



cleanupnews

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

EPA Playing Vital Role in Hurricane Katrina Response

EPA emergency responders are on the scene in the hurricane-devastated Gulf Coast region helping to protect, clean up and rebuild. EPA's primary responsibility after natural disasters like Hurricane Katrina is to assist local and state authorities in searching out and evaluating potential hazards from chemical and



An aerial view of an oil spill in Chalmette, Louisiana taken from EPA's ASPECT airplane.

oil releases. Immediately after Hurricane Katrina dissipated, EPA began aerial surveillance of the Gulf Coast region with its Airborne Spectral Photometric Environmental Collection Technology (ASPECT) plane. The ASPECT plane was developed by the EPA and the Department of Defense as an emergency response tool for detecting and delineating chemical vapor plumes. The ASPECT alerts emergency workers and civilians to potential hazards by providing precise digital mapping of chemical plumes.

On September 5, 2005, ASPECT identified a large release at Murphy Oil Co. in Chalmette, Louisiana. EPA and Murphy Oil Co. began efforts to

determine the extent of the release. Efforts to contain and clean up the estimated 25,000 gallons of oil spilled are ongoing. The spill affected

nearby residential homes in St. Bernard Parish. EPA is conducting air and soil sampling at the Murphy Oil Site and surrounding

area to further determine the impact of the spill.

Teams of federal and state personnel began coordinating efforts to collect and properly dispose of household hazardous waste in the Southern Louisiana parishes. Household hazardous waste includes common domestic materials such as batteries, computer hardware, cleaning supplies and paint. As of October 10, the effort has collected over 112,000 containers of household hazardous materials. The collection effort is important in order to avoid contamination from improper disposal such as pouring cleaning solvents down sewer drains.

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Final PCC Strategy Released

On October 12, 2005, EPA issued the final “National Strategy to Manage Post Construction Completion Activities at Superfund Sites” (PCC Strategy). The PCC Strategy will help ensure that remedies put in place at Superfund sites remain protective of human health and the environment long after construction is complete. The strategy includes five goals: ensuring that

remedies remain protective and cost-effective; ensuring that required institutional controls are implemented and effective; assuring adequate financing and capability to conduct post construction completion activities; support site reuse while assuring the remedy remains reliable; and improving site records management. EPA has already begun to implement some of the approaches outlined in the final strategy.

The final PCC Strategy is available on EPA’s Post Construction Completion Web site at: <http://www.epa.gov/superfund/action/postconstruction/>.

For additional information, contact Tracy Hopkins, Office of Superfund Remediation and Technology Innovation, hopkins.tracy@epa.gov.

GE Agrees to Begin Dredging Hudson River

Through a consent decree lodged with the District Court in Albany, New York on October 6, 2005, General Electric has agreed to perform the first phase of dredging PCB-contaminated sediments from the Hudson River and to build a facility to transfer and process the sediments. The estimated cost to construct the facility and conduct Phase 1 dredging is \$100-150 million. GE has also agreed to compensate EPA for up to \$78 million in past and future cleanup costs at the Hudson River PCBs Superfund Site. After the Phase I dredging is completed, an independent peer review panel will review the engineering performance standards and determine if modifications are necessary before Phase 2. Once EPA informs GE of any necessary modifications, GE may elect to conduct Phase 2 dredging under the terms of the current consent decree. Should GE decide not to conduct Phase 2 dredging, EPA can use its enforcement authority to compel GE to conduct the dredging or sue in district court for cleanup costs if the Agency completes the Phase 2 dredging.



GE’s Hudson Falls Plant was one of two manufacturing plants that contributed to PCB contamination of the Hudson.

Over nearly thirty years, GE discharged an estimated 1.3 million pounds of PCBs from two capacitor manufacturing plants into the Hudson River. In 1976, a year before the discharges ceased, the State of New York

GE has agreed to dredge sediments, build a sediment processing facility, and reimburse EPA up to \$78 million.

began taking actions to restrict consumption of PCB-contaminated fish

from the Hudson River. In 1984, the site was added to the National Priorities List. In the 2002 Record of Decision, in which EPA selected the cleanup, the Agency determined that 2.65 million cubic yards of contaminated sediments would need to be dredged to be protective of human health and the environment. GE conducted sampling to delineate areas for dredging, and agreed to design the remedy under the terms of two previous agreements. To date, GE has paid EPA \$37 million for the Hudson River site.

The 30-day public comment period for the consent decree ends November 14, 2005. During the comment period, the consent decree will be available on the Department of Justice’s Environmental and Natural Resources Division proposed consent decree Web site at: <http://www.usdoj.gov/enrd/open.html>.

For additional information, contact Dave Kluesner, EPA Region 2, (212) 637-3653.

New EPA Deputy Administrator Sworn In

On August 8, 2005, Marcus C. Peacock was sworn in as the 13th Deputy Administrator of EPA. Mr. Peacock graduated from the University of Southern California with a Bachelor of Science in systems and industrial engineering. He went on to obtain his Master of Public Policy degree from Harvard.

Mr. Peacock served as an industrial engineer and line supervisor at R.R. Donnelley & Sons, a printing company in Los Angeles, California. He later joined the environmental consulting firm, Jellinek, Schwartz & Connolly and served as a Program Manager. He served as a staff member on two Congressional subcommittees of the House Committee of Transportation and Infrastructure. From January 1995 to December 1998, he was a staff member for the Water Resources and the Environment Subcommittee and from January 1999 to January 2001 he served as staff director for the Oversight and Emergency Response Subcommittee.

Most recently, Mr. Peacock held the position of Associate Director for Natural Resources, Energy and Science within the Office of Management and Budget. His accomplishments include leading the government in the Budget and Performance Integration Initiative, part of the President's Management Agenda. He also oversaw the development of the Program Assessment Rating Tool method (PART), which rates federal program's effectiveness. In 2005, PART was awarded the prestigious

Innovations in American Government Award by Harvard University.

As Deputy Administrator, Mr. Peacock will be responsible for overseeing the implementation and enforcement of the nation's federal environmental laws and regulations. EPA has an annual budget of \$8.6 billion and 18,000 employees nationwide.

Hurricane Katrina, continued from page 1

EPA's response has also included site assessments of National Priorities List (NPL) Superfund sites in the Gulf Coast region that were affected by either Hurricanes Katrina or Rita. In most cases a second evaluation was completed by the sites Remedial Project Manager after local officials and EPA personnel performed initial site assessments. The sites were inspected for physical damage and flooding. Subsequent sampling efforts are ongoing for all affected

sites. EPA has posted information about the NPL site assessment activities on its website at: <http://www.epa.gov/katrina/superfund.html>.

Also, EPA is continuing comprehensive multi-media sampling to assess the environmental conditions and determine the level of protection necessary for emergency workers and hurricane victims. A mapping system called Enviromapper has made it possible to search for sampling results in specific neighborhoods of New Orleans and in other cities and rural areas affected by Katrina. The results of flood and surface water sampling in Louisiana are available on EPA's Hurricane Katrina website at: <http://www.epa.gov/enviro/katrina/emkatrina.html>. Links to sediment and air sampling results are also available on EPA's Hurricane Katrina website at: <http://www.epa.gov/enviro/katrina/>.

EPA's Hurricane 2005 Response Page at: <http://www.epa.gov/katrina/index.html> provides many resources, including an option to receive email updates when changes are posted to the Web site. Or call the EPA Region 6 Office of External Affairs at 1-800-887-6063 (toll-free line for calls from EPA Region 6 states) or 1-214-665-2200.

BRAC Commission Releases Final List of Closings and Realignment

The Base Realignment and Closure (BRAC) Commission delivered its final report to President Bush on September 8, 2005. The Commission's final recommendations for base closures or realignments are based on recommendations proposed by the Department of Defense (DoD) on May 13, 2005. The Commission approved 177 of the DoD recommendations and added five closures or realignments for a total of 182 recommended closures or realignments. The final report recommends 22 major facility closures, representing 21

of the 33 major closures proposed by the DoD and one additional closure added by the Commission. DoD defines "major" as a base with plant replacement value over \$100 million.

EPA's Superfund Federal Facilities Response Program, made up of the Federal Facilities Restoration and

Reuse Office (FFRRO) and regional federal facility programs, will assist in the cleanup and transfer of excess property on closed and realigning bases that will be turned over to local communities. EPA's Federal Facilities program oversees DoD

Superfund sites: Brunswick Naval Air Station, Lone Star Army Ammunition Plant, Riverbank Army Ammunition Plant, Umatilla Army Depot, and Willow Grove Naval Air Station. One non-major closing, the Malony U.S. Army Reserve Center (on Fort Devens), is located on a larger site that is listed on the NPL. FFRRO is currently working with DoD and updating guidance to prepare for its role in implementing BRAC recommendations. The BRAC Commission recommendations will become final if Congress does not act to reject them by November 9, 2005.

Five major closings that are also NPL Superfund sites:

- Brunswick Naval Air Station,
- Lone Star Army Ammunition Plant,
- Riverbank Army Ammunition Plant,
- Umatilla Army Depot, and
- Willow Grove Naval Air Station.

cleanup actions at those facilities on the National Priorities List (NPL) and is charged with ensuring that the transfer of property and future use of these sites are protective of human health and the environment. The following five major closings listed in the final BRAC report are also NPL

The 2005 BRAC commission's final report may be found on the BRAC website at: <http://www.brac.gov/finalreport.asp>

For additional information, contact Tracey Seymour, FFRRO, (703) 603-8712.

EPA Finalizes Rule to Cut Mercury, Lead and Other Air Emissions from Hazardous Waste Combustors

EPA took action to remove hazardous substances like lead and mercury from the environment by reducing air pollutants from hazardous waste combustors. The National Emission Standards for Hazardous Air Pollutants, more commonly known as MACT, will be effective December 12, 2005. These new regulations will reduce emissions of hazardous waste like lead, mercury, arsenic, dioxin and furans, and hydrogen chloride and chlorine gas. Emissions of particulate matter also will be reduced. Hazardous air pollutants are known or suspected to cause serious damage to human health and the environment.

Additional information on MACT is available on EPA's Hazardous Waste Combustion Web site at: <http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/index.htm>.

In Their Own Words:

John Frisco of Region 2 Offers His Insights on the Montclair/West Orange and Glen Ridge Radium Cleanup Efforts

I've been working at EPA for just over 30 years and I manage the Superfund remedial program. Although my responsibility extends to most Superfund sites in Region 2 (NY, NJ, PR, VI), I have been directly involved in managing the cleanup of radioactive contamination at the Montclair/West Orange and Glen Ridge Radium sites since the sites were first discovered more than 20 years ago. During this time, I have developed close working relationships with local officials as well as the hundreds of impacted residents. They turned to EPA to fix a massive problem that affected them in so many personal ways.

Unlike most Superfund sites which may be close to people, these sites are within densely-populated residential communities. People were living on radioactive soil, emitting radon gas and gamma radiation. Families, especially those with young children, were afraid. We listened to their concerns and tried our best to alleviate

their fears. As could be expected working in these communities for over two-thirds of my professional career, I have come to know many of the families very well. It has been

“It has been extremely satisfying for me both professionally and personally to have been able to help so many people who had no where else to turn.”

extremely satisfying for me both professionally and personally to have been able to help so many people who had no where else to turn.

I'm actually sending this message from the EPA trailer compound in Montclair where EPA directed the massive cleanup effort. This last trailer, which will be moved to another Superfund site in about a month, has been my office away from my office in a New York City federal building where I actually spend

most of my time. Although I was eligible to retire over a year ago, I long ago made a promise to myself, and others, that I would not leave EPA until this cleanup was done and all of the families returned to their homes. That has now occurred. All that remains is to clean up and organize the files in the trailer and to restore this compound that the town of Montclair so graciously provided.

My expectation is to retire sometime next year, after I clean out my office and organize all of my files there. It will take me that long to accomplish this, having a tendency to save everything. I will also start to think about what to do in retirement. Back in college, I never imagined that a career in public service could be so challenging and satisfying. As it turns out, I was wrong.

John Frisco serves as the Superfund Remedial Program Manager for Region 2.

Prospective Partners in Sustainable Development Identified for ER3

EPA has received 14 statements of interest from prospective partners with expertise in sustainable development in response to an April 22, 2005 Federal Register notice. Establishing partnerships is a key objective of the Environmentally Responsible Redevelopment and Reuse (ER3) Initiative launched by the Office of Enforcement Compliance and Assurance in September 2004; the Office of Site Remediation

Enforcement is serving as lead office. ER3 staff reviewed the statements of interest and found that all fulfilled the criteria for partnership. The strong response to the call for partners is encouraging evidence of support for sustainable practices in redevelopment.

Memoranda of Cooperation (MOC) are being finalized for each potential partner. The MOCs will state the ex-

pertise of partner organizations and identify areas where EPA and its partners can work together to provide support to sustainable redevelopment projects. The MOCs will also stipulate that the partnerships are not financial contracts and that partner organizations are not entitled to monetary compensation from EPA. Once the MOCs are finalized, EPA will be-

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Consent Decree Entered for Part of the San Gabriel Valley Superfund Site

Eleven settling defendants have agreed to pay EPA over \$8.25 million for the Puente Valley Operable Unit (Area 4) of the San Gabriel Valley Superfund site in Los Angeles, California. The consent decree, lodged on September 8, 2005 with the District Court for the Central District of California, resolves the liability of the settling defendants for the Interim Record of Decision (Interim ROD); the defendants allegedly contributed to ground water contamination at the site. EPA can use funds received through the settlement to address the site cleanup, and the reimbursement of some past costs will help EPA to fund future cleanups. The site remedy calls for pumping and treating the ground water and preventing further migration of the contamination; once complete, the ground water treatment system will treat nearly 3.5 million gallons of water a day.

EPA is working with other potentially responsible parties to negotiate agreements to clean up the Puente Valley ground water. On August 17, 2005, a consent decree with two other potentially responsible parties, Carrier Corporation and United Technologies, Inc., was lodged with the U.S. District Court in Los Angeles. Carrier and United Technologies have agreed to spend approximately \$26.5 million to build a system to pump and treat shallow ground water. They have also agreed to complete an innovative supplemental environmental project, namely using plants to help address

low-level contamination on a former duck farm that lies over the ground water plume.

The Puente Valley Operable Unit is a ground water plume underlying the City of Industry and parts of the cities of La Puente and Walnut. The ground water is contaminated with volatile organic compounds (VOCs) from degreasing, metal cleaning and other activities. All four areas of the San Gabriel Valley Superfund site were added to the National Priorities List in 1984. Ground water from the entire basin serves as the main domestic water supply to over one million people.

For additional information, contact Dustin Minor, EPA Region 9, minor.dustin@epa.gov.

EPA Region 2 Signs PPA for the Liberty Industrial Finishing Superfund Site

EPA has signed a prospective purchaser agreement (PPA) with the Stop & Shop Supermarket Company in contemplation of a multi-million dollar supermarket development by Stop & Shop at a 9-acre parcel, ground-leased to Stop and Shop for up to 75-years, at the Liberty Industrial Finishing Superfund site in Farmingdale, New York. The PPA will provide a covenant from EPA not to sue or take administrative action against Stop & Shop, and it satisfies a condition of the ground lease allowing the development to go forward. The PPA is subject to a 30-day public comment period and the

development is also subject to completion of local zoning approvals. Prior to this action, in 2003, the Town of Oyster Bay entered into a separate prospective purchaser agreement with EPA to permit their acquisition of a 15-acre portion of the Site for redevelopment by the Town into a municipal park.

The 30-acre Liberty Industrial Finishing site was used during World War II and the Korean War for airplane parts manufacturing and metal finishing. Beginning in the 1950s, the site was used for other industrial processes, including metal plating and warehousing. Wastes generated at the site were discharged into below-grade sumps, underground leaching chambers, and unlined groundwater recharge basins or lagoons. As a result, soils and groundwater were contaminated with heavy metals and volatile organic compounds. The site was added to the National Priorities List in 1986. EPA selected a comprehensive cleanup for the Site in a 2002 Record of Decision. That remedy—which includes excavating on-site soils, extracting and treating groundwater, and excavating and disposing of off-site sediments—has an estimated present value of \$34 million. Potentially responsible parties have commenced the implementation of a \$32-million portion of the Site-wide remedy under the terms of an August 2004 consent judgment. Through the PPA, Stop & Shop has agreed to implement a \$100,000 portion of the remaining remedy as to which no PRPs have as yet been identified by EPA, and also to pay EPA \$12,500.

For additional information, contact Michael A. Mintzer, EPA Region 2, (212) 637-3168.

Revised Financial Assurance Language Released

by Bob Polin, Office of Site Remediation Enforcement

On August 16, 2005, the Office of Site Remediation Enforcement (OSRE) and the United States Department of Justice (DOJ) issued revised financial assurance language for the model CERCLA RD/RA Consent Decree (CD). In FY 2006-2007 ensuring compliance with financial assurance requirements will be an OECA national priority. The revised model language will further that priority by requiring that responsible parties provide adequate financial assurance for completion of the cleanup at the time they enter into an RD/RA Consent Decree.

The revisions are generally intended to clarify and strengthen a number of the financial assurance requirements applicable to PRPs in CERCLA settlements, and the revisions include the following changes: (a) PRPs will have to finalize the form and substance of their financial assurance prior to execution of the CD and must make such financial assurance effective within 10 days after the entry of the CD; (b) insurance policies are now an expressly permissible financial assurance mechanism; (c) clarifies that EPA has a right to access financial assurance in the event of a work takeover; and (d) clarifies that any form of financial assurance must be acceptable in all respects (i.e., in both form and substance) to EPA.

OSRE Introduces New Financial Assurance Tool

In the upcoming FY 2006-2007, a national priority for the Office of Enforcement and Compliance Assurance will be to ensure financial assurance requirements are met. In order to assist the regional offices with meeting this priority, the Office of Site Remediation Enforcement has developed an insurance policy tip sheet. The tip sheet provides a wealth of information concerning the use of insurance policies as CERCLA financial assurance. It includes information on how and why the use of such policies as CERCLA financial assurance works, information detailing what is required of the Insurer and what language should be included in the policy, the risks and challenges in using insurance policies as CERCLA financial assurance and pointers for the successful use of such policies.

The Insurance Policy Tip Sheet, issued September 2005, can be found on the web at <http://intranet.epa.gov/oeca/osre/project/fa-mech.html>.

EPA Provides Flexible Wastewater Treatment Options

EPA took steps to provide flexible and environmentally sound regulatory management by expanding the Wastewater Treatment Exemptions for Hazardous Waste Mixtures, more commonly known as Headworks. The rule, effective November 3, 2005, determines which methods of managing hazardous waste produce discharges that can be safely handled under non-hazardous waste standards. The risk-based expansion will result in net

cost savings for affected industry and fully protect human health and the environment.

Additional information on Headworks is available on EPA's Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures Web site at:

<http://www.epa.gov/epaoswer/hazwaste/id/headworks/index.htm>

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gin posting a list of its new partners on its website at: <http://www.epa.gov/compliance/cleanup/redevelop/er3/>.

Applications for partnerships are still being accepted. Interested organizations should submit a letter of interest addressing their qualifications to help redevelop contaminated land or remediation sites through sustainable methods.

For additional information, contact Phil Page, Office of Site Remediation Enforcement, page.phil@epa.gov.

CleanupNews Moves to Electronic-Only Format

Beginning with the current issue, *CleanupNews* will be delivered to subscribers by HTML email only. The hard copy print edition will no longer be available.

Current print subscribers are encouraged to subscribe to the electronic version by going to the *CleanupNews* subscription page at: <http://www.epa.gov/Compliance/resources/listserv/cleanup.html>. A printable version of each issue will be available on the *CleanupNews* Web site at: <http://www.epa.gov/Compliance/resources/newsletters/cleanup/cleanupnews.html>.

December 4-7, 2005
2005 Emergency Preparedness
and Prevention and Hazmat
Spills Conference

Baltimore, MD

www.2005conference.org

January 10-12, 2006
2006 North American
Environmental Field Conference
and Exposition

Tampa, Florida

<http://www.envirofieldconference.com/>

January 18-20, 2006
2006 Waste Management
National Meeting

Arlington, VA

<http://www.epa.gov/osw/meeting/>

April 19-20, 2006
2006 Design and Construction
Issues at Hazardous Waste Sites
Conference

Philadelphia, PA

<http://www.rdra.org/construction/>

Glossary

ASPECT	Airborne Spectral Photometric Environmental Collection Technology	OECA	Office of Enforcement Compliance and Assurance
BRAC	Base Realignment and Closure	OSRE	Office of Site Remediation Enforcement
CD	Consent decree	OSW	Office of Solid Waste
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	OSWER	Office of Solid Waste and Emergency Response
DOD	Department of Defense	PART	Program Assessment Rating Tool
EPA	Environmental Protection Agency	PCBs	Polychlorinated biphenyls
ER3	Environmentally Responsible Redevelopment and Reuse	PPA	Prospective purchaser agreement
FFRRO	Federal Facilities Response and Reuse Office	PRP	Potentially responsible party
MACT	Maximum achievable control technology	RCRA	Resource Conservation and Recovery Act
NPL	National Priorities List	RD/RA	Remedial design/remedial action
		VOCs	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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