OFFICE OF LAND AND EMERGENCY MANAGEMENT

NATIONAL PROGRAM MANAGER GUIDANCE

FISCAL YEARS 2018-2019

June 28, 2017
Publication Number 540D17001

CONTENTS

I. INTRODUCTION 3
II. KEY PROGRAMMATIC ACTIVITIES 4
Superfund Remediation 4
Superfund Federal Facilities Restoration and Reuse 6
Emergency Response and Prevention 9
Brownfields and Land Revitalization 11
E-Manifest 12
RCRA Permitting 14
RCRA Corrective Action and PCB Cleanup 16
RCRA Regulatory and Guidance Actions 18
Underground Storage Tanks 21
Tribal Support and Coordination 23
Environmental Justice 24
APPENDICES 1
Appendix A: FY 2018 NPM Guidance Measures 1
Appendix B: OLEM FY 2018-2019 Grants Management Guidelines 1
Appendix C: State Reporting Schedules for UST Performance Measures 3
Appendix D: Points of Contact for More Information 5

ED_001521A_00010537-00002

I. INTRODUCTION

The Office of Land and Emergency Management (OLEM) is the national program manager for a wide variety of land-based programs. OLEM is responsible for the Superfund Removal and Remedial programs, the Resource Conservation and Recovery Act program, the Brownfields program, the Underground Storage Tank program, the Emergency Response and Management program and the Federal Facility Oversight program. OLEM also collaborates with other agency programs on cross-media issues to address environmental concerns as One EPA.[1]

The President's FY 2018 budget request includes $873,332 M for OLEM-managed programs, a reduction of $368,052 M or 30 percent from the FY 2017 operating plan. The budget supports a back-to-basics strategy to maintain core environmental protection by working with state, local, and tribal partners to create and implement regulations that also enhance economic growth. The programs, activities, performance measures and targets within the OLEM guidance align with these funding levels.

During fiscal years 2018 and 2019, OLEM will strive to effectively limit human exposures to contaminants and environmental degradation through prevention, preparedness, assessment, cleanup and revitalization activities. OLEM supports the Administrator's goal of restoring contaminated sites to productive use, creating jobs and new economic opportunities. OLEM and EPA regional offices will continue engaging its state and tribal partners to set priorities for meeting these and other challenges.

OLEM works together with the other EPA headquarters media program offices and with the ten EPA regional offices, states, tribes and other partners to achieve its national goals. Regional offices also undertake efforts with our partners to address region-specific environmental conditions or concerns. OLEM recognizes these challenges and strives to provide flexibility and support for regional strategies that align with our shared priorities and goals. Further, delegated or authorized state and tribal agencies may raise specific activities for discussion with the appropriate senior EPA regional manager(s) when developing their grant work plans. The appropriate OLEM Office Director will be ready to assist should regional management wish to discuss state, tribal or local issues.[2]

---

[1] Additional information concerning the United States Environmental Protection Agency's guidances is described in the EPA's Overview to the NPM Guidances. This overview includes agency-wide information and applicable requirements critical to effectively implementing the EPA's environmental programs during FYs 2018-2019 and should be viewed in conjunction with this guidance.

[2] For more information about seeking programmatic flexibility within Performance Partnership Grants, and the benefits of these grants generally, please see EPA's *Best Practices Guide for Performance Partnership Grants with States*.

ED_001521A_00010537-00003

II. KEY PROGRAMMATIC ACTIVITIES

Superfund Remediation

The Superfund Remedial program addresses many of the worst contaminated areas in the United States by conducting investigations and then implementing long term cleanup remedies, as well as overseeing response work conducted by potentially responsible parties (PRPs), at National Priorities List (NPL) sites. Cleanup actions can take from a few months for relatively straight-forward soil excavation or capping remedies to several decades for complex, large area-wide groundwater, sediment, or mining remedies.

By addressing the risks posed by Superfund sites, the Superfund Remedial program strengthens the economy and spurs economic growth by returning Superfund si tes to productive use. While conducting cleanup at NPL sites, Superfund construction project s can have a direct impact on enhancing our national infrastructure while addressing harmful exposure. Cleanup work under the Superfund Remedial program also improves property values. A study conducted by researchers at Duke University and University of Pittsburgh found that residen tial property values within three miles of Superfund sites increas ed between 18.6-24.5 percent wh en sites were cleaned up and deleted from the NPL.

Headquarters and regions

Revitalize Land to Support Communities

- Identify site redevelopment opportunities early in the Superfun d process and identify best practices within regional Superfund programs to foster faster cleanups.
- Provide for meaningful community engagement through the Superfu nd response process and cultivate those contacts for coordination of future reuse/redevelopment opportunities.
- Continue to support job training programs that place a priority on hiring local workers to undertake site cleanup work.
- Collaborate with states, tribes and local governments, residents and business groups to integrate site management decisions into long-term community plans for economic growth and reuse.

Leverage resources to maximize cleanup

- Continue the strong partnerships with states and tribes on site assessment, remedial responses, community engagement and revitalization.
- Maintain focused enforcement efforts to compel PRP participatio n earlier in the response process; hold parties accountable to timeframes and commitments; identify responsible parties earlier in the process.
- Maximize use of Special Accounts to conserve limited appropriated resources.
- Utilize a range of approaches for financing site cleanups, including alternative and non-traditional approaches.
- Maintain a financial assurance program that: requires appropriate financial assurance; ensures financial assurance instruments remain current and appropriately funded through the life of the project, and manages data to enhance oversight, as appropriate
- Facilitate cross-program collaboration – utilize in-house expertise, when possible.

- Look for opportunities to reduce the level of oversight for cooperating PRPs remediating contaminated sites.
- Utilize independent optimization studies to identify actions to improve the effectiveness and cost-efficiency of a phase of the remedial process, where appropriate.

Manage Projects to Completion to Maintain Protectiveness

- Incorporate new science and address emerging contaminants.
- Work with states, tribes and local governments to identify new options for implementing institutional controls.
- Utilize data management/technology to streamline investigations and cleanups to support closeout procedures.
- Streamline and improve remedy development and selection processes.
- Effectively and efficiently implement and utilize the Remedial Acquisition Framework (RAF).
- Consider Superfund groundwater cleanup policies to ensure all available tools and approaches are provided to expedite completion.
- Maintain integrity of the remedies through an effective implementation of the five-year review process.
- Establish baseline costs and schedules for remedial projects and use project management practices to ensure timely project completion.

Workforce Development

- Develop workforce of the future – train staff to utilize new technology, program management techniques and other tools to streamline cleanups and communicate with stakeholders.
- Develop materials and provide training to facilitate the transition from the Remedial Action Contracts (RACs) to the three new suites of RAF contracts.

Headquarters

Provide Technology Integration and Assessment

- Develop tools to integrate cross program data and allow rapid data visualization.
- Utilize tools for statistical analysis and optimization of data collection efforts to streamline site characterization, aid in cleanup decisions, and reduce operation and maintenance costs of remedies.

Measures: The following ACS measures support this program: 122, 131, 141, 151, 152 and S10. These measures can be found on pages 1 and 2 in attached measures appendix. Performance goals and measures for the Superfund Federal Facilities Response program are a component of the Superfund remedial program's measures.

Superfund Federal Facilities Restoration and Reuse

OLEM's Superfund Federal Facilities Restoration and Reuse Office (FFRRO) oversees and provides technical assistance for the protective and efficient cleanup and reuse of federal facility sites as mandated by Congress. Program responsibilities include: 1) inventory and assess potentially contaminated sites; 2) implement protective remedies; 3) facilitate transfer of property to the private sector; and 4) ensure ongoing protectiveness of completed cleanups.

The program has a close partnership with states, as co-regulators, to ensure progress and protective cleanup solutions at Federal Facility National Priority List (NPL) sites. The federal facility NPL sites are among the largest in the Superfund program encompassing some of the most dangerous and unique environmental contaminants including munitions, radiological waste and emerging contaminants such as per-and polyfluoralkyl substances (PFAS). To ensure efficiencies and consistent approaches to cleanups, the program collaborates with other federal agencies (OFAs), states and tribes on national guidance and policy.

Headquarters and regions

Ensure protective remedies

- Prioritize the highest risk sites and focus on activities that bring human exposure and groundwater migration under control.
- Oversee and provide technical assistance for the protective and efficient cleanups through such activities as: 1) reviewing and approving site cleanup documents; 2) participating in site meetings with affected communities; 3) making final remedy selection decisions at NPL sites; and 4) monitoring remediation schedules as outlined in the Federal Facility Agreements (FFAs).
- Strengthen oversight and provide technical assistance, as appropriate, at DoD military munitions response sites on the NPL or of national significance.

Partnerships

- Provide technical assistance to communities by issuing Technical Assistance Grants (TAGs) as resources allow.

Streamline business processes

- Work collaboratively with OFAs, state, local and tribal partners to encourage reuse of the sites.
- Collaborate cleanup goals to transfer federal property for reuse or restore the property for beneficial use that supports the core mission of the OFAs.
- Simplify the Operating Properly and Successfully (OPS) review process to expedite the transfer of federal property for redevelopment.

Headquarters

Ensure protective remedies

- Provide direction and technical guidance to support project managers and site personnel on emerging issues such as per- and polyfluoroalkyl substances (PFASs) including resources such as the FFRRO Technical Fact Sheets.

- Promote Five-Year Review writer and reviewer training tools to improve technically accurate and timely reviews that meet statutory deadlines.
- Work with DoD on proposed updates to the Munitions and Explosives of Concern Hazard Assessment (MEC HA) tool and consider the need to convene a technical working group to address the updates.

Partnerships

- Continue to coordinate with national organizations such as The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) which promotes and enhances state and territory involvement in the cleanup and reuse of contaminated federal facilities and facilitates information exchange by and between states, territories, and federal agencies. This includes identifying and researching emerging issues related to state and federal cleanup programs at federal facilities; producing and disseminating resource documents, tools, and working with EPA, DoD, and OFAs on a variety of federal facilities issues and forums.
- Coordinate with OFAs on the Federal Mining Dialogue (FMD) – a cooperative initiative among federal environmental and land management agencies that provides a national forum for identifying and discussing lessons learned and technical mining impact issues associated with the cleanup and reuse of abandoned and inactive hard rock mine and mineral processing sites across the country.
- Chair and participate in the Intergovernmental Data Quality Task Force (IDQTF) with DoD and DOE to ensure that environmental data are of known and documented quality and suitable for the intended use.
- Improve partnerships with OFAs, states, and tribes involved at cleanup sites, such as facilitating ongoing working relationships among senior leaders involved in the cleanup of Department of Energy sites through a focused dialogue.

Streamline business processes

- Improve and expand the FEDFacts website – a public-facing online tool that features over 2300 Federal Agency Hazardous Waste Compliance Docket (Docket) sites.
- Develop an online document submittal system (ePortal) through E-Enterprise for the Environment to better track, organize and maintain Preliminary Assessment reports and to organize and maintain document submissions for EPA, OFAs, states and tribes.
- Continue to implement and improve a modernized business model for managing FTE that enables the sharing of resources such that FTE can be physically located in any region but virtually organized to accommodate workload. This model can enable the rapid deployment of qualified/expert personnel to assist regions in meeting priority goals and statutory requirements.

Measures: The Superfund Federal Facilities Response program contributes to the following overall Superfund Government Performance Results Act measures: 122, 131, 141, 151, 152 and S10. The program also tracks the ACS measure FF1, "Percent Construction Complete." This Percent Construction Complete measure provides a more detailed view of site cleanup progress at federal facility sites on the NPL. These measures can be found on pages 1 and 2 in the attached measures appendix.

The percent construction complete measure is based on the average of three specific factors at each Federal Facility NPL site: 1) OU percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete (see definitions below). To reflect progress at each site, EPA headquarters will calculate the percentage complete for each of the three factors and determine the average of the factors combined. This combined average will reflect the percent construction complete at each site. EPA headquarters will then calculate the national average of all site-specific percentages.

ED_001521A_00010537-00008

Emergency Response and Prevention

OLEM's Emergency Response and Prevention programs will continue to prepare for, prevent, and respond to environmental incidents. Core activities include conducting and overseeing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/Superfund emergency response and removal actions; responding to oil spills under the Oil Pollution Act (OPA); and conducting and supporting inspections of regulated oil and chemical facilities under the Clean Water Act (CWA), Clean Air Act (CAA), CERCLA, and the Emergency Planning and Community Right-to-Know Act (EPCRA).

The Superfund Emergency Response and Removal program ensures that releases of hazardous substances, pollutants and contaminants, including chemical, biological, and radiological agents, to the environment are appropriately addressed through either a federal lead action or by providing technical support and oversight to state, local, other federal responders, and potentially responsible parties (PRPs). The Chemical Accident Prevention program requires more than 12,500 RMP-regulated industrial facilities that use or store chemicals from a list of regulated toxic and flammable substances held above certain threshold quantities to implement an accident prevention program, take emergency response preparedness measures, and develop and submit a Risk Management Plan (RMP). EPA's Oil Spill Prevention and Response program protects human health and the environment by preventing, preparing for, responding to, and monitoring inland oil spills and prevention, preparedness and compliance assistance at more than 540,000 regulated non-transportation related oil storage facilities.

Emergency Response and Removal

Headquarters and regions

- Support interagency work with the National Response Team and Regional Response Teams as well as state, tribal and local partners. This work includes participation in drills and exercises and the development of guidance and other materials.
- Support the agency's Continuity of Operations Plan (COOP). This includes COOP deployment, devolution, and activation of Emergency Relocation Group personnel to the COOP site with limited staffing and without access to the full range of resources available during normal activities. This ensures that agency continuity plans meet Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) requirements.
- Ensure through Superfund removal actions that the most serious public health and environmental threats including emergency responses are addressed quickly. These releases pose an imminent threat to human health, welfare, and the environment, potentially affecting both communities and the surrounding environments.
- Target a goal of conducting or overseeing 175 removal completions.

Oil Spill Prevention and Response Program

Regions

- Focus on high-risk Spill Prevention, Control, and Countermeasure (SPCC) and the Facility Response Plan (FRP) facilities, as defined by the program's high-risk inspection targeting procedures (outlined in the April 2013 memorandum: SPCC and FRP

Inspection/Government Initiated Unannounced Exercise (GIUE) Targeting Procedure). At least 50% of SPCC inspections nationally should be conducted at high-risk facilities.

Headquarters

- Maintain the National Oil and Hazardous Substance Pollution Contingency Plan's Subpart J Product Schedule, which identifies a list of products that may be used to clean oil spills.
- Deliver two annual oil spill inspector trainings to federal inspectors.
- Continue to target bringing 60% of initially non-compliant SPCC and FRP facilities into compliance.
- Continue to work with the regions on Area Planning efforts to ensure that responders have access to essential area-specific information when addressing incidents.

State and Local Prevention and Preparedness Program

Regions

- Conduct all RMP inspections in accordance the with "Guidance for Conducting Risk Management Program Inspections Under Clean Air Act Section 112(r)" (EPA 550-K-11-001, January, 2011).
- Target the completion of 175 inspections of RMP facilities annually in FYs 2018-2019. Conduct at least 36% of inspections at high-risk facilities, and at least 50% within one of the five sectors selected for the Chemical Accident Risk Reduction National Enforcement Initiative (NEI). A single facility inspection can be applied to both requirements.
- As appropriate, evaluate facility compliance with EPCRA section 304 and 311/312 and CERCLA section 103 during all RMP inspections.

Headquarters

- Provide basic RMP inspector training for federal and state inspectors.
- Develop limited updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite, *i.e.,* the CAMEO Chemicals app, which will provide free and publicly available information to first responders on firefighting, first aid and spill response activities.

Measures: The following ACS measures supporting this program can be found on page 1 in the attached measures appendix: 137, 327A, 328A and CH2.

Brownfields and Land Revitalization

The EPA's Brownfields and Land Revitalization program emphasizes environmental and public health protection in a manner that stimulates economic development and job creation. The program supports these efforts by awarding cooperative agreements and providing technical assistance to states, tribes, local communities, and other stakeholders to work together to plan, inventory, assess, safely cleanup, and reuse brownfields.

Compete and Award New Cooperative Agreements

- Headquarters and regions. Develop and manage five competitively awarded and two allocation-based cooperative agreement funding solicitations.

Oversight and Management of Existing Cooperative Agreements

- Headquarters and regions. Continue the federal fiduciary responsibility of managing approximately 900 existing brownfields cooperative agreements.
- Headquarters and regions. Provide limited environmental oversight to existing grantees.

Technical Assistance

- Headquarters and regions. Provide technical assistance to states, tribes, and local communities in the form of research, training, and technical assistance.

Continued collaboration with State, Tribal and Local Partners

- Headquarters, regions collaborating with states and tribes. Continue to develop guidance and tools that clarify potential environmental cleanup liabilities, thereby providing greater certainty for parties seeking to reuse brownfields properties.
- Headquarters, regions collaborating with states and tribes. Provide direct support to parties seeking to reuse contaminated properties in order to facilitate transactions.

Accomplishment Tracking through the Assessment, Cleanup and Redevelopment Exchange System (ACRES)

- Headquarters with assistance from regions. Support the maintenance of the ACRES online grantee reporting tool, enabling grantees to track accomplishments and report on the number of sites assessed and cleaned up, and the amount of dollars and jobs leveraged with brownfields grants.

Land Revitalization Program Support

- Headquarters and regions. Provide limited support to communities as part of the EPA's Land Revitalization program which works with communities in their efforts to restore contaminated lands into sustainable community assets.

Measures: The following ACS measures support this program: B29, B32, B33, B34 and B37. These measures can be found in the attached measure appendix.

E-Manifest

On October 5, 2012, the President signed the Hazardous Waste Electronic Manifest Establishment Act authorizing a fee-funded electronic reporting program for entities transporting hazardous wastes that are regulated pursuant to the Resource Conservation and Recovery Act (RCRA). E-Manifest will deploy with the functionality to submit, edit, and sign manifests through a web application and through a system-to-system data exchange. In addition, users will be able to submit paper manifests for manual entry into the e-Manifest system. E-Manifest aligns with the ongoing E-Enterprise initiative. Working together in collaborative leadership, EPA, the states and tribes, are simplifying, streamlining and modernizing the implementation of environmental programs.

During development, the e-Manifest team will work alongside industry, states, and other stakeholders, to address their issues, including the following:

- The connection of the national e-Manifest system with state and industry systems
- Developing a suitable user interface for the web application
- How to approach manifest data quality on a national and state level
- Addressing industry and state data access needs
- Identifying and addressing issues raised by the generator and transporter communities

The adoption of e-Manifest and deployment of the e-Manifest system will impact states' manifest programs. All manifests will be sent to EPA and the states, and the states will have access to their data in the e-Manifest system when it is entered into the system and updated by the handlers. Although EPA's Final User Fee rule will be implemented by EPA in all states on the effective date of the rule, state adoption and authorization will allow states to retain enforcement authority for their manifest programs.

<u>Headquarters</u>

- In FY 2018, continue the design and development of the e-Manifest program system, including extensive system testing.
- EPA anticipates the e-Manifest system will be operational and fee worthy in June 2018 (assuming adequate funding). The currently expected high-level milestones, (subject to change based on system testing and user needs), leading to system deployment in 2018 are as follows:
    - July 2017 to February 2018: Continue full scale development and user testing of Phase 1. After Phase 1, EPA will continue to iterate and continue to augment the e-Manifest system's functionality.
    - February 2018 to June 2018: Testing and refinement of Phase 2, with deployment to the pre-production environment for further user testing planned for February 2018.

- In FY 2018, further engage EPA regions to test e-Manifest workflows, user interface, data quality and to identify state counterparts and industry stakeholders for system testing.
- In FY 2018, complete the User Fee final rule.

- In FY 2018, stand up paper processing and help desk for use post system launch.
- During FYs 2018-2019, OLEM's Office of Resource Conservation and Recovery (ORCR) will convene the e-Manifest Advisory Board at least twice each year in order to obtain the Board's recommendations and advice on the initial deployment, implementation, and functionality of the e-Manifest system.
- In FY 2018, ORCR will work with states to streamline e-Manifest adoption, specifically the preferred method for interacting with e-Manifest, whether via the web application or through our application program interfaces (APIs).

Regions

- Regions will participate in e-Manifest system design and development and provide data to EPA headquarters to facilitate these efforts.
- Regions are a crucial component of the e-Manifest outreach strategy – regions will work with EPA headquarters to coordinate with states currently involved in system testing, and will expand to states that are not currently participating in program activities.
- Engage with generators and transporters, encouraging them to register for e-Manifest and raise issues faced by generators and transporters to EPA headquarters.
- Work with states on the authorization of the One Year Rule.
- Work with states on the adoption of the User Fee Rule.

States

- Continue to participate in technical meetings, as appropriate, and provide data to EPA regional offices and to headquarters to facilitate e-Manifest system design and development. States requiring manifests should scope the needed changes to their systems to be able to receive manifests from the EPA in an electronic format (e.g., via the Exchange Network).
- Expand state testing pool to include policy experts to test e-Manifest workflows, user interface and data quality.
- Engage with generators and transporters, encouraging them to register for e-Manifest; raise issues faced by generators and transporters to EPA.
- Begin taking action for any necessary state regulatory or statutory changes to implement e-Manifest (e.g., adoption and authorization for One Year Rule and User Fee Rule)
- Inform industry stakeholders in their states about the e-Manifest.
- In FY 2018, determine method of interacting with e-Manifest, whether through the web application or API.

RCRA Permitting

Protecting Communities Through Permitting or Other Approved Controls

The RCRA and TSCA polychlorinated biphenyl (PCB) permitting and approval programs protect people and ecosystems from exposure to dangerous wastes and chemicals. EPA provides support to states and other stakeholders to develop and implement solid and hazardous waste management programs.

Headquarters

- OLEM will oversee and support progress, at a reduced pace, towards preventing releases at hazardous waste management facilities with initial approved controls or updated controls through targeted technical/programmatic assistance and coordination activities.
- Oversee, support and monitor progress, at a reduced pace, towards ensuring permitted facilities have updated permits through permit renewals and the permit conditions are maintained as needed through modifications. Facilitate progress towards ensuring that initial control baseline units will be permitted, clean-closed or have other approved controls in place.
- Headquarters will develop, implement, maintain, and update the national data system, RCRAInfo, in support of a well-managed national hazardous waste program.
- Implement the agency's common core principles and best practices for ensuring the health and integrity of state permitting programs specific to the RCRA program. Under this strategy, work collaboratively with our regional and state partners to identify, prioritize, and resolve the highest-priority issues that arise during the permitting process.
- Support a collaborative headquarters, regional, and state effort to maintain and improve data accuracy and completeness in the RCRAInfo Financial Assurance module and establish periodic check points to ensure states maintain financial assurance data quality.
- ORCR will provide limited technical support to regions and states for high priority work to support state authorization for new RCRA Subtitle C rules so they can be addressed in permits and other implementation mechanisms.
- Issue the highest priority PCB approvals for PCB cleanup and disposal activities. These approvals are issued by all regions and by ORCR.
- Implement a national database that will track when and how many TSCA PCB cleanup and disposal approval requests are submitted to the EPA and approvals are issued by the EPA

Regions

- Issue and maintain the highest priority permits and other approved controls for waste facilities for portions of the RCRA program implemented by the EPA regional offices. Monitor progress of state hazardous waste permitting programs by tracking percentage of permits kept up-to-date and units needing initial controls.
- Update assessments of what is needed for each interim status and operating facility to achieve approved controls and make corresponding changes as to when each facility is projected to achieve approved controls.

- Via regional points of contact for RCRA permits, continue to engage with OLEM to identify, prioritize, and resolve the highest-priority issues that arise during the permitting process.
- Regions and states will conduct effective data collection and management and will enter or submit mandatory data elements into RCRAInfo. They will review reports to ensure data are entered, updated, and maintained in alignment with EPA policy for maintaining data in RCRAInfo, particularly for the current legal and operating status codes. Report the permit modification approval events in order to support a new ACS indicator.
- Work with states and headquarters to ensure that financial assurance data are entered, updated, and maintained in alignment with EPA policy for maintaining data in RCRAInfo. Monitor financial assurance audit reports to track progress achieved in improving and sustaining data quality.
- Continue to issue approvals for PCB storage, treatment and disposal, as required under 40 CFR part 761.
- When the national PCB database is completed, ensure data in the national database is entered and reflects accurate information.

Measures: The ACS measures supporting this program are PC1, PC3, and HW0 can be found on page 1 in the attached measures appendix.

RCRA Corrective Action and PCB Cleanup

Cleaning Up Contaminated Sites and Promoting Reuse

The RCRA corrective action and TSCA polychlorinated biphenyl (PCB) programs are responsible for ensuring that contamination at facilities is identified and cleaned up by the responsible party (owner or operator) effectively and quickly to reduce risk from exposure to toxics, return contaminated property to productive use, and ensure that cleanup costs are not transferred to the largely taxpayer-funded Superfund cleanup program. The EPA and its state partners work closely together to facilitate cleanups, ensure that future use is protective of human health and the environment, and encourage reuse and redevelopment.

Headquarters

- In FYs 2018-2019, EPA will lead and oversee the national RCRA Corrective Action and PCB cleanup programs to address contamination at facilities to protect human health and the environment and facilitate reuse and redevelopment.
- OLEM, working in partnership with the regions, will manage the cleanup programs by developing and implementing measurement systems (e.g., GPRA, ACS), setting goals, tracking results, and revising targets and workload based upon available resources to maximize progress on cleanups.
- OLEM will provide leadership and facilitate communication and collaboration for the highest priority actions across both RCRA and PCB cleanup programs with regions and states to ensure national consistency, protectiveness, effective program management, quality technical cleanup and oversight approaches, training and technical support for program staff.
- OLEM will collaborate with the regions to ensure that priority issues of emerging science are addressed appropriately and consistently in the RCRA and PCB cleanup programs. We will distribute new scientific information, implement new policies and procedures, and provide limited technical assistance and training.
- For the PCB program, OLEM will manage a nationwide cleanup program and issue approvals for the highest priority PCB cleanup activities located in multiple regions.
- OLEM will collaborate with regions and states and provide limited support to develop and implement training strategies and materials on key aspects of RCRA Corrective Action and PCB cleanup to develop and maintain staff program and technical expertise across the programs.

Headquarters and regions

- For RCRA Corrective Action, EPA will collaborate with states to develop and implement a strategic corrective action path forward, with the goals of achieving progress toward the 2020 strategic goals for 2020 Baseline facilities, completing final cleanups for the highest priority facilities. The corrective action path forward will address the highest priority work such as barriers to progress, identify and implement innovative solutions, incentivize achievement, measure and track progress, and communicate best practices and successes.

- EPA will lead implementation, as appropriate, of priority process efficiency tools, including RCRA FIRST (Facility Investigation Remedy Selection Track) and PCB FAST (Facility Approval Streamlining Toolbox), developed using Lean to improve and speed cleanups.
- EPA will develop and implement the highest priority actions for long term stewardship procedures to ensure future protection of human health and the environment by monitoring facilities where contamination remains in place and requires long term management and controls.
- EPA will implement high priority RCRA Corrective Action actions in states that are not authorized and on tribal lands.
- EPA will implement high priority aspects of the PCB cleanup program, which is not delegated to states. EPA will continue coordination of TSCA PCB cleanups with RCRA, Superfund and state cleanups.

Regions and states

- Regions and states will collaborate in implementing the national RCRA Corrective Action program to clean up contamination at RCRA facilities located in the states. Regions will work with states to authorize state programs or utilize work-share agreements to facilitate implementation at select high priority sites.
- Regions will collaborate with states in the region to ensure regional consistency, offer limited support to states in developing and maintaining technical and program expertise, provide expert technical assistance to support states implementing effective and efficient cleanups, and support states in effective and efficient program management, measurement and tracking, and recordkeeping.
- Regions and states will conduct effective data collection and management and will report and document mandatory data elements, including Environmental Indicators (EIs), cleanup milestones and ready for anticipated use.
- Regions and states, as appropriate, will implement process efficiency tools developed using Lean to improve and speed up cleanups (including RCRA FIRST and PCB FAST).
- Regions will collaborate with states to address issues of emerging science appropriately and consistently in the RCRA and PCB cleanup programs.
- Regions will engage states in the corrective action path forward efforts described above to achieve progress toward achieving the near-term 2020 strategic goals for 2020 Baseline facilities.
- Regions will review and issue PCB cleanup/disposal approvals as required under 40 CFR Part 761, addressing technical issues with applicants and coordinating with states.

Measures: The ACS measures supporting this program are CA1, CA2, CA5, CA6, PC1 and PC3 and can be found on pages 1 and 2 in the attached measures appendix.

RCRA Regulatory and Guidance Actions

Protecting Communities Through RCRA Regulatory and Guidance Actions

Although the EPA has a comprehensive regulatory framework in place to prevent exposures to contaminants from municipal solid waste and hazardous wastes, and is constantly working to keep that framework current, there are always new areas of concern or potential concern that need to be assessed. New technologies, such as nanotechnology or biotechnology, and new organic and inorganic chemicals have emerged and present additional challenges to the RCRA program. The RCRA regulations further provide a structure to safely manage the additional, and often more concentrated, pollutants being removed from our air and water by current advances in environmental pollution controls. Thus, there are potential gaps in the RCRA regulations that could impact the level of protection they provide. Some of these gaps are identified through petitions for regulatory amendments.

In FYs 2018-2019, EPA, through OLEM and ORCR, will develop and implement key high priority rules and guidance to advance RCRA's environmental objectives. ORCR will continue to coordinate with other EPA headquarters offices (e.g. OECA and OGC), as appropriate. ORCR will implement, working with our state and tribal partners, the coal combustion residuals (CCR)-related provisions of the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act). Regions also have an important role in the development and implementation of rules, guidance, and the WIIN Act.

<u>Headquarters</u>

- Lead national rulemaking and guidance development efforts for high priority work; largely focused on CCR rulemakings and other court-ordered actions.
- Explore and document methods for engaging the public during the regulation and guidance development process.
- Integrate Environmental Justice (EJ) principles into its programmatic and regional decision-making through the use of rulemaking, policy, screening and legal tools.
- After regulations are promulgated or guidance issued, OLEM will provide limited national direction and training as appropriate and resources allow.

<u>Regions, states and tribes</u>

- Provide comments during the rule and guidance development process, that reflect insights developed from implementation experience.
- Provide direct rule implementation if that authority is granted by the rulemaking or new statutory authority (specifically under the WIIN Act, EPA implements the coal combustion residuals permit program on tribal lands).
- After rule promulgation, EPA regional offices, working with OLEM as appropriate, should provide technical assistance to both state implementers and the regulated community, including direct assistance and training.
- Work closely with our state partners to ensure the CCR-related provisions of the WIIN Act are appropriately implemented by states.
- Make state authorization for new (and certain existing) RCRA regulations a priority; regions should also make approval of state CCR permit programs a priority. During

these processes, EPA regional offices should raise any technical and authorization process issues to headquarters for a prompt response.

Implementing Recent Final Rules

Headquarters

- In FY 2018, OLEM will perform limited priority outreach, training, and assistance to states implementing substantive final RCRA rules promulgated since FY 2015 (e.g., Definition of Solid Waste, or DSW; Hazardous Waste Generator Improvements).
- Substantive changes to the RCRA regulations require greater assistance to states, who are ultimately responsible for implementing most RCRA regulations. This process can take 2-3 years depending on effective dates and whether state adoption requires state legislative changes.

Regions

- In FY 2018, EPA regional offices will be involved in implementing, and/or assisting states in adopting and implementing, recently promulgated final RCRA rules:
  - Regions will support OLEM in helping states to adopt the revisions to, and seek guidance on implementing, the DSW final rule including working with states on additional activities designed to improve and increase hazardous secondary material recycling;
  - Regions will support OLEM in assisting states to adopt the revisions to, and seek guidance on implementing, the Generator Improvements final rule including working closely with their generator and transporter communities on e-manifest implementation.
  - Regions will offer limited participation on workgroups, and in the development and implementation of additional rules and guidance, as resources allow.

CERCLA Section 108(b) Financial Responsibility

Headquarters (or headquarters and regions)

- Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, directs EPA to develop regulations requiring classes of facilities to maintain financial responsibility for risks from releases of hazardous substances.
- The purpose of this financial responsibility is to ensure that costs for responses to any such releases are assumed by the responsible party rather than the largely taxpayer-funded Superfund cleanup program.
- By a court-ordered deadline of December 1, 2017, EPA will develop a final action addressing financial responsibility under CERCLA for identified classes of facilities within the hardrock mining industry.
- Under a series of court-ordered deadlines through 2024, EPA will conduct rulemaking to address financial responsibility under CERCLA for classes of facilities in three identified industries: Electric Power Generation, Transmission, and Distribution (NAICS 2211), Petroleum and Coal Products Manufacturing (NAICS 324), and Chemical Manufacturing (NAICS 325).
  - For two of these industries, rule development will occur throughout FY 2018 and FY 2019 to meet court-ordered deadlines for proposal in late 2019.

- EPA will continue CERCLA 108(b) financial responsibility rulemaking under court-ordered deadlines through FY 2025. These include two final rules based on the 2019 proposals and a proposed and final rule for classes of facilities in the third industry.

Underground Storage Tanks

The Underground Storage Tank program consists of two parts: The prevention program (referred to here as the UST program) that works to prevent releases, and the cleanup program (referred to here as the LUST program) that works to clean up the contamination from leaks that do occur. Releases of petroleum from underground storage tanks can contaminate groundwater, the drinking water source for many Americans. The UST program helps prevent these releases by providing states[3] and tribes with training, technical assistance and guidance, and doing our own direct implementation work. The EPA is primarily responsible for implementing the UST program in Indian country in partnership with tribes and maintaining information on USTs located in Indian country. With few exceptions, tribes do not have independent UST program resources.

The LUST program ensures that petroleum contamination is properly assessed and cleaned up. The EPA issues, monitors, and oversees leaking underground storage tank cleanup cooperative agreements to states and tribes. The EPA also provides technical assistance and training to states and tribes on how to conduct cleanups, and improve the efficiency of state programs. In that role, the EPA program oversees cleanups by responsible parties, conducts site assessments, remediates contaminated water and soil, provides alternative sources of drinking water when needed, and takes enforcement action against responsible parties.

- Headquarters and regions will implement the revised UST regulations in Indian country.
- Headquarters and regions will implement a scaled back UST tribal program, including inspections, enforcement, compliance assistance, and data management, in accordance with the Tribal Consultation Policy and the Tribal Treaty Rights Guidance.
- Headquarters and regions will provide limited support to citizens/communities with UST issues and continue coordination with any remaining state UST programs.
- Headquarters, regions and some states will provide limited guidance, training and assistance to the UST regulated community to improve understanding and compliance.
- Headquarters and regions will work with states and tribes in a reduced capacity to implement strategies to reduce the number of LUST sites that have not reached cleanup completion, and to address new releases as they continue to be confirmed.
- Headquarters will provide LUST training, possibly including: remediation process optimization, rapid site assessment techniques, use of models and other corrective action courses dealing with new and improved cleanup technologies, such as carbon injection.
- Headquarters and regions will monitor the soundness of financial mechanisms, in particular insurance and state cleanup funds that serve as financial assurance for LUST releases. Headquarters and regions will work collaboratively with states to seek ways to cover and control remediation costs.
- Headquarters and regions will provide more limited support in Indian country for site assessments, investigations, and remediation of high priority sites; enforcement against responsible parties; cleanup of soil and groundwater; alternate water supplies; cost

[3] States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

recovery against LUST owners and operators; technical expertise and assistance; response activities; oversight of responsible party lead cleanups, and support and assistance to tribal governments.

- Regions will oversee non-petroleum hazardous substance LUST cleanups in states that do not have relevant regulations (e.g., Ohio);
- Headquarters and regions will provide oversight of states consistent with EPA's understanding of its obligations with respect to funding grants to states to operate the LUST programs.
- Regions will implement award and post award management of LUST Corrective Action (clean up) cooperative agreements.
- Regions will implement post award management of LUST Prevention cooperative agreements and STAG grants as they close out prior years' funding.

Measures: The ACS measures supporting this program are 112 and 113. These measures can be found on page 1 in the attached measures appendix.

Tribal Support and Coordination

OLEM is committed to ensuring the protection of human health and the environment in Indian country while supporting tribal self-government, acting consistently with the federal trust responsibility, and strengthening the government-to-government relationships between tribes and the EPA. OLEM supports tribal governments through capacity building, technical and financial assistance, research, and outreach and direct implementation. The areas listed below, as well as program-specific activities related to tribes are listed throughout OLEM's NPM guidance.

- Headquarters and regions will continue to work directly with tribes to achieve implementation of federal environmental programs in Indian country.
- Headquarters and regions will implement EPA's Policy on Consultation and Coordination with Indian Tribes, the 2016 Guidance for Discussing Tribal Treaty Rights, as well the OLEM January 2017 memorandum, Considering Traditional Ecological Knowledge During the Cleanup Process.
- OLEM's Offices of Communications, Partnerships and Analysis (OCPA) and Resource Conservation and Recovery (ORCR) will coordinate and collaborate with other federal agencies through the Infrastructure Task Force to leverage technical and financial assistance to tribal communities to implement sustainable integrated waste management practices.
- OLEM will improve engagement and technical assistance through activities under the Tribal Waste and Response Assistance Program.

Measures: The ACS measure supporting this program is 113. This measure can be found on page 1 in the attached measures appendix.

Environmental Justice

Environmental Justice (EJ), or promoting healthy and environmentally sound conditions for all people, is a priority throughout all of OLEM's programs. By integrating EJ into its programs, OLEM seeks to mobilize resources to address the needs of disproportionately overburdened and underserved communities. OLEM supports cross-agency coordination by working with other NPMs and the EPA regions to better facilitate the creation of healthy and sustainable communities. In many instances, children living in communities with environmental justice concerns are the most vulnerable to pollutants or contaminants, and in recognition of that, OLEM will consider impacts on children in its activities.

To facilitate the continued integration of EJ into its programs, OLEM will undertake the activities below.

Headquarters and regions

- As a part of its work planning process, OLEM will integrate EJ principles into its programmatic and regional decision-making through the use of rulemaking, policy, screening and legal tools.
- The OLEM EJ and tribal programs will coordinate and collaborate with the American Indian Environmental Office's workgroup on implementing the EJ Policy for Tribes and Indigenous People. By integrating EJ principles in a consistent manner in the agency's work throughout Indian country, this partnership will promote the health and environment of federally recognized tribes, indigenous people and others living in Indian country.
- Strengthen the use of scientific and technical processes and policies to help address environmental and health inequities among overburdened and underserved communities by identifying impacts from stressors that burden these communities.
- Through OLEM partnerships with tribal and state governments, building alliances and leveraging resources to help address local environmental concerns in overburdened and underserved communities.

APPENDICES

Appendix A: FY 2018 NPM Guidance Measures

ACS Code	Measure Text	Indicator (Y/N)	FY 2018 National Target	Comments/Clarification
B29	Number of brownfields properties assessed	N	1,300	
B32	Properties cleaned up using brownfields funding	N	130	
B33	Acres of brownfields property made ready for reuse	Y	5,500	
B34	Jobs leveraged from brownfields activities	Y	7,000	
B37	Billions of dollars of cleanup and redevelopment funds leveraged at brownfields sites	Y	1.1	
CH2	Number of risk management plan inspections completed	N	175	
PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals	Y	131	
PC3	Number of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c)	Y	29	
HW0	Number of hazardous waste facilities with new or updated controls	N	70	
137	Number of Superfund removal actions completed	N	175	
327a	Percent of all FRP facilities found to be non-compliant which will be brought into compliance	Y	60	
328a	Percent of all SPCC facilities found to be non-compliant which will be brought into compliance	Y	60	
C1	Score on Core NAR evaluation	Y	75	
112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration	N	7,000	
113	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country	N	16	
122	Number of Superfund remedial site assessments completed	N	375	

ACS Code	Measure Text	Indicator (Y/N)	FY 2018 National Target	Comments/Clarification
131	Number of remedial action projects completed at Superfund sites	N	95	
141	Number of Superfund construction completions	N	11	
S10	Number of Superfund sites ready for anticipated use site-wide	N	40	
151	Number of Superfund sites with human exposures under control	N	8	
152	Number of Superfund sites with contaminated groundwater migration under control	N	11	
FF1	Percent of Superfund federal facility sites construction complete	Y	83	
CA1	Number of RCRA facilities with human exposures under control	N	94	
CA2	Number of RCRA facilities with migration of contaminated groundwater under control	N	88	
CA5	Number of RCRA facilities with final remedies constructed	N	70	
CA6	Number of RCRA facilities with corrective action performance standards attained	N	33	Changed units of measure from cumulative percentage to number of RCRA facilities

Appendix B: OLEM FY 2018-2019 Grants Management Guidelines

Effective Grants Management

OLEM places a high priority on accountability and effective grants management in the solicitation, selection, award, and administration of assistance agreements in support of OLEM's mission. The following key areas are emphasized as we implement our grant programs:

1.Standardizing the timing of issuance of grants guidance for categorical grants (*i.e.,* by April of the fiscal year prior to the year in which the guidance applies); and
2.Ensuring effective management through emphasis on training and accountability standards for Project Officers and their managers.

OLEM's Acquisition and Resources Management Staff (ARMS) serves as liaison to OGD and the first resource for Project Officers and their managers in disseminating, implementing, and ensuring compliance with EPA new and existing grants management policies and procedures. ARMS also serves as the point of contact in consultations with our regional offices and Grant Coordinators Workgroup.

ARMS' central coordinating role serves to ensure consistent implementation and compliance with agency grants management policies and procedures throughout OLEM Headquarters and regional program offices. This enables OLEM project officers to focus on how best to properly manage assistance agreements to meet program goals and objectives.

Timing of Guidance Issued for Categorical Grants

One of OLEM's objectives is to organize and coordinate the issuance of draft and final guidance documents, including grants guidance, to coincide as much as possible with state, tribal, and regional planning processes. As a result, all guidance packages for categorical grant programs are to be issued by April of the year in advance of the fiscal year of availability of funds if at all possible (e.g., guidance for fiscal year 2018 appropriated funds should be issued by April 2017). Not all categorical grant programs issue annual guidance. These programs may simply indicate that they are continuing to use their current guidance.

Promoting Competition

OLEM places great importance on assuring that, to the maximum extent possible, all discretionary funding opportunities are awarded in a fair and open competitive environment and that no applicant receives an unfair advantage. OLEM Project Officers must ensure that these actions are fully compliant with EPA Order 5700.5A1, *Policy for Competition of Assistance Agreements* in the solicitation, selection, and award of assistance agreements.

The competition policy, effective January 15, 2005, applies to:

1.competitive announcements issued, released, or posted after January 14, 2005;

ED_001521A_00010537-00027

2.assistance agreement competitions, awards, and disputes based on competitive announcements issued, released, or posted after January 14, 2005;
3.non-competitive awards resulting from non-competitive funding recommendations submitted to a Grants Management Office after January 14, 2005; and
4.assistance agreement amendments issued after January 14, 2005.

In accordance with agency policy, all OLEM competitive funding opportunity announcements are advertised by posting to Grants.gov, the central federal electronic portal for applying for grant opportunities.

Grants.gov

GPI 14-01, ***Electronic Submission of Initial Grant Applications*** implements the decision of EPA's Grants Management Council (GMC) to streamline the agency's grant application process by requiring electronic submission through Grants.gov.

The policy establishes Grants.gov as the EPA standard for the submission of initial proposals/applications for competitive and non-competitive assistance agreement awards.

Except in limited circumstances, the policy requires EPA officials to ensure that all initial competitive and non-competitive proposals/applications are submitted to EPA electronically through Grants.gov.

After the initial proposal/application submittal through Grants.gov, program offices or grants management offices (GMOs) may allow applicants to submit revisions (that cannot be addressed through pen and ink changes) or additional proposal/application materials through email or electronically through Grants.gov. If the latter method is chos en for a competitive program, a second Grants.gov package will need to be posted on Grants.gov. Applicants may submit revisions to non-competitive applications under the same Grants.gov package used in the original submission. GMOs and program offices may also allow submission of revisions or additional proposal/application materials via hardcopy but only after determining that electronic methods are not feasible.

Appendix C: State Reporting Schedules for UST Performance Measures

States and regional offices must submit performance data[4] on a semi-annual basis. See the chart below for specific due dates. All mid-year and end-of-year performance data must be reported and verified via the online LUST4 Semiannual Measures subsystem.

Deliverable Dates for State and Regional Programs

Date	States	Regions
April 6, 2018 April 5, 2019	Report mid-year data in LUST4 semiannual performance measures online application.	
April 13, 2018 April 12, 2019		Report mid-year region-specific data in the LUST 4 semiannual performance measures online application. Verify data by completing and signing checklist in the LUST4 semiannual performance measures online application.
September 7, 2018 September 6, 2019	Report estimates of cleanups completed for end-of-year.	
September 14, 2018 September 13, 2019		Report estimates of cleanups completed by tribes and states to OUST.
October 5, 2018 October 4, 2019	Report end-of-year data in LUST4 semiannual	

[4] Semiannual performance measure definitions can be found at https://www.epa.gov/sites/production/files/2015-03/documents/pmdefinitions.pdf

	performance measures online application.	
October 12, 2018 October 11, 2019		Report end-of-year region-specific data in LUST4 semiannual performance measures online application. Verify data by completing and signing checklist in the LUST4 semiannual performance measures online application.

Appendix D: Points of Contact for More Information

Subject Area	Contact	Phone	Email
OLEM, General Questions	Howard Rubin	(202) 566-1899	rubin.howard@epa.gov
Superfund Remedial	Art Flaks Angela Patnode Jenee Sharon	(703) 603-9088 (703) 603-8973 (703) 603-8736	flaks.art@epa.gov patenod.angela@epa.gov sharon.jenee@epa.gov
Federal Facilities	Jyl Lapachin	(202) 564-0560	lapachin.jyl@epa.gov
Emergency Management	Peter Oh	(202) 564-2375	oh.peter@epa.gov
Resource Conservation and Recovery	David Hockey	(703) 308-8846	hockey.david@epa.gov
Brownfields	Kelly Gorini Aimee Storm	(202) 566-1702 (202) 566-0633	gorini.kelly@epa.gov storm.aimee@epa.gov
Revitalization	Patricia Overmeyer	(202) 566-2774	overmeyer.patricia@epa.gov
Underground Storage Tanks	Linda Gerber	(202) 564-1615	gerber.linda@epa.gov
Tribal	Jessica Snyder	(202) 564-1478	snyder.jessica@epa.gov
Environmental Justice	Ellen Manges	(202) 566-0195	manges.ellen@epa.gov
State Liaison/ Innovation	Jackie Harwood	(202) 566-1407	harwood.jackie@epa.gov