



cleanup news

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

Horinko, Johnson to Serve as EPA Acting Administrator and Deputy Administrator

On July 10, 2003, President Bush announced that Marianne Horinko, Assistant Administrator of the Office of Solid Waste and Emergency Response, had been selected to serve as Acting Administrator. Stephen Johnson was selected to serve as her Acting Deputy Administrator. Prior to his selection as Deputy, Mr. Johnson was the Assistant Administrator of the Office of Prevention, Pesticides and Toxic Substances (OPPTS). Horinko and Johnson will serve in the interim posts until the Bush administration nominates candidates for the permanent posts and the candidates are confirmed by the Senate.



The selections follow the resignations and departures of Administrator Governor Christie Todd Whitman and Deputy Administrator Linda Fisher. Whitman, who served as Administrator for two-and-a-half years, resigned effective June 27, 2003, citing a desire to return to her family in

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Anacostia River Selected as Pilot for Urban Rivers Restoration Initiative

At the Anacostia Community Rowing Center in Washington, DC on April 21, 2003, EPA Administrator Christie Whitman and the U.S. Army Corps of Engineers announced that the Anacostia River had been selected as a pilot project for the Urban Rivers Restoration Initiative. The designation will result in a

\$50,000 grant to fuel ongoing restoration efforts. Anacostia was selected because of current initiatives and future plans for the river including wetland restoration and reforestation, brownfields redevelopment, and participation from private and public stakeholders. A number of projects are already underway, including the

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New Jersey. Whitman's resignation letter listed Bush administration accomplishments in achieving cleaner air, purer water, and more protected land. She highlighted recent "long-overdue" brownfields legislation, the Small Business Liability Relief and Brownfields Revitalization Act of 2002, among the Administration's most significant achievements. On June 26, 2003, one day prior to Whitman's departure, Linda Fisher, her Deputy Administrator, also resigned. Fisher thanked President Bush for the opportunity to serve and said she was "proud to have been a member of this team." Fisher served as Acting Administrator for two weeks following Whitman's departure.

Like Whitman, Horinko believes strongly in Brownfields redevelopment through innovation, flexibility, and partnerships. Horinko is credited with doubling the funding for the Brownfields program during her tenure with OSWER. Her priorities as AA of OSWER included homeland security and emergency response, the One Cleanup Program, the Land Revitalization Initiative, and the Resource

Conservation Challenge. Horinko was called to leadership shortly after her Senate confirmation as Assistant Administrator of OSWER. She oversaw EPA's emergency re-

"Marianne has the strength, leadership, and character to be a very effective Acting Administrator."

— Former Acting Administrator, Linda Fisher

sponse at the World Trade Center and the Pentagon following the September 11th attacks. She also coordinated the effort to remediate anthrax contamination at the Hart Senate Office Building. This past year, she assisted with the Agency's coordinated response with the Federal Emergency Management Agency (FEMA) and the National Space and Aeronautical Administration (NASA) to the Columbia Space Shuttle tragedy.

Prior to joining EPA, Horinko was President of Clay Associates, Inc. During the first Bush administration,

she was Attorney Advisor to Don Clay, who was then AA for OSWER. She also served as an attorney at Morgan, Lewis & Bockius LLP. Johnson has been with EPA for two decades, serving a number of roles in OPPTS including Deputy Director of the Office of Pesticide Programs and Assistant Administrator.

Fisher spoke highly of both Horinko and Johnson saying that she has been "privileged to work with both of these individuals during their distinguished tenures at EPA." She added that they will "provide dedicated leadership for the agency in the coming months."

With the leadership shifts, Barry Breen has been selected to serve as the Acting Assistant Administrator of the Office of Solid Waste and Emergency Response. Prior to his selection as AA of OSWER, Barry Breen served as Principal Deputy Assistant Administrator of OSWER.

For additional information, contact Dr. Richard W. Popino, (202) 564-5136.

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planned development of a riverwalk to link communities along the water with the District of Columbia; \$1.3 billion in modifications to the sewer system that will significantly reduce sewer overflows; and the ongoing activities of the Anacostia Watershed Toxics Alliance. This alliance is an existing partnership of 25 private and public partners and EPA with an interest in addressing the contaminated sediments in Anacostia. The pilot project funding will be used to enhance wetland restoration partnerships and brownfields revitalization.

The Urban River Restoration Initiative was launched as part of the



EPA Administrator Whitman and DC Mayor Anthony Williams at Anacostia River pilot announcement.

Agency's broad new Land Revitalization Initiative action agenda. The ini-

tiative joins the efforts of EPA and USACE in restoring and revitalizing urban rivers to the benefit of the surrounding communities. The Anacostia is one of eight river projects receiving funding through the initiative.

The 8-mile Anacostia River, which flows into DC from the east and joins the Potomac River just south of the city, is part of the complex Chesapeake Bay watershed. The river is heavily contaminated with polychlorinated biphenyls (PCBs), pesticides, heavy metals, and raw sewage from a number of sources.

For additional information, contact Nicholas DiNardo, (215) 814-3365.

Community Involvement Plan Proposed for Hudson River

EPA's Region 2 office made public the proposed Community Involvement Plan (CIP) for the Hudson River PCBs Superfund site. EPA is reviewing public comments from the comment period, which closed May 28, 2003, and will modify the plan as needed. EPA anticipates finalizing the CIP by the end of August. The majority of public comments have concerned the proposed membership of the Community Advisory Group (CAG). The CAG provides stakeholders an opportunity to discuss their needs and concerns about site design and the cleanup decision-making process and allows EPA to hear and consider community input on the design and impacts of the selected remedy.

EPA's community involvement program for Hudson River has two major elements: frequent interaction with communities and a notable EPA presence via the Hudson River Field Office (HRFO). EPA located the HRFO in Ft. Edward, NY—the dredging project area—in direct response to the communities' need for easy information access and meaningful interaction with EPA staff and management. The HRFO will carry out many of the CIP activities and serve as a central point to interact with EPA officials and receive information from the public on the project, and as a resource to the public for information on current and future site activities. The CIP provides an unprecedented array of communication tools for disseminating information to the public and receiving feedback on decisions and activities that have the greatest potential impact on the community. The plan proposes that EPA provide regular updates through additional sources including the Hudson River web site, media, newsletters, updated fact sheets, and quarterly progress reports. In addition, EPA will

“[EPA is] committed to public participation at every phase through an open process that encourages affected communities and interested organizations to provide input on the critical issues related to the cleanup.”

— Region 2 Administrator,
Jane Kenny

promote public education and awareness about the project by distributing information at community events, giving project site tours, and providing educational materials to schools. The “Ask EPA” program is an informal Q&A tool by which citizens can submit questions to EPA and EPA can identify and answer commonly-asked questions. Also, citizens will be able to contact EPA by email or toll-free phone, or, if they wish to file a complaint, they can contact the Region 2 Ombudsmen. Public comment periods and stakeholder group meetings will also afford the public an additional opportunity to provide feedback.

The CIP responds to the public's concerns about the selected remedy, such as concerns that the PCB-contamination in sediments could be re-suspended in the water through dredging. Other concerns addressed more day-to-day issues like the potential for excess noise and odor from the dredging. The communities have expressed true interest in involvement in the process and asked that EPA make the process “transparent” and clearly explain how the community can help make decisions. They also requested “plain language” technical documents and sufficient advance notice of meetings so they can adequately prepare to participate.

The Hudson River PCBs Superfund site cleanup is one of the most highly publicized cleanups in EPA history, mainly due to the size of the site, the number of communities impacted and the \$500 million cleanup cost. The site encompasses a nearly 200-mile stretch of the Hudson River and includes com-

munities in 14 counties in New York and two in New Jersey. The remedy selected is targeted environmental dredging of approximately 2.65 million cubic yards of PCB-contaminated sediments from a 40-mile stretch of the Upper Hudson River. Dredging will be conducted over a six year period, in two phases, consistent with the February 2002 Record of Decision (ROD) and the EPA-developed engineering performance standards. The Upper Hudson cleanup will lower the risks to people, fish, and wildlife in both the Upper and Lower Hudson River. General Electric Company (GE), the potentially responsible party, and EPA recently reached a draft agreement on the site cleanup design. Under the draft Consent Order GE will develop detailed approaches to remove sediment, transport and dispose material, and replace the habitat in dredged areas. GE is also agreeing to pay EPA \$15 million in partial reimbursement for past costs and up to \$13 million for costs associated with EPA's design work and oversight of GE's design work. The public comment period on the draft design work plans incorporated in the Consent Order closed July 2, 2003.

The Community Involvement Plan, a fact sheet, and email update sign-up are available through the Hudson River PCBs Superfund website at <http://www.epa.gov/hudson/>.

For additional information, contact Dave Kluesner, Region 2, (212) 637-3653 or kluesner.dave@epa.gov.

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Regional Ombudsmen Title Changed, Responsibilities Defined

On June 13, 2003, the Office of Solid Waste and Emergency Response (OSWER) concurred with several Office of Inspector General (OIG) recommendations for the regional ombudsmen program. OIG's recommendations for modifying the ombudsmen program were in response to a July 2001 General Accounting Office (GAO) report on the programs. The March 2003 OIG report mirrored GAO's concerns about using the title "ombudsmen" to describe the role being carried out in the regions. The American Bar Association and several professional ombudsmen associations define an ombudsmen as someone who operates independently from the organization he or she is investigating and can therefore maintain impartiality and confidentiality. This separa-

tion is crucial, they assert, in that ombudsmen handle both workplace disputes and complaints about the organization from the public. A review of the program found that few regional ombudsmen held positions independent from the Agency. OSWER decided that the title "Regional Ombudsmen" should be changed to "Regional Public Liaison" to more accurately reflect the role these regional personnel play. OSWER has also agreed to develop guidelines to clarify the responsibilities of the regional public liaison position.

The regional ombudsmen program was developed in 1995 as an off-shoot of EPA's national ombudsmen program. Over the past several years, both the national

and regional ombudsmen programs have been under review by GAO. A July 2001 GAO report found that it would be difficult for regional ombudsmen to maintain impartiality given their dual roles as ombudsmen and Agency personnel. Only two regions have full-time ombudsmen, the rest have personnel who serve as ombudsmen in addition to other roles within the Agency. OIG's response to the GAO report indicated that most regions did not have a sufficient number of complaints to warrant full-time ombudsmen independent of the Agency. Most regional ombudsmen reported that their ombudsmen duties accounted for less than 20 percent of their total workload.

For additional information, contact Laurie May, OSWER, (202) 566-1918.

Memorandum of Understanding Signed with General Services Administration

On May 29, 2003, Marianne Horinko, then Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER), signed a Memorandum of Understanding (MOU) with the General Services Administration (GSA) strengthening the existing partnership on brownfields development between the two agencies. Paul Chistolini, deputy commissioner of the Public Buildings Service of GSA, signed the MOU on behalf of GSA.

As part of the agreement, EPA and GSA agreed to work together to identify federal real properties that are potential brownfields and accelerate their cleanup and reuse; encourage

public and private partnerships and information sharing; highlight the connections between cleanup and economic development (which will include a campaign to inform states, tribes, and communities of innovative real property disposal tools); and develop performance measures to assess the environmental, economic, and social impacts of redevelopment.

As the federal government's expert on real estate and disposal, GSA brings real estate expertise (including transactions, insurance, and financing) to the partnership that will smooth the assessment and purchasing processes. With

GSA's involvement, EPA hopes to achieve more effective cleanups by integrating the cleanup, real estate transactions, and redevelopment efforts.

GSA was an early partner in the brownfields revitalization effort, joining with 27 other organizations as part of the Brownfield Federal Partnership in 1997. Since the partnership formed, GSA has played a significant role by identifying underutilized federal properties that are candidates for revitalization.

For additional information, contact LaKisha Odom in the Office of Brownfields Cleanup and Redevelopment, (202) 566-2772.

Top Companies Commit To Achieve Environmental Indicators

By Diane Bartosh, Office of Solid Waste

Controlling human exposure and the migration of contaminated groundwater are the Environmental Indicators (EIs) EPA uses to evaluate and report the requirements of the Government Performance and Results Act (GPRA). The Corrective Action Program of the Resource Conservation and Recovery Act (RCRA) developed EIs to respond to Congress and report to the public on RCRA-regulated facilities.

To encourage industry to achieve their EIs, EPA created the "Environmental Indicator Pledge." Companies that take the pledge agree to meet both EIs at their facilities by 2005. On June 24, 2003 at the RCRA National Corrective Action Conference, eight major companies stepped up and took the

Companies that have agreed to meet Environmental Indicators:

BP
ChevronTexaco
ConocoPhillips
Delphi Corporation
ExxonMobil
General Motors
Occidental Chemical Corporation
Crompton Corporation

pledge. By 2005, EPA hopes to control human exposure at 95 percent of the highest priority facilities and control groundwater migration at 70 percent of the highest priority facilities. To date, 844 facilities (i.e., 49 percent of the highest priority Corrective Action sites) have achieved

both environmental indicators. To accomplish the 2005 goal, EPA and industry must work together to develop innovative tools and complete construction of remedies.

EPA is working with pledge signers and others to ensure the EI determination information for RCRA facilities is accurate, successful approaches are shared, technical guidance is provided promptly, and RCRA cleanup goals receive national attention. Since EI measures

are the future of Corrective Action, EPA is already considering the next step. EPA is working with companies that have met both EIs to help them move to the "next level"—revitalizing and reusing their sites as Brownfields or through parceling (i.e., redeveloping parts of idle properties).

RCRA Corrective Action Conference Held

The 2003 RCRA National Corrective Action Conference was held in New Orleans, LA, June 24 and 25, 2003. The conference theme—"Progress, Vision, and Success"—and agenda focused on past successes and future goals of two high priority issues for the RCRA Corrective Action program: environmental indicators and reuse.

Marianne Horinko, then Assistant Administrator of OSWER, opened the conference by applauding companies that had recently signed the "Environmental Indicator Pledge"—a commitment to achieve both the human health and groundwater environmental indicators by 2005. The pledge signers include: BP, ChevronTexaco, ConocoPhillips, Delphi Corporation, ExxonMobil, General Motors, Occidental Chemical Corporation, and Crompton Corporation. Horinko expressed the hope that the demonstrated



AA of OSWER Horinko presenting award to BP at RCRA CA Conference

leadership of these companies would drive more companies on the Government Performance Results Act baseline to "take the pledge." (See top of page). At an awards reception on Tuesday night, Horinko presented Environmental Indicator Awards to three

leaders that had shown leadership in meeting EI goals: General Motors, Region 3, and Texas. She also honored Universal Sand Lake Road, Regions 1 and 5, and Arkansas for streamlining corrective action by focusing on results over process to successfully move corrective action forward.

Steve Shimberg, Deputy Assistant Administrator for the Office of Enforcement and Compliance Assurance, also provided opening remarks, talking about the role of enforcement in meeting the 2005 EI goals. Mr. Shimberg stressed the need for "smart enforcement," which is using the most appropriate enforcement or compliance tools to address the most significant problems to achieve the best outcomes. In the context of the EI goals, Mr. Shimberg said, this means the use of innovative as well as traditional enforcement options.

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Consent Decree Amended for North Indian Bend Wash

On June 5, 2003, an amendment to the consent decree for Indian Bend Wash, North, Superfund Site in Scottsdale, Arizona was entered by the U.S. District Court for the District of Arizona. The amendment states that Motorola, Inc., Siemens Corporation, SmithKline Beecham, Inc., the Salt River Project, and the City of Scottsdale will implement the groundwater remedy, including the construction of three water treatment plants and upgrades to an existing plant. The additional treatment plants and modifications to the existing plant are necessary to contain the groundwater plumes and restore the aquifer. Also, the parties will be responsible for the operations and maintenance under EPA oversight. In the original consent decree, operations and maintenance were voluntary. The City of Scottsdale, which first identified the groundwater contamination in 1981 in city drinking water wells, was included as a party under Rule 19 of the Federal Rules of Civil Procedures. Rule 19 allows non-labile parties to be included if their presence in a suit is deemed necessary or if they have a vested interest in the outcome. The City is not a liable party.

The original consent decree was entered in 1991. It required the responsible parties to conduct a supplemental study and allowed for an amendment if additional cleanup costs were incurred or EPA determined that additional cleanup was necessary. In 2001, EPA issued an amended Record of Decision (ROD) and stated that aquifer restoration was necessary since the City of Scottsdale uses it for drinking water. The ROD also

concluded that the volatile organic compound (VOC) contamination was not contained and was potentially migrating north, endangering another city's water supply. The remedy outlined in the ROD and required through the amended consent decree is protective of human health and the environment.

For additional information, contact Michelle Benson, Region 9, (415) 972-3918.

Correction:

The *CleanupNews* Spring 2003 article "EPA Concurs with Consent Decree for Mattiace Petrochemical" indicated that Marianne Horinko signed the Consent Decree on behalf of OSWER. The Consent Decree was signed by J.P. Suarez, Assistant Administrator of the Office of Enforcement and Compliance Assurance (OECA).

Settlement and PPA Entered for Ithaca Gun

Following a public comment period, a CERCLA Section 122(h) settlement and prospective purchaser agreement were finalized on June 6, 2003 for Ithaca Gun Superfund Site in Ithaca, New York. Through the CERCLA Section 122(h) settlement agreement, the City of Ithaca will reimburse EPA \$150,000 of the cleanup costs, and State Street Associates, LP II, which owns several former Ithaca Gun Company buildings at the site, will pay \$165,000. As part of the prospective purchaser agreement, the prospective purchaser, Fall Creek Redevelopment, has agreed to pay EPA \$50,000. The

Fall Creek payment will allow EPA to recoup some of the value added to the property as a result of the federal cleanup. The property has been recently appraised at \$170,000. The redevelopment company plans to redevelop the property and is considering converting the original factory buildings into office space.

The original Ithaca Gun Company manufactured shotguns and other firearms at the site beginning in 1880. These manufacturing processes contributed to lead-contaminated soils at the site. The gun manufacturer declared bankruptcy in 1985. The company that currently operates under the name "Ithaca Gun Company" purchased the company name from Ithaca Gun but did not contribute to the site contamination and has therefore not been named a potentially responsible party.

The site is located in a picturesque area of New York's Finger Lakes. The area of contamination is on a steep slope; when it was determined that contamination was migrating down the slope into the nearby Falls Creek area, a popular fishing and swimming area, EPA selected an aggressive remedy to eliminate the source. Since August 2000, EPA has removed over 1,000 tons of lead-contaminated soil. The Agency used a vacuum removal process, which is more expensive and time-consuming than conventional excavation methods. Roughly 2,300 tons of soil are planned to be removed to protect human health and the environment.

For additional information, contact George Shanahan, Region 2, (212) 637-3171.

He encouraged the Regions to use enforcement authorities and tools where appropriate to address EIs and final clean-up.

Panel discussions on the first day of the conference focused on how EPA can ensure that industry meets the environmental indicators. The discussion revolved around several changes that need to take place including streamlining processes, culture change, and more effective communication between all parties (industry, the states, the regions, and EPA). During the afternoon panel discussions, industry leaders, EPA, and state officials covered groundwater and vapor intrusion, two topics of interest to the environmental indicator effort.

The second day of the conference emphasized revitalization strategies. One panel presentation provided innovative tools for site cleanups and highlighted the new One Cleanup Program initiative. Industry leaders, including BP, and state officials presented case studies of successful revitalization efforts. In another afternoon session, the State of New Jersey described their "cluster" approach to brownfields redevelopment. Using this approach, several adjacent brownfields properties are managed/revitalized together to achieve efficiency with technical aspects (e.g., sampling and plume definition), administration (e.g., one case manager is responsible for all properties), and communication. This is a community-led program where the community drives the redevelopment effort. The community-led Casper, Wyoming BP refinery redevelopment was also highlighted. At this site, a kayak course has been developed alongside a new golf course and office park.

The conference proceedings will be available soon on the RCRA Corrective Action "What's New" website at <http://www.nationalcaconf.com>. Other conference materials will also be available, including a draft fact sheet on vapor intrusion and environmental in-

dicators, an EPA Region 6 "Ready for Reuse" Program fact sheet, and a groundwater cleanup approach example sheet. The groundwater cleanup approaches are consistent with the September 2001 Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action and subsequent updated version (released September 2002).

For additional information about the conference, contact Rick Ehrhart, Region 6, ehrhart.richard@epa.gov.

Brownfields 2003 Focusses on "Growing a Greener America"

The next annual brownfields conference, Brownfields 2003: Growing a Greener America, will be held in Portland, Oregon, October 27-29, 2003. The conference offers all with an interest in brownfields—including federal and state officials, developers, consultants, community representatives, and interested citizens—an opportunity to learn about innovative approaches, existing and planned brownfields projects, and brownfields-related policy issues. The conference agenda includes plenary and panel sessions, mobile workshops, and Marketplace of Ideas roundtables on a variety of issues. There will be a Town Meeting Plenary Session, moderated by NPR's Science and Technology Reporter Ira Flatow, where conference participants can ask brownfields questions of expert panel members. Also, the 2003 Phoenix Award winners will be honored and their brownfields projects showcased. Hundreds of companies, organizations, and federal and state agencies will have display booths in the Exhibit Hall throughout the conference.

Online registration, conference agenda and information, and exhibi-

tor registration materials are available through the conference website at <http://www.brownfields2003.org>. Registration for the conference is free. In the weeks before the conference, the conference website will include a new feature, Personal Scheduler, which will allow participants to create a list of events they wish to attend from the conference agenda.

For additional information, contact Bill Mitchell, ICMA, (202) 962-3581.

Real Estate Development Training for Government Regulators

A new two-day training course offers government regulators (especially personnel involved in brownfields redevelopment) a valuable introduction to real estate development. Course topics include a basic introduction to real estate development, financing and valuation, a private sector view of government intervention, the development model, and project management. Participants receive hands-on training through case studies and small group discussions. The material is presented by experienced professionals in real estate and brownfields, including developers and finance experts.

The training course is offered in a different location roughly every month. The next training course is scheduled for New York, August 5-6, 2003. Courses have been proposed for Atlanta in September and Seattle in October. Contact Bonnie Casper at (703) 603-7152 to confirm dates and locations and to register.

For additional information, contact Bonnie Casper, (703) 603-7152.

August 12-15, 2003;**RCRA National Meeting**

Washington, DC

Contact: Janette Petersen, (703) 308-8414
or Rick Brandes, (703) 303-8871**August 20-22, 2003;****ASTSWMO Federal Facilities Symposium:**

Portland, OR

Contact: Dania Rodriguez, (202) 624-5973,
daniar@sso.org**September 14-17, 2003;****Academy of Certified Hazardous Materials Managers 2003 National Conference.**

Dallas, TX

<http://www.kuce.org/achmm/index.html>**October 22-24, 2003;****ASTSWMO Annual Meeting**

Washington, DC

<http://www.astswmo.org>**October 27-29, 2003;****Brownfields 2003**

Portland, OR

<http://www.brownfields2003.org>**November 17-21, 2003;****National Registry of Environmental Professionals**

Orlando, FL

<http://www.nrep.org/conference/conference1.html>

Glossary

AOC	Administrative Order on Consent	NOAA	National Oceanic and Atmospheric Administration
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	OIG	Office of the Inspector General
CIP	Community Involvement Plan	OPPTS	Office of Prevention, Pesticides and Toxic Substances
EPA	Environmental Protection Agency	OSHA	Occupational Safety and Health Administration
FEMA	Federal Emergency Management Agency	OSWER	Office of Solid Waste and Emergency Response
GAO	General Accounting Office	PCB	Polychlorinated biphenyls
GPRA	Government Performance and Results Act	RCRA	Resource Conservation and Recovery Act
GSA	General Services Administration	ROD	Record of Decision
HRFO	Hudson River Field Office	USACE	United States Army Corps of Engineers
MOU	Memorandum of Understanding	VOC	Volatile organic compound
NASA	National Aeronautics and Space Administration		

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