U.S. Environmental Protection Agency
Office of Inspector General

09-P-0131
March 31, 2009

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The Office of Inspector General (OIG) received a Hotline complaint that alleged mismanagement and abuse of authority regarding the U.S. Environmental Protection Agency (EPA) Region 9's management of specific activities at the CTS Printex Superfund Site in Mountain View, California.

Background

The site is currently on the Superfund National Priorities List. It was added to the list in 1990 to address groundwater contamination that resulted from years of circuit board manufacturing operations at the site. The Hotline allegations the OIG reviewed are that: (1) EPA Region 9 inappropriately charged the responsible parties for oversight costs associated with a housing development that is currently being built on the site; and (2) Region 9 has inappropriately expanded the definition of the site, which has complicated the responsible parties' clean-up of the site.

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

To view the full report, click on the following link:
www.epa.gov/oig/reports/2009/20090331-09-P-0131.pdf

Results of Hotline Complaint Review for California Superfund Site

What We Found

We substantiated that Region 9 inappropriately charged oversight costs to the CTS Printex Site responsible parties for greening activities and other activities. Region 9 charged the responsible parties for costs associated with staff time spent reviewing a housing developer's use of "green building practices." Region 9 also charged the site account for its time spent responding to and preparing for our review. These activities are outside the intended scope of the cost recovery agreement between Region 9 and the CTS Printex Site responsible parties and also do not meet a criterion a Region 9 manager said was used in determining appropriate oversight costs.

We could not substantiate claims that Region 9 expanded the definition of the CTS Printex Site beyond that described in EPA's 1991 clean-up decision document (the ROD). In addition, we could not substantiate claims that other clean-up agreements were reached or implemented, such as use of a "Multiple Sources Strategy."

We also found that Region 9 has not taken appropriate steps to timely amend the 1991 ROD despite significant remedy and land use changes at the site. New human health risks have been identified (vapor intrusion) that were not addressed in the 1991 ROD. Following appropriate procedures is critically important given that private residences have been built on top of the CTS Printex Site.

What We Recommend

We recommend that Region 9 identify and withdraw all past charges that are inconsistent with the meaning of "oversight costs." The Region should develop and implement procedures to ensure that staff consistently and appropriately charge oversight costs. We also recommend that the Region amend the 1991 Site ROD, develop a cost recovery strategy, and review Agency policies and procedures to properly and timely recover the government's costs from appropriate parties for the ROD amendment work. Region 9 agreed to assume the work to complete the ROD amendment and has agreed to withdraw inappropriate oversight charges. The Region's corrective actions to address future cost recovery issues and review other oversight charges are undecided and should be addressed in its final response to this report.