilities Enforcement Office (FFEO), Federal Facilities Restoration and Reuse Office (FFRRO), or Outreach/Special Project Staff (OSPS) with any issues pertaining to the AOA or overall budget resources. The next section lists the responsibilities of the HQ management offices.

h. Financial Management Division (FMD)/Office of the Comptroller (OC)

- 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/OC

- 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. Financial Management Center- Cincinnati (FMC)

- 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) Office of Administration

- 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. See Exhibit III.7 for an explanation of account number structure.

The Agency uses S/SIDs to account for and accumulate Superfund costs by site. Generally, an S/SID 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 S/SID 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 S/SID. “WQ” is used for bulk or block funding only, i.e., where S/SIDs exist but funds are not committed site specifically. When “WQ” or “ZZ” is used in the S/SID position, funds are obligated non-site specifically. However, for WQ obligations, when the funds are paid out/dispensed, they must be associated with a site. (ZZ obligations may be drawn down as ZZ funds.) “00” can be used for dispersment of non-site specific core activities. Once a S/SID has been established for the site, regions must revise all the financial accounting information (in IFMS and on the obligating document) with the correct S/SID. The “ZZ” should not be used for future obligations once a S/SID has been established at the site. (Information on changing IFMS data can be found later in this chapter.)

**EXHIBIT III.8
ACCOUNT NUMBER STRUCTURE**

Budget Fiscal Year	Fund (Appropriations)	Organization	Program Results Code	Site Project	Cost/Org
2 0 0 2	T R	0 7 H	5 0 1 0 2 D	0 7 2 3 A N 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., ‘2002’). 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 2</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 R</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, with the last three digits representing the Superfund AOA Code and a local option.	<u>0 7 H</u> _ _ _ _

Data Element Field Name	Definition	Sample Entry
Program Results Code (9 characters)	Beginning October 1, 1998, the program results code (PRC) replaced the program element value. The PRC accommodates the accounting requirements under the GPRA structure. The first position represents the Agency's long term strategic goal. The second and third positions identify the objective under the goal, and the fourth and fifth positions identify the subobjective under each goal and objective. The value in the sixth position identifies the National Program Manager associated with the resources, and the seventh and eighth positions represent the major program activity undertaken by the Agency, where such additional level of detail is deemed necessary. The remaining position in this field is reserved for future use. The Response and Federal Facility programs are identified with 50102D; the Enforcement program is identified with 50103E; the Brownfields program is identified with 50108D.	<u>5 0 1 0 2 D</u> _ _ _
Site/Project (8 characters) - consists of S/SID, Action code, and Operable Unit	The unique site identifier (S/SID) should be entered in positions 1 through 4, e.g., '07 23'. The S/SID includes the region number in position 2, 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. For Region 1 '1' is entered in the second position. For HQ a 'Q' is entered in this position. The action code is entered in positions 5 and 6 (e.g., 'AN' for RD/RA Negotiations). The Operable Unit is entered in positions 7 and 8 (e.g., '01' for Operable Unit number 01).	<u>0 7 2 3 A N 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; SCAP 4F for the Federal Facilities budget; and SCAP 4D for the Brownfields 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).
- 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, Employee Payroll System (EPAYS), Consolidated Payroll Reporting System (CPARS), 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 Userid, password, and database host name must be established). IFMS data in FDW is refreshed at least twice a day. Data from CPS is updated daily, and data from EPAYS and CPARS is updated weekly.

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 must be deleted from CERCLIS/WasteLAN. If a region wants to retain planned financial data, it must enter the planned obligation into CERCLIS/WasteLAN with a regional Financial Type. The "Planned" Financial Type cannot remain in the system once the funds are committed or obligated. Failure to replace the Planned Financial Type could cause the region to exceed its annual budget, which will result either in withholding AOA approval, or a reduction in next quarter's AOA.

b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN

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

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.

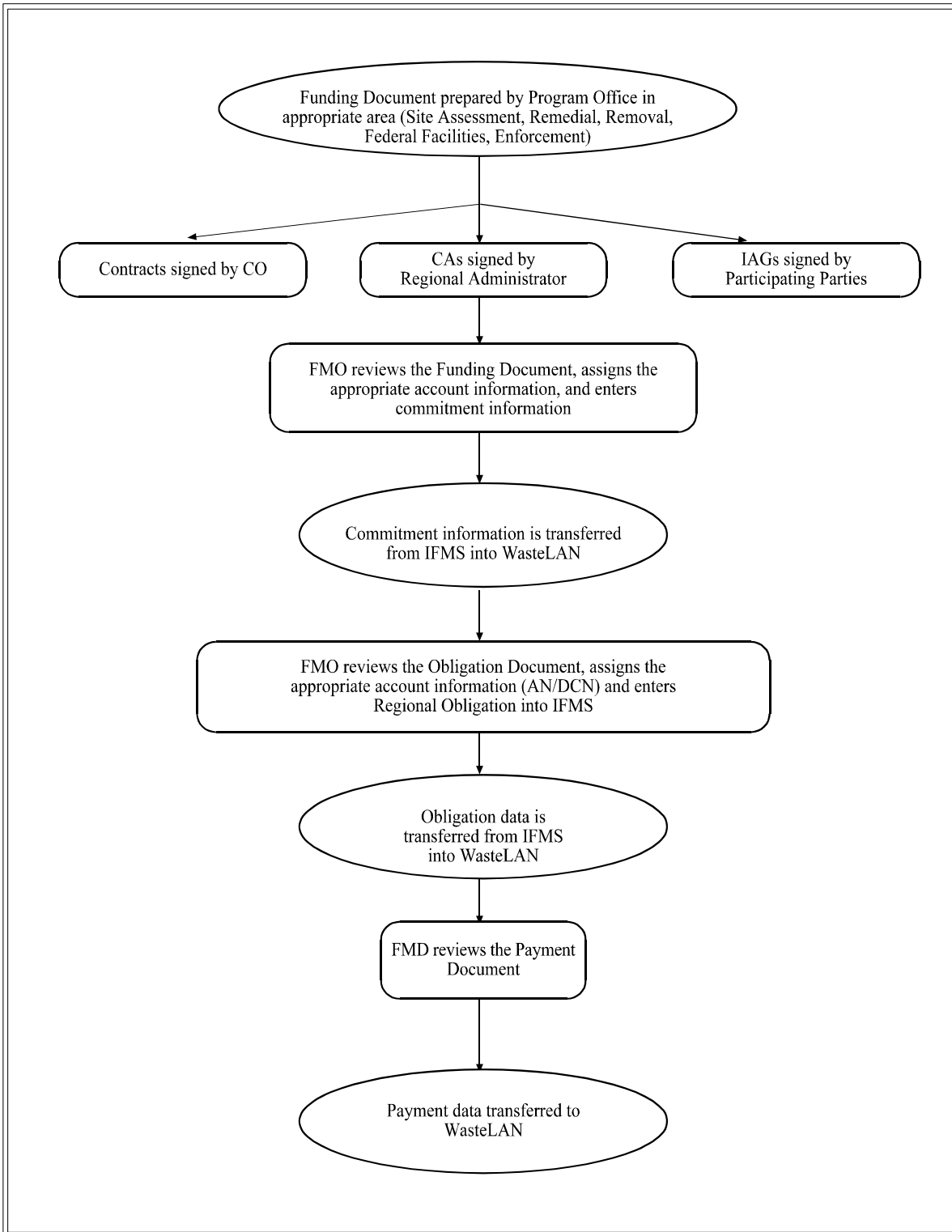
c. Correcting Financial Data

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. 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. There are three kinds of corrections which may be needed on financial information in IFMS, as shown in Exhibit III.8.

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

Errors in 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.9
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, cooperative agreements and Superfund State contracts.

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 \$2 million, 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 \$200,000 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 Financial Management Division (FMD). Some contracts are awarded by OAM and entered into IFMS by the SFO/RTP; others are handled by the regions. Obligations for CAs are entered into IFMS by the regions; IAGs are entered by the FMC-Cincinnati.
- 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 15 percent 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 FY 02/03, 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. Site-Specific Contracts

Site-specific contracts are obligated and tracked on a site-specific basis. They include RAC, START, Regional Oversight Contracts (ROC) and ERRS.

b. Non-site Specific Contracts

Non-site specific contracts are generally support type contracts which are not obligated site specifically.

General Site Support Contracts

- Not obligated on a site-specific basis
- Capable of providing broad technical and planning support on an "as needed" basis
- Includes START, Contract Laboratory Program (CLP), and Environmental Services Assistance Team (ESAT)
- Contractors submit site-specific attachment that includes invoiced costs for:
 - Each site with a S/SID;
 - All other sites;
 - Program management;
 - Base and award fee; and
 - Non-site activities (e.g., training).
- Contractors submit original invoice to RTP and copies to HQ PO
- PO reviews invoice
- RPOs and DPOs may conduct concurrent reviews

Enforcement Support Services (ESS)

- 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.10
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.
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.

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 the Superfund Trust Fund (Fund) 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.

Billing

- According to the SSC payment schedule, the Regional Comptroller's Office will send 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.

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 checklist through Regional Cost Recovery Coordinator (RCRC) to Regional SFO. Checklist identifies date through which costs are to be documented and date documentation is required.
- RCRC requests site-specific reports generated by the Superfund Cost Organization and Recovery Enhancement System (SCORES) 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 SCORES 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.

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. As a result, DOJ's involvement is essential to recovery of costs.

III.E.2 Cost Recovery Tools & Systems

a. SCRIPS and SCORES

The Superfund Cost Recovery Image Processing System (SCRIPS) stores, maintains, and retrieves images of the Superfund site-specific cost documentation. The Superfund Cost Organization and Recovery Enhancement System (SCORES) presents Superfund site-specific expenditures and transactions in a summarized format that is easily understood. SCORES provides an automated way to file, print, store and maintain cost recovery/Superfund site-specific data, which are used to support the cost recovery process. Regions are in the process of converting to SCORPIOS.

b. SCORPIOS

To achieve additional efficiencies in preparing cost recovery packages, and to bring both systems into compliance with current EPA Window standards, EPA has developed and is implementing SCORPIOS (Superfund Cost Recovery Package and Image On-Line System) which combines the SCRIPS and SCORES systems. SCORPIOS will take advantage of the advances in technology, process flow redesign, and EPA's current infrastructure.

c. ETS

The Electronic Timesheet System (ETS) provides an automated approach to recording an employee's time. EPA staff use ETS to track the time spent working on specific activities, particularly Superfund sites. EPA initiated the development of ETS as an effort to reduce the "barriers" employees face in completing their timesheets (i.e., ETS builds the account code, performs all the math, ensures legibility and minimize clerical errors).

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-10 identifies the Regional Superfund Cost Recovery Contacts.

**EXHIBIT III-11
REGIONAL COST RECOVERY CONTACTS**

Location/Region	Name of Contact	Phone Number
Region I	Dave Tornstrom Lee Clouthier Ruben Neira	617/918-1135 617/918-1934 617/918-1939
Region II	Richard Manna Jo-Ann Velez Pam Keyzer	212/637-3480 212/637-3462 212/637-4297
Region III	Daia Arnold Steve Pandza Diane Malancone	215/814-5171 215/814-5178 215/814-5172
Region IV	Connie Crumley Sarah Franco Vickie Tellis	404/562-8240 404/562- 8215 404/516-8218
Region V	Betty Campbell Anthony Audia Violet Stroggins	312/886-7502 312/886-2196 312/353-4884
Region VI	Dennis McBride John Eagles	214/665-7481 214/665-6535
Region VII	David Piet Gay Ranes	913/551- 7526 913/551- 7442
Region VIII	Philip Elbeck Judy Lehmann Mary Downs	303/312-6950 303/312-6166 303/312-7047
Region IX	Tiffanie Pang Yvonne Fong David Wood	415/744-1729 415/744-1742 415/744-1747
Region X	Ruth Broome Diane Norton	206/553-2968 206/553-2962
Research Triangle Park	Gloria Owens Betty Hamilton	919/541- 0052 919/541-4280

III.F.2 Headquarters Superfund Cost Recovery Contacts

Exhibit III-11 identifies the Headquarters Superfund Cost Recovery Contacts.

**EXHIBIT III-12
HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS**

Staff Name	Position	Areas of Specialization	Phone #
Benson, Holly	Accountant	Indirect Costs	202/564-4982
Berry, Tanya	Financial Specialist	Cost Documentation; Payroll	202/564-4986
Brittingham, Kevin	Accountant	Nat'l Documentation Advisor; Special Projects	202/564-4941
Brown, Jessica	Accountant	Cost Accounting	202/564-4978
Brown, Tommy	Financial Specialist	Cost Documentation; Travel/SCRIPS	202/564-4936
Cooke, Bill	Branch Chief		202/564-4926
DeHoff, Tom	Accountant	Audit Liaison, Reports, Financial Statement Overview	202/564-4946
Dunn, Bernadette	Accountant	Cost Accounting; IAG Indirect Rates	202/564-4963
Edmondson, Barbara	Accountant	Nat'l Cost Documentation; Superfund Account Codes; Maintain/distribute S/SIDs; Special Projects	202/564-4927
Gorski, Beth	Accountant	Cost Accounting	202/564-2317
Koontz, Tom	Financial Specialist	ETS, SCRIPS, SCORES, SCORPIOS, Action Codes	202/564-4971
Mazyck, Levy	Accountant	Superfund Indirect Costs	202/564-5219
Neal, Sheldonna	Financial Specialist	Special Projects; Annual Allocation	202/564-4911
Payton, Daniel	Accountant	Payroll Documentation	202/564-4976
Perkins, Nancy	Accountant	Cost Accounting; Historic Charges	202/564-4919
Rajewski, Ellen	Accountant	Indirect Costs; Split Funding	202/564-4977
Smith, Tom	Accountant	Annual Allocation	202/564-4949
Stelmak, Margaret	Clerical Assistant (SEE)		202/564-4926
Van Pelt, Tina	Accountant	Annual Allocation; Superfund Contractor Invoice Accounting and Adjustment	202/564-4984

Staff Name	Position	Areas of Specialization	Phone #
Velez, Vince	Financial Specialist	Superfund Policy; Cashouts/Special Accounts; Superfund Accounts Receivable	202/564-4972
Young, Charles	Accountant	Superfund Policy Expert/Advisor	202/564-4914

III.F.3 Regional Budget Coordinators

Exhibit III-12 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-13
REGIONAL BUDGET COORDINATORS**

Name/Region	Phone #	Fax #
Susan Walter/Region I	(617) 918-1447	(617) 918-1291
Courtney McEnery /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
Andy Anderson/Region V	(312) 886-4699	(312) 886-4071
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 Hoogerheide/Region VIII	(303) 312-6863	(303) 312-6065 (303) 312-6897
Linda Ma/Region IX	(415) 744-2166	(415) 744-1796 (415) 744-2180
Lynne Kershner/Region X	(206) 553-6518	(206) 553-0124

III.F.4 Subject Matter Experts

Exhibit III-13 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 Emergency and Remedial Response (OERR)
 - Federal Facilities Response Budget - Federal Facilities Restoration and Reuse Office (FFRRO)
 - Brownfields Budget - Outreach/Special Project Staff (OSPS)
- 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 the Comptroller (OC)
 - Annual Budget process - Annual Planning and Budget Division (APBD)

EXHIBIT III-14 HEADQUARTERS SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Alan Youkeles	Action Codes	703/603-8784
Alice Ludington	Annual Budget Process - OSRE	202/564-6066
Willie Griffin (Chapter Lead)	Annual Budget Process - OERR	703/603-8911
Ben Hamm	Brownfields Budget	202/260-1358
Jim Maas	Brownfields Budget	202/566-2778
Juanita Standifer	Brownfields Budget	202/260-9192
Joshua Barber	Federal Facilities Budget	703/603-0265
Lance Elson	Federal Facilities Enforcement Budget	202/564-2577
Art Flaks	Program Management	703/603-9088
Nancy Ortowski	Real Property Acquisitions	703/603-8785
Tiffany Disrud	Resource Management	202/564-1533
Steven Blankenship	Resource Management	202/564-6905
Patricia Derkasch	Resource Management	202/564-3954
Paul Nadeau	Response Budget	703/603-8794
Kevin Brittingham	Superfund Financial Management	202/564-4941
Robert White	SCAP 4/21 Report Coordinator	703/603-8873

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03
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 02/03 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 02/03 Site Assessment/NPL Listing Targets and Measures	A-2
A.A.4 GPRA and Site Assessment	A-2
A.A.5 Site Assessment/NPL Listing Definitions	A-5
a. Targeted Brownfields Assessment	A-5
b. Pre-CERCLIS Screening Assessments	A-7
c. Non-NPL Site Status	A-9
d. Site Discovery	A-10
e. Sites Archived	A-10
f. Preliminary Assessments (PA) at Non-Federal Facility Sites	A-12
g. Federal Facility Preliminary Assessment Reviews	A-15
h. Site Inspections (SI) at Non-Federal Facility Sites	A-16
i. Combined PA/SI Assessments at Non-Federal Facility Sites	A-18
j. Site Inspection Prioritizations (SIPs) at Non-Federal Facility Sites	A-19
k. Site Reassessment	A-21
l. Expanded Site Inspections (ESI) at Non-Federal Facility Sites	A-22
m. Federal Facility SI Reviews	A-23
n. Federal Facility ESI Reviews	A-25
o. Integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) at Non-Federal Facility Sites	A-26
p. State Deferral of Non-Federal Facility Sites	A-28
q. Hazard Ranking System Package (HRS)	A-29
r. Integrated Removal/Remedial Evaluation	A-30
s. NPL Listing	A-33
t. Other Cleanup Activity	A-34
A.B. SUBJECT MATTER EXPERTS	A-36

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 SUBJECT MATTER EXPERTS A-36

APPENDIX A
A.A. Site Assessment/NPL Listing
FY 02/03 TARGETS AND MEASURES

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

The site assessment annual performance goal for FY 2002 is 475 final site assessment decisions. 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 fund special projects designed to reduce the time and/or costs of assessing sites without compromising the integrity of the site assessment decisions. Regions must obtain concurrence from OERR if more than 10 percent of annual site assessment funding is used for special projects. Regions performing special projects are responsible for communicating the scope of these projects 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.

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 02/03 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 02/03 Superfund site assessment/Brownfields targets and measures. Exhibit A.1 displays the full list of site assessment and Brownfields 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 5, Objective 1, Subobjective 2 contains the GPRA subobjective for Superfund assessment work. This subobjective states:

“By 2005, EPA and its State, Tribal, and Federal partners will reduce the risks that Superfund sites pose to public health and the environment by....

...determining if Superfund cleanup is needed at 85% of the sites entered into the Superfund site data base (CERCLIS)...

...EPA will collaborate with States and Tribes to enhance the Federal, State, and Tribal Superfund program, reduce overlap among the programs, and leverage public and private resources to promote cost-effective, efficient cleanups of Superfund sites.”

The assessment component of this subobjective focuses on the percent of sites brought to the attention of the Superfund program where Final Assessment Decisions (FADs) have been made. The formula to derive this measure is:

$$\frac{\text{No. sites with a final assessment decision}}{\text{Total sites in the CERCLIS and Archive site inventories}}$$

EPA Regions are responsible for maintaining FAD designations in WasteLAN. FAD status is captured in WasteLAN by selecting “Yes” in the “Final Assessment Decision” field on the Site Description/Operable Units screen. The WasteLAN application system populates the related “Final Assessment Decision Date:” field with the current date. Regions can accept or edit this date. The percentage of sites with FADS and the number of current fiscal year and cumulative FAD designations is captured on the GPRA SCAP-15 report available through WasteLAN.

Regions may assign a FAD designation to a site 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 is being remediated under a State, Local, Tribal, or other Federal government cleanup program as supported by written documentation between the lead party and EPA (e.g., Voluntary Cleanup Program Memorandum of Agreement or other work sharing type of agreement, site specific reports or fact sheets submitted by the lead party, etc.), and the site file contains documentation supporting the decision that Superfund assessment work is complete;
- 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.

**EXHIBIT A.1
SITE ASSESSMENT/NPL LISTING ACTIVITIES**

ACTIVITY	GPRA		PROGRAM	
	APG	APM	TARGET	MEASURE
Targeted Brownfields Assessment				✓
Pre-CERCLIS Screening Assessment				✓
Non-NPL Site Status				✓
Site Discovery				✓
Sites Archived				✓
Preliminary Assessment (PA) at Non-Federal Facility Sites				✓
Federal Facility PA Review				✓

**EXHIBIT A.1
SITE ASSESSMENT/NPL LISTING ACTIVITIES**

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

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 this goals are already included in existing definitions.

A.A.5 SITE ASSESSMENT/NPL LISTING DEFINITIONS

a. TARGETED BROWNFIELDS ASSESSMENT

Definition:

“EPA’s Targeted Brownfield’s Assessment (TBA) program is designed to help States, Tribes, and local governments - especially those without EPA Brownfields Assessment Demonstration pilots - minimize the uncertainties of contamination often associated with brownfields. EPA generally will not fund TBAs at sites where the owner could be responsible for the contamination on the site unless there is a clear means of recovering EPA expenditures and there is significant public benefit. Due to the passage of the new Brownfields law (Public Law 107-118) and the new 03 funding structure, EPA will have authority under CERCLA 104(k)(2) (A)(ii) to perform Federal-administered TBA's via contract with funding from one of the earmarks in the STAG appropriation. The Agency can also fund states and tribes to perform State or Tribal-administered TBA's under CERCLA 128(a) with STAG appropriations from the other STAG earmark, if the States and tribes choose to use their CERCLA 128(a) grant for that purpose.

Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. A TBA may encompass one or more of the following activities:

- A screening (ASTM Phase I* or equivalent) assessment, including a background and historical investigation and a preliminary site inspection;
- A full (ASTM Phase II* or equivalent) site assessment, including sampling activities to identify the types and concentrations of contaminants and the areas of contamination to be cleaned; and
- Establishment of cleanup options and cost estimates based on future uses and redevelopment plans.”

(Source: “Targeted Brownfields Assessments” Quick Reference Fact Sheet (EPA 500-F-98-251, November 1998) available on the EPA Internet at <http://www.epa.gov/swerosps/bf/html-doc/tba.htm>)

*ASTM (American Society for Testing and Materials) Standards:

E1527-00 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process

E1903-97 Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process)

Additional ASTM information available at: www.astm.org.

Definition of Accomplishment:

Regions can get accomplishment credit both “Targeted Brownfields Assessments” and “Number of Brownfields Properties Addressed by TBAs.” A Brownfields Properties Addressed by TBAs is only counted once when the first TBA is completed at the property.

To get credit for TBA accomplishments, the Regions are required to enter and reconcile the data in WasteLAN in two different modules: in the Accomplishments Tracking Screens and in the Brownfields Module. (Dual module entry is required because the definition of properties assessed requires property-specific information on all historical TBAs (conducted since 1987) and many Regions have not yet entered this historical information. This requirement will be reviewed when all the Regions input their historic data).

Reporting TBAs and Properties on a Non-Property Specific Basis in the Accomplishments Tracking Screens.

Regions can get accomplishment credit for completed quarterly accomplishment information for both “Targeted Brownfields Assessments” and “Number of Brownfields Properties Addressed by TBAs” through the Non-site Accomplishments Screens.

Reporting TBAs and Properties on a Property Specific Basis in the Brownfields Module.

The WasteLAN Brownfields module provides the Regions with a centralized database for directly entering and tracking Targeted Brownfields Assessments (TBAs) information on a property-specific basis. Currently, the WasteLAN Brownfields module allows Regions to enter and track the following information about TBAs and the properties addressed by TBAs.

A TBA is complete when a particular site characterization activity undertaken has concluded (an Actual Completion Date exists for the Targeted Brownfields Assessment action 'ON'). The TBA must be identified as either Phase I, Phase II, or Cleanup Opt/Cost Est. using the Indicator field on the SCAP Information screen in WasteLAN.

Credit for a property assessed by a TBA is given for the first TBA which is performed at a specific Brownfields Property (rat_code = ON and Actual Completion Date exists and is "first-at-site").

Changes in Definition FY 01 - FY 02/03:

Due to the passage of the new Brownfields law (Public Law 107-118) and the new 03 funding structure, EPA will have authority under CERCLA 104(k)(2) (A)(ii) to perform Federal-administered TBA's via contract with funding from one of the earmarks in the STAG appropriation. The Agency can also fund states and tribes to perform State or Tribal-administered TBA's under CERCLA 128(a) with STAG appropriations from the other STAG earmark, if the States and tribes choose to use their CERCLA 128(a) grant for that purpose. Designating the TBA lead as Federal or State is required and will indicate the source of the TBA funding.

Special Planning/Reporting Requirements:

Entering Data on TBAs and Properties on a Non-Property Specific Basis in the Accomplishments Tracking Screens.

TBA information is tracked in WasteLAN on a non-property specific basis, using the system's Accomplishments Tracking screens. You must enter quarterly planning data prior to entering completed quarterly accomplishment information for "Targeted Brownfields Assessments" and "Number of Brownfields Properties Addressed by TBAs." Annual planning data should be entered in October of each fiscal year. It may be updated at any time.

Detailed data entry instructions for Non-Property information can be found in Quick Reference Guide entitled "Tracking Brownfields Assessments." This document is available on EPA's Intranet at http://intranet.epa.gov/swerbrnf/pdf/bfa_qrg.pdf

Entering Data on TBAs and Properties on a Property Specific Basis in the Brownfields Module.

A Brownfields module was designed and incorporated into WasteLAN during fiscal year 1999. The WasteLAN Brownfields module provides the Regions with a centralized database for directly entering and tracking Targeted Brownfields Assessments (TBAs) information on a property-specific basis. Currently, the WasteLAN Brownfields module allows Regions to enter and track information about TBAs and the properties addressed by TBAs.

EPA has developed several guidance documents that provide directions for entering property-specific TBA information in WasteLAN.

These documents are available on EPA's Intranet Web site (http://intranet.epa.gov/swerbrnf/wl_bfmod.htm).

Reconciling TBA Data on a Property Specific and Non-Property Specific Basis

Each Region is expected to reconcile the Property Specific Numbers and Non-Property Specific Numbers using the SCAP-13 Brownfields Report. The report shows official accomplishments of Targeted Brownfields Assessments (TBAs) completed and the Number of Properties Addressed by TBAs in the columns on the left of the report from the Accomplishments Tracking module of WasteLAN, without property-specific detail. For comparison, the columns on the right of the SCAP-13 Brownfields Report shows the TBAs and Properties that have property-specific details from the Brownfields Module. These two sets of numbers should be closely comparable. The number of "Targeted Brownfields Assessments" in both modules should always be the same. Because Properties Addressed are only counted once, the properties will only match, if all historical TBA's are entered. Otherwise, a manual count of the Properties Addressed must be entered in the Accomplishment Screens, which counts the properties once in the first quarter and year that they are assessed.

b. 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. 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 by policy considerations (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)." 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 01 - FY 02/03:

Pre-screening activities are now being tracked site-specifically.

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.

c. NON-NPL STATUS

Definition:

Non-NPL Status is the status assigned to a non-NPL site as it moves through the site assessment/removal pipeline. It is used to determine current regional and national assessment workloads (i.e., “backlogs”) and for reporting Superfund progress at non-NPL sites.

Definition of Accomplishment:

This measure tracks the progress EPA and its State and Tribal partners are making in addressing non-NPL sites under the Federal Superfund program. As site assessment and removal start and complete dates are entered into WasteLAN for non-NPL sites, the system automatically assigns a new Non-NPL Status value and a message is displayed stating the new value. Regions can change this value via the Site Description/Operable Units screen.

All non-NPL sites in both the CERCLIS and Archive site inventories must be assigned a valid Non-NPL status value. When the user selects or changes the Non-NPL Status, the system generates the date of the change in the Non-NPL Status Date field. Users may edit this date. For further details, including valid values, please refer to two [January 2002 factsheets](#), [Reporting Non-NPL Status Quick Reference Guide](#) and [Understanding NPL and Non-NPL Status Code Relationships](#). Both of these documents are available on the CERCLIS 3 Document database under Training and Documentation Section in the Quick Reference Guide folder.

Changes in Definition FY 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

EPA will utilize the Non-NPL Status field for site inventory management and reporting site assessment backlogs and progress.

The progress of each non-NPL site, as it moves through the site assessment/removal pipeline is tracked in WasteLAN. The “Non-NPL Status” field, located on the Site Description/Operable Unit screen, contains this information. Regions are responsible for maintaining the accuracy of this field for every non-NPL site in the CERCLIS and Archive site inventories. As new actions and dates are entered and saved in WasteLAN, the system automatically generates a new value for this field. The generated value is based on the traditional sequence of site assessment work. Regions can change this value via the Site Description/Operable Units screen.

A user can edit the system-generated non-NPL Status value by going to the Site Description/Operable Unit screen and selecting a new value from the drop down list. Regions may want to do this if a different non-NPL Status value more closely reflects the actual status of a site. For example, the system may generate an “HRS Start Needed” non-NPL Status value after completion of a Site Inspection action is recorded in WasteLAN. Site specific information may show that an “Other Cleanup Activity: State-Lead Cleanup” value is more accurate. [The list of values available in the Non-NPL Status drop down will depend upon the NPL status of each site, in order to prevent conflicting values from being entered in the two fields. Please refer to the January 2002 Quick Reference Guide Understanding NPL and Non-NPL Status Code Relationships for a list of valid combinations.](#)

Users can protect the non-NPL Status value from being changed as new data are entered. To do this, the user must click on the “Protect Status” check box. As long as this box is checked, the non-NPL Status value will not change even if the site assessment/removal data on the Site Schedule are updated. However, the system will notify users in these cases that another non-NPL Status value may be more appropriate based on traditional pipeline select logic. Users may decide to deselect the “Protect Status” check box, thereby allowing WasteLAN to automatically generate the system-proposed value in this field. The Non-NPL Status value is [only required for sites with an NPL Status of ‘Not on the NPL’ or ‘Not a Valid Site or Incident.’ However a limited number of Non-NPL Status options are available for these sites.](#)

d. 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 01 - FY 02/03:

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.

e. 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.**

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 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.

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 01 - FY 02/03:

Clarified certain actions can be recorded at sites while they are archived. Added reminder that the note to the site file must represent the interests of all relevant Superfund business units given the comprehensive nature of the archive designation. Added reminder to consult with State/Tribal partners on archive decisions. Added child sites as eligible candidates for archiving (with conditions). Removed Deleted NPL sites as eligible candidates for archiving.

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.

f. 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 the minimum requirements 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.

Valid decisions to be recorded in WasteLAN upon completion of the PA include:

OSWER Directive 9200.3-14-1 G-P

(H) High - Higher priority for further assessment Note: The next stage of assessment would typically be an SI (Action Name = Site Inspection); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C); or

(DN) - Deferred to NRC; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (AX) and a valid value in the Parent Site 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.

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 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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.

g. 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 of "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

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.

Valid decisions to be recorded in WasteLAN upon completion of a Federal facility PA Review include:

(H) - High - Higher priority for further assessment Note: The next stage of assessment would typically be an SI (Action Name = Site Inspection); or

(L) - Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (B) and a valid value in the Parent Site ID field; or

(D) - Deferred to RCRA (Subtitle C); or

(DN) - Deferred to NRC.

Changes in Definition FY 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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.

h. 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.

Valid decisions to be recorded upon completion of a SI include:

(H) - High - Higher priority for further assessment Note: The next stage of assessment could be an ESI (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = HRS Package); 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 a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of ‘A’ and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of ‘Addressed as part of another non-NPL site’ (B) and a valid value in the Parent Site 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 01 - FY 02/03:

Added qualifier “Site is being addressed as part of another non-NPL site.”

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.

i. 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.

Valid decisions to be recorded in WasteLAN upon completion of the Combined PA/SI Assessment include:

(H) - High - Higher priority for further assessment Note: The next stage of assessment could be an ESI (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = HRS Package); 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 a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (B) and a valid value in the Parent Site 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 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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 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.

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 backlogs 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.

Valid decisions at the conclusion of a SIP include:

(H) - High - Higher priority for further assessment Note: The next stage of assessment could be an expanded site inspection (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = HRS Package); 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 a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (B) and a valid value in the Parent Site 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 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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.

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.

Valid decisions to be recorded upon completion of the Site Reassessment include:

(H) - High - High 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

OSWER Directive 9200.3-14-1 G-P

(DN) - Deferred to NRC; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (B) and a valid value in the Parent Site 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 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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.

1. 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.

Valid decisions to be recorded upon completion of the ESI include:

(G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = HRS Package); 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 a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of ‘A’ and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of ‘Addressed as part of another non-NPL site’ (B) and a valid value in the Parent Site 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 01 - FY 02/03:

Added qualifier “Site is being addressed as part of another non-NPL site.”

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.

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

OSWER Directive 9200.3-14-1 G-P

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 of “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”.

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.

Valid decisions to be recorded upon completion of Federal facility SI reviews include:

(H) - High - Higher priority for further evaluation/HRS Scoring; or

(L) - Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of ‘A’ and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of ‘Addressed as part of another non-NPL site’ (B) and a valid value in the Parent Site ID field; or

(D) - Deferred to RCRA; or

(DN) - Deferred to NRC.

Changes in Definition FY 01 - FY 02/03:

Added qualifier “Site is being addressed as part of another non-NPL site.”

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.

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 of "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

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.

Valid decisions to be recorded upon completion of Federal facility ESI reviews include:

OSWER Directive 9200.3-14-1 G-P

(G) - Recommended for HRS Scoring; or

(L) - Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of 'Addressed as part of another non-NPL site' (B) and a valid value in the Parent Site ID field; or

(D) - Deferred to RCRA; or

(DN) - Deferred to NRC.

Changes in Definition FY 01 - FY 02/03:

Added qualifier "Site is being addressed as part of another non-NPL site."

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.

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.

Valid decisions to be recorded upon completion of the ESI/RI include:

(G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = HRS Package); or

(L) - Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of ‘A’ and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of ‘Addressed as part of another non-NPL site’ (B) and a valid value in the Parent Site 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; or

(D) - Deferred to RCRA; or

(DN) - Deferred to NRC.

Changes in Definition FY 01 - FY 02/03:

Added qualifier “Site is being addressed as part of another non-NPL site.”

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.

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 outcomes (Qualifiers) to be recorded upon completion of the State Deferral include:

(RS) - Region confirmed successful deferral completion; or

(RT) - Region terminated deferral.

Changes in Definition FY 01 - FY 02/03:

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.

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; and
- The following has been recorded in WasteLAN: the approval date for the final version of the 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.

Valid decisions to be recorded upon completion of the HRS Package include:

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

(N) - No further *remedial* action planned; or

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

(F) - Referred to the removal program with further remedial assessment needed; or

(D) - Deferred to RCRA; or

(DN) - Deferred to NRC.

Changes in Definition FY 01 - FY 02/03:

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.

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 OERR'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

OSWER Directive 9200.3-14-1 G-P

- 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 “decision” on whether further activities are necessary is entered into WasteLAN in the Action Qualifier field.

Valid Integrated Assessment action qualifiers include:

(H) - High - Higher priority for further assessment. Note: The next stage of assessment could be an SI (Action Name= Site Inspection), expanded site inspection (Action Name =Expanded Site Inspection), an integrated ESI/RI (Action Name =ESI/RI), or preparation of an HRS package (Action Name = HRS Package), or consideration for proposal to the NPL; 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 a NPL site. The site should also have an NPL Status Indicator (Site NPL Status) of ‘A’ and a valid value in the Parent Site ID field; or

(B) - Site is being addressed as part of another non-NPL site. The site should also have a Non-NPL Status of ‘Addressed as part of another non-NPL site’ (B) and a valid value in the Parent Site 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; or

(G) - Recommended for HRS scoring. This qualifier should be used only for Int. Rmvl Assess and ESI or Int. Rmvl Assess and ESI/RI.

Changes in Definition FY 01 - FY 02/03:

Added qualifier “Site is being addressed as part of another non-NPL site.” Added separate actions/subaction for each integrated assessment. The data entry will be reduced from adding three actions (Removal Assessment, Integrated Assessment and the corresponding Site Assessment action) to one action or subaction.

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.

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 01 - FY 02/03:

Added Federal Register dates as HQ responsibility.

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, Withdrawn from the NPL, and Deleted 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.

t. OTHER CLEANUP ACTIVITY

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:

Other Cleanup Activity Starts - An Other Cleanup Activity (Action Name = Other Cleanup Activity) start date is defined as the date the non-EPA party begins cleanup work at a non-NPL site. 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).

Other Cleanup Activity Completions - An Other Cleanup Activity (Action Name = Other Cleanup Activity) complete date is defined as the date the non-EPA party completes/completed cleanup work at a non-NPL site. The following action qualifiers are available for this action:

(H) - High - Higher priority; and

(L) - Low - Lower priority; and

(Blank) - No qualifier specified.

Changes in Definition FY 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

The following six SubActions should 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.

A.B. SUBJECT MATTER EXPERTS

The following table identifies the subject matter experts for Appendix A: Site Assessment and NPL Listing Decisions.

EXHIBIT A.2 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Terry Jeng	Site Assessment/NPL Listing	(703) 603-8852
Jennifer Griesert	Site Assessment	(703) 603-8888
Randy Hippen	Site Assessment	(703) 603-8829
Angelo Carasea	Site Assessment/SCAP-13	(703) 603-8828

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

Appendix B: Response Actions

**This Page Intentionally
Left Blank**

Appendix B Response Action

Table of Contents

B.A	FY 02/03 RESPONSE TARGETS AND MEASURES	B-1
	B.A.1 Overview of FY 02/03 Response Actions Targets/Measures	B-1
	B.A.2 Superfund Durations	B-1
	B.A.3 Response Action Definitions	B-4
 Part I. Remedy Selection		
	a. Remedial Investigation (RI) Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-4
	b. Feasibility Study (FS) Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-7
	c. Combined RI/FS Start (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-9
	d. Treatability Studies	B-11
	e. Start of Public Comment Period (<i>Proposed Plan to Public</i>) (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-11
	f. RI/FS Duration (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-12
	g. Engineering Evaluation/Cost Analysis (EE/CA)	B-13
	h. Decision Document Developed	B-13
 Part II. Removal and Remedial Implementation		
	i. Removal Starts	B-15
	j. Removal Completions	B-16
	k. Remedial Design (RD) Start (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-18
	l. RD Completion (NPL & Superfund Alternative (Formerly NPL-Equivalent))	B-20
	m. Remedial Action (RA) Start (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-21
	n. RA Contract Award (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-24
	o. Start of On-Site Construction	B-25
	p. Operational and Functional (O&F)	B-27
	q. Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-28
	r. NPL Site Construction Completions	B-31
 Part III. Post Construction		
	s. Long-Term Remedial Response (LTRA and PRP LR) (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))	B-34
	t. Operation and Maintenance (O&M)	B-35
	u. Cleanup Goals Achieved	B-36
	v. NPL Site Completions	B-37
	w. Five-Year Reviews	B-37
	x. Partial NPL Deletion	B-39
	y. Final NPL Deletion	B-40

OSWER Directive 9200.3-14-1G-P

Part IV. Environmental Indicators

z.	Human Exposure Under Control	B-41
aa.	Migration of Contaminated Groundwater Under Control	B-43
bb.	Populations Protected	B-45
cc.	Cleanup Technologies Applied	B-46

Part V. Support Activities

dd.	Support Agency Assistance	B-47
ee.	Technical Assistance	B-47
ff.	Pre-design Assistance	B-48

B.B	SUBJECT MATTER EXPERTS	B-49
-----	------------------------------	------

**Appendix B
Response Action
Targets and Measures**

List of Exhibits

EXHIBIT B.1 RESPONSE ACTION ACTIVITIES B-2

EXHIBIT B.2 SUPERFUND HUMAN EXPOSURES CONTROLLED WORKSHEET B-42

EXHIBIT B.3 SUPERFUND GROUNDWATER RELEASES CONTROLLED WORKSHEET B-44

EXHIBIT B.4 SUBJECT MATTER EXPERTS B-49

**This Page Intentionally
Left Blank**

APPENDIX B RESPONSE ACTIONS

B.A FY 02/03 RESPONSE TARGETS AND MEASURES

B.A.1 OVERVIEW OF FY 02/03 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. Program measures are used to show progress made in achieving program priorities.

The following pages contain, in pipeline order, the definitions of the FY02/03 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.A.2 SUPERFUND DURATIONS

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OERR will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average duration

OSWER Directive 9200.3-14-1G-P

between proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 02/03, OERR 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 (Formerly NPL-Equivalent))				✓
Feasibility Study (FS) Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓
Combined RI/FS Starts (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓
Treatability Studies				✓
Start of Public Comment Period (Proposed Plan to Public) (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓
RI/FS Duration (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓
Decision Document Developed				✓
Engineering Evaluation/Cost Analysis (EE/CA)				✓
Removal Starts	✓			
Removal Completions				✓
RD Start (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓
RD Completion (NPL & Superfund Alternative (Formerly NPL-Equivalent))				✓

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

EXHIBIT B.1 (cont'd)
RESPONSE ACTION ACTIVITIES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
RA Start (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))				✓
RA Contract Award (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))				✓
Start of On-Site Construction				✓
Operational and Functional (O&F)				✓
Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))				✓
NPL Site Construction Completions	✓			
Long-Term Response Action (LTRA & PRP LR) (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))				✓
Operation and Maintenance (O&M)				✓
Cleanup Goals Achieved				✓
NPL Site Completions				✓
Five-Year Reviews			✓	
Partial NPL Deletion				✓
Final NPL Deletion			✓	
Human Exposure Under Control		✓		
Migration of Contaminated Groundwater Under Control		✓		
Populations Protected				✓
Cleanup Technologies Applied				✓
Support Agency Assistance				✓
Technical Assistance				✓
Pre-Design Assistance				✓

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

B.A.3 RESPONSE ACTION DEFINITIONS

Criteria for Credit of Remedial Pipeline Activities at Superfund Alternative Sites

For the purposes of this section, 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 or meet the qualitative criteria outlined in SACM Program Management Update Volume 1, Number 4, “Assessing Sites Under Superfund Accelerated Cleanup Model” (Publication 9230.1-051)¹ 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. 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).”²

PART I. REMEDY SELECTION

a. REMEDIAL INVESTIGATION (RI) STARTS (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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.

¹Criteria referenced include: 1) Private drinking water supplies are contaminated with a hazardous substance; 2) Numerous private wells are contaminated with a hazardous substance above a health-based benchmark; 3) Soils on school, daycare center, or residential property are contaminated by a hazardous substance above background levels; 4) a hazardous substance is detected above health-based benchmarks in an offshore air release in a populated area; 5) A highly toxic substance known to bioaccumulate (e.g., PCBs, mercury, dioxin, PAHs) is discharged into surface waters; or 6) Sensitive environments (e.g., critical habitats for endangered species, Federal wilderness areas, National Parks) are contaminated with a hazardous substance.

²The 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.

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 (Formerly NPL-Equivalent) 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) actions³) - Credit for a special account-financed RI (Action Name = Remedial Investigation) start at an NPL or Superfund Alternative (Formerly NPL-Equivalent) 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:

- 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 (Formerly NPL-Equivalent) 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

³ 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.

OSWER Directive 9200.3-14-1G-P

- 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

PRP-financed from a Special Account was added. Replaced "NPL Equivalent" with "Superfund Alternative" and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator of "Superfund Alternative". This is a program measure.

b. FEASIBILITY STUDY (FS) STARTS (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) 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) actions⁴) - Credit for a special account-financed FS (Action Name = Feasibility Study) start at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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.

⁴ 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.

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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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:

- 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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

PRP-financed FS from a Special Account was added. Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”. This is a program measure.

c. COMBINED RI/FS START (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) 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) actions⁵) - Credit for a special account-financed RI/FS (Action Name = Combined RI/FS) start at a NPL or Superfund Alternative (Formerly NPL-Equivalent) site is received when funds are obligated and the actual RI/FS start date (Actual Start) is report 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

⁵ 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-P

- 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 (Formerly NPL-Equivalent) 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
- 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

PRP-financed RI/FS from a Special Account was added. Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”. This is a program measure.

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 01 - FY 02/03:

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.

e. START OF PUBLIC COMMENT PERIOD (PROPOSED PLAN TO PUBLIC) NPL & Superfund Alternative (Formerly NPL-Equivalent))**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 (Formerly NPL-Equivalent) 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

OSWER Directive 9200.3-14-1G-P

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 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator designating these sites as “Superfund Alternative”. This is a program measure.

f. RI/FS DURATION (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) site that have a targeted completion date in FY 02/03. 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 02/03 will be compared to:

- The regional and national average duration of RI/FS projects completed in FY 00/01 or FY 01/02;
- The regional and national average duration of RI/FS projects completed in previous quarters of FY 02/03.

Changes in Definition FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites will be tracked. Superfund Alternative (Formerly NPL-Equivalent) 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 01 - FY 02/03:

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.

h. DECISION DOCUMENTS DEVELOPED**Definition:**

A "Decision Document" is developed to document decisions or changes to decisions (at NPL, non-NPL, and Superfund Alternative (Formerly NPL-Equivalent) 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 response technologies to be implemented in the removal.

Remedial - The date the designated Regional Official or the AA OSWER signs the ROD at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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 technologies selected and their estimated cost (RA Cost Estimate).

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 (Formerly NPL-Equivalent) 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.

OSWER Directive 9200.3-14-1G-P

ROD Amendments - The date the designated Regional Official or the AA OSWER signs the amended ROD at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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).

ESDs - The date the ESD at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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).

Other Remedy Changes - The date the Other Remedy Change at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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).

These decisions will be tracked separately but reported on a combined basis.

Changes in Definition FY 01 - FY 02/03

New cost data entry requirements added. Added requirement for five year review type. Clarified the completion dates of the ROD, ROD Amendment, ESDs and Other Remedy Changes as the date of signature from the designated Regional Official or AA OSWER. Replaced "NPL Equivalent" with "Superfund Alternative" and revised corresponding WasteLAN data element.

Special Planning/Reporting Requirements:

In order to identify the response technologies selected in the Action Memo, the region must enter the following data into WasteLAN:

- the media addressed through the action (Media Type and Media Name), and
- the Selected Response Actions

To identify the response technologies selected in the 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 (Capital Cost, 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, identify the five year review date. This will system generate a five year review action and plan date). (Planned RA On-Site Construction and planned PCOR and FCOR should be in the system by the time the ROD is entered). *This system change will be implemented in the next release of WasteLAN in mid-FY 03.*

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative". This is a program measure.

PART II. REMOVAL AND REMEDIAL IMPLEMENTATION

i. 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-) 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***⁶ - 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”;

⁶Actions 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.

- The date (Actual Complete) the PRPs provide notice of intent to comply (Action Name = PRP Notify EPA of Intent to Comply) with a UAO for a RP-lead removal signed (Actual Complete) by the designated Regional 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; and
- The Response Action being conducted (Selected Response Actions).

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 01 - FY 02/03:

PRP-financed removal form a Special Account was added.

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.

j. 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 01 - FY 02/03:

None.

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.

k. REMEDIAL DESIGN (RD) START (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) 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 site 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) actions⁷ - A PRP-financed RD from a Special Account (Action Name = Remedial Design) at an NPL or Superfund Alternative (Formerly NPL-Equivalent) 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 site 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 (Formerly NPL-Equivalent) 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

⁷ 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.

OSWER Directive 9200.3-14-1G-P

- 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 (Formerly NPL-Equivalent) 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
- 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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

SA, SS, and ST-lead actions are new leads. Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative.”

1. RD COMPLETION (NPL & Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative.”

m. REMEDIAL ACTION (RA) START (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) 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) actions***⁸ - Credit for a RA start at a final

⁸ 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.

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 GPRA performance goal of 70% new PRP lead RA starts at NPL and Superfund Alternative (Formerly NPL-Equivalent) sites (see Enforcement Appendix C of the FY 02-03 SPIM, pages C1 and C2).

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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 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 (Formerly NPL-Equivalent) 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 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) actions⁹)** - 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 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 (Formerly NPL-Equivalent) 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.

⁹Actions 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.

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 01 - FY 02/03:

SA, ST, and SS -lead actions are new leads. Replaced “NPL-equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element. For PRP-financed under Federal enforcement (MR- and RP-leads), clarified the date to be used for the RA Start date when work is performed under a separate enforcement instrument for RA only.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”.

n. RA CONTRACT AWARD (NPL & PRP-lead Superfund Alternative (Formerly NPL-Equivalent))

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 (Formerly NPL-Equivalent) site, as documented in a memorandum to the site file.

Changes in Definition FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”.

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 (Formerly NPL-Equivalent) 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 work at a site for on-site construction of 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) 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 (Formerly NPL-Equivalent) 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) 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 Notify 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

OSWER Directive 9200.3-14-1G-P

- 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 (Formerly NPL-Equivalent) 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) 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) site when a State order or comparable State enforcement document is signed by the last State official.

Changes in Definition FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and added required data needed to receive credit for a Five Year review to the Special Planning/Reporting Requirements sections.

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) 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 planned start date. The Five Year Review planned completion date will be greyed out once the actual start date for the RA On-Site Construction is entered. *This system change will be implemented in the next release of WasteLAN in mid-FY 03.* This is a program measure.

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. The NCP provides for a maximum timeframe of one year for performing O&F activities, though EPA may extend the one-year period, as appropriate. O&F determinations are made for containment (all media), groundwater restoration and surface water restoration. The determination is made after physical construction of the remedy is complete to ensure that it is functioning properly and operating as designed. Monitored natural attenuation remedies do not go through an O&F determination.

Definition of Accomplishment:

O&F is complete either one year after the construction of the remedy is complete, or when the remedy is determined concurrently by EPA and the State to be functioning properly and operating as designed, whichever is earlier. EPA may grant extensions to the one-year period in writing, as appropriate. The date is documented in the Interim or Final RA Report. It may also be documented by letter to the interested parties.

Changes in Definition FY 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

The completion (Actual Complete) of O&F (SubAction 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.

q. COMPLETION OF A RESPONSE ACTION/ACTIVITY (NPL & PRP-lead NPL-Equivalent)

Definition:

Remedial Actions - A Fund-financed remedial action at a final NPL site or PRP-lead remedial action at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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 (Formerly NPL-Equivalent) 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).

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 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.

Example RA	RA Complete
Containment remedies.	After construction of the designed remedy is complete, cleanup goals have been achieved, and the Final RA Report is approved.
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 (Formerly NPL-Equivalent) 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 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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 (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”.

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.	

NPL Site Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
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.
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 Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
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>
If an FCOR can be prepared initially, then the site can achieve the NPL Construction Completion and NPL Site Completion measure simultaneously.		

Changes in Definition FY 01 - FY 02/03:

Changes made to the coding requirements column as a result of the PCOR and FCOR becoming an action level activity rather than a subaction.

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. 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. *This system change will be implemented in the next release of WasteLAN in mid-FY 03.* This is a GPRA annual performance goal.

PART III. POST CONSTRUCTION

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 measures, including monitored natural attenuation. It applies to the first ten years of restoration, which is considered a long-term response action.

Under the statute and the NCP, LTRA is only valid for Fund-financed or PRP-financed from a special account actions at final NPL sites. However, regions have sometimes used the term LTRA inexactly to describe PRP-conducted groundwater and surface water restoration measures, including monitored natural attenuation at NPL and Superfund Alternative (Formerly NPL-Equivalent) sites. PRP actions are covered in WasteLAN by a separate action, PRP LR, where LR refers to Long-Term Response.

Since PRP-led LTRA is a specific type of O&M, the ten year timeframe is not applicable. The Federal facilities program does not use LTRA or PRP LR. Their groundwater and surface water restoration measures go from RA completion directly to O&M.

LTRA and PRP LR 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, bioremediation, or soil vapor extraction.

The appropriate use of Special Account funds for LTRA is provided in the "Guidance on Key Decision Points in Using Special Account Funds" dated September 28, 2001.

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) actions¹⁰) or PRP LR Start: LTRA at a final NPL site or PRP-LR at a NPL or Superfund Alternative (Formerly NPL-Equivalent) site (Action Name = Long Term Response or PRP LR) begins (Actual Start Date) on the date the designated Regional Official (Branch Chief or above) approves in writing the Interim Remedial Action Report.

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.

¹⁰Actions qualify for SA, SS, and ST leads, when the majority of the funding for the total estimated LTRA 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 LTRA cost at the site. For example for a LTRA, 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 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.

PRP LR Completion: PRP LR at a NPL or Superfund Alternative (Formerly NPL-Equivalent) 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 01 - FY 02/03:

PRP-financed LTRA from a Special Account was added. Replaced “NPL-equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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.

If the PRP LR must be conducted indefinitely, regions should not enter a planned or actual completion date for the PRP LR action. If groundwater or surface water restoration measures or monitored natural attenuation are the only O&M activities being conducted at the site, regions should enter either the ‘PRP LR’ or the ‘Operations and Maintenance’ Action, not both. Superfund Alternative (Formerly NPL-Equivalent) sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative”.

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 account¹¹ 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, regions may use the action, PRP LR, to indicate that these activities are being performed at the site.

The appropriate use of Special Account funds for O&M is provided in the “Guidance on Key Decision Points in Using Special Account Funds” dated September 28, 2001.

¹¹ Actions qualify for PRP-financed from a Special Account performed by the State (SS lead), when the majority of the 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., EPA, 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 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 SS lead.

Definition of Accomplishment:

O&M [Action Name = Operations and Maintenance] starts when the RA is complete and 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.

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 01 - FY 02/03:

PRP-financed O&M from a Special Account was added.

Special Planning/Reporting Requirements:

This is a program measure. O&M is planned site-specifically (Action Name = Operation and Maintenance) in WasteLAN and is 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 into WasteLAN. Where O&M must be conducted indefinitely, regions should not enter a planned or actual completion date for the O&M action.

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 may use the ‘PRP LR’ Action instead of the ‘Operations and Maintenance’ Action. In this situation, regions should not enter both Actions.

u. CLEANUP GOALS ACHIEVED

Definition:

This measure is used to indicate when cleanup goals are achieved for groundwater and surface water restoration, including monitored natural attenuation. It tracks achievement of cleanup goals for these remedies because they have not yet been achieved at Remedial Action completion.

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 01 - FY 02/03:

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.

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.

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 01 - FY 02/03:

None

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.

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.

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.
- **PRP-financed (Including MR-, RP- or PS-lead actions)** - EPA approves the five-year review workplan submitted by the PRPs under the terms of an enforcement instrument.

The actual start date (Actual Start) for the Five-Year Review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Five-Year Review Completions

Planned Completion Date: Five-year review planned completion dates are system generated based on Five-year review type entered at the time of ROD completion.

Statutory: The Five Year Review planned completion date is set for five years after the RA On-Site Construction planned start date. The Five Year Review planned completion date will be greyed out once the actual start date for the RA On-Site Construction is entered. *This system change will be implemented in the next release of WasteLAN in mid-FY 03.*

Policy: The 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. *This system change will be implemented in the next release of WasteLAN in mid-FY 03.*

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. *This system change will be implemented in the next release of WasteLAN in mid-FY 03.*

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 Remedy Assessment) must be entered into WasteLAN.

Changes in Definition FY 01 - FY 02/03:

Planned completion dates have been added to the completion definition which explains how the dates are initiated. Required data needed to receive credit for a Five Year review was added to the Special Planning/Reporting Requirements sections.

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 Assessment) 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).

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 Delete].

The partial NPL deletion process (Action Name = Partial Deletion from NPL) 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.

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 01 - FY 02/03:

None.

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. When the Notice of Partial Deletion is published, HQ will change the NPL Status to “Partially Deleted from NPL”.

A site deletion (Action Name = Final 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.

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 = Final 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.

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 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Final 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.

PART IV. ENVIRONMENTAL INDICATORS

z. HUMAN EXPOSURE UNDER CONTROL

Definition:

The Human Exposure Under Control indicator assesses the reduction in human exposure to contaminants at Superfund sites. NPL sites where human exposure is under control are defined as sites where all identified human exposure pathways from contamination at the site are under control or below health-based levels for current land and/or groundwater use conditions. This environmental indicator does not consider potential future land- or ground water-use conditions nor ecological receptors.

Definition of Accomplishment:

The criteria for determining if human exposure is controlled is found in Superfund Worksheets (refer to Exhibit B.2) for Environmental Indicators (OSWER Directive 9210.0-02P), CERCLIS Online Worksheets, and the “Interim-Final Guidance for RCRA Corrective Action Environmental Indicators.”

Changes in Definition FY 01 - FY 02/03:

New measure in FY 02.

Special Planning/Reporting Requirements:

Online environmental indicator worksheets must be completed and/or reviewed each year in CERCLIS (Program Management/Exposures/Releases Controlled Worksheets).

EXHIBIT B.2

aa. MIGRATION OF CONTAMINATED GROUND WATER UNDER CONTROL

Superfund Human Exposure Under Control Worksheet

Are all identified human exposure pathways from contamination at the site under control or below health-based levels for current land and/or groundwater use conditions? "Under control" means that adequately protective controls are in place to prevent any unacceptable human exposure under current land- and groundwater- use conditions only. This environmental indicator does not consider potential future land- or groundwater- use conditions nor ecological receptors.

Region: _____
 State: _____
 EPA ID: _____
 Site Name: _____

No/ Insufficient data

Step 1. Based on the most current data for the site, has **all** available relevant/significant information on known contaminants to soil, groundwater, surface water/sediments, and air at the NPL site been **considered** in this EI determination?

List site reference document : _____

↓ Yes

Step 2. Are groundwater, soil, surface water, sediments, or air **media** known or reasonably suspected to be "**contaminated**" above appropriately protective risk-based "levels" (applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from known contaminants?

List site reference document. _____

↓ Yes

Step 3. Are there **complete pathways** between "contamination" and human receptors such that exposures can be reasonably expected under the **current** (land- and groundwater-use) conditions?

List site reference document. _____

↓ Yes

Step 4. Are the potential exposures from Step 3 within acceptable limits under current (land and groundwater use) conditions (e.g., within the cancer risk range or HI <= 1)?

List site reference document. _____

↓ Yes

↓

INSUFFICIENT DATA,
More information needed
to make determination

↓ No

NO, Site Does Not Meet Definition

↓ Yes

YES, Site Does Meet Definition

Definition:

The Migration of Contaminated Ground Water Under Control indicator assesses the progress in mitigating groundwater contamination. NPL sites where groundwater migration is under control are those sites where the migration of contaminated groundwater is being controlled through engineered remedies or natural processes.

Definition of Accomplishment:

The criteria for determining if groundwater migration is controlled are found in Superfund Worksheets (refer to Exhibit B.3) for Environmental Indicators (OSWER Directive 9210.0-02P), CERCLIS Online Worksheets, and the “Superfund Environmental Indicators Guidance Manual (Draft, September 2002)” and the “Interim-Final Guidance for RCRA Corrective Action Environmental Indicators.”

Changes in Definition FY 01 - FY 02/03:

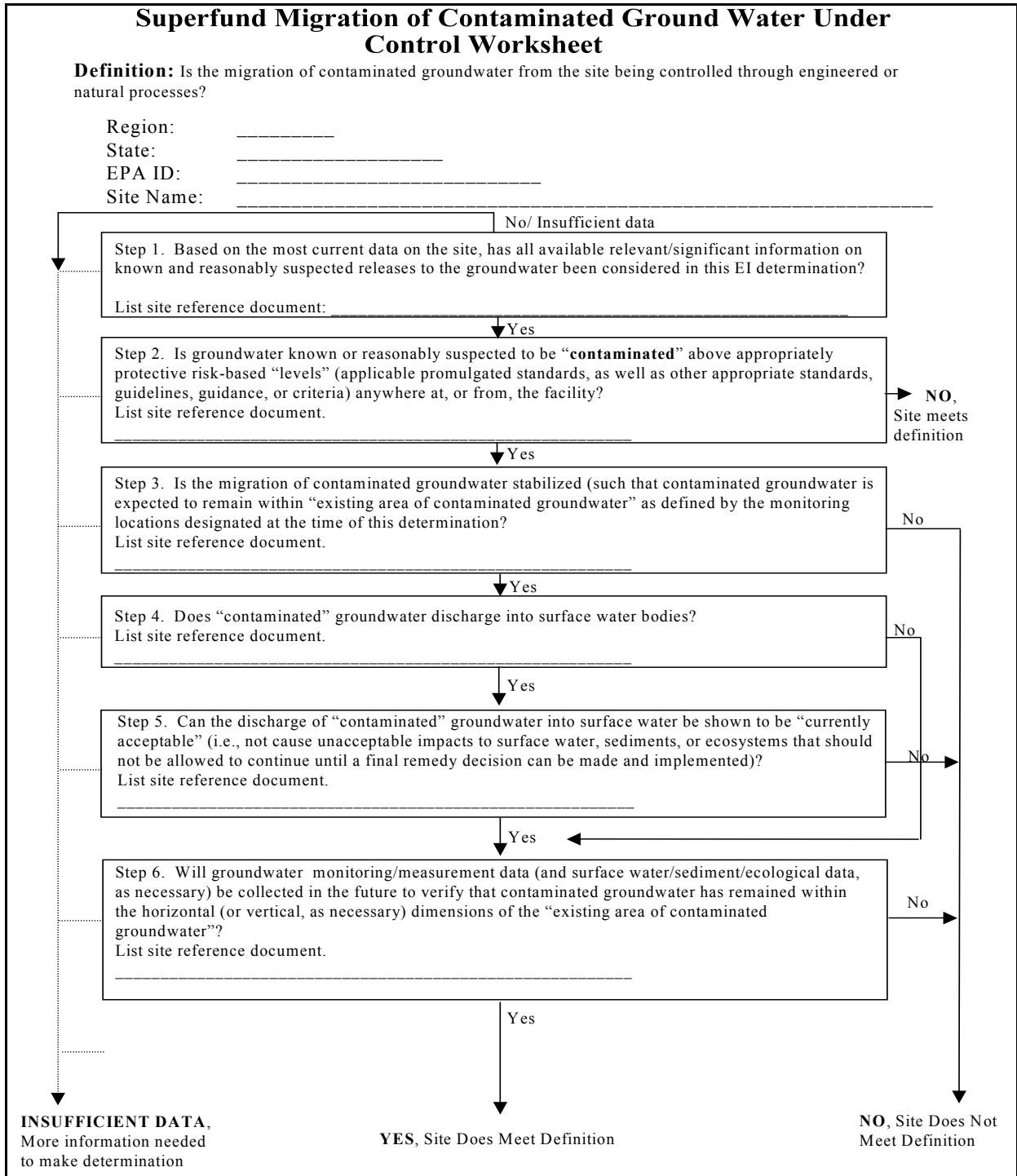
New measure in FY 02.

Special Planning/Reporting Requirements:

Online environmental indicator worksheets must be completed and/or reviewed each year in CERCLIS (Program Management/Exposures/Releases Controlled Worksheets).

EXHIBIT B.3

bb. POPULATIONS PROTECTED



Definition:

This measure tracks the environmental progress achieved at NPL, Superfund Alternative (Formerly NPL-Equivalent) and non-NPL sites through the completion of removal and remedial actions taken to prevent human exposure to contaminated materials. The following will be reported under this measure:

- Total number of sites where a removal and/or remedial action was conducted, and
- The number of people and receptors protected during removals and remedial actions that provide for:
 - Relocation of affected populations; or
 - Provision of an alternate water supply.
- The number of sites where site security is implemented

Definition of Accomplishment:

The following table identifies the medium-specific information that must be entered into WasteLAN for each category of protection provided:

<i>Site Security Measures Implemented</i>	<i>Population Relocated</i>	<i>Alternate Water Supply Provided</i>
Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other)	Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other)	Media Type (groundwater, surface water)
Media Name	Media Name	Media Name
Site Security/Institutional Control Response Actions Selected [Access Restriction, Access Restriction - Guards, Access Restriction - Fencing, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restrictions, Swimming Restrictions and Water Supply Use Restrictions]	Population Relocated Response Actions Selected [Population Relocation - Temporary, Population Relocation - Relocation Returned, Population Relocation - Permanent, Population Relocation (N.O.S.)]	Alternative Water Supply Response Actions Selected [Alternative Drinking Water (N.O.S.), Alternative Drinking Water - Temporary Replacement, Alternative Drinking Water - Supply Reinstated, Alternative Drinking Water - Permanent Replacement]
	The predominant receptor type protected (Residential, Industrial, or Commercial)	The predominant receptor type protected (Residential, Industrial, or Commercial)
	Population Protected (number)	Population Protected (number)

Changes in Definition FY 01 - FY 02/03:

Replaced "NPL Equivalent" with "Superfund Alternative."

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The WasteLAN data may be entered using the Smartscreen for the Action Memo and the RA. This is a program measure.

cc. CLEANUP TECHNOLOGIES APPLIED

Definition:

This measure tracks the technologies selected and the volume of hazardous waste handled during each removal action or remedial action conducted at a NPL or non-NPL site.

Definition of Accomplishment:

A removal action has been started or completed as defined in the Removal Start and Removal Completion measures or a remedial action has been started or completed as defined in the Start of a Response Action/Activity or Completion of a Response Action/Activity measures or regions must document in the interim or final RA Report or final POLREP or a memo to the files, the technologies that were implemented and the volume of hazardous waste handled.

The following information must be entered into WasteLAN for each medium addressed by the completed response action:

- Media Name;
- Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other);
- Response Actions Selected; and
- Cleanup amount.

Changes in Definition FY 01 - FY 02/03:

None.

Special Planning and Reporting Requirements:

See Definition of Accomplishment. The technologies selected and the volume of hazardous materials addressed through a removal action can be entered into WasteLAN through the Removal Screen or the EI screen (Views, Remedy Selection or Removal, Pipeline Operations, Options, Add/Edit EI). The technologies selected and the volume of hazardous materials addressed through a removal action or RA can be entered into WasteLAN through the Remedial Screen or EI screen (Views, Remedy Selection, Pipeline Operations, Options, Add/Edit EI). This is a program measure.

PART V. SUPPORT ACTIVITIES

dd. 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 completion of all remedial activities at the site.

Changes in Definition FY 01 - FY 02/03:

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 outlaid site-specifically. This is a program measure.

ee. 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 01 - FY 02/03:

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 outlaid site-specifically. This is a program measure.

ff. 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 01 - FY 02/03:

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.

B.B. 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
Mark Mjones	Emergency Response	703-603-8727
Dela Ng	Enforcement	202-564-6073
Bruce Pumphrey	Enforcement	202-564-6076
Melanie Hoff	Environmental Indicators	703-603- 9133
Monica McEaddy	Lead (Pb) Based Paints	202-260-2035
Larry Zaragosa	Lead (Pb) Risk Assessment	703-603-8867
Michael Bellot	Natural Attenuation	703-603-8905
Tracy Hopkins	Post-Construction	703-603-8788
Kenneth Lovelace	Post-Construction	703-603-8787
JohnJ Smith	Remedial Implementation	703-603-8802
Kevin Mould	Removal Implementation	703-603-8728
Ray Worley	Removal Implementation	703-603-8724
Mark Mjones	Removal Implementation	703-603-8727
DA Bennet	Response Action	703-603-8759
Robert White	Response Appendix Coordinator	703-603-8873
David Cooper	Risk Assessment	703-603-8763
Matthew Charsky	RODs/Remedy Selection	703-603-8777
Bruce Means	RODs/Remedy Selection	703-603-8815
Hans Waetjen	RODs/Remedy Selection	703-603-8906
Paul Nadeau	Superfund Post-Construction/PARM	703-603-8794

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

Appendix C: Enforcement

**This Page Intentionally
Left Blank**

Appendix C Enforcement

Table of Contents

C.A FY 02/03 TARGETS AND MEASURES FOR ENFORCEMENT	C-1
C.A.1 Overview	C-1
C.A.2 Targets And Measures For Baseline Enforcement	C-5
Criteria for Credit of Enforcement Activities at Superfund Alternative Sites.....	C-5
a. Potentially Responsible Party (PRP) Search Starts	C-6
b. PRP Search Completions	C-6
c. Section 104(e) Referrals And Orders Issued	C-7
d. Issuance of General Notice Letters (GNLs)	C-8
e. Issuance of Special Notice Letters (SNLs)	C-8
f. Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts	C-9
g. Remedial Design/Remedial Action (RD/RA) Negotiation Starts	C-9
h. Completion or Termination of Negotiations For RD/RA	C-10
i. Completion or Termination of Negotiations For Cleanup (RD/RA, Removals, and Other)	C-11
j. Percentage of Remedial Action Starts Initiated by PRPs at non-Federal Facility NPL and Superfund Alternative Sites	C-13
k. Total Response Commitments (Including Dollar Value)	C-14
l. Enforcement Settlements/Instruments for RD/RA/Long Term Response (LR)	C-15
m. <i>De Minimis</i> Settlements And Number of Parties	C-17
n. Cashout Settlements	C-18
o. Section 106, 106/107, 107 Case Resolution	C-19
p. Issuance of Demand Letter	C-20
q. Total Cost Recovery Settlements (Including Dollar Value)	C-20
r. Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals	C-21
s. Recoverable Past Costs That Have Been Addressed by Program-to-Date Via Settlements, Write-offs, or Referrals	C-22
t. Number And Amount of CERCLA Penalties Assessed	C-24
u. Number And Amount of CERCLA Supplemental Environmental Projects (SEPs)	C-25
v. Compliance Monitoring: Noncompliance With Active Enforcement Instrument For Response And Enforcement Actions	C-25
w. Use of Alternative Dispute Resolution (ADR)	C-27
x. Number Of Settlements Where EPA Settled Based On Ability-to-Pay Determinations	C-28
y. Prospective Purchaser Agreements (PPAs) - Assessed And Finalized	C-29
z. Issuance Of Comfort/Status Letters	C-30
aa. Orphan Share - EPA Offer And Compensation	C-31
bb. Issue Cleanup Orders to Parties in an Equitable Manner	C-33
cc. <i>De Micromis</i> Settlements And Number of Parties	C-34
dd. PRP Oversight Administration	C-35

**Appendix C
Enforcement**

Table of Contents (continued..)

ee. Settlements Designating Deposits to Special Accounts	C-36
ff. Deposits Into Special Accounts	C-37
gg. Settlements Designating Disbursements From Special Accounts to PRPs	C-38
hh. Disbursements From Special Accounts For Response Actions	C-39
C.B SUBJECT MATTER EXPERTS	C-40

**Appendix C
Enforcement**

List of Exhibits

EXHIBIT C.1 ENFORCEMENT ACTIVITIES C-2
EXHIBIT C.2 SUBJECT MATTER EXPERTS C-40

**This Page Intentionally
Left Blank**

C.A FY 02/03 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 example, regions are encouraged to maintain or exceed 70% or greater PRP remedial action starts at non-Federal facility Superfund sites.
- **Measures** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA measures and program measures. GPRA measures track and/or project the number of actions that occur through the year (accomplishments) and are used to evaluate program progress in support of GPRA. 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 targeted program specifically for work planning purposes. They are identified with a T in Exhibit C.1.

This appendix includes the enforcement Measures of Success that were devised by HQ 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.

EXHIBIT C.1 ENFORCEMENT ACTIVITIES

FY 02/03 Enforcement Performance Measures

The following table represents the FY 02/03 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)		✓		P
Completion or Termination of Negotiations for RD/RA (NPL & Superfund Alternative)		✓		P
Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other)		✓		T
Percentage of Remedial Action Starts Initiated by PRPs at non-Federal Facility NPL & Superfund Alternative Sites	✓	✓	✓	
Total Response Commitments (Including Dollar Value)		✓		P

* T = Program Target
P = Program Measure

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS /GAO/OIG/ OMB	RESOURCE WORK PLANNING*
Enforcement Settlements/ Instruments for RD/RA/Long Term Response (LR) (Including Dollar Value)		✓		P
<i>De Minimis</i> Settlements and Number of Parties	✓ (reporting)	✓	✓	T
Cashout Settlements		✓		P
Section 106, 106/107, 107 Case Resolution		✓		P
Issuance of Demand Letter				P
Total Cost Recovery Settlements (Including Dollar Value)	Report the value of costs recovered	✓		P
Past Costs Addressed ≥ \$200,000 Via Settlements, Write-Offs, or Referrals	✓	✓	✓	
Recoverable Past Costs That Have Been Addressed by Program to Date Via Settlements, Write-Offs, or Referrals		✓		P
Number and Amount of CERCLA Penalties Assessed		✓		P
Number and Amount of CERCLA Supplemental Environmental Projects (SEPs)		✓		P
Compliance Monitoring: Noncompliance with Active Enforcement Instrument for Response and Enforcement Action Taken		✓		P

* T = Program Target
P = Program Measure

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS /GAO/OIG/ OMB	RESOURCE WORK PLANNING*
Use of Alternative Dispute Resolution (ADR)		✓		P
Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations		✓		P
Prospective Purchaser Agreements (PPAs) Assessed and Finalized	✓ Reporting	✓	✓	T (Assessed) P (Finalized)
Issuance of Comfort/Status Letters		✓		P
Orphan Share - EPA Offer and Compensation	✓ (Offer/ Reporting)	✓		T (Offer) P (Compensated)
Issue Cleanup Orders to Parties in an Equitable Manner		✓		P
<i>De Micromis</i> Settlements and Number of Parties		✓		P
PRP Oversight Administration		✓	✓	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		✓		
The total value of cost recovery settlements and judicial actions achieved, and past costs considered recoverable		✓		

* T = Program Target
P = Program Measure

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS /GAO/OIG/ OMB	RESOURCE WORK PLANNING*
The amount of money EPA has collected from PRPs compared to the total amount achieved in cost recovery settlements and judicial actions		✓		
The estimated amount of money PRPs have committed legally to site cleanup compared to the total amount of funds obligated by Superfund enforcement program		✓		
Settlements Designating Deposits to Special Accounts		✓	✓	P
Deposits into Special Accounts		✓		P
Settlements Designating Disbursements from Special Accounts to PRPs		✓	✓	P
Disbursements from Special Accounts for Response Actions		✓	✓	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.2 TARGETS AND MEASURES FOR BASELINE ENFORCEMENT

Note: WasteLAN coding requirements contained in the definitions are only for key data elements. For a full list of requirements and suggested data elements, see the *SCAP/Oil 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, PRP-lead Remedial Action Starts) at Superfund Alternative sites apply only to sites that the region has determined would achieve a Hazard Ranking System (HRS) score greater than or equal to 28.5 or meet the qualitative criteria outlined in SACM Program Management Update Volume 1, Number 4 "Assessing Sites Under the Superfund Accelerated Cleanup Model" (Publication 9230.1-05I) ¹. 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

¹Criteria referenced include: 1) Private drinking water supplies are contaminated with a hazardous substance; 2) Numerous private wells are contaminated with a hazardous substance above a health-based benchmark; 3) Soils on school, daycare center, or residential property are contaminated by a hazardous substance above background levels; 4) A hazardous substance is detected above health-based benchmarks in an offshore air release in a populated area; 5) A highly toxic substance known to bioaccumulate (e.g. PCBs, mercury, dioxin, PAHs) is discharged into surface waters; or 6) Sensitive environments (e.g., critical habitats for endangered species, Federal wilderness areas, National Parks) are contaminated with a hazardous substance.

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 FY 01- FY 02/03:

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 *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 FY 01- FY 02/03:

None

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 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 FY 01- FY 02/03:

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 FY 01 - FY 02/03:

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:

A SNL is a letter from EPA to the PRPs informing them of their potential liability and inviting them to offer to conduct the planned response action(s) at the site. This letter, under Section 122(e) of CERCLA, triggers a negotiation moratorium allowing the PRPs to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (ESI/RI/FS, RD, 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 FY 01 - FY 02/03:

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/REMEDIAL 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 FY 01 - FY 02/03:

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

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 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 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 separates the negotiations, as the start date of the new RD/RA 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 FY 01 - FY 02/03:

Added definition of accomplishment for RD/RA Negotiation Starts that are phased sequentially and concurrently. Replaced “NPL Equivalent” with “Superfund Alternative” and revised corresponding WasteLAN data element.

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

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 Section 106/107 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 Section 106/107 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 FY 01- FY 02/03:

Replaced "NPL Equivalent" with "Superfund Alternative" and revised corresponding WasteLAN data element.

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)

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 Section 106/107 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 Section 106/107 injunctive referral to compel the PRP to perform the cleanup (RD or RA) as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's transmittal memo, which is the litigation [Action Name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- A Prospective Purchaser Agreement (PPA) implementing the 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 FY 01 - FY 0102/03:

Replaced "NPL Equivalent" with "Superfund Alternative" and revised corresponding WasteLAN data element

Special Planning/Reporting Requirements:

This is a program target. Cleanup 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, 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 GPRA annual performance goal 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 FY01 - FY 02/03:

Replaced "NPL Equivalent" with "Superfund Alternative" and referred to Appendix B RA Start Definition of Accomplishments for enforcement lead.

Special Planning/Reporting Requirements:

This is a GPRA annual performance goal. See special planning requirements in Appendix B, Section B.A.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 106/107 for PRPs to conduct or pay for the response action [ESI/RI, RI, RI/FS, FS, RD, RA, groundwater monitoring activities post ROD, institutional controls, time-critical or NTC removal]. 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 as recorded in WasteLAN as the actual start date (Actual Start). This includes CDs for mixed work, preauthorized mixed funding, *de minimis*, and cashout settlements. The appropriate Enforcement Instrument Categories Selected also must be entered into WasteLAN; or
- A Unilateral Administrative Order (UAO) is signed by the Regional Administrator or delegatee for RD or RA, and at least one of the PRPs has provided notice of intent to comply unconditionally. For UAOs for RD/RA, 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.

For all other response activities, commitment credit is given the date the UAO (Action Name = Unilateral Administrative Order) is signed by the Regional Administrator or delegatee as the actual completion date (Actual Complete).

- 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 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.

Changes in Definition FY 01- FY 02/03:

Modified measure to include enforcement instruments where parties agree to make cash payments toward future response costs at sites. Historically, the Office of Site Remediation (OSRE) has included these enforcement instruments in this program measure but has not previously included them in the Superfund/Oil Program Implementation Manual (SPIM). Replaced “NPL Equivalent” with “Superfund Alternative”.

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.

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 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, as well as the estimated value of the response work pursuant of each of those settlements/instruments.

Definition of Accomplishment:

Enforcement Instruments at non-Federal facility NPL, Superfund Alternative, and non-NPL sites include:

- 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 106/107, 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 as recorded in WasteLAN as the actual start date (Action Start). This includes CDs for mixed work, preauthorized mixed funding, *de minimis*, and cashout settlements. The appropriate Enforcement Instrument Categories Selected also must be entered into WasteLAN; or
- 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 or Consent Agreement) 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 of Consent Agreement 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 FY 01 - FY 02/03:

This is a new program measure. Historically, OSRE has tracked the enforcement settlements/instruments for RD, RA, or LR but has not previously included this measure in the SPIM. Replaced “NPL Equivalent” with “Superfund Alternative”.

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 as reported in WasteLAN as the actual completion date (Actual Complete); or
- When the Regional Administrator signs the memorandum transmitting the Consent Decree (CD) (Action Name = Consent Decree) signed by the *de minimis* parties to DOJ or HQ, and 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 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).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the *de minimis* parties and the Regional Administrator to DOJ 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 the CD is signed 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 FY 01- FY 02/03:

This is now a program target and GPRA reporting measure. Replaced “NPL Equivalent” with “Superfund Alternative”.

Special Planning/ Reporting Requirements:

This is a program target and a GPRA annual performance reporting 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.
- Following each *de minimis* settlement, the Region’s Office of Regional Counsel will be asked to complete a *de minimis* Settlement Survey Form, and may be asked for copies of the 10-Point Analysis. This information is used for analytical, and reauthorization support, and other information requests.

(Also see *De Micromis* 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 FY 01 - FY 02/03:

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, 106/107, 107 CASE RESOLUTION (Including Claim in Bankruptcy)

Definition:

Case resolution is the conclusion of a Section 106, 106/107, 107 judicial action, or Claim in Bankruptcy by full settlement, final judgment, case dismissal, or case withdrawal.

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; or
- The region receives a memo or letter from DOJ withdrawing the case; or
- A decision document is submitted by the judge dismissing the case; or
- A trial has concluded and a judgment rendered and signed by the judge fully addressing the complaint.

The Litigation or case resolution (Action Name = Litigation (Generic), Section 106 & 107 Litigation, Section 107 Litigation, 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 FY 01 - FY 02/03:

Modified measure to include Claim in Bankruptcy. Replaced “NPL Equivalent” with “Superfund Alternative”.

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 FY 01 - FY 02/03:

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.

Changes in Definition FY 01 - FY02/03:

Replaced “NPL Equivalent” with “Superfund Alternative”.

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 Section 106/107 or 107 judicial referral for cost recovery, including settlements for past costs under a CD (with no prior litigation referral); to prepare a decision document or 10-point settlement analysis document not to pursue cost recovery, or to file a claim in bankruptcy.

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 02/03 targeted sites that have SOLs occurring in or before FY02/03 or the first quarter of FY03/04.

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 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 or delegatee.

Section 107 or 106/107 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 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 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 FY 01 - FY 02/03:

Replaced "NPL Equivalent" with "Superfund Alternative".

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 the following information into WasteLAN: "Federal Costs Settled - Past". For each judicial referral, regions must enter the following information: "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 106/107 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 106/107 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

OSWER Directive 9200.3-14-1G-P

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 FY 01- FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative”.

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 FY 01 - FY 02/03:

None.

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 Enforcement Docket System. 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 FY 01 - FY 02/03:

None.

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 Enforcement Docket System. This is a program measure.

v. COMPLIANCE MONITORING: NONCOMPLIANCE WITH ACTIVE ENFORCEMENT INSTRUMENT FOR RESPONSE AND ENFORCEMENT ACTIONS

Definition:

This measure identifies the number and percentage of enforcement instruments where PRPs have not complied with a requirement of the instrument, and where the EPA has either taken no enforcement action, planned enforcement action, or taken action to address violations. Enforcement instruments include only CDs, AOCs, and UAOs with a response action component. "Noncompliance" is defined as the PRP being in violation of a provision(s) of an enforcement instrument, or a provision(s) of an incorporated reference document such as a work plan.

Definition of Accomplishment:

This measure is to be reported on a quarterly fiscal year basis for each type of formal enforcement instrument as follows:

- **Consent Decrees** - The number of active lodged CDs (Action Name = Consent Decree) with response action provisions (Response Actions Pd by Parties) where the settling PRP has failed or refused to comply with one or more provisions of the active entered CD, or with provisions of any other document incorporated by reference (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action

Taken). The actual date (Actual Complete) the CD is entered (Sub Action Name = Entered by Court) is the earliest date that could trigger the settling PRP's response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (regionally and nationally): a) the number and percentage of active signed CDs with response action provisions that qualify as being "In Violation" (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) calculated relative to the total number of active CDs with response action provisions; b) the number and percentage of active entered CDs with response action provisions in violation, where action is taken (Overall Compliance Status = In Violation - Action Taken) calculated relative to the total number of active entered CDs with response action provisions where there are violations (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

- **Administrative Orders on Consent (AOCs)** - The number of active signed AOCs (Action Name = Administrative Order on Consent) with response action provisions (Response Actions Pd by Parties) where the PRP has failed or refused to comply with any provision of the AOC, or provisions of any other document incorporated by reference (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The date the Regional Administrator signs the AOC (Actual Complete) is the earliest date that could trigger the settling PRPs response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (regionally and nationally): a) the number and percentage of active signed AOCs with response action provisions that qualify as being "In Violation" (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) will be calculated relative to the total number of active signed AOCs with response action provisions; b) the number and percentage of active signed AOCs with response action provisions in violation, where action is taken (Overall Compliance Status = In Violation - Action Taken) calculated relative to the total number of active signed AOCs with response action provisions where there are violations (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

- **Unilateral Administrative Orders (UAOs)** - The total number of active UAOs (Action Name = Unilateral Administrative Order) with response action provisions (Response Actions Pd by Parties) where the PRP has failed or refused to comply with any provision of the UAO, or provisions of any other document incorporated by reference (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The date the Regional Administrator signs the UAO (Actual Complete) is the earliest date that could trigger the settling PRPs response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (regionally and nationally): a) the number and percentage of active signed UAOs with response action provisions that qualify as being "In Violation" (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) will be calculated relative to the total number of active signed UAOs with response action provisions; b) the number and percentage of active signed UAOs with response action provisions in violation, where action is taken (Overall Compliance Status = In Violation - Action Taken) calculated relative to the total number of active signed UAOs with response action provisions where there are violations (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

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 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 FY 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

This is a program measure. Regions must enter the Current FY/Q and the Overall Compliance Status for all enforcement instruments on a quarterly basis. The Compliance Status is based on the compliance status of the individual milestones of the enforcement instrument.

The universes of enforcement instruments where PRPs are in compliance (Overall Compliance Status = In Compliance) in violation (Overall Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken), or compliance status is unknown (Overall Compliance Status = Unknown) with respect to the requirements of the instrument, will be calculated quarterly.

w. 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 FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative”.

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.

x. 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 FY 01- FY 02/03:

In FY 00, OSRE tracked CAs under this measure but had not previously included them in the definition.

Special Planning/Reporting Requirements:

This is a program measure. An Enforcement Instrument Categories Selected of “Ability to Pay” needs to be entered into WasteLAN .

y. PROSPECTIVE PURCHASER AGREEMENTS (PPAs) -ASSESSED AND FINALIZED**Definition:**

In December 2001, 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 GPRA 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.

The program target is to review and assess (make a determination) 100% of the PPA requests. *The percentage will be calculated using:*

- a) The number of written prospective purchaser requests addressed during the fiscal year through denial, withdrawal, or a final proposed settlement sent to a prospective purchaser for signature; versus,
- b) The number of written prospective purchaser requests (with all necessary information required by EPA) received by EPA within the first nine months of the current fiscal year; and all unconcluded/ongoing prospective purchaser requests (with all necessary information required by EPA) received prior to the beginning of the current fiscal year.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, non-NPL sites, and Brownfield properties:

- **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 FY 01- FY 02/03:

Brownfield properties are added to this definition. A written request for a prospective purchaser agreement replaces a formal written request. PPAs assessed are now a GPRA annual performance reporting measure and program target. Replaced "NPL Equivalent" with "Superfund Alternative". Changed Definition to reflect the Small Business Liability Relief and Brownfields Revitalization Act.

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". PPA assessments are a GPRA annual performance reporting measure and program target. The number of PPAs signed is a program measure and reported under GPRA. When the capability exists in WasteLAN, Regions should track PPAs - Assessed and Finalized for Brownfields electronically in the Brownfields area of WasteLAN.

z. ISSUANCE OF COMFORT/STATUS LETTERS

Definition:

This measure supports the Superfund Reform goals of Brownfields cleanup and redevelopment, by identifying situations where the Agency can provide information to parties interested in purchasing, developing, or operating on previously used properties and provide some assurance regarding the potential for an EPA action at the property. Comfort/status letters 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. All responses to solicitations for information on EPA's involvement or potential involvement or interest in a site or property qualify as comfort/status letters.

Definition of Accomplishment:

The 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. A comfort/status letter is accomplished (Actual Complete) the day it is signed by the appropriate Regional Official.

Changes in Definition FY 01 - FY02/03:

None.

Special Planning/Reporting Requirements:

This is a program measure. Regions should track the site-specific issuance of comfort/status letters electronically in WasteLAN.

aa. 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 (formerly NPL-Equivalent) 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:

- 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

OSWER Directive 9200.3-14-1G-P

- 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 non-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, 106/107, 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 FY 01- FY 02/03:

Add Memorandum for the Record for oral offers. Orphan share compensation offered is now a GPRA annual reporting measure and program target. Replaced “NPL Equivalent” with “Superfund Alternative”. **Added negotiations and settlements for RI/FS to the Definition and Definition of Accomplishment.**

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 GPRA annual performance reporting measure and program target. The program target 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. 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.

bb. ISSUE CLEANUP ORDERS TO PARTIES IN AN EQUITABLE MANNER**Definition:**

This measure supports the Superfund Reform goal of enforcement fairness by seeking to ensure reasonable and fair issuance of Unilateral Administrative Orders (UAOs) in accordance with the memorandum dated August 2, 1996. That memo established procedures for documenting reason(s) for excluding certain parties from CERCLA 106 UAOs or, in the case of late-identified PRPs, for not issuing such UAOs at all. The Agency's policy on who should receive UAOs remains that such orders should be issued to the "largest manageable number" of PRPs, following consideration of the three major factors listed below.

- Evidence of the PRP's potential liability,
- Financially viability of PRP, and
- PRP's contribution to the site (e.g., volumetric contribution or contribution in the form of prior work).

Definition of Accomplishment:

This measure will include non-Federal facility NPL, Superfund Alternative, and non-NPL sites. This measure will report:

- The number of Unilateral Administrative Orders issued pursuant to CERCLA section 106 at the site. Credit is given on the date a UAO is signed by the Regional Administrator (or delegatee), regardless of the nature of the response action (e.g., RD/RA, groundwater monitoring activities post-ROD, institutional controls, time-critical or NTC removals). This date is reported in WasteLAN as the actual completion date of the order (Action Name = Unilateral Admin Order).
- The total number of parties receiving the UAO.
- The number of parties (if any) excluded from the UAO.

The following information must be entered into WasteLAN:

- PRPs that were issued the UAO (Parties Issued UAO); and
- The response actions to be implemented pursuant to the UAO (Response Actions Pd by Parties).

In addition, the following information must also be entered in WasteLAN:

- PRPs that were excluded from the UAO (Parties Considered, Not Issued); and
- One or more of the following reasons why the PRP was not issued a UAO:
 - Financially Non-Viable;
 - Evidence Issues;
 - Relatively Minor Contributions to Site Conditions;
 - Already Contributed "Fair Share";
 - Manageability Concerns (for exceptional cases only); and
 - Federal PRP awaiting DOJ concurrence.

Changes in Definition FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative”.

Special Planning/Reporting Requirements:

This is a program measure.

cc. DE MICROMIS 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 *de micromis*. It is rather unusual in that it measures success inversely. The lower the number of *de micromis* settlements, the more successful the Agency’s *de micromis* policy.

Definition of Accomplishment:

De micromis 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 *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 “*De Micromis*”;
- PRPs that signed settlement (Parties Associated with Action, Party Name).

To indicate the *de micromis* parties that signed the settlement, the following information must be entered for each party on the Involvement screen:

- Basis of Liability of “*De Micromis* Party”; and
- Involvement Type of “Generator” or “Transporter”.

Changes in Definition FY 01 - FY 02/03:

Replaced “NPL Equivalent” with “Superfund Alternative”.

Special Planning/Reporting Requirements:

While EPA will enter into *de micromis* settlements when small parties are threatened with suit, the ultimate measure of success of this policy will be that *de micromis* parties are no longer pursued and there is no need to enter into such settlements (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.

dd. 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 FY 01 - FY 02/03:

Changes made to include settlement documents that are signed or referred within the current fiscal year. Replaced "NPL Equivalent" with "Superfund Alternative".

Special Planning/Reporting Requirements

This is a program target. As part of the annual work planning process, HQ will identify a potential universe of planned or ongoing RP-lead actions for which PRPs have entered into agreements with EPA to conduct work. 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. The regions and HQ shall then mutually determine the annual accomplishment target for this measure.

ee. 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) 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 Consent Decree (CD) (Action Name = Consent Decree) referred to DOJ/HQ under Section 106, 107, or 106/107 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 FY 01 - FY 02/03:

Modified definition to include the deposit of past costs into Special Accounts.

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.

ff. 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 FY 01 - FY 02/03:

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.

gg. 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 106/107 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) that includes a disbursement provision is signed. 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 FY01 - FY02/03:

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.

hh. 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 FY 01- FY 02/03:

Modified definition to include disbursements from Special Accounts to States and EPA for response actions.

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; and
- 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.)
- The dates of disbursements from Special Accounts.

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 #
Mary Bell	Enforcement Data	(202) 564-2256
Scott Blair	Enforcement Data	(202) 564-6023
Dan Dickson	Enforcement Data	(202) 564-6041
Dela Ng	Enforcement Data	(202) 564-6073

Superfund/Oil Program Implementation Manual FY 02/03

Appendix D: Federal Facilities

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

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-2
D.A.4	BRAC Budget and Financial Guidance	D-3
	a. Resources and Tracking Mechanisms	D-3
	b. Accountability for Resources	D-3
D.B.	FACILITIES FY 02/03 TARGETS AND MEASURES	D-4
D.B.1	Overview of FY 02/03 Federal Facilities Targets and Measures	D-4
	a. Reporting of Non-NPL Federal Facilities Data	D-5
D.B.2	Federal Facilities Definitions	D-8
	a. Base Closure Decisions	D-8
	b. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	D-9
	c. Federal Facility Dispute Resolution	D-10
	d. Use of Supplemental Environmental Projects (SEPs)	D-10
	e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts	D-11
	f. Timespan from Final NPL Listing to RI/FS or RFI Start	D-11
	g. Decision Documents	D-12
	h. Remedial Design	D-12
	i. Duration of ROD to IAG Negotiation Completion	D-13
	j. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts	D-13
	k. Timespan from ROD Signature to RA Start	D-14
	l. RA or CMI Completions	D-15
	m. Removal or RCRA Interim/Stabilization Measure (ISM) — Starts and Completions	D-18
	n. NPL Site Construction Completions	D-18
	o. Operation and Maintenance (O&M)	D-21
	p. Cleanup Goals Achieved	D-21
	q. Federal Facility Five-Year Reviews	D-22
	r. Federal Facility Partial NPL Deletion	D-22
	s. Federal Facility Final NPL Deletion	D-23
D.B.3	Community Involvement Definitions	D-24
	a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)	D-24
	b. Technical Assistance Grants (TAGs)	D-25
	c. Technical Outreach Services for Communities (TOSC)	D-26
D.C.	SUBJECT MATTER EXPERTS	D-26

**Appendix D
Federal Facilities**

List of Exhibits

EXHIBIT D.1 FEDERAL FACILITIES ACTIVITIES D-6
EXHIBIT D.2 REMEDIAL PIPELINE FLOW CHARTS D-17
EXHIBIT D.3 SUBJECT MATTER EXPERTS D-26

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 02 Department of Defense's (DoD) cleanup budget was \$1.9 billion including work at Base Closing installations, and the FY 02 Department of Energy's (DOE) environmental management budget was about \$6.7 billion. Other Federal agencies' budgets are considerably smaller. There are approximately 108 Fast Track Cleanup Bases where EPA supports the DoD cleanup and transfer process. For FY 02, DoD provided \$8.6 million to fund 76.3 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:

- ***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.
- ***Implementation of the Base Closure Five Point Plan*** - Pursuant to the Congressional mandate, numerous military bases are undergoing realignment or complete closure, with the potential for severe economic impacts on the affected local communities. Rapid redevelopment and job creation are the top goals of this community reinvestment program, commonly referred to as the "Five Point Plan." The program calls for the Federal government to give priority to local economic redevelopment, provide transition and redevelopment assistance to workers and communities, put cleanup on a Fast Track, provide transition coordinators at major bases scheduled for closure or substantial realignment, and allocate more funds for economic development planning grants.

- **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 Fast Track 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).
- **Preventing Pollution** - Focus on pollution prevention solutions at the source instead of "at the end of the pipe." Investing in pollution prevention saves money, minimizes environmental liability, and provides legitimate relief from operating under onerous pollution control regulation. Executive Order 12856, signed by President Clinton on August 3, 1993, requires Federal agencies to develop comprehensive pollution prevention strategies and seek to reduce by 50% their emissions of toxic chemicals or toxic pollutants by 1999. Federal agencies met this goal three years early in 1996.

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. Regions should consider adding into either existing or new FFAs/IAGs the process for annual review and consider adjusting enforceable milestones.

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 site cleanup activities. **Regions must strive to eliminate RCRA/CERCLA duplications wherever appropriate.** To get a better overall picture of a facility's cleanup activities, FFRRO 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); Corrective Measure Implementation (CMI), **Human Exposure Under Control; and Migration of Contaminated Ground Water under Control.** FFE0 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

Program management guidance is included in the BRAC Fast Track guidance. Beginning in FY 94, DoD provided EPA, via an interagency funding agreement, with reimbursable resources to support EPA's cleanup activities. DoD, EPA, and the Office of Management and Budget (OMB) worked together to develop the details of this agreement, which included 100 additional reimbursable work years for EPA and \$7 million starting in FY 94. In early FY 96, EPA reached agreement with DoD to fund EPA support for BRAC 4 (1995) installations designated as Fast Track Cleanup sites. As a result, interagency funding agreement for BRAC rounds I, II, III, and IV was assured through FY 01. Although the program is ramping down, DoD is currently funding 76.3 FTE filled EPA positions. The current EPA/DoD BRAC MOU expires at the end of FY 2002. EPA and DoD are currently working on a draft post FY 2002 BRAC MOU. Congress enacted the National Defense Authorization Act for FY 2002, which authorizes another BRAC round for 2005.

The majority of EPA's Fast Track resources are invested in the regions. Regional personnel provide technical assistance and guidance to DoD and States at Fast Track Cleanup sites. EPA uses Base Closure funding for EPA personnel to participate on BRAC Cleanup Teams as either the EPA designated team member or as technical experts. EPA relies upon in-house expertise; no BRAC funds are used for contractor support.

Regions are allocated work years and personnel, travel, and administrative funding based on negotiations with EPA Headquarters 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 Fast Track 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. The Cincinnati Finance Office provides FFRRO with a monthly "BRAC Utilization Report" generated from the agency-wide MARS system. This MARS report details the status of expenditures by the Regional Base Closure work years, personnel, travel, and other funding. This reporting is done for overall program management purposes and to track resource expenditures in the BRAC IV (including non-site) allowances.

b. Accountability for Resources

BRAC reimbursable work years and funding **must be used** only for EPA related military Base Closure activities. Military Base Closure activities are activities related to Fast Track Cleanup of specific bases identified by the Office of Solid Waste and Emergency Response (OSWER) (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans (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 Fast Track Cleanup. These activities are outlined in the Memorandum of Understanding between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER (AA 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 specific regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and regional personnel utilizing BRAC resources should receive authorization from their appropriate EPA HQ or regional senior 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 concurrence), who have in turn redelegated the authorities to other levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

EPA Regional Superfund or RCRA Divisions, in conjunction with the Office of Regional Counsel, Regional NEPA teams, State environmental regulatory agencies, and DoD, have formed a BRAC Cleanup Team (BCT) for each base designated by DoD as a Fast Track base. 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.

Note: Additional specific BRAC information can be found in the *Fast Track Program Guidance*.

D.B. FEDERAL FACILITIES FY 02/03 TARGETS AND MEASURES

D.B. 1 OVERVIEW OF FY 02/03 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 02/03 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 02/03 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 Fast Track Sites.

EXHIBIT D.1 (1 of 3)
FEDERAL FACILITIES NPL SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Base Closure Start (if applicable)				✓
Base Closure Completion (if applicable)		✓		
FFA/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			✓	
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)				✓
Technical Outreach Support for Communities (TOSC)				✓

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
Base Closure Decision Starts				✓
Base Closure Decision Completions		✓		
RI/FS Start or RCRA Facility Investigation (RFI) Starts				✓
Decision Documents				✓
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
Base Closure Decision Starts (if applicable)				✓
Base Closure Decision Completions (if applicable)		✓		
RI/FS Start or RCRA Facility Investigation (RFI) Starts				✓
Decision Documents				✓
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				✓
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓		
Technical Outreach Support for Communities (TOSC)				✓

NOTE: Definitions apply to all site categories.

D.B.2 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.

Changes in Definition FY 01 - FY 02/03:

None.

Special Planning/Reporting Requirements:

Base Closure Completions is a GPRA measure. Base Closure Starts is a program measure.

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.

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 01 - FY 02/03:

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 GPRA target/annual performance goal.

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 01 - FY 02/03:

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 01 - FY 02/03:

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 01 - FY 02/03:

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 01 - FY 02/03:

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, or Removal Action Decision Document). 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), or Removal Action Decision Document (Action Name = Removal Action Decision Doc) 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 01 - FY 02/03:

Removal Action Decision Document completion date has 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. 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 01 - 02/03

New measure.

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.

i. 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 01 - FY 02/03:

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.

j. 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.

OSWER Directive 9200.3-14-1G-P

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 01 - FY 02/03:

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.

k. 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 02/03. 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 01 - FY 02/03:

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.

I. 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."

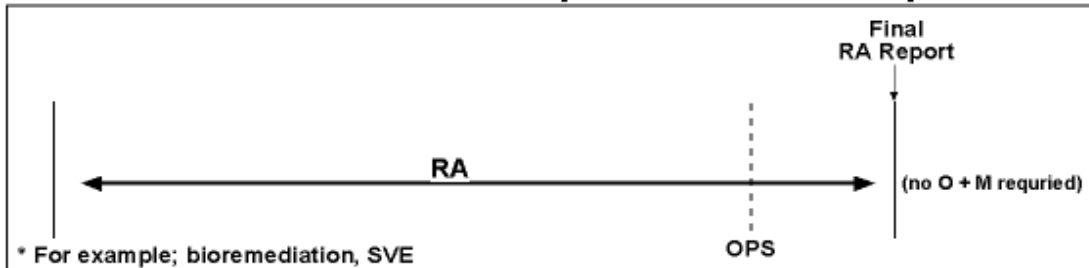
The following table provides examples of Remedial Actions and indicates when Remedial Action Completion can be achieved.

Remedial Action Completion Examples

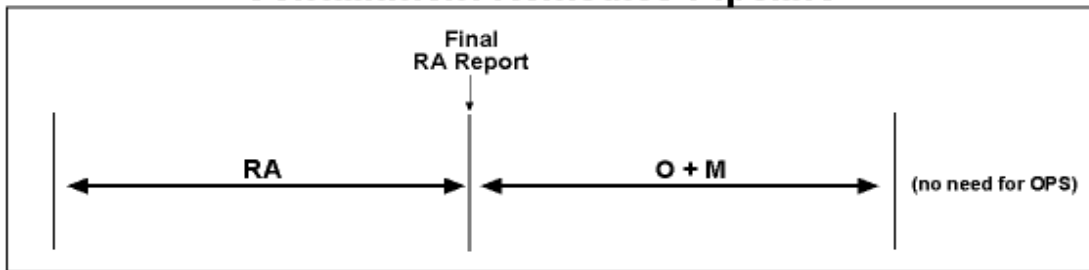
Example RA	RA Complete
Excavation and off-site disposal of contamination.	After all wastes have been excavated, removed from the site to an approved location, site has been restored, cleanup goals have been achieved, and the Final RA Report is approved. Since wastes have been removed, no O&M activities 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**

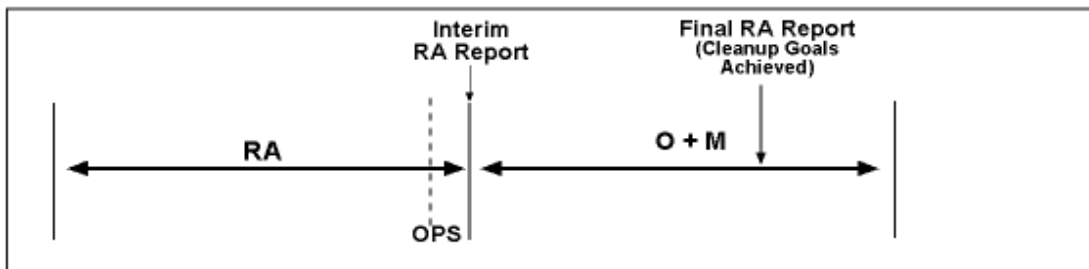
Treatment and Off-site Disposal Remedies Pipeline



Containment Remedies Pipeline



**Ground Water and Surface Water Restoration Pipeline
and Monitored Natural Attenuation**



OPS= Operating Properly & Successfully and applies only to BRAC sites.

Changes in Definition FY 01 - FY 02/03:

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).

m. 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 Fast Track, 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 01 - FY 02/03:

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.

n. 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]
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.
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.	Consistent with requirements for final NPL sites.

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 01 - FY 02/03:

Changes made to the coding requirements column as a result of the PCOR and FCOR becoming an action level activity rather than a subaction.

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.

o. OPERATION AND MAINTENANCE (O&M)

Definition:

O&M are the activities required to maintain the effectiveness or integrity of the remedy. 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 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

This is a program measure.

p. CLEANUP GOALS ACHIEVED

Definition:

This measure is used to indicate when cleanup goals are achieved for groundwater and surface water restoration, including monitored natural attenuation. It tracks achievement of cleanup goals for these remedies because they have not yet achieved cleanup goals at Remedial Action completions.

Definition of Accomplishment:

Cleanup goals 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 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

Cleanup Goals 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.

q. 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. Every five years, EPA, or the lead Federal agency, will 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. Five-year reviews generally involve a site visit or documentation of conditions noted through ongoing presence at the site.

Definition of Accomplishment:

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 = Five-Year Remedy Assessment) 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.

Five-Year Review Completions - 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 Remedy Assessment) must be entered into WasteLAN.

Changes in Definition FY 01 - FY 02/03:

None

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 = Five-Year Remedy Assessment) in WasteLAN. The trigger for a statutory five-year review is the actual completion date of the RA on-site construction.

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)

r. 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 01 - FY 02/03:

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. When the Notice of Partial Deletion is published, the regions will change the NPL Status to "Partially Deleted from the NPL".

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.

s. 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

OSWER Directive 9200.3-14-1G-P

- 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 01 - FY 02/03:

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.3 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 01 - FY 02/03:

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)

Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. The technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Community Relations TA Grants) is the signature of the award agreement to the community group which is the obligation of funds for the TAG. The completion of the TAG is the date the grant is closed out by the region.

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

TAGs is a program measure. The region must also enter the following information into WasteLAN:

- Total Dollar Amount of Grant;
- Initial Dollar Amount of Grant; and
- Waiver Amount if applicable; or
- Deviation Amount, if applicable.

Planned start and completion dates are not 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 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 01 - FY 02/03:

Language regarding the start of a TOSC in the Definition of Accomplishment was modified.

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.4 identifies the subject matter experts for Appendix D: Federal Facilities.

**EXHIBIT D.4
SUBJECT MATTER EXPERTS**

Subject Matter Experts	Subject Area	Phone #
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Joshua Barber	Federal Facility Response	(703) 603-0265
Marie Bell	Federal Facility Response	(202) 260-8427

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

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
i. Brownfields	E-7
E.A.2 Superfund Data Architecture	E-9
E.A.3 Reporting Superfund Information	E-10
WasteLAN Users	E-11
E.A.4 Applicability of the Freedom of Information Act	E-12
a. Reports Releasable under Freedom of Information Act (FOIA)	E-12
b. Sensitive Information Not Releasable under FOIA	E-12
c. Ad Hoc Reporting	E-15
d. Accessing FOIA Information	E-15
E.A.5 Data Owners/Sponsorship	E-17
E.B DATA SPONSORS	E-18

Appendix E
Information Systems

List of Exhibits

EXHIBIT E-1 SUPERFUND DATA ARCHITECTURE E-10

EXHIBIT E.2 DATA SPONSORS E-18

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
- Brownfields

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 media, 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 and update site descriptions which can be used to aid in the development of remedial documents, such as proposed plans and ROD;
- View cost and performance information on treatability studies, if available;
- 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., Risk Assessment, 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;
- 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;

OSWER Directive 9200.3-14-1G-P

- 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 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 de micromis parties;
- Track the equitable issuance of cleanup orders by recording the parties that were issued a Unilateral Administrative Order (UAO) as well as those that were considered but not issued a UAO and the rationale for non-issuance;
- 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 to Integrated Financial Management System (IFMS) on a daily basis; and
- Generate HQ program management reports.

i. Brownfields

To support the tracking of Targeted Brownfields Assessment, Prospective Purchaser requests assessed, and comfort/status letters on a property specific basis, WasteLAN provides the following capabilities:

Tracking TBAs on a Property-Specific Basis

A Brownfield module was designed and incorporated into WasteLAN during FY 99. This module provides the regions with a centralized database for directly entering and tracking Targeted Brownfields Assessment (TBA) information on a property-specific basis. Currently, the WasteLAN Brownfields module allows regions to enter and track the following information about TBAs and the properties addressed by TBAs.

TBA Information - Information tracked includes the:

- Property at which the TBA is conducted;
- Specific parcel (if applicable) addressed by the TBA;
- Party responsible for conducting the TBA;
- Actual start and complete dates for the TBA;
- Phase of the TBA (e.g., Phase One Assessment/Equivalent, Phase Two Assessment/Equivalent, Establishment of Cleanup Options/Cost Estimates); and
- Outcome or result of the TBA (e.g., potential for contamination does or does not exist).

Property Information - Information tracked about Brownfields properties addressed by a TBA includes:

- Locational information such as address, city, county, state, zip code, Congressional district, latitude and longitude, and directions to the property;
- Property ownership, operational status, and property type; and
- Information about parcels that exist at the property; historical data describing the past use of a property; and basic descriptive comments about the property.

EPA has developed several guidance documents that provide directions for entering property-specific TBA information in WasteLAN. These documents are available on the data menus of EPA's Intranet Web site (http://intranet.epa.gov/swbrnrf/wl_bfmod.htm). In addition to information on TBAs and sites at which TBAs are performed, the module allows regions to enter and track information on Enforcement Interest sites, such as Prospective Purchaser requests assessed and comfort/status letters.

Entering Data on TBAs and Properties on a Non-Property Specific Basis in the Accomplishments Tracking Screens.

TBA information is tracked in WasteLAN on a non-property specific basis, using the system's Accomplishments Tracking screens. You must enter quarterly planning data prior to entering completed quarterly accomplishment information for "Targeted Brownfields Assessments" and "Number of Brownfields Properties Addressed by TBAs." Annual planning data should be entered in October of each fiscal year. It may be updated at any time.

Detailed data entry instructions for Non-Property information can be found in Quick Reference Guide entitled "Tracking Brownfields Assessments." This document is available on EPA's Intranet at http://intranet.epa.gov/swerbrnf/pdf/bfa_qrg.pdf

Entering Data on TBAs and Properties on a Property Specific Basis in the Brownfields Module.

A Brownfields module was designed and incorporated into WasteLAN during fiscal year 1999. The WasteLAN Brownfields module provides the Regions with a centralized database for directly entering and tracking Targeted Brownfields Assessments (TBAs) information on a property-specific basis. Currently, the WasteLAN Brownfields module allows Regions to enter and track the following information about TBAs and the properties addressed by TBAs.

TBA Information - Information tracked includes the:

- Property at which the TBA is conducted;
- Specific parcel (if applicable) addressed by the TBA;
- Party responsible for conducting the TBA;
- Actual start and complete dates for the TBA;
- Phase of the TBA (e.g., Phase One Assessment/Equivalent, Phase2 Assessment/Equivalent, Establishment of Cleanup Options/Cost Estimates); and
- Outcome or result of the TBA (e.g., potential for contamination does or does not exist).

Property Information - Information tracked about brownfields properties addressed by a TBA includes:

- Locational information such as address, city, county, state, zip code, Congressional district, latitude and longitude, and directions to the property;
- Property ownership, operational status, and property type; and
- Information about parcels that exist at the property; historical data describing the past uses of a property; and basic descriptive comments about the property.

EPA has developed several guidance documents that provide directions for entering property- specific TBA information in WasteLAN.

These documents are available on EPA's Intranet Web site (http://intranet.epa.gov/swerbrnf/wl_bfmod.htm).

Reconciling TBA Data on a Property Specific and Non-Property Specific Basis

Each Region is expected to reconcile the Property Specific Numbers and Non-Property Specific Numbers using the SCAP-13 Brownfields Report. The report shows official accomplishments of Targeted Brownfields Assessments (TBAs) completed and the Number of Properties Addressed by TBAs in the columns on the left of the report from the Accomplishments Tracking module of WasteLAN, without property-specific detail. For comparison, the columns on the right of the SCAP-13 Brownfields Report shows the TBAs and Properties that have property-specific details from the Brownfields Module. These two sets of numbers should be closely comparable. The number of "Targeted Brownfields Assessments" in both modules should always be the same. Because Properties Addressed are only counted once, the properties will only match, if all historical TBA's are entered. Otherwise, a manual count of the Properties Addressed must be entered in the Accomplishment Screens, which counts the properties once in the first quarter and year that they are assessed.

Other Resources:

WasteLAN Brownfields Module Information EPA Intranet Page
http://intranet.epa.gov/swerbrnf/html-doc/wl_bfmod.htm

Entering Non-Site Planning Estimates and Accomplishments in WasteLAN Targeted Brownfields Assessments and Brownfields Properties http://intranet.epa.gov/swerbrnf/pdf/wl_nonsite.pdf

Brownfields Module Overview
http://intranet.epa.gov/swerbrnf/pdf/bf_ovr.pdf

Quick Reference Guide: Entering a Targeted Brownfields Assessment (TBA)
http://intranet.epa.gov/swerbrnf/pdf/tba_prop.pdf

Quick Reference Guide: Entering a TBA for an Archived Site
http://intranet.epa.gov/swerbrnf/pdf/tba_arch.pdf

Editing the EPA ID
http://intranet.epa.gov/swerbrnf/pdf/bf_epaid.pdf

Data Entry Forms
http://intranet.epa.gov/swerbrnf/html-doc/wl_bfmod.htm

Brownfields Data Primer, April 27, 2000, pp III-18 - III-22)
<http://intranet.epa.gov/swerbrnf/pdf/section3.pdf>

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:

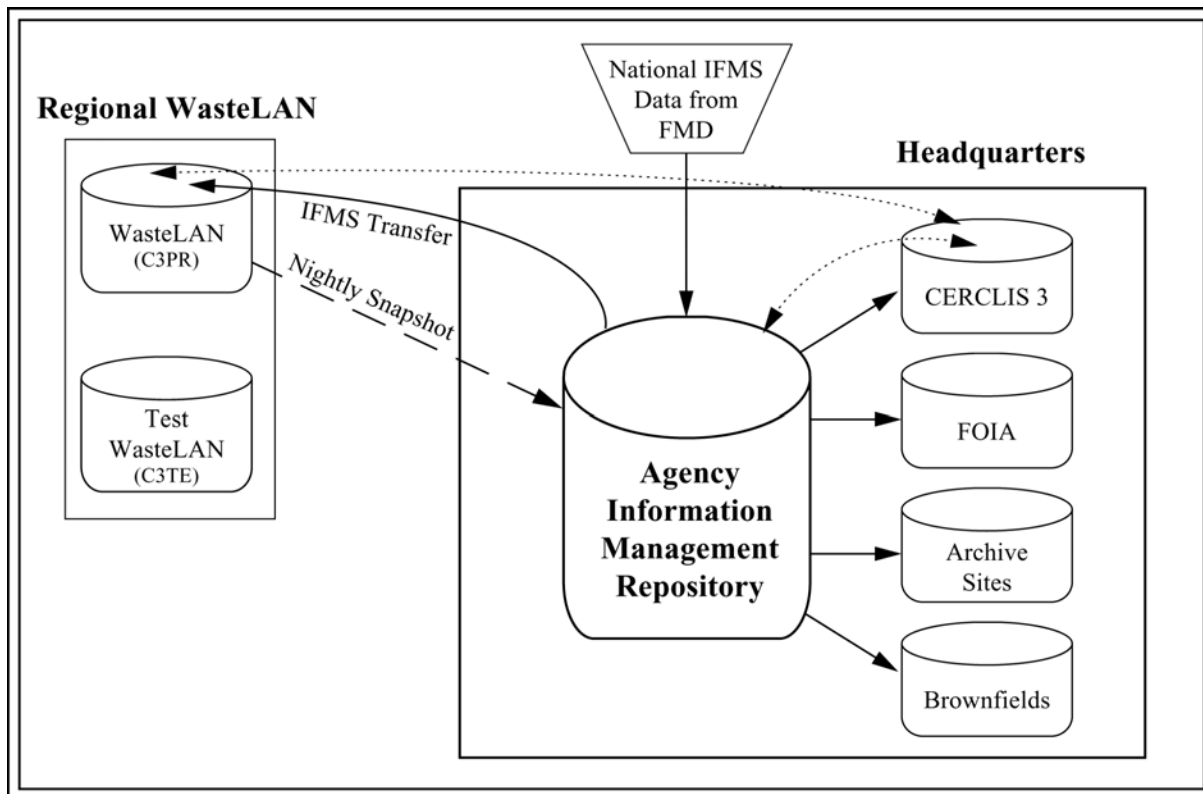
- Instantly: NPL Listing information
- Nightly: Construction Completion data
- Weekly: PRP data

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.
- *Brownfields*: This dataset contains properties where a TBA is being performed or where comfort/status letters are issued or prospective purchaser request is being or has been assessed.

- *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, Program Management and Brownfields. 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:

- Section 106 and 107 litigation and/or Consent Decrees (CD) and all related information where the planning information indicates that the action has or will be referred to HQ or the Department of Justice. If the case is filed or lodged, the information may be released.
- 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 and CD and all related information where the planning information indicates that the action has or will be referred to HQ or to the Department of Justice (DOJ). If the case is filed, 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. However, no subsequent response dates are releasable.
- RD/RA - Administrative Order/CD and all related information where only planning data exist. This information is only releasable where an actual completion date exists.
- Planned obligation amounts related to regional enforcement extramural budget activity associated with the following activities:
 - Litigation (106, 106/107, 107) support;
 - Removal Negotiations;
 - Non-NPL and NPL PRP search;
 - RI/FS negotiations;
 - RD/RA negotiations; and
 - Cost recovery negotiations.

- RD and RA planned events where the lead is the RP with no actual starts. When there is an actual start, the planned completion can be released.
- RI/FS and RD/RA negotiations planned start and completion dates. When there is an actual start, the planned completion can be released.
- Planned removal/remedial obligations.
- All planned activities for sites that have not been designated as final or proposed NPL sites in the Federal Register.

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 Sites Database and Text Files with Record Layout.** These database 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 a report.
 - Superfund Public Information System (SPIS) CD. The SPIS CD contains the complete text of official Records of Decision (ROD), Explanations 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 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, and oversee the process of entering data into the system. In addition, sponsors support the development of the requirements for electronic data submission (EDS).

Data sponsorship promotes consistency and communication across the Superfund program. HQ data sponsors communicate and gain consensus from data owners on data collection and reporting processes. Periodically, data sponsors will verify the data entered and maintained by the regions through focused data studies.

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, it provides a tool to improve data quality through program evaluation and adjustments in guidance to correct weaknesses detected.

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 #
John D. Harris	Beneficial Reuse/Beneficial Reuse Flag and Data/Superfund Redevelopment Initiative	(703) 603-9075
James Maas Juanita Standifer	Brownfields	(202) 260-8927 (202) 260-9192
Willie Griffin Alan Youkeles	Budget/Financial	(703) 603-8911 (703) 603-8784
Leslie Leahy Suzanne Wells	Community Involvement/Accomplishments and TAG Grants	(703) 603-9929 (703) 603-8863
Mike Northridge	Compliance Monitoring	(202) 564-4263
Rafael Gonzalez	Construction Completion	(703) 603-8892
Richard Jeng	Construction Completion/ Construction Completion Sites Flag	(703) 603-8749
Chad Littleton	Cost Recovery and Cost Recovery Action Tracking Data/Indirect Rate	(202) 654-6064
Steve Ells	Ecological Concerns/Ecological Data	(703) 603-8822
Ken Skahn	End-of-Pipeline	(703) 603-8801
Dela Ng Monica Gardner	Enforcement/Accomplishments and Cost Recovery	(202) 564-6073 (202) 564-6053
Melanie Hoff	Environmental Indicators/EI Data	(703) 603-8808
Joshua Barber Hortensia Coffee	Federal Facilities	(202) 260-8265 (202) 260-9926
Renee Wynn	Federal Facilities/Accomplishment	(202) 260-8366
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Jim Konz Silvina Fonseca	Five Year Remedy Review Data	(703) 603-8841 (703) 603-8799
Margret Brown	FOIA	(703) 603-8876

Data Sponsor	Subject Area (Sub Areas)	Phone #
Emily Johnson	GPRA/GPRA Accomplishments	(703) 603-8764
Ken Lovelace Matt Charsky	Groundwater Sites/Groundwater Flag and Data	(703) 603-8787 (703) 603-8777
Mike Cullen	Information Systems/CERCLIS Data Structure	(703) 603-8728
Erin Conley	Information Systems/Reports/e-Facts	(703) 603-8928
Mike Bellot	Institutional Control Data	(703) 603-8905
Monica McEaddy Larry Zaragosa	Lead (Pb) Sites Data	(202) 260-2035 (703) 603-8867
Shahid Mahmud	Mining Sites Data	(703) 603-8789
David Lopez	Oil	(703) 603-8707
Eric Burman	OSWER GPRA Lead	(202) 566-1899
Janet Weiner	PARM	(703) 603-8717
John J Smith	Pipeline Integration/Accomplishment Cleanup Action /Accomplishments and Post ROD Data/Remedial Implementation	(703) 603-8802
Tracy Hopkins	Post Construction/End-of-Pipeline	(703) 603-8788
Ken Skahn	Presumptive Remedy Sites/ Presumptive Remedy Flag and Data	(703) 603-8801
Paul Nadeau	Program Management/Planning and Accomplishments Cost/Financial /Financial Data	(703) 603-8794
Scott Blair Bruce Pumphrey	PRP Data	(202) 564-6023 (202) 564-6076
Carol Bass Larry Zaragosa	Quality Assurance	(703) 924-0681 (703) 603-8867
Stuart Walker Kathryn Klawiter (ORIA)	Radioactive Sites/Radioactive Materials Flag	(703) 603-8748 (202) 564-9228
Nancy Ortowski	Real Property Acquisition/ARCS	(703) 603-8785
Matt Charsky Bruce Means Hans Waetjen	Remedy Selection/Accomplishments and Remedy Data	(703) 603-8777 (703) 603-8815 (703) 603-8906

Data Sponsor	Subject Area (Sub Areas)	Phone #
Dana Stalcup	Removal/Counter Terrorism	(703) 603-8735
Terry Eby Mark Mjones Kevin Mould Ray Worley	Removal Implementation/Removal Accomplishment Data	(703) 603-8741 (703) 603-8727 (703) 603-8728 (703) 603-8724
Kevin Brittingham Jennifer Hemsley	Response Budget	(202) 564-4941 (703) 603-8921
Tiffany Disrud Steven Blankenship	Response Budget/Resource Management	(202) 564-1733 (202) 564-6905
David D Cooper	Risk Data	(703) 603-8763
Matthew Charsky	RODs/Remedy Selection	(703) 603-8777
Robert White	SCAP Reports	(703) 603-8873
Jennifer Griesert Randy Hippen	Site Assessment and Site Listing Status	(703) 603-8888 (703) 603-8829
Angelo Carasea	Site Assessment/SCAP-13	(703) 603-8828
Filomena Chau	Special Accounts	(202) 564-4224
Dan Dickson	Superfund Cost Recovery	(202) 564-6041
Hans Waetjen	Superfund Information System Liaison	(703) 603-8906
Kirby Biggs Bob Myers	Tribal Involvement	(703) 308-8506 (703) 603-8851

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03
Appendix F: Oil Pollution Prevention and Response Program

**This Page Intentionally
Left Blank**

Appendix F Oil Pollution Prevention and Response Program

Table of Contents

F.A. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES	F-1
F.A.1 Overview	F-1
F.A.2 Oil Program Initiatives	F-1
a. Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination	F-1
b. Implementing FRPs	F-1
c. Implementing the NCP	F-2
d. Developing and Maintaining Data Systems	F-3
e. Improving the SPCC Program	F-3
f. Coordinating with Other Agencies	F-3
F.A.3 Oil Spill Prevention and Cleanup Activities	F-4
F.B. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS	F-4
F.B.1 Overview	F-4
F.B.2 National Oil and Hazardous Substances Pollution Contingency Plan	F-5
F.B.3 Regional Contingency Plans	F-5
F.B.4 Area Contingency Plans	F-5
F.B.5 Federal Response Plan	F-6
F.B.6 Communications Requirements Associated with a Release	F-7
F.C. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT	F-8
F.C.1 Overview	F-8
F.C.2 Budget Formulation	F-8
F.C.3 Operating Plan Development	F-8
F.C.4 Budget Execution	F-8
F.D. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 02/03 MEASURES	F-9
F.D.1 Overview	F-9
F.E. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS	F-10
F.E.1 Prevention Measures:	F-10
a. Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews	F-10
b. Spill Prevention, Control, and Countermeasure (SPCC) Facilities in Compliance	F-10
F.E.2 Preparedness Measures	F-11
a. Oil Facility Response Plans Reviewed and Approved	F-11
b. Preparedness for Response Exercise Program (PREP) Area Drills	F-11
F.E.3 Response Measures	F-12
a. Oil Spill Notifications/Evaluations	F-12
b. Oil Spill Response & Monitoring	F-12
c. Cost Documentation	F-13

Appendix F
Oil Pollution Prevention and Response Program

Table of Contents (cont'd.)

F.E.4 Enforcement Measures	F-14
a. Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	F-14
b. Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations . . .	F-14
c. Orders for Removal Issued to a Responsible Party	F-14
F.F. SUBJECT MATTER EXPERTS	F-15

Appendix F
Oil Pollution Prevention and Response Program

List of Exhibits

EXHIBIT F.1 RELATIONSHIP OF OIL POLLUTION PREVENTION AND
RESPONSE PROGRAM PLANS F-6

EXHIBIT F.2 FY 02/03 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIONS F-9

EXHIBIT F.3 SUBJECT MATTER EXPERTS F-15

**This Page Intentionally
Left Blank**

APPENDIX F OIL POLLUTION PREVENTION AND RESPONSE

F.A. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES

F.A.1 OVERVIEW

The Agency shares responsibility with the United States Coast Guard (USCG) and other agencies for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will work on finalizing proposed revisions to the Oil Pollution Prevention regulation, also known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation; work with the facilities on ensuring compliance with the SPCC regulation; continue the review, inspection, and approval of facility response plans (FRP); continue the development and improvement of area contingency plans (ACP) and participation in area drills and other exercises; and respond to oil spills, or direct, monitor or support others' responses, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP. In addition, regional offices will assist State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Commissions (LEPCs) in coordinating and linking FRPs with Community Response Plans (CRPs) developed pursuant to the Emergency Planning and Community Right Act of 1986 (EPCRA).

F.A.2 OIL PROGRAM INITIATIVES

In Fiscal Year (FY)02/03, the Office of Solid Waste and Emergency Response (OSWER) will focus on addressing the following: above-ground storage tank/facility leakage and contamination; overseeing the continued implementation of FRPs through review, approvals, inspections and/or conducting unannounced facility drills, overseeing implementation of the oil spill response provisions of the revised NCP; developing and maintaining data systems; improving the Spill Prevention Control and Countermeasures (SPCC) Program; conducting EPA-lead area exercises and participating in industry-lead inland area exercises; and enhancing coordination within and between government agencies. These initiatives, which will improve response and enforcement activities related to oil spills and leaks, are described in more detail in the remainder of this section.

a. Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination

In FY 96, the Agency completed a study to determine whether liners or other secondary containment means will help prevent and detect leaks at above-ground storage facilities. As a result of this study and related research, the Agency will propose initiation of a cooperative program for industry, States, and environmental groups to investigate existing contamination, current facility design and procedures, and possible initiatives for contamination prevention and cleanup. EPA will also seek to initiate a pilot program while the proposal is pending.

b. Implementing FRPs

The OPA of 1990 requires that certain facility owners and operators prepare plans to respond to worst-case discharges of oil or a substantial threat of such a discharge. Owners/operators of such "substantial harm facilities" must submit their plans or stop handling, storing, or transporting oil. To ensure that such plans are implemented and response readiness maintained, OSWER will engage in the following activities:

- ***Coordinate with the Office of Enforcement and Compliance Assurance (OECA) on Oil Program Enforcement of the Spill Prevention Control and Countermeasures (SPCC)/FRP Rule*** — The primary goal of this initiative is to ensure that Program regulations, policy, implementation, and enforcement are consistently applied and support the same basic program objectives.

- **Implement Inspector Training to Ensure Consistent Implementation and Enforcement of the SPCC Prevention and Response Program** — The goal is to give training to all EPA regions to achieve nationally consistent inspection of SPCC and FRP facilities.
- **Develop Preparedness Response Exercise Program (PREP) Guidance/Scheduling** — To ensure that facilities are able to fully implement their FRPs, the OPC will provide guidance on procedures and scheduling of periodic exercise sessions during which a facility puts into practice its FRP and ensures its effectiveness.
- **Continue to Review FRPs and Inspect Facilities** — Inspections of facilities and FRPs will continue. FRPs submitted after 2/18/93 will have to be reviewed, inspected, and approved. The periodic cycle of review and approval of the FRP also will continue. The OPC also may observe internal facility drills/exercises.

c. Implementing the NCP

The revised NCP of 1994 implements several new regulations that directly affect the policies and procedures governing the Oil Program. The NCP also redefines the roles and responsibilities of several program offices within the Oil Program. These new regulations include a revision of Subpart J, which outlines technical requirements for chemical countermeasures, approval, and use on oil spills. They also include requirements for ACPs that ensure efficient responses to potential worst-case oil spills or discharges. The Oil Spill Program will have an integral role in the implementation of Subpart J and the monitoring of ACPs, and will be assisted by several other offices in these efforts. The following activities will be implemented as a result of the revised NCP:

- **Response** — In accordance with the NCP, EPA will respond to all oil spills to U.S. waters in the Inland Zone that are beyond the response capabilities of the Responsible Party and the State or local responders, or that otherwise require a Federal response. In addition, EPA will monitor or direct the response by others, as appropriate, or provide various types of technical and response support.
- **Subpart J** — Subpart J of the NCP requires EPA to prepare a product schedule of dispersants, chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Regional Response Teams (RRTs) and Area Committees (ACs), whose members are appointed by the President and consist of personnel from qualified Federal, State and local agencies, will address as part of their planning activities the desirability of using dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous spill control agents such as those listed on the NCP product schedule. This effort requires submission of effectiveness and/or toxicity testing for all product categories currently listed on the NCP product schedule. The Oil Program conducts validation testing for all dispersants.

The OPC is responsible for coordination, correspondence, and product review in support of Subpart J initiatives. In addition to this role, the OPC provides outreach to vendors, RRTs, and the general public regarding the use of chemical countermeasures.

- **Enhance the OPC's Involvement in Area Planning** — The OPC works with the Chemical Emergency Preparedness and Prevention Office (CEPPO) by monitoring area contingency planning efforts to ensure that they are providing the necessary link between the FRPs and the NCP, and that all contingency plans are coordinated to control a worst-case discharge of any size. OPC and CEPPO will ensure that plans are integrated and compatible, to the greatest extent possible, with all appropriate response plans of State, local, and non-Federal entities, and especially with Title III local emergency response plans.

d. Developing and Maintaining Data Systems

The availability of complete and comprehensive data on oil spill incidents and facilities is an integral component of the Oil Program's planning and response efforts. During the upcoming year, the Oil Program will focus its efforts in this area on the further development of pilot projects may lead to a new comprehensive Oil Program database that records and track information on incidents (spills) and facilities. The program also will continue to maintain the current Emergency Response Notification System (ERNS), so that release notification information on oil and hazardous substances can be accessed quickly and efficiently. To achieve these goals, the Oil Program will engage in the following activities:

- **Collection of Environmental Data** — Oil Spill Program will continue to assist the regions in gathering spatial data for area contingency planning purposes. This data will include environmentally sensitive areas, such as wetlands, drinking water intakes, endangered species locations and other similar areas. Oil Spill Program also will work with the regions to incorporate this data and other spatial data, such as facility locations and spill locations, into a useable geographic information system (GIS) format, for both planning and response support purposes.
- **Develop Oil Information Management tools** — The Oil Program information system will be developed for the purpose of recording and tracking information on Oil Program actions at a site-specific level. The information system will interface with CERCLIS as necessary, and will be used primarily by the regions to facilitate the flow of information within and between regions. The system also will likely interface with some of the GIS applications described above.
- **Enhance and Maintain ERNS** — ERNS provides the most comprehensive data compiled on release notification of oil and hazardous substances nationwide. Information should be recorded in ERNS when a release is initially reported; when more specific data is verified, more detailed data on the spill should be entered into the system. NOTE: The Headquarters oversight of ERNS has been transitioned to the Superfund program.

e. Improving the SPCC Program

The owners/operators of any facility subject to oil pollution prevention regulations are required to prepare and implement a SPCC plan. Plans must detail the procedures put into place to prevent and control oil spills. To ensure that such plans are developed and adhered to, the Office of Emergency and Remedial Response (OERR) will engage in the following activities:

- **Facilitate Regional Consistency** — The Oil Program is working to facilitate consistency among the regions in their implementation of SPCC inspections. (See the discussion on FRPs earlier in the chapter.)
- **Provide Regional Outreach** — Regional outreach efforts will be in the form of Headquarters (HQ) support of the regions' efforts to successfully implement their oversight of the SPCC program.
- **Reduce Paperwork Burden** — In FY 98, the Agency proposed revisions to reduce the SPCC paperwork burden by over 25%. In FY 99, OPC will work on finalizing this proposal, as well as 1991 and 1993 proposed prevention provisions.

f. Coordinating with Other Agencies

The success of the Oil Program relies heavily on the continued cooperation of several different agencies including the United States Coast Guard (USCG), the Department of Transportation (DOT), the Minerals Management Service (MMS), the National Oceanic and Atmospheric Administration (NOAA), and the Department of the Interior (DOI). Cooperation among these agencies ensures the efficient implementation of the NCP and FRP rule. To better instill this

cooperation, a national bulletin board that will provide a means to share information on oil spill prevention and responses will be developed, a Memorandum of Understanding (MOU) with the USCG will be prepared, and model MOUs for regions/States will be developed.

F.A.3 OIL SPILL PREVENTION AND CLEANUP ACTIVITIES

HQ and the regions will continue to work to decrease the environmental damage caused by oil spills. The following measures will be taken in an effort to prevent oil spills:

- **Targeting Inspections at the Higher Risk Facilities** — Where inspections disclose violations, enforcement actions will be taken in an effort to prevent problems before they occur.
- **Increasing the Amount of Cost Recovery Documentation** submitted to NPFC following completion of spill response efforts.
- **Planning and Conducting Responses to Oil Spills** — Response actions will be conducted with the goal of minimizing pollution and subsequent environmental damage, including increasing the number of removal orders issued.
- **Increasing the Number of Enforcement Penalty Actions** taken as a result of oil or hazardous substances discharge.
- **Evaluating the Agency's Response to Spills** to determine the most appropriate response to spills of varying severity.
- **Improving the Science of Oil Spill Response Through Efforts with Other EPA Offices and Industry Groups to Sponsor Such New Technologies as In-Situ Oil Burning and Surface Cleaning Agents** — The Oil Program will work through the National Response Team (NRT) to address national oil issues including participation in the Science and Technology, Preparedness, and Response Committees. The OPC will participate in special projects/reports such as a proposal for the review and approval of response plans to be done by the Federal On-Scene Coordinator (OSC) with jurisdiction for response.

F.B. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS

F.B.1 OVERVIEW

In FY 02/03, the Oil Pollution Prevention and Response Program will continue to work on the further refinement of its planning, prevention, and response activities and incorporation of these activities into the existing National Response System (NRS) framework.

F.B.2 NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

The cornerstone of the Oil Program's planning activities is the revised NCP, which outlines procedures and responsibilities for addressing potential oil and hazardous substance spills and discharges. This plan coordinates with, and is bolstered by, a number of similar Federal contingency plans, all of which are capable of handling "worst case discharges" of varying sizes and magnitudes. Exhibit F.1 displays the relationship of the Oil Pollution Prevention and Response Program plans and their relationship with the NCP.

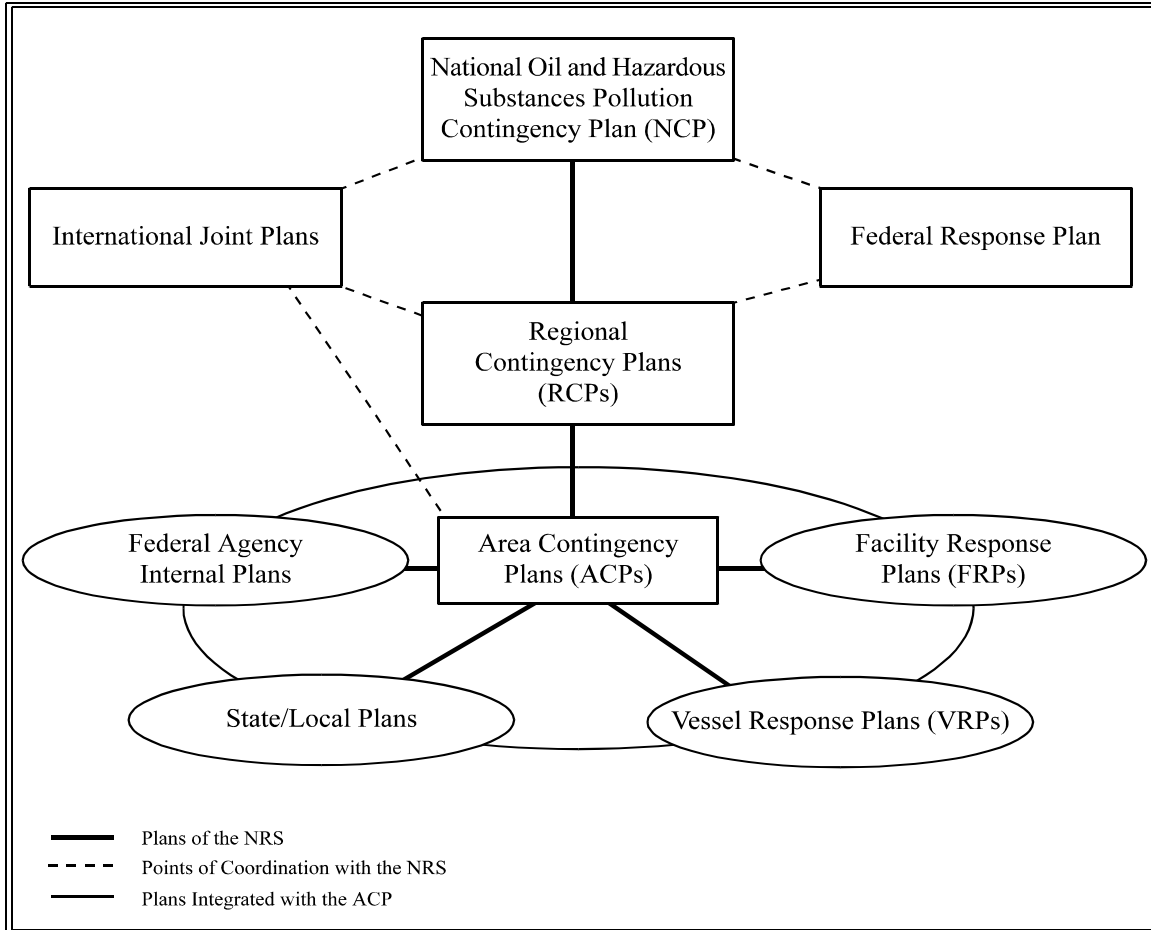
F.B.3 REGIONAL CONTINGENCY PLANS

The regions' plans for oil and hazardous waste spill responses are outlined in Regional Contingency Plans (RCPs). RCPs are developed by Regional Response Teams (RRTs) in conjunction with the States, and provide for timely, effective, and coordinated responses to oil and hazardous waste spills by various Federal agencies and other governmental organizations. In addition, RCPs must follow the format and the intent of the NCP and be coordinated with State Emergency Response Plans (SERPs), ACPs, and the Local Emergency Response Plans (LERPs) provided for under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

F.B.4 AREA CONTINGENCY PLANS

ACPs are locality-specific oil and hazardous waste spill response plans. All ACPs are under the supervisory authority of a federally appointed OSC, and are formulated by a body known as an Area Committee (AC). The ACs work in conjunction with the appropriate RRTs, Coast Guard District Response Groups (DRGs), the National Strike Force Communication Center (NSFCC), Scientific Support Coordinators (SSCs), LEPCs, SERCs, and Tribes to ensure consistency and prevent duplication of response efforts and responsibilities. The ACP also should be implemented in conjunction with provisions of the NCP and be effective in responding to a worst case discharge and mitigating or preventing a substantial threat of such a discharge from a vessel or facility operating within or near the area. The OSC may conduct emergency response drills to ensure that existing contingency plans and mechanisms are effective in dealing with a potential worst case discharge.

**EXHIBIT F.1
RELATIONSHIP OF OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANS**



F.B.5 FEDERAL RESPONSE PLAN

If and when an oil or hazardous material spill is declared a national disaster by the President, the Federal Response Plan is the instrument used to ensure effective response and cleanup. The Federal Response Plan is an agreement signed by the 27 Federal departments and agencies responsible for responding to oil and hazardous waste spills. It is implemented only when an existing discharge is beyond the capabilities of the State and local authorities and/or the statutory authority of Federal agencies. Interagency Agreements (IAGs) may be utilized when necessary to ensure that Federal resources will be available for a timely response to a discharge or release.

There are also several smaller governmental plans and organizations that play an integral role in the NRS. SERCs are responsible for designating emergency planning districts, appointing LEPCs for each district, and supervising the creation of LERPs in accordance with Title III, Section 303 of SARA. LERPs should be reviewed and updated at least once a year to ensure their accuracy and effectiveness. The SERCs and LEPCs also are responsible for receiving and processing information requests from the public regarding discharges or subsequent response actions. CRPs set forth provisions and guidelines for communication within and between communities in the event of a spill or discharge. These plans should be coordinated as closely as possible with other response plans and ensure fluid transfer of necessary information from the lead agency to the members of the local community.

The final components of the NRS are the SPCC Plans, FRPs, and Vessel Response Plans (VRPs), produced by owners or operators of facilities or vessels that are subject to the OPA. All owners and operators of OPA regulated facilities must produce and implement a SPCC plan, which outlines procedures for preventing and controlling oil spills. FRPs, which focus on reactive measures, such as how facility personnel are to respond to a discharge, are not required unless it is deemed that a specific facility could cause "substantial and or significant harm" to the surrounding environment. FRPs must be consistent with the NCP as well as with the appropriate RCPs and ACPs, and must be updated periodically to ensure effective response. Finally, all "tank vessels," as defined by section 311(j)(5) of the Clean Water Act (CWA) (as amended), must prepare and submit a VRP for responding to a worst case discharge, or to a substantial threat of such a discharge of oil or hazardous substances.

An NCP product schedule must be kept for all dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents that may be used in mitigating oil and hazardous substance spills. Under Subpart J of the NCP, effectiveness testing and/or revised toxicity testing are required for all product categories listed on the NCP product schedule.

F.B.6 COMMUNICATIONS REQUIREMENTS ASSOCIATED WITH A RELEASE

The National Response Center (NRC), located at USCG HQ, is the national communications center for handling activities related to oil response actions. It acts as the single point of contact for all pollution incident reporting, and as the NRT communications center. Any oil spills or discharges must be reported by telephone to the NRC. The NRC is responsible for notifying the appropriate Federal OSC and any participating NRT member agencies of the release, and communicating all of the information that it has received to ensure that an appropriate response may be implemented. All of the information received from the initial notification report also must be entered into ERNS. This information can then be used by decision makers to solve emergency response and release prevention issues. When notification information is verified, more detailed data on the release should be added to ERNS. ERNS also can be accessed by enforcement personnel to determine whether or not timely notification of spills have been reported.

Specific reporting requirements must be met to ensure efficient communication and coordination during response actions. The Federal OSC must report any significant developments that occur during response actions to the RRT and other appropriate agencies through communications networks or other pre-approved channels. This information should be made available to the trustees of affected natural resources so that they remain informed during the course of the response action. The OSC also is required to produce (if the RRT or NRT deems it beneficial) a more detailed report on the removal actions taken, resources committed (financial and manpower), and problems encountered in responding to the spill or discharge. This report should be submitted first to the RRT, and then subsequently to the NRT within 30 days of its initial submission. In addition, Title III of SARA requires the reporting of information, as it becomes available, to community representatives that have a stake in the response actions. Two of the more commonly used mechanisms for ensuring compliance with Title III requirements are the establishment of a Joint Information Center, and/or an on-scene news office to report important developments as they occur. After the appropriate response action has been implemented, the lead agency is responsible for preparing a report that details the source of the release, PRP involvement, and the impacts or potential impacts on human health, welfare, and the environment posed by the discharge or spill.

F.C. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT

F.C.1 OVERVIEW

The CWA, as amended by the OPA, established a dedicated trust fund for EPA to use for implementing many OPA provisions. The USCG administers the trust fund. The oil budget, which includes oil spill prevention, preparedness, and response is (like the Superfund budget) multi-year money that conform to the Agency's administrative and programmatic budget structure.

F.C.2 BUDGET FORMULATION

The Oil Program's budget formulation process begins approximately 20 months before the budget execution year. Currently, the Oil Program establishes and defines its goals and initiatives for the budget year in support of the Agency's strategic plan. In line with Agency guidance, the Oil Program also develops a budget strategy to achieve these goals and establish success. Examples include the number of oil spill cleanups.

F.C.3 OPERATING PLAN DEVELOPMENT

Once the Agency receives the Oil Program appropriation, development of the finalized operating plan begins. The appropriated resources are allocated to Oil Program activities, including response and regulatory support, enforcement, emergency response teams, and prevention.

F.C.4 BUDGET EXECUTION

During the budget execution year, regions request programmatic funds for specific oil spill activities including:

- Responding to oil spills, monitoring private party responses, and investigation oil spill notifications;
- Conducting SPCC inspections including plan reviews, site visits, and follow-up;
- Participating in SPCC/FRP Inspector Training in regions as students and instructors;
- Reviewing FRPs to ensure safety and compliance and to provide early identification of potential oil spill dangers;
- Inspecting FRP facilities for plan implementation as part of the 5-year review cycle;
- Providing technical assistance to the USCG in response to coastal oil spills; and
- Performing and participating in ACP drills through PREP.

HQ reprograms the funds for regional expenditure based on required requests. Oil spill activities also are performed by and funded directly out of HQ for such purposes as:

- Promoting bioremediation implementation with the regions.

As the budget execution year closes, the Oil Program uses actual obligations as the framework for developing the next year's budget to ensure that the formulation process closely reflects program trends.

F.D. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 02/03 MEASURE

F.D.1 OVERVIEW

The following pages contain the definitions of the FY 02/03 Oil Pollution Prevention and Response Program measures. The measures are grouped under the following three program areas: Prevention/Preparedness; Response; or Enforcement. Exhibit F.2 displays these Oil Program actions and indicates the program area grouping under which each measure falls. All Oil Program measures are reported quarterly on a site- or facility-wide basis. Oil Program measures are not reported site-specifically.

EXHIBIT F.2 FY 02/03 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIONS

Measure Name	Program Area
Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews	Prevention/Preparedness
SPCC Facilities in Compliance	Prevention/Preparedness
Oil Facility Response Plans Reviewed and Approved	Prevention/Preparedness
PREP Area Drills	Prevention/Preparedness
Oil Spill Notifications/Evaluations	Response
Oil Spill Response & Monitoring	Response
Cost Documentation	Response
Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
Judicial Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
Orders for Removal Issued to a Responsible Party	Enforcement

F.E. OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS

F.E.1 PREVENTION MEASURES:

a. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) INSPECTIONS AND PLAN REVIEWS

Definition:

For this measure, SPCC inspections and plan reviews include two separate measures: (1) site inspections and (2) SPCC plan reviews performed by EPA and/or the support contractors. For both actions listed below, each separate facility or SPCC plan will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

Two actions are counted separately for SPCC inspections (Target/Measure Name = SPCC Inspections):

- Site inspection, which may include separate counts for an initial visit and for a follow-up compliance inspection; or
- The completion of the review of a written SPCC plan, as documented by the submittal of correspondence to a facility regarding the review of the SPCC plan.

Changes in Definition FY 01 - FY 02/03:

Change in Definition.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of inspections and plan reviews are reported non-site specifically in CERCLIS.

b. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) FACILITIES IN COMPLIANCE

Definition:

For this measure, SPCC inspections include site inspections performed by EPA and/or the support contractors. Each separate facility will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

The SPCC Plan is in compliance with the SPCC requirements of the Oil Pollution Prevention Regulation, and the SPCC Plan has been fully implemented at the facility.

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of facilities in compliance is reported non-site specifically in CERCLIS.

F.E.2 PREPAREDNESS MEASURES:***a. OIL FACILITY RESPONSE PLANS REVIEWED AND APPROVED*****Definition:**

Under the OPA, facilities that store oil and have the potential to cause “substantial harm” to the environment must prepare a response plan for a worst-case discharge. The subset of those facilities that have the potential to cause “significant and substantial harm” to the environment require review and approval by EPA, although all facilities may be reviewed by EPA. This measure counts the number of oil Facility Response Plans (FRPs) reviewed and approved by the region.

Definition of Accomplishment:

The initial evaluation, detailed review, site inspection, and approval of one response plan will each be counted separately (Target/Measure Name = Facility Response Plan Review).

FRP Review/Approval: This accomplishment is complete when the region has completed the review of the FRP (date of the first piece of correspondence from EPA to the facility after completion of a review checklist or equivalent level of review), conducted a site inspection and/or unannounced drill (date of each site visit made as part of a FRP review, as recorded in site files or inspection report), and formally approved the FRP (date of the letter from EPA to the facility approving the response plan).

Changes in Definition FY 01 - FY 02/03:

Deleted “Initial Evaluation” section and combined other three measures: “Detailed Review, FRP Site Inspections, and Final Approval”. Also changed the grouping of measures.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of response plans evaluated, reviewed, and approved are reported non-site specifically in CERCLIS.

b. PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP) AREA DRILLS**Definition:**

OPA requires periodic drills and exercises of Area Contingency Plans (ACPs) and Facility Response Plans (FRPs). To help satisfy this requirement, EPA leads or participates in a variety of drills under the National Preparedness for Response Exercise Program (PREP) guidelines. These drills include a facility-initiated drills, EPA-lead Area-wide drills, and Area-wide drills led by other agencies or industry.

Definition of Accomplishment:

This action is counted for any PREP-based or equivalent drill participated in by EPA. The action will be credited by a letter, form, or memo documenting EPA’s participation in the drill.

Changes in Definition FY 01 - FY 02/03:

Change in Definition and Definition of Accomplishment by combining all drills into one measure.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of PREP Area Drills are reported non-site specifically in CERCLIS.

F.E.3 RESPONSE MEASURES:

a. OIL SPILL NOTIFICATIONS/EVALUATIONS

Definition:

EPA receives notifications, typically from the National Response Center, of oil discharges into the inland zone. EPA must evaluate each of these notifications to determine what response, if any, is appropriate, and to ensure that the response is undertaken by the responsible party, local or State agency, or EPA. This measure includes the number of oil spill notifications received and evaluated by EPA.

Definition of Accomplishment:

An oil spill notification and evaluation is counted when a report of an oil spill is received and evaluated by EPA and documented through a spill notification report and/or ERNS entry.

Changes in Definition FY 01 - FY 02/03:

Changed title, Definition, and Definition of Accomplishment to reflect that each notification must be evaluated by EPA to determine that an appropriate response is taken.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill notifications is reported non-site specifically in CERCLIS.

b. OIL SPILL RESPONSE & MONITORING

Definition:

This measure is defined as **either** an oil spill cleaned up by EPA using OPA response funds **or when EPA uses OPA and CWA §311 authority to provide oversight and technical assistance to PRPs or other Federal, State, or local agency responses to oil spills.** A single incident should be counted only once regardless of how many times an EPA OSC goes back on-scene or how many phases the response entails.

Definition of Accomplishment:

Oil Spill Cleanup Start Date: Date the contract modification, delivery order, or Pollution Reimbursement Funding Authorization for an oil spill cleanup at a site is signed (Target/Measure Name = Oil Spill Cleanup Starts).

Oil Spill Monitoring/Directing: The issuance of the first POLREP at a spill where the PRPs or other Federal, State, or local agencies are performing a response will be considered the start of a monitoring/directing action activity (Target/Measure Name = Oil Spill Monitoring/Directing).

Changes in Definition FY 01 - FY 02/03:

The measures 'Oil Spill Cleanups' and 'Oil Spill Monitoring/Directing' have been combined into this one measure.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill cleanups started are reported non-site specifically in CERCLIS. **The number of spills where EPA is providing oversight and technical assistance is reported non-site specifically in CERCLIS.**

c. COST DOCUMENTATION**Definition:**

In conducting responses to oil spills, the Agency can access the Oil Spill Liability Trust Fund's (OSLTF) emergency response allocation, which is managed by the U.S. Coast Guard (USCG). Based on EPA's agreements with USCG, the Agency must submit cost documentation packages within a reasonable amount of time after the completion of the oil spill response, and sometimes submit interim reports based on the duration of the response and the ends of fiscal years. This measure counts as two actions: how many times the region accessed the OSLTF [based on Federal project numbers (FPNs) issued]; and how many cost documentation packages the region prepared and submitted to the Cincinnati financial office. Although the account numbers established and cost documentation packages may not match the FPNs issued one-for-one, this measure will provide a good indicator of progress toward submitting the required documentation.

Definition of Accomplishment:

For this measure, two actions are counted:

- Number of FPNs issued to the region (date FPN issued) (Target/Measure Name = Federal Project Number Issued); and
- Number of cost documentation packages the region prepared and submitted to the Cincinnati financial office (date package submitted) (Target/Measure Name = of Cost Docm Pkge Issued).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of FPNs issued and cost documentation packages submitted are reported non-site specifically in CERCLIS.

F.E4 ENFORCEMENT MEASURES:***a. ADMINISTRATIVE PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS*****Definition:**

Administrative enforcement actions are taken by the region as a result of violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

OSWER Directive 9200.3-14-IG-P

Definition of Accomplishment:

Date that the complaint is filed in the administrative docket (Target/Measure Name = Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of complaints filed is reported non-site specifically in CERCLIS.

b. JUDICIAL PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS

Definition:

Judicial enforcement cases are initiated by the regions in response to violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

Definition of Accomplishment:

Date of the letter or memo referring the case to the Department of Justice (DOJ) (Target/Measure = Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of judicial referrals is reported non-site specifically in CERCLIS.

c. ORDERS FOR REMOVAL ISSUED TO A RESPONSIBLE PARTY

Definition:

This measure counts the number of Administrative Orders (AO) for removal issued to a party under Section 311 of the Clean Water Act.

Definition of Accomplishment:

An order is counted on the date it is signed by the appropriate Regional official (Target/Measure = Orders for Removals Issued to a Responsible Party).

Changes in Definition FY 01 - FY 02/03:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of orders issued is reported non-site specifically in CERCLIS.

F.F SUBJECT MATTER EXPERT

The following table identifies the subject matter expert for Appendix F.

EXHIBIT F.3 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Dave Evans	Oil Prevention and Response Program	703-603-8885
Lori Lee	Oil Prevention and Response Program	703-603-8866
David Lopez	Oil Prevention and Response Program	703-603-8706

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03
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-2
a. Comprehensive Mission Statement	G-2
b. General Goals and Objectives	G-2
c. Description of How General Goals and Objectives Will Be Achieved	G-2
d. Goals in the Annual Performance Plan and in a Strategic Plan	G-2
e. Key Factors Affecting Achievement of General Goals and Objectives	G-2
f. Program Evaluations	G-3
G.A.2 Annual Performance Plan	G-3
a. Performance Goals	G-3
b. Resources	G-3
c. Performance Indicators	G-3
d. Verification and Validation	G-3
G.A.3. Annual Performance Report	G-3
G.B. SUPERFUND/OIL GPRA STRUCTURE	G-4
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 from intricate, internally focused measures, to aligning and measuring resources with activities and reporting the environmental outcomes of the work undertaken at hazardous waste sites. The National Goals Project of 2005 and the Chief Financial 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 its actions. 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.

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

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 September 2000 and covers the six years of FY 2000 through FY 2005. 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/OIL GPRA STRUCTURE

The following is EPA's planning and budgeting architecture for Superfund and Oil appropriations. Also, included are the performance measures for brownfields which, in FY 2003, are proposed for funding under EPM and STAG appropriations. These correspond to the September 2000 strategic plan, with projected annual performance goals and measures contained in the FY 2003 budget request. 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 FY2003 enacted operating plan process. The strategic plan and FY 2003 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 5 - Better Waste Management, Restoration of Contaminated Waste Sites, and Emergency Response

America's wastes will be stored, treated, and disposed of in ways that prevent harm to people and to the natural environment. EPA will work to clean up previously polluted sites, restore them to uses appropriate for surrounding communities, and respond to and prevent waste-related or industrial accidents.

Objective 5.1 - Control Risks from Contaminated Sites and Respond to Emergencies

By 2005, EPA and its Federal, State, Tribal and local partners will reduce or control the risk to human health and the environment at more than 374,000 contaminated Superfund, RCRA, Underground Storage Tank (UST) and brownfields sites and have the planning and preparedness capabilities to respond successfully to all known emergencies to reduce the risk to human health and the environment.

Subobjective 5.1.2 - Reduce Risks from Superfund Sites

Superfund Removal Response Actions

Annual Performance Goal: In FY 2003, EPA will conduct 275 Superfund removal response actions for a cumulative total of 7,138 removal response actions since 1982.

Measure: Removal response actions.

Measure: Amount of liquid based waste removed.

Measure: Amount of solid waste removed.

Superfund Cleanups

Annual Performance Goal: In FY 2003, EPA and its partners will complete 40 Superfund cleanups (construction completions).

Measure: Construction completions.

Annual Performance Goal: In FY 2003, EPA and its partners will make final Superfund site assessment decisions on 475 additional sites for a cumulative total of 38,032.

Tribal Cleanup Assistance

Annual Performance Goal: In FY 2003, EPA 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 with tribes and intertribal consortia.

Measure: Site assessments (PA/SI) conducted in Indian country.

Measure: The number of tribes supported by cooperative agreements with tribes/intertribal consortia.

Measure: Funding provided for building tribal capacity.

Measure: Percentage of Superfund sites impacting Indian country where a tribe is involved as either the lead or support agency.

Superfund Intermediate Cleanup Indicators

Annual Performance Goal: In FY 2003, EPA will increase the number of Superfund hazardous waste sites with human exposures and migration of contaminated groundwater under control.

Measure: Superfund hazardous waste sites with human exposures under control.

Measure: Superfund hazardous waste sites with groundwater migration under control.

Subobjective 5.1.3 - Conduct Superfund Enforcement

Superfund Cost Recovery

Annual Performance Goal: In FY 2003, EPA will ensure trust fund stewardship by getting PRPs to initiate or fund the work and recover costs from PRPs when EPA expends trust fund monies. Address cost recovery at Superfund sites with a statute of limitations (SOL) on total past costs equal to or greater than \$200,000.

Measure: Addressed 100% of Statute of Limitations (SOL) cases for Superfund sites with total unaddressed past costs equal to or greater than \$200,000 and report the value of costs recovered.

Superfund Potentially Responsible Party Participation

Annual Performance Goal: In FY 2003, EPA will maximize all aspects of PRP participation, including 70% of the work conducted on new construction starts at non-Federal Facility Superfund sites, and emphasize fairness in the settlement process.

Measure: PRPs conduct 70% of the work at new construction starts.

Subobjective 5.1.8 - Facilitate Brownfield Redevelopment

Brownfield Site Assessment Grants

Annual Performance Goal: In FY 2003, EPA will provide additional site assessment funding to 74 new sites, and to 52 existing sites, resulting in a cumulative total of 3,350 properties assessed, the generation of 21,300 jobs, and the leveraging of \$5.0 billion in cleanup and redevelopment funds since 1995.

Measure: Cumulative leveraging of cleanup and redevelopment funds.

Measure: Cumulative jobs generated.

Measure: Cumulative site assessments.

Measure: Cooperative agreements to support Brownfields assessment pilots.

Brownfield Community Support

Annual Performance Goal: In FY 2003, EPA will provide funding for 30 communities to capitalize revolving loan funds for a cumulative total of 182, provide funding for 10 job training pilots for a cumulative total of 66 and 70% of graduates placed in jobs, and support 28 existing Showcase Communities.

Measure: Cumulative communities served by cooperative agreements to capitalize revolving loan funds.

Measure: Cumulative job training pilots.

Measure: Cumulative showcase communities.

Measure: Percentage of trainees placed.

Subobjective 5.1.10 - Ensure Federal Preparedness

Homeland Security

Annual Performance Goal: In FY 2003, EPA will complete the remaining 27 critical facility vulnerability assessments, prioritize the risks associated with each facility, and begin mitigation.

Measure: Number of vulnerability assessments performed.

Annual Performance Goal: In FY 2003, EPA will improve its overall homeland security readiness capability by 20% by performing enhanced training and exercises and providing state-of-the-art equipment. Percentage improvement will be determined by annual readiness survey and inspections.

Measure: Percentage improvement in homeland security readiness.

Measure: Percentage of LEPCs that have incorporated homeland security prevention and planning into the community contingency plans.

Measure: Percentage of states that have incorporated homeland security planning into state response systems.

Objective 5.2 - Regulate Facilities to Prevent Releases

By 2005, EPA and its federal, state, tribal, and local partners will ensure that more than 277,000 facilities are managed according to the practices that prevent releases to the environment.

Subobjective 5.2.3 - Ensure Effective Oil Pollution Prevention, Preparedness, and Response

Oil Spill Prevention Compliance

Annual Performance Goal: In FY 2003, 600 additional facilities will be in compliance with the Spill Prevention, Control and Countermeasure (SPCC) provisions of the oil pollution prevention regulations, for a cumulative total of 2,345 facilities since 1997.

Measure: Facilities in SPCC compliance.

Oil Spill Response & Monitoring

Annual Performance Goal: In FY 2003, EPA will respond to or monitor 300 significant oil spills in the inland zone.

Measure: Oil spills responded to or monitored by EPA.

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 #
Emily Johnson	GPRA	(703) 603-8764
Tony Raia	Brownfields	(202) 260-6837
Juanita Standifer	Brownfields	(202) 260-9192
Richard Jeng	Construction Completion	(703) 603-8749
Mark Mjones	Emergency Response/Removal	(703) 603-8727
Kevin Mould	Emergency Response/Removal	(703) 603-8728
Ray Worley	Emergency Response/Removal	(703) 603-8724
Pat Kennedy	Enforcement	(202) 564-6061
Melanie Hoff	Environmental Indicators	(703) 603-8808
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Tracey Seymour	Federal Facility Enforcement	(703) 603-8712
Augusta Wills	Federal Facility Enforcement	(202) 564-2468
Marie Bell	Federal Facility Response	(202) 260-8427
Jim Konz	Five-Year Reviews	(703) 603-8841
Kim Jennings	Homeland Security	(202) 564-7998
Bud Hunt	Oil	(202) 603-8736
John J Smith	Pipeline Integration	(703) 603-8802
Tracy Hopkins	Post Construction	(703) 603-8788
Bruce Means	Remedy Selection	(703) 603-8815
Robert White	Response Appendix Coordinator	(703) 603-8873
Randy Hippen	Site Assessment	(703) 603-8829

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

Appendix H: Community Involvement

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

Appendix H Community Involvement

Table of Contents

H.A	FY 01 TARGETS AND MEASURES	H-1
H.A.1	Overview of FY 02/03 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.2 COMMUNITY INVOLVEMENT REQUIREMENTS H-5

EXHIBIT H.3 CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES H-12

EXHIBIT H.4 SUBJECT MATTER EXPERTS H-13

APPENDIX H COMMUNITY INVOLVEMENT

H.A FY 02/03 TARGETS AND MEASURES

H.A.1 OVERVIEW OF FY 02/03 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 FY 02/03 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 FY 01 - FY 02/03:

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 signature of the award agreement to the community group which is the obligation of funds for the TAG. The completion of the TAG is the date the grant is closed out by the Region.

Changes in Definition FY 01 - FY 02/03:

Modified TAG Action Name for consistency with WasteLAN.

Special Planning/Reporting Requirements:

The Region must also enter the following information into WasteLAN:

- Total Dollar Amount of Grant; and
- Initial Dollar Amount of Grant; and
- Waiver Amount, if applicable; or
- Deviation Amount, if applicable.

Planned start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at non-Federal facility sites are contained in the response budget and found in the other response AOA. Funds for TAGs at Federal facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

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 (Memo 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 01 - FY 02/03:

Language regarding the start of a TOSC in the Definition of Accomplishment was modified.

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.2
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)

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(c)(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.3
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 met 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 Guidance

The coding guidance for SCAP measures will be reflected in the FY 01 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.4 Subject Matter Experts

Subject Matter Expert	Subject Area	Phone #
Leslie Leahy	Community Involvement	(703) 603-9929
Suzanne Wells	Community Involvement	(703) 603-8863

OSWER Directive 9200.3-14-1G-P

**This Page Intentionally
Left Blank**

March 30, 2001

Superfund/Oil Program Implementation Manual FY 02/03

Appendix I:

This Section Intentionally Left Blank

**This Page Intentionally
Left Blank**

Superfund/Oil Program Implementation Manual FY 02/03

Appendix J: Tribal Involvement

**This Page Intentionally
Left Blank**

Appendix J
Tribal Involvement

Table of Contents

J.A. FY 02/03 TARGETS AND MEASURES

J.A.1. Overview J-1

 a. Superfund Assessments Conducted at Sites that are of Concern to Tribes (Current FY/Inception to Date) J-2

 b. Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment J-2

 c. Tribes Supported by Superfund Cooperative Agreements J-3

 d. Superfund Dollars Provided for Building Tribal Capacity J-3

 e. Percentage of Superfund Sites that are of Concern to Tribes Where a Tribe is Actively Involved J-4

J.B. SUBJECT MATTER EXPERTS J-4

Appendix J
Tribal Involvement

List of Exhibits

EXHIBIT J.1.	TRIBAL INVOLVEMENT ACTIVITIES	J-1
EXHIBIT J.2.	SUBJECT MATTER EXPERTS	J-4

APPENDIX J
TRIBAL INVOLVEMENT

J.A. FY 02/03 TARGETS AND MEASURES

J.A.1. OVERVIEW

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)		T		
Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment		Proposed		
Tribes Supported by Superfund Cooperative Agreements		T		
Superfund Dollars Provided for Building Tribal Capacity		T		
Percentage of Superfund Sites that are of Concern to Tribes where a Tribe is Actively Involved		T		

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

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 01 - FY 02/03:

This is a new measure for FY 02.

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 01 - FY 02/03:

This is a new measure in FY 02.

Special Planning/Reporting Requirements:

c. TRIBES SUPPORTED BY SUPERFUND COOPERATIVE AGREEMENTS

Definition:

This measure tracks the total number of tribes receiving Superfund assistance or support.

Definition of Accomplishment:

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 01 - FY 02/03:

This is a new measure for FY 02.

Special Planning/Reporting Requirements:

d. SUPERFUND DOLLARS PROVIDED FOR BUILDING TRIBAL CAPACITY

Definition:

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 01 - FY 02/03:

This is a new measure for FY 02.

Special Planning/Reporting Requirements:

e. PERCENTAGE OF SUPERFUND SITES THAT ARE OF CONCERN TO TRIBES WHERE A TRIBE IS ACTIVELY INVOLVED

Definition:

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 01 - FY 02/03:

This is a new measure for FY 02.

Special Planning/Reporting Requirements:

J.B. 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	OERR Tribal GPRA Contact	(703) 308-8506
Felicia Wright	OSWER Tribal Contact	(202) 260-4410

