

# Superfund Funding

“A brief overview of a complicated topic”

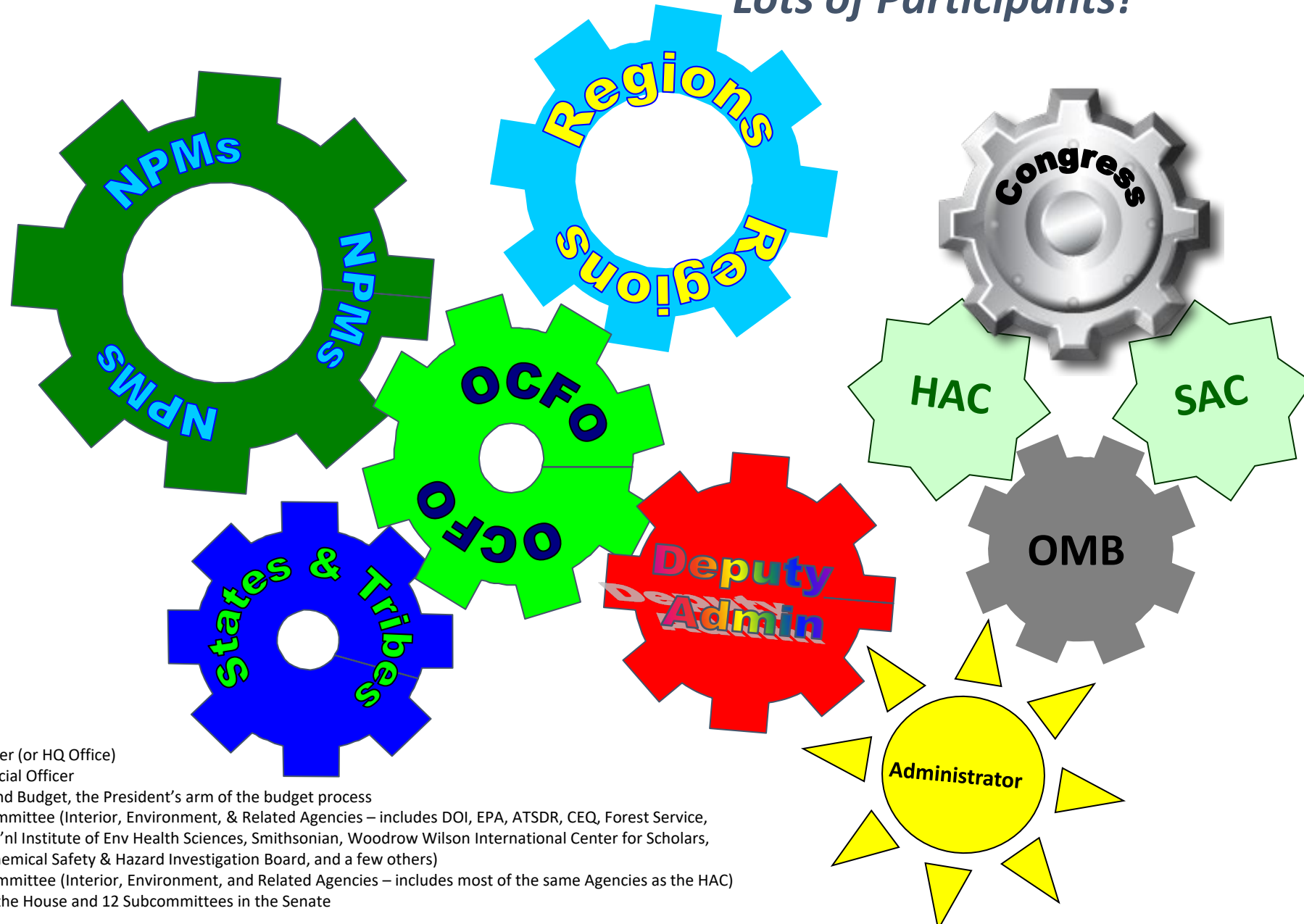
EPA presentation for the June 2021 BPMD CAG meeting



**Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

# Budget Formulation

*Lots of Participants!*



NPM = National Program Manager (or HQ Office)

OCFO = Office of the Chief Financial Officer

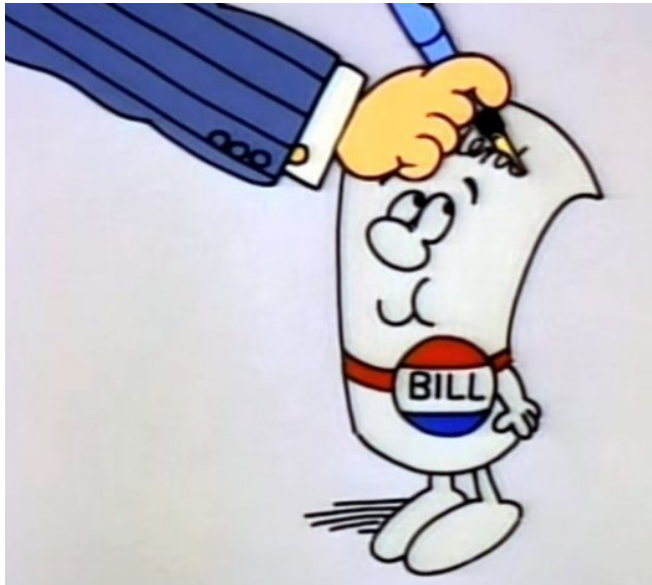
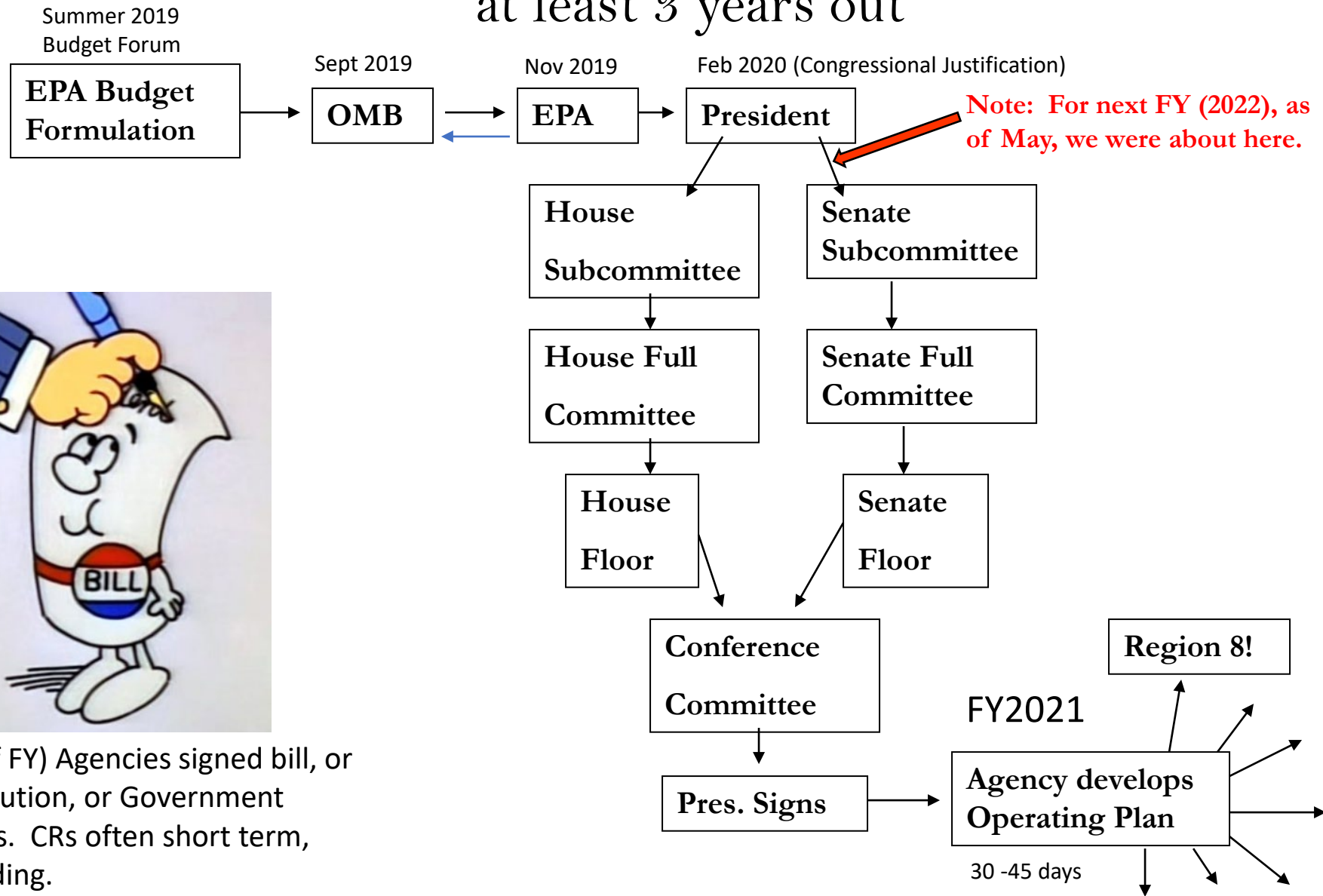
OMB = Office of Management and Budget, the President's arm of the budget process

HAC = House Appropriations Committee (Interior, Environment, & Related Agencies – includes DOI, EPA, ATSDR, CEQ, Forest Service, Indian Health Service, Nat'l Institute of Env Health Sciences, Smithsonian, Woodrow Wilson International Center for Scholars, National Gallery of Art, Chemical Safety & Hazard Investigation Board, and a few others)

SAC = Senate Appropriations Committee (Interior, Environment, and Related Agencies – includes most of the same Agencies as the HAC)

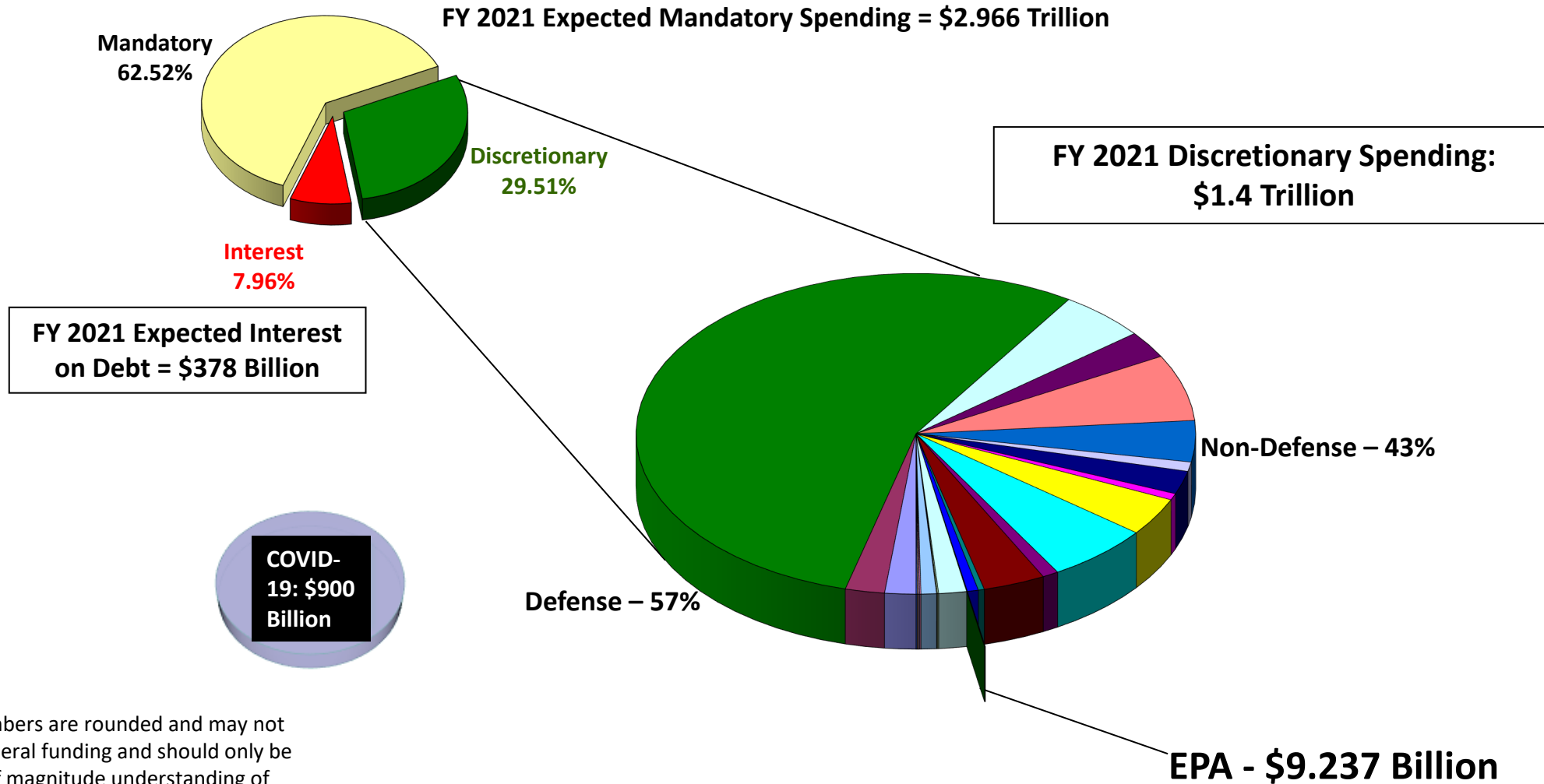
There are 12 Subcommittees in the House and 12 Subcommittees in the Senate

# Federal Budgeting is Multi-Year Process: Program to Site Specific planning is at least 3 years out



By Oct 1 (start of FY) Agencies signed bill, or Continuing Resolution, or Government Shutdown results. CRs often short term, not full year funding.

# Where does EPA fit in the 2021 Enacted \$5.266 Trillion Omnibus Bill?



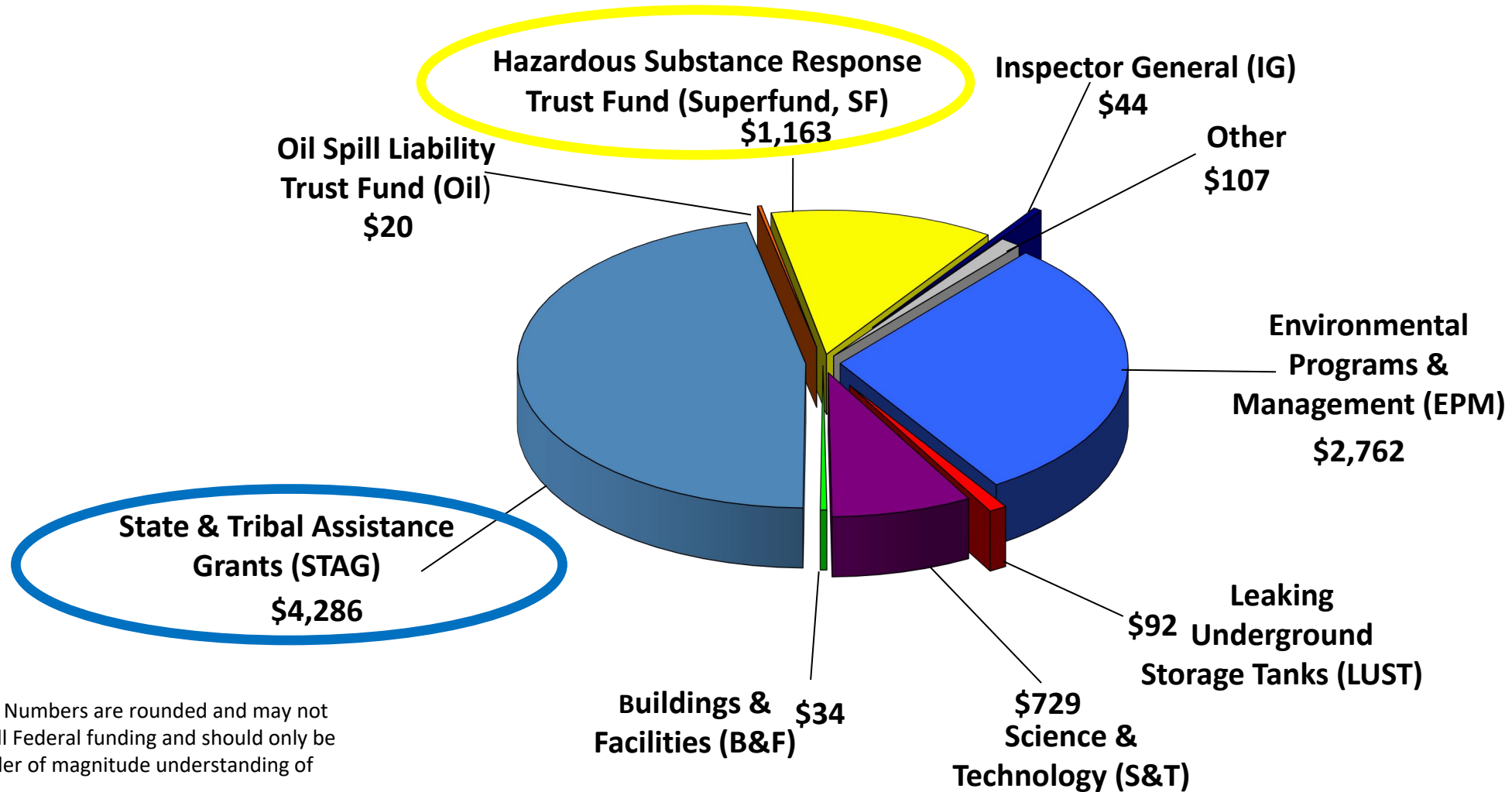
Disclaimer:: Numbers are rounded and may not include of all Federal funding and should only be used for order of magnitude understanding of budgets.

*EPA's \$9.2 billion accounted for 0.66% of the Discretionary Budget in 2021.*

Sources: Wikipedia, cbo.gov, omb.gov

# EPA Funding by Appropriation

(Dollars shown below are in Millions)

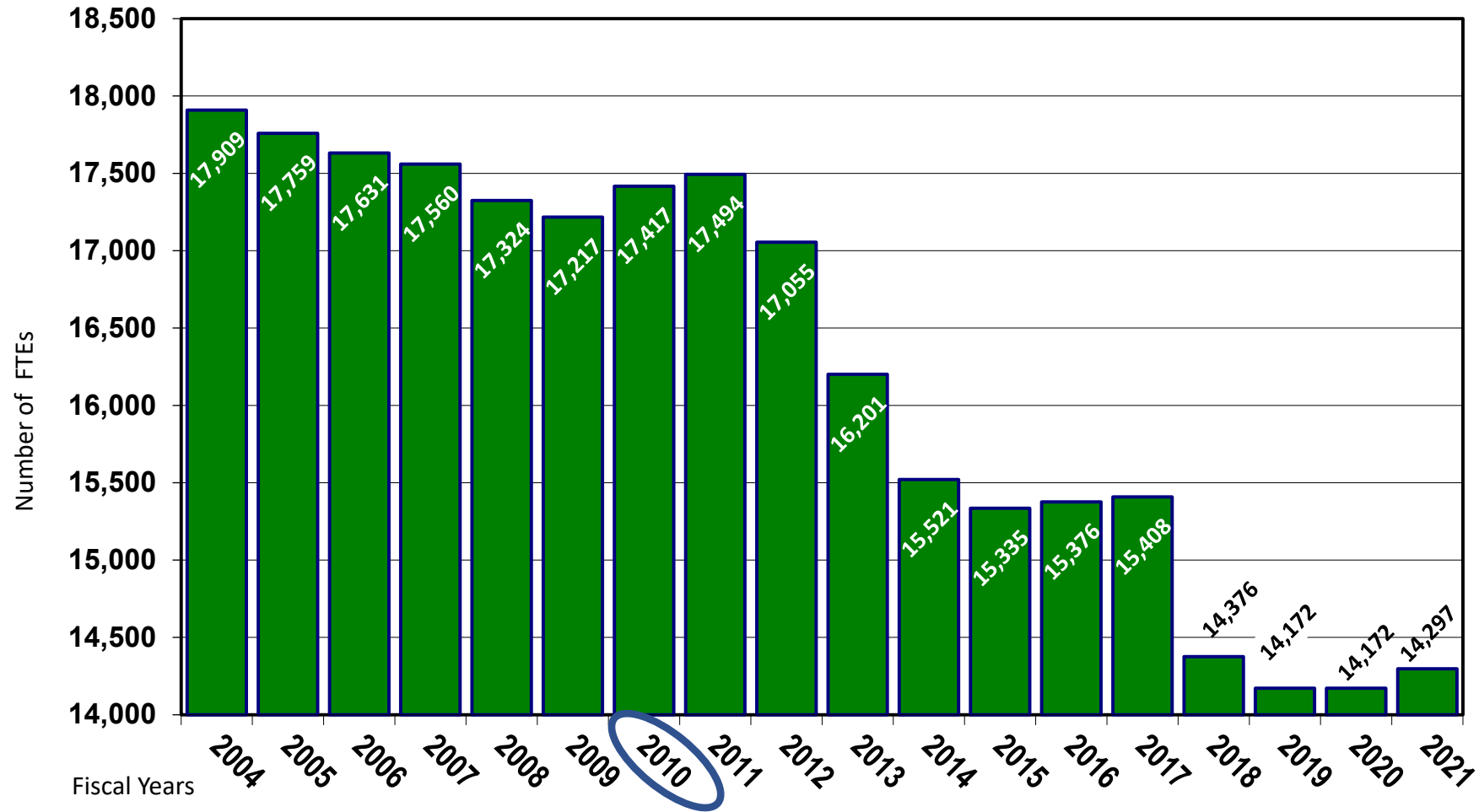


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FY 2021 Agency Enacted Budget = \$9.237 Billion (after \$27.991M recission)

*EPA's Federal workforce has declined by over 3,600 since 2004.*

### *EPA's FTE (Work year\*) Ceiling History*



### **Enacted Budgets**

\* FTE (Full Time Equivalent) = one employee working full time for a full year (52 weeks X 40 hours = 2,088 hours), or the equivalent number of hours worked by several part-time or temporary employees.

# Appropriated vs. Trust Fund vs. Fee-Based Funding

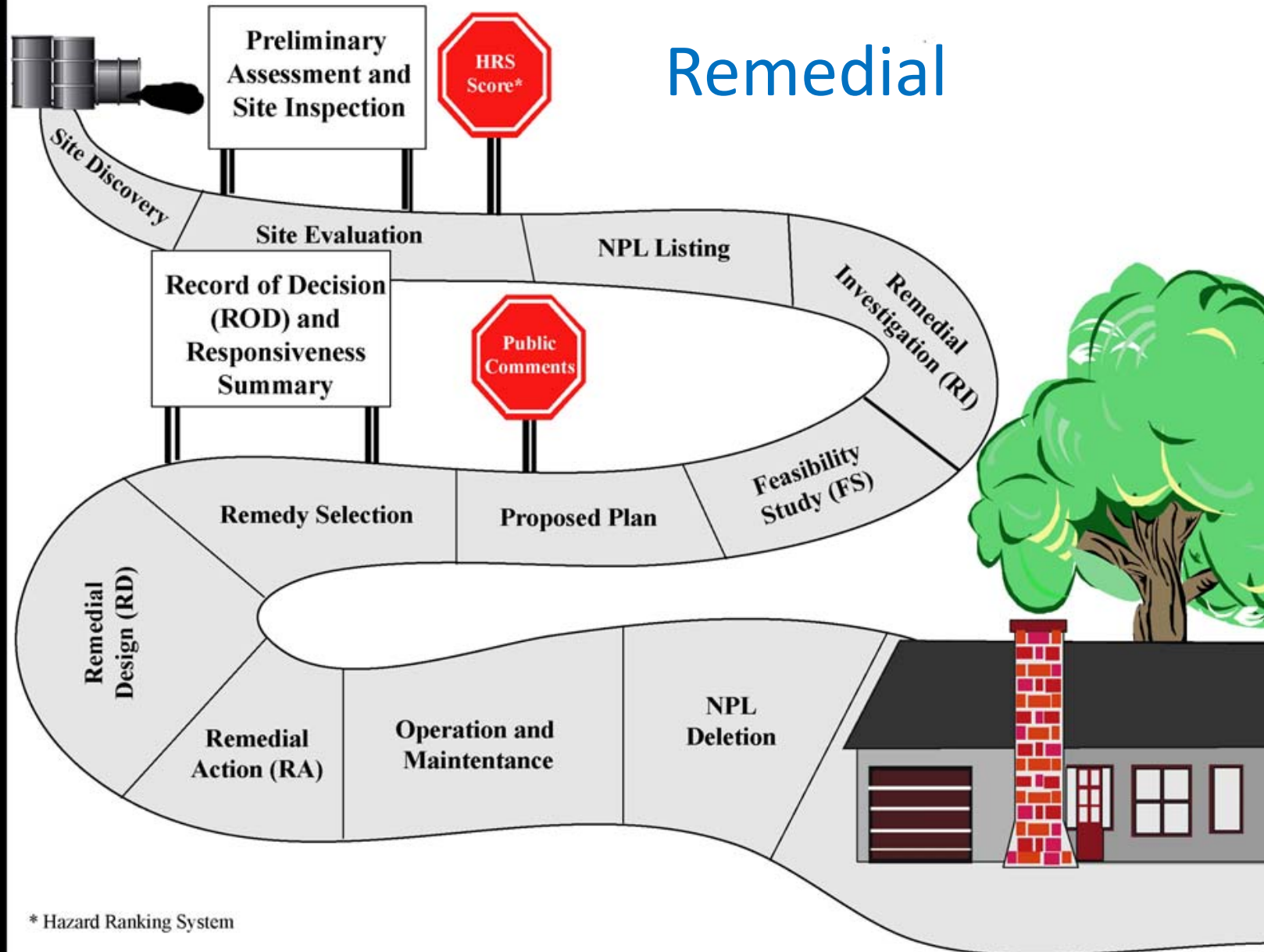
- Appropriated Funding: Funding provided by Congress from general revenue. Most funding comes from appropriated resources
- Trust Funds: A funding mechanism generally tied to a tax (e.g., Federal Highway Trust Fund)
  - Oil Spill Response (Oil)
  - Leaking Underground Storage Tanks (LUST)
  - Superfund (mixed trust fund and general revenue)
    - There is no longer a federal tax on petroleum & chemical industries that originally funded the superfund - ended in 1995, fund was depleted by 2003, superfund work is now funded by general tax & cost recovery
- Fee System: Funds derived from user fees
  - E-Manifest

# Rules for Spending

- Funds must be spent according to the **authority** provided (both the authorizing statute and appropriation).
- Congress provides funds for a certain **purpose**, a set **amount**, under particular **conditions** and often with set deadlines.

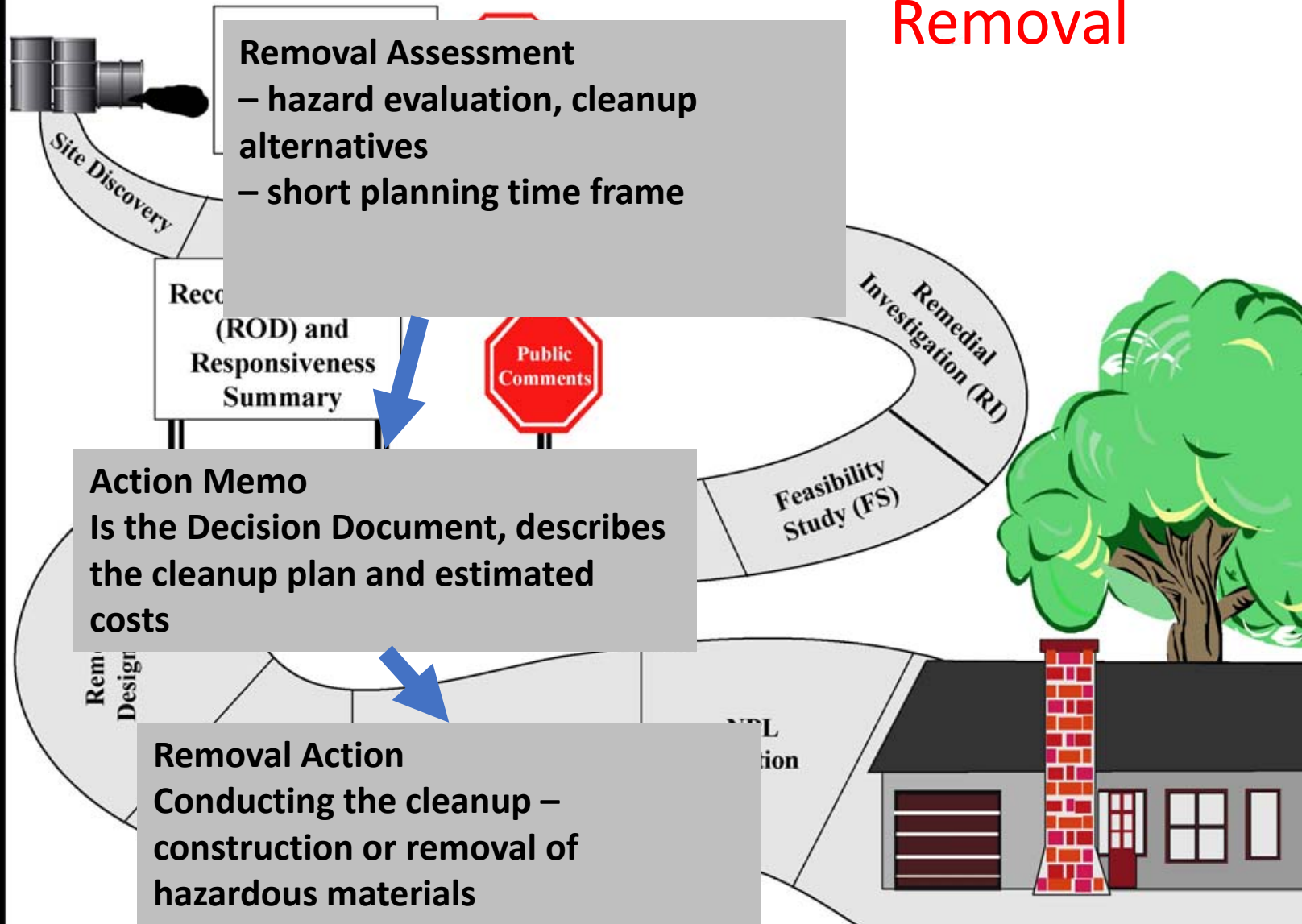


# The Superfund Process

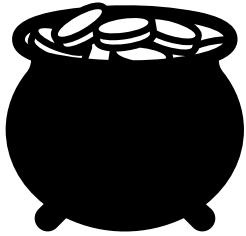


# The Superfund Process

Removal

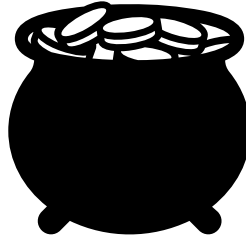


# Types of Superfund Funding: Non-Federal, No PRP



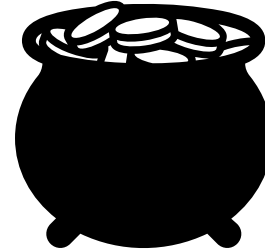
## Removal & Emergency Response

- Urgent to short-term risk mitigation needs
- Regions have decision making up to certain dollar thresholds
- No State Cost Share



## Pipeline- Remedial

- Site Assessment, Remedial Investigation, Feasibility Study, Decision Document & Remedial Design
- Regions get a limited budget
- Regions have decision making on which sites & which work to fund (w/ HQ coordination)
- No State Cost Share



## Remedial Action

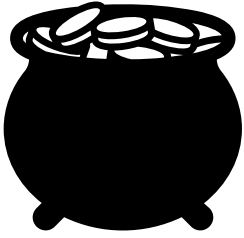
- Construction of the selected cleanup
- Regions request RA funds from EPA HQ
- Funding needs are compared with other Sites nationally
- Risk based & competitive for limited pot of funds
- State 10% Cost Share



## Operations & Maintenance

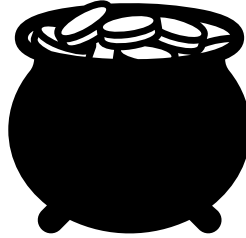
- Long term care & operations of remedy
- 100% State Responsibility

# What's What at BPMD Site?



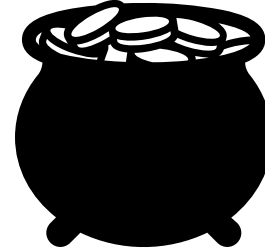
## Removal & Emergency Response

- Past actions such as the Red & Bonita Bulkhead
- NTCRA IWTP at Gladstone (special funding case)
  - Kittimac for sludge/tailings stabilization
- Pride of the West Removal Action



## Pipeline- Remedial

- Past Site Assessment work
- Development of 2019 IROD & Designs
- Site-wide repository FFS, IROD and Design
- Animas River alluvial tails RI work
- Upper Cement Creek/Bonita Peak Groundwater RI work



## Remedial Action

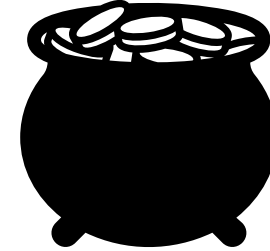
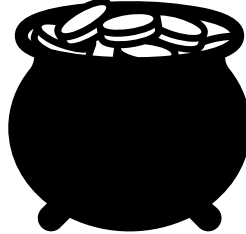
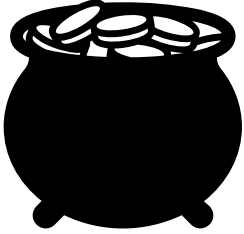
- Construction of the 2019 IROD actions
- Future Construction of the Site-wide repository



## Operations & Maintenance

- Not yet!

# EPA Needs External Support for Conducting Work: Contract Mechanisms



## Pipeline- RI/FS & Design work

- Interagency Agreement with USACE
  - Technical support & contractor acquisition
- Regional DES contract (coming soon for Upper Cement Creek & BP GW)
- ESAT – sampling/monitoring technical support
  - Along with their local subcontractors
- CDPHE- Site management & technical support
  - DRMS

## Remedial Action

- CDPHE
  - DRMS
  - State contracts
- Regional RES contract (coming soon for 2019 IROD RA)
- Interagency Agreement with USACE
  - NTCRA IWTP

## Removal & Emergency Response

- START:
  - Planning-Monitoring
- ERRS:
  - Construction-execution of cleanup plan
  - Along with their local Subcontractors & others



# How do Potentially Responsible Parties fit in?

- If a PRP exists, they may be responsible for any part or all of the phases of the remedial process, depending on the circumstances
- PRPs can do work directly
- EPA may “cost recover” from a PRP after work is completed
- PRPs can enter into cash settlements before, during or after work is completed
- EPA puts recovered or settlement funds into a “special account” for use at the specific Site.
  - States can use settlement funds for their cost share or future O&M, depending on circumstances
  - If Site work is complete, recovered funds goes into the “Superfund Trust”

# Federal Land Management Agencies: BPMD Site Partners

- BLM and USFS manage lands within AND outside of the BPMD source areas and study areas
- Both BLM and USFS have CERCLA (Superfund) authority
- Both are currently doing work on their managed lands related to the BPMD site
- Both cooperate with EPA & CDPHE in data & information sharing relevant to the Superfund Site activities, as well as the broader missions of public land stewardship of each agency
- CAG members have heard about an MOU between the federal agencies
  - That effort is to memorialize the on-going coordination between the agencies on BPMD

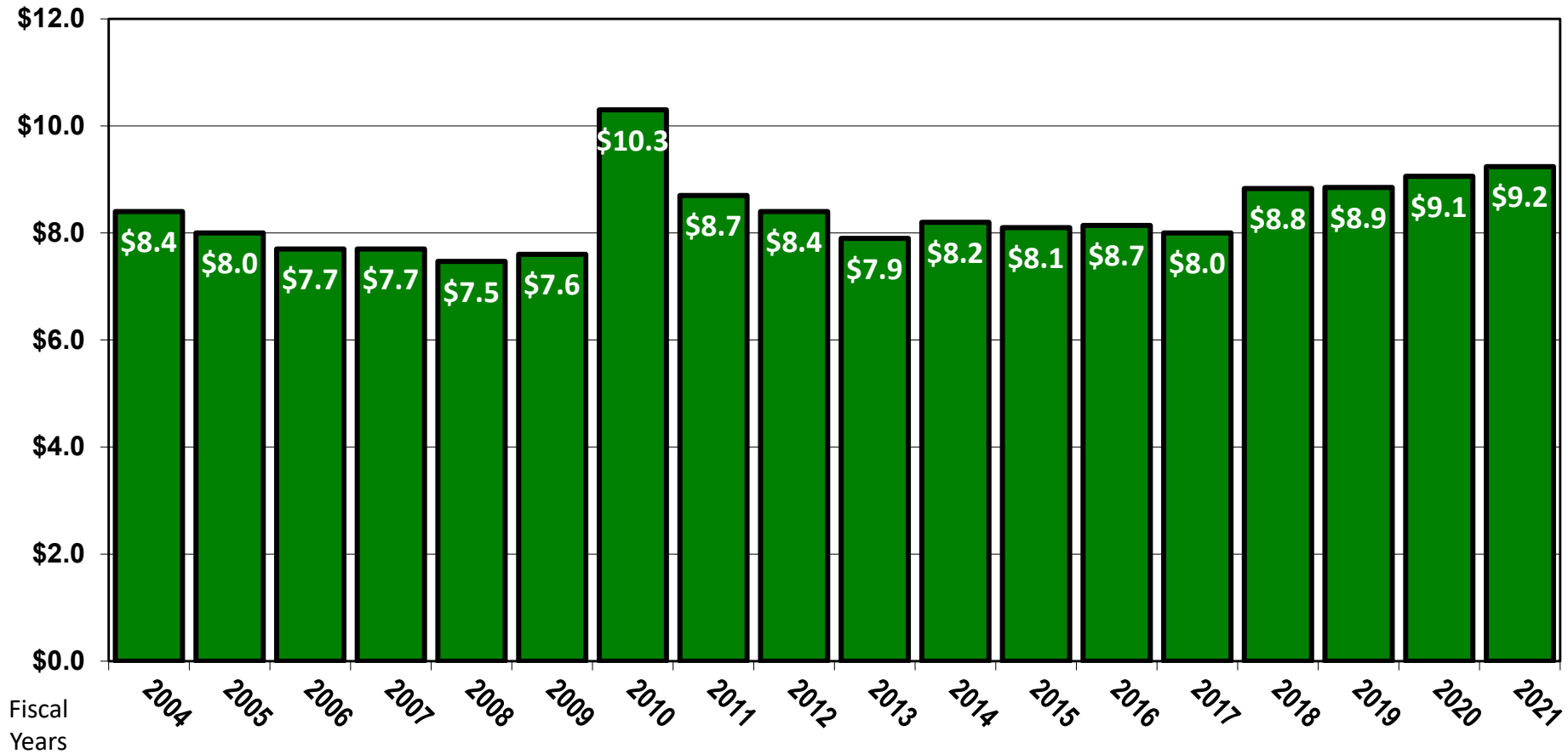
“The End of a brief overview  
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# What has been the trend of EPA's Budget?

EPA's Enacted Budgets, FY 2004 to 2021

(Dollars in Billions)



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**Enacted Budgets**