**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

April 21, 2004

**MEMORANDUM**

SUBJECT: FY 2005 OSWER National Program Guidance

FROM: Marianne L. Horinko /s/ (Barry Breen, for)
Assistant Administrator

TO: Regional Administrators I-X

I am pleased to transmit the Office of Solid Waste and Emergency Response (OSWER) FY 2005 national program guidance. This guidance is the result of a multi-year process to align Agency, state, and tribal processes to strengthen our joint strategic planning.

All major OSWER programs and their enforcement components are covered by this guidance. The guidance defines national policy, strategic goals and priority activities for the OSWER programs, as well as the Superfund enforcement component managed by the Office of Enforcement and Compliance Assurance (OECA). This guidance is prepared in part to implement the *2003-2008 EPA Strategic Plan*[1] and the *Administrator's 500-Day Plan* [2], and should be used to assist in National Environmental Performance Partnership System discussions.

We are developing new outcome-oriented measures to drive our planning and implementation activities. Recent measures development efforts, such as the outcome measure for acres of land in reuse and continued use, are essential in supporting

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[1]The *2003-2008 EPA Strategic Plan* can be found at http://www.epa.gov/ocfopage/plan/plan.htm. Waste programs and their enforcement components are contained in goals 3, 4 and 5.
[2] The *Administrator's 500-Day Plan* can be found at http://www.epa.gov/adminweb/leavitt/500dayplan.htm .

overarching environmental themes. They will provide unified measures of benefit across all cleanup programs, and serve as a focal point for program evaluation.

This is our fourth national guidance. I would like to congratulate EPA staff, and state and tribal counterparts on the considerable efforts undertaken to improve our national planning processes; reduce transaction costs for states, tribes, and EPA; and increase communication and coordination to achieve desired environmental results. The following is an overview of FY 2005 priorities for all OSWER and related OECA programs. Additional detail is provided for individual programs in the separate attachments.

## PROGRAM PRIORITIES

Over the past two years we have focused on a series of initiatives to enhance and strengthen our waste management, response, cleanup and enforcement programs. In FY 2005 waste programs will continue to emphasize these priorities as a means of accomplishing our national objectives. These priorities are: Revitalization; One Cleanup Program; Resource Conservation Challenge; and Emergency Preparedness, Response, and Homeland Security. A brief overview of these four priorities follows. OSWER workforce development continues to be a high priority as well, but is outside the scope of this guidance.

**Revitalization** The revitalization initiative is a means of leveraging lessons learned in development of the Brownfields and Base Realignment and Closure programs, and applying them across all of our cleanup programs. The Land Revitalization Agenda (http://www.epa.gov/swerrims/landrevitalization/index.htm) provides an extensive menu of options for integrating the concept of land reuse while selecting cleanup approaches. As part of this initiative, we have been working with the regions to develop regional reuse plans. These plans represent a commitment by EPA managers and staff to make land revitalization a core component of our cleanup programs, and provide an opportunity to showcase the extensive regional activities already under way.

**One Cleanup Program (OCP)** The OCP is EPA's vision for how different cleanup programs at all levels of government can work together to improve the coordination, speed, and effectiveness of cleanups at contaminated sites across the nation. It is also a vehicle for effectively coordinating activities and communicating results. The OCP actively promotes three program improvements: increasing cleanup consistency and effectiveness, providing clearer and more meaningful cleanup information, and developing better cleanup program performance measures (http://www.epa.gov/swerrims/onecleanupprogram/index.htm).

**Resource Conservation Challenge (RCC)** The RCC challenges businesses, manufacturers, and consumers to reduce priority chemicals, increase pollution prevention and recycling, and increase energy and materials conservation (http://www.epa.gov/epaoswer/osw/conserve/index.htm). This constantly expanding

effort is an Agency-wide program unified with goals and objectives contained in EPA's planning architecture.

**Emergency Preparedness, Response, and Homeland Security** The possibility of future terrorist incidents has made homeland security and enhanced emergency response a government-wide priority. During FY 2005 we will complete necessary enhancements through establishment of the National Decontamination Team, procurement of specialized equipment, and providing advanced training. We will also continue our focus on improvements to overall response readiness, and maintain our role in implementing the National Approach to Response (http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/homelandSecurity.htm?OpenDocument).

## TRIBAL PROGRAM DEVELOPMENT

OSWER continues to emphasize tribal program priorities and performance. Our primary goal is to leverage opportunities to improve upon tribal capacity building, communications and intergovernmental collaboration. Special attention will be provided in developing a unified waste management approach spanning RCRA and Brownfields programs (RCRA Subtitles C, D, and I; and CERCLA section 128 (a)).

## INNOVATIONS AND REGIONAL PRIORITIES

OSWER will continue to support innovation and cross-cutting themes. Environmental Justice will continue to be a priority throughout all of the waste programs to ensure that all people have equal protection and access to healthy and environmentally sound conditions. The waste programs have been an Agency leader in advancing the environmental justice agenda and we will continue to integrate these concerns into our daily business. OSWER will also support the Agency priorities for protecting children, and upholding citizens' rights to be knowledgeable about the health of their environment. OSWER fully supports assistance to efforts in developing tribal environmental program capabilities, infrastructure, and partnerships. A central point of contact for OSWER's innovation efforts is the Innovation Workgroup, established in 2002 (http://www.epa.gov/oswer/iwg/about.htm).

Implementation of improved technologies is an essential element in achieving efficiencies. Regions, states and tribes are asked to continue promoting deployment of new, more effective and less costly cleanup technologies. This includes ongoing efforts with stakeholders to identify and overcome barriers to deployment of field analytic and remediation technologies.

We recognize that funding the above areas may necessitate a redirection of resources from our program areas. When Regions are directing resources to meet these cross-cutting priorities, I request that the Region contact the Director of OSWER's Office of Program Management.

## PROGRAM EFFICIENCY

EPA and the states are working to establish more outcome related program measures and reporting systems. As new measures are implemented we will need to work closely to ensure timely and accurate reporting. Regions and states are encouraged to continue their review of reporting requirements and to identify areas where greater efficiencies and cost savings may be found.

EPA has requested funding for state and tribal performance grants in FY 2005. This new initiative is intended to support national measures development. States and tribes are encouraged to apply for these funds when they become available. Additional information will be available from the EPA Office of Congressional and Intergovernmental Relations (http://www.epa.gov/ocir ).

### GRANTS MANAGEMENT

A significant portion of waste program resources are provided to states, tribes and stakeholders in the form of grants and cooperative agreements. Regions are encouraged to strive for continual improvement of grants management to ensure compliance with national grants management policies related to comprehensive pre-award reviews, competition, post-award monitoring, and a focus on environmental results emphasizing grant work plans that contain outcome-based measures. Additional information on grants management can be found on the EPA website at http://www.epa.gov/ogd/grants/management.htm.

The EPA National Environmental Performance Partnership System has been developed to provide greater flexibility in the implementation of delegated programs. Regions, states and tribes are encouraged in their efforts to develop and refine performance partnership agreements and grants. The EPA publication *Performance Partnership Grants for State and Tribal Programs: Interim Guidance* provides initial guidance for this process. Additional information on performance partnership grants can be found on the EPA website http://www.epa.gov/ocirpage/nepps/pp_grants.htm .

I look forward to working with you to meet the challenges in achieving OSWER's national goals and priorities. Please refer questions regarding our consolidated guidance process to Susan Janowiak (202-566-1906) or Eric Burman (202-566-1899) in the OSWER Office of Program Management.

Attachments

cc: State Environmental Commissioners
Tribal Environmental Executives
Assistant Administrators
Deputy Regional Administrators
OSWER Office Directors
Superfund National Program Managers
RCRA Directors

OUST Regional Division Directors
Office of Regional Counsels
OSWER Planning Contacts
State Environmental Directors
Tom Kennedy, ASTSWMO
Tim Titus, ECOS

# FY 2005 National Program Guidance: Superfund Remediation, Federal Facilities and Prevention Programs

***Goal Three: Preserve and Restore the Land***
***Subobjective 3.2.2: Clean Up and Reuse Contaminated Land***

On December 11, 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), as amended by the Superfund Amendments and Reauthorization Act in 1986. This important legislation was enacted to fill a major gap in environmental protection. The events at Love Canal, New York, and other sites around the country had shown that wastes buried long ago – and mostly forgotten – could prove to be a serious threat to communities. CERCLA provides the Federal government with the authority to respond to releases and threats of releases of hazardous substances, pollutants and contaminants to protect public health and welfare.

The Agency created the Federal Facilities Response Program in 1994, and charged the Program with the responsibility of expediting the cleanup and reuse of Federal properties. Across the country, thousands of Federal facilities are contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and a variety of other contaminants. Those facilities include many different types of sites, such as abandoned mines, nuclear weapons production plants, fuel distribution areas, and landfills. With the enactment of the Base Realignment and Closure (BRAC) Act or 1988 and 1990, 497 major military installations representing the Army, Navy, Air Force, and Defense Logistics Agency were slated for realignment or closure. Of the 497 major installations, 107 of those installations were identified as BRAC accelerated cleanups. EPA's involvement in the BRAC process is mandated by Statute. Accelerating the cleanup of BRAC installations strive to make parcels available for reuse as quickly as possible by transfer of uncontaminated or remediated parcels, lease of contaminated parcels where cleanup is underway, or "early transfer" of contaminated property.

EPA, working in collaboration with the states, tribes, and other Federal agencies, manages the Superfund program to clean up abandoned hazardous waste sites and releases. EPA also oversees the implementation of Superfund at National Priorities List (NPL) sites by other Federal agencies where they are the lead. These programs seek to protect human health and the environment and to allow sites to be returned to productive use to improve the quality of life in America's communities. As of January, 2004, the Superfund program has:

- assessed over 45,300 sites in conjunction with Federal, state and tribal partners;
- listed 1,518 final or deleted sites on the National Priorities List (including 171 Federal sites);
- approved final cleanup plans at over 1,100 NPL sites;
- begun (but not yet completed) construction at 362 NPL sites; and
- completed construction at 890 NPL sites

This guidance provides direction to the Regions to meet the priorities of the Superfund Remedial

and Federal Facility programs. To protect human health and the environment and to address potential barriers to redevelopment, EPA has and will continue to work with states and other Federal agencies, as appropriate, to:

- Prioritize cleanups based on threats to human health and the environment;
- Expeditiously complete remedial clean-up construction at sites listed on the National Priorities List (NPL);
- Promote the reuse and redevelopment of Superfund sites to put them into productive use in communities;
- Promote the One Cleanup Program which provides flexibility to determine which statutory authority is best suited to clean up the site;
- Leverage private party resources by continuing to pursue an "enforcement first" strategy that ensures the responsible parties undertake clean-ups at sites with unacceptable human health and ecological risks;
- Compel private parties to pay back Trust Fund money spent to conduct cleanup activities;
- Apply innovative technologies which showcase the latest approaches for site characterization and remediation to achieve cost-effective solutions;
- Enhance collaboration between EPA and the states and tribes to implement the Superfund Remedial and Federal Facility programs;
- Enhance stakeholder involvement by working with communities surrounding Superfund sites to improve their direct involvement in every phase of the cleanup process;
- Address long-term stewardship needs through Superfund's Remedial and Federal Facility post-construction program to ensure continued protection of human heath and the environment;
- Enhance public access to information on the status of sites on the NPL; and,
- Improve data quality by keeping the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) up-to-date and accurate to support program planning and accomplishments reporting.

While conducting these activities to clean up sites, EPA must ensure that it is meeting the mandate of the Government Performance and Results Act (GPRA) to use resources wisely and achieve program results. To date, EPA has developed seven measures to ascertain how well the Superfund program is progressing in achieving program results. By 2008, EPA plans to:

- Perform 88,000 health and environmentally based site assessments and make 41,700 final assessment decisions under Superfund (as of FY2002, 37,669 final decisions have been made);
- Control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground water use conditions at 1,259 Superfund human exposure sites (as of FY2002, 1,199 sites human exposures under control);
- Control the migration of contaminated ground water through engineered remedies or natural processes at 832 Superfund ground water exposure sites (as of FY2002, 772 sites had ground water migration under control);
- Select final remedies at 1,223 Superfund sites (as of FY2002, 1,103 sites had final

remedies selected[1]);

- Complete construction of remedies at 1,086 Superfund sites (as of FY2002, 846 sites had completed construction);
- Reach a settlement or take an enforcement action before the start of a remedial action at 90 percent of Superfund sites having viable, liable responsible parties other than the Federal government; and,
- Address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal or greater than $200,000.

The Superfund Remedial and Federal Facility programs will track these measures for FY2005-FY2008. To ensure critical program goals, outputs and outcomes are achieved, the Programs will continue to evaluate the effectiveness and efficiency of program operations. New performance measures may be added as they are developed.

EPA must engage states, tribes, and other Federal agencies in the planning process to achieve program results as measured under GPRA. The Office of Superfund Remediation and Technology Innovation (OSRTI), the Office of Site Remediation Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), and the Federal Facilities Restoration and Reuse Office (FFRRO) are responsible for overall program planning, including implementing the requirements of GPRA and reporting on Superfund program accomplishments. The Superfund Comprehensive Accomplishments Plan (SCAP) is the process by which the Assistant Administrator for Solid Waste and Emergency Response, the Office of Enforcement and Compliance Assurance, and senior Superfund managers monitor progress towards meeting GPRA annual performance goals. SCAP will continue to be used as a management tool to project and track activities that contribute to these GPRA goals and support resource allocation. Regions should continue to plan and report accomplishments in WasteLAN as they have done traditionally.

In addition to the SCAP, the Superfund Program Implementation Manual (SPIM) is a planning document that defines program management priorities, procedures and practices for the Superfund program. The SPIM provides the link between GPRA, EPA's Strategic Plan, and the program's internal processes for setting priorities, tracking and planning performance, and meeting program goals. It establishes the process to track overall program process through program targets and measures. The SPIM is developed on a biennial basis. Revisions to the document are issued during the biennial cycle as needed. Any new measures that are developed will be incorporated into the SPIM during the biennial cycle. Regions should continue to use the most current version of the SPIM for instructions on entering data into WasteLAN. See http://www.epa.gov/superfund/action/process/spim04.htm.

### *Strategies to Meet Performance Goals*

[1]The Agency is currently evaluating this number and it may be adjusted downward.

Regions have flexibility to employ various strategies to meet specific targets for their Region. Strategies could include working with the Regional drinking water program to ensure that sites within areas of critical concern (source water protection areas) remain a high priority, implementing the sediment site strategy, issuing Superfund redevelopment grants to communities, or completing preliminary re-use assessments to encourage site re-use or partnering with local universities or other Federal agencies to address issues at specific sites. EPA will continue to maintain its focus on protection of public health and completing work at sites in a cost-effective manner. Several cost management measures, such ground water pump and treat optimization, remedy updates and utilizing innovative technologies, are in place to ensure that Superfund dollars that are expended achieve the maximum impact. In addition, EPA reviews candidates for listing on the NPL to ensure their priority and carefully manages the flow of funds to ongoing activities. Regions must still coordinate with the National Remedy Review Board for certain sites on remedy selection, as appropriate, and the National Risk-Based Prioritization Panel to rank new construction projects for fund-financed remedial action funding. See http://www.epa.gov/superfund/programs/reforms/types/cleanup.htm. Regions should follow other program guidance and directives, as appropriate, to conduct activities at Superfund Remedial and Federal facility sites. See http://www.epa.gov/superfund/action/index.htm.

***Tribal Program***

Tribes play an important role in helping EPA meet its GPRA goals. EPA relies on a number of tribes to implement the site assessment process on tribal lands. EPA expects to continue to provide funding, through cooperative agreements, to tribes to carry out this activity. In certain instances, tribes and EPA may enter into cooperative agreements for the tribe to conduct several types of cleanup activities such as limited removal actions, and support agency agreements for assistance during remedial actions. Tribes have distinct roles in the cleanup of Federal Facilities under treaties with the U.S. government. The Federal Facility Restoration and Reuse Office works with tribes on a government to government basis at both the facility level and the national policy-making level. Tribes are involved in the cleanup process at Federal facility and private sites that impact them (such as mine cleanups), through meaningful dialogue that respects the unique needs of each community. EPA Regions should continue to develop partnerships that will enhance capacity and participation in the environmental decisionmaking process.

***Annual Workplanning***

EPA will continue to follow the annual workplanning procedures that are outlined in the SPIM. Headquarters and Regional offices will work together to develop Regional targets for each fiscal year, with the overall goal of meeting national performance goals that are established in the Strategic Plan. EPA will track progress made on the GPRA measures outlined in the Strategic Plan in the online OCFO commitment system. Any new GPRA measures for Superfund that are developed will be added to the online system.

EPA will continue to track other program measures, such as Remedial Investigation / Feasibility Study (RI / FS) starts, Remedial Design (RD) starts, and Five Year reviews, in CERCLIS. For workplanning, the Regions should focus on its own individual pipeline (e.g., whether it needs to

focus on final remedy selection or construction completions), the overall goals of the program including GPRA objectives and subobjectives, and how it can achieve its portion of the national effort given proposed resources. Regional workplanning efforts should include those targets that will be met by efforts from the states, tribes, or other Federal agencies. These targets should be factored into the workplanning negotiations between Headquarters and the Regions. In FY2004, the Superfund program will begin to align its workplanning efforts and negotiations with the Regions with that of the overall Agency workplanning schedule.

## RESPONSE PROGRAM

### *Preparing for and Responding to Emergencies*

EPA plays a major role in reducing the risks that accidental and intentional releases of harmful substances and oil pose to human health and the environment. Under the National Response System (NRS), EPA evaluates and responds to thousands of releases annually. The NRS is a multi-agency preparedness and response mechanism that includes the following key components: the National Response Center, the National Response Team (NRT) which is composed of 16 Federal agencies, 13 Regional Response Teams, and Federal On-Scene Coordinators (OSCs). These organizations work with state and local officials to develop and maintain contingency plans that will enable the Nation to respond effectively to hazardous substance and oil emergencies. When an incident occurs, these groups coordinate with the OSC in charge to ensure that all necessary resources, such as personnel and equipment, are available and that containment, cleanup, and disposal activities proceed quickly, efficiently, and effectively.

Local, state, and tribal agencies are a critical element to the success of the National Response System. These groups work with the responsible parties to address the vast majority of oil discharges and hazardous substance releases. EPA's primary role in the NRS is to serve as the Federal OSC for spills and releases in the inland zone. This is a key role, since the Federal response is essentially a safety net to address the incidents that are beyond the capability or otherwise cannot be adequately addressed by the state or local agency or responsible party.

EPA has enhanced its emergency response and removal capabilities through the development of the Core Emergency Response (Core ER) program, which sets standards to ensure that each Region works toward improving and maintaining an excellent response program. In FY 2003, the Agency developed and initiated its National Approach to Response (NAR), which is designed to ensure that the Agency is better prepared for large-scale responses such as those to terror attacks. The NAR emphasizes the need to provide the necessary levels and appropriate types of support during responses, and is based on moving toward greater consistency across the Regions in emergency response capabilities. Thus, EPA is working toward improving its capability to respond to large-scale incidents such as the World Trade Center, Anthrax attacks, and the Columbia Shuttle recovery, as well as the hundreds of other responses that are conducted each year.

Preparedness on a national level is essential to ensure that emergency responders are able to deal

with multiple, large-scale emergencies, including those that may involve chemicals, oil, biological agents, or radiological incidents. Over the next several years, EPA will enhance its core emergency response program to respond quickly and effectively to chemical, oil, biological, and radiological releases. EPA also will improve coordination mechanisms to respond to simultaneous, large-scale national emergencies, including homeland security incidents. The Agency will focus its efforts on Regional Response Teams and coordination among Regions; health and safety issues, including provision of clothing that protects and identifies responders, training, and exercise; establishment of delegation and warrant authorities; and response readiness, including equipment, transportation, and outreach.

In addition to enhancing its readiness capabilities, EPA will work to improve internal and external coordination and communication mechanisms. For example, as part of the National Incident Coordination Team, EPA will continue to improve its policies, plans, procedures, and decision-making processes for coordinating responses to national emergencies. Under the Continuity of Operations/Continuity of Government program, EPA will upgrade and test plans, facilities, training, and equipment to ensure that essential government business can continue during a catastrophic emergency. External communication and coordination is through the National Response Team, with close coordination with the Department of Homeland Security on potential terrorism threats.

EPA will work to improve its capability to respond effectively to incidents that may involve harmful chemical, oil, biological, and radiological substances. The Agency will explore improvements in field and personal protection equipment and response training and exercises; review response data provided in the "after-action" reports prepared by EPA emergency responders following a release; and examine "lessons learned" reports to identify which activities work and which need to be improved. Application of this information and other data will advance the Agency's state-of-the-art emergency response operations.

Since Superfund was enacted, EPA has conducted or led over 7,900 removal response actions. In addition, EPA conducts or oversees about 300 oil spill responses each year.

Under GPRA, EPA has set a target to improve the Agency's homeland security and emergency response preparedness by 10% each year, as measured through the Core ER evaluation process, which is based on several key elements to emergency response preparedness, such as: health and safety issues, including provision of clothing that protects and identifies responders, training, and exercises; establishment of delegation and warrant authorities; and response readiness, including equipment, transportation, and outreach. The baseline for this evaluation was completed in FY 2003, and the Agency's performance in FY 2004 and beyond will be compared with this baseline.

Under GPRA, EPA will also be tracking responses to oil discharges and hazardous substance releases. The estimated number of Superfund removal response actions in FY 2004 nationally is 350, and the estimated number of oil spill responses in FY 2004 nationally is 300. These numbers will vary depending on the actual number of spills occurring and on the ability of responsible parties, states, local governments, and tribes to respond.

## PREVENTION PROGRAM

***Goal 4: Healthy Communities and Ecosystems***
***Objective 1.4: Reduce Risks at Facilities***

The Superfund Amendments and Reauthorization Act of 1966 (SARA)was signed into law on October 17, 1986. Title III of this law is the Emergency Planning and Community Right-to-Know (EPCRA), which created requirements for State and local planning and preparedness for chemical emergencies, and public access to information concerning potential chemical hazards. In 1990, section 112(r) of the amended Clean Air Act (CAA) established requirements regarding the prevention and detection of accidental releases of hazardous chemicals. The Risk Management Program (RMP) established under those requirements is an extension of the planning and preparedness programs established under EPCRA. Under the RMP program, facilities that handle quantities of regulated substance are required to develop RMPs and submit them to EPA, state agencies, and local emergency planning committees (LEPCs).

EPA, working with States, Tribes, local communities, industry, and other Federal Agencies, oversees these programs with philosophy that:

- operators of facilities who have hazardous chemicals are primarily responsible for the safe handling of those chemicals and
- state and local governments (including the community) play a critical role in risk reduction as well as mitigating the effects of chemical accidents.

In order to continue to assist State and local governments and industry reduce the risks from chemical accidents or mitigate the effects of those accidents should they take place, EPA will:

- continue to provide guidance, tools, and technical assistance to States, local communities, and industry to better enable them to reduce risk;
- analysis existing RMP data as well as data gathered from audits to understand potential chemical risks and releases; and
- assist States and local communities in understanding how these chemical risks could affect them and how to reduce risk and prepare to address and mitigate risks should a chemical accident occur.

Under GPRA, EPA has set as a strategic target that by 2008, 50% of local communities or LEPCs will have incorporated facility risk information into their emergency preparedness and community right-to-know programs. EPA will collect information from LEPCs during 2004 and 2005 to determine the extent to which they have incorporated such facility risk information into their planning and community right-to-know programs. After collecting this baseline data, between 2005 and 2007, EPA will be collecting this information again from LEPCs to determine changes in the baseline information.

The Clean Air Act requires EPA to establish a system to audit RMPs. The audit system is use to continuously improve the quality of risk management programs, gather information on chemical

risks, and check compliance with the requirements, all of which assist in improving RMPs and reducing chemical risks. EPA will be collecting information on the number of desk audits and on-site audits and/or facility inspections complete each year from FY2005-2007.

# Program Measures

| Goal | Obj. | Measure | Base-line | Unit of Measure | FY 05 Draft National Target | FY 06 Draft National Target | FY 07 Draft National Target | Comment |
|---|---|---|---|---|---|---|---|---|
| 3 | 2 | Number of Superfund Final Site Assessment Decisions | 37,669 | Final Assessment Decisions | 500 | 500 | 500 | |
| 3 | 2 | Number of Superfund Hazardous Waste Sites with Human Exposures Under Control | 1199 | Sites | 10 | 10 | 10 | |
| 3 | 2 | Number of Superfund Hazardous Waste Sites with Ground Water Migration Under Control | 772 | Sites | 10 | 10 | 10 | |
| 3 | 2 | Number of Final Remedies Selected at Superfund Sites | 1103* | Final Remedies | 20 | 20 | 20 | |
| 3 | 2 | Number of Superfund Construction Completions | 846 | Construction Completion | 40 | 40 | 40 | |
| 3 | 2 | Percent of Settlements or Enforcement Actions before the Start of the Remedial Action | | Settlements or Enforcement Actions | 90 % | 90 % | 90 % | |
| 3 | 2 | Statute of Limitations Cases with Unaddressed Total Past Costs Equal to or Greater than $200,000 | | Statute of Limitations Cases | 100% | 100 % | 100 % | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 3 | 2 | Percentage improvement in emergency response and homeland security readiness | completed in FY 2003 | percentage improvement | 10% improvemen t | 10% improve ment | 10% improve ment | |
| 3 | 2 | Number of Superfund removal response actions initiated | | removal actions | 350 | 350 | 350 | |
| 3 | 2 | Number of oil spills responded to or monitored | | spill responses | 300 | 300 | 300 | |
| 4 | 1 | Number of risk management plan audits completed. | N/A | Facilities | 400 | 400 | 400 | |
| 4 | 1 | Percentage of LEPCs which have incorporated RMP information into their emergency plans. | FY2004-FY2005 | LEPCs and/or communities | N/A | N/A | N/A | Will determine future targets based on baseline data collected in 2004 and 2005. |

Note: Baseline year is FY2002
*The Agency is currently evaluating this baseline and may adjust it downward in the future.

# FY 2005 National Program Guidance: RCRA Waste Management Programs

Over the next three years, the RCRA program will have two main areas of focus. The first will be to continue existing program obligations such as ensuring the safe management of hazardous and non-hazardous waste and cleaning up hazardous and non-hazardous releases. The RCRA program is close to completing a major effort to stabilize corrective action sites, and will be focusing on effectively moving these sites toward final cleanup. Likewise, the program will be completing its obligations to issue permits or other approved controls, and will be increasingly emphasizing permit renewals.

The second is a redirection towards materials management and energy issues, using analytical tools such as the Waste Wheel, and increased efforts regarding solid waste and chemicals reduction. Now that the Resource Conservation Challenge has been successfully launched, during the next three years, EPA will begin efforts to implement and lay the ground work for attaining the objectives of the 2020 Vision Paper to reduce the generation of wastes and looking at sustainable use of all natural resources by continuing to work with co-implementers and the public.

The following information provides strategic targets, direction and priorities for the FY 2005-2007 operating years and is organized according to Strategic Plan subobjective.

***Goal 3: Land Preservation and Restoration***
***Subobjective 1.1: Reduce Waste Generation and Increase Recycling***

The RCRA program will continue its strategy to reduce waste generation and increase recycling to achieve the national goals of 35% recycling and waste generation at 4.5 pounds per person per day. The Resource Conservation Challenge (RCC), one of OSWER's highest priorities, continues to be a principal mechanism for achieving this. Regions will be expected to champion and support the six RCC program elements:

1. Product stewardship;
2. Reducing priority chemicals (covered under subobjective 5.2.2);
3. Greening the government;
4. Beneficial use of materials;
5. Energy conservation; and
6. Environmentally-friendly design.

Regions will do this through development and implementation of new and ongoing partnerships with industry, states, tribes and other entities. Regions will also provide education, outreach, training and technical assistance. Regions will report quarterly to OSW the number and names of partners, the amount of waste pledged for waste reduction, and potential partners. Towards this end, HQ and Regional staff recently published the *Guide to Becoming an RCC Partner* (http://www.epa.gov/rcc). Building partnerships that identify positive environmental outcomes and measure their progress towards meeting these targets is a necessity. Many areas (which we identify as clusters) are already underway and showing progress: Tires, Electronics, Priority

Chemicals, Industrial D Wastes, Organics, Paper, Green Purchasing, Hospitals, Green Buildings, and C & D Debris.

In these key areas, we have identified, or started to identify, targets and measures that will demonstrate the positive benefits of this program: reducing priority chemical releases (see specific information under Goal 5, Subobjective 2.2); beneficially reusing, recycling, and recovering energy from scrap tires; beneficially using coal combustion products in cement and cement products; recycling electronics; designing products with less toxics and for reuse, recycling; removing toxic, harmful chemicals from our schools; increasing green publishing of books; increasing green building LEED scores for construction; and putting environmental performance standards in place for hospitals. During FY 2004 and FY 2005, the RCC will be focusing our efforts on incorporating these and other measures into the GPRA process.

The RCC Online Collaboration Tool will be made available in the summer of 2004. Regions are expected to use this on-line program management software to enable the monitoring and tracking of their RCC projects. It will also improve the overall effectiveness of the RCC by providing a mechanism for reporting from multiple sources, the goals and milestones.

Additional areas of focus include:

- Establishing and expanding partnerships with industry, states, tribes and other entities in other cluster areas to reduce waste and to develop and deliver tools that can help businesses, manufacturers, and consumers. Existing programs such as WasteWise and C2P2 (see http://www.epa.gov/epaoswer/osw/conserve/c2p2/index.htm) will serve as models for new alliances. Regions are expected to participate in the development and implementation of ongoing and new partnerships. A particular area of focus will be to partner with and to assist other EPA programs and other federal agencies to increase the federal government's "green procurement" and compliance with Executive Order 13101.
- Stimulating infrastructure development, product stewardship, and new technologies by continuing to implement initiatives to establish voluntary product stewardship partnerships with manufacturers, retailers, recyclers, governmental and nongovernmental organizations to develop and implement sector-specific strategies. Regions will be expected to participate in such activities.
- Providing education, outreach, training, and technical assistance.

***Goal 3: Land Preservation and Restoration***
***Subobjective 1.2: Manage Hazardous Wastes and Petroleum Products Properly***

The strategic targets for permitting or other approved controls is 80% for 2005 and 95% for FY2008. Regions are expected to meet the annual goals of 2.8% of the baseline and at least 80% cumulatively in FY 2005. For FY 2006 and 2007, the annual goals are 2.5% and 2.1% respectively. To reach these annual goals, Regions must:

- Develop multi-year strategies to meet the annual goals.

- Identify what is needed for each facility to get under approved controls and determine when each facility is projected to be under approved controls.
- Ensure combustion facilities are on track to meet the annual permitting and emissions reduction goals

To meet the strategic target of updating controls for preventing releases at the approximately 150 facilities that are due for permit renewal by the end of 2006, Regions should:

- Ensure that by the beginning of FY 2005 all permit expirations (OP020) have been entered into RCRAInfo so that the renewals data can be tested, baselines established, and annual goals created.
- Develop multi-year strategies to implement updated controls.

In accordance with EPA's May 2002 Position Statement on Environmental Management Systems (EMSs), the Regions will encourage the use of EMSs to improve environmental performance and compliance, and prevent pollution.

- Ensure completion of basic EMS awareness training for managers and staff.
- Develop plan to promote EMSs to key industry sectors.
- Develop facility-specific or State-wide approaches to promote EMSs; i.e., pilot projects, facility-specific marketing, and technical assistance.

Regions will support and work closely with their states to ensure that the necessary Environmental Justice (EJ) policies, strategies and training programs are able to adequately address EJ concerns. Progress towards RCRA GPRA goals in potential EJ communities should continue at least at the same rate as in non EJ communities.

More information on approved controls for the permitting program is at http://www.epa.gov/epaoswer/hazwaste/permit/pgprarpt.htm

**Tribal Programs**

EPA has direct implementation responsibility for the RCRA hazardous waste and Underground Storage Tank programs in Indian country.

- Regions with federally recognized tribes are expected to devote additional resources to direct implementation efforts and to assisting tribes, consistent with our evolving tribal waste management strategy.
- Regions will be expected to increase the number of tribes which have integrated solid waste management plans in place and to report on the progress made in building tribal capacity.
- Regions will assist tribes in closing open dumps and preventing illegal dumping through the interagency open dump cleanup workgroup and using GAP funds. For example, last year Region 9 worked with tribes to close 30 open dumps.
- Regions will also be expected to inspect a number of facilities in Indian country.

***Goal 3: Land Preservation and Restoration***
***Subobjective 2.1: Prepare for and Respond to Accidental and Intentional Releases***

Regions will support the RCRA program in its continuing key role in emergency preparedness, particularly in assisting in developing and implementing (as needed) safe methods for the disposal of contaminated materials, (including for example, diseased animal carcasses, building debris).

***Goal 3: Land Preservation and Restoration***
***Subobjective 2.2: Clean Up and Reuse Contaminated Land***

Achieving the 2005 GPRA goals is the highest priority of the RCRA corrective action program for FY 2005. The 2005 GPRA goals for Current Human Exposures Under Control and Migration of Contaminated Groundwater Under Control are 95% and 70% of the 2005 baseline facilities, respectively (http://www.epa.gov/epaoswer/hazwaste/ca/eis.htm). Each Region should submit a strategy for meeting the 2005 GPRA goals, which demonstrates how the Region will work with their authorized States to utilize available resources, including enforcement tools and alternate authorities.

Following FY 2005, achieving the 2008 GPRA goals will become the highest priority of the RCRA corrective action program. The 2008 national GPRA goals, which build on the success achieved in 2005, are as follows:

- Assess 100 percent of RCRA baseline facilities (assess means that enough information to rank the site has been gathered).
- Control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground-water use conditions at 95 percent of RCRA baseline facilities.
- Control the migration of contaminated ground water through engineered remedies or natural processes at 80 percent of RCRA baseline facilities.
- Select final remedies (cleanup targets) at 30 percent of RCRA baseline facilities.
- Complete construction of remedies at 20 percent of RCRA baseline facilities.

These 2008 national goals will be based on a revised corrective action baseline that is being developed in FY 2004 (herein referred to as the "2008 baseline.") Individual GPRA goals have been established for each Region, based on Regional commitments, and from those the national GPRA goals were established. Each Region should develop and submit a detailed strategy to achieve its individual 2008 GPRA goals. The strategy should be facility-specific, and should describe how the Region will utilize available resources, including enforcement and alternate authorities to achieve the goals. The strategy should include plans for frequent contact with states to discuss their progress in meeting the 2008 goals, which will help ensure that steady progress is made.

Regions will support and work closely with their states to ensure that the necessary Environmental Justice (EJ) policies, strategies and training programs are able to adequately address EJ concerns. Progress towards RCRA GPRA goals in potential EJ communities should continue at least at the same rate as in non EJ communities. Regions should work with their states to help develop and offer innovative approaches that will empower citizens' groups to ensure successful voluntary cleanups.

Schools Legacy Chemical Clean-Out: OSW is aware that middle schools and high schools use and store toxic, reactive and ignitable chemicals, primarily for use in grounds, building and equipment maintenance, and school science laboratories. Improper storage and handling of these chemicals leads to costly accident and spill cleanup, and possible health threats. In 2004, OSW made school chemical clean-out a National priority. Targeting resources (e.g., to schools in EJ communities) is a key element in the schools clean-out strategy. In 2005, Regions will identify schools in EJ communities for clean-out assistance.

***Goal 5: Compliance and Environmental Stewardship***
***Subobjective 2.2: Prevent Pollution and Promote Environmental Stewardship by Business***

The National Waste Minimization Partnership Program (NWMPP) is a part of the Agency's multi-media Resource Conservation Challenge. In FY 2005 EPA will achieve NWMPP goals by identifying for Partnership enrollment the facilities, and industrial and manufacturing sectors responsible for the highest volume of priority chemicals released to the environment. Partners enrolled by regional and state representatives will contribute to the national priority chemical goal and may contribute to additional regional or state specific chemical reduction goals.

Based on targeting information provided by OSW, Regions will develop a FY 2005 Regional NWMPP recruitment plan and recruit partners for enrollment in NWMPP which provide the greatest contribution toward achievement of the national GPRA goal. For further information, see http://www.epa.gov/epaoswer/hazwaste/minimize/index.htm.

Program element priority:

- Measurable reduction of priority chemicals released to the environment.

Note that reduction in the volume of priority chemicals is more important than the number of facilities enrolled in the partnership program. Additionally, source reduction is the preferred means of chemical reduction, but recycling is an acceptable alternative when all viable source reductions options have been eliminated. The NWMPP currently uses the Toxics Release Inventory (TRI) and Biennial Reporting (BR) data to measure progress toward GPRA goal achievement.

Regions will report quarterly to OSW, Hazardous Waste Minimization and Management Division:

- Number and names of the partners they have recruited;
- Number of pounds of priority and other chemicals which have been pledged for reduction, reported by chemical and identifying the means (source reduction vs. recycling) and environmental media;
- Partners which have achieved their reduction goals;
- Partners which are unable to meet reduction goals and reason; and
- Potential partners with whom there are ongoing partnership enrollment discussions.

# Program Measures

| Goal | Obj. | Measure | Baseline | Unit of Measure | FY 05 Draft National Target | FY 06 Draft National Target | FY 07 Draft National Target | Comments |
|---|---|---|---|---|---|---|---|---|
| 3 | 1 | Percent of RCRA hazardous waste facilities with permits or other approved controls in place | approx. 2750 | Facilities | 2.8% of baseline and at least 80% cumulative | 2.5% of baseline | 2.1% of baseline | Permit facility baseline to be revised |
| 3 | 1 | Update controls for preventing releases at facilities due for permit renewal by 2006 | 150 total | Facilities | N/A | TBD | TBD | |
| 3 | 1 | Number of tribes with integrated and sustainable waste management programs | TBD | Tribes | TBD | TBD | TBD | |
| 3 | 2 | Percent of RCRA hazardous waste facilities with human exposures under control (CA725) | 1714 (2005 GPRA Baseline) | Facilities | 95% | TBD | TBD | Baseline being revised for 2008 goals |
| 3 | 2 | Percent of RCRA hazardous waste facilities with migration of contaminated groundwater under control (CA750) | 1714 (2005 GPRA Baseline) | Facilities | 70% | TBD | TBD | Baseline being revised for 2008 goals |

| Goal | Obj. | Measure | Baseline | Unit of Measure | FY 05 Draft National Target | FY 06 Draft National Target | FY 07 Draft National Target | Comments |
|---|---|---|---|---|---|---|---|---|
| 3 | 2 | Percent of RCRA hazardous waste facilities assessed (CA075) | 2008 GPRA Baseline TBD | Facilities | N/A | TBD | TBD | Regions to develop individual annual targets |
| 3 | 2 | Percent of RCRA hazardous waste facilities with final remedies selected (CA400) | 2008 GPRA Baseline TBD | Facilities | N/A | TBD | TBD | Regions to develop individual annual targets |
| 3 | 2 | Percent of RCRA hazardous waste facilities with remedy construction completed (CA550) | 2008 GPRA Baseline TBD | Facilities | N/A | TBD | TBD | Regions to develop individual annual targets |
| 5 | 2 | Percent reduction of priority chemicals in waste streams | 1991 data (TRI/BRS) | pounds | 57% | 3.3% (using 2001 data) | 3.3% (using 2001 data) | 2005 goal revised from 50% to 57% |

# FY 2005 National Program Guidance: Underground Storage Tanks Program

***Goal 3: Land Preservation and Restoration***
***Objective 1: Preserve Land (UST)***
***Objective 2: Restore Land (LUST)***

EPA regional offices are responsible for working cooperatively with states to identify and implement needed program improvements, as well as negotiate the terms and amounts of Underground Storage Tanks (UST) program State and Tribal Assistance Grants (STAG) awards, Leaking Underground Storage Tanks (LUST) Trust Fund cooperative agreements, and PL 105-276 assistance agreements to Tribes. Regional offices also directly implement and enforce UST regulations in Indian Country and, to a limited extent, they supplement state activities in areas that are under state jurisdiction.

## 1. National Priorities

### A. *Cross Cutting Initiatives*

- ***Conduct Enhanced Program Evaluations*:** Key objectives include: (1) preparing Regional performance profiles and linking them to GPRA, headquarters and Regional initiatives; (2) developing steps to improve data quality; (3) conducting cleanup backlog analysis to evaluate steps that can be taken to increase the pace of cleanups; (4) evaluating the viability of underground storage tank financial assurance mechanisms including state cleanup funds and working with states to improve financial assurance mechanisms; (5) continuing to support OSWER's One-Cleanup Initiative (including serving as lead office to evaluate the need for vapor intrusion guidance for petroleum sites); and (6) continuing to support OSWER's institutional controls tracking system and data gathering efforts for LUST sites.

- ***State/EPA Inspector and Responders Training:*** Key objectives include: (1) developing and implementing an electronic-based system for providing training to state and regional inspectors on underground storage tank compliance and cleanup; and (2) developing innovative approaches to make advanced training more widely available

- ***Funding and Oversight:*** Key objectives include: (1) conducting regional reviews by developing new Regional performance review tool and participating in all-states conferences; and (2) supporting and approving state program authorization.

### B. *Program Specific Initiatives*

- ***Promoting Redevelopment of Abandoned Gas Stations*:** Key objectives include: (1) continuing to serve as key participant in implementing the Brownfields law and overseeing USTfields pilots; (2) developing and implementing redevelopment partnerships with public and private groups to promote reuse of abandoned gas stations; (3) hosting regional tank reuse conferences; and (4) working with Regions, states and communities to develop an inventory of abandoned tank sites and to pilot new reuse tools such as "ready-for-reuse" determinations for petroleum sites. See http://www.epa.gov/OUST/rags/part_pbf.pdf

- ***Reducing the cleanup backlog*:** Key objectives include: (1) developing and working with Regions to pilot innovative and cost-effective approaches for cleanup; and (2) continuing to provide technical and financial assistance to Regions and states to address MTBE/oxygenates contamination; preparing MTBE lessons learned fact sheets and remediation training for states. See http://www.epa.gov/OUST/goals_093002.pdf

- ***Improving Compliance*:** Key objectives include: (1) evaluating non-compliant universe and developing tools to improve compliance such as developing and piloting a compliance workbook for tank owners; (2) working with Regions and states to increase inspections (e.g., creating a regional traveling inspector team); (4) developing cost-effective approaches to improve Tribal compliance progress; (5) continuing to work with organizations such as the Underwriters Laboratory's to improve underground storage tank equipment and industry codes and practices; and (6) continuing to evaluate the effectiveness of UST regulations by supporting Regional/state tank leak autopsy studies. See http://www.epa.gov/OUST/cmplastc/soc.htm

## 2. Funding

EPA provides funds to help states implement their programs through STAG grants, LUST Trust Fund state cooperative agreements, and, when funding is available, from EPA's Headquarters' EPM and LUST Extramural Operating Plan resources. Specific activities funded under UST state (STAG) grants and LUST state cooperative agreements are determined through negotiations between states and EPA Regional offices.

EPA also provides funds to tribes through PL 105-276 assistance agreements.

### A. UST State and Tribal Assistance Grants (STAG) Program

UST STAG program grants assist states and Tribes in planning and conducting activities aimed at implementing and enforcing requirements for the prevention and detection of releases from USTs.

STAG funds are distributed annually among the regional offices. While the distribution is based on equal funding for all states (plus the District of Columbia and Puerto Rico) and smaller amounts for territories, Regional offices are free to vary actual awards to states based on their programmatic needs, progress towards meeting or exceeding the compliance GPRA measures, progress towards State Program Approval (SPA), and other relevant factors.

States must match funds equal to 25% of their UST program Section 2007(f) grant awards. See http://www.epa.gov/ogd/grants/cfda.htm (66.804). State matches may include in-kind contributions. To assist the Regional offices in evaluating state programs and identifying opportunities for improvement, states are encouraged to provide a complete picture of UST program activities and funding. There is no match requirement for grants to Tribes under PL-105-276.

## B. LUST Trust Fund Cooperative Agreements

Policies and procedures applicable to EPA-State LUST Trust Fund cooperative agreements are presented in detail in OSWER Directive 9650.10A, issued May 24, 1994. See http://www.epa.gov/OUST/directiv/d965010a.htm

Funds for state cooperative agreements are distributed annually among the regional offices based on a formula that calculates: (1) a base allocation, (2) bonuses and rewards marking progress toward State Program Approval (SPA), (3) a performance-based bonus pool for states that are either initiating or completing a higher percentage of cleanups than the national average, and (4) a need allocation. Regional offices are free to reallocate the funds among states and territories based on a closer assessment of their needs in meeting or exceeding the cleanup GPRA measure, and other relevant factors.

A ten (10) percent state cost share is required. There is no match requirement for cooperative agreements to Tribes under PL-105-276.

## C. EPA's EPM and LUST Extramural Operating Plan Projects (Subject to availability of funds)

EPM and LUST Extramural Projects are aimed at helping states correct specific deficiencies or make specific improvements in their UST/LUST programs. When funding is available, regional offices receive funding from OUST's EPM and/or LUST Extramural budget. Within the limitations imposed by the EPA budget structure, regional offices can support projects by adding funds to LUST Trust Fund cooperative

agreements or by obtaining EPA contractor assistance to help states with a specific project.

Regional offices have discretion to decide which state projects to support, but all projects must be strategically important to state UST/LUST programs and OUST's national priorities.

### D. Grants to Tribes - PL 105-276

In FY 1999, through PL 105-276, Congress gave EPA authority to provide assistance agreements to Federally-recognized Tribes. In general, such assistance agreements can be used for the same purposes for Tribes as they are used for states. However, EPA does not have authority under RCRA to approve Tribal programs to operate in lieu of the Federal program. Grants may be used to help tribes develop the capability to administer their own UST programs. Examples of eligible projects include the development and implementation of a regulatory program in Indian Country, conducting an unregistered tank survey, and providing leak detection and installer training.

## 4. Regional Planning Meetings

Regional Planning Meetings provide an annual opportunity for OUST and regional management to assess the strengths and weaknesses of state programs and decide where EPA's support is most needed and would be most productive. OUST holds yearly Regional Planning Meetings strategy sessions with each regional office. Details of the Regional Planning Meetings' process are described in annual correspondence from the OUST Director to the UST/LUST Regional Division Directors.

## 5. State Reporting Requirements and Schedule

States report to EPA semi-annually on specific measures of the performance of their UST/LUST programs. The corrective action measures are defined in a memorandum dated September 30, 2003 from OUST's Director and the Director of the Office of Regulatory Enforcement to State UST Program Directors, Regional UST/LUST Division Directors, and Regional Enforcement Managers. See http://www.epa.gov/OUST/goals_093002.pdf

The compliance measures are defined in a memorandum dated October 1, 2002, from OUST's Office Director to EPAUST-LUST Regional Division Directors. Regional offices and states must work out reporting schedules that will enable the regional offices to submit states' data to OUST in a timely manner. See http://www.epa.gov/OUST/cmplastc/soc.htm

Regional offices are expected to verify the accuracy and completeness of data provided by states. Verification must be an ongoing process, in order to avoid "last minute" reviews, each time states submit data. Regional offices must either develop their own verification processes or follow verification guidance provided by OUST; in general, such processes should involve sufficient interaction with states that the regional offices can be confident that the data submitted at the end of each reporting period are complete, up-to-date, and accurate. Each regional office should conduct at least one on-site review of each State's data. See http://www.epa.gov/OUST/cat/ca_033_4.pdf.

## Program Measures

| Goal | Obj | Measure | FY 04 Baseline | Unit of Measure | FY 05-07 Draft National Target | Comment |
|---|---|---|---|---|---|---|
| 3 | 1 | Percent increase of UST facilities in significant operational compliance with both release detection and release prevention (spill, overflow, and corrosion protection) requirements | (see comment) | Percentage Points | 1% | Baseline: In FY04, a baseline for the new combined measure will be determined, and is currently estimated to be approximately 60%. |
| 3 | 1 | Number of confirmed UST releases nationally | (see comment) | UST Releases | <10,000 | Baseline: Between FY1999 and FY2003, confirmed UST releases averaged 13,600. |
| 3 | 2 | Number of leaking underground storage tank cleanups completed | 324,120 (see comment) | Cleanups | 21,000 | At end of FY03, cumulative number of 303,120 leaking underground storage tanks cleanups were completed. |
| 3 | 2 | Number of leaking underground storage tank cleanups in Indian Country | 64 (see comment) | Cleanups | 45 | By the end of FY03, over 590 leaking underground storage tank cleanups were completed in Indian Country. |

# FY 2005 National Program Guidance: Brownfields Cleanup and Redevelopment Program

***Goal 4: Healthy Communities and Ecosystems***
***Subobjective 2.3: Assess, Clean up, and Redevelop Brownfields***.

Strategic Measure:

- Through 2008, EPA will report the number of brownfield properties assessed and cleaned up. Returning these lands to beneficial reuse will enable the leveraging of $10.2 billion in investments and 33,700 jobs through revitalization efforts.

EPA's Brownfields Program will continue to facilitate the cleanup, redevelopment and restoration of Brownfields properties. Under the Brownfields Law, Brownfields are defined (with certain exclusions) as real properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfield properties include, for example, abandoned industrial sites, drug labs, mine-scarred land, or sites contaminated with petroleum or petroleum products. Through its Brownfields Program, EPA will continue to provide for the assessment and cleanup of these properties, to leverage redevelopment opportunities, and to help preserve green space, offering combined benefits to local communities.

The Small Business Liability Relief and Brownfields Revitalization Act was enacted in 2002, expanding federal financial assistance for brownfield revitalization by providing grants for assessment, cleanup, and job training. The Law also limits the liability of certain contiguous property owners and prospective purchasers of brownfield properties and clarifies innocent landowner defenses to encourage revitalization and reuse of brownfield sites. In addition, the Law provides for the establishment and enhancement of state and tribal response programs, which play a critical role in the successful cleanup and revitalization of brownfields.

<u>Strategy for Brownfields Assessment, Cleanup, Revolving Loan Fund, and Job Training Grants</u>

EPA will continue to provide assessment, cleanup, revolving loan fund, and job training grants to communities. Brownfields assessment grants provide funding to inventory, characterize, assess, and conduct planning and community involvement activities related to brownfields sites. The brownfields revolving loan fund grants provide funding for a grantee to capitalize a revolving loan and for a grantee to make subgrants to carry out cleanup activities at brownfield sites. Cleanup grants, newly authorized by the Brownfields Law, will fund cleanup activities at brownfield sites owned by grant recipients. EPA will also provide funding to create local environmental job training programs to ensure that the economic benefits derived from brownfield revitalization efforts remain in the community.

As described by the Brownfields Law, EPA will publish proposal guidelines, solicit proposals,

conduct a national competition, announce, and award assessment, cleanup, revolving loan fund, and job training grants. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other federal agency representatives will assess how well the proposals meet the selection criteria outlined in the statute and the proposal guidelines. Final selections will be made by EPA senior management after considering the ranking of proposals by the evaluation panels. The statute requires that funds be directed to the highest ranking proposals.

Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund and Cleanup Grants are available at http://www.epa.gov/brownfields/applicat.htm .

Proposal Guidelines for Brownfields Job Training Grants are available at http://www.epa.gov/brownfields/applicat.htm .

Following award, EPA will assist grantees in achieving specific grant objectives as agreed upon in project work plan.

Strategy for State and Tribal Response Programs

EPA will continue to work in partnership with state cleanup programs to address brownfield properties. The Agency will provide states and tribes with tools, information, and funding they can use to develop response programs that will address environmental assessment cleanup, characterization, and redevelopment needs at sites contaminated with hazardous wastes and petroleum. The Agency will continue to encourage the empowerment of state, tribal, and local environmental and economic development officials to oversee brownfield activities and the implementation of local solutions to local problems. EPA will publish an annual guidance regarding the criteria for state funding.

FY 2004 Grant Funding Guidance for State and Tribal Response Programs (CERCLA) Section 128(a) is available at: http://www.epa.gov/brownfields/state_tribal.htm#grant.

# Performance Measures

| Goal | Obj | Measure | Baseline | FY 05 Draft National Target | FY 06 Draft National Target | FY 07 Draft National Target | Comments |
|---|---|---|---|---|---|---|---|
| 4 | 2 | Number of Brownfields properties assessed. | | 1,000 | | | |
| 4 | 2 | Number of Brownfields cleanup grants awarded. | | 25 | | | |
| 4 | 2 | Number of properties cleaned up using Brownfields funding. | | 60 | | | |
| 4 | 2 | Estimated number of Brownfields property acres available for reuse or continued use. | | no target | | | |
| 4 | 2 | Number of jobs generated from Brownfields activities. | | 5,000 | | | |
| 4 | 2 | Number of Brownfields job training participants trained. | | 200 | | | |
| 4 | 2 | Percentage of Brownfields job training trainees placed. | | 65% | | | |
| 4 | 2 | Number of Tribes supported by Brownfields cooperative agreements. | | no target | | | |
| 4 | 2 | Amount of cleanup and redevelopment funds leveraged at Brownfields sites. | | $1.0B | | | |

Performance information will be extracted from grantee quarterly reports and entered into the national Brownfields Management System (BMS) database. Reporting requirements are included in the grant terms and conditions. Assessment, Cleanup, and Revolving Loan Fund Grantees are required to complete the property profile form. Job Training Grantees are required to complete the job training reporting form. EPA Regions are required to complete the grant profile forms. State and Tribal Section 128 (a) reporting will be based on the terms and conditions of the grant. Program performance targets are developed on a national basis. More information on Brownfields Information and Data is available on the intranet at: http://intranet.epa.gov/swerbrnf/bf_info