

EPA Support for Cleanup of Federal Facilities Assessment

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Program Code	10004372															
Program Title	EPA Support for Cleanup of Federal Facilities															
Department Name	Environmental Protection Agy															
Agency/Bureau Name	Environmental Protection Agy															
Program Type(s)	Direct Federal Program															
Assessment Year	2005															
Assessment Rating	Moderately Effective															
Assessment Action Scores	<table border="1"> <thead> <tr> <th></th> <th>Section</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td></td> <td>Program Purpose & Design</td> <td>100%</td> </tr> <tr> <td></td> <td>Strategic Planning</td> <td>88%</td> </tr> <tr> <td></td> <td>Program Management</td> <td>100%</td> </tr> <tr> <td></td> <td>Program Results/Accountability</td> <td>47%</td> </tr> </tbody> </table>		Section	Score		Program Purpose & Design	100%		Strategic Planning	88%		Program Management	100%		Program Results/Accountability	47%
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FY2007	\$31															

Questions/Answers

Section 1 - Program Purpose & Design			
Number	Question	Answer	Score

1.1	<p>Is the program purpose clear?</p> <p><i>Explanation:</i> The purpose of the Superfund Federal Facilities Response Program, as stated in its mission statement, is to facilitate faster, more effective, and less costly cleanup and reuse of federal facilities while ensuring protection of human health and the environment from releases of hazardous substances. The program facilitates the cleanup of federal facilities on the CERCLA National Priorities List (NPL), including DoD Base Realignment and Closure (BRAC) properties on the NPL, and select facilities (current and former) that are not on the NPL. This mission is articulated in EPA's 2003 Strategic Plan, Goal 3, Subobjective 3.2.2, which states that the mission of the Superfund Federal Facilities Response Program is to assist other federal agencies to ""control the risks to human health and the environment at contaminated properties or sites through cleanup, stabilization, or other action, and make land available for reuse."" CERCLA section 120 defines requirements both for EPA and for federal agencies. Executive Order 12580 delegates specific sections of CERCLA to the Secretaries of other federal agencies who will be responsible for conducting the cleanups. In addition, the Defense Environmental Response Program (DERP) identifies responsibilities for DoD, and for EPA and states. As required by CERCLA section 120, EPA evaluates federal facilities and determines if they should be placed on the NPL. For releases at facilities on the NPL, EPA, by statute, is</p>	YES	20%
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required to negotiate and monitor the implementation of cleanup agreements with the responsible federal agency. CERCLA 120(h) identifies requirements the Agency must follow in regards to responsibilities, including concurring on the identification of uncontaminated parcels (CERCLA 120(h)(4)), concurring on the transfer of parcels on the NPL prior to cleanup completion (CERCLA 120(h)(3)(C)), and making determinations that remedies are operating properly and successfully (CERCLA 120(h)(3)(B)). EPA and its Federal Facilities Restoration and Reuse Office (FFRRO) has published regulations and guidance documents implementing these various requirements.

Evidence: CERCLA, 42 U.S.C. section 9620 (Federal facilities) CERCLA, 42 U.S.C. section 9604 (Response actions) CERCLA, 42 U.S.C. section 9606 (Abatement actions) CERCLA, 42 U.S.C. section 9621 (Cleanup standards) 10 U.S.C. 2701, Defense Environmental Restoration Program 10 U.S.C. 2705, Notice of Environmental Restoration Activities E.O. 12088 E.O. 12580 40 C.F.R. section 300.430, National Contingency Plan 40 C.F.R. 373, Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property Hall Amendment, 42 U.S.C. 7256 Community Environmental Response Facilitation Act (CERFA) EPA 2003-2008 Strategic Plan *Website addresses for all evidence/data provided on the Notes sheet where available.

1.2	<p>Does the program address a specific and existing problem, interest, or need?</p> <p><i>Explanation:</i> A 1995 report from a workgroup chaired by OMB and the CEQ estimated that the U.S. government is responsible for addressing approximately 61,155 contaminated sites, with a cost ranging from \$230 billion to \$390 billion over the next 75 years. At the time, this estimate did not include the costs of addressing military munitions response sites in the U.S. Current cost estimates to address military munitions response sites are approximately \$19 billion. In addition, federal land management agencies such as DOI and USDA may have a significant number of sites to be addressed, including mining sites that could have potential releases. Releases at federal facility Superfund sites may threaten human health, the environment, and the economic vitality of local communities. These sites have contaminated soils, sediments, buildings, surface waters and groundwater, and exist all over the county at active and inactive facilities. Contaminated media can be cleaned up in some cases in days while in other cases complete cleanup may not be technically feasible and residual contamination will persist for thousands of years. In addition, residual contamination left on these sites will need to be managed into the future, creating a need for long-term stewardship. There are currently 159 federal facilities listed as final on the NPL, and 6 proposed to be listed. Due to the complexity of NPL sites and levels of contamination and</p>	YES	20%
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risk, only 13 sites have been deleted from the NPL, while the Agency has approved 14 partial deletions. As of April 2005, 43 of the 172 final and deleted sites have achieved site-wide "construction completion." Ongoing activities at NPL federal facilities include 447 remedial investigations/feasibility studies, 217 remedial actions, and 66 operation and maintenance actions. In addition, while federal facility Superfund sites represent only 11% of the NPL, 67% of those federal facilities are considered megasites, defined as sites where response actions are expected to exceed \$50 million. Because of the large size and complexity of issues at federal facilities, cleanups will continue to require EPA oversight until all contamination has been addressed.

Evidence: Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC), April 1996 EPA 2003-2008 Strategic Plan Defense Environmental Restoration Program (DERP) Annual Report, FY 2004 CERCLIS DATA Federal Facilities Policy Group, "Improving Federal Facilities Cleanup," October 1995 CERCLA 42 U.S.C. Subchapter I: Hazardous Substances Releases, Liability, Compensation

1.3	<p>Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?</p> <p><i>Explanation:</i> The Superfund Federal Facilities Response Program is not redundant of any other program. The program addresses a distinct group of sites owned by (or formerly owned by) the Federal government, while the Superfund Remedial program addresses sites contaminated by private sector entities. CERCLA is followed at both private and federal facilities listed on the NPL. However, the cleanup of federal facilities is generally much more complex, resource and time intensive, and addresses waste streams which are unique to federal government facilities, such as unexploded ordnance and waste from atomic weapons complexes. CERCLA specifically identifies responsibilities for EPA to carry out at federal facility cleanups, of which no other agency may perform. CERCLA 120(g) specifically forbids delegation of Agency requirements to another entity. As described in CERCLA and the NCP, the NPL represents the list of highest priority sites to be addressed. Before adding a federal facility to the NPL, EPA ensures all other avenues of cleanup have been considered, including coordinating with the states to determine if they have sufficient authority and capacity to address the site themselves. Prior to listing a site on the NPL, EPA must receive a state ""Governor's Concurrence Letter"" supporting the listing. In addition, because placing a site on the NPL is a federal</p>	YES	20%
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rulemaking, other federal agencies have the ability to comment through the interagency review process. Early in the program's history, there were complaints about duplicative oversight by states and EPA at NPL sites. The Superfund and RCRA Corrective Action programs complement each other, in that while Superfund focuses primarily on abandoned and unpermitted hazardous waste sites, the RCRA Corrective Action program focuses on cleanups at hazardous waste treatment, storage, and disposal (TSD) facilities that are operating under a RCRA permit. The RCRA Corrective Action program has delegated its oversight authority for the cleanup of TSD facilities to 38 facilities and 1 U.S. territory. CERCLA, in comparison, is an undelegated program where oversight remains with EPA. Because many federal facilities are in a unique situation where they would be required to conduct cleanups under both programs at their facilities, EPA has worked to minimize duplication of effort between the EPA Superfund and RCRA Corrective Action programs through several efforts. One effort to reduce duplication is through the implementation of model Federal Facility Agreements (FFAs) between EPA and DoD and between EPA and DOE. FFAs with other federal departments and agencies are modeled on these two documents. The FFAs were crafted with RCRA/CERCLA integration clauses to reduce duplication. This clause provides that response actions taken under one statute would satisfy the other. FFAs also, in some cases, specify which regulatory entity is

responsible for oversight of specific cleanup responses. As part of a larger effort called the Superfund Reforms, the Superfund Federal Facilities Response program, with the assistance of states and other federal agencies, created a ""Lead Regulator Policy"" to further minimize duplication issues. In addition, to continue coordination between these two programs, a RCRA/CERCLA Coordination Policy was developed in 1996 to direct regional project managers on how to best coordinate between these two programs. Through implementation of these policies, duplicative oversight by states and EPA at NPL federal facilities has largely been addressed.

Evidence: CERCLA 42 U.S.C. section 9620 10 U.S.C. 2701
Defense Environmental Restoration Program Memo,
""Coordinating with the States on National Priorities List Decisions,"" November 1996 Memo, ""Coordination between RCRA Closure Corrective Action and Closure and CERCLA Site Activities,"" September 1996 Memo,
""Agreement with the Department of Defense - Model Provisions for CERCLA Federal Facility Agreements,"" June 1988 Memo, ""Agreement with the Department of Energy - Model Provisions for CERCLA Federal Facility Agreements,"" May 1988 OSWER Directive 9375.6-11,
""Guidance on the Deferral of NPL Listing Determinations While States Oversee Response Actions"" GAO/NSIAD-89-144, Hazardous Waste RCRA Corrective Action Program Resource Conservation and Recovery Act (RCRA), as amended by HSWA, 1982

1.4	<p>Is the program design free of major flaws that would limit the program's effectiveness or efficiency?</p> <p><i>Explanation:</i> "There is no evidence that a different program design would be more efficient or effective than the current one. The program was modeled on the Superfund Remedial Program with alterations to reflect certain statutory and regulatory differences. EPA's role at federal facility cleanups is limited by CERCLA 120 to regulatory oversight and technical assistance for cleanup actions that are the responsibility of other federal agencies. EPA also has certain property transfer responsibilities under CERCLA 120(h). In addition, under the NCP and E.O. 12580, EPA is responsible for issuing Technical Assistance Grants (TAGs) at federal facilities. EPA's regulatory oversight and technical assistance functions would not be performed more effectively or efficiently under any other program structure. The program's current structure is the result of deficiencies reported by the Government Accountability Office (GAO) in the progress of federal facility assessments and cleanups in the early 1990s. Because some believed the progress of cleanup at federal facilities was slower than the Superfund Remedial Program, the Superfund Federal Facilities Response Program was created as an entity within OSWER so the Agency could better serve the needs of other federal agencies and provide adequate oversight of cleanup activities. The Agency's ability to focus and</p>	YES	20%
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provide adequate oversight to federal facilities has resulted in federal facility sites on the NPL completing remedial designs almost 15 months, and remedial actions 6 months, more quickly than private PRP NPL sites. To maximize efficiency and ensure consistency across programs, there is close coordination with the Superfund Remedial Program (OSRTI). The Superfund Federal Facilities Response Program leverages their expertise in particular technical areas (e.g., groundwater cleanup) in order to maximize overall resource efficiency. While the Superfund Federal Facilities Response Program has responsibility for the Federal Facility Hazardous Waste Docket, the Superfund Remedial Program carries out the activities for listing both federal and private sites on the NPL through close coordination with the federal facility program. By sharing resources with programs who already maintain certain functions, the federal facility program is more enabled to direct resources to federal facility regulatory oversight activities rather than functions other programs and offices already perform. In addition, the program's assistance in creating Site-Specific Advisory Boards (SSABs) at DOE sites, and Restoration Advisory Boards (RABs) at DoD sites, led the way in Community Advisory Groups being instituted at private Superfund NPL sites. The ability of federal facilities to institute innovative technologies and process improvements across a large number of NPL sites allows for improvements and efficiencies to be realized in the overall Superfund

	<p>program.</p> <p><i>Evidence:</i> CERCLA 42 U.S.C. section 9620 GAO/RCED-93-119 Superfund, ""Backlog of Unevaluated Federal Facilities Slows Cleanup Efforts"" GAO/T-RCED-92-82, ""Federal Facilities: Issues Involved in Cleaning Up Hazardous Waste"" FFERDC April 1996 Final Report</p>		
1.5	<p>Is the program design effectively targeted so that resources will address the program's purpose directly and will reach intended beneficiaries?</p> <p><i>Explanation:</i> "The Superfund Federal Facility Response Program principally focuses on those sites on the NPL. By definition, NPL sites are the Nation's highest priority sites. EPA does not address sites that are not on the NPL unless requested by a State, territory, tribe, the District of Columbia, or community for assistance. EPA may otherwise determine that site-specific conditions at a non-NPL site warrant EPA involvement based on criteria established in current policy and guidance. FFAs at NPL sites provide for enforceable milestones and schedules for cleanup. A common misconception is that FFA schedules and milestones are 'set in stone.' In a report from the FACA FFERDC, it was recommended in 1996 that schedules be established for the upcoming fiscal year plus 2 years and they be adjusted annually. This is typically what happens at NPL federal facility sites. Annually, EPA, the responsible federal agency and usually the affected state, conduct a planning exercise to identify key</p>	YES	20%

milestones and projects for the upcoming year and resource needs to support the schedule. Prior to both federal and private sites being listed on the NPL, they go through the site assessment process. For sites that are eligible for the NPL and EPA regions are requesting NPL proposal, a panel representing all 10 regions and Headquarters prioritizes, or "tiers," sites based on current information, and looks at whether the site poses a current human exposure and a need for near term remedial action (highest tier) and progresses through a total of 5 tiers with no direct threat to humans or sensitive environments (lowest tier). As explained earlier, because NPL listings are a rulemaking, the other federal agencies, through OMB, are allowed to officially comment on the proposed listing and discussions are held among all parties. Federal facility sites that are listed on the NPL also have a strong public participation component that EPA participates in. In its recommendations to improve federal facility cleanups, the FFERDC recommended that federal agencies establish advisory boards to provide independent policy and technical advice to the regulated and regulating agencies with respect to key cleanup decisions.

Communities surrounding contaminated federal facilities are allowed to be a part of the cleanup process through the formal creation of Restoration Advisory Boards (RABs) at DoD sites and Site-Specific Advisory Boards (SSABs) at DOE facilities. EPA participates on 132 active advisory boards at NPL federal facilities, and has provided 59 Technical Assistance Grants (TAGs) to communities,

amounting to \$4.34 million, over the life of the program in order to assist them in the technical interpretation of cleanup documents.

Evidence: EPA Policy Towards Privately-Owned Formerly Used Defense Sites, March 2002 CERCLA 42 U.S.C. section 9620 Fact Sheet, NPL Site Listing Tiers NPL Site Assessment Process FFERDC Final Report, April 1996 CERCLIS DATA ON RABs/TAGs/SSABs Revised Response Selection and Settlement Approach for Superfund Alternative Sites, June 2004

Section 1 - Program Purpose & Design

Score

100%

Section 2 - Strategic Planning

Number	Question	Answer	Score
2.1	<p>Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?</p> <p><i>Explanation:</i> "The Superfund Federal Facilities Response Program, in coordination with the Superfund Remedial Program, has two existing long-term outcome based performance measures that support cleanup and reuse of contaminated federal land: Human Exposures Under Control and Contaminated Groundwater Migration Under Control. These measures track the Agency's progress in controlling all unacceptable human exposure contaminant pathways at facilities listed on the NPL. This is especially important for federal facilities because oftentimes military</p>	YES	12%

and DOE facilities are still in active use with people present at the facility. Program managers are required to regularly report the progress and effectiveness of remedial action activities at all sites. Yearly reporting requirements required for federal facilities are specified in Appendix D of the Superfund Program Implementation Manual (SPIM). The accomplishments for these two measures are tracked by program managers in the SCAP 15 Report. The measures are also listed in EPA's 2003-2008 Strategic Plan as Strategic Targets for tracking progress on Goal 3, the Land Goal. Beginning in FY 2005, the program also tracks Acres of Land Ready for Reuse and Sites with Land Ready for Reuse. These two measures will be reported across the Agency's waste cleanup programs. Yearly reporting requirements are specified in the SPIM. These two reuse measures have promise as long-term outcome based performance measures for the future, and support the Superfund Federal Facilities Response Program's mission statement of returning sites to protective use as quickly as possible. The Superfund Federal Facilities Response Program is in the process of developing new measures, some in coordination with the Superfund Remedial Program. The programs are currently evaluating a Current and Long-Term Human Exposure Control measure, an expanded version of the Human Exposures Under Control measure. This measure will enable us to better capture the exposure control benefits of all cleanup activities, including the earliest emergency removals to long-term

remediation projects. An Ecological Risk Reduction measure is also in the process of being developed to measure the degree to which the selected remedy protects the ecological receptors from contaminants at the site. In addition to these measures, because the program works at a unique and well-defined universe of hazardous waste sites ranging from active military and DOE facilities to former military bases, the federal facility program is in the process of identifying long-term outcome measures which reflect the outcome of either returning government facilities to a safe and productive use in support of their mission, or returning land to the community for public use, while being protective of human health and the environment.

Evidence: Superfund Program Implementation Manual (SPIM) SCAP 15 Report Change Request for SCAP 15 Report EPA 2003-2008 Strategic Plan FY 2006 Annual Performance Plan and Congressional Justification Superfund Environmental Indicators Guidance Manual Superfund Ready for Reuse Guidance Federal Facilities Program Logic Model

2.2	<p>Does the program have ambitious targets and timeframes for its long-term measures?</p> <p><i>Explanation:</i> The targets and timeframes for the Superfund program's long-term outcome based performance measures (e.g., Human Exposures Under Control and Contaminated Groundwater Migration Under Control) listed in EPA's 2003-2008 Strategic Plan as Strategic Targets for tracking progress on Goal 3, the Land Goal are comprehensive and include Federal facilities. This PART has broken out the baseline and targets that directly related to the Federal Facilities program so that this program's progress and effectiveness can be measured. Long-term targets established for 2008 are expressed both as numeric and percentage targets which are measured against an established baseline. EPA's Strategic Targets for these long-term outcome performance measures are to control all identified unacceptable human exposures from site contamination at 84% and control the migration of contaminated groundwater at 65% . The Federal facility targets for these measures contribute to the overall target in the Strategic Plan. The Federal Facility Program works with the other federal agencies who are conducting cleanup actions to expedite the accomplishment of these measures, as they are appropriated resources from Congress to conduct cleanup actions and must prioritize the resources they receive. At work planning sessions conducted with each Region by Headquarters prior to the start of each fiscal year, the</p>	YES	12%
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	<p>regions and Headquarters establish annual targets, and those targets are closely tracked to ensure they are met.</p> <p><i>Evidence:</i> Memo, FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program Superfund Program Implementation Manual (SPIM) FY 2006 Annual Performance Plan and Congressional Justification EPA 2003-2008 Strategic Plan</p>		
2.3	<p>Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals?</p> <p><i>Explanation:</i> "The program has one outcome based annual performance measure that tracks the annual rate of all remedial actions being completed at a site (i.e., Site Construction Completions). Site Construction Completions are certified by the Agency upon demonstration that physical construction of all cleanup actions is complete, all immediate threats have been mitigated and all long-term threats are under control. If a site is certified as construction complete, it supports the long-term performance measure because it meets the criteria for (current) Human Exposures Under Control. The program has one annual efficiency measure, Site Specific Charging. This measure tracks the percentage of federal facility program spending that is obligated to individual federal facility sites each year, therefore increasing accountability for program overhead. Resources are appropriated to the</p>	YES	12%

program each fiscal year from Congress to facilitate and oversee the cleanup of federal government hazardous waste sites; the most direct method to achieve our mission is to direct resources to specific site activities which directly support achievement of the program's outcome goals (e.g., construction completions and environmental indicators). In addition to these annual measures, the program has one annual output based performance measure, Final Remedy Selection. This measure tracks the number of sites at which the final cleanup remedy has been selected. In selecting the final remedy, the Agency will address all current and potential sources of contamination that threaten human health and the environment at the site. The selection of the final remedy is significant because at this stage all contaminants have been identified, risks have been assessed, and remedies have been selected for the entire site.

Evidence: EPA 2003-2008 Strategic Plan FY 2006 Annual Performance Plan and Congressional Justification Superfund Program Implementation Manual (SPIM) SCAP 15 Report Close-out Procedures for National Priorities List Sites SCAP 14F Report

2.4	<p>Does the program have baselines and ambitious targets for its annual measures?</p> <p><i>Explanation:</i> "The Superfund Federal Facility Response Program and Superfund Remedial Program set ambitious targets for its annual measures. These targets and baseline are Federal facility specific, in order to track the program's progress and performance, but also contribute to the overall Superfund baseline and targets reported in EPA's 2003-2008 Strategic Plan (SP). The measure Superfund sites with Construction Completed is listed in EPA's 2003-2008 Strategic Plan as a strategic target for tracking progress under Goal 3, the Land Goal. The DoD measure of Last Remedy In Place (LRIP) and the DOE milestone of site closure are roughly equivalent to EPA's site construction completion measure. As a result, the goals set by these agencies, with the involvement of the federal regulators, to achieve these milestones enables EPA to better estimate its own accomplishments and determine if targets will be met. EPA has been successful in encouraging agencies close to attaining site construction completion at their facilities to readjust budgeting and other priorities to attain this accomplishment more quickly than would have occurred based on their own prioritization schema. While the Agency has limited influence in the budget allocation process of other federal agencies for site cleanup actions at NPL sites, the Superfund Federal Facility Response Program contributes to the achievement of annual targets set in the Agency's Annual Performance</p>	YES	12%
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Plan. Ambitious targets have been set for the program's efficiency measure, average annual dollars expended for each operable unit completing all cleanup activities. These targets do not appear in the Agency's Strategic Plan because they were formulated after the Plan was completed. The Final Remedy Selected measure is listed in EPA's 2003-2008 Strategic Plan as a strategic target for tracking progress under Goal 3, the Land Goal. The Federal Facility target contributes to the overall target mentioned in the SP.

Evidence: EPA 2003-2008 Strategic Plan FY 2006 Annual Performance Plan and Congressional Justification FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program Memo SCAP 15 Report Letter from Director FFRRO to the Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health regarding expediting activities to achieve site construction completions, March 2002 Weldon Spring Construction Completion letter

2.5

Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program?

YES

12%

Explanation: "The partners of the Superfund Federal Facility Response Program (e.g., grantees, contractors, etc.) meet regularly with program managers to outline priorities and goals of the program. Funding in the form of

a cooperative agreement is provided to the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), as well as national Tribal organizations, since these groups are often co-regulators in the cleanup process at federal facilities. As required by CERCLA section 121(f), these parties are to be substantially and meaningfully involved in the national Superfund process, and such involvement includes working towards EPA's annual and long-term goals. Resources provided through the cooperative agreements and grants to these organizations are used to actively research remediation of federal facility sites and provide this information to Federal, state, Tribal, and territorial agencies, including EPA. This information aids in the communication and coordination efforts necessary between Federal and state/ Tribal agencies to ultimately meet the program's long-term goals of controlling human exposures and contaminated groundwater migration. In addition, cooperative agreements and grants issued after February 9, 2004 are required to indicate the environmental goals supported by the proposed work, which for the Superfund Federal Facilities Response Program will include the goals found under Goal 3 in EPA's Strategic Plan. The program's contractors are tasked activities based on the outcome of regional work planning sessions and priorities established at the beginning of the fiscal year. The targets set annually by the regional partners are used to task contractors to execute the oversight and technical

assistance work necessary to accomplish annual targets and goals. The Regional Oversight Contracts (ROC) provide technical support to EPA in fulfillment of its responsibilities for oversight and enforcement of both CERCLA and RCRA activities at federal facilities, with some of the major tasks including technical review of documents, field activities, and support for post-ROD activities. The planning process, along with the Superfund Information System (CERCLIS), is also used to determine long-term activities that will be assigned to contractors in order to achieve EPA's long-term goals.

Evidence: FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program Memo SCAP 15 Report Performance Standard Element for Grants and Contracts Superfund Program Implementation Manual (SPIM) ASTSWMO Scope of Work FY 2005 ROC Contract Statement of Work EPA Grants Policy Issuance 04-02: Interim Policy on Environmental Results Under EPA Assistance Agreements EPA Order 5700.7: Environmental Results Under EPA Assistance Agreements

2.6	<p>Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need?</p> <p><i>Explanation:</i> "While the Superfund Remedial Program is often evaluated by independent outside parties, the federal facility program is less often the focus of independent third-parties due to our role at these cleanups as defined by CERCLA and E.O. 12580. In the late 1980s and early 1990s, the Government Accountability Office (GAO) conducted numerous evaluations of EPA's Federal Facility Program to assess how well the Agency was meeting statutory deadlines required by newly enacted legislation (SARA), and determine if the Agency was providing adequate oversight to other federal agency cleanups. Once EPA addressed the deficiencies and issues identified by the GAO, the program has become less of a focus of third-party evaluations, and rather the cleanup programs of the other federal agencies have received more of the focus of independent evaluators. The findings and recommendations from the evaluations conducted of the other federal agency cleanup programs are used by the program, however, to determine how it can facilitate improvement in the overall federal facility cleanup process. The program is increasing its capacity to conduct evaluations itself, as demonstrated by its program evaluation strategy and current evaluation</p>	NO	0%
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activities. The program's goal is to conduct at least one evaluation internally on part of its program annually or as needed, as well as request an independent third party to conduct an evaluation of the program's progress and ability in achieving its long-term goals.

Evidence: GAO/RCED-93-119, ""Superfund: Backlog of Unevaluated Federal Facilities Slows Cleanup Efforts,"" July 1993 GAO/T-RCED-92-82, GAO Testimony by Richard Hembra, Director Environmental Protection Issues, Resources, Community, and Economic Development Division, ""Federal Facilities: Issues Involved in Cleaning Up Hazardous Waste,"" July 1992 GAO/RCED-94-73, GAO Report ""Federal Facilities: Agencies Slow to Define the Scope and Cost of Hazardous Waste Site Cleanups,"" April 1994 FFRRO Program Evaluation Strategy EPA IG Report, Issues in Federal Facility Lab Data Quality

2.7

Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget?

YES

12%

Explanation: "The Agency estimates and budgets for the full annual costs of operating its programs, taking into consideration any changes in funding, policy and legislative changes. All spending categories and the resource levels and activities associated with them are included in the annual Congressional Justification.

Performance data are considered at every step in EPA's planning and budgeting process (i.e., developing the OMB submission, Congressional Justification, and annual Operating Plan and reporting our results in the Annual Report). EPA managers use up-to-date financial, policy, and regulatory information to make decisions on program management and performance. The Agency's financial information is integrated with performance and other program data to support day-to-day decision making of managers and executives. The Superfund Federal Facility Response Program sets annual targets, and resources needed to meet those targets, at work planning sessions held with the regions. The Regions determine accomplishments which can be achieved in a given year, and the resources needed to meet those accomplishments, based on milestone schedules negotiated in FFAs. Due to the fact other federal agencies allocate funds towards cleanup actions in support of the FFA milestone schedule, any change in schedule due to inadequate funding could impact achievement of milestones, and in turn achievement of the program's long-term and annual goals. The Regions are also required to notify Headquarters when targets are being set due to an accelerated schedule set by the other federal agencies, and if additional resources will be needed to meet accelerated review and comment schedules to accomplish targets sooner.

Evidence: FY 2006 Annual Performance Plan and

Congressional Justification Budget Automation System

(BAS) Reports 2002 President's Quality Award for budget and performance integration FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program Memo

2.8

Has the program taken meaningful steps to correct its strategic planning deficiencies?

YES

12%

Explanation: "The Superfund Federal Facilities Response Program currently does not have any identified strategic planning deficiencies. In past GAO evaluations and testimony, a major deficiency identified was the program's inability to provide adequate oversight to the cleanup of federal facilities because the Agency had devoted limited resources to such activities. The Agency has addressed these deficiencies, and subsequent reviews have not identified any further deficiencies. The Agency's current strategic planning process ensures that the program will not encounter future deficiencies. The EPA Strategic Plan and annual planning processes contained in the Superfund Program Implementation Manual (SPIM) provide accountable information and documented expectations for each step of the cleanup process. Strategic planning, budgeting and performance reporting are linked within the program framework. In addition to the work being conducted in conjunction with the Superfund Remedial Program on performance measures, the Superfund Federal Facilities Response Program is in the process of developing improved long-term measures of performance to reflect

the outcome of ensuring federal property is protective of human health and the environment while supporting the varied missions of federal government agencies and departments.

Evidence: GAO/RCED-93-119, ""Superfund: Backlog of Unevaluated Federal Facilities Slows Cleanup Efforts,"" July 1993 GAO/T-RCED-92-82, GAO Testimony by Richard Hembra, Director Environmental Protection Issues, Resources, Community, and Economic Development Division, ""Federal Facilities: Issues Involved in Cleaning Up Hazardous Waste,"" July 1992 Superfund Program Implementation Manual (SPIM) Annual planning, budgeting and accountability reports E2, Inc. Task Order for the Development of Measures

Section 2 - Strategic Planning

Score

88%

Section 3 - Program Management

Number	Question	Answer	Score
3.1	<p>Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?</p> <p><i>Explanation:</i> "The Superfund Federal Facilities Response Program routinely collects timely and credible performance information through the use of several interlocking systems (SPIM, SCAP, and CERCLIS/WasteLAN) that are designed as tools for Superfund federal facility program managers. The Superfund Program Implementation</p>	YES	14%

Manual (SPIM) provides the link between GPRA, EPA's Strategic Plan, and the program's internal processes for setting priorities, tracking and planning performance, and meeting program goals, as well as defining program management priorities, procedures and practices. The SPIM provides standardized and common definitions for both the Superfund Remedial Program and the Superfund Federal Facilities Response Program across the 10 EPA regions, ensuring consistent data on accomplishments. The SPIM also acts as part of EPA's internal control structure, and as such is used for audits and evaluations. The Superfund Comprehensive Accomplishment Plan (SCAP) is used by the federal facilities program to plan, track and evaluate progress toward achieving GPRA objectives and sub-objectives, as they apply to the federal facility program. Planned regional obligations and reporting of GPRA annual performance goals and measures are generated through SCAP and influence the program's budget process. GPRA annual performance goals are designed to reflect EPA's Strategic Plan and the Agency's annual goals, objectives, and sub-objectives. CERCLIS data (also known as WasteLAN) serves as a conduit for the SCAP process by providing both Headquarters and regions with direct access to the same data. Through CERCLIS, federal facility program managers can initiate the production of reports designed to provide daily updates of planning and site cleanup progress information. The program routinely conducts data quality analysis to ensure the data found in CERCLIS related to

federal facilities is accurate and reliable. Headquarters management generates national and regional performance profiles to evaluate the relative performance of one region versus another and to make other observations about cleanup operations. These profiles are used in work planning sessions conducted with each Region. The federal facility program conducts this analysis on a program-specific basis as well as in coordination with the Superfund Remedial Program. Regional and Headquarters work planning sessions are conducted yearly to set targets and regional budget requirements. A mid-year assessment is conducted with each Region to assess progress in achieving targets and obligation of resources. Annual work planning ensures resources are allocated efficiently and effectively throughout the federal facility program. Data analysis prior to each regional session allows program managers to track sites which are conducting actions slower than the national and regional averages and determine if there is an efficient solution to accelerate work. Work planning defines priorities, allocates resources within a tight budget, tracks projects and pipeline actions, and ensures accountability and staff responsibility for GPRA targets and budgets. If adjustments to annual targets are needed, Regions send a request to Headquarters, and Headquarters will evaluate, in coordination with the Region, whether the adjustment will be granted.

Evidence: Superfund Program Implementation Manual

(SPIM) SCAP 14F Report SCAP 15 Report Federal Facility Audit Report FY 2005 Negotiations: Region 10 Profile Memo, ""FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program,"" May 2004 Memo, ""FY 2005 Mid-Year Federal Facilities Program Review,"" March 2005

3.2

Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results?

YES

14%

Explanation: "EPA's Strategic Plan outlines the performance measures to be achieved by the Superfund Federal Facilities Response Program. Performance measures are reflected in the program's planning and budgeting activities, down to annual goals and measures for program activities. Each region is responsible for setting targets, and managers are held accountable for achieving those targets. Employees at all levels in the program are mindful of costs, schedule and performance results. Managers' and employees' performance are tied to goals set in the Strategic Plan and tracked in performance standards. Work assignment managers for contracts track the cost, adherence to schedule, and performance of contractors through invoice submittals and monthly progress reports. They are also required to keep documentation of reviews and findings of contractor

submittals. Work assignment managers provide input annually on contractor performance by participating in past performance evaluations. On a national basis, the federal facility program evaluates implementation of classes of contracts, e.g., Regional Oversight Contracts (ROC), through periodic reviews for cost and performance. Project managers evaluate contract cost performance by looking at the ratio of program support dollars to overall contract efforts under the ROC contracts. The ROC contracts provide technical support to EPA in fulfillment of its responsibilities for oversight and enforcement of both CERCLA and RCRA activities at federal facilities, with some of the major tasks including technical review of documents, field activities, and support for post-ROD activities. These contracts are performance based and include incentives to encourage performance results and adherence to schedules. Grantees through the federal facility program are given specific outputs that must be achieved, and performance including cost, schedule and quality is measured on a routine basis. All grants and cooperative agreements follow and abide by strict EPA funding laws, rules and guidance documents. A close monitor of all money to funding recipients is required by the federal facilities program. Funding in the form of a cooperative agreement is provided to the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), as well as national Tribal organizations, since these groups are often co-regulators in the cleanup process at federal facilities, and are required by CERCLA

section 121(f) to be substantially and meaningfully involved in the national Superfund process (FFRRO also partners with the Environmental Council of States (ECOS) and the National Governors Association (NGA) for this purpose). In accordance with recently issued national policy, each of the program's grants awarded after February 9, 2004 include a reference to the program's strategic goals and objectives and how the activities support achievement of them. Project officers who manage these grants have performance standards by which they are held accountable for monitoring the costs and performance of these grants. Grants and cooperative agreements are evaluated in-depth through either a desk review or on-site evaluation.

Evidence: EPA 2003-2008 Strategic Plan FY 2006 Annual Performance Plan and Congressional Justification Contracts Management Manual ASTSWMO FY 2005 Scope of Work Employee performance standards Performance standard element for financial management ROC Statement of Work Signed regional agreements for FY2005 targets EPA's Policy on Compliance, Review and Monitoring (EPA 5700.6) EPA Grants Policy Issuance 04-02: Interim Policy on Environmental Results under EPA Assistance Agreements EPA Order 5700.7, Environmental Results under EPA Assistance Agreements

3.3	<p>Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?</p> <p><i>Explanation:</i> "As requested in the President's Budget, prior to the beginning of the fiscal year the program develops an operating plan which reflects how it plans on spending its budget. Resources are allocated by goal, objective, subobjective, program and object class. Programs then readjust the operating plan to reflect appropriated levels. EPA's budget and annual Operating Plan are aligned with the Agency's Strategic Plan and approved by OMB and Congressional Appropriations Committees. Obligations and expenditures are tracked in the Agency's Integrated Financial Management System (IFMS) against the Operating Plan. Fund transfers between program objectives in excess of Congressional established limits require Congressional notification and/or approval. Program obligation reports are monitored periodically throughout the year for both regional and Headquarters federal facility programs. Beginning in late August, the program monitors obligations weekly, and in the last week of the fiscal year monitoring occurs daily. Follow-up is conducted with Regions who may be having obligation difficulties. In FY 2004, the federal facility program obligated 99.12% of its budgeted resources. The Headquarters and regional federal facility programs use timely financial management information in CERCLIS and IFMS to track commitments, obligations and expenditures and maximize the use of limited resources. Advice of</p>	YES	14%
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Allowance (AOA) funds are distributed to EPA regions quarterly and fully obligated each year for federal facility oversight work. At midyear review sessions, senior federal facility program managers work closely with regional and Superfund Remedial managers to ensure funds will be obligated in a timely manner, as well as make decisions about low utilization rates to determine if they need to shift funds to be better utilized for other projects or higher priority work in a region. EPA works with grantees to ensure that their work plans reflect the Agency's Strategic Plan and Operating Plan and that the recipient spending is consistent with the approved work plan. Each program office and grants management office conducts post-award monitoring of assistance agreements, including monitoring the draw-down of funds against grantee progress on work plan tasks and deliverables. This monitoring ensures that recipients are spending the funds designated to each program area for the intended purpose. All grantees are required to submit annual or more frequent financial status reports.

Evidence: FY 2006 Annual Performance Plan and Congressional Justification EPA 2003-2008 Strategic Plan Budget Automation System Reports EPA Annual Report FY 2004 EPA FY 2004 Financial Statements FFRRO Budget Obligations, FY 2004 SPIM, Chapter III: Superfund Budget Planning Process and Financial Management EPA's Policy on Compliance, Review and Monitoring (EPA 5700.6) ASTSWMO post-award monitoring report Grants post-

	award monitoring protocol Grantee financial status report		
3.4	<p>Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution?</p> <p><i>Explanation:</i> "The Superfund Federal Facility Response Program has developed a new annual efficiency measure. The new measure focuses on the average program dollar expended annually for each operable unit completing remedy activities. The targets show an increasing efficiency by reducing the average dollars expended annually per operable unit . Resources are appropriated to the program each fiscal year from Congress to facilitate and oversee the cleanup of federal government hazardous waste sites; the most efficient method to achieve our mission is to direct resources to specific site activities which directly support achievement of the program's outcome goals (e.g., construction completions and environmental indicators). The program regularly uses management procedures such as program work planning sessions to ensure its limited resources are used as efficiently as possible and allocated for the highest priority projects. These procedures permit the program to project the impacts of funding decisions on near-term and out-year accomplishments and ensure resources are being used in the most effective manner to achieve program</p>	YES	14%

goals. Several new initiatives have been undertaken in the contracting arena to achieve efficiencies. All of the program's classes of contracts are awarded under the competitive procedures outlined in the Federal Acquisition Regulation. Many federal facility contracts have also been restructured to be performance based (e.g., ROC contracts), performance focused or fixed rate - moving to contracts that encourage cost savings and contractor efficiencies. Several regions who do not anticipate large contractor technical assistance needs during the next period of the ROC contracts have elected to work with and buy-in to the contracts established in other Regions to more efficiently execute their program and reduce administrative costs. In addition, financial and performance oversight of contractor activities will allow management the opportunity to evaluate the program's future needs and contract performance in order to make awards as appropriate for future work needed.

Evidence: FY 2005/2006 Negotiations for the Superfund Federal Facilities Response Program Memo FAR Part 6, Part 36.6

3.5	<p>Does the program collaborate and coordinate effectively with related programs?</p> <p><i>Explanation:</i> "A key requirement for federal facility cleanups to be conducted as efficiently and effectively as possible is coordination and collaboration by the Superfund Federal Facilities Response Program with its numerous partners, stakeholders, and sister federal programs. For example, without close coordination with all OSWER cleanup programs, the federal facility program would not be implemented as efficiently as possible. To facilitate coordination among all cleanup programs, weekly cross-office senior management meetings are held. In addition, monthly coordination meetings are held between the management of the Superfund Remedial Program and the Superfund Federal Facility Response Program to discuss current issues impacting respective programs, cross-program impacts of such issues, and coordinate current activities so that input can be provided in a timely manner and program synergies can be achieved. The coordination efforts of the senior management is also reflected in staff coordination efforts for both programs so that duplicative work is not performed, resources can be effectively leveraged, and the perspective of both programs are integrated into products and services. All policy and guidance issued by one program is reviewed and concurred on by the other program prior to issuance. Through OSWER's One Cleanup Program Initiative, the program is collaborating with other EPA and federal</p>	YES	14%
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agency cleanup programs to find ways to enhance consistency across all waste cleanup programs nationwide and create a coordinated response to cleanup issues. Coordination and collaboration with other federal agency cleanup programs is a critical component and a high priority for the Superfund Federal Facility Response Program. As a result of other federal agencies having Lead Agency status to conduct remedial actions through E.O. 12580, it is EPA's obligation to provide the most effective oversight of cleanup actions by collaborating and working with our partners at each federal facility site. An oversight approach through collaboration, partnership, and teamwork has been documented in guidance and policies issued by the Federal Facilities Restoration and Reuse Office, and in partnership with DoD and DOE, as the most efficient way to provide oversight for protection of human health and the environment while not impeding the progress of cleanup actions conducted by the other agencies. FFAs are one mechanism by which collaboration is incorporated into the federal facility cleanup process. Oftentimes states, in addition to EPA and the Lead Agency, are signatories to FFAs, ensuring that all entities that may have a regulatory oversight responsibility can coordinate their activities early in the process. By working together on requirements outlined in the FFA at each site, the other agencies can produce products and conduct actions more efficiently by knowing from the start the requirements that must be met in order for the cleanup to

be deemed protective. In order to facilitate coordination and communication with states and tribal cleanup programs, funding in the form of a cooperative agreement is provided to the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), as well as national Tribal organizations. These groups are often co-regulators at federal facility cleanups and are required by CERCLA 121(f) to be substantially and meaningfully involved in the national Superfund process. The information these groups provide through grants and cooperative agreements aids in the communication and coordination efforts necessary between federal and state/ Tribal agencies.

Evidence: One Cleanup Program website OSRTI/FFRRO Coordination Meeting, March 2005 Agenda Federal Facility Streamlined Oversight Directive, November 1996 Agreement with the Department of Defense - Model Provisions for CERCLA Federal Facility Agreements, June 1988 Agreement with the Department of Energy - Model Provisions for CERCLA Federal Facility Agreements, May 1988 ASTSWMO FY 2005 Scope of Work CERCLA 121(f) One Cleanup Program, Federal Environmental Working Group Munitions Response Cleanup Principles, 2002 EPA Policy Towards Privately-Owned Formerly Used Defense Sites, March 2002 Letter requesting participation in joint measures development UFP QAPP

3.6	<p>Does the program use strong financial management practices?</p> <p><i>Explanation:</i> The program follows EPA's financial management guidelines for committing, obligating, reprogramming, and reconciling appropriated funds. Agency officials have a system of controls and accountability, based on GAO and other principles, to ensure that improper payments are not made. At each step in the process, the propriety of the payment is reviewed. EPA trains individuals to ensure that they understand their roles and responsibilities for invoice review and for carrying out the financial aspects of program objectives. EPA received an unqualified audit opinion on its FY04 financial statements and had no material weaknesses associated with the audit. EPA has met the accelerated due dates for financial statements. The OIG's January 2003 report on improper contract payments at EPA concluded that the number of improper contract payments found is minimal and EPA appears focused on providing high quality and accurate contract payments.</p> <p><i>Evidence:</i> FY 2006 Annual Performance Plan and Congressional Justification Budget Automation System Reports Unqualified Audit Opinion on EPA FY 2004 Financial statements FY 2005 Advice on Allowance Letter 2004 Integrity Act Report Final Status Results on the Review of Improper Payments at EPA, EPA OIG, January</p>	YES	14%
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	2003		
3.7	<p>Has the program taken meaningful steps to address its management deficiencies?</p> <p><i>Explanation:</i> "The Superfund Federal Facility Response Program follows guidance provided by the Office of Administration and Resources Management to assure that it has taken the necessary measures to evaluate management controls in accordance with Federal Manager's Financial Integrity Act (FMFIA) requirements. In our latest FMFIA Report (FY 2004), the federal facility program reported no new weaknesses and provided an update on efforts to improve upon weaknesses previously identified: lack of development of Quality Management Plans (QMPs) and issues identified in a 1997 OIG report concerning federal facility lab data quality. In order to address the weakness identified in previous FMFIA reports, FFRRO has developed a QMP that was incorporated into the QMP of OSWER. OSWER's QMP has been approved and is being implemented. In addition to development of the QMP, the membership of the Intergovernmental Data Quality Task Force (IDQTF), of which FFRRO's Office Director is the co-chair, strongly recommended effective training for implementing the requirements in the QMP. FFRRO has implemented this recommendation and is currently conducting training. In response to the OIG's report in 1997 regarding federal facility lab data quality, the IDQTF has developed an interagency policy and guidance on the development and implementation of</p>	YES	14%

Quality Assurance Project Plans (QAPPs). The IDQTF initiative customizes EPA requirements for QA project plans and provides additional detail that will lead to a number of improvements. The IDQTF QAPP policy was reviewed by EPA Regions and the Departments of Defense and Energy prior to being finalized. The IDQTF's efforts to develop policy and guidance on QAPPs facilitated not only major improvements in data quality, but also effectively responded to recommendations from the OIG. In December 1991, prior to the establishment of the Superfund Federal Facility Response Program, the Agency cited federal facility enforcement and oversight as a material weakness in its FMFIA Report. Specifically, EPA acknowledged that it's ""Federal Facilities Enforcement Program has not had a sufficient resource base to perform an adequate level of oversight of other agencies' environmental compliance and restoration plans and activities."" A lack of resources had also impeded federal cleanup progress at several sites at that time as well. While this previously identified weakness has been resolved, due in part to the establishment of a cleanup oversight program and enforcement program for federal facilities, the Agency continues to be vigilant to ensure that oversight of federal facilities does not become an Agency material weakness again. Under OSWER's One Cleanup Program, the federal facility program has convened federal agencies that have Lead Agency responsibility to identify and address issues and barriers

they have confronted in planning and implementing cleanups. Thus far 3 issues have been identified and are in the process of being addressed. Phase Two of this initiative is underway, which will address additional concerns identified by the program's stakeholders.

Evidence: OSWER Quality Management Plan (QMP) Memo, ""2004 FFRRO Report on Management Controls for FMFIA"" GAO/T-RCED-92-82, GAO Testimony by Richard Hembra, Director Environmental Protection Issues, Resources, Community, and Economic Development Division, ""Federal Facilities: Issues Involved in Cleaning Up Hazardous Waste,"" July 1992 EPA IG Audit Report: Laboratory Data Quality at Federal Facility Superfund Sites, March 1997 Uniform Federal Policy for Implementing Environmental Quality Systems, January 2003 FMFIA Report, 1992 One Cleanup Program, Federal Environmental Working Group

Section 3 - Program Management

Score

100%

Section 4 - Program Results/Accountability

Number	Question	Answer	Score
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4.1	<p>Has the program demonstrated adequate progress in achieving its long-term performance goals?</p> <p><i>Explanation:</i> Federal facility long term goals and targets are contained within the comprehensive totals found in EPA's 2003-2008 Strategic Plan (SP). EPA's Strategic Targets for its long-term outcome performance measures are to control all identified unacceptable human exposures from site contamination at 84% and control the migration of contaminated groundwater at 65% . In order to track progress in achieving the Strategic Targets, the Superfund Federal Facilities Response Program and the Superfund Remedial Program have developed annual performance goals and measures. The "small extent" is reflective of some targets being met, and other targets being close. The Superfund Federal Facilities Response Program has made much progress in achieving its long-term outcome performance measures of Human Exposures Under Control and Contaminated Groundwater Migration Under Control. The Superfund Remedial Program and Federal Facilities Program began collecting data for these measures in 2002, at which time a baseline was established for both private and federal facility NPL sites.</p> <p><i>Evidence:</i> SCAP 15 Report Change Request for</p>	SMALL EXTENT	7%
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	SCAP 15 Report EPA 2003-2008 Strategic Plan FY 2006 Annual Performance Plan and Congressional Justification		
4.2	<p>Does the program (including program partners) achieve its annual performance goals?</p> <p><i>Explanation:</i> The Superfund Federal Facilities Response Program has achieved its annual construction completion (CC) targets since the program was incepted in 1994, contributing to the overall construction completion accomplishments for the Agency. EPA began targeting CCs in 1991 as part of a Superfund program-wide reform initiative to move more sites to construction completion. The federal facilities program began targeting federal facilities specifically for construction completion when the program was formed in 1994. From 1994 to 2004 the program achieved 41 construction completions (2 federal facility construction completions were achieved prior to 1994, for total program construction completions of 43). The program has seen a diminishing annual average of site construction completions accomplished since 2001, similar to the trend that has occurred in the Superfund Remedial Program. Sites which have yet to achieve site construction completion in the federal facility program can generally be characterized as having more difficult contaminants</p>	LARGE EXTENT	13%

and a larger amount of media contaminated. Similar to the circumstances in the Superfund Remedial Program, the less technically complex sites were achieved early on in the program; the more difficult sites are left. As it became apparent, beginning in 2001, that fewer federal facilities would be able to accomplish the construction completion goals set by the Agency, the Federal Facilities Restoration and Reuse Office (FFRRO) sent letters to the military services encouraging them to 1) ensure that the program's data was correct and the military service had the same estimates for site-wide construction completion, and 2) where applicable, re-prioritize funding for some sites which only had low-priority actions left before a site construction completion could be achieved, rather than delay that outcome for years. The military services have been active partners with EPA in achieving site construction completions and assisting the Agency in achieving its annual performance goals. Because other federal agencies have similar measures to the Agency's site construction completion measure (e.g., LRIP and site closure), the program works to ensure all parties involved in federal facility cleanup are working towards the same goals and targets. For its newest measure, Final Remedy Selection, the program has met the goals it set for the Final

	<p>Remedy Selected performance measure. A baseline was set in 2003 and targets set for the first time in 2004. For FY 2004, the Superfund program selected final remedies at 30 Superfund NPL sites, accomplishing the target for the program of 20. The Superfund Federal Facility Response Program achieved 9 final remedies selected at federal facility NPL sites in FY 2004, contributing to the overall accomplishment of 30.</p> <p><i>Evidence:</i> SCAP 15 Report FY 2006 Annual Performance Plan and Congressional Justification Letter from Director FFRRO to the Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health regarding expediting activities to achieve site construction completions, March 2002 EPA 2003-2008 Strategic Plan SCAP 14F Report</p>		
4.3	<p>Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year?</p> <p><i>Explanation:</i> The program has developed a new measure, set a baseline and targets. However, to date, the program is still lacking performance data to be able to assess the program performance against this new measure. The program can also demonstrate efforts to improve efficiency and cost effectiveness through several initiatives and</p>	SMALL EXTENT	7%

partnerships aimed at decreasing costs and accelerating the pace of cleanups for federal facilities listed on the NPL. Examples of initiatives and partnerships include the Superfund Reform Initiative, Remedy Review Board, Lead Regulator Workgroup, Federal Facilities Policy Group, the Federal Remediation Technologies Roundtable, Intergovernmental Data Quality Task Force, and the Contaminated Sediments Technical Advisory Group. While all of these examples have made an impact on the program, two of the most significant are discussed further. Over the past 12 years, the overall Superfund program has undergone 3 rounds of reforms to make the program faster and more efficient. Several of these reforms provided opportunities to make the federal facilities program much more efficient and aided the program in more effectively targeting resources for activities. For example, the Lead Regulator Reform (Round 3, No. 7) established clearly defined roles for regulators at federal facilities where multiple regulating authorities could be involved in the cleanup, reduced duplicative efforts and inefficient use of resources resulting from overlapping statutory authorities, and promoted cooperation between EPA Headquarters, Regions and states. Other federal agencies for which the program is responsible for overseeing the implementation of their cleanup actions have repeatedly stressed that the pace of

federal facility cleanups could be accelerated. As a result of this feedback from program stakeholders, the Superfund Federal Facilities Response Program has formed, and participated on, numerous workgroups and initiatives which have looked at processes, technologies, and products which could increase the pace of federal facility cleanups and as a result reduce the costs (both oversight and cleanup) for these sites. An example is the development of the Federal Facilities Streamlined Oversight Directive, which was an outgrowth of pilots the program participated in with DoD and DOE to improve cleanup and oversight at federal facility Superfund sites. This directive streamlined regulatory oversight in a systematic, planned manner based on site-specific factors and streamlining approaches.

Evidence: Superfund Reform 3-7: ""Lead Regulator Policy for Cleanup Activities at Federal Facilities on the National Priorities List,"" November 1997
Federal Facilities Policy Group, ""Improving Federal Facilities Cleanup,"" October 1995 OSWER Directive No. 9230.0-75, Federal Facilities Streamlined Oversight Directive

4.4	<p>Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals?</p> <p><i>Explanation:</i> "Generally, federal facilities are sufficiently different in size, scope, and complexity from the average privately-owned NPL site. The nature and funding mechanisms for addressing contaminated sites at federal facilities differ from private-sector sites, and generally, federal facilities are more costly, have more extensive contamination, and face different challenges than private sites (e.g., cleanup of radioactive contaminated waste, military munitions, etc.). In addition, there are a higher percentage of megasites in the universe of federal facility NPL sites as compared to the private-PRP NPL sites. Megasites are defined as NPL sites with actual and projected response action costs in excess of \$50 million. Despite these differences, however, the program has conducted a comparison of the average duration it takes to complete phases of the CERCLA cleanup process for federal facilities versus private-sector NPL sites. The data currently shows that, on average, federal facilities conduct the remedial design and remedial action phases of the cleanup process slightly faster than private-PRP NPL cleanups. In addition, the timeframe for a federal</p>	YES	20%
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facility to reach the construction completion milestone, to date, has generally not been much more than for private-PRP NPL sites, despite more operable units (OUs) to be addressed, on average, at federal facilities. The average number of OUs on an NPL federal facility site is 10, while in contrast the average number of OUs at private NPL sites is almost 2, illustrating roughly and in general terms the difference in size and scope of contamination at federal government hazardous waste sites. Despite this, federal facilities are able to conduct certain phases of the cleanup process more quickly than some private sector NPL sites, comparing favorably to the Superfund Remedial Program in the implementation of the federal facility program. State programs which address federal facilities are generally responsible for lesser contaminated sites that are smaller in scope. In some cases, the state addresses federal facilities where the Governor of the State did not want it to be listed on the NPL. Many states also implement the RCRA Corrective Action program at federal facilities, a different statutory framework than the Superfund process. It is therefore largely inappropriate for the program to compare itself to that of its state counterparts.

Evidence: Dingell Response Letter April 2004

Federal Facility Cleanup Duration Data Federal
Facility Average Operable Unit Analysis

4.5	<p>Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?</p> <p><i>Explanation:</i> "The cleanup of federal facilities is evaluated often by the Government Accountability Office (GAO), Inspector General Offices of respective departments, and numerous other independent third parties. EPA's Superfund Federal Facilities Response Program has not been the direct focus of any such evaluations since the late 1980s and early 1990s when several deficiencies were identified for the Agency to correct after the passage and implementation of the Superfund Amendment and Reauthorization Act (SARA). While the Departments of Defense and Energy are routinely evaluated on the implementation and progress of the cleanup of their facilities, EPA's involvement and role in those evaluations is often limited. The Agency analyzes and uses the findings of evaluations of other federal cleanup programs to assist it in determining how it can conduct the Agency's role at these cleanups better to improve the overall cleanup process for federal facilities. The Superfund Federal Facilities Response Program has developed a strategy to begin to build its own capacity to conduct evaluations internally. Recognizing that evaluations conducted by staff of</p>	NO	0%
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the program would not be considered ""independent,"" as part of its strategy the program has included a goal of requesting an independent third-party to conduct evaluations of the program to determine how well the program is achieving results and provide recommendations for improving results. Because of the small size of the federal facilities program as compared to most other EPA and federal cleanup programs, the program has not been a high priority for others to evaluate. Therefore, requests for outside evaluations will occur once every three to five years, as needed, to ensure the program is evaluated routinely and recommendations for improvement are implemented.

Evidence: Federal Facility Program Evaluation Strategy, April 2005 National Research Council Report, ""Risk and Decisions About Disposition of Transuranic and High-Level Radioactive Waste"" GAO/RCED-93-119, ""Federal Facilities: Issues Involved in Cleaning Up Hazardous Waste"" National Policy Dialogue on Military Munitions, The Keystone Center, September 2000

Section 4 - Program Results/Accountability

Score

47%

Program Performance Measures

Term	Type

Annual	Efficiency	<p>Measure: Annual program dollars expended per Operable Unit (OU) completing cleanup activities.</p> <p><i>Explanation:</i> This approach focuses on the number of operable units where cleanup has been achieved- the primary purpose of the OSWER Superfund Federal Facilities program. By using a measure of dollars rather than FTE, all efforts, whether Federal employees or contract employees, are counted. Baseline and targets -showing an increase in efficiency by a reduction of costs- have been developed.</p> <table border="1" data-bbox="509 758 930 995"> <thead> <tr> <th>Year</th> <th>Target</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td>2004</td> <td>Baseline</td> <td>\$1,207</td> </tr> <tr> <td>2005</td> <td>\$1,100</td> <td>\$647</td> </tr> <tr> <td>2006</td> <td>\$1,000</td> <td></td> </tr> <tr> <td>2007</td> <td>\$960</td> <td></td> </tr> </tbody> </table>	Year	Target	Actual	2004	Baseline	\$1,207	2005	\$1,100	\$647	2006	\$1,000		2007	\$960	
Year	Target	Actual															
2004	Baseline	\$1,207															
2005	\$1,100	\$647															
2006	\$1,000																
2007	\$960																
Annual	Output	<p>Measure: Final Remedy Selections: Number of Federal Facility sites where the final remedial decision for contaminants at the site has been determined.</p> <p><i>Explanation:</i> This measure tracks the number of sites at which the final cleanup targets have been selected. In selecting the final remedy, the Agency seeks to address all current and potential sources of contamination that threaten human health and the environment. The selection of the final remedy is significant because at this stage all contaminants have been identified, risks have been assessed, and remedies have been selected for the entire site. The final remedy signifies that no more remedial investigation and feasibility studies are needed or planned at the site. This measure is listed in EPA's 2003-2008 Strategic Plan (SP) as a strategic target for tracking progress</p>															

under Goal 3, Land Preservation and Restoration. The Federal Facility target is part of the overall SP target.

Year	Target	Actual
2004	51	56
2005	56	61
2006	61	
2007	67	

Long-term

Outcome

Measure: Groundwater Migration Under Control: Federal Facility Superfund sites with human exposures under control (exposure pathways are eliminated or potential exposures are under health-based levels for current use of land or water resources)

Explanation: These targets and baselines are specific to the Federal Facilities program, and are included in the totals discussed in EPA's Strategic Plan (SP). Environmental indicator tracking the elimination or control of migration of contaminated groundwater at NPL sites. The measure is listed in EPA's 2003-2008 Strategic Plan as a strategic target for tracking progress under Goal 3, Land Preservation and Restoration. Superfund program managers are required to regularly report the progress and effectiveness of cleanup activities in achieving this measure according to reporting requirements outlined in the SPIM.

Year	Target	Actual
2003	78	75
2004	79	79
2005	80	84
2006	81	
2007	82	

Annual	Outcome	<p>Measure: Site Construction Completion: Number of Federal Facility Superfund sites where all remedies have completed construction.</p> <p><i>Explanation:</i> This measure tracks NPL sites at which all physical construction of all cleanup actions is complete, all immediate threats to human health have been mitigated (Human Exposures Under Control has been met) and all long-term health threats are under control. The measure is listed in EPA's 2003-2008 Strategic Plan as a strategic target for tracking progress under Goal 3, Land Preservation and Restoration. Superfund program managers are required to regularly report the progress and effectiveness of cleanup activities in achieving this measure according to reporting requirements specified in the SPIM.</p> <table border="1" data-bbox="508 961 914 1245"> <thead> <tr> <th>Year</th> <th>Target</th> <th>Actual</th> </tr> </thead> <tbody> <tr> <td>2003</td> <td>40</td> <td>40</td> </tr> <tr> <td>2004</td> <td>43</td> <td>43</td> </tr> <tr> <td>2005</td> <td>46</td> <td>47</td> </tr> <tr> <td>2006</td> <td>51</td> <td></td> </tr> <tr> <td>2007</td> <td>56</td> <td></td> </tr> </tbody> </table>	Year	Target	Actual	2003	40	40	2004	43	43	2005	46	47	2006	51		2007	56	
Year	Target	Actual																		
2003	40	40																		
2004	43	43																		
2005	46	47																		
2006	51																			
2007	56																			
Long-term	Outcome	<p>Measure: Human Exposures Under Control: Federal Facility Superfund sites with human exposures under control (exposure pathways are eliminated or potential exposures are under health-based levels for current use of land or water resources)</p> <p><i>Explanation:</i> These targets and baselines are specific to the Federal Facilities program, and are included in the totals discussed in EPA's Strategic Plan (SP). Environmental indicator tracking the elimination or control of human exposure pathways at NPL sites. This measure is listed in EPA's 2003-2008 Strategic Plan as a strategic target for tracking progress under Goal 3, Land Preservation and Restoration. Superfund program</p>																		

managers are required to regularly report the progress and effectiveness of cleanup activities in achieving this measure according to reporting requirements outlined in the SPIM.

Year	Target	Actual
2003	124	120
2004	125	124
2005	127	131
2006	129	
2007	132	

Program Follow-up Actions

Year Began	Follow-up Action	Status	Comments
2006	Work with other Federal agencies to support attainment of long-term environmental and human health goals.	No action taken	Milestones: By 2/01/06, FFRRO will send a letter to DOE, DoD, and other Federal agencies about EPA's measures to gauge protection of human health and the environment, providing the list of Federal NPL sites with insufficient data/ not under control status as of end of FY05, and asking what activities these agencies plan to achieve progress. Based on the responses and site progress by the end of FY06, FFRRO will decide if more frequent than annual updates to Federal agencies are needed.
2006	Conduct one evaluation on an aspect of the program to identify areas and means for program improvements.	No action taken	By 1/31/06, FFRRO will complete an internal assessment to identify an area of EPA's Superfund Federal Facility Response Program that would benefit from the focus of an evaluation. The evaluation will be completed on later than 9/30/06.

- View this program's assessment summary.
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