Transitioning Fund-Financed Site Remedies: ASTSWMO Announces A Guide for Project Managers



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") has published a document tilted:

Transitioning Fund-Financed Site Remedies from EPA to the States: A Guide for Project Managers ("Guide").

The Guide was produced by ASTSWMO's CERCLA Post Construction Focus Group in August 2017 and updated in May 2025.

ASTSWMO describes itself as:

…an organization representing the 50 states, 5 territories, and the District of Columbia…to enhance and promote effective state and territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.

The focus of the updated Guide is the reality that Comprehensive Environmental Response, Compensation and Reliability Act ("CERCLA") sites in which the United States Environmental Protection Agency ("EPA") implements the requirements of the National Contingency Plan (i.e., fund-financed sites) means states share remedy implementation costs. These are noted to include operation and maintenance responsibilities.

Concern is expressed that such responsibilities are not always fully understood until late in the process:

…leading to uncertainty by the State on its long-term financial obligations.

The ASTSWMO CERCLA Post Construction Focus Group is stated to have contacted various states for examples of challenges that arose during transition from the remedial action phase to the operation and maintenance phase. Based on such feedback, the Guide states that identification of potential issues early in the CERCLA process could help facilitate a more successful transition into operation and maintenance. Therefore, the stated purpose of the Guide includes:

- Provide examples of challenges experienced by various States during the transition of sites from the EPA to a State and
- Present NPL site examples that illustrate opportunities for possible solutions to aid in facilitating more successful transitions.

The Guide identifies tools that it believes can be used to leverage effective and efficient transition into operation and maintenance, such as:

- SSCs & CAs
- Feasibility study
- Optimization reviews and implementation
- Five-year reviews
- Site-specific administrative documents (e.g. access agreements, transfer agreements)
- Comprehensive O&M plans and manuals
- Accurate cost estimates
- Equipment ownership agreements
- Clear project documentation (e.g. administrative record, site file, etc.)

A copy of the Guide can be downloaded here.