



At a Glance

Why We Did This Review

We evaluated the Office of Solid Waste and Emergency Response (OSWER) management controls to ensure Superfund Five-Year Reviews (FYRs) are thorough, meet policy, and lead to well-supported determinations that accurately report how well cleanup remedies protect human health and the environment.

Background

In 2007, OSWER set a goal of reviewing at least 75 percent of EPA regions' draft FYR reports to improve quality and consistency. OSWER's Office of Superfund Remediation and Technology Innovation (OSRTI) reviews the drafts for private sites. FYRs are required at sites where remedial action leaves contaminants at levels that do not allow for unlimited use and unrestricted exposure. Evaluation of the remedy should be based on and sufficiently supported by data and observations.

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2012/20120206-12-P-0251.pdf

Stronger Management Controls Will Improve EPA Five-Year Reviews of Superfund Sites

What We Found

The FYR process benefited from OSRTI reviews of draft reports, but improvements could be made to increase the impact of these reviews. OSRTI's reviews are intended to ensure protectiveness determinations are accurate, supported by available information, and consistent in format nationwide. OSRTI has not established sufficient management controls to make certain that FYR reports consistently meet quality standards and adhere to guidance. No formal process is in place to resolve differences when OSRTI and regions disagree on conclusions before final reports are released to the public. OSRTI reviewers did not always follow up to determine whether the region implemented recommendations, and regions sometimes disregarded valid OSRTI comments that were based on Agency guidance. We found the following cases where regions did not accept OSRTI's recommendations:

- Not enough recent data were available on site conditions; OSRTI had recommended that the region defer making a determination until additional data were collected.
- Data did not support the protectiveness determination; OSRTI had recommended a less protective determination than stated by the region.
- Construction of remedial actions was initiated at multiple operable units, but not yet complete; OSRTI had recommended that protectiveness be determined for each operable unit, consistent with Agency guidance.
- The remedy was declared to be short-term protective in spite of the region proposing significant follow-up action; OSRTI had recommended a less protective determination that agreed with the magnitude of the work to be conducted.

The lack of controls and procedures for these reviews means that OSRTI does not know the extent to which the regions implemented its recommendations. As a result, OSRTI lacks reasonable assurance its oversight is effective.

What We Recommend

We recommend that OSWER establish a process to resolve disagreements with regions on protectiveness determinations. We also recommend steps to improve the consistency, thoroughness, and communication of OSRTI reviews and to better define protectiveness determinations. OSWER agreed to the recommendations and needs to establish completion dates.