

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

**ENVIRONMENTAL PROTECTION AGENCY RECOVERY ACT PROGRAM PLAN:
SUPERFUND REMEDIAL PROGRAM
MAY 15, 2009**

a) Funding table by program, project, and activity categories:

The Recovery Act provides a supplemental appropriation of \$600 million for Superfund remedial cleanup activities. To maximize the transparency of Recovery Act spending, agencies must separately track related apportionments, allotments, obligations, and expenditures. The following outlines the budget structure and coding required for Recovery Act funds:

EPA Program-Specific Recovery Act Plan Superfund				
Treasury Symbol	Appropriations	Program	Sub-program	Total Appropriation
689/08195	Superfund - Recovery	SUPERFUND: REMEDIAL	Recovery Act:Superfund Remedial Acions	\$582,000,000
689/10108	EPM (M&O) -- Recovery Act	SUPERFUND: REMEDIAL	Recovery Act: EPA (Headquarters & Regions)	\$18,000,000
Total				\$600,000,000

Note: \$9,000,000 (one half of the Management and Oversight funds) were not made immediately available for obligation but held in reserve for future years. Thus, the current total funds available for obligation in EPA’s financial system is \$591,000,000.

b) Objectives

The mission of the Recovery Act is to “jumpstart our economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges so our country can thrive in the 21st century” (<http://www.recovery.gov/?q=content/our-mission>). In meeting this purpose, the Recovery Act funds for the Superfund remedial program will protect and promote both “green” jobs and a healthier environment by furthering cleanup activities at hazardous waste sites across the country. These remediation activities directly support the Agency’s progress towards implementing Goal 3 (Land Preservation and Restoration), Objective 3.2 (Restore Land) of the *2006-2011 EPA Strategic Plan*.

The overall objectives for the Recovery Act funding for Superfund are to further cleanup at National Priority List¹ (NPL) sites, maximize job creation and retention, and provide environmental and economic benefits. These objectives will be achieved by starting new cleanup projects, accelerating cleanups at projects already underway, increasing the number of workers and activities at cleanup projects, and returning affected sites to more productive use.

The Recovery Act funding will provide immediate short and longer-term health, environmental, and economic benefits at both new start and ongoing Superfund remedial projects. Cleanup activities at Superfund sites receiving Recovery Act funds may also yield significant site-specific, non-environmental economic benefits, including improved site property values and job opportunities. Environmental justice issues will be considered at sites that suffer disproportionate environmental impact to ensure that activities conducted with Recovery Act funds are implemented in a manner that protects environmentally and economically distressed communities.

Superfund sites are often located in the areas hardest hit by unemployment and downturns in the economy. EPA estimates that the Recovery Act funding for the Superfund remedial program will leverage jobs in communities across the country while also increasing demand for construction materials such as steel and concrete. Job sectors that will likely benefit from the Superfund Recovery Act funding include, but are not limited to: cleanup operation and management companies, laboratory sampling and analysis companies, hazardous waste disposal and management companies, construction and monitoring equipment rental companies, water/soil treatment companies, and environmental engineering and management companies.

EPA will report on the progress of the Recovery Act funding for the Superfund remedial program through program performance measures and has established reporting mechanisms to collect the information necessary to ensure accountability and transparency. Work conducted with Recovery Act funds will supplement the current cleanup activity projected to occur using base appropriated program resources.

c) Activities

A variety of cleanup activities will be performed with Recovery Act funding at Superfund sites. Due to the complex nature of Superfund sites, cleanup may take many forms based on site-specific contamination. Superfund remedial activities conducted with Recovery Act funds may include, but are not limited to:

- Soil sampling and analysis
- Water and air quality analyses
- Soil excavation and treatment
- Dredging

¹ The NPL is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories. The NPL is intended primarily to guide the EPA in determining which sites warrant further investigation

- Hazardous waste disposal
- Construction of containment caps and groundwater treatment plants
- State and community involvement

d) Funding Characteristics

The Recovery Act provides \$600 million for Superfund remedial activities. In accordance with the provisions of the Recovery Act, up to 3 percent may be retained by the Agency for management and oversight purposes. As such, EPA will allocate \$18 million to internal EPA activities related to the management, oversight, and reporting of Superfund Recovery Act funds; EPA will allocate \$582 million to remedial cleanup activities at sites. The Agency anticipates that Recovery Act funds will support more than 50 National Priorities List (NPL) Superfund sites in 28 states across the country.

Although federal procurement regulations prevent the Agency from releasing precise cost estimates prior to contracts being awarded, the Superfund program uses three types of financial awards to fund remedial activities and anticipates using similar methods for the Recovery Act funds—contracts, interagency agreements, and cooperative agreements. Because acquisition planning is ongoing, and to protect the procurement process, we are unable to make estimates among the three categories as we anticipate that the numbers will shift categories throughout the acquisition process. When procurement actions are signed with the recipients, EPA anticipates being able to provide estimated dollar amounts for the categories below.

Type Of Financial Award	Type Of Recipient / Beneficiary	Estimated Dollar Amount	Methodology For Award Selection
EPA Response Action Contracts (RACs), Site Specific Contracts, and Emergency and Rapid Response Services (ERRS) Contracts	Contractors	Not Yet Available	Use of existing competitively awarded contracts and some new awards to site specific contracts using the FAR procurement process
Interagency Assisted Acquisitions with the US Army Corps of Engineers (USACE)	Contractors	Not Yet Available	Use of existing competitively awarded contracts and some new awards to site specific contracts using the FAR procurement process
Superfund State Cooperative Agreements	States	Not Yet Available	All Superfund State-lead projects are funded through non-competitive cooperative agreements

Recovery Act Funded Sites

Following is a list of the Recovery Act funded Superfund sites, organized by state.

State	Site Name	New Start or Ongoing Project
CA	FRONTIER FERTILIZER	Ongoing
CA	IRON MOUNTAIN MINE	Ongoing
CA	SULPHUR BANK MERCURY MINE	New Start
CO	CENTRAL CITY, CLEAR CREEK	Ongoing
CO	SUMMITVILLE MINE	New Start
DE	STANDARD CHLORINE OF DELAWARE, INC.	Ongoing
FL	ESCAMBIA WOOD - PENSACOLA	Ongoing
FL	TOWER CHEMICAL CO.	New Start
FL	UNITED METALS, INC.	New Start
GA	BRUNSWICK WOOD PRESERVING	Ongoing
GA	WOOLFOLK CHEMICAL WORKS, INC.	Ongoing
ID	BUNKER HILL MINING & METALLURGICAL COMPLEX	Ongoing
IL	OUTBOARD MARINE CORP.	New Start
IN	CONTINENTAL STEEL CORP.	Ongoing
IN	JACOBSVILLE NEIGHBORHOOD SOIL CONTAMINATION	New Start
KS	CHEROKEE COUNTY	Ongoing
MA	NEW BEDFORD	Ongoing
MA	HATHEWAY & PATTERSON	New Start
MA	SILRESIM CHEMICAL CORP.	New Start
MN	SOUTH MINNEAPOLIS RESIDENTIAL SOIL CONTAMINATION	New Start
MO	MADISON COUNTY MINES	Ongoing
MO	ORONOGO-DUENWEG MINING BELT	Ongoing
MT	UPPER TENMILE CREEK MINING AREA	Ongoing and New Start
NC	GMH ELECTRONICS	New Start
NC	SIGMON'S SEPTIC TANK SERVICE	New Start
ND	ARSENIC TRIOXIDE SITE	Ongoing
NE	OMAHA LEAD	Ongoing
NH	OTTATI & GOSS/KINGSTON STEEL DRUM	Ongoing
NJ	CORNELL DUBILIER ELECTRONICS INC.	Ongoing
NJ	HORSESHOE ROAD	Ongoing
NJ	ROEBLING STEEL CO.	Ongoing
NJ	VINELAND CHEMICAL CO., INC.	Ongoing
NJ	WELSBACH & GENERAL GAS MANTLE (CAMDEN RADIATION)	Ongoing
NJ	PRICE LANDFILL	New Start
NJ	IMPERIAL OIL CO., INC./CHAMPION CHEMICALS	New Start
NJ	EMMELL'S SEPTIC LANDFILL	New Start
NM	GRANTS CHLORINATED SOLVENTS	New Start

NY	LAWRENCE AVIATION INDUSTRIES, INC.	Ongoing
NY	OLD ROOSEVELT FIELD CONTAMINATED GW AREA	New Start
OK	TAR CREEK (OTTAWA COUNTY)	Ongoing
OK	TAR CREEK (OTTAWA COUNTY)	New Start
PA	CROSSLEY FARM	New Start
PA	HAVERTOWN PCP	New Start
SD	GILT EDGE MINE	Ongoing
TX	GARLAND CREOSOTING	New Start
UT	EUREKA MILLS	Ongoing
UT	BOUNTIFUL/WOODS CROSS 5TH S. PCE PLUME	New Start
VA	ATLANTIC WOOD INDUSTRIES, INC.	New Start
VT	ELIZABETH MINE	New Start
WA	WYCKOFF CO./EAGLE HARBOR	Ongoing
WA	COMMENCEMENT BAY, NEAR SHORE/TIDE FLATS	New Start

e) Delivery Schedule

Activity	Projected Date
Complete obligation of Recovery Act Funds to all sites	September 30, 2009
Evaluate and report Recovery Act resource utilization	Monthly
Re-allocate funds, if necessary	Quarterly
Evaluate and report Recovery Act performance progress	Quarterly

f) Environmental Review

EPA considers its Superfund remedy selection procedures, carried out consistent with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan, to be the functional equivalent of the National Environmental Policy Act (NEPA) process. As a result, it is not necessary for EPA to conduct separate Environmental Impact Statements for Superfund sites being addressed under CERCLA or under the provisions of the Recovery Act.

The *CERCLA Compliance with Other Laws Manual*² states that Superfund must take into account effects on properties included in or eligible for the National Register of Historic Places and make an effort to minimize harm to National Historic Landmarks. This approach to site cleanup will continue under the Recovery Act. In addition, the Superfund Program will refer to the *CERCLA Compliance with Other Laws Manual* regarding any other statutes that may be affected by the implementation of the Recovery Act.

² **CERCLA Compliance with Other Laws Manual: Interim Final.** US Environmental Protection Agency, Office of Emergency and Remedial Response, EPA-540-G-89-006 August 1988. Link: <http://epa.gov/superfund/policy/remedy/pdfs/540g-89006-s.pdf>.

g) Performance Measures

The Superfund program will measure its Recovery Act performance using the following eight performance measures.

- Total Number of Sites in Receipt of Recovery Act Funding
- Total Number of Projects³ in Receipt of Recovery Act Funding
- Number of Sites with New Construction in Receipt of Recovery Act Funding
- Number of Projects with New Construction in Receipt of Recovery Act Funding
- Percentage of Available Recovery Act Funding Obligated to Projects
- Number of Projects Receiving Recovery Act Funding Achieving Completion (by the end of FY 2012)
- Number of Sites Achieving Construction Completed with Recovery Act Funding (by the end of FY 2012)
- Number of Sites Achieving Human Exposure under Control with Recovery Act Funding (by the end of FY 2012)

EPA will use the first six measures, which are new, for Recovery Act reporting purposes only. The last two measures are based on existing Government Performance and Results Act (GPRA) measures that EPA uses for traditional Annual Performance Reporting and will now also use to track Recovery Act accomplishments. EPA chose all of the measures to reflect new and continuing cleanup activities at Superfund sites receiving Recovery Act funding. Following is a table providing descriptions of the performance measures and related reporting information.

Performance Measure Title	Source	Description/Definition	Reporting Frequency	Reporting Office
Total Number of Sites in Receipt of Recovery Act Funding	CERCLIS IFMS & eFacts	The total number of National Priorities List (NPL) sites where Recovery Act resources were obligated.	Monthly (5 th Business Day)	OSRTI
Total Number of Projects in Receipt of Recovery Act Funding	CERCLIS IFMS & eFacts	The total number of projects at NPL sites where Recovery Act resources were obligated.	Monthly (5 th Business Day)	OSRTI
Number of Sites with New Construction in Receipt of Recovery Act Funding	CERCLIS IFMS & eFacts	The total number of NPL sites where Recovery Act resources were obligated for new construction.	Monthly (5 th Business Day)	OSRTI

³ A Superfund remedial design or remedial action project is a discrete piece of work under each site operable unit. Each individual site operable unit may have a single or multiple remedial design and remedial action projects. The criteria used to define an individual action or project is included in Appendix B of the Superfund Program Implementation Manual. Link: <http://www.epa.gov/superfund/action/process/spim08/pdfs/appb8.pdf>

Number of Projects with New Construction in Receipt of Recovery Act Funding	CERCLIS IFMS & eFacts	The total number of new construction projects at NPL sites where Recovery Act resources were obligated.	Monthly (5 th Business Day)	OSRTI
Percentage of Recovery Act Funding Obligated	IFMS	The amount of Recovery Act resources obligated divided by the total amount of Recovery Act funds.	As needed	OCFO
Number of Projects Receiving Recovery Act Funding Achieving Completion	CERCLIS	The number of projects receiving Recovery Act funding achieving completion by the end of FY 2012. <i>(Completion of projects is defined as those projects receiving Recovery Act funds which achieve a CERCLIS action for remedial action completion or remedial design completion as defined through the Superfund Program Implementation Manual)</i>	Monthly (5 th Business Day)	OSRTI
Number of Sites Achieving Construction Completion (CC) with Recovery Act Funding	CERCLIS & eFacts	The number of sites receiving Recovery Act funding achieving construction completion by the end of FY 2012. <i>(The current FY 2009 through FY 2012 CC GPRA targets for the Superfund remedial program include accomplishments anticipated at Recovery Act funded sites)</i>	Monthly (5 th Business Day)	OSRTI
Number of Sites Achieving Human Exposure under Control (HEUC) with Recovery Act Funding	CERCLIS & eFacts	The number of sites receiving Recovery Act funding achieving HEUC by the end of FY 2012. <i>(The current FY 2009 through FY 2012 HEUC GPRA targets for the Superfund remedial program include accomplishments anticipated at Recovery Act funded sites)</i>	Monthly (5 th Business Day)	OSRTI

EPA's current FY 2009 through FY 2012 national targets for the Construction Completion and Human Exposure Under Control GPRA measures account for potential accomplishments resulting from Recovery Act funding. The Agency anticipates that up to seven sites receiving Recovery Act funding may potentially achieve construction completion within three years and up to nine sites may potentially achieve Human Exposure Under Control within three years. The Agency anticipates that up to half of the projects receiving Recovery Act funding will achieve completion within three years.

h) Monitoring/Evaluation

EPA will evaluate Recovery Act resource utilization on a monthly basis and performance progress on a quarterly basis. Recovery Act resource utilization, activities, and progress will also be evaluated during established mid-year and annual Superfund work planning meetings between EPA Headquarters and the regions.

Quarterly and annual reports will be a term and condition for each cooperative agreement and interagency agreement as well as a provision in each contract work assignment conducted with Recovery Act funds. These reports will provide EPA with detailed information on project progress and will meet the reporting requirements identified in section 1512 of the Recovery Act. EPA will also conduct quarterly in-depth reviews to ensure recipients are making sufficient progress and that Recovery Act funds are expended quickly and prudently. Funds that EPA identifies as being at risk of not being spent in a timely matter may be re-obligated to another project in order to meet the statutory deadline of obligating all funds by September 30, 2010.

In order to monitor and preserve accountability for Recovery Act expenditures, the Superfund program will use its existing Quality Assurance (QA) policies to ensure the quality of the activities generated by EPA contracts and interagency agreements.

i) Transparency

EPA will provide transparent information on the performance, progress, and accomplishments of Superfund remedial activities supported by Recovery Act funds as outlined in the Agency and Recovery Act guidelines. The Agency will also continue to publicize information regarding site activities as required by CERCLA.

EPA will post progress information on the main EPA web area (www.epa.gov/recovery) as well as on www.recovery.gov. The Superfund program has created its own web area, located at www.epa.gov/superfund/eparecovery/index.html, and will publicly post information on activities conducted with Recovery Act funds. In addition, site-specific information for all sites receiving Recovery Act funding will be available on individual site fact sheets located on the Superfund program web area.

j) Accountability

The Superfund program will ensure the expenditure and monitoring of Recovery Act funds are transparent and that appropriate, qualified, and certified staff oversee the use of Recovery Act resources. Working with established Agency and Recovery Act guidelines, the Superfund program will ensure that it monitors and reports Recovery Act resource utilization and project progress in an effective and timely manner. Superfund senior managers will have timely and regular meetings to assess implementation progress and resolve any issues related to Recovery Act funded projects.

In compliance with the Federal Managers' Financial Integrity Act (FMFIA) EPA's ongoing management integrity program requires us to develop a multiyear program review strategy, conduct systematic and rigorous assessments of internal controls over our programmatic and financial operations, and report on the effectiveness of those controls in our annual letter of assurance to the Administrator. For FY 2009, we will be addressing the integrity of Recovery Act programs and including an additional assurance statement regarding ARRA funds and activities as part of our annual assurance letter to the Administrator.

In addition to our internal reviews, we will rely on audit findings and program evaluation results to inform our assessment and strengthen program accountability.

The oversight process in place for ARRA funding ensures that managers and staff will be held accountable for performance. Senior managers' performance standards include specific performance measures related to the Superfund program, and staff's performance standards contain measures reflecting their role and responsibilities in achieving progress. (During midyear performance reviews, these performance standards and measures are being modified to address Recovery Act-specific goals.)

k) Barriers to Effective Implementation

EPA is working to address barriers to effective implementation of the Superfund Recovery Act funding. One initial barrier that EPA has successfully addressed is the timeframe requirements associated with Superfund State Contract (SSC) cost-share agreements. The Superfund statute (CERCLA 104(c)(3)(C)) requires that States pay a 10 percent (or more) cost share for all fund-lead remedial actions. An EPA regulation requires that these costs shares be paid by the state upon completion of all activities in an SSC agreement. Recognizing the economic and budgetary constraints states currently face, EPA has implemented a short-term exception to these requirements. Under this exception, EPA can negotiate with SSC signatories to determine a mutually agreeable final payment date for all SSCs signed or amended from February 17, 2009, through September 30, 2010.

Another potential Superfund Recovery Act implementation barrier EPA identified relates to meeting the Recovery Act requirement of utilizing the funds quickly while also satisfying Agency financial award requirements. These requirements call for maximum practicable competition and maximum opportunities for small businesses to compete for Agency contracts and to participate as subcontractors. The Superfund program is working with Agency partners to develop methods to streamline Recovery Act financial awards while still meeting all standard Agency requirements.

l) Federal Infrastructure Investments

The Recovery Act provides funding for Superfund remedial program activities that do not generally meet the definition of infrastructure. Superfund activities that may fall under the category of infrastructure are projects where the principal purpose is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a) or to

extend a municipal water supply to residents and businesses affected by contaminated drinking water. This infrastructure definition applies only to projects funded through Superfund Cooperative Agreements where the principal purpose of the project is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a) or to extend a municipal water supply to residents and businesses affected by contaminated drinking water.

The Agency will continue to promote and apply green remediation practices at Superfund sites. These green remediation practices emphasize low-carbon footprint technologies to lower green house gas emissions as well as provide other substantial "green benefits" such as increased energy and water efficiencies through technology and use of renewable resources; reduction of land and water contamination and air emissions; and development of new technologies for broader applications. Green technology may also reduce energy use during cleanup and, in some cases, yield energy surpluses through creative project design.