



E. SCOTT PRUITT
ADMINISTRATOR

April 26, 2018

MEMORANDUM

SUBJECT: Clarification of the May 9, 2017, Revisions to CERCLA Delegations of Authority 14-2 Responses and 14-21A Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities: Amendments to Records of Decision, Explanations of Significant Difference and Non-Time-Critical Removal Actions Under CERCLA

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "Scott Pruitt", written over the printed name.

TO: Assistant Administrator, Office of Land and Emergency Management
Regional Administrators

Last year, under my leadership, the U.S. Environmental Protection Agency restored the Superfund program and the EPA's land cleanup efforts to their rightful place at the center of the agency's core mission. Investigation and remediation continues at sites across the country, and EPA professionals at headquarters and in the EPA's regional offices are working hard to implement the recommendations of the Superfund Task Force issued last year. Great progress has been made, and progress continues at Superfund sites across the country.

As part of this effort to revitalize the Superfund program, I issued two revised delegations of authority in May 2017 that had the effect of retaining my authority to select a remedy in a Record of Decision when the estimated cost of such a remedy exceeds \$50 million. This authority had been previously delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators. Since this change became effective, it has facilitated increased oversight, accountability and consistency in remedy selection and fostered additional direct engagement by my office in the agency's CERCLA remediation efforts.

To build on these achievements, I am issuing this memorandum to clarify the Administrator's role when the agency makes other significant decisions regarding Superfund cleanups. Specifically, I am directing the assistant administrator for OLEM and the regional administrators to coordinate and consult with the Administrator's Office early on when developing Record of Decision Amendments or Explanations of Significant Differences if such actions are projected to either increase the estimated cost of a remedy to greater than \$50 million or are



projected to increase the estimated cost of a remedy that is already greater than \$50 million by any amount. In addition, I am directing the assistant administrator for OLEM and the regional administrators to coordinate and consult with the Administrator's Office when developing Non-Time-Critical Removal Actions estimated to exceed \$50 million. After such consultation, I will determine whether to exercise my authority to sign the ROD Amendment, ESD or NTCRA Memorandum or to provide for the delegated official to sign.

Please take steps to implement the directives in this memorandum immediately. Through this enhanced coordination and cooperation, we will provide more accountability and consistency throughout the EPA's regions as we work to protect human health and the environment for all Americans.