
SSP Comments
EPA Superfund Task Force
Recommendations

GOAL 1: EXPEDITING CLEANUP AND REMEDIATION

STRATEGY 1: EVALUATE AND ACCELERATE NATIONAL PRIORITIES LIST (NPL) SITES TO COMPLETION

RECOMMENDATION 1: Target NPL Sites That Are Not Showing Sufficient Progress Towards Site Cleanup and Completion

Specific Actions:

- Develop a list of potential NPL sites to target for completion based on any the following criteria:
 - o Five years listed on the NPL without a selected action;
 - o Remedy design not started for a remedy selected more than 2 years ago;
 - o Remedial action not started which have a Potentially Responsible Party (PRP); or,
 - o Sites with special accounts with a remedial design completed more than 2 years ago.
- As sites are completed, replenish the NPL-targeted list.
- Establish a Top Ten Administrator's Emphasis List on sites determined to need immediate and intense attention:
 - o Determine method for designating sites;
 - o Find obstacles to completion and address them;
 - o Report progress through monthly reports submitted directly to the Administrator;
 - and, o As sites are completed, replenish the list.
- Determine any site where human exposure is not under control and prioritize effecting control.
- Develop recommendations for a process for working with Regions to:
 - o Establish metrics on all sites to track progress, including PRP lead, length of time to estimated partial or complete deletion, costs anticipated, etc.;
 - o Develop project timelines and exit strategies; and,
 - o Track and report progress on achieving/meeting timelines.

Timeframe: Commence activities within 30 days of approval of this plan

SSP is encouraged by the Administration's commitment to expedite completion of remedial actions at NPL sites, and believes the Specific Actions identified in this Recommendation will help identify those sites that are ready to accelerate towards completion. SSP endorses the action to establish metric sto track progress, and suggests RPMs be required to establish budgets and schedules and be made accountable to adhere to them. SSP offers the following

observations regarding obstacles and suggestions for USEPA to consider regarding the process for working with the Regions to allow those sites, and others, to do so:

- During the initial phase of remediation, the RI/FS, is often bogged down by procedure with inadequate focus on progress and the big picture, in particular without sufficient focus on the realistic risk presented by a site and a realistic final outcome. To focus efforts, the program needs to identify a realistic end use for the site and tailor the RI/FS accordingly.
- EPA's Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, Interim Final, OSWER Directive 9355.3-01, last issued in 1988, lays out an extensive process which incorporates widely varied types of studies, which may or may not apply at different sites. Oftentimes, EPA's process of checking boxes from the RI/FS and a plethora of other guidance documents leads EPA to demand that parties do extensive studies that are unnecessary for remedy selection and implementation. SSP believes the RI/FS Guidance should be revised to reflect the lessons learned from over 30 years of experience and the sophistication and experience of the PRPs and consultants who do the work at most sites.
- Importantly, at each step in the RI/FS process, EPA requires formal work plans and reports that invariably go through many iterations of comments and responses. While this process helps to prioritize and focus investigations and analyses, all too often the large majority of comments are unrelated to the actual substance of the document. SSP suggests the Superfund Program consider a less formal, less prescriptive approach to these documents. The RCRA FIRST process provides an instructive model. Key to the RCRA FIRST model is the ability to elevate disputes without retribution.
- Too often, EPA relies upon implausible, unrealistic exposure scenarios to assess the risks that site contamination might present. That approach has two major consequences. First, it vastly expands the number, cost and length of the studies that precede remedy selection, as wildly unrealistic exposure scenarios are evaluated and quantified. This can include risk scenarios and pathways that are not likely to occur even without a remedy as well as risk scenarios and pathways that clearly will be addressed and removed through any likely remedy. Second, use of unrealistic risk scenarios (both human health and ecological) drives the Agency to select cleanup levels that are difficult, if not impossible, to attain; remedies that are more costly than necessary to protect human health and the environment; and remedies that are slower to implement than alternative remedies that would be protective. PRPs naturally then resist taking on the work of such remedies, exacerbating the delay from consultation. To address these issues and improve the pace of cleaning up remedial sites while protecting human health and the environment, EPA should, when evaluating sites and remedial alternatives, consistently analyze remedies through reference to the "reasonable maximum exposure (RME) expected to occur under both current and future land use" standard of applicable EPA policy and guidance. EPA 1982, Risk Assessment Guidance for Superfund, Volume 1 – Human Health Evaluation Manual (RAGS A). EPA/540/1-89-002. See also National Contingency Plan and RAGS B.
- To ensure consistent use of realistic scenarios, EPA should consider consolidating the risk assessment function.
- Require the Regions to adhere to Guidance endorsed by the Task Force. One example of where the Regions have improperly used Guidance concerns A Guide to Principal Threat and Low Level Threat Wastes, Superfund Publication 9380.3-06FS, which has been misused by the Regions to expand the statutory and regulatory definition of principal threat waste in order to justify ineffective and costly removal remedies at sediment and other sites.

- To facilitate cleanups of sites with complex liability/allocation issues, and large orphan shares (e.g., contaminated sediment sites), use the Fund to pay for the orphan shares, expedite cash outs with *de micromis* and *de minimis* parties, and apply adaptive management reasonably and appropriately.

RECOMMENDATION 2: Develop Strategies for NPL Sites where Remedies have been Selected to Move Sites Towards NPL Deletion

Specific Actions:

- Prepare and issue a directive to establish and adhere to a process for tracking and reporting on the progress towards site completion.
- Track remedy completion progress within Superfund Enterprise Management System (SEMS) or with other tracking methods if more efficient.
- Conduct regional and Headquarters work planning sessions semi-annually to discuss and develop strategies for site completion.
- Provide to the Administrator an annual report of sites progressing to completion.
- Review and revise the NPL deletion policy to maximize statutory flexibility.
- Focus resources on maximizing deletions/partial deletions for sites that meet Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) requirements.

Timeframe: Commence activities within 30 days of approval of this plan

SSP again is encouraged by the Administration’s commitment to expedite completion of remedial actions at NPL sites. In particular, SSP agrees that the Agency should maximize its statutory flexibility and effectively use available resources to move sites to NPL deletion. To do so, SSP suggests EPA focus mandatory five-year reviews on the central obligation to ensure that the remedy is working as designed and continues to be protective, not on reopening RODs to pursue phantom risks or marginally better remedy options. SSP further suggests that the Agency expand the “enforcement first” policy, and encourage PRPs to conduct five-year reviews, subject to EPA oversight (i.e., modeled along the same lines as RI/FS work). Similarly, EPA should encourage PRPs to propose site delisting and to develop the necessary supporting documents for EPA review and approval.

STRATEGY 2: PROMOTE THE APPLICATION OF ADAPTIVE MANAGEMENT AT COMPLEX SITES AND EXPEDITE CLEANUP THROUGH USE OF EARLY/INTERIM RODS AND REMOVAL ACTIONS

RECOMMENDATION 3: Broaden the Use of Adaptive Management (AM) at Superfund Sites

Specific Actions:

- Prepare a directive outlining adaptive management, including greater use of early actions and interim Records of Decision (RODs), and considerations for implementation at Superfund sites.
- Identify pilots to demonstrate AM implementation throughout the pipeline.

- Communicate success stories in this area.

Timeframe: Q3, FY18

SSP agrees that AM should have a greater role in the Superfund program but cautions that it be monitored so that, in the end, it does not drag out the remediation process. Early action is best accomplished where the action will be consistent with the final remedy and addresses actual exposures and likely land use. AM should focus on a phased approach to address realistic risk. At complex sediment sites, SSP endorses independent review by the Contaminated Sediments Technical Advisory Group (CSTAG) and stakeholder participation in the technical review process to ensure appropriate AM responses. AM is particularly appropriate at mega-sediment sites. These sites are not amenable to typical NCP investigation and remedial action due to the extent of contamination, the potential for recontamination of waterways through point source and nonpoint source discharges, and the dynamic nature of the environment. Accordingly, appropriate, reasonable use of AM would be particularly helpful at these sites, where the Agency can take obvious and common sense actions, such as stopping ongoing sources of contamination and addressing hot spots, and adaptively manage from there.

STRATEGY 3: CLARIFY POLICIES/GUIDANCE TO EXPEDITE REMEDIATION

RECOMMENDATION 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

Specific Actions:

- Review the current approval and review authority for sites in excess of \$50 million.
- Review current approval and review authority for all sediment sites.
- Create new procedures with timelines for review of remedies in excess of \$50 million or that have sediment sites.
- Prepare protocol for submission of remedy proposals to the Administrator.
- Determine all current levels of authority to approve remedies.
- Evaluate proper levels of authority in light of the Administrator's directive.
- Make recommendations to the Administrator.

Timeframe: Q1, FY18

As an organization made up of large corporations doing business and working on Superfund sites across the nation, SSP believes national consistency in the Superfund program has great potential to expedite remediation of sites and conserve EPA's budget. To that end, SSP suggests the following:

- Preserve the Administrator's final authority for remedies that are estimated to cost more than \$50 million.
- Reject the piloted threshold increase proposed in the National Remedy Review Board Criteria Revision and Operational Changes, OSWER Directive 9285.6-21 (9/4/14), and keep the National Remedy Review Board (NRRB) active at the \$25 million remedy level.
- Require the Regions to submit for review and approval by Headquarters remedy selection consideration memos for all remedies that are consistent with NRRB and CSTAG guidelines.

- Require the Regions to faithfully adhere to governing guidance to secure nationwide consistency in the Superfund program and to avoid costly and inefficient remedies and unnecessary delays in implementing remedies.
- Expand stakeholder participation in the technical review process by, among other things, allowing PRPs to review Regional submissions to the NRRB and CSTAG and present the PRPs' evaluations of proposed remedies to the NRRB and CSTAG to ensure that the best available data and methodology is used to select remedies. Such an approach would lead to a better informed Board and provide more national control at major sites.
- Repopulate the NRRB and CSTAG with professionals who are independent from the Regions.
- With regard to sediment sites, enforce the independent review of proposed plans for sediment sites by CSTAG, with its review including an assessment of whether and to what extent the proposed remedy is compliant with the EPA 2005 Sediment Guidance, whether the risk assessments underlying the proposed remedy are technically valid and justifiable, and whether the Principle Threat Waste guidance has been applied appropriately.

RECOMMENDATION 5: Clarify Priorities for RI/FS Resources and Encourage Performing Interim/Early Actions During the RI/FS Process to Address Immediate Risks

Specific Actions:

- Develop criteria for Regions to apply when prioritizing projects so that resources are directed in the order of priority. Include time limits for completing RI/FS.
- Evaluate EPA retaining engagement and direction of the Feasibility Studies.
- Prepare and issue policy memorandum that requires Regions to:
 - o Focus on NPL sites first;
 - o Establish criteria for prioritizing RI/FSs;
 - o Set time and funding parameters for RI/FSs; and,
 - o Promote and direct use of early/interim actions.

Timeframe: Q1, FY18

While a large number of the Task Force recommendations focus on remedial action, the RI/FS process demands attention as it is unnecessarily complicated, resulting in significant delays and costs. Establishing timeframes and financial limits will only be effective if the process is changed to be less formal and more flexible. Delay often results from extended EPA, and EPA contractor, review. SSP encourages RPMs be required to adhere to a budget and schedule. EPA should rarely take over an FS, but instead use Lean principles to elevate and problem-solve. The ability to elevate disputes without retribution would allow for more reasoned decision-making and less back and forth. Access to non-PRP owned property can also pose significant delays. SSP suggests EPA consider providing authorities to secure access more quickly and at lower cost. See also our comments on Recommendation No. 1.

RECOMMENDATION 6: Provide Clarification to the Principles for Superfund Groundwater Restoration

Specific Actions:

- Draft a proposed policy for Clarification of Groundwater Flexibilities with special emphasis directed to early action and the phased approach of remedy selection and implementation. Once drafted and approved, distribute the Policy and provide outreach and training.
- Evaluate the groundwater beneficial use policy with a focus on beneficial use determinations for aquifers not reasonably anticipated for drinking water use in the near-term or long-term.
 - Maintain current policy for drinking water aquifers that are currently used for these purposes.
 - For aquifers not reasonably anticipated for drinking water use in the near- or long-term, consider modifying how groundwater use designation is determined for these aquifers.

Timeframe:

1. Groundwater Flexibilities Policy Memorandum:
 - a. Draft – Q2, FY18
 - b. Final – Q4, FY18
2. Groundwater Use Criteria:
 - a. Options Paper for Management Consideration – Q3, FY18
 - b. Draft Policy Revision (if applicable) – Q4, FY18

SSP is pleased to see the Administration’s recognition of the need for realistic risk scenarios regarding groundwater use in connection with remedy selection as well as use of monitored natural attenuation (MNA). It has been the experience of SSP members that MNA often works with a phased approach.

In addition, more than thirty years of experience with groundwater sites often makes it easy to determine what remedies will and will not work at any given site. With this experience in mind, EPA should evaluate the criteria for granting TI waivers and the circumstances that would support modification of groundwater designations when drafting the Groundwater Flexibilities policy. In particular, Regions should be told not to require construction of groundwater remedies that are certain to fail before granting a TI waiver.

STRATEGY 4: USE BEST MANAGEMENT PRACTICES, SYSTEMATIC PLANNING, REMEDY OPTIMIZATION, AND ACCESS TO EXPERT TECHNICAL RESOURCES TO EXPEDITE REMEDIATION

RECOMMENDATION 7: Promote Use of Third-Party Optimization Throughout the Remediation Process and Focus Optimization on Complex Sites or Sites of Significant Public Interest

Specific Actions:

- Expand the use of third-party optimization evaluations throughout all phases of the pipeline on selected sites.

- Determine complex sites and sites of significant public interest:
 - o Provide internal or external review and support for key project milestones;
 - o Identify opportunities for efficiencies and cost savings; and,
 - o Ensure a clear path to project completion.

Timeframe: Q1, FY18

SSP endorses use of optimization where it will result in efficiencies and cost savings, for example shutting off recovery wells as groundwater conditions improve, but cautions that the third-party optimization could simply result in another layer of review. SSP believes that, with the faithful implementation of the Task Force recommendations and considering the extensive experience of EPA staff and PRPs, optimization evaluations should be targeted so as to not add costs and/or delays.

RECOMMENDATION 8: Reinforce Focused Scoping Which Closely Targets the Specific Areas for Remediation and Identify and Use Best Management Practices (BMP) in the RI/FS Stage

Specific Actions:

- Prepare and issue a directive requiring the use of project scoping and outlining expected processes and procedures to be utilized in choosing the appropriate response action.
- Develop a plan to increase regional expertise to support this planning function.
- Study best management practices used across all Regions and adopt those nationally.

Timeframe: Q1, FY18

As discussed above, the RI/FS process is inefficient and archaic. Focused scoping, similar to the process employed by RCRA FIRST, would help identify remedial goals, decrease the back and forth on work plans and reports that do little to move the remediation forward, and provide a workable mechanism to problem solve through elevation and understanding of the end goal. Having a clear end vision will inform the number and breadth of required studies.

RECOMMENDATION 9: Utilize State-Of-The-Art Technologies to Expedite Cleanup

Specific Actions:

- Expand the use of real-time investigation technologies and data visualization techniques.
- Determine other available state-of-the-art technologies on at least an annual basis.
- Compile annual report of new technologies and their applicability.

Timeframe: Q2, FY18

SSP members are supportive of using state-of-the-art technologies, particularly in the investigative phase to accelerate the RI process. SSP members, however, caution that these tools need to be adequately vetted to ensure that such technologies are likely to work as promised, so that cleanup efforts will not need to be duplicated.

RECOMMENDATION 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

Specific Actions:

- Finalize online catalog of in-house resources using Tech Hub.
- Develop analytical and reporting capabilities to evaluate, document, and disseminate information on pilot studies and other demonstrations of innovative tools and technologies.
- Increase awareness of and expand the existing ORD TSC Share Point site for requesting and tracking technical assistance requests for ORD TSCs and STLs.
- Combine or develop an additional tool for requesting and tracking OSRTI Environmental Response Team (ERT) technical assistance requests.
- Identify fifteen sites to undergo a Technical Support Team optimization review.

Timeframe: Q2, FY18

In addition to the specific actions identified for this recommendation, SSP encourages consolidating technical support staff, such as risk assessors, to ensure consistency in approach, procedure, recommendations and conclusions across the Regions to result in economies across the program. SSP also cautions that the use of innovative technology for treatment should not be pursued if not warranted by risk or if the technology is not likely to work as expected.

RECOMMENDATION 11: Review all Third-Party Contracting Procedures, Large EPA-Approved Contractors, and Contracts to Determine Appropriate Use Parameters and Qualification Methods for EPA Contracting

Specific Actions:

- Consult with regions to determine the current use parameters and frequency of use of third-party contractors.
- Review amount of funds expended on outside contractors agency wide, including review of budgeted allocations.
- Specifically examine sole source contracts and contractors.
- Determine authorization levels for use of contractors.
- Review all large contractors approved by EPA.
- Involve appropriate personnel to modify, if necessary, the protocol for use of outside contractors.

Timeframe: Q1, FY18

SSP supports eliminating contracts and policies that effectively create monopolies for EPA's private contractors. For example, EPA should not prohibit laboratories from conducting analytical work for both industry and EPA. Analytical results are not affected by laboratory work for both the public and private sector; a compound is either present or it is not. EPA should consider other opportunities to reduce use of contractors; for example, having PRPs conduct five-year reviews and/or develop delisting packages. As discussed below, in connection with oversight costs, contractor oversight is too often disproportionate to the cost to conduct the work. SSP suggests conducting the review of contractors in the context of reduction of oversight.

GOAL 2: RE-INVIGORATING RESPONSIBLE PARTY CLEANUP AND REUSE

STRATEGY 1: ENCOURAGE AND FACILITATE RESPONSIBLE PARTIES' EXPEDITIOUS AND THOROUGH CLEAN-UP OF SITES TO EFFECT RE-USE MORE QUICKLY

RECOMMENDATION 12: Recommend Consideration and Use of Early Response Actions at Superfund Sites, Particularly Sediment Sites, While Comprehensive Negotiations Are Underway for the Entire Cleanup

Specific Actions:

- Issue an Agency Directive requiring consideration of early actions and a separate track for Remedial Design (RD) actions at PRP-funded Superfund Sites. This should include (1) using parallel tracks for the remedial design and remedial action and (2) dividing cleanup work into manageable areas of response actions.
- Reissue/revise remedial design guidance.

Timeframe:

1. Q4, FY17
2. Q1, FY18

As discussed above, sediment sites are well-suited for AM. That said, AM also can be applied successfully at many other sites so work that can progress, does progress. SSP urges EPA to consider how these actions can proceed without ultimately causing delay to the final remedy by having to issue multiple decision and enforcement documents.

RECOMMENDATION 13: Identify Opportunities to Utilize Various Federal and State Authorities to Conduct Response Actions that are Consistent with CERCLA and the NCP

Specific Actions:

- Evaluate and develop criteria on utilizing alternate tools to pursue liable parties at NPL-caliber sites, including greater use of the Superfund Alternative Approach (SAA) in pursuit of cleanup.
- Where appropriate, use Resource Conservation and Recovery Act (RCRA), CERCLA, Safe Drinking Water Act (SDWA), and other Federal or State authorities to address hazardous waste sites where statutory requirements are met.
- Where appropriate, designate states as leads on sites.

Timeframe: Q1, FY18

Experience with numerous sites proves that if a site is listed on the NPL, it will be a decade or more before cleanup is complete. Other programs, including state voluntary cleanup programs, often provide more flexibility for remediation, expedite cleanups, and eliminate the stigma of having an NPL site in a community. The SAA, however, should only be used where all parties expected to contribute financially agree to do so.

RECOMMENDATION 14: Maximize the Use of Special Accounts to Facilitate Site Cleanup and/or Redevelopment

Specific Actions:

- At sites where PRPs agree to perform cleanup work, prioritize use of special account funds as financial incentives. Consider, where applicable:
 - o Reserving/prioritizing special account funds for sites with potential for redevelopment;
 - o Disbursing funds quicker to a PRP when, for example, the PRP completes work ahead of schedule;
 - o Providing reimbursement from special accounts to reduce the cost a PRP has incurred for cleanup at sites; and/or,
 - o Delaying reimbursement from special accounts for response work until a PRP takes steps to increase potential for site reuse/redevelopment at sites where cleanup will enhance marketability of the property.
- Aggressively pursue additional opportunities to provide special account funds to Bona Fide Prospective Purchasers (BFPPs) that agree to perform cleanup work.
 - o Develop guidance for disbursing special account funds to BFPPs.
 - o Consider extending financial incentives available to PRPs to BFPPs.
- Establish and use special account funds to pay for EPA oversight (when any party is doing work).
- Maximize the use of special account funds to preserve scarce EPA and state resources.
- Evaluate for revisions EPA policy and guidance to reflect specific actions listed above.

Timeframe: Disbursement guidance: Q4, FY17

Identification of additional revised / new guidance: Q2, FY18

Financial incentives may expedite cleanup and, thereby, expedite reuse/redevelopment. That does not mean, however, that special account reimbursement should be delayed based on the potential for site reuse/redevelopment. First, there are simply some sites that are not amenable to reuse/redevelopment in any practical way based on location and the lack of a market for those sites. Second, and more importantly, while the goal of reuse makes good sense, the responsibility of the PRP is to remediate the site, not otherwise ready it for reuse.

RECOMMENDATION 15: Speed Up Settlement Process Where There Are Federal PRPs at a Site

Specific Actions:

- Work with the Department of Justice (DOJ) and other Federal Agencies for policy changes that promote early decisions on whether Federal Agencies will participate in settlement negotiations.
- Finalize model Federal Agency settlement language for all settlement agreements (both administrative and consent decrees), and work with DOJ to promote consistent use of the model language by DOJ personnel.
- Establish model reservation language and standard procedures/timeframes to allow private parties to reserve:
 - o Their rights to pursue certain contribution claims against the federal government.
 - o Certain contract/indemnification claims against the federal government.

Timeframe: By Q1, FY18 reach agreement in principle at appropriate levels at DOJ on all three objectives. By Q2, FY18, finalize agreements reached and revise model documents.

RECOMMENDATION 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

Specific Actions:

- Develop a plan to provide financial incentives in the form of reduced oversight to PRPs who perform timely, quality work under an agreement by reducing the costs associated with EPA’s oversight, including adjustments to indirect costs.
- Determine current Regional practices, including actual charges that currently compose indirect costs
- Create a National Workgroup to identify circumstances under which a reduction in oversight costs would be appropriate.
- Develop guidance to assist Regional staff in application and identification of milestones at specific sites, establishing criteria for deliverables, and determining appropriate level of compromise of oversight costs during settlement.
- Develop model language for settlement documents relating to establishment of milestones and level of compromise of oversight costs.
- Identify efficiency opportunities for timely resolution of disputes (including evaluating whether protracted “informal” dispute resolution is advisable) with PRPs that arise in implementing cleanups.
- Establish and promote strict adherence to project deadlines.
- Assess stipulated penalties when deadlines are to motivate timely adherence to deadlines.
- Trigger work takeover provisions when multiple deadlines are missed and access financial assurance when appropriate.
- EPA will meet its own review deadlines when PRPs are performing quality work and will:
 - o Publish response work completion schedules and milestones on EPA websites.
 - o Consider incentives to all parties to meet the deadlines proposed.
- Prohibit PRPs from multiple chances to revise the same document when initial submittal is subpar.
- Actively use enforcement authorities, including more prevalent issuance of unilateral orders to recalcitrant parties to discourage protracted negotiations
 - o As needed, implement “participate and cooperate” orders – particularly for Remedial Actions.
 - o Emphasize the use of “delayed effective date” unilateral administrative orders as an incentive to speed negotiations.

Timeframe: Criteria for Reduced Oversight, Draft Q1, FY18. Guidance and model language for Reduced Oversight, Final Q3, FY18. Guidance, policy changes to support disincentives to protracted negotiations or delayed cleanup, Draft Q1, FY18.

SSP endorses this recommendation. The SSP companies have a strong track record of performing timely, quality work, yet oversight of that work is out of control. SSP members repeatedly have experienced excessive, unnecessary oversight of response actions, which consumes time and

resources, ultimately delaying progress. SSP member companies can cite too many examples where EPA oversight costs have exceeded the cost to complete the actual work. In addition, in recent years, EPA has been more reluctant to provide documentation supporting bills for oversight costs, which impedes the ability to ensure that costs are NCP-compliant, accurate, not duplicative, and not wasteful. The Superfund program now has a long track record, with sophisticated PRPs and consultants familiar with the process. Oversight at this point in the program should enhance the program's goals, rather than bog it down at significant, duplicative cost in time and money.

Accordingly, SSP encourages EPA to withdraw the existing guidance on oversight costs, and replace it with guidance that implements a reasonableness test for oversight bills, limits allocation fees and other mark-ups applied to contractors' and subcontractors' costs, and reduces the percentage of indirect oversight costs for costs not traceable to a specific site. For example, at any site where oversight costs exceed 10% of the costs of the responsible parties' work, EPA should be required to demonstrate why the benchmark was exceeded.

As one specific example, EPA's 2002 Memorandum entitled CERCLA Future Response Costs: Settlement, Billing and Collection, available at <https://www.epa.gov/enforcement/guidance-cercla-future-response-costs-settlement-billing-and-collection>, reiterates EPA's approach that "not inconsistent with the NCP" basically equates to any and all costs EPA expends at the site, plus a proportionate share of indirect costs. At least one alternative and more sensible approach would be to establish a test of reasonableness for costs and/or to enhance the documentation requirements for EPA to collect from PRPs. The new guidance also should provide guidance on the types of costs that EPA would consider "inconsistent with the NCP" due to their excessive or unreasonable nature. This section of the guidance should state that EPA will seek to recover only those costs for which the available documentation demonstrates the reasonableness or necessity of the expense. The memorandum should state that it can be relied on by PRPs to create real EPA legal requirements. That would provide improved incentives to EPA staff to truly address excessive costs.

With regard to indirect costs, these costs are consistently high and exceed indirect costs incurred in private business. In addition, there is enormous regional variation in indirect costs, demonstrating that indirect costs can be reduced in high indirect cost regions. SSP encourages EPA to review, seek public comment on, and modify the Superfund Full Cost Indirect Cost Rate Methodology (available at <https://semspub.epa.gov/work/11/176108.pdf>) to control indirect costs and ensure consistency among Regions.

Similarly, the 1986 CERCLA Guidance on Recovery of Indirect Costs, available at <https://www.epa.gov/sites/production/files/2013-10/documents/recov-indcst-mem.pdf>, allows EPA to recover indirect costs for its third party contractors. For sites where EPA is performing the remedial action, the indirect costs charged by contractors are significant. Repeal of this guidance would restore the prior regulatory approach that worked successfully, in which EPA can recover only its own indirect costs.

One reason oversight costs are out of control is excessive contractor bills. To address this issue, consider training RPMs to better manage consultants and/or provide mentors to less experienced RPMs to reign in overzealous contractors.

In the spirit of “enforcement first”, other opportunities for incentives include allowing qualified PRPs to perform the FS, agreeing to PRP-proposed early action, and allowing qualified PRPs to conduct five-year reviews.

SSP believes the carrot will work better than the stick. The recommendation’s endorsement of stipulated penalties should be considered carefully, particularly if a delay results from EPA inaction or a disagreement, such as a PRP insisting upon accurate, non-inflated characterizations of risk or results from EPA and contractor review time.

RECOMMENDATION 17: Adjust Financial Assurance (FA) Required Under Enforcement Documents to Reduce Cooperating PRP’s Financial Burden While Ensuring Resources Are Available to Complete Cleanups

Specific Actions:

- Review EPA’s financial assurance requirements and consider modification to promote realistic requirements. This review should consider (1) defining situations where it may be appropriate for parties to incrementally provide FA for the various phases of cleanup work as they occur; (2) adjusting the discount rate used in the calculation of the cost of future work and (3) identifying other opportunities for achieving a responsible balance between the cost of financial assurances and the risk of financial default.
- Modify model settlement provisions, as needed.

Timeframe: By Q1, FY18, reach agreement in principle on all criteria for identifying PRPs that could be subject to reduced FA burdens. By Q2, FY18, finalize model FA-related language.

SSP endorses this recommendation and the Specific Actions identified. We have set out our detailed suggestions in an earlier letter to Cynthia Mackey (see attached).

RECOMMENDATION 18: Reinforce the Federal Facility Agreement Informal and Formal Dispute Timelines

Specific Actions:

- Develop a policy for the Regions, to be shared with, or ideally co-signed by, federal agencies and the states, which reinforces the importance of adhering to the informal and formal dispute timelines identified in the FFAs.
- Track and report to Regions, Federal Agencies, and States the informal and formal dispute times and postponement of milestones.

Timeframe: Q1, FY18

STRATEGY 2: CREATE OVERSIGHT EFFICIENCIES FOR PRP LEAD CLEANUPS

RECOMMENDATION 19: Expand Cleanup Capacity by Designating One Agency Lead for Each Project in Order to Reduce Overlap and Duplication

Specific Actions:

- Increase use of Memoranda of Understanding with federal agencies, states and tribes to identify lead agencies for each site and roles and responsibilities for each.

- Identify situations or phases of cleanup for which certain agencies should have primary responsibility (e.g., tribal/state/local responsibility for long-term stewardship of sites).

Timeframe: FY18

The SSP supports this recommendation. . If EPA pursues this recommendation, any MOU should provide for finality on any issue determined complete by the lead agency.

RECOMMENDATION 20: Identify Opportunities to Engage Independent Third Parties to Oversee Certain Aspects of PRP Lead Cleanups

Specific Actions:

- Create a workgroup to research existing state programs and identify opportunities for independent third parties to perform certain fixed tasks at NPL sites.
- Design and implement a pilot that utilizes independent third parties to oversee certain actions, such as long-term monitoring.
- Evaluate pilot effectiveness and efficiency
- Have workgroup recommend use or non-use of pilot procedures.

Timeframe: FY18

SSP supports this recommendation. SSP members have experience with licensed site remediation professional (LSRP) programs in Connecticut, Massachusetts and New Jersey and self-implementing cleanup regulations in Texas. In general, these programs work efficiently, while each has its pros and cons. SSP members would be happy to discuss their experiences.

STRATEGY 3: PROMOTE REDEVELOPMENT/REUSE OF SITES BY ENCOURAGING PRPS TO INVEST IN REUSE OUTCOMES

RECOMMENDATION 21: Facilitate Site Redevelopment During Cleanup by Encouraging PRPs to Fully Integrate and Implement Reuse Opportunities into Investigations and Cleanups of NPL Sites

Specific Actions:

- Work with PRPs, local governments, and local professionals to identify opportunities for PRP-lead cleanups to integrate reuse outcomes.
- Issue an Agency Directive to encourage integration of reuse outcomes into PRP-led cleanups. This should include encouraging (1) PRPs to work with end users to perform assessment and additional cleanup/enhancement to achieve reuse objectives; (2) PRPs to directly fund or perform enhanced cleanup or “betterment” by entering into agreements with end users; and, (3) “marketing” of property undergoing cleanup as a deliverable to encourage private investment at sites during and after cleanup. This directive should include creative mechanisms for incentivizing these reuse actions, including financial credits for such actions.

Timeframe: By Q1, FY18 engage with PRPs to identify barriers and explore opportunities to encourage reuse. This action item should be closely coordinated with the activities under Goal 3.

SSP notes that reuse should not be limited to residential, commercial or industrial use. A controlled conservation use (e.g., park, habitat) can be as valuable to a community as other uses. SSP also notes that PRPs may be hesitant to conduct additional activities if the PRP intends to pursue contribution in the future. This opportunity may be more attractive to PRPs if EPA assists in identifying costs that are consistent with the NCP and costs that are related to reuse and otherwise provide “comfort” to PRPs for work conducted beyond that required by the NCP.

GOAL 3: ENCOURAGING PRIVATE INVESTMENT

STRATEGY 1: USE ALTERNATIVE AND NON-TRADITIONAL APPROACHES FOR FINANCING SITE CLEANUPS

RECOMMENDATION 22: Explore Environmental Liability Transfer (ELT) Approaches and Other Risk Management Tools at PRP cleanups

Specific Actions:

- Conduct stakeholder outreach that includes:
 - Industry professionals to discuss their products and the industry climate;
 - PRPs who have used an ELT or other risk management tools (e.g. liens on property, bonds, trusts, or insurance) to discuss their experience;
 - Contractors who have successfully been parties to ELTs; and,
 - States to discuss their experiences with ELTs.
- Establish a national workgroup to identify:
 - Creative uses of insurance, annuities, indemnification and other tools for third parties interested in buying/selling the risk of cleanup;
 - Types of remedial actions, site conditions, and PRPs that stand to benefit from this risk management tool;
 - When it is appropriate to use comfort/status letters or settlement tools to provide certainty to encourage and/or reassure PRPs contemplating using an ELT or other tool; and,
 - Whether a pilot program using these risk management tools at appropriate sites is feasible.

Timeframe: Q4, FY18

SSP members have experience using liability transfer agreements and would be happy to discuss these experiences with EPA.

STRATEGY 2: STREAMLINE THE PROCESS FOR COMFORT LETTERS AND SETTLEMENT AGREEMENTS WITH THIRD PARTIES

RECOMMENDATION 23: Ensure Timely Use of Site-Specific Tools When Needed and Appropriate to Address Liability Concerns at Contaminated Sites

Specific Actions:

- Identify regional best management practices for addressing purchaser liability concerns and how to respond to inquiries with site-specific comfort/status letters and agreements.
- Issue recommendations for improvements to the process for responding to requests for site-specific tools and the creation of regional third-party inquiry teams. (See Region 4 procedure).
- Develop a model request for prior written approval of site-specific letters and agreements to streamline and expedite regional/headquarters/DOJ approval process.
- Expand use of prospective purchaser agreements for BFPP and PPs to specifically limit their liability.

- Participate on national team of redevelopment experts (discussed in Goal 4) to support development of streamlined and innovative liability clarification and settlement approaches.

Timeframe: FY17

RECOMMENDATION 24: Create and Maintain an OECA Information Repository to Provide Access to Enforcement Information and Tools to Support Third-Party Cleanup and Reuse.

Specific Actions:

- Enhance EPA’s web content to include case studies, statistics and other relevant information regarding site-specific comfort/status letters, agreements and other enforcement tools and approaches that have supported third-party cleanup and reuse.
- 1. Establish a list of sites with greatest potential for cleanup/reuse by third parties and focus resources and activities at those sites.
- Create a national library, for internal EPA use, of sample comfort/status letters and settlement agreements.

Timeframe: FY17

STRATEGY 3: OPTIMIZE TOOLS AND REALIGN INCENTIVES TO ENCOURAGE THIRD-PARTY INVESTMENT

RECOMMENDATION 25: Update EPA’s Position on the Use of Site-Specific Agreements with Third Parties at NPL Sites

Specific Actions:

- Develop and issue a new policy memorandum, working with the Office of General Counsel (OGC), Department of Justice (DOJ), and other EPA offices, which provides for the greater use of PPAs and windfall lien resolution agreements with third parties in addition to BFPP agreements consistent with CERCLA/DOJ authority at NPL sites. The policy should identify what situations, in addition to performing work, would justify entering into negotiations for written agreements.
- Develop a communications roll out plan announcing new policy statement and approach, including web and social platforms.
- Regularly publicize successful agreements that allow sites to be redeveloped by third parties.

Timeframe: FY17

Consider returning to the prior practice of issuing BFPP letters to provide the necessary comfort to owners, developers and lessees.

RECOMMENDATION 26: Revise EPA’s Model Agreements to Create More Opportunities for Settlement with Third Parties Interested in Cleaning Up and Reusing NPL Sites

Specific Actions:

- Identify opportunities (with Regions, OGC, and DOJ), as appropriate within existing statutory authorities, to update the model BFPP work agreement, PPA model, and model windfall lien settlement agreement to:

- o Identify provisions in the models that may be revised to incentivize settlement;
- o Research the types of consideration authorized for a settlement agreement; and,
- o Explore options to address future liability concerns to insulate good faith purchasers from unexpected liability (e.g., identify “reasonable steps”).
- Reinstitute the PPA tracking system allowing EPA to track individual requests, evaluate the timeliness of EPA’s response, and identify where in the PPA process delays are occurring.
- Designate an agreements coordinator at EPA Headquarters to consult directly with DOJ to quickly resolve issues that impede progress.
- Evaluate and issue recommendations for revisions to model settlement provisions, other types of authorized consideration, and options to address future liability consistent with CERCLA and DOJ authority.
- Revise model agreements.

Timeframe: Q4, FY17

RECOMMENDATION 27: Identify Tools for Third Parties Interested in Investment or Other Opportunities Supporting the Cleanup or Reuse of NPL Sites

Specific Actions:

- Conduct outreach to third-party investors who may provide private financing or otherwise become involved in transactions involving contaminated or previously contaminated property to identify specific liability concerns acting as a barrier to investment or other opportunities in such transactions.
- Identify potential new tools and approaches, as appropriate within existing statutory authorities, to address liability concerns of parties who might acquire property (e.g., enforcement guidance, model reuse assessment agreement, prospective operator agreement, prospective easement agreement).
- Work with lenders to determine standard language to be included in PPAs to facilitate financing.
- Identify public-private partnership investment opportunities and structure for successful arrangement.
- Issue recommendations on potential tools, approaches and opportunities.

Timeframe: Q2, FY18

RECOMMENDATION 28: Provide Greater “Comfort” in Comfort/Status Letters

Specific Actions:

- Assess concerns that are not being addressed by the current model comfort letter (e.g., windfall lien uncertainties, comprehensive reasonable steps, lender liability).
- Work with lenders to determine standard language to be included in comfort letters that would allow for certainty in securing funding from lenders for redevelopment of Superfund sites.
- Identify revisions to the model letter, consistent with the statute and legal authorities, to address these concerns, possibly including:
 - o Stronger statements by the Agency to address liability concerns; (e.g., BFPP status, applicability of statute of limitations);

- o Clarifications on the application of EPA guidance at a site; and,
- o EPA’s intention regarding windfall liens evidenced by appropriate documents.
- Revise and reissue comfort/status letter model.

Timeframe: FY18

RECOMMENDATION 29: Revise or Develop New Enforcement Guidance to Support the Cleanup and Reuse of Contaminated Sites

Specific Actions:

- Outline a potential new policy, as appropriate within existing statutory authorities, for developers, lenders, investors and/or other third parties to identify or create opportunities for new investment in cleaning up contaminated sites:
 - o Propose potential revisions to the “Common Elements Guidance” based on case law developments and lessons learned by EPA and private sector.
 - o Identify potential opportunities to expand Good Samaritans or other non-liable party approaches under section 107(d) for addressing liability issues and promoting sustainable redevelopment.

Timeframe: FY18

RECOMMENDATION 30: Revise Federal Facility Enforcement Guidance

Specific Actions:

- Develop Model Federal Facilities Language for placing Federal Facilities Agreement (FFA) provisions on hold in instances where a third party wants to perform the cleanup work.
- Revise the 1997 “Policy Towards Landowners and Transferees of Federal Facilities” to assist with pre-1986 transfers of U.S. land.

Timeframe: Q2, FY18 months to develop model language for putting FFAs on hold; Q3, FY18 months for revising the 1997 policy

STRATEGY 4: ADDRESS LIABILITY CONCERNS OF LOCAL GOVERNMENTS

RECOMMENDATION 31: Develop New Local Government Enforcement Guidance to Address Concerns Raised by the Landowner Liability Provisions Potentially Applicable to Local Governments

Specific Actions:

- Propose potential new enforcement guidance to address liability issues acting as a barrier to reuse for local governments, including issues raised by the applicability of the statutory liability protections potentially applicable to local governments.
- Issue recommendations for an enforcement guidance.

Timeframe: Q4, FY18

SSP understands the benefit of this recommendation, but recommends that EPA make clear that public PRPs will be held accountable consistent with the statutory requirements.

RECOMMENDATION 32: Develop a Model Comfort/Status Letter and Other Tools to Address the Liability Concerns and Other Barriers Unique to Local Governments

Specific Actions:

- Identify potential new tools and approaches to address the liability concerns and barriers unique to local governments (e.g., model comfort/status letter, streamlined settlement agreement, deferrals, MOU/MOAs, cost-share credits).
- Draft white paper that identifies options and positives/negatives.
- Issue recommendations.

Timeframe: Q4, FY18

GOAL 4 – PROMOTING REDEVELOPMENT AND COMMUNITY REVITALIZATION

STRATEGY 1 - FACILITATE SITE REDEVELOPMENT AND SUPPORT ONGOING INFORMATION SHARING

RECOMMENDATION 33: Focus Redevelopment Efforts on 20 NPL Sites with Redevelopment Potential and Identify 20 Sites with Greatest Potential Reuse

Specific Actions:

- Focus reuse training, tools, and resources on the current list of NPL sites with the most redevelopment potential based on transportation access, land values, and other critical real estate market drivers.
- Identify 20 NPL sites with greatest reuse and commercial potential considering input from regions and agreed upon criteria.
- Identify the industries and businesses that may be interested in reusing Superfund sites especially the industries that may be interested in reusing the list of 20 NPL sites that have high redevelopment potential.
- Help these businesses and developers understand liabilities and ongoing obligations at sites they are interested in.
- Develop information package for all identified sites using successes from Region 4.

Timeframe: Q4, FY2017

RECOMMENDATION 34: Publicize Site Specific Information to Promote Community Revitalization

Specific Actions:

- Develop a geographic information system (GIS) based map of the U.S. that clearly shows site information, outlines reuse potential, and provides links to relevant documents (ICs, RODs, Five Year Reviews, Brownfield assessment, cleanup, consent orders, etc.) and other key information such as other nearby sites and community demographics.
- Highlight and make more readily available the current cleanup status of the site.
- Develop site specific reuse fact sheets during design, construction and post construction phases that would provide information of interest to the community and developers.
- When appropriate, develop a Ready-for-Reuse Fact Sheet as a mechanism for providing key site information to the community, developers and other potential site users. Include relevant key information for every site, update them regularly, and include contact information. Site owners should be contacted and if possible, included on the sheet as they control land use.
- Update information about sites achieving Site Wide Ready for Anticipated Use (SWRAU) early in the process and update on an annual basis. Include information about the reuse status of SWRAU sites.
- Make all site-specific information and reports readily accessible, including information on existing or needed Institutional Controls (ICs)/Engineering Controls (ECs), so developers and other future users are aware of site conditions.

Timeframe: Q3, FY17

RECOMMENDATION 35: *Build Capacity of EPA and Its Stakeholders on the Broad Community and Economic Development Context for Site Remediation and Redevelopment*

Specific Actions:

- Conduct redevelopment training in all regions with Superfund, Brownfields, and legal staff on:
 - o Existing tools, innovative strategies, and new tools being developed by the SF Task Force;
 - o Redevelopment basics, such as incorporating reuse into the cleanup process and reuse assessments;
 - o Environmental Liability Transfer and other risk management tools;
 - o Financial, social and environmental benefits of conservation easements;
- Provide ongoing updates to EPA staff and stakeholders about reuse barriers and what EPA can do to address them.
 - o Promote the Superfund redevelopment process at national meetings and educational opportunities for stakeholders.
 - o Identify best ways to engage more tribes in site cleanups on tribal lands with a focus on reuse throughout the process.

Timeframe: Q3, FY17

RECOMMENDATION 36: *Engage Superfund Communities in Cleanup and Redevelopment*

Specific Actions:

- Provide training/fact sheets/on-line information on the following (based on the needs of the community):
 - o The Superfund and Brownfields processes;
 - o The interplay of federal, state, and local governments; effective communication; leadership; finance; sustainable redevelopment principles, etc.;
 - o How to undertake market studies and identify assets/challenges specific to the site;
 - o The development approval processes, codes, design standards and/or public private financing packages that can help facilitate clean up and re-use;
 - o How the redevelopment of the site fits with a broader vision for the economic revitalization for the community;
 - o Best practices and case studies from other communities;
 - o Which grants or other types of support might be available to help communities implement their site reuse vision;
 - o Tools/approaches necessary for local governments or regional councils of government to encourage investment/leveraging, especially in soft markets;
 - o Types of up front public or public-private investment that are generally successful in catalyzing redevelopment and community revitalization;
 - o Funding/financing mechanisms (e.g. Community Reinvestment Act, CDFI's, New Market Tax Credits, P3 financing) available to local communities;
 - o Community partners and other resources available to Superfund communities that can provide design charrettes, and other reuse visioning support;
 - o Other agencies that can provide support to on-the-ground community design assistance for neighborhoods that contain Superfund sites;

- o Sustainable and equitable development approaches and how they can be utilized during the cleanup and reuse planning process; and,
- o Practices such as insurance tools that protect the developer from liability;

Timeframe: Q3, FY17

RECOMMENDATION 37: *Recognize and Replicate Local Site Redevelopment Successes*

Specific Actions:

- Issue more “Excellence in Site Reuse” awards across regions to recognize communities, local governments and/or developers who have gone “above and beyond.”
- Develop an incentive program to recognize and facilitate redevelopment.

Timeframe: Q4, FY17

STRATEGY 2: UTILIZE REUSE PLANNING TO LAY THE FOUNDATION & SET EXPECTATIONS FOR SITE REDEVELOPMENT

RECOMMENDATION 38: *Support Community Visioning, Revitalization, and Redevelopment of Superfund Sites*

Specific Actions:

- Create a national team of EPA and other Federal agency redevelopment experts.
- Offer technical assistance to local communities and/or site owner(s) in envisioning and developing an economically feasible redevelopment plan for the site.
- Provide help in gathering and sharing with all interested parties’ information that goes beyond contaminant levels, reuse restrictions and liability concerns, such as market demand, infrastructure and priorities of the community.
- Help ascertain employment and job training opportunities that may be available for the affected community during the cleanup and redevelopment process.

Timeframe: Q4, FY17

RECOMMENDATION 39: *Engage and Facilitate Public/Private Partnerships to Share Information, Resources, and Work Toward Advancing and Promoting the Revitalization of the Site.*

Specific Actions:

- Identify other federal and state agencies that may be interested in the development and may provide additional resources (e.g., Housing and Urban Development (HUD), Department of Transportation (DOT), Department of Agriculture (USDA)).
- Facilitate and take a proactive approach in involving additional funding institutions/organizations.
- Explore partnerships that could bring unique financing options to finance revitalization.
- Facilitate agreements that enable more non-liable parties to fund cleanups as part of site reuse activities. Facilitate their involvement by developing/sharing information such as “Top 10

Questions for a Non-Liable Party to Ask When Considering Cleanup at a Superfund Site” fact sheet.

- Facilitate interactions for local stakeholders/PRPs/communities to work together. Actively encourage PRPs to engage and be supportive of the process, demonstrating that an engaged community looking to the future can speed up cleanups, have realistic expectations, act as stewards, and promote successful reuse.
- Connect each community with a similarly situated community that has had revitalization success – even if from a different state (i.e., a reuse mentoring program).
- Leverage resources to help market these sites and promote their reuse.

Timeframe: Q3, FY17

GOAL 5: ENGAGING PARTNERS AND STAKEHOLDERS

STRATEGY 1: KEY STAKEHOLDER ENGAGEMENT

Recommendation 40: Develop a Robust Communications Strategy to Identify and Target Key Stakeholders

Specific Actions:

- Execute a strategy that is inclusive of all stakeholders.
- Hold focused public and private dialogues with key stakeholders to strengthen long-term partnerships for clean-up and reuse of sites. Convene regularly scheduled meetings with:
 - States, local governments and federally recognized Native American tribes;
 - Industry, PRPs, contractors, corporations and other private organizations;
 - Community organizations;
 - Environmental organizations, including those related to environmental justice; and,
 - Financial and banking associations.
- Provide reports on dialogues and meetings in a form agreed upon with distribution as agreed.

Timeframe: Q4, FY17

Recommendation 41: For Federal Facility Sites, Collaborate with Other Federal Agencies (OFAs) to Solicit Their Views on How EPA Can Better Engage Federal Agencies

Specific Actions:

- Craft a plan to regularly engage solicitation of information from OFAs.
- Solicit OFAs to provide initial recommendations on how to achieve the Administrator’s goals at their sites.
- Plan to include regular feedback sessions with other appropriate parties.
- Provide feedback to the identified central repository.

Timeframe: Commence activities within 90 days of approval of this plan

Recommendation 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

Specific Action:

- Establish a federal advisory committee to identify barriers and opportunities by:
 - o Assessing PRP reuse concerns;
 - o Obtaining state and local government concerns and opportunities;
 - o Assessing input from local community champions;
 - o Developing financing and infrastructure ideas;
 - o Constructing new ways to address abandoned mining sites and contaminated sediment sites; and,
 - o Proposing a methodology and forum for evaluating the effectiveness of the Task Force Recommendations in accelerating cleanup and reuse of Superfund Sites.
- Developing on-going reports of the committee findings

Timeframe: Commence activities within 180 days of this plan

SSP is concerned that the Federal Advisory Committee, as suggested herein, is too broad and is unlikely to result in consensus thus mitigating its utility. EPA already has conducted multiple FACA efforts on Superfund and financial assurance. Although the FA effort, conducted among financial experts with EFAB, was effective, the broader stakeholder FACA had much less success. A number of advocacy groups already have organized in opposition to new reform ideas, and the general climate will make consensus in a FACA extremely challenging. EPA can move more expeditiously by reaching out to individual stakeholder groups and developing a plan to make Superfund faster, focused on real risks, more efficient and more consistent with economic prosperity without sacrificing public health.