



E. SCOTT PRUITT
ADMINISTRATOR

May 22, 2017

MEMORANDUM

SUBJECT: Prioritizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

A handwritten signature in blue ink, reading "E. Scott Pruitt", is written over a light blue rectangular background.

Protecting human health and the environment is the core mission of the U.S. Environmental Protection Agency, and ensuring that the Superfund program and the EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of this mission. In my interactions and meetings with Congress, governors, local officials and concerned citizens, I have heard that some Superfund cleanups take too long to start and too long to complete. The process of evaluating the contamination at a site and developing the appropriate remedy can take years – if not decades – delaying remediation of the site and withholding the full beneficial use of the area from the local community.

The Superfund program is a vital function of the EPA. Under my administration, Superfund and the EPA's land and water cleanup efforts will be restored to their rightful place at the center of the agency's core mission. In order to properly prioritize the Superfund program that citizens count on to revitalize their communities, I am taking these immediate actions:

- First, to promote increased oversight, accountability and consistency in remedy selections, authority delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator. I have issued revised delegations and internal directive documents, consistent with this memorandum and the EPA's legal authorities, to memorialize this change in how the agency makes these extremely significant decisions.

- Second, notwithstanding this change, regional administrators and their staffs shall more closely and more frequently coordinate with the Administrator's office throughout the process of developing and evaluating alternatives and selecting a remedy, particularly at sites with remedies estimated to cost \$50 million or more.

Furthermore, I am establishing a task force to provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country. The task force will be chaired by Albert Kelly, senior advisor to the Administrator, and shall include leaders from OLEM, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (as the lead region for the Superfund program) and other offices as appropriate. The task force shall, within 30 days of this memorandum, provide me with a detailed set of recommendations on actions that the agency can take to:

- Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.
- The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.
- Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment, including to ensure that risk-management principles are considered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.
- Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.
- Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.
- Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund program. I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use.