



July 14, 2017

Albert Kelly
Senior Advisor to the EPA Administrator
EPA Superfund Task Force Chairman
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Comments on Administrator's Memorandum: "Prioritizing the Superfund Program"

Mr. Kelly:

The Superfund Workgroup of the American Council of Engineering Companies (ACEC) greatly appreciated the time you took on June 15, 2017 to discuss the objectives of the EPA Superfund Task Force as outlined in the Memorandum (memo) of May 22, 2017 from EPA Administrator Scott Pruitt, "Prioritizing the Superfund Program."

We also appreciated the opportunity to present a pre-publication copy of the independent report by Katherine Probst, commissioned by ACEC, "Superfund 2017: Cleanup Accomplishments and the Challenges Ahead."

Our discussions with you concerning the objectives enumerated in the memo largely raised points concerning desirable cultural and structural changes within the Superfund program.

- To streamline and improve the efficiency and efficacy, we strongly advise:
 - Up-front end-use decisions are key to impactful change through-out the program.
 - Once made, maintain organizational accountability for regulatory decisions- minimize revisiting or revising those decisions based on individual preference.
 - Recognize RPMs who demonstrate high performance through innovative and accelerated site cleanup.
 - Adaptive project management, e.g., taking early actions, overlapping phases of the Superfund process, and conducting concurrent rather than sequential reviews, should be encouraged to accelerate project completions.

- To accelerate the processing of prospective purchaser agreements, we observe that:
 - An off-ramp concept of early use-decisions would open up greater potential for P3s.
 - Several state-level cleanup programs can serve as models for how to accelerate cleanup under Superfund (e.g., the Virginia Voluntary Cleanup Program).
- To streamline and improve the remedy development and selection process, we note that:
 - Contaminated sediment cleanups conducted under the Great Lakes Legacy Act, incentivizes cooperation and investment among stakeholders, and can serve as a model for sediment cleanups under Superfund.
 - The National Remedy Review Board and the Contaminated Sediments Technical Advisory Group are positioned to play a strategic, catalyzing role in the cleanup process. The NRRB's role can be streamlined, and would benefit from a stronger technical "bench". CSTAG has defined effective strategic management approaches for effective risk-based cleanup, but can default to overly conservative remedies or assumptions that are out of alignment with intended end-uses.
- While not applicable to all sites, Superfund cleanups can be the enabling work that allows for infrastructure improvements, and those improvements create economic value and promote economic development. Where those opportunities present themselves, the agency can leverage the infrastructure and economic development potential of sites early in the process, with the potential to attract private investment in the cleanup, and bring key stakeholders to the table as cleanup partners.
- Finally, risk management approaches that link appropriate and protective cleanup levels to the intended reuse can incentivize private investment. Overly conservative remedies can add costs without meaningful reductions in risk, and delay returning sites to productive use.

Thanks again for your time, and we look forward to continued discussions on these important topics.

Lynn Schloesser
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