

Optimizing for Post Construction Phase of Superfund Sites: Association of State and Territorial Solid Waste Management Officials Publication



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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) published a presentation titled:

Optimizing for the Post Construction Phase of Superfund Sites (“Presentation”)

The *Presentation* was drafted by ASTSWMO’s CERCLA Post Construction Group (“Focus Group”) which is comprised of State and Territorial (State) members from all United States Environmental Protection Agency (“EPA”) regions.

ASTSWMO states that the mission of its Focus Group is to promote:

- facilitation and maintenance of reliable, effective, and protective remedies constructed at contaminated sites
- include identification of the resources necessary following remedy construction
- communicate State program strategies effectively among interested parties

The *Presentation* is intended to help states identify efficient and effective adaptive Operational and Maintenance (“O&M”) management practices that can be utilized to respond to changing conditions while ensuring protectiveness of human health and the environment.

The Focus Group states that in preparing the *Presentation* it conducted an inventory and evaluation of fund financed Long Term Response Action sites that have gone through a Record of Decision amendment. It also looked at those sites that have an Explanation of Significant Differences (“ESD”). Only sites that have been present over the past 15 years were reviewed.

Further, the Focus Group notes that 39 sites were reviewed for:

... common trends that led to the triggering of a ROD amendment or ESD.

The common triggers that were identified included:

- incomplete site characterization
- removal actions/interim RODs
- emerging contaminants,
- recognition of additional exposure pathways
- changes in technology

- remedy optimization
- other issues such as institutional controls

The *Presentation* recommends the following practices that it states will help states be prepared for O&M:

- Ensure State ARARs are written into the ROD
- States and EPA should coordinate in the process of holistically developing the scope for the remedy
- Recommend use of language in the Superfund State Contract model provisions that allow the state to negotiate within the process – example: include “EPA may grant a 1- year extension to the Operational and Functional period, if appropriate”
- Identify issues prior to the O&F determination
- Use of a formal Adaptive Management approach to site/remedy management before and after O&M

A copy of the *Presentation* can be downloaded [here](#).