



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We conducted this review to evaluate whether the U.S. Environmental Protection Agency (EPA) has resolved violations to Superfund enforcement instruments consistent with its guidance, practice, and authorities.

Background

The Comprehensive Environmental Response, Compensation, and Liability Act provides EPA with multiple enforcement authorities to compel responsible parties to conduct and pay for Superfund cleanups. Under its authority, EPA can implement Superfund enforcement instruments to ensure that responsible parties address environmental contamination at Superfund sites. EPA is responsible for enforcing the terms specified in Superfund enforcement instruments, including taking action when violations occur.

For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2008/20080428-08-P-0141.pdf

EPA Needs to Track Compliance with Superfund Cleanup Requirements

What We Found

According to EPA's Superfund information system, there were 3,397 active Superfund enforcement instruments to ensure cleanups at National Priorities List sites as of September 30, 2007. Yet, EPA does not nationally compile or track data on substantial non-compliance (SNC) with the terms or requirements of these instruments. Therefore, we were not able to fully determine whether the regions have resolved Superfund instrument violations consistent with criteria and authorities. In 2000, though, EPA recognized it needed to improve in this area. It issued an internal report recommending that the regions improve their data on the compliance status of Superfund enforcement instruments and responses to non-compliance. However, EPA has not implemented this recommendation. Consequently, the Agency lacks the internal controls necessary to monitor compliance with Superfund instruments nationally.

In a limited review of EPA regions' enforcement records, we found that two regions' enforcement actions, in 12 instances of SNC, were consistent with EPA guidance and authorities. While the regions took appropriate actions to address these 12 violations, Region 5 had not established necessary and enforceable requirements to address contamination from the Muskego Landfill Site, in Waukesha County, Wisconsin.

What We Recommend

We recommend that EPA track and monitor substantial non-compliance by using and modifying, as appropriate, the existing Superfund information system. We also recommend that EPA establish enforceable response actions to address contamination from the Muskego Landfill Site. EPA agreed with our recommendations and proposed responsive actions to address them.