



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

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MEMORANDUM

SUBJECT: Environmental Protection Agency and State Cooperative Efforts at Superfund Sites

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TO: Superfund National Program Managers
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I. Purpose

This memorandum, developed under Superfund Task Force Recommendation 19.2, summarizes some of the ways the U.S. Environmental Protection Agency (EPA or the Agency) and the states engage in joint work planning and ways in which the EPA coordinates with the states for implementing certain response actions.¹ Highlights of this memorandum include the following:

- Section III discusses the statutory and regulatory provisions addressing state involvement in the Superfund cleanup process.
- Section IV addresses different mechanisms to document regional and state roles and responsibilities and discusses the recent development of a sample Clean Water Act (CWA)/ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Memorandum of Understanding (MOU).
- Section V provides suggestions identified by the EPA Regions for state involvement and engagement.
- Section VI addresses opportunities to remediate sites under state programs and discusses a new effort by the Office of Site Remediation Enforcement (OSRE) and the Office of Superfund Remediation and Technology Innovation (OSRTI) to develop a model MOU for transferring oversight and enforcement of response actions to proceed under state law, after the EPA has begun enforcement actions.

¹ The Superfund Task Force was commissioned on May 22, 2017. The Task Force was charged 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. For more information about the Task Force, please visit <https://www.epa.gov/superfund/superfund-task-force>.

II. Introduction

The fiscal year (FY) 2018-2022 EPA Strategic Plan establishes cooperative federalism as one of the Agency's three main goals and priorities. The Strategic Plan specifically provides that "environmental protection is a shared responsibility [among] the states, tribes, and the federal government [and] is embedded in our environmental laws." This is indeed true for CERCLA, 42 U.S.C. §§ 9601—9675, as well as the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, both of which lay out various ways in which states must be involved in the response and cleanup process.²

Over the 35-plus years of CERCLA, the EPA has created numerous mechanisms and opportunities to coordinate with states, relying on their experiences and resources to help ensure that contaminated properties are remediated. Such efforts are due in large part to the development and maturation of state cleanup programs over this same period.

CERCLA provides for state involvement but it is distinct from many other federal statutes. For example, CERCLA does not contain a mechanism for the EPA to approve a state cleanup program to operate in place of the CERCLA program. Nor can the EPA delegate the federal CERCLA program to states or tribes. In pursuit of the goal of state involvement, however, the EPA and the states have developed a collaborative partnership under the Superfund program.

III. Requirements for EPA/State Coordination and State Involvement

CERCLA and the NCP provide for substantial state involvement, including but not limited to the following:

- CERCLA § 104(c)(2) – the President is required to "consult with the affected state before determining any appropriate remedial action to be taken" under Section 104(a).
- CERCLA § 104(c)(3) – the state is required to first provide certain assurances before the EPA can perform fund-lead remedial action.
- CERCLA § 104(d) – states may carry out removal or remedial actions authorized pursuant to Section 104.
- CERCLA § 121(f)(1) – requires the President to promulgate regulations providing for the substantial and meaningful involvement by each state in the initiation, development, and selection of remedial actions to be undertaken in that state.
- CERCLA § 121(f)(2) – requires (for consent decrees) the President to give the state an opportunity to concur or not concur in the selection of a remedial action that does not attain a state legally applicable or relevant and appropriate standard, requirement, or criteria (ARAR).

² Although this memorandum focuses on EPA-state interactions, Section 126 of CERCLA, 42 U.S.C. § 9626, generally provides that tribes are to be afforded substantially the same treatment as states with respect to certain provisions. In addition, there are some different requirements for involving and consulting with federally recognized Indian tribes. EPA guidance documents inform our cooperative efforts with tribal governments. The most comprehensive document is the "EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)." It was recently reaffirmed by Administrator Wheeler and is available at <https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>. The "EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights" addresses the EPA's consultation role with tribes, particularly how that consultation may affect tribal treaty rights. It is available at https://www.epa.gov/sites/production/files/2016-02/documents/tribal_treaty_rights_guidance_for_discussing_tribal_treaty_rights.pdf.

It also provides that, if the state does not concur and the state wants the remedial action to attain such ARAR, the state can intervene in the action before entry of the proposed consent decree.

- CERCLA § 121(f)(3) – relates to remedial actions taken at federal facilities and requires the President to seek the state’s concurrence on the proposed action if it does not attain state ARARs. If the state does not concur, the state may bring an action to determine whether the President’s decision is supported by substantial evidence.
- CERCLA § 128(b) – subject to specifically prescribed exceptions at Section 128(b)(1)(B) and to state compliance with Section 128(b)(1)(C), the EPA is prohibited from taking an enforcement action under Section 106 or a cost recovery action under Section 107 against a person addressing a release at an “eligible response site” in compliance with a state response program.
- Numerous provisions within the NCP provide for state involvement in the Superfund process, including:
 - 40 CFR § 300.505 – discusses various aspects of Superfund Memoranda of Agreement (SMOA) between the EPA and states. For example, 40 CFR § 300.505 discusses matters that may be addressed in a SMOA and specifically provides that the EPA shall enter discussions to develop a SMOA if requested by a state. In the absence of a SMOA, 40 CFR § 300.505 provides that the EPA and the states shall comply with the requirements of 40 CFR § 300.515(h). 40 CFR § 300.505 also provides that the EPA and states shall consult annually for both Hazardous Substance Superfund (“Fund”) and non-Fund financed response activities to determine priorities and make lead and support agency designations for removal, pre-remedial, remedial, and enforcement response to be conducted during the next fiscal year, and to discuss future priorities and long-term requirements for response.
 - 40 CFR § 300.515 – addresses state involvement in the preliminary assessment and site investigation and the process for listing sites to and deleting sites from the National Priorities List (NPL); the remedial investigation and feasibility study process; the selection of the remedy; and the remedial design and remedial action.
 - 40 CFR § 300.520 – provides that the EPA shall notify states of response action negotiations to be conducted with potentially responsible parties (PRPs) during each fiscal year. The state, however, must notify the EPA of such negotiations in which they intend to participate; the state may still sign a consent decree even if it does not participate substantially in the negotiations.

IV. Mechanisms to Document Regional and State Roles and Responsibilities

Consistent with CERCLA, the NCP, and 40 CFR Part 35, Subpart O (which provides the requirements for Superfund State Contracts (SSCs) and cooperative agreements), there are three main mechanisms under which the roles and responsibilities of the EPA and the state typically may be established. In addition, the EPA issued a new sample CWA/CERCLA MOU³ in November 2017 with recommendations for use at contaminated sediment sites and issued a recommended process for identifying state and federal ARARs.

³ See <https://www.epa.gov/enforcement/cwacercla-site-specific-sample-memorandum-understanding>.

A. Superfund Memorandum of Agreement

Superfund Memoranda of Agreement are addressed in the NCP (see e.g., 40 CFR 300.505) and generally represent broad, voluntary, programmatic (not site-specific) agreements between the EPA and a state that may be used to establish the nature and extent of the EPA and state interaction during EPA-lead and state-lead response. A SMOA may be used to address the EPA/state relationship for removal, pre-remedial, remedial, and enforcement actions with descriptions of roles and responsibilities of each government agency. A SMOA may also address the general requirements for EPA oversight, the general nature of lead and support agency interaction regarding the review of key documents, and/or decision points throughout the response process.

As the Superfund program has evolved, the EPA Regions have relied more heavily on site-specific documents to delineate remedy implementation responsibilities rather than SMOAs. Aside from a recent amendment to the SMOA between EPA Region 3 and the Commonwealth of Virginia, all other SMOAs are several years, if not decades, old.

B. Superfund Cooperative Agreement

A Superfund cooperative agreement is a legally binding agreement between the EPA and a state that provides for the transfer of funds from the EPA to a state to: (1) undertake the lead for site-specific response activity; and (2) defray state costs incurred in connection with state-lead responses, or for performing work in a support-agency role at federal-lead responses or other CERCLA implementation activities. Thus, a Superfund cooperative agreement can be used when the state is either lead or support agency. It is typically the legally binding document to provide assurances when the state is the lead for a remedial action. In FY2017, approximately \$57.5 million was provided to states via Superfund cooperative agreements for site-specific and core program activities.

C. Superfund State Contract

A SSC is a legally binding agreement between the EPA and a state. A SSC may serve as a vehicle for many things. For example, a SSC may assure adequacy of state cost-share when the EPA is the lead agency for a response action. It may document that the state satisfies all required assurances under CERCLA. A SSC may also document CERCLA § 121(f) involvement during a political subdivision-lead response. The SSC must be signed by the EPA and the state before the EPA or the political subdivision can conduct the remedial action. In November 2015, EPA issued updated national model provisions for use in SSCs.⁴

D. Sample CWA/CERCLA Memorandum of Understanding – New Cross-Program Tool

In November 2017, five EPA offices⁵ released a site-specific sample MOU (Sample MOU) for use at contaminated sediment sites to facilitate collaboration and communication among the various government stakeholders involved at such sites. The non-binding Sample MOU makes cross-programmatic efforts among the CERCLA, CWA, and enforcement programs more effective and consistent by delineating roles and responsibilities across these programs and the government agencies involved. It does not take the place of SSCs, cooperative agreements, or SMOAs. The Sample MOU effort is related to Superfund Task Force Recommendation 19, which aims to increase the use of MOUs with federal agencies, states, and tribes to identify lead agencies for each site and roles and

⁴ To obtain the 2015 model SSC, visit the EPA's "Superfund: Remedial Design/Remedial Action" webpage at https://www.epa.gov/superfund/superfund-remedial-design-remedial-action#ssc_anchor.

⁵ The Office of Enforcement and Compliance Assurance's Office of Site Remediation Enforcement; the Office of Water's Office of Science and Technology, Office of Wastewater Management, and Office of Wetlands, Oceans, and Watersheds; and the Office of Land and Emergency Management's Office of Superfund Remediation and Technology Innovation.

responsibilities for each government stakeholder involved. The Sample MOU can be found on EPA's website⁶ and is also posted to the new SharePoint site created for this effort, *EPA and State Cooperative Efforts at Superfund Sites*.⁷

E. Best Practice Process for Identifying and Determining State Applicable or Relevant and Appropriate Requirements Status Pilot

A team of EPA managers, remedial project managers (RPMs), and attorneys, as well as state attorneys and other EPA Headquarters staff developed a recommended process during an October 2015 four-day Lean⁸ event. OSRTI sponsored the project and applied Lean process improvement principles and methods to the ARARs identification and selection process. The EPA designed the process to serve as a possible template for ARARs identification in the absence of an EPA-state SMOA or to supplement a SMOA. The process does not impose legally binding requirements on the EPA, states, or the regulated community; further, EPA decision-makers retain the discretion to modify the template, as appropriate, to adopt approaches to site-specific situations. The best practice process can be found on the EPA's website.⁹

V. Suggestions for Region/State Coordination and Cooperation

In 2015, OSRE surveyed the EPA Regions to better understand how they work with and involve states in Superfund response actions. Building on OSRE's 2015 survey, and under Superfund Task Force Recommendation 19, OSRE and OSRTI developed a set of discussion questions and shared them with the EPA Regions to examine state involvement within the Superfund remedial and enforcement programs to improve coordination, leverage efficiencies, and avoid unnecessary duplication of efforts. Individual calls were held with each Region's remedial branch chiefs and Superfund enforcement branch chief(s) to discuss the questions. The discussions were focused on each Region's consultation and engagement with their states, and notification to the states of response action negotiations.

All but one EPA Region conducts at least one in-person meeting with their state counterparts on an annual basis. One Region reported meeting every 18 months instead of annually. Some Regions hold these meetings with all the states in the Region; other Regions meet separately with each state. During these meetings, the Region and states discuss broad programmatic Superfund issues, as well as plan for upcoming response activities and associated state involvement. Some Regions meet with their states twice a year or even quarterly. In addition to these programmatic meetings, Regions hold separate site-specific meetings with each state. These individual state meetings occur in person or via videoconference.

Every EPA Region responded that they provide states with notice about upcoming negotiations with PRPs. How each Region provides states with notice varies. All Regions reported providing notification via phone call or email to states about planned negotiations. About half the Regions reported that, in addition to providing notification in these ways, they copied the state on general and/or special notice letters to the PRP. In addition, four EPA Regions responded that they provide separate notification to the state via letter addressed directly to the state. EPA Region 3, for example, has an enforcement notification protocol with an established standard operating procedure that it uses for all its enforcement programs to provide states with proper notice. In addition, two EPA Regions reported that

⁶ "CWA/CERCLA Site-Specific Sample Memorandum of Understanding" webpage, available at: https://cfpub.epa.gov/compliance/models/view.cfm?model_ID=812.

⁷ EPA SharePoint, EPA and State Cooperative Efforts at Superfund Sites: https://usepa.sharepoint.com/sites/OLEM_Community/epaandstatesfcooperation.

⁸ See "Lean @ EPA" website at <https://www.epa.gov/lean>.

⁹ "Best Practice Process for Identifying and Determining State Applicable or Relevant and Appropriate Requirements Status Pilot" (Oct. 2017): <https://semspub.epa.gov/work/HQ/197017.pdf>.

their Superfund attorneys hold annual or bi-annual meetings with their state counterparts to discuss various Superfund enforcement-related matters.

At the end of April 2018, OSRE and OSRTI met with states at the Association of State and Territorial Solid Waste Management Officials' (ASTSWMO) Mid-Year Meeting. OSRE and OSRTI had the opportunity to discuss with the states some of the EPA Regions' responses to the discussions and to engage with the states about what is working best in terms of coordinating and collaborating with the Regions, as well as what could be improved.

Based on these discussions with the EPA Regions and states, the following are some suggestions to help involve and coordinate with states in the Superfund program. These are not mandatory practices but represent state engagement practices some Regions and states have found useful. Some of the model documents and tools discussed in this document are available on the new SharePoint site, *EPA and State Cooperative Efforts at Superfund Sites*.¹⁰ We encourage Regions and states to use this site to continue to share models which may further improve state and regional coordination.

- **Involve Office of Regional Counsel, where appropriate, at annual consultation meetings with states** (EPA Regions 2, 7, 10): Most EPA Regions reported that their Office of Regional Counsel (ORC) does not participate in their regularly-recurring state consultation meetings, particularly because the states' legal counterparts do not participate. To the extent appropriate, however, Regions might want to consider having their ORC participate in these consultation meetings, particularly if state attorneys participate, or alternatively involving the ORC in the development of the state consultation meeting agenda. Including the ORC can help address enforcement issues that may arise during the consultation meetings.
- **Hold Superfund counsel meetings** (EPA Regions 8 and 10): Two EPA Regions reported holding regular coordination meetings between the ORC and the state's attorney general's office (or counsel within the state environmental agency, if applicable). Such regular meetings – either in person or via videoconference – can provide opportunities for coordination and collaboration on unique or complex legal issues that arise at Superfund sites.
- **Establish a regional/state liaison function** (prior practice of EPA Region 10; New Jersey): Where resources allow, EPA Regions and states may both consider building a “regional” or “state” liaison function into their Superfund team to improve regional and state coordination. Having such a liaison may help give Regions and states a clear technical point of contact for Superfund issues.
- **Host Region and state training opportunities for Superfund-related matters** (EPA Regions 7 and 10): Training provides another opportunity to engage with state partners and can help provide the states with technical resources and tools. Every year EPA Region 7 invites states to their Regional Association of Remedial Project Managers training. EPA Region 10 offers training on Superfund-related matters to the states.

¹⁰ *Supra* note 7.

- **Co-host regional all-state meetings** (EPA Regions 4, 7, 8 and 10): Four EPA Regions now co-host meetings that include all of the states within their Region. This includes rotating a state lead for the meeting location, organizing the agenda, and selecting site visits for the meeting. Some Regions also include the office directors for OSRE and OSRTI in their all-state meetings. Regions can also consider building in “state-only” meetings to strengthen the relationship among states within the Region.
- **Build capacity of states to conduct five-year reviews** (EPA Region 4): The EPA Regions may consider providing funds through their state cooperative agreements to leverage this support. States may find it useful to conduct these reviews to increase their knowledge of remedy conditions prior to the start of operation and maintenance (O&M).
- **Provide the state direct notification of upcoming negotiations with PRPs, rather than copying the state on special notice letters sent to the PRPs** (EPA Regions 3 and 5): EPA Region 5 has developed a model letter (available in the SharePoint site mentioned above) that provides notice to the states, under CERCLA § 121(f), of planned negotiations with PRPs and provides the states an opportunity to participate. This letter is sent by the site’s RPM to their state counterpart. In another example, EPA Region 3 implements a notification process for hazardous site cleanups that includes compliance assurance protocols for communicating different kinds of compliance assurance related activities to the state counterparts.
- **Develop a memorandum of agreement for remedies requiring O&M** (EPA Region 2): As discussed in Section III, most EPA Regions and states do not have current SMOAs. EPA Region 2, however, has a specific Memorandum of Agreement (MOA) with New York to document deliverables and timeframes that occur prior to the transfer of a Fund-lead remedy to the state for O&M. Region 2 reported that this MOA has proven valuable. For more information, view the Region 2/NY MOA on the SharePoint site.
- **Hold a remedial investigation/feasibility study workshop** (EPA Region 9): EPA Region 9 has been coordinating with California on Fund-lead mine sites to receive early input in the remedial investigation/feasibility study (RI/FS) process by holding stakeholder workshops to discuss remedial alternatives prior to finalizing the FS. The collaborative FS process has helped the Region and state to generally agree on important factors (e.g., cost effectiveness) prior to starting the proposed plan. This approach has been particularly useful for alternatives that involve high O&M costs. The “stakeholders” participating in the technical workgroup include core technical staff and managers: Region 9 RPMs and contractors, state project managers and technical support staff, the tribal environmental director and technical support contractor, and representatives from California’s State Regional Water Quality Control Board.
- **Use Superfund Comprehensive Accomplishments Planning Report-14 (SCAP-14) reports for agenda items** (EPA Regions 1 and 3): Some EPA Regions use these reports to develop the agenda for and guide discussion at consultation meetings with states. SCAP-14s are used to track targeting, planning, and accomplishment actions (e.g., RI/FS, removal, negotiations, cost recovery) in support of the remedial, enforcement, removal, and federal facility programs. The report is also used as a management tool to monitor progress toward meeting program goals and objectives, including Government Performance and Results Act annual performance goals.
- **Continue use of the state coordination workgroup on human health:** The state coordination workgroup has been working closely with risk assessors in all 10 EPA Regions and in the states on human health risk assessment and environmental contamination issues since its inauguration in 2011. The purpose of the workgroup is to share scientific and technical information and facilitate information exchange between state agencies and the EPA. Workgroup co-chairs

(EPA Regions 6 and 8) have organized and hosted quarterly webinars/conference calls to address topics that are important and of interest to state risk assessors such as human health (Integrated Risk Information System or IRIS, community-focused exposure and risk screening, radiation risk assessment, probabilistic and next generation risk assessment), contaminants (e.g., lead, asbestos, Per- and Polyfluoroalkyl Substances or PFAS), environmental policy/guidance and remediation (blood lead/integrated exposure uptake biokinetic model, vapor intrusion, bioavailability, systematic review, urban background, and incremental sampling), and Office of Research and Development research.

VI. Opportunities to Address Site Cleanups Under State Programs

In addition to the suggestions described above in which states play a role during a cleanup process under CERCLA, there are other mechanisms under which states may take the lead for response actions. In such scenarios, the contaminated site or property is addressed under the state's statutes, using the state's cleanup and enforcement authorities. When states are able to address sites under their own cleanup programs, federal resources are freed up for use at other sites.

A. Existing Mechanisms: Deferral to Other Programs

EPA's FY2018 Superfund Program Implementation Manual (SPIM) provides information about existing mechanisms to address sites under other cleanup programs.¹¹ Specifically, alternatives to addressing a site under CERCLA's remedial process may include deferral to the Resource Conservation and Recovery Act (RCRA), deferral to Other Cleanup Activity (OCA), deferral to the Nuclear Regulatory Commission, and formal state deferral.

Since 1983, it has been the Agency's policy to defer placing sites on the NPL that can be addressed by RCRA Subtitle C corrective action authorities.¹² However, the EPA may depart from the policy on a case-by-case basis where CERCLA authorities are determined to be more appropriate, for example, when the RCRA facility owner or operator is unable or unwilling to take corrective action.¹³ Forty-four states are authorized for RCRA corrective action.

Certain sites that are not yet listed on the NPL, but are eligible for listing, may be addressed under a state environmental cleanup program (or another tribal, municipal, or other federal agency program), known as "other cleanup activity."

Finally, under state deferral, states may respond at sites that the EPA would otherwise not soon address under remedial action, using their own laws and authorities.¹⁴

B. State Response Programs

State response programs that meet the elements listed in CERCLA § 128(a) provide another avenue for addressing contaminated properties or sites. Generally, these state programs are used to remediate lesser-contaminated sites and those not eligible for NPL listing, commonly referred to as "brownfields." Beginning in the mid-1990s, the EPA increased its partnerships with states through these response programs to address the cleanup of brownfields and to strengthen and build program capacity. As part of this effort, the EPA has entered into memoranda of agreement with 25 states to

¹¹ Superfund Program Implementation Manual FY2018 (OLEM July 31, 2017), available at <https://www.epa.gov/superfund/superfund-program-implementation-manual>.

¹² 51 Fed. Reg. 21057 (June 10, 1986).

¹³ *Id.*

¹⁴ U.S. EPA, *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions* (OSWER Dir. 9375.6-11) (May 1995), available at <https://semspub.epa.gov/work/HQ/156921.pdf>.

encourage the voluntary cleanup of brownfields under state oversight. All 50 states receive funding from the EPA for their brownfields and response programs.

CERCLA § 128(b) prohibits, with specific exceptions, federal enforcement or cost recovery actions against parties responding under the state's response program. CERCLA § 128(b) applies to a person addressing a release at an "eligible response site" as defined under CERCLA § 101(41) in compliance with a state response program that includes each of the elements described in Section 128(a) and the public record described in Section 128(c).

C. Model MOU Regarding Oversight and Enforcement of Remaining Response Actions Under State Law at Post-Enforcement CERCLA Sites – New OSRE/OSRTI Effort

Over the past several years, there have been Superfund sites where the EPA has entered into a CERCLA enforcement agreement with the PRP and, for a variety of reasons, a state has subsequently sought to address the site using state authorities rather than have the site cleanup conclude under CERCLA. Pursuant to Superfund Task Force Recommendation 19, OSRE has developed a model EPA-State MOU that clarifies the process for a state to assume the responsibility for the enforcement and oversight of the remaining cleanup at a non-NPL site using state law where there is already a CERCLA administrative order on consent.¹⁵

Where a state's program (including cleanup and enforcement authorities) is capable of providing a CERCLA-protective cleanup and the state can successfully negotiate an enforcement agreement with the PRP for a CERCLA-protective cleanup, it may be acceptable to enter into a site-specific, non-binding MOU based on the model MOU. Moving forward with an MOU at these sites may involve, among other things, EPA recovering its past costs and any potential future costs from the PRP, and the EPA ensuring that the community is agreeable to the change in approach at the site and has access to technical assistance.

VII. Conclusion

The EPA encourages Regions and states to continue to identify state engagement practices which further improve regional and state coordination. These practices, in addition to the model documents and tools discussed in this document will be available on the new SharePoint site discussed above. For questions about this memorandum or to submit additional examples of state engagement practices, please contact Matthew Sander in OSRE at (202) 564-7233 or sander.matthew@epa.gov and Ellyn Fine in OSRTI at (703) 603-8714 or fine.ellyn@epa.gov.

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Superfund Remedial Program Branch Chiefs, Regions 1-10
Superfund Regional Counsel Branch Chiefs, Regions 1-10

¹⁵ "Model Memorandum of Understanding Regarding the Oversight and Enforcement of Remaining Response Actions Under State Law at Post-Enforcement Comprehensive Environmental Response, Compensation, and Liability Sites" (August 1, 2019), available at <https://www.epa.gov/enforcement/oversight-and-enforcement-remaining-response-actions-under-state-law-memorandum>.