MEETING SUMMARY

NACEPT Superfund Subcommittee
January 7 – 8, 2003

Hyatt Regency Washington on Capitol Hill
400 New Jersey Ave., NW, Washington, D.C.

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Prepared by Meridian Institute
April 2003

NACEPT Superfund Subcommittee Meeting

January 7 – 8, 2003
Washington, D.C.

The NACEPT Superfund Subcommittee held its third meeting January 7 – 8, 2003 in Washington D.C. This document summarizes discussion topics and key decisions made during the meeting. The meeting was open to the public and audio recorded. Interested individuals and members of the press were present as observers. The Subcommittee's agenda designated several opportunities for public comment as summarized in the appropriate sections of this document. A written transcript was prepared and is available through the Environmental Protection Agency's (EPA) Docket #SFUND-2002-0005. Angelo Carasea, the Designated Federal Officer (DFO), is the primary point of contact for all public and press inquiries.

Monday, January 7, 2003, 8:30 a.m. – 5:30 p.m.

Dr. Raymond Loehr, Chairman of the Subcommittee, opened the meeting and presented welcoming remarks. He introduced Lois Gartner, the DFO for the Subcommittee and John Ehrmann, the lead facilitator for the group, from Meridian Institute. Dr. Loehr summarized the Subcommittee's charge, its activity since the September meeting and the goals for the third meeting. The objectives of January 7-8, 2003 meeting were to:

- Provide an opportunity for each of the three Work Groups to report on the status of their deliberations and engage in discussions with the diverse perspectives on the Subcommittee regarding the direction of assumptions, policy options and information gathering.
- Provide educational information on Tribal issues relevant to the Subcommittee's Charge.
- Provide a briefing from and opportunity for discussion with the EPA Administrator.
- Provide an opportunity for Work Groups to meet face-to-face.
- Review the Subcommittee schedule and determine a path forward; and
- Provide an opportunity for public comment.

The Introductory Statement was available as a handout and is included in Attachment A. Dr. Loehr asked each Subcommittee Member to briefly introduce him or herself. Barry Breen, OSWER's new Deputy Assistant Administrator and NACEPT's newest member of the Subcommittee provided additional background. His bio is available on the Subcommittee Website.

Future Meeting Locations

The chairman summarized the status of the decision regarding future meeting locations and options for consideration by the Subcommittee. The March and June meetings were being considered for locations outside of the D.C. area. The options suggested by members had been narrowed down to the following 5 cities: Albuquerque, New Bedford, Phoenix, Salt Lake City, and Seattle. A questionnaire was circulated to the Subcommittee members asking for their preferences. The chair explained that the assumption was that the remainder of the meetings would likely be held in the D.C. area. A final decision was expected by the end of the meeting.

Update from the NACEPT Council

Wilma Subra, Executive NACEPT Council Vice-Chair provided an update on the discussions of the Executive NACEPT Council relevant to the Subcommittee. The Council met most recently in Washington D.C. on December 10th and 11th. At that meeting Wilma provided an update on the Superfund Subcommittee's progress. Issues and concerns raised by the Council members included the following:

- Assuming the current level of funding may limit the Subcommittee's ability to come up with solutions that really work.
- Mega sites have the potential to use up all the money, leaving none for smaller sites which are still impacting human health.
- When we have a list of states that lack the resources to provide their 10% match or the long-term O&M, it should be passed on to the Council so that they have a better idea of which states are having problems.
- Bob Olson, Institute for Alternative Futures worked on an emerging trends report for the NACEPT Council. It (will) include key drivers that affect the Superfund Program over the next 25 years. Lois will provide copies for everyone.
- The NACEPT Council is totally in support of the work of the Subcommittee.
- The next Council meeting is scheduled for March 25th and 26th.

Opening Remarks

Dr. Loehr introduced Marianne Horinko, Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER). Ms. Horinko provided a brief welcome to the Subcommittee members and Tribal Representatives. She explained that the Agency is undertaking interim measures within the program to address some of the key issues with which the Subcommittee is grappling. Those internal efforts are intended only as interim measures until the Subcommittee renders recommendations late next year and the Agency has the opportunity to consider them. Ms. Horinko introduced Christie Whitman, EPA Administrator.

Administrator Whitman thanked the Subcommittee for their efforts to date. She emphasized the importance of the elements of their Charge and the importance of a strong Superfund Program. She felt the importance of the Subcommittee's work included the following:

- Crafting the future direction our country should adopt with regard to addressing hazardous waste sites – in particular helping the Agency determine how to set priorities based on human health and the environment in a time of constrained resources - will be invaluable to EPA as we move forward.
- Helping the Agency to keep better track of the progress we are making through consideration of our performance measures is another very important aspect of ensuring and maximizing protection of human health and the environment.
- Considering the Charge in the context of other cleanup programs is especially valuable because such consideration makes for a much more relevant discussion.

General Discussion with the Subcommittee:
Following the presentation, there was an open discussion between the Administrator and the Subcommittee. The discussion included the following points.

- The Agency recognizes the unique government-to-government relationship between Tribes and the Agency as Tribes are working to strengthen their role within the Superfund process and the future authority of tribes.
- The Agency will continue to attempt to bring the right information into the Subcommittee's discussions. If the Subcommittee is not getting the right information, Christie and Marianne would like to know.
- Many of the communities need more voice for their concerns. They are afraid that Superfund will cease to exist and whatever ends up in its place will not be adequate.
- The Program is not weakening but it is not likely to grow much from a budgetary level. The funding is level. The expectations of communities are not always realistic.
- The need for measures and efficiency has been stressed. Don't we need to be able to assess the bang for the buck? We may need to constantly assess how the cleanup program is doing. We need to constantly check ourselves to make sure we are doing the job right.
- Do you see any statutory changes in the future to address issues such as public participation? EPA has no plans to consider legislative changes at this point.
- Could there be a focus on tribal and subsistence living and could we focus on "green fields" to preserve pristine environments? EPA recognizes the impacts on subsistence living communities and is willing to consider any recommendations that come out of this committee.
- It would be helpful to get information from this group regarding how to prevent sites from becoming problems in the future
- Cost effectiveness versus cost benefit analysis: The cost benefit analysis is a tool but it is never going to be used to justify not doing something that needs to be done to protect human life – it is not the only tool.

- A question coming up in Subcommittee deliberations relates to governor concurrence. EPA should be willing to list a site even if the governor does not concur but without the approval of the State, EPA does not have the support for funding. There are ways to move a site along without the Governor's concurrence but with the governor's engagement you have much more investment in the long term success for the site. EPA needs the local state people involved upfront. The Administrator said she has not seen a site with an immediate threat where the governor did not concur.
- Some people have already assumed that mega sites are beyond Superfund's capacity. How do we compartmentalize a mega site? Are there sites that should be singled out because of the complexity of problems so that they should be dealt with differently?
- Ms. Whitman said she did not predict a lot more money for the Superfund Program in the future. It may be some people's opinion that we can't work without a huge infusion of funds, but just putting more money at the program is not the answer

State of the Superfund NACEPT Subcommittee

John Ehrmann summarized the accomplishments of the Subcommittee to-date as follows:

The Subcommittee has:

- Established groundrules and operational protocol
- Reviewed and gained clarification and understanding of the Charge
- Received briefings from EPA on key background information
- Established initial working groups and process for information gathering, work plan development and measuring program performance
- Developed a work plan for moving forward through the initial stages of the Subcommittee's work
- Expanded upon the guiding questions provided in the EPA Charge
- Gathered input from Subcommittee on key information needs
- Initiated process to gather and analyze information that had been requested
- Heard presentations from EPA pertaining to a number of specific information requests
- Reviewed and provided comments on EPA White paper on "Superfund Environmental Indicators: Population Risk Reduction?"
- Drafted and distributed several information papers/tables to the Subcommittee in support of deliberations
- Established second set of working groups – on Clean-up Programs Assessment and Site Types
- Work groups met several times by conference call and once in person since September full Subcommittee meeting
- Work groups have initiated development of program/policy options for discussion and consideration

The issues and challenges faced by the Subcommittee to date include the following:

- **How to focus the Subcommittee's work while responding to the Charge provided by EPA – which covers three sets of policy issues – NPL, megasites and measuring program performance.** *The Meridian/Ross staff suggest continuing with the three current work groups, at least until the March meeting. Each group should be charged with prioritizing and focusing its discussions. The staff and the Chair will be asking the full Subcommittee to assist in this process through the feedback that will be solicited during this meeting. To a certain extent, the work of the Subcommittee will continue to include a wide range of ideas and options as a result of the nature of the charge and the fact that we are still in the idea generation portion of the process.*

- **Determining the appropriate "balance" between information gathering and development of potential policy recommendations – how much information is enough? What is available and how difficult is it to obtain?** *The Meridian/Ross staff suggest that the Subcommittee continue the development of policy options that has been initiated and ask that each work group prioritize any additional information needs. Information needs can be calibrated and prioritized based on the particular policy options that are being explored.*

- **What is the appropriate role of the Agency in developing and reviewing information that is being requested by the Subcommittee?** *The Agency should continue to provide information to the Meridian/Ross team as quickly as possible. Information that is developed by Meridian/Ross should be reviewed by the Agency for factual accuracy only.*

- **Having a creative process to look at a wide range of possibilities, while not raising concerns about whether that means the Subcommittee is focusing on statutory change.** *The work groups should continue to think creatively about alternatives, but as that process is undertaken, everyone should bear in mind that the Subcommittee has been asked by the Agency to work within the bounds of the existing statute. This does not mean, however, that there might not be alternative approaches that could be considered that are/would be under other authorities at the Federal or state/tribal level.*

- **Clarifying what is meant by a "consensus report" of the Subcommittee as the goal**. *As outlined in the groundrules, the goal of the Subcommittee's deliberations is consensus – meaning that all members can "live with" and support the final report as an accurate summary of the Subcommittee's discussions and recommendations. This approach does allow for policy options to be presented with pros and cons delineated in a manner that reflects the views of all of the members. The search for consensus should not be used to prematurely eliminate options that are being explored.*

- **How to deal with the "overlap" between the scope/direction of the working groups?** *This will be a focus of our discussions at this meeting as the full Subcommittee has an opportunity to hear the status reports from each work group.*

The path forward was proposed as follows:

- It is important that the process of developing policy options/ recommendations be continued and it is appropriate for the Subcommittee to provide guidance to the working groups to help focus their discussions. This, however, needs to be balanced with the need for a creative process of developing and discussing options.
- At the March plenary, we would like to have a set of options from each working group that they believe represent their best thinking on options that merit the full Subcommittee's review. Options should be accompanied by an analysis of "pros and cons".
- At the March plenary, a draft table of contents for the final report, based on the deliberations of the work groups, will be reviewed and revised.
- By June, draft language should be developed so that the full Subcommittee can review an initial draft of the final report.
- We will be scheduling meeting dates for early September, late October and early December during this session.

A Subcommittee member asked the chair if there would be public comment on the report that results from the Subcommittee's deliberations. He explained that the Public will not review anything before the Subcommittee comes to agreement on what it will submit. What the Agency chooses to do with the document thereafter is up to them and is open for discussion.

Site Types Work Group

Catherine Sharp and Dick Dewling presented a summary of the Site Types Work Group's activities to date. The PowerPoint presentation was circulated to the group and is included in Attachment B. Topics covered included:

- Presentation of assumptions and issues
- Review of policy options
- Discussion of information needs
- Discussion of key questions for the Subcommittee

Group discussion included the following comments and questions:

- The group should consider policy administrative and operational functions.
- The group does not have clarity on what 20% of the sites are and why they are getting 80% of the funding.

- There was a long discussion of where all of the money is going and whether there needs to be additional study.
- Superfund provides communities with resources and access that no other program offers. Other programs do not give the same options as Superfund. The group could make recommendations about how resources are given to communities.
- Listing has impacts on the funding that is available to clean up a site.
- When considering listing of mega sites, the Subcommittee needs to consider issues other than cost.
- Before listing, need to make sure that the states (and others) have done everything they can to remediate or get the PRP's to do so.
- Use the phrase "safety net" instead of "last resort"

Cleanup Program Work Group

Grant Cope from the Cleanup Program Work Group presented a summary of the group's activities and progress to date. The PowerPoint presentation was circulated to the group and is included in Attachment B. The group has been charged with developing policy options and recommendations concerning the future role of the NPL within the context of what is provided through other federal and state cleanup programs. Topics covered included:

- Summary of work group activities to date
  - Review of key questions and assumptions
  - Review programs
  - Review framework within which other programs are being assessed and evaluated
  - Review path forward
- Discussion with Subcommittee about activities to date
  - Seek consensus on approach
  - Gather general feedback to help focus the future direction of the work

Discussion followed the presentations. The following points were raised:

- As the work group is looking at the programs that can potentially take sites from the NPL they should also look at whether they are feeding sites to NPL (because they are not being protective of human health and environment or they are creating problems).
- Anything we can do to save money is a good thing.
- "Other programs should be implemented to avoid Superfund sites in the future…" No one would disagree. But there is a question about how much detail we should get into. Look into preventative aspects of RCRA and others.
- Look at both ends of the state spectrum – good and bad examples.

Tribal Issues Panel

Several Tribal representatives were present to provide insights to the Subcommittee on issues related to Superfund and the Subcommittee's charge. Presentations and statements were made by the following individuals:

Lisa Gover, National Tribal Environmental Council
Chairman Brian Wallace, Washoe Tribe of Nevada and California
John Persell, Minnesota Chippewa Tribe
Bernadino Chavarria, Santa Clara Pueblo
Rob Greenbaum, Washoe Tribe of Nevada and California
Nancy John, Cherokee Nation
Fred Corey, Aroostook Band of Micmac Indians
Robert Holden, National Congress of American Indians
Althea Wolf, Confederated Tribes of the Umatilla
John T. Aquino, Tribal Association on Solid Waste and Emergency Response

Lisa Gover provided an overview presentation on the Tribal issues/perspectives most relevant to Superfund, particularly those being addressed by the National Tribal Environmental Council.

Key points presented during Tribal Issues Panel:

- Tribal consultation needs to happen early and often. In most cases, Tribal governments have no role in clean up decisions. Tribes have no authority to list or delist a site on the NPL, which causes a problem when the state governor will not concur, or if State and Federal governments are PRPs.
- There is a lack of Tribal government involvement in site investigation and all other phases of the Superfund process.
- Tribes need to be involved in decision making at sites.
- The agency and states need to share information with the Tribe involved with the site. Open peer-to-peer communication is essential. Developing relationships with other EPA, State and Tribal officials is necessary.

Discussion followed the presentations:

The Tribal representatives strongly advocated to the Subcommittee for the institutionalization within EPA of site hazard ranking, assessment and cleanup criteria that prescribe individual Tribes' protection for Tribal Traditional Lifeway activities, including the use of Tribal resources for cultural, subsistence and ceremonial purposes.

- It is important to advise EPA in the development of a Tribal Superfund policy focusing on the government to government relationship between Tribes and the United States. Community involvement also must be a focal point, recognizing that some Tribes are comprised of one community and some of many communities.

- It is important to maintain the distinction between the Tribal government/Federal government relationship, as noted in bullet 1 above.
- It is important to distinguish between real community involvement versus public participation. Public participation is broad and includes anyone who wants to comment. Community involvement is people sitting down throughout the process and being involved in the process. As a community, we need to distinguish between the two. Impacted communities and Environmental Justice communities are asking for involvement to access the process and the product. At the end is too late.
- Standards developed to protect Tribal Traditional Lifeways will most likely be protective of all humans who utilize resources in a similar manner.
- Treaties and other Tribal government/Federal government agreements are legally binding documents and need to be (but are not currently) recognized by EPA as applicable, relevant and appropriate requirements (ARARs) for sites impacting each Tribe.
- A lot of these issues relate to faith and trust and in many cases that does not exist between Tribes and the Federal government.

Public Comment Period

Members of the public were invited to comment on their perspectives and concerns regarding Superfund and the work of the Subcommittee. No members of the public signed up for comment.

Tuesday, January 8, 2003 8:30 – 10:45

Preliminary Business

John Ehrmann summarized the results of the Subcommittee's input on their preferences for meeting locations:

Phoenix (March 10, 11, 12) and New Bedford (June17, 18, 19) are the next two meeting locations and dates. Additionally, people said they would be willing to stay an extra day to be able to be briefed on local experiences that are relevant to the Subcommittee's Charge. An extra day was added to each of the schedules. Meridian will work with State agencies etc. to identify community perspectives to meet with the Subcommittee prior to the meeting. The fall meetings will likely be held in Washington D.C.

One Cleanup Program

Ellen Manges provided an update on the One Cleanup Program and the plan for implementation currently being developed. The Agency has received comments on the plan. The overall goal of the plan is that it would be EPA's vision of how all the nation's waste cleanup programs, including state, Tribal and local levels can all work together better to coordinate strategically. A revised draft will be available in the next two or three weeks. The Agency may need some more input from the Subcommittee before final decisions are made. The Agency would be willing to return at a future meeting to provide a presentation.

General Business

The members were asked to indicate preferences for fall meeting dates during the break so final decisions could be made during the administrative session later in the day. The suggestions were:

- Need to integrate community perspective into the Phoenix meeting.
- Need to integrate the Environmental Justice Perspective into the Subcommittee's deliberations – if not in Phoenix then some time soon.
- Consider a big mining mega site that the group could see in Phoenix.
- Regarding the One Cleanup Program, we need to be careful of trying to do too much in the time we have. Preference is to do a few things well. Perhaps the group can comment on the One Cleanup Program as individuals but not as a full Subcommittee.

Measuring Program Performance Work Group

Mike Tilchin, Kate Probst and David Cooper summarized various aspects of the Measuring Program Performance Work Group's efforts to date. The PowerPoint presentation was circulated to the group and is included in Attachment B. The primary purpose of the Work Group is to review and comment on initial Agency ideas on measuring progress of the Superfund program. Three performance measures white papers are currently in development within the agency. The Work Group and individual members of the Subcommittee were given the opportunity to comment on the Population Risk Reduction Indicators White Paper during the fall 2002. Additional indicators under development include the Ecological Risk Reduction Indicators and the Land Reuse Performance Measures.

Additionally, the Work Group is considering additional performance measure concepts while the Agency white papers are under preparation. Drafts have been developed and circulated to the Subcommittee for review including an introduction to performance measure issues and the following proposed performance measures:

- An alternative framework for a human health protection measure,
- A remedy effectiveness measure, and
- An institutional coordination measure (including Tribal, state, and community coordination).

David Cooper from EPA summarized the Population Risk Reduction Indicators developed by EPA and the feedback they received from the Subcommittee members.

Discussion included the following questions and comments:

- Should the population risk measure be used to compare the relative risk of sites or to measure progress at individual sites?
- The Agency for Toxic Substances Disease Registry (ATSDR) and National Institute of Health (NIH) should be integrated.
- Can we measure unintended impacts of a remedy?
- There seems to be a movement toward interim measures and removals – can we measure removals in addition to remediation?
- Can measures make it harder to "game the system"?
- How do you control exposure – what do you control to? "0"
- The group needs to explain what "yes" and "no" mean in the models developed.
- Should we be measuring program progress or program merit? One just suggests that we are doing something, not whether or not it is working.
- "Scoring" means the HRS to a lot of people. Could the group use another word?
- As new chemicals/contaminants are discovered, the risk may increase. Can you go back and revisit the measure? There is a need to evaluate a site as the situation changes.
- The main thing that locals want to know is when the site is going to be cleaned up and whether you are on schedule. Nothing else matters as much.

- Scoring changes should not be a disincentive to improving remedies because there is so much inertia against changing remedies – the group shouldn't hesitate to add that.
- If you tell the Regions that they are going to get a lower score because you are doing less "treatment" remedies – then you are going to create an incentive for treatment. What if natural attenuation is going to take as long as treatment? The program is doing a lot of positive things to protect people. We may not want a one-size-fits-all remedy. Measuring how many sites get treatment is different than measuring whether we are protecting health and the environment.
- Need to get regional, Tribal and state input. Some states get a low score because they voluntarily do not want some of the factors that contribute to a higher score.
- The problem with measuring progress with Superfund is that you can't give it a number like you can with the air program. It would be enormously helpful to have something of a target, such as 90% people drink safe water or 90% people have clean air. Can the group look at such measures to address the pressure that the agency is under?

The Subcommittee was given until January 22nd to submit additional comments on the Measures to the Work Group in writing.

Public Comment Period
Members of the public were invited to comment on their perspectives and concerns regarding Superfund and the work of the Subcommittee. Public comment was offered by the following individuals:

- Alan Crawford, Vice Chairman of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation
- Kenyon Larson, Marasco Newton Group at SRA International
- Gerald White, Division of Resources Manager, Executive Director for the Leech Lake Band of Ojibwe
- Althea Wolf, Confederated Tribes of the Umatilla Indian Reservation
- Luke Wilson, Council Member, Leech Lake Band of Ojibwe

The testimony from the public comment period is included in the transcript.

The public meeting adjourned on Tuesday at 10:45 a.m.

Work Group Breakout Sessions and Planning Meeting - Closed to the Public

After the public comment period, John Ehrmann distributed a proposed plan for moving forward with the Subcommittee's activities. He explained that it was intended to provide a guideline for priorities for the working groups until the March plenary session. He emphasized the desire of the Chairman that specific policy options be developed by the work groups prior to the March meeting. The following summary of the division of labor was discussed and agreed to by the Subcommittee.

Work Group Division of Labor and Priorities Until March, 2003

Site Types Work Group

1. Listing process.
2. Address special categories of sites.
3. What do you do with the money once you have it?

Cleanup Programs Work Group

1. Complete research on federal/state programs.
2. Identify the implications of the research for Subcommittee deliberations.
3. Are there other sources of funding that should be explored?
4. Implementing the program – internal and external efficiencies and opportunities.

Working Group Breakout Sessions

The Site Types and Cleanup Programs Work Groups divided into breakout sessions. Due to the overlap in membership, the Measuring Program Progress work group did not meet. However, they were asked to convene immediately after the breakout sessions, during the break, to make a decision about whether they would continue to be active or if they would take a hiatus until March.

Agenda for March Subcommittee Meeting

Due to the likely flight schedules for the Phoenix destination, John Ehrmann suggested that the group consider meeting for half a day on Monday, all day Tuesday and a half-day on Wednesday. That would allow everyone to be able to fly on Monday and be home by Wednesday night. The group agreed.

Future Meeting Schedule
The schedule for future Subcommittee meetings was established as follows:

March 11-12, 2003 in Phoenix, AZ
June 18-19, 2003 in New Bedford, MA
September 3-4, in Washington D.C.
November 5-6, in Washington D.C.
December 9-10, in Washington D.C.

Subcommittee Work Planning Discussion
The Measuring Program Progress work group met at the break and decided to put their activities on hold until March. The Site Types and Cleanup Programs Work Groups reported back on their breakout sessions.

The meeting was adjourned at approximately 3:00 p.m. on the afternoon of January 8th.

ATTACHMENTS

A. Meeting Purpose Statement

B. Work Group Presentations

1. Site Types Work Group Presentation
2. Cleanup Programs Work Group Presentation
3. Measuring Program Performance Work Group Presentation

Attachment A – Meeting Purpose Statement

NACEPT Superfund Subcommittee
Introductory Information
January 7-8, 2003 Meeting

The Superfund Subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) was established in June 2002 for the purpose of assisting EPA in identifying the future direction of the Superfund program in the context of other federal and state waste and site cleanup programs. Specifically, the Subcommittee will review the relevant documentation and, to the extent possible, provide answers to questions that relate to: a) the role of the NPL, b) mega sites, and c) measuring program performance. The Subcommittee will operate as and be subject to the requirements of a Federal Advisory Committee.

Membership on the committee represents a diversity of interests. Subcommittee members include senior-level decision-makers and experts from: academia, business and industry, community and environmental advocacy groups, state, local and tribal governments, environmental justice, and non-governmental and professional organizations. Dr. Raymond Loehr, Professor of Civil Engineering at the University of Texas in Austin, is the chair of the Subcommittee.

The Subcommittee is working to accomplish its Charge through quarterly Subcommittee meetings and interim Work Group meetings over an approximately 18-month period. It is anticipated that one or a series of consensus reports will result from the Subcommittee deliberations. However, where consensus cannot be reached, a written discussion of the views of Subcommittee members is to be provided. As appropriate, the Subcommittee may also respond to issues in the form of "consultation," i.e., dialogue, rather than a formal written report.

Subcommittee Meetings

To date, the Subcommittee has held two meetings in Washington D.C. (June 17-19, 2002 and September 23-24, 2002). A summary of the meetings can be obtained via the EPA website at (http://www.epa.gov/oswer/SFsub.htm). Highlights from the most recent meeting are included below.

September 2002 Meeting

The NACEPT Superfund Subcommittee held its second meeting September 23 through 24, 2002 in Arlington, Virginia. The meeting was open to the public. The following information provides a brief overview of that meeting.

The main purposes of the meeting included the following:

- Provide an opportunity for the Work Groups to report on the status of their activity and seek feedback from the full Subcommittee.
- Provide educational information on the current and projected status of the National Priorities List (NPL).

- Provide information on some key non-CERCLA cleanup programs.
- Provide a briefing from the Superfund Program on relevant activities occurring within the Agency.
- Provide an opportunity for public comment.

As a result of the deliberations during the September 2002 meeting, the Subcommittee agreed to form two new work groups and maintain one of the work groups established at the June 2002 meeting. The Site Types Work Group was formed to develop basic assumptions about the body of sites that could be considered for the NPL in the future and develop options for the future role of the NPL given the number and types of cleanup sites that are expected. This work group will consider the number and types of sites that may become mega site cleanups. The Cleanup Programs Work Group was formed to focus on understanding how other cleanup programs are currently used and what they offer, so that options for the future role of the NPL can be considered in the context of other cleanup programs. The Measuring Program Progress Work Group continues to work with the Agency to provide advice on its internal efforts to develop Superfund Program performance measures and is simultaneously developing additional options for program measurements to be considered by the Subcommittee. Additionally, the Subcommittee agreed to continue the ongoing information gathering effort in parallel with the efforts of the three work groups.

Summary of activity since last meeting

During the period of time between the September 2002 meeting and the January 2003 meeting, the Subcommittee members participated in work group activities via conference calls and face-to-face meetings. Subcommittee members supported the implementation of work group activities by drafting and reviewing summaries of background information, and by developing assumptions and policy options for future consideration by the Subcommittee. The results of the work group efforts will be presented and discussed with the full Subcommittee at the January 2003 meeting.

Objectives of the January 2003 Meeting

The January 7-8, 2003 meeting is intended to accomplish the following objectives:

- Provide an opportunity for each of the three Work Groups to report on the status of their deliberations and engage in discussions with the diverse perspectives on the Subcommittee regarding the direction of assumptions, policy options and information gathering.
- Provide educational information on Tribal issues relevant to the Subcommittee's Charge.
- Provide a briefing from and opportunity for discussion with the EPA Administrator.
- Provide an opportunity for Work Groups to meet face-to-face.
- Review the Subcommittee schedule and determine a path forward; and
- Provide an opportunity for public comment.

Interactive discussion and questioning for the purpose of probing an issue and clarifying a point will be encouraged. As such, the comments made by Subcommittee Members at this and future meetings should neither be interpreted to reflect their current position on the subject under discussion nor their future position as it may evolve over the course of deliberation. Additionally, the comments of individual Subcommittee Members should not be interpreted as positions of the Subcommittee or the EPA.

The Subcommittee will deliberate thoroughly before developing consensus findings, conclusions or recommendations. Any report on the opinion of the group will undergo rigorous review by all Subcommittee Members before it is considered final and transmitted to EPA.

This is an open session for public record. Interested individuals and members of the press have been invited to attend as observers. We will be entertaining questions from the floor during the designated times on the agenda. Lois Gartner, the Designated Federal Officer, will be available to assist reporters and other interested individuals who would like additional information. Her contact information is available on the Roster at the registration table.

Attachment B – Work Group presentations available electronically as separate documents:

1. Site Types Work Group Presentation
2. Cleanup Programs Assessment Work Group Presentation
3. Measuring Program Progress Work Group Presentation