

EPA's Superfund Task Force Releases Recommendations

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On May 22, 2017, three months into his new role as head of the Environmental Protection Agency (EPA), Administrator Scott Pruitt established a “Superfund Task Force” (Task Force) to evaluate the Superfund program and provide recommendations on how the Agency can improve the program.

The Superfund program was established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) with the goal of reducing risk to human health and the environment posed by sites contaminated with hazardous substances. CERCLA requires that the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) identifies the sites posing the greatest risk within the United States. As of June 21, 2017, there are over 1,300 sites on the National Priorities List (NPL), a fact which Pruitt was “astounded to learn.” “Many of these sites have been listed as Superfund sites for decades, some for as many as 30 years,” Pruitt noted. “We can—and should—do better.” Pruitt directed the Task Force to come up with a plan to make the program more efficient and effective.

On July 25, 2017, the Task Force issued its recommendations, which focus on five key goals:

1. Expediting cleanup and remediation
2. Reinvigorating responsible party cleanup and reuse
3. Encouraging private investment in the cleanup process
4. Promoting redevelopment and community revitalization
5. Engaging partners and stakeholders

Key recommendations include creating an “Administrator’s Top Ten” list of sites that will receive Pruitt’s weekly attention. The Task Force also suggests utilizing private investments in cleanups, including environmental liability transfer approaches, in order to accelerate remediation and promote reuse. In order to encourage responsible parties to efficiently complete negotiations and cleanup commitments, the Task Force recommends establishing both increased incentives—such as reducing responsibility for government oversight costs as a reward for timely and high-quality work—and deterrents. The Task Force emphasizes that strong relationships with stakeholders will

play a key role in EPA's remediation success, and recommends development of such relationships through ongoing and robust dialogue between EPA and stakeholders.

Upon acceptance of its report, the Task Force estimates that the specific actions outlined will be implemented immediately or within 12 months. The report includes 42 recommendations that can be implemented within a year without any legislative changes and will apply to all Superfund sites, with priority given to addressing NPL sites.

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