

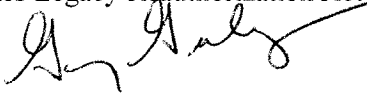


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 GREAT LAKES NATIONAL PROGRAM OFFICE
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

MEMORANDUM

DATE: October 15, 2009

SUBJECT: Recommendation to Concur with Procedures for Site Characterization at Federal Expense under the Great Lakes Legacy Reauthorization Act

FROM: Gary V. Gulezian, Director 

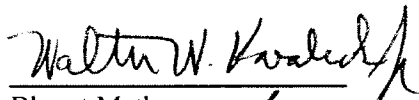
TO: Bharat Mathur, Acting Great Lakes National Program Manager

Attached are our proposed procedures for conducting site characterizations at 100% Federal expense under the Great Lakes Legacy Reauthorization Act (GLLRA). We have consulted ORC and they believe this memo accurately captures the requirements of the new provision for funding site characterizations at 100% Federal expense. I recommend that you concur.

On October 6, 2008, the GLLRA of 2008 was signed into law (PL 110-365). This extends the authorization for this contaminated sediment clean-up program for two additional years (through 2010), while keeping the authorized funding level the same as in the original law. One of the new provisions in the GLLRA is to allow for "site characterizations" at full Federal expense.

The attached memo outlines our recommended procedures for identification, evaluation, and ultimately the selection of sites for characterization at 100% Federal funding under the GLLRA. Under the GLLRA, "The Administrator, in consultation with any affected State or unit of local government, shall carry out at Federal expense the site characterization of a project under this paragraph for the remediation of contaminated sediment." As these sites are to be conducted at 100% federal expense, no Project Agreement will be required. Therefore, a recommendation memo will be generated from the Director of the Great Lakes National Program Office to the Great Lakes National Program Manager for approval prior to funding of any work on a site(s) under this provision. These memos will include the site(s) recommended for funding along with how they met the criteria established in the attached memo.

Concur:


 Bharat Mathur *for*
 Acting Great Lakes National
 Program Manager

10/28/09
 Date

Non-concur:

 Bharat Mathur
 Acting Great Lakes National
 Program Manager

 Date

Attachment

DATE: October 15, 2009

SUBJECT: Procedures for Site Characterization at Federal Expense under the Great Lakes Legacy Reauthorization Act

On October 6, 2008, the Great Lakes Legacy Reauthorization Act (GLLRA) of 2008 was signed into law (PL 110-365). This extends the authorization for this contaminated sediment clean-up program for two additional years (through 2010), while keeping the authorized funding level the same as in the original law. This memo outlines the procedures for identification, evaluation, and ultimately the selection of sites for characterization at 100% Federal funding under the GLLRA. Under the GLLRA, "The Administrator, in consultation with any affected State or unit of local government, shall carry out at Federal expense the site characterization of a project under this paragraph for the remediation of contaminated sediment." The GLLRA has the limitation that the "Administrator may carry out one site assessment per discrete site within a project at Federal expense." Based on our knowledge of the AOCs, we anticipate that most, if not all of the AOCs, will have multiple discrete sites that require a sediment site characterization. All site characterizations may be affected by any one or all of the following: 1) The GLLRA mandates that not more than 20% of the funds appropriated for a fiscal year may be used to carry out activities pursuant to this activity; 2) availability of funds – recognizing the first priority of the Act is for remediation; and 3) logistical issues, including but not limited to, the schedule of the R/V Mudpuppy.

It is the intent of this program to conduct these site characterizations using a phased-approach. In order to be consistent with good engineering practices and the efficient use of government funds, the program may conduct multiple phases of a single site characterization, building on information gathered from the earlier phase, to allow us to accomplish a complete characterization of the site in question. A phased approach will identify where more intensive sampling is needed, and which analyses are needed for subsequent sampling phases. This type of approach is consistent with the Remedial Investigation/Feasibility Study (RI/FS) process used by the Superfund program.

GLNPO will evaluate various forms of information to identify the universe of sites potentially requiring site characterization in Great Lakes Areas of Concern (AOC). A few of these include: the list of known contaminated sediment sites that have been submitted by the Great Lakes states and compiled by GLNPO; input received from the Great Lakes states on their high priority sites and considered to be of strategic importance, and; information provided by any other entity within the Great Lakes AOCs.

GLNPO will look at a variety of factors to weigh all the evidence for selecting sites to be funded under this new provision. Some of these factors are: 1) sites having the greatest potential to lead to a remedial action; 2) prioritization of sites by the states; 3) sites thought to be the most highly contaminated and/or causing the greatest environmental harm; 4) sites that if assessed could help identify non-federal sponsors and ultimately lead to remedial actions that will remove an AOC designation or substantially move an AOC toward delisting; 5) a time-critical component which would ensure that remedial projects

are not delayed; 6) logistical and timing considerations with respect to staff and resources, and 7) the availability of funds. As the highest priority under the GLLRA is to fund remediation projects, it is possible that no funding would be available for this site characterization provision in a given year.

All of these factors will be taken into consideration when selecting a site for characterization at 100% federal funding under the GLLRA. The Great Lakes Legacy Act Program Manager, working with the Technical Assistance and Analysis Branch Chief, will be responsible for overseeing this review and ultimately making a recommendation to the GLNPO Director for final site selection. The GLNPO Director will then make a recommendation to the Great Lakes National Program Manager for selection of site(s) to be funded under this provision. It is important to note that this provision does not change existing discretionary authority to cost-share eligible projects to monitor and evaluate contaminated sediment under the GLLRA with a non-Federal sponsor.