

ASTSWMO Position Paper on the Value of the CERCLA Site Assessment Program

Background

Traditionally, the CERCLA Site Assessment program was considered simply a part of the Superfund Remedial Process, intended to identify and qualify sites for listing on the National Priorities List (NPL). If viewed in that limited context, funding the Site Assessment Program might seem relatively less crucial at a time when sites currently listed on the NPL await resources to complete cleanups, or even to initiate them. Association of State and Territorial Solid Waste Management Officials (ASTSWMO) research conducted over the past three years quantifies and describes the broader benefits that result from the Site Assessment Program. The research results show benefits that are outsized relative to the resources allocated, particularly where those resources are applied through Cooperative Agreements with the States' cleanup agencies.

In its [Superfund Site Assessment Program: Benefits Beyond NPL Listing](#) (March 2011) and the [Superfund Site Assessment Program: Benefits Beyond NPL Listing Phase II](#) (March 2012) reports, the ASTSWMO Site Evaluation Focus Group (Focus Group) demonstrated that nearly half of all sites initially evaluated by the Site Assessment Program are later addressed by non-NPL programs. While serving its primary purpose of identifying the sites best cleaned up through the NPL process, the Site Assessment Program is a gateway to a variety of State and federal cleanup programs, leveraging more than 20,000¹ beneficial non-NPL site outcomes nationwide since program inception.

The *Benefits Beyond NPL Listing* reports quantified non-NPL outcomes on a national scale, however, their scope did not include investigating how these beneficial outcomes occur. The Focus Group followed up with the [Analysis of Site Assessment Program Cooperative Agreements with States \(January 2013\)](#) (make live link) to show how States use Site Assessment work products to achieve both NPL and non-NPL cleanup outcomes. This research demonstrates how CERCLA Site Assessment activities not only strengthen State programs, but also facilitate coordination with Federal Remedial and Removal staff to leverage and integrate all available resources to clean up sites. Site Assessment work products are used by States for identifying and prioritizing sites for State and federal cleanup programs. In addition, the research reports on States' recommendations to improve the Site Assessment process. The States participating in this research are well-positioned to offer suggestions based on direct Site Assessment Program knowledge and experience. For example, 90 percent (%) of 40 participating States report having a Site

¹Superfund Site Assessment Program: Benefits Beyond NPL Listing Phase II (March 2012)

Assessment Cooperative Agreement with US Environmental Protection Agency (EPA). A majority of participants use State personnel to perform Preliminary Assessments (71.8%) and Site Inspections (64.1%).

Discussion

For the *Benefits Beyond NPL Listing* research the Focus Group, working with 28 participating States, reviewed the total universe of sites² entered into CERCLIS from the inception of the Superfund Program and determined how many sites were addressed by State³ and non-NPL federal⁴ cleanup programs after they had undergone CERCLA Site Assessment. The Focus Group obtained data from both large and small States, including States with well-established cleanup programs and those with less well-established programs. All ten EPA Regions were represented in the two study phases. The 28 participating States had 24,551 sites in CERCLIS at the time of the study; 894 of these were NPL sites with cleanup underway or complete. Of those same 24,551 CERCLIS sites, 4,404 had cleanups underway and 5,024 cleanups complete under State programs, plus another 2,306 sites had federal Non-NPL cleanups underway or complete, for a total of 11,734 beneficial Non-NPL outcomes. Bear in mind that all of these numbers would be significantly higher if data had been collected for all fifty States. Table 1 and Figure 1 summarize results of the two study phases.

Results of the study demonstrate that, since its inception, the Superfund Site Assessment Program has directly or indirectly been responsible for creating a significant number of beneficial outcomes that reach far beyond its original primary goal to identify the most serious hazardous waste sites in the nation and list them on the NPL for remedial action⁵.

Table 1. Superfund Site Assessment Program: Benefits Beyond NPL Listing - Summary Results

	Total Sites on CERCLIS	NPL Sites		State Cleanups Underway		State Cleanups Complete		Non-NPL Federal Cleanups Underway or Complete		Total Non-NPL Outcomes	
Phases I and II ¹	24,551 ²	894 ³	4%	4,404	18%	5,024	21%	2,306	9%	11,734	48%
Nationwide	43,088 ²	1,714 ³	n/a	7,756 ⁴	18%	9,048 ⁴	21%	3,878 ⁴	9%	20,682 ⁴	48%

² In the report, the total universe of sites entered into CERCLIS included all sites that had had some site assessment activity. This “universe” excludes removal action only sites.

³ State cleanup programs include privately financed voluntary cleanup, state enforcement driven cleanup, state funded cleanup and cleanups funded through a specific industry program (e.g., dry cleaners fund).

⁴ Federal cleanup programs include federal removals, RCRA deferrals, Superfund Alternative Approach and other federal enforcement.

⁵The Superfund program: Ten Years of Progress, Volume 70, Issue 9, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, 1991; page 10.

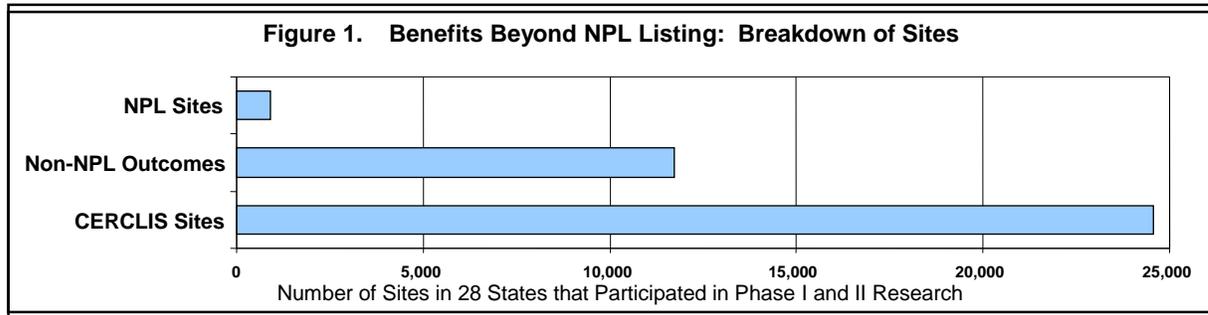
¹ Results for the 28 States representing all 10 EPA Regions that participated in Benefits Beyond NPL Listing research, Phases I and II.

² Actual number of active and archived CERCLIS sites as of 2011, excluding removal-only sites and final, proposed and delisted sites.

³ Actual number of NPL sites as of 2011.

⁴ National projections extrapolated from Phase I and Phase II percentages.

Note: Percentages for each category are those relative to the total sites on CERCLIS, either in Phase I and II states, or nationwide.



Responses from 40 States in the subsequent survey report *Analysis of Site Assessment Program Cooperative Agreements with States* provide ample indication of how States use federal Site Assessment resources to work with their counterparts in the EPA Regions and in their own State agencies to achieve those beneficial outcomes.

The research results show that States regularly use Site Assessment reports and data to achieve both NPL and non-NPL cleanup outcomes, multiplying the benefit of the Site Assessment Program. Site Assessment work products are used by States for identifying and prioritizing sites for State voluntary cleanup, fund-lead cleanup or enforcement, Brownfields redevelopment, Targeted Brownfields Assessment and State-led response to control human exposure, among other uses. The research identified that the most significant use of the data is to identify sites needing State-led response to control human exposure. Approximately 97% of States use Site Assessment reports and data for prioritizing sites for State voluntary cleanup, State fund-lead cleanup or enforcement programs. Nearly half of States, or 45.9%, leverage Site Assessment reports and data for either a majority or for a significant fraction of these non-NPL decisions. A total of 34 States (85.5%) representing all EPA regions reported that Site Assessment reports and data are used for identifying sites for Brownfields redevelopment or planning a Targeted Brownfields Assessment. Other reported uses included requesting EPA emergency removal assistance, evaluating possible future enforcement, referrals to other agencies or other State cleanup programs and encouraging Potentially Responsible Parties to enter State Voluntary Cleanup Programs or Brownfields.

While the research shows that State programs offer a range of effective options for sites that score above 28.5 but are not selected for the NPL, 36% of States indicated that there are some sites within their State that qualify for, but are not selected for the NPL, and that their States programs do not offer viable options for addressing those sites. This finding illustrates that the NPL remains a keystone clean-up program.

Approximately 92% of States indicated that their States have other programs for managing these types of sites while only 8% indicated that they have no means of

managing these sites. Of the 35 responding States that have other programs, 62.9% have a State-Funded Superfund program, 82.9% have a Privately-Financed Voluntary Cleanup program, 48.6% have a State-Funded Removal program, 40% have a State-Funded Brownfield Program, 37.1% have an industry specific program such as dry cleaner or Underground Storage Tank funds, 85.7% have a State Enforcement program, and 11.4% have other State programs. Five States commented that their capability to manage these sites under their authorized State programs (i.e., Voluntary Cleanup, State Superfund and State Enforcement) is limited to sites with viable responsible parties.

State feedback regarding the value of Site Assessment Cooperative Agreements between EPA and States reflect the broad spectrum of beneficial outcomes that result from such partnerships. States ranked the benefits of these agreements in the following order:

- Gains the attention of responsible parties, sometimes getting them to the table to negotiate State-led cleanups.
- Contributes a significant portion of State resources for prioritizing and assessing sites, providing the sampling and documentation necessary to manage the sites under non-NPL programs: State Cleanup, Removal, Brownfields, Superfund Alternative Site Approach, etc.
- Gets sites listed on the NPL.
- Helps States make better choices about NPL listing priorities and Removal referrals, and gives their cleanup programs knowledge to help EPA be more effective when working in those States.
- Provides valuable follow up to EPA Removals by providing the additional sampling and documentation necessary to manage the sites, enforce under State law, or facilitate Brownfields redevelopment.
- Provides valuable field sampling and desk research experience that pays off when State CERCLA Site Assessment personnel coordinate with, or later work in, State Cleanup or Brownfields programs.

Almost all of the responding States assigned a high importance to all of those six benefits, reinforcing the finding that States regularly use Site Assessment reports and data to achieve both NPL and non-NPL cleanup outcomes.

States responses also provide key insights about ways to improve the Site Assessment Program. One research question asked “If one could start from scratch and design the process by which potentially contaminated properties/sites are assessed, how would your State do it? What would the process look like?” Of nine possible responses, the top ranked recommendations were:

1. Promote fullest achievable integration of Site Assessment with State cleanup programs and EPA Removal and Remedial programs
2. Streamline Preliminary Assessment and Site Inspection documents
3. Allow a modular approach to Site Assessment documents (e.g., like ASTM Phase I and II process) with more flexible work plans
4. Strengthen State in-house capabilities

ASTSWMO Position

The Site Assessment Program provides good value in return for the funding it receives. Site Assessment partnerships between EPA and States in the form of Cooperative Agreements result in a broad spectrum of beneficial outcomes. Site Assessment Cooperative agreements with States are important and should be fully funded.

The overall success of the Superfund Site Assessment Program cannot and should not be measured solely by the number of NPL listings or cleanups.

Since it has been documented that the Site Assessment Program is a gateway to diverse State and federal cleanup programs, a reduction in funding of this program would have far-reaching effects and result in fewer non-NPL as well as fewer NPL cleanups. States regularly use Site Assessment reports and data to achieve both NPL and non-NPL clean-up outcomes, multiplying the benefit of the Site Assessment Program.

ASTSWMO supports EPA's ongoing Superfund Program Review. The top-ranked State recommendations for improving the Site Assessment Program are consistent with two of the Site Assessment action items proposed for the upcoming Program Review: 1) Revise Pre-CERCLIS Screening Guidance and 2) Develop a Site Assessment Workload Coordination Guide.

Where structured as equal partnerships, Site Assessment Cooperative Agreements give States the ability to help EPA be more effective when working in their States. ASTSWMO recommends working toward consistency among EPA Regions in a manner that optimizes the role of State Site Assessment programs in implementing the broader range of cleanup alternatives available to both EPA and the States.