

The background features a large, faded watermark of the United States Environmental Protection Agency (EPA) logo. The logo is circular, with the words "UNITED STATES" at the top and "ENVIRONMENTAL PROTECTION AGENCY" at the bottom. In the center is a stylized flower with a globe as its head, symbolizing environmental protection.

CERCLA (Superfund) 101

To: HAB

By: HPO EPA

02/06/24

Objective

- ▶ Introduction to cleanup actions regulated by the US Environmental Protection Agency (EPA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- ▶ Following this session, you should be able to:
 - ▶ Understand the purpose of CERCLA and the National Priorities List
 - ▶ Explain how a federal facilities agreement (Hanford TPA) identifies agency roles and responsibilities for cleanup
 - ▶ Recognize the role of the lead cleanup agency at federal facility Superfund, Hanford
 - ▶ Recognize EPA's role at federal facility sites

What is Superfund?

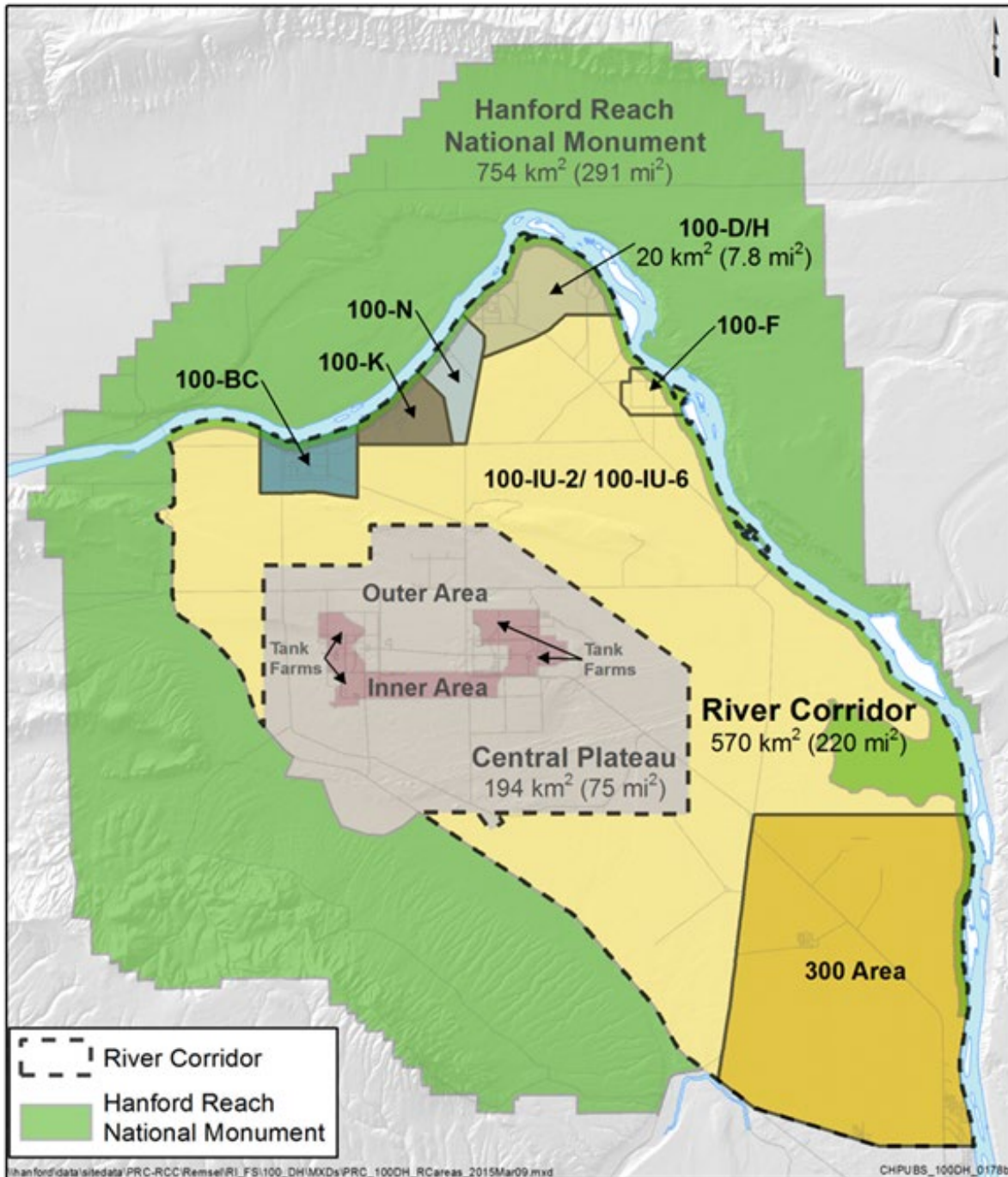
- ▶ Superfund is the common name for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (**CERCLA**)
 - ▶ Implemented via the National Contingency Plan (NCP)
- ▶ CERCLA addresses cleanup of sites contaminated with uncontrolled hazardous substances, providing legal authority to respond to a release or threat of release to the environment
 - ▶ Time-critical/Non-time critical removal action
 - ▶ Remedial action
 - ▶ Enforcement action
- ▶ Established the Hazardous Substance Trust Fund - Superfund Tax*
 - ▶ Reinstated on July 1, 2022 through Dec. 31, 2031
- ▶ Provides authority to impose strict, joint, and several liabilities to Potentially Responsible Parties (PRPs) or a federal agency.

What is Superfund? (cont.)

- ▶ National Priorities List (NPL)
 - ▶ List of highest priority sites where releases of hazardous substances have occurred in the United States.
 - ▶ Hazard Ranking System (HRS): Required by CERCLA to score a proposed site based on certain factors to determine which sites warrant placement on the NPL

Hanford NPL Sites

- ▶ 100 Area - Reactor Areas
- ▶ 200 Area - Central Area
- ▶ 300 Area - Industrial Area
- ▶ 1100 Area - Horn Rapids Landfill (has been deleted from the NPL)



Superfund Regulations

- ▶ All are subject to CERCLA, NCP, and public participation requirements
- ▶ CERCLA Section 120 is specific to Federal Facilities
- ▶ States governments participate in the planning and selection of remedial actions
- ▶ Tribal governments are offered consultation when Superfund actions may affect Tribal interests
- ▶ EPA's "lead regulator" policy allows qualified states to supervise cleanups at Federal facilities, subject to EPA approval. Clarifies roles & minimizes overlapping regulatory oversight of cleanup
- ▶ E.O. 12580 delegates response authorities to Federal agencies for releases at their facilities, "Lead agency"

“Lead Agency” Definition

- The National Contingency Plan (40 CFR 300.5) states that:
 - The **Lead Agency** is the agency that provides the On-Scene Coordinators (OSCs)/Remedial Project Managers (RPMs).
 - The Department of Defense (DoD) or Department of Energy (DoE), then DoD or DoE will be the **lead agency** for their sites.

DOE is the lead agency for cleanup at the Hanford Site under CERCLA

Hanford TPA Cheat Sheet

Tri-Party Agreement (TPA, 1989)

- TPA serves as CERCLA Federal Facilities Agreement (FFA)
- Includes schedules and work requirements for DOE to complete CERCLA cleanup and return to compliance under the state's Dangerous Waste Program.
- Outlines mechanism to integrate cleanup and closure under the permit with associated CERCLA activities
- Identifies DOE as the lead agency for CERCLA response actions, selects the remedy with EPA, and leads community involvement activities
- DOE facilitates and generates the requests for cleanup and documentation
- EPA and/or Ecology are the lead regulatory agency for specific areas of cleanup

Ecology

RCRA/Dangerous Waste Permit (1994)

- TPA serves as State RCRA Program Compliance Order under Dangerous Waste Program
- Manages cleanup of hazardous and mixed (hazardous and radioactive) waste
- Permit works in concert with the TPA to establish regulatory requirements applicable to the site
- Permit provides Ecology the ability to directly regulate parts of the Hanford facility, including the underground tank systems and waste treatment plant

EPA

CERCLA Federal Facilities Agreement (1989)

- Authorizes cleanup of hazardous waste sites
- Covers Hanford National Priority List (NPL) Sites for 100, 200, 300, and 1100 Area
- CERCLA Section 120 requirements for Federal Facilities apply to Hanford
- EPA or Ecology, or sometimes both, serve as lead regulatory agency for CERCLA OUs
- EPA retains final decision-making authority for remedial actions at Hanford

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Hanford TPA Cheat Sheet



EPA

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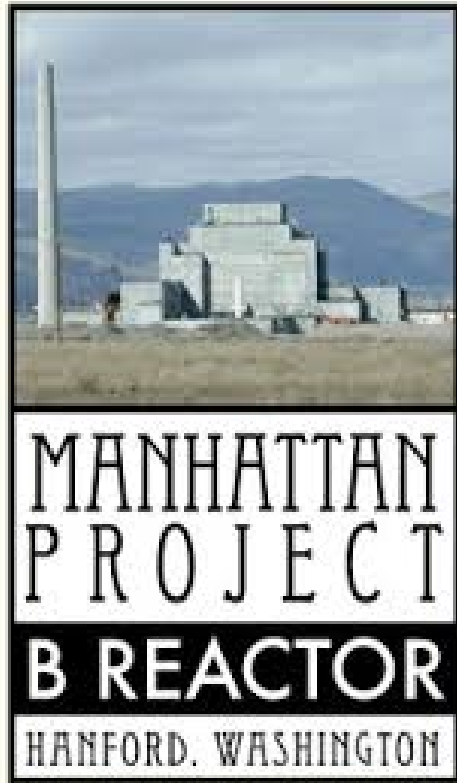
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Tri-Party Agreement (TPA) & CERCLA

- ▶ Past and current CERCLA Documents and remedial actions (FYRs, RODs, etc.)
 - ▶ Hanford [CERCLA Five-Year Review](#) (issued CY22)
 - ▶ 100-Area
 - ▶ [100-BC Record of Decision](#) (issued CY21)
 - ▶ Ongoing soil and groundwater cleanup at 100-K
- ▶ Upcoming CERCLA items
 - ▶ 300 Area: Working towards amending ROD to address the 300-296 soils due to changed site conditions
 - ▶ 100-K Record of Decision (projected FY25)
 - ▶ 100-N Record of Decision (projected FY25)



EPA Priorities



- ▶ Ensuring protection and completion of cleanup along the Columbia River
- ▶ Continuing groundwater restoration across Hanford
- ▶ Continuing progress with characterization and cleanup of sites in the Central Plateau
- ▶ Implementing current TPA schedules and milestones for cleanup
- ▶ Ensuring appropriate levels of public involvement in Hanford decision-making, information sharing, and overall awareness of site activities
- ▶ Supporting national EPA efforts on climate change and environmental justice

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Questions?

Thank you!



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CERCLA at other sites vs. Federal Facilities

- ▶ Private/Fund-Lead Sites:
 - ▶ EPA is the lead agency; the remedial project manager (RPM) is the official designated by the agency to coordinate, monitor, or direct remedial and/or other response actions under CERCLA
 - ▶ Subject to CERCLA, NCP, public participation requirements
 - ▶ Cleanup paid for by the polluter or the Superfund Trust Fund if no viable party
 - ▶ Administered by Office of Superfund Remediation and Technology Innovation (OSRTI) & enforced by Office of Enforcement and Compliance Assurance (OECA)

CERCLA at other sites vs. Federal Facilities (cont.)

▶ Federal Facilities:

- ▶ Subject to CERCLA, NCP, public participation requirements
- ▶ E.O. 12580 delegates response authorities to Federal agencies for releases at their facilities, “Lead agency”
- ▶ Not permitted to use Trust Fund monies
- ▶ State governments participate in the planning and selection of remedial actions
- ▶ Tribal governments are offered consultation when Superfund actions may affect Tribal interests
- ▶ EPA’s “lead regulator” policy allows qualified states to supervise cleanups at Federal facilities, subject to EPA approval. Clarifies roles & minimizes overlapping regulatory oversight of cleanup
- ▶ Federal Facility Restoration and Reuse Office (FFRRO) & Federal Facilities Enforcement Office (FFEO)