

## **DEFENSIBLE REMEDY SELECTION UNDER CERCLA**

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In the USACE lead environmental programs, such as the FUDS, FUSRAP and Civil Works operations programs, when environmental remediation is required USACE must provide a formal remedy selection decision that is legally defensible. This presentation will discuss why the decision process is necessary and how to follow it effectively.

When USACE is the lead agency in conducting environmental response action work under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), we are responsible to ensure that the response work satisfies all legal requirements. Increasingly, there are regulators, environmental activist groups and individuals challenging the adequacy of federal agency environmental remediation and compliance. The presentation will describe how to get through the decision process in a legally defensible manner, highlighting elements of legal concern in each phase through remedy selection. The presentation will discuss how this can assist in the project execution and completion phase. It will include tips on language that can cause problems, and propose better ways to state the decision for long-term project success. It will include examples of mistakes and successes in situations when there have been challenges.

For further information, please contact Ann L. Wright; lead Counsel for the HTRW CX.

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