



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 3 1984

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE  
OSWER Directive 9272.0-2

MEMORANDUM

SUBJECT: Initial Guidance on Federal Facilities CERCLA Sites  
FROM: *Lee M. Thomas*  
Lee M. Thomas  
Assistant Administrator  
TO: Regional Administrator  
Regions I-X

A number of Regions have expressed interest in which Headquarters (HQ) Office of Solid Waste and Emergency Response (OSWER) organization should be their point of contact for site-specific issues and have posed questions that are an outgrowth of our recent action to list Federal facilities on National Priorities List (NPL). This memorandum is to inform you of the status and direction of OSWER efforts to implement our program for hazardous site cleanup at Federal facilities. In order to better define roles within OSWER at HQ, I have divided the primary responsibilities for national management of the Superfund Federal facility programs between the Office of Waste Programs Enforcement (OWPE) and the Office of Emergency and Remedial Response (OERR) as follows:

**OWPE Responsibility:** Sites where releases of hazardous substances have been caused solely by activities on Federal facilities. This includes sites eligible for inclusion or currently on the proposed NPL list as Federal facility sites.

**OERR Responsibility:** Sites where the release of hazardous substances appears to relate to activities by private parties outside the boundaries of a Federal facility, which may also be a source of contamination. If it can later be determined that the Federal facility is the sole cause of the release of contamination, then the responsibility will shift to OWPE.

-2-

As a result of our effort to increase the level of EPA oversight, several other important issues have been raised. OERR and OWPE have agreed on short-term resolutions to the issues as follows:

- ° Regional Resources: We have distributed 7.5 FTEs and \$750K in FY'85 to the Regions in program element PAY9A for Federal facilities oversight. Although the resources are conveyed via an "OERR" account, the resources are intended for whatever unit the Regional Administrator designates for CERCLA oversight of Federal facilities in accordance with this initial guidance.
- ° "Credit" for Federal Facilities Efforts: We intend to seek appropriate SPMS measures to account for the effort required to oversee Federal facility cleanups. Current measures either don't reflect this effort (Responsible Party Searches) or are keyed to Regional SCAP allocations (Negotiations & Settlements). We will adjust for this in the 1st quarter FY'85 SCAP review.
- ° Initial Actions for NPL Update #2 Federal Sites: HQ, OFA and OSWER personnel have met with top management at almost all Federal Agencies to inform them of our intent for oversight activities. Regions should contact in writing owners/operators/Federal facility managers of listed Federal facilities to determine what cleanup plans and schedules have been formulated for these sites and to advise them that EPA will exercise oversight of the schedule and scope of their overall cleanup plans in accordance with the CERCLA, Executive Order 12088, and MOU authorities, including remedy selection and implementation of the remedy. This effort should be coordinated between the Region Waste Management Director and the Federal facility coordinator. Further enforcement guidance will be issued as described below.
- ° Completion of Guidance for Regions and Program Manual for Agencies: On August 16, 1984, Al Alm sent you the draft EPA strategy for assuring Federal facility compliance with CERCLA. A work group with OFA and Regional participation is developing two documents to translate this policy direction into operational guidance for your use and use by other Federal agencies. The purpose of the first document is to provide guidance to EPA Regional offices to assist Federal agencies in complying with CERCLA and the second is a manual to explain CERCLA responsibilities and provide guidance to Federal agencies that need to develop programs for their hazardous waste sites. These documents are intended to be broad working plans that serve as a framework for our CERCLA Federal facility program. The appropriate program office will develop detailed sections for these documents.

-3-

OERR will continue as the overall lead to develop these two documents. A first draft of each document will be distributed to Regions and program offices by December 15, 1984. A work group meeting to resolve draft document issues is scheduled for January 3, 1985. A final draft of the guidance will be distributed to the Regions by February 1, 1985. A final draft of the program manual will be distributed to Federal agencies the first week of February, followed by a CERCLA orientation seminar in mid-March.

cc: OPA  
OECM  
OGC