

Highlights of AOC Strategy Team Discussion of Key Public Comments-
AOC Session 2- 3-5:30 pm, 10/6/05

Draft

Two substantive public comments were addressed during this session. They are:

- 1) Whether GLLA should be viewed as the primary authority for cleanups in AOCs; and
- 2) How to address concerns about PRPs and “polluter pays” principles.

The following outlines the key elements of a consensus approach among AOC meeting participants regarding these two items. A revised draft of the chapter will be discussed on Friday morning to assure the language captures the essence of the modifications addressing these two issues.

- 1) GLLA as the primary cleanup authority in AOCs: The participants agreed upon the following:
 - To amend the language in Recommendation #1 to emphasize that use of the GLLA is meant to enhance and accelerate the pace of contaminated sediment cleanups in the Great Lakes AOCs.
 - To further amend Recommendation #1 to reflect that the GLLA program can serve as the primary authority to cleanup AOC sites, OR be used to supplement other program authorities, depending upon case specific needs. [NOTE: There also might be limited situations where GLLA authority is NOT utilized at selected sites because other authorities can get the needed job done.]
 - Other potential program authorities could be listed- RCRA, CERCLA, URRI, WORDA-(sp?), and state remediation program authorities, etc.
 - This would recognize that GLLA is a key tool in the effort to cleanup AOCs, but that other authorities may be utilized at selected sites, as well.
 - Language that GLLA should serve as a “one-stop shopping mechanism” for contaminated sediments in AOCs will be removed from the rationale.
- 2) PRPs and “polluter pays” provisions: The participants agreed to clarify the intent of Recommendation #1 to be more balanced by articulating the following concepts-

- PRPs should not be precluded from being a non-federal sponsor at pertinent AOC remediation sites and from possibly receiving some credit for those investments.
- The “Polluter Pays” principle should be maintained. Therefore, if a PRP does help sponsor an AOC cleanup that effort may, or may not, result in a lessening of their PRP liabilities. This should be determined on a site specific basis by the regulatory entities involved.
- There should be clear value added from the PRP functioning in this capacity. [Addressing orphan sites, enhancing/ accelerating cleanups, etc.]
- EPA should develop guidance to help address the key interface issues among the various authorities being used to cleanup contaminated sediment sites in AOCs.