
Superfund Initiative Roundtable

Completing Cleanup and Revitalizing Properties

August 10, 2017
1001 Pennsylvania Ave., NW, 9th Floor South
Washington, DC 20004

Roundtable Purpose

The U.S. Environmental Protection Agency has launched an Initiative to promote expeditious remediation and revitalization of Superfund sites. The goal of the Initiative is to dramatically improve the progress of cleanups across the country by incentivizing stakeholders, encouraging private investment in cleanups, and applying best practices that lead to full beneficial use of properties across the country. A Task Force established by Administrator Pruitt and chaired by Mr. Albert Kelly published a set of recommendations to meet this goal (refer to appendix for summary table of recommendations).

A Roundtable workshop with U.S. EPA, state agencies, and private and public responsible parties will provide an ideal setting to foster an effective response to the Initiative. Its purpose is to identify creative, workable solutions to mitigate administrative, technical, and financial barriers to completing environmental cleanups and returning properties to productive use.

The Challenge

The Superfund processes for site characterization; remedy selection, construction, and operation; and environmental closure can be protracted for a variety of reasons. Process-driven approaches with administrative constraints, unclear project objectives, lack of incentives for cleanup, poor communication among stakeholders, and financial limitations are among the explanations for long project life cycles to achieve site restoration and reuse.

Although the Superfund program supports risk-based cleanup principles and practical approaches, there is a perception among some stakeholders that the processes are rigid and therefore, solutions are limited. Fortunately, there is inherent flexibility for agencies and responsible parties to successfully apply performance-based principles and optimization methods, upon which many solutions are based. The challenge for the Roundtable participants is to identify specific solutions that will reduce implementation costs and remediation life cycles, and thereby realign stakeholder incentives to expeditiously achieve environmental cleanup and revitalization of sites and affected communities.

Discussion Overview

The Roundtable participants will include stakeholders who bring a breadth of experience and knowledge of best practices and risk management principles associated with some of the most challenging and complex cleanups nationally. They include:

- U.S. EPA, U.S. DOD, U.S. DOE, U.S. Army COE, and U.S. Department of Navy
- ASTSWMO, ECOS
- CERCLA Potentially Responsible Parties
- Nongovernmental Organizations

The Roundtable discussions will focus on overcoming barriers to faster cleanup and on actions to jump-start solutions by:

- Incentivizing early actions and faster decisions;
- Removing barriers to remedy selection and optimization;
- Reducing administrative costs;
- Improving agency oversight and collaborative decision-making;
- Instilling risk-based principles and early focus on remedies;
- Streamlining the use of administrative tools that support site revitalization and reuse, such as issuing comfort letters; and
- Expanding non-traditional financing mechanisms.

Collectively, the stakeholders have documented a plethora of solutions and specific methods over the years to improve the efficiency and effectiveness of environmental cleanups, regardless of the regulatory program. Among the solutions from which the Roundtable discussions can begin and evolve are:

- Performance based environmental management;
- Program and site exit strategies;
- Remedial system optimization and life cycle analysis;
- Treatment trains with performance objectives;
- Pre-determined decision-making framework / decision logic flowcharts; and
- Alternative and non-traditional approaches for financing cleanups.

Desired Outcomes

Desired outcomes include:

- A list of specific solutions and methods for reducing the cost and remediation life cycles of Superfund sites;
- Transfer of information and knowledge among stakeholders, who can in turn inform others of identified solutions and effectuate implementation of the solutions; and
- Next steps for implementing solutions.

Agenda

- 11:45 – 1:00** **Registration, Networking, and Refreshments**
- 1:00 – 1:15** **Welcome and Introductions**
- Sean McGinnis, Director, The Horinko Group*
- Safety, meeting logistics, discussion norms/ground rules
 - Individual introductions and personal hopes for the meeting
- 1:15 – 1:30** **Keynote Remarks**
- Albert Kelly, Senior Advisor to the Administrator, U.S. EPA*
- Prioritizing the Superfund Program
- 1:30 – 1:45** **Discussion Overview and Presentation**
- Carol Henry Emery, Vice President, HSW Engineering (Moderator)*
- Starting with the End in Mind: Exit Strategies for Completing Cleanups
- 1:45 – 3:15** **Moderated Discussions (45-minute sessions)**
1. *Optimize the Remedy* – What are Best Practices to streamline the cleanup process and reduce unnecessary burdens on cooperating parties?
 2. *Streamline the Process* – How can the agencies reduce administrative costs and improve / streamline their oversight?
- 3:15 – 3:30** **Break**
- 3:30 – 5:00** **Moderated Discussions (45-minute sessions)**
3. *Promote Redevelopment* – What would incentivize parties to remediate and redevelop sites? What alternative approaches could be applied to encourage investment?
 4. *Prioritize* – What should the next steps be for cooperating parties and agencies? How should we communicate with stakeholders to achieve the most impact?
- 5:00 – 5:15** **Next Steps and Wrap Up**

Participant List

Karen Baker

Chief, Environmental Division
U.S. Army Corps of Engineers

Buddy Bealer

Sr. Project Manager
Shell Oil Products

Joe Benco

Vice President, Engineering Technical
Support
Republic Services

Tom Blackman

LM Fellow, Environmental Remediation
Lockheed Martin

Amy Brittain

Environmental Programs Manager, Superfund
Site Remediation Section
Land Protection Division
Oklahoma Department of Environmental
Quality

Carol Henry Emery

Vice President
HSW Engineering, Inc.

Greg Gervais

Deputy Director, Federal Facilities
Restoration and Reuse Office
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Barnes Johnson

Director, Office of Resource Conservation and
Recovery
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Albert Kelly

Senior Advisor to the Administrator
Office of the Administrator
U.S. Environmental Protection Agency

Karin Leff

Acting Director, Federal Facilities
Enforcement Office
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency

David Lloyd

Director, Office of Brownfields and Land
Revitalization
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Richard Mach

Director of Environmental Compliance and
Restoration Policy
Office of the Assistant Secretary of the Navy
(Energy, Installations, and Environment)
U.S. Department of Navy

Cyndy Mackey

Director, Office of Site Remediation
Enforcement
Office of Enforcement and Compliance
Assurance
U.S. Environmental Protection Agency

Barbara Maco

Vice President
Sustainable Remediation Forum

Sean McGinnis

Director
The Horinko Group

Deborah Morefield

Defense Environmental Restoration Program
Manager, Environmental Management, Office
of the Deputy Under Secretary of Defense
(Installations and Environment)
U.S. Department of Defense

Jennifer Roberts

Program Manager, Division of Spill
Prevention and Response
Alaska Department of Environmental
Conservation

Dania Rodriguez

Executive Director
Association of State and Territorial Solid
Waste Management Officials (ASTSWMO)

Jay Rothrock

Senior Associate, Environmental & Natural
Resources
Vinson & Elkins

Monica Sheets
Remediation Program Manager, Hazardous
Materials and Waste Management Division
Colorado Department of Public Health and
Environment

Jim Stout, BCES
Senior Principal Environmental Scientist
Geosyntec

Rob Sadorra, M.Eng, MBA, P.E.
Director, Environmental Restoration Program
Naval Facilities Engineering Command HQ

Maureen Sullivan
Deputy Assistant Secretary of Defense
(Environment, Safety & Occupational Health)
Office of the Assistant Secretary of Defense
(Energy, Installations and Environment)
U.S. Department of Defense

Dr. Mark Underwood
Principal Environmental Engineer
Environmental Liability Transfer, Inc.

Jim Woolford
Director, Office of Superfund Remediation
and Technology Innovation
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Supporting Attendee List

Meade Anderson
Program Manager, Brownfields and Voluntary
Remediation
Virginia Department of Environmental
Quality

John Burchette
Federal Facilities Restoration and Reuse
Office
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Gordon Davidson
Senior Advisor, Technology, Partnerships &
Redevelopment
The Horinko Group

Bruce Everetts
Manager, Office of Site Evaluation
Illinois EPA

Nicholas Falvo
Special Assistant to the Senior Advisor
Office of the Administrator,
U.S. Environmental Protection Agency

Steven Folsom
Senior Consultant
HSW Engineering, Inc.

Silvina Fonseca
Office of Superfund Remediation and
Technology Innovation
Office of Land and Emergency Management
U.S. Environmental Protection Agency

Gabriele Hauer
Section Chief, Brownfields Program
Indiana Department of Environmental
Management

Derek Huston
Senior Consultant
HSW Engineering, Inc.

Scott Lauher
Junior Program Manager, CERCLA and
Brownfields Subcommittee
ASTSWMO

Amanda LeFevre
Assistant Division Director, Division of
Compliance Assistance
Kentucky Department of Environmental
Protection

Anne Marie Palmieri
Contaminated Sites Program
Alaska Department of Environmental
Conservation

Lia Parisien
Executive Project Manager
Environmental Council of the States

Sara Rasmussen
Cleanup Programs Branch,
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency

Tim Ratsep
Administrator, Site Investigation and
Restoration Section, Division of Hazardous
Waste Substances
Delaware Department of Natural Resources
and Environmental Control

Charles Reyes
Senior Program Manager, Federal Facilities
Subcommittee
ASTSWMO

Patricia Reyes
Director
Interstate Technology & Regulatory Council

Jeff Steers
Director of Central Operations
Virginia Department of Environmental
Quality

Victoria Warren
Director, Hydrogeology and Superfund
Republic Services

Appendix

EPA Superfund Task Force Recommendations

Goal 1: Expediting Cleanup and Remediation	
Strategy 1: Evaluate and accelerate National Priorities List (NPL) sites to completion	
1	Target NPL sites that are not showing sufficient progress toward site cleanup and completion
2	Develop strategies for NPL site where remedies have been selected to move sites toward NPL deletion
Strategy 2: Promote the application of Adaptive Management at complex sites and expedite cleanup through use of early/interim RODs and removal actions	
3	Broaden the use of Adaptive Management (AM) at Superfund sites
Strategy 3: Clarify policies/guidance to expedite remediation	
4	To better promote national consistency and review, update the authority for approval of the remedy selection while considering the retained authority of the Administrator
5	Clarify priorities for RI/FS resources and encourage performing interim/early actions during the RI/FS process to address immediate risks
6	Provide clarification to the principles for Superfund groundwater restoration
Strategy 4: Use Best Management Practices, systematic planning, remedy optimization, and access to expert technical resources to expedite remediation	
7	Promote use of third-party optimization throughout the remediation process and focus optimization on complex sites or sites of significant public interest
8	Reinforce focused scoping which closely targets the specific areas for remediation and identify and use Best Management Practices (BMPs) in the RI/FS stage.
9	Utilize state-of-the-art technologies to expedite cleanup
10	Develop a technical support team and tools to inform RPMs regarding available resources to assist with Best Management Practice (BMP) applications, including scoping and targeted technical reviews
11	Review all third-party contracting procedures, large EPA-approved contractors, and contracts to determine appropriate use parameters and qualification methods for EPA contracting
Goal 2: Re-Invigorate Responsible Party Cleanup and Reuse	
Strategy 1: Encourage and facilitate responsible parties' expeditious and thorough clean-up of sites to effect reuse more quickly	
12	Recommend consideration and use of early response actions at Superfund sites, particularly sediment sites, while comprehensive negotiations are underway for entire cleanup
13	Identify opportunities to utilize various Federal and State authorities to conduct response actions that are consistent with CERCLA and the NCP
14	Maximize the use of special accounts to facilitate site cleanup and/or redevelopment
15	Speed up settlement process where there are Federal PRPs at a site
16	Provide reduced-oversight incentives to cooperative, high-performing PRPs, and make full use of enforcement tools as disincentives for protracted negotiations, or slow performance under existing cleanup agreements
17	Adjust Financial Assurance (FA) required under enforcement documents to reduce cooperating PRP's financial burden while ensuring resources are available to complete cleanups
18	Reinforce the Federal Facility Agreement informal and formal dispute timelines
Strategy 2: Create oversight efficiencies for PRP lead cleanups	
19	Expand cleanup capacity by designating one agency lead for each project in order to reduce overlap and duplication
20	Identify opportunities to engage independent third parties to oversee certain aspects of PRP lead cleanups
Strategy 3: Promote redevelopment/reuse of sites by encouraging PRPs to invest in reuse outcomes	
21	Facilitate site redevelopment during cleanup by encouraging PRPs to fully integrate and implement reuse opportunities into investigations and cleanups of NPL sites

Goal 3: Encouraging Private Investment

Strategy 1: Use alternate and non-traditional approaches for financing site cleanups

22	Explore Environmental Liability Transfer (ELT) approaches and other risk management tools at PRP cleanups
----	---

Strategy 2: Streamline the process for comfort letters and settlement agreements with third parties

23	Ensure timely use of site-specific tools when needed and appropriate to address liability concerns at contaminated sites
----	--

24	Create and maintain an OECA Information Repository to provide access to enforcement information and tools to support third-party cleanup and reuse
----	--

Strategy 3: Optimize tools to realign incentives to encourage third-party investment

25	Update EPA's position on the use of site-specific agreements with third parties at NPL sites
----	--

26	Revise EPA's Model Agreements to create more opportunities for settlement with third parties interested in cleaning up and reusing NPL sites
----	--

27	Identify tools for third parties interested in investment or other opportunities supporting the cleanup or reuse of NPL sites
----	---

28	Provide greater "comfort" in comfort/status letters
----	---

29	Revise or develop new enforcement guidance to support the cleanup and reuse of contaminated sites
----	---

30	Revise Federal Facility Enforcement guidance
----	--

Strategy 4: Address liability concerns of local governments

31	Develop new local government enforcement guidance to address concerns raised by landowner liability provisions potentially applicable to local governments
----	--

32	Develop a Model Comfort/Status Letter and other tools to address the liability concerns and other barriers unique to local governments
----	--

Goal 4: Promoting Redevelopment and Community Revitalization

Strategy 1: Facilitate site redevelopment and support ongoing information sharing

33	Focus redevelopment efforts on 20 NPL sites with redevelopment potential and identify 20 sites with greatest potential reuse
----	--

34	Publicize site specific information to promote community revitalization
----	---

35	Build capacity of EPA and its stakeholders on the broad community and economic development context for site remediation and redevelopment
----	---

36	Engage Superfund communities in cleanup and redevelopment
----	---

37	Recognize and replicate local site redevelopment successes
----	--

Strategy 2: Utilize reuse planning to lay the foundation and set expectations for site redevelopment

38	Support community visioning, revitalization, and redevelopment of Superfund sites
----	---

39	Engage and facilitate public/private partnerships to share information, resources, and work toward advancing and promoting the revitalization of the site
----	---

Goal 5: Engaging Partners and Stakeholders

Strategy 1: Key stakeholder engagement

40	Develop a robust communications strategy to identify and target key stakeholders
----	--

41	For Federal Facility sites, collaborate with Other Federal Agencies (OFAs) to solicit their views on how EPA can better engage Federal agencies
----	---

42	Use a Federal Advisory Committee to work with a broad array of stakeholders to identify barriers and opportunities related to cleanup and reuse of Superfund sites
----	--