

Why GAO Did This Study

Under the Superfund program, EPA may address the long-term cleanup of certain hazardous waste sites by placing them on the NPL and overseeing the cleanup. To be eligible for the NPL, a site must be sufficiently contaminated, among other things. EPA regions have discretion to choose among several other approaches to address sites eligible for the NPL. For example, under the Superfund program, EPA regions may enter into agreements with PRPs using the SA approach. EPA may also defer the oversight of cleanup at eligible sites to approaches outside of the Superfund program. GAO was asked to review EPA's implementation of the SA approach and how it compares with the NPL approach. This report examines (1) how EPA addresses the cleanup of sites it has identified as eligible for the NPL, (2) how the processes for implementing the SA and NPL approaches compare, and (3) how SA agreement sites compare with similar NPL sites in completing the cleanup process. GAO reviewed applicable laws, regulations, and guidance; analyzed program data as of December 2012; interviewed EPA officials; and compared SA agreement sites with 74 NPL sites selected based on their similarity to SA agreement sites.

What GAO Recommends

GAO recommends, among other things, that EPA issue guidance to define and clarify documentation requirements for OCA deferrals and clarify its policies on SA agreement sites. EPA agreed with the report's recommendations.

SUPERFUND

EPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List

What GAO Found

The Environmental Protection Agency (EPA) most commonly addresses the cleanup of sites it has identified as eligible for the National Priorities List (NPL) by deferring oversight of the cleanup to approaches outside of the Superfund program. As of December 2012, of the 3,402 sites EPA identified as potentially eligible, EPA has deferred oversight of 1,984 sites to approaches outside the Superfund program, including 1,766 Other Cleanup Activity (OCA) deferrals to states and other entities. However, EPA has not issued guidance for OCA deferrals as it has for the other cleanup approaches. Moreover, EPA's program guidance does not clearly define each type of OCA deferral or specify in detail the documentation EPA regions should have to support their decisions on OCA deferrals. Without clearer guidance on OCA deferrals, EPA cannot be reasonably assured that its regions are consistently tracking these sites or that their documentation will be appropriate or sufficient to verify that these sites have been deferred or have completed cleanup. Under the Superfund program, EPA oversees the cleanup of 1,313 sites on the NPL, 67 sites under the Superfund Alternative (SA) approach, and at least 38 sites under another undefined approach.

The processes for implementing the SA and NPL approaches, while similar in many ways, have several differences. EPA has accounted for some of these differences in its SA guidance by listing specific provisions for SA agreements with potentially responsible parties (PRP), such as owners and operators of a site. One such provision helps ensure cleanups are not delayed by a loss of funding if the PRP stops cleaning up the site. However, some EPA regions have entered into agreements with PRPs at sites that officials said were likely eligible for the SA approach without following the SA guidance. Such agreements may not benefit from EPA's provisions for SA agreements. EPA headquarters officials said the agency prefers regions to use the SA approach at such sites, but EPA has not stated this preference explicitly in its guidance. In addition, EPA's tracking and reporting of certain aspects of the process under the SA approach differs from that under the NPL approach. As a result, EPA's tracking of SA agreement sites in its Superfund database is incomplete; the standards for documenting the NPL eligibility of SA agreement sites are less clear than those for NPL sites; and EPA is not publicly reporting a full picture of SA agreement sites. Unless EPA makes improvements in these areas, its management of the process at SA agreement sites may be hampered.

The SA agreement sites showed mixed results in completing the cleanup process when compared with 74 similar NPL sites GAO analyzed. Specifically, SA agreement and NPL sites in GAO's analysis showed mixed results in the average time to complete negotiations with PRPs and for specific cleanup activities, such as remedial investigation and feasibility studies, remedial designs, and remedial actions. In addition, a lower proportion of SA agreement sites have completed cleanup compared with similar NPL sites. SA agreement sites tend to be in earlier phases of the cleanup process because the SA approach began more recently than the NPL approach. Given the limited number of activities for both NPL and SA agreement sites in GAO's analysis, these differences cannot be attributed entirely to the type of approach used at each site.