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Best Practices to Ensure State Collaboration in Superfund: Association of State and Territorial Solid Waste Management Officials Remedial Action Focus Group Report

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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) issued a February 2022 report titled:

Best Practices to Ensure State Collaboration in Superfund (“Report”)

The *Report* was prepared by ASTSWMO’s Remedial Action Focus Group (“RAFG”) with assistance from the United States Environmental Protection Agency (“EPA”) pursuant to a Cooperative Agreement.

ASTSWMO describes itself as an association representing the waste management and remediation programs that include:

- 50 states
- 5 territories
- District of Columbia

The membership includes state waste program personnel involved in the management and regulation of solid and hazardous waste.

ASTSWMO describes the mission of the RAFG as researching:

... issues associated with the remediation of hazardous substances at State and Territorial (States) and federal Superfund sites and the infrastructure development needs of these State programs.

As a result, its activities include evaluation of potential impacts and relevance of Superfund program issues to the states and work with EPA staff to identify priority issues and approaches to resolving such issues.

The *Report* states that RAFG intends the document to be a resource for states as they coordinate with EPA on Superfund site characterization and remediation.

The *Report* notes that the 2018-2022 EPA Strategic Plan established cooperative federalism as one of the federal agency’s main goals and priorities. Further, the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) (also known as Superfund) includes a number of activities

and/or statutory provisions that provide for state involvement in the investigation and remediation process.

The *Report* lists the various CERCLA statutory provisions involving states as including:

- § 104(c)(2)
- § 104(c)(3)
- § 104(d)
- § 121(f)(1)
- § 121(f)(2)
- § 121(f)(3)

In preparing the *Report*, RAFG posed a series of questions to State Representatives, which included:

1. What has been your experience coordinating with EPA on Superfund site activities in your States?
2. Have you developed any best practices or would you like to share any lessons learned on coordinating with EPA?
3. Have you received special funding through cooperative agreement grants for State assistance and if so, for what kind of activities?
4. Has your State assumed a leadership role in any aspects of NPL site cleanup in your State?
5. What opportunities or barriers do you see for increased State participation?

Responses were received from 30 states representing nine of ten EPA regions.

The *Report* details the various responses and includes case studies.

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