



E. SCOTT PRUITT
ADMINISTRATOR

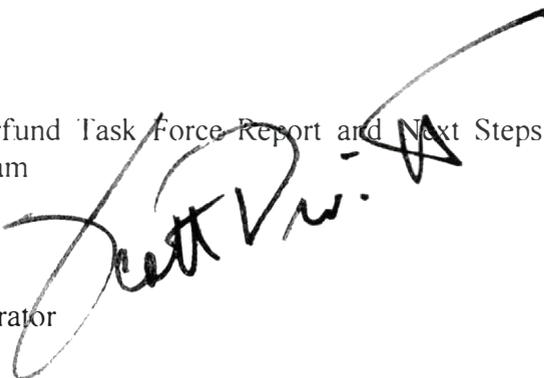
July 25, 2017

MEMORANDUM

SUBJECT: Receipt of Superfund Task Force Report and Next Steps for Revitalizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators



When I established a task force to provide recommendations on revitalizing the Superfund program, I did so because the Superfund program is a cornerstone of the work that the EPA performs for citizens and communities across our country. My goal as Administrator is to restore the Superfund program to its rightful place at the center of the agency's core mission. The task force has conducted its work over the course of the past few weeks with this goal in mind.

The task force was comprised of dozens of committed agency professionals who sought to bring fresh ideas and clear direction to this vital program. These individuals included leaders from the Office of Land and Emergency Management, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (the Lead Region for the Superfund program) and other relevant offices across the agency. More than one hundred people contributed to the task force's efforts. I commend them for their hard work and profound dedication to this effort.

The task force considered nearly every aspect of the Superfund program, from site identification to remedy selection and implementation and subsequent reuse. In accordance with my direction, the task force focused its efforts on five overarching goals: expediting cleanup and remediation, reinvigorating cleanup and reuse efforts by potentially responsible parties,

encouraging private investment to facilitate cleanup and reuse, promoting redevelopment and community revitalization and engaging with partners and stakeholders.

The task force's report abounds with new ideas and dynamic thinking. It includes a number of strategies designed to accomplish these five goals and 42 separate recommendations to execute these strategies. I have directed the chair of the task force to continue work and implement the recommendations in the task force's report by working directly with you and others in the agency. Some of the task force's recommendations will require future administrative actions, such as rulemakings or the issuance of guidance, by the agency for them to come to fruition. I will look to you to help turn these recommendations into reality. As a part of implementing these recommendations, I have directed that we work closely with our partners across the federal government and with states, tribes, local communities and other stakeholders. Communities across the country are counting on each of us to get this done right and as expeditiously as possible, and we will.

The task force's report also includes a number of recommendations and proposed improvements that, in my judgment, should be implemented right away, consistent with current authority and guidance. These recommendations – which I am directing you to implement without delay – will build on the steps that I have taken thus far to improve and revitalize the Superfund program to ensure that contaminated sites across the country are remediated to protect human health and the environment and returned to beneficial use as expeditiously as possible. It is with this renewed focus in mind that I direct you to take the following 11 specific actions expeditiously:

- Prioritize and take action to expeditiously effectuate control over any site where the risk of human exposure is not fully controlled. Within 60 days, regions should prepare a report to the chair of the task force that identifies these sites and describes when such risks are expected to be controlled.
- Utilize early or interim response actions, including removal authority or interim remedies, more frequently as appropriate to address immediate risks, prevent source migration and return portions of sites to reuse while more-detailed evaluations of other portions of sites are ongoing. We should not allow for years of study to delay addressing immediate risks.
- Prioritize development of Remedial Investigations and Feasibility Studies for those sites and projects that require more immediate action to focus the use of available funds and resources.
- Identify potential pilot contaminated sediment or complex groundwater sites where Adaptive Management strategies can be implemented.
- Regions should begin compiling existing information on the cleanup status and reuse potential (as applicable) of each National Priorities List site in their region for submission to the task force.
- Track remedy implementation and completion progress in real time with the Superfund Enterprise Management System or with another mechanism, if more efficient.

- Focus training, tools and resources on current National Priorities List sites with the most reuse potential.
- Work with Potentially Responsible Parties, state, tribal and local governments and real estate professionals to identify opportunities for PRP-lead cleanups to consider future reuse in cleanups.
- Each region shall submit to the task force chair within 60 days the total of their indirect costs charged to the PRPs for FY16 and FY17 to date, as well as the formula by which that is derived.
- Encourage PRPs to work with end-users to voluntarily perform assessment and additional cleanup or enhancement work to achieve reuse objectives and to fund or perform enhanced cleanup or “betterment” by voluntarily entering into agreements with end-users.
- Use purchase agreements for potential Bona Fide Prospective Purchasers outlining their actions necessary to preserve their BFPP status.
- Use enforcement authorities, including unilateral orders to recalcitrant PRPs, more actively in order to discourage protracted negotiations over response actions.
- Maximize deletions and partial deletions of sites that meet CERCLA and National Contingency Plan requirements. Within 60 days, regions should formulate a list of NPL sites expected to be proposed for deletion or deleted within 12 months of today’s date and submit the list to the chair of the task force.

More-detailed directives or guidance will follow in the weeks and months ahead on some of these items; however, I direct you to begin implementation of these strategies within your areas of responsibility immediately based on your best professional judgment. I look forward to working with the task force, agency staff at headquarters and in the regions and our partners across the federal government, states, tribes, local communities and other stakeholders to develop and implement the other recommendations in the task force report. Work to prioritize and reinvigorate this program by the task force – and the agency – has just begun. This shared effort will result in a Superfund program that fulfills this agency’s promise to the American people: remediating and revitalizing the most-contaminated sites in our nation and returning them to the communities in which they are located for beneficial use.