Future of Assessment & Revitalization Program May 2015

Background

The Assessment & Revitalization Program (ARP) was formed during the 2012-13 reorganization with a primary intent to provide a single integrated entry point into EPA's CERCLA programs and by doing so create a program that has the resources and expertise to help communities navigate the thousands of remaining contaminated sites toward clean up and reuse.

ARP Mission

Work with communities and stakeholders to identify and understand the health, environmental, and economic concerns associated with contaminated lands and facilitate clean-up to restore property and natural resources to sustainable community and regional assets.

Five additional staff were added to the original site assessment and brownfields unit to accomplish these goals. Three FTE were brought in from the Federal Facilities Program with the expectation that ARP would take on all CERCLA pre-remedial work including that at federally owned or managed lands. Also added were a GS-14 site assessment team leader and the region's expert on renewable energy and energy efficiency. At the time of the reorganization ARP had 14 FTE with an additional 1.3 FTE managed out of MOO and EP.

Summary ARP Staffing Levels (including MO and EP support to BF)					
	Leadership	BF	SA	RE/EE Expert	TOTALS
FTE 2013	3	6.3	5.0	1.0	15.3
FTE 2015	3	6.3	3.5*	1.0	13.8
Δ	0	0	-1.5	0	-1.5
* 1 FTE on extended detail to remedial and will likely not return. 0.5 of the 3.5 SA FTE represents temporary detail from remedial likely to return to remedial.					

Current Workload and Near-Term Opportunities

Within the next 1 -2 years, the program anticipates losing 2-3 FTE through normal attrition. Two FTE are currently retirement eligible with 2 others becoming eligible within the next 2 years.

Superfund Site Assessment Team

- SAMs are currently active at 90 sites (both EPA and State lead) or in other words 25 to 26 sites/SAM.
- Currently no SAM assigned to Colorado -- instead the team leader is the primary contact for policy and budget issues and some technical review. The Program is falling behind on report review – in some instances, it is taking 2 years for final EPA decisions to be made on completed PA/SI reports.
- Limited capacity to engage at a new NPL caliper site – these sites come from multiple venues and the opportunities are largely outside EPA's control -- it's high intensity work load that is very time sensitive (examples include CFAC, SLC VA hospital, SLC Sugar House PCE, Park City)– and it is important to be able to react. Due to high community interest in these sites, this site work displaces other site assessment activities.
- No capacity to engage with State and Federal partners outside of Colorado on mixed ownership or federal non-NPL sites – replicating Jean's innovation will require Victor's time and engagement as well as a strong, collaborative, full time person with technical skills in water quality improvement.
- No capacity to conduct pro-active discovery efforts such as new geographic based efforts; following-up on high risk sites uncovered by the current NFRAP discovery effort; or teaming with water quality programs re: high priority watersheds.
- The region has already disinvested in most pre-remedial efforts at Federal Facilities sites except in very limited instances and has divested in Federal Facility Docket sites except for conducting mandatory notifications.
- The VI proposed rule will add a significant work load. Even without the rule going final, these are high risk sites that require follow up and engagement in excess of what can currently be resourced.
- Little to no capacity to address emerging contamination concerns (e.g., related to energy development, PFOAs, 1,4-dioxane). The program is conducting a complex 1,4 dioxane groundwater investigation this summer which is a significant resource commitment. Any new site would be extremely difficult to commit to without additional staffing.
- No capacity to move forward with Tronox mining sites if/when funding is provided from the settlement.

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Brownfields Team

- **Core** brownfield work load has been relatively constant over the last 6 years but has essentially **expanded by a third** in 2015 and will hold steady or grow through at least FY18:
    - Targeted Brownfield Assessments: This is an extremely popular service in our region as it serves a rapid response need for property transactions for non-profits and local governments, including tribes. Services range from relatively formulaic Phase 1s to complex Phase 2 and -Phase 3 (clean up planning) property assessments. Expect to complete 60 in FY15 with equal or increased demand in FY16.
    - ARC Grants: **adding 17 grants** including an Environmental Work Force Development Job Training (EWDJT) grant which will require high level of service to get kicked off. For reference: the Program has averaged 8 new grants annually over the past 3 years.
    - Circuit Rider IAG with Indian Health Service ended in December, 2014 (equating to the loss of 3 FTE): No capacity to assist 22 tribes and their 31 Brownfields FTE with longer term land use planning and connecting dots of environmental cleanup to the departments that make land use/construction decisions.
- No capacity to have substantive engagement with State VCP programs – including developing strategic plan to identify what we might need to influence, what problem(s) we are trying to solve, renegotiating MOUs, or ensuring terms of existing MOUs are followed.
- Renewable energy expert is fully engaged and not able to manage core BF work.
- Based on OBLR's workload model a staffing level of **8.93 FTE** would be required to adequately oversee the Region's existing 80 open grants and $49m in grant and contractual commitments, and continue to perform core Program functions.
- A static staffing level, coupled with an increasing workload, will result in some near term vulnerabilities in grant oversight related to:
    - Tribal capacity building and support/oversight of tribal site remediation projects;
    - ensuring compliance with federal crosscutters (including Davis-Bacon Wage Rates, National Historic Preservation Act, Endangered Species Act, etc.);
    - ensuring compliance with administrative and financial grant Terms & Conditions. This is especially challenging with highly complex Revolving Loan Fund grants;
    - ensuring some frequency of on-site oversight and involvement with assessment and cleanup projects;
    - keeping up with GPRA/ACS tracking and documentation requirements;

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- keeping up with technical document development and review of prudent lending practice guidelines, QA/QC, sampling plans, cleanup alternative analyses and cleanup plans.
- the Region's ability to react to the short time frames needed to support local government, tribal and non-profit real-estate transactions.

Near Term Opportunities – Building on success

(Note these ideas have not yet been shared beyond this briefing paper)

Making a Visible Difference (MVD) in Communities: 38 of the 50 pilot projects nationally, and all three regionally, have a significant BF component forming the basis of the on-the ground work. Through the MVD discussions it is clear that the primary **financial** resources to support communities reside within OSWER (BF and SF Reuse contractual and grant funds). Looking beyond 2015, the Agency will continue to emphasize coordinating available resources to serve the needs of a community with the FY17 budget proposing some # (perhaps 30FTE) of "Community Resource Coordinators" across the regions.

ARP is uniquely positioned to fill this need:

- venue --- we have communities that actively seek EPA involvement and partnership across all of Region 8;
- $ -- While OAR, OSC, OW, AIEO, OEJ and other NPMs offer some technical assistance and grant resources, OSWER controls the vast majority of the funding provided directly to communities.
- Staff skill and experience -- the core work of the Brownfields team relies on the ability to reach outside our program and bring resources and expertise to solve community needs.

Superfund Post Construction sites: With increased workload at existing NPL sites, post construction sites seem to have dropped off as a priority for the Superfund Program while at the same time many of these large tracts of land are subject to redevelopment pressures. ARP holds knowledge/expertise on managing Superfund liability, providing detailed technical information and navigating interested external parties through our programs, and technical skills needed to conduct 5-year reviews in an objective manner – NOTE: it may be difficult for the program responsible for selecting and implementing remedies to objectively assess whether they continue to be protective.

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Options for Filling Resource Needs

Resource Needs for Current Workload (does not include proactively seizing opportunities)

Need/Timing	Skills Required/Desired	Options (bold preference)
BF PM Tribal focus – full time/ASAP	Desire to work with tribal/EJ communities; Experience and skill with land use and/or urban planning and environmental assessments; Ability to collaborate with external parties Grant PO certification	**1. Internal Hire** 2. Internal 2 year detail with option of converting to permanent 3. External Hire
Site Assessment Manager – full time/fall 2015	Ability to collaborate with external parties; Background in surface water quality to move forward on mixed ownership work; Strong background in environmental assessments.	**1. External hire at entry level** 2. Internal 1-2 year detail with option of converting to permanent 3. Skills marketplace for immediate gaps: developing approach for uranium mines; strategy for following up on VI sites, reviewing Colorado reports.
BF PM – full time/by Spring 2016	An Environmental Engineer or similar technical expertise to ensure the team does not become too thin due to normal attrition. Ability to juggle multiple priorities.	1. Internal Hire 2. Internal 1 year detail with option of converting to permanent 3. External Hire

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