Environmental Law

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Turning Brownfields Greener: EPA Releases Superfund Green Remediation Strategy

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In September 2010, the U.S. Environmental Protection Agency (EPA) released its Superfund Green Remediation Strategy. EPA explained that the Strategy is a program management tool designed to describe the current plans of the Superfund Remedial Program to reduce greenhouse gas (GHG) emissions and other negative environmental effects that might occur during site assessment and remediation or non-time-critical removal actions. The Strategy was prepared by EPA's Office of Superfund Remediation and Technology Innovation (OSRTI), taking into account public comment.

In support of the Strategy, EPA cited that the process of cleaning up a hazardous waste site uses energy, water, and other natural or materials resources and, consequently, creates an environmental "footprint" of its own. EPA further indicated that much can be done to conserve natural resources, minimize waste generation, and reduce energy consumption, in order to improve environmental performance of Superfund activities while fulfilling its mission to protect human health and the environment. EPA, however, distinguished its Superfund Green Remediation Strategy, which focuses on the environmental footprint of Superfund response actions, from the broader realm of site sustainability, which also includes social and economic aspects.

The Strategy outlines nine "key actions" (containing 40 specific actions) to promote green remediation under three overarching categories of Policy and Guidance Development, Resource Development and Program Implementation, and Program Evaluation:

1. Clarify the role of green remediation in remedy selection and implementation

2. Develop a compendium of protocols and tools to help project and Program managers integrate green remediation practices

3. Identify options that enable use of green remediation practices

4. Address air pollutant emissions

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 Energy, Environment & Natural Resources 5. Develop pilot projects to evaluate and demonstrate green remediation applications

6. Establish opportunities in contracts and assistance agreements to identify green remediation practices in selected remedies

7. Communicate and share success stories and lessons learned among "implementers" across the Program and the public

8. Establish a roadmap for evaluating the environmental footprint of a cleanup at a project level

9. Evaluate the environmental footprints of Superfund cleanups at a programmatic level

EPA points out that the Strategy is a "living" document and that it intends to update it to reflect refined Agency policy, modified activities within the key actions, and other developments as green remediation matures. The Agency also intends to conduct ongoing outreach activities with Superfund "stakeholders," including affected communities, state and local governments, tribal governments, other federal agencies, cleanup contractors, potentially responsible parties ("PRPs"), and developers.

While there remains much to be done for EPA to implement its Green Remediation Strategy, stakeholders, including PRPs and Brownfield developers, should take note. In the years to come, green remediation could ultimately change the outcome of selected remedial alternatives, increase associated costs, and impose other requirements not now encountered.

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