



Office of Solid Waste and Emergency Response

**FY 2015 ADDENDUM TO OSWER'S
FY 2014 NATIONAL PROGRAM
MANAGER'S GUIDANCE**

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Introduction

The Office of Solid Waste and Emergency Response (OSWER) is the national program manager for a wide variety of land-based and community-based programs. OSWER is responsible for the Superfund Removal and Remedial programs, the Resource Conservation and Recovery Act program, the Brownfields program, the Underground Storage Tank program, the Emergency Response and Management program, and the Federal Facility Oversight program. OSWER also collaborates with other agency programs on cross-media issues to address environmental concerns as One EPA.

Considerations for FY 2015 Program Implementation

OSWER's guidance for FY 2014 provides program priorities and expectations to our regional colleagues and partners for carrying out our land- and community-based programs. As such, the FY 2014 guidance should be considered a framework for implementing these same programs in FY 2015. This addendum to the FY 2014 OSWER national program guidance contains additional direction important for FY 2015 program implementation and updated ACS measures and targets. Further, we would like to highlight the following important topics:

Chemical Plant Safety and Security. On August 1, 2013, the [Executive Order on Improving Chemical Facility Safety and Security](#) directed the federal government to improve operational coordination with state and local partners; enhance federal agency coordination and information sharing; modernize policies, regulations and standards; and work with stakeholders to identify best practices. EPA is making steady progress toward achieving these critical outcomes. In early FY 2015, we will provide additional guidance on specific actions to be taken in support of this effort.

Climate Change Adaptation. In November 2013, OSWER, along with EPA's other media offices and ten regional offices, released its Climate Change Adaptation Plan. In its plan, OSWER recognizes that anticipating and planning for future changes in the climate and incorporating climate considerations into its programs and operations is critical for OSWER to continue to achieve its mission and fulfill its statutory, regulatory, and programmatic requirements.

State, Tribal and Local Partnerships. OSWER recognizes the important work that our partners undertake in implementing environmental programs. As we move forward with developing an approach for a two-year NPM Guidance process, we will seek to better align with the National Environmental Performance Partnership System to more effectively advance the achievement of agency goals.

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Multiple Pages	Issue Area: Climate Change Adaptation Plans
	<p>Key Change: OSWER’s draft Climate Change Adaptation Implementation Plan, developed by a workgroup of program office and regional representatives, identified actions that would integrate consideration of the possible impacts of climate change into OSWER’s work. Program offices at headquarters will begin implementation of the plan in FY 2014; regional experience and involvement will be sought where appropriate. Furthermore, OSWER recognizes that the regional plans included OSWER-related activities as well, with which headquarters will assist.</p> <p>Activities: OSWER identified 26 actions to begin over the next three years, including, but not limited to, reviewing remedy effectiveness, management of storm debris, and emergency management planning. Selected actions include:</p> <p><u>Headquarters</u></p> <ul style="list-style-type: none"> • The Superfund Remedial program proposed developing criteria to identify cleanup remedies where performance may be impacted by climate change. EPA’s Federal Facility Response program will also contribute to this action. • The Emergency Response and Prevention program identified actions to ensure Emergency Operations Center staff are provided with the most accurate and comprehensive information that takes into consideration changes in climate. • The Brownfields and Land Revitalization program revised language in grant terms and conditions to include language requiring recipients of certain grants take potential changing climate conditions into consideration when evaluating cleanup alternatives. • The Resource Conservation and Recovery program proposed working with states and tribes to develop recommendations to incorporate consideration of climate change impacts into permitting programs. • The Underground Storage Tank program proposed working with states to gather information about whether and how states currently alter remediation planning or risk factors and ranking in response to climate change. <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none"> • In a related effort, the Emergency Response and Prevention program will work with the regions to gather information related to removal responses to see if there is a possibility these actions were prompted by extreme weather or climate change. <p>The EPA Climate Change Adaptation Plans can be found at http://www.epa.gov/climatechange/impacts-adaptation/fed-programs/EPA-impl-plans.html</p>
Page 9	Issue Area: Advancing Superfund Remedial Cleanups
	<p>Key Change: Superfund Program Review; Implementing Remedial Acquisition Framework. OSWER’s Office of Site Remediation</p>

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	<p>and Technology Innovation (OSRTI) expects to issue the Remedial Acquisition Framework in FY 2014. A key goal of the acquisition framework is to ensure adequate competition and lower costs for remedial construction and non-construction service contracts and to establish a national governance structure for all remedial program contracts.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> • The Superfund Remedial program will continue to implement the Remedial Acquisition Framework’s concepts in FY 2015. • Initial efforts for FY2015 include the development of the contract suites that will replace the expiring remedial action contracts, including soliciting and awarding new contracts. • A transition plan, which outlines a National Acquisition Center, will be established to manage the new framework. <p>Key Change: Superfund Program Review; Implementing Groundwater Strategy. OSRTI expects to issue the Groundwater Remedy Completion Strategy in FY 2014 following consideration of public comments. The Strategy is intended to help focus resources toward the efficient and effective completion of groundwater remedies to ensure protection of human health and the environment.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> • OSRTI will continue to provide support and training to the regions and others on the strategy to help ensure efficient attainment of groundwater cleanup objectives throughout the Superfund remedial program.
Page 13	Issue Area: e-Manifest
	<p>Key Change: The Hazardous Waste Electronic Manifest Establishment Act required EPA to issue an implementing regulation authorizing the use of electronic manifests. In FY 2014, the EPA finalized this regulation (i.e. “one year rule”) which codifies several of the essential provisions of the Act, and provides the legal and policy framework to authorize use of electronic manifests, once the e-Manifest IT system is ready.</p> <p>Activities: <u>States</u></p> <ul style="list-style-type: none"> • States are required to adopt the “one year rule” in accordance with requirements and timeframes in 40 CFR Part 271. <p><u>Headquarters</u></p> <ul style="list-style-type: none"> • The agency will prepare the checklists and related authorization guidance to help the states develop their e-Manifest revision applications.

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	<p>Key Change: User Fee Regulatory Development. The EPA will continue developing the initial fee structure of the e-Manifest IT system, including implementation and compliance dates, through a rulemaking.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> EPA will convene regulatory work group meetings on fee model and proposed rule and complete the proposed rule for submission to OMB. <p><u>Headquarters, regions and states</u></p> <ul style="list-style-type: none"> EPA will conduct outreach to relevant stakeholders while developing the proposed rule. States' experience using and processing manifest data, as well as operating manifest data systems will be very valuable to this regulatory development effort. Stakeholders and interested parties will also have the opportunity to comment on the proposed rule when it is published.
	<p>Key Change: e-Manifest IT System Development. In FY 2014, the EPA will have continued e-Manifest system planning through formulation of a system implementation strategy and technical architecture. Building on system requirements and with additional stakeholder discussions, this technical architecture will provide the foundation for full system development/build.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> Pending receipt of requested funding, the EPA anticipates procurement activities for building the e-Manifest IT system to begin in the first quarter of FY 2015 (October – December 2014), with a target contract award date in the third quarter FY 2015 (April – June 2014). <p><u>Headquarters, regions and states</u></p> <ul style="list-style-type: none"> The agency will continue to work closely with states (and industry users) in building the e-Manifest IT system, and will carefully address interoperability between their existing systems and the new national system.
Page 13	Issue Area: e-Enterprise
	<p>Key Change: More accurately represent current agency-wide streamlining efforts for financial assurance reporting. Re-assessing cross-program effort to convert existing financial assurance paper reporting to electronic reporting.</p> <p>Activities: Disregard the following text in the third paragraph of page 13 associated with the FY 2014 E-Enterprise initiative:</p>

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“...and a cross program effort to convert existing financial assurance paper reporting under the RCRA, the Clean Water Act (CWA), Toxic Substances Control Act (TSCA) and the Comprehensive Environmental Response, Compensation and Recovery Act (CERCLA) to electronic reporting.”

Page 18	Issue Area: Chemical Risk Management
	<p>Key Change: Additional activities to be undertaken by OSWER’s Office of Emergency Management regarding the Executive Order 13650 - Improving Chemical Facility Safety and Security.</p> <p>Activities: Make progress and deliver key products in implementing the Executive Order 13650 – Improving Chemical Facility Safety and Security, including:</p> <p><u>Headquarters</u></p> <ul style="list-style-type: none">• A draft plan to support and further enable efforts by states, tribes, local communities, first responders, and industry to work together to improve chemical facility safety.• Based on the plan to the President, short, medium and long term actions will be identified.• Engagement with key stakeholders in discussing options for modernizing regulations, guidance, and policy to enhance chemical safety at facilities; and• A Request for Information to collect information on options to improve chemical facility safety. <p>In a related effort, EPA has established a pilot program in EPA Region 2 using the Regional Response Team and Emergency Planning and Community Right-to-Know infrastructures in order to define high risk and inspection prioritization among federal agencies, identify how best to share information and data among agencies and first responders, and determine methods for improving access and content of chemical inventory Tier II filing.</p> <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none">• EPA will continue the work of this pilot program through FY 2015.

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Page 20	Issue Area: Brownfields Area-wide Planning (BF AWP) Grants
	<p>Key Change: Changes provide updated timeframes for 2015 BF AWP grant competition and additional information to regions.</p> <p>Activities:</p> <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none"> Approximately 20 BF AWP grants will be awarded to recipients in FY 2015. These grants will be managed in the EPA’s regional offices, with overall program support and implementation assistance from the Office of Brownfields and Land Revitalization. This Office will also assist with convening other federal partners to facilitate implementation of the plans and to leverage resources. Additional technical assistance will be provided by Groundwork USA to support grantee BF AWP implementation efforts. <p><u>Regions</u></p> <ul style="list-style-type: none"> Continue to provide targeted brownfield assessments on brownfield properties that help implement already developed brownfield area wide plans. Provide TBAs for catalyst sites identified by the FY 2013 and FY 2015 BF AWP grantees. Assist headquarters in efforts to convene other federal partners to facilitate implementation of the plans and to leverage resources.
Page 26	Issue Area: Superfund Federal Facility Response
	<p>Key Change: Focus on the Federal Facilities Restoration and Reuse Office's (FFRRO) 'Centers of Expertise.' The Federal Facilities Response program has been operating with declining resources, both extramural and FTE, since FY 2012. Due to these reductions, the program has reached the point where its current business approach will not enable the regions to effectively manage their federal facility NPL sites.</p> <p>Activities:</p> <p><u>Headquarters</u></p> <ul style="list-style-type: none"> FFRRO will continue efforts to create a modernized business model for managing FTE that will consolidate cross-cutting issues into a work-sharing design (e.g., Centers of Expertise) where FTE can be physically located in any region but virtually organized to accommodate workload. <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none"> The new model will enable the rapid deployment of qualified/expert personnel to assist regions in meeting priority goals and statutory requirements, based on workload. In addition to the benefit of flexible workload support, the work

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	sharing/Centers of Expertise will provide unique professional development experiences for employees.
Pages 31-33	Issue Area: Brownfields and Land Revitalization Program
	Key Change: Award and manage the FY 2015-2016 Assessment, Revolving Loan Fund and Cleanup (ARC) Grants, Changes provided updated timeframes for ARC Grant competitions and provide additional information to regions.
	<p>Activities:</p> <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none"> • The agency plans to alternate the Revolving Loan Fund (RLF) grant competition cycles and award new RLF cooperative agreements to eligible recipients every other year beginning in FY 2015. The next RLF grant competition will occur in FY 2016. Alternating competition cycles will allow the program to focus on supporting and building the existing RLF grantees' programs. Additionally, this schedule will allow regions to focus more intently on managing existing grants and reducing unliquidated obligations in existing RLF grants. Supplemental RLF funding will continue to be awarded annually to advanced RLF grantees that have grown their programs by making loans and subgrants. It will also allow the program to focus on assisting these advanced RLFs in identifying new and creative ways within the statute to use the RLF program to cleanup brownfields in their communities. <p><u>Headquarters</u></p> <ul style="list-style-type: none"> • Continue to work on the grant award and administration efficiencies consistent with the new guidance from OARM on grant efficiencies. Attempt to commence larger grant competitions earlier, so that selections can occur and grant application packages can begin being processed during the third quarter of the fiscal year. <p><u>Regions</u></p> <ul style="list-style-type: none"> • Award and manage the FY 2015 Assessment and Cleanup Grants.
	Key Change: Manage ARC and RLF grant selection and Targeted Brownfield Assessment (TBA) funding.
	<p>Activities:</p> <p><u>Headquarters and regions</u></p> <ul style="list-style-type: none"> • Continue efforts to ensure transparency and consistency in the regional process for funding requests for TBAs. • Continue efforts to ensure staff are fully trained in ARC application reviews, and that outreach, application reviews and debriefings of unsuccessful applicants are done in a nationally consistent way.

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	<p>Key Change: Allocate funding and manage the CERCLA 128(a) State and Tribal Response Program.</p> <p>Activities: <u>Headquarters and regions</u></p> <ul style="list-style-type: none"> • Ensure funding is available and provided to states, tribes, and territories that demonstrate on the ground results and support in establishing and enhancing their response programs. • Continue focus on changes to the program guidance to further outreach to rural, tribal, environmental justice and economically distressed communities.
Pages 35-36	Issue Area: Sustainable Materials Management (SMM)
	<p>Key Change: Intra-agency coordination on sustainability. Highlighting work coordinating with other EPA offices on sustainability.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> • Collaborate across the agency, including with the Office of Chemical Safety and Pollution Prevention (OCSPP), the Office of Research and Development (ORD), and the Office of Policy (OP) in implementing the Cross-Cutting Fundamental Strategy: Working Towards a Sustainable Future from the Draft FY 2014–2018 EPA Strategic Plan. As part of this effort provide leadership for furthering SMM through advancement of tools and program development and implementation. Provide support for operationalizing the use of life cycle analysis for SMM decision making. <p><u>Regions</u></p> <ul style="list-style-type: none"> • Collaborate with OSWER on work furthering SMM and amplify program messaging within the regions.
Page 37	Issue Area: RCRA Permitting
	<p>Key Change: Undertake permit modification initiative. RCRA permits must be responsive to changing demands, both economic and technical. There is a continuing challenge to process permit modification requests in a timely manner so that permittees who seek changes to their facility design or operations (e.g., to take advantage of improvements in technology or shifts in waste streams being managed), are not delayed in effecting such changes. The RCRA permitting program does not have a ready way to track this information so work must be undertaken to better understand and support this critical area.</p> <p>Activities: <u>Headquarters</u></p> <ul style="list-style-type: none"> • EPA will launch a permit modification initiative in FY2014 with the intent to collect information about permit modifications (e.g., types of modifications requested, reasons for the changes and the anticipated outcomes and impacts) and develop a report to describe the efforts in this area, make recommendations for how to capture modification

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	information in the future, and determine ways to ensure the modification process does not present a barrier to effecting innovative changes at hazardous waste management facilities.
Pages 39-40	Issue Area: RCRA Corrective Action
	<p>Key Change: New Corrective Action Measure, CA7 - Number of RCRA facilities with corrective action performance standards attained.</p> <p>Activities: <u>Regions</u></p> <ul style="list-style-type: none"> Guideline: CA7 – Regions will measure the number of facilities, using the facility-wide indicator, that have attained CA900 (with or without controls) or CA999. This measure will increase 1% nationally from the baseline year of 2013. The national target is 22% of the 2020 baseline (3,779) by the end of FY 2015 with corrective action performance standards attained.
	<p>Key Change: LEAN for Corrective Action, Each region will pilot LEAN activities related to RCRA corrective action. These activities will focus on efficiencies and better performance in the corrective action process to facilitate meeting our GPRA goals.</p> <p>Activities: <u>Regions</u></p> <ul style="list-style-type: none"> Guideline: More efficient processes have been developed for the RCRA Facility Investigation (RFI) phase of the corrective action process through a LEAN initiative run by EPA Regions 3 and 7. Materials generated by these initiatives are available to assist in developing an RFI pilot project. Pilot projects can be for regional-lead or state-lead facilities. More information is available on the ORCR corrective action web page (http://www.epa.gov/wastes/hazard/correctiveaction/).
Page 45	Issue Area: Underground Storage Tanks
	<p>Key Change: Change date of expected newly revised UST regulations from fall of 2013 to summer of 2014.</p> <p>Activities: <u>States</u></p> <ul style="list-style-type: none"> States will work toward implementation of the provisions of the newly revised UST regulations (expected to be finalized by summer of 2014), including taking appropriate steps to adopt new regulations, apply for state program approval, and update MOA's. Regions will implement the new regulations in Indian country.

**ENVIRONMENTAL PROTECTION AGENCY
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DRAFT FY 2015 NPM GUIDANCE MEASURES APPENDIX**

G/O	ACS Code	Measure Text	Non-Commitment Indicator (Y/N)	State Grant Measure (Y/N)	Nat. Target
3.1	B29	Number of brownfields properties assessed.	N	Y	1,200
3.1	B32	Properties cleaned up using brownfields funding.	N	Y	115
3.1	B33	Acres of brownfields property made ready for reuse.	Y	N	2,800
3.1	B34	Jobs leveraged from brownfields activities.	Y	N	4,750
3.1	B37	Billions of dollars of cleanup and redevelopment funds leveraged at brownfields sites.	Y	N	1.1
3.1	SM2	Number of new participants with baselines for Sustainable Materials Management Challenges.	N	N	TBD
3.1	SM3	Number of new (with baselines) and active participants in the Sustainable Materials Management Challenges.	N	N	TBD
3.1	CH2	Number of risk management plan inspections completed.	N	N	460
3.1	PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	Y	N	140
3.1	PC2	Number of acres to be remediated under 40 CFR 761.61(a) or (c) approvals.	Y	N	100
3.1	PC3	Number of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c).	Y	N	10

Note: OSWER's Office of Resource Conservation and Recovery and the regions are discussing possible alternative measure text and targets for the sustainable materials management ACS measures SM2 and SM3.

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G/O	ACS Code	Measure Text	Non-Commitment Indicator (Y/N)	State Grant Measure (Y/N)	Nat. Target
3.2	HW0	Number of hazardous waste facilities with new or updated controls.	N	Y	110
3.2	ST1	Reduce the number of confirmed releases at UST facilities to five percent (5%) fewer than the prior year's target.	Y	Y	< 6,965 (UST releases)
3.2	ST6	Increase the percentage of UST facilities that are in significant operational compliance with both release detection and release prevention requirements by 0.5% over the previous year's target.	Y	Y	70.5%
3.2	TR1	Number of tribes covered by an integrated waste management plan.	N	N	10
3.3	137	Number of Superfund removals completed.	N	N	275
3.3	327A	Percent of all FRP facilities found to be non-compliant which are brought into compliance.	Y	N	60%
3.3	328A	Percent of all SPCC facilities found to be non-compliant which are brought into compliance.	Y	N	60%
3.3	C1	Score on Core NAR evaluation.	Y	N	80%
3.3	111	Percent of confirmed releases awaiting cleanup at UST facilities.	Y	N	14%
3.3	112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.	N	Y	8,600
3.3	113	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country.	N	Y	35

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G/O/S	ACS Code	Measure Text	Non-Commitment Indicator (Y/N)	State Grant Measure (Y/N)	Nat. Target
3.3	122	Number of Superfund remedial site assessments completed.	N	N	850
3.3	131	Number of remedial action projects completed at Superfund NPL sites.	N	N	105
3.3	141	Number of Superfund construction completions.	N	N	13
3.3	S10	Number of Superfund sites ready for anticipated use site-wide.	N	N	55
3.3	151	Number of Superfund sites with human exposures under control.	N	N	9
3.3	152	Number of Superfund sites with contaminated groundwater migration under control.	N	N	13
3.3	FF1	Percent of Superfund federal facility sites construction complete.	Y	N	87%
3.3	CA1	Number of RCRA facilities with human exposures under control.	N	Y	90%
3.3	CA2	Number of RCRA facilities with migration of contaminated groundwater under control.	N	N	79%
3.3	CA5	Number of RCRA facilities with final remedies constructed.	N	Y	60%
3.3	CA7	Number of RCRA facilities with corrective action performance standards attained.	N	N	22%
5.1	OSRE-01	Reach a settlement or take an enforcement action before the start of a remedial action at 99 percent of Superfund sites having viable, liable responsible parties other than the federal government.	N	N	99%
5.1	OSRE-02	Address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal to or greater than \$500,000.	N	N	100%
5.1	HQ-VOL	Volume of contaminated media addressed as a result of concluded CERCLA and RCRA corrective action enforcement actions.	N	N	200M CY