



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MEMORANDUM

SUBJECT: Integrated Timeline for Superfund Site Management
(SMR #5, 15)

FROM: Don R. Clay *DRClay*
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Solid Waste and Emergency Response

James M. Stroh *JMS*
Assistant Administrator for Enforcement

TO: Regional Administrators

A major theme of the Superfund Management Review is the importance of an aggressive, well planned and tightly coordinated system for moving sites to completed remediation. Success in these efforts depends in large part on identifying critical decision points and our goals for the amount of time it should take to get from one step to the next. Therefore we have developed, and are attaching for your use in managing the program, the Integrated Timeline for Superfund Site Management.

The purpose of the Timeline is, as stated above, to display the key steps and optimum duration of phases in moving sites from identification to remediation. It is our intention that the duration of key phases be viewed as goals toward which we will jointly work to move the program.

It is also our intention that other major program policies incorporate the same assumptions about timing and the sequence of activities. To this end, appropriate language has been included in such documents as the DOJ Interagency Agreement and the Pre-referral Negotiations Procedures.

We will continue to review actual experience with you, to identify and deal with problems which can be alleviated. We also intend periodically to reevaluate this Timeline in light of experience.

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Please ensure that your managers are familiar with the Timeline and are using it as a basic template for the site remediation process. We encourage your comments on the Timeline and look forward to its use as a management guide.

Attachment

cc: Directors, Waste Management Division
Regions I, IV, V, VII
Directors, Hazardous Waste Management Division
Regions III, VI, VIII, IX
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Division
Region X
Regional Counsels
Regions I - X
Superfund Branch Chiefs
Regions I - X
Henry Longest
Bruce Diamond
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INTEGRATED TIMELINE FOR SUPERFUND SITE MANAGEMENT

INTRODUCTION

Purpose

The purpose of the integrated timeline is to develop an integrated site management framework. This timeline clearly identifies critical decision-making points and timeframes for each step of the process, and shows the interface between Fund lead and Enforcement lead activities.

Background

The objective of the Superfund program is to achieve rapid, high quality remediation of sites, with maximum participation of responsible parties (RPs) in the cleanup process. The combination of technical and negotiation complexities presented by these objectives offers numerous opportunities for confusion and delay in the site management process.

The Superfund Management Review identified several recommendations directed at developing systems to coordinate the complex and sometimes delicate decisions required for effective management of the remedial pipeline. They cover such aspects of the program as site management, site planning, case management, case planning, coordination with other Federal agencies, and creation of special technical support units.

As articulated in the Superfund Management Review, (The 90-Day Study) the scope and intent of the timeline are the following:

Integrated Timeline for Enforcement and Response Actions

Finding:

A process involving both enforcement and response activities at the vast majority of sites is complex and susceptible to delays. An "enforcement first" process is particularly vulnerable to delays if negotiation deadlines are not established or if they are routinely allowed to slip. Negotiations tend to be more effective where PRPs understand that EPA will cut off negotiations if they fail to settle before the deadline.

Discussion:

EPA has established timeframes for accomplishing particular steps of the cleanup process. For example, there are negotiation timeframes derived from the provisions of section 122 of CERCLA, and cleanup timeframes derived in part from the statutory goals of section 116. Some individual Regions have developed timeframes that integrate both enforcement and response activities.

If EPA is to successfully integrate the response and enforcement programs, EPA should establish a single management system that organizes the work and defines when the work can be realistically initiated and completed and when contingent activities can be undertaken. Routine issuance of orders may add time to the process and delay Fund-financed response in situations where orders are not complied with. An integrated timeline for enforcement and response action will therefore be valuable for minimizing delays and uncertainties in predicting and planning for Fund-financed activity. Key steps in the process include:

- o Commencing detailed PRP searches at the time when a site is proposed for listing;
- o Supplementing the PRP search until it is reasonably complete;
- o Issuing general notice letters and initiating information exchange;
- o Initiating negotiations for RI/FS where legally liable and financially viable PRPs exist;
- o Issuing special notice for RD/RA shortly before or upon signature of the ROD;
- o Adhering to negotiation deadlines to push PRP settlements and to avoid delays in the remedial pipeline;
- o Routinely issuing administrative orders to legally liable and financially viable PRPs if settlements are not reached within deadlines;
- o Referring a case to the Department of Justice or using the Fund to clean up a site if responsible parties do not comply with the order;
- o Lodging and entering a consent decree if settlement is reached.

Recommendation:

EPA will establish a single integrated timeline for both enforcement and Fund-financed activities. The timeline will include deadlines for completing negotiations and for following up with enforcement or response action....
(Management Review of the Superfund, p. 2-14)

Other detailed timelines and explanations of specific phases of the remedial timeline are currently embodied in CERCLA program guidance such as the Enforcement Project Management Handbook, the 1991 Program Management Manual, Superfund enforcement delegations procedures, site management guidance including litigation management planning, and pre-referral negotiations procedures. Taken together, these management tools provide regional staff with a clear and comprehensive road map for the sequence, content and timing of planning and decision-making if a site is to be remediated in a timely manner.

THE INTEGRATED TIMELINE

The attached timeline represents the overarching system for sequencing key decisions and establishing deadlines to move sites to cleanup. Suggested timeframes are intended to serve as project management objectives. The Agency's expectation is that, with full use of other resources emerging from the Superfund Management Review, the program will continue to make progress on achieving the pace of completed site management activities embodied by this timeline.

The Integrated Timeline is a 10 step process of remedial and enforcement activities related to the Superfund Site Management Process. The purpose of the timeline is to provide an overview of the major remedial and enforcement activities required to perform a Superfund cleanup action under SARA. The timeline spans a maximum of 24 quarters. Each of the 10 phases are summarized below.

RP Search and Notification

- o This is the first step in the site management process and generally takes from 6 to 13 quarters.
 - Distribution of Section 104(e) information requests to owner/operator recipients by the end of the first quarter;
 - Distribution of General Notice to owner/operators by the end of the second quarter;

- Distribution of initial Section 104(e) information request to generators/transporters by the end of the second quarter;

- Decision whether to pursue Section 104(e) enforcement activities by the middle of the fourth quarter;

- Distribution of General Notice to generators/transporters end of the fourth quarter;

- Preparation of waste-in information and volumetric allocation for the RI/FS by the end of the fourth to the middle of the fifth quarter;

- Supplemental work through the RI/FS;

- The RP Search timeframe may be extended up to the point of RD Special Notice if a supplemental search is deemed warranted.

RI/FS Negotiation and Settlement Process

o This process will continue for a maximum of four quarters.

o Important milestones include:

- Resolution of site lead with the State

- RI/FS negotiation preparation commencing after distribution of the General Notice,

- Scoping activities in order to direct the work in the SOW,

- Formal RI/FS negotiations commencing with issuance of the Special Notice and lasting a maximum of 90 days (without extension by RA),

- Termination of RI/FS negotiations 60 days after Special Notice issue if a Good Faith offer is not received.

o At the end of the settlement process, EPA will generally issue either an Administrative Order on Consent (AOC) or proceed with a Fund-financed RI/FS. In limited circumstances, EPA will issue a UAO.

RI/FS Implementation Process

- o This is the third step in the site management process, and will commence after issue of the AOC/AOU, or funding of the RI/FS; this occurs approximately one quarter following the issue of the Special Notice.
- o Important milestones include:
 - Within a maximum of 4 quarters into the RI/FS implementation process, the draft RI Report will be completed.
 - Within 4-5 quarters into RI/FS implementation a supplemental General Notice to RPs will be issued, if appropriate;
 - The Draft FS Report will be completed by the end of the fifth quarter of the RI/FS Implementation Process;
 - The Final Draft of the RI/FS Report and the Proposed Plan will be completed by the end of the sixth quarter of the RI/FS Implementation Process;
 - Following completion of the RI/FS Report, the lead agency will commence preparation of the Record of Decision (ROD), which should take no more than 2 quarters;
 - ROD signature will occur 8 quarters from the start of the RI/FS implementation process and 13 quarters from the start of the RP Search and Notification process (i.e., beginning of the timeline).
 - Opening and updating the administrative record file and the conduct of community relations activities will take place.

RD/RA Negotiation and Settlement Process

- o This is the fourth step in the site management process, and will commence 11 quarters into the site management process after completion of the final RI/FS report and Proposed Plan.

- o Important milestones include:
 - Special notice is prepared concurrent with ROD preparation, lasting 2 quarters;
 - RD/RA pre-referral negotiation preparation including preparation of the Draft Consent Decree occurs concurrent with Special Notice preparation, lasting 2 quarters;
 - Special Notice is issued with Draft Consent Decree concurrent with ROD signature;
 - Formal RD/RA negotiations commence with Special Notice issue and extend up to a maximum of 120 days if a Good Faith offer is received;
 - At the end the 120 day moratorium EPA decides on whether or not to extend RD/RA negotiations (this requires RA approval);
 - If a Good Faith offer is not received within 60 days after issue of the special notice, RD/RA negotiations will be terminated, and EPA will proceed with issue of the UAO if there are liable, viable parties, and if PRPs do not comply with the order, decide whether to proceed with Fund-financed RD or to litigate for remedy.

Settlement/Referral Process

- o The settlement/referral process includes a maximum of 2 quarters of Consent Decree Preparation (CDP), 1 quarter for the CD Referral (CDR) process and 1 quarter for CD Lodging and Entering (CDE).
- o The CD referral, lodging, and entering process should take no longer than 2 quarters;

RD Implementation

- o This is the fifth step in the site management process.
- o It includes Funded Remedial Design (RDF), RP Remedial Design (RPRD), and Compliance Management (CM).
- o Actual work on the RD will commence with the issue of an administrative order, the lodging or entering of the CD depending on the terms of the CD, or with the funding of a Fund-lead RD.

RA Implementation

- o This step is the sixth step in the site management process.
- o The step includes RA Implementation (RA) and Compliance Management (CM).
- o The RA will commence after the completion of the RD phase.

Community Relations

- o Community Relations activities commence after the decision re: RI/FS lead is made, and will continue throughout the RI/FS, RD/RA process.
- o This includes Community Relations Plan Preparation (CRPR), a Public Comment Period (PC), and Community Relations Plan Revision (CRP).
- o The Administrative Record File will be opened after the RI/FS work plan is approved and will be updated periodically.
- o During the RI/FS process, fact sheets will be prepared and public meetings will be conducted.
- o The final Public Meeting will occur during the Public Comment period after distribution of the Proposed Plan.
- o The CRP is revised after the conclusion of RD/RA negotiations.
- o This process will terminate with completion of site cleanup activities.

Cost Recovery

- o Cost Recovery activities also continue throughout the entire RI/FS process.
- o Important milestones include:
 - Opening of the cost documentation file concurrent with initiation of the PRP Search.

- Obtaining documentation of removal costs prior to RI/FS negotiations
- Update of documentation on past costs as the RI/FS activities are completed.
- Issuance of written demands in connection with the completion of each major phase of response activity and with the initiation of new phases.
- Issuance of written demands for oversight costs annually;
- Referring actions within one year after completion of conventional removal actions and shortly after the execution of a contract for RA, but in no event later than two quarters before the statute of limitations date.

