

## Implementation Status of Superfund Task Force Recommendations: 1st Quarter Fiscal Year 2018

Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Goal 1: Expediting Cleanup and Remedial Action</b>						
<b>Oversee Administrator's Emphasis List of Superfund Sites</b>	1	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>Published list of 21 Sites Targeted for Immediate, Intense Action that can benefit from the Administrator's direct engagement; sites require timely resolution of specific issues to expedite cleanup and redevelopment efforts</li> </ul>	<ul style="list-style-type: none"> <li>Track resolution of site-specific issues</li> <li>Replenish list as appropriate</li> </ul>	<a href="#">More Information</a>
<b>Develop list of potential NPL sites to target for completion</b>	1	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>Drafted criteria for identifying sites that appear to be stalled and need focused attention</li> </ul>	<ul style="list-style-type: none"> <li>Apply criteria to database to identify potential NPL sites to target</li> </ul>	

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<p><b>Prioritize and take action to expeditiously effectuate control over any site where risk of human exposure is not fully controlled</b></p>	<p style="text-align: center;">1</p>	<p>Q4, FY17</p>	<p>Implementing</p>	<ul style="list-style-type: none"> <li>• Reviewed/updated site-specific paragraphs for Human Exposure Not Under Control (HENC sites), which provide information on exposure pathways and actions EPA and partners are taking to address this at sites</li> <li>• Initiated development of Human Exposure dashboard (web tool) to provide Human Exposure statuses with links to site-specific information on one webpage. This information is already on each Site Profile Page. Information regularly reviewed/updated by EPA</li> <li>• Discussed challenges associated with effectuating control at HENC sites and how to do so more effectively</li> <li>• Began drafting recommendations for needed action</li> </ul>	<ul style="list-style-type: none"> <li>• Complete development of and post Human Exposure dashboard</li> <li>• Finalize recommendations on needed action to effectuate control at HENC sites</li> </ul>	<p style="text-align: center;"><a href="#">More Information</a></p>
<p><b>Develop recommendations for tracking and reporting site progress in support of efforts to move site toward completion</b></p>	<p style="text-align: center;">1, 2</p>	<p>Q4, FY17</p>	<p>Implementing</p>	<ul style="list-style-type: none"> <li>• Began to develop methodology for metrics, and tracking and reporting progression for moving sites toward completion</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize methodology for metrics, tracking and reporting</li> </ul>	

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<b>Focus resources on maximizing deletions/partial deletions, including review of policy and tracking eligible sites</b>	2	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>Identified sites expected to have deletion/partial deletion in FY2018</li> <li>Began to review current deletion policy and process to identify opportunities for flexibilities and improvements</li> </ul>	<ul style="list-style-type: none"> <li>Develop potential recommendations for flexibilities and improvements</li> <li>Evaluate existing sites for partial deletion potential</li> </ul>	<a href="#">More Information</a>
<b>Promote the Application of Adaptive Management at Complex Sites</b>	3	Q3, FY18	Implementing	<ul style="list-style-type: none"> <li>Conducted half-day training for EPA remedial project managers on benefits of adaptive management and applications at specific sites</li> </ul>	<ul style="list-style-type: none"> <li>Identify adaptive management pilots/early adopters</li> <li>Develop project management approach for formalizing use of adaptive management</li> </ul>	
<b>Broaden the Use of Early Actions at Superfund Sites</b>	3, 5, 12.1	Q3, FY18	Planning	<ul style="list-style-type: none"> <li>Conducted initial discussions on scope and how to coordinate with other recommendations</li> </ul>	<ul style="list-style-type: none"> <li>Finalize scope of effort</li> </ul>	
<b>To Better Promote National Consistency and Review, Update Authority of Approval of Remedy Selection While Considering the Retained Authority of the Administrator</b>	4	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>Developed review process for Administrator's review and approval of Records of Decision (RODs) equal to or greater than \$50M</li> </ul>	<ul style="list-style-type: none"> <li>Implement review process for each applicable ROD</li> <li>Evaluate all approval authorities and make improvement recommendations on each</li> </ul>	

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<b>Clarify Priorities for Remedial Investigation/Feasibility Study (RI/FS) Resources and Encourage Performing Interim/Early Actions During the RI/FS Process to Address Immediate Risks</b>	5	Q1, FY18	Initiating	<ul style="list-style-type: none"> <li>• Scoped action items</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct first workgroup meeting to refine scope of effort</li> </ul>	
<b>Provide Clarification to the Principles for Superfund Groundwater Restoration: Develop list and summary description of available groundwater policy flexibilities in existing EPA Superfund groundwater policy documents</b>	6.1	Draft: Q2, FY18 Final: Q4, FY18	Implementing	<ul style="list-style-type: none"> <li>• Developing working draft of summary of available groundwater policy flexibilities in existing EPA Superfund groundwater policy documents</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize draft document on flexibilities</li> </ul>	<a href="#">More Information</a>

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<b>Provide Clarification to the Principles for Superfund Groundwater Restoration: Evaluate the groundwater beneficial use policy with a focus on beneficial use determinations</b>	6.2	Draft: Q2, FY18 Final: Q4, FY18	Initiating	<ul style="list-style-type: none"> <li>• Established workgroup and began gathering information on the groundwater beneficial use policy with a focus on beneficial use determinations</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct first workgroup meeting to discuss beneficial use determinations</li> </ul>	
<b>Promote Use of Third-Party Optimization Throughout the Remediation Process and Focus Optimization on Complex Sites or Sites of Significant Public Interest</b>	7	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Completed Superfund Optimization Progress Report, 2011-2015</li> <li>• Developed three BMP fact sheets based on optimization lessons learned</li> <li>• Identified and initiated 13 new priority optimization reviews</li> <li>• Conducted BMP training (see Rec. 9)</li> </ul>	<ul style="list-style-type: none"> <li>• Identify additional priority projects (e.g., sites on Administrator's Emphasis List, Redevelopment Focus List, where optimization may help move these sites forward)</li> <li>• Continue to implement identified optimization projects</li> <li>• Conduct additional BMP training</li> </ul>	<a href="#">More Information</a>

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<b>Reinforce Focused Scoping Which Closely Targets the Specific Areas for Remediation and Identify and Use Best Management Practices (BMP) in the RI/FS Stage</b>	8	Q1, FY18	Initiating	<ul style="list-style-type: none"> <li>• Initiated evaluation of current RI/FS guidance fact sheet to determine need for further information on focused scoping</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate possible revisions to guidance fact sheet on Scoping the RI/FS</li> <li>• Review three draft technical guides on BMPs for Scoping the RI/FS</li> </ul>	
<b>Characterization Technologies to Expedite Cleanup</b>	9	Q2, FY18	Implementing	<ul style="list-style-type: none"> <li>• Conducted over a dozen site characterization-related classroom trainings and webinars for EPA remedial project managers and other cleanup professionals</li> <li>• Implemented over a dozen site-specific technical support projects related to site characterization (at least 3 completed, 1 new, 13 ongoing projects)</li> </ul>	<ul style="list-style-type: none"> <li>• Continue site characterization classroom training and webinars</li> <li>• Continue to identify, initiate, and implement regional technical support related to site characterization</li> <li>• Identify and communicate site characterization resources</li> </ul>	<p style="text-align: center;"><a href="#">More Information — high-resolution site characterization</a></p> <p style="text-align: center;"><a href="#">More Information — characterization and monitoring</a></p>

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<b>Develop a Technical Support Team and Tools to Inform RPMs Regarding Available Resources so that Technical Support Providers Can Assist with Best Management Practice Applications</b>	10	Q2, FY18	Implementing	<ul style="list-style-type: none"> <li>• Updated pilot Superfund catalogue of EPA technical support and information resources</li> <li>• Initiated analysis of EPA technical support mechanisms to determine how to make technical support more widely available and track requests.</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize Superfund catalogue of resources</li> <li>• Develop recommendations on how to make technical support more widely available</li> <li>• Recommend procedures for tracking requests</li> </ul>	
<b>Review of all Third-Party Contracting Procedures, Large EPA-Approved Contractors, and Contracts to Determine Appropriate Use Parameters and Qualification Methods for EPA Contracting</b>	11	Q1, FY18	Planning	<ul style="list-style-type: none"> <li>• Formed an Agency work group to implement recommendation</li> <li>• Held several meetings to discuss the current implementation of the Remedial Acquisition Framework (RAF) to understand the objectives of the RAF and identify the components of the RAF that parallel with the objectives of Recommendation 11</li> <li>• Preliminarily determined to draft a Position Paper to show how the RAF components and objectives meet the objectives of this recommendation</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to convene the work group to continue monitoring implementation of the RAF and identify any additional actions that may be needed beyond what is planned within the RAF</li> <li>• Initiate drafting of the Position Paper</li> </ul>	

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<b>Goal 2: Re-Invigorating Responsible Party Cleanup and Reuse</b>						
<b>Recommend Consideration and Use of Early Response Actions at Superfund Sites, Particularly Sediment Sites, While Comprehensive Negotiations Are Underway for the Entire Cleanup</b>	12.2	Q1, FY18	Planning and Analysis	<ul style="list-style-type: none"> <li>• Continuing to conduct outreach and analysis on the use of bifurcated tracks for separately negotiating remedial design (RD) and remedial action (RA) at PRP-lead Superfund Sites, including sediment sites to accelerate negotiations and RD starts</li> </ul>	<ul style="list-style-type: none"> <li>• Develop an EPA Directive on negotiating separate tracks for RD and RA activities in order to start the RD work as soon as possible after signature of a Record of Decision</li> </ul>	



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<b>Identify Opportunities to Utilize Various Federal and State Authorities to Conduct Response Actions that are Consistent with CERCLA and the NCP</b>	13	Q1, FY18	Planning	<ul style="list-style-type: none"> <li>• Identifying opportunities and developing tools for addressing sites before they may be placed on the NPL</li> <li>• Evaluated existing guidance to determine if there is a need for revision or for developing new policy, including but not limited to “Addressing Emerging Contaminants Under Existing Enforcement Authorities: A Strategy Paper”</li> <li>• Reviewing “Imminent and Substantial Endangerment” Determination templates to see if additional aspects should be included to address any jurisdictional concerns under alternative statutes that could be used to require cleanup</li> <li>• Publicize and engage stakeholders in implementing the recent guidance related to an MOU designed to help address the complicated coordination and jurisdictional matters that can arise from regulatory and cleanup activities at contaminated sediment sites</li> </ul>	<ul style="list-style-type: none"> <li>• Conclude review of templates and guidance previously described</li> <li>• Engage state team members to discuss the utilization of state cleanup authorities to complement CERCLA remediation authority</li> </ul>	<p>The goal of “Addressing Emerging Contaminants Under Existing Enforcement Authorities: A Strategy Paper is to provide regional staff with enforcement options that may be available under statutes other than CERCLA to assist states and local governments as they cope with emerging contaminants in their communities</p>

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<b>Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment</b>	14	Q4, FY17	Planning/ Initiating	<ul style="list-style-type: none"> <li>• Drafted document that will provide guidance to regions on providing special account funds to bona fide prospective purchasers (BFPPs) as an incentive to perform work</li> <li>• Distributed the draft guidance document for review by regions, the Office of General Counsel, and the Department of Justice</li> <li>• Incorporated comments into the guidance, and the document is currently being prepared for final EPA management review</li> <li>• On track to distribute the guidance on 04/02/18</li> </ul>	<ul style="list-style-type: none"> <li>• Review and comment by EPA managers; incorporate comments</li> <li>• Receive final approval from EPA's Special Accounts Senior Management Committee</li> <li>• Finalize and distribute guidance</li> </ul>	

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Speed Up Settlement Process Where There Are Federal Potentially Responsible Parties at a Superfund Site	15	Q4, FY17	Planning	<ul style="list-style-type: none"> <li>• Discussing a number of federal potentially responsible party (PRP) issues with the Department of Justice and other federal agencies over the past several months to address ways to speed up settlement language disagreements, as well as to focus on issues arising at specific Superfund sites that are delaying cleanup</li> </ul>	<ul style="list-style-type: none"> <li>• Sponsor meetings with relevant staff officials to resolve disagreements and identify issues for leadership decisions</li> </ul>	EPA's Office of Site Remediation Enforcement (OSRE) develops model settlement documents and publicly publishes those model settlements online to help EPA regional, other federal, and private party attorneys in their settlement discussions

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<b>Provide Reduced-Oversight Incentives to Cooperative, High Performing PRPs</b>	16.1	Q1, FY18	Completion of indirect cost practices/ Planning	<ul style="list-style-type: none"> <li>• Provided a compilation of regional practices and actual charges of indirect costs</li> <li>• Submitted plan to provide financial incentives in the form of reduced oversight. The plan provided recommendations that consisted of active measures that will reduce the amount of oversight as well as a recommendation to cap oversight costs. These recommendations will result in decreased oversight costs charged to PRPs which will ultimately decrease indirect costs</li> </ul>	<ul style="list-style-type: none"> <li>• Brainstorm development of guidance and model language for settlement documents</li> </ul>	

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<b>Make Full Use of Enforcement Tools as Disincentives for Protracted Negotiations or Slow Performance Under Existing Cleanup Agreements</b>	16.2	Q1, FY18	Planning/Implementing	<ul style="list-style-type: none"> <li>• Identified several Regional and headquarters attorneys with extensive experience who will be instrumental in achieving the goals of this recommendation</li> <li>• Reviewing existing guidance documents, current and prior policy and settlement practices, and existing data regarding the duration of negotiations over the last several years</li> <li>• Planning to create a list of best practices to address delays in negotiations and cleanup process</li> </ul>	<ul style="list-style-type: none"> <li>• Assign team members to specific sub activity areas for this recommendation and develop a roadmap to completion for each sub-activity</li> <li>• Continue to review relevant guidance documents</li> <li>• Set up regular team meetings to assign tasks and review progress</li> <li>• Evaluate potential directive that re-emphasizes 2012 Guidance on Managing the Duration of RD/RA Negotiations</li> </ul>	EPA's Office of Site Remediation Enforcement (OSRE) is the lead office for this recommendation and has a long history of finding ways to make negotiations and cleanup enforcement more effective

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<b>Adjust Financial Assurance (FA) Required Under Enforcement Documents to Reduce Cooperating PRP's Financial Burden While Ensuring Resources Are Available to Complete Cleanups</b>	17	Q1, FY18	Planning/ Initiating	<ul style="list-style-type: none"> <li>• Defining situations where it may be appropriate for responsible parties to incrementally provide FA for the various phases of Superfund cleanup work</li> <li>• Identifying other ways to achieve a responsible balance between the cost of financial assurance and the risk of a financial default</li> <li>• Formed a workgroup, including representatives from EPA Headquarters and regions to explore case circumstances and identify potential situations where flexibility in applying FA is appropriate</li> <li>• Developing and refining criteria to balance those case circumstances where the FA might be adjusted</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to refine the draft criteria and brief EPA management regarding the criteria</li> <li>• Identify methods of implementing the list (e.g., guidance and/or model documents)</li> <li>• Evaluate whether there are methods to calculate the appropriate value of FA other than the estimated cost of the cleanup</li> </ul>	

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<b>Reinforce the Federal Facility Agreement Informal and Formal Dispute Deadlines (Tracking)</b>	18.1	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Developed an internal dispute tracking tool that will allow the Program Offices to track the timelines and progress of informal disputes that are reported to EPA Headquarters</li> <li>• Developed a tool to track postponed Federal Facility cleanup milestones. The tool will allow the Federal Facilities Restoration and Reuse Office (FFRRO) to look into the Federal Facilities Superfund planning data in our Superfund Enterprise Management Systems (SEMS) and gather information on site specific milestones that may have been pushed into future Fiscal Years. FFRRO will use the tool for informed work planning discussions with the regions to determine whether postponed milestones are related to informal disputes and can be prevented on a case by case basis, or whether additional elevation of the issue is necessary to ensure timely sites progress</li> <li>• Both tools have been presented to the EPA Workgroup, the Federal Facility Leadership Council (FFLC), the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), Environmental Council of States (ECOS) and the other Federal Agencies (OFAs)</li> </ul>	<ul style="list-style-type: none"> <li>• Distribute to EPA Program Offices and regions for review</li> <li>• Share final tool with ASTSWMO, ECOS and the OFAs</li> </ul>	<p>These tools will be used to facilitate timely decisions to further ensure effective progress at sites</p>

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<b>Reinforce the Federal Facility Agreement Informal and Formal Dispute Deadlines (Policy)</b>	18.2	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Convened a workgroup consisting of regional and headquarters participation to plan the development of the document called for in Recommendation 18.2</li> <li>• Solicited feedback on the recommendation from the majority of federal agencies with Federal Facility Agreements as well as from the states through ECOS and ASTSWMO</li> <li>• Developed a draft document that is currently being circulated for comment by EPA regional offices</li> </ul>	<ul style="list-style-type: none"> <li>• Consolidate version of the draft document</li> <li>• Share the document with the states and other federal agencies for review and comment</li> </ul>	
<b>Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication – FEDERAL Agency Efficiencies</b>	19.1	Q1, FY18	Planning	<ul style="list-style-type: none"> <li>• Engaged in a dialogue with US Department of Agriculture and the US Department of Interior in their roles as Federal Land Management Agencies (FLMAs) with the goal of determining under what circumstances to delegate authority under Executive Order (E.O.) 12580 at Superfund sites containing both federal and privately owned land</li> </ul>	<ul style="list-style-type: none"> <li>• Share with FLMAs a draft re-delegation proposal outlining a process and factors to consider when agreeing to re-delegate dual authority into one federal agency</li> <li>• Hold a meeting with the FLMAs to discuss the proposal</li> </ul>	EPA believes efficiencies in Superfund cleanups might be achieved where multiple federal agencies have jurisdiction



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<p><b>Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication.</b></p>	19.2	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Issued the final sample Clean Water Act (CWA)/CERCLA MOU and transmittal memo for regions, states, tribes, and other federal agencies to be used at contaminated sediment sites</li> <li>• Developed sample MOU specifically to increase collaboration and foster more effective communication at contaminated sediment sites among these entities</li> <li>• Identifying the parameters and scope of a model transfer agreement to defer the final listing of NPL-caliber sites, where EPA has already undertaken enforcement action against the PRP(s), while the state oversees the cleanup</li> <li>• Engaged the regions on improved coordination with states during the Superfund response process. The workgroup also has identified specific tasks that could be beneficial in achieving such improved coordination</li> </ul>	<ul style="list-style-type: none"> <li>• Inform key internal stakeholders of plan to develop the model deferral agreement and address any concerns</li> <li>• Begin and continue outreach with states and tribes</li> <li>• Develop initial draft of the model deferral agreement</li> <li>• Reach out to the regions for information on their coordination activities with their state partners and to get a sense of best practices for regions to improve coordination with states</li> </ul>	<p>Given that roles and responsibilities under both the CWA and CERCLA often are shared by EPA, states, and tribes, as well as other federal agencies in certain circumstances close collaboration with these governmental entities is crucial when addressing contaminated sediments and their associated waters</p>

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<b>Identify Opportunities to Engage Independent Third Parties to Oversee Certain Aspects of PRP Lead Cleanups</b>	20	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Formed an Agency workgroup and held bi-monthly calls to discuss options available to accomplish the goals of this recommendation</li> <li>• Identifying the goals of the recommendation, threshold questions to be answered in completing the recommendation, and options for achieving the goals</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize workgroup's position on the options identified</li> <li>• Conduct and finalize research of state licensed professional programs</li> <li>• Finalize the options paper</li> <li>• Promote streamlined oversight through internal memo on the use of advanced monitoring technologies and approaches for long-term stewardship activities (e.g., institutional controls, engineering controls)</li> </ul>	

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<b>Facilitate Site Redevelopment During Cleanup by Encouraging PRPs to fully Integrate and Implement Reuse Opportunities into Investigations and Cleanups of NPL Sites</b>	21	Q1, FY18	Planning	<ul style="list-style-type: none"> <li>• Formed an Agency workgroup and developed a concept paper to map a plan of action to implement this recommendation</li> <li>• Proposed a number of activities to facilitate PRP reuse work during investigations and cleanups</li> <li>• Reached out to EPA Regions to identify case studies in which PRPs have incorporated reuse objectives into their cleanup work</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluate the activities discussed in the concept paper</li> <li>• Identify success stories and lessons learned of instances in which PRPs performed reuse work during investigations or cleanups</li> <li>• Reach out to stakeholders</li> </ul>	

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<b>Goal 3: Encouraging Private Investment</b>						
<b>Explore Environmental Liability Transfer (ELT) Approaches and Other Risk Management Tools at PRP Cleanups</b>	22	Q4, FY18	Planning	<ul style="list-style-type: none"> <li>• Formed an Agency workgroup composed of representatives from Headquarters and the regions to explore the use of ELTs at Superfund Sites</li> <li>• Conducting outreach to companies engaged in buyouts of contaminated properties, the contractual assumption of Superfund cleanup obligations and the issuance of environmental insurance policies</li> <li>• Planning discussions on ELT business models, products and the current industry climate for ELTs</li> <li>• The workgroup, which includes members with experience working with ELTs, will look to collaborate with these companies and other stakeholders to analyze the benefits, challenges and other considerations associated with this approach</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to conduct outreach on the use of alternative and non-traditional approaches for financing site cleanups</li> <li>• Identify and assess sites that could be both attractive for and benefit from an ELT or other cleanup approaches as described in Recommendation 22, including the sites with highest redevelopment potential identified under Recommendation 33</li> </ul>	

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<b>Ensure Timely Use of Site-Specific Tools When Needed and Appropriate to Address Liability Concerns at Contaminated Sites</b>	23	Q4, FY17	Planning/Implementing	<ul style="list-style-type: none"> <li>• Formed an Agency workgroup with a goal of improving internal processes used by regional teams to respond to inquiries from third parties regarding their concerns about potential liability at properties they are interested in acquiring, cleaning up or redeveloping sites</li> <li>• Established EPA and DOJ coordinators to help streamline the approval process on non-liable party agreements.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify and memorialize best management practices for responding to third-party inquiries</li> <li>• Develop a consistent protocol for regional third-party inquiry teams to identify potential liability concerns of third parties and the appropriate legal tools to address those concerns</li> </ul>	

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<b>Create and Maintain an OECA Information Repository to Provide Access to Enforcement Information and Tools to Support Third Party Cleanup</b>	24	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>• Reviewed website content and developed recommendations for revising the content to effectively provide and ensure access to information and tools to support third party cleanup of sites</li> <li>• Developed a plan to create an information repository to provide greater access for EPA staff to site-specific enforcement information and tools. The plan includes using an existing internal information management system to create a collection and, thereafter, a discrete database, of such enforcement information and tools</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize and implement website recommendations</li> <li>• Create and maintain additional collections of site-specific enforcement information and tools</li> <li>• Create an intranet site that provides model comfort letters and settlement agreements and helps guide EPA staff when searching for such enforcement tools</li> </ul>	

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<b>Update EPA's position on the Use of Site-Specific Agreements with Third Parties at National Priorities List (NPL) Sites</b>	25	Q4, FY17	Planning	<ul style="list-style-type: none"> <li>• Collaborating with the Department of Justice (DOJ) to revise previous guidance that indicated Prospective Purchaser Agreements (PPAs) were generally unnecessary. EPA and DOJ will recognize that a site-specific agreement with the federal government may be needed at some sites of federal interest, e.g., sites on the NPL, to address the liability concerns of a prospective purchaser or other third party at the site before cleanup and reuse can happen</li> <li>• Created an internal workgroup that is drafting a new policy statement to communicate the United States' willingness to use PPAs as a tool to facilitate cleanup and reuse at NPL sites</li> </ul>	<ul style="list-style-type: none"> <li>• Develop draft of new policy statement</li> <li>• Obtain regional and management review of draft policy statement</li> <li>• Finalize new policy statement regarding use of agreements with prospective purchasers</li> <li>• Issue press release and update EPA's web content to reflect new policy statement</li> </ul>	

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<p><b>Revise EPA’s Model Agreements to Create More Opportunities for Settlement with Third Parties Interested in Cleaning Up and Reusing NPL Sites.</b></p>	<p>26</p>	<p>Q4, FY17</p>	<p>Initiation</p>	<ul style="list-style-type: none"> <li>• Formed an internal workgroup to review current Bona Fide Prospective Purchaser (BFPP) and Prospective Purchaser Agreement (PPA) policy and models to identify potential revisions and opportunities to incentivize cleanup and reuse</li> <li>• Developed a first draft of the revised BFPP and PPA models based on lessons learned for workgroup discussion</li> <li>• Planning, in conjunction with DOJ, to examine and re-issue a more comprehensive guidance regarding use of these agreements in conjunction with the updated models</li> </ul>	<ul style="list-style-type: none"> <li>• Share draft models with workgroup for potential revisions and suggested improvements</li> <li>• Incorporate changes to draft models based on workgroup input</li> </ul>	



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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Identify Tools for Third Parties Interested in Investment or Other Opportunities Supporting the Cleanup or Reuse of National Priorities List (NPL) Sites</b>	27	Q2, FY18	Initiation	<ul style="list-style-type: none"> <li>• Formed an internal workgroup to identify potential new tools</li> <li>• Conducted outreach to stakeholders at the 2017 Brownfield Conference to discuss ongoing liability concerns and potential new approaches to facilitate cleanup and reuse at NPL sites</li> <li>• Considering site-specific pilot projects to address concerns at current, ongoing cases</li> </ul>	<ul style="list-style-type: none"> <li>• Brainstorm potential tools and discuss pilot projects with workgroup</li> <li>• Conduct additional outreach to investors and third parties</li> <li>• Develop draft options for potential tools</li> <li>• Identify potential pilots</li> </ul>	

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
Provide Greater Comfort in Comfort/Status Letters	28	Q1, FY18	Planning	<ul style="list-style-type: none"> <li>• Formed an agency workgroup and established a biweekly conference call/ meeting</li> <li>• Reviewed the existing comfort/status letter policy and accompanying model letters</li> <li>• Reviewing recently issued letters and examining if and how we could make the letters more “comforting” to interested parties, developers, bankers, and prospective purchasers</li> </ul>	<ul style="list-style-type: none"> <li>• Develop potential model comfort language for various situations such as: the statute of limitations has expired, windfall lien uncertainties, reasonable steps, lender liability and local government liability</li> <li>• Contact stakeholders such as Mortgage Bankers Association, ASTSWMO and others</li> </ul>	

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<p><b>Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites: Propose potential revisions to the 2003 "Common Elements Guidance" based on case law developments and lessons learned by EPA and private sector</b></p>	29.1	Q2, FY18	Planning/Initiation	<ul style="list-style-type: none"> <li>• Scoped and identified various potential revisions to Common Elements and is developing a scoping paper that will summarize key issues to be addressed in an updated guidance</li> <li>• Solicited workgroup participation on multiple national calls and is continuing to gather EPA participants for the workgroup ahead of a scheduled kick-off meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Finalize scoping paper for management review</li> <li>• Continue to develop internal workgroup and conduct kick-off meeting</li> <li>• Coordinate with other SFTF Recommendation teams to identify overlapping issues</li> <li>• Develop list of external stakeholders to engage to make sure that critical issues are identified and discussed</li> </ul>	<p>The 2002 <i>Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability</i> (Common Elements) is the core enforcement document that deals with the self-implementing landowner liability protections of the 2002 Brownfields Amendments</p>

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<p><b>Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites: Identify potential opportunities to expand Good Samaritans or other non-liable party approaches under section 107(d) for addressing liability issues and promoting redevelopment</b></p>	29.2	Q1, FY18	Implementing	<ul style="list-style-type: none"> <li>• Reviewed the current Good Samaritan Policy that uses CERCLA § 107(d) for orphan mine sites and deliberated how to apply it more broadly</li> <li>• Developed an initial, working draft of a broader model 107(d) settlement agreement that would be applied at cleanups other than at orphan mine sites</li> <li>• Developing an initial, working draft of a broader model 107(d) comfort/status letter</li> <li>• Identified key issues and questions that will need to be resolved in finalizing these models</li> </ul>	<ul style="list-style-type: none"> <li>• Share a draft of the model 107(d) settlement agreement with the workgroup that has been established to review new non-liable party model agreements</li> <li>• Share a draft of the model 107(d) comfort letter with the workgroup that has been established to review comfort/status letters for non-liable parties</li> </ul>	

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Revise Federal Facility Enforcement Guidance: Develop Model Federal Facilities Language for placing Federal Facilities Agreement Provisions on hold where a third party wants to perform the cleanup work</b>	30.1	Q4, FY17	Planning	<ul style="list-style-type: none"> <li>• Engaged with internal and external stakeholders, including EPA Regions, States (via the Association of State and Territorial Solid Waste Management Officials and Environmental Council of the States), and other Federal agencies</li> <li>• Explained the purpose and goals of the Recommendation 30 action items, and answered questions and provided clarification, as needed</li> <li>• Received feedback from stakeholders and partners on these action items in preparation for drafting the model FFA hold language</li> </ul>	<ul style="list-style-type: none"> <li>• Draft model FFA hold language taking into account stakeholder feedback</li> <li>• Circulate drafts to stakeholders for review and comment Finalize drafts incorporating stakeholder feedback</li> </ul>	
<b>Revise Federal Facility Enforcement Guidance: Update 1997 Policy Towards Landowners and Transferees of Federal Facilities</b>	30.2	Q4, FY17	Planning	<ul style="list-style-type: none"> <li>• Engaged with internal and external stakeholders, including EPA Regions, States (via ASTSWMO and ECOS), and other Federal agencies</li> <li>• Received feedback from stakeholders on these action items in preparation for drafting the revised 1997 Policy</li> </ul>	<ul style="list-style-type: none"> <li>• Revise 1997 Policy taking into account stakeholder feedback</li> <li>• Circulate drafts to stakeholders for review and comment</li> <li>• Finalize drafts incorporating stakeholder feedback</li> </ul>	

## Implementation Status of Superfund Task Force Recommendations: 1st Quarter Fiscal Year 2018

Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Develop New Local Government Enforcement Guidance and Model Comfort/Status Letter and other Tools to Address the Liability Concerns and Other Barriers Unique to Local Governments</b>	31, 32	Q4, FY18	Planning/Implementing	<ul style="list-style-type: none"> <li>• Identified an initial list of policy options, tools, and approaches to address CERCLA liability concerns of local governments and has established a monthly call to ensure deadlines are met and projects are completed efficiently</li> <li>• Currently reviewing and updating the existing EPA fact sheet addressing CERCLA liability for local government activities; once complete, the revised fact sheet will serve as a primary resource for local governments evaluating CERCLA liability concerns</li> </ul>	<ul style="list-style-type: none"> <li>• Address comments on fact sheet</li> <li>• Review existing case law and legislation to provide additional clarification</li> <li>• Coordinate with groups working on general comfort letter revisions</li> </ul>	
<b>Goal 4: Promoting Redevelopment and Community Revitalization</b>						
<b>Focus resources on NPL sites with most redevelopment potential</b>	33	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>• Published initial Superfund Redevelopment Focus List of 31 NPL sites with greatest expected redevelopment and commercial potential, and a redevelopment fact sheet for each site</li> <li>• EPA regional staff fielded 17 redevelopment-related, prospective purchaser inquiries, including requests related to sites on List</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and implement communication/marketing strategies for each site on the Redevelopment Focus List</li> <li>• Update List as needed</li> </ul>	More Information <a href="#">here</a> and <a href="#">here</a>

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Publicize Site-Specific Information to Promote Community Revitalization</b>	34	Q3, FY17	Implementing	<ul style="list-style-type: none"> <li>• Posted new map on EPA’s Superfund website to easily locate and find information on all Superfund sites in reuse</li> <li>• Published reuse fact sheets for 27 sites in Region 4 and the 31 sites on Redevelopment Focus List. Fact sheets provide site owners, future site users, prospective purchasers, lenders and developers with site-specific information</li> <li>• Published information regarding sites that achieved the Sitewide Ready for Anticipated Use (SWRAU) performance measure in FY 2017</li> </ul>	<ul style="list-style-type: none"> <li>• Update map of Superfund sites in reuse</li> <li>• Publish reuse fact sheets for additional sites in other regions</li> </ul>	More information <a href="#">here</a> , <a href="#">here</a> and <a href="#">here</a>
<b>Build Capacity of EPA and Its Stakeholders on the Broad Community and Economic Development Context for Site Remediation and Redevelopment</b>	35	Q3, FY17	Implementing	<ul style="list-style-type: none"> <li>• Conducted several training webinars and in-person classes for EPA staff on redevelopment, perspective purchaser inquiry process, and reuse case studies</li> <li>• Showcased new exhibit at National Brownfields Conference and shared reuse planning, training and redevelopment materials with conference attendees visiting booth</li> </ul>	<ul style="list-style-type: none"> <li>• Conduct additional training classes and webinars</li> <li>• Attend identified conferences and meetings to share site redevelopment information</li> </ul>	<a href="#">More Information</a>

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Engage communities in Cleanup and Redevelopment through providing training, fact sheets and online information</b>	36	Q3, FY17	Planning/Implementing	<ul style="list-style-type: none"> <li>• Published several case studies highlighting tools/approaches and strategies used to support redevelopment and community revitalization, and economic benefits realized</li> <li>• Provided training on Superfund and Brownfield processes, shared best practices and case studies, explained EPA tools and funding mechanisms, and discussed variety of other cleanup and redevelopment related topics with community members and stakeholders at the National Brownfields Conference</li> <li>• Initiated regional planning for upcoming FY 2018 training workshops on community-scale financing and economic development policies to incentivize infill development</li> </ul>	<ul style="list-style-type: none"> <li>• Complete additional case studies on successful site redevelopment</li> <li>• Provide additional training opportunities</li> <li>• Develop schedule for completing regional training</li> <li>• Plan upcoming training</li> </ul>	More Information, <a href="#">here</a> , <a href="#">here</a> , and <a href="#">here</a>



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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Recognize and Replicate Local Site Redevelopment Successes</b>	37	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>• Presented the 2017 "State Excellence in Supporting Reuse Awards" at the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) Annual Meeting to three state agencies</li> <li>• Presented two regional site reuse awards</li> </ul>	<ul style="list-style-type: none"> <li>• Present additional regional site reuse awards</li> <li>• Develop a best practices guide for EPA staff to use when planning for awards</li> </ul>	<a href="#">More Information</a>

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Support Community Visioning, Revitalization and Redevelopment of Superfund Sites</b>	38	Q4, FY17	Planning/Implementing	<ul style="list-style-type: none"> <li>• Provided support to 15 new and ongoing Superfund Redevelopment Initiative regional seed projects</li> <li>• Provided support for one job training initiative project</li> <li>• Identified potential experts to participate on an EPA national redevelopment team to assist regional staff with redevelopment issues</li> <li>• Initiated technical assistance for site redevelopment planning to seven brownfields communities</li> <li>• Worked to develop a scope of work for contractor supported technical assistance workshops and developed a “call for letters of interest” that can be used to identify Superfund communities interested in receiving help</li> </ul>	<ul style="list-style-type: none"> <li>• Continue support for new and ongoing Superfund Redevelopment Initiative regional seed projects</li> <li>• Continue support for job training initiative projects</li> <li>• Complete seven ongoing technical assistance projects</li> <li>• Initiate a new technical assistance project in three brownfields communities</li> <li>• Depending on available FY 18 and 19 funding will work with the regions to solicit letters of interest and delivery design charrettes</li> </ul>	More information <a href="#">here</a> , <a href="#">here</a> and <a href="#">here</a>

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>Engage and Facilitate Public/Private Partnerships to Share Information, Resources and Work Toward Advancing and Promoting the Revitalization of the Site</b>	39	Q3, FY17	Initiating	<ul style="list-style-type: none"> <li>• Began to identify reuse case studies highlighting successful public/private interactions</li> <li>• Scoped fact sheet on best practices for engaging local stakeholders/PRPs/communities about reuse</li> <li>• Began update of Community Involvement Tool for Reuse</li> </ul>	<ul style="list-style-type: none"> <li>• Complete first reuse case studies</li> <li>• Complete best practices fact sheet</li> <li>• Complete update of Community Involvement Tool for Reuse</li> </ul>	<a href="#">More Information</a>
<b>Goal 5: Engaging Partners and Stakeholders</b>						
<b>Develop a Robust Communications Strategy to Identify and Target Key Stakeholders</b>	40	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>• Developed a high level “Partnership and Stakeholder Engagement Strategy”</li> <li>• Deployed a public website for the SFTF that updates progress on implementing recommendations, shows public/stakeholder participation opportunities, and highlights accomplishments and new tools and products</li> <li>• Initiated dialogues with several stakeholder groups, states, and tribes</li> <li>• Worked with SFTF recommendation leads to develop public/stakeholder engagement plans</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to improve public website and update with latest engagement plans and products</li> <li>• Work with recommendation leads to develop and implement engagement plans with various partners and stakeholder groups</li> </ul>	

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
<b>For Federal Facility Sites, Collaborate with Other Federal Agencies (OFAs) to Solicit Their Views on How EPA Can Better Engage Federal Agencies</b>	41	Q4, FY17	Implementing	<ul style="list-style-type: none"> <li>• Discussed engagement best practices with the Other Federal Agencies (OFAs) and States throughout FY 2018 Q1 using regularly scheduled engagement venues (e.g., meetings with states national organizations like ECOS and ASTSWMO, quarterly headquarters-to-headquarters meetings with OFAs)</li> <li>• The states and OFAs provided input on: (1) options (2), possibilities and preferences for engagement, (3) the role they play in the process, and (4) areas where they would prefer ownership in the Superfund process</li> </ul>	<ul style="list-style-type: none"> <li>• Continue ongoing engagement opportunities with these groups as part of the already standing meetings to address their comments and concerns</li> <li>• Follow up with Department of Energy, Department of the Interior, DoD and NASA to solicit additional input on engagement best practices and opportunities</li> <li>• Prepare summary of engagement feedback from OFAs and states, with identification of best practices to increase OFA engagement with EPA at Federal Facility NPL sites</li> </ul>	Engagement venues with OFAs are also generating feedback on other SFTF recommendations, which are being shared with other Recommendation teams as facilitated in Recommendation 40

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Recommendation Name or Subtask	Rec. Number	Initiation Date	Status	Q1, FY18 Accomplishments	Next Steps	More Information
Use a Federal Advisory Committee to Work with a Broad Array of Stakeholders to Identify Barriers and Opportunities Related to Cleanup and Reuse of Superfund Sites	42	Q2, FY18	Initiation	<ul style="list-style-type: none"> <li>• Coordinating engagement with EPA Program Offices and beginning of conversation with NEJAC</li> <li>• Held preliminary conversations with leadership of the Children’s Health Protection Advisory Council (CHPAC) about the potential for aligning complementary charges between the two advisory committees</li> </ul>	<ul style="list-style-type: none"> <li>• Convene meeting of all parties to coordinate activities</li> <li>• First draft outline of charge</li> <li>• Brief NEJAC on public teleconference on draft charge and recruit members to work on charge finalization throughout spring</li> </ul>	