



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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MEMORANDUM

SUBJECT: Promoting Water, Superfund and Enforcement Collaboration on Contaminated Sediments

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TO: Regional Administrators, I-X

Achieving water quality goals and maintaining public health and environmental improvements at Superfund cleanups and other contaminated sediment sites requires cross-program collaboration. The purpose of this memo is to encourage improvements in communication, coordination and collaboration among the Water, Superfund and Enforcement programs when addressing contaminated sediments. Specifically, we ask you to identify opportunities to implement cross-program collaboration efforts at water bodies with contaminated sediment and to have your Water, Superfund and Enforcement Division Directors serve as champions for these efforts.

This request aligns with two of the EPA Administrator McCarthy's seven themes: *Making a Visible Difference in Communities* and *Protecting Water: A Precious Limited Resource*. Building partnerships and leveraging each program's strengths is also supported by the EPA FY14-18 Strategic Plan, which encourages consideration of new tools that promote innovation, partnerships and application of Lean methods, where appropriate.

Close coordination between the Superfund and Clean Water Act (CWA) programs can make both programs more effective and better serve the public. For example, permits and other actions taken under CWA authority could reduce the risk of sediment re-contamination, and actions taken under Superfund authority could hasten achieving water quality standards. In addition, the early and frequent sharing of monitoring data and information about contaminant sources known to one program could help to improve actions taken under the other program.

Background

Under the CWA, one focus is on attaining specific water quality standards through control of surface water discharges. The Superfund program, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), focuses on reducing risks at sites from exposure to contaminated media, such as sediment, and consumption of contaminated water and fish. The EPA's Enforcement program monitors and compels compliance with existing laws and permits and secures funding for CERCLA cleanups from potentially responsible parties.

Given the interrelated areas of our work, there are opportunities for the Water, Superfund and Enforcement programs to work together within existing legal authorities to advance efforts toward source control, clean up and achieving water quality standards. Examples such as the Gowanus Canal and Lower Duwamish Waterway Superfund sites demonstrate the benefit of cross-program collaboration. The benefits occur to the Water and Superfund programs and, as a result, to the states, tribes, and communities as well.

Implementation

As regions and headquarters programs work to foster practices that make collaboration part of everyday activities, regions should promote cross-program collaboration on water bodies with contaminated sediments in ongoing or upcoming region-specific programmatic strategic plans and site-specific decision documents. Headquarters and regions should strive to schedule discussions of these issues in Division Directors' meetings and regional program reviews.

During FY 2015 and beyond, regions should look for opportunities to align efforts at contaminated sediment sites. We ask the Water, Superfund and Enforcement Division Directors to promote collaboration within your region.

While specifics may vary, common sense opportunities for upfront planning and collaboration exist in the Water, Superfund and Enforcement programs at the national, regional, state, tribal and local levels. There are some activities that we believe should be done as a matter of course and others that should be done depending on particular circumstances. Activities to enhance communication, coordination and collaboration that should be done as a matter of course include:

- sharing monitoring data as well as electronic data management and mapping capabilities among EPA programs, states, tribes and localities;
- coordinating actions and schedules under different legal authorities to address sources of contaminants within a watershed; and
- engaging the EPA, state, tribal and local entities early in the process, and over the long-term, to help facilitate collaborative solutions.

Activities that may be appropriate at the program level and/or site-specific level depending upon circumstances include the following:

- aligning Superfund cleanups, local and state decision-making on water infrastructure improvements, state or federal Total Maximum Daily Load (TMDL) development and implementation, and National Pollutant Discharge Elimination System (NPDES) permit actions, when feasible, to facilitate more coordinated progress that leads to reduced recontamination potential and improved watershed restoration;
- sharing knowledge of upland or upstream sources and/or background contamination;

- developing appropriate site remediation plans in accordance with CERCLA and the National Contingency Plan that may also serve to reduce the site load to impaired waters to facilitate attainment of water quality standards;
- identifying appropriate terms and conditions in NPDES permits that address contaminants of concern at Superfund sites within or adjacent to the water body;
- developing TMDLs that reflect cleanup reductions from remediation of contaminated sediments and any ongoing sources that would re-contaminate remediated sediments; and
- developing settlements or enforcement orders that address multi-program issues.

By working closely, our programs can more effectively achieve the EPA's environmental goals. As regions evaluate opportunities for cross-program collaboration, please engage your counterparts in the states, tribes and localities on this issue as they all play an important role. They implement many elements of the CWA and also have cleanup programs that address sites not addressed by the Superfund program. At the national level, our outreach to the Association of Clean Water Administrators (ACWA) and Association of State and Territorial Solid Waste Management Officials (ASTSWMO) indicates they are also interested in engaging on these issues. Expect to hear more from us as this conversation progresses.

The EPA has training and guidance available to help identify approaches to working across programs. Examples include the Office of Superfund Remediation and Technology Innovation's, *2007 Integrating Water and Waste Programs to Restore Watersheds: A Guide for Federal and State Project Managers* and the recently issued *2013 Primer for Superfund Remedial Project Managers on Water Quality Standards and the Regulation of Combined Sewer Overflows*. Additional information and resources can be found at OSWER's contaminated sediment website at <http://www.epa.gov/superfund/health/conmedia/sediment/index.htm> and at OW's website at <http://water.epa.gov/polwaste/sediments/cs/index.cfm>.

We are confident that significant benefits will accrue to communities affected by contaminated sediments and poor water quality through collaborative efforts from our Water, Superfund, and Enforcement programs. We recognize some regions already have cross-program collaborative efforts underway and we encourage the sharing of lessons learned from these efforts.

If you have questions, please contact either Jim Woolford in OSWER, Betsy Southerland in OW or Cyndy Mackey in OECA.

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