

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5606-5]

Superfund Redevelopment Pilot Program**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Solicitation of proposals.

SUMMARY: In support of the Superfund Redevelopment Initiative, EPA will accept proposals for the Superfund Redevelopment Pilot Program from the date of this notice until March 10, 2000. EPA is selecting pilot projects that will help political subdivisions within a state (e.g., cities, counties), hereafter referred to as local governments, enhance their involvement in the Superfund decision-making process. This involvement would focus primarily on assisting EPA in predicting future land uses for Superfund sites. However, EPA also will consider proposals for local governments to provide support to EPA with regard to land use related decisions made during the design or construction of a remedy where appropriate. "Political subdivisions" are units of government that meet their State's legislative definition of this term 40 CFR 35.6015(a)(31). Although this proposal is directed toward an expanded role for local governments, Federally recognized Indian tribes, states, as well as entities other than local governments that qualify as "political subdivisions" under State law are also eligible to apply.

There are a few aspects of the Superfund program that are essential to the successful cleanup of hazardous waste sites and will have continued importance under this initiative.

First, EPA and States have been working together to clean up hazardous waste sites under the Superfund law. States have a substantial role in the program including a significant role in the decision-making process and important cost sharing and long-term maintenance responsibilities at sites. When considering whether to list a site on the National Priorities List (NPL), EPA first makes efforts to determine the State's position on listing the site. EPA also consults with States on other issues related to contaminated sites within the State boundaries. States also provide valuable expertise about State legal requirements related to reuse of sites. In addition, many States have established funding programs for the reuse of contaminated properties. EPA views the continued involvement of State environmental agencies in the implementation of pilot projects as a

key component to the success of this initiative.

In addition, the Agency's commitment to an "enforcement first" approach is essential to the successful cleanup of hazardous waste sites. Enforcement first means requiring the polluter, and not the taxpayer, to pay for the cleanup. At the same time, EPA retains the option to use the Trust Fund, with the intent to fully recover the Trust Fund expenditures, at sites where negotiations are unsuccessful at getting private parties to take necessary action. An effective Superfund program depends on a balanced approach that results in protective cleanups, ensures fairness to parties, and minimizes the impact on the Trust Fund. EPA, however, continues to consider private party responses the preferred approach for the majority of Superfund sites.

Thus, key principles of the Superfund Redevelopment Pilot Program are to continue to work in partnership with States at Superfund sites, and to implement the existing "enforcement first" approach and a strong cost recovery program. These principles will guide EPA's selection of pilots under the Superfund Redevelopment Initiative.

For each pilot, EPA intends to first offer potentially responsible parties (PRPs) the opportunity to finance or provide services to local governments or communities for specified activities such as site reuse assessment and planning, facilitating stakeholder involvement, and public outreach related to predicting future land uses to the extent relevant to response selection or development of design specifications. If EPA provides the funding, local governments will be offered several types of program assistance, including funds through cooperative agreements, the availability of personnel under the Intergovernmental Personnel Act (IPA), and access to facilitation services. Each pilot may receive up to \$100,000 of EPA funding. EPA expects to select up to 40 pilot projects by May 2000. These will complement the 10 pilot projects begun in FY 1999.

DATES: In order to be considered, a local government must submit its completed proposal to EPA on, or before, 5 p.m., March 10, 2000. See the **SUPPLEMENTARY INFORMATION** section for more information on dates.

ADDRESSES: Mail proposals to Anne Hodge, Office of Emergency and Remedial Response (5204G), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Proposals sent through registered mail should be sent to Ann Hodge, Office of

Emergency and Remedial Response, 1235 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

To Obtain a Proposal Packet: Proposal packets can be obtained by calling the RCRA, Superfund & EPCRA Hotline at the following numbers.

Washington, DC Metro Area: (703) 412-9810

Outside Washington, DC Metro: (800) 424-9346

TDD for the Hearing Impaired: (800) 553-7672

Applicants can also obtain a proposal packet by contacting the Superfund Redevelopment Initiative Helpline at (888) 526-4321.

To Obtain a Proposal Packet on the Internet: If you want to obtain a proposal packet or an electronic proposal packet on the Internet, visit EPA's Web site at the following address on the World Wide Web: <http://www.epa.gov/superfund/programs/recycle/proposal.htm>. This address will connect you to the Superfund Redevelopment Pilot Program page.

Alternatively, applicants can use the following three-step process to reach the SR Pilot Program Web site:

1. Visit EPA's Web site at <http://www.epa.gov> and press the Search button;

2. In the Search box, type in "Superfund Redevelopment Pilot Program" and click on the Search button;

3. Scroll down the list of documents and click on the title "Superfund Redevelopment Pilot Program" to link to the correct page.

For more information on the electronic proposal packet, please read "Obtaining the Proposal Packet on the Internet" and "Using the Electronic Version of the Proposal Guidelines" in the proposal packet.

For Proposal Assistance: Additional information about the Pilot Program and the proposal guidelines can be obtained by contacting individuals from the EPA Regional Offices or by contacting the Superfund Redevelopment Initiative Helpline. For more information, see "Where Can I Go for Further Information or Proposal Assistance" under the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:**What Is the Superfund Redevelopment Initiative?**

The Superfund Redevelopment Initiative is EPA's nationally coordinated effort to facilitate the return of Superfund sites to productive use by selecting response actions consistent

with anticipated use to the extent possible. Future land use predictions are important in determining the appropriate extent of remediation because future use will affect the type and frequency of exposures that may occur at a site. The Superfund program's primary mission is the timely and efficient assessment, investigation, and cleanup of the nation's worst hazardous waste sites, with an emphasis on those sites on the NPL. EPA would like to build on current success in returning contaminated Superfund sites to commercial, ecological, recreational, residential, and public use. Working in partnership with States, tribes, other federal agencies, local governments, communities, land owners, lenders, developers, and parties potentially responsible for contamination, EPA has been developing cleanup plans that take into account the predicted future uses of the site, such as retail stores, office buildings, homes, golf courses, softball fields, and wetlands. Thus, Superfund sites, which were once thought to be unusable, are put back into productive use.

What Is the Superfund Redevelopment Pilot Program?

EPA will select pilots for the Superfund Redevelopment Pilot Program based on their potential to demonstrate how local government involvement can support the return of Superfund sites to productive uses. Local governments can facilitate the redevelopment of former sites, in part, by predicting future land uses and working with EPA, States, PRPs, and landowners as site cleanup decisions are made and implemented. In Spring of 1999, EPA identified 10 pilot sites based on preliminary eligibility and evaluation criteria. These targeted pilot sites will serve as models for the open proposal process.

To broaden the pilot program, EPA has developed an open proposal process, which is the focus of this **Federal Register** notice. During the open proposal process, eligible applicants may submit a project proposal outlining the types of activities they are proposing to conduct and the types of support they are requesting from EPA. Although this proposal is directed toward a new role for local governments, federally recognized Indian tribes and States are eligible to apply.

Many activities at Superfund sites are being undertaken by PRPs. Where there are viable PRPs, applicants who submit a proposal should be aware that EPA will seek to have the PRP fund such a project. References to "EPA assistance"

in this document may result in EPA efforts to gain PRP assistance to involve the local government in decision making at the site. In addition, the activities funded by EPA under this initiative are considered cost recoverable, and EPA will make every effort to recover these costs.

A Proposal Evaluation Panel, composed of EPA Regional and Headquarters staff and possibly other federal employees, will review the merits of each proposal. EPA will announce successful pilot applicants by May 2000.

What Is the Statutory Basis for the Pilot Program?

Funding and services for the pilot program are authorized under section 104(d)(1), "Cooperative Agreements," of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA or Superfund), 42 U.S.C. 9604(d)(1).

How Will EPA Determine if the Pilot Program Is Successful?

EPA will use the following measures to determine the success of the pilot program.

- A letter or report from the pilot awardee that describes the predicted reuse option for the site, including a summary of community and stakeholder input where appropriate.
- The selected response is consistent with the predicted reuse to the extent practicable.

What Are the Eligibility Criteria?

EPA must verify that the applicant and the project are both eligible for assistance under the Pilot Program. In order to be eligible for funding under this program, an applicant must be able to answer "yes" to the following three requirements:

4. The applicant is a political subdivision, a federally recognized Indian tribe, or a state.
5. The applicant is not a Potentially Responsible Party (PRP) at the site, or, if liable, the applicant has a signed settlement agreement with EPA.
6. The site within the applicant's jurisdiction is:
 1. Proposed or final on the NPL (including sites where construction of the final cleanup remedy is not yet complete);

or

- b. Not on the NPL, but significant involvement by EPA is planned at the site and a cleanup decision is still pending.

What Types of Activities May Receive Assistance?

EPA and CERCLA support meaningful participation of stakeholders in decisions regarding cleanup and potential future land uses at Superfund sites to the extent relevant to response selection, design and implementation. This initiative envisions awarding EPA assistance to perform the following types of activities at specific sites.

- *Reuse Assessments and Reuse Plans* to predict the reasonably anticipated future land use for the site that will provide valuable information that can guide the selection, design and implementation of a response action to be consistent with the predicted reuse to the extent allowed by law. These activities could be performed by in-house staff, consultants, or IPA personnel with the appropriate background and technical experience. Some of the reuse assessment and planning activities that can be conducted are found in EPA's guidance on considering land use in remedy selection (see section entitled "Developing Assumptions on Future Land Use" in *Land Use in the CERCLA Remedy Selection Process*, OSWER Directive No. 9355.7-04, available on the Web at http://www.epa.gov/swerosps/bf/ascii/land_use.txt).

- *Facilitation Services* by neutral parties who, by working with state and local government representatives, identify and involve community stakeholders in developing views on what future land uses might be reasonably predicted for the site.

- *Coordination* among different levels of government, community members, and organizations interested in natural resources (e.g., recreational, sport hunting, and environmental organizations) or economic redevelopment to identify reasonably anticipated future uses of the land.

- *Public Outreach* including conducting public meetings, publishing newsletters and other informational material for the public, and developing strategies to educate and involve community leaders in predicting reuse or in the Superfund cleanup and decision-making processes related to a specific Superfund site. A community may wish to use facilitation services to accomplish this activity.

- *Training and Workshops* for community members and local governments on determining anticipated future land uses and the Superfund cleanup and remedy selection processes as related to a specific Superfund site (this may also include information on

the long-term implications and the need to maintain land use restrictions).

- *Support for a Citizen Advisory Group* to inform and advise the community in projecting reuse of a site. For example, support may include provision of meeting space, or newsletter development and distribution.

- *Other Technical Assistance* to the community from consultants, non-governmental organizations, and universities to study and develop recommendations on legal, fiscal, economic, and other issues as appropriate to project site reuse and support the selection of a remedy consistent with that reuse.

What Types of Activities Can Not Receive Assistance?

EPA can **not** provide funding for activities beyond the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). For example, EPA can **not** provide funding for the following activities:

- Matching the site with prospective developers;
- Land acquisition;
- Developing master land use plans that extend beyond the boundaries of the Superfund site or that develop information unrelated to the issue of response selection, design, or implementation. (However, this initiative does not discourage coordination with area-wide land use planning efforts);
- "Lobbying" efforts by the recipient (e.g., lobbying members of Congress, or lobbying for other federal grants, cooperative agreements or contracts). Federal assistance funds may not be used for fund-raising purposes such as identifying foundations and non-profit organizations to attract financing, or developing information unrelated to issues of response selection, design, or implementation;
- Matching any other federal funds without specific statutory authority; Activities carried out by the local government as part of their routine governmental functions (e.g., zoning, eminent domain activities, or clearing title to the land); or
- Physical on-site development work or actual cleanup or other response activities associated with such cleanups (e.g., landscaping).

What Types of Assistance Will EPA Provide?

EPA will offer pilot awardees an array of program assistance that will allow them to accomplish the activities outlined in their proposal. EPA will

provide up to \$100,000 in financial assistance and/or services to each pilot. Where there are viable PRPs, they will be asked to provide this support for the Pilot Program *in lieu* of EPA using the Trust Fund. The type and exact amount of assistance provided will depend on the specific activities to be performed. EPA will consult with local governments selected for the pilots about which of the following assistance will be provided. In order to qualify for assistance, local governments will be asked to provide detailed information on specific work products, schedules, and budgets related to their project activities. EPA will use cooperative agreements to provide monetary funds to local governments. In addition, local governments may also choose other types of assistance that would provide personnel or facilitation services. The types of assistance are as follows:

- *Cooperative Agreements:* These agreements will be used to award funds to local governments to support and stimulate their involvement in the remedy selection process. Cooperative agreements outline the terms and conditions to be met by the recipient of the funds. The support provided through this effort will relate to predicting potential future land use and designing and constructing remedies consistent with that use to the extent possible.

- *Intergovernmental Personnel Act (IPA) Assignments:* EPA may help fund a position for a federal agency expert who can work with the local government on predicting site reuse, which in turn will help provide information for the selection of a remedy that is consistent with that reuse to the extent possible. For example, an IPA assignment can be used to establish a position such as that of an expert advisor. Both the EPA and the local government play a role in funding an IPA assignment. The IPA assignment typically would be for one year, with the opportunity for an extension. For the purpose of these pilots, the assignment of a federal agency expert to a recipient community is part of the \$100,000 cap.

- *Facilitation Services:* Through its facilitation services contract, EPA may provide the services of a professional facilitator to assist the local government in predicting the reasonably anticipated future uses for a site. Among other things, professional neutrals can help identify all the parties that have a stake in the outcome of a process, define the issues to be decided, clarify roles and responsibilities, air issues of environmental justice, draft procedural guidelines and agendas, and bring about

partnerships among multiple parties with the goal of increasing the reliability of the prediction of reuse.

What Is the Proposal Evaluation Panel (PEP)?

To ensure a fair selection process, EPA will utilize a Proposal Evaluation Panel or PEP. The purpose of the PEP will be to ensure that the applicants and their projects are eligible and to assess the proposals against the evaluation criteria outlined below. The PEP's recommendations will be presented to EPA Senior Management for final selection.

What Are the Proposal Guidelines?

The proposal guidelines provide directions to potential applicants who wish to apply for a Superfund Redevelopment Pilot. The guidelines contain background information on the pilot program, outline the requirements for a successful proposal, and provide additional information related to the pilot program. Individuals within the EPA Regional offices are available to provide applicants with assistance in answering general questions about the proposal guidelines. Applicants are encouraged to contact and, if possible, meet with the EPA contact from their Region (see below).

What Should My Proposal Look Like?

A successful proposal should be clear, concise, and strictly follow the evaluation criteria. A successful proposal should also provide sufficient detail to support the determination that the proposed project best addresses the intent of the pilot program. Vague descriptions and repetition may reduce the rating. Proposals providing the best evidence of a true need, a quality project, a clear public benefit, and appropriate use of assistance will receive higher scores.

A successful proposal should contain informative answers for each of the following sections:

- Cover Page and Eligibility Assessment Worksheet, which provide basic information about the applicant and their eligibility;
- Site Summary, which provides a factual and historical context for the site, including site ownership;
- Project Overview, which outlines the applicant's general goals and specific objectives for the project; and
- Responses to the Evaluation Criteria, which are explained below.

What Are the Evaluation Criteria?

EPA has developed evaluation criteria in order to distinguish the most promising eligible candidates for the

pilot program. The evaluation criteria, outlined below, will be the primary basis on which EPA will consider an applicant's proposal for a pilot. The PEP will carefully review each proposal as to how well it addresses the evaluation criteria. Each criterion has been assigned a certain number of points, with the total number of points equal to 100. Proposals can obtain partial or full credit based on how they address each criterion. A successful proposal will obtain a high score in each of the following sections:

- Project Strategy (10 points);
- Budget (10 points);
- Superfund Cleanup Phase (10 points);
- Anticipated Role of Current/Future Site Owner (10 points);
- Community Involvement (20 points);
- Anticipated State Role (10 points);
- and
- Clearly Identified Value Added Through EPA Assistance (30 points).

How Do I Obtain a Proposal Packet?

Proposal packets can be obtained by calling the RCRA, Superfund & EPCRA Hotline at the following numbers. Washington, DC Metro Area: (703) 412-9810
 Outside Washington, DC Metro:(800) 424-9346
 TDD for the Hearing Impaired: (800) 553-7672

A proposal packet can also be obtained by contacting the Superfund Redevelopment Initiative (SRI) Helpline, staffed by EPA support contractors, at (888) 526-4321.

Proposal packets contain the following documents:

- (1) Superfund Redevelopment Pilot Program Overview;
- (2) Pilot Program Proposal Guidelines;

- (3) "Using the Electronic Version of the Proposal Guidelines";
- (4) "Obtaining the Proposal Packet on the Internet";
- (5) Types of EPA Assistance Fact Sheet;
- (6) International City/County Management Association Peer Match Information;
- (7) EPA Contact Information Sheet;
- (8) Summary of Targeted Pilots;
- (9) Superfund Redevelopment Initiative Overview;
- (10) Summaries of Superfund Redevelopment Activities; and
- (11) Selected One-Page Summaries of Site Success Stories.

How Do I Obtain an Electronic Version of the Proposal Packet?

To further assist potential applicants, EPA has also developed an electronic version of the proposal packet. To access the proposal guidelines and proposal packet on the Internet, use either one of the following methods. The proposal guidelines and the proposal packet can be downloaded from EPA's Web site at the following address: <http://www.epa.gov/superfund/programs/recycle/proposal.htm>. This address will directly connect you to the Superfund Redevelopment Pilot Program Web page where you can obtain these documents.

Alternatively, applicants can use the following three-step process to connect to the Web site:

1. Visit EPA's Web site at <http://www.epa.gov> and press the Search button;
2. In the Search box, type in "Superfund Redevelopment Pilot Program" and click on the Search button; and
3. Scroll down the list of documents and click on the title "Superfund

Redevelopment Pilot Program" to link to the correct page.

The electronic version of the proposal guidelines will provide applicants with the ability to download a suggested proposal format and other information and to enter the information directly using their computer. The proposal guidelines and suggested format are provided in both Corel WordPerfect version 9 and Microsoft Word version 97.

For more information on using the electronic proposal guidelines, please refer to the "Using the Electronic Version of the Proposal Guidelines" and "Obtaining the Proposal Packet on the Internet" in the proposal packet.

What Is the Deadline for Submitting Proposals?

The deadline for EPA receipt of proposals is 5 p.m., March 10, 2000. Proposals must have an official U.S. Postal Service postmark and arrive at EPA by this date and time.

Where Can I Go for Further Information or Proposal Assistance?

Applicants are encouraged to contact and, if possible, meet with EPA Regional officials to have any questions answered and to discuss the initiative. Individuals within the EPA Regional Offices are available to answer general questions and concerns about the Pilot Program and the proposal guidelines. However, EPA cannot provide information or assistance related to a specific site, or any other information that would give a particular applicant an advantage. Information about the Superfund process is also available. Applicants can contact their Region directly using the information provided in the following table:

REGIONAL CONTACT INFORMATION

Region	States	Address, Phone, Fax, E-Mail
EPA Region 1: Don Berger	CT, ME, MA, NH, RI, VT	1 Congress Street, Ste. 1100, Boston, MA 02114-2023. Phone (617) 918-1351 Fax (617) 918-1294; berger.don@epa.gov .
EPA Region 2: Dan Forger	NJ, NY, PR, VI	290 Broadway, 18th Floor, New York, NY 10007-1866. Phone (212) 637-4402 Fax (212) 637-4439; forger.dan@epa.gov .
EPA Region 3: Walt Graham	DE, DC, MD, PA, VA, WV	1650 Arch Street, Philadelphia, PA 19103-2029. Phone (215) 814-3146 Fax (215) 814-3002; graham.walter@epa.gov .
EPA Region 4: Mike Norman	AL, FL, GA, KY, MS, NC, SC, TN	Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960. Phone (404) 562-8792 Fax (404) 562-8788; norman.michael@epa.gov .
EPA Region 5: Jim Mayka	IL, IN, MI, MN, OH, WI	77 West Jackson Boulevard, Chicago, IL 60604-3507. Phone (312) 353-9229 Fax (312) 886-4071; mayka.james@epa.gov .
EPA Region 6: Barbara Greenfield ..	AR, LA, NM, OK, TX	1445 Ross Avenue, Ste. 1200, Dallas, TX 75202-2733. Phone (214) 665-3111 Fax (214) 665-6660; greenfield.barbara@epa.gov .
EPA Region 7: Bob Feild	IA, KS, MO, NE	901 North Fifth Street, Kansas City, KS 66101. Phone (913) 551-7697 Fax (913) 551-7063; feild.robert@epa.gov .
EPA Region 8: Victor Ketellapper	CO, MT, ND, SD, UT, WY	999 18th Street, Suite 500, Denver, CO 80202-2466. Phone (303) 312-6578 Fax (303) 312-6897; ketellapper.victor@epa.gov .
EPA Region 9: Jim Hanson	AZ, CA, HI, NV, AS, GU	75 Hawthorne Street, San Francisco, CA 94105. Phone (415) 744-2237 Fax (415) 744-1796; hanson.jim@epa.gov .

REGIONAL CONTACT INFORMATION—Continued

Region	States	Address, Phone, Fax, E-Mail
EPA Region 10: Susan Morales	AK, ID, OR, WA	1200 Sixth Avenue, Seattle, WA 98101. Phone (206) 553-7299 Fax (206) 553-0124; morales.susan@epa.gov.

The Superfund Redevelopment Initiative (SRI) Helpline is also available to answer general questions related to the Superfund Redevelopment Initiative and the Pilot Program. The SRI Helpline number is (888) 526-4321. More information on the SRI Helpline can be found in the EPA Contact Information Sheet in the proposal packet.

In addition, State environmental officials may also provide valuable insight for an applicant. As noted earlier, States have an important role to fulfill at Superfund sites, and State governments may have complimentary programs that could further enhance a local government's proposal.

When Will EPA Announce Pilot Awards?

The EPA will announce pilots awardees in May 2000.

How Will EPA Notify Applicants of Awards?

If EPA receives a proposal by the deadline, the Agency will mail a letter

to the applicant confirming that their proposal has been received and will be evaluated. After EPA chooses the pilot awardees from the group of eligible proposals, the Agency will mail a confirmation letter to the successful applicants informing them of their selection as a Superfund Redevelopment Pilot.

Applicants with proposals that are not selected will be informed in writing. EPA will explain why the PEP did not choose their proposals and will provide them with information about the potential for obtaining alternative sources of funding for determining the reasonably anticipated future uses at their sites.

What Will I Be Required To Do If I Am Chosen as a Pilot?

When appropriate, EPA will ask successful applicants to complete the paperwork and establish a formal cooperative agreement. This paperwork will include an application for federal

assistance, budget sheets, certification forms, and other requirements as negotiated between EPA and the pilot awardee. The applicant may also need to provide legal opinions regarding authority to enter into the agreement and do the work, and information demonstrating that the applicant meets basic grants management and financial accountability requirements. If another type of assistance other than funds is involved, the applicant may also have to provide information for that agreement. The EPA Regional contact will work closely with the applicant to process and finalize the cooperative agreement and/or other assistance agreement.

Authority: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Superfund, Section 104.

Dated: December 3, 1999.

Timothy Fields, Jr.,

Assistant Administrator.

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