



**DIRECTIVE NUMBER:** 9831.2

**TITLE:** Reporting and Exchange of Information on State  
Enforcement Actions at National Priorities List Sites

**APPROVAL DATE:** March 14, 1986

**EFFECTIVE DATE:** March 14, 1986

**ORIGINATING OFFICE:** OWPE-CED-GOB

☒ **FINAL**

☐ **DRAFT**

**STATUS:**

**REFERENCE (other documents):**

---

**OSWER OSWER OSWER**  
**E DIRECTIVE DIRECTIVE DI**

---

---



United States Environmental Protection Agency  
Washington, DC 20460

# OSWER Directive Initiation Request

Interim Directive Number

9831.2

## Originator Information

Name of Contact Person  
Tony Diecidue

Mail Code  
WH-527

Telephone Number  
382-4841

Lead Office

- ☐ OERR  
☐ OSW  
☐ OUST  
☒ OWPE  
☐ AA-OSWER

Approved for Review

Signature of Office Director

Gene A. Lucero

Date

3/5/86

Title

Reporting and Exchange of Information on State Enforcement Actions  
at National Priorities List Sites

Summary of Directive

The Directive outlines OSWER's desire to increase its emphasis on reporting and exchange of information on State-lead Enforcement sites, including:

- Review of recent OSWER guidance and CERCLA reauthorization language affecting state enforcement programs;
- Summary of current status of State-lead enforcement information;
- Initial steps taken and proposed additional steps to improve State-lead reporting.

Type of Directive (Manual, Policy Directive, Announcement, etc.)

ETC.

Status

- ☐ Draft  
☒ Final

- ☒ New  
☐ Revision

Does this Directive Supersede Previous Directive(s)?

☐ Yes

☒ No

Does It Supplement Previous Directive(s)?

☐ Yes

☒ No

If "Yes" to Either Question, What Directive (number, title)

Review Plan

- ☐ AA-OSWER  
☐ OERR  
☐ OSW  
☐ OUST  
☒ OWPE  
☐ Regions  
☒ OECM  
☐ OGC  
☐ OPPE  
☐ Other (Specify) ASTSWMO

This Request Meets OSWER Directives System Format

Signature of Lead Office Directives Officer

Date

Signature of OSWER Directives Officer

Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 14 1986

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Reporting and Exchange of Information on State Enforcement  
Actions at National Priorities List Sites

FROM: *Winston Porter*  
J. Winston Porter  
Assistant Administrator

TO: Addressees

Recent developments in the Superfund enforcement program prompt me to personally address the issue of reporting and exchange of information on State enforcement actions at National Priorities List (NPL) sites. I recently approved guidance on funding States during their oversight of Potentially Responsible Party (PRP) conduct of Remedial Investigations (RI), Feasibility Studies (FS) and Remedial Designs (RD). Furthermore, the current Superfund reauthorization language will allow State funding for a variety of other enforcement activities. These include such activities as oversight of PRP conducted Remedial Actions (RA), and negotiation, litigation and other efforts leading toward private party cleanup. This expansion of the program's funding authorities will inevitably increase State enforcement actions at NPL sites.

As States expand their involvement in the Superfund enforcement program, the Agency's oversight and review of their actions will become an increasingly important activity. We must ensure that State enforcement actions at priority sites are conducted in a manner consistent with Agency procedures and are adequate to allow for deletion from the NPL. We must also be able to determine, in addition to a State's enforcement efforts, whether Federal review and participation is necessary. This can only occur if we are kept informed of the progress and major decisions made at these sites.

CERCLA reauthorization will also increase the amount of interaction required with States in conducting Federal enforcement actions. Specifically, the House Bill mandates State participation in the following areas:

- ° Applying State standards and permits to on-site and off-site response actions carried out under Section 106;
- ° Regulations for State involvement in the CERCLA enforcement response process; and
- ° State concurrence of Section 106 enforcement actions.

The language in the House Bill is subject to revision. However, I believe the direction is towards increased State participation and will continue to be the case even if reauthorization takes some time to occur. This increased emphasis on State participation in Federal-lead enforcement actions coincides with our need to keep States equally informed and involved in our activities. The sharing of information needs to be reciprocal if we expect to be successful in our efforts to seek private party cleanups and NPL site deletions.

As you are aware, on October 2, 1984, EPA and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) signed a joint policy statement establishing a framework for coordinating Federal and State enforcement actions. Among the many issues recognized as needing to be dealt with in a cooperative manner was that "sharing of information between EPA and the States is key to developing a more effective relationship." The policy also encouraged that States "keep EPA informed of their activities, including consulting with the Regional office when issues arise that do not have clear cut solutions." I strongly encourage that you more actively implement the suggested approach toward sharing of enforcement information outlined in the policy.

Meanwhile, very little information is currently available that outlines the national picture of State enforcement actions at NPL sites. The information must be brought to a level that assures responsiveness to our own concerns, as well as to Congress and other interested parties. The Office of Waste Programs Enforcement (OWPE) recently reviewed the Case Management System (CMS) for information on State-lead enforcement sites. Of the 157 sites currently listed as State-lead enforcement only 44 have a negotiation activity listing (Removal, RI/FS, RD/RA or other). Of the 44 sites, 21 are listed as having initiated negotiations with PRPs to conduct the activity. Of the 21 sites, only 7 have information on the type of negotiation taking place (administrative order, judicial action, cost recovery, etc.). This is also the case for State-lead enforcement RI/FS. The system records only 5 sites as having obligations for State-lead enforcement RI/FS. Furthermore, the system does not provide any information on the progress in getting these site actions completed.

As an initial step toward getting a handle on State enforcement actions, OWPE conducted a survey during the recent first quarter Superfund Comprehensive Accomplishments Plan (SCAP) review. The survey confirmed those sites listed as State-lead enforcement in your Region, and categorized each site by the type of enforcement action taking place. I have attached the results of this survey for your information, and want OWPE to continue using the SCAP process to keep me informed of these ongoing actions. During the second quarter SCAP review we may ask for additional information on these sites. I have attached a list of some additional data

-3-

requirements that could be addressed, and would appreciate any comments you have on collecting this information. It would also be helpful if you could identify what information is routinely collected and exchanged in your Region.

I also want OWPE to continue working with ASTSWMO and the National Association of Attorneys General (NAAG) to outline our future State enforcement information requirements and the States' desires on information at Federal-lead sites. I will be calling on representatives from the Regions to assist in this effort. Without your active participation and support we will not be able to realize these long-term goals.

In the meantime, if you have any information to provide or concerns to address, please contact Jack Stanton (FTS-382-4811) or Tony Diecidue (FTS-382-4841) of OWPE.

Attachment

Addressees:

Directors, Waste Management Division, Regions I, IV, V, VII, VIII  
Director, Emergency and Remedial Response Division, Region II  
Director, Hazardous Waste Management Division, Region III  
Director, Air and Waste Management Division, Region VI  
Director, Toxics and Waste Management Division, Region IX  
Director, Hazardous Waste Division, Region X  
Regional Superfund Branch Chiefs, Regions I-X  
Regional Counsels, Regions I-X

STATE-LEAD ENFORCEMENT

SITES SUMMARY

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
XX	1			
	1 MA	Norwood PCB/Grant Gear	D,F	Cost recovery negotiation; forward planning study
	1 MA	PSC Resources, Inc.	F	State lawsuit for cleanup; PRPs did removal
	1 NH	Kearsage Metallurgical	B	
	1 VT	Pine Street Canal	B	State is PRP

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
XX	2			
	2	NJ	Americian Cyanamid	B,E AO for RI/FS & RD, RA drafted - RCRA lead
	2	NJ	Brady Metals	B,E AO for RI/FS signed
	2	NJ	Brick Township Landfill	B AO for RI/FS signed
	2	NJ	CPS Madison	F AO contested, DEP in court
	2	NJ	Chensol	B AO for RI/FS signed
	2	NJ	Cooper Road	F Delist candidate
	2	NJ	Diamond Alkali	B,E AO signed for RI/FS - remedy selection upcoming
	2	NJ	Evor Phillips	A AO-69-NJDEP funded candidate
	2	NJ	Fairlawn Wellfield	B AO RI/FS signed
	2	NJ	Fort Dix	B 3 party agreement signed for RI/FS, (EPA, DEP, & DoD)
	2	NJ	Hercules	D,E Negotiations ongoing for supplemental RI, FS, RD, RA
	2	NJ	Hopkins Farm	A AO-69 RI/FS candidate, drop dead date 3/31
	2	NJ	Imperial Oil	A AO-69 RI/FS
	2	NJ	JIS Landfill	F LF being closed, GW decontaminated under jud order
	2	NJ	Jackson Township Landfill	F RI proposed under NJPDES permit
	2	NJ	LF & Development	F Unilateral AO for monitoring and liner installation
	2	NJ	Monroe Township Landfill	B,C AO for RI/FS RD, RA signed, delist candidate
	2	NJ	PJP Landfill	F
	2	NJ	Pjack Farms	D AO for RD, RA signed
	2	NJ	Radiation Technology	B ACO signed RI/FS
	2	NJ	Sayreville Landfill	A AO-69 RI/FS
	2	NJ	Shieldalloy	B,C AO signed RI/FS & cleanup
	2	NJ	Spence Farm	C AO for RD, RA signed
	2	NJ	Universal Oil	B AO for RI/FS signed
	2	NJ	Upper Deerfield Landfill	B AO drafted, settlement concluded
	2	NJ	Ventron	B AO signed for RI/FS
	2	NJ	Vineland St. School	A MOU signed with Dept. of Human Services
	2	NJ	Wilson Farm	A AO-69 RI/FS candidate, drop dead date 3/31
	2	NJ	Woodland RT 532	A AO-69 RI/FS
	2	NJ	Woodland RT 72	A AO-69 RI/FS
	2	NY	Anchor Chemical	D Negotiations ongoing
	2	NY	Claremont Polychemical	F CO, company bankrupt, EPA will probably assume lead.
	2	NY	Clothier (PAS Satellite)	A Negotiations ongoing
	2	NY	Colesville Landfill	D Negotiations ongoing
	2	NY	Cortese Landfill	D Order, work in progress
	2	NY	FMC-Dublin Road	D Negotiations ongoing
	2	NY	Fulton Terminal (PAS Satellite)	A Negotiations ongoing
	2	NY	Goldisc Recordings	B Order, field work in progress
	2	NY	Hertzel Landfill	D State negotiations likely
	2	NY	Hooker Chemical-Ruco Polymer	D Negotiations ongoing
	2	NY	Johnstown Landfill	D Negotiations ongoing
	2	NY	Kenmark Textile	D Negotiations ongoing
	2	NY	Liberty Industrial Finishing	B RI order signed
	2	NY	Ludlow Sand & Gravel	B Order signed, work in progress
	2	NY	Mercury Refining	B Order signed, work in progress
	2	NY	Nepera Chemical	B Order signed
	2	NY	Old Bethpage	B Order signed, field work in progress
	2	NY	Solvent Savers	B Order signed, field work in progress
	2	NY	Vestal Well 4-2	D Order imminent
	2	NY	Volney Landfill (PAS Satellite)	A Negotiations ongoing.

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD, RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
**	3			
	3 DE	New Castle Spill	B	
	3 DE	New Castle Steel	B	
	3 PA	ABM Wade	F	PRP cash out for RD/RA
	3 PA	Brodhead Creek	A	
	3 PA	Brown's Battery Breaking Site	A	MSCA, State preparing work plan
	3 PA	Centre County Kepone	D	
	3 PA	Craig Farm Drums	D	
	3 PA	Hranica Landfill		PRP refuses to do any work, State taking no action
	3 PA	Hunterstown Road Site	A	MSCA, State preparing work plan
	3 PA	Kimberton	D	
	3 PA	Lindane Dump	D	
	3 PA	Lord Shope Landfill	D	
	3 PA	Malvern TCE	D	
	3 PA	Modern Sanitation	A	
	3 PA	Old City of York	B	
	3 PA	Osborne Landfill	B	
	3 PA	Resin Disposal	D	
	3 PA	Shriver Corner	A	MSCA, State preparing work plan
	3 PA	Westinghouse Elevator Site	A	MSCA, State preparing work plan
	3 VA	U.S. Titanium	F	

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
4	FL	Alpha Chemical Company	B	
4	FL	City Industries	E	
4	FL	Dubose Oil	F	PRPs doing RI/FS with no order
4	FL	Florida Steel	C	
4	FL	Kassout-Kimerling Battery Disp	B	
4	FL	Pratt and Whitney	C	
4	FL	Schuylkill Metals Corp.	D	
4	GA	Hercules 009	B	
4	GA	Monsanto	F	Work being handled under RCRA
4	GA	Olin Corp. Augusta Plant (1,2,4)	F	Work being handled under RCRA
4	SC	Kalama Specialty Chemicals	B	
4	SC	Koppers Co., Inc.	E	
4	SC	Leonard Chemical Company, Inc.	F	PRPs doing RI with no order
4	TN	Murray-Ohio Dump	B	
4	TN	North Hollywood Dump	B	
4	TN	Velsicol, Hardeman	B	

**Key to Enforcement Codes**

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RI/FS - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RI/FS - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
##	S			
	IL	Galesburg/Koppers Co.	B	
	MI	Avenue "E" G W Contamination	D	
	MI	Chemcentral	B,F	CD for Removal, RD/RA
	MI	Gratiot County Landfill	C	
	MI	McGraw Edison Corp.	9	
	MI	Motor Wheel Disposal	D	
	MI	North Bronson Industrial Area		Undetermined
	MI	Organic Chemical Inc.	F	
	MI	Roto Finish Co.	E	
	MI	SCA Independent Landfill	B	
	MI	Southwest Ottawa County Landfill	B	
	MI	Sparta Landfill		Undetermined
	MI	Spartan Chemical Co.	B	
	MI	Waste Management (Holland Lagoons)		Undetermined
	MN	Agate Lake Scrapyard	A	
	MN	Boise Cascade/Onan/Medtronics	C	
	MN	East Bethel Demolition Landfill	A	4th NPL Update
	MN	Freeway Sanitary Landfill	A	4th NPL update
	MN	General Mills/Henkel Corp.	B	
	MN	Joslyn Mfg. and Supply	B	
	MN	Koch Refining	B	
	MN	Kopper Coke	D	
	MN	Kurt Manufacturing Company	B	
	MN	NL/Taracorp	B,F	AOC for IRM
	MN	Olmstead Co. Landfill	B	
	MN	Pine Bend Sanitary Landfill	B	
	MN	St. Augusta Sanitary LI/St. Cloud Dump	A	4th NPL update
	MN	St. Regis Paper Co.	B	
	MN	Union Scrap	A	
	MN	University of Minnesota (Rosemont)	B	
	MN	Waite Park	D	4th NPL update
	MN	Washington County Landfill	B	
	MN	Whittaker Corp.	F	
	MN	Windom Dump	B	
	OH	Alisco Anaconda	D	
	OH	Nease Chemical	F	
	OH	TRW	F	5th NPL update
	OH	Zanesville Wellfield	F	
	WI	Delavan Municipal Well No. 4	F	
	WI	Lauer I Sanitary Landfill	F	
	WI	Omega Hills North Landfill	F	
	WI	Waste Research and Reclamation	F	
	WI	Wheeler Pit	D	

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
--------	-------	-----------	------	---------

\*\* 6  
6

There are no State-Lead Enforcement  
Sites in Region 6.

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
7	IA	Vogel Paint and Wax	B	
7	KS	Strother Field	B,D	No. section settled, So. section being negotiated

**Key to Enforcement Codes**

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
**	8			
	8 UT	Portland Cement 2 & 3	8	

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
94	9			
9	AZ	19th Avenue Landfill	F	PRP cash out for RI/FS
9	AZ	Motorola 52nd Street	D	
9	CA	Advanced Micro Devices	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Applied Materials	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Coast Wood Preserving	B	
9	CA	Fairchild Camera & Instruments, San Jose	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Firestone Tire Manufacturers	D	
9	CA	Hewlett Packard II	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	IBM, General Products Division	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Intel Magnetics	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Intel Santa Clara 3	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Liquid Gold	B	
9	CA	Lorentz Barrel & Drum	A	
9	CA	Marley Cooling Tower	A	
9	CA	Monolithic Memories	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	National Semiconductor	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Precision Monolithic	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Signetics	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Teledyne	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Thompson-Hayward	F	PRPs doing RI/FS with unilateral order
9	CA	Van Waters & Rogers	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Westinghouse	A	So. Bay-MSCA/site investig./alternative analysis
9	CA	Zoecon Corp/Rhone Poulenc	A	So. Bay-MSCA/site investig./alternative analysis

## Key to Enforcement Codes

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RD/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RD/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

# State-Lead Enforcement Sites Summary

Region	State	Site Name	Code	Comment
**	10			
	10 WA	FMC Corp	F	
	10 WA	Kaiser Aluminum	F	
	10 WA	Pesticide Lab	F	

**Key to Enforcement Codes**

Code	Definition
(A)	State-lead Enforcement RI/FS (State and/or Fund Monies)
(B)	PRP-lead RI/FS - settlement has been reached
(C)	PRP-lead RI/RA - settlement has been reached
(D)	PRP-lead RI/FS - negotiations planned or ongoing
(E)	PRP-lead RI/RA - negotiations planned or ongoing
(F)	Other enforcement action planned or ongoing

## LIST OF ABBREVIATIONS

Several abbreviations appear in the "Site Name" and "Comment" columns. To assist the survey user in understanding the meaning of each acronym and abbreviation, the following listing has been compiled for easy reference.

- AO - Administrative Order
- AOC - Administrative Order on Consent
- CD - Consent Decree
- CO - Consent Order
- DoD - Department of Defense
- DEP - Department of Environmental Protection
- GW - Groundwater
- IRM - Immediate Remedial Measure
- Lf - Landfill
- Mfg - Manufacturing
- MOU - Memorandum of Understanding
- MSCA - Multi-Site Cooperative Agreement
- No. - North
- PAS - Pollution Abatement Services
- PRP - Potentially Responsible Party
- RA - Remedial Action
- RD - Remedial Design
- RI - Remedial Investigation
- So. - South

The following data elements represent a comprehensive list of information that could be collected on State-lead enforcement sites. The data is essentially equivalent to the information collected on Federal-lead sites. However, we will not collect State-lead enforcement data at the same level of detail. I want this list to serve as a reference for discussion and would like to receive your opinions on it.

- ° Pre-Enforcement

- PRP Search (Start/Completion; Planned/Actual)
- PRPs Identified (Number/Names)
- Notice Letters Sent (Start/Completion; Planned/Actual)

- ° Enforcement - RI/FS

- Negotiations (Start/Completion; Actual)
- Settlement (Date)
- Enforcement Actions -- Administrative/Judicial -- (Start/Completion; Actual)
- PRP RI/FS (Start/Completion; Planned/Actual)
- State Enforcement RI/FS (Start/Completion; Planned/Actual)
- Remedy Selection (Date)
- RI/FS Cost Recovery (Start/Completion; Planned/Actual)

- ° Enforcement - RD/RA

- Negotiations (Start/Completion; Actual)
- Settlement (Date)
- PRP RD/RA (Start/Completion; Planned/Actual)
- Enforcement Actions -- Administrative/Judicial -- (Start/Completion; Actual)
- RD/RA Cost Recovery (Start/Completion; Planned/Actual)