



## EPA Administrator Makes Streamlining Superfund a Priority

07.05.2017

EPA Administrator Scott Pruitt believes that “Superfund cleanups take too long to start and too long to complete.” That’s the impetus behind a May 22, 2017 internal memo he issued regarding EPA’s Superfund program. In it, he said, “The process of evaluating the contamination at a site and developing the appropriate remedy can take years – if not decades – delaying remediation of the site and withholding the full beneficial use of the area from the local community. Under my administration, Superfund and the EPA’s land and water cleanup efforts will be restored to their rightful place at the center of the agency’s core mission.”

The memo indicates that Administrator Pruitt is taking two immediate actions. First, “to promote increased oversight, accountability and consistency in remedy selections,” Administrator Pruitt cancelled authority previously provided to the EPA Assistant Administrator for the Office of Land Emergency Management (which has jurisdiction over Superfund) and to all EPA Regional Administrators to issue remedies for certain Superfund sites. Now, the Administrator and his staff will select the remedy at sites whose cleanup is estimated to cost \$50 million or more. This decision is widely seen as a way for the Administrator to expedite the cleanups of large sites that have been stalled for years. Second, notwithstanding the change, Administrator Pruitt directed Regional Administrators and their staff to more fully and frequently coordinate with his office throughout the process of developing and evaluating alternatives and selecting a remedy, particularly at sites with remedies estimated to cost \$50 million or more.

Perhaps the most significant aspect of the memo is the Administrator’s appointment of a task force “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.” The task force is chaired by Albert Kelly, Senior Advisor to the Administrator, and includes leaders from OLEM, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, and EPA Region III. The Administrator required that a report be issued by the task force by June 21, 2017.

The Administrator wants recommendations to streamline and improve the efficiency and efficacy of the

Superfund program. Among other things, he directed the task force to focus on strategies that will reduce (i) the amount of time between identification of contamination at a site and a determination that a site is completed and ready for reuse, and (ii) studies that are “nice to know,” but don’t contribute to selection of a remedy. We think Administrator Pruitt is right to order a top-to-bottom review of the Superfund program. We’ll let you know what the task force concludes once its report is publicly-available.

*Prioritizing the Superfund Program* by Administrator Scott Pruitt (May 22, 2017).

## **Related People**

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