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Superfund Program Implementation Manual Fiscal Year 2019

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

Program Goals and Planning Requirements

Program Implementation Procedures

Superfund Program Implementation Manual FY 19

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Acronyms

A&E	Architecture and Engineering
A/T	Arranger/Transporte
AH	Allowance Holder
AHRC	Allowance Holder/ Responsibility Center
AOC	Administrative Order On Consent
APA	Abbreviated Preliminary Assessment
ARD	Assessment and Remediation Division
ATP	Ability To Pay
ATSDR	Agency For Toxic Substances and Disease Registry
BAS	Budget Automation System
BC	Budget Coordinator
BFPP	Bona Fide Prospective Purchaser
BFS	Budget Formulation System
BFY	Budget Fiscal Year
BOC	Budget Object Class
BPEB	Budget Planning and Evaluation Branch
BRAC	Base Realignment and Closure
CA	Cooperative Agreement
CBD	Commerce Business Daily
CBOR	Compass Business Objects Reporting Tool
CC	Construction Complete
CCDS	Case Conclusion Data Sheet
CD	Consent Decree
CDW	Compass Data Warehouse
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	Cincinnati Finance Center
CIC	Community Involvement Coordinator
CIP	Community Involvement Plan
CIPIB	Community Involvement and Program Initiatives Branch
CLP	Contract Laboratory Program
CMD	Corrective Measure Design
CMI	Corrective Measure Implementation
CMS	Corrective Measure Study
CN	Commitment Notices
CO	Contracting Officer
CPO	Contiguous Property Owner
CPRM	Cross Program Revitalization Measure
CPS	Contract Payment System
CR	Continuing Resolutions
DCN	Document Control Number
DERP	Defense Environmental Restoration Program
DES	Design and Engineering Services

DNPV	Decision Not To Pursue Violations
DOD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
EAS	EPA Acquisition System
EBS	Environmental Baseline Survey
EE/CA	Engineering Evaluation/Cost Analysis
EI	Environmental Indicator
EPA	Environmental Protection Agency
EPAAG	EPA Acquisition Guidelines
EPCRA	Emergency Planning and Community Right-To-Know Act
EPM	Environmental Programs and Management
ERR	Emergency Response and Removal
ERRS	Emergency and Rapid Response Services
ERS	Eligible Response Site
ESAT	Environmental Services Assistance Team
ESCA	Environmental Services Cooperative Agreement
ESD	Explanation of Significant Differences
ESI	Expanded Site Inspection
ESI/RI	Expanded Site Investigation/Remedial Investigation
ESO	Environmental Services and Operations
FAD	Final Assessment Decision
FAR	Federal Acquisition Regulations
FAS	Field Analytical Sampling
FCOR	Final Close-Out Report
FDMS	Federal Docket Management System
FDW	Financial Data Warehouse
FE&C	Federal Enforcement and Compliance
FEMA	Federal Emergency Management Agency
FF	Federal Facility
FFA	Federal Facility Agreement
FFEO	Federal Facilities Enforcement Office
FFERDC	Federal Facilities Environmental Restoration Dialogue Committee
FFLC	Federal Facilities Leadership Council
FFRRO	Federal Facilities Restoration and Reuse Office
FMD	Financial Management Division
FOIA	Freedom of Information Act
FOSET	Findings of Suitability To Early Transfer
FOSL	Finding of Suitability To Lease
FOST	Finding of Suitability To Transfer
FPS	Fellowship Payment System
FUDS	Formerly Used Defense Sites
FWS	Fish and Wildlife Service

FY	Fiscal Year
FY/Q	Fiscal Year/Quarter
FYR	Five-Year Review
GAAP	Generally Accepted Accounting Principles
GAD	Grants Administration Division
GAO	Government Accountability Office
GM	Groundwater Migration
GMUC	Groundwater Migration Under Control
GPAS	Grants Payment Allocation System
GPRA	Government Performance and Results Act
GSA	General Services Administration
HE	Human Exposure
HEUC	Human Exposure Under Control
HLS	Homeland Security
HQ	Headquarters
HRS	Hazard Ranking System
IAG	Interagency Agreement
ICIS	Integrated Compliance Information System
ID	Identification
IDIQ	Indefinite Delivery Indefinite Quantity
IDOJ	In SNC – Referred To DOJ
IDOTS	Inter-Agency Doc Online Tracking System
IFAC	In SNC – Formal Action Taken and Compliance Accomplished
IFAP	In SNC – Formal Action Planned
IFAT	In SNC – Formal Action Taken
IFMS	Integrated Financial Management System
IFTO	In SNC – Fund Takeover
IGCE	Independent Government Cost Estimate
IGMS	Integrated Grants Management System
IIAC	In SNC – Informal Action Taken and Compliance Accomplished
IIAP	In SNC – Informal Action Planned
IIAT	In SNC – Informal Action Taken
IIDR	In SNC – In Dispute Resolution
IMB	Information Management Branch
IMC	Information Management Coordinator
IRMS	Integrated Resource Management System
ISM	Interim/Stabilization Measure
IT	Information Technology
LGR	Local Government Reimbursement
LTRA	Long Term Response Action
LVFC	Las Vegas Finance Center
MC	Munitions Constituents
MEC	Munitions and Explosives of Concern

MIPR	Military Interdepartmental Purchase Request
MMP	Mining and Mineral Processing
MMRP	Military Munitions Response Program
MOU	Memorandum of Understanding
MP	Mineral Processing
MRS	Munitions Response Sites
MS	Mega-Site
NARA	National Archives and Records Administration
NCP	National Contingency Plan
NFFA	No Further Federal Action
NFRAP	No Further Remedial Action Planned
NN	Navajo Nation
NOA	New Obligating Authority
NOAA	National Oceanic and Atmospheric Administration
NOID	Notice of Intent To Delete
NPL	National Priorities List
NPM	National Program Manager
NRC	Nuclear Regulatory Commission
NTC	Non-Time Critical
NTCRA	Non-Time Critical Removal Action
O&F	Operational and Functional
O&M	Operation and Maintenance
OAM	Office of Acquisition Management
OARM	Office of Administration and Resources Management
OB	Office of Budget
OB/OD	Burning and Open Detonation
OC	Office of Compliance
OCA	Other Cleanup Activity
OCFO	Office of the Chief Financial Officer
OECA	Office of Enforcement and Compliance Assurance
OEM	Office of Emergency Management
OERR	Office of Emergency and Remedial Response
OGC	Office of General Counsel
OGD	Office of Grants and Debarment
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
OMB	Office of Management and Budget
OPS	Operating Properly and Successfully
OS	Oversight
OSC	On-Scene Coordinator
OSRE	Office of Site Remediation Enforcement
OSRTI	Office of Superfund Remediation and Technology Innovation
OU	Operable Unit

PA	Preliminary Assessment
PAR	Performance and Accountability Report
PAT	Performance Assessment Tool
PCOR	Preliminary Close-Out Report
PCS	Pre-CERCLA Screening
PECB	Program Evaluation and Coordination Branch
PFP	People Under Current Conditions
PII	Personally Identifiable Information
PIN	Procurement Initiation Notifications
PLA	Prospective Lessee Agreement
POLREP	Pollution Report
PPA	Prospective Purchaser Agreement
PPED	Policy and Program Evaluation Division
PRC	Program Results Codes
PRN	Pre-Referral Negotiation
PROD	Preparedness and Response Operations Division
PRP	Potentially Responsible Party
QA	Quality Assurance
QC	Quality Control
QRG	Quick Reference Guide
RA	Remedial Action
RAB	Restoration Advisory Board
RAC	Remedial Action Contract
RAF	Remedial Acquisition Framework
RAPC	Remedial Action Project Completion
RAU	Ready For Anticipated Use
RCRA	Resource Conservation and Recovery Act
RD	Remedial Design
RD/RA	Remedial Design/Remedial Action
RES	Remediation Environmental Services
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
RFO	Regional Finance Office
RFP	Request For Proposals
RI	Esi/Remedial Investigation
RI/FS	Remedial Investigation/Feasibility Study
RMA	Records Management Software Application
RMD	Resources Management Division
ROD	Record of Decision
RPIO	Responsible Program Implementation Office
RPM	Remedial Project Manager
RPO	Regional Program Office
RTP	Research Triangle Park

SA	Site Allowances
SAA	Superfund Alternative Approach
SAM	Site Assessment Manager
SARA	Superfund Amendments and Reauthorization Act
SCAP	Superfund Comprehensive Accomplishments Plan
SCORPIOS	Superfund Cost Recovery Package and Image On-Line System
SDMS	Superfund Document Management System
SDWA	Safe Drinking Water Act
SEE	Senior Environmental Employee
SEMS	Superfund Enterprise Management System
SEMS-PUB	SEMS-Publishing
SEMS-RM	SEMS Records Management Module
SEMS-SM	SEMS Site Management Module
SFTF	Superfund Initiative Task Force
SI	Site Inspection
SMOA	Superfund Memorandum of Agreement
SNC	Substantial Noncompliance
SOL	Statute of Limitations
SPIM	Superfund Program Implementation Manual
SPITS	Small Payment Information Tracking System
SPP	Site Profile Pages
SRNF	Compliance Status Reviewed - Not In SNC
SSC	Superfund State Contract
SSID	Site/Spill Identification Code
START	Superfund Technical Assistance and Response Team
SWRAU	Sitewide Ready For Anticipated Use
TAG	Technical Assistance Grant
TAPP	Technical Assistance For Public Participation
TASC	Technical Assistance Services For Communities
TC	Time Critical
TCE	Trichloroethylene
TDD	Technical Direction Document
TMOA	Tribal Memorandum of Agreement
TOSC	Technical Outreach Services For Communities
TSD	Treatment, Storage, and Disposal
UAO	Unilateral Administrative Order
USACE	United States Army Corps of Engineers
USCG	U.S. Coast Guard
UST	Underground Storage Tanks
UU/UE	Unlimited Use and Unrestricted Exposure
VCMA	Volume of Contaminated Media Addressed
WEBOS	Web Order System

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Chapter I: Introduction

CHAPTER I: Introduction

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CHAPTER I: INTRODUCTION

I.A PURPOSE

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

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

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

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

The next six chapters highlight program priorities and initiatives and provide detailed information on annual targets for GPRA performance measures and targets for Key Programmatic Measures for Superfund programmatic areas, and for the removal, remedial, enforcement, and Federal Facility programs. The chapters are given in the following order: Chapter VI: Remedial Site Assessment, Chapter VII: Removal Program, Chapter VIII: Remedial Program, Chapter IX: Federal Facility Program, Chapter X: Enforcement, and Chapter XI: Community Involvement.

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

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

I.B INTRODUCTION

I.B.1 Superfund Legislative Background

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

Prior to CERCLA, there was no authority for direct federal response to hazards posed by abandoned and uncontrolled hazardous waste sites. Existing environmental laws, such as RCRA, provided regulatory requirements to address present activities and prevent future catastrophes, but lacked authority to allow federal emergency and long-term responses to past hazardous waste disposal problems.

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

In October 1986, Congress reauthorized CERCLA by enacting the Superfund Amendments and Reauthorization Act (SARA). SARA included Title III, a freestanding statute that created the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA is designed to help communities prepare to respond in the event of a chemical emergency, and to increase the public's knowledge of the presence and threat of hazardous chemicals. SARA also included the Defense Environmental Restoration Program (DERP) which authorized the Department of Defense to create a response program similar to EPA's Superfund remedial program.

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

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

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

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

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

a. Superfund Remedial (000DD2)

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

b. Superfund Emergency Response and Removal (000DC6)

EPA's Emergency Response and Removal (ERR) program responds to chemical, oil, biological, and radiological releases and large-scale national emergencies, including homeland security incidents. More than 250 On-Scene Coordinators and other ERR staff ensure that releases of hazardous substances and oil in the inland zone are appropriately

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

c. Federal Facilities Response (000DC9)

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

d. Superfund Enforcement (000EC7)

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

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

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

f. Federal Facilities Enforcement (000EH2)

The Federal Facilities Enforcement Office as well as the Federal Facilities regional programs ensures that federal agencies who own sites currently listed on the NPL have an Interagency Agreement (IA) in place to ensure clean up and compliance with federal

environmental statutes and regulations. IAs are also referred to as Federal Facilities Agreements (FFAs). The following is a detailed list of activities supporting this program.

- Developing CERCLA guidance and policies for the Federal Facilities enforcement program;
- Negotiating FFAs/IAs with federal agencies whose sites are listed on the NPL;
- Monitoring milestones provided in the FFAs/IAs to ensure full implementation;
- Using dispute resolution to ensure full implementation of FFA/IA; and
- Assessing stipulated penalties and using supplemental environmental projects when appropriate.

I.C SUPERFUND ENTERPRISE MANAGEMENT SYSTEM (SEMS)

In fiscal year (FY) 2014, the Office of Superfund Remediation and Technology Innovation (OSRTI) completed the integration of several legacy systems into SEMS, including the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), Superfund Document Management System (SDMS), the Institutional Controls Tracking System (ICTS), the eFacts reporting tool, and ReportLink.

The following points outline the purpose of SEMS:

- Integrating the primary Superfund data collections, reporting and tracking systems into a single system;
- Meeting both immediate and strategic, long-term Superfund needs;
- Serving as an official source of primary Superfund site activity data, records, and support documentation for internal and external stakeholders;
- Improving operational effectiveness, reducing costs, streamlining business processes, and enhancing information management capabilities; and
- Adapting to meet ever-changing environmental, federal and agency needs yet tailored to meet the unique requirements of the Superfund program.

SEMS is the Superfund program's accomplishment planning and tracking data management system. It is the Superfund program's primary data source to answer questions from the public, Superfund stakeholders, Congress, federal and state agencies, and EPA national program managers on the status of Superfund program accomplishments. Regions will develop planned obligations for FY2019-FY2021 in SEMS using the Portfolio Management Tool. Regions will also use the Edit Site Schedule screens to enter data that will become part of the Remedial Acquisition Framework (RAF) Acquisition Forecast. Regions plan current and out year site and non-site-specific accomplishments and resource use in SEMS as well as using the system to report on actual accomplishments. EPA response and enforcement program activities and milestones as well as state and PRP performance are tracked in SEMS. HQ uses SEMS data as the basis for tracking, managing, and reporting on national program performance. SEMS also continues to serve as the Superfund program's official repository of electronic records.

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Chapter II: Performance Measures, Planning and Reporting Requirements

CHAPTER II: Performance Measures, Planning and Reporting Requirements

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CHAPTER II: PERFORMANCE MEASURES, PLANNING AND REPORTING REQUIREMENTS

II.A INTRODUCTION

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

II.B PERFORMANCE GOALS AND MEASURES

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

The *FY 2018-2022 EPA Strategic Plan (Strategic Plan)* is the foundation of the Agency's planning and budgeting process. The *Strategic Plan* is a five-year plan outlining the Agency's mission that establishes quantifiable goals and objectives, including GPRA Performance Measures, and describes the means and strategies that EPA programs employ to accomplish environmental results over a multi-year period. The Agency must update the *Strategic Plan* every three years or more often when there is significant policy, programmatic, or other type of change to the current plan.

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

Historically, each year in November, the Agency publishes the *Performance and Accountability Report (PAR)*, which summarizes the program performance for the fiscal year (FY) just ended. The PAR consists of three reports, a summary *Highlights Report*, the *Agency Financial Report*, and the *Annual Performance Report.* The *Annual Performance Report* provides the results EPA achieved against its Annual Commitments and progress toward the long-term goals established in the Agency's *Strategic Plan*. Additional information on EPA's planning, budget, and annual performance is available at the Planning, Budget and Results webpage at: https://www.epa.gov/planandbudget.

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

In addition, EPA maintains Strategic Goals which are measurable commitments that represent high priorities for the Agency, have high relevance to the public or reflect the achievement of key agency missions, and will produce significant, measurable results over the next 12 to 24 months. The Superfund program has one Strategic Goal: "By September 30, 2022, make 255 additional Superfund sites ready for anticipated use (RAU) site-wide."

Finally, Cross-Program Revitalization Measures are a collection of indicators and performance measures that represent the Agency's effort to document progress toward land revitalization across all of Office of Land and Emergency Management's (OLEM) various cleanup programs: Brownfields, Superfund, Resource Conservation and Recovery Act (RCRA) Corrective Action, Underground Storage Tanks (UST), Federal Facilities Response, and Emergency Response. With hundreds of communities having reclaimed formerly contaminated properties for ecological, recreational, commercial, residential and other productive uses, EPA has recognized the importance of measuring these revitalization accomplishments to better capture and communicate their potential benefit and impact. More information can be obtained at the Superfund Program Redevelopment webpage at: http://www.epa.gov/superfund-redevelopment-initiative/performance-measures.

Exhibit II.1 identifies the venues where the Superfund measures are reported and identifies which Superfund programs are responsible for which measures. A description of each measure is in the next section.

EXHIBIT II.1. SUPERFUND PERFORMANCE MEASURES

Measure Name	Strategic Plan GPRA Performance Measures	Annual Performance Plan Commitments*	Key Performance Indicators	High Priority Performance Goals	Cross-Program Revitalization Measures	Responsible Superfund Program
Removal actions completed annually		X (PM#137)				Removal
Number of Superfund remedial site assessments completed (Site Assessments)**		X (PM #115)				Remedial, Federal Facilities
Number of Remedial Action project completions at Superfund National Priorities List (NPL) sites (RA Projects)**		X (PM #170)				Remedial, Federal Facilities
Annual number of Superfund sites		X (PM #141)				Remedial,

Measure Name	Strategic Plan GPRA Performance Measures	Annual Performance Plan Commitments*	Key Performance Indicators	High Priority Performance Goals	Cross-Program Revitalization Measures	Responsible Superfund Program
with remedy construction completed (CCs)**						Federal Facilities
Number of Superfund sites with human exposure under control (HEUC)**		X (PM #151)	X (PM #151)			Remedial, Federal Facilities
Superfund sites with contaminated groundwater migration under control (GMUC)**		X (PM #152)				Remedial, Federal Facilities
Number of Superfund sites ready for anticipated use sitewide (SWRAU)**	X	X (PM #S10)	X (PM #S10)	X (PM #S10)		Remedial, Federal Facilities
Acres 'Protective for People Under Current Conditions' (PfP)					X	Remedial, Federal Facilities,
Acres 'Ready for Anticipated Use' (RAU)					X	Remedial, Federal Facilities,
The number of responsible party and other party commitments to perform or pay for cleanup and/or reuse of contaminated sites	X	1		X		Enforcement
Total Response Commitments						Enforcement
Total Cost Recovery Settlements						Enforcement
Value of Potentially Responsible Party (PRP) Oversight						Enforcement

***Code numbers are provided for each measure tracked in NPM or the Integrated Compliance Information System (ICIS).**
****Beginning in FY 2014, performance measure results include non-NPL sites with Superfund Alternative Approach (SAA) agreements**

To support the GPRA framework, the Agency has several management and reporting tools to track its plans and accomplishments. The Office of the Chief Financial Officer (OCFO) uses the NPM to facilitate the development and tracking of the Annual Commitments by each EPA program, including Superfund. OCFO annually issues National Program Manager (NPM)

guidance identifying the schedule for entering data into BFS. Coordinators in the Office of Land and Emergency Management (OLEM) and the Office of Enforcement and Compliance Assurance (OECA) work with their regional counterparts to ensure that the regional programs are aware of the schedule for entering draft and final bids and final performance commitments into BFS.

The Integrated Compliance Information System (ICIS) is a web-based national database for federal (and some state) enforcement and compliance data, and is managed by OECA's Office of Compliance. ICIS is a comprehensive tool which integrates data from all media, including Superfund, and allows users to access multi-media enforcement and compliance data. The database is primarily used for programmatic management of EPA's federal enforcement and compliance (FE&C) program. ICIS is used by OECA and the regions to manage information associated with the number of responsible party and other party commitments to perform or pay for cleanup and/or reuse of contaminated sites GPRA measure. Annually, OECA issues the Reporting Plan memorandum and its attachments which contain a schedule and detailed instructions for reporting FE&C activities and results for the FY. Deputy Regional Administrators (DRAs) certify to the accuracy and completeness of the ICIS and the Superfund Enterprise Management System (SEMS) data during end-of-year certification process lead by the Office of Compliance.

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

II.B.1 Removal Program Measure

a. Removal Actions Completed

This measure tracks the number of removal completions performed by EPA or overseen by EPA where the primary responsible party has been identified and is performing the cleanup with or without an enforcement instrument (e.g., Administrative Order on Compliance [AOCs], Unilateral Administrative Order [UAOs] or voluntary agreements). The Agency or Potentially Responsible Party (PRP) is responding to the release of hazardous substances with the goal of cleaning the contamination and protecting human health and the environment. Removal actions fall into one of three categories: 1) emergency, 2) time-critical, and 3) non-time critical. EPA is the lead for Superfund-lead removal actions when the responsible party cannot be identified or is unable to perform the cleanup. Funding for these actions comes from Superfund, established as part of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

II.B.2 Remedial and Federal Facilities Program Measures

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

Remedial site assessments are performed to determine and recommend the appropriate responses to releases of hazardous substances to the environment, including if there is a need for remedial cleanup or further EPA involvement. Completing site assessments determines which cleanup program is the best approach for addressing site conditions

(National Priorities List [NPL], removal, state voluntary cleanup program, etc.). This also allows the program to show benefits earlier in the cleanup process. The remedial site assessment measure also includes two related sub-measures: 1) reduce the number of non-federal sites over five years old without a preliminary assessment completed by 10 percent; and 2) address 10 percent of non-federal sites over 16 years old without an NPL listing decision. Federal Facilities site assessment is performed by federal agencies (E.O. 12580) and only reviewed by EPA in accordance with the Hazard Ranking System (HRS) criteria. More information about the site assessment measure can be found in chapter VI, titled 'Remedial Site Assessment.'

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

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

c. Annual Number of Superfund Sites with Remedy Construction Completed (CCs)

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

d. Number of Superfund Sites with Human Exposure Under Control

The Human Exposure Under Control (HEUC) environmental indicator documents long-term human health protection on a sitewide basis by measuring the progress achieved in controlling unacceptable human exposures to contamination at Superfund Alternative Approach (SAA) and NPL sites. Information about the HEUC indicator is available on EPA's Superfund Remedial Performance Measures website at:
http://www.epa.gov/superfund/superfund-remedial-performance-measures or
https://www.epa.gov/superfund/superfund-human-exposure-dashboard

More information about the HEUC indicator can be found in chapter VIII, titled 'Remedial Program.'

e. Superfund Sites with Contaminated Groundwater Migration Under Control

The Groundwater Migration Under Control (GMUC) environmental indicator documents whether contamination is below protective, risk-based levels or, if not, whether the migration of contaminated groundwater is stabilized and there is no unacceptable discharge to surface water. Monitoring is conducted to confirm that affected groundwater remains in

the original area of contamination. Information about the GMUC indicator is available on EPA's Superfund Remedial Performance Measures website at: http://www.epa.gov/superfund/superfund-remedial-performance-measures.

More information about the GMUC indicator can be found in chapter VIII, titled 'Remedial Program.'

f. Number of Superfund Sites Ready for Anticipated Use Sitewide (SWRAU)

The Sitewide Ready for Anticipated Use (SWRAU) measure track NPL and Superfund Alternative Approach (SAA) sites where all physical construction of remedies is complete, human exposure is under control, and all Institutional Controls are in place. SWRAU demonstrates the Agency's efforts to make sites ready for reuse. This is an integral part of the Superfund process and reflects the importance of considering future land use as part of the cleanup. It also demonstrates that land at Superfund sites is available for the anticipated reuse as specified in the Record of Decision (ROD) or other decision documents. Information about the SWRAU measure is available on EPA's Superfund Remedial Performance Measures website at: http://www.epa.gov/superfund-redevelopment-initiative/performance-measures.

More information about the SWRAU measure can be found in chapter VIII, titled 'Remedial Program.'

II.B.3 Enforcement Program Measures

a. The Number of Responsible Party and Other Party Commitments to Perform or Pay for Cleanup and/or Reuse of Contaminated Sites.

The focus of the cleanup enforcement measure is to encourage Regions to complete settlement agreements and orders with responsible parties and third parties and/or issue comfort/status letters that facilitate the cleanup and reuse of contaminated Superfund sites and Resource Conservation and Recovery Act (RCRA) Corrective Action facilities. See chapter X, titled 'Enforcement,' for further discussion on the measure.

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b. Total Response Commitments

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

c. Total Cost Recovery Settlements

Total Cost Recovery Settlements is the total universe of CERCLA enforcement cost recovery settlements (CDs, AOCs, CAs, Bankruptcy Settlements, JGs, and Administrative/Voluntary Cost Recovery actions i.e., demand letters) where the parties

agree to pay past costs to the Agency. See chapter X, titled 'Enforcement,' for further discussion on the measure.

d. Value of PRP Oversight

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

II.C ANNUAL PERFORMANCE PLAN AND BUDGET DEVELOPMENT CYCLE

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

II.C.1 Outyear

Outyear preparation of the *Annual Performance Plan* and budget formulation process typically begins in the spring, eighteen months prior to the start of the FY for which the budget is being prepared. Budget formulation is guided by the Strategic Plan, the *Annual Performance Plan*, agency initiatives, and other emerging priorities. The *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 requires identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. The plan, initiatives, priorities, and the budget are established through a series of executive level meetings, which take place in the late spring and early summer. The *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 requires identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. The plan, initiatives, priorities, and the budget are established through a series of executive level meetings, which take place in the late spring and early summer.

Historically, EPA program offices generally submit budget formulation proposals to OCFO in the late spring. SEMS outyear planning data are used to inform senior managers of Superfund program resource trends and highlight opportunities to invest or disinvest in specific initiatives. As such, high quality site planning data are essential. Once the proposals pass through an internal review process, EPA submits its proposal to the Office of Management and Budget (OMB) in the late summer. Historically, after the late fall OMB 'passback', during which time other revisions to EPA's proposals may be made, the President submits a final budget (*Annual Performance Plan* and *Congressional Justification*) to Congress by the first Monday in February for the new FY beginning on October 1. *Congressional Justification*) to Congress by the first Monday in February for the new FY beginning on October 1.

II.C.2 Planning Year

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

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

II.C.3 Current Year

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

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

In some years, an appropriation is not enacted by the start of the FY, and Congress passes one or more continuing resolutions (CR) to fund the government until a final appropriation is enacted. Under a CR, only a portion of the annual appropriation is made available for the Agency's use. OCFO issues special guidance to address funding issues under the CR, and any increases, reductions or mandated redirections are reflected in the Agency's final operating plan. Under short

term CRs, the program offices work very closely with the regions to determine the funding needs on a monthly (or weekly) basis to ensure that the limited available resources are allocated where needed.

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

Exhibit II.2 provides a timeline for the formulation, planning, and execution processes. Timing for some activities is dependent on the completion of other actions; e.g., occasions when Congress does not pass an appropriation by the beginning of the FY.

EXHIBIT II.2. BUDGET PLANNING TIMELINE

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

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

II.D PLANNING AND REPORTING CYCLE

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

II.D.1 Third Quarter

a. Current Year Performance Tracking

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

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

Historically, in the April/May timeframe, HQ and the regions may hold mid-year reviews to discuss regional progress in achieving current year negotiated targets and regional budget utilization (obligation rates). These discussions provide HQ and the regions with an opportunity to assess performance, consider the impact of regional program performance on the Superfund pipeline, and identify trends in program performance and adjust program management strategies accordingly. These meetings also facilitate communications regarding site-specific technical and funding issues as well more general policy and strategic planning questions. Special accounts are discussed further in section III.J of chapter III, titled 'Financial Management.'

b. Planning for the Upcoming Year

In late spring, HQ issues a Superfund Remedial and Enforcement Work Planning memorandum that outlines the process for the upcoming work planning sessions. The work planning memorandum includes the schedule, scope, and areas of emphasis for developing the upcoming year's priorities, targets, and budgets.

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

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

II.D.2 Fourth Quarter

a. Planning for the Upcoming Year

HQ staff holds work planning meetings with each region once a year. Pursuant to the guidance in the Superfund Remedial and Enforcement Work Planning memorandum, regions will enter the applicable planning data into SEMS by a date designated by HQ in the Work Planning memorandum, and HQ program offices will review program target and accomplishment data before the meetings. Data to be reviewed include planned obligations; government-performed and PRP-performed planned activities/site schedules; and RAF task order plans for Fiscal Years 2019-2021. In addition to the planning year, a continued focus will be placed on three-year work planning. By extending our work planning focus to three future years, OLEM will be able to better support budget justifications and forecasts, better integrate the Remedial Acquisition Framework (RAF) into project planning, more strategically manage Special Accounts, and improve overall program performance.

The regional work planning meetings scheduled to take place in the summer of 2018 will cover FY 2019, FY20, and FY 2021, plus past performance.

b. End of Year Performance Tracking

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

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

a. Planning for the Current Year

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

b. Prior Year Performance Tracking

HQ pulls final SEMS accomplishment reports for annual performance measure accomplishments as well as all other regional accomplishments on the eleventh working day (holidays are not counted as a working day) of October. OSRTI and OEM annual performance measure data are transferred to BFS by HQ after a short review period following the eleventh working day of October. Regions explain differences that occur between the commitment and actual performance using the 'Comments' field on the results screen in BFS Historically, HQ will publicly report these accomplishments in late October

to mid-November. This schedule allows regions opportunity to review end-of-year financial data, ensure that all accomplishments are accurately reflected in SEMS, and determine when the commitments were met.

Although OSRE coordinates end-of-year accomplishment reporting with OLEM and OECA, OECA's accomplishments reporting schedule differs from Superfund's. Each year, OECA issues the current FY's reporting plan. The 'Reporting Plan' describes the enforcement and compliance reporting requirements for regional and OECA offices, including key dates for second quarter and end-of-year data entry and reporting as well as data certification deadlines. Typically, the annual 'Reporting Plan' is distributed to the regions in April.

II.E PLANNING, TARGET, AND ACCOMPLISHMENT REPORTS

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

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

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

- PGMT-008: The Actions and Associated Planned Ob Report is used by EPA to display activities with planned obligations associated to them. There are several options available to run the report including by Planned Ob Type, Planned Ob FY, and Program Area.
- SCAP-002: The Site Summary Report is used by EPA to display enforcement sensitive SEMS data for NPL and non-NPL sites.
- SCAP-004: The Financial Report will display aggregate dollars by program area and provide both site-specific and non-site-specific backup from SEMS. There will be various options available to run the report by specific program areas.
- SCAP-013: The Site Assessment Report is used for reporting site assessment plans and accomplishments. This report tracks a wide range of site assessment activities and complements the remedial site assessment completion data included on the SCAP-15 GPRA report.
- SCAP-014: The Superfund Accomplishments Report is used to track targeting, planning, and accomplishment actions in support of the remedial, enforcement, removal, and Federal Facility programs.

- SCAP-015: The GPRA Report is used to track GPRA performance goals and measures in support of the Response program.
- SA-006: Site Assessment Accomplishments report is used to report the results of assessments completed during the fiscal year and the number of sites needing remedial assessment.
- SA-031: The Final Assessment Decisions report is used to report the number of final assessment decisions (FADs) made during the fiscal year. FADs are a component of EPA's cross-program CERCLA site assessment measure.
- SA-034: Remedial Site Assessment Completion Sub-Measures report tracks progress towards completing remedial Preliminary Assessments at sites over five years old and making NPL listing decisions at sites over 16 years old.

II.E.2 OSRE Management Reports

- ENFR-003: The Settlement Master Report is the official OSRE accomplishment report. The report displays the total universe of CERCLA enforcement instruments where parties have agreed to conduct cleanup work and/or make cash payments toward future site cleanup as well as reimburse EPA for past costs spent at their sites. The report displays and summarizes all settlements and orders completed during the user selected time frame including the Value of Past Costs and Cashout settlements, and the Estimated Value of PRP Response.
- ENFR-004: The PRPs, Party Listing Report displays the name of the PRPs at a Site or all Sites associated with one or more PRPs and their corresponding enforcement instrument and/or notice letter activity.
- ENFR-007: The De Minimis Settlement Report displays administrative and judicial settlements with PRPs qualified as de minimis parties. The report provides the associated number of parties as well as the total number of de minimis settlements and the number of sites at which de minimis settlements were signed.
- ENFR-011: The Ongoing Remedial Design/Remedial Action (RD/RA) Negotiations Timeline Report is used to track the duration of ongoing RD/RA negotiations. The report shows categories of duration (e.g., between 60 and 120 days).
- ENFR-016: The Cost Recovery Decision Documents Report provides justification why past costs are unrecoverable and written off.
- ENFR-017: The Cost Recovery Targeting Report is a tool used to identify potential targets for cost recovery with upcoming statute of limitations.
- ENFR-022: The ROD Amendment and RD/RA Negotiations Report displays completed RODs and ROD Amendments and corresponding RD/RA negotiations where they exist. The report is categorized into RD/RA negotiations started from signed ROD and No RD/RA negotiations started from signed ROD. The report calculates the duration of the ROD to the RD/RA Negotiation start and the duration of the ongoing RD/RA Negotiation.
- ENFR-025: The Administrative/Unilateral Orders Issued Report lists AOCs and UAOs that have been issued. The report is an audit report for the ENFR-03 Report. Unlike the ENFR-

03 report however, the ENFR-025 report displays UAOs where Notice of Intent to Comply have not been received.

- ENFR-023 a, b and ENFR-024 a, b, c: Compliance Monitoring reports are a suite of reports use to track compliance with active CERCLA enforcement instruments that include work obligations.
- ENFR-035: Work Settlement and Land Reuse Report is used to track and report on OSRE's GPRA measure. The report displays work settlements and orders, comfort/status letters, Bona Fide Prospective Purchaser Agreements, Contiguous Property Owner Agreements, Prospective Lessee Agreements, and Prospective Purchaser Agreements completed during the fiscal year.
- SCAP-014g: The Superfund Accomplishments Report g sorts government performed pipeline activities into two categories: those with special account and /or mixed source financing and those without. The report allows OSRE to easily identify government performed activities that are financed through responsible party contributions.

II.E.3 FFRRO Management Reports

- The Federal Facility Accomplishments Report is a subset of the SCAP-014 report. It includes several extra categories concentrating specifically on accomplishments at Federal Facility sites (NPL, non-NPL, and Base Realignment and Closure [BRAC])
- FF-005: The Federal Facility Audit Report lists all the Federal Facility data issues detected in SEMS for the selected FY.
- FYR-003: This lists the status of all the planned and completed Federal Facility Five Year Reviews.
- CPRM Audit-002: This contains all the data formerly in the Federal Facility Findings of Suitability to Transfer (FOST)/Findings of Suitability to Lease (FOSL)/ Environmental Baseline Survey (EBS) Reports and in the Federal Facilities Site Summary Report. It lists the EBS finish date and all the FOST, FOSL and Findings of Suitability to Early Transfer (FOSET) that EPA has concurred on in the selected FY. Also included are summaries of all the actions, EBSs, FOSTs, FOSLs, FOSETs and Supplemental Environmental Projects (SEPs) for the entire history of all the Federal Facilities in the selected region(s).
- FF-015 – FF Percent Complete: This report is used by the Federal Facilities program to measure incremental progress at operable units within a larger Federal Facilities NPL site. The FF Percent Complete is based on an average of three specific factors at each Federal Facility NPL site: 1) Operable Unit (OU) percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete.

Superfund Program Implementation Manual

FY 19

Chapter III: Financial Management

CHAPTER III: Financial Management

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CHAPTER III: FINANCIAL MANAGEMENT

III.A INTRODUCTION

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

III.B FINANCIAL MANAGEMENT ROLES AND RESPONSIBILITIES

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

III.B.1 Regional Organization Financial Roles and Responsibilities

a. Regional Administrator (unless delegated)

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

b. Regional Finance Office (RFO)

- Processes Procurement Requests (PRs), Requisitions (REQs), IAs, and CAs

- Establishes Site/Spill Identifier (SSID) at request of Regional Program Office (RPO)
- Assigns Account Number, Document Control Number (DCN), and Cooperative Agreements (CA) identification numbers to funding documents
- Controls regional site allowance
- Sets up regional account numbers, including SSIDs, in Compass (the Agency's financial management system)
- Enters commitments into Compass
- Reviews invoices, monthly financial reports, and payment requests
- Commits funds under regional contracts and modifications in the pre-application phases of the CA development
- Maintains Superfund document files on regional costs and handles the compilation and review of cost documentation for cost recovery
- Provides RPO with financial data as requested
- Enters reprogramming information for recertification of deobligated/reclassified amounts into Compass

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

c. Regional Program Office (RPO)

- Prepares Commitment Notices (CN), REQs, and PRs
- Assigns Account Number to funding documents
- Provides technical support to the Contracting Officer (CO)
- Reviews vouchers and/or financial reports
- Manages CAs and IAs
- Requests SSIDs from the RFO
- Develops SSCs
- Approves Request for Proposals (RFP) or Request for Bids and contracts developed by the states
- Monitors the transfer of financial data on contracts, IAs, and CAs from Compass into the Superfund Enterprise Management System (SEMS);
- Maintains Superfund document files on regional work performed for cost recovery
- Monitors unliquidated obligations and deobligations
- Requests recertification of any deobligated funds that are not automatically returned to Responsible Program Implementation Office (RPIO) and of any reclassified amounts.

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

d. Administrative Support Unit

- Only exists in some RPOs, depending on regional structure
- Provides administrative support to On-Scene Coordinators (OSC) and Remedial Project Managers (RPM)

- Provides liaison between OSC/RPM and other groups involved in administrative matters
- Provides support to regional program management
- Assists in developing regional removal or remedial budgets
- Sets up and maintains active site files
- Completes PRs, REQs, and CNs
- Reviews Compass reports

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

III.B.2 Regional Staff Financial Roles and Responsibilities

a. On-Scene Coordinator (OSC)

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

b. Remedial Project Manager (RPM)

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

- Approves site-specific IA invoices

c. Regional Project Officer or Deputy Project Officer

- Individual is an EPA employee
- Manages remedial, enforcement, removal, and general site support contracts
- Evaluates and designates contractor award fees
- Monitors contractors' activities
- Reviews monthly contractor reports and site- specific attachments
- Initiates REQs, (along with the RPM or OSC) PRs, WAs, CAs, IAs, and site-specific contracts
- Prepares Procurement Initiation Notifications (PIN) including contract Scope of Work and Independent Government Cost Estimate (IGCE) for procurement of Superfund Mission contracts such as Superfund Technical Assistance and Response Team (START), Remedial Action Contract (RAC), and Emergency and Rapid Response Services (ERRS)
- Approves site-specific IA invoices
- Identifies regional and site-specific contract requirements
- Reviews invoices
- Provides general contract management support

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

Selected program offices in Headquarters (HQ), particularly within the OCFO and the Office of Administration and Resources Management (OARM), also have Superfund Financial Management responsibilities. Within the Office of Land and Emergency Management (OLEM) and the Office of Enforcement and Compliance Assurance (OECA), each national program office can address financial management issues associated with its program. Refer to appendix A to identify the appropriate contacts within each office. Other Superfund financial management functions provided by EPA's enabling support offices are briefly described below.

a. Cincinnati Finance Center (CFC), Office of Financial Services, OCFO

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

b. Las Vegas Finance Center (LVFC), Office of Financial Services, OCFO

- Provides support of Grant Payments and financial closeout of Assistance Agreements for all 11 Grant Award Offices

- Processes payments under EPA's Local Government Reimbursement (LGR) program for hazardous substance, pollutant, or contaminant threat response
- Provides consolidation and certification of EPA's daily grant, vendor, and travel payments through the Treasury's Secure Payment System

c. Office of Acquisition Management (OAM), OARM

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

d. Office of Budget, OCFO

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

e. Office of the Controller, OCFO

- Collects HQ Superfund cost documentation for cost recovery
- Oversees annual allocation site-specific reporting process
- Develops financial policies and procedures
- Provides general accounting support
- Records transfer allocations
- Manages investments in the Superfund Trust Fund and calculates interest rates
- Establishes and maintains accounting models in Compass

f. Office of Grants and Debarment (OGD), OARM

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

g. Research Triangle Park (RTP) Finance Center, Office of Financial Services, OCFO

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

- Conducts redistribution of costs to various sites as requested by approving official once invoices are paid
- Completes corrections on contracts and simplified acquisitions

III.C SUPERFUND ACCOUNTING INFORMATION

The Agency's financial account number structure is integral to the Agency's management of financial resources and is used for processing and tracking financial transactions in Compass, the Agency's financial management system. The unique aspect of Superfund financial tracking stems primarily from the need to associate EPA's incurred costs with specific Superfund sites, Operable Units (OU), and projects to support the cost recovery process. Court actions and cost recovery negotiations with Potentially Responsible Parties (PRP) require careful documentation of federal costs incurred at each site/spill.

III.C.1 Superfund Account Number

The account number structure is primarily comprised of six fields of data elements that identify the specific nature of the expense. These fields are: the budget fiscal year; fund (or appropriation); organization; program results code; project and cost organization. Exhibit III.1 provides an example of an account number and a brief definition of each of its fields. The sections after the table provide more detail on each field.

EXHIBIT III.1. SUPERFUND ACCOUNT NUMBER STRUCTURE

Budget Fiscal Year	Fund	Budget Organization	Program Results Code	Project	Cost/Org
2 0 1 8	T R 2 A	7 A 0 0 P	0 0 0 D D 2	0 7 2 3 R A 0 1	C 0 0 2

Data Element Field Name	Definition	Sample Entry
Budget Fiscal Year (eight characters)	The first four positions in this field identify the beginning budget fiscal year (e.g., '2018'). The last four positions in this field identify the ending budget fiscal year (for expiring funds), but these positions are not generally used by the Superfund program and should be left blank.	*2 0 1* 8
Fund (six characters)	The type of appropriation is entered into this field with up to four characters indicating appropriation accounts and sub-accounts. The Superfund annual appropriation fund code is 'T'. Multi-character 'T*' fund codes represent Superfund sub-accounts (e.g., 'TD', 'TR2A'). Each year OCFO publishes an Advice of Allowance memorandum that identifies which appropriation codes are available for use in the current fiscal year. The most frequently used codes for obligation of Superfund resources are identified in exhibit III.2.	*T R* 2 A

Budget Fiscal Year	Fund	Budget Organization	Program Results Code	Project	Cost/Org
2 0 1 8	T R 2 A	7 A 0 0 P	0 0 0 D D 2	0 7 2 3 R A 0 1	C 0 0 2

Data Element Field Name	Definition	Sample Entry
Budget Organization (seven characters)	The Budget Organization field includes the Allowance Holder/ Responsibility Center (AHRC) code (e.g., 07H). The AHRC code can be between three and seven characters in length. In the regions, the first two positions represent the region and type of allowance holder (AH) in use. The 'A' AH is represented with the regional number in the first position and an 'A' in the second position. The '0' AH is represented by a '0' in the first position and the regional number in the second position (e.g., Region 7 may be represented as 07 or 7A; Region 10 is represented as 10 or 0A). The 'A' AH holds extramural appropriated resources that response program (OLEM) HQ offices have distributed to specific Superfund site allowances for Superfund actions. The '0' AH generally holds other regional resources such as personal compensation and benefits, site and non-site travel resources, and certain administrative expenses. OECA does not use the 'A' AH and distributes extramural as well as intramural resources to the '0' AH. At HQ, AH represents the National Program Manager (NPM) office responsible for managing and allocating the resources (e.g., '72' for the Office of Superfund Remediation and Technology Innovation [OSRTI], 'D3' for the Office of Emergency Management [OEM]). The third position of the Budget Organization is an alphanumeric character that designates the responsibility center within the region or HQ office (see the region's budget office for a list of these codes). The fourth position has multiple region or HQ specific uses. The fifth position generally represents the Superfund site allowance code (shown in exhibit III.3) within the Response Program Results Code (PRC) (e.g., Pipeline Operations or Remedial Action). The response program Superfund site allowance codes are used with the 'A' AHs. Positions five through seven may also represent a local option or congressional add-on (e.g., CUD – counter-terrorism response) or to further identify resources beyond the appropriation code and PRC (e.g., RSF for Recovery Act Superfund Maintenance and Operations), or other special purposes. These uses may necessitate overriding the use of the fifth position as a Superfund site allowance. Certain regions use a combination of characters within the Budget Organization Field to identify site-specific budgets for the use of special account resources. This practice varies across regions and has not been codified.	*7 A 0 0 P _ _*

Budget Fiscal Year	Fund	Budget Organization	Program Results Code	Project	Cost/Org
2 0 1 8	T R 2 A	7 A 0 0 P	0 0 0 D D 2	0 7 2 3 R A 0 1	C 0 0 2

Data Element Field Name	Definition	Sample Entry
Program Results Code (PRC) (nine characters)	The first six positions identify the PRC. In prior fiscal years, the Agency financial strategic architecture was designed to reflect the Agency Strategic Plan and annual commitments made under the Government Performance and Results Act (GPRA). For example, under EPA's 2014 – 2018 Strategic Plan resources for Superfund Response programs were found under Goal 3, Objective 03 (the first three positions of the PRC were "303"), and resources for the Superfund enforcement and Federal Facilities enforcement programs were found under Goal 5, Objective 01 (the first three position of the PRC were "501"). As of FY 2018, the Agency Strategic Plan goals and objectives are no longer part of the accounting structure, so the first three positions of the PRC are all filled with zeros. The next three positions identify the NPM and program/project. The most common NPMs (fourth position of the PRC) associated with Superfund are OLEM (D), OECA (E), and OCFO (J). Program/projects (fifth and sixth positions of the PRC) within the Superfund program further distinguish the nature of the work within each program office (i.e., Homeland Security is '72', Emergency Response and Removal is 'C6', Enforcement is 'C7', Federal Facilities is 'C9', Remedial is 'D2', and Federal Facilities Enforcement is 'H2'). Positions seven through nine are reserved for special use, such as an RPIO activity code. Exhibit III.3 shows PRCs that support key Superfund response program areas for which national program offices allocate resources to regional program offices primarily through site allowances. Descriptions of each of the programs are given in chapter 1, section 1.B.2. The exhibit also identifies the site allowance codes that the Response programs use to allocate resources to the regions. The site allowance codes are found in the fifth position of the Budget Organization field.	000*D D 2*

Budget Fiscal Year	Fund	Budget Organization	Program Results Code	Project	Cost/Org
2 0 1 8	T R 2 A	7 A 0 0 P	0 0 0 D D 2	0 7 2 3 R A 0 1	C 0 0 2

Data Element Field Name	Definition	Sample Entry
Project (eight characters representing different financial components- SSID, Action Code, and Operable Unit)	The first four positions define the SSID, which the Agency uses to account for and to compile Superfund costs by site (i.e., Superfund format). The SSID is comprised of the regional number in the second position (e.g., '07' for Region 7) with an alphanumeric placeholder in the first position. For Region 10, '10' or 'A0' is generally entered in this position. The third and fourth positions are alphanumeric characters that, with the rest of the SSID, uniquely identify a site or some other form of financial transaction. Other SSIDs (ZZ, WQ, or 00 in the third and fourth positions) denote site-specific work where a site-specific SSID has not yet been established, or funding where the precise amount to be charged to a site or action is not known at the time of obligation, or non-site funding. Further detail on site-specific and non-site SSIDs is contained in section III.I Positions five and six represent the action code, which is a two-character alpha code, a listing of which can be found in chapter IV, exhibit IV.3. The Operable Unit number is entered in positions seven and eight (e.g., '01' for Operable Unit 01). The two-letter state code should be used in the OU positions for non-site cooperative agreements awarded to states consistent with the FY 2016 Dictionary of Superfund Action Codes for Compass Financial Transactions Dictionary. The Project field can also be used to track conference spending and information technology (IT) -related transactions. A unique format is used for IT related transactions that overwrites Superfund specific uses of this field. For IT obligations using special account resources, the Superfund format is used in the project field.	*0 7 2 3 R A 0 1*
Cost Organization (seven characters)	For the Superfund program, the first position of this field is system generated by 'C'. The numerical characters in the second, third, and fourth positions represent the action sequence number (e.g., '002' for the second occurrence of an action at a site). The remaining positions should be left blank.	*C 0 0 2*

EXHIBIT III.2. SAMPLE SUPERFUND APPROPRIATION CODES *(NOT INCLUSIVE)*

Fund Code	Title
T	Superfund (this appropriation code is also used for funds obligated in fiscal year [FY] prior to current FY and deobligated in current FY (such funds continue to reflect original FY)
TC	Superfund Carryover
TD	Superfund Deobligations (recertified for obligation in current FY)
TR	Superfund Reimbursable – Funds-in Interagency Agreements
TR1	Superfund Reimbursable –SSC (state match funds)
TR2	Non-Federal Special Accounts - future costs
TR2A	Federal Special Accounts - future costs
TR2B	Special Accounts - past costs and interest

EXHIBIT III.3. SUPERFUND PROGRAM RESULTS CODES AND SITE ALLOWANCE CODES

Program	Program Results Code	Site Allowance Code (BFS Local Code)
Remedial Program	**000DD2**	
Remedial Action		R
Pipeline Operations		P
Removal and Removal Support	**000DC6**	**E**
Homeland Security	**000D72**	**C**
Federal Facility Response	**000DC9**	**F**
BRAC (non-site)	**000D41**	**none**
BRAC (site-specific)	**000D41B4**	**none**
Enforcement - Technical and Legal	**000EC7**	**none**
Federal Facility Enforcement	**000EH2**	**none**

III.D FINANCIAL DATA MANAGEMENT TOOLS

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

III.D.1 Budget Formulation System (BFS)

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

III.D.2 Compass

Compass is the comprehensive name for EPA's financial management and reporting system. This system replaced an earlier financial management system, Integrated Financial Management System (IFMS), at the beginning of fiscal year (FY) 2012. The Compass financial system 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. Compass is integrated with several agency financial systems, including the Bank Card Payment System, the Fellowship Payment System (FPS), the Integrated Grants Management System (IGMS), Concur (the Agency's travel service provider), Property Inventory, eBusiness, the Grants Payment Allocation System (GPAS), BFS, the Inter-Agency Doc Online Tracking System (IDOTS), the Web Order System (WEBOS), the Small Payment Information Tracking System (SPITS), the EPA Acquisition System (EAS), the Integrated Resource Management System (IRMS), the Contract Payment System (CPS), and PeoplePlus.

III.D.3 Compass Data Warehouse (CDW)

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

Historical financial data in Compass and portions of the CDW are limited. While all open (i.e., unliquidated) obligations at the end of FY 2011 were migrated to Compass, completed transaction data only from budget fiscal year (BFY) 2001 and later are contained in Compass and portions of the CDW. At the CDW intranet site, there is a link to Financial Data Warehouse (FDW) queries that may be used to access historic data, which are frozen as of FY 2011. These queries allow access to all data migrated to Compass as of the end of FY 2011, as well as historic data that were not migrated. Neither CDW nor FDW contain certain pre-IFMS financial data, which are stored elsewhere. Reporting out of Compass may be done through the Compass Business Objects Reporting tool or the Compass Data Warehouse.

III.D.4 Compass Business Objects Reporting Tool

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

- Standard Reports: Provide users with detail and summary information on automated disbursement, budget execution, fixed assets, General Ledger accounting, special accounts, and purchasing.
- Ad Hoc Reports: Provides users with custom reporting capabilities to meet the needs of their respective organizations.
- Information Centers: Provide users with a platform for posting, viewing and sharing reports of interest with multiple users across their RPIO organization.

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

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

SEMS also imports Compass data on Superfund financial transactions (commitments, obligations, payments; Compass does not contain any financial planning information) to enable regions to track and manage their use of Superfund resources. Compass data are transferred nightly into SEMS through an automated link. The SEMS interface with financial information in Compass depends on the account number used for resource planning and the account number used in

Compass to conduct agency financial transactions. Compass financial information in SEMS is used for management purposes only and is not an official representation of Superfund incurred costs.

III.E HANDLING FINANCIAL DATA IN THE SEMS ENVIRONMENT

When regions plan resources in SEMS, SEMS will generate Superfund account numbers (e.g., Budget Fiscal Year, Fund Code, Budget Organization, Program Results Code (PRC), Project, Cost Organization, Financial Object Class) that are used as the basis for preparing and executing financial transactions through the Agency's financial systems. The account number generated in SEMS must be entered on all funding documents at the time the planned obligation is executed, i.e., committed or obligated, or the Compass financial transaction transfer to SEMS will not match with the associated SEMS action, but will instead be moved to the SEMS Compass exceptions screen.

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

Errors in 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 (i.e., by a contract modification or by amendment to the IA or CA). Unmatched financial transactions may manually be linked to the associated SEMS action in the SEMS Compass exceptions screen.

III.F FINANCIAL VEHICLES

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

III.F.1 Contracts

Superfund contracts are awarded through standard procurement procedures as outlined in the Federal Acquisition Regulations (FAR) and EPA Acquisition Guidelines (EPAAG). The most common contract vehicles include RAC, Remedial Acquisition Framework (RAF, new suite of contracts available in FY '19), START, ERRS, Contract Laboratory Program (CLP), and Environmental Services Assistance Team (ESAT). There are three basic types of contracting within Superfund: site-specific, non-site specific, and support contracts. Site-specific contracts are generally awarded to support work at a single site or project. Funds for site-specific contracts are obligated and tracked on a site-specific basis. The non-site-specific contract vehicles primarily support program areas, such as remedial or removal programs. Generally, the non-site support contracts allow for site-specific task or delivery orders, funding for which can be obligated on a site-specific basis. Task or delivery orders may also be bulk funded with the 'WQ' SSID (or 'WQ' action code) and then paid out site- or non-site-specifically. Bulk funding (WQ) is discussed in

detail in section III.H. Mission Support Contracts are contracts that provide support to HQ and regional program offices and are not generally used for site-specific work.

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

III.F.2 Interagency Agreements (IAs)

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

III.F.3 Cooperative Agreements (CAs)

A Superfund CA is a legal instrument between the federal government and a state, political subdivision, or Indian tribe (including intertribal consortia) that forms a working relationship whereby both parties provide funding and services for the design and implementation of Superfund responses. There are several types of Superfund CAs which serve different purposes, including pre-remedial activities, enforcement, site-specific removal and remedial responses, support agency functions, and general support for state Superfund programs. These CAs have unique provisions that are described in 40 CFR Part 35 Subpart O, including satisfying the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provisions regarding state involvement and payment of state cost share.

Several offices are involved in the commitment process for a CA. The RPO prepares the commitment notice and obtains the necessary program approvals; the regional finance office certifies availability of funds, assigns DCNs, and enters commitments in Compass; and the Grants Administration Division assigns the CA identification number. The Regional Administrator (or designee) must first sign the CA before funds may be obligated. The Las Vegas Finance Center processes the obligation in accordance with OAM, Grants Administration Division (GAD), and Financial Management Division (FMD) requirements and then enters the obligation into Compass.

III.F.4 Grants

The Superfund program has limited grant making authority, but does include a unique program called Technical Assistance Grants, authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA), that was established to provide technical assistance to

eligible communities. An initial grant up to $50,000 is available to qualified community groups so they can contract with independent technical advisors to interpret the technical information about the site and explain it to the community. TAGs are available at NPL sites and sites proposed to the NPL where response actions have begun.

III.G ALLOCATING SUPERFUND RESOURCES AMONG THE REGIONS

Each Superfund national program office has specific procedures for allocating resources among the regions. This section focuses on resources that the national program offices allocate to the regions through site allowances (formerly known as Advices of Allowance), which the national program offices may track using SEMS.

Each site allowance represents a national program office's annual allocation of extramural resources for the regions to fund specific program functions. Extramural resources are identified using budget object class (BOC) codes as follows:

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

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

III.G.1 Managing Site Allowance Resources in SEMS

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

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

III.G.2 Using Prior Year Funds

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

a. Carryover

Under OCFO's policy, the Agency effectively treats Superfund appropriated resources as two-year appropriation funds. Thus, if an organization does not obligate current BFY resources in the current year, the funds will 'carry over' and be available for use in the subsequent year. At the end of the second year, uncommitted/unobligated balances are swept by the Agency and used to meet the Administrator's priorities. Although this policy provides flexibility to the Superfund program, OLEM strongly discourages the regions from carrying over any funds associated with the response program site allowances. Because of coding complexities, it is very difficult to track the availability and use of these funds in Compass and SEMS, and due to continual Superfund program budget constraints and the need for HQ to carefully allocate funds across regions, it is inappropriate for a region to not obligate funds in the year in which they have been provided. Reimbursable authority for special account and Superfund state cost share (reimbursable) resources carried over from FY 2016 to FY 2017 as part of an OCFO pilot, and carried over again FY 2017 to FY 2018; however, OCFO continues to monitor the utilization of requested reimbursable authority to determine if the carry-over of unobligated reimbursable authority should continue in FY 2019.

b. Deobligations

For various reasons, a region will find that a portion of the funds obligated for performance of an activity have not been expended (referred to as unliquidated obligations) and are no longer necessary to implement the activity. Under OCFO policy, EPA may deobligate funds appropriated in a prior year and reuse them in a subsequent year. The deobligation and reuse of prior year funds is a good fiscal management practice and helps offset shortfalls in the current year Superfund budget.

Beginning in FY 2014, funds obligated in the fiscal year prior to current fiscal year return directly to region upon deobligation and do not require recertification. For example, if a region obligated BFY 2017 site allowance funds in 20175 and then deobligated those funds in either 20175 or 20186, they would be immediately returned to the region's site allowance as available balance ready for use. However, if a program deobligates funds that were issued two or more years prior (e.g., BFY 20164 or earlier if the current year is BFY 2018), the funds must first be recertified pursuant to procedures described in the *Deobligation Recertification Guidance - Superfund/LUST/Oil Spill Response Resources, February 2015,* (*'Recertification Policy'*), issued jointly by OCFO, Office of Superfund Remediation and Technology Innovation (OSRTI), the Office of Site Remediation Enforcement (OSRE), Office of Emergency Management (OEM), and Office of office Federal Facilities Restoration and Reuse (FFRRO), as necessary.

The *Recertification Policy* also includes national program-specific policies regarding the use of recertified funds. Depending on the program, a region may be required to recertify a portion of the prior year deobligations to the national program office (to a 'National Pool'), who may redistribute these funds to other regional offices based on national priorities.

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

Because of changes in the Agency financial management system, the Agency continues to modify the policies and procedures for deobligating and recertifying funds. Interested staff should participate in budget and finance community networks to keep up to date on the most current procedures.

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

OEM manages the removal response program budget. Removal resources are allocated in one site allowance, the Removal and Removal Support Site Allowance (fifth position of the Budget Organization code is site allowance code E). This allowance can be used to provide resources for emergency response and site-specific removal actions and for activities such as removal assessments, site management, equipment procurement and maintenance, and OSC training and exercises. Resource distribution under the removal site allowance is based upon a historical allocation methodology as well as the annual obligation of resources.

Following enactment of the annual appropriations and establishment of the Agency's operating plan, HQ issues funding to the regions in two increments. The first increment is distributed during the first quarter of the fiscal year and the second at the beginning of the third quarter. HQ also retains a reserve for emergencies or removal actions that may exceed a region's annual resource allocation. Regions may request these funds at any point during the year by submitting a request along with a justification to the Office of Emergency Management Director. If the reserve remains unobligated by early in the fourth quarter of each year, HQ will ask the regions to submit a list of critical sites that require additional resources. Sites selected for funding will be determined by the type of threat a site poses; e.g., potential for a significant fire, explosion or the threat of a catastrophic release.

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

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

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

OSRTI manages the remedial response program budget. Remedial resources are allocated in two site allowances: Remedial Action (RA) and Pipeline Operations. Each year, OSRTI determines the amount of resources to allocate to these site allowances based on the process for developing the Agency's annual budget.

The Superfund Remedial and Enforcement work planning memo outlines the schedule and requirements for the work planning process each year. As part of the work planning process, planned obligations for the Pipeline Operations and RA site allowances are reviewed for three years—the year which is being entered into, plus the two out-years (e.g. if entering FY 2019, then work planning discussions would focus on FY 2019-2021). The three-year focus on work planning supports budget justifications and forecasts, RAF integration into project planning, managing Special Accounts, utilization of obligated funds, and overall program performance.

a. Remedial Action Site Allowance

The RA Site Allowance (fifth position of the Budget Organization site allowance code is R) is used to allocate appropriated resources for new and ongoing remedial actions and non-time-critical removals at NPL sites (collectively termed 'construction'), long-term response actions and five-year reviews. Regions are required to enter all planned obligations site-specifically into SEMS for all actions funded through the RA Site Allowance. Five-year reviews directly funded by HQ do not require financial planning in SEMS.

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

Regions are required to coordinate with the OSRTI Construction and Post Construction Management Branch for any proposed changes to the ongoing construction funding plan and to record all changes to planned obligations in SEMS. Because of the changing needs of the regions throughout the year, OSRTI will continually monitor regional obligation rates and usage of the RA Site Allowance resources. Based on mid-year regional reviews as well as contact throughout the year, OSRTI will update the ongoing construction funding

plan to reflect changes in regions' resource needs as well as additional resources that may become available (e.g., through recertification). Unless otherwise directed by OSRTI, regions are required to return allocated resources that will not be used according to the ongoing construction funding plan to HQ by way of the reprogramming process. OSRTI will include these resources in a national resource pool from which it will fund remaining program priorities. Regions may not shift resources into or out of the RA Site Allowance without prior OSRTI approval.

b. Pipeline Operations Site Allowance

Annually, HQ will determine the amount of resources to include in the Pipeline Operations Site Allowance based on available appropriation funds. At the initiation of the annual work planning process, OSRTI will provide general guidance regarding its projections of the funding that will be available to the regions through the Pipeline Operations Site Allowance. Using this information, each region will plan out the use of these resources and enter its planned obligations and accomplishments into SEMS.

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

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

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

III.G.7 Base Realignment and Closure (BRAC) (000D41 [non-site] and 000D41B4 [site-specific])

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

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

The Superfund enforcement program uses program/project C7. Under program/project C7, enforcement resources are distributed under the program code 000EC7, which are Superfund enforcement technical and legal resources that are managed by OSRE in OECA, and program code 000JC7, which are Superfund enforcement financial management resources that are managed by OCFO. The resources for these programs have not been assigned a site allowance code and are identified in financial management databases by program/project.

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

An additional allocation is typically made in the third quarter of the fiscal year. OSRE issues a call to the regions to submit requests for additional funding. Emphasis is placed on funding program priorities which are outlined in the call. The call considers all sources of unallocated funding, including the remaining new obligating authority, carryover of funds from the previous year, projected reprogrammings, and a projection of deobligations.

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

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

III.H COST RECOVERY

CERCLA allows the federal government, states, and some private parties to recover response costs. If EPA does cleanup work using Superfund money, it will try to recover those costs from PRPs. EPA is permitted to recover all costs of response that are found to be not inconsistent with the National Contingency Plan (NCP).

EPA's cost recovery process involves documenting the costs, evaluating the factors for pursuing recovery of those costs, notifying parties of the costs along with a demand for payment, and negotiating a payment agreement.

When EPA uses Superfund money for work at a site (or relating to a site), the Agency must document all its cleanup costs so they can be recovered later (see the next section on Recoverable Costs). For example, costs related to any work performed by contractors must indicate that the work was authorized and completed. Further, cost documentation must prove that the costs were incurred and paid for by the government. Costs incurred by EPA are recorded in Compass via the use of the Account Number and are paired and presented alongside images of supporting cost and technical documentation in the Superfund Cost Recovery Package and Image On-Line System (SCORPIOS) to yield a complete cost recovery package.

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

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

III.H.1 Recoverable Costs

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

- Planning, implementing, or overseeing cleanup actions
- Investigation and monitoring
- Actions to limit access to the site
- Indirect costs, as computed on the direct costs incurred at or in connection with site
- EPA's contractor costs
- Annual allocation costs

a. Direct Costs

Direct costs are those expenses directly traced to a particular activity at a particular site. These costs can include the following expenses incurred by EPA and the cleanup contractor:

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

b. Contractors' Annual Allocation Costs

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

On an annual basis, contractors are required to follow a documented methodology for allocating certain non-site-specific costs to sites and submit an annual allocation report to EPA for review and approval. Annual allocation costs are computed site-specifically in SCORPIOS to enable their cost recovery. More information can be found on the Superfund – Annual Allocation site at: http://intranet.epa.gov/ocfo/superfund_A/annual_allocation.htm.

c. Indirect Costs

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

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

EPA uses a complex methodology, computed in SCORPIOS, for allocating these costs site-specifically to enable their cost recovery. OCFO annually issues computed regional indirect rates on the Superfund – Indirect Cost Rates site at:
http://intranet.epa.gov/ocfo/superfund_A/indirect_cost_rate.htm.
More information about indirect rates and methodology can also be found on EPA's Superfund Cost Recovery webpage at:
https://www.epa.gov/enforcement/superfund-cost-recovery.

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

The funding documents processed through EPA's administrative and financial systems must contain enough information to assign Superfund costs properly. Consequently, EPA uses the SSID to properly assign hazardous waste cleanup costs by site for cost recovery and reporting purposes. The SSID is a four-character alpha-numeric code occupying the first four positions of the Project field in EPA's Account Code Structure, as described in the Superfund Accounting Information section of this chapter.

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

However, under some circumstances, it is impossible or impractical to charge certain Superfund costs to a specific site. EPA uses special SSID codes for these situations (ZZ or 00). These standard codes (see following sections) appear in the third and fourth position of the SSID and must be used by all regions and HQ offices charging costs to the Superfund.

Refer to *Direct Charging of Superfund Costs Site-Specific Cost Accounting Methods, 2550D-04-P1, December 2008* in OCFO's RMDS Resources Management Directive System (and *Technical Interpretation - Direct Charging of Superfund Costs Site-Specific Accounting Methods, 2550D-04-T1, September 2010)* available on OCFO's Resources Management Directive System on the intranet at http://intranet.epa.gov/ocfo/policies/resource.htm

III.I.1 WQ SSID and WQ Action Code

'WQ' represents a generic code used to obligate funds when the precise amount to be charged to a site or non-site action is not known at the time of obligation. The WQ code may be applied to the SSID, to the action code, or to both, in the Project field in EPA's Account Code Structure.

a. WQ SSID

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

Once WQ SSID obligations are expended, these costs must be redistributed from the WQ SSID to a site-specific, ZZ, or 00 SSID (see *Direct Charging of Superfund Costs Site-Specific Cost Accounting Methods, 2550D-04-P1, December 2008* on the intranet*)*. Payroll and travel may not be charged to the WQ SSID.

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

b. WQ Action Code

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

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

III.I.2 ZZ SSID

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

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

III.I.3 00 SSID

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

III.J SUPERFUND STATE CONTRACTS (SSC) AND COOPERATIVE AGREEMENTS (CA)

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

Alternatively, where a state or tribe has the lead for a Fund RA, a remedial action cooperative agreement (CA), which transfers resources to the state, is used to document the statutory assurances and other requirements addressed by the SSC. EPA can also award a political subdivision a CA to conduct remedial response and enter into a parallel Superfund State Contract with the State, if required (See 40 CFR §35.6800, when a Superfund State Contract is required).

The political subdivision may also be a signatory to the Superfund State Contract. See Section III. F. 3 for more information about Cooperative Agreements.

Greater detail is provided below and in Subpart O of 40 CFR Part 35, and in *State Cost Share Provisions for Superfund State Contracts and Remedial Cooperative Agreements, 2550D-09-P1, March 2017* and *Technical Interpretation - Superfund Cooperative Agreements and Superfund State Contracts, 2550D-09-P1-T1, August 2012*) which are located in OCFO's Resources Management Directive System on the intranet at http://intranet.epa.gov/ocfo/policies/resource.htm

III.J.1 Cost Share Provisions

A signed SSC or remedial CA for remedial action has five statutorily required assurances, including a remedial state cost share assurance that must be made by a state before EPA can obligate or expend appropriated funds for remedial action (and long-term response action if applicable) at a site. The following provisions address some of the basic components of the cost share assurance requirements.

a. Ten percent. Where a facility, whether privately or publicly owned, was not operated by the state or political subdivision thereof, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances at the facility, the state must provide 10% of the cost of the remedial action, if CERCLA-funded (CERCLA 104(c)(3)(C)(i)); or
b. Fifty percent or more (herein after referred to as 50%). Where a facility was operated by a state or political subdivision either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances at the facility, the state must provide at least 50% of the cost of removal, remedial planning, and remedial action if the remedial action is CERCLA-funded (CERCLA 104(c)(3)(C)(ii)); and
c. Operation and Maintenance. The state must provide an assurance that it will assume responsibility for all future operation and maintenance (O&M) of CERCLA-funded remedial actions, including institutional controls if applicable, for the expected life of each such action.

Based on the terms of the SSC or remedial CA, the RPO, with assistance from the RFO, will use project and action-specific direct, extramural expenditures of Superfund appropriated resources (as well as any state cost share [TR1 fund code] resources expended) to calculate the amount of remedial state cost share liability incurred. Typically, a state's 10% cost share will be calculated using specific action codes that correspond with the remedial action (activity code RA) and long-term response action (activity code LR); costs associated with five-year reviews (activity code FE) are not subject to state cost share. If the 50% or more cost share requirement applies, other or additional action codes (for removal, planning, and design) may be included in the cost share calculation. The RPO may consult with Regional Counsel and HQ program staff to confirm the scope of activities to be captured in the cost share calculation and to ensure consistent application across the regions.

III.J.2 Constraints on Obligating Funds for RA

EPA may not obligate funds for Fund RA without having a signed SSC or remedial CA in place. Regions are to use the *Superfund State Contract Model Provisions, OSWER 9242.3-18, November 2015* issued in November 2015. When EPA conducts an EPA-performed, Fund-financed RA, it will generally obligate funds to a contractor or to another federal agency through an IA. EPA may obligate Remedial Design (RD) funds to initiate the RA procurement process, up to the point of soliciting for construction bids without a signed SSC. In cases of extreme urgency, a solicitation (for bids on RA work) may be issued before an SSC is signed. The solicitation must notify prospective bidders that the availability of funds for the contract is contingent on EPA and the state signing an SSC. To ensure that Fund monies are effectively used, procurement activities should be initiated with RD funds only when the region is confident the SSC will be signed before bids are opened. If the SSC is not signed before the bid opening, one of the following decisions must be made: 1) the solicitation may be canceled; or 2) the bid opening date may be postponed (giving bidders an opportunity to withdraw, modify, or submit new bids) (See the *Obligation of Funds Under Superfund State Contracts, OSWER 9735.7-02, August 1993*).

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

III.J.3 Cost Share Payments

A state may pay for its share of response costs using cash, in-kind services, credit, or any combination thereof. Greater detail of these cost share payment provisions and their requirements are described in Subpart O, sections 35.6285 and 35.6815.

1. Cash. A state may pay for its share of response cost by direct cash payments to EPA. Payment terms are specified in the SSC between the state and EPA.
2. In-kind Services. This form of payment may be provided only through a cooperative agreement. Where EPA (or a political subdivision) is conducting the remedial action and an SSC is required, this form of payment must also be documented in the SSC. In-kind Services are described in 2CFR 200.306. In-kind services cannot be reimbursed to the state nor used to satisfy cost share requirements at another site.
3. Credit. A state may satisfy its cost share requirement using credits, which are limited to state site-specific expenses that EPA determines to be reasonable, documented, direct, out-of-pocket expenditures of non-federal funds for remedial action, as defined in CERCLA section 101(24), that are consistent with a permanent remedy at the site.
    a. Credits are established on a site-specific basis and only a state may claim credit.
    b. For sites already listed on the NPL, the state may be eligible for credit only if the state initiated the remedial action after obtaining EPA's written approval (authorization to conduct work).

c. Expenditures of non-federal funds for removal actions, as defined in CERCLA section 101(23), are not eligible for credit.
d. The state must first apply all credit to the site for which it was earned. With the approval of the EPA regional administrator (or delegate), the state may use excess credit earned at one site for its cost share at another site. EPA will not reimburse excess credit.

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

SSC collections are designated as reimbursable resources using the TR1 fund code. These funds must be used at the site for which they were collected, and EPA cannot obligate these funds until reimbursable authority is available. Reimbursable authority for Superfund state cost share resources carried over from FY 2018 to FY 2019 as part of an OCFO pilot, and carried over again from FY 2019 to FY 2021. However, OCFO is monitoring the utilization of requested reimbursable authority to determine if the carryover of unobligated reimbursable authority should continue in FY 2019. To receive reimbursable authority in excess of the amount carried over, the RPO generally initiates a request and the RFO submits a reprogramming document in Compass to request unobligated TR1 resources associated with the site.

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

III.J.5 Close Out Process for SSCs

In order for a SSC to be closed (i.e., achieve Final SSC Conclusion), a final financial reconciliation must be completed such that remedial action costs (including all change orders, claims, total expenditures of annually appropriated and state cost share funds, total collections, verification and application of credit and in-kind services, final payments, refunds, or transfers of State overpayments, etc.) are reconciled and documented to ensure that both EPA and the State have satisfied the CERCLA cost share requirement. Further, the final financial reconciliation should reflect: (1) all billings/collections/credits, refunds, and transfers are completed; (2) all disbursements are recorded in EPA's financial system; (3) disbursements have been reclassified when applicable; (4) advances in EPA's financial system equal zero; and (5) there are $0 TR1/5R1 funds available for the site (use CBOR SSC Available Balance report to determine available balance).

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

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

III.K SPECIAL ACCOUNTS

Special accounts are site-specific, interest bearing accounts within the Superfund Trust Fund established through settlements and used to fund site-specific work. CERCLA authorizes EPA to retain and use funds received in settlement with PRPs at sites where future response work remains, which preserves annually appropriated resources for sites without viable PRPs. Use of special account resources helps to achieve cleanup without relying solely on EPA's annual Superfund appropriations.

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

1. Ensure available special account funds are needed for future site cleanup work and are being used as expeditiously as possible;
2. Ensure special account funds rather than appropriated resources are used for response work as appropriate;
3. Reclassify and transfer funds to the general portion of the Superfund Trust Fund when they are no longer needed for future cleanup work at a site;
4. Close special accounts where funds are no longer required for work at the site, no unliquidated obligations remain, and no future deposits are expected, and,
5. Continue special accounts data collection to more effectively monitor the planned and actual uses for these funds.

The SEMS Special Accounts Management screen enables regions to see and enter planning data for the use of available special account funds for individual sites. Special account financial data are transferred into SEMS from Compass on a nightly basis, except for work planning and mid-year data updates (data are frozen during those periods to allow regions to update static data). Regions are expected to plan the use of available funds in each special account consistent with guidance. Special account planning data should be updated at least twice a year during the work planning and mid-year review processes, but also more frequently when a milestone is reached (e.g., an account is established, funds are received, new planning information is available). OSRTI and OSRE review special account planning data to ensure SEMS planning is appropriate and special account funds are being used expeditiously to further cleanup work at sites. The 'Data Monitoring Plan for Special Accounts' (updated March 6, 2014) provides an overview of the special account financial and planning data that is reviewed by the regions and Headquarters during the work planning and mid-year review processes, as well as other times throughout the fiscal year.

Several guidance documents are available to assist the planning and use of special account funds for response actions at the Special Accounts Policy, Guidance, and Factsheets Intranet site at: http://intranet.epa.gov/oeca/osre/work-team/workgroup/sa/sa-policy.html.

III.L USING THE FIDUCIARY RESERVE TO ADDRESS COST OVERRUNS

EPA has a strong commitment to ensure that unliquidated obligations are periodically reviewed, and if appropriate, are deobligated and made available for obligation where needed. The Agency discourages the practice of retaining unliquidated obligations after a project period expires. Offices should deobligate any unliquidated obligations with expired project periods, except for funds to address immediate pending invoices (OSRTI recommends within 90 days).

The Agency's fiduciary and expired fund reserve accounts, which are monitored by the Office of Budget, are sufficient to cover circumstances where funds were deobligated but subsequently needed. For Superfund, the Agency has an enhanced reserve to encourage timely deobligation and to help maintain the pace of cleanups. Use of the fiduciary reserve will not cause an Anti-Deficiency Act violation. However, the Director, Office of Budget (OB), at his/her discretion, may ask the program office responsible to reimburse the fiduciary reserve for any overrun with current dollars if OB believes there is a need to replenish the fiduciary reserve.

Accessing the fiduciary reserve does not require Office of Budget approval, only notification if the amount is over $50,000. The obligating official, payment official, or Contracting Officer should fund the obligation by means of a modification that includes the appropriate accounting information, based on the year of the overrun. Program offices should not submit new commitments to cover these obligations.

Because of the possibility that the program office will need to replenish the reserve, if the prior year obligation is within the remedial program and is over $50,000, the region should consult with OSRTI, Chief of the Budget Planning and Evaluation Branch (BPEB), before proceeding to fund the obligation.

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

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Chapter IV: SEMS Data Management and Coding

CHAPTER IV: SEMS Data Management and Coding

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CHAPTER IV: SEMS DATA MANAGEMENT AND CODING

IV.A INTRODUCTION

The Superfund Enterprise Management System (SEMS) is the Superfund program's primary repository of program planning and accomplishment data, including resource planning estimates and program targets and measures. Regions are primarily responsible for all Superfund data in SEMS, which includes removal, site assessment, remedial, Federal Facility, and enforcement programs. SEMS data are reflected in Superfund Comprehensive Accomplishments Plan (SCAP) reports that provide summary and detail information on site progress, target and measure accomplishments, and resource planning. Headquarters (HQ) uses SCAP reports (and others) internally to manage regional performance as well as to report progress to the public. The Agency system for recording performance measure commitments and accomplishments is called the Budget Formulation System (BFS). Before finalizing annual commitments for BFS measures, regions enter initial bids in BFS, which may be re-negotiated with headquarters before being finalized and locked. End-of-year accomplishment data for Superfund originate in SEMS; are transferred to the Office of Land and Emergency Management's (OLEM)'s Performance Assessment Tool (PAT), where data are reviewed by HQ (regions are contacted as needed to clarify data issues); and finally transferred to BFS. BFS accomplishment data must align with the information contained in SEMS.

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

IV.B SEMS REGIONAL/HEADQUARTERS ROLES AND RESPONSIBILITIES

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

Exhibit IV.1 describes general HQ/regional responsibilities for maintaining planning and accomplishment data in SEMS, and the following subsections outline roles and responsibilities of individual positions in the regions and HQ.

EXHIBIT IV.1. REGIONAL/HQ SEMS RESPONSIBILITIES

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

IV.B.1 Regional Roles

a. Information Management Coordinators

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

- Coordinate program planning, budget development, and reporting activities;
- Ensure regional planning and accomplishments are complete, current, and consistent, and accurately reflected in SEMS by working with data sponsors and data owners;
- Provide liaison to HQ on SCAP process and program review issues;
- Provide liaison to regional management and data entry staff, as appropriate;
- Coordinate regional reviews by HQ;
- Ensure that the quality of SEMS data is such that accomplishments and planning data can be accurately retrieved from the system; and,
- Ensure there is 'objective' evidence to support accomplishment data in SEMS. (Objective Evidence Rule: 'All transactions must be supported by objective evidence, that is, documentation that a third party could examine and arrive at the same conclusion.')

b. Budget Coordinators

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

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

IV.B.2 HQ Roles

a. Data Sponsors

Data Sponsors include the senior staff in program offices in HQ that, along with data owners, are responsible for the quality of data stored in SEMS. The current list of data sponsors by program area is included in Appendix A. Data Sponsors:

- Identify data needs;
- Oversee the process of entering data into the system;
- Use data for reporting purposes;
- Conduct periodic audit reports;
- Provide definitions for data elements;
- Promote consistency across the Superfund program;
- Initiate changes in SEMS as the program changes;
- Provide guidance requiring submittal of these data;
- Support the development of requirements for electronic data submission; and
- Ensure there is 'objective' evidence to support the accomplishment data in SEMS by identifying data requirements and checking to assure compliance by performing periodic reviews of a random SEMS data samples. (Objective Evidence Rule: 'All transactions must be supported by objective evidence, that is, documentation that a third party could examine and arrive at the same conclusion.')

b. Data Owners

Both HQ and the regions are Data Owners. The primary responsibilities of Data Owners are to:

- Enter and maintain data in SEMS, and
- Assume responsibility for complete, current, consistent, and accurate data.
- Ensure there is 'objective' evidence to support accomplishment data in SEMS. (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.')

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

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

d. OSRTI Resource Management Division – Information Management Branch

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

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

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

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

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

g. Office of Emergency Management (OEM) Regional Support

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

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

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

IV.C GENERAL SEMS DATA ENTRY/QUALITY CONTROL REQUIREMENTS

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

IV.C.1 Quality and Timeliness of Data Entry

It is essential that planning and accomplishment data in SEMS remain current and up-to-date throughout the year and that accomplishments are reported as they occur. At a minimum, HQ pulls targets and measures accomplishment data from SEMS at mid-year and end of year. However, Environmental Protection Agency (EPA) managers, other agencies, and the public continually request up-to-date accomplishment, budget, and site-specific data from the program on a quick turnaround basis. Data need to be consistent and timely to avoid confusion with data provided in prior data requests or by more than one entity.

All activities at National Priorities List (NPL) sites and sites with a Superfund Alternative Approach (SAA) agreement should be planned out through the entire cleanup cycle as early as possible. During the Remedial Investigation/Feasibility Study (RI/FS), the regions should enter into SEMS all the estimated planned start and completion dates for future activities. Site schedule and financial planning information should be reviewed and updated on an ongoing basis. If changes in planning information (schedule and/or funding needs) warrant changes in SEMS, the data owner is responsible for making the changes within five working days after being made aware of the need for the change. Regions should ensure accomplishments data are reflected in SEMS within five working days of the activity occurring unless otherwise noted in the program-specific chapters of this manual.

HQ only recognizes targets and accomplishments that are reported in SEMS as they appear in SCAP reports. Although HQ may perform data quality checks and inform regions of discrepancies, regions are responsible for performing data quality checks and making corrections to SEMS if the database or reports do not reflect accurate targets or actual accomplishments. Regions should ensure planning and accomplishment data are reflected in SEMS within five working days of the end of the quarter in which accomplishments occurred.

IV.C.2 Setting Targets in SEMS

a. Remedial Program

Regions use the Targets and Work planning screen in SEMS to select targets. Information on this screen, as well as the SCAP 4 and SCAP 14, is used to review regional plans and targets during work planning and mid-year review discussions between HQ and the region. The procedures and schedule for finalizing targets are typically provided in the work

planning memo issued annually by OSRTI and OSRE. For pipeline activities, regions are required to set targets site-specifically. Within the same category (e.g. government RI/FS starts) a missed target can be substituted by the accomplishment of another non-targeted action. Target substitutions are permitted in other categories, with the exception of five-year reviews. Because five-year reviews must be completed by the statutory due date, substitutions are not allowed. Regions should discuss with HQ any issues that may affect the meeting of negotiated annual targets during the mid-year reviews.

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

In February 2018, the Pipeline Allocation Workgroup presented their recommendations to the Superfund Division Directors to the PAM. The changes to the PAM agreed to by the Superfund Division Directors, beginning in FY 2019, are as follows:

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

b. Federal Facilities Program

An annual memo is transmitted to the regions to convey dates and targeting expectations before work planning meetings. Regions are expected to set targets for RI/FS Starts, Decision Documents, Final Remedy Selected, RA Starts, RA Completions, Five-Year Review Completions, Construction Completions, and Sitewide Ready for Anticipated Use.

c. Enforcement Program

Targets must be set site-specifically for RI/FS and RD/RA Negotiations. All final targets should be identified in SEMS by fiscal year quarter and appear on the SCAP-14 report.

d. Removal Program

HQ and the regional offices discuss the regional targets at several points every year. For removal activities, the target being monitored is the number of removal completions (Fund-lead and PRP-lead combined) in the fiscal year. The targets are set in the prior fiscal year, and each region's progress on reaching their target is checked on during mid-year calls with the regions.

IV.C.3 Changes to Historical Accomplishments

As of FY 2016, SEMS incorporated an "accomplishment lockout" feature that maintains a record of all changes to historic accomplishments. Each region establishes procedures and assigns system roles to ensure that the appropriate individuals have knowledge of and approve any accomplishment changes.

A regional manager shall approve in writing (e.g., email to appropriate individuals), each change made to historical accomplishment data. Only regional IMCs, and individuals designated by the IMC, shall have access or authority to change/add/delete data once the written approval has been received. Approval documentation must be maintained by the IMC for the duration of the life cycle of the data changed (up to seven years).

IV.C.4 Data Validation and Verification

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

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

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

In addition, regions are required to submit to their regional Superfund Records Center the document that constitutes or justifies an accomplishment date (start or finish) recorded in SEMS. (Documentation requirements for these dates can be found in the later chapters of this manual under the description of the applicable target or measure.) When submitting the documentation to its Records Center, the region should provide the target/measure category and the SEMS operable unit (OU)/activity name/sequence number. The regional Records Center is to include these SCAP data with the document index metadata, and provide the document index number from its tracking system associated with the applicable accomplishment date for entry into SEMS. Once the document has been loaded into SEMS, regional data entry staff should then ensure that the document is properly associated to the activity. Within the site schedule in SEMS, select the Site Activity tab, and then the Accomplishment (SCAP) Details tab in order to associate documents.

IV.D ACTIVITY LEAD CODES

SEMS uses multiple mechanisms to identify entities that are performing individual activities and the sources of funding for those activities. The site schedule in SEMS subdivides the major pipeline phases (e.g., Removal, RI/FS, RD, RA, LR) within each program area into GOVT, PRP and Federal Facility (FF) performed actions. Program accomplishments in the SCAP 14 are reported by these subdivisions.

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

'Financial' lead codes are used to distinguish the various sources of funding used to either conduct or oversee the activity. Generally, sources of funding are subdivided into three groups, annually appropriated resources (in SEMS, state cost share resources are included in this category), special accounts, and mixed source (regions use the 'mixed source financing' code to represent multiple sources of funding for the same activity and do not have to determine whether a specific source provides the majority of funding that activity). Financial lead codes are assigned in the Work Package Info tab screen for each work package included in the Site Schedule in SEMS, but are only required for those activities associated with financial transactions.

Under SEMS, leads for actions that are not recognized as performance accomplishments (i.e., state deferral, state action/oversight without a formal EPA agreement, state Record of Decision [ROD] without EPA concurrence) are designated with the use of anomaly codes, rather than lead codes. These codes are also entered in the Work Package Info tab screen for each work package selected through the Site Schedule in SEMS.

The table below identifies the codes and definitions of the Performance and Financial lead codes used in SEMS.

EXHIBIT IV.2. ACTIVITY LEAD CODES IN SEMS

Lead Code	Name	Description
Performing Leads		
EP	EPA Performed In-House	EPA-performed response/enforcement actions using intramural resources.
F	EPA Performed	EPA-performed response/enforcement actions using extramural resources.
FF	Federal Facilities Performed	Federal Facility-performed response actions conducted under EPA oversight using either internal EPA or extramural resources.

PE	EPA Oversight In-House	PRP-performed response actions conducted under EPA oversight using intramural resources.
PS	State Oversight	PRP- or federal agency performed response actions conducted under the oversight of a state pursuant to a Cooperative Agreement (CA) with EPA, a Superfund Memorandum of Agreement (SMOA), or other formal document between EPA and the state that allows EPA review of PRP deliverables. If no formal agreement exists, use in conjunction with the SR anomaly code (no resources should be associated with projects having the SR anomaly code).
PT	Tribe Oversight	PRP- or federal agency performed response actions conducted under the oversight of a tribe pursuant to a CA with EPA, a Tribal Memorandum of Agreement (TMOA), or other formal document between EPA and the tribe that allows EPA review of PRP deliverables.
RP	EPA Oversight	PRP-performed response actions conducted under EPA oversight using either EPA or extramural resources.
S	State Performed	State-performed response/enforcement actions conducted pursuant to a CA with EPA, a SMOA, or other formal document between EPA and the state that allows EPA review of state deliverables. If no formal agreement exists, use in conjunction with the SN anomaly code.
TR	Tribe Performed	Tribe-performed response/enforcement actions conducted pursuant to a CA with EPA, a TMOA, or other formal document between EPA and the tribe that allows EPA review of tribal deliverables.
Financial Leads		
FU	Fund Financing	Financed with appropriated resources and/or state cost share resources
MS	Mixed Source Financing	Financed with a combination of appropriated, special account resources, or other resources
OT	Other Financing	Financed by other Superfund reimbursables (e.g., TR, TR3) or non-Superfund related sources (e.g., state, Federal Emergency Management Agency (FEMA), Underground Storage Tank (UST), Oil)
SP	Special Account Financing	Financed with special account resources only.
Historical Performance Leads (retained as Performance lead only for historic actions)		
CG	Coast Guard	Work performed by the Coast Guard - Limited to removals (Historic)
CO	Comm Org	Community Organization (Historic)
OH	Other	Other lead (Historic)
PP	Prosp Purch	Response actions funded by DoD performed at a Base Realignment and Closure (BRAC) site by a non-federal party that takes title to the BRAC property pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h)(3)(C) (Historic)

IV.E ACTIVITY CODES AVAILABLE FOR FINANCIAL TRANSACTIONS

There are hundreds of activity codes available for use in SEMS to assist regions in planning activities and recording accomplishments for regional and national program management. To simplify and facilitate consistent financial transaction coding in SEMS and Compass, the Agency's financial management system, the Superfund programs have determined that regions should assign financial planning and obligation information to only a subset of these activities. Exhibit IV.3 identifies those activity codes that regions may use for planning obligations in SEMS as well as

the appropriate Program Results Codes (PRC), Site Allowance(s) (SA), and SSID types (Site Designators) associated with them. For most activities, SEMS will assign the correct PRC, SA, and SSID type to a planned obligation, depending on the activity for which resources are planned. Certain activities allow for choice of SA depending on program, which must be selected in the Site Obligations or Non-Site Obligations Planning screen in SEMS.

EXHIBIT IV.3. ACTIVITY CODES AVAILABLE FOR FINANCIAL TRANSACTIONS SORTED BY SEMS ACTIVITY NAME ('WHO PAYS FOR WHAT')

FY2019 SUPERFUND ACTIVITY CODES FOR FINANCIAL TRANSACTIONS SORTED BY ACTIVITY NAME				
Activity	**Code**	**PRC**	**SA**	**Site Des.**
Administrative Records	AR	000DC6 000DC9 000DD2 000EC7	RV FF P E	S S S S
Aerial Survey (formerly Pre-Remedial/Remedial Survey)	AS	000DC6 000DC9 000DD2	E FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ
Alternate Dispute Resolution	AD	000DD2 000EC7	P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00
Bulk Funding **For extramural use only. May commit and obligate to this action code but must expend (redistribute) to a different action code. Can be used with special account funds in action and OU field.**	WQ	000DC6 000DC9 000DD2 000EC7	E FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
CERCLA Criminal Litigation - **501EC7 is for HQ (Department of Justice [DOJ] Interagency Agreements [IAs]) use only.**	CC	000EC7 000E52	E E	S S
Claim in Bankruptcy Proceedings	CB	000EC7	E	S
Combined RI/FS	CO	000DD2	P	S
Community Involvement (non-Federal Facility) **May plan with WQ SSID but must obligate site-specifically if an SSID has been assigned to the site.**	CR	000DC6 000DD2	E P	S S
Compliance Enforcement	UZ	000EC7	E	S
Contract Management	JU	000DC6 000DC9 000DD2 000EC7	E FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Cost Recovery Negotiation	NE	000EC7	E	S
Design Assistance	DA	000DD2	P	S
Emergency PRP Removal (Emergency Removals Without an Enforceable Instrument)	PJ	000DC6 000DC6	RV E	S S
Engineering Evaluation/Cost Analysis (EE/CA)	EE	000DC6 000DC9 000DD2	E FF P	S S S
ESI/RI	SS	000DD2	P	S
Expanded Site Inspection (ESI)	ES	000DD2	P	S
Feasibility Study	FS	000DD2	P	S
Federal Facility and BRAC General Support and Management **000D41 is for payroll costs only.**	TX	000DC9 000D41	FF FF	00 00
FF Community Involvement	LZ	Not Available--Use FF Oversight (OX)		

FY2019 SUPERFUND ACTIVITY CODES FOR FINANCIAL TRANSACTIONS SORTED BY ACTIVITY NAME				
Activity	**Code**	**PRC**	**SA**	**Site Des.**
FF ESI Review	TZ	Not Available--Use Generic PA/SI (QB)		
FF Five Year Review	VY	Not Available--Use FF Oversight (OX)		
FF FS	NI	Not Available--Use FF Oversight (OX)		
FF LR	MZ	Not Available--Use FF Oversight (OX)		
FF Oversight FF Oversight (Site-Specific BRAC Costs) - **303D41XB4 is for payroll and site travel only.**	OX	000DC9 000D41XB4	FF	S S
FF PA Review	RX	Not Available--Use Generic PA/SI (QB)		
FF RA	LY	Not Available--Use FF Oversight (OX)		
FF RD	LX	Not Available--Use FF Oversight (OX)		
FF Removal	LV	Not Available--Use FF Oversight (OX)		
FF RI	NH	Not Available--Use FF Oversight (OX)		
FF RI/FS	LW	Not Available--Use FF Oversight (OX)		
FF SI Review	TY	Not Available--Use Generic PA/SI (QB)		
Five-Year Review **May obligate to WQ SSID but must plan/outlay site-specifically.**	FE	000DD2 000DD2	P RA	S, WQ S, WQ
Five-Year Review Addendum **May obligate to WQ SSID but must plan/outlay site-specifically.**	WV	000DD2 000DD2	P RA	S, WQ S, WQ
Forward Planning/ Redevelopment/ Reuse	FM	000DD2	P	S
General Support and Management	BM	000DC6 000DD2	E P	00 00
General Enforcement	GE	000EC7 000JC7 000EH2	E FFE	00 00 00
Generic PA/SI	QB	000DD2 000DC9	P FF	S, WQ, ZZ S, WQ, ZZ
Groundwater Monitoring (Post ROD)	GM	000DD2 000DC9	P FF	S S
Hazard Ranking System (HRS) Package **303DC9 is for HQ use only.**	HR	000DD2 000DC9	P FF	S S
Information Management Support	IJ	000DC6 000DC9 000DD2 000EC7	E FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Laboratory Support	LA	000DC6 000DC9 000DD2 000EC7	E FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Legal Review and Analysis	PS	000EC7	E	S, ZZ
Litigation – Generic	LT	000EC7 000JC7	E	S S
Long-Term Response Action (LTRA)	LR	000DD2	RA	S
Management Assistance	MA	Renamed--See State Support Agency Cooperative Agreement (MA)		

FY2019 SUPERFUND ACTIVITY CODES FOR FINANCIAL TRANSACTIONS SORTED BY ACTIVITY NAME				
Activity	**Code**	**PRC**	**SA**	**Site Des.**
Multi-Site Cooperative Agreement	MS	Not Available--Use State Support Agency Cooperative Agreement (MA), Generic PA/SI (QB), or Bulk Funding (WQ), as appropriate		
Negotiation – Generic	NG	000EC7 000JC7 000EH2	E FFE	S S S
Non-NPL PRP Search **– For expending unliquidated obligations only. Use QV for new obligations.**	RP	Not Available--Use PRP Search (QV)		
NPL RP Search **- For expending unliquidated obligations only. Use QV for new obligations.**	NS	Not Available--Use PRP Search (QV)		
Operation and Maintenance (O&M) - **Use Trust Fund resources only to oversee O&M. Use reimbursable resources to conduct or oversee O&M.**	OM	000DC9 000DD2	FF P	S S
Prospective Purchaser Agreement (PPA) Assessment	QX	000EC7	E	S
Pre-CERCLA Screening	HX	000DD2	P	S, WQ, ZZ
Preliminary Assessment (PA)	PA	000DD2	P	S, WQ, ZZ
Preparation of Cost Documentation	PC	000EC7 000JC7	E	S S
PRP FS	NK	000DD2	P	S
PRP LR	ME	000DD2	P	S
PRP RA	BF	000DD2	P	S
PRP RD	BE	000DD2	P	S
PRP Removal **Use Pipeline Site Allowance only for Remedial Program Projects.**	BB	000DC6 000DC6 000DD2	RV S P	S S S
PRP RI	NA	000DD2	P	S
PRP RI/FS	BD	000DD2	P	S
PRP Search	QV	000EC7	E	S, WQ, ZZ
RA Contractor Acquisition	ZB	000DD2	P	S
RD/RA Negotiation	AN	000EC7	E	S
Real Property Acquisition	RL	000DD2	P	S
Records Management	SW	000DC6 000DC9 000DD2 000EC7 000EH2	E FF P E FFE	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Remedial Action	RA	000DD2	RA	S
Remedial Design	RD	000DD2	P	S
Remedial Investigation	RI	000DD2	P	S
Removal **- May plan with WQ SSID but must obligate site-specifically.** **Use RA Site Allowance only for Remedial Program Projects.**	RV	000DC6 000DC6 000DD2	RV S RA	S S S
Removal Assessment	RS	000DC6 000DC6	RV S	S, WQ, ZZ S, WQ, ZZ
Removal Negotiation	RN	000EC7	E	S
Research and Development	BG	000DD2	P	S, WQ, ZZ
RI/FS Negotiation	FN	000EC7	E	S

FY2019 SUPERFUND ACTIVITY CODES FOR FINANCIAL TRANSACTIONS SORTED BY ACTIVITY NAME				
Activity	**Code**	**PRC**	**SA**	**Site Des.**
RI/FS Scoping	ZA	000DD2	P	S
Risk/Health Assessment	ED	000DC9 000DD2	FF P	S S
Section 104(E) Referral Litigation	SF	000EC7	E	S
Section 106 Litigation	SX	000EC7	E	S
Section 106/107 Litigation	CL	000EC7	E	S
Section 107 Litigation	SV	000EC7	E	S
Senior Environmental Employee (SEE) Program **- For extramural use only.**	SM	000DC6 000DC9 000DD2 000EC7	E FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Site Inspection (SI)	SI	000DD2	P	S, WQ, ZZ
Site Reassessment	OO	000DD2	P	S, WQ, ZZ
Site Security and Maintenance	PD	000DD2	P	S
Site-Specific BRAC Costs	PX	Not Available—Use FF Oversight (OX)		
State Core Program - **For extramural use only.**	SK	000DD2	P	00
State Support Agency Cooperative Agreement (formerly Management Assistance) - **For extramural use only.**	MA	000DC9 000DD2	FF P	S, WQ, ZZ S, WQ, ZZ
Technical Assistance	TA	000DC6 000DC9 000DD2	E FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ
Technical Assistance Grant - **For extramural use only. May plan with WQ SSID but must obligate site-specifically.**	TG	000DC9 000DD2	FF P	S S
Training	TH	000DC6 000DD2 000EC7	E P E	00 00 00
Treatability Study	TS	000DD2	P	S
Tribal Core Program **- For extramural use only.**	TK	000DD2	P	00
Tribal Support Agency Cooperative Agreement **For extramural use only.**	TJ	000DC9 000DD2	FF P	S, WQ, ZZ S, WQ, ZZ

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

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

IV.F ANOMALIES AND OTHER SEMS CODES

IV.F.1 Takeovers, Phased Indicators and Other Activity Code Anomalies

Activity anomaly codes (labeled Takeover or Lead Changes/Phased Indicators in SCAP reports) are used to signify activities that for some reason should not appear as valid starts or finishes in SCAP planning and accomplishment reports but which still require tracking. There are four general categories of anomaly codes: Takeover, Phased, Other Anomaly, and Voluntary Cleanup. Exhibit IV.4 is a reference table of all action anomaly codes in SEMS.

EXHIBIT IV.4. SEMS ACTIVITY ANOMALY REFERENCE TABLE

SEMS Activity Anomaly Reference Table	
Code	Description
TO	Original Action Take Over
TN	New Action Resulting from Take Over
TT	Takeover of an Action Taken Over
PS	Phased Start
PC	Phased Completion
PB	Phased Start & Completion
OS	Other Start Anomaly
OC	Other Completion Anomaly
OA	Other Start and Completion Anomaly
VC	Voluntary Cleanup; use in conjunction with S Performance Lead code
SD	State Deferral; use in conjunction with S Performance Lead code
SN	State Performed, No EPA Funding or CA; use in conjunction with S Performance Lead code
SR	PRP Under State Order, No Agreement with EPA; use in conjunction with PS Performance Lead code
SW	State ROD, No EPA Concurrence; use only with ROD activity code; use in conjunction with S Performance Lead code

a. Takeovers

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

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

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

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

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

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

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

b. SEMS Coding for Takeovers

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

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

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

The first three steps below describe the SEMS data entry for a takeover scenario. All five steps describe the data entry for a takeover and subsequent takeover of a takeover. Exhibit IV.5a provides examples of the SEMS coding for a takeover and a takeover of a takeovers.

1. The original GOVT RI/FS activity is added to SEMS with the appropriate start date. The 'F' Performance lead code is selected in the Work Package Info tab screen for the GOVT RI/FS work package to indicate that EPA is performing the action (i.e., rather than the state).
2. After the PRP takes over the GOVT RI/FS work, the appropriate finish date is entered for the original GOVT RI/FS. The TO indicator is selected in the Work Package Info tab screen.
3. A new PRP RI/FS activity is added under the same OU with the same start date as the finish date of the original GOVT RI/FS. The TN indicator is selected in the Work Package Info tab screen for this activity. The 'RP' Performance lead code is selected in the Work Package Info tab screen to indicate that EPA is overseeing the PRP response (i.e., rather than the state).
4. After EPA takes over the PRP RI/FS work, the appropriate finish date is entered for the PRP RI/FS. The TT indicator ('Takeover of an Action Taken Over') is selected in the Work Package Info tab screen (this replaces the previously used TN anomaly code).
5. A new GOVT RI/FS activity is added under the same OU with the same start date as the finish date of the PRP RI/FS. The TN indicator is selected in the Work Package Info tab screen for this activity. The 'F' Performance lead code is selected in the Work Package Info tab screen to indicate that EPA is performing the action.

EXHIBIT IV.5A. TAKEOVERS

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

c. Phased Projects

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

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

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

EXHIBIT IV.5B. PHASED PROJECTS

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

d. Other Anomalies

Anomalies are those projects that do not fit the normal definitions of pipeline activities. Anomalies can be those projects that 1) should not appear on a SCAP planning and accomplishment report, but still need to be tracked or 2) occur out of the ordinary pipeline progression. Additionally, projects that are permanently suspended or discontinued should be assigned a finish date when such determination is made, and use the appropriate anomaly code to signify the activity's status.

An example of a SCAP anomaly occurs when different entities conduct FS work simultaneously that leads to a single ROD. Since it is inconsistent to report more FS starts than finishes (the Agency would have to explain why FS work is not leading to a ROD), the SCAP planning and accomplishment report should identify only one start and finish for one FS. These projects are coded under the same OU with multiple sequence numbers and

those FSs that should not appear in the SCAP report should be assigned a Takeover/Phased Indicator of 'Other Start and Completion Anomaly (OA).'

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

With respect to the SR anomaly projects, the Agency recognizes that states can and have assumed the lead role in reaching an agreement with the PRPs for response activities at NPL sites without negotiating a cooperative agreement or other formal agreement with EPA. However, the National Contingency Plan (NCP) has determined that in the absence of a formal agreement, the state will not be officially recognized as the "lead agency" for the project and EPA will not concur on the remedy selected.

EXHIBIT IV.5C. OTHER ANOMALIES

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

e. Mega-Sites

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

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

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

Superfund Program Implementation Manual

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Chapter V: Site Information

Chapter V: Site Information

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CHAPTER V: SITE INFORMATION

V.A INTRODUCTION

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

V.B SITE

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

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

V.C INITIATING PROGRAM

Following notification of a potential site needing federal Superfund program attention, the site can be added to the SEMS database via the Add Site module. Superfund involvement varies based on the characteristics of a confirmed or potential release, including urgency of response needs, involvement of other Federal agencies, and the requirements of the remedial assessment and removal programs.

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

Additional information on adding a site to SEMS and the initial schedules generated in the system is available in SEMS Quick Reference Guide: *Edit Site Schedule, Add & Plan a New Site*.

V.D IDENTIFICATION (ID) NUMBERS

SEMS tracks several different types of site identification numbers.

Environmental Protection Agency (EPA) ID

The EPA ID Number is a unique 12-digit identifier for a site or facility that is created when a new site is added to SEMS. Before adding a site to SEMS, regions must research the SEMS database to ensure the site is not already tracked in SEMS. Users should also refer to Envirofacts to help determine if the site exists in another EPA cleanup program **before** adding it to SEMS. For new sites, the system automatically generates an EPA ID in the Add Site Information screen. A user may change the system-generated EPA ID if needed (i.e., to match the Resource Conservation and Recovery Act [RCRA] ID already used in RCRAInfo, or the Brownfields ID) **only before** saving the site. Once the new site is added and saved, the EPA ID field can no longer be edited.

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

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

Site ID

The Site ID Number is a distinct seven-digit number assigned by SEMS to a site. The first two digits represent the region responsible for tracking the site. For example, all Site ID numbers for sites in Region 1 start with '01'.

RCRAInfo Site ID

Site identification number recorded in RCRAInfo for a site that is tracked in SEMS. This field is used to track legacy sites where the RCRAInfo site identifier was not used as the EPA ID. Any new site added to SEMS should use the existing RCRA site identification number as the EPA ID number if the site already exists in RCRAInfo.

State Site ID

Optional site identification number used to track a site in a state database.

Site/Spill ID (SSID)

A unique alphanumeric identification code assigned to a site or incident by the EPA region for use in Compass Financials. A removal site is required to have a Site Spill ID before planning work. The second digit of the Site Spill ID represents the EPA region in which the site is tracked. The identifier must be unique and the system ensures that duplicate Site Spill IDs are not entered. If more than one SSID is assigned to a site, one must be designated as primary

Parent Site/Child Sites

See section V.R in this chapter for more information on tracking parent and child site identification numbers.

V.E SITE NAME

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

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

V.F SITE LOCATION/GEOSPATIAL INFORMATION

SEMS requires the entry of general site locational information including: street address, city, state, zip code, and county. Congressional district is required for NPL sites. Site location data is entered using the Add Site module when a new site is added to SEMS. This information can be updated on the Site Information tab within the Site Management module in SEMS. Geospatial data entered or updated in SEMS should comply with requirements specified in EPA's Geospatial Superfund Site Data Definitions and Recommended Practices, OLEM Directive 9200.2-191 and any additional requirements described in this section.

SEMS applies the requirements defined in the *National Geospatial Data Policy, August 2005* which established standards for collecting and managing geospatial data used by federal environmental programs and projects within the jurisdiction of EPA.

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

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

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

Highest Priority:

- Primary Site Location Data should be recorded and entered in SEMS. Point data may be improved, refined or corrected as data become available.

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

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

- Institutional Controls location data should be captured when ICs are implemented.
- Extent of Contamination polygons, while sometimes difficult to define and subject to revision, are valuable information, which regions are encouraged to share when possible. Typically, these data would be defined during the RI and would be entered into SEMS after the RI (or EE/CA) is approved.
- Engineering Controls location data may be captured when ECs are implemented.
- Continued Use/Reuse Polygons may be entered into SEMS concurrently with the identification of continued use and/or determination of acres ready for reuse.

To ease collection and submission of geospatial data, regions are encouraged to require electronic submission of geospatial data as part of enforcement agreements with potentially responsible parties and in statements of work (SOWs) for site-specific contract work. Please see the joint OSWER/OSRE memorandum *Transmittal of Model Geospatial Data and Electronic Submission of Deliverables Language for Inclusion in CERCLA Statements of Work"* (September 29, 2014) for appropriate model language for enforcement documents and contracts.

Geospatial metadata includes several attributes of latitude and longitude coordinates, including:

- ***Decimal Degree Latitude:*** The measure of the angular distance on a meridian north or south of the equator, in decimal degrees. When entering data, users must include the plus (+) or minus (-) sign prefix to designate the latitude is North or South of the equator. Except for certain territories in the Pacific Ocean, all sites in U.S. states and territories are located within the northern hemisphere and the should use the plus (+) sign.
- ***Decimal Degree Longitude****:* The measure of the angular distance on a meridian east or west of the prime meridian, in decimal degrees. When entering data, users must include the plus (+) or minus (-) sign prefix to designate that the longitude is East or West of the

Prime Meridian. Except for certain territories in the Pacific Ocean, all sites in U.S. states and territories are located within the western hemisphere and should use the minus (-) sign.

- ***Collection Date**:* The date that a point latitude/longitude measurement is collected.
- ***Source:*** The party responsible for providing the latitude/longitude coordinates.
- ***Collection Method:*** The method used to obtain latitude/longitude coordinates e.g. Global Positioning System device, census block centroid etc.
- ***Verification Method:*** The process in which a latitude/longitude measurement has been verified by EPA staff, grantees or contractors.
- ***Accuracy Meters:*** The range (+/-) of accuracy in meters
- ***Accuracy Measure Unit:*** The unit of measure applicable to the relative accuracy of the latitude/longitude coordinates.
- ***Reference Datum:*** A code identifying the reference datum of a latitude and longitude.
- ***Reference Point:*** A description of the location where geographic coordinates were taken, e.g., entrance to a facility, center of a facility, etc.
- ***Geometry Type (Point/Line/Area):*** The geometric entity represented by one point or sequence of latitude and longitude points.
- ***Source Map Scale:*** A number that represents the proportional distance on the ground for one unit of measure on the map or photo.
- ***Accuracy Unknown:*** The indicator that represents whether some method of accuracy information is still unknown or unavailable.
- ***Comments:*** The text that provides additional information about the geographic coordinates.

Additional Latitude/Longitude Coordinate Attributes

Multiple latitude/longitude coordinates may get tracked at a site. Additional attributes are available in SEMS to differentiate coordinate records, including:

- ***Primary Flag*** – indicates the primary latitude and longitude coordinates for the site. The Primary Flag must be assigned to one coordinate record at each site in the Active site inventory (each coordinate record consists of a single latitude and longitude coordinate). The coordinate record with the Primary flag must located less than 1,000 meters (<= Tier 6) of the site address. Tier 6 and other Tiers are defined in EPA's National Geospatial Data Policy available at https://www.epa.gov/geospatial/epa-national-geospatial-data-policy). The coordinate record with the Primary flag will be used for public reporting purposes. If no coordinate records at a site have the Primary Flag, SEMS will use the most recent coordinate record based on collection date for public reporting.
- ***NPL Coordinate Flag*** – identifies coordinates that were documented in the Federal Register in a proposed or final NPL rule. Once assigned, this flag and corresponding coordinates should not be changed in order to preserve this data at the time of listing.

V.G ALIAS NAME/LOCATION

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

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

V.H FEDERAL FACILITY STATUS

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

- ***Federal Facility:*** The site is federally owned or subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe.
- ***Not a Federal Facility:*** The site is not federally owned nor subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States. Includes sites on land held in trust by the United States for an Indian tribe.
- ***Undetermined***: Not enough information available to make a determination of Federal Facility status. EPA regions should update this status as soon as a determination can be made.

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

V.I FORMERLY USED DEFENSE SITES (FUDS)

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

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

process, or whenever this information first becomes available. Sites with the FUDS designation should generally be assigned a Federal Facility Status value of 'Federal Facility'.

V.J SITE TYPE CATEGORY/SUB-CATEGORY

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

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

New Site Type Categories and Sub-Categories

No new Site Type categories or sub-categories have been added since the publication of the FY17 SPIM.

V.K NATIONAL PRIORITIES LIST (NPL) STATUS

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

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

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

SEMS includes a drop-down list of NPL Status values to select. When a site is added to the active inventory, the default NPL status value is 'Not on the NPL'. Regions can change the

status for sites that have not been proposed or placed on the NPL. HQ is responsible for updating the NPL Status value beginning when a site is proposed to the NPL.

Proposed NPL Listing

The process of proposing a site for placement on the NPL is complete when a Proposed Rule proposing the site to the NPL is published in the *Federal Register*. Sites proposed to the NPL are assigned an NPL Status value of 'Proposed for NPL', database code = P.

Removal of Proposed NPL Listing

The process of removing a previous proposal to list a site on the NPL begins and simultaneously ends when a notice announcing the removal of the site from NPL proposal is published in the *Federal Register* (typically published in a regularly scheduled NPL proposed rule). The removal of a previous proposal to list a site may be based on criteria outlined in the Guidelines for Withdrawing a Proposal to List a Site on the NPL (11/12/2002) or may be based on documented deferral or referral to another cleanup authority. SPIM section VI.A.9 contains a description of cleanup alternatives. Sites removed from proposal to the NPL are assigned an NPL Status value of 'Removed from List of Proposed NPL Sites', database code = R.

Final NPL Listing

The listing process for a site is complete when a Final Rule adding the site to the NPL is published in the *Federal Register*. Sites placed on the NPL are assigned an NPL Status value of 'Currently on Final NPL', database code = F.

Withdrawn from the Final NPL

The process of withdrawing a site is complete when a Final Rule withdrawing the site is published in the *Federal Register*. Sites withdrawn from the NPL are assigned an NPL Status value of 'Withdrawn from NPL', database code = W.

Deleted from the Final NPL

The process of deleting a site from the NPL begins when a Notice of Intent to Delete (NOID) is published in the *Federal Register*, and is completed when, after completion of a public comment period, a Notice of Deletion is published. If the Direct Final Deletion process is used, the Notice of Intent to Delete and Deletion notice are published in the *Federal Register* at the same time. Sites deleted from the NPL are assigned an NPL Status value of 'Deleted from NPL', database code = D. The date of the NPL deletion or partial deletion in SEMS is the effective date of deletion/partial deletion published in the Notice of Deletion/Notice of Partial Deletion in the *Federal Register.*

HQ will update the following NPL Rule data when Proposed and/or Final NPL rules are published in the *Federal Register*;

- Rule type - NPL rule types include Proposal to NPL, Removed from Proposed NPL, Final Listing on NPL, Withdrawn from the NPL, Notice of Intent to Delete, Notice of Intent to Partially Delete, Partial Deletion and Deletion from NPL
- Federal Register Citation – FR volume and page number in the following format '###-FR-ppppppp

- FR Publication date
- Effective Date
- indicate if the Direct Final Deletion process was utilized (for Notices of Intent to Delete and Intent to Partially Delete)

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

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

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

- The FAD Date will be added to the site and any associated child sites using the date of NPL proposal (this automatically checks the FAD box);
- The Eligible Response Site (ERS) Exclusion will be unchecked at the site and any associated child sites;
- The Non-NPL Status and date fields will be deleted;
- The NPL and Non-NPL statuses for any child sites of the updated site will be updated to reflect that Site is addressed as part of an NPL Site, and the Non-NPL status will be deleted.
- The Federal Facility status.

NOTE: Further information on Deletion and Partial Deletion from the NPL can be found in chapter VIII of this Manual. NPL Listing is a program measure.

V.L NON-NPL STATUS

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

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

Initiating Program	Non-NPL Status
Federal Facility Remedial Site Assessment	FF PA Review Start Needed
Non-Federal Remedial Site Assessment Only	PA Start Needed
Non-Federal Removal Only	Removal Only
Combination of Non-Federal Removal and Non-Federal Remedial Site Assessment	PA Start Needed

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

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

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

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

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

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

V.M TRIBAL DATA

SEMS tracks several key data points related to work on sites that impact Native American entities.

Navajo Nation Indicator
Sites that are on land under the governance of the Navajo Nation are managed by Region 9, regardless of the State in which it is located (which may be Region 6, Region 8 or Region 9). The Navajo Nation indicator is only available on the Add Site screen for Region 9 and should be marked when adding the site to SEMS

Native American Interest
The Native American Interest checkbox is available on the Add Site Information screen and Site Status and Indicators box on the Edit Site Information screen. The Native American Interest checkbox should be selected for sites which may be of interest to one or

more Native American entities whose members or land are directly affected by the release. If the Native American Interest checkbox is marked, users are required to associate at least one American Indian tribe or Alaskan native entity.

Associating Site to an American Indian Tribe/Alaskan Native Entity

The Select/Associate Tribe screen in SEMS is used to identify the specific Indian entity (e.g., American Indian tribe or Alaskan native corporation) associated with the site. Users can associate one or more Indian entities to a site. The tribes available for selection represent the official list of federally recognized tribes in the Office of Environmental Information's (OEI) Tribal Entity Mapping spreadsheet available at https://www.epa.gov/data-standards/tribal-identifier-data-standard and a small number of non-federally recognized tribes reported by regional EPA Superfund offices.

Associating an Indian entity to a site may be done at any point in the pipeline. Users may associate an Indian entity to a site when the site is first added to SEMS, when an activity occurs at the site where the Indian entity is the lead or signs an agreement, or at any other time that an Indian entity shows interest in the activities at the site. Sites with an associated federally recognized tribe are subject to applicable tribal consultation requirements.

On Tribal Land

The On Tribal Land field is used to indicate whether the release of hazardous materials is on Indian country and any other land owned by the selected American Indian tribe or an Alaskan native entity.

V.N SPECIAL INTEREST

The Special Interest (previously called Special Initiative) field in SEMS is used to track HQ or regional special priorities, interests or program initiatives with which a Superfund site may be associated. Users may add one or more special interest codes at any time to a site using the Special Interest(s) box on the Site Information Tab. Eligible Response Site and No Further Federal Action Designations

SEMS includes indicators to track ERS exclusion and No Further Federal Action (NFFA) decisions.

ERS Exclusion Decision

The ERS Exclusion indicator in SEMS is used to indicate if the region has made an ERS exclusion decision at the site.

Under CERCLA section 101(41) (C), EPA may exclude sites from the Brownfields eligible response universe if EPA conducts or has conducted a PA or Site Inspection (SI) and, after consultation with the state, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the NPL or otherwise qualifies for listing on the NPL.

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

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

ERS Exclusion Date - this date is system generated with the current date when the checkbox is checked. This field is editable and should reflect the date the site was excluded.

No Further Federal Action (NFFA)

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

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

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

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

V.O SITE INVENTORY DESIGNATIONS

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

Non-Site Inventory

Sites that are pre-screened prior to entry into the Active site inventory and determined not to require further Superfund remedial assessment are tracked in the SEMS Non-Site site inventory. Minimal information is tracked on these sites to account for the pre-screening work and for future reference should a screened site be resubmitted to the federal Superfund program. The Non-Site inventory may also be used to track other non-site-specific information.

Active Inventory

The Active site inventory consists of sites placed on the NPL, and sites not on the NPL where site assessment, removal, remedial, enforcement, cost recovery, or oversight activities are planned or are being monitored or conducted.

Archive Inventory

The Archive site inventory consists of non-NPL sites that were formerly in the Active site inventory which have no further site assessment, removal, remedial, enforcement, cost recovery or oversight needed under the federal Superfund program based on available information.

V.P ARCHIVE INDICATOR

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

For more information about archiving sites in SEMS, refer to the *SEMS Archived Sites QRG.*

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

Although the underlying basis for archiving a SEMS site is whether or not federal Superfund interest exists, several categories of sites are used to generate lists of potential archive

candidate sites. Based on review of sites in these categories, regions should update the Archive IND and Archive Date field as appropriate in a timely fashion. These categories are:

- Sites that have completed only the site assessment process and have been given either a No Further Remedial Action Planned (NFRAP) or Deferred decision at the conclusion of the last completed site assessment action, and no other federal Superfund activity is anticipated;
- Sites that have completed both the removal and site assessment process, or have completed the removal process and require no site assessment work (removal-only sites), and which have completed all related oversight, cost recovery/other enforcement work, and have no further federal Superfund activity anticipated;
- Sites that have successfully completed state deferral as described in the *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995* and no further federal Superfund activity is anticipated;
- Sites removed from the proposed NPL or final NPL (e.g., as a result of a lawsuit) that have no further federal Superfund activity anticipated;
- Child sites addressed as part of a parent non-NPL site that has been properly archived;
- Sites that have been entered into the SEMS inventory via entry of a Remedial Site Assessment Initiation and/or Removal site initiation date which have not had any work started and, based on review, do not warrant any type of additional Superfund activity. An abbreviated PA should be completed for these sites prior to designating archive status;
- Non-NPL sites referred to another cleanup authority that have no further federal Superfund activity anticipated based on discussions with the other cleanup authority;
- Other sites with no further federal Superfund interest based on currently available information, including low priority NPL eligible sites where a state, tribal, or other Federally managed cleanup program exists and the state, tribe, or other Federal agency agrees NPL listing is not warranted based on available information.
- Sites assigned a No Further Federal Action (NFFA) designation as described in SPIM section V.O above.

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

Planning dates for archiving sites are not available. It is important to note that an archive decision is not the same as a NFRAP decision. A NFRAP decision is recorded as a Qualifier, is made only at the conclusion of a site assessment activity, 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 site is a program measure for both non-Federal and Federal Facilities.

The SEMS application will prevent adding certain assessment, removal, remedial, and enforcement activities at archived sites. The SEMS-Archive Quick Reference Guide lists the prohibited actions. Prohibited actions can be added to a site by either: 1) returning the site to SEMS (e.g., substantial site characterization and/or cleanup is needed); or 2) requesting a database

revision through HQ (e.g., entry of historical data). The restriction will not prevent users from entering activity-related data such as start/finish dates, leads, qualifiers, etc., at existing activities.

A site cannot be archived if there are any planned or ongoing archive prohibited actions at the site. For a list of archive prohibited actions, refer to the *SEMS Archived Sites* QRG. SEMS will also prevent the archival of NPL sites (Proposed, Final, and Deleted).

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

Archive designations should be made in a timely fashion to accurately portray the status of sites to all users of Superfund program information. The site assessment program area within the SEMS reports module contains reports to help EPA regions maintain the integrity of archived data. The SA-002 Report contains options to look at a Potential Archive Site Inventory which lists sites that may be eligible for archival. In addition, it will provide an option to view an Archived-To-Be-Reviewed Site Inventory which lists sites that may warrant data corrections/updates or return to the active SEMS site inventory.

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

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

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

V.Q PARENT/CHILD RELATIONSHIPS

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

Upon completion of site assessment activities, such as PAs, SIs, Expanded Site Inspections (ESIs), or ESI/RIs, the region may decide that a site is best addressed as part of an existing NPL site. This would be done when contamination at a non-NPL site is being addressed by cleanup actions at an existing NPL site. This most frequently occurs at Federal Facilities and sites with an area-wide groundwater contamination problem resulting from multiple sources. In this situation, the NPL site is considered the 'parent' and the non-NPL site is referred to as the 'child'. The decision to address a site as part of an existing NPL site requires the following information in SEMS:

- Upon completion of the site assessment 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 region should either: select the parent site on the Site Information page for the child site, or select the child site on the Site Spill ID/Alias/Child Site tab in Site Information for the Parent site; and
- The NPL Status for the child site must be changed to 'Site is part of NPL Site' (A).

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

Upon completion of a site assessment 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 SEMS:

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

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

If the Parent site is an NPL site (Proposed, Final or Deleted), the child site(s) must have an NPL Status of Site is Part of NPL site.

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

V.R FINAL ASSESSMENT DECISIONS (FAD)

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

- The site or its parent site has been proposed to or placed on the NPL;
- The site has been removed from proposal to the NPL and no further remedial assessment is needed;
- The decision made at the last completed remedial assessment at the site is either:
    - NFRAP;

  - Referred to Removal-NFRAP;
  - Deferred to RCRA or Nuclear Regulatory Commission (NRC); or
  - Addressed as part of an NPL or non-NPL site
- The site is being remediated under a formal state deferral agreement;
- The site is being remediated using a Superfund Alternative Agreement;
- OCA sites where no further site assessment work is anticipated beyond reviewing cleanup or closeout reports and related information (see section VI.A.8.i for more information on OCAs);
- The site has been properly archived from the active SEMS site inventory.

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

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

V.S OPERABLE UNIT (OU)

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

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

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

The use of '00' in the OU field is also used by default for non-site-specific financial transactions. Regions (and HQ) additionally have the option to use other OU values, in the Non-

Site Obligations Planning screen in SEMS to further differentiate non-site-specific activities, including using this field to designate individual state recipients of non-site-specific funds. If funds originally obligated non-site-specifically are redistributed as site-specific expenditures, the expenditures must be redistributed to the correct OU in addition to the codes that must be adjusted (Site/Spill Identification Code [SSID], activity code, OU in the project field; cost org field/financial activity sequence number).

V.T SITE DESCRIPTION

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

V.U SITE COMMENTS

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

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Chapter VI: Remedial Site Assessment

CHAPTER VI: Remedial Site Assessment

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CHAPTER VI: REMEDIAL SITE ASSESSMENT

VI.A INTRODUCTION

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

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

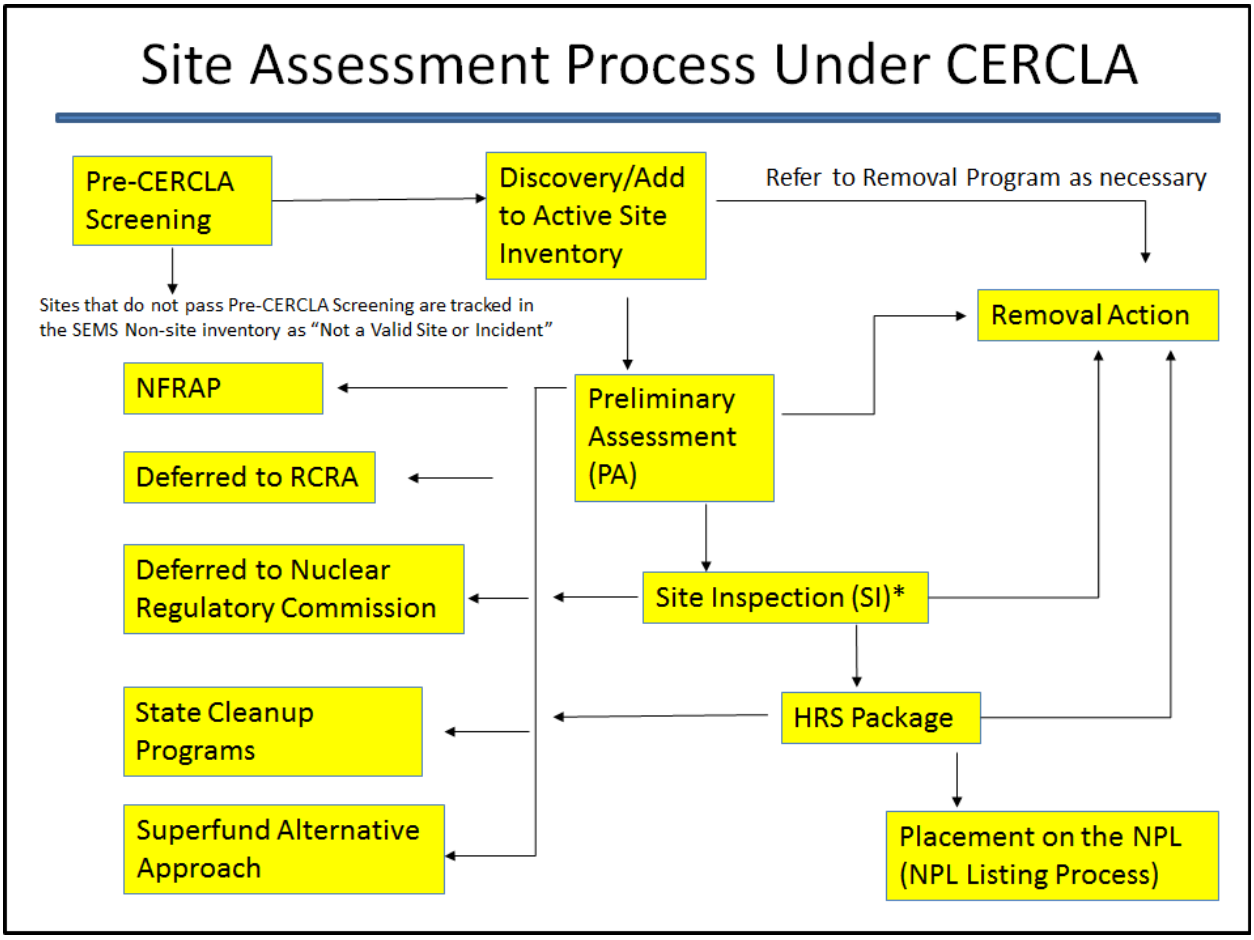
Federal sites are generally submitted through the Federal Facilities Hazardous Waste Compliance Docket and do not go through the Pre-CERCLA screening process. Federal Facilities site assessment is generally performed by Federal Agencies (E.O. 12580) and reviewed by EPA in accordance with the HRS criteria. EPA's responsibilities during the remedial assessment process at Federal Facilities are further discussed in chapter IX, titled Federal Facility Program, of the Superfund Program Implementation Manual (SPIM).

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

Sites that do warrant further removal- or remedial-type study are referred to appropriate cleanup programs for further work. These cleanup programs include: EPA removal; RCRA;

Nuclear Regulatory Commission (NRC); state, tribal, municipal or other federal cleanup programs; the Superfund Alternative Approach (SAA); and the National Priorities List.

XHIBIT VI.1. SUPERFUND REMEDIAL SITE ASSESSMENT PROCESS



VI.A.1 Remedial Site Assessment Priorities

EPA regional offices should incorporate the following priorities into regional remedial site assessment business practices as practicable in each region and as available resources permit. Assessing the worst sites first continues as a national priority, regardless of the federal facility status of sites. The regions should identify the sites posing the highest risk or potential risk and develop a strategy to assess those sites in a timely manner, while balancing their other site assessment needs.

While assessing the worst sites first, the regions must strive to meet annual remedial assessment commitments and goals established to ensure sites are assessed in a timely manner and to prevent the backlog of sites needing remedial assessment from rising unacceptably. Regional site assessment programs are encouraged to pursue more cost- and time-efficient methods of assessing sites without compromising the quantity and quality of site assessment decisions. This includes, among other approaches, combining and/or integrating assessments to reduce cost and time to assess sites. Regions should continue the use of Pre-CERCLA screening at non-federal sites submitted for remedial assessment before adding them to the Active site inventory; however,

this step can be bypassed when available information indicates a Preliminary Assessment is necessary. The regions should also ensure the appropriate remedial assessments of sites of tribal concern that are in or near Indian Country.

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

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

The SAA is generally the Agency's preferred enforcement approach for CERCLA non-NPL sites that are NPL-caliber, where feasible and appropriate. Additional information on the SAA is included in the Cleanup Alternatives section (section VI.B.8.f)

VI.A.2 Remedial Site Assessment Backlogs

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

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

The following pages contain, in pipeline order, the definitions of Superfund remedial site assessment targets and measures. Exhibit VI.2 displays the full list of remedial site assessment activities defined in this chapter and the associated reporting hierarchy.

The primary measure for Superfund remedial assessment work is Remedial Site Assessment Completions (RSACs). This measure reflects the total number of Pipeline-funded remedial site assessments at non-federal sites and reviews of remedial assessments provided by other federal agencies at Federal Facility (FF) sites. Regional targets for RSACs are established each year in the Agency's Budget Formulation System (BFS). RSAC accomplishment credit is given upon successfully recording the completion of the following site assessment reports in SEMS:

- Pre-CERCLA Screening (PCS)
- Preliminary Assessment (PA)
- Federal Facility PA Review
- Site Inspection (SI)
- Federal Facility SI Review
- Expanded Site Inspection (ESI)
- Federal Facility ESI Review
- Site Reassessment
- Federal Facility Site Reassessment Review
- ESI/Remedial Investigation (RI)
- Hazard Ranking System (HRS) Package

Except for Pre-CERCLA screening activities, sites must have a completed remedial site initiation (discovery) activity recorded in SEMS to get accomplishment credit for a Superfund remedial site assessment. Only remedial assessments with a finish date falling in the current fiscal year (FY) will get captured in current year accomplishment reporting. All completed Superfund Pre-CERCLA screenings and all other remedial site assessments at sites with a completed discovery activity will get captured in cumulative accomplishment (inception-to-date) reporting.

Two sub-measures apply to remedial assessment work to help the Agency meet statutory and program timeliness goals and to ensure the age and number of sites needing completion of remedial assessment work does not rise unacceptably. Each fiscal year, regions must reduce the number of non-federal sites over 5 years old without a preliminary assessment completed by 20 percent and address 10 percent of non-federal sites over 16 years old without an NPL listing decision. The universe of sites and associated sub-measure targets will be established at the beginning of each year to account for previous accomplishments and the addition of new sites. The universes exclude Formerly Used Defense Sites (FUDS). Regional progress towards meeting these sub-measure goals will be monitored each fiscal year. The overall program priority of assessing worst sites first shall be a valid factor to consider when evaluating regional progress.

For the annual 5-year PA sub-measure, accomplishment credit will be given at sites that get eliminated from the universe of sites established at the beginning of each fiscal year.

For the 16-year NPL Listing Decision sub-measure, accomplishment credit will be given at: 1) sites that get an NPL listing decision made or otherwise no longer require a listing decision; and 2) sites still in the universe at the end of the fiscal year that have had a remedial site assessment action started during the fiscal year. For this sub-measure, remedial site assessment activities include all listed above except for Pre-CERCLA screenings.

The annual and cumulative number of Superfund remedial site assessments completed will be captured on the Superfund Comprehensive Accomplishments Plan (SCAP)-15 report and will be included in EPA's Annual Report. Site detail supporting annual completion counts will be included on the SCAP-13 and SCAP-15 reports. The annual PA and NPL Listing sub-measures will be tracked on the SEMS report no. SA-034, Remedial Site Assessment Completion Sub-Measures.

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

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

SEMS report SA-006, Site Assessment Accomplishments report is used to report the results of assessments completed during the fiscal year and the number of sites needing remedial assessment.

Final Assessment Decisions (FADs) are tracked as a reporting measure only – no goals or targets are set at the beginning of the fiscal year.

SEMS report SA-031, Final Assessment Decisions, is used to report the number of FADs made during the fiscal year. Additional information on FADs is provided in the SPIM Site Information chapter.

Exhibit VI.2. presents a comprehensive list and reporting status of remedial site assessment measures:

EXHIBIT VI.2. REMEDIAL SITE ASSESSMENT MEASURES

Measure	External Program Reporting	Internal Program Reporting
No. of Superfund Remedial Site Assessment Completions (RSACs)	Budget Formulation System (BFS)	Measure
No. of RSACs: NFRAP	SA web page (planned)	Measure
No. of RSACs: Remedial Study/Cleanup Needed	SA web page (planned)	Measure
No. of RSACs: Further Site Assessment Needed	SA web page (planned)	Measure
No. of Final Assessment Decisions		Measure
NPL Listing (Proposed, Final, Removed From Proposed, Withdrawn)	NPL web page	Measure
Reduce # of non-federal sites over 5 years old without a PA completion by 10%		Measure
Address 10% of non-federal sites over 16 years old needing an NPL listing decision		Measure
Pre-CERCLA Screening		Measure
Remedial Site Initiation (Discovery)		Measure
Preliminary Assessment (PA) at Non-Federal Site		Measure
Federal Facility PA Review		Measure
Site Inspection (SI) at Non-Federal Site		Measure
Federal Facility SI Review		Measure
Site Reassessment		Measure
Federal Facility Site Reassessment Review		Measure
Expanded Site Inspection (ESI) at Non-Federal Site		Measure
Federal Facility ESI Review		Measure
Integrated ESI/Remedial Investigation		Measure
HRS Package (Non-Federal and Federal Facility)		Measure
Other Cleanup Activity		Measure
State Deferral		Measure

Key to Reporting Hierarchy
BFS = Regional targets are established in Budget Formulation System.
Measure = SCAP reporting measure, but target not required.

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

a. Data Quality

The regions should assure that their site assessment information is complete, current, consistent and accurate. To assist the regions in this determination, data quality reports for Superfund site assessment information in SEMS are available through the SEMS reporting tool. SEMS report no. SA-009, Site Assessment Data Quality, displays information on sites with potential remedial site assessment data errors. Regions are required to review the data issues on this report prior to the end of each fiscal year and make data corrections in SEMS as necessary to ensure end of year reporting is accurate. This review applies to remedial assessment and NPL listing activities completed in the current fiscal year.

b. Data Entry Timeliness Requirement

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

VI.A.5 Action Qualifiers for Remedial Site Assessment Activities

Site screening and assessment decisions are made upon completion of most types of remedial assessment activities. These decisions are tracked in SEMS as 'qualifiers' for applicable activities. To achieve accomplishment credit, the following activities must have a qualifier recorded for them in the SEMS Site Management module (qualifiers are added on the Site Decision tab of the Edit Site Evaluation Schedule screen or the Work Package Info tab. Note: Qualifiers for State Deferrals can only be added via the Work Package Info tab.):

- Preliminary Assessment (PA)
- Federal Facility PA Review
- Site Inspection (SI)
- Federal Facility SI Review
- Expanded Site Inspection (ESI)
- Federal Facility ESI Review
- Site Reassessment
- Federal Facility Site Reassessment Review
- ESI/Remedial Investigation (RI)
- Hazard Ranking System (HRS) Package

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

- Other Cleanup Activity
- State Deferral

SEMS report no. SA-009, Site Assessment Data Quality, includes a 'Completed Activities with No Decision' line item. Regions should pay particular attention to this data issue since it may impact classification of site status in annual reporting.

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

Most decisions are self-explanatory. Exhibit VI.3. Remedial Site Assessment Activity Qualifiers displays available decisions/qualifiers for each type of remedial site assessment activity. The following provides additional details for select decisions/qualifiers:

a. No Further Remedial Action Planned (NFRAP)

A No Further Remedial Action Planned (NFRAP) determination indicates the site does not qualify for the NPL based on available information unless new information warranting further assessment is received by EPA. NFRAP decisions should not be confused with archiving. NFRAP decisions are made from a site assessment perspective only; they simply denote that further Superfund NPL assessment work is not required based on currently available information. In contrast, the archival of SEMS sites is made only when no further Superfund interest exists at a site. This means that sites are not archived if there are planned or ongoing removal or enforcement activities or if other Superfund interest still exists, even if a NFRAP decision was made based on remedial site assessment activities.

b. Higher Priority / Lower Priority

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

c. Refer to Removal

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

Regional Site Assessment Managers (SAMs) should coordinate and consult with the Region's removal program when they learn of either sampling results with consistent exceedances of removal program screening values or other information indicating the site may pose an imminent threat to human health or the environment. See the OLEM memo *Remedial and Removal Program Coordination Regarding Potential Imminent Threats to Human Health or the Environment August 11, 2016* for more information. If the removal program agrees to conduct any activity, there are two different decisions used to track the referral of a site to the removal program. Which decision is used depends on whether the region believes additional remedial assessment will still be needed following completion of work by the removal program. The two decisions are self-explanatory and include:

1. Referred to Removal, Needs Further Remedial Assessment; and
2. Referred to Removal, No Further Remedial Assessment.

Regions should monitor those sites referred to removal that need further remedial assessment to ensure additional remedial assessment is not overlooked once removal work is complete.

Sites with Removal-Only or Referred to Removal, No Further Remedial Assessment designations will be excluded from the backlog of sites needing remedial assessments. Headquarters will maintain a tracking report in SEMS to help Regions monitor assessed sites with Referred to Removal decisions.

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

Upon completion of a remedial site assessment activity, the region may decide that a non-NPL site is best addressed as part of another pre-existing site. The pre-existing site may be

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

- Upon completion of the remedial site assessment 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' or 'Addressed as part of another non-NPL site' depending on whether the parent site is on the NPL;
- Add the parent site to the child site on the Site Information screen for the child site;
- Add the child site to the parent site using the Site Spill ID/Alias/Child Site tab for the parent site;
- The NPL Status for the child site must be changed to 'Site is part of NPL Site' if the parent site is an NPL site;
- The Non-NPL Status for the child site must be changed to 'Addressed as part of another non-NPL site' if the parent site is not an NPL site.

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

e. Referred From RCRA

Referred to Superfund from RCRA due to owner inability to finance corrective action under RCRA.

f. Assessment Complete – Decision Needed

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

EXHIBIT VI.3. REMEDIAL SITE ASSESSMENT ACTIVITY QUALIFIERS

SITE ASSESSMENT ACTIVITY NAMES & CODES		Available Activity Decisions																
		Deferred to NRC (DN)	Deferred to RCRA (D)	Higher Priority for Further Assessment (H)	Lower Priority for Further Assessment (L)	NFRAP (N)	Recommended for HRS Scoring (G)	Referred to Removal, Needs Further RMDL ASMT (F)	Referred to Removal, No Further RMDL ASMT (W)	Region Confirmed Successful Deferral Completion (RS)	Region Terminated Deferral (RT)	Addressed as part of an existing NPL site (A)	Addressed as part of another non-NPL site (B)	Being considered for proposal to the NPL (O)	Financial (FN)	Assessment Complete — Decision Needed (AC)	Superfund Alternative (SA)	Referred from RCRA (TBD)
Pre-CERCLA Screening	HX	NOT APPLICABLE																
Remedial Site Initiation (Discovery)	DS																	✔
Preliminary Assessment	PA	✔	✔	✔	✔	✔	✔	✔	✔			✔	✔			✔	✔	
Federal Facility PA Review	RX	✔	✔	✔	✔	✔	✔					✔	✔			✔		
Site Inspection	SI	✔	✔	✔	✔	✔	✔	✔	✔			✔	✔			✔	✔	
Federal Facility SI Review	TY	✔	✔	✔	✔	✔	✔					✔	✔			✔		
Site Reassessment	OO	✔	✔	✔	✔	✔	✔	✔	✔			✔	✔			✔	✔	
Federal Facility Site Reassessment Review	ZC	✔	✔	✔	✔	✔	✔					✔	✔			✔		
Expanded Site Inspections	ES	✔	✔		✔	✔	✔	✔	✔			✔	✔			✔	✔	
Federal Facility ESI Review	TZ	✔	✔	✔	✔	✔	✔					✔	✔			✔		
ESI/RI	SS	✔	✔		✔	✔	✔	✔	✔			✔	✔			✔	✔	
State Deferral	AQ									✔	✔							
HRS Package	HR	✔	✔			✔		✔	✔			✔	✔	✔		✔	✔	
Other Cleanup Activity	VA	✔	✔	✔	✔	✔	✔	✔	✔			✔	✔				✔	
Archive Site	VS	This activity is populated when the archive flag is selected. No leads/decisions for these activities are available.																
Site Unarchived	VU	This activity is populated when the archive flag is deselected. No leads/decisions for these activities are available.																

VI.A.6 Remedial Site Assessment Critical Indicators

Critical Indicators are used in SEMS to further describe the activity at the site. Critical indicators are entered on the Work Package Info tab of the Edit Site Schedule screen in the SEMS Site Management module. The critical indicators available for remedial site assessment activities include:

- Abbreviated Preliminary Assessment - Available for the following activities:
    - Preliminary Assessment (PA); and
    - Federal Facility PA Review.
- PA and FF PA Review activity.
- Integrated Removal and Remedial Assessment (Int Rmvl/Rmdl Assess) - Available for the following activities:
    - PA;
    - Site Inspection;
    - Expanded Site Inspection (ESI);
    - Site Reassessment;
    - Hazard Ranking System Package;
    - Integrated ESI/Remedial Investigation; and
    - Removal Assessment.

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

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

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

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

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

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

VI.A.8 Remedial Site Assessment Activities

Remedial site assessment and NPL listing activities need to be tracked in SEMS. These activities are captured under several different work packages in the Site Evaluation section of the SEMS Work Breakdown Structure (WBS). Exhibit 3.5 displays the SEMS WBS for Site Evaluation.

EXHIBIT VI.3.5 SEMS WBS FOR SITE EVALUATION

Work Package/Activity Name	SEMS CODE
SITE EVALUATION	
Site Identification	
Site Notification/Identification	SNID
Pre-CERCLA Screening Report	HX
Site Initiation	
Remedial Site Initiation (Discovery)	DS
Removal Site Initiation	RSI
Site Archived	VS
Site Unarchived	VU
Pre-Remedial Site Evaluation	
105d Petition for Preliminary Assessment	
Preliminary Assessment	PA
FF Preliminary Assessment Review	RX
Site Inspection	SI
FF Site Inspection Review	TY
Site Reassessment	OO
FF Site Reassessment Review	ZC
Expanded Site Inspection	ES
FF Expanded Site Inspection Review	TZ
Expanded Site Inspection/Remedial Investigation ESI/RI	SS
HRS	HR
Formal State Deferral	AQ
Other Cleanup Activity (OCA)	VA
Generic Assessment (used for funding purposes)	QB

Site Listing	
NPL Listing Proposed	NP
NPL Listing Removed from Proposed	NR
NPL Listing Final	NF
NPL Listing Withdrawal of Final	TW

a. 105d Petition for Preliminary Assessment (PA)

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

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

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

EXHIBIT VI.4. 105D PETITION FOR PRELIMINARY ASSESSMENT (PA) REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
105d Petition for PA	EPA	**Start:** Date the 105d Petition for PA is received by EPA **Finish:** The date EPA provides a formal response to the petitioner and SEMS contains the 105d Petition for PA finish date, performance lead, NPL Status and Non-NPL Status

Special Planning/Reporting Requirements:
EPA must respond to a valid 105D Petition for PA within one year of receipt of the petition.

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

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

b. Pre-CERCLA Screening (PCS)

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

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

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

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

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

A search for the site in the SEMS Active, Archive and Non-site inventories should be completed prior to initiating a PCS. PCS activities should not be performed at sites in the

SEMS Active or Archive site inventories. Initial or subsequent PCS activities may be performed when new information is received at a site in the Non-site inventory.

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

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

For planning purposes, regions should complete a PCS report within one year after determining a PCS is warranted. SEMS report no. SA-036, Sites Needing Completion of Pre-CERCLA Screening, is available to track progress at sites in SEMS needing a PCS completion.

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

- A completed Pre-CERCLA Screening Checklist/Decision Form in electronic format compatible with SEMS data processing requirements; and
- A site map.

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

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

For more information on Pre-CERCLA screening, please refer to EPA's Superfund Site Assessment Process: Pre-CERCLA Screening website at: https://www.epa.gov/superfund/superfund-site-assessment-process-pre-cerclis-screening and the *Revised Pre-CERCLA Screening Guidance, December 2016*

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

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

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

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

Sites that require remedial assessment work only

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

Sites that require both remedial assessment and removal work

- A Remedial Site Initiation (Discovery) finish date;
- A Removal Site Initiation finish date;
- An NPL Status of 'Not on the NPL' on the Site Information screen in the SEMS Site Management module;
- A Non-NPL Status of 'Integrated Removal Assessment PA Start Needed' on the Site Information screen.

Sites that require only removal work

- A Removal Site Initiation finish date;
- An NPL Status of 'Not on the NPL' on the Site Information screen;
- A Non-NPL Status of 'Removal Only' on the Site Information screen.

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

- An NPL Status of 'Not a Valid Site or Incident' on the Site Information screen;
- A Non-NPL Status of 'Not a Valid Site or Incident', 'Not a Valid Site - RCRA Lead', 'Not a Valid Site - NRC Lead', 'Not a Valid Site - State Lead', or 'Not a Valid Site - Tribal Lead'.

EXHIBIT VI.5. PRE-CERCLA SCREENING REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Pre-CERCLA Screening Report	EPA, Tribe, State	**Start:** Date the Technical Direction Document (TDD) is issued or the date the state/tribal government started conducting the Pre-CERCLA Screening. **Finish:** The date the PCS report is signed by EPA and SEMS contains the Pre-CERCLA Screening finish date, performance lead, NPL Status and Non-NPL Status

Special Planning/Reporting Requirements:
All Pre-CERCLA screening activities should be tracked in SEMS, including activities at sites not found to be CERCLA-eligible or otherwise eligible for entry into the Active site inventory. Sites that are screened from entry into the SEMS Active site inventory will be tracked in the Non-site inventory with 'Not a Valid Site or Incident' values in the NPL and Non-NPL status fields. If the decision is made that the site requires remedial site assessment under CERCLA authority, it should be added to the SEMS Active site inventory by entering a Remedial Site Assessment Initiation (Discovery) date and a valid NPL and Non-NPL Status.

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

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

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in SEMS. As new activities and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner. Data entry timeliness practices are important to obtain all accomplishments. See section VI.A.4 above for details.

c. Remedial Site Initiation (Discovery)

Activity Definition:
Remedial Site Initiation (Discovery) is the process by which a potential hazardous waste site is entered into the SEMS Active site inventory for remedial site assessment activities. All sites moving through the remedial site assessment process must have a Remedial Site Initiation (Discovery) activity/milestone and finish date documented in SEMS. Entry of the Remedial Site Initiation (Discovery) date initiates the remedial site assessment process and places the site on the Preliminary Assessment backlog.

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

The Remedial Site Initiation (Discovery) date for Federal Facilities is the date the site is formally added to the Federal Facilities Hazardous Waste Compliance Docket indicating Superfund involvement is required.

EXHIBIT VI.6. REMEDIAL SITE INITIATION (DISCOVERY) REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Remedial Site Initiation (Discovery)	EPA, Tribe, State, EPA-In house	**Start/Finish:** Documentation of the decision that the site warrants Superfund remedial site assessment. The Remedial Site Initiation (Discovery) date is entered through the Add Site or Edit Site Schedule screens.

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

Remedial Site Initiation (Discovery) versus Removal Site Initiation:

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

- Sites with only remedial site assessment interest should not have a Removal Site Initiation tracked in SEMS.

- Sites with both removal and remedial assessment interest should have both a Removal Site Initiation activity/milestone and a Remedial Site Initiation (Discovery) activity/milestone.

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

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

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new activities and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner. Data entry timeliness practices are important to obtain all accomplishments. See section VI.A.4 above for details.

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

Activity Definition:
A PA is often the first phase of the remedial site assessment process following remedial site initiation (discovery). The National Contingency Plan (NCP) requires completion of a

PA at all sites moving through the remedial site assessment process. The PA is used to determine what steps, if any, need to occur next at the site. Federal, state, and local government files, geological and hydrological data, and data concerning site practices are reviewed to complete the PA report. An on- or off-site reconnaissance also may be conducted, although it is not required. Samples are not generally collected during a PA; however, limited sampling may be performed as necessary to determine whether further assessment (e.g., site inspection) is needed.

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

There are instances when an Abbreviated Preliminary Assessment (APA) can be performed in lieu of a standard PA. An APA is preferred when: 1) available information indicates the site would not pass the Pre-CERCLA screening step if it was not already in the SEMS Active site inventory; and 2) available information indicates an SI or ESI is warranted. *Improving Site Assessment: Abbreviated Preliminary Assessments, OSWER 9375.2-09FS, October 1999* provides information on conducting APAs and includes a checklist to help site assessors determine whether an APA report is appropriate for a given site. The checklist or an equivalent document can serve as documentation that the APA was completed. The APA checklist or equivalent report must address the requirements set forth in the NCP for conducting remedial preliminary assessments.

Combining PA and SI or ESI activities into a single event may be performed at sites where it is known that more intensive sample collection is warranted and where time and cost efficiencies can clearly be gained. When combining remedial assessments, the PA documentation must still be developed to meet NCP requirements. An APA report is sufficient for this purpose.

Accomplishment Definition:
PA Starts - A PA is started when the region begins collecting data and performing other tasks related to development of the PA report; or when the region signs a letter, form, memo, or issues a Technical Direction Document (TDD) to the EPA contractor or state/tribal government (where applicable), requesting performance of a PA at a specific site or group of sites; or when EPA receives written confirmation from a state/tribal government that the state/tribal government will conduct the PA; and SEMS contains the actual PA start date and a performing lead of: EPA; EPA-In House; State; or Tribal. PA start dates are required and are used by HQ as a program measure.

PA Completions - A 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 finish date is the date the PA report is approved; and
- SEMS contains the actual PA finish date and a decision on whether further activities are necessary in the Qualifier field; and

- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.

A valid decision must be recorded in SEMS upon completion of the PA. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.7. PRELIMINARY ASSESSMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be a non-Federal Facility site		
Preliminary Assessment	EPA, State, Tribe, EPA In-house	**Start:** Date the TDD is issued or the date the state/tribal government started the PA. **Finish:** Letter, form, memo approving the PA report; Site decision Form 9100-3 in SEMS or equivalent document signed by the appropriate regional official.

Special Planning/Reporting Requirements:
For planning purposes, regions should complete a PA at a non-Federal Facility site listed in the SEMS Active site inventory within one year of the remedial site initiation (discovery) finish date.

Integrated removal assessment and remedial preliminary assessment reports are tracked in SEMS by entering a PA activity and selecting INTEGRATED RV/RMDL as a critical indicator on the PA Work Package Info tab of the Edit Site Schedule screen in the SEMS Site Management module.

APA reports are tracked in SEMS by entering a PA activity and selecting APA as a critical indicator on the PA Work Package Info tab of the Edit Schedule screen in the SEMS Site Management module.

When combining PA and SI or ESI assessments, the same actual start and finish dates for the PA and SI or PA and ESI activity should be entered into SEMS. The PA should be assigned a high priority qualifier in SEMS. The decision reached at the end of the combined PA and SI or combined PA and ESI assessment should be entered as the qualifier for the SI or ESI activity.

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

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

Please refer to chapter IX, titled Federal Facility Program, of the SPIM for a description of Federal Facility PA Review activities performed at Federal Facilities.

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

Activity Definition:
The SI involves the collection of field data from a suspected hazardous waste site to confirm or deny the presence of contamination and to further characterize contaminants, migration pathways, and background contaminant levels. The SI serves as a further screening 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 also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. An integrated removal assessment and remedial site inspection combines requirements of a both types of assessments into a single report.

See the PA section above for a discussion on combining PA and SI activities into a single event.

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

SI Completions - An SI is completed when:

- An SI Report has been generated by EPA, or received by the region from the federal contractor or state/tribal government, and the appropriate regional official signs a letter, form, or memo approving the SI report. The SI finish date is the date the SI report is approved; and
- SEMS contains the actual SI finish date, a valid performing lead, and a decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.

A valid decision must be recorded in SEMS upon completion of the SI. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.8. SITE INSPECTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be a non-Federal Facility site		
Site Inspection	EPA, State, Tribe, EPA In-house	**Start:** Letter, memo, or form approving the site-specific work plan or TDD signed by the EPA or state/tribal government. **Finish:** Letter, form, memo approving the SI report; Site decision Form 9100-3 in SEMS or equivalent document signed by the appropriate regional official.

Special Planning/Reporting Requirements:
For planning purposes, SIs at non-federal sites are expected to average two years from start to completion.

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

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

When combining PA and SI assessments, the same actual start and finish dates for the PA and SI activity should be entered into SEMS. The PA should be assigned a high priority qualifier in SEMS. The decision reached at the end of the combined PA and SI should be entered as the qualifier for the SI activity.

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

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

Please refer to chapter IX, titled Federal Facility Program, of the SPIM for a description of Federal Facility SI Review activities performed at Federal Facilities.

f. Site Reassessments at Non-Federal Sites

Activity Definition:
A Site Reassessment represents the gathering and evaluation of new information on a site in the SEMS Active or Archive site inventory that was previously assessed under the federal Superfund program to determine whether further Superfund attention is needed. A

Site Reassessment serves as a supplement to previous assessment work and not as a replacement for traditional assessment 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 activity. 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 activity 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 *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS, or an equivalent document. Correction of site decisions (i.e., action qualifiers) on completed PA, SI or ESI activities based solely on file reviews should be documented using the historical lockout feature in SEMS and not as a new Site Reassessment activity.

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

Site Reassessments Completions - A Site Reassessment is complete when:

- A Site Reassessment report has been developed by EPA or has been received by the region from the federal contractor or the state/tribal government, and the appropriate regional official signs a letter, form, or memo approving the Site Reassessment report. The Site Reassessment finish date is the date the Site Reassessment report is approved, and
- SEMS contains the actual Site Reassessment finish date, a valid performing lead, and a valid decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.

A valid decision must be recorded in SEMS upon completion of the Site Reassessment. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.9. SITE REASSESMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site Reassessment	EPA, State, Tribe, EPA In-house	**Start:** Letter, memo, or form approving the site-specific work plan, when required, or a signed TDD is issued. **Finish:** Letter, form, or memo approving the Site Reassessment report; Site Decision Form 9100-03, or an equivalent document signed by appropriate regional official.

Special Planning/Reporting Requirements:
For planning purposes, Site Reassessments at non-federal sites are expected to average one year from start to completion. Actual start and finish dates are required for Site Reassessment activities. Site Reassessments are reported site-specifically in SEMS. Site Reassessment completions are program measures for non-Federal Facilities.

Integrated removal assessment and remedial Site Reassessment reports are tracked in SEMS by entering a Site Reassessment activity and selecting INTEGRATED RV/RMDL as a critical indicator on the Site Reassessment Work Package Info tab of the Edit Site Schedule screen in the SEMS Site Management module

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

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

Please refer to chapter IX, titled Federal Facility Program, of the SPIM for a description of Federal Facility Site Reassessment Review activities as performed at Federal Facilities.

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

Activity Definition:
The ESI collects additional data beyond that collected in the SI to evaluate the site for HRS scoring. ESIs are reserved for more complex sites that cannot be adequately characterized using standard SI methodologies. Installation of groundwater monitoring wells is typical of activities performed under the ESI. Regions should employ FAS techniques wherever practical during ESI activities.

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

See the PA section above for a discussion on combining PA and ESI activities into a single event.

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

ESI Completions - An ESI is complete when:

- An ESI Report has been developed by EPA; or received by the region from the federal contractor; or the state/tribal government; and the appropriate regional official signs a letter, form, or memo approving the ESI report. The ESI finish date is the date the ESI report is approved; and
- SEMS contains the ESI finish date, a valid performing lead, and a valid decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.

A valid decision must be recorded in SEMS upon completion of the ESI. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.10. EXPANDED SITE INSPECTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Expanded Site Inspection	EPA, State, Tribe, EPA In-house	**Start:** Letter, memo, or form approving the site-specific work plan or TDD signed by the EPA or state/tribal government. **Finish:** Letter, form, or memo approving the ESI report; Site Decision Form 9100-3 in SEMS or an equivalent document signed by appropriate regional official.

Special Planning/Reporting Requirements:
For planning purposes, ESIs at non-federal sites are expected to average one year from start to completion. Actual start and finish dates are required for ESIs. ESI starts (Actual Start) and completions are reported site-specifically in SEMS. ESI starts and completions are program measures for non-Federal Facilities.

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

When combining PA and ESI assessments, the same actual start and finish dates for the PA and ESI activity should be entered into SEMS. The PA should be assigned a high priority qualifier in SEMS. The decision reached at the end of the combined PA and ESI assessment should be entered as the qualifier for the ESI activity.

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

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

Please refer to chapter IX, titled Federal Facility Program, of the SPIM for a description of this Federal Facility ESI Review activities performed at Federal Facilities.

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

Activity Definition:
The integrated 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 28.5 or higher and a remedial response will be needed. The RI portion of an ESI/RI is intended to be a sitewide activity. ESI/RI activities should be entered into SEMS 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 Remedial Investigation/Feasibility Study (RI/FS) Completion and RI Completion (see definitions in chapter VII) 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 activity is recorded in SEMS, a stand-alone ESI activity should not be recorded at that site.

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

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

ESI/RI Completions - An ESI/RI is complete when:

- An ESI/RI Report has been reviewed and accepted by the region and the appropriate regional official signs a letter, form, or memo approving the ESI/RI report. The ESI/RI finish date is the date the ESI/RI report is approved; and
- The following has been recorded in SEMS: the ESI/RI finish date; a valid performance lead; and a decision on whether further activities are necessary in the Qualifier field; and

- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.

A valid decision must be recorded in SEMS upon completion of the ESI/RI. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.11. ESI/RI REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Expanded Site Inspection/Remedial Investigation ESI/RI	EPA, State, Tribe, EPA In-house	**Start:** Letter, memo, or form approving the site-specific work plan or TDD signed by the EPA or state/tribal government **Finish:** Letter, form, or memo approving the ESI/RI report; Site Decision Form 9100-3, or an equivalent document signed by appropriate regional official

Special Planning/Reporting Requirements:
For planning purposes, ESI/RIs are expected to average one year from start to completion. Actual start and finish dates are required for ESI/RIs. ESI activities should not be recorded separately in SEMS if they are conducted as part of an ESI/RI. ESI/RI completions at non-Federal Facility sites are program measures.

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

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

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

i. Hazard Ranking System (HRS) Packages

Activity Definition:
The HRS Package documents a numeric score of the relative severity of a hazardous substance release or potential release based on: 1) the relative potential of substances to cause hazardous situations; 2) the likelihood and rate at which the substances may affect human and environmental receptors; and 3) the severity and magnitude of potential effects. The HRS Package also includes references and documentation in support of the score. The score is computed using the revised HRS. Regions are responsible for preparing HRS packages for both Federal and non-Federal Facility sites. Regions submit a draft version of

the HRS package to HQ for quality assurance (QA) review. Regions and HQ work together to address issues and agree on a final version of the HRS package. Based on results of the completed HRS package and other factors, regions determine what next steps, if any, are appropriate for a site (e.g., NPL listing, NFRAP, etc.)

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

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

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

HRS Package Completions - An HRS Package is complete when:

- An HRS Package has completed HQ QA review and HQ and the region agree to a final version, or an HRS package has completed regional quality control (QC) review and the HRS package will not be submitted to HQ for QA review; and
- The following has been recorded in SEMS: the approval date for the final version of the HQ QA reviewed (if submitted to HQ) or regional QC reviewed (if not submitted to HQ); HRS Package date or the NPL Proposal publication date as the actual HRS Package finish date; a performance lead; and a decision on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS or an equivalent document.
- Note: Submission of HRS Packages to HQ for technical assistance does not represent an HRS Package completion.

A valid decision must be recorded in SEMS upon completion of the HRS Package. Please refer to exhibit VI.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT VI.12. HRS PACKAGE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
HRS	EPA, State, Tribe, EPA In-house	**Start:** Letter, form, or memo requesting site specific development of a HRS Package. **Finish:** Site Decision Form 9100-3, or an equivalent document signed by appropriate regional official

Special Planning/Reporting Requirements:
For planning purposes, HRS packages are expected to average one year from start to completion.

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

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

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

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

j. Other Cleanup Activity (OCA)

Activity Definition:
This activity is used to document the referral of a non-NPL site to a state, tribal, or federal environmental cleanup program for remedial-type work without EPA enforcement or oversight. EPA expects remedial-type work at these sites will be completed under the laws, regulations and policies applicable to the state, tribe or other Federal agency managing the cleanup work. Remedial-type work can include comprehensive site investigations in support of making cleanup determinations, interim cleanup actions, removals or final cleanup decisions, including decisions that cleanup is not required. For this definition, 'without EPA enforcement or oversight' means that there is no continuous and substantive involvement on the part of EPA while remedial-type work is ongoing, such as routinely reviewing work products and other documents and providing comments to the non-EPA party. However, EPA may gather information about activities at an Other Cleanup Activity (OCA) site through meetings or calls with the non-EPA party, by accessing related web sites, or through other means.

OCA status should only be used for sites that have completed a PA within the Superfund site assessment process and are considered to be NPL-caliber (i.e., existing information

indicates that the site may achieve an HRS score => 28.5 and the site warrants remedial-type work as described above).

Regions should check on cleanup progress at each OCA site at least once every two years to determine whether the site still meets the definition of an OCA site, and to confirm the OCA approach is still the optimal cleanup approach based on site-specific circumstances.

The Non-NPL Status and Non-NPL Status Date should be updated to reflect the results of this check on progress:

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

HQ will create and monitor a new OCA Review report listing OCA sites that have not been checked in over two years.

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

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

candidate. The date the documentation is received or determination is made is entered into SEMS as the finish date of the OCA.

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

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

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

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

In SEMS, the OCA decision is documented by completing the *Example Remedial Site Assessment Decision, Form 9100-3* in SEMS, or an equivalent document.

Valid decisions to be recorded in SEMS upon completion of the OCA include:

For sites that require further remedial site assessment:

- (H) - High - Higher priority for further assessment;
- (L) - Low - Lower priority for further assessment;
- (B) - Addressed as Part of Another Non-NPL Site; or
- (G) - Recommended for HRS Scoring

For sites that do not require further remedial site assessment:

- (N) - NFRAP – Site Does Not Qualify for the NPL Based on Existing Information;
- (W) - Referred to Removal, No Further Remedial Assessment

For sites that require further remedial study/cleanup needed:

- (A) - Addressed as Part of an Existing NPL site;
- (DN) - Deferred to NRC;
- (D) - Deferred to RCRA (Subtitle C);
- (F) - Referred to Removal, Needs Further Remedial Assessment;
- (SA) - Superfund Alternative Agreement; or
- (AC) – Assessment Complete Decision Needed.

EXHIBIT VI.13. OTHER CLEANUP ACTIVITY REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Other Cleanup Activity (OCA)	State, Tribe, State Oversight, FF	**Start:** EPA refers the site to a state, tribal, or federal environmental cleanup program or acknowledges the site is being cleaned up by a non-EPA party. **Finish:** Date EPA receives information that remedial-type work has been or will not be completed.

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

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

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

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

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

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

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

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

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

k. Formal State Deferral

Activity Definition:
State Deferral is an administrative mechanism enabling states and tribes, under their own laws, to respond at sites in the SEMS inventory that EPA would otherwise not soon address. Under the State Deferral program, EPA anticipates that responses may be quick and efficient, yet still be protective of the environment and of communities' rights to participate in the decision-making process. Refer to the guidance on *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995* for additional information on this program.

Accomplishment Definition:
State Deferral Starts - The state deferral process start is defined as the date when the regional Superfund program director and the state program director sign a document deferring the site to the state under the terms established in the deferral guidance. A State Deferral (AQ) action at Operable Unit 00 must be recorded in SEMS. State deferrals are applicable only to non-Federal Facility sites that are not on the NPL.

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

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

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

EXHIBIT VI.14. STATE DEFERRAL REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
State Deferral	State	**Start:** Document deferring the site to the state. Signed by regional Superfund program director and state program director.

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		Finish: 1) Formal regional document confirming that the deferral has been completed successfully, or terminating the deferral agreement; or 2) state certification that the deferral has been completed.

Special Planning/Reporting Requirements:
When the state deferral is completed, users should also enter an anomaly code of SD (State Deferral) on the Work Package Info tab in SEMS.

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

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

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

Actual start and finish dates are required. Sites successfully completing the deferral process are eligible for archiving (removal) from the SEMS inventory. Formal State Deferral starts and completions are program measures.

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

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

l. NPL Listing Activities

Activity 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 HRS. The HRS serves as a screening device to evaluate the relative threat that uncontrolled

hazardous substances pose to human health or the environment. As a matter of agency policy, those sites that score 28.5 or greater on the HRS are eligible for the NPL.

- Each state may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score.
- Certain sites may be listed regardless of their HRS score, if all the following conditions are met:
  i. 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
  ii. EPA determines that the release poses a significant threat to public health; and
  iii. 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.

Accomplishment Definition:

Proposed NPL Listing - The process of proposing a site for placement on the NPL is complete when a Proposed Rule proposing the site to the NPL is published in the *Federal Register*.

Removal of Proposed NPL Listing - The process of removing a previous proposal to list a site on the NPL begins and simultaneously ends when a notice announcing the removal of the site from NPL proposal is published in the *Federal Register* (typically published in a regularly scheduled NPL proposed rule). The removal of a previous proposal to list a site may be based on criteria outlined in the Guidelines for Withdrawing a Proposal to List a Site on the NPL (11/12/2002) or may be based on a documented deferral or referral to another cleanup authority. SPIM section VI.A.9 contains a description of cleanup alternatives. Sites removed from proposal to the NPL are assigned an NPL Status value of 'Removed from List of Proposed NPL Sites', database code = R.

Final NPL Listing - The Final NPL listing for a site is complete when a Final Rule adding the site to the NPL is published in the *Federal Register*.

Withdrawn from the Final NPL - The process of withdrawing a site from the NPL is complete when a Final Rule withdrawing the site is published in the *Federal Register*.

EXHIBIT VI.15. NPL LISTING REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
NPL Listing Proposed	EPA	Proposed Rule proposing the site to the NPL published in the *Federal Register.*
NPL Listing Removed from Proposed		Notice of the removal published in the *Federal Register.*
NPL Listing Final		Final Rule adding the site to the NPL published in the *Federal Register.*
NPL Listing Withdrawal of Final		Final Rule withdrawing the site published in the *Federal Register.*

Special Planning/Reporting Requirements:
HQ will update the following SEMS data when Proposed and/or Final NPL rules are published in the *Federal Register:*

- SEMS Site Name;
- *Federal Register* Site Name (for historical record keeping purposes should the SEMS site name change);
- Pending SEMS Change: NPL listing activities (Proposed NPL Listing in *Federal Register*, Removed from Proposed NPL Listing in *Federal Register*, Final NPL Listing in *Federal Register*, and Withdrawal of Final NPL Listing in *Federal Register*, NPL listing activity finish date, and performance lead of EPA In-House;
- The NPL Status of 'Proposed for NPL (P)', 'Removed from proposed NPL (R)', 'Currently on Final NPL (F)', or 'Withdrawn from NPL (W)';
- Federal Docket Management System (FDMS) number, if not already assigned;
- The FAD Date will be added to the site and any associated child sites using the date of NPL proposal (this automatically checks the FAD box);
- The Eligible Response Site (ERS) Exclusion will be unchecked at the site and any associated child sites (when proposed);
- The Non-NPL Status and date fields will be deleted (when proposed);
- The Federal Register citation and date; and
- Location data updates include latitude/longitude, street address, city, county and zip code.

VI.A.9 Cleanup Alternatives

The Superfund remedial process begins once sites are brought to the attention of the Superfund remedial site assessment program. As the EPA uses all available tools to ensure the protection of human health and the environment, various avenues for site cleanup are evaluated during remedial site assessment to determine which is the most appropriate to meet site cleanup needs.

In addition to determining whether placing a site on the National Priorities List is the most efficient option to achieve site cleanup, the EPA evaluates a number of other options for addressing site issues. Below are descriptions of each of these site cleanup options.

a. Referral to EPA Removal

Removal actions are quick responses to immediate threats from hazardous substances to eliminate dangers to the public. Typical situations requiring removal actions include chemical fires or explosions, threats to people from exposure to hazardous substances, or contamination of drinking water supplies. Types of removal actions include removing and disposing of hazardous substances, constructing a fence or taking security precautions to limit human access to a site, providing a temporary alternative water supply to local residents when drinking water is contaminated, and temporarily relocating area residents if necessary.

Upon completion of a remedial assessment activity, the region may determine that a time-critical, non-time critical (NTC), or other activity from the EPA removal program is warranted. Regional Site Assessment Managers (SAMs) should coordinate and consult with the Region's removal program when they learn of either sampling results with consistent exceedances of removal program screening values or other information indicating the site may pose an imminent threat to human health or the environment. See the OLEM memo *Remedial and Removal Program Coordination Regarding Potential Imminent Threats to Human Health or the Environment August 11, 2016* for more information. If the removal program agrees to conduct any activity, there are two different decisions used to track the referral of a site to the removal program. The decisions depend upon whether or not the region believes additional remedial assessment will still be needed following completion of work by the removal program. The two decisions are self-explanatory and are tracked as an activity decision (qualifier) and as the Non-NPL Status. They are:

1. Referred to Removal, Needs Further Remedial Assessment
2. Referred to Removal- No Further Remedial Action Planned

Regions should monitor those sites referred to removal that need further remedial assessment to ensure additional remedial assessment is not overlooked once removal work is complete.

Sites with Removal-Only or Referred to Removal, No Further Remedial Assessment designations will be excluded from the backlog of sites needing remedial assessments. Headquarters will maintain a tracking report in SEMS to help Regions monitor assessed sites with Referred to Removal decisions.

b. Deferral to RCRA

Upon completion of remedial assessment activity, the region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative restrictions and defer it to the RCRA program. It is the EPA's policy to defer placing sites on the NPL that can be comparably addressed under RCRA Subtitle C corrective action authorities; however, there are certain exceptions to this policy (e.g., uncooperative or bankrupt

responsible party). See the following documents for additional information: *Interim Guidance in Response to the OIG Audit "Superfund Sites Deferred to RCRA", OSWER 9200.1-31P, December 1999* and *Memo Regarding Coordination between RCRA Corrective Action Closure and CERCLA Site Activities, September 1996*. RCRA sites not subject to Subtitle C can continue to be considered for NPL listing.

c. Deferral to Nuclear Regulatory Commission (NRC)

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

In a MOU signed in 2002 by EPA and NRC, EPA reaffirmed its previous 1983 deferral policy. EPA expects that any need for EPA CERCLA involvement in the decommissioning of NRC licensed sites should continue to occur very infrequently because EPA expects that the vast majority of facilities decommissioned under NRC authority will be decommissioned in a manner that is fully protective of human health and the environment. By this MOU, EPA agreed to a deferral policy regarding NRC decision-making without the need for consultation except in certain limited circumstances as specified in paragraphs V.C.2 and V.C.3 of the MOU.

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

d. Other Cleanup Activity

Sites that are not on EPA's National Priorities List that have completed the Superfund remedial assessment process and are considered to be NPL-caliber (i.e., existing information indicates that the site may achieve an HRS score => 28.5 and the site warrants remedial-type work) may be addressed under a state, tribal, municipal, or other federal agency environmental cleanup program. EPA refers to these sites as Other Cleanup Activity (OCA) sites. Remedial-type work can include comprehensive site investigations in support of making cleanup determinations, interim cleanup actions, removals or final cleanup decisions, including decisions that cleanup is not required. At these sites, there is no continuous and substantive EPA involvement while remedial-type work is ongoing, such as routinely reviewing work products and other documents and providing comments.

EPA performs a monitoring role at OCA sites in the Active site inventory by checking in with state, tribal, municipal and other federal agency partners on the status of cleanup work at these sites at least once every two years. Should conditions change such that federal

Superfund involvement becomes necessary, EPA will work with these partners to determine an alternative approach for addressing a site.

EPA's SEMS inventory contains limited information on these sites. SEMS information on OCA sites in the Active site inventory is included on EPA's LIST 8R-Active Site Inventory With Action Details report posted at the https://www.epa.gov/superfund/superfund-data-and-reports. EPA's Search Superfund Site Information web query available at https://cumulis.epa.gov/supercpad/cursites/srchsites.cfm can also be used to generate a list of OCA sites. EPA staff will generally need to forward public inquiries for specific cleanup information at non-Federal OCA sites to state, tribal, municipal or other government partner staff. For more facts about Federal Facilities, EPA staff can refer requestors to EPA's Federal Electronic Docket web site at https://www.epa.gov/fedfac/fedfacts or to the appropriate federal agency for more information.

The Non-NPL Status in SEMS is used to track the specific OCA designation based on the type of government entity administratively responsible for site cleanup. The following four OCA status designations and accompanying definitions are provided to assist EPA staff in making consistent OCA status designations across regions:

Other Cleanup Activity: State-Lead Cleanup
A state agency with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a state government managed cleanup program such as a state Superfund or other enforcement program, a State Voluntary Cleanup program, or other program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Tribal-Lead Cleanup
A tribal government program with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a tribal government managed cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Municipal/Other Government-Lead Cleanup
A municipal or other local government program with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a municipal or other local government managed cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Federal Facility-Lead Cleanup
A non-EPA federal agency with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under their own federally mandated cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

The four types of OCA designations are tracked in the Non-NPL Status column in SEMS. Sites with these designations must also have an OCA activity added to their project

schedule in SEMS. The schedule activity enables EPA to track the start and finish of OCA work as well as progress made while OCA work is underway.

The OCA cleanup option does not apply to sites being addressed under RCRA Subtitle C corrective action. Subtitle C sites should use the RCRA deferral cleanup option.

e. Formal State Deferral

State Deferral is an administrative mechanism enabling states and tribes, under their own laws, to respond at sites in the SEMS inventory that EPA would otherwise not soon address. Under the State Deferral program, EPA anticipates that responses may be quick and efficient, yet still be protective of the environment and of communities' rights to participate in the decision-making process. Refer to the guidance on *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995* for additional information on this program.

f. Superfund Alternative Approach (SAA)

When a liable Potential Responsible Party (PRP) demonstrates it is viable and cooperative, EPA regional offices, at their discretion, may enter into a SAA agreement with the PRP to facilitate the cleanup of a site. The SAA uses the same investigation and cleanup process and standards that are used for sites listed on the NPL. The SAA is generally the Agency's preferred enforcement approach for CERCLA non-NPL sites that are NPL-caliber, where feasible and appropriate.

Threshold eligibility criteria for using the SAA are:

- site contaminants are significant enough that the site would be considered NPL-caliber (i.e., the site would have a HRS ≥ 28.5 and need remedial-type work);
- a long-term response (i.e., a remedial action) is anticipated at the site; and
- there is a willing, capable PRP who will negotiate and sign an agreement with EPA to perform the investigation or cleanup.

EPA determines if the SAA is appropriate at a particular site. (A PRP may request that a site be evaluated for the SAA.) If a site meets criteria 1 and 2 above, EPA and the PRP may choose to negotiate an SAA agreement. The SAA agreement is equivalent to an agreement negotiated at an NPL site.

Potentially responsible parties, or a subset of PRPs, may choose not to negotiate an SAA agreement. In that case, the site would proceed to cleanup on a different path.

The following transparency and accountability requirements apply to sites using the SAA:

- Prior to starting negotiations for a SAA agreement, the regions should bring the site to the NPL-listing panel for discussion regarding site characteristics (including adequate documentation supporting a HRS score of => 28.5) and planned use of the SAA. This is the same panel that reviews sites that the regions propose to list on the NPL. Adequate HRS documentation consists of a full HRS package prepared by the region. The HRS package does not have to go through the EPA HQ QA process.

- The regions should notify the public of its intent to use CERCLA authority at the site.
- The regions should use SEMS to track the same progress milestones for sites with SAA agreements as those that are tracked for PRP-lead sites listed on the NPL.
- Final SAA agreements will be reviewed at EPA HQ and catalogued on EPA's SAA website so that all interested parties can know what sites have a SAA agreement.
- The regions will develop and maintain on the internet the same site-specific fact sheets that are developed for sites listed on the NPL.
- EPA will report annually on progress at sites using the SAA.
- EPA will maintain and update the SAA web pages as a source of public information on the approach. SAA web pages include a list of sites with SAA agreements, links to their site-specific fact sheets, and links to related information.

The SEMS includes a Special Interest code of 'Site with SA Agreement per HQ Policy' to track and report accomplishments at sites using the SAA. Regions are responsible for ensuring the code comports with the list of sites posted on the SAA website.

EPA's OECA is responsible for reviewing final SAA agreements and maintaining the SAA website. SAA guidance and the latest list of sites with SAA agreements can be found on the Superfund Alternative Approach website at:

https://www.epa.gov/enforcement/superfund-alternative-approach

g. NPL Listing

The NPL is a list of national priorities among the known or threatened releases of hazardous substance, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under Superfund law. The NPL is required to be revised annually and it is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. Sites with HRS scores of 28.5 or greater are eligible for placement on the NPL. Only non-Federal Facility sites on the NPL are eligible for Superfund-financed remedial actions.

NPL listing should be used when it is believed to be the best approach for addressing a site. EPA's 1992 directive, *Guidance on Setting Priorities for NPL Candidate Sites, OSWER 9203.1-06, October 1992*, provided general factors that should be considered in the risk-based decision making process for choosing sites to propose for listing pursuant to section 105(a)(8)(B) of CERCLA.

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Chapter VII: Removal Program

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CHAPTER VII: REMOVAL PROGRAM

VII.A PROTECT HUMAN HEALTH AND THE ENVIRONMENT

Protection of human health and the environment remains the highest priority for the Superfund program. The Environmental Protection Agency (EPA) will continue to address the worst sites first while balancing the need to complete response actions at sites. The Agency will ensure that available resources are disbursed in a fiscally sound manner. Maximizing Potentially Responsible Party (PRP) involvement remains a high priority.

VII.A.1 Overview of Removal Actions Target and Measures

The following pages contain, in pipeline order, the definitions of removal program targets and measures. Federal agencies are delegated removal authority by EO 12580 and may be reviewed by EPA in accordance with established Federal Facility Agreements. For information on reporting removals at federal facilities, see Chapter IX, Federal Facility Program. Exhibit VII.1 displays the reporting hierarchy of removal activities (RV) defined in this chapter.

EXHIBIT VII.1. REMOVAL PROGRAM ACTIVITIES

Activity	External Program Reporting	Internal Program Reporting
Action Memos		Headquarters (HQ)
Removal Starts		HQ
Removal Completions		Target

Note: For each activity, the definitions and reporting requirements in this chapter specify applicability with respect to National Priorities List (NPL) status, activity lead, and actual start and finish dates.
Key to Reporting Hierarchy
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
HQ = Tracked by HQ for program management purposes, but not a SCAP target or measure.

VII.A.2 Removal Program Performance Activity Leads

As EPA transitioned to its new tracking and reporting system, the Superfund Enterprise Management System (SEMS), in FY 2014, site related activities were modified to more accurately track the actual work performed by EPA, states and tribes on remedial pipeline activities rather than the source of funding. This was done at the activity name level, identifying different sub-activities for government conducted or PRP conducted activities (where the government performs oversight of the PRP) and by creating two new lead codes, Performance lead and Financial lead, to replace the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) lead code, which was often used to identify the funding source for activities.

For example, a Removal in the previous Superfund Program Implementation Manual (SPIM) could be Fund-financed using the F-, TR-, S-lead actions, or PRP-financed using the SA-, SS-, or ST-lead actions. The lead codes identified both a combination of who conducted the action as well as how it was financed. Similarly, the PRP RV described an RV conducted by a PRP, but it used a different set of lead codes. EPA's approach now uses Government Removal to denote a removal performed by a government entity, though not a federal facility, which has its own activity

and its own Performance lead code. The Performance lead code identifies whether EPA, a state, or a tribe is conducting the work. A PRP Removal is removal work performed by the PRP, and the Performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Separate financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed activity—Fund, Special Account, or Mixed Sources. Superfund financial management is addressed in chapter III of this document and Financial Lead codes are discussed in more detail in section IV.D of this document.

VII.A.3 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

VII.A.4 Removal Initiation

Removal Initiation is the process by which a potential hazardous waste site is entered into SEMS inventory for removal response activities. All sites considered removal only sites should have a removal initiation date entered in SEMS as soon as the site is added. Entry of the removal initiation date begins the removal process and distinguishes it from the National Priorities List (NPL) assessment process. If the site needs to go through the NPL assessment process, then a Site Discovery date is required (see chapter VI, titled Remedial Site Assessment for further information on sites needing remedial assessment work).

VII.A.5 Action Memorandum

An Action Memorandum is developed to document decisions for removal activities at NPL, non-NPL, and Superfund Alternative sites. Decisions are documented in an approval memorandum and authority is granted when the action memorandum is signed by the appropriate regional official. Subsequent Action Memos may be signed during a removal action to document ceiling increases, scope of work changes, 12 month exemptions, and $2M exemptions. Regions will not receive credit for subsequent Action Memos.

EXHIBIT VII.2. ACTION MEMORANDUM REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
GOVT Signs Action Memo	EPA, Tribe, State, PRP	**Start/Finish:** Action Memo signed by the appropriate regional official

Special Planning/Reporting Requirements:

To receive credit for Action Memos, the Action Memo activity must be linked to the appropriate Removal Action.

Specific information must be added to the appropriate tabs within the Edit Activity information screens within the SEMS Site Management (SEMS-SM) Module. This includes

removal activity details, media, response technology, Action Memo type, and ceiling costs. All tabs for data entry are found on the SEMS screen upon selection of the applicable Removal Action.

To ensure data completeness in documenting removal actions requiring senior management signatures on Action Memos to allow an exemption to the $2M cost ceiling, these Action Memos will be uploaded into SEMS per the requirements outlined in Chapter XIII.

VII.A.6 Removal Action

Removal actions are responses performed at NPL and non-NPL sites that eliminate or reduce threats to public health or the environment from the release, or potential release, of hazardous substances or pollutants or contaminants that may pose an imminent and substantial danger to public health or welfare. These risk reduction activities can be conducted as emergency, time-critical, or non-time critical removal actions. The appropriate use of special account funds for removal actions is provided in the *Guidance on the Planning and Use of Special Account Funds, OSWER 9275.1-20, September 2010*.

Classic Emergencies: Removals where the release requires that on-site activities be initiated within hours of the lead agency's determination that a removal action is appropriate. If the work is ongoing beyond a year, the removal type must be changed to Time-Critical or Non-Time-Critical.

Time-Critical: Removals where, based on the site evaluation, the lead agency determines that a removal action is appropriate and that there is a period of less than six months available before on-site activities must be initiated.

Non-Time Critical: Removals where, based on the site evaluation, the lead agency determines that a removal action is appropriate and that there is a planning period of more than six months available before on-site activities must begin. The lead agency will undertake an Engineering Evaluation/Cost Analysis (EE/CA) for non-time critical removals. These removal actions are typically led by the remedial program or funded by PRPs.

EXHIBIT VII.3. REMOVAL ACTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
GOVT Removal	EPA, Tribe, State	**Start:** Initial Pollution Report (POLREP) documenting date of mobilization to the site for the start of removal work specified in the Action Memo **Finish:** Final POLREP documenting the completion date when all work specified in the Action Memo has been completed and the OSC deems that no further mobilization to the site is anticipated.

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
PRP Removal with Enforcement Instrument	EPA Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** For actions where the final POLREP occurred prior to FY18, the date of Notice of Completion document to the PRPs will be the milestone date. Otherwise, final POLREP documenting the completion date where the OSC deems oversight has been completed.
	EPA Oversight (Special Account Financed)	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** For actions where the final POLREP occurred prior to FY18, the date of Notice of Completion document to the PRPs will be the milestone date. Otherwise, final POLREP documenting the completion date where the OSC deems oversight has been completed.
	State Oversight, Tribe Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** Final POLREP documenting the completion date and the date that the state certified that the PRPs have fully met the terms of the enforcement instrument and have completed all work specified in the Action Memo
PRP Emergency Removal with no Enforcement Instrument	EPA Oversight	**Start:** Initial POLREP documenting EPA's role in conducting oversight of the PRP-lead action and date that the PRPs mobilized to the site to start the removal work **Finish:** Final POLREP documenting the date that EPA along with the Unified Command / Incident Command have determined that the emergency has been stabilized (completion date)

Special Planning/Reporting Requirements (Starts):

1. The completion of a Preliminary PRP Search is required prior to the initial non-emergency response action at a site.
2. To receive credit for the start of a PRP removal action with an enforcement instrument, the date of the following applicable enforcement instrument must be entered in SEMS as well as all required data elements for the enforcement instrument identified in Chapter X:
    - The date the Administrative Order on Consent (AOC) or Consent Agreement (CA) was signed by the designated regional official; or
    - The date the PRPs provide notice of intent to comply with the Unilateral Administrative Order (UAO); or
    - The date the Consent Decree (CD) is entered by the court requiring the PRP to conduct or pay for the removal action; or

    The date the final judgment is signed by the federal judge and entered by the court; The removal must also be associated to the appropriate enforcement instrument.

3. For both Government and PRP removals, the Response Type (Critical Indicator) field must be entered into the SEMS-SM Module.

Program policy remains enforcement first. HQ encourages the regions, in order to have the ability to bill for oversight costs, to use enforceable instruments for PRP-Lead time-critical and non-time critical removals.

PRP Removals with No Enforcement Instrument (PJ): A PRP Removal With No Enforcement Instrument should be a response action that:

- Is classified as an Emergency Response (i.e., not a Time Critical or Non-Time-Critical Removal)
- Involves the mobilization of an EPA On-Scene Coordinator (OSC) to the incident site
- Involves the release or threat of release of a hazardous substance, pollutant or contaminant
- Involves EPA oversight or participation in the oversight (i.e., unified command) of an identified PRP that is conducting clean-up activities

OSCs and regional removal programs should make the determination of when an emergency response is considered complete. In cases where a PJ response does not meet these criteria, or is not completed within 30 days of initial mobilization (not including waiting for disposal or administrative delays), the region should contact their Office of Emergency Management (OEM) HQ regional coordinator to discuss the possible use of an enforcement instrument and to determine if the response should be counted as a PJ or another activity (e.g., Time-Critical PRP Removal with Enforcement Instrument) for Government Performance and Results Act (GPRA) credit.

A PRP-financed emergency removal action with no enforcement instrument is considered complete when the OSC, in consultation with the unified command/incident command system if applicable, has determined that the emergency is stabilized (as documented in the Final POLREP).

Special Planning/Reporting Requirements (Finish):

The removal program requires the actual start and finish dates to be entered for removal completions. The data elements listed below must also be entered in SEMS for Government and PRP Removal completions. If these fields are left blank the removal will not be captured on reports and will not count towards the GPRA annual performance goal.

- Removal Work Package Name and Sequence Number
- Performance Lead
- Response Type (Critical Indicator)
- Start Date
- Completion Date
- Media Name
- Media Type
- NPL / Non-NPL
- Site Type / Subtype

- Action Qualifier (Stabilized / Cleaned Up)
- Volume
- Contaminants
- Contaminants of Concern
- Latitude / Longitude, including;
    - Collection date
    - Latitude (decimal)
    - Longitude (decimal)
    - Collection Method
    - Reference Datum
    - Source Map Scale
    - Verification Method
    - Reference Point
- Tribal Government Ownership

Contaminants of Concern should be limited to those contaminants that are driving the removal action (maximum 5).

The Action Qualifier should be determined using the following definitions:

- *Stabilized:* Immediate threats to human health and the environment have been mitigated.
- *Cleaned Up:* Clean-up criteria in the action memo have been met.

Common Exceptions: An entry of '0' (zero) for volume is valid when no volume information for contaminated material is reported by EPA or the PRP, or if EPA activities include only air monitoring or groundwater sampling. Specific cases for other possible exceptions will be evaluated as needed.

Temporary demobilization and temporary storage on-site are not considered completions, unless temporary storage is the only action specified in the Action Memorandum to mitigate threats to public health, welfare, and the environment. Likewise, temporary off-site storage of hazardous substances at a Treatment, Storage, and Disposal (TSD) facility other than the facility of ultimate disposal is a continuation of the action, not a completion, unless temporary off-site storage at a TSD is the only action specified in the Action Memorandum. In addition, a Removal would not be considered complete if: a) The Action Memorandum requires the EPA contractor to monitor the hazardous substances stored on-site or additional contractor expenditures are anticipated; or b) Hazardous substances are being stored at an off-site facility other than the ultimate TSD facility required in the Action Memorandum.

Regions will receive credit in the management of the Superfund program for completion of a removal action even though the removal action itself may not be complete for cost recovery statute of limitations purposes. Agency policy for statute of limitations purposes provides that a removal action is not complete until EPA has made a final decision on whether any additional cleanup activity is required (and, if it is required, until EPA has both made a final decision on such additional activity and has completed the design for that activity). The date found in the removal action, actual finish column of a SEMS report is a programmatic measure only, and cannot be

relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. EPA reserves the right to change such data at any time without public notice.

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Chapter VIII: Remedial Program

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CHAPTER VIII: REMEDIAL PROGRAM

VIII.A REMEDIAL PROGRAM TARGETS AND MEASURES

VIII.A.1 Remedial Program Targets and Measures

As described in chapter I of this manual, the Superfund remedial program implements numerous processes to determine the need for and to conduct response actions. These processes include collecting data on sites to determine the eligibility for a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) response, conducting or overseeing investigations and studies to select remedies, designing and constructing or overseeing construction of remedies and post-construction activities at non-Federal Facility (FF) sites. The remedial program also includes technical and administrative support activities, redevelopment functions, participation of states, tribes, and communities in cleanups, and enhancement of response capabilities of states and tribes.

The following pages contain, in pipeline order, the definitions of remedial activities, programmatic measures, and remedial project support activities. Exhibit VIII.1 displays the internal and external reporting hierarchy for the full list of remedial activities defined in this chapter.

EXHIBIT VIII.1. REMEDIAL PROGRAM ACTIVITIES

Activity	External Program Reporting	Internal Program Reporting
Remedial Action Project Completion (RAPC)	Budget Formulation System (BFS)	Target
Construction Completion (CC)	BFS	Target
Migration of Contaminated Groundwater Under Control (GMUC)	BFS	Target
Human Exposure Under Control (HEUC)	BFS	Target
Sitewide Ready for Anticipated Use (SWRAU)	BFS, Strategic Plan	Target
Remedial Investigation/Feasibility Study (RI/FS) (RI, FS, Combined RI/FS)		Target
Decision Document (Record of Decision [ROD], ROD Amendment, Explanation of Significant Differences [ESD],		Target
Remedial Design		Target
Five-Year Review (FYR)		Target
Final National Priorities List (NPL) Deletion		Target
Proposed Plan Comment Period		Measure
Engineering Evaluation/Cost Analysis (EE/CA)		Measure

Operational and Functional (O&F)		Measure
Long Term Response Action (LTRA)		Measure
Operation and Maintenance (O&M)		Measure
Groundwater Monitoring		Measure
Site Completion		Measure
Partial NPL Deletion		Measure
Remedial Action (RA) Contract Award		Headquarters (HQ)
Start of On-Site Construction		HQ
Final Inspection by EPA		HQ
Cleanup Goals Achieved		HQ
Acres Protective for People Under Current Conditions	Cross Program Revitalization Measure (CPRM)	HQ
Acres Ready for Anticipated Use	CPRM	HQ
Cleanup Volume		HQ
Treatability Study		Regional
Support Agency Assistance		Regional
Technical Assistance		Regional

- For each activity, the definitions and reporting requirements in this chapter specify applicability with respect to NPL status, activity performance lead, and actual start and finish dates.
- *For measures in italics:* this edition of the SPIM includes a change in definition or requirements.

Key to Reporting Hierarchy
BFS = Regional targets are established in Budget Formulation System.
Strategic Plan = National target is publicly reported in Agency fiscal year (FY) 2018-2022 Strategic Plan.
CPRM = Reported to external parties as part of Cross Program Revitalization Measures.
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, but target not required.
HQ = Tracked by HQ for program management purposes, but not a SCAP target or measure.
Regional = Tracked by regions only, primarily for financial management purposes.

Where noted in this document, specific activities may be applicable at non-National Priorities List (NPL) sites with a Superfund Alternative Approach (SAA) settlement under the Office of Enforcement and Compliance Assurance (OECA) SAA policy. Additional details on the SAA category of sites can be found in chapter X, titled Enforcement. SAA sites should be identified in Superfund Enterprise Management System (SEMS) using the Special Interest code of 'Site with SA Agreement per OECA Policy' in order to ensure accurate reporting.

VIII.A.2 Remedial Program Performance Leads

SEMS captures two aspects of activities, the entity that performs the work itself (e.g. EPA, state, tribes, and PRPs) as well as the funding source for those activities. These aspects are captured

by a combination of the activity name, performance lead code, and the financial lead codes, respectively. For example, EPA uses Government RI to denote a RI performed by a government entity, though not a federal facility, which has its own activity and its own Performance lead code. The Performance lead code identifies whether EPA, a state, or a tribe is conducting the work. Similarly, a PRP RI is RI work performed by the PRP, and the Performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Separate financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed activity—Fund, Special Account, or Mixed Sources. Superfund financial management is addressed in chapter III of this document and Financial Lead codes are discussed in more detail in section IV.D of this document.

VIII.A.3 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

VIII.A.4 Remedial Program Definitions

PART I. REMEDY SELECTION

a. Remedial Investigation

The purpose of the RI is to collect data necessary to adequately characterize the site for the purposes 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 sitewide integrated Expanded Site Investigation/Remedial Investigation (ESI/RI) assessment, or as a Combined Remedial Investigation/Feasibility Study (RI/FS). The RI activity should only be added to SEMS when the RI is conducted as a stand-alone activity.

b. Feasibility Study

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. The FS activity should only be added to SEMS when the FS is conducted as a stand-alone activity.

c. Combined RI/FS

The purpose of the Combined RI/FS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

Regions should not report a Combined RI/FS start if a separate RI and FS are being conducted and have been reported. The RI/FS start and the RI start definition are the same.

The following exhibit describes the requirements to accomplish start and finish at NPL and SAA sites for RI, FS and Combined RI/FS remedial pipeline activities.

EXHIBIT VIII.2. RI, FS, AND COMBINED RI/FS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site		
Government RI; Government FS; Government Combined RI/FS	EPA, Tribe, State	**Start:** Contract modification or work assignment/task order signed by EPA contracting officer (CO); or an Inter-agency Agreement signed by other federal agency; or Cooperative Agreement signed by Regional Administrator or designee. **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate official
	EPA in-house	**Start:** Date Memo to file documenting initial scoping meeting signed by appropriate regional official; **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate official
PRP RI; PRP FS; PRP Combined RI/FS	EPA oversight	**Start:** Administrative Order on Consent (AOC); or Notice of intent to comply with Unilateral Administrative Order (UAO); or Memo transmitting Consent Decree (CD) to the Department of Justice (DOJ) or HQ – signed by Regional Administrator or designee **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate official
	State Oversight, Tribe Oversight	**Start:** State enforcement Cooperative Agreement; or Superfund Memorandum of Agreement (SMOA); Tribal Memorandum of Agreement (TMOA) or other state/tribal/EPA agreement – signed by the appropriate state and regional officials; or Memo transmitting CD to HQ or DOJ signed by the appropriate official. **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		(ROD, ROD amendment, ESD) signed by appropriate official

Special Planning/Reporting Requirements:
If a subsequent GOVT-RI, GOVT-FS, or GOVT Combined RI/FS is initiated without a new obligation of funds, the start date as recorded in SEMS is defined as EPA's written approval of the work plan for the subsequent activity

If a subsequent PRP-RI, PRP-FS, or PRP-Combined RI/FS is initiated under an amended Administrative Order on Consent (AOC), Consent Decree (CD) state order, or comparable state enforcement document, the start date as recorded in SEMS is the date the last state official or Regional Administrator/designee signs the amendment. If a CD is amended, the start date is the date the Regional Administrator signs the memorandum transmitting the CD to the Department of Justice (DOJ) or Headquarters (HQ).

If a subsequent PRP-RI, PRP-FS, or PRP-Combined RI/FS is initiated without a new or amended AOC, CD, state order, or other comparable state enforcement document, the start date for the subsequent activity as recorded in SEMS is documented by a letter, form, or memo from EPA or the state approving the work plan for the subsequent activity.

d. Treatability Studies

Treatability studies are laboratory or field tests used to determine whether available technologies will effectively decontaminate a given matrix in order to develop feasible remedial alternatives. Treatability studies may be tracked at the regional level but this activity is not a program target or measure.

EXHIBIT VIII.3. TREATABILITY STUDY REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site		
Perform Treatability Study (Optional)	EPA, Tribe, State, EPA In-house	**Start:** Approval of Treatability Study Work Plan **Finish:** Approval of Treatability Study Report

e. Proposed Plan Comment Period

The Government Proposed Plan accompanies the completed FS or RI/FS report when the contamination at the site has been characterized and alternatives for remediation have been evaluated. The proposed plan identifies the preferred remedial alternative on which the public has an opportunity to comment during the public comment period. Accomplishments are based on the first proposed plan released to the public for each FS or RI/FS, regardless of performance lead. Sites with an SAA agreement should be identified in SEMS using the appropriate Special Interest code. The proposed plan is an internal program measure.

EXHIBIT VIII.4. PROPOSED PLAN COMMENT PERIOD REQUIREMENTS)

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site		
Government Proposed Plan Comment Period	EPA	**Start/Finish:** Signature date of the appropriate official on the letter transmitting RI/FS reports and the proposed plan to the site repository for public review; or The date the public comment period starts as listed on the first page of the approved proposed plan.

f. Non-Time Critical Removal Action

EPA's remedial program is authorized to take removal actions under limited circumstances. Two documents make up this process and both are part of the approved action memorandum.

The Engineering Evaluation/Cost Analysis (EE/CA) identifies objectives for a non-time critical removal action (NTCRA) and includes an analysis of cost, effectiveness, and the ability to implement the various alternatives that may be used to satisfy these objectives. EE/CAs are reported site-specifically in SEMS as an internal program measure.

An Action Memorandum is developed to document decisions at NPL, non-NPL, and SAA sites for removal activities. Decisions are documented in an approval memorandum and authority is granted when the action memorandum is signed by the appropriate official.

EXHIBIT VIII.5. NON-TIME CRITICAL EE/CA AND NTCRA REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL, non-NPL or SAA site		
GOVT Engineering Evaluation/Cost Analysis (EE/CA)	EPA, Tribe, State, EPA In-house	**Start:** Signature date of the EE/CA Approval Memorandum signed by appropriate official **Finish:** Action Memo signed by the appropriate official
PRP EE/CA	EPA Oversight, State or Tribal Oversight	**Start:** Signature date of the EE/CA Approval Memorandum signed by appropriate official (This memo will include any enforcement instrument provision for oversight funding) **Finish:** Action Memo signed by the appropriate official
GOVT Non-Time Critical Removal Action (NTCRA)	EPA, Tribe, State	**Start:** Initial Pollution Report (POLREP) documenting date of mobilization to the site for the start of removal work specified in the Action Memo **Finish:** Final POLREP documenting the completion date when all work specified in the Action Memo has

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		been completed and the OSC deems that no further mobilization to the site is anticipated.
PRP Non-Time Critical Removal Action (NTCRA) with Enforcement Agreement	EPA Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** For actions where the final POLREP occurred prior to FY18, the date of Notice of Completion document to the PRPs will be the milestone date. Otherwise, final POLREP documenting the completion date where the OSC deems oversight has been completed.
	EPA Oversight (Special Account Financed)	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** Final POLREP documenting the completion date where the OSC deems oversight has been completed.
	State Oversight, Tribe Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** Final POLREP documenting the completion date and the date that the state certified that the PRPs have fully met the terms of the enforcement instrument and have completed all work specified in the Action Memo
PRP Non-Time Critical Removal Action (NTCRA) with no Enforcement Agreement	EPA Oversight	**Start:** Initial POLREP documenting EPA's role in conducting oversight of the PRP-lead action and date that the PRPs mobilized to the site to start the removal work **Finish:** Final POLREP documenting the date that EPA along with the Unified Command / Incident Command have determined that the emergency has been stabilized (completion date)

g. Remedial Decision Documents

A Remedial Decision Document is developed to document decisions or changes to decisions at NPL, non-NPL, and SAA sites to perform a remedial activity.

Government Decision Document – A remedial decision document is documented in a Record of Decision (ROD). The ROD documents the selected remedy, provides the basis for taking action, and documents compliance with statutory requirements. It is prepared after completion of the FS and public comment on the Proposed Plan. A ROD may be the final action for the site/operable unit or it may be interim. An interim action is limited in scope and only addresses areas/media that also will be addressed by a final site/operable unit ROD. Interim actions either are implemented for separate operable units or may be a component of a final ROD for other portions of the site.

RODs may also be identified as "early" actions. An early action is one that is taken before the RI/FS for the site or operable unit has been completed. Early actions may be either interim or final. An early action ROD is prepared after completion of a site investigation. Although preparation of an RI/FS Report is not required for an early action, there must be documentation that supports the rationale for the action to fulfill the NCP's Administrative Record requirements.

Modifications to a Government Decision Document – After a ROD is signed, new information may be obtained that could affect the scope, performance, and/or cost of the selected remedy. Three types of changes require documentation:

- Fundamental Changes - documented in a ROD Amendment
- Significant Changes – documented in an Explanation of Significant Differences (ESD)
- Insignificant or Minor Changes – documented in a Memo to the File

Guidance on the appropriate use of ROD Amendments, ESDs and Other Remedy Changes (Memo to File) is available in *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents, OSWER 9200.1-23.P, July 1999.*

The SEMS Records Management (SEMS-RM) document ID number for each of these documents needs to be sent to the following e-mail group within five days after signing: Office of Land and Emergency Management (OLEM) Office of Superfund Remediation and Technology Innovation (OSRTI) HQ DOC Center. Please ensure that the documents are text searchable PDFs of the final version. The documents should contain signed signature pages and all appendices and attachments (especially figures and tables).

EXHIBIT VIII.6. REMEDIAL ACTION DECISION DOCUMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site may be NPL, non-NPL or SAA Site		
Government Decision Document - (ROD)	EPA	**Start/Finish:** Approved ROD signed by designated official.
Government Decision Document - ROD Amendment		**Start/Finish:** Amended ROD signed by designated official
Government Decision Document – ESD		**Start/Finish:** ESD signed by designated official
Government Decision Document - Memo to file		**Start/Finish:** Memo to File signed by designated official

These are internal program targets and measures.

SEMS contains action qualifiers. The following action qualifier can be associated with remedy decisions:

- Final Remedy Selected at Site

PART II. REMEDIAL IMPLEMENTATION

h. Remedial Design

The Remedial Design (RD) details and addresses the technical requirements (plans and specifications) of the Remedial Action (RA). The obligation of funds for design assistance or technical assistance does not constitute an RD start.

Accomplishments are reported site-specifically. This is an internal program target and measure.

EXHIBIT VIII.7. REMEDIAL DESIGN REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Government RD must be at NPL sites; PRP RD may occur at NPL or SAA sites		
Government Remedial Design	EPA, Tribe, State, or EPA In-house	**Start:** Contract modification or work assignment/task order for the RD signed by the CO; Cooperative Agreement signed by Regional Administrator or designee or Interagency Agreement (IA) signed by the other federal agency. **Finish:** EPA approves, in writing, the Final Design submittals.
PRP Remedial Design	EPA oversight	**Start:** The enforcement document under which the RD is to be conducted becomes effective (e.g., the AOC, or an amendment to an existing AOC) signed by Regional Administrator or designee; or the PRP's written notice of intent to comply with the UAO; or Memo transmitting the CD to DOJ or EPA HQ signed by the Regional Administrator or designee; or written notice to proceed with a subsequent phase of the remedial design under an existing enforcement agreement by EPA to the PRP where multiple RD/RA phases are anticipated. **Finish:** EPA concurs in writing with Final Design document.
	State Oversight, Tribe Oversight	**Start:** State order or other comparable state or tribal enforcement document signed and issued to PRP. **Finish:** State or tribe concurs in writing with Final Design document.

Special Planning/Reporting Requirements:
In those instances, where design execution is included in a broad task order (e.g. RI/FS and RD), the start of the RD is defined as the date funds are obligated to start RD activities

i. Remedial Action

Remedial Action - An RA is the actual construction or implementation of a discrete scope of activities supporting a Superfund site cleanup. Each RA project is generally designed to achieve progress toward specific remedial action objectives (RAOs) identified in a CERCLA remedy decision document (e.g., ROD, ROD amendment, ESD). Government RAs can only be funded at sites that are on the NPL (Final or Deleted). PRP-financed RAs (including RAs financed from a Special Account) may be performed at NPL and non-NPL SAA sites. RA accomplishments, termed 'Remedial Action Project Completions' are both an internal program target and an external program reporting measure in the BFS.

Limited Remedial Action - A Limited Remedial Action (Limited RA) is the implementation of a remedy decision where the only action selected is Monitored Natural Attenuation, Monitored Natural Recovery, and/or Institutional Controls (ICs). A Limited RA is distinguished from Remedial Action because the remedy typically requires no remedial design and is distinguished from a No Action/No Further Action remedy decision because the remedy includes a remedial action component. In the case of monitored natural attenuation, natural processes are used to attain site-specific cleanup levels and remedial action objectives, and the Limited RA may only consist of adding monitoring wells and a determination that those actions are complete. Monitored natural recovery is a remedy that typically uses known, ongoing, naturally occurring processes to contain, destroy, or otherwise reduce the bioavailability or toxicity of contaminants in sediment. A monitored natural recovery remedy generally includes site-specific cleanup levels and remedial action objectives, and the Limited RA may only consist of monitoring to assess whether risk is being reduced as expected. For an institutional control only remedy decision, the Limited RA consists of implementing the ICs. To identify an RA as a Limited RA, a region should select the Limited RA Critical Indicator in SEMS.

Institutional Control Remedial Action - An institutional control remedial action is an anomaly-coded remedial action used solely to fund the institutional control implementation (or oversight) component of a selected remedy where the engineered components of the remedial action have already been completed. This activity is distinguished from a limited remedial action, in which the selected remedy is monitored natural attenuation, monitored natural recovery, and/or ICs only. Because this IC action is associated with an existing completed remedial action, the Other Start and Completion anomaly code should be used. Where the selected remedy includes physical construction as well as ICs, and the physical construction has not occurred, typically, this activity is not used. In this circumstance, any implementation funding needs may be associated with implementation of the engineering components of the remedy.

EXHIBIT VIII.8. REMEDIAL ACTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Government RA must be at NPL sites; PRP RA may occur at NPL or non-NPL SAA sites		
Government Remedial Action	EPA, Tribe, State, or EPA In-house	**Start**: ***Remedial Action & Institutional Control Remedial Action:*** EPA CO signature date of RA contract, RA contract modification, or task order; or

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		IA signed by the other federal agency; Superfund State Contract (SSC) or Cooperative Agreement (CA) signed by state or tribe. ***Limited Remedial Action:*** ROD selecting a limited remedial action is signed by the appropriate regional official **Finish**: ***Remedial Action & Limited Remedial Action:*** date of RA Report signature by appropriate regional official ***Institutional Control Remedial Action:*** Documentation confirming that the institutional control instrument designated in the ROD has been fully implemented
PRP Remedial Action	EPA oversight	**Start:** Signature date of EPA Regional Administrator or designee approving the PRP RD document; or Memo transmitting the CD to DOJ or HQ; or The judgment, or written approval from the EPA of the final design document for the RD, or PRP's written notice of intent to comply with UAO; or written notice to proceed issued by EPA to the PRP **Finish:** Date of RA Report signature (or concurrence) by appropriate regional official
	State Oversight	**Start:** Date of state written approval of the PRP RD document **Finish:** Date of RA Report signature (or concurrence) by appropriate regional official

Special Planning/Reporting Requirements:
This is an internal program target and measure. The actual start date of the RA must be entered in SEMS.

Remedial Action Project Completions (RAPCs) are an BFS program measure with an annual target. The measure includes Government, PRP (including Special Account-funded) and Federal Facility RA completions at final and deleted NPL sites. Beginning in FY2014, the Superfund remedial program began including RAPCs at sites with an SAA agreement in the BFS tally of RAPC accomplishments. The RAPC measure augments the existing sitewide Construction Completion measure and reflects the large amount of work being done at Superfund sites. The measure provides valuable information to communities by demonstrating incremental progress in reducing risk to human health and the environment at sites. For more detailed information on the specific requirements for RAPC, see Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011.

For PRP Remedial Actions, the actual completion date should be entered in SEMS along with the actual start date for the next appropriate pipeline action (e.g., a PRP LR action for ground water or surface water restoration actions or an O&M action). EPA recommends, but does not require, a PRP-lead remedy O&F determination to affirm that the remedy is

functioning properly and performing as designed. See the section of this chapter regarding Operational and Functional determinations for more information.

Remedial action, limited remedial action, and institutional control remedial action completions will be tracked separately but accomplishments (excluding anomaly-coded remedial actions) will be reported on a combined basis.

j. Start of On-Site Construction

This measure counts the initiation of on-site construction for all remedial actions at NPL or non-NPL sites.

On-Site Construction for a Remedial Action begins when the EPA, United States Army Corps of Engineers (USACE), state, tribe, or PRP, or their contractors, have begun on-site construction work for the remedial action selected in the ROD or other decision document.

EXHIBIT VIII.9. START OF ON-SITE CONSTRUCTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Start of On-Site Construction RA must be at NPL sites; PRP RA may occur at NPL or SAA sites		
GOVT On-Site Construction Start	EPA, Tribe, State, or EPA In-house	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site construction has started; or a copy of a report of start up from the contracting party is acceptable.
PRP RA On-Site Construction Start	EPA oversight	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site construction has started; or a copy of a report of start up from the contracting party is acceptable.
PRP RA On-Site Construction Start	State Oversight	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site remedial action. A copy of a report of start up from the contracting party is acceptable. *Note: PRP must also be in compliance with a state enforcement instrument.*

Special Planning/Reporting Requirements:

For a PRP to receive credit on this measure, the PRP must be in compliance with a Unilateral Administrative Order (UAO), or an enforcement instrument signed by EPA and the PRPs, or a judgment signed by a federal judge. The following information must be entered into SEMS for the enforcement instrument:

- The date the PRP provides notice of intent to comply with a UAO signed by the designated regional official and the PRPs, or
- The date the CD was signed by the PRPs, the designated regional official and the federal judge; or
- The date a judgment was signed by the federal judge and PRPs.

The date of RA on-site construction will be used for purposes of establishing the Statute of Limitations (SOL) determination. It is also used as the trigger date for a statutory Five-Year Review (FYR), if applicable. The FYR Report Due finish date is set for five years after the actual RA On-Site Construction Start date. The On-Site Construction may be tracked by HQ for program management purposes, but it is not a program target or measure.

k. Operational and Functional (O&F)

"A remedy becomes 'operational and functional' either one year after construction is complete, or when the remedy is determined concurrently by EPA and the state to be functioning properly and is performing as designed, whichever is earlier. EPA may grant extensions to the one-year period, as appropriate." (40 CFR §300.435(f)(2))

The O&F period normally is considered to be the time when minor adjustments are made, as necessary, to ensure that a remedy is functioning properly. Activities during the O&F period generally are considered part of the RA for purposes of the cost-share requirements of CERCLA §104(c)(3). The O&F period is intended to lead up to the O&F determination, which typically is made for all constructed remedies that result in O&M and/or LTRA.

For Fund-financed remedies involving O&M and/or LTRA, EPA and the state conduct a joint inspection at the end of all remedy construction activities in order to start the O&F period (40 CFR §300.515(g)):

> *"For Fund-financed remedial actions, the lead and support agencies shall conduct a joint inspection at the conclusion of construction of the remedial action to determine that the remedy has been constructed in accordance with the ROD and with the remedial design."*

The results of the inspection and date should be summarized in a letter from EPA to the state documenting the start of the O&F period.

If less than one year has passed since the start of the O&F period, EPA and the state jointly determine that the remedy is O&F during a second joint inspection (40 CFR §35.6805(q)):

> "*Final inspection of the remedy.* The SSC must include a statement that following completion of the remedial action, the State and EPA shall jointly inspect the project to determine that the remedy is functioning properly and is performing as designed."

Consistent with 40 CFR §300.435(f)(2), above, if one year has passed, the remedy is determined to be O&F unless EPA grants an extension to the one-year period.

For PRP-lead remedies, the PRP normally continues to be responsible for the remedy after it transitions into O&M. Nonetheless, EPA recommends, but does not require, a PRP-lead remedy O&F determination to affirm that the remedy is functioning properly and performing as designed, and that O&M has begun. For federal facility-lead remedies,

a similar determination, "Operating Properly and Successfully," is sometimes made during the process of property transfer.

EXHIBIT VIII.10. OPERATIONAL AND FUNCTIONAL REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site.		
Operational and Functional Determination (O&F)	EPA	**Start:** The constructed remedy's joint inspection conducted by EPA and the state (or PRP, if appropriate) normally should mark the start of the O&F period. The O&F start should be documented in a letter from EPA to the state (or PRP, if appropriate). This letter should reference the results of the EPA-State joint inspection and the NCP provisions describing the O&F period. **Finish:** Once EPA and the state have conducted another joint inspection to determine that the remedy is O&F, or one year has passed since the O&F start, EPA should send another letter to the state citing the O&F start and O&F determination (finish) dates.

Special Planning/Reporting Requirements:
Completion of this activity may be tracked by HQ for program management purposes, but it is not a program target or measure. O&F does not receive funding.

In 2017, EPA updated the *Guidance for the Management of Superfund Remedies in Post Construction, OLEM 9200.3-107, February 2017* and standardized the documentation requirements for O&F start and finish. To ensure timely transition to LTRA and O&M activities, the O&F finish should be documented in an EPA letter to the state. Before this guidance update, the RA Report or a letter were used to document O&F completion. The RA report is no longer the appropriate documentation to report the completion of this measure.

l. Final Inspection by EPA

Final Inspection by EPA refers to the remedial action contract final inspection, conducted to determine whether construction of the remedy has been completed in accordance with the contract design and specifications. This inspection is not the same as the EPA-State joint final inspection described in the Superfund State Contract.

The final contract inspection is complete when the designated regional official approves the Final Inspection Report, documenting that all work has been completed in accordance with the contract plans and specifications (including any punch list items identified during the pre-final inspection).

EXHIBIT VIII.11. FINAL INSPECTION BY EPA REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site.		
Final Inspection by EPA	EPA	**Start/Finish:** Written approval of the Final Inspection Report signed by the appropriate regional official

Special Planning/Reporting Requirements:
The contract final inspection is an important step prior to approval of the Remedial Action Report and receiving credit for RA completion for Government RAs executed under EPA contracts. This activity may be tracked by HQ for program management purposes, but it is not a program target or measure. The finish date should be entered into SEMS with an actual flag upon written approval of the final report. Additional information on RA inspections may be found in *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011.*

m. Construction Completion

Construction Completion (CC) is both an internal program target and an external program reporting measure. Construction at a NPL or non-NPL SAA site is considered complete when the remedy is documented in a final ROD, physical construction of the remedy is complete, a contract pre-final inspection has been conducted and only minor punch list items remain, and a Preliminary Close-Out Report (PCOR) has been signed by the designated regional official and HQ has concurred. In some instances, if a site meets both the CC and Site Completion criteria simultaneously, a Final Close-Out Report (FCOR) may be prepared (in lieu of a PCOR) to satisfy documentation requirements for both milestones. There is only one CC accomplishment per site and hence the PCOR or FCOR must address construction activities for the entire site. Since CC is a sitewide measure, construction completion of the last response action at a site generally determines when a site becomes eligible for CC. Since institutional controls do not require physical construction, a site can achieve the CC measure before ICs are in place. For more detailed information on the specific requirements for CC, see *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011.*

EXHIBIT VIII.12. CONSTRUCTION COMPLETION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site.		
Prelim Close-Out Report (PCOR)	EPA	**Start/Finish:** Signature date of PCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC.
Final Close-Out Report (FCOR)	EPA	**Start/Finish:** Signature date of FCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC

Special Planning/Reporting Requirements:
Credit for a CC is official when the signature date of a HQ approved Preliminary (or Final) Close-Out Report is entered into SEMS, and HQ selects the appropriate NPL or non-NPL SAA site indicator in SEMS. Regions identify sites to meet the goal prior to the start of the FY. The CC indicator applies to final and deleted NPL sites as well as SAA sites. Beginning with FY 2014, Superfund began counting sites with SAA agreements per the OECA policy in this measure.

PART III. POST CONSTRUCTION COMPLETION

n. Long-Term Response Action

Government Long-Term Response Action (LTRA) refers to the operation of groundwater and surface water restoration remedies, including monitored natural attenuation, following the O&F completion, for the first 10 years of operation, or until cleanup levels are achieved, whichever is earlier.

PRP long-term response is a specific type of O&M for groundwater and surface-water restoration remedies (including monitored natural attenuation) conducted by responsible parties. The 10-year time period described above does not apply to PRP Long Term Response Action (PRP LR).

Note that Government LTRA and PRP LR do not apply to source remediation or containment remedial actions that simply require a long time to achieve cleanup levels, such as bioremediation or soil vapor extraction. Government LTRA and PRP LR also do not apply to groundwater or surface water containment measures, groundwater monitoring, or groundwater or surface water measures initiated for the primary purpose of providing a drinking water supply.

EXHIBIT VIII.13. LTRA REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Government LTRA must be at NPL sites; PRP LR may occur at NPL or SAA sites		
Government Long-Term Response Action (LTRA)	EPA, Tribe, State, EPA In-house	**Start:** Letter documenting O&F completion signed by the designated regional official. **Finish:** Report containing valid monitoring data that demonstrate cleanup goals have been achieved signed by the appropriate regional official; or Letter to the state confirming LTRA transfer to O&M signed by the appropriate regional official if cleanup levels have not been achieved within the 10-year period.
PRP LR	EPA Oversight, State Oversight	**Start:** Letter documenting O&F completion signed by the designated regional official; or Date of RA Report Signature (or concurrence) by the designated regional official. **Finish:** Valid monitoring data (e.g., routine O&M report) document that cleanup goals have been achieved

Special Planning/Reporting Requirements:
Government LTRA and PRP LR are planned on a site-specific basis in SEMS and are used for resource allocation purposes only. Funds for LTRA are issued site-specifically in the RA Site Allowance. Funds for oversight of the PRP LR are contained in the Pipeline Operations Site Allowance. Completion of LTRA and/or PRP LR is an internal program measure.

o. Operation and Maintenance (O&M)

O&M are the activities required to maintain the effectiveness or the integrity of the remedy and continued operation of such measures beyond the LTRA period until cleanup levels are achieved. For Government LTRA, O&M measures are initiated after the LTRA is transferred to the state and continue until groundwater or surface water cleanup levels are achieved.

Except for ground- or surface- water restoration activities covered under section 300.435(f)(4) of the National Contingency Plan (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).

O&M is not required for all remedial actions. For containment remedies or remedial actions that require ICs, O&M is generally required for an indefinite period. As stated above, for groundwater or surface water restoration remedies, O&M may be complete when the ground- or surface- water restoration cleanup levels have been met.

In general, the state or PRP is fully responsible for funding and conducting O&M activities.

EXHIBIT VIII.14. OPERATIONS & MAINTENANCE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site.		
Operations and Maintenance	EPA Oversight, State Oversight	**Start:** Containment Remedies – A letter to the state declaring O&F, signifying that the state has assumed responsibility for all activities necessary to operate and/or maintain the long-term effectiveness or integrity of the actions selected in the ROD Groundwater or Surface Water Restoration Remedies – Letter to the state confirming LTRA transfer signed by the designated regional official (Note: date should be no more than 10 years after LTRA Start) **Finish:** If applicable, documentation, signed by the appropriate regional official, stating the remedial action objectives and cleanup levels selected in the ROD and documented in the Superfund State Contract (SSC), Cooperative Agreement or consent decree have been met *Note: If O&M will be conducted indefinitely, do not enter an Actual flag on the finish date*

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
PRP Operations & Maintenance	EPA Oversight, State Oversight	**Start:** Letter documenting O&F completion signed by the designated regional official; or Date of RA Report signature (or concurrence) by the designated regional official. **Finish:** Valid monitoring data (e.g., routine O&M report) document that cleanup goals have been achieved

Special Planning/Reporting Requirements:
Completion of O&M is an internal program measure. O&M is planned site-specifically in SEMS. Funds for oversight of O&M are contained in the Pipeline Operations Site Allowance and/or a site specific Special Account. If O&M is not required, regions should not enter the action into SEMS. Where O&M must be conducted indefinitely, regions should not enter an actual flag on the finish date for the O&M activity.

If an O&M activity being conducted by the PRPs at the site is to evaluate groundwater or surface water restoration remedial actions, regions should use the PRP LR activity instead of the Operations and Maintenance activity. In this situation, regions should not enter both activities.

p. Cleanup Goals Achieved

This activity documents achievement of cleanup goals for groundwater and surface water restoration remedies. Cleanup goals are achieved when sufficient monitoring data are obtained and support that restoration goals have been achieved (e.g., routine O&M report). For more information regarding groundwater restoration actions, see the *Recommended Approach for Evaluating Completion of Groundwater Restoration Remedial Actions at a Groundwater Monitoring Well, OSWER 9283.1-44, August 2014* and *Guidance for Evaluating Completion of Groundwater Restoration Actions, OSWER 9355.0-129, November 2013.*

EXHIBIT VIII.15. CLEANUP GOALS ACHIEVED REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site must be an NPL or SAA site.		
Cleanup Goals Achieved	EPA	**Start/Finish:** Report containing valid monitoring data that demonstrate cleanup goals achieved

Special Planning/Reporting Requirements:
Cleanup Goals Achieved is planned on a site-specific basis in SEMS. This activity may be tracked by HQ for program management purposes, but it is not a program target or measure.

q. Groundwater Monitoring (Post-ROD)

This measure addresses groundwater monitoring at non-NPL, NPL, or SAA sites that is specifically intended to ensure that assumptions that form the basis of a No Action ROD

for groundwater are still valid. If the ROD specifies that groundwater monitoring is the only activity that will be implemented, then it is a No action or No Further Action ROD.

This measure is not intended to track routine groundwater monitoring activities that occur during site characterization or to verify performance of a groundwater remedial action (e.g., extraction and treatment of groundwater, or monitored natural attenuation).

EXHIBIT VIII.16. GROUNDWATER MONITORING REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Site may be a non-NPL, NPL or SAA site.		
Groundwater Monitoring (Post-ROD)	EPA, Tribe, State, EPA Oversight	**Start:** ROD signature date **Finish:** Memo documenting completing of the post-ROD groundwater monitoring activity.
	State Oversight	**Start:** ROD signature date **Finish:** Memo documenting completing of the post-ROD groundwater monitoring activity.

Special Planning/Reporting Requirements:
Groundwater monitoring and oversight of groundwater monitoring is covered under the Pipeline Operations Site Allowance. This is an internal program measure.

r. NPL Site Completions

An NPL site must meet all of the following criteria to be eligible for site completion:

- All remedial decision documents have been completed and the selected remedy is consistent with EPA policy and guidance;
- All response actions have been completed and documented; and
- All ICs are in place.

There is only one NPL Site Completion per NPL site, and the site must be final on the NPL. For more detailed information, see *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011*.

EXHIBIT VIII.17. NPL SITE COMPLETIONS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Final Close-out Report (FCOR)	EPA	**Start/Finish:** Final Close-out Report signed by appropriate regional official

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 an internal program measure.

s. Five-Year Reviews

A Five-Year Review (FYR) is a review of remedial action(s) selected under CERCLA 121(c) that leaves waste in place above levels that allow for unlimited use and unrestricted exposure (UU/UE). The purpose of the FYR is to determine whether the remedy at a site is or will be protective of human health and the environment and to evaluate the implementation and performance of the selected remedy. EPA conducts statutory reviews of any site at which a post-Superfund Amendments and Reauthorization Act of 1986 (SARA) remedy, upon attainment of cleanup levels specified in the ROD, will not allow for U/UE. EPA conducts policy reviews at sites where remedial actions will attain cleanup levels that, upon completion, will allow for UU/UE but will take longer than five years to complete, at sites with pre-SARA remedies at which the cleanup levels do not allow for UU/UE, and at NPL removal only sites where cleanup levels do not allow UU/UE. EPA may also conduct FYRs at their discretion for other sites.

FYRs should not be entered for Formerly Used Defense Sites (FUDS) and non-NPL Federal Facilities because they are not conducted under EPA's oversight. Additional information on requirements and procedures for conducting FYRs can be found in the *Comprehensive Five-Year Review Guidance, OSWER 9355.7-03B-P, June 2001*. Refer to the Federal Facilities chapter in this document on recording Federal Facility Five-Year Reviews.

Statutory Reviews:

The Five-Year Review and FYR Report Due finish date fields for the first FYR are typically planned for five years from the earliest planned or actual RA On-Site Construction Start date that will leave waste in place above UU/UE among the operable units (OU) included in the FYR. FYR Report Due finish dates are based on statutory or policy deadlines and should not be changed unless triggers change. RA On-Site Construction Start is the standard trigger for a statutory FYR. For remedies where the On-Site Construction Start action may not be used, a non-standard triggering date will need to be entered in its place. This date will typically be the first monitoring event following ROD signature or the ROD signature date itself. Subsequent FYR Report Due finish dates are triggered from the signature date of the previous FYR.

Policy Reviews:

The Five-Year Review and FYR Report Due finish dates are typically planned for five years after the earlier PCOR or FCOR planned finish date. FYR Report Due finish dates are based on statutory or policy deadlines and should not be changed unless triggers change. Subsequent FYR Report Due finish dates are triggered from the signature date of the previous FYR.

Discretionary Reviews:

The Five-Year Review planned finish date is based on the date set by the user at the time of entry of Five-Year Review type.

EXHIBIT VIII.18. FIVE-YEAR REVIEW REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
GOVT Five-Year Review	EPA, Tribe, State	**Start:** Memo to file or work plan documenting tasks approved by designated regional official **Finish:** Five-Year Review report, or concurrence memo for state or tribal lead FYRs, signed by designated regional official.
GOVT Five-Year Review Addendum (Option)	EPA, Tribe, State	**Start/Finish:** Five Year Review Addendum report, or signed concurrence memo for a state or tribal lead FYR addendum, signed by designated regional official.

Special Planning/Reporting Requirements:
The following information is captured in the SEMS Five-Year Review module:

- The ability to associate issues/recommendations with the correct OU and response actions;
- The ability to update a trigger on a planned FYR and calculate the associated due date;
- The ability to enter/track more than one Five-Year Review with multiple OUs for each site;
- A Missing Data Tab available on the FYR screen informs the user of all missing information and includes the OU that it affects;
- The ability to update milestone dates and track the current status of implementation for Five-Year Review Issues and Recommendations;
- A Five-Year Review addendum for completed reviews with protectiveness deferred statements; and
- The ability to modify the Five-Year Review type on a planned review only if changing from a discretionary review to a policy or statutory review or changing from a policy review to a statutory review;

In order to receive credit for a Five-Year Review, the region must enter the following data in SEMS:

- applicable OUs
- associated issue for each OU (if there is no issue, enter the relevant OUs with the 'No Issue' category)
- recommendations or follow-up actions (a party responsible, oversight agency, and milestone date must be identified for each recommendation or follow-up action)
- protectiveness determination for each remedy/OU
- protectiveness statement as it appears in the Five-Year Review

If the site Construction Completion flag has been checked, the user must enter the following information:

- sitewide protectiveness determination
- sitewide protectiveness statement as it appears in the Five-Year Review

In order to receive credit for the FYR addendum completion, the user must enter the following information:

- The new protectiveness determination for those OUs that were deferred;
- Protective Statement as it appeared in parent FYR; and
- If new issues/recommendations are referenced in the Five-Year Review Addendum, enter them into the Five-Year Review screens through the FYR parent action for the addendum. *Note: No issues/recommendations should be removed, only additional ones added as identified in the FYR Addendum.*

All sites must have the following information:

- If future Five-Year Reviews are not necessary at the site, indicate that this is the final Five-Year Review at the site by selecting the 'no' radio button under the heading asking whether future FYRs are necessary and explain. Per the *Comprehensive Five Year Review Guidance, OSWER 9355.7-03B-P, June 2001*, the discontinuation of FYRs should be documented in a FYR or in memo to HQ. *Note: Do not plan the next FYR before selecting the appropriate radio button.*

- If future FYRs are necessary, select the 'yes' radio button and enter the next planned FYR into SEMS with the appropriate FYR Report due date (planned finish). Five-Year Review dates must be planned and reported site-specifically in SEMS. *Note: Do not plan the next FYR before selecting the appropriate radio button.*

- When planning FYR activities in SEMS, please note that "FYR Report Due" subaction should be included in the work package to indicate the required due date of the FYR.

Funds to conduct FYRs are allocated in the Remedial Action Site Allowance. This is an internal program target and measure.

t. Sitewide Ready for Anticipated Use (SWRAU)

The Sitewide Ready for Anticipated Use (SWRAU) measure documents sites as ready for reuse when construction is complete in two categories. The first is final on or deleted from NPL sites that have achieved Construction Completion. The second category was added in FY 2014 and includes eligible SAA sites that have achieved construction complete. To be eligible, SAA sites must be designated as SAA per the official OECA policy and the special indicator of SAA construction complete must be selected. SAA sites count as regional and national targets.

Eligibility for SWRAU is established when the following criteria are met:

- All cleanup goals in the ROD or other remedy decision document(s) have been achieved for media that may affect current and reasonably anticipated future land uses of the site, so that there are no unacceptable risks; and
- All institutional or other controls required in the ROD or other remedy decision document(s) have been put in place.

The SWRAU accomplishment is obtained when the following occur:

1) The entire site meets the criteria established in the guidance and a hard copy checklist has been completed, signed by a regional approving official, and submitted to HQ.

2) The Protective for People Under Current Conditions (PFP)/Ready for Anticipated Use (RAU) Checklist activity must be assigned an actual finish date in SEMS reflecting the signature date on the hard copy form. Regions must submit an electronic version of the checklist within SEMS and the HQ Data Sponsor must approve the electronic submission. This requires entering data on the SWRAU tab within the Land Reuse schedule and then initiating and approving the form using the My Work List menu option in SEMS.

All acres that are part of the Superfund site universe must be documented as SWRAU within SEMS prior to the region's submission of a Superfund Checklist for Reporting the Sitewide Ready for Anticipated Use Government Performance and Results Act (GPRA) Measure. If the number of acres changed from the baseline to actual SWRAU, users need to update them before checking the SWRAU box in SEMS. The SWRAU accomplishment date entered into SEMS should be the signature date on the Checklist of the regional reviewing official. Checklists for SWRAU sites are available at the SWRAU section of the Superfund Redevelopment Initiative Performance Measures site at: https://www.epa.gov/superfund-redevelopment-initiative/performance-measures. Headquarters is now collecting and reporting acreage information associated with the SWRAU measure. While there are no targets associated with acreage, Regions should enter acreage information on the checklist.

This measure is based on current site conditions. Therefore, instances do occasionally occur when a site which is already SWRAU no longer meets the criteria. In these instances, the regions are required to complete a SWRAU retraction form, have it signed by a regional approving official, submit it to HQ, and enter the retraction date into SEMS. HQ will then approve this action in SEMS. The form is available on Superfund Redevelopment Initiative Performance Measures site at: https://www.epa.gov/superfund-redevelopment-initiative/performance-measures. Regions should include acreage information associated with retractions.

Special Planning/Reporting Requirements:
SWRAU is both an internal program target and an external program reporting measure in the BFS.

u. Partial NPL Deletion

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of

the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater) or an operable unit, depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. EPA must consider with State concurrence, whether the following criteria have been met for that portion of the site:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health, or the environment and, therefore, taking of remedial measures is not appropriate.

For more detailed information, see *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011.*

EXHIBIT VIII.19. PARTIAL NPL DELETION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Notice of Intent to Partially Delete	EPA	**Start:** Notice of Intent to Partially Delete or Direct Final Action Notice published in the *Federal Register* **Finish:** Date the Notice of Intent to Partially Delete public comment period is closed in the *Federal Register*
Partial NPL Deletion	EPA	**Start/Finish:** The effective date of the Partial Deletion or Direct Final Action as specified in the *Federal Register*

Special Planning/Reporting Requirements:
Partial NPL deletions are tracked separately from final NPL deletions. Partial NPL deletions will be entered in SEMS on the NPL Revision screen under the "My Work List" menu. The Headquarters NPL Rule Manager will "Add a new NPL Rule" on the NPL Rule Summary screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), Federal Register date of publication, and Direct Final Action indicator. The Regions are responsible for entering all dates in Site Schedule, including start and finish dates for partial deletion actions. The date of the Partial NPL deletion is the date of deletion is effective. Partial deletions will only be coded at specific OUs when a single OU is subject to the partial deletion and the particular OU is specified in the Notice of Intent to Partially Delete in the *Federal Register.* Partial deletions which are not specific for an OU, e.g. a matrix or portion of an OU, or multiple OUs will be included under OU 00 with a SCAP note.

A site deletion 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 an internal program measure.

v. Final NPL Deletion

With state concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

For more detailed information, see *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011*.

EXHIBIT VIII.20. NPL DELETION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Notice of Intent to Delete	EPA	**Start:** Notice of Intent to Delete or Direct Final Action Notice published in the *Federal Register* **Finish:** Date the Notice of Intent to Partially Delete or Direct Final Action Notice public comment period is closed in the *Federal Register*
NPL Deletion	EPA	**Start/Finish:** The effective date of the Notice of Deletion or Direct Final Action as specified in the *Federal Register*

Special Planning/Reporting Requirements:
The Final Deletion from the NPL will be used whether deletion is accomplished through the Notice of Deletion or the Direct Final Action Notice. The date of the deletion is the date that deletion is effective.

Final NPL Deletions are entered in SEMS on the NPL Revision screen under the "My Work List" menu. The Headquarters NPL Rule Manager will "Add a new NPL Rule" on the NPL Rule Summary screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), Federal Register date of publication, and Direct Final Action indicator. The Regions are responsible for entering all dates in Site Schedule, including start and finish dates for deletion actions.

PART IV. CROSS PROGRAM REVITALIZATION MEASURES (CPRM)

The Cross Program Revitalization Measures (CPRM) indicators and performance measures establish a similar, consistent set of measures that can be applied across all OLEM

cleanup programs. OSRTI and Federal Facilities Restoration and Reuse Office (FFRRO) implemented the following three indicators and two performance measures established in the *Guidance for Documenting and Reporting Performance in Achieving Land Revitalization, OSWER 9200.1-74, March 2007*. The two performance measures are: Protective for People Under Current Conditions (PFP) and Ready for Anticipated Use (RAU). The three indicators are: Universe indicator (required to meet the performance measures), Status of Use (optional), and Type of Use (optional). The CPRM indicators and performance measures should be updated quarterly.

Specific guidelines for the indicators and performance measures are provided below. For additional information, visit the CPRM section of the Superfund Redevelopment Initiative Performance Measures site at: https://www.epa.gov/superfund-redevelopment-initiative/performance-measures.

w. Protective for People Under Current Conditions (PFP)

This measure is based on the Human Exposure Under Control Environmental Indicator and reports sites and land area (as measured in acres associated with operable units) that are protective for people under current conditions.

The PFP performance measure reports the number of sites and acres at which there is no complete pathway for human exposures to unacceptable levels of contamination, based on current site conditions. Reporting on a particular site for this measure should be based on an understanding of current conditions, presence and toxicity of contamination, routes of contaminant migration (e.g., vapor intrusion), and routes of exposures to humans (e.g., dermal, inhalation, ingestion).

Achieving the PFP measure means, at a minimum, that all identified human exposure pathways from contamination at the site are under control or possible exposures are below health-based levels for current land use conditions. 'Under control' means that adequately protective controls are in place to prevent any unacceptable human exposure under current land use conditions. Achieving the PFP measure does not involve consideration of future use conditions or ecological receptors. The PFP measure can be achieved through temporary solutions based on current conditions and associated exposures at a given point in time, and does not necessarily require that all cleanup goals be met at a site or OU.

For the purposes of this measure, a site or OU will achieve the PFP performance measure when it can be determined that the entire area comprising the site or OU meets any one of the three possible designations for the current Human Exposures Under Control Environmental Indicator. The three designations in the existing Sitewide Human Exposure Environmental Indicator that ensure acres meet PFP include:

- Current Human Exposures Under Control;
- Current Human Exposures Under Control and Protective Remedy or Remedies in Place; or
- Current Human Exposures Under Control and Long-Term Human Health Protection Achieved.

Note that an OU or entire site may meet PFP if the groundwater is contaminated yet no human exposure pathways exist, and the soil above the plume has been investigated to ensure it meets PFP, or is safe for human exposure. It should also be noted that a site may have several OUs with different designations, some of which have met PFP criteria, some of which have also met RAU criteria, and some of which do not meet either performance measure (i.e., are not protective).

The total number of sites with one or more OUs meeting the PFP measure will be determined from information recorded in SEMS.

x. Ready for Anticipated Use (RAU)

The RAU performance measure captures the acreage within sites or OUs that are PFP and meet the following two additional criteria:

- All cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses (or decision documents confirm uncontaminated acres) for the site or OU such that there is no unacceptable risk, and
- All institutional or other controls identified as part of the response action to help ensure long-term protection have been put in place.

The definition of this measure as it applies to an entire site is consistent with the SWRAU measure. Therefore, all sites and acres counted toward the SWRAU measure will also count toward the RAU measure. In addition, the RAU measure described here may also include individual OUs and a broader universe of sites (i.e., NTCRA, certain non-NPL Federal Facilities, FUDS, etc.) than those included in the SWRAU measure.

The determination that an OU achieves the RAU measure can occur at any point in time and the OUs reported status should be revised if the site's conditions change or if new or additional information is discovered regarding the contamination or conditions at the site (e.g., contaminant occurrence, migration, toxicity levels for specific contaminants, and exposures). If at the time of the determination, or at any other time, EPA becomes aware of other environmental problems that pose unacceptable risk relevant to the site or reuse, including risks addressed under other cleanup or public health authorities, the site should not be reported under the RAU measure. Documentation that OUs achieve the RAU measure should be changed accordingly if, or when, information becomes available that would bring into question whether the OUs continue to meet the RAU definition. Those specific acres associated with the OU in question should only be re-recorded as meeting the RAU measure if and when acres once again meet the RAU definition.

The total number of sites with one or more OUs meeting the RAU measure will be determined from information recorded in SEMS.

For more information about this measure, please refer to the *Guidance for Documenting and Reporting Performance in Achieving Land Revitalization, OSWER 9200.1-74, March 2007*.

EXHIBIT VIII.21. PFP/RAU CHECKLIST REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
PFP/RAU Evaluation Checklist	EPA In-House	**Start/Finish:** Checklist signed by regional division director or designee

Special Planning/Reporting Requirements:
This activity may be tracked by HQ for program management purposes, but it is not a program target or measure.

y. Cross Program Revitalization Measures (CPRM) Indicators

Universe Indicator (Mandatory): Seeks to count the total number of acres within sites or OUs and sites that have been investigated at all sites since program inception. To be included in the Universe Indicator, the site should be eligible for investigation under CERCLA, or as the result of EPA's involvement at Base Realignment and Closure (BRAC) facilities. For sites that are proposed for, listed on, or deleted from the NPL, or for SAA sites, acres included in the Universe Indicator should be investigated in a manner consistent with the *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, Interim Final, OSWER 9355.3-01, October 1988*. Similarly, NTCRA sites should be investigated in a manner consistent with *Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA, OSWER 9360.0-32, August 1993*. Both remedial and NTCRA sites and acres where initial investigations indicate that no unacceptable risks exist, and therefore no further action is required, should be included in the Universe Indicator.

The Universe includes those non-NPL Federal Facilities (such as BRAC or Formerly Used Sites Remediation Action Program [FUSRAP] sites) and FUDS where EPA has signed/concurred on a response action (at a minimum, completed a RI/FS, removal action, or other major cleanup decision document) or a property transfer.

The Universe Indicator and performance measures apply to the following contaminated or potentially contaminated media - land, wetlands, surface water, and/or sediments - provided that media is subject to Superfund and Federal Facilities remedial investigation, oversight, and/or response action. However, the acres captured under the Universe Indicator do not include land areas overlying a groundwater plume where those land areas are not intended to be assessed consistent with applicable EPA guidance. For example, if a plume extends under a land area and EPA has no intention of investigating these acres of land for contamination unrelated to the plume, then those land acres would not be included in the acreage reported by the Universe measure. By extension, a site with only groundwater contamination would not be captured by the Universe Indicator. Note that there may also be exceptions in which sites with areas of surface water, sediments, and/or tidal basins will not automatically be included due to site-specific circumstances. These types of sites will be dealt with on a case-by-case basis.

Status of Use Indicator (Optional): Refers to how the acres of the sites and OUs included in the Universe Indicator are being used at the point in time when the determination is made

for the PFP and RAU performance measures. The Status of Use Indicator has the following sub-indicators:

Continued Use: Refers to areas that are being used in the same general manner as they were when the site became subject to the Superfund or Federal Facilities programs.

Reused: Refers to a site or OU where a new use, or uses, are occurring such that there has been a change in the type of use (e.g., industrial to commercial), or the property was unused and now supports a specific use. This means that the developed site or OU is used for its intended purpose by customers, visitors, employees, residents, or fauna, in the case of ecological reuse.

Planned Reuse: Includes sites or OUs where a plan for a reuse is in place, but reuse has not yet begun. This could include conceptual plans, a contract with a developer, secured financing, approval by the local government, or the initiation of site redevelopment.

Unused: Includes sites or OUs not being used in any identifiable manner. This could be, for example, because site investigation and cleanup are ongoing, operations have ceased, the owner is in bankruptcy, or cleanup is complete, but the site remains vacant.

Undetermined: Acres at a site or OU that cannot be currently identified as one of the four Statuses of Use.

The Status of Use Indicator is independent of the status of response action because it recognizes that sites or OUs could be in various stages of use at various stages of cleanup and because use and reuse can change.

Type of Use Indicator (Optional): The Type of Use Indicator describes how acres at sites or OUs included in the Universe Indicator are used at the point in time when the PFP or RAU determination is made. Information on the type of use at a site or OU should be classified under one of the following 10 primary categories:

Commercial Use: Refers to use for retail shops, grocery stores, offices, restaurants, and other businesses.

Public Service Use: Refers to use by a local or state government agency or a non-profit group to serve citizens' needs. This can include transportation services such as rail lines and bus depots, libraries and schools, government offices, public infrastructure such as roads, bridges, utilities, or other services for the general public.

Agricultural Use: Refers to use for agricultural purposes, such as farmland for growing crops and pasture for livestock. Agricultural use also can encompass other activities, such as orchards, agricultural research and development, and irrigating existing farmland.

Recreational Use: Refers to use for recreational activities, such as sports facilities, golf courses, ball fields, open space for hiking/picnicking, and other opportunities for indoor or outdoor leisure activities.

Ecological Use: Refers to areas where proactive measures, including a conservation easement, have been implemented to create, restore, protect, or enhance a habitat for terrestrial and/or aquatic plants and animals, such as wildlife sanctuaries, nature preserves, meadows, and wetlands.

Industrial Use: Refers to traditional light and heavy industrial uses, such as processing and manufacturing products from raw materials, as well as fabrication, assembly, treatment, and packaging of finished products. Examples of industrial uses include factories, power plants, warehouses, waste disposal sites, landfill operations, and salvage yards.

Military Use: Refers to use for training, operations, research and development, weapons testing, range activities, logistical support, and/or provision of services to support military or national security purposes.

Other Federal Use: Refers to use to support the federal government in federal agency operations, training, research, and/or provision of services for purposes other than national security or military.

Mixed Use: Refers to areas at which uses cannot be differentiated based on acres. For example, a condominium with retail shops on the ground floor and residential use on the upper floors would fall into this category. When selecting Mixed Use, the individual types of uses should be identified, if possible.

Residential Use: Refers to use for residential purposes, including single-family homes, town homes, apartment complexes and condominiums, and child/elder care facilities.

Undetermined: Refers to acres at a site or OU that cannot be identified as one of the ten Types of Use.

PART V. ENVIRONMENTAL INDICATORS

z. Human Exposure Under Control

The Human Exposure Under Control Environmental Indicator documents the progress achieved towards providing long-term human health protection by measuring the incremental progress achieved in controlling unacceptable human exposures at a site. The indicator applies to proposed, final, and deleted NPL sites and SAA sites. In general, sites may be brought Under Control by the following methods:

- Reducing the level of contamination. For purposes of this policy, ‘contamination’ generally refers to media containing contaminants in concentrations above appropriate protective risk-based levels associated with complete exposure pathways to the point where the exposure is no longer ‘unacceptable;’ and/or
- Preventing human receptors from contacting contaminants in-place; and/or
- Controlling human receptor activity patterns (e.g., by reducing the potential frequency or duration of exposure).

Five categories have been created to describe the level of human health protection achieved at a site:

- Insufficient data to determine human exposure control status;
- Current human exposures not under control;
- Current human exposures under control;
- Current human exposures under control and protective remedy or remedies in place; and
- Current human exposures under control, and long-term human health protection achieved.

The criteria for determining the Sitewide Human Exposure status at a site are found in the *Superfund Environmental Indicators Guidance Human Exposure Revisions, March 2008*, the Long Term Human Health Protection Data Quality Objectives document, and on the Superfund Remedial Performance Measures website at: https://www.epa.gov/superfund/superfund-remedial-performance-measures.

The Human Exposure (HE) evaluation reflects current sitewide conditions. For sites that have been categorized as current human exposures under control and long-term human health protection achieved, it also reflects reasonably anticipated future sitewide conditions. As data collection and analysis or response actions occur or environmental conditions change, it is expected that regions will update HE evaluations and update SEMS to reflect changes in status. This should generally occur within 10 days of a known change. It is expected that regions will review the status of all HE evaluations at a minimum annually and confirm that each site has an updated and accurate HE evaluation. If there is no change in the status of the site, update the 'Last Review Date' in SEMS on the HE tab in the Environmental Indicators module within 10 days of the review.

Entering Human Exposure Data on the Exposure Pathway Description Tab of the HE SEMS Module

EPA has committed to providing current human exposure evaluations to the public via its Superfund Site Profiles available on the internet. As part of this effort, the Agency will provide descriptions of situations where a site is categorized as 'Insufficient Data' or 'Not Under Control.' This information will be derived from SEMS. Consequently, it is critical that regions maintain the quality of the Exposure Pathway Descriptions in SEMS.

When making a Human Exposure Not Under Control or Insufficient Data evaluation in SEMS, regions must record exposure descriptions on the Exposure Pathway Description tab in order to save the evaluation as draft. The purpose of this approach is to provide the public with a succinct and clear description of why a site is so listed, along with information about the steps EPA plans to take to address the exposures. Upon OSRTI review and approval of the text, the human exposure evaluation will be saved in SEMS as final.

To help standardize the descriptions entered into SEMS, and to assure that similar exposure scenarios are described consistently across regions, the templates below should be used when populating the Exposure Pathway Description tab. The information entered on this

tab will appear on the publicly available Superfund Site Progress Profiles Webpage, so it should be accurate, updated when necessary, and contain the information outlined below.

Current Human Exposure Not Under Control
The (insert site name) Superfund site is considered 'Current Human Exposure Not Under Control' because (insert a detailed description of the current completed human exposure pathway(s) not under control; include the contaminants of concern and media).

The planned activities to address this pathway are (_____).

(As appropriate, add the following: In addition, EPA [or state, or PRP or federal agency as appropriate] is currently [insert summary descriptions of actions underway to address human exposures—Include any temporary controls that have been put in place to address this exposure scenario e.g., fish advisory, fencing, signs])

Example Justification:
The Site X Superfund site is considered 'Current Human Exposure Not Under Control' because residents and recreational users of the creek can be exposed through direct contact to arsenic and lead contaminated soils and sediments.

The planned activities to address this pathway are continuation of ongoing removal of arsenic and lead contaminated soils.

EPA has already begun cleaning up the contaminated soil. Removal actions started in April 2007. Temporary fences to prevent access to the site were installed in May 2007. Warning signs identifying the area as a Superfund site were posted in June 2007.

Insufficient Data to Determine Human Exposure Control Status:
There is insufficient information to determine the Sitewide Human Exposure Control status at (insert site name) Superfund Site. (Provide general context for why there are insufficient data at the site.) An example:

(Insert site name) was (proposed/finalized) for the NPL on MM/DD/YY, and there has been no evaluation of the human health exposure indication yet. (This does not necessarily mean that unacceptable exposures are occurring.)

The planned activities to collect sufficient information to make a human exposure evaluation are (_____).

(As appropriate, add the following: In addition, EPA [or state, or PRP or federal agency as appropriate] is currently [insert summary descriptions of actions underway to address human exposures—Include any temporary controls that have been put in place to address this exposure scenario e.g., fish advisory, fencing, signs])

Example Justification:
There is not sufficient information available to determine the Sitewide Human Exposure Control status at X Superfund Site because of a newly identified potential exposure

pathway and/or contaminant(s) (insert a detailed description of the human exposure pathway of concern, include the contaminants of concern and media).

The activities planned to make the HE evaluation include (___) (list whatever activity is necessary to make the evaluation: e.g., data needed, conduct sampling, monitor basements for vapor intrusion, complete risk assessment, and conduct well surveys).

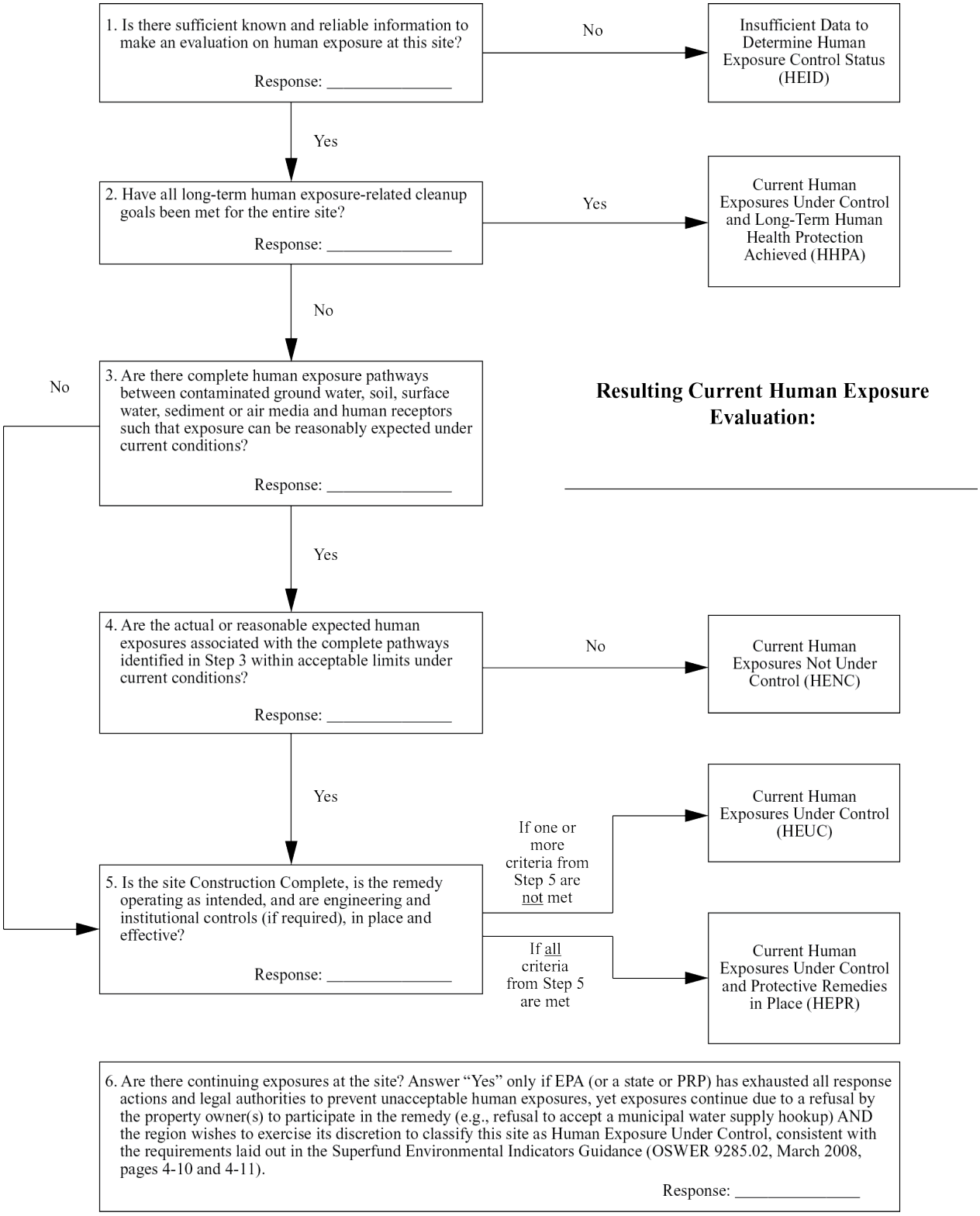
(As appropriate, add the following: In addition, EPA [or state, or PRP or federal agency as appropriate] is currently [insert summary descriptions of actions underway to address human exposures—Include any temporary controls that have been put in place to address this exposure scenario e.g., fish advisory, fencing, signs])

Special Planning/Reporting Requirements:
The status of each site in the Human Exposure universe must be reviewed at least annually, regardless of whether the site should change HE categories. The exposure justification paragraphs for 'Not Under Control' and 'Insufficient Data' sites must be reviewed and updated to reflect current site progress at least annually, or whenever conditions change. If there is a known change in the HE status of a site, SEMS should be updated within 10 days (Site Schedule/Environment Indicator(s)), and should be reviewed and approved by the regional division director or his/her designee. HE evaluations should be made (and entered) or reviewed at all Proposed, Final, and Deleted NPL sites and SAA sites prior to the end of the fiscal year, September 30. In cases where this is not possible the region should contact the data sponsor for these measures. HE changes entered during the first seven working days of the new fiscal year will be counted as accomplishments for the prior fiscal year. This practice may differ from that required for other measures; special notice should be taken. Site condition changes may be documented in RODs, ROD Amendments, Removal Action Memoranda, Pollution Reports, Close Out Reports, and Five-Year Reviews.

This is a key program target and measure; the program reports accomplishments to external parties and makes available to the public real-time changes to the exposure justification paragraphs.[1]

[1] For detailed information regarding HE determinations, see chapter 4 of the *Superfund Environmental Indicators Guidance: Human Exposure Revisions, March 2008.* https://semspub.epa.gov/src/document/11/176152

EXHIBIT VIII.22. HUMAN EXPOSURE EVALUATION FLOWCHART



Accuracy Requirement:
The Sitewide Human Exposure Environmental Indicator is designed to allow Remedial Project Managers (RPMs) to make first-hand determinations based on their knowledge of current conditions at a site as well as actions undertaken at a site. Complete certainty regarding the above factors is not a necessary condition to make a Sitewide Human Exposure evaluation at a site. In characterizing a site as 'current human exposures not under control', a region is making a determination that: 1) there are currently completed human exposure pathways and 2) that those exposure pathways pose an unacceptable risk to humans based on the magnitude, frequency, duration and route(s) of exposure relative to the exposure concentrations and chemical intakes. Where a region lacks sufficient information to make such a determination on whether there are completed pathways or whether a completed pathway poses an unacceptable risk, a site should be classified as 'insufficient data to determine human exposure control status'. A site is placed in one of the three 'under control' categories when a region has determined that there are not currently completed human exposure pathways or that exposure(s) that may be occurring do not pose an unacceptable risk to humans based on the magnitude, frequency, duration and route(s) of exposure relative to the exposure concentrations and chemical intakes. Documents such as RI/FS reports, RODs, Action Memoranda, Pollution Reports, and Close Out Reports are typically consulted by RPMs to assist completion of the HE worksheet. To support the response for each worksheet question, the RPMs should provide the Document number in the document number field for every document referred to in answering each question. Further, the RPM should provide the complete citation of each referenced document in the Reference section of the worksheet and provide a complete copy of each referenced document.

aa. Migration of Contaminated Groundwater Under Control

The Migration of Contaminated Groundwater Under Control indicator assesses only whether groundwater contamination is below protective, risk-based levels or, if not, whether the migration of contaminated groundwater is stabilized and there is not unacceptable discharge to surface water and monitoring will be conducted to confirm that affected groundwater remains in the original area of contamination. This indicator is limited to sites with known past and/or present groundwater contamination. The indicator applies to proposed, final, and deleted NPL sites and SAA settlement sites, but only final and deleted NPL sites count toward annual GPRA targets.

The criteria for determining if groundwater migration is controlled are found in Migration of Contaminated Groundwater Under Control Survey (refer to exhibit VIII.24), the *Superfund Environmental Indicators Guidance Human Exposure Revisions, March 2008*, the Long Term Human Health Protection Data Quality Objectives document, and on the Superfund Remedial Performance Measures website at: https://www.epa.gov/superfund/superfund-remedial-performance-measures.

The Federal Facilities program is committed to providing the general public with information about the Federal Facilities program's progress towards controlling the migration of contaminated groundwater. To make the GM measure more meaningful to the public, all Federal Facility sites that are classified as GMNC or GMID must have a justification in SEMS. To help standardize the descriptions entered into SEMS, the

templates below should be used when populating justifications in SEMS. The information will be publicly accessible on the FEDFacts website, so it should be accurate, updated when necessary, and contain the information outlined below.

Groundwater Migration Not Under Control
The (insert site name) Superfund site is considered 'Groundwater Migration Not Under Control' because (insert a detailed description of why GM is not under control).
The planned activities to address the groundwater migration are (_____).

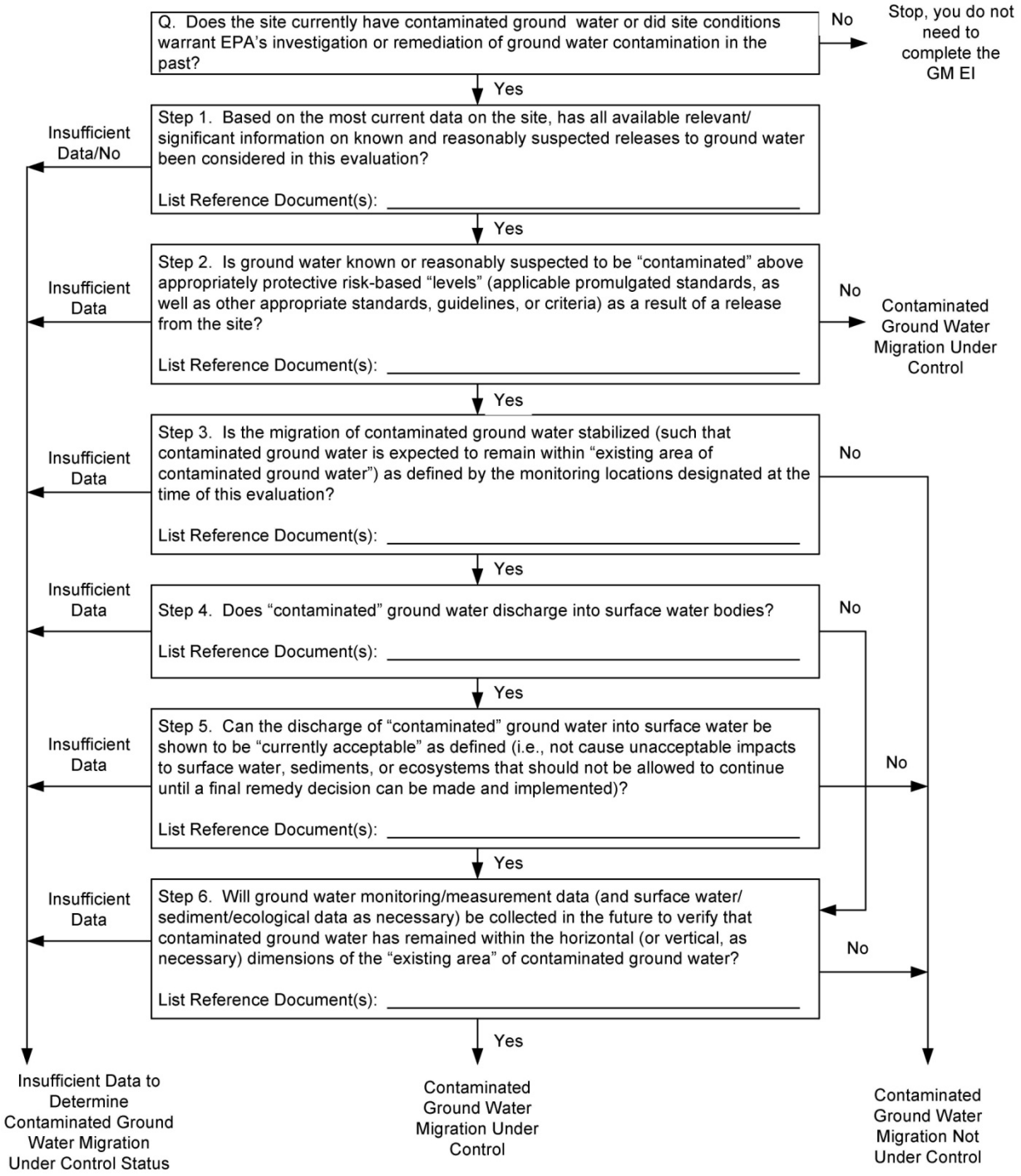
Insufficient Data to Determine Groundwater Migration Control Status
There is insufficient information to determine the sitewide Groundwater Migration status at (insert site name) Superfund Site. (Provide general context for why there are insufficient data at the site.)
An example:
(Insert site name) was (proposed/finalized) for the NPL on MM/DD/YY, and the (enter lead Agency name) has not fully delineated all plumes associated with the site.
The planned activities to collect sufficient information to make a determination as to whether groundwater migration is under control are (_____).

Special Planning/Reporting Requirements:
The Migration of Contaminated Groundwater Environmental Indicator worksheet must be completed in SEMS and/or reviewed before the end of the fiscal year. For Federal Facility NPL sites, the justification paragraphs for 'Not Under Control' or 'Insufficient Data' sites must be updated to reflect current site progress at least annually, or whenever conditions change. If there is a known change in Groundwater Migration (GM) status, SEMS should be updated within 10 days (Site Schedule/Environment Indicator(s)). It is expected that regions will review the status of all GM evaluations at a minimum annually, and confirm that each site has an updated and accurate GM evaluation. GM evaluations must be made (and entered) or reviewed at all Proposed, Final, and Deleted NPL sites and SAA sites prior to the end of the fiscal year in order to be included in the Superfund Comprehensive Accomplishments Plan (SCAP) end of year report pull. In cases where this is not possible the region should contact the data sponsor for these measures. GM changes entered during the first seven working days of the new fiscal year will be counted as accomplishments for the prior fiscal year. This practice may differ from that required for other measures; special notice should be taken. Site condition changes may be documented in RODs, ROD Amendments, Removal Action Memoranda, Pollution Reports, Close Out Reports, and Five-Year Reviews.

This is a key program target and measure; the program reports accomplishments to external parties.

EXHIBIT VIII.23. SUPERFUND MIGRATION OF CONTAMINATED GROUNDWATER UNDER CONTROL WORKSHEET

Definition: Is the migration of contaminated ground water being controlled through engineered or natural processes?



Accuracy Requirement:
The Groundwater Migration approach was designed to allow RPMs to make first-hand determinations based on their knowledge of current conditions at a site as well as actions undertaken at a site. These determinations must be made with reasonable certainty using all available documentation on media contamination for current land and groundwater use. Documents such as RI/FS reports, RODs, Action Memoranda, Pollution Reports, and Close Out Reports are typically consulted by RPMs to assist completion of the surveys. To support the response for each worksheet question, the RPMs should provide the document number in the document number field for every document referred to in answering each question. Further, the RPM should provide the complete citation of each referenced document in the Reference section of the worksheet and provide a complete copy of each referenced document.

bb. Population Protected

This measure tracks the environmental progress achieved at NPL, SAA and non-NPL sites through the protection of human receptors from immediate threats of exposure to contaminated media. The following information will be reported under this measure:

- The number of human receptors protected during removals and remedial actions that result in:
    - Relocation of affected populations; or
    - Provision of an alternate water supply.

Population Protected data are required upon a removal or remedial action start where a population has been either relocated and/or provided an alternative drinking water supply in association with the following actions: Removal; PRP Removal; FF Removal; Remedial Action; PRP RA; FF RA; PRP Emergency Removal; or Initial Remedial Measure.

The following information must be entered into SEMS for each action resulting in a population being relocated or provided an alternative source of drinking water:

- Action: action associated with the population relocation or the provision of alternative drinking water;
- Affected Date: date the population was relocated or provided alternative drinking water;
- Protection Level: level (permanently, temporarily, or returned/reinstated) at which the population was relocated and or provided alternative drinking water; and
- Number Affected: number of people relocated or provided alternative drinking water.

The Populations Protected screen can be accessed through the Population Affected Tab of the Environmental Indicators screen.

Special Planning/Reporting Requirements:
Population Protected data are required to be updated once per year. Data documenting relocation or provision of alternative drinking water can typically be found in RODs, Action Memoranda, Pollution Reports, Remedial Actions Reports and Close Out Reports.

A source document and document number should be entered in SEMS for this measure. This activity may be tracked by HQ for program management purposes, but it is not a program target or measure.

cc. Cleanup Volume

This measure tracks the amount of contaminated media that has been treated, stabilized, contained, or removed using risk management technologies, engineering techniques, or ICs.

Cleanup Volume data are required in association with a removal action (Removal, PRP Removal, FF Removal) finish as defined in the Removal Start and Removal Completion measures.

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

- Cleanup Date: date contaminated media was addressed
- Media Name: media name as documented in the Add/Edit Media screen and media type
- Original Amount: amount of contaminated media addressed
- Original Unit: volumetric unit of contaminated media

The Cleanup Volumes screen can be accessed through the Clean-Up Volume Tab of the Environmental Indicators screen.

Special Planning/Reporting Requirements:
Cleanup Volume data are required to be updated once per year. Data documenting volumes of contaminated media addressed can typically be found in RODs, Action Memoranda, and Pollution Reports. This activity may be tracked by HQ for program management purposes, but it is not a program target or measure.

PART VI. SUPPORT ACTIVITIES

dd. Support Agency Assistance

Support Agency Assistance refers to the activities performed by another entity to support an EPA response action. The support agency furnishes necessary data to EPA, reviews response data and documents, and provides other assistance to EPA. EPA may provide states, political subdivisions, and Indian tribes with funding to carry out a variety of management responsibilities via a support agency Cooperative Agreement to ensure meaningful and substantial involvement in response activities.

Unless otherwise specified in the Cooperative Agreement, all support agency costs may be planned under a single Superfund account number designated specifically for support agency activities. RA activities must be planned separately, and site-specifically and require cost share provisions.

EXHIBIT VIII.24. SUPPORT AGENCY ASSISTANCE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
State Support Agency Cooperative Agreement	EPA	**Start:** Cooperative Agreement Signed by Regional Administrator or his designee **Finish:** Expiration or termination of the assistance agreement

Special Planning/Reporting Requirements:
Funds for support agency assistance are contained in the pipeline operations, enforcement, or Federal Facility Site Allowance. Start and finish dates need to be entered in SEMS. Funds may be planned or obligated site or non-site and OU specifically; however, they must be outlayed site-specifically. This activity may be tracked at the regional level but it is not a program target or measure.

ee. Technical Assistance

Technical assistance is support provided by a third party to EPA regions to conduct response activities. Third parties that may provide assistance include USACE, U. S. EPA laboratories, U.S. Fish and Wildlife Service, Superfund Technical Assistance and Response Team (START), and Remedial Action Contract (RAC) contractors.

EXHIBIT VIII.25. TECHNICAL ASSISTANCE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Technical Assistance	EPA, EPA In-House, State, Tribe, EPA Oversight, State Oversight	**Start:** Obligation of Funds for technical assistance signed by the Contracting Officer **Finish:** Completion of response activities for the stage at which technical assistance was requested; or Closeout of the task order or contract under which the technical assistance was performed

Special Planning/Reporting Requirements:
Technical assistance is paid for by the response program and is contained in the Pipeline Operations Site Allowance. Start and finish dates need to be entered in SEMS. Funds may be planned or obligated site- or non-site and OU specifically; however, they must be outlayed site-specifically. This activity may be tracked at the regional level but it is not a program target or measure.

Superfund Program Implementation Manual

FY 19

Chapter IX: Federal Facility Program

CHAPTER IX: Federal Facility Program

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CHAPTER IX: FEDERAL FACILITY PROGRAM

IX.A FEDERAL FACILITIES GOALS AND PRIORITIES

IX.A.1 Overview

To facilitate cleanup, property transfer, and reuse, the Environmental Protection Agency (EPA) has taken on a major role in forging proactive, innovative solutions to address environmental problems at federal facilities. Within EPA, there are several offices that conduct activities relating to federal facilities. To provide a unified program to the federal facility community, these offices often collaborate on initiatives to meet stakeholder needs. The offices most heavily involved in federal facility activities include:

- Federal Facilities Restoration and Reuse Office (FFRRO)
- Federal Facilities Enforcement Office (FFEO)
- Office of General Counsel (OGC)
- EPA Regional offices
- Office of Superfund Remediation and Technology Innovation (OSRTI)

Multiple federal statutes establish requirements for EPA and other federal agencies to protect health and the human environment through cleanups at Federal Facilities, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, which was amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986; the Defense Authorization Amendments and various Base Realignment and Closure (BRAC) Acts; and the Resource Conservation and Recovery Act (RCRA).

With certain exceptions specified in CERCLA 120(a), each federal agency shall be subject to CERCLA to the same extent as a private entity, including liability. Federal agencies shall comply with all guidelines, rules, regulations, and criteria related to removal and remedial actions and shall not adopt guidelines inconsistent with those established by the EPA Administrator.

To manage the Superfund Federal Facilities program, FFRRO and FFEO engage the Federal Facilities Leadership Council (FFLC) to identify and resolve issues unique to the management of EPA's Superfund Federal Facility (FF) response program. The FFLC is comprised of Superfund and/or the 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 Facilities. The guidance documents and policy memos referenced in this chapter may be found by searching by title or document number on the Cleanups at Federal Facilities webpage at: https://www.epa.gov/fedfac

IX.A.2 Superfund Federal Facility Goals

a. Strategic Federal Facility Goals

Superfund Federal Facility activities have high visibility because of the significant threats posed by military sites, the impact of military base closings, the resources needed to implement Department of Defense (DoD)/Department of Energy (DOE) cleanup efforts at

facilities listed on the National Priorities List (NPL) and other non-NPL facilities, and heightened state, tribal, local governments and other stakeholder interests. Federal Facility program goals are based on a number of related factors, including overall Superfund program goals, anticipated resource constraints, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal Facility program:

- Percent Construction Complete (CC) - The percent construction complete measure is based on the average of three specific factors at each Federal Facility NPL site: 1) Operable Unit (OU) percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete.
- Property Transfer and Reuse – Federal Facility NPL sites generally encompass thousands of acres. EPA is committed to returning this land to beneficial reuse, in coordination with the goals of the other Federal Agencies to dispose of excess federal property, and to help stimulate local economies. During the remedy selection phase, cleanup goals are set based upon planned future land use. Property transfer and reuse might occur at DoD installations that were slated for closure or realignment via the BRAC process or at sites where local communities have expressed interest to acquire land for redevelopment purposes. Land can be transferred as smaller parcels of the larger property, as the federal owner often retains portions of the property for ongoing use or because remedial action objectives have not yet been achieved. Regardless of how property slated for transfer is identified, EPA's core mission of protecting human health and the environment remain a key focal point during when decisions are made related to transfer.
- Environmental Indicators – The environmental indicators Human Exposure (HE) Under Control and Groundwater Migration (GM) are reported under the Government Performance and Results Act (GPRA) framework for the Superfund program. These measures provide current site information regarding risk reduction to human health and the environment at NPL Sites.
- Sitewide Ready for Anticipated Use (SWRAU) - Revitalization is one of the Office of Land and Emergency Management's (OLEM) highest priorities. The number of acres EPA has found suitable for transfer or lease are currently being tracked by EPA in the Superfund Enterprise Management System (SEMS). The SWRAU GPRA performance measure documents the number of final and deleted construction complete NPL sites where, for the entire site or facility:
  - All cleanup goals in the Record(s) of Decision (ROD) or other remedy decision document(s) have been achieved for media that may affect current and reasonably anticipated future land uses of the site, so that there are no unacceptable risks; and
  - All institutional or other controls required in the RODs or other remedy decision document(s) have been put in place.
- Involving Citizens, Local Governments, and Tribes in Environmental Decision Making - The publication of the Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) in April 1996 was a

watershed event for public involvement in Federal Facility cleanups. As a result of the Report, federal agencies have established Restoration Advisory Boards (RABs) at DoD installations and Site-Specific Advisory Boards (SSABs) at DOE facilities. Other federal agencies have also formed advisory boards. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and BRAC facilities. Because of resource constraints, EPA regional participation and support for non NPL facilities is minimal. 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).

- 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.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAs) at NPL sites. FFAs and IAs should reflect the best judgments by all parties of cleanup priorities and milestones at the time of agreement.

b. Cross Program Revitalization Measure Implementation

Federal Facilities and remedial programs continue to implement the OLEM-wide Cross Program Revitalization Measures (CPRM) effort by tracking the number of actually or potentially contaminated, or previously contaminated, sites and surface acres that are 'Protective for People Under Current Conditions' (PFP) and 'Ready for Anticipated Use' (RAU).

Sites and surface acres tracked by these measures include investigated land, wetlands, surface water, and/or sediments for which these programs have a documented oversight role for any necessary assessment, remedial action, and/or property transfer. The Federal Facilities and Superfund programs are using the current Human Exposure Under Control Environmental Indicator as basis for determining whether sites and acres are PFP; the PFP measure captures the number of acres at a site for which there are no complete pathways for human exposure to unacceptable levels of contamination based on current site conditions.

The program is also tracking two optional indicators, Status of Use and Type of Use. These indicators describe how the acres are being used when the determination is made for the PFP and RAU performance measures. Acres and sites that meet CPRM PFP and/or RAU criteria as well as Status and Type of Use information are documented via a checklist in SEMS. Acres are measured on an OU or property transfer parcel basis.

IX.A.3 EPA's Federal Facility Superfund Cleanup Principles

Consideration of Human Health and Environmental Risk and Other Factors in Federal Facility Environmental Cleanup Decision Making: Protection of Human Health and the

Environment and meeting state applicable or relevant and appropriate requirements (ARARs) are threshold criteria at all Superfund sites, including Federal Facilities. Addressing the greatest risk sites will generally be a driving factor, but not the only factor in determining environmental cleanup priorities and milestones. In setting priorities and milestones, regions should consider:

- *Human Health and Environmental Risk:* Risk assessments and other analytical tools used to evaluate risks to human health (including non-cancer as well as cancer health effects) and the environment all have scientific limitations and require assumptions in their development. As decision-aiding tools, risk assessments should only be used in a manner that recognizes those limitations and assumptions. In addition to criteria established by statute, regulation or guidance, as noted below there are other factors that affect whether and to what extent cleanups are to occur.
- *Emerging pollutants, contaminants and hazardous substances of concern:* As analytical detection methods improve and health risk data are better defined, EPA and the federal community are detecting chemicals, like perchlorate, perfluorinated compounds, and Trichloroethylene (TCE), at lower levels of concern and at a greater number of sites. Thus, we may need to expand the scope of investigations and cleanup actions, and take other actions to adequately address these chemicals.
- *Other Factors:* In addition to human health and environmental risk, other factors that warrant consideration in setting environmental cleanup priorities and milestones include, but are not limited to:
    - cultural, social, and economic factors, including environmental justice considerations
    - short-term and long-term ecological effects and environmental impacts in general, including damage to natural resources and lost use
    - making land available for other uses
    - acceptability of the action to regulators, tribes, and public stakeholders
    - statutory requirements and legal agreements
    - life cycle costs
    - permanence and reliability of remedy
    - pragmatic considerations, such as the ability to execute cleanup projects in a given year, and the feasibility of carrying out the activity in relation to other activities at the facility
    - overall cost and effectiveness of a proposed activity
- *Green Remediation:* The practice of considering all environmental effects of remedy implementation and incorporating options to minimize the environmental footprints of cleanup actions. EPA strives for remedies that use natural resources and energy efficiently, reduce negative impacts on the environment, minimize or eliminate pollution at its source and reduce waste to the greatest extent possible. Therefore, green remediation reduces the demand placed on the environment during cleanup actions. EPA's OLEM issued the *Principles for Greener Cleanups, August 2009*, ('Principles document'). The *Principles document* defines the five core elements that may be considered when evaluating and implementing a green cleanup: Total Energy Use and Renewable Energy Use, Air Pollutants and Greenhouse Gas Emissions, Water Use and Impacts to Water Resources,

Materials Management and Waste Reduction and Land Management and Ecosystems Protection. Green Remediation practices fit within existing cleanup programs and comply with existing statutes and regulations. Green Remediation can be applied throughout all phases of cleanup, including site investigation, design, construction, operation, and monitoring. For more information, visit the Greener Cleanups website at: https://www.epa.gov/greenercleanups

- *Collaboration:* The Federal Facilities response program will continue to work in a collaborative fashion with other federal agencies, other regulators, tribal governments, local governments and communities. In many situations, EPA's statutory responsibilities will place the Agency in a leadership role that requires convening the relevant parties and facilitating interaction. In other situations, EPA will simply act as one of the many interested parties in a collaborative problem-solving effort convened by another federal agency, tribe, state, local government or a private entity. However, it is important to recall that collaboration cannot replace the core functions of a regulatory agency nor compromise EPA decision-making and enforcement responsibilities. Typically, EPA looks to all affected stakeholders for ideas and innovative solutions and, where appropriate, incorporates stakeholder recommendations into policy and practice.
- *Innovation:* Federal Facilities should continue to serve as a test bed for new cleanup technologies and new cleanup processes. We should continue efforts, working with others, to promote more effective and efficient cleanups that support redevelopment and reuse of contaminated properties, especially those that support the mission of the responsible agency. Efforts to improve and streamline the cleanup process should continue to focus on reducing paperwork and developing more collaborative relationships among all parties.
- *Consistency of Treatment between Federal Facilities and Private Sites:* Federal Facilities, especially NPL sites, are generally large complex sites. CERCLA requires that Federal Facilities be treated the same as other entities.
- *Environmental Justice:* As Federal Facilities affect many diverse communities and communities of low income, the federal Government has an obligation to make special efforts to reduce the adverse effects of environmental contamination related to Federal Facility activities on affected communities that have historically lacked economic and political power, adequate health services, and other resources. This needs to continue to be a focus for the program.
- *Stakeholder Involvement:* Despite a very impressive record of success, involvement by the public continues to be an area where improvements can be made. Federal Facility cleanup decisions and priorities should reflect a broad spectrum of stakeholder input from affected communities including indigenous peoples, low-income communities, and minority groups. Stakeholder involvement has, in many instances, resulted in significant cleanup cost reductions. It should therefore not only be considered as a cost of doing business but as a potential means of efficiently determining and achieving acceptable cleanup goals.
- *The Role of Negotiated Cleanup Agreements:* Enforceable cleanup agreements play a critical role both in overseeing priorities at a site and providing a means to define and balance the respected interdependent roles and responsibilities in Federal Facilities cleanup decision making. EPA must continue to hold federal agencies accountable for meeting the terms of these agreements to ensure timely and protective cleanup.

- *The Critical Role of Future Land Use or Activity Determinations:* Reasonably anticipated future land uses should be considered when making cleanup and reuse decisions for Federal Facilities. The communities that are affected by Federal Facility cleanups, along with their state and local governing bodies and affected tribes, should be given a significant role in determining reasonably anticipated future use of federal property that is expected to be transferred, and in how future use determinations will be used in making cleanup decisions.
- *The Importance of Characterizing Sites Correctly:* The identification and characterization of contamination and the evaluation of health impacts on human populations and ecological effects are essential parts of the cleanup process. If a quality characterization is done, money and time can be saved during the response phase. Characterization must also include proper quality assurance/quality control processes to ensure that data are used to make decisions of known and reliable quality.

IX.A.4 Federal Facility Docket and Site Discovery/Site Assessment

a. Overview

The U.S. EPA Federal Agency Hazardous Waste Compliance Docket (Docket) Process and Federal Facility Site Discovery/Site Assessment Process are different from the non-Federal Facility Site Assessment Process; and are governed by a specific set of statutes and guidance in the CERCLA, 1980, as amended by the SARA, 1986, and in the National Contingency Plan (NCP). The Federal Facilities process is different in at least four ways:

1. ***Federal Facility Docket Process and Federal Facilities Discovery Process:*** The process for Federal Facilities involves listing Federal Facility sites on the Docket (CERCLA/SARA section 120(c)) prior to any listing of the Site Discovery in SEMS.
2. ***Federal Facilities Site Assessment and Time Frames:*** The time frame for completion of Federal Facilities site assessment activities following Site Discovery is that of 'a reasonable time schedule' (CERCLA/SARA section 120(d)) as Amended in 1997; and for completion of Hazard Ranking System (HRS) evaluations the time frame is within four years from Site Discovery.
3. ***Authority for Conducting Federal Facility Site Assessments - Executive Order 12580:*** The authority for conducting Federal Facility site assessments has been delegated to the federal agencies under Executive Order 12580 (E.O. 12580), and CERCLA 120(h).
4. ***Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation:*** EPA is required to review Federal Facility site assessment reports and evaluate such facilities in accordance with the HRS criteria (authority retained by EPA).

b. Federal Facility Docket Process and the Federal Facilities Site Discovery Process

EPA is required to establish a Federal Agency Hazardous Waste Compliance Docket ('Docket') under section 120(c) of the CERCLA of 1980, as amended by SARA of 1986. section 120(c) requires EPA to establish a Docket that contains information reported to EPA by Federal Facilities that manage hazardous waste or from which a reportable quantity

of hazardous substances, pollutants, or contaminants have been or may be released. The Docket was established by EPA in 1988.

The Docket is used to identify Federal Facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment; and to provide a mechanism to make this information available to the public. As new facilities are reported to EPA by federal agencies, EPA publishes a list of these facilities in the *Federal Register*.

The Docket contains information submitted by federal agencies under the following authorities:

- Section 103 of CERCLA requires owners or operators of vessels or facilities to notify the National Response Center of a release of a reportable quantity of a hazardous substance (notification of a release or potential release);
- Section 3005 of RCRA provides EPA authority to establish a permitting system for hazardous waste treatment, storage, and disposal (TSD) facilities, which in turn requires them to submit certain information as part of the permit application (interim status/permitting authority). The hazardous waste permitting program is generally implemented by authorized states;
- Section 3010 of RCRA requires hazardous waste generators, transporters, and TSD facility owners/operators to notify EPA of their hazardous waste activities (notification of hazardous waste activity);
- Section 3016 of RCRA requires Federal Facilities to submit an inventory of hazardous waste sites they own or operate, or have owned and operated in the past (biennial inventory of hazardous waste activities);
- 'Other' has been added as a reporting mechanism to indicate those Federal Facilities that otherwise have been identified to have releases or threat of releases of hazardous substances. EPA's National Contingency Plan (NCP), (40 CFR 300.405) further addresses the discovery or notification and outlines what constitutes discovery of a hazardous substance release, and states that a release may be discovered in several ways.

This information is collected and stored in the Federal Facilities E-Docket tool. Facilities are identified via web query pulls from RCRAInfo and the Web-based Emergency Operations Center (WebEOC), and is compiled for Regional Docket Coordinator review and proposal to the Docket. Following publication of the site's addition to the Docket in the *Federal Register*, the site must immediately be entered in SEMS as a Site Discovery. If the site has been previously listed in RCRAinfo, the same EPA ID should be used in SEMS. The Site Discovery Date is that of the publication in the *Federal Register*. For additional information see the *Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket, Interim Final, November 2013; as well as the Federal Agency Hazardous Waste Compliance Docket website at:* https://www.epa.gov/fedfac/federal-agency-hazardous-waste-compliance-docket

c. Federal Facility Site Assessment Process and Time Frames

CERCLA/SARA, as amended, section 120(d) (1) requires that EPA take steps to assure that a Preliminary Assessment (PA) be completed and that evaluation and listing of sites be completed within a reasonable time frame (CERCLA/SARA, as amended, section 120(d) (3)) for each Federal Facility included on the published list of Federal Facilities reported pursuant to section 120(c) of CERCLA/SARA (the 'Federal Facilities docket'). The PA is designed to provide information for EPA to consider when evaluating the site for potential listing on the NPL. E.O. 12580 delegated the authority to conduct Federal Facility PAs and, when warranted, Federal Facility Site Inspections (SIs) to the federal agencies.

EPA believes the most reasonable schedule for assessing Federal Facility sites listed on the Docket would be one consistent with the schedule for assessing non-Federal Facility sites which are tracked in SEMS. Potential budgeting issues of a Federal Facility may also be a factor in conducting a PA. Under Superfund policy (OSWER directive 9200.3-14-1E), EPA attempts to complete a non-Federal Facility PA within one year of that site's discovery (inclusion in SEMS). However, the need of federal agencies to wait for the next budget cycle to obtain funding may make the one year time frame problematic in some cases. Further, past experience using the 18 month time frame has shown it to be a reasonable period of time for completion of the Federal Facility PA. As a result, it is appropriate to expect Federal Facilities to strive to submit completed Federal Facility PA Reports within 18 months from inclusion on the Docket. Of course, in cases where a PA petition is submitted pursuant to CERCLA section 105(d), a PA may need to be completed within 12 months.

It is worth noting that under section 116(b) of SARA, a facility should be evaluated within four years of SEMS listing. EPA believes this is a reasonable time frame for making listing decisions at Federal Facility sites as well. On receipt and following evaluation of a Federal Facility PA and, if warranted, a Federal Facility Site Inspection (SI), EPA would make a determination either of No Further Remedial Action Planned (NFRAP) under EPA's Superfund program (CERCLA/SARA); or of potential NPL candidate. However, if further EPA involvement is warranted for an HRS evaluation and proposal of the site to the NPL, then all these steps, from Discovery to NPL proposal, have to be completed within a four year time frame. Historically, it was sometimes difficult for EPA and the federal agencies to complete these tasks within the 30 months originally provided under section 120(d), and EPA believes 48 months is a more appropriate and reasonable time frame for both the Federal Facility and EPA.

EPA and the individual agencies should work together to ensure these time frames are met.

d. Authority for Conducting Federal Facility Site Assessments - E.O. 12580

Sections 104(b) and (e) of CERCLA grant to the President broad investigative authority to conduct a PA and/or a SI. The President has delegated this authority through E.O.12580 to the heads of the respective federal executive departments and agencies with jurisdiction, custody, or control over their facilities. The NCP provides for the lead federal agency to perform a PA and, as appropriate, an SI, on all sites on the Docket and in SEMS (see CERCLA/SARA 120(d) and 40 CFR Part 300.420(b)(1) and (c) (1)). Section 300.5 of the

NCP defines 'lead agency' generally as that federal executive agency with jurisdiction, custody, and control over the facility on which a release occurs or is from (except in the case of an emergency). Accordingly, each federal agency typically is the lead agency to conduct a PA or an SI on facilities within its respective jurisdiction, custody, or control. Lead agency, or the responsible federal agency, can differ from the federal agency ownership party. The Federal Agency Owner field of the Docket is the federal department or agency that owns the facility at the time of Docket listing, deletion, and/or correction whereas the Responsible Federal Agency is the lead agency responsible for the oversight.

EPA must take steps to ensure that a PA is completed for facilities on the Federal Facilities docket where the respective federal agencies are delegated the authority to conduct a PA or SI, and thus the respective federal agencies are the 'lead agency' for conducting such investigations.

Federal Facilities that conduct a PA may satisfy some of the PA reporting requirements through work already conducted pursuant to the RCRA corrective action program or state cleanup programs. For example, a facility at which a RCRA Facility Assessment (RFA) has been conducted may base its PA on the RFA report. When work conducted under such non-CERCLA authorities is the basis for satisfying PA requirements, the facility should demonstrate that all information required for the CERCLA PA is provided. In some instances, it may be appropriate to provide supplemental information to ensure that all hazardous substances, pollutants, or contaminants at the facility are addressed. Similarly, at a Federal Facility sites when under CERCLA 120(h) ownership Federal Real Property is being transferred, where there have been observed releases, the Federal Facilities may satisfy some of the PA reporting requirements through work already conducted for General Services Administration (GSA) Environmental Phase II Reports or other environmental investigations done by DoE/DoD. Again, as in the foregoing RCRA Facility Assessment discussion, the Federal Facilities should demonstrate that all information required for the CERCLA PA is provided, and as appropriate, provide similar supplemental information as mentioned above.

For additional information see the *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005* and the *Federal Facilities Remedial Site Investigation Summary Guide, July 2005*.

e. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation

For Federal Facilities, the site assessment process under CERCLA/SARA begins when the Federal Facility site has been listed on the Docket. When a Federal Facility submits a Federal Facility PA report (also see CERCLA 104(h)), and if warranted a Federal Facility SI report, EPA evaluates the site in accordance with the HRS final rule[1] to determine whether the site poses a threat to human health and the environment.

If EPA determines that the site does not pose a threat to human health and the environment based on the data provided in the PA or SI reports, then EPA will designate a decision of

[1] Hazard Ranking System; Final Rule, 40 CFR Part 300, Appendix A, *Federal Register*, Vol. 55, No. 241, December 14, 1990.

NFRAP under Superfund. A decision not to take further response/remedial action under the Superfund program is based on a finding that the facility/situation does not meet the minimum CERCLA eligibility requirements or that there is insufficient threat to human health or welfare, or the environment to be included or proposed at this time on the NPL by the EPA. This decision does not preclude any further action at the facility by other EPA programs, by the states or other federal agencies. If there is a clear non-compliance with other environmental programs, EPA will make a deferral to the appropriate alternate authorities. Should EPA receive new information and/or issue new rule making that warrants further EPA involvement, EPA will reactivate the site.

If the results of a Federal Facility SI indicate that the Federal Facility site warrants further investigation based on the HRS evaluation, EPA will prepare an HRS scoring package to evaluate propose the site on the NPL. To make such an NPL decision, EPA may collect further data to complete the HRS package.

f. Tracking of Federal Facility Sites in SEMS

Federal Facilities are tracked in SEMS, EPA's official CERCLA/SARA sites tracking system. It allows authorized EPA SEMS users to enter new Federal Facility Docket sites. SEMS users can access that and other screens to select and track Federal Facility sites in the SEMS universe, and to manage site assessment activities (i.e., Federal Facility Preliminary Assessment Review and Federal Facility Site Inspection Review actions) at these sites.

SEMS tracks site assessment activities that are being or have been conducted for all Federal Facilities listed on the Docket pursuant to CERCLA section 120 et al.

For more in depth understanding of the site assessment process for Federal Facilities, please reference the following documents:

- EPA *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005*;
- EPA *Federal Facilities Remedial Site Investigation Summary Guide, July 2005*;
- Appendix A to the above: *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005* and *Federal Facilities Remedial Site Investigation Summary Guide, July 2005* for Law/Regulations: Summary of Appropriate Legislation/Regulation; Definition of Site; and Site Assessment Process for Federal Facilities;
- EPA *Guidance for Performing Preliminary Assessments Under CERCLA, OSWER 9345.0-01A, September 1991*;
- EPA *Guidance for Performing Site Inspections Under CERCLA, Interim Final, OSWER 9345.1-05, September 1992*.

IX.A.5 BRAC Budget and Financial Guidance

a. Resources and Tracking Mechanisms

The primary mission of the BRAC program is to ensure that the hazardous waste sites owned or operated by the Military Components are addressed, cleaned up and in some cases made available for transfer and/or lease as quickly as possible. BRACs occurred in five different rounds: 1988 (BRAC I), 1991 (BRAC II), 1993 (BRAC III), 1995 (BRAC IV), and 2005 (BRAC V).

BRAC I - IV

In 1994, EPA and DoD signed the first BRAC Memorandum of Understanding (MOU) establishing responsibilities and funding for EPA's assistance in accelerating cleanup at 107 realigning and closing installations. However, the MOU expired in September 2016 and EPA will no longer participate at non-NPL BRAC sites to assess BRAC properties and determine their suitability for transfer and/or lease, accelerate cleanup actions, or ensure that remedies selected reflect the views of the affected communities surrounding the sites and the proposed future reuse. EPA's annual budget request does not include additional support for BRAC I - IV-related services to DoD at non-NPL facilities. If EPA services are required at BRAC I – IV non-NPL installations, EPA would seek reimbursement from DoD.

BRAC V

EPA continues to fulfill its statutory obligations at the 72 NPL installations which were affected by the fifth round of BRAC, and at certain non-NPL bases where EPA has a regulatory role. In addition, EPA regions may be requested to perform activities by states, tribes, local governments, the military components or others at certain facilities where EPA has no formal regulatory role. Given EPA's resource constraints, each region has to examine those requests individually and determine whether it can positively respond. EPA's annual budget request does not include additional support for BRAC-related services to DoD at non-NPL BRAC V facilities. If EPA services are required at levels above its base for non-NPL BRAC V related installations, EPA would seek reimbursement from DoD. See the *Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, April 2006* for more information.

IX.A.6 Cleanup Privatization at BRAC NPL Sites

EPA recognizes that the privatization of the cleanup at BRAC sites can present an opportunity to integrate redevelopment planning with cleanup. Such privatized cleanups provide another option to federal and state agencies and local communities to help maximize the impact of cleanup and redevelopment resources to help move properties back into productive reuse more quickly.

Privatization refers to a site where: 1) a non-federal party will take title to BRAC property; 2) the property will be transferred using CERCLA 120(h)(3)(C) early transfer, covenant deferral authority; and 3) the transferee, rather than the military, will conduct the cleanup using funding provided by the DoD. The DoD funding to the transferee is provided through an Environmental Services Cooperative Agreement (ESCA). Other documents that are typically required for such transfers include an amendment to the existing Federal Facility Agreement. The amendment

provides: that in the event the transferee defaults on the cleanup of the property or fails to meet the cleanup standards, the military is obligated to return and complete the cleanup; negotiation of an Administrative Order on Consent (AOC) with the non-federal entity who is to be responsible for the cleanup; and the issuance of a Finding of Suitability to Early Transfer (FOSET). Importantly, the AOC provides for continuing EPA and state oversight and the reimbursement of such oversight costs. (See pages 18-21 of the *Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, April 2006*) Early transfer covenant deferral requests seek deferral of the CERCLA 120(h)(3)(A)(ii)(I) deed covenant that all remedial action has been taken.

IX.A.7 Military Munitions Response Program

Millions of acres of former munitions use or manufacturing areas have been transferred from DoD control to non-federal entities or other federal agencies to be used for other purposes (a large percentage of these properties now are identified as Formerly Used Defense Sites [FUDS]). DoD has an online inventory of munitions response sites (MRS) and associated acreage that are potentially contaminated. Furthermore, active military installations and installations affected by the BRAC program may have locations other than operational ranges contaminated with Munitions and Explosives of Concern (MEC) and Munitions Constituents (MC). While some MRS are fairly small (e.g., small arms ranges, burial pits and trenches), others may be dozens or even hundreds of square miles in area (e.g., former bombing ranges). In addition to MEC, these MRS may have soil, groundwater, and surface water contamination from MC or other sources (including explosives and heavy metals, depleted uranium, and at a small number of sites, chemical warfare agents or chemical warfare materiel. The MC may derive from a number of sources. Such sources include: live-fire training or testing, low order detonations of munitions used in training or testing, open burning and open detonation (OB/OD) treatment/destruction activities, or munitions burial. Explosives safety (e.g., the potential for the detonation of MEC) is usually the principal concern during munitions response actions involving MEC.

The National Defense Authorization Act for FY 2002 (P.L. 107-107) directed DoD to develop and maintain an inventory of defense sites that are known or suspected to contain unexploded ordnance, discarded munitions or munitions constituents. The *Handbook on the Management of Munitions Response Actions, Interim Final, May 2005* *(under review)* is designed to facilitate a common understanding of the state of the art of MEC detection and munitions response, and to present EPA guidance on the management of munitions response actions. The *EPA Munitions Response Guidelines, OSWER 9200.1-101, July 2010* were developed to provide guidance to project managers overseeing munitions response actions at locations other than operational ranges where MEC/MC are suspected to be or have been encountered. Types of response actions include, but are not limited to, assessments, investigations and cleanups under the authorities of CERCLA, RCRA, and, where appropriate, response actions under other federal environmental authorities, such as the Safe Drinking Water Act (SDWA). The Guidelines may be useful in situations involving enforcement, permitting, and emergency or time critical actions where MEC/MC are involved. There are several ongoing collaborative efforts with DoD, states and others to address MRS issues. These include multi-agency munitions response policy workgroups, training programs, quality assurance/quality control requirements, and technology evaluations.

EPA issued *Recommendations for EPA Regional Offices on Preliminary Assessments and Site Inspections for the Department of Defense Military Munitions Response Program, OSWER*

9200.3-60, April 2010 to the regions to clarify issues with the DoD Military Munitions Response Program (MMRP). In some situations, an MRS that is within the boundaries of an NPL site may not be currently included in the list of areas of concern, facility inventory, or other description of sites to be addressed under a FFA or other document providing for regulatory oversight (e.g., RCRA 7003 order). The MRS should be added to the FFA (or other oversight document) as soon as practicable together with an enforceable schedule of milestones, including primary and secondary documents. To resolve any disagreements that arise over adding the MRS, EPA regions should use the tools provided by the applicable FFA, including the Dispute Resolution process. Neither Congress' enactment of Defense Environmental Restoration Program (DERP) providing funds to address munitions, nor DoD's administrative creation of its MMRP to spend that money, exempts DoD from or alters CERCLA section 120 requirements. That includes the requirement for an FFA for any cleanup at a Federal Facility on the NPL.

IX.A.8 Stakeholder Involvement

By Executive Order, Federal Facilities have lead responsibilities for cleanup activities under CERCLA. This means that they are responsible for implementing the full suite of community involvement activities that Superfund performs for private sites. Federal Facilities are required to staff this function with personnel who are knowledgeable about all aspects of public participation and who are authorized to encourage and support the public in becoming involved in the cleanup decision-making process through early and meaningful community involvement activities. In its regulatory role, Superfund provides oversight of this activity, principally through its Community Involvement Coordinators (CIC). In the absence of an assigned CIC, the Superfund Remedial Project Manager is responsible to ensure early and meaningful public participation through all cleanup stages. In particular, Superfund staff will ensure that public participation documents, like the Proposed Plan, are of the highest quality in terms of clarity, completeness, ease of use and plain language. For DoD sites, Superfund staff will participate in RAB, offer Technical Assistance Grants, remind the DoD facility to offer their Technical Assistance for Public Participation (TAPP) program to RAB members, assure that the facility updates its mailing list and provides frequent community update fact sheets, and approximately every two years, review the Community Involvement Plan (CIP) to determine the need for an update. For Department of Energy sites, the above applies, except that the stakeholder groups are called SSABs.

IX.A.9 Land Use Controls (LUCs)

Land Use Controls (LUCs) may consist of non-engineered instruments, such as administrative and legal controls or engineered and physical barriers, such as fences and security guards. LUCs help to minimize the potential for exposure to contamination and/or protect the integrity of a response action and are typically designed to work by limiting land and/or resource use or by providing information that helps modify or guide human behavior at a site.

LUCs may be used when contamination is first discovered, when remedies are ongoing and when residual contamination remains onsite at a level that does not allow for unrestricted use and unlimited exposure after cleanup. The National Contingency Plan (NCP) emphasizes that LUCs are meant to supplement engineering controls and that LUCs should rarely be the sole remedy at a site.

EPA issued guidance, *Sample Federal Facility Land Use Control ROD Checklist with Suggested Language (LUC Checklist), OSWER 9355.6-12, January 2013*. The LUC Checklist provides direction on describing and documenting land use controls (LUCs) in federal facility response actions under CERCLA in Records of Decision (RODs), remedial designs (RDs), and remedial action work plans (RAWPs). The LUC Checklist also provides recommended language for creating enforceable LUC requirements in these documents to ensure the protectiveness of CERCLA remedies. EPA Regional programs are responsible for ensuring that land use controls (LUCs) or ICs are properly documented for federal facility NPL sites and some BRAC sites.

IX.B FEDERAL FACILITIES TARGETS AND MEASURES

IX.B.1 Overview of Federal Facilities Targets and Measures

The following pages contain, in pipeline order, the definitions of Federal Facilities targets and measures. Exhibit IX.1 displays the internal and external reporting hierarchy for the full list of Federal Facilities activities defined in this chapter.

Regions are responsible for entering data into SEMS for Federal Facility sites, especially BRAC Sites where regions are involved. This data includes, where appropriate, FUDS, PA, SI, removals, decision documents, acres transferred, etc.

EXHIBIT IX.1. FEDERAL FACILITIES NPL SITES

Activity	External Program Reporting	Internal Program Reporting
FFAs/IAs		Measure
Remedial Site Assessment Completions	BFS	Target
RI/FS or RFI Starts		Target
Decision Documents (RODs, ROD Amendments, Explanation of Significant Differences [ESDs], Action Memos)		Target
Final Remedy Selected		Target
RD or RCRA CMD Starts		Measure
RD or CMD Completions		Measure
RA or CMI Starts		Target
RA or CMI Completions	BFS	Target
Removal or RCRA ISM Starts		Measure
Removal or ISM Completions		Measure
Operation and Maintenance (O&M) Starts		Measure
Percent Construction Completion		Target
Federal Facility Five-Year Reviews (FYR)		Target

Key to Reporting Hierarchy
BFS = Regional targets are established in Budget Formulation System.
Strategic Plan = National target is publicly reported in Agency's Strategic Plan.

Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, but target not required.

IX.B.2 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur, particularly with the new monthly reporting requirements for Federal Facility Decision Documents and Remedial Action Completions. Decision Documents and Remedial Action Completions should be entered SEMS upon completion or accomplishments may be missed in monthly reporting. It is important that data for future FY projections, 3-years from the current FY, is projected as accurately as possible. FFRRO relies on this data for projecting National Program measures and future accomplishments. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

IX.B.3 Federal Facilities Site Discovery/Site Assessment Definitions

a. Remedial Site Initiation (Discovery)

Remedial Site Initiation (Discovery) is the process by which a potential hazardous waste site is entered into the SEMS inventory for NPL assessment activities. All sites moving through the NPL assessment process must have a Remedial Site Assessment Initiation milestone and actual finish date documented in SEMS. Entry of the Remedial Site Assessment Initiation date initiates the NPL assessment process and places the site on the FF Preliminary Assessment Review backlog.

The process typically starts when the facility has been listed on the Federal Agency Hazardous Waste Compliance Docket. NOTE: There may be instances when a facility included in the docket may not be listed in the SEMS database.

EXHIBIT IX.1. REMEDIAL SITE INITIATION (DISCOVERY) REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Remedial Site Initiation (Discovery)	EPA, EPA In-House, Tribe, State, FF	**Start/Finish:** After the region determines the Federal Facility is a valid CERCLA site, the site discovery date for Federal Facilities is the date of publication in the Federal Register formally adding the site to the Federal Agency Hazardous Waste Compliance Docket.

Special Planning/Reporting Requirements:
Planned start/finish dates will automatically be generated when a new site is added to SEMS. The same calendar date should be entered for both the Remedial Site Initiation (Discovery) actual start and actual finish date. The actual start/finish date must not be earlier than the Pre-CERCLA Screening finish date. Multiple Remedial Site Initiation (Discovery) activities are not allowed.

Note: The Removal Site Initiation (Discovery) activity is used by the removal program to track initiation of sites that have Superfund removal interest. Sites with only removal interest should not have a Remedial Site Initiation (Discovery) activity tracked in SEMS. Sites with only remedial assessment interest should not have a Removal Site Initiation (Discovery) activity tracked in SEMS. Sites with both removal and remedial assessment interest should have both a Removal Site Initiation (Discovery) activity and a Remedial Site Initiation (Discovery) activity. The Remedial Site Initiation (Discovery) actual start/finish date for a site referred from removal to remedial assessment or from RCRA to remedial assessment should be the date the referral decision is made.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new activities and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

Site discovery is an internal program measure.

b. Federal Facility Preliminary Assessment Reviews

Federal Facility PA Review is a quality assurance review of a PA or PA-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review PA reports developed and submitted by the federal agencies responsible for a given Federal Facility. EPA may also approve the review done by a state in lieu of its review. Upon reviewing the PA or PA-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to additional response action. Guidance can be found in the *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005*.

There are instances when an Abbreviated Preliminary Assessment (APA) can be performed in lieu of a standard PA. The *Improving Site Assessment: Abbreviated Preliminary Assessments, OSWER 9375.2-09FS, October 1999* provides information on conducting APAs and includes a checklist to help site assessors determine whether an APA report is appropriate for a given site. The checklist or an equivalent document can serve as documentation that the APA was completed. The APA checklist or equivalent report must address the requirements set forth in the NCP for conducting remedial preliminary assessments.

Once a Federal Facility site has been entered into the SEMS site inventory for remedial assessment, an APA may be performed if the site/release:

- is regulated under a statutory exclusion (e.g., petroleum);
- is subject to certain limitations based on definitions in CERCLA (e.g., naturally occurring substance in its unaltered form);
- can be addressed as part of another site already in SEMS;
- will be deferred to another program (e.g., RCRA, Nuclear Regulatory Commission [NRC], EPA removal) based on existing policy considerations (follow-up confirmation of the deferral is required);
- requires no further remedial assessment; or

- will require a Superfund site inspection.

Backlogs: The Federal Facility PA Review backlog consists of Federal Facility sites with a Non-NPL Status of FF-PA review needed or FF-PA review ongoing.

EXHIBIT IX.2. FEDERAL FACILITY PRELIMINARY ASSESSMENT REVIEW REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Preliminary Assessment Review	EPA, EPA In-House	**Start:** EPA starts an in-house review of the Federal Facility PA or PA-equivalent report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal Facility PA or PA-equivalent report. **Finish:** Letter, form, or memo approving the PA report is signed by the appropriate regional official. The Site Decision Form 9100-3 or equivalent decision document must be printed, signed by the appropriate regional official, and placed in the file.

Special Planning/Reporting Requirements:
Regions should attempt to complete PA reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient PA. PA review starts and completions are reported site-specifically in SEMS. Federal Facility Preliminary Assessment Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see chapter VI for a list of valid qualifiers).

If the Federal Facility PA report does not provide sufficient information to complete the PA, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Preliminary Assessment Review should not be entered until all the report deficiencies have been addressed.

An Abbreviated Preliminary Assessment report at a Federal Facility is tracked in SEMS by entering a Federal Facility PA Review activity and selecting APA as a critical indicator on the Federal Facility PA Review activity in the Work Package Info screen.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

c. Federal Facility Site Inspection Reviews

Federal Facility Site Inspection Review is a quality assurance review of an SI or SI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review SI reports developed and submitted by the federal agencies responsible for a given Federal Facility response. Upon reviewing the SI or SI-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate. Guidance can be found at *Federal Facilities Remedial Site Investigation Summary Guide, July 2005*.

Backlogs: The Federal Facility SI Review backlog consists of sites with a Non-NPL Status of FF-SI review needed or FF-SI review ongoing.

EXHIBIT IX.3. FEDERAL FACILITY SITE INSPECTION REVIEW REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Site Inspection Review	EPA, EPA In-House	**Start:** EPA starts an in-house review of the Federal Facility SI or SI-equivalent. **Finish:** Letter, form, or memo approving the SI report is signed by the appropriate regional official. The Site Decision Form 9100-3 or equivalent decision document must be printed, signed by the appropriate regional official, and placed in the file.

Special Planning/Reporting Requirements:
Regions should attempt to complete SI reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient SI. SI review starts and completions are reported site-specifically in SEMS. Federal Facility Site Inspection Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see chapter VI for a list of valid qualifiers).

If the Federal Facility SI report does not provide sufficient information to complete the SI, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

d. Federal Facility Expanded Site Inspection (ESI) Reviews

Federal Facility Expanded Site Inspection (ESI) Review is a quality assurance review of an ESI or ESI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review ESI reports developed and submitted by the federal agencies responsible for a given Federal Facility. Upon reviewing the ESI or ESI-equivalent report for completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to NPL listing.

Backlogs: The Federal Facility ESI Review backlog consists of sites with a Non-NPL Status of FF-ESI review needed or FF-ESI review ongoing.

EXHIBIT IX.4. FEDERAL FACILITY EXPANDED SITE INSPECTION REVIEW REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Expanded Site Inspection Review	EPA, EPA In-House	**Start:** EPA starts an in-house review of the Federal Facility ESI or ESI-equivalent. **Finish:** Letter, form, or memo approving the ESI report is signed by the appropriate regional official. The Site Decision Form 9100-3 or equivalent decision document must be printed, signed by the appropriate regional official, and placed in the file.

Special Planning/Reporting Requirements:
Regions should attempt to complete ESI reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient ESI. ESI review starts and completions are reported site-specifically in SEMS. Federal Facility Expanded Site Inspection Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see chapter VI for a list of valid qualifiers).

If the Federal Facility ESI report does not provide sufficient information to complete the ESI, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Expanded Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

IX.B.4 Federal Facilities Accomplishment Definitions

a. Base Closure Decisions

A base closure action occurs when EPA is involved in either a CERCLA section 120(h)(4) uncontaminated parcel CERFA determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is Operating Properly and Successfully (OPS) at BRAC locations pursuant to CERCLA section 120(h)(3). Under CERCLA section 120(h)(4), the military service must designate, and EPA/state is required to concur, on property that is uncontaminated. A FOST documents the conclusion that real property made available through the BRAC process is environmentally suitable for transfer by deed under the CERFA amendment to CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

The phrase 'operating properly and successfully' involves two separate concepts: operating 'properly' is used if the remedy is operating as designed; operating 'successfully' is used if the operation of the remedy will achieve the cleanup levels or performance goals for the particular contaminant delineated in the decision document. Where more than one remedial action is required for a parcel, all such actions must operate properly and successfully. Therefore, EPA interprets the term 'operating properly and successfully' to mean that the remedial action was engineered and implemented and is functioning in such a manner that it is expected to achieve cleanup goals and adequately protect human health and the environment.

EXHIBIT IX.5. BASE CLOSURE DECISION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Finding of Suitability to Transfer (FOST) FF Finding of Suitability to Early Transfer (FOSET) FF Finding of Suitability to Lease (FOSL)	EPA In-House	**Start:** EPA receives a document that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., Environmental Baseline Survey [EBS] submitted); or EPA receives a clean parcel determination for concurrence as required by CERFA; or EPA receives a written request submitted by the other federal agency for concurrence on suitability to transfer or lease; or EPA receives a written request for EPA concurrence that a 120(h)(3) remedy is operating properly and successfully. **Finish:** Letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the FOST or FOSL signed by the appropriate regional official; or 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) signed by the appropriate regional official; or letter concurring on a clean parcel identified under CERFA signed by the appropriate regional official.

Special Planning/Reporting Requirements:
In addition to entering the finish date, regions must also enter the acreage covered by the Base Closure Decision Document. Acreage information can be entered through the FOST or FOSL screens in SEMS.

b. Non-BRAC Property Actions

A non-BRAC property transfer action occurs when EPA has reviewed and concurred on:

- *The transfer of non-BRAC property from the federal government under CERCLA 120(h)(3)(A):* A federal agency may request that EPA review and comment/concur on transfers under this section, however, EPA does not statutorily have to provide concurrence or comment for the transfer to occur, other than in instances where an OPS determination is required to be made prior to the transfer of deed.

- *An early transfer under CERCLA 120(h)(3)(C):* For facilities listed on the NPL, EPA is required to approve the deferral of the covenant found in CERCLA 120(h)(3)(A)(ii)(I) that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. The EPA Early Transfer Guidance should be used to approve such requests.
- *Provided an OPS determination pursuant to CERCLA 120(h)(3):* Under CERCLA section 120(h)(3), before property can be transferred by deed, the federal department or agency must demonstrate to EPA that the approved remedy is operating properly and successfully.
- *Provided a concurrence to DOE for the lease of property on the NPL under the Hall Amendment:* Leasing of real property at DOE weapons production facilities that are either being closed or reconfigured is subject to the requirements of the Hall Amendment under the following conditions: 1) the Hall Amendment is the authority invoked for a lease, and 2) the real property to be leased is on the NPL. In these cases, DOE must request the concurrence of the EPA Regional Administrator for the proposed lease. DOE may lease if EPA concurs within 60 days or EPA fails to respond to DOE's concurrence request after 60 days. The Joint DOE/EPA Interim Policy Statement on Leasing Under the Hall Amendment (1998) governs these leases.
- *Made a CERCLA 120(h)(4) uncontaminated parcel determination:* Under the CERFA amendment to CERCLA section 120(h)(4), the federal department or agency must designate, and EPA is required to concur, on property that is a part of a facility listed on the NPL that is uncontaminated. For property not closed or realigned pursuant to a base closure law, the identification and concurrence is required to be made at least six months before the termination of operations on the facility.

EXHIBIT IX.6. NON-BRAC PROPERTY ACTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Finding of Suitability to Transfer (FOST) FF Finding of Suitability to Early Transfer (FOSET) FF Finding of Suitability to Lease (FOSL)	EPA In-House	**Start:** EPA receives a written request submitted by the other federal agency for EPA concurrence on suitability to transfer, including early transfers, or lease; or EPA receives a clean parcel determination for concurrence as required by CERFA; or EPA receives a written request for EPA concurrence that a 120(h)(3) remedy is operating properly and successfully. **Finish:** Letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the transfer or leasing document(s) is signed by the appropriate regional official; or 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) is signed by the appropriate regional official; or Letter concurring on a clean parcel identified

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		under CERFA is signed by the appropriate regional official.

Special Planning/Reporting Requirements:
In addition to entering the finish date, regions must also enter the acreage covered by the property action. Acreage information can be entered through the FOST or FOSL screens in SEMS.

c. Federal Facility Agreement (FFA)/Interagency Agreement (IA)

FFAs/IAs are legal agreements between federal agencies responsible for cleanup, EPA, and the states. A state elects whether to participate in FFA/IA negotiations. FFA/IAs set forth detailed requirements for performance of site response activities as well as penalties for non-compliance with the FFA/IA. The FFA/IA requirement is set forth in section 120(e) of CERCLA. Such agreements are required at NPL facilities no later than six months after the first ROD is signed at the facility.

When significant and timely progress is not being made to resolve a disagreement, the FFA Parties should make it known that the disagreement has risen to the level of an informal dispute. In accordance with the FFAs, before formal dispute is invoked, it is expected that the Parties will have engaged in a meaningful informal dispute resolution process. To conduct a meaningful informal dispute resolution process, the dispute should be defined, and all Parties should use best efforts, along with consistent and frequent communication, to resolve issues at the lowest level possible. If a Party would find it helpful, it may wish to develop a written statement articulating the issue(s) the Party believes are in dispute. Consultation with Agency legal counsel and notification to the appropriate FFRRO Regional Coordinator should be conducted.

EXHIBIT IX.7. FFA/IA REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FFA/IA Negotiation	EPA In-House	**Start:** Notice letter is sent by EPA to the Federal Facility. **Finish:** FFA/IA is signed by the federal agency, EPA, and/or state.

Special Planning/Reporting Requirements:
This is an internal program measure. Regions do not receive credit for FFA/IA completion when the FFA/IA is elevated to HQ for dispute resolution.

d. Federal Facility Dispute Resolution

When the federal agency, state, and/or EPA make an effort to formally resolve a FFA/IA dispute after the FFA/IA is signed.

EXHIBIT IX.8. FEDERAL FACILITY DISPUTE RESOLUTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Alternative Dispute Resolution	EPA In-House	**Start:** Letter from any Party of the FFA/IA to the other Parties notifying them as to the issue in dispute. **Finish:** Document resolving the issue is signed by the appropriate regional official (e.g., letter of agreement, agreement document).

Special Planning/Reporting Requirements:
This is an internal program measure.

e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI)

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. A RFI is a RCRA investigation designed to evaluate thoroughly the nature and extent of the release of hazardous wastes and hazardous constituents and to gather necessary data to support the Corrective Measure Study (CMS) and/or ISM.

EXHIBIT IX.9. RI/FS OR RCRA FACILITY INVESTIGATION (RFI) REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF RI/FS FF RI RCRA Facility Investigation	FF	If there has been no Previous RI/FS or RFI work or RI/FS or RFI work started prior to the FFA/IA effective date and there has been substantial EPA or state involvement (EPA or the state has reviewed and commented, approved/concurred, or accepted the work plan) **Start:** RI/FS or RFI draft work plan received by EPA or state If RI/FS or RFI work starts prior to the FFA/IA effective date and there has been limited EPA or state involvement: **Start:** FFA/IA signed by EPA or the state and the other agency **Finish:** Decision document signed by appropriate regional official

Special Planning/Reporting Requirements:
This is an internal program target and measure.

f. Decision Documents

Upon completion of a Federal Facility RI/FS, CMS, or Engineering Evaluation/Cost Analysis (EE/CA), the federal agency selects a remedy that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response to Comments, Action Memo, Removal Action Decision Document, ROD Amendment or Explanation of Significant Differences [ESD]). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy.

EXHIBIT IX.10. DECISION DOCUMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Record of Decision, RCRA Statement of Basis/Response to Comments, Removal Action Decision – Approve EE/CA/Action Memorandum, FF GOVT Remedy Decision Change	FF	**Start/Finish:** Decision document signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IA or other enforceable decision document, or the date of EPA's letter of concurrence.

Special Planning/Reporting Requirements:
This is an internal program target and measure. One ROD document equals one ROD target completion, even if the ROD covers multiple OUs. HQ's ROD data entry contractors will enter in the associated remedy selection information.

The regions should not enter a RD or a RA following a 'No Action ROD'. For RODs which choose limited actions (e.g., institutional controls), the regions should not enter a RD for these RODs. However, the regions should enter a RA on the project schedule with the Critical Indicator of 'Limited Action'.

The regions should ensure that RODs, ESDs, ROD Amendments, EE/CA, action memos, Removal Action Decision Documents and RCRA equivalent documents are uploaded into the SEMS Document Management system.

g. Final Remedy Selected

This measure will track the Final Remedy Selected at NPL Sites. A Final Remedy Selected occurs when a final decision has taken place at a site (i.e. the final remedy has been selected at the last OU of a site). This can include the signature of the Final ROD, ROD Amendment or Removal Action at a site. In general, an ESD will not constitute a Final Remedy Selected since ESDs document a non-fundamental change to a remedy. Also, a partial deletion from the NPL does not constitute a Final Remedy Selected since it does not constitute a final decision for the entire site.

EXHIBIT IX.11. FINAL REMEDY SELECTED REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Record of Decision, RCRA Statement of Basis/Response to Comments, Removal Action Decision – Approve EE/CA/Action Memorandum, FF GOVT Remedy Decision Change (ROD Amendment Only)	FF	**Start/Finish:** Decision document signed by the Regional Administrator or delegate when no planned ROD, ROD Amendment, Removal Action Memorandum, RI/FS, or EE/CA exist at the site.
Preliminary Close-Out Report	EPA In-House	**Start/Finish:** Site is Construction Complete with Preliminary Close-Out report signed by EPA, and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned and no previous ROD, ROD Amendment, or Action Memorandum exists that constitutes the final decision.
Final Close-Out Report	EPA In-House	**Start/Finish:** Site is Construction Complete with Final Close-Out report signed by EPA, and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned.
Final Deletion from NPL	EPA In-House	**Start/Finish:** Notice of Deletion is published in the Federal Register and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned and there is no Preliminary Close-Out Report (PCOR) and no previous ROD, ROD Amendment or Action Memorandum that constitutes the final decision.

Special Planning/Reporting Requirements:
This is an internal program target and measure. To receive Final Remedy Decision credit when a site is Construction Complete, the site must have the Construction Completion indicator in SEMS (entered by HQ) and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned at the site. The Final Remedy qualifier must be selected for the activity that represents the final remedy.

h. Remedy Decision Changes

A ROD Amendment documents fundamental changes to the remedy selected in the ROD. Fundamental changes involve an appreciable change or changes in the scope, performance, and/or cost or may be a number of significant changes that together have the effect of a fundamental change. HQ's ROD data entry contractors will enter in the associated remedy selection information.

An ESD documents significant changes to a ROD. Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. HQ's ROD data entry contractors will enter in the associated remedy selection information.

EXHIBIT IX.12. REMEDY DECISION CHANGE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
ROD Amendment	FF	**Start/Finish:** ROD Amendment signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the cleanup decision document pursuant to FFA/IA or other enforceable decision document, or the date of EPA's letter of concurrence
Explanation of Significant Differences	FF	**Start/Finish:** ESD signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the cleanup decision document pursuant to FFA/IA or other enforceable decision document, or the date of EPA's letter of concurrence

Special Planning/Reporting Requirements:
ROD Amendments and ESDs count towards the program target for Decision Documents.

i. Remedial Design (RD) or RCRA Corrective Measure Design (CMD)

The RD is a CERCLA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the RA selected in the ROD. The RD may include, but is not limited to, drawings, specification documentation, and statement of biddability and constructability. The CMD is a RCRA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the CMD selected in the RCRA Corrective Measure decision document. The CMD may include, but is not limited to, drawings, specification documentation, and statement of biddability and constructability. A RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

EXHIBIT IX.13. RD OR RCRA CMD REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Remedial Design/RCRA Corrective Action Design	FF	**Start:** ***Post ROD -*** RD or CMD work plan or other appropriate documents or statement of work submitted ***Pre-ROD -*** ROD signed by the Regional Administrator or delegate or RD or CMD work plan or other major deliverable submitted **Finish:** Letter approving the entire final RD or CMD package is signed or Commerce Business Daily (CBD) or other appropriate publication requesting bids on the final RD or CMD package is published.

Special Planning/Reporting Requirements:
This is an internal program measure.

j. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI)

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. A RA or CMI is complete when construction activities are complete, a final inspection has been conducted, and an RA Report or appropriate CMI reporting vehicle has been prepared and approved by EPA in writing. This report summarizes site conditions and construction activities. Note: This date may be later than 12 0(h)(3) BRAC requirements for base closure.

EXHIBIT IX.14. RA OR RCRA CMI REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF RA/RCRA Corrective Action Construction	FF	**Start:** Memo or letter to EPA documenting the date on which substantial, continuous, physical, on site, remedial actions began **Finish:** RA Report approved in writing by Branch Chief or delegate or CMI Reporting vehicle documenting the completion of construction activities signed by the Branch Chief or delegate

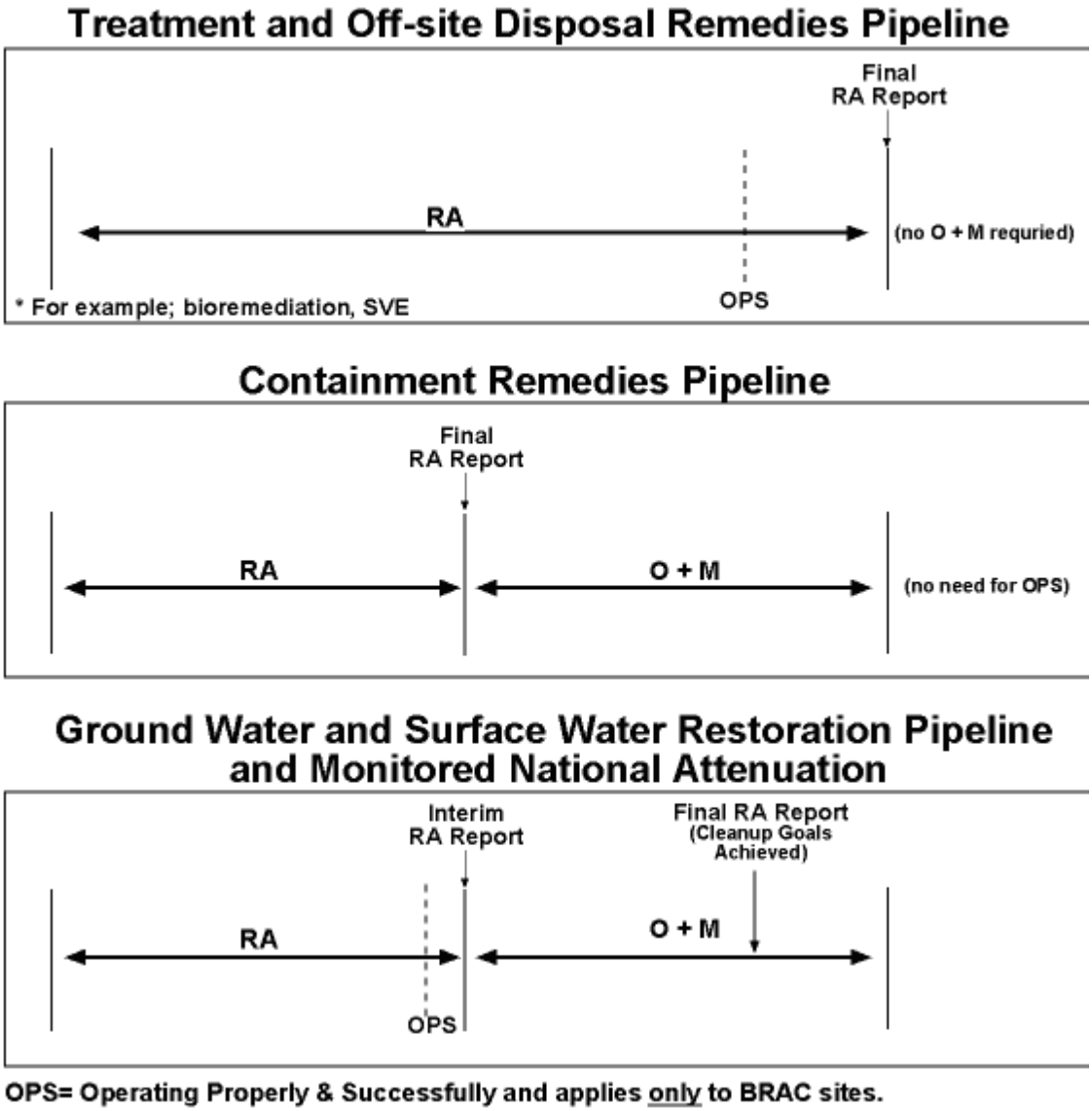
Special Planning/Reporting Requirements:

RA or CMI Starts is an internal program target and measure. RA or CMI completions is a program target. RA or CMI completions are reported site specifically in SEMS. In lieu of a report from the contractor's construction manager, the region must prepare a report to document the completion. The approval can be provided with an appropriate signature on the RA Report cover sheet or by letter to the originator of the RA Report.

'Remedial Action Project Completions' is a key program measure with an annual target. The measure includes Fund, Potentially Responsible Party (PRP) (including Special Account-funded) and Federal Facility RA completions at final and deleted NPL sites. The measure augments the sitewide Construction Completion measure and reflects the large amount of work being done at Superfund sites. Reporting on the measure provides valuable information to communities by demonstrating incremental progress in reducing risk to human health and the environment at sites.

Examples of Remedial Action completions and criteria for EPA approval of an RA Report may be found in chapter 2 of the *Close Out Procedures for National Priority List Sites, OSWER 9320.2-22, May 2011*.

EXHIBIT IX.15. REMEDIAL PIPELINE FLOW CHARTS



k. Removal or RCRA Interim/Stabilization Measure (ISM)

Removal actions are defined as the cleanup or removal of released hazardous substances from the environment, and the necessary actions taken in the event of the threat of release of hazardous substances into the environment. ISMs are defined as RCRA removal actions that are intended to abate threats to human health and the environment from releases and/or to prevent or minimize the further spread of contamination while long term remedies are pursued. Regions need to report removal actions conducted in response to emergency, time critical (TC), and non-time critical (NTC) situations at BRAC, non NPL or NPL sites. Under the DERP, DoD is required to notify EPA of its removal actions. Long term O&M should not be conducted under the removal.

EXHIBIT IX.16. REMOVAL OR RCRA ISM REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Removal RCRA Interim/Stabilization Measure	FF	**Start:** Federal agency begins actual on-site removal work, or Action Memorandum signed by the appropriate regional official, or the lead federal agency provides notice to EPA, or other decision document signed/approved by the appropriate regional official **Finish:** Federal agency notifies EPA of demobilized, completing the scope of work delineated in the Action Memorandum or other decision document

Special Planning/Reporting Requirements:
This is an internal program measure.

l. Operation and Maintenance (O&M)

O&M are the activities required to maintain the effectiveness or integrity of the remedy including institutional controls. Except in the case of groundwater or surface restoration remedies, including monitored natural attenuation, O&M measures are initiated after cleanup goals are achieved and the remedy is operating as intended. In the case of groundwater or surface water restoration remedies, including monitored natural attenuation, O&M measures are initiated when the remedy is operating as intended.

EXHIBIT IX.17. OPERATION AND MAINTENANCE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Operations and Maintenance	FF	**Start:** Remedial Action Report is approved in writing by designated EPA regional official (Branch Chief or above, as determined by the EPA region) **Finish:** Where appropriate, the completion of O&M is defined as the date specified in the FFA/IA.

Special Planning/Reporting Requirements:
O&M Start is an internal program measure.

m. Cleanup Goals Achieved

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

EXHIBIT IX.18. CLEANUP GOALS ACHIEVED REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Cleanup Goals Achieved	FF	**Start/Finish:** Valid monitoring data demonstrating restoration goals have been achieved are documented in the O&M Report

Special Planning/Reporting Requirements:
This activity may be tracked by HQ for program management purposes, but it is not a program target or measure. Regions should ensure that O&M Reports and any other Remedial Action Completion Reports that support the activity/milestone are uploaded into the SEMS Document Management System.

n. Percent Construction Completion

The percent construction complete measure is based on the average of three specific factors at each Federal Facility NPL site: 1) OU percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete (see definitions below). To reflect progress at each site, HQ will calculate the percentage complete for each of the three factors and determine the average of the factors combined. This combined average will reflect the percent construction complete at each site. HQ will then calculate the national average of all site-specific percentages. EPA's yearly target will be the net increase in the national % CC for NPL FF sites. The table below outlines the method of calculating each of the three specific factors that make up the percent construction complete measure.

EXHIBIT IX.19. PERCENT CONSTRUCTION COMPLETE CALCULATIONS

OU percent complete	**Numerator**: Count of operable units designated as OU CC (including OUs with no actions).
	Denominator: Count of all operable units (including OUs with no actions).
Total actions percent complete	**Numerator**: Count of completed RI/FS, Decision Documents, Action Memos, ROD Amendments, Remedial Designs, Remedial Actions, and Removals with FF lead.
	Denominator: Count of all RI/FS, Decision Documents, Action Memos, ROD Amendments, Remedial Designs, Remedial Actions, and Removals with FF lead.
Duration of actions percent complete	**Numerator**: Duration of completed actions plus duration from start date to current date for ongoing actions for RI/FS, Remedial Designs, Remedial Actions, and Removals with FF lead.
	Denominator: Duration of all actions (planned, actual, ongoing) for RI/FS, Remedial Designs, Remedial Actions, and Removals with FF lead.

Special Planning/Reporting Requirements:
EPA will verify and release certified data after the end of each fiscal year.

o. Federal Facility Five Year Reviews

A Five Year Review is a review of remedial action(s) selected under CERCLA section 121(c) that leaves waste in place above levels that allow for unlimited use and unrestricted exposure. The purpose of the Five Year Review is to determine whether the remedy at a site is/remains protective of human health and the environment and to evaluate the implementation and performance of the selected remedy. EPA conducts statutory reviews of any site at which a post-SARA remedy, upon attainment of cleanup levels specified in the ROD, will not allow for unlimited use and unrestricted exposure (UU/UE). Where remedial actions are either still under construction or completed, a Five Year Review determines whether immediate threats have been addressed and whether EPA continues to expect the remedy to be protective when all remedial actions are complete. EPA conducts policy reviews at sites where remedial actions will attain cleanup levels that upon completion will allow for UU/UE but will take longer than five years to complete, at sites with pre-SARA remedies at which cleanup levels do not allow for UU/UE, and at NPL removal only sites where cleanup levels do not allow unlimited use and unrestricted exposure. Discretionary reviews may be conducted at the discretion of the lead agency.

Five Year Reviews should not be entered for FUDS and non-NPL Federal Facilities because they are not conducted under the purview of EPA's oversight. Additional information on requirements and procedures for conducting Five Year Reviews can be found in the *Comprehensive Five-Year Review Guidance, OSWER 9355.7-03B-P, June 2001*.

EXHIBIT IX.20. FEDERAL FACILITY FIVE YEAR REVIEW REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
FF Five Year Review	FF	**Start:** Five-year review work plan submitted by the other federal agency is approved by EPA or Federal Facility starts the review or submits the draft document for review, as outlined in the ROD or IA **Finish:** The finished date is the date that the designated Regional official signs the final report submitted by the federal agency or the concurrence letter or issues an independent assessment of the protectiveness of the remedy before or on the statutory due date.
FF Five Year Review Addendum	FF	**Start:** Five-year review Addendum work plan submitted by the other federal agency is approved by EPA **Finish:** Five-year review addendum, stating a new protectiveness determination of all remedies that have deferred protectiveness determinations is signed by the designated regional official

Statutory: The 1st FF FYR planned finish date should be scheduled for five years after the Federal Facility RA activity planned start date. All subsequent FF FYRs are scheduled for five years after the planned finish date of the previous FYR.

Policy: The 1st FF FYR planned finish date should be scheduled for five years after the date the site achieved Construction Completion. All subsequent FF FYRs are scheduled for five years after the planned finish date of the previous FYR.

Discretionary: The Five Year Review planned finish date is based on the date set by the user at the time of entry of Five Year Review type.

Special Planning/Reporting Requirements:
Five-year Review completion is an internal program target and measure. Five-year review completions must be planned and reported site-specifically in SEMS. There are multiple triggers for five-year reviews. Please reference program guidance available at the Superfund Five Year Reviews website at: https://www.epa.gov/superfund/superfund-five-year-reviews as well as the Five-Year Reviews of Federal Facility Cleanups website at: https://www.epa.gov/fedfac/five-year-review-federal-facility-cleanups to select the appropriate method for calculating the Five-Year Review date.

Situations do occur where multiple NPL sites are covered under a single five-year review report. In these situations the date of the report will be used to signify the completion of the five-year review for each of the NPL sites.

The following information is captured in the SEMS Five Year Review data entry forms:

- The type of Five Year Review (e.g., statutory, policy or discretionary)
- The ability to modify the Five Year Review type on a planned review only if changing from a discretionary review to a policy or statutory review or changing from a policy review to a statutory review;
- The ability to associate issues/recommendations with a specific OU;
- The ability to enter/track more than one Five Year Review with multiple OUs for each site;
- A Missing Accomplishment Data tab informs the user of all missing information; and
- The ability to update milestone dates and track the current status of implementation for Five Year Review Issues and Recommendations.

In order to receive credit for a Federal Facility Five Year Review completion the region must enter the following data into SEMS:

- applicable OUs
- associated issue for each OU (if there is no issue, enter the relevant OU(s) with the 'No Issue' category)
- recommendations or follow-up actions (a party responsible, oversight agency, and milestone date must be identified for each recommendation or follow-up action)
- protectiveness determination for each 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:

- site protectiveness determination
- sitewide protectiveness statement as it appears in the Five Year Review

In order to receive credit for the FYR Addendum completion, the user must enter the following information:

- The new protectiveness determination for those OUs that were deferred;
- Protectiveness statement as it appears in the parent Five Year Review; and
- If new issues/recommendations are referenced in the Five Year Review Addendum, enter them into the Five Year Review screens through the FYR parent action for the addendum.

All Sites must have the following information:

- If future Five Year Reviews are not necessary at the site, indicate that this is the final Five Year Review at the site by selecting the 'no' radio button under the heading asking whether future FYRs are necessary. The user should also enter a description of the reason why future reviews are not needed. If future FYRs are necessary, select the 'yes' radio button.

  In response to several Office of Inspector General (OIG) audit reports, *Five-Year Review Program Priorities, OSWER 9200.2-60, May 2007* states that in order to improve the quality and consistency of five-year review reports, Headquarters has asked that all draft five-year review reports be sent to Headquarters for review. Headquarters should be given two weeks for document review.

  If the Region issues an independent finding of the protectiveness of the remedy before or on the statutory due date, the RPM should send a draft copy of the letter to HQ for review. HQ will review the letter and provide comments within 48 hours. In addition, if the Region issues an independent finding of "not protective", the Region should consult with Headquarters before finalizing the determination.

  The Federal Workgroup on Five-Year Reviews has developed community tools for site managers to help educate and communicate to stakeholders on the five year review process. Site managers are encouraged to use these tools which can be found on the Five-Year Review of Federal Facility Cleanups website at: https://www.epa.gov/fedfac/five-year-review-federal-facility-cleanups.

  Regions should ensure that Five Year Reviews and Addendums are uploaded into the SEMS Document Management System.

IX.B.5 Community Involvement Definitions

The following section contains Community Involvement requirements for Federal Facilities. Community Involvement requirements for non-Federal Facility sites are included in chapter XI.

a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)

SSABs are a forum for concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. RABs provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program. RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

EXHIBIT IX.21. RAB/SSAB REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Restoration Advisory Board (RAB)/Site-Specific Advisory Board(SSAB FF CI)	FF	**Start:** Initial RAB/SSAB information meeting establishing the Board **Finish:** RAB is adjourned by DoD or SSAB is terminated by the Secretary of Energy

Special Planning/Reporting Requirements:
This is an internal program measure.

b. Technical Assistance Grants (TAGs)

SARA established the Technical Assistance Grant (TAG) program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision making process at their sites.

EXHIBIT IX.22. TECHNICAL ASSISTANCE GRANT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Technical Assistance Grant	EPA In-House	**Start:** Award document signed by the regional award official **Finish:** Award document, one-year extension document, time period extension document, or other documents, such as a memo to the file prepared by the TAG coordinator documenting the ending date of the budget and project period.

Special Planning/Reporting Requirements:
TAG is an internal program measure. Planned start and finish dates are required in SEMS. The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical activities, including data prior to FY 89, which is the first fiscal year TAG appeared in the Superfund Program Implementation Manual (SPIM). In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years.

Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

IX.B.6 Cleanup Privatization at BRAC NPL Sites

At DoD BRAC sites, EPA recognizes that the privatization of the cleanup, where a developer or other organization rather than the military conducts the cleanup using funds provided by DoD, can present an opportunity to integrate redevelopment planning with cleanup. Such privatized cleanups provides another option to federal and state agencies and local communities to help maximize the impact of cleanup and redevelopment resources to help move properties back into productive reuse more quickly.

Privatization is an early transfer of property. In order to conduct an early transfer of property, DoD must request a deferral of the covenant required by CERCLA section 120(h)(3)(A)(ii)(I) ensuring that all remedial action necessary has been completed prior to transfer by the federal government. For NPL installations, EPA and the Governor of the state must approve such requests.

Regions should follow EPA Guidance on the Transfer of Federal Property by Deed Before All Necessary Remedial Action Has Been Taken Pursuant to CERCLA section (120(h)(3) (Early Transfer Guidance) (June 1998) (https://www.epa.gov/fedfac/epa-guidance-transfer-federal-property-deed-all-necessary-remedial-action-has-been-taken) when reviewing covenant deferral requests from other federal agencies. Where institutional controls are or will be required as part of the early transfer, regions should also consult the *Institutional Controls and Transfer of Real Property under CERCLA section 120(h)(3)(A), (B) or (C)* guidance. DoD often transmits the information used by EPA to review and approve an early transfer through a FOSET. EPA's guidance discusses the requirements found in CERCLA 120(h)(3)(C) and how they are related to EPA approval of the FOSET and deferral of the covenant.

EXHIBIT IX.23. CLEANUP PRIVATIZATION AT BRAC NPL SITES REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Removal Action Decision – Approve EE/CA/Action Memorandum	FF	**Start/Finish:** Action Memo signed by designated regional official
FF Removal	FF	**Start:** Pollution Report documenting that Private Party and their contractor mobilized at the site to perform the removal action. (Critical Indicator = TC or NTC). **Finish:** Final Pollution Report documenting that Private Party and their contractor have completed actions specified in the action memo and have demobilized from the site.
FF Engineering Evaluation/Cost Analysis	FF	**Start:** EE/CA Approval Memo approved by EPA. **Finish:** EE/CA Action Memo approved by EPA.
FF RI FF RI/FS	FF	**Start:** RI or RI/FS draft work plan received from Private Party.

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
		Finish: Record of Decision signed by designated regional official
Public Comment Period	EPA In-House	**Start/Finish:** Letter transmitting RI/FS reports and the proposed plan to the site repository for public review, signed by the appropriate regional official or first page of the approved proposed plan is included in the site file.
Record of Decision	FF	**Start/Finish:** Record of Decision signed by designated regional official
FF RD	FF	**Start:** RD draft work plan received from Private Party. **Finish:** RD Report approved by EPA.
FF RA	FF	**Start:** RA draft work plan received from Private Party. **Finish:** RA Report approved by EPA.

Superfund Program Implementation Manual

FY 19

Chapter X: Enforcement

CHAPTER X: Enforcement

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CHAPTER X: ENFORCEMENT

X.A ENFORCEMENT

X.A.1 Promoting the Superfund Enforcement Program

The Superfund enforcement program Government Performance and Results Act (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 Potentially Responsible Party (PRP) participation, addressing past costs, reducing transaction costs, entering into fair settlements, and eliminating barriers to redevelopment. The major areas of emphasis for the Superfund enforcement program include the following:

- Maximizing PRP Involvement/Enforcement First: Maximizing PRP participation is critical to achieve the greatest possible number of cleanups, and to conserve Trust Fund resources. Key areas of emphasis are early initiation of PRP searches, completing negotiations in a timely manner, and maximizing PRP-lead cleanup activities. The Environmental Protection Agency (EPA) will continue to seek to maximize PRP participation at Superfund sites including National Priorities List (NPL) and Superfund Alternative Approach (SAA) sites. As a result of the enforcement first strategy, PRPs have undertaken the majority of new cleanup actions over the past years, leveraging Fund resources to maximize total cleanups.
- Addressing Past Costs: Each year, address all unaddressed costs at Superfund sites prior to the Statute of Limitations (SOL) via settlements, referrals to the Department of Justice (DOJ), filing a claim in a bankruptcy proceeding, or where appropriate write-off.
- Completing Clean-up Negotiations in a Timely Manner: Remedial Design/Remedial Action (RD/RA) negotiations should be completed within 120 days of the issuance of Special Notice Letters (SNLs). SNLs should be issued within 90 days after the signature of the Record of Decision (ROD).
- Eliminating Barriers to Redevelopment: Under the Brownfields Amendment, parties who qualify as prospective purchasers (BFPPs) should no longer need agreements with the federal government to purchase contaminated property. EPA recognizes that, in certain instances, the public interest will be served by entering into agreements with BFPPs who will perform work exceeding reasonable steps at a site of federal interest.
- Providing PRP Oversight: EPA will continue to focus on efforts to engage in dialogue with PRPs that have settlements with EPA to promote oversight that ensures the development and implementation of protective cleanups; gives careful consideration to the associated costs being charged to PRPs; and maximizes EPA recovery of oversight. EPA will continue to offer to discuss EPA's oversight expectations for upcoming activities with settling PRPs who conduct non-time critical removals, Remedial Investigations/Feasibility Studies (RI/FS), Remedial Designs (RD), or Remedial Actions (RA) and issue oversight bills that include appropriate cost documentation.
- Providing for Responsible Fiscal Management: EPA will place a high priority on sound fiscal management by managing and collecting Superfund accounts receivable. To accomplish this, program focus will be on:
  - Maximizing site-specific charging (intramural and extramural);

  - Maintaining prompt, current and accurate oversight billing;
  - Maximizing collections of monies due the Trust Fund; and
  - Resolving outstanding collection disputes.
- Ensuring Compliance with Settlements/Orders: EPA will continue to monitor compliance of PRP performance with active CERCLA enforcement instruments that include work obligations, and address substantial noncompliance in a timely manner.
- Securing Cleanup Commitments through Financial Assurance: EPA will continue to monitor financial assurance requirements for active CERCLA enforcement instruments that include work obligations to ensure responsible parties have the resources to complete the cleanup work.
- Using Special Accounts for Site Cleanup: EPA will continue to emphasize the use of Special Accounts for site cleanup. This includes finalizing settlements that provide for deposits to and disbursements from Special Accounts, approving actual deposits and disbursements, reclassifying Special Account funds, where appropriate, and closing out such accounts in a timely manner, thus freeing up such funds for future use at other sites, through the general appropriation process.
- Issuing Unilateral Administrative Orders (UAOs) Equitably: EPA will issue UAOs to the maximum manageable number of PRPs wherever there is sufficient basis to include them. Issuance of these UAOs will compel those PRPs to participate in, and share the cost of, the specific response actions. The participation of these PRPs, even if only through a financial contribution, will reduce the portion of the cleanup cost that is borne by PRPs who have settled with EPA.

X.A.2 Overview of Enforcement Program Targets and Measures

The following pages contain the definitions of enforcement program targets and measures. Exhibit X.1 displays the reporting hierarchy of enforcement activities defined in this chapter.

EXHIBIT X.1. ENFORCEMENT PROGRAM PERFORMANCE MEASURES

Activity	External Program Reporting	Internal Program Reporting
PRP Search Starts		Measure
PRP Search Completions		Measure
Preliminary PRP Search Completions		Measure
Section 104(e) Referrals and Orders Issued		Measure
Submittal of Pre-Referral Negotiation (PRN) package to DOJ for RD/RA Negotiations		Measure
Issuance of General Notice Letters (GNLs)		Measure
Issuance of Special Notice Letters (SNLs)		Measure
Negotiation Starts: Expanded Site Inspection (ESI)/RI/FS; RD/RA; Removal; Cost Recovery; and Generic		Measure
Completion or Termination of Negotiations: (ESI/RI/FS; RD/RA, Removals, Cost Recovery, and Other)		Measure
Ability to Pay Party Insurance Negotiations		Measure

Activity	External Program Reporting	Internal Program Reporting
Total Response Commitments (Including Dollar Value)	Performance and Accountability Report (PAR)	Measure
The number of responsible party and other party commitments to perform or pay for cleanup and/or reuse of contaminated sites.	Strategic Plan PAR	Target
Active Response Enforcement Instruments in Substantial Noncompliance (SNC)		Measure
Cleanup Commitments Secured through Financial Assurance for Active Response Enforcement Instruments		Measure
De Minimis Settlements and Number of Parties		Measure
Section 106, 106/107, 107 Case Resolution		Measure
Issuance of Demand Letter		Measure
Past Costs Addressed Via Settlements, Referrals, Filing a Claim in Bankruptcy Proceedings, or where appropriate Write-Off		Measure
Total Cost Recovery Settlements (Including Dollar Value)	PAR	Measure
Total Value of PRP Oversight **	PAR	Measure
Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations		Measure
Bona Fide Prospective Purchaser Agreements (BFPP), Prospective Purchaser Agreements (PPAs) and Prospective Lessee Agreements (PLAs)		Measure
Issuance of Comfort/Status Letters		Measure
Contiguous Property Owners (CPOs)		Measure
Windfall Lien Resolution – Finalized		Measure
PRP Oversight Administration		Measure
Settlements Designating Funds for Deposit to Special Accounts		Measure
Settlements Designating Funds for Disbursement from Special Accounts to PRPs		Measure
Pre-Remedial Enforcement Action at Superfund Sites		Measure
Site Revitalization		Measure

Key to Reporting Hierarchy
Strategic Plan = National target is publicly reported in Agency fiscal year (FY) 18 – FY22 Strategic Plan.
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, but target not required.

* Measure reported in Compass

X.A.3 Superfund Alternative Approach (SAA) Sites

When a liable PRP demonstrates it is viable and cooperative, EPA regional offices, at their discretion, may enter into a SAA agreement with the PRP to facilitate the cleanup of a site. The SAA uses the same investigation and cleanup process and standards that are used for sites listed

on the NPL. The SAA is generally the Agency's preferred enforcement approach for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) non-NPL sites that are NPL-caliber, where feasible and appropriate.

Threshold eligibility criteria for using the SAA are:

- Site contaminants are significant enough that the site would be eligible for listing on the NPL (i.e., the site would have a Hazard Ranking System [HRS] ≥ 28.5);
- A long-term response (i.e., a RA) is anticipated at the site; and
- There is a willing, capable PRP who will negotiate and sign an agreement with EPA to perform the investigation or cleanup.

EPA determines if the SAA is appropriate at a particular site. (A PRP may request that a site be evaluated for the SAA.) If a site meets criteria 1 and 2 above, EPA and the PRP may choose to negotiate an SAA agreement. The SAA agreement is equivalent to an agreement negotiated at an NPL site.

Potentially responsible parties, or a subset of PRPs, may choose not to negotiate an SAA agreement. In that case, the site would proceed to cleanup on a different path.

The following transparency and accountability requirements apply to sites using the SAA:

- Prior to starting negotiations for a SAA agreement, the regions should bring the site to the NPL listing panel for discussion regarding site characteristics (including adequate documentation supporting a HRS score of > 28.5) and planned use of the SAA. This is the same panel that reviews sites that the regions propose to list on the NPL. Adequate HRS documentation consists of a full HRS package prepared by the region. The HRS package does not have to go through the EPA Headquarters quality assurance process.
- The regions should notify the public of its intent to use CERCLA authority at the site.
- The regions should use the Superfund Enterprise Management System (SEMS) to track the same progress milestones for sites with SAA agreements as those that are tracked for PRP-lead sites listed on the NPL.
- Final SAA agreements will be reviewed at EPA Headquarters and catalogued on EPA's SAA website so that all interested parties can know what sites have a SAA agreement.
- The regions will develop and maintain on the internet the same site-specific fact sheets that are developed for sites listed on the NPL.
- EPA will report annually on progress at sites using the SAA.
- EPA will maintain and update the SAA website as a source of public information on the approach. The SAA website includes a list of sites with SAA agreements, links to their site-specific fact sheets, and links to related information.

SEMS includes a special interest code of 'Site with SA Agreement per the Office of Enforcement and Compliance Assurance (OECA) Policy' to track and report accomplishments at sites using the SAA. Regions are responsible for ensuring the code comports with the list of sites posted on the SAA website. For historical reporting purposes, this code should remain in place once properly added to SEMS. The code should not be deleted regardless of the outcome of the SAA unless it was originally added due to a data entry error.

Additionally, there can be multiple enforcement agreements at a site including sites where an SAA agreement has been negotiated. Therefore, regions should select 'Superfund Alternative Approach Agreement per OECA' from the Enforcement Instrument Categories list on the Enforcement Screen in SEMS to indicate the specific agreement(s) that are the SAA agreement(s) at the site.

EPA's Office of Enforcement and Compliance Assurance is responsible for reviewing final SAA agreements and maintaining the SAA website. The SAA website includes SAA guidance and the latest list of sites with SAA agreements. The SAA website is located at: http://www.epa.gov/enforcement/superfund-alternative-approach.

X.A.4 Enforcement Program Performance Leads

SEMS captures two aspects of activities, the entity that performs the work itself (e.g. EPA, state, tribes, and PRPs) as well as the funding source for those activities. These aspects are captured by a combination of the activity name, performance lead code, and the financial lead codes, respectively. For example, EPA uses Government RI to denote a RI performed by a government entity, though not a federal facility, which has its own activity and its own Performance lead code. The Performance lead code identifies whether EPA, a state, or a tribe is conducting the work. Similarly, a PRP RI is RI work performed by the PRP, and the Performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Separate financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed activity—Fund, Special Account, or Mixed Sources. Superfund financial management is addressed in chapter III of this document and Financial Lead codes are discussed in more detail in section IV.D of this document.

X.A.5 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

X.A.6 Releasability of Enforcement Planning Data

Enforcement site specific planning data/information is developed to assist headquarters and the Regions in open and frank discussions to determine the appropriate work and enforcement strategies for the site in any fiscal year. Such information reflects pre-decisional communication which the agency can withhold under Exemption 5: Deliberative Process Privilege of the Freedom of Information Act (FOIA). Such documents should be clearly marked "Deliberative Process - Not Releasable".

X.A.7 Enforcement Program Definitions

a. Potentially Responsible Party (PRP) Search Starts

A PRP search identifies PRPs at the site and establishes PRP liability, capability, and financial viability. At all sites, the PRP search activities should be initiated as soon as

possible after the region decides that a response (removal or remedial) action is likely to be required at the site. For sites where remedial actions will be conducted, the PRP search should be initiated in time to send an SNL (at least 90 days prior to the obligation of funds for an Expanded Site Inspection [ESI]/RI, RI/FS or RA). For sites where removal actions will be conducted, the PRP search should be initiated as soon as the need for the removal has been identified in order to give a verbal notice of potential liability or to issue a general notice letter.

b. PRP Search Completions

A PRP search completion constitutes the completion of the activities taken by the region to identify PRPs at a site. In conducting the PRP search, the region must consider which of the criteria outlined below are cost effective and reasonable to meet relative to the anticipated overall cleanup costs at the site. Upon completion, regions should document in the site file that they have met all reasonable achievable criteria. Criterion 1 is mandatory for all PRP search completions. The PRP search should ideally be completed prior to completion of cleanup negotiations; however, it is recognized that this may not be achievable in all situations.

The recommended criteria for a thorough PRP search are:

1. PRPs have been afforded opportunities to participate in or contribute to the PRP search, and the information contributed has been verified and/or authenticated and incorporated in the PRP search;
2. All relevant and material leads from CERCLA section 104(e) responses, interviews, and their primary or source documents have been pursued;
3. Sufficient information and evidence have been obtained to support the government's liability case or to determine that no viable PRPs exist or can be found;
4. PRPs have been categorized and financial and waste contribution information needed to perform orphan share calculations has been collected;
5. Ability to pay determinations (including but not limited to the investigation and analysis of any applicable insurance coverage) have been made for those PRPs who have asserted inability to pay in good faith; and
6. General notice letters have been issued to all PRPs being pursued.

c. Preliminary PRP Search Completion

A Preliminary PRP Search is the completion of certain activities taken to make an initial identification of PRPs at a site in order to determine if there are PRP(s) that are able to perform or finance all or a portion of the initial non-emergency CERCLA removal or remedial response action at a site. A Preliminary PRP search is required before the first Government lead activity can be started at a site.

The Preliminary PRP Search will be considered complete when the regions perform the PRP Search tasks steps outlined in section 1 or 2 below.

1. Regions have completed and properly documented PRP Search tasks A-E, below, as appropriate and practicable.

A. Site Location and Property Description
The region has, as thoroughly as possible, identified the site location (including one or more of the following: street address; parcel ID#; legal description from current deed of ownership; and/or tax map) as necessary to complete requirement 1.B. below.

B. Current and Past Site Ownership Identification/Notification
The region has, using the tools most appropriate for the site, conducted activities to identify current site owners as well as past site owners at the time of disposal of hazardous substances and where those site owner PRPs exist and can be located within a reasonable time, considering the exigencies of the situation, the region has provided verbal notice and/or issued General Notice Letters to those parties the region determines to be liable and capable of performing the initial response action at the site. In addition, as a part of this task, regions have obtained information necessary to secure site access in order to allow for performance of the initial non-emergency response action at the site.

C. *Site Operation Identification/Notification*
If the operator(s) of the site/facility that caused the release or threat of release of hazardous substances are different from the site/facility owner(s) at the time of disposal, the region has undertaken PRP Search activities necessary to identify site/facility operators and where those site operator PRPs exist and can be located within a reasonable time, considering the exigencies of the situation, the region has provided verbal notice and/or issued General Notice Letters to those parties the region determines to be liable and capable of performing the initial non- emergency response action at the site.

D. Site Owner/Operator Liability/Financial Viability Determination
For each party identified under A., B. or C. of this section, the region has determined, based on publicly available information whether: 1) the party may be liable under section 107(a) of CERCLA; and 2) the party may be financially capable of performing or paying for all, or a portion of, the initial non-emergency response action at the site.

E. Arranger/Transporter(A/T) Identification/Notification
The region has determined, based on readily available information such as site records, that either 1) no A/T PRPs appear to exist at the site or 2) there are A/T PRPs at the site, and the region has provided verbal notice and/or issued General Notice Letters to those A/T PRPs initially identified through such information who the region determines to be liable and capable of performing the initial non-emergency response action at the site and determined that, to the extent that A/T PRPs exist, additional PRP search efforts may be required.

OR

2. The region has completed all, or a portion of, the above PRP Search tasks and entered into a settlement with or issued orders to compel the identified PRPs to perform the initial non-emergency response action at the site.

EXHIBIT X.2. PRP SEARCH REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
PRP Search	EPA	**Start:** The signature date of the Contracting Officer or Contracting Office Representative on a work assignment or procurement request, or the date EPA develops the PRP search plan; or the date a spill identification number has been assigned to a site, or the date EPA initiates and documents search activities by some other means. **Finish:** Date all applicable activities described in the Agency's PRP Search Manual have been completed and documented in the site file that the region has met all reasonable achievable criteria for the PRP search and a PRP Search outcome report with a list of PRPs has been prepared. The finish date and outcome must be entered in SEMS. If no PRPs are found, the Qualifier of 'No PRPs Identified' must be entered in SEMS.
Preliminary PRP Search	EPA	**Start:** The signature date of the Contracting Officer or Contracting Office Representative on a work assignment or procurement request, or the date EPA develops the PRP search plan; or the date a spill identification number has been assigned to a site, or the date EPA initiates and documents search activities by some other means. **Finish:** The date regions have completed and documented in the site file PRP Search tasks A-E in section 1 above as appropriate and practicable, or the date the region has entered into a settlement with or issued orders to compel the identified PRPs to perform the initial non-emergency response action at the site.

d. Section 104(e) Referrals and Orders Issued

Section 104(e) referrals/orders are enforcement actions to compel PRPs to respond to EPA requests for information or to obtain site access.

EXHIBIT X.3. SECTION 104(E) REFERRALS AND ORDERS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Section 104(e) Referral Litigation	EPA	**Start:** Signature date of the memo from the Regional Administrator transmitting the referral to Headquarters (HQ) or DOJ **Finish:** The date a Section 104(e) UAO or Administrative Order on Consent (AOC) is signed by the Regional Administrator or delegate.

Special Planning/Reporting Requirements:

The Law/Section reported in SEMS should be CERCLA 104(e).

e. Submittal of Pre-Referral Negotiation (PRN) Package to DOJ for RD/RA Negotiations

A PRN package is a brief summary and analysis of the case and recommends a case management strategy. The PRN package should include a copy of the case Negotiation Plan and a draft CD and should be submitted to DOJ by 30 days after the ROD is signed.

EXHIBIT X.4. PRE-REFERRAL NEGOTIATION PACKAGE REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Pre-Referral Negotiation (PRN) Package	EPA	**Start/Finish**: Date PRN package is submitted to DOJ.

Special Planning/Reporting Requirements:
Pre-Referral Negotiation Packages are recorded as a milestone to RD/RA negotiations in SEMS.

f. Issuance of General Notice Letters (GNLs)

Letter sent by EPA under section 122 of CERCLA informing recipients of their potential liability for cleanup actions at the site. It is usually sent out during the PRP search or during preparation for negotiations.

EXHIBIT X.5. GENERAL NOTICE AND 104(E) INFORMATION REQUEST LETTER REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
General Notice Letters	EPA	**Start/Finish:** Signature date of General Notice Letter by appropriate EPA official

Special Planning/Reporting Requirements:
General Notice Letters are recorded as a milestone to PRP Search or Negotiations in SEMS.

g. Issuance of Special Notice Letters (SNLs)

An SNL is a letter under section 122(e) of CERCLA from EPA to a PRP informing the recipient of their potential liability and soliciting an offer to conduct the planned response action(s) at the site. The SNL triggers a moratorium on certain EPA actions allowing the PRP to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (ESI/RI/FS, RD, RA or Removal) and can be extended if necessary.

EXHIBIT X.6. SPECIAL NOTICE LETTER REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Special Notice Letters	EPA	**Start/Finish:** Signature date of Special Notice Letter by appropriate EPA official

Special Planning/Reporting Requirements:
The date of issuance of the SNL also constitutes the start of the applicable negotiation. SNLs are recorded as a milestone to PRP Search or Negotiation in SEMS.

h. Issuance of Demand Letter

A section 122(e) letter issued from EPA to the PRP requesting that the PRP reimburse the Fund for a specific amount associated with one or more response activities. Demand letters are typically sent for each separate response activity.

EXHIBIT X.7. DEMAND LETTER REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Demand Letters Issued	EPA	**Start/Finish:** The date the demand letter is signed by the appropriate EPA official

i. Negotiation Starts: Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS); Remedial Design/Remedial Action (RD/RA); Removal; Cost Recovery; and Generic

Negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the ESI/RI/FS, Removal Action or to implement the long-term remedy selected in the Record of Decision (ROD) for the site or operable unit.

EXHIBIT X.8. NEGOTIATION START REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be an NPL or SAA site		
RI/FS Negotiations, Removal Negotiations, Negotiations (Generic), or Cost Recovery Negotiations	EPA	**Start:** Signature date of first Special Notice Letter by appropriate EPA official. OR Signature date of the Waiver of Special Notice Letter by appropriate EPA official.

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
RD/RA Negotiations	EPA	**Start:** Signature date of the first Special Notice Letter by appropriate EPA official. OR Signature date of the Waiver of Special Notice Letter by appropriate EPA official with the intent to purse negotiations without moratorium procedures. OR For Subsequent RD/RA Negotiations the start date is the same as the finish date of an existing set of RD/RA Negotiations from which an interim settlement/order arose. OR For Concurrent RD/RA Negotiations the start date is 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.

Special Planning/Reporting Requirements:
Subsequent Negotiations occur when 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 SNL(s). A new RD/RA negotiation event should be established in SEMS.

Concurrent Negotiations occur when the next phase of negotiations begins before the completion of the current RD/RA negotiations and the region does not plan to issue new SNL(s). A new RD/RA negotiation event should be established in SEMS.

If the region does not plan to perform negotiations at a site, negotiation dates should not be entered in SEMS. The start of negotiations should be planned site specifically. To receive credit for negotiations, the 'Response Actions Sought' are to be entered into SEMS. In addition, the 'Response Actions Sought' must include one or more of the following actions: PRP RI/FS, RI/FS, FS, PRP FS, RI, PRP RI, ESI/RI, RD, RA, PRP RD or PRP RA. If a Site-Specific Exception Plan has been approved by Headquarters (HQ), the date the plan was approved should be entered in SEMS as a milestone to the negotiations. The start of the negotiation activity is the same as the finish date of the SNL or waiver of SNL.

j. Completion or Termination of Negotiations: (Expanded Site Inspection; Remedial Investigation/Feasibility Study [ESI/RI/FS]; Remedial Design/Remedial Action [RD/RA]; Removals; Cost Recovery; and Generic)

Cleanup negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the ESI/RI/FS or Removal, or implement the long-term remedy selected in the ROD for the site or Operable Unit (OU). Negotiations are complete when a decision has been made as to how the region will proceed with the cleanup.

EXHIBIT X.9. COMPLETION OR TERMINATION OF NEGOTIATIONS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
ESI/RI/FS Negotiations RD/RA Negotiations Removal Negotiations Cost Recovery Negotiations Negotiations (Generic)	EPA	**Finish:** Date a signed CD and a 10-point analysis for RD or RA, groundwater monitoring activities post-ROD, institutional controls or a time critical (TC) or non-time critical (NTC) removal is referred by the Regional Administrator to either DOJ or HQ. The finish date is the date of the signed transmittal memo, which is the CD start date. OR Signature date of the UAO by the Regional Administrator or delegate for RD or RA, groundwater monitoring activities post ROD, institutional controls, or a TC or NTC removal. UAO credit under Total Response Commitments however is given when notice of intent to comply is received. The date the UAO is signed is also the UAO finish date. OR Signature date of the AOC or Consent Agreement (CA) by the Regional Administrator or delegate for RD only, or groundwater monitoring activities post-ROD, or institutional controls. Where an AOC or CA for RD only is signed, no credit will be given for the subsequent RA negotiation start or finish. Credit will; however, be given under Total Response Commitments for the referral of a CD for RA only. The negotiation finish date is also the AOC or CA finish date. OR Signature date of the AOC or CA by the Regional Administrator or delegate for a TC or NTC removal. The negotiation finish date is also the AOC or CA finish date. OR If Special Notice Letters are issued specifically to initiate RD/RA negotiations and the negotiations result in an amendment to an existing enforcement instrument to include cleanup activities, or an existing enforcement instrument is amended to include cleanup actions the finish date is the date the amended enforcement instrument is signed. OR The date the AOC or CA that includes BFPP, CPO, PPA, PLA or windfall lien provisions is signed by the Regional Administrator or delegate. Credit is only given when the entire remedy is implemented. Enforcement Instrument Category = Prospective Purchaser Agreement, Bona Fide Prospective Purchaser Agreement, Contiguous Property Owner Agreement, Prospective Lessee Agreement, or

		Windfall Lien Resolution Agreement. The negotiation finish date is also the AOC or CA finish date. OR The date the 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 negotiations finish date is the date of the Regional Administrator's transmittal memo which is the litigation start date (Litigation [Generic], Section 106/107 Litigation or Section 106 Litigation). OR The date DOJ notifies EPA and the PRPs of the date on which they will proceed to trial under an existing case. OR Date funds are obligated through a contract modification or work assignment signed by the Contracting Officer, an Interagency Agreement (IA) is signed by the other federal agency, or a Cooperative Agreement is signed by the designated regional official for a Government financed TC or NTC removal, a RD at NPL or SAA sites or an RA at NPL sites. If funds are not available and the region decides a UAO is not appropriate, the negotiation finish date is the date of the written documentation of the region's decision not to issue a UAO.

Special Planning/Reporting Requirements:
The negotiation completion date is reported in SEMS as the finish date of either RD/RA Negotiations, Negotiations (Generic), ESI/RI/FS Negotiations, Removal Negotiations or Cost Recovery Negotiations. The 'Response Actions Sought' and the outcome of the negotiations (Other Outcome(s) Selected or Outcome Actions Selected) also must be reported in SEMS.

k. Ability to Pay (ATP) Party Insurance Negotiations (Generic Negotiations)

Ability to Pay Party Insurance negotiations are discussions between EPA and the insurer of an ATP party on the ATP party's liability, EPA's incurrence of response costs, and the availability of insurance resources to provide funding to address EPA's costs.

EXHIBIT X.10. ABILITY TO PAY (ATP) PARTY INSURANCE NEGOTIATIONS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Negotiations (Generic)	EPA	**Start:** Negotiations start upon EPA's submission of a claim to an insurance company. Such initial claims are usually letters to an insurance company detailing costs that have been, or will be, incurred by EPA and an offer to negotiate a resolution of the claim on behalf of the ATP party.

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
		Finish: Negotiations conclude either on the date the ATP party and its insurer execute a settlement agreement, or the date of written documentation of the region's decision not to pursue the specific insurer for costs attributable to the ATP party.

EPA makes the claim on behalf of the ATP party. The settlement is between the ATP party and the insurer. EPA/DOJ does not sign this agreement. The insurance settlement relates back to a prior Administrative Order on Consent (AOC) or CD which gives EPA the right to proceed on the ATP party's behalf. The settlement is negotiated by EPA/DOJ and the insurer. The ATP party reviews the final product and signs the agreement. Proceeds are forwarded to EPA to do future work at a site or to reimburse the EPA for past cleanup costs.

Special Planning/Reporting Requirements:

Ability to Pay Party Insurance Negotiations should be entered in SEMS as Negotiations (Generic). Additionally, the following information should be entered in SEMS: Response Actions Sought; for Other Relief(s) Sought, Potential Insurance Component should be selected; and the outcome of the negotiations (Other Outcome(s) Selected or Outcome Actions Selected) should be entered. A final agreement resulting from Ability to Pay Insurance Negotiations should be entered in SEMS as a Settlement (Generic). For Enforcement Instrument Categories, Insurance Recovery Efforts should be selected. See the measure Total Response Commitments for additional data that should be entered in SEMS.

l. Total Response Commitments (Including Dollar Value)

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.

EXHIBIT X.11. TOTAL RESPONSE COMMITMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106 or sections 106/107 for PRPs to conduct or pay for the response action (ESI/RI, RI, RI/FS, FS, RD, RA, groundwater monitoring activities post-ROD, institutional controls, time critical or NTC removal). This date is recorded in SEMS as the finish date.

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Unilateral Administrative Order		**Finish:** Date the UAO is signed by the Regional Administrator or delegate for response work, and at least one of the PRPs has provided notice of intent to comply unconditionally. Commitment credit is given on the date of the PRPs written notice of intent to comply with the order. This is reported in SEMS as the finish date of the Notice of Intent to Comply sub-work package.
Administrative Order on Consent or Consent Agreement		**Finish:** The date the AOC or CA is signed by the Regional Administrator or delegate for PRPs to perform or pay for an ESI/RI, RI, RI/FS, FS, time critical or NTC removal, RD, monitored natural attenuation, institutional controls, or groundwater monitoring post-ROD. The date the AOC or CA is signed is reported in SEMS as the finish. Commitment credit is also given when an AOC or CA is signed that provides protection from potential future liability to a prospective purchaser that is implementing the remedy. The Enf Instrument Category Selected = Prospective Purchaser Agreement, Bona Fide Prospective Purchaser Agreement, Contiguous Property Owner Agreement, Prospective Lessee Agreement, or Windfall Lien Resolution Agreement.
Judicial/Civil Judgment		**Finish:** The conclusion of a Section 106, or Section 106/107 judicial action by final judgment for PRPs to conduct or pay for the response action. Credit for a Judicial/Civil Judgment is given on the date on which the final judgment is signed by the judge and entered by the court. This date is recorded in SEMS as the finish date.
Bankruptcy Settlement		**Finish:** The conclusion of a claim in bankruptcy proceedings by final judicial settlement. Credit is given for a Bankruptcy Settlement to pay for future response work on the date the bankruptcy settlement is entered by the court and recorded in SEMS as the finish. The allowed settlement amount for future response work should be entered into SEMS.
Enforcement Action Amendment		**Finish:** The signature date that an existing enforcement instrument is amended to include additional cleanup activities. The date the amendment is signed is the finish date and should be recorded in SEMS. Amended enforcement instruments will count for credit in the current fiscal year as well as in the program-to-date commitment amount.

Total Response Commitments will be reported as a combined total of CDs, CAs, AOCs, JGs, Bankruptcy Settlements, Generic Settlements and Orders, Enforcement Action Amendment, and UAOs where response actions have been achieved and/or parties agree to make cash payments toward future response costs at a site. The value of Total Response Commitments is based on the estimated value of PRP response work and/or payments made by responsible parties toward future response costs at a site as well as the allowed claim amount for bankruptcy settlements.

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 entered by the court. At this point the region will receive credit for the CD only and not the UAO. When adding the CD activity, the region should identify the UAO as the predecessor action in SEMS and enter the estimated value of the UAO in SEMS as the estimated value of the CD if the CD covers the same work. If the CD covers more work than the UAO it replaces, a revised estimate may be necessary. The SEMS reporting requirements for the CD apply.

An enforcement instrument is active until the provisions of the instrument or another document incorporated by reference are completed, including payment provisions and monitoring (except for any activity related to record retention).

Instruments that have been 'closed' after all work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' sub-work package in SEMS should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete. In addition, a UAO that is converted to a CD is no longer active.

Special Planning/Reporting Requirements:
The following information should be reported in SEMS for settlements, orders and amended enforcement instruments for response: Law Section; the appropriate Enforcement Instrument Categories Selected; Parties Associated with the enforcement instrument; applicable Response Actions Paid by Parties: Other Relief Achieved; Work the PRP Will Perform – Value; Federal Costs Settled – Future; and Financial Assurance Provisions.

Repository of Enforcement Documents in SEMS

One recommendation of the Superfund Taskforce was to create a repository of completed enforcement documents for information sharing. Thus, a special collection has been established in SEMS-Records Management (SEMS-RM) for completed enforcement instruments (special collections #36559).

As in the past, completed enforcement instruments (CD, AOC, UAO, CA, Judgements, Amendments, and Bankruptcy Settlements) should be entered in SEMS Site Management. However, regions are now required to associate the applicable document to the corresponding activity in SEMS. This can be done by scrolling over to the Document column and clicking on the 'Add/Edit Document.' Users will be taken to the Site

Information screen. Click 'Accomplishment Completion Details,' 'Associate Source Document' and choose the applicable document from the list of documents at the site and then 'Associate Selected Document.' Refer to the SEMS Records Transfer Interface (RTI) User Guide, Section 5, for direction in how to submit electronic records via the SEMS-RM module.

Completed enforcement instruments are public records, as such, access to these documents in SEMS should be assigned as 'uncontrolled'. At the end of each fiscal year, OSRE will move the documents into the special collections established in SEMS-RM.

Settlement credit will be given for an AOC or CA with a Prospective Purchaser Agreement (PPA), Prospective Lessee Agreement (PLA), Bona Fide Prospective Purchaser (BFPP), Contiguous Property Owner (CPO) or Windfall Lien Resolution (WL) Agreement with BFPP if PPA, PLA, BFPP, CPO, or WL is the selected enforcement instrument category.

The appropriate Site Lead Action Qualifier of MF (Multi-Site-First Site) or MS (Multi-Site-Subsequent Site) should be entered in SEMS on the Enforcement Instrument Screen for a single settlement covering multiple sites in order to apportion the dollars correctly across individual sites without double counting the settlement.

Dollars received in a cashout settlement should be deposited in an interest bearing Special Account if site-specific conditions warrant. See the measure, Settlements Designating Deposits to Special Accounts, for more information. The 'Work the PRP Will Perform – Value' and 'Federal Costs Settled – Future' (i.e., the value of total response commitments) will be reported annually to Congress.

m. The Number of Responsible Party and Other Party Commitments to Perform or Pay for Cleanup and/or Reuse of Contaminated Sites

Beginning in fiscal year 2018, the Office of Site Remediation Enforcement's (OSRE) three GPRA measures were replaced by one new cleanup enforcement measure.

The focus of the new cleanup measure is to encourage Regions to complete settlement agreements and orders with responsible parties and third parties that facilitate the cleanup and reuse of contaminated Superfund sites and Resource Conservation and Recovery Act (RCRA) Corrective Action facilities.

The new cleanup measure tracks and reports the following:

- completed Superfund private party enforcement agreements for site study and cleanup (Consent Decrees (CDs), Administrative Orders on Consent (AOCs), Unilateral Administrative Orders (UAOs), Consent Agreements (CAs), and amended instruments for Removal, Remedial Investigation/Feasibility Study, Remedial Design, and Remedial Action);
- completed Superfund agreements with responsible parties that include cash payments toward future site work, including CDs, AOCs, CAs & bankruptcy settlements;

- completed Superfund Bona Fide Prospective Purchaser (BFPP) Agreements with non-liable parties (CDs, CAs, and AOCs with a BFPP/PPA component);
- letters to parties interested in cleaning up and purchasing, developing, or operating certain properties (Comfort/Status letters);
- RCRA Corrective Action cleanup orders[1]; and
- Federal facility agreements and Record of Decision (RODs)

The ENFR-035 PRP Work Settlement and Reuse Measures report was developed to track and report on the private party aspects of the new measure for Superfund. The new measure has monthly targets as well as a national annual target of 110. There are no regional targets. As such, the regions are not required to post targets in the Annual Commitment System. OSRE is required to report the progress of the new cleanup enforcement measure monthly on the OECA Bowling Chart.

Special Planning/Reporting Requirements

For reporting requirements refer to Total Response Commitments; Issuance of Comfort/Status Letters; and Bona Fide Prospective Purchaser Agreements (BFPPs), Prospective Purchaser Agreements (PPAs) and Prospective Lessee Agreements (PLAs). All comfort/status letters issued and completed Superfund agreements must be entered in SEMS Site Management to receive credit. Additionally, credit will be given for settlement agreements with a PPA, PLA, BFPP if PPA, PLA, or BFPP is the selected enforcement instrument category.

n. Total Active Response Enforcement Instruments in Substantial Noncompliance (SNC) and Not Addressed through Formal Enforcement

The CERCLA compliance monitoring module in SEMS has been established to track instances of substantial noncompliance (SNC) with active CERCLA response enforcement instruments. The SNC tracking system is described in the joint Office of Site Remediation Enforcement (OSRE) and the Federal Facilities Enforcement Office (FFEO) *Guidance on Determining and Tracking Substantial Noncompliance with CERCLA Enforcement Instruments in CERCLIS, August 2009*, which remains applicable to compliance monitoring in SEMS.The system tracks compliance with active CERCLA enforcement instruments that include work obligations. The guidance defines work obligations broadly to encompass all non-payment obligations contained in a CERCLA enforcement instrument, including reporting requirements, submission of work plans, performance of work, provision of financial insurance, and implementation of institutional controls.

The SNC tracking system and this measure are intended to help EPA prioritize the most serious violations and ensure a timely and appropriate enforcement response to them that results in a return to 'Not in SNC' status or otherwise appropriately addresses those violations. In addition, the compliance tracking system will help EPA identify and analyze

[1] RCRA Corrective Action accomplishments data are pulled from ICIS using the Federal Enforcement Conclusions and NODs report.

regional and national trends in addressing substantial noncompliance. This measure builds on the SNC tracking guidance to track the timeliness and nature of regional responses to instances of SNC by identifying enforcement instruments that have been in SNC status for two or more quarters without being addressed through formal enforcement action or returned to non-SNC status.

EXHIBIT X.12. SUMMARY OF SEMS COMPLIANCE STATUS VALUES

Compliance Status	Formal Enforcement Taken?	Description
Compliance Status Reviewed - Not In SNC (SRNF)	Not applicable	The region has completed its review of PRP compliance with work obligations under the enforcement instrument and has determined based on available information that it is not in SNC. This value should also be used when an enforcement instrument was previously found to be in SNC and is no longer in SNC.
In SNC – Informal Action Planned (IIAP)	No	The enforcement instrument is in SNC as to work obligations and the region is planning to take an informal enforcement action such as a phone call, a warning letter, or a warning e-mail.
In SNC – Informal Action Taken (IIAT)	No	The enforcement instrument is in SNC as to work obligations and the region has taken an informal enforcement action such as a phone call, a warning letter, or a warning e-mail.
In SNC – Formal Action Planned (IFAP)	No	The enforcement instrument is in SNC as to work obligations and the region is planning to take a formal enforcement action by invoking the penalty or other formal mechanisms outlined in the enforcement instrument.
In SNC – Formal Action Taken (IFAT)	Yes	The enforcement instrument is in SNC as to work obligations and the region has taken a formal enforcement action by invoking the penalty or other formal mechanisms outlined in the enforcement instrument.
In SNC – Informal Action Taken and Compliance Accomplished (IIAC)	Yes	The enforcement instrument was in SNC as to work obligations and the region took informal enforcement action, with the result that the instrument was no longer in SNC by the end of the quarter. Use only where SNC was identified and resolved in a single quarter.
In SNC – Formal Action Taken and Compliance Accomplished (IFAC)	Yes	The enforcement instrument was in SNC as to work obligations and the region took formal enforcement action, with the result that the instrument was no longer in SNC by the end of the quarter. Use only where SNC was identified and resolved in a single quarter.
In SNC – In Dispute Resolution (IIDR)	Yes	Should be used in lieu of 'In SNC - Formal Action Taken' when the formal dispute resolution provisions of the enforcement instrument have been invoked with respect to work obligations.
In SNC – Referred to DOJ (IDOJ)	Yes	Noncompliance has been addressed by referral to the Department of Justice. This also includes instances where a case is sent to DOJ to file a bankruptcy proof of claim when a PRP who was performing work has entered bankruptcy. This level of specificity is required to allow HQ to track whether DOJ is taking action in accordance with the IA. This value should be used in lieu of 'In SNC – Formal Action Taken'.
In SNC – Fund Takeover (IFTO)	Yes	Noncompliance has been addressed by fund takeover of the work addressed by the enforcement instrument.

Decision Not to Pursue Violations (DNPV)	Yes	The region decided not to pursue violations. Primarily for use when no work remedy is available and the region decides not to pursue penalties.
Work Under Order/Settlement Completed (WOSC)	Not applicable	All the work obligations under the enforcement instrument have been completed to the satisfaction of EPA.

Special Planning/Reporting Requirements:
For each response enforcement instrument that reports a 'Decision Not to Pursue Violations (DNPV)', the region is required to briefly describe, in the Compliance Status Comment Field, the nature of the noncompliance and the rationale for deciding not to pursue the violations.

For each response enforcement instrument that has been in SNC status for two or more consecutive quarters and not yet addressed by formal enforcement action, the region is required to briefly describe, in the Compliance Status Comment Field, the nature of the noncompliance and the informal enforcement action taken or the formal or informal enforcement action planned to address the noncompliance.

All compliance status comment fields will be considered enforcement sensitive and will not be subject to release under the Freedom of Information Act (FOIA).

Frequency of Reporting:
Regions should update the compliance status of all open enforcement instruments in SEMS on a quarterly basis for all active response instruments where remedy construction is not yet completed. Once all actions addressed by an enforcement instrument are 'Construction Complete' and the operable unit(s) at which those actions were completed is in either the Operations and Maintenance phase or the Long Term Remedial Action phase, the frequency of compliance status reporting can be reduced to annually.

Once a region makes an initial 'Not in SNC' determination for an access-only enforcement instrument, further compliance status determinations will not be required unless a subsequent limitation or denial of access occurs, in which case quarterly determinations will be required until the region once again determines that the instrument is 'Not in SNC' status.

Instruments that have been 'closed' after all non-payment work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' milestone in SEMS should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete.

o. Cleanup Commitments Secured through Financial Assurance for Active Response Enforcement Instruments

Financial assurance requirements ensure that responsible parties have the resources to complete cleanup work obligations they assume under CERCLA enforcement instruments. Financial assurance ensures the availability of adequate financial resources to conduct site cleanups in the event liable parties default on or stop performing their cleanup obligations.

Enforcement instruments requiring CERCLA cleanup work should include financial assurance provisions where appropriate. This measure tracks the total universe of CERCLA enforcement instruments where parties have agreed to provide financial assurance to secure site cleanup. It will also track instances where financial assurance may not be required.

For all enforcement instruments at non-Federal Facility NPL, SAA, and non-NPL sites where there is cleanup work this measure will track the:

1. Total number and value of all open enforcement instruments with cleanup work obligations.
2. Total number and value of enforcement instruments with cleanup work obligations where financial assurance is required / is not required.
3. Total financial assurance amount currently required and provided for open enforcement instruments with cleanup work obligations.

This measure is intended to help EPA identify and monitor active CERCLA response enforcement instruments where financial assurance requirements are and are not being met. OSRE will actively monitor financial assurance data on a quarterly basis and work with regions to ensure a timely and appropriate enforcement response to address cases where adequate financial assurance is not being provided.

Special Planning/Reporting Requirements:

For enforcement instruments included as a part of this measure see the Total Response Commitments definition of accomplishment. Because financial assurance provides the availability of financial resources to help ensure that a site cleanup will be completed, enforcement instruments for cost recovery only or the cost recovery component of an enforcement instrument will not be counted in this measure. When entering the details of the enforcement instrument in the Enforcement Instrument Screens in SEMS Site Management, Regions are required to select either 'yes' or 'no' to indicate whether financial assurance is required.

In addition, the following information is required to be entered in SEMS Site Management under the Financial Assurance tab of the Enforcement Instrument Screens when financial assurance is required:

1. Original value/amount of FA required
2. Current value/amount of FA required and date

Additionally, the following data is required to be entered in the financial mechanism pop-up screen for each individual financial mechanism provided:

1. Type of financial mechanism being provided (Letter of Credit, Trust Fund, etc.)
2. Value /amount of coverage being provided
3. Annual recertification date, if applicable
4. Corporate Guarantor, if applicable

5. Name of PRP providing the financial assurance
6. Effective date of financial assurance mechanism
7. Mechanism status and date (Active, Inactive, Cashed, etc.)
8. Issuing institution, if applicable

SEMS will auto sum all the 'active' financial mechanisms and populate the 'Total Amount of Active Instruments' data field on the Financial Assurance tab. Additionally, SEMS retains a history of the amount of financial assurance required on this screen. Once the current value/amount of financial assurance required is updated a history pop-up screen is displayed. Likewise, SEMS will send an automated email notification to regional IMCs and/or individuals designated to receive such notification by the region 30 days prior to the annual recertification date that is entered in SEMS for an individual financial mechanism.

Generally, responsible parties agree to provide financial assurance within 30 days of the entry of the CD, upon completion of the AOC or Consent Agreement (CA), or when complying with the UAO.

Frequency of Reporting:

Regions should regularly review and update, as necessary, the financial assurance information in SEMS for all open enforcement instruments requiring cleanup work to ensure accuracy and to track compliance. Both the financial test and corporate guarantee require annual submissions of relevant financial documents and must be reviewed and updated at least annually. The remaining acceptable financial mechanisms are generally automatically renewable, e.g., letters of credit, insurance, trust funds, and surety bonds, and may not require annual updating in SEMS. However, these mechanisms should be reviewed periodically to ensure, for example, that the face amount is sufficient to cover the remaining cost of the cleanup work at the site. If a PRP at any time during the fiscal year no longer passes the financial test/corporate guarantee or a financial mechanism is canceled or terminated, the financial assurance data in SEMS should be updated with the accepted alternate financial assurance mechanism as soon as possible to ensure accurate and up to date information.

Instruments that have been 'closed' after all non-payment work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' milestone in SEMS should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete.

p. De Minimis Settlements and Number of Parties

This measure reports the total number of administrative or judicial settlements that are reached under section 122(g) of CERCLA, with PRPs qualified as de minimis. This type of settlement results in PRPs paying a minor portion of the estimated response costs at the site, and is embodied in a CD or an AOC. If the total response costs at the site exceed $500,000 (excluding interest), the AOC can only be signed by the Regional Administrator or delegate 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 delegate can agree to extend the 30-day period if necessary.

This measure will count the total number of de minimis settlements under section 122(g), the number of PRPs who sign such settlements, and the number of sites at which de minimis settlements were signed.

EXHIBIT X.13. DE MINIMIS SETTLEMENT REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Administrative Order on Consent	EPA	**Finish:** The data the AOC is signed by the Regional Administrator or delegate. The date the AOC is signed is reported in SEMS as the finish.
Consent Decree	EPA	**Finish:** The date the CD signed by the Regional Administrator and the de minimis parties is transmitted to DOJ or HQ. The date of the transmittal memorandum is reported in SEMS as the CD start date.

The number of signatories to the settlement is system generated in SEMS from the identification of the PRPs who have signed the settlement.

Special Planning/Reporting Requirements:
The following information should be entered into SEMS.

- Enforcement Instrument Categories Selected of de minimis;
- PRPs that signed the settlement (Parties Associated with Action, Party Name);
- Dollar amount that will be used for current, future, or past work covered by the settlement (Work PRP Will Perform - Value, Federal Costs Settled - Past and/or Federal Costs Settled - Future [as applicable]); and
- Applicable Response Actions Pd by Parties, Other Relief Achieved, or Response Actions Reimbursed. To indicate the de minimis PRPs that signed the settlement, the following information must be entered for each party 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.

q. Section 106, 106/107, 107 Case Resolution (Including Claim in Bankruptcy)

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

EXHIBIT X.14. SECTION 106, 106/107, 107 CASE RESOLUTION (INCLUDING CLAIM IN BANKRUPTCY) REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Consent Decree/Bankruptcy Settlement	EPA	**Start/Finish:** The date the CD or Bankruptcy Settlement is signed by the judge fully addressing the complaint with all parties and entered in the court. This is the finish date of the CD or Bankruptcy Settlement and the work package 'Entered By Court' as well as the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Case Withdrawn	EPA	**Start/Finish:** The date the region receives a memo or letter from DOJ withdrawing the case. This is the finish date of the work package Litigation Outcome: Case Withdrawn and the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Case Dismissed	EPA	**Start/Finish:** The date a decision document is submitted by the judge dismissing the case. This is the finish date of the work package Litigation Outcome: Case Dismissed and the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Judgment	EPA	**Start/Finish:** The date a trial has concluded and a judgment is rendered and signed by the judge fully addressing the complaint. This is the finish date of the Judgment and the work package 'Entered By Court' and the Litigation Outcome: Judgment as well as the litigation finish date.

r. Past Costs Addressed via Settlements, Referrals, Write-Offs, or Claims in Bankruptcy

Past Costs Addressed is the decision either to take cost recovery action by use of administrative cost recovery settlement, to transmit a Section 106/107 or 107 judicial referral for cost recovery, including settlements for past costs under a CD (with no prior litigation referral), to prepare a decision document or 10-point settlement analysis document not to pursue cost recovery, or to file a claim in bankruptcy.

This measure covers cases where EPA has incurred Superfund costs. It is vital to the management of the cost recovery program that sites with upcoming Statute of Limitations (SOL) be addressed prior to the expiration of the SOL.

EXHIBIT X.15. PAST COSTS ADDRESSED ~~>$500,000~~ REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Administrative Order on Consent	EPA	**Start/Finish:** The date the Regional Administrator or delegate signs the AOC that recovers 100% of EPA expenditures or settles a claim where the total response costs compromised are less than $500,000. The date the AOC is signed is reported in SEMS as the finish.
Consent Agreement	EPA	**Start/Finish:** The date the Regional Administrator or delegate signs the CA that recovers 100% of EPA expenditures or settles a claim where the total response costs compromised are less than $500,000. The date the CA is signed is reported in SEMS as the finish.
Administrative Voluntary Cost Recovery	EPA	**Start/Finish:** The date the regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery. The finish date of the Administrative Voluntary Cost Recovery is also the finish date of the Payment Received work package that is associated with the Demand Letter Issued work package in SEMS.
Litigation (Generic), or Section 107 Litigation, or Section 106/107 Litigation	EPA	**Start/Finish:** Credit for addressing past costs is given on the date of the Regional Administrator's memo transmitting the referral to DOJ or HQ. This is also the litigation start date in SEMS.
Consent Decree	EPA	**Start/Finish:** Credit for addressing past costs is given for CD for RD/RA with a cost recovery component or CDs for cost recovery only that were not the result of a prior litigation referral. Credit is given on the date of the Regional Administrator's memo transmitting the CD to DOJ or HQ. This is also the CD start date in SEMS.
Cost Recovery Decision Document – No Sue	EPA	**Start/Finish:** Signature date of the decision document. This is also the Cost Recovery Decision Document – No Sue finish date in SEMS. The past costs that will not be recovered and the reason the costs were written off should be reported in SEMS.
10-Point Settlement	EPA	**Start/Finish:** The decision not to pursue cost recovery may be documented in an enforcement instrument 10-point settlement analysis. This is also the finish date of the 10-Point Settlement work package in SEMS. The past costs that will not be recovered and the reason the costs were written off should be reported in SEMS.
Claim in Bankruptcy Proceedings	EPA	**Start/Finish:** The date the claim in bankruptcy proceedings is transmitted to DOJ. This is also the Claim in Bankruptcy Proceedings start date in SEMS. For each claim in bankruptcy, the 'Federal Costs Sought – Past' must be entered into SEMS.

Special Planning/Reporting Requirements:
All dates must be entered into SEMS. Credit for referrals is based on the referral package, not on the number of sites. Credit will be withdrawn if a case is returned to the region by DOJ or HQ for additional work but will be reinstated upon re-referral. For each judicial referral, regions must enter 'Federal Costs Sought – Past' into SEMS.

AOC and CA settlements that do not recover 100% of the Trust Fund expenditures or where compromised total response costs are more than $500,000 must be sent to DOJ for approval prior to signature by the Regional Administrator or delegate. CD settlements for cost recovery that result from a previous litigation referral do not count towards this target. For each settlement, the region must enter 'Federal Costs Settled – Past' into SEMS.

For each Claim in Bankruptcy, the 'Federal Costs Sought – Past' must be entered in SEMS. Regions must take credit for addressing past costs via a Claim in Bankruptcy Proceedings during the fiscal year in which the action was taken. If, as is often the case, a bankruptcy settlement is reached in a later fiscal year and credit for addressing past costs was not taken at the time of the claim in bankruptcy, regions will not receive credit for addressing past costs in the fiscal year in which the bankruptcy settlement occurs. Regions will however receive credit under Total Response Commitments and/or Total Cost Recovery Settlements as applicable in the FY in which the bankruptcy settlement is entered.

Accomplishments are reported on a site-specific basis.

When the statute of limitations (SOL) has been tolled, a Tolling Agreement activity should be entered in SEMS for the appropriate action with a start date (i.e., the effective date of the tolling agreement) and a planned finish date (the date the tolling agreement is set to expire). Once the tolling agreement has expired the expiration date should be entered in SEMS as the finish date. If the tolling agreement is extended, which is often the case, a new Tolling Agreement activity should be established in SEMS with a start date the same as the finish date of the prior Tolling Agreement activity to maintain a history of the tolling agreement extensions.

s. Total Cost Recovery Settlements (Including Dollar Value)

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.

EXHIBIT X.16. TOTAL COST RECOVERY SETTLEMENTS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Consent Decree	EPA	**Finish:** The date the CD is entered by the court for CD settlements for RD/RA with a cost recovery component, or CDs for cost recovery only. This date is recorded in SEMS as the CD finish date. For CD settlements that are for cost recovery only and result from a previous litigation referral, regions should not record a CD start date.
Administrative Voluntary Cost Recovery		**Finish:** The date the regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery. The finish date of the Administrative Voluntary Cost Recovery is also the finish date of the Payment Received work package that is associated with the Demand Letter Issued work package in SEMS.
Administrative Order on Consent or Consent Agreement		**Finish:** The date the AOC or CA is signed by the Regional Administrator or delegate for cost recovery. The date the AOC or CA is signed is reported in SEMS as the finish.
Judicial/Civil Judgment		**Finish:** The conclusion of a Section 106/107 judicial action by final judgment with a cost recovery component, or for cost recovery only. Credit for a Judicial/Civil Judgment is given on the date on which the final judgment is signed by the judge and entered by the court. This date is recorded in SEMS as the finish.
Bankruptcy Settlement		**Finish:** The conclusion of a claim in bankruptcy proceedings by final judicial settlement. Credit is given for a Bankruptcy Settlement where cost recovery had been achieved on the date the bankruptcy settlement is entered by the court. The date is recorded in SEMS as the finish. The allowed settlement amount for cost recovery should be entered into SEMS

Special Planning/Reporting Requirements:
Total Cost Recovery Settlements will be reported as the combined total of CDs, CAs, Administrative/Voluntary Cost Recovery actions, JGs, USs and AOCs where cost recovery has been achieved.

An enforcement instrument is active until the provisions of the instrument or another document incorporated by reference is completed including payment provisions and monitoring (with the exception of any activity related to record retention). Instruments for cost recovery only that have been 'closed' after all payment obligations have been completed should be designated as such by using the 'Closed Order or Settlement' sub-work package in SEMS.

Instruments that have been 'closed' after both work and payment obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS and the 'Closed Order or Settlement' sub-work package in SEMS indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete.

The appropriate Site Lead Action Qualifier of MF (Multi-Site-First Site) or MS (Multi-Site-Subsequent Site) should be entered in SEMS on the Enforcement Instrument Screen for a single settlement covering multiple sites in order to apportion the dollars correctly across individual sites without double counting the settlement.

The following information must be reported in SEMS for past cost settlements: Parties Associated with the enforcement instrument; Response Actions Reimbursed by Parties: Other Relief Achieved; Federal Costs Settled – Past.

This measure will be reported in the ENFR-03 report. The 'Federal Costs Settled – Past' (i.e. the value of costs recovered) will be reported annually to Congress.

t. Total Value of PRP Oversight

EPA incurs oversight costs while overseeing cleanup work performed and paid for by PRPs at Superfund sites. EPA bills PRPs for its oversight costs in accordance with the 'future cost' payment provision contained in settlement agreements where PRPs have agreed to perform work at their sites. To ensure that site work is properly performed by PRPs, and in accordance with the terms of the settlement agreement, EPA will oversee the PRPs' work and will bill the PRPs for the cost of its oversight work each year.

When a PRP is scheduled to be issued an oversight bill, the region will compile its oversight costs site-specifically using the Superfund Cost Recovery Package and Image On-Line System (SCORPIOS). SCORPIOS is a report generator that compiles costs site-specifically from Compass, the Agency's official accounting system, and includes images of supporting cost documentation in a comprehensive cost recovery package. SCORPIOS is used to prepare a detailed cost summary of the site costs, which includes direct and indirect costs, needed to prepare the bill. Once the costs have been reviewed and verified by regional officials as being correct/accurate, the region will prepare a bill and transmit it to the PRP.

Afterward, a copy of the bill is provided to the Office of the Chief Financial Officer's (OCFO) Cincinnati Finance Center (CFC) so that a corresponding accounts receivable can be recorded and tracked to ensure that payment is made. The oversight amount reported by OSRE as part of its end of year accomplishments data is based on amounts billed by the regions and subsequently recorded by CFC as accounts receivable for that year.

u. Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations

The measure will help assess the extent to which EPA is using ability-to-pay determinations to achieve its goal of enforcement fairness. The measure will report the number of administrative or judicial settlements that are reached under CERCLA with

PRPs qualified as limited ability-to-pay parties. This type of settlement results in: 1) PRPs paying less than their respective portion of the cost for site cleanup based on an ability-to-pay determination; 2) Payment over time for parties with limited ability to raise annual revenues; or 3) Parties providing in-kind service in lieu of cash payments.

Total ability-to-pay settlements are counted as follows:

EXHIBIT X.17. ABILITY-TO-PAY DETERMINATION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA **with the ability-to-pay PRPs** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the finish.
Consent Decree	EPA	**Finish:** The date the CD is signed by the Regional Administrator and **the ability-to-pay parties** and transmitted to DOJ or HQ. The date of the transmittal memorandum is reported in SEMS as the CD start date.

Special Planning/Reporting Requirements:
For each settlement the appropriate Enforcement Instrument Category should be selected in SEMS: 'Ability to Pay'

v. Bona Fide Prospective Purchaser Agreements (BFPPs), Prospective Purchaser Agreements (PPAs) and Prospective Lessee Agreements (PLAs)

In January 2002, CERCLA was amended through enactment of Public Law 107-118, titled the Small Business Liability Relief and Brownfields Revitalization Act ('Brownfields Amendments'). Among other things, the Brownfields Amendments provide a limitation on liability for persons who qualify as BFPPs. The intent of Congress in enacting this provision was to remove certain liability barriers to purchases of property and encourage redevelopment.

Although EPA understands that the necessity for agreements with prospective purchasers has been largely eliminated by the Amendment, the Agency recognizes that, in some instances, the public interest will be served by entering into agreements with PPAs and PLAs, as well as BFPPs who will perform work exceeding reasonable steps at a site of federal interest.

For the purpose of reporting, this measure will count;

1. The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for bona fide prospective purchasers.
2. The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for prospective purchasers.
3. The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for prospective lessees.

EXHIBIT X.18. BFPP AGREEMENT, PPA, AND PLA REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA **with a BFPP, PPA or PLA component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.
Consent Decree		**Finish:** Date the CD **with a BFPP, PPA or PLA component** is entered by the court. The date the CD is entered is reported in SEMS as the CD finish.

Special Planning/Reporting Requirements:
For each settlement the appropriate Enforcement Instrument Category should be selected in SEMS: 'Bona Fide Prospective Purchaser'; 'Prospective Purchaser Agreement'; or 'Prospective Lessee Agreement'. For additional SEMS reporting requirements see Total Response Commitments.

w. Issuance of Comfort/Status Letters

Parties interested in purchasing, developing, or operating certain properties are provided information, upon request, regarding the potential for EPA actions. Comfort/status letters, while providing some assurances, are intended solely for informational purposes and only communicate EPA's intent with regard to enforcement or response authorities. Comfort/status letters do not provide a release from CERCLA liability, and therefore, are not considered 'no action assurances'. Any response to a solicitation for information on EPA's involvement or potential involvement/interest in a property qualifies as a comfort/status letter.

EXHIBIT X.19. COMFORT/ STATUS LETTER REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Comfort / Status Letter	EPA	**Start/Finish:** The date the letter is signed by the appropriate regional official.

Special Planning/Reporting Requirements:
Regions should track the property/site specific issuance of comfort/status letters in SEMS. For each comfort/status letter that is a windfall lien or reasonable steps comfort letter, regions should enter the Action Qualifier of 'Windfall Lien' or 'Reasonable Steps' respectively into SEMS.

Repository of Enforcement Documents in SEMS

One recommendation of the Superfund Taskforce was to create a repository of completed enforcement documents for information sharing. Thus, a special collection has been established in SEMS-Records Management (SEMS-RM) for comfort/status letters issued (special collections #22963).

As in the past, new comfort/status letters issued should be entered in SEMS Site Management. However, regions are now required to associate the applicable document to the corresponding activity in SEMS. This can be done by scrolling over to the Document column and clicking on the 'Add/Edit Document.' Users will be taken to the Site Information screen. Click 'Accomplishment Completion Details,' 'Associate Source Document' and choose the applicable document from the list of documents at the site and then 'Associate Selected Document.' Refer to the SEMS Records Transfer Interface (RTI) User Guide, Section 5, for direction in how to submit electronic records via the SEMS-RM module.

Comfort/Status letters issued are public records, as such, access to these documents in SEMS should be assigned as 'uncontrolled'. At the end of each fiscal year, OSRE will move the comfort/status letters into the special collections established in SEMS-RM.

x. Contiguous Property Owners (CPOs)

In 2002, the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Amendments) amended CERCLA to provide liability protection to Contiguous Property Owners (CPOs). CERCLA section 107(q) excludes from the definition of 'owner or operator' under CERCLA sections 107(a)(l) and (2) a person who owns property that is 'contiguous to or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of hazardous substances from' real property owned by someone else. While CERCLA section 107(q), like other provisions in the Brownfields Amendments, is designed to grant landowner liability protection without any action from or involvement of EPA, in CERCLA section 107(q)(3)(b), Congress expressly conferred upon EPA the ability to grant a CPO protection against a cost recovery or contribution action under CERCLA section 113(f). EPA believes congressional intent in passing this provision was to provide additional protection to CPOs who have been sued or where there is the real and substantial threat of litigation. It is the Agency's view that the assurance can also remove the stigma associated with being neighbors of contaminated properties, as well as facilitate development.

For the purpose of reporting, this measure will count: The number of finalized settlement agreements (AOCs and CAs) that include contiguous property owner provisions.

EXHIBIT X.20. CONTIGUOUS PROPERTY OWNER REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA **with a CPO component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.

For each settlement, the appropriate Enforcement Instrument Category of 'Contiguous Property Owner' should be entered in SEMS. For additional SEMS reporting requirements see Total Response Commitments.

y. Windfall Lien Resolution - Finalized

In January 2002, CERCLA was amended through enactment of Public Law 107-118, titled the Small Business Liability Relief and Brownfields Revitalization Act ('Brownfields Amendments'). Congress provided liability protection under CERCLA for bona fide prospective purchasers to encourage the purchase and reuse of contaminated properties. The windfall lien provision under section 107(r) applies to bona fide prospective purchasers, whereas the older Superfund lien under section 107(l) applies to PRPs. EPA may enter into a windfall lien resolution agreement with a purchaser if there is likely to be a significant windfall lien needing resolution.

This measure will quantify the number of windfall lien resolution agreements signed. For the purpose of reporting, this measure will count the number of finalized settlement agreements (AOCs and CAs) that include the windfall lien resolution provisions.

EXHIBIT X.21. WINDFALL LIEN RESOLUTION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA **with a Windfall Lien component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.

Special Planning/Reporting Requirements:
For each settlement the appropriate Enforcement Instrument Category of 'Windfall Lien' should be entered in SEMS. For additional SEMS reporting requirements see Total Response Commitments.

z. PRP Oversight Administration

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, SAA, and non-NPL sites who:

- Are conducting, under federal oversight, the non-time critical removal action (NTCRA), RI/FS, RD, or RA phase of a cleanup, and
- Have an AOC, CD, or other settlement document in place with EPA that provides for payment of oversight costs.

EXHIBIT X.22. PRP OVERSIGHT ADMINISTRATION REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Site must be Non-Federal Facility NPL, non-NPL or SAA site		
Offer to Discuss EPA Oversight Expectations w/PRPs	EPA	**Start/Finish:** The date the offer is made to PRPs to discuss EPA's oversight expectations for upcoming activities.
Issuance of Oversight Bill	EPA	**Start/Finish:** The date an oversight bill consistent with the enforcement instrument is issued to PRPs.

Special Planning/Reporting Requirements

The annual accomplishment measure shall be based on the number of agreements (as described in the second bullet above) in place for PRP-lead events that will take place during the fiscal year. The date of the accomplishment for this measure is the later of the dates documenting completion of each of the actions above.

For the purposes of this measure only, HQ shall assume, unless otherwise informed by the regions, that 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.

aa. Settlements Designating Funds for Deposit to Special Accounts

This measure will assess the extent to which EPA is able to direct the deposit of settlement funds into Special Accounts under CERCLA section 122(b) (3), in its efforts to increase fairness and promote 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 for deposit to Special Accounts for response costs, and the percentage of these settlements compared to the total number of cashout and cost recovery settlements; and
- The amount of funds designated for deposit to Special Accounts by the settlement for response costs and the percentage of these funds, compared to the total amount of response costs achieved from all cashout and cost recovery settlements.

EXHIBIT X.23. SETTLEMENTS DESIGNATING FUNDS FOR DEPOSIT TO SPECIAL ACCOUNTS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA is signed by the Regional Administrator or delegate that **includes a payment provision where funds will be placed in a Special Account**. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106, 107, or 106/107 that **includes a payment provision where funds will be placed in a Special Account**. This date is recorded in SEMS as the finish date.

Special Planning/Reporting Requirements:
This measure counts any settlement, where there is a payment provision for funds to be deposited in a Special Account

Data that must be entered into SEMS for these settlements include:

- Federal Costs Settled - Past (for Cost Recovery Settlements);
- Federal Costs Settled - Future (for Cashout Settlements);
- Enforcement Instrument Categories Selected (for Cashout Settlements);
- Response Actions Paid by Parties (for Cashout Settlements);
- Deposit to EPA Special Account; and
- Special Account Deposit Provision Flag.

For additional SEMS reporting requirements see Total Response Commitments.

bb. Settlements Designating Funds for Disbursement from Special Accounts to PRPs

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.

EXHIBIT X.24. SETTLEMENTS DESIGNATING FUNDS FOR DISBURSEMENT FROM SPECIAL ACCOUNTS TO PRPS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Milestone/Activity Date Requirements
Administrative Order on Consent or Consent Agreement	EPA	**Finish:** The date an AOC or CA is signed by the Regional Administrator or delegate that **includes a disbursement provision**. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106, 107, or 106/107 that **includes a disbursement provision.** This date is recorded in SEMS as the finish date

Special Planning/Reporting Requirements:
Data that must be entered into SEMS for these settlements include:

- Response Actions Paid by Parties;
- Work PRP Will Perform - Value;
- Paid from Special Account; and
- Special Account Disbursement Provisions Flag.

For additional SEMS reporting requirements see Total Response Commitments.

cc. Pre-Remedial Enforcement Action at Superfund Sites

The objective of this measure is for EPA to reach a settlement with PRPs or take an enforcement action prior to the start of a RA at 99% of non-federal Superfund sites (with RAs starting during the fiscal year) that have known, viable, liable parties.

This measure supports the goal of maximizing PRP participation at Superfund sites, thus promoting 'Enforcement First'.

This measure counts non-Federal Facility NPL and PRP-financed SAA sites with:

1. PRP-financed RA starts (in the FY) as defined in chapter VIII, titled Remedial Program.
2. Government-financed RA starts (in the FY) with prior enforcement action at the site (as defined in chapter VIII, titled Remedial Program). Prior enforcement actions at the site where the following dates of these actions are prior to the start date of the Government-financed RA include:
    - Date the AOC, CA or UAO is signed by the Regional Administrator or delegate. This does not include orders that are for access or information only.
    - Date the CD settlement is referred by the Regional Administrator or delegate to either DOJ or HQ.
    - Date the CD for cost recovery only resulting from a previous litigation referral is entered by the court.

- Date payment is received from the PRPs in response to a demand letter for voluntary cost recovery.
- Date of a litigation referral.

3. Government-financed RA starts (in the FY) with PRPs, at the site, but no enforcement actions prior to the RA start: These are Government-financed RA starts as defined in chapter VIII, titled Remedial Program, with no enforcement actions at the site where the dates of these actions as specified in #2 above are prior to the start date of the RA, but have viable, liable PRPs designated at the site (Parties Associated with Site, Noticed/Enf Act flag is set, and Not PRP Determination Made flag is not set).

X.A.8 Site Revitalization

This measure captures enforcements efforts to facilitate the cleanup and reuse of previously used Superfund properties by entering into agreements with liable responsible parties to conduct the investigation and cleanup of a site or by addressing the liability concerns of non-liable parties at those sites.

Enforcement accomplishments will be based on the number of Superfund sites that are sitewide ready for anticipated use (SWRAU) where enforcement efforts contributed to the site being cleaned up or where an enforcement document(s) was involved to address/resolve liability concerns. (The universe is identified as Superfund sites for OLEM's Sitewide Ready for Anticipated Use (SWRAU) measure: Proposed, final and deleted NPL sites, SAA sites; construction complete sites where all physical construction of remedies is complete, human exposure is under control, and all Institutional Controls are in place.)

<u>Enforcement Measure of Accomplishment:</u>
Enforceable agreements play a critical role in cleaning up sites. Enforcement will track cleanup agreements at SWRAU sites where the agreement finish date is prior to the SWRAU date:

- Consent Decrees (CDs)
- Administrative Order on Consents (AOCs)
- Consent Agreements (CAs)
- Unilateral Administrative Orders (UAOs)

Enforcement will also track enforcement documents produced at SWRAU sites which address potential liability under CERCLA as amended through enactment of Public Law 107-118, the Small Business Liability Relief and Brownfields Revitalization Act ('Brownfields Amendments') of January 2002:

- Comfort/Status letters that address liability concerns/issues – including reasonable steps letters
- Windfall lien resolution agreements
- Work agreements with Bona Fide Prospective Purchasers (BFPPs)
- Contiguous Property Owner Agreements (CPOs)
- Prospective Purchaser Agreements (PPAs)
- Prospective Lessee Agreements (PLAs)

<u>Special Planning/Reporting Requirements:</u>

Specific sites will be identified by OLEM's SWRAU measure. Enforcement accomplishments will be a subset of those sites.

Credit for enforcement accomplishments will be based on the number of sites where responsible parties have contributed to the cleanup at the site or where the liability concerns of non-liable parties were addressed. The finish date of enforcement instruments (AOCs, CAs, CDs, UAOs) where parties agree to conduct cleanup work and/or make cash payments toward future cleanup costs at a site will be counted. In addition, cost recovery settlements where the costs recovered are deposited into a site-specific special account to fund part or all of the cleanup will also be counted.

Credit for addressing the liability concerns of non-liable parties will be based on finalized settlement agreements (AOCs, CAs, CDs) that include provisions for BFPPs, CPOs, PPAs, PLA or have a Windfall lien component. Credit for Comfort/Status letters will be given on the date the letter is signed. Finalized settlement agreements and Comfort/Status letter finish dates counted will be prior to the SWRAU date.

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Chapter XI: Community Involvement

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CHAPTER XI: COMMUNITY INVOLVEMENT

XI.A INTRODUCTION

Community involvement is the process of engaging in dialogue and collaboration with community members throughout the Superfund process. Community Involvement activities include Community Advisory Groups (CAGs), Technical Assistance Grants (TAGs), Technical Assistance Services for Communities (TASC), Just In Time community services, and the Superfund Job Training Initiative (Super JTI). These activities are the core components of the Superfund Community Involvement and Program Initiatives Branch's (CIPIB) work to support the Environmental Protection Agency's (EPA) Strategic Plan. While Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs) involve community involvement activities, the work of these Boards is addressed in the Federal Facilities section of the Superfund Program Implementation Manual (SPIM).

The community involvement data tracked and reported by the program are currently in review and may be modified in Superfund Enterprise Management System (SEMS) in the future. The SPIM will be updated to reflect any system changes and to support the reporting of community involvement information.

XI.B NATIONAL PROGRAM REQUIREMENTS

XI.B.1 Program Goals and Objectives

The goal of Superfund community involvement is to advocate and strengthen early and meaningful community participation during Superfund cleanups. Superfund community involvement staff at Headquarters and in the regions strive to:

- Encourage and enable community members to get involved.
- Listen carefully to what the community is saying.
- Take the time needed to deal with community concerns.
- Change planned actions where community comments or concerns have merit.
- Keep the community well informed of ongoing and planned activities.
- Explain to the community what EPA has done and why.

XI.B.2 Regulatory and Policy Requirements

Section 300 of the *National Oil and Hazardous Substances Pollution Contingency Plan (NCP)* and subsequent policy directives and guidance documents establish the requirements for community involvement through every phase of Superfund's cleanup process. These requirements are specifically outlined in appendix A of the *Superfund Community Involvement Handbook, OLEM 9230.0-50, January 2016*.

XI.B.3 Roles and Responsibilities

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters (HQ) and regional staff that work in the community involvement

program area. The following table summarizes each of these positions along with their responsibilities.

EXHIBIT XI.1. HQ AND REGIONAL ROLES AND RESPONSIBILITIES

Title	Responsibilities
Data Sponsors (HQ)	Facilitate SEMS staying closely aligned with the Superfund program, including developing and updating guidance that requires submission of these data for national reporting needs, maintaining and updating data element definitions, and developing and implementing the process of gathering, reviewing and entering the data into SEMS.
Managers of Data Sponsors (HQ)	Direct and oversee the creation of useful program policy and guidance to help the regions achieve program goals. Act as the central point of contact for the regions and provide regional coordination support.
Data Sponsors (HQ) and Community Involvement Managers (regions)	Participate in program reviews, as well as preparing periodic reports on regional accomplishments and progress on problems. Respond to quick turn-around, site specific requests for information from senior management for Congressional requests, regional visits or other needs. Serve as a forum for sharing information and lessons learned on community involvement activities.
Community Involvement Coordinators (CICs), Remedial Project Managers (RPMs) and On-Scene Coordinators (OSCs)	Ensure all data necessary to meet the requirements(s) are in SEMS to support regional reporting needs and commitments to HQ.
Information Management Coordinator (IMC)	Coordinate with the CICs/RPMs/OSCs to ensure data necessary to support reporting requirements are in SEMS according to timeliness requirements.
Budget Coordinator	Ensure all data necessary to support the regional budget are in SEMS prior to specified calendar events.
Records Manager/Records Center Staff (regions)	Coordinate with CICs/RPMs/OSCs/IMC to ensure program records are properly managed in SEMS and made available in the Administrative Record and Information Repository, as appropriate.

XI.B.4 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

XI.C COMMUNITY INVOLVEMENT ACTIVITIES

XI.C.1 Overview of Community Involvement Activities

This section contains the definitions of the following community involvement activities: CAGs, TAGs, TASC and the Super JTI.

a. Community Involvement Plans (CIP)

The CIP, previously known as the Community Relations Plan, specifies the outreach activities that EPA will use to address community concerns and expectations, as learned from community interviews. It helps advise the Community Involvement Coordinator (CIC) and site team on appropriate activities. The CIP is a public document that local residents can use to make sure EPA is responsive and proactively engaging the community.

For remedial actions, the NCP [40 CFR §300.435(c)(2)(ii)(A-C)] requires a CIP be in place before remedial investigation field activities start. It also states the "prior to the initiation of [remedial design], the lead agency shall review the CRP to determine whether it should be revised." [40 CFR §300.435(c)(1))]

For removal actions lasting 120 days or more, the NCP [40 CFR §300.415(n)(3)(ii)] requires the lead agency to prepare a formal community relations plan based upon community interviews and other relevant information by the end of the 120-day period. For removal actions with a planning period of at least six months, the CIP must be completed prior to the completion of the Engineering Evaluation/Cost Analysis.

EXHIBIT XI.2. COMMUNITY INVOLVEMENT PLAN REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Community Involvement Plan	EPA In-House	**Finish:** Finalized Community Involvement Plan

CIPs should also be revised every three years (if the site is active) and EPA should determine whether additional community interviews are needed.

Special Planning/Reporting Requirements:
Planned start and finish dates are entered in SEMS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for CIPs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent final document.

b. Community Advisory Groups (CAGs)

A CAG is an organized group of local stakeholders representing the diversity of community interests for a Superfund site. CAGs serve as a point for exchanging information among the local community, EPA, the state regulatory agency, and other agencies involved in Superfund cleanups. CAGs also provide a forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. CAGs

may receive help from EPA, state, tribal and local governments, and universities in areas such as meeting facilitation, technical assistance, and administrative support.

EXHIBIT XI.3. COMMUNITY ADVISORY GROUPS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Community Advisory Group	EPA In-House	**Start:** First meaningful (not interest finding) Community Advisory Group Meeting is held **Finish:** CAG is completed/closed out by EPA and CAG

c. Technical Assistance Grants (TAGs)

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance in interpreting site-related technical information to eligible communities. This technical assistance enables communities to better participate in and inform the decision-making process at their sites.

EXHIBIT XI.4. TECHNICAL ASSISTANCE GRANTS REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Technical Assistance Grant	EPA In-House	**Start:** TAG award document is signed by the regional award official **Finish:** Award document, one-year extension document, time period extension document, or other documents, such as a memo to the file prepared by the TAG coordinator documenting the ending date of the budget and project period

Special Planning/Reporting Requirements:
Planned start and finish dates are entered in SEMS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and SEMS data, including data prior to fiscal year (FY) 89, which is the first fiscal year TAG appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years.

There can only be one active TAG at a site.

d. Technical Assistance Services for Communities (TASC)

TASC was developed to provide communities that live near hazardous waste sites with independent technical assistance to help them understand the technical issues related to

hazardous substance contamination and cleanup so that they can substantively participate in the decision-making process. Just in Time and Super JTI are two related services provided to communities.

Just in Time community services are offered through the EPA's Conflict Prevention and Resolution Center contract. The Office of Superfund Remediation and Technology Innovation (OSRTI) provides regions with access to neutral third-party consultation, collaboration and dispute resolution support services to help prevent, constructively discuss, and address or resolve difficult issues or conflicts with community members and other Superfund site stakeholders**.**

Super JTI provides community members with training and follow on job opportunities, and fosters partnerships that remain long after a Superfund site is cleaned up.

Technical Outreach Services for Communities (TOSC) activity data exist in SEMS for historical purposes only. The TOSC program has been replaced by the TASC program.

EXHIBIT XI.5. TASC REQUIREMENTS

Work Package Activity/Milestone	Performance Lead	Activity/Milestone Date Requirements
Technical Assistance Services for Communities (TASC)	EPA In-House	**Start:** Regional Task Order Monitor/Contracting Officer's Representative approves technical approach to site specific project **Finish:** Documentation, such as an evaluation of the TASC project, marks the completion of the project period for the TASC services

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Chapter XII: Information Systems

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CHAPTER XII: INFORMATION SYSTEMS

XII.A INFORMATION SYSTEMS

The Office of Superfund Remediation and Technology Innovation's (OSRTI) information systems portfolio has been established to ensure that all Superfund information technology (IT) investments align with the Environmental Protection Agency (EPA) mission and support business needs. They are designed to minimize program risks and maximize return on investment throughout each IT investment's lifecycle. Together the portfolio systems provide a structured, integrated toolset to assist management and staff to support the business and mission needs of the Agency.

In fiscal year (FY) 2014, OSRTI completed the integration of several legacy systems into the Superfund Enterprise Management System (SEMS). This includes the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), Superfund Document Management System (SDMS), the Institutional Controls Tracking System (ICTS), the eFacts reporting tool, and ReportLink. The following points outline the purpose of SEMS:

- Integrating the primary Superfund data collections, reporting and tracking systems into a single system;
- Meeting both immediate and strategic, long-term Superfund needs;
- Serving as an official source of primary Superfund site activity data, records, and support documentation for internal and external stakeholders;
- Improving operational effectiveness, reducing costs, streamlining business processes, and enhancing information management capabilities; and
- Adapting to meet ever-changing environmental, federal and agency needs yet tailored to meet the unique requirements of the Superfund program.

XII.A.1 Overview of SEMS

As a result of the successful integration of multiple legacy systems into SEMS, SEMS is now the official repository of nationally defined and required data for planning and tracking activities at site assessment, remedial and removal sites. SEMS also continues to serve as the Superfund program's official repository of electronic records (See chapter XIII, Superfund Records Management). The integrated system is the Superfund program's source of site information, activity data and supporting documentation across all areas of the pipeline (e.g., site assessment, remedial program).

The following sections provide a summary of the information specific to each program area that is contained in SEMS. Additional guidelines can be found in each associated chapter of the Superfund Program Implementation Manual (SPIM).

a. Remedial Site Assessment (See chapter VI)

To support the remedial site assessment and National Priorities List (NPL) listing processes, SEMS provides the following capabilities:

- Enter, store, and retrieve basic site discovery information, including site identification (name and location), narrative description, and site setting;
- Identify the Site Assessment Manager (SAM) and other site contacts;
- Distinguish between removal program site initiation and remedial site assessment program discoveries;
- Enter, store, and retrieve site assessment decision information, including qualifiers and text rationale, as well as referrals to states or other program areas;
- Manage schedule of site assessment activities;
- Store program records that support remedial site assessment and NPL listing decisions;
- Generate standard reports and perform ad hoc queries; and
- Track information associated with NPL listing actions, including *Federal Register* citations, Federal Docket Management System (FDMS) numbers, Hazard Ranking System (HRS) scores and changes to NPL status.

b. Removal Program (See chapter VII)

To support the removal process, SEMS provides the following capabilities:

- Manage schedule of removal activities;
- Identify the On-Scene Coordinator (OSC) and other site contacts;
- Track the type of removal response (e.g., emergency, time critical or non-time critical), media addressed, contaminants of concern, and response technology.
- Assist in the management of removal budgets for various contract vehicles and other EPA costs;
- Store program records that support removal program decisions; and
- Generate standard reports and perform ad hoc queries.

c. Remedial Program (See chapter VIII)

To support the remediation process, SEMS provides the following capabilities:

- Manage schedule of remedial activities;
- Identify the Remedial Project Manager (RPM) and other site contacts;
- View and update remedy decision information, including media addressed, contaminants of concern, and response technology;
- View and update Five-Year Review information, including issues, recommendations and protectiveness statements;
- Track key performance measures for the remedial program, including Construction Completion, Environmental Indicators and Sitewide Ready for Anticipated Use;

- Assist in the management of remedial budgets for various contract vehicles and other EPA costs;
- Store program records that support remedial program decisions; and
- Generate standard reports and perform ad hoc queries.

d. Federal Facility Program (See chapter IX)

To support Federal Facilities, SEMS provides the following capabilities:

- Manage schedule of Federal Facility activities;
- Record, display, and update information pertaining to Base Realignment and Closure (BRAC) sites, including BRAC types, Fast Track sites, Environmental Baseline Survey (EBS) information, Finding of Suitability to Lease (FOSL) information, and Finding of Suitability to Transfer (FOST) information;
- Record and display Federal Facility Docket information;
- Assist in the management of Federal Facility budgets for various contract vehicles and other EPA costs;
- Store program records that support Federal Facility program decisions; and
- Generate standard reports and perform ad hoc queries.

e. Enforcement Program (See chapter X)

To support the enforcement process, SEMS provides the following capabilities:

- Manage schedule of enforcement activities;
- Identify site attorneys and other contacts;
- Capture and retrieve information about Potentially Responsible Parties (PRPs) and other parties and associate parties with all sites and enforcement actions with which they have been involved;
- Document a party's involvement type with a site;
- 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;
- Track Bona Fide Prospective Purchaser Agreements (BFPPs), Prospective Purchaser Agreements (PPAs), Prospective Lessee Agreements (PLAs), Contiguous Property Owners (CPOs) and Windfall Lien Agreements (WL);
- Track negotiations, including type of response actions sought and cost recovery amount sought;
- Track settlements, type and estimated value of response actions to be performed by the parties, cost recovery funds achieved, response actions that are being reimbursed, cash out funds achieved, the amount and type of financial assurance provided by parties, amount of funds to be disbursed from a Special Account or

deposited into a Special Account as part of the settlement, and whether the settlement was with de minimis parties;

- Log case files, including EPA Docket and Department of Justice (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 pipeline activities start and finish dates used to calculate potential Statute of Limitations (SOL) dates;
- View costs written off and the rationale behind a decision not to pursue cost recovery;
- Track the timely issuance of oversight bills or accounting of oversight costs incurred;
- Record the planned bills, actual bills, refunds/payments, and collections; and
- Generate standard reports and perform ad hoc queries.

f. Community Involvement (See chapter XI)

To support the community involvement process, SEMS provides the following capabilities:

- Manage schedule of community involvement activities;
- Identify the Community Involvement Coordinator (CIC) and other site contacts;
- Store program records that support community involvement decisions; and
- Generate standard reports and perform ad hoc queries.

g. Project Management

To support the project management process, SEMS provides the following capabilities:

- Manage schedules for all site activities;
- Identify RPMs and other site contacts;
- View and edit activity-specific information including operable unit, sequence number, performance lead, qualifiers, critical indicators, and planned and actual start/finish dates;
- View the targeted fiscal year/quarter (FY/Q) for actions defined as regional and national targets;
- Define predecessor and/or successor relationships between activities;
- Add and view activity-specific comments;
- View financial data by site, action, or financial transaction and track Superfund State Contracts (SSC) cost share payment and reimbursable account information within Portfolio Management;
- Allow reviewers (e.g., Section Chiefs) to approve or disapprove schedule changes and financial transactions before they become official; and

- Generate standard reports and perform ad hoc queries.

h. Program Management

To support the program management process, SEMS provides the following capabilities:

- View allowance and budget information for a comparison of regional spending plans to the negotiated budget for each allowance;
- Record and access all site and non-site financial details associated with an allowance;
- View aggregate site planning data to support program planning and reporting measures and access data on a national (at Headquarters [HQ] only), regional, branch, or section level, or by program office;
- Access project schedule details for sites included in the aggregated information on planning and reporting measures and identify target candidates;
- Track progress in meeting targets and planning estimates, view details on target and alternate sites that support these targets/estimates for each planning and reporting measure, and substitute target and alternate sites when necessary;
- Associate sites with a specific national and/or regional priority initiatives;
- Enter Environmental Indicator (EI) and Land Reuse data at the site/action level, and view summary information for Indicators identified in chapter VIII, titled Remedial Program, at the national (at HQ only) and regional levels;
- View financial data transferred from Compass on a daily basis; and
- Generate HQ program management reports.

XII.A.2 SEMS System Components

SEMS is comprised of various modules that allow for data entry and/or retrieval. The goals of this architecture are to allow regions, as the primary data owners, to enter data and ensure that the national database contains all regional data, and to allow all users to run reports and retrieve data as necessary.

System users enter site information into SEMS thru a variety of interfaces. Basic site information (e.g., location, site activity type), site schedules, planned site obligations and other activity-specific information is entered in the *Site Management Module (SEMS-SM)*. Supporting documentation is entered and indexed thru the *Records Management Module (SEMS-RM)*. Users may run reports, customize dashboards and perform ad hoc queries thru the *Reporting Tool*. SEMS also includes support components, such as the *System Administration Module* and the *Portal*.

Regular exports of datasets from SEMS have been recreated in a manner that is consistent with the datasets provided from CERCLIS. These data extracts include:

- Active: This dataset contains active sites and related program management information tracked through the Superfund Comprehensive Accomplishments Plan (SCAP) process.
- Freedom of Information Act (FOIA): This dataset contains active sites and related information that is releasable to the public.

- Archive: This dataset contains archived sites and related information.

Additional datasets can be created to meet additional program needs and special initiatives as they are defined.

In addition, each day, financial data from Compass are transferred into SEMS.

XII.A.3 Reporting Superfund Information

The SEMS Reporting Tool is accessible to users at HQ and in the regions, and contains nationally defined reports and dashboards. The reports are categorized by program areas, including Site Assessment, Five Year Reviews, Federal Facilities, Removal, Enforcement, Project Management, and Program Management, among others. HQ program managers and staff have access to the database and the ability to use the application to display data and print reports. In many cases the application can be used by program managers in lieu of contacting regional staff for inquiries on data or site information.

XII.A.4 SEMS Information on the Internet

Since the OneEPA changes, effective on October 1, 2015, SEMS information has been made available to the public via the internet in a variety of different formats. The major formats are described below

a. Superfund Site Profile Pages (SPP)

The Superfund Site Profile Pages are Drupal pages which are created for each NPL site. The SPPs contain the following information, which is pulled from the Site Management module of SEMS (SEMS-SM)

- Site Status (CC, HEUC, GWMUC, and SWRAU)
- NPL Status (P, F, D)
- Site Address
- Site Contacts
- Site Aliases
- Contaminants of Concern (CoC)
- Operable Units (OUs)

The SPPs also show published Administrative Record Collections and Special Collections of records for the site, which is pulled from the Records Management module of SEMS (SEMS-RM). Hard links to site specific records can be added to the SPPs to highlight time sensitive information or data for public information. (Ex: public meeting presentations, Five-Year Review Reports, records available for public comment, notice of meeting, or other records of high public interest.)

The SPPs can be accessed via the following websites

- Cleanups in My Community (https://www.epa.gov/cleanups/cleanups-my-community)
- Search for Superfund Sites Where You Live (https://www.epa.gov/superfund/search-superfund-sites-where-you-live)
- Redirects from individual Regional Pages or Press Releases

b. Superfund Records Collections (SEMS-PUB)

SEMS-PUB is a search interface which allows a member of the public to search for Superfund records in published Administrative Record or Special Collections. Users can search using the following criteria:

- Region
- Collection Type
- Collection ID
- Collection Description
- State (not available for HQ collections)
- Site (not available for HQ collections)
- EPA ID (not available for HQ collections)

Based on the results of the search, a user can access the files along with a limited amount of SEMS-RM metadata (date, title, document ID, author, addressee, pages, and size) related to those files. All documents published to the web via SEMS-PUB must have an access control of "Uncontrolled".

Links to documents in SEMS-PUB are provided on other Superfund websites via searchable tables (an example of a searchable table can be seen on the Contaminants at Superfund Sites website at: https://www.epa.gov/superfund/contaminants-superfund-sites). Searchable tables will eventually replace hard-linking to individual documents.

c. Superfund Remedial Performance Measures

The Superfund Remedial Performance Measures website provides the public with pie and bar charts which describe the number of sites that fall into six performance measures. This information comes from SEMS-SM and the Superfund Reporting Tool. Superfund Remedial Performance Measures can be accessed on the Superfund Remedial Performance Measures website at: https://www.epa.gov/superfund/superfund-remedial-performance-measures

d. Superfund Data and Reports

The Superfund Data and Reports website provides the public with a select set of SEMS data reports. The reports available as of the FY2019 SPIM are:

- Superfund Data and Reports Data Dictionary
- FOIA 1 – List of Sites with Potential Smelting-Related Operations
- FOIA 2 – Completed RODs, ROD Amendments, and ESDs
- FOIA 3 – List of All Proposed NPL Sites
- FOIA 4 – List of All Final NPL Sites
- FOIA 5 – List of all Deleted NPL Sites
- FOIA 11 – Noticed Parties at SEMS Sites
- FOIA 12 – Lien on Property
- List 8R – Active and Archived Site Inventory with Action Details
- LIST 10 – Top 20 Contaminants at Superfund Sites

There are also reports and data files available from the CERCLIS decommissioning in September 2014. Superfund Data and Reports can be accessed on the Superfund Data and Reports website at: https://www.epa.gov/superfund/superfund-data-and-reports

e. Superfund Report Order Form

The Superfund Report Order Form allows a member of the public to request either a Superfund document or other information about Superfund sites. Depending on the nature of the inquiry, the response could include data reported out of SEMS-SM and/or records from SEMS-RM. The Superfund Report Order Form can be accessed directly on the Superfund Report Order Form website at: https://www.epa.gov/superfund/forms/superfund-report-order-form as well as via a link on the Superfund Data Reports website.

XII.A.5 Data Owners/Sponsorship

HQ program staff take an active role in improving the quality of data stored in SEMS by serving as data sponsors. Data sponsorship promotes consistency and communication across the Superfund program. HQ data sponsors communicate and gain consensus from data owners on data collection and reporting processes. Data sponsors ensure that the data they need to monitor performance and compliance with program requirements are captured and stored properly in SEMS. To meet this goal, HQ data sponsors identify their data needs, develop data field definitions, and distribute guidance requiring submittal of these data. Data ownership may either be centralized through the IMC or a centralized team or decentralized through the RPMs that input the data into the system. Data owners follow the guidance they receive from data sponsors as they acquire and submit data. HQ data sponsors assist data owners in maintaining and improving the quality of Superfund program data through program evaluation and adjustments in guidance to correct weaknesses detected. Data sponsors may conduct audits to determine if there are systematic data problems (e.g., incorrect use of codes, data gaps, etc.).

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Chapter XIII: Superfund Records Management

Chapter XIII: Superfund Records Management

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CHAPTER XIII: SUPERFUND RECORDS MANAGEMENT

XIII.A OVERVIEW OF RECORDS MANAGEMENT

XIII.A.1 What is a Record?

If you answer yes to any of the following questions, you may have a record:

- Was it created in the course of business?
- Was it received for action? Does it document Environmental Protection Agency (EPA) activities and actions?
- Is it mandated by statute or regulation?
- Does it support financial obligations or legal claims?
- Does it communicate EPA requirements?

Records can exist in both paper and in electronic format. Examples are email, voicemail, instant messages, and blogs/wikis/social media. Treat such messages the same way you treat paper records[1].

Any electronic message is a record if it documents the EPA mission or provides evidence of an EPA business transaction, and if you or anyone else would need to retrieve the message to find out what had been done or to use it in other official actions. For additional information, please refer to the *EPA Records Management Policy, February 2015*.

NOTE: EPA staff should not use any outside e-mail account to conduct official agency business. If there is an emergency situation requiring the use of an outside e-mail account, it is the individual's responsibility to ensure all agency records are captured and managed in an approved recordkeeping system. More information about records responsibilities can be found on the Records Management Intranet site at: http://intranet.epa.gov/records/staff/index.html

XIII.A.2 Purpose of Records for Superfund

Superfund records provide important information about activities and decisions at hazardous waste sites addressed by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The records cover all distinct phases of the Superfund program from site discovery, cleanup actions proposed or selected, enforcement actions, and site reuse. The records can be classified in the general categories of pre-remedial, Federal Facilities, remedial, and emergency response and removal. Superfund records include program support records such as directives, guidance, the SPIM itself, for example, and records of communication regarding the program mission.

The records have current and historical value for both commerce and quality of life uses. As such, a significant portion of Superfund records have been designated by the National Archives and Records Administration (NARA), as permanent records of the United States due to their

[1] National Archives and Records Administration, "Frequently Asked Questions (FAQs) About Media Neutral Schedule Items", August 4, 2010. http://www.archives.gov/records-mgmt/faqs/media-neutral.html

continuing value for historical or environmental research. The nature of the Superfund program requires site-specific records be scheduled as permanent records and ultimately turned over to NARA (as a comparison, approximately only 3% of all federal records are scheduled as permanent). Additionally, Superfund records that are not permanent records of the United States also must be retained far longer that many other records throughout the federal government.

In addition to regulatory records management responsibilities, the Superfund program has the following additional goals and objectives:

EXHIBIT XIII.1. RECORDS MANAGEMENT GOALS AND OBJECTIVES

	Objective	Goal
1	Ensure all Program Required Documents are captured into the program's official record keeping system (Superfund Enterprise Management System Records Management module [SEMS-RM], formerly known as the Superfund Document Management System [SDMS]).	Within five (5) working days of the finalization of the document/Actual date of accomplishment in SEMS-Site Management Module (SEMS-SM).
2	Ensure all Program Required Documents are associated to the appropriate SEMS-SM Activity.	Within ten (10) working days of the accomplishment date.
3	Ensure select Program Required Documents are proactively made available to the public via EPA's website (within national collections).	Within twenty (20) working days of the accomplishment date.
4	Facilitate best practices across all regions and develop national standards, where appropriate.	Maintain established national standards annually.

XIII.A.3 Regulatory and Policy Requirements

The Federal Records Act of 1950, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

44 U.S.C 2902, Objectives of Records Management, requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

Records serve a variety of purposes including:

- administrative and program planning needs
- evidence of EPA activities
- protection of legal and financial rights
- oversight by Congress and other authorized agencies
- documentation of the Agency's history
- the continuation of key functions and activities in the event of an emergency or disaster

Records serve as the Agency's historical data; they are of critical importance in ensuring that the organization continues to function effectively and efficiently. As noted in section XII.A

above, Superfund records relate to environmental issues within the United States. As such, records retention falls into two general categories: long-term temporary and permanent.

XIII.A.4 Roles and Responsibilities

The Office of Superfund Remediation and Technology Innovation (OSRTI) will develop national program-specific policies and standards, where appropriate. This chapter of the Superfund Implementation Manual (SPIM) documents those policies. OSRTI will facilitate discussions across regions to assist regions in fulfilling the federal and program-specific requirements as well as facilitating discussion of best practices.

Each regional office is responsible for ensuring compliance with federal and program-specific requirements.

XIII.B CAPTURING SUPERFUND RECORDS

XIII.B.1 Program Required/Recommended Documents

To support the documentation/records collection requirements of the Superfund program, recent emphasis has been to standardize the records that are collected and stored in the Superfund Enterprise Management System (SEMS). Historically, the regions had the discretion to select the records to place into SEMS Records Management Module (SEMS-RM) according to regional priorities, which often differ substantially from one region to the next.

A list of 'Program Required/Recommended Documents' has been established that has been reviewed and commented upon by regional Superfund Records Managers, Information Management Coordinators and Headquarters Data Sponsors. The list will be reviewed as needed, typically as part of the annual review and revision of the SPIM. See the Excel workbook attached to the SPIM. Instructions for accessing the attachment are included at the end of this chapter.

1. **Program Required Documents (see attached Excel workbook)**
   Documents included on the Program Required Documents list have been determined to be most vital to documenting the progress of the program and sites: those documents that support/document the reporting of key activities in the SEMS Site Schedule and/or those documents that are determined to be of high value (e.g., Superfund State Contracts, Financial Assurance Instruments, Institutional Control Instruments, etc.). Program required documents are captured in SEMS-RM and associated to an Activity.

2. **Capture into SEMS-RM**
   Program Required Documents must be captured by the region into SEMS-RM.

3. **Associate to SEMS-SM Activity**
   Upon verification that the document supports the SEMS Site Management Module (SEMS-SM) Activity data, the document's SEMS-RM Document Identification number is associated to the Activity by the office that submits the record. A document may support a SEMS-SM Activity because it is the evidence that the Activity was completed or because the document has high value and best associated to a specific Activity for

tracking purposes (e.g., Superfund State Contracts, Financial Assurance Instruments, Institutional Control Instruments, etc.).

4. **Add to National Collection**
   Select Program Required Documents (as identified in the attached Excel workbook) will be made available to the public by adding the document to a published national collection within SEMS-RM.
   1. Region captures document into SEMS-RM
   2. Region associates the SEMS-RM number to the SEMS-SM Activity
   3. Region notifies Collection Owner of the capture and association
   4. The Collection Owner may periodically run a report or query SEMS-Reporting Tool for new documents associated to the Activity
   5. The Collection Owner puts the document into the appropriate national collection. The document is then made available to the public.

5. **Program Recommended Documents**

   A Program Recommended Document is a document for which it is strongly recommended that the region capture into SEMS-RM and associate the document's SEMS-RM number to the appropriate Activity in SEMS-SM.

XIII.B.2 Other Program Records

In addition to Program Required/Recommended Documents, other records that assist in documenting site information and support Superfund program activities on sites should be included in the SEMS-RM. Non-site-specific records may also be retained in the SEMS-RM system as needed to support Superfund program activities and decisions, an example of which would include contract-specific work performance documents that reference site-specific contractor work activity spanning a region. Regional Superfund Record Managers may determine records appropriate for capture in the SEMS-RM repository beyond those identified as Program Required/Recommended list. Regions may capture into SEMS-RM any other document for any business purpose (reference, Freedom of Information Act [FOIA], cost recovery, records management).

XIII.B.3 SEMS Records Management (SEMS-RM) and SEMS Site Management (SEMS-SM)

The central component in ensuring compliance with regulatory and policy requirements is the SEMS-RM (previously known as the Superfund Document Management System [SDMS]), an application that utilizes Superfund program-specific metadata to store and retrieve documents at Headquarters (HQ) and across all 10 regions of EPA. By maintaining a recordkeeping system that allows for efficient responses to litigation, FOIA requests, and audits, OSRTI also minimizes the cost and effort traditionally associated with recordkeeping by moving toward the reduction of paper records.

SEMS-RM is a key EPA information asset used to meet the Superfund program's responsibilities for recordkeeping and transparency. Furthermore, SEMS has replaced the

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) as the System of Record for the Superfund program, serving as the official repository of Superfund programmatic data in addition to records (*Establishment of a New System of Records Notice for the Superfund Enterprise Management System, Federal Register Vol. 80 No. 74, page 21237, April 2015*).

SEMS-RM is used to "publish" uncontrolled documents to the Site Profile Pages and SEMS-Pub public web pages. Superfund records can be added either to a published national Special Collection, published regional Special Collection, or a published regional Administrative Record Collection to be made available to the public. Publishing regional Administrative Record Collections in SEMS-RM is the broadened technology that SEMS-RM provides enabling EPA to increase the public availability of the Administrative Record File in accordance with the Amendment to the National Contingency Plan (NCP), 40 CFR 300.805(c).

SEMS-RM currently serves as the program's repository of digital records. System updates that are planned will go even further to make SEMS the program's official electronic recordkeeping system. At that time, the SEMS-RM electronic recording keeping system will comply with the NARA-endorsed standard for electronic recordkeeping systems.

The purpose of integrating CERCLIS and SDMS into one system, SEMS, was to create direct linkages between site information and the records that support program activities and decisions. SEMS leverages advanced technology to better support the efficient and effective operation of the program. This supports Goal 3: Land Preservation and Restoration and Goal 5: Compliance and Environmental Stewardship of the *FY 2014-2018 EPA Strategic Plan, April 2014*.

SEMS allows increased access to records while reducing physical record storage. SEMS fosters collaboration of information. An example is the 24,548 documents from Region 4 that were captured in SDMS, and inherited by SEMS, for Hurricane Katrina. These digital documents, which meet the standard for e-FOIA, may be distributed to many stakeholders including states, tribes, concerned citizens, the legal community, and other federal agencies.

XIII.B.4 Superfund Records Reports

A variety of reports will be available via SEMS-Reporting Tool and via the Superfund Reporting Center to assist the regions in verifying, tracking, and monitoring their performance of meeting the records goals and objectives of the Superfund program. Examples are:

- PGMT-006: Actions with SEMS Doc Info is used by EPA to display activities and the SEMS-RM Doc IDs associated with them. The report can be run for a variety of parameters including activity date, activity, and/or program required and program recommended documents.
- RM-001.01: Access Control Record Count – Volumes of records, pages and overall file sizes, sorted by Regions.
- RM-002: Collection Count – Records Report that displays various record information for Administrative Record Collections and Special Collections in HQ and all 10 Regions.

The regional SEMS Data Entry Control Plan should be used to reflect the reports being used. Future updates to this SPIM will identify additional available reports.

XIII.B.5 Disclosure and Disposition

Specific definitions for the descriptions and dispositions of Superfund records are primarily enumerated in EPA Record Schedule 1036 for site specific records. Records defined by other EPA Record Schedules may also be retained and dispositioned in SEMS-RM to meet program needs. The EPA National Records Management program has submitted Record Schedule 1036 to the National Archives and Records Administration for review, comment and approval.

The required lifespan of Superfund records presents OSRTI with records preservation challenges that are not widely shared across agencies of the Federal Government. Disposition of Superfund records are permanent in most cases and governed by regulations which apply to both paper and electronic records. As discussed throughout this chapter, Superfund is evaluating and implementing strategies to maximize the efficient use of information technology to enhance availability of Superfund information while reducing records related costs.

Regarding public disclosure under the Freedom of Information Act (FOIA) or other disclosure statutes and regulations, pre-decisional Superfund site records are by definition deliberative in nature and should be excluded from public disclosure requirements unless previously disclosed by the Superfund program or determined appropriate for release by a competent authority as defined by the Region's SEMS Data Entry Control Plan. Examples of authorities that could define whether a record is able to be disclosed include Regional Counsel, FOIA Officers, and Remedial Project Managers.

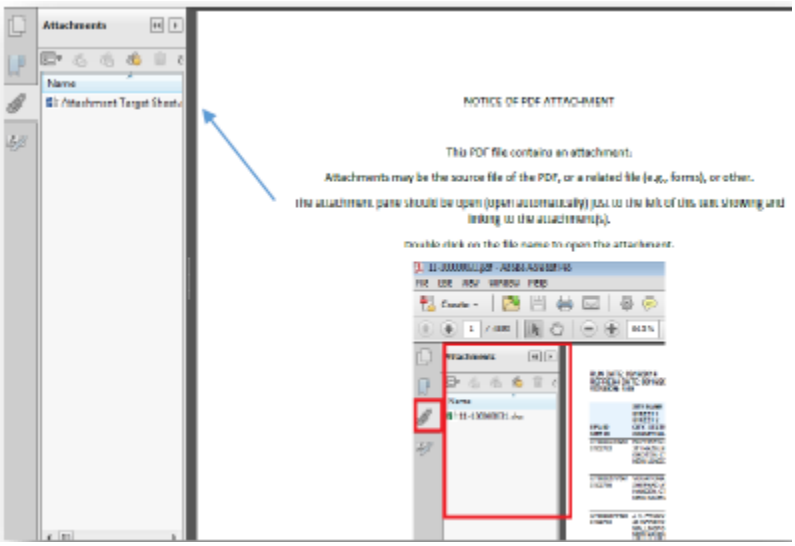
XIII.B.6 Program Required Documents Attachment

Instructions for accessing Program Required Documents attachment referred to in XIII.B CAPTURING SUPERFUND RECORDS:

This PDF file contains an attachment.

The attachment pane should be open just to the left of this text showing and linking to the attachment(s).

Double click on the file name to open the attachment.



The attachment pane (paperclip icon) should be displayed or available if the PDF opened in either:

Internet Explorer (IE) browser, Adobe Reader, or Adobe Acrobat.

For other browsers, consult the browser's help for viewing PDF Attachments.

Alternatively, download the PDF to your computer and open in Adobe Acrobat or Adobe Reader.

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Appendix A: Regional and Headquarters Contacts

Appendix A: Regional and Headquarters Contacts

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APPENDIX A: REGIONAL AND HEADQUARTERS CONTACTS

A.A HEADQUARTERS (HQ) SUBJECT MATTER EXPERTS/DATA SPONSORS			
Subject Area	**Name of Contact**	**Email**	**Phone Number**
Budget Formulation System (BFS) Measures	Jenee Sharon	sharon.jenee@epa.gov	703-603-8736
Community Involvement	Helen DuTeau Freya Margand	duteau.helen@epa.gov margand.freya@epa.gov	703-603-0263 703-603-8861
Construction Completions	Chip Love	love.chip@epa.gov	703-603-0695
Cost Recovery Statute of Limitations (SOL)	Mary Bell	bell.mary@epa.gov	202-564-2256
Data Quality (Program) (Enforcement)	Sheldon Selwyn Mary Bell	selwyn.sheldon@epa.gov bell.mary@epa.gov	703-603-8776 202-564-2256
Enforcement Measures & Reports	Mary Bell	bell.mary@epa.gov	202-564-2256
Environmental Indicators	Jenee Sharon	sharon.jenee@epa.gov	703-603-8736
Environmental Justice	Anthony Socci	socci.anthony@epa.gov	202-564-1645
Federal Facilities Measures	John Burchette	burchette.john@epa.gov	202-564-3338
Federal Facilities Response	John Burchette	burchette.john@epa.gov	202-564-3338
Federal Facilities Response Budget Planning	Marie Bell-Anderson	bell-anderson.marie@epa.gov	202-564-0775
Five-Year Reviews	Jennifer Edwards	edwards.jennifer@epa.gov	703-603-8762
FOIA (OSRTI) (OSRE)	David Reynolds Mary Bell	reynolds.david@epa.gov bell.mary@epa.gov	703-603-8895 202-564-2256
Groundwater	David Bartenfelder	bartenfelder.david@epa.gov	703-603-9047
Institutional Controls	Richard Norris	norris.rich@epa.gov	703-603-9053
Mining Sites	Shahid Mahmud	mahmud.shaihid@epa.gov	703-603-8789
Munitions	Doug Maddox	maddox.doug@epa.gov	202-564-0553
NPL Deletions/Partial Deletions	Chuck Sands	sands.charles@epa.gov	703-603-8857
OEM - Removal Implementation	Rob Fox	fox.rob@epa.gov	202-564-1538
OEM - Removal Planning & Reporting	Rob Fox	fox.rob@epa.gov	202-564-1538

OSRTI Budget, Planning & Evaluation	Art Flaks	flaks.art@epa.gov	703-603-9088
Annual Budget Process (SEMS Action Codes) (OSRTI) (OSRE)	Art Flaks Alice Ludington	flaks.art@epa.gov ludington.alice@epa.gov	703-603-9088 202-564-6066
Regional Work Planning (OSRTI) (OSRE)	Bill Dalebout Eliana DeLeon	dalebout.william@epa.gov deleon.eliana@epa.gov	703-603-8826 202-564-2946
OLEM Budget	Larry Burnham	burnham.larry@epa.gov	202-566-2030
Pipeline Allocation Model	Bill Dalebout	dalebout.william@epa.gov	703-603-8826
Post-Construction	Amanda Van Epps	vanepps.amanda@epa.gov	703-603-8855
Radiation Contaminated Sites	Stuart Walker	walker.stuart@epa.gov	703-603-8748
Remedial Design/Remedial Action	Kate Garufi	garufi.katherine@epa.gov	703-603-8827
Remedial Financial Data	Art Flaks Bill Dalebout	flaks.art@epa.gov dalebout.william@epa.gov	703-603-9088 703-603-8826
Remedy Selection	Doug Ammon Linda Fiedler	ammon.doug@epa.gov fiedler.linda@epa.gov	703-347-8925 703-603-7194
SCAP Report Coordinator	Jennifer Sutton	sutton.jennifer@epa.gov	703-603-8718
Site Assessment/NPL Listing	Randy Hippen	hippen.randy@epa.gov	703-603-8829
Special Accounts	Tracey Stewart	stewart.tracey@epa.gov	703-603-8791
SPIM Lead	Jennifer Sutton	sutton.jennifer@epa.gov	703-603-8718
Superfund Alternative Approach	Nancy Browne	browne.nancy@epa.gov	202-564-4219
Superfund Financial Management (OCFO)	Tina van Pelt	vanpelt.tina@epa.gov	202-564-4984
Superfund Redevelopment	Melissa Friedland	friedland.melissa@epa.gov	703-603-8864

A.B OSRTI REGIONAL COORDINATORS (PRE-REMEDIAL)

Subject Area	Name of Contact	Email	Phone Number
Region 1 Coordinator	Terry Jeng	jeng.terry@epa.gov	703-603-8852
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National Cost Documentation Advisor; Special Projects	OCFO/OSRE/OSRTI - TBD		
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