



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

### MEMORANDUM

**SUBJECT:** Response to Office of Inspector General Final Report No. 22-E-0049  
"Coronavirus Pandemic Caused Schedule Delays, Human Health Impacts, and  
Limited Oversight at Superfund National Priority List Sites", June 23, 2022

**FROM:** Barry N. Breen  
Acting Assistant Administrator

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BREEN**

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**TO:** Sean W. O'Donnell, Inspector General  
Office of Inspector General

Thank you for the opportunity to respond to the unresolved issues and recommendations in the subject audit report. Following is a summary of the agency's overall position. For the report recommendations with which the agency agrees, we have provided alternative high-level intended corrective actions and estimated completion dates to the extent we can. This response has been coordinated with and reviewed by the Office of the Administrator.

### AGENCY'S OVERALL POSITION

The Agency concurs with the recommendations and has either completed or has a plan to complete all recommended actions. Based on our July 13, 2022, meeting with the EPA's Office of Inspector General (OIG), and to address the OIG's revised recommendation, the Office of Superfund Remediation and Technology Innovation (OSRTI) coordinated with the regions on a review of all public meeting events required under CERCLA and the NCP. Our review requested the regions confirm that if a required public meeting was either cancelled or postponed it has been held or provide a plan for when the meeting will be re-scheduled, or rationale why it is no longer required.

Based on our review, Region 5 re-scheduled two required public meetings during March of 2020 due to the COVID-19 pandemic. Both public meetings were scheduled to present EPA's Proposed Remedial Action Plan for public comment as required by CERCLA 113(k)(2)(B)(iii) and 117(a)(2); NCP 40 C.F.R. §300.430(f)(3)(i)(D). Both meetings were completed in June of 2020 using a virtual meeting platform. For communities who did not have access to the internet, a call-in number was provided to the virtual public meetings. Additionally, as required by CERCLA and the NCP, the Proposed Remedial Action Plans were made available to the public in the information repositories established for the sites to provide the public with the opportunity to review the plans and submit written comments to EPA.

All other regions reported that they were able to complete their required public meeting obligations during the COVID-19 pandemic, and there are no outstanding required meetings pending. The Office of Land and Emergency Management (OLEM) does not believe any further corrective action is necessary based on these findings and has marked corrective actions for Recommendation 1 as complete.

For Recommendation 2, OLEM is in the process of developing and distributing guidance and best practices for oversight of Superfund sites when travel or site access is limited. We expect this guidance to be finalized and disseminated by Q2 of FY2023.

#### AGENCY'S RESPONSE TO FINAL REPORT RECOMMENDATIONS

No.	OIG Recommendation	Initial Proposed Corrective Action	Alternative proposed Corrective Action	Estimated Completion by Quarter and FY
1	Develop and implement a plan to conduct outreach meetings in the communities where meetings did not occur during the pandemic because they either lacked or do not use virtual technologies.	Documents provided in 2017 and updated in 2020 to specifically address COVID, including the use of virtual technologies for public meetings.	1.1: Conducted a review of all public meeting events required under CERCLA and the NCP that were either cancelled or re-scheduled because of the COVID-19 pandemic.	Complete
			1.2: Surveyed Regions to determine if Regions have held required meetings, rescheduled meetings for later this year, or addressed the community engagement requirement via alternative option. Determined all regions have held required meetings and the remedial program is in compliance with CERCLA requirements.	Complete
2	Promptly develop and implement guidance regarding how oversight should be conducted for Superfund sites when travel or site access is limited.	Rather than a formal guidance OSRTI recommends developing a lessons learned document on oversight conducted at Superfund sites when travel or site access is limited by a pandemic.	OSRTI will prepare guidance on best practices for oversight of Superfund sites when travel or site access is limited.	2 <sup>nd</sup> Quarter FY23

## CONTACT INFORMATION

If you have any questions regarding this response, please have your staff contact the OLEM Audit liaison, Kecia Thornton at [Thornton.Kecia@epa.gov](mailto:Thornton.Kecia@epa.gov) or 202-566-1913.

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