

Tue May 30 12:43:55 EDT 2017
Hope.Brian@epamail.epa.gov
FW: SP's Superfund Memorandum
To: CMS.OEX@epamail.epa.gov

From: joseph nassif [mailto:Joseph.Nassif@nassiflawfirm.com]
Sent: Friday, May 26, 2017 9:49 AM
To: Pruitt, Scott <Pruitt.Scott@epa.gov>
Cc: joseph nassif <Joseph.Nassif@nassiflawfirm.com>
Subject: SP's Superfund Memorandum

Dear Mr. Pruitt,

I read your Memorandum with interest and with a sincere touch of reality. Since CERCLA was first implemented I have been involved at multiple significant sites for various companies, starting with U.S. v. Outboard Marine et al. Despite being semiretired, I am still very involved in some of the larger sites in the country, many of which are on the road to resolution.

All of us have seen such EPA initiatives in the past but these efforts have been internalized, which is the reason we have not seen real change.

About ten years ago, I was on a Superfund panel in Kansas City with John Cruden. John and I shared a cab ride back to the airport. During that ride I suggested to John that a meeting be convened involving various constituencies to discuss how to make CERCLA more efficient. I offered to approach the best and most reasonable outside counsel to discuss their many years of experience to put on the table what seems to work and what doesn't. This "panel" would include the best and most experienced individuals, including corporate, agency, and, interest groups, to try and put together an agenda for change that made the most sense.

John's response was that there is absolutely no need to make any changes. This is why I am concerned that, despite your good intentions, you need to expand your search for solutions beyond the agency. There are excellent well-seasoned and experienced senior people who, I believe, would volunteer their time to bring more sanity to the program. Here are a few names: (b) (6) These are well versed and reasonable folks as members of your agency can confirm. I can provide you names of corporate counsels as well to assist you in your process, but would want to talk with them first.

I would think this would be precisely what you need to give you a broader perspective as to what makes the most sense and how best to implement it. If you want to discuss this further, please feel free to respond.

Joseph Nassif

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