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## Superfund Initiative Roundtable

### Completing Cleanup and Revitalizing Properties

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

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#### 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*
- 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

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### **Supporting Attendee List**

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## Appendix

### EPA Superfund Task Force Recommendations

<b>Goal 1: Expediting Cleanup and Remediation</b>	
<b>Strategy 1: Evaluate and accelerate National Priorities List (NPL) sites to completion</b>	
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
<b>Strategy 2: Promote the application of Adaptive Management at complex sites and expedite cleanup through use of early/interim RODs and removal actions</b>	
3	Broaden the use of Adaptive Management (AM) at Superfund sites
<b>Strategy 3: Clarify policies/guidance to expedite remediation</b>	
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
<b>Strategy 4: Use Best Management Practices, systematic planning, remedy optimization, and access to expert technical resources to expedite remediation</b>	
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
<b>Goal 2: Re-Invigorate Responsible Party Cleanup and Reuse</b>	
<b>Strategy 1: Encourage and facilitate responsible parties' expeditious and thorough clean-up of sites to effect reuse more quickly</b>	
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
<b>Strategy 2: Create oversight efficiencies for PRP lead cleanups</b>	
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
<b>Strategy 3: Promote redevelopment/reuse of sites by encouraging PRPs to invest in reuse outcomes</b>	
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
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#### **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
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24	Create and maintain an OECA Information Repository to provide access to enforcement information and tools to support third-party cleanup and reuse
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#### **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
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26	Revise EPA's Model Agreements to create more opportunities for settlement with third parties interested in cleaning up and reusing NPL sites
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27	Identify tools for third parties interested in investment or other opportunities supporting the cleanup or reuse of NPL sites
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28	Provide greater "comfort" in comfort/status letters
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29	Revise or develop new enforcement guidance to support the cleanup and reuse of contaminated sites
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30	Revise Federal Facility Enforcement guidance
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#### **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
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32	Develop a Model Comfort/Status Letter and other tools to address the liability concerns and other barriers unique to local governments
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### **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
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34	Publicize site specific information to promote community revitalization
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35	Build capacity of EPA and its stakeholders on the broad community and economic development context for site remediation and redevelopment
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36	Engage Superfund communities in cleanup and redevelopment
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37	Recognize and replicate local site redevelopment successes
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#### **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
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39	Engage and facilitate public/private partnerships to share information, resources, and work toward advancing and promoting the revitalization of the site
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### **Goal 5: Engaging Partners and Stakeholders**

#### **Strategy 1: Key stakeholder engagement**

40	Develop a robust communications strategy to identify and target key stakeholders
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41	For Federal Facility sites, collaborate with Other Federal Agencies (OFAs) to solicit their views on how EPA can better engage Federal agencies
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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
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