



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

FEB 5 1990

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
OSWER Directive #9320.3-08

MEMORANDUM

SUBJECT: CERCLIS Listing

FROM: Henry L. Longest II, Director *H.L.*
Office of Emergency and Remedial Response

TO: Directors, Waste Management Division
Regions I, IV, V, VII and VIII
Director, Emergency and Remedial Response Division
Region II
Directors, Hazardous Waste Management Division
Regions III and VI
Director, Toxic and Waste Management Division
Region IX
Director, Hazardous Waste Division, Region X

Purpose

To assure rapid entry into the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) of locations identified to or by the Agency as potential hazardous waste release sites.

Background

Recent studies by the General Accounting Office and the Office of Technology Assessment have alleged that some regional offices of the Environmental Protection Agency have refused to place sites identified by the States and the public into the site assessment process due to resource constraints. The Agency has not been able to verify the accuracy of these allegations, but believes that a restatement of its policy on CERCLIS listing is necessary to assure consistent evaluation of sites across the country.

Objective

The objective of this memo is to assure that all sites that are known or suspected to be hazardous waste release sites are entered into the CERCLIS database as expeditiously as possible. Preliminary Assessments (PAs) are to be conducted on these sites within one year. The Regions are to notify Headquarters if resource problems occur as a result of this policy.

Implementation

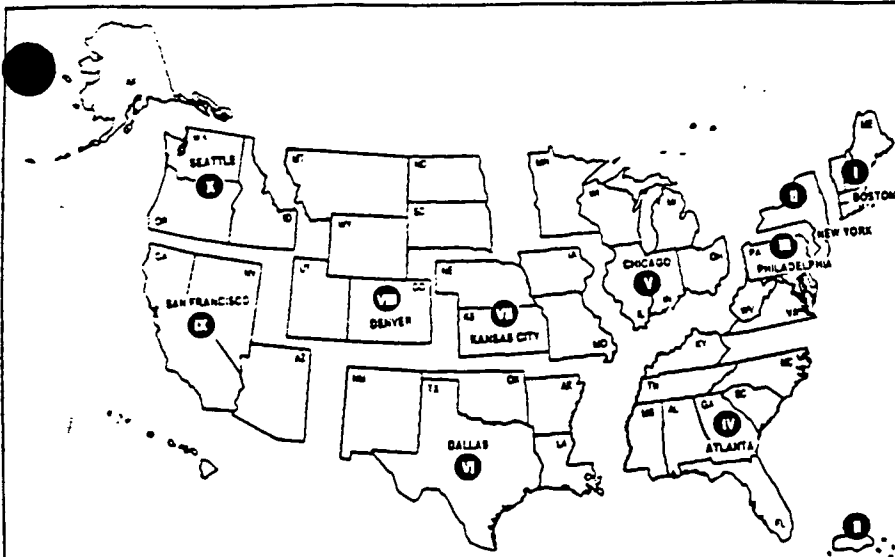
Historically, the Superfund program has identified an average of 2000 sites each year for evaluation from a wide variety of sources, the largest of which has been the States (Attachment A). Citizen reports through the National Response Center have also brought many locations to the attention of the Agency. These sources have been supplemented since the passage of the Superfund Amendments and Reauthorization Act (SARA) by the PA petition process authorized by Section 105(d). A public education bulletin, Preliminary Assessment Petition, (Attachment B) was distributed to the Regions in 1988 to assist in informing the public about this provision and to establish common national criteria for the processing of these petitions. Additionally, individual Regional Offices have initiated various types of "discovery" activities when categories of sites have been identified as being particularly problematic.

All regions perform some screening of sites, or request that States screen sites, prior to entering them into CERCLIS. The most common screen is for duplicate entries. Regions also screen sites for obvious Superfund statutory or policy exclusions such as leaking gasoline tanks and sites subject to RCRA Subtitle C corrective action authorities. While regions are encouraged to continue such screening, it must be understood that Agency policy requires that conservative assumptions be made, e.g., sites should be listed if there is the slightest doubt about the applicability of an exclusion. Unless there are unusual circumstances, identified locations should be entered into CERCLIS within one month of Agency notification. Resource constraints are never to be considered a reason for not listing identified sites.

The Office of Emergency and Remedial Response is now evaluating the need for a national discovery program. We are being assisted in this effort by Regions that have completed their pre-SARA site inspection backlog. The results of all of the separate evaluations being carried out for this project, including the resource implications of the various strategies, will be placed before an Agency workgroup in a 1990-91 timeframe. Questions you may have concerning either the issue of CERCLIS entry policy or discovery should be addressed to Larry Reed of my staff at FTS 475-8602.

Attachment

cc: Larry Reed
Jeff Byron
Betty VanEpps



Region I

Regional Administrator
 U.S. Environmental Protection Agency
 John F. Kennedy Federal Building
 Room 2203
 Boston, MA 02203

*Connecticut, Maine, Massachusetts,
 New Hampshire, Rhode Island, Vermont*

Region II

Regional Administrator
 U.S. Environmental Protection Agency
 26 Federal Plaza
 New York, NY 10278

*New Jersey, New York, Puerto Rico,
 Virgin Islands*

Region III

Regional Administrator
 U.S. Environmental Protection Agency
 841 Chestnut Street
 Philadelphia, PA 19107

*Delaware, District of Columbia, Mary-
 land, Pennsylvania, Virginia, West
 Virginia*

Region IV

Regional Administrator
 U.S. Environmental Protection Agency
 345 Courtland St., NE
 Atlanta, GA 30365

*Alabama, Florida, Georgia, Kentucky,
 Mississippi, North Carolina, South
 Carolina, Tennessee*

Region V

Regional Administrator
 U.S. Environmental Protection Agency
 230 S. Dearborn St.
 13th Floor - (HR-11)
 Chicago, IL 60604

*Illinois, Indiana, Michigan, Minnesota,
 Ohio, Wisconsin*

Region VI

Regional Administrator
 U.S. Environmental Protection Agency
 1445 Ross Avenue
 12th Floor, Suite 1200
 Dallas, TX 75202-2733

*Arkansas, Louisiana, New Mexico,
 Oklahoma, Texas*

Region VII

Regional Administrator
 U.S. Environmental Protection Agency
 726 Minnesota Avenue
 Kansas City, KS 66101

Iowa, Kansas, Missouri, Nebraska

Region VIII

Regional Administrator
 U.S. Environmental Protection Agency
 One Denver Place-Suite 500
 999 18th Street
 Denver, CO 80202-2413

*Colorado, Montana, North Dakota,
 South Dakota, Utah, Wyoming*

Region IX

Regional Administrator
 U.S. Environmental Protection Agency
 215 Fremont Street
 San Francisco, CA 94105

*American Samoa, Arizona, California,
 Commonwealth of Guam, Hawaii,
 Nevada, Marianas, Trust Territories*

Region X

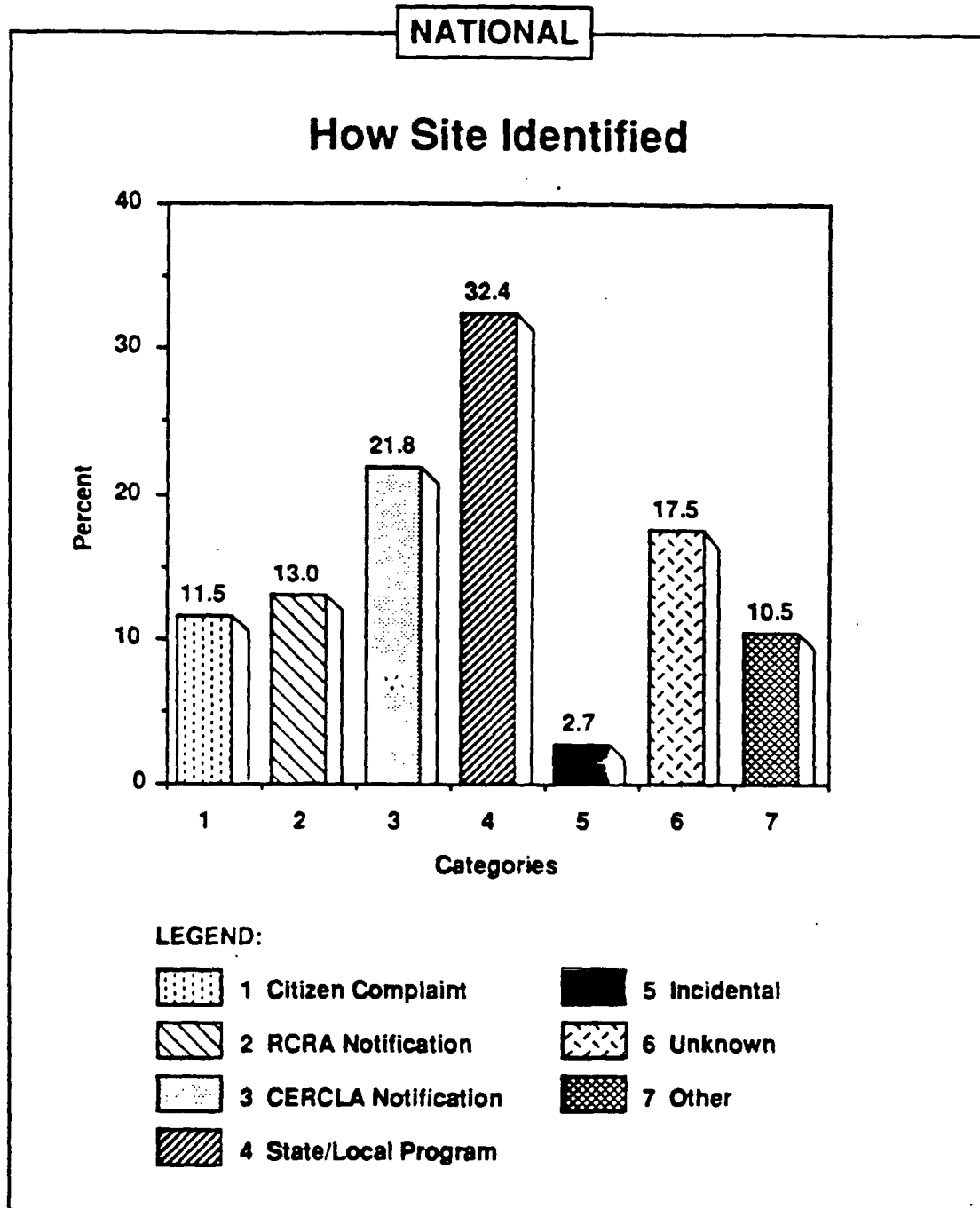
Regional Administrator
 U.S. Environmental Protection Agency
 1200 Sixth Avenue
 Seattle, WA 98101

Alaska, Idaho, Oregon, Washington

*A list of addresses for other
 Federal agencies can be obtained
 by calling the EPA Regional
 Federal Facility Coordinators at
 the following numbers.*

Region I	(617) 565-3287
Region II	(212) 264-6723
Region III	(215) 597-1168
Region IV	(404) 347-3776
Region V	(312) 886-7500
Region VI	(214) 655-2260
Region VII	(913) 236-2823
Region VIII	(303) 293-1644
Region IX	(415) 974-7539
Region X	(206) 442-1327

CERCLIS CHARACTERIZATION



- Notes: 1) Data generated from a sample of site files which were reviewed in late 1988 and early 1989; approximately 8% of the sites in the CERCLIS inventory were studied. Information beyond the Preliminary Assessment (PA) level of investigation was not reviewed.
- 2) This figure depicts information collected on the CERCLIS Statistics Data Collection Form in the Site Description Section, Question 11, How Identified.
- 3) In order to accurately characterize the CERCLIS site, multiple responses to certain questions were possible. This may result in a greater than 100% response rate. Each bar represents the percent of site files where a particular response was appropriate.



Preliminary Assessment Petition

For years hazardous wastes have accumulated unchecked in vacant lots, dumps, manufacturing plants, and various other types of locations around the United States. The U.S. Congress recognized the potential threat to public health and the environment and in 1980 passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), more commonly known as "Superfund." With Superfund, the President authorized the U.S. Environmental Protection Agency (EPA) to identify hazardous wastes that threaten public health and the environment, and to locate and properly dispose of these wastes. The first step of that identification process is called the Preliminary Assessment.

WHAT IS A PRELIMINARY ASSESSMENT?

In a Preliminary Assessment (PA), EPA attempts to verify the existence of released hazardous waste at a site that may fall under Superfund. PAs are conducted by the EPA or its representatives and usually result from EPA discovering that a hazardous substance may pose a threat to the public or the environment. The purpose of a PA is to determine if a threat exists and what further action should be taken. If the PA shows that there is a serious immediate threat, EPA may use Superfund money to quickly remove the hazardous substance. If the threat is not immediate, EPA will conduct more thorough studies to decide the best way to deal with the problem. Naturally, if no danger exists, no further action will be taken.

WHAT IS A PA PETITION, AND WHY WOULD YOU SUBMIT IT?

Although the EPA has always responded to requests from the public to investigate suspected hazardous waste sites, Congress formalized this process in 1986, by making some changes in the Superfund program. One of these changes (now CERCLA Section 105(d)) provides the public with an opportunity to formally petition the Federal government to conduct a PA. By sending in a PA petition, persons can notify the EPA of suspected environmental problems that may directly affect them, thus possibly identifying sites that may otherwise remain unknown.

Releases of hazardous substances may threaten an individual's health, property, and environment. By reporting such releases and petitioning for PAs to be conducted people can help themselves, their communities, and the country.

WHO MAY SUBMIT A PA PETITION?

Basically, Congress has allowed any person or organization to submit a PA petition. This petition should concern a release or threatened release that affects the petitioner. The term "release" includes any means by which a substance could be exposed to the environment, such as by spilling, leaking, discharging, dumping, injecting, and escaping.

WHAT INFORMATION MUST BE IN A PA PETITION?

An example format for petitions is included on the last page of this bulletin. People submitting petitions do not have to follow this format, but petitions must contain the following information:

- The full name, address, telephone number, and signature of the person submitting the petition.
- The location of the actual/potential release, which is also called the "site." Because the people reviewing the petition or conducting the PA may not be familiar with the area of the release, its location should be described as exactly as possible. For example, marking the location on a street map or drawing a more detailed map (showing the release area, landmarks, and distances) would be helpful in finding and responding to the potential problem. If a map cannot be found or made, the site should be described by providing its distance, as accurately as possible, from nearby roads (using street names or route numbers), buildings, and other easily noticeable objects.
- A description of how the petitioner is, or may be, affected by the actual/potential release. For example, a release may cause unpleasant smells, bad-tasting well water, animal injuries, damaged trees and plants, as well as body rashes and other physical effects. These factors may affect a person's health and cost money. Petitioners can clarify the seriousness of the problem and its potential effects by describing their location in relation to the area of the release, and how they came in contact with or became aware of the release.

WHAT TO FOCUS PETITIONS ON

Because Congress specified that petitioners must be affected by specific releases that they want to report, people should focus on actual/potential releases that they know of firsthand that occur around their homes or jobs. For example, EPA discourages submittal of PA petitions for the following situations:

- A petition covering possible releases at many locations, which were picked for some general reason, and not based on firsthand, specific knowledge. For example, a petition covering every landfill in a State is not specific and does not help EPA focus on the most serious problems.
- Petitions about sites that are unlikely to affect petitioners, such as sites far away from where they live or work.
- Petitions about possible pollution affecting a wide area, but which cannot be linked to releases from a specific location or source. Examples of problems over wide areas include polluted rivers and contaminated ground water. Petitioners should instead try to alert EPA to the source of such problems, such as drums leaking onto the ground.

EPA asks that petitioners carefully consider their petitions with the above examples in mind. Every year EPA investigates thousands of possibly hazardous sites, some of which pose serious threats to the public. If EPA receives petitions that are general or unclear, or that do not have enough information, valuable time and resources are taken away from more serious problems. Petitions without the required information will be returned to the petitioner. With this in mind, EPA asks petitioners to provide as much information as they can, but only on serious environmental problems.

WHAT OTHER INFORMATION CAN BE HELPFUL?

Naturally, the more information in a petition about an actual/potential site, the quicker and better the EPA can respond to it. Aside from what is mentioned above, no other information is required, but the following facts can be very helpful to the people reviewing petitions:

- What substances are involved (e.g., chemical name, popular name, name on container).
- Description of substances involved (e.g., smell, color, liquid/solid/gas).

- How the substance is, or may be, released (e.g., leaking container, dumped on ground, oozing from soil).
- Events leading to release (e.g., who did what and when to cause actual/potential site).
- State or local agencies already contacted and what they did (e.g., fire, police, or health department; State environmental agency).

WHAT HAPPENS TO PA PETITION AFTER IT IS SUBMITTED?

After receiving a PA petition, EPA will decide (1) if there is reason to believe that an actual/potential site exists, and (2) whether EPA has the legal authority under Superfund to respond to the site.

Petitioners do not have to prove that an actual/potential release exists or that it affects them. However, they do have to provide enough information to make the person reviewing the petition suspect that an actual/potential release may exist that may affect the petitioners. Also, under Superfund, EPA cannot respond to certain types of sites. For example, the law says Superfund does not cover petroleum or natural gas, engine exhaust emissions, normal use of fertilizer or pesticides, certain releases within a workplace, and some releases of nuclear materials. Finally, if a PA of the release was done in the past, a new one will not be conducted, unless additional information has been discovered about the site.

Within 12 months after a PA petition is received, it will be reviewed by EPA and a report of the review will be sent to the petitioner(s) within this one year timeframe. The report will describe whether the petition was approved and the reasons for the decision. If a petition is approved, EPA will conduct a PA during this period and provide a copy of the PA to the petitioner.

WHERE TO SEND PA PETITIONS

A PA petition ordinarily must be sent to the EPA Regional Administrator covering the location of the site. A map of the ten EPA Regions and a list of the EPA Regional Administrators, their addresses, and the States in their Regions is on Page 3. However, if the potential site is on Federal land, the petition should be sent directly to the Federal agency that owns the land. Each Federal agency is responsible for conducting a PA for any site on the agency's property. If petitioners cannot determine the Federal agency's address, the insert on Page 3 lists EPA's Regional Federal Facility Coordinators, who can help in locating the right address.

SAMPLE PUBLIC PETITION FORMAT

(Regional Administrator)
United States Environmental Protection Agency
Region (Insert proper Region number)

-or-

(Administrator)
(Federal Agency)
(local address)

[Instructions in brackets can be replaced with relevant information, and the brackets deleted.]

Under the authority of CERCLA Section 105 (d), as amended, the petitioner,

(Name) : _____

(Address) : _____

(Telephone Number) : _____

hereby requests that Region [*(insert number of U.S. EPA Region in which release/threatened release is located from list provided in the bulletin) of the United States Environmental Protection Agency (or) (name of appropriate Federal agency, in the case of a suspected release/potential release from a Federal facility)*] conduct a preliminary assessment of the suspected [*release (or) threatened release*] of a hazardous substance, pollutant, or contaminant at the following location:

(Precise description of the location of the release/threatened release: attach marked map if possible)

Petitioner is affected by the [*release (or) threatened release*] because:

(Describe as completely as possible how you are affected, or potentially affected,

by the release/threatened release)

[The information requested below is not required but, to the extent that it can be included, it will expedite review of and response to your petition.]

Type or characteristics of the substance(s) involved:

Nature and history of any activities that have occurred regarding the release/threatened release:

State and local authorities you have contacted about the release/threatened release and the response, if any:

