



cleanupnews

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EPA Administrator Praises Notable Achievements in Awards Ceremony

The 2002 National Notable Achievement Awards Ceremony was held in Crystal City, Virginia on April 16th, 2002. Each year outstanding achievements in the Superfund, Superfund Enforcement, RCRA Corrective Action, and Regional Science programs are recognized at this ceremony. This year additional components — Federal Facilities and Chemical Emergency Preparedness and Prevention — were included in the awards. Also for the first time, a RCRA award was given for State Corrective Action efforts to a state team. In 2002, there were 128 nominations submitted for the 24 awards presented for the six award components. Recipients were recognized with plaques and monetary awards.

EPA Administrator Christie Whitman

began the ceremony by recalling EPA's "quick and professional" response to the September 11th events. She praised EPA staff for their dedication and efforts to reassure the American public during that period. Ms. Whitman noted, "We will never again do business as usual, but we will still do our usual business — we are still the same dedicated team committed to making this place better for our children. You help families stay healthy, neighborhoods stay safe, and protect from threats seen and unseen." Plaques were presented to representatives of each region to recognize the outstanding efforts throughout the entire Agency during the September 11th response and the events that followed.

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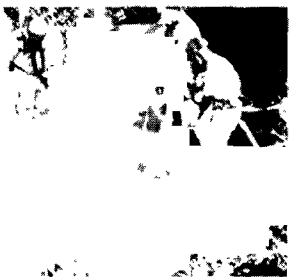
New Leadership Named to Key Positions

New faces will soon be at the helm in EPA's Office of Enforcement and Compliance Assurance (OECA). The President has nominated **John Peter (J.P.) Suarez** as Assistant Administrator for OECA. A 1991 graduate of the University of Pennsylvania Law School, Suarez is a former federal prosecutor in the U.S. Attorney's Office, assigned to the Organized Crime Drug Enforcement Task Force. Mr. Suarez also has a strong enforcement background in investigating

and prosecuting white collar crimes. In 1999, Mr. Suarez was honored by the New Jersey State Bar Association with its Professional Lawyer of the Year Award. Mr. Suarez has held several positions with the State of New Jersey, including with the Division of Criminal Justice, as Assistant Counsel to the Governor, and as Director of New Jersey's Division of Gaming Enforcement.

Steven J. Shimberg, named to the

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newsletter highlighting
hazardous waste cleanup
cases, policies, settlements,
and technologies.

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National Notable Achievement Awards

AWARD RECIPIENTS

SUPERFUND

Remedial Project Manager:
Randall Chaffins, Region 4

On-Scene Coordinator:
Paul Peronard, Region 8

Community Involvement Coordinator:
Briana Bill, Region 5

Site Assessment Manager:
Jerelean Johnson, Region 9

Leader/Mentor:
Susan D. Webster, Region 6

Outstanding Achievement:
Mary Jane Nearman, Region 10

Teams of the Year:
*Dan Ryan Emergency Response Team – Region 5, City of Chicago, Illinois EPA
Martin County Coal Corporation Removal Team and Regions 3 and 4, Environmental Response Team*

REGIONAL SCIENCE

Regional Scientist:
Judy A. Facey, Region 7

Regional Science Team:
Geophysical Applications for Hazardous Wastes Team, Region 5

RCRA

Outstanding Stakeholder Involvement:
Khai Dao, Region 3

Outstanding Use of Environmental Indicators:
Robert O'Meara, Region 1

Faster, Focused, More Flexible Cleanup:
Kenneth S. Bardo, Region 5

Outstanding Stakeholder Involvement Team:
HoltraChem Site Team – Region 1, Maine Department of Environmental Protection

Outstanding Use of Environmental Indicators Team:
Federal Facilities Management Alliance Team – Region 4, Florida Department of Environmental Protection

Faster, Focused, More Flexible Cleanup Team:
Genicom Team, Region 3

State Corrective Action Reform Award:

Wyoming Refinery Team

Chemical Emergency Preparedness and Prevention National Leadership Award:
Alan Brown, Region 3

Facilities Team:
Adak Project Team, Region 10

Federal Facility Response Outstanding Achievement:
Mark Stephens, Region 3

SUPERFUND ENFORCEMENT

Legal Enforcer:
Joshua Wirtschafter, Region 9

Technical Enforcer:
Patrice Miller, Region 6

Financial Management Team:
John Anderson and David Piet, Region 7

Enforcement Team:
Operating Industries, Inc. Team, Region 9

New Leadership Named to Key Positions

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post of Associate Assistant Administrator of OECA, brings many years of experience with environmental law and policy. Most recently, Mr. Shimberg served as the National Wildlife Federation's Vice President for Federal and International Affairs; earlier he was the Staff Director and Chief Counsel of the U.S. Senate Committee on Environment and Public Works. Closely associated with the late Sena-

tor John H. Chafee (R-RI), Shimberg was involved with virtually all of the environmental legislation that was enacted during his sixteen year tenure in the Senate, including major revisions to laws such as the Endangered Species Act, RCRA, Superfund, the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act.

Other personnel changes: **Phyllis Harris** will be joining OECA as a second Deputy Assistant Administrator, leaving her position as the Regional Counsel in Region 4. **Walker Smith** will be moving from the Justice Department's enforcement section where she was Assistant Section

Chief, to Director of OECA's Office of Regulatory Enforcement. And longtime EPA official **Mike Cook** will become Director of EPA's Office of Emergency and Remedial Response in OSWER. Mr. Cook joined EPA in 1973, and over the years has had responsibility for EPA's multi-billion dollar construction grants program, the Agency's emergency response program, and early implementation of the Superfund legislation. He has served as Deputy Director of the Office of Solid Waste and Director of the Office of Drinking Water, and is currently the Director of the Office of Wastewater Management.

Award Winners Go the Extra Mile

Superfund Enforcement Awards

Technical Enforcer of the Year Award:

Patrice Miller, Region 6

Patrice Miller was awarded Technical Enforcer of the Year for her ability to "think outside the box" as exemplified by her cost recovery work in the Sikes site. Sikes is an uncontrolled commercial hazardous waste disposal facility that accepted waste from the Houston, Texas, area for more than ten years. Because of poor record keeping, early reviews failed to identify potentially responsible parties. The threats posed by the site demanded immediate attention, so nearly \$135 million in Hazardous Substance Trust Fund monies were spent to clean up the site from 1990 to 1994. When Sikes was assigned to Miller in 1990, she was told it was a hopeless cost recovery case; no one saw any potential for case development, and she was to review the file and prepare the expected \$100 million write-off document. Instead, Miller began an intensive and exhaustive process of seeking out PRPs for the site and documenting their involvement.

No disposal manifests or other records of wastes disposed at the Sikes site could be found, so in an attempt to shed light on waste handling practices of area waste generators and transporters, Miller reviewed information about PRPs at nearby sites; records of known waste haulers from the period; a Congressional survey of hazardous waste generators conducted in the early 1970s; and Chemical Producers directories from the 1960s and other sources. To identify others with knowledge of the site, Miller and the other team members developed a series of

public service announcements that ran on local television stations, asking anyone with knowledge of the site to call a toll-free number.

This approach led to the identification of a number of truck drivers who had delivered waste to the site from hazardous waste generators, and resulted in ten of these drivers giving deposition testimony. This information was the catalyst in a mediation process that resulted in one of the largest cost recovery settlements in EPA history — \$120 million dollars, or 93% recovery of federal and state clean up costs — and the establishment of a special account for use on future work at the site.

Legal Enforcer of the Year Award:

Joshua Wirtschafter, Region 9

Joshua Wirtschafter's exemplary contributions to enforcement include two of Region 9's most environmentally significant enforcement accomplishments this past year. In the first, Wirtschafter successfully concluded a major multi-media settlement against Brewer Environmental Industries, Hawaii's largest chemical distributor. The settlement included a penalty of \$98,796 and supplemental environmental projects (SEPs) valued at \$137,000 that will provide a much needed supplement to Hawaii's emergency response capabilities at the local level. In addition, transaction costs for all parties were reduced by avoiding a formal administrative penalty action.

In his second major accomplish-

ment, as lead EPA counsel, Wirtschafter orchestrated a major dispute resolving agreement with ARCO at the Leviathan site, located in California's Sierra Mountains. He successfully concluded the implementation of a unique conservation project which protects important habitat and directly benefits the Washoe Tribe of California and Nevada whose fisheries have been damaged by acid mine drainage from the site, as well as avoiding transaction costs. The innovative agreement between EPA, ARCO, the Washoe Tribe, and the Nature Conservancy will protect 480 acres of pristine private land located in the Bald Mountain Range in Sierra County, California, surrounded on all sides by the Tahoe and Toiyabe National Forests. ARCO purchased the property for \$720,000, the Washoe Tribe took title



Award winner Joshua Wirtschafter, flanked by OSRE Director Barry Breen and OSWER Assistant Administrator Marianne Horinko.

to the property, and the Nature Conservancy took a Conservation Easement which enables it to ensure that the land will be protected in perpetuity. ARCO also contributed over \$40,000 to a Nature Conservancy fund for the costs of administering the Conservation Easement.

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Achievement Awards

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RCRA Awards

State Corrective Action Reform Award:

Wyoming Refinery Team (Region 8)

The Wyoming Team is this year's first ever recipient of the State Corrective Action Reform Award for its use of a collaborative process (CP) to reach final cleanup decisions at the former British Petroleum (BP) refinery in Casper, Wyoming. Team members include Vickie Meredith, Carl Ander-

son, and Craig Toal from the Wyoming Department of Environmental Quality (DEQ), and Maxine Weaver of the Wyoming Office of the Attorney General.

To counteract a decade of mistrust among the parties, the CP emphasized early and continuing discussions with the regulated party as corrective action requirements were established; securing the involvement of local government and the public throughout; obtaining consensus with local government about any land use restrictions; and establishing remedial objectives early in the process. Over a three-year period, the CP members were able to

CEPP National Leadership Award:

Alan Brown, Region 3

Alan Brown was awarded the first CEPP National Leadership Award for outstanding leadership, professional skills, and infectious enthusiasm, bringing credibility to the Chemical

Emergency Preparedness and Prevention (CEPP) program at both regional and national levels.

Brown has tirelessly traveled throughout the region promoting EPA's vision of preparedness and chemical safety. He has spent countless hours meeting and working with State Emergency Response Committees and Local Emergency Response Committees to foster increased cooperation and to build trustworthy relationships, leading to better communication and coordination with EPA and overall improved preparedness and response.

Brown was vigilant in getting

CEPP staff involved in national organizations and conferences. With his planning, the 2001 CEPP conference was the most successful in conference history, and one of the nation's largest gathering of emergency responders since the September 11th terrorist attacks. Over 1,800 individuals from 46 states and 5 foreign countries registered for the conference, with 109 exhibits and over 100 workshops including presentations dealing with hazardous material releases in public transportation systems, safety and security preparations for the 2002 Olympics, and the latest version of Computer Aided Management of Emergency Operations software. Attendance at this conference almost doubled from previous years.

Superfund Awards

Superfund Team of the Year:

Martin County Coal Corporation Removal Team, Regions 3 and 4

The Martin County Coal Site emergency response represents the single largest release of a contaminant in any spill in Region 4 history. An impoundment holding an estimated one billion gallons of wastewater from a crushed ore processing facility lost 250 million gallons of coal slurry as a result of a catastrophic failure of an impoundment bottom. The impoundment is located over abandoned tunneled coal mine works and the release exited through the old mine works into two separate tributaries to Tug Fork River on the Kentucky/West Virginia border. The emergency action that ensued involved numerous state and federal regulatory and industry entities spanning several EPA regions.

The response required the coordination of more than 600 personnel on

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Pictured with EPA Administrator Christie Whitman (in white) are regional representatives accepting awards for EPA's September 11th response, l to r: Mary Jane Nearman (R10), Max Dodson (R8), Matt Hoagland (R1), Doug Lair (R4), Myron Knudson (R6), Abe Ferdas (R3), Nat Scurry (R7), Jane Diamond (R9), and OSWER Deputy Assistant Administrator Mike Shapiro.

Ninth Circuit Decision in McColl Case Holds Oil Companies 100% Liable

On February 11, 2002, Judge William A. Fletcher of the United States Court of Appeals for the Ninth Circuit issued a decision in *United States v. Shell Oil Company* (D.C. No. CV 91-00589-RJK) that: (1) upheld the holding of the district court that CERCLA §9620(a)(1) waives the sovereign immunity of the United States; (2) reversed the holding of the district court that the United States is liable for the “non-benzol” waste cleanup costs as an “arranger” under §9607(a)(3); and (3) affirmed the holding of the district court that the oil companies in the case are not exempt from liability under the “act of war” provision of §9607(b)(2).

The McColl Superfund Site in Fullerton, California was contaminated with hazardous wastes associated with the production of aviation fuel during World War II. The defendants in this case — Shell Oil Co., Union Oil Co. of California, Atlantic Richfield Co., and Texaco, Inc. — operated aviation fuel refineries in the Los Angeles area during the war and dumped their wastes at the McColl site. The United States and the State of California brought suit against these oil companies under CERCLA to recover cleanup costs incurred at the site. The oil companies counterclaimed under the same statute, contending that the United States was liable for cleanup costs. The district court held that 100% of the cleanup costs for the non-benzol waste should be allocated to the United States, and 0% to the oil companies.

Before the Court of Appeals, the United States argued that although the government had the authority to require production of goods at refiner-

ies owned by the oil companies, and even to seize refineries if necessary, in fact the government had relied almost exclusively on contractual agreements to ensure aviation fuel production. The United States purported that the government never specifically ordered or approved the dumping of spent acid and acid sludge by the oil companies, and there is no evidence that the United States was aware of the disposal contracts between the oil companies and McColl. Therefore, the Court of Appeals held that the United States was not an arranger under CERCLA §9607(a)(3), even under a broad theory of arranger liability.

For more information, contact Helena Healy, EPA/RSD, at 202-564-5124, or Thanne Cox, EPA Region 9, at 415-972-3908.

U.S. Proposes \$6.95 Million Settlement on Casmalia Site

On February 14, 2002, the Justice Department and EPA announced a proposed settlement totaling nearly \$7 million to be used in cleaning up the Casmalia Resources Superfund Site in Central California. The agreement resolves the liability of the Estate of Kenneth H. Hunter, Jr., Casmalia Resources, Hunter Resources, and other parties.

Under the proposed settlement, the defendants will pay \$6.957 million and waive any claim to the Casmalia Closure/Post-Closure Trust Fund, currently valued in excess of \$13 million. The parties to the settlement will also waive all past and future cleanup claims against the United States. “This settlement represents our continuing efforts to ensure that those responsible for contamination share in the costs of the cleanup,” said Tom Sansonetti, Assistant Attorney General of the Justice Department’s Environment

and Natural Resources Division. “Our efforts will remain focused on the remaining liable parties at the Casmalia site who have not settled, to make certain that EPA has all the necessary resources to assure that this site is cleaned up in a timely and protective manner.”

Jane Diamond, Acting Director, EPA Regional Superfund Division, noted, “We owe it to those who live and work in the area to bring all our resources to bear in addressing this complex and challenging site.”

The Casmalia Resources Site, located 10 miles from Santa Maria, California, was an active hazardous waste treatment, storage, and disposal facility from 1973 to 1989. The site accepted approximately 5.5 billion pounds of waste from about 10,000 contributors, placing it in 92 waste management facilities that included landfills, ponds, shallow wells, and treatment units.

In 1991, the site owner/operator abandoned active efforts to clean up and close the facility, claiming financial difficulties. In 1992, EPA took action to control the site and address immediate health threats. The site, which is contaminated with a variety of metals, pesticides, and other toxic materials, continues to undergo investigation and cleanup work by the Casmalia Steering Committee with oversight by EPA and the state.

In 1997, the United States filed suit against Kenneth H. Hunter, Casmalia Resources, and Hunter Resources, alleging that the defendants owned and/or operated the site, and seeking to recover cleanup costs.

The announcement in February 2002 is part of EPA’s effort to secure funding for the cleanup of the 252-acre landfill, which was designated as a federal Superfund site in September 2001. For more information, contact Marie Rongone, EPA Region 9, at 415-972-3891.



Land Revitalization on the Front Burner

by Steve Luftig

Land revitalization is a top priority for Marianne Lamont Horinko, Assistant Administrator in EPA's Office of Solid Waste and Emergency Response (OSWER). When Horinko speaks about this priority, she emphasizes two key messages:

1. Cleanup and reuse are mutually supportive goals; and
2. Property reuse should be an integral part of the way we do business, both at EPA Headquarters and in the Regions.

An emphasis on reuse does not mean that EPA will lower cleanup standards. The Agency's role in protecting human health and the environment is firmly established, and EPA is committed to this responsibility. At the same time, site cleanup must be achieved within a larger context, one that looks to the future needs of the community where the cleanup occurs. In other words, the actions we take must be informed both by the contam-

ination problem at hand and the future economic, recreational, or ecological possibilities the property offers. It is not just a question of economic development: reclaiming previously contaminated properties can help reinvigorate neighborhoods, preserve green space, and prevent the spread of sprawl.

Marianne Horinko often points to several notable successes to illustrate these ideas and challenge EPA staff to go further. For example, the notorious Time Beach Superfund site has been cleaned up and is now "Route 66 State Park," where horse and bike trails make it the busiest state park in Eastern Missouri. An area of the equally notorious Love Canal Superfund site has been put back into safe, productive use and renamed "Black Creek Village" by a cadre of homeowners in northwestern New York State.

Actual land use decisions are a local responsibility, but federal waste cleanup programs can make reuse possible by fully considering a community's desired future land use for a property in the course of making cleanup decisions. As EPA's successful

Brownfields program has shown, a great deal already has been done, but a lot more is needed to make property revitalization an important part of our mission at EPA across all cleanup programs. OSWER is developing tools in four areas for EPA managers and staff to use in working closely with public and private stakeholders in facilitating property revitalization:

- Implementation of the new Brownfields law;
- Integration of land reuse principles into EPA cleanup programs;
- Development of partnerships that further land reuse in cleanup; and
- Instilling a culture of land reuse in our organizations.

When you make reuse considerations a part of your job, you recognize that a contaminated property is far more than a waste cleanup problem; it is a living representation of future opportunities and a better life for the people in that community.

Steve Luftig is the Senior Advisor to the Assistant Administrator on Land Reuse in EPA's Office of Solid Waste and Emergency Response.

Achievement Awards

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24 hours a day/7 days a week operation, which included more than 500 cleanup contractor personnel and more than 100 personnel from EPA Regions 3 and 4, federal agencies associated with the mining industry, the Commonwealth of Kentucky, and the State of West Virginia. The OSC also enlisted the services of U.S. Coast Strike Team, U.S. Coast Guard PIAT, and the START contractor from both Regions 3 and 4.

In a spill incident of this magnitude,

individual conventional management approaches can have only limited success. Organizing a response to a 250-million gallon spill affecting 100 stream miles is a massive undertaking that requires a well-coordinated team effort. The incident involved non-traditional wastes and federal and state mining agencies unfamiliar with emergency response operations. Of necessity, operations were directed by a team led by an On-Scene Coordinator because no other entity had the requisite skill and experience to address spills of this magnitude. The MCCC Team was able to bring an extremely

disjointed group together through implementation of the organizational elements of the National Response System. As a result of the team's efforts, the site operations were organized and all federal and state agencies were coordinated through an Incident Command System/Unified Command and the spill was then addressed in a safe and efficient manner. Congratulations to Fred Stroud, Art Smith, and Wilda Cobb of Region 4; to Jack Downie and Bob Kelly of Region 3; and to Environmental Response Team members John Gilbert, Royal Nadeau, Harry Allen, and Greg Powell.

MTBE Treatment Profiles Website

EPA's Technology Innovation Office has opened a new website at www.clu-in.org/products/mtbe that contains a searchable database of 250 methyl tert-butyl ether (MTBE) treatment profiles. The profiles include both completed and ongoing treatment technologies — both in situ and ex situ — for MTBE in drinking water, ground water, and soil. The profiles provide a summary of relevant site information, contaminants and media treated, technology design and operation, cost and performance results, points of contact, and references. The profiles currently link to eighteen more detailed case studies. To date, the technologies presented in the profiles include: air sparging, bioremediation, drinking water treatment, chemical oxidation, multi-phase extraction, phytoremediation, product recovery, pump-and-treat, and soil vapor extraction. The website also allows users to update current profiles and add new applications. EPA plans to continually add profiles to the system.

Brownfields Program Partnership with Habitat for Humanity

On February 13, 2002, EPA Administrator Christie Whitman signed a memorandum of understanding with Habitat for Humanity International

launching a partnership to build energy efficient housing on former brownfields properties. "EPA is proud to be joining Habitat as partners in the effort to make the dream of home ownership come true for families across the country," said Christie Whitman. "We have already started this work together on sites in Missouri and Minnesota and now we will extend our efforts to five additional urban locations where abandoned brownfields can be turned into affordable homes. We also hope that through this agreement we can encourage the use of energy efficient products to not only save money but the environment as well."

EPA has worked cooperatively with Habitat for Humanity International's affiliates in the cities of Wellston, MO and Minneapolis, MN to construct homes on former brownfields properties. After EPA and Habitat identify five new cities, EPA will use brownfields dollars to perform environmental assessments at community-identified brownfields properties so that Habitat can locate safe, affordable building lots. Using its new authority in the recently passed brownfields legislation, EPA may offer grants to non-profits such as Habitat to provide cleanup if the properties are found to be contaminated.

Brownfields are abandoned, lightly contaminated properties often found in economically distressed areas that are returned to economically thriving, com-

munity hubs. Since 1993, EPA has taken significant steps to clean up brownfields and return them to productive use, awarding over \$157 million in grants to cities, counties, tribes, states, non-profits and educational institutions nationwide. A recent study found that for every acre of brownfields reused, 4.5 acres of greenspace are saved.

For more information about EPA's brownfields program, go to www.epa.gov/brownfields.

Brownfields 2002 Call for Presentations

If you are interested in submitting a presentation for the Brownfields 2002 Conference (November 13-15, 2002 in Charlotte, NC), visit the conference website at www.brownfields2002.org. Abstracts are due May 15. The website includes full conference information, as well as submittal forms and tips on effective presentations.

2002 National EPA Community Involvement Conference

The 2002 Conference is shaping up to be one of the best yet! With more than 300 participants expected, the conference planning committee has been working since last October to make this an event to remember. The agenda features three outstanding keynote presenters, three field trips, 42 concurrent sessions, and six training sessions! There's something for everyone, with sessions such as "Launching Community Involvement at the Portland Harbor Superfund Site," and "What I Wish My Attorney and Project Manager Knew About Public Participation." To register, go to www.epan-cic.org or for additional information, please contact Helen DuTeau at 703-603-8761 or at duteau.helen@epa.gov.

Notable Achievement in Awards Ceremony

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Since Superfund National Notable Achievement Awards were first established in the late 1980s, the program has expanded to recognize the growing emphasis on teamwork, changes in the Superfund program, and the con-

tributions of the entire hazardous waste management family. All 10 EPA Regions participate in the Awards program. In his closing remarks, Walt Kovalick, Director of the Technology Innovation Office, presented a Quarterly Customer Service Award to Ann Eleanor for her hard work and many years of coordinating the awards ceremony.

June 25-28, 2002

National Community Involvement Conference

Portland, OR

Helen DuTeau, 703-603-8761,

duteau.helen@epa.gov

www.epancic.org

November 13-15, 2002

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Glossary

CEPPD	Chemical Emergency Preparedness and Prevention Office	OERR	Office of Emergency and Remedial Response (EPA)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund law)	OSWER	Office of Solid Waste and Emergency Response
CWA	Clean Water Act	PCB	Polychlorinated biphenyls
EPCRA	Emergency Planning and Community Right-To-Know Act	PRP	Potentially Responsible Party
MTBE	methyl tert-butyl ether	RCRA	Resource Conservation and Recovery Act (hazardous waste)
NCP	National Contingency Plan	RSD	Regional Support Division (OSRE/EPA)
NPL	National Priorities List (Superfund)		

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www.epa.gov/oeca/osre

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