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CleanupNews is a quarterly newsletter highlighting hazardous waste cleanup cases, policies, settlements and technologies.

cleanupnews

Border 2012 Achieves Environmental Goals Along Border

ENSENADA, MEXICO – In late April 2006, the annual meeting of Border 2012 (a U.S.-Mexican collaboration to improve the environment along the border) drew representatives from both countries and stakeholders to discuss recent successes and outline goals for the future. The bi-national program focuses on cleaning the air, providing safe drinking water, reducing the risk of exposure to hazardous waste, and ensuring emergency preparedness along the U.S.-Mexican border. The national coordinators for Border 2012 are the EPA and the Secretariat of Environmental Resources (SEMARNAT), the federal environmental authority in Mexico. The program involves 10 border states, Mexican federal agencies, and tribal governments are partnering with EPA and SEMARNAT in this program.



The achievements accomplished since the program's inception three years ago include:

- removing more than 2,000 tons of hazardous waste from a former U.S. lead smelter in Tijuana;
- cleaning up more than two million waste tires from the Mexicali and Ciudad Juarez border region;
- improving training in bio-terrorism response;
- developing a new drinking water system; and
- establishing the Baja California Emergency Management Institute, which will provide sustainable emergency preparedness training.

The program's immediate priorities include improving emergency preparedness through drills conducted at sister cities; developing a strategy to address waste tire piles and prevent future piles; and conducting a pilot test of radio frequency identification technologies for tracking border shipments of hazardous waste.

Border 2012 is a 10-year bi-national plan to protect the environment and the health of the nearly 12 million people living along the border

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EPA Honors Notable Achievement

On April 19, 2006, EPA's Office of Solid Waste honored recipients of the 2006 National Notable Achievement Awards in a ceremony in Washington, DC. The annual awards honor outstanding EPA, Regional and State efforts from the following Program offices: Brownfields, Emergency Management, Superfund, Superfund Enforcement, RCRA Corrective Action, Federal Facilities, Regional Science, Environmental Justice, and Land Revitalization.

Here are some highlights from the Superfund awards:

Superfund - Legal Enforcer

Bethany Dreyfus, Region 9

Bethany Dreyfus received the Legal Enforcer award for her role in the major settlement for the PGA North Superfund Site in Arizona. Bethany was assigned to this case in 2002 when the potentially responsible party (PRP) was not performing site work required under a unilateral administrative order and had reimbursed only a small portion of EPA's past oversight costs. Thanks to Bethany's efforts, the PRP agreed to negotiate a consent decree. Under the consent decree, the PRP will complete work required under existing Records of Decision and any future work EPA determines is necessary to address perchlorate at the site. The PRP will also reimburse EPA for past costs and pay future costs.

Superfund - Technical Enforcer **Lisa Ouyang, Region 9**

Lisa Ouyang, a cost recovery specialist and member of the Superfund Case Development Team since 1995, was awarded the technical enforcer award

for her exemplary work with special accounts. Lisa implemented some changes that have improved the cost recovery process. She also developed a spreadsheet that allows management to view all account balances for many sites at once; was the lead Regional reviewer of the draft guidance on the management of special accounts; and made suggestions on the Special Accounts Training Tool format proposed by Headquarters.

correct spending authority for each site. To aid in the tracking of the more than \$250 million in Region 9 special accounts funds, they developed a site-specific summary report for each of the special accounts. The team also helped develop a Power Point training session that can be used by Headquarters and other Regions and participated in conference calls to help address special accounts issues.



OSRE Director Susan Bromm (left) and OSWER AA Susan Bodine (right) with the Enforcement Team Award winners.

Superfund - Financial Management Team

Special Accounts Team, Region 9
Anabel Yo-Eco, Lisa Ouyang, Kim Muratore, Judith Winchell, David Wood, Harrison Karr

The Special Accounts Team in Region 9 earned the Financial Management Team award for their outstanding efforts to improve the management of special accounts in Region 9 and to develop training materials. The team worked to improve staff knowledge of special accounts and encourage the staff to establish, track, and use special account funds. One way they achieved this goal was to identify all sites with PRP settlements that did not have special accounts and work with the RPMs to set up special accounts and request the

Superfund - Enforcement Team

Kerr-McGee Consent Decree Team, Region 5
Mary Fulghum, Rebecca Frey, and Annette Lang

Region 5's Kerr-McGee Consent Decree Team earned the Enforcement Team award for achieving a comprehensive settlement for four Kerr-McGee NPL sites in DuPage County, Illinois in August 2005. The settlement resulted in a cost-effective yet efficient cleanup that is supported by the community. Kerr-McGee had completed most cleanup at two of the four sites, but the sediments, banks, and floodplains contaminated with radioactive thorium wastes had not been cleaned up. The settlement ensures the cleanup of the other two sites and will reduce transaction costs by resolving pending and potential future CERCLA 106(b) claims for reimbursement of more than \$110 million Kerr-McGee spent complying with Unilateral Administrative Orders (UAOs).

For additional information, contact Karen Tomimatsu, Office of Solid Waste, tomimatsu.karen@epa.gov or (703) 605-0698.

New Settlement Will Help Spur Cleanup of Atlas Tack

MASSACHUSETTS— Under the terms of an April 14, 2006 consent decree, Atlas Tack Corporation and M. Leonard Lewis will pay \$2.3 million for the Atlas Tack Superfund site in Fairhaven, Massachusetts. The parties will also either give the government most of the proceeds from selling the property or retain it and pay the US most of the fair market value. In addition to the funds provided by the parties, the Town of Fairhaven has agreed to pay unpaid real estate taxes, currently in excess of \$80,000, and the U.S. Army Corps of Engineers will pay \$50,000 to the Superfund. EPA recently committed \$3 million in funds for Phase II of the site cleanup, which entails the excavation and off-site disposal of contaminated sediments from the Solid Waste and Disposal Area; the cost of Phase II cleanup is estimated at approximately \$14 million. Phase II

cleanup can commence once Phase I cleanup (the demolition of buildings and excavation/disposal of contaminated soils and sediments in the Commercial Area) is complete. Phase III



Manufacturing building being demolished as part of the Atlas Tack cleanup.

will address contamination the adjacent tidal marsh. The cost to cleanup the entire site is estimated at \$18 million.

Atlas Tack operated a tack and nail manufacturing facility at the site from 1901 until 1985. Wastes from production processes were discharged into an unlined lagoon, which is located next to a saltwater tidal marsh in Buzzards Bay Estuary and some acid-containing wastes migrated into soils and groundwater from the main building. The groundwater is contaminated with cyanide and toluene that leached from the lagoon. The on-site soils and debris are contaminated with volatile organic compounds (VOCs), heavy metals, pesticides, polychlorinated biphenyls (PCBs), and polycyclic aromatic hydrocarbons (PAHs). Atlas Tack was added to the Superfund National Priorities List in 1990. A Record of Decision outlining the cleanup plan was finalized in 2000. In 2000, EPA removed asbestos from dilapidated parts of the buildings to ensure public safety.

EPA Adds and Proposes Sites to National Priorities List

WASHINGTON, D.C. — EPA is adding six new hazardous waste sites that pose risks to human health and the environment to the National Priorities List of Superfund sites. EPA is proposing to add four other sites to the list.

In addition, EPA is recommending restoring the Ringwood Mines/Landfill site in Ringwood, New Jersey to the list. The site was originally added to the list Sept. 1, 1983 and deleted Nov. 2, 1994. EPA is also withdrawing the proposal to add the Sunflower Army Ammunition Plant in De Soto, Kansas to the list.

Information about these sites is available on the Superfund program's Current NPL Updates Web site at: <http://www.epa.gov/superfund/sites/npl/current.htm>.

Added to the NPL:

Klau/Buena Vista Mine, San Luis Obispo, Calif.
 Alternate Energy Resources, Augusta, Ga.
 Olin Chemical, Wilmington, Mass.
 Parkview Well, Grand Island, Neb.
 West Highway 6 & Highway 281, Hastings, Neb.
 Quendall Terminals, Renton, Wash.

Proposed to the NPL:

ASARCO Taylor Springs, Taylor Springs, Ill.
 Sherwin-Williams/Hilliards Creek, Gibbsboro, N.J.
 Matteo & Sons, Inc., Thorofare, N.J.
 Maunabo Urbano Public Wells, Maunabo, Puerto Rico

Proposed to be restored to the NPL:

Ringwood Mines/Landfill, Ringwood, N.J.

EPA Continues Emergency Cleanup at Anaconda Mine

NEVADA—In April 2006, EPA began moving fill from part of the Anaconda Mine site in Yerington, Nevada for use in building a soil cap over sulfide tailing contamination at the site, along with using soil sealant on areas of wind erosion in adjacent evaporation ponds. The emergency action was the second removal action initiated as a result of a December 2005 memo from



Sulfide tailings from mining operations prior to cap construction.

Jim Sickles, the Remedial Project Manager for the site. The memo, which outlined the finding from an October 2005 removal assessment, requested the assistance of EPA's emergency response group to address two problems that posed an imminent threat to human health and the environment: PCB

contamination from electrical transformers and fugitive dust from mine tailings.

During the removal assessment, EPA determined that the PCB contamination and fugitive dust needed to be addressed as soon as possible. Because the sulfide tailings were exposed, there was the potential the wind could spread the dust across the property or even carry it off-site. The emergency response was necessary to prevent the contaminants from migrating. To address the PCB contamination,

EPA removed and disposed of 119 PCB-containing electrical transformers. EPA asked potentially responsible party Atlantic Richfield Company (ARCO) to complete the removal actions, but the company declined. EPA is completing the emergency cleanup and seeking reimbursement from ARCO and other potentially responsible parties.

EPA is using a number of safeguards to prevent the spread of contamination during the placement of the cap, including air monitoring and using water trucks to help reduce the risk of the tailings becom-

ing airborne. Once complete, the soil cap and sealant will cover 8 basins across nearly 120 acres at the site. The emergency response has cost approximately \$600,000 to date.

Anaconda Mine site is a massive 3,400-acre site approximately 65 miles from Reno. Copper was discovered in the region in 1865, and the

“EPA has taken steps to address imminent dangers to human health and the environment from PCBs and fugitive dust.”

site began operating as Empire Nevada Mine in 1918. Between 1918 and 1978, Anaconda continued mining operations at the site. ARCO purchased the property in 1977, operated the facility for just one year, and sold it to Don Tibbals, who leased portions of the property for use. Arimetco purchased the property from Tibbals and conducted leaching operations at the site; the company went bankrupt in 2001 and abandoned the property.

For additional information, contact Jim Sickles, RPM, sickles.james@epa.gov, or Tom Dunkelman, OSC, dunkelman.tom@epa.gov.

Parties Commit to Pay over \$8 Million and Complete Brownfields Cleanups

ARIZONA – Unidynamics/Phoenix, Inc. and its parent company, Crane Co., have agreed to a settlement for the Phoenix-Goodyear Airport North Superfund Site. The potentially responsible parties will pay over \$8 million and complete site work. The settlement requires the parties to continue the cur-

rent cleanup efforts, conduct supplemental site investigation, pay EPA \$6.7 million for past costs, and pay future cleanup costs. They will also pay \$500,000 in penalties for failing to complete some required cleanup work.

The parties have also agreed to complete a supplemental environ-

mental project that will encourage redevelopment in Goodyear, the city most impacted by the site contamination. The companies will create an inventory of and assess up to 25 potential Brownfields sites in the city. From the compiled list of available sites, the city and residents will select four sites for more extensive

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while encouraging sustainable development. Most of the population along the border is concentrated in 14 paired “sister cities” where rapid population growth in the future will increase the need for ensuring environmental protection and the safety of citizens while allowing for development. The projected population by 2020 is nearly 20 million.

The legal authority for Border 2012 is the 1983 La Paz Agreement, which gave U.S. and Mexican federal environmental authorities the power to develop joint initiatives. Border 2012 builds on the efforts of a preceding agreement, Border XXI, which was in

place between 1996 and 2000. Border 2012 operates with a “bottom-up” approach through which the regions identify local issues and the implementation of projects happens locally. The program also strongly encourages

stakeholder involvement.

Additional information about the Border 2012 program is available on EPA’s U.S. - Mexico Border 2012 Framework

“Border 2012 has achieved great things since its inception in 2002, including cleaning up 2 million waste tires and 2,000 tons of smelting waste.”

Web site at: <http://www.epa.gov/usmexicoborder/intro.htm>. The communiqué outlining items discussed at the annual meeting is available on EPA’s Region 9 Web site at: http://www.epa.gov/Region9/border/Border2012JointCommunique_2006.pdf.



Waste tire pile prior to cleanup.



The same area after cleanup was completed.

Rubicon Pledges to Reduce Hazardous Waste by 1.5 Million Pounds

LOUISIANA – Rubicon LLC of Geismar, Louisiana will begin recycling aniline and benzene resulting from its production processes, a move that will reduce nearly 1.5 million pounds of hazardous waste. Rubicon has pledged to reduce 500,000 pounds of aniline and one million pounds of benzene. On April 13, 2006, EPA and the Louisiana Department of Environmental Quality honored the commitment with a plaque identifying Rubicon as a partner of the National Partnership for Environmental Priorities (NPEP). NPEP is a voluntary waste minimization program that encourages public and private organizations to form voluntary partnerships with EPA that reduce the use or release of any of 31 priority chemicals.

More information about NPEP may be found on the NPEP Web site at: <http://www.epa.gov/epaoswer/hazwaste/minimize/partnership.htm>.

For additional information, contact Tim Townsend, EPA Region 6, 214-665-6514 or townsend.timothy@epa.gov.

Grand Street Mercury Settlement Proposed

NEW JERSEY — Under the terms of a proposed consent decree lodged April 25, 2006, GE has agreed to pay EPA and the State of New Jersey for costs incurred cleaning up the Grand Street Mercury Site in Hoboken, New Jersey. The consent decree requires GE to reimburse the United States over \$2.8 million and the State of New Jersey \$195,000. In March 2005, GE filed a petition requesting reimbursement for cleanup costs the company incurred pursuant to a unilateral administrative order; GE will drop its reimbursement petition as part of the proposed settlement. In addition, GE has agreed to end its contest of a pending settlement between the United States and other responsible parties worth nearly \$4 million. The proposed consent decree and the dates of the 30-day public comment period will be announced in the Federal Register.

The Grand Street Mercury site includes a former industrial building where mercury vapor lamps and mercury connector switches were produced for over 50 years. In the 1990s, the building was converted into residences/studio spaces. When the local health department identified elevated mercury levels in some residents, EPA became involved at the site. Mercury was identified across the site, including in porous surfaces like wood and brick and in vaporized form in the air. Because of the extensive site contamination, EPA determined that the most effective remedy was to relocate residents, demolish the building and adjacent townhouse, and dispose of soils. The site was added to the National Priorities List

in 1997. Site cleanup was recently completed, and EPA will proceed with the final steps to remove the site from the NPL.

For additional information, contact Sarah Flanagan, EPA Region 2, (212) 637-3136.

Parties Agree to Pay for Costs at Davis Refining

FLORIDA – Seventy-nine potentially responsible parties, including the State of Florida and four federal agencies, will reimburse EPA over \$2.5 million for response costs at Davis Refining Superfund Site in Tallahassee, Florida. The agreement became final on May 2, 2006 following a 30-day public comment period. Monies received through the settlement will cover costs from a removal action conducted at the site between 1998 and 2000.

Davis Refining was an oil recycling and storage facility from 1971 to 1993. In 1998, EPA began removing above-ground and underground storage tanks, some buried pipeline, drums, labpaks, and soils contaminated with oil. The removal was completed in 2000.

For additional information, contact Laura Niles, EPA Region 4, (404) 562-8353 or niles.laura@epa.gov.

Phoenix-Goodyear, continued from page 4

site assessments, and the settling parties will complete cleanup at three sites. The parties are required to spend no less than \$1 million on inventorying and remediating the selected sites.

Goodyear has seen a significant population increase of more than 100% over the past ten years. The city is hoping to proceed with “infill development”—cleaning up and reusing existing properties rather than creating sprawl. The cleanup of a few abandoned properties and the list of potential Brownfields sites that can be considered for cleanup in the future will help aid that goal.

The settlement was lodged on April 11, 2006 with the U.S. District Court for the District of Arizona. The 30-day public comment period began on April 26, 2006 with the publication of the *Federal Register* notice.

From 1963 until 1994, the Unidynamics/Phoenix, Inc. facility was used to manufacture defense and aerospace component systems, including pyrotechnics and explosives. Until 1980, most wastes generated by the facility were disposed of in eleven dry wells and two unlined oxidation ponds. Site soils and groundwater are contaminated with volatile organic compounds (including trichloroethylene) and perchlorate.

For additional information, contact Bethany Dreyfus, legal contact, dreyfus.bethany@epa.gov, or Mary Aycock, technical contact, aycock.mary@epa.gov.

Some Proposed Settlements

The following proposed consent decrees are currently in the 30-day public comment period. During the comment period, the proposed settlements can be reviewed on DOJ's Proposed Consent Decrees Web site at: <http://www.usdoj.gov/enrd/open.html>.

U.S. and the State of Oregon v. City of Millersburg, Oregon
for the Teledyne Wah Chang Albany Superfund Site in Millersburg
Comment period extended to 6/5/06

U.S. v. Jay and Kathleen Jackson and Jackson Services, Inc.
for the 10th Street Superfund Site in Columbus, Ohio
Comment period ends 6/12/06

New IC Document Released

On March 17, 2006 EPA released “Enforcement First to Ensure Effective Institutional Controls at Superfund Sites” to reemphasize that EPA will maximize potentially responsible party participation in any actions needed to ensure the implementation and effectiveness of institutional controls at sites. Institutional controls are non-engineered instruments, such as administrative and legal controls, that help minimize human exposure to contamination and protect the integrity of the remedy. They work by limiting land or resources use and by providing information to modify behavior. In many cases, institutional controls not only help protect the remedial objectives at a site, but can also assist in the beneficial reuse of sites. The Enforcement First for Institutional Controls policy guidance recognizes that both the EPA and the potentially responsible parties at the site share an interest in ensuring that controls are and remain protective of human health and the environment, and that the responsible parties play a critical role in providing any additional information, correcting or implementing additional controls at these sites. The memorandum identifies examples of specific activities that EPA may look to responsible parties to conduct at sites, including: evaluations of current and future land uses on or around the site, analysis of real property title information, use of state of the art tools such as “one-call” systems, new monitoring and mapping technologies, available statutory environmental covenants, as well as enhanced planning and cost estimation tools.

The Enforcement First for Institutional Controls approach assists the Agency’s efforts to implement the Sep-

tember 2004 “Strategy to Ensure IC Implementation at Superfund Sites” (see, [Cleanup News, Issue #20](#) (Spring 2005)). That strategy is a nationwide effort to review institutional controls at all Superfund sites where remedy construction activities have been completed. The strategy calls for the identification of priority sites with potential institutional controls issues and the development of Region-specific action plans; provides an outline of site-specific follow-up activities; establishes a new institutional controls coordination and communication structure; and describes steps to improve EPA’s capacity for evaluating IC effectiveness.

These and other related institutional controls documents are available on the EPA Institutional Controls website (under the Superfund cleanup and policy and guidance on institutional controls link) at <http://www.epa.gov/compliance/cleanup/develop/ic.html>.

EPA/ASTSWMO/ ICMA Institutional Controls Roundtable

From April 4-6, 2006, EPA, the Association for State and Tribal Solid Waste Management Officials (ASTSWMO) and the International City/County Management Association (ICMA) sponsored a national Institutional Controls Roundtable and Training in Tucson, Arizona. Over one hundred and twenty stakeholders gathered to discuss critical issues concerning institutional controls (ICs). The participants represented EPA HQ offices (OSWER, OECA, and OGC), all ten EPA Regions, States, local governments, federal facilities,

and various organizations representing these entities. The purpose of the Roundtable was to provide an opportunity for all the various organizations to learn how much they all have in common in protecting the public from the vestiges of improper waste handling, while encouraging appropriate use of these sites, and accountability.

The Roundtable participants engaged in a broad array of panel discussions, ranging from: legal (e.g., easements and covenants) to technical (e.g., EDSC data standards); federal (EPA’s IC tracking system), to state (Tennessee’s perpetual care trust fund) to local government (Emeryville, California’s tracking system); and primary topics (e.g., IC costing) to cross-cutting (e.g., environmental justice). There were several discussions regarding the Uniform Environmental Covenants Act (UECA) and several States’ wide-ranging experiences in adopting the Act. Other panels addressed issues related to the implementation of ICs such as: Fifth Amendment “takings” considerations; senior interests (e.g., utility easements); and adjacent property contamination.

In September 2004 EPA issued an Institutional Control Strategy to ensure ICs are appropriately implemented at Superfund sites to ensure protectiveness of the remedy. In 2005 EPA held an EPA-only session of best practices to identify and address IC issues. What came out of that session was a better understanding of how crucial the participation of State and local governments is to this work. The 2006 Roundtable was an opportunity to bring all implementors together to learn about enforcement, monitoring, and tracking issues and solutions. *Contacts: Phyllis Anderson (703) 603-8971, and Helena Healy (202) 564-5124.*

June 12 - 16, 2006
 11th Annual Contaminated and Hazardous Waste Site Management-Theory, Practice & Outdoor Field Demonstrations
http://www.wastenews.com/elib/event_details.html?id=361
 Toronto, Ontario, Canada

June 19 - 21, 2006
 2006 Joint Arkansas Recycling Coalition & the Mississippi Recycling Coalition Recycling Conference & Trade Show
http://www.wastenews.com/elib/event_details.html?id=375
 Tunica Resorts, MS

June 20-21, 2006
 National Corrective Action Conference
<http://www.epa.gov/ne/nationalcaconf/>
 Providence, RI

June 24 - 26, 2006
 Canadian Association of Recycling Industries (CARI-ACIR) 65th Annual Convention
http://www.wastenews.com/elib/event_details.html?id=355
 Mont Tremblant, Quebec

August 21 - 25, 2006
 2006 Midwestern States Risk Assessment Symposium
http://www.wastenews.com/elib/event_details.html?id=372
 Indianapolis, IN

August 28-30, 2006
 22nd Annual National Environmental Monitoring Conference (NEMC)
<http://nemc.us/>
 Arlington, VA

September 5-6, 2006
 2006 Retail Cities
 Louisville, KY

Glossary

ARCO	Atlantic Richfield Company	OSRE	Office of Site Remediation Enforcement
ASTSWMO	Association of State and Territorial Solid Waste Management Officials	OSRTI	Office of Superfund Remediation Technology Innovation
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	OSWER	Office of Solid Waste and Emergency Response
DOJ	Department of Justice	PAHs	Polycyclic aromatic hydrocarbons
EDSC	Environmental Data Standards Council	PCBs	Polychlorinated biphenyls
EPA	Environmental Protection Agency	PCE	Tetrachloroethene
ICs	Institutional controls	PRP	Potentially responsible party
ICMA	International City/County Management Association	RCRA	Resource Conservation and Recovery Act
NPEP	National Partnership for Environmental Priorities	ROD	Record of decision
NPL	National Priorities List	SEMARNAT	Secretaría de medio ambiente y recursos naturales
OECA	Office of Enforcement and Compliance Assurance	UAO	Unilateral administrative order
OGC	Office of General Counsel	VOC	Volatile organic compounds

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<http://www.epa.gov/compliance/about/offices/osre.html>

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Richard W. Popino, PhD REM, editor-in-chief

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To comment on the newsletter contact Richard W. Popino, PhD REM, at MC-2271A, U.S. EPA, 1200 Pennsylvania Ave., NW, Washington, DC 20460, email: popino.rick@epa.gov.

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