Chapter 4
Enforcement Progress

The Superfund enforcement program uses the enforcement provisions of CERCLA, as amended by SARA, to maximize the involvement of potentially responsible parties (PRPs) in the cleanup of Superfund sites. The Agency's enforcement goals are to:

- Maintain high levels of PRP participation in conducting and financing cleanup through use of EPA's statutory authority;
- Ensure fairness and equity in the enforcement process; and,
- Recover Superfund monies expended by EPA for response actions.

FY97 accomplishments illustrate the continuing success of EPA's Superfund enforcement efforts.

4.1 The Enforcement Process

The Superfund program integrates enforcement and response activities. To initiate the enforcement process, EPA identifies PRPs, notifies them of their potential liability under CERCLA, and seeks to initiate negotiations aimed at an agreement with the PRPs to perform or pay for cleanup. If agreement is reached, the Agency oversees the work performed under the legal settlement. If the PRPs do not settle, EPA may issue a unilateral administrative order (UAO) compelling them to perform the work. If PRPs do not comply with the UAO, EPA may then take over the site, and conduct the cleanup itself using Superfund monies. The Agency later may pursue PRPs to recover costs incurred. These steps are important for obtaining PRP involvement in conducting response activities and recovering expended Trust Fund monies. The Superfund enforcement process is explained in more detail below.

- When a site is being proposed for the National Priorities List (NPL), or when a removal action is required, EPA conducts a PRP search to identify parties who may be liable for site cleanup and collect evidence of their liability. PRPs include present and past owners or operators of the site, generators of waste disposed of at the site, and transporters who selected the site for the disposal of hazardous wastes.
- EPA notifies parties of their potential liability for future cleanup work and any past response costs incurred by the government, thus beginning the negotiation process between the Agency and the PRPs.
- EPA encourages PRPs to settle with the Agency and undertake cleanup activities, specifically to start removal actions, remedial investigation/feasibility studies (RI/FSs), or remedial design/remedial action (RD/RA). If PRPs are willing and capable of doing the response work, the Agency will attempt to negotiate an agreement allowing the PRPs to conduct and finance the proposed work and reimburse past government costs. For RD/RA, the settlement must be in the form of a judicial consent decree (CD) that is lodged by the Department of Justice (DOJ). For other types of response actions, the agreement will usually be in the form of an administrative order on consent (AOC) negotiated and signed by the EPA. Both agreements are enforceable in a court of law.

Under either agreement, PRPs conduct the response work under EPA oversight. PRPs who settle may later seek contribution toward the cost of the cleanup from non-settling PRPs by bringing suit against them.

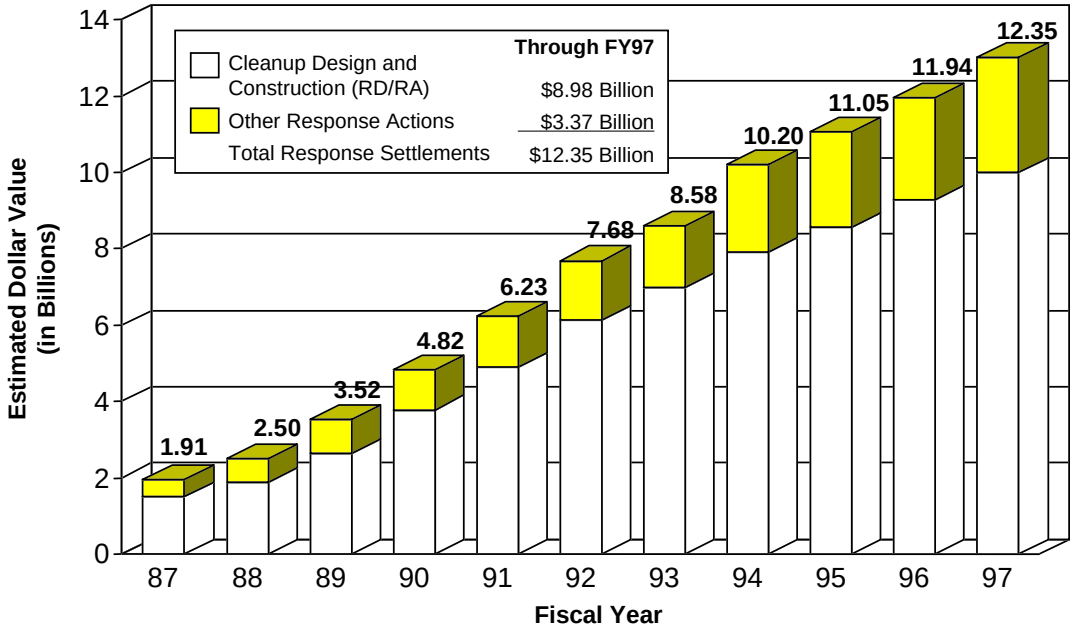
- If negotiations do not result in a settlement, CERCLA Section 106 provides EPA with the authority to issue a UAO requiring the PRPs to conduct the cleanup; EPA may also bring suit through DOJ to compel PRPs to perform the work. If the Agency issues a UAO and the PRPs do not comply, the Agency again has the option of filing a lawsuit to compel the performance specified in the order, or to perform the work itself. The Agency can then seek cost recovery and treble damages. Where the PRP notifies EPA in writing of its intent to comply with a UAO, EPA considers the PRP in compliance, and may allow them to perform the cleanup. Although UAOs in compliance are technically not legal settlements, they are counted as such programmatically because they result in PRPs performing cleanup work.

- If a site is cleaned up using Superfund monies, DOJ will file suit on behalf of EPA, when practicable, to recover monies spent. Many of these suits to recover past costs will also include EPA claims for estimated future costs. Any sums recovered from the PRPs are returned to the Trust Fund.

4.2 Fiscal Year 1997 Superfund Enforcement Progress

FY97 progress reflects the continuing success of Superfund enforcement efforts in securing PRP participation in Superfund cleanup and recovering Trust Fund monies expended by EPA in its response efforts.

Exhibit 4.2-1
Cumulative Value of Response Settlements Reached With Potentially Responsible Parties



Source: CERCLIS (as of September 30, 1997).

4.2.1 Settlements for Response Activities

During FY97, the Agency reached 164 settlements (CDs, AOCs, CAs, or UAOs in compliance) with PRPs for response activities worth over $451 million. As shown in Exhibit 4.2-1, the cumulative value of PRP response settlements achieved under the Superfund program is almost $12.35 billion.

Of the 164 response settlements achieved in FY97, 59 settlements worth over $335 million were for RD/RA. These RD/RA settlements included 33 CDs referred to DOJ, 16 AOCs and consent agreements, and 10 UAOs in compliance. These RD/RA settlements include 47 RD/RA negotiations started and 46 RD/RA negotiations completed by EPA during the fiscal year.

In FY97, the Agency signed a total of 171 administrative orders on consent, and issued 67 unilateral administrative orders. The UAOs issued and the AOCs signed include agreements for removal actions, RD/RAs, RDs, and RI/FSs.

4.2.2 PRP Participation in Cleanup Activities

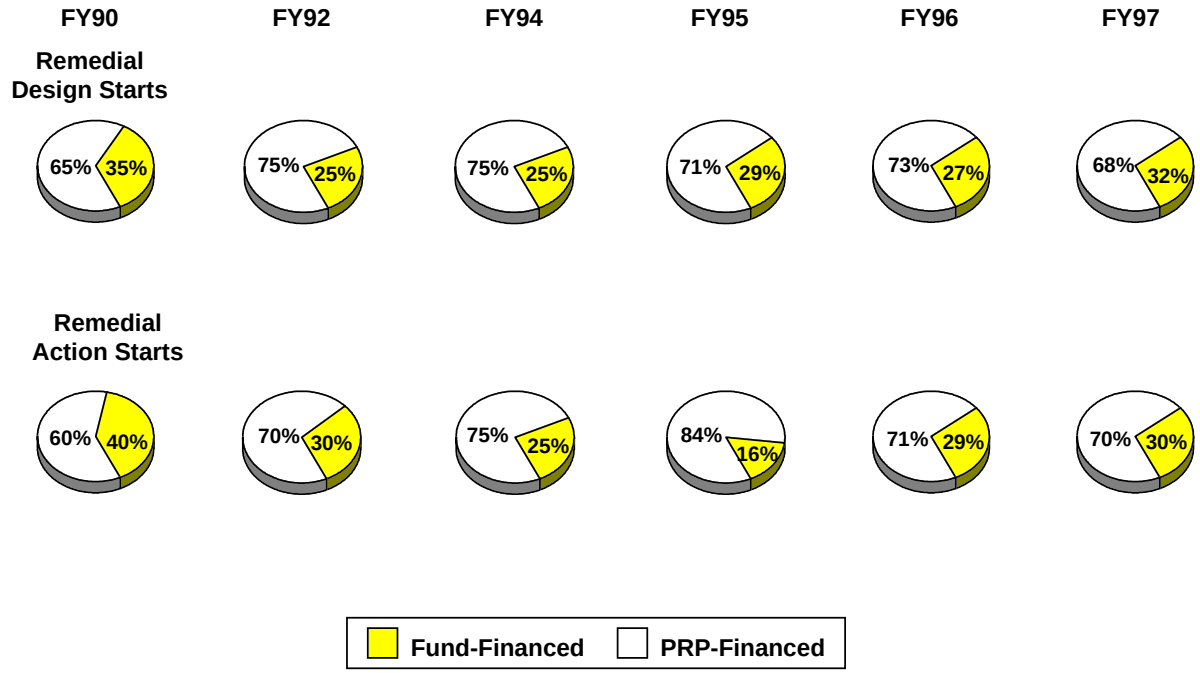
Exhibit 4.2-2 illustrates the continuing high level of PRP participation in undertaking and financing RDs and RAs since the implementation of the "Enforcement First" initiative in 1989.

In FY97, PRPs continued to finance and conduct a high percentage of the remedial work undertaken at Superfund sites: 70 percent of new RAs and 68 percent of new RDs.

4.2.3 Cost Recovery Achievements

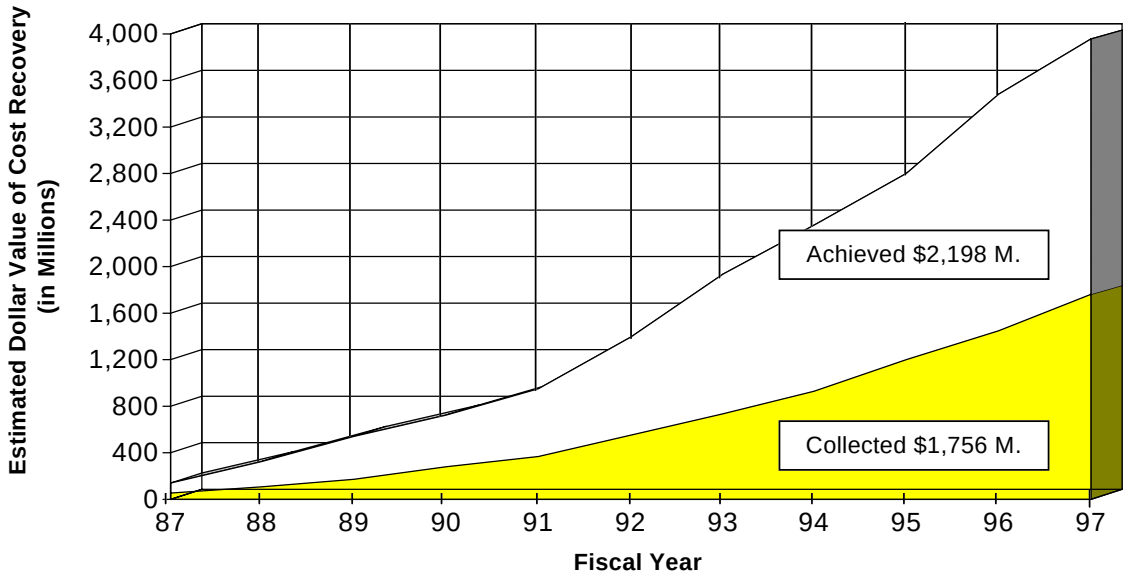
EPA and DOJ achieved 197 cost recovery settlements worth nearly $158 million. These included addressing past costs, valued at $200,000 or more, at 191 sites. The cost recovery program has

Exhibit 4.2-2
Percentage of Remedial Designs and Remedial Actions Started by PRPs



Source: Office of Enforcement Compliance Assurance.

Exhibit 4.2-3
Cumulative Value of Cost Recovery Dollars Achieved and Collected



Source: Office of Enforcement Compliance Assurance.

achieved nearly $2.2 billion in cost recovery settlements since the inception of Superfund. Exhibit 4.2-3 illustrates cost recovery settlements achieved and collected to date.

EPA collected over $316 million from cost recovery settlements, bankruptcy settlements, and fines and penalties during the fiscal year for a total of $1,756 million collected by EPA to date.

4.3 Enforcement Initiatives

During FY97, EPA continued to build upon prior administrative reform successes. Currently, more than 70 percent of long-term cleanup actions are financed by potentially responsible parties (PRPs). The enforcement reforms are designed to make Superfund a fairer program, while reducing transaction costs to promote effective and efficient settlements.

Fairness. Continuing to ensure fairness in enforcement was the primary objective of the reforms and activities undertaken in FY97. EPA's Office of Site Remediation Enforcement (OSRE) continued to implement, evaluate, and learn from Administrative Reforms that were initiated in prior fiscal years. First, EPA issued "Addendum to the 'Interim CERCLA Settlement Policy' Issued on December 5, 1994," which expanded the orphan share reform by allowing for compromise of past costs to offset potential orphan share at a site. Second, the Unilateral Administrative Orders (UAOs) Reform has been expanded over the fiscal year by expanding documentation requirements for non-issuance of UAOs by EPA staff. Third, de micromis parties will be protected through the use of special waivers written into settlement agreements. Fourth, nine Superfund sites are allocation process pilots to facilitate settlements between PRPs and the EPA. Fifth, a policy on comfort/status letters was issued to provide an administrative tool for facilitating Brownfield redevelopment projects. Sixth, EPA established an undue financial hardship standard to determine a PRP's ability to pay (ATP) cleanup costs. Seventh, an interim policy was issued on

settlement penalty and punitive damage claims for noncompliance with administrative orders. Finally, an interpretive policy statement was issued for the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.

Reducing Transaction Costs. During FY97, EPA continued to focus on identifying and implementing procedures for reducing the time and costs associated with Superfund enforcement. First, EPA continued to update its guidances on special accounts. Second, EPA developed a national work group to improve oversite administration with prompt and accurate billings at Superfund sites. These enforcement initiatives are described in more detail below.

4.3.1 Orphan Share Compensation

Under CERCLA's joint and several liability scheme, viable PRPs are required to assume the liability share of insolvent or defunct parties who are unable to pay the costs of cleanup (i.e., the orphan share). In the past, many incentives have been provided to help PRPs settle claims and cleanup contaminated sites. This reform continues to follow the 1996 Interim Guidance which examined alternative means of orphan share compensation. In FY97, the "Addendum to the 'Interim CERCLA Settlement Policy' Issued on December 5, 1994" was enacted to supplement 'Interim CERCLA Settlement Policy' Issued on December 5, 1994" was enacted to supplement the reform.

The guidance establishes factors addressing potential compromises of CERCLA cost recovery claims based on the existence of a significant orphan share. The size of the orphan share, the PRP's cooperation with the government and other PRPs, and the fairness to all parties must be considered to compromise a claim. An orphan share may be considered as an "inequity" or an "aggravating factor" at sites with an insolvent or defunct party. Regions will continue to use the "Interim CERCLA Settlement Policy" when cost recovery settlements are less than 100 percent of the response.

In FY97, EPA offered to compromise orphan shares worth over $53 million to parties who agreed to conduct cleanup at 20 Superfund sites. The range of compensation was $38,524 to $15 million with an average of $2.5 million per site.

EPA actions at the Operating Industries, Inc. Landfill in Monterey Park, California demonstrate the Agency's commitment to offering orphan share compensation. The EPA offered $15 million to 270 PRPs in orphan share compensation associated with this site. The total cost of the cleanup was estimated at $217 million.

4.3.2 Equitable Issuance of Unilateral Administrative Orders

It has been EPA's policy to issue Section 106 unilateral administrative orders (UAOs) to the largest *manageable* number of parties, after taking into account the adequacy of evidence of liability, financial viability, and waste contribution. In FY97, EPA continued to implement its reforms regarding the issuance of UAOs. To ensure that UAOs are implemented fairly and equitably, EPA issued documentation requirements for regional enforcement staff. These requirements explain why certain PRPs are not issued a unilateral order. In FY97, two-thirds of UAOs (40 of 60) excluded certain PRPs, however, most of these parties were excluded for reasons consistent with existing policy.

EPA actions at the Spelter Smelter Site in Spelter, West Virginia, demonstrate the Agency's commitment in identifying UAO parties in a fair and equitable manner. In EPA Region 3, two parties were issued a UAO, however, three parties were excluded due to financial hardship. Consistent with the new reform, the Region documented specific reasons why these parties were omitted from the UAO.

4.3.3 Revised De Micromis Guidance

For contributors of extremely small volumes of waste ("de micromis parties") at Superfund sites, transaction costs may exceed a party's proportional share of response costs. In June 1996, EPA issued the "Revised Guidance on CERCLA Settlements with de Micromis Waste Contributors," modifying and superseding the 1993 guidance on de micromis settlements. The revised policy and associated model settlement documents are designed to discourage third party contribution litigation against de micromis

parties and, where necessary, improve EPA's ability to resolve their liability concerns quickly and fairly. In FY97, EPA announced its plans to protect de micromis parties from large party contributors through the use of waivers in settlement agreements.

In FY97, EPA succeeded in reducing Superfund liability for de micromis parties. In 40 percent of RD/RA consent decrees executed in FY97, defendants waived claims against de micromis parties. Furthermore, where de micromis parties were pursued for contribution, EPA routinely attempted to protect the smallest volume contributors from Superfund liability. For example, at the Cherokee Oil Resources Site in Charlotte, North Carolina, EPA entered into settlements with over 200 small volume contributors. In addition to these settlements, major contributors waived their rights to pursue over 1000 de micromis parties.

4.3.4 Allocation Pilots

In 1995, EPA originated pilots to help achieve allocation costs between parties under Superfund. Under the Pilots, a neutral allocator prepares an allocation report that assigns responsibility to each party involved at a site; parties may settle on their allocated share with the EPA. EPA is responsible for 100 percent of the orphan share, which consists of the shares of allocation parties who are insolvent or defunct.

During FY97, twelve allocation pilots were offered; three pilots declined from the allocation process because settlement was possible outside of the allocation process. The nine remaining pilots are at various stages of the allocation process.

4.3.5 Site-Specific Accounts

CERCLA provides EPA with the authority to retain and use funds for future cleanup work that were received as a result of settlements with PRPs. EPA has used this authority to create special accounts at individual sites. In FY96, the EPA reached an agreement with the Office of Management and Budget (OMB) and the Department of Treasury that interest can accrue directly to special accounts. This agreement benefits parties who enter into settlements with the EPA at Superfund sites because settlement payments designated for future work will now both earn and retain interest. In FY97, EPA updated and supplemented its special accounts guidance with additional documentation requirements to make it easier for Regional Finance Offices to more accurately apply special account monies to past and future response costs. EPA plans to develop a financial guidance to supplement the FY96 and FY97 program guidances. A guidance is also planned on how to disburse special account funds to parties conducting cleanup at Superfund sites.

In FY97, Regions established 34 special accounts with an aggregate balance of approximately $75 million. As of the end of FY97, EPA had opened a total of 93 accounts with an aggregate balance of $405 million, including $353 million in principal and $52 million in interest. The following examples illustrate the success of this reform in making site-specific accounts available for response actions at Superfund sites:

- **Cherokee County Superfund Site in Kansas**. $2.25 million in special account funds will be used to conduct future cleanup work at this site, which entails groundwater and surface water remediation, soil cleanup, and public water supplies.

- **Jasper County Superfund Site in Missouri**. $5.9 million in special account funds will be used to conduct future cleanup work at this site, which may entail public water supplies and/or individual water treatment units, surface water remediation, and engineering controls.

4.3.6 Improving PRP Oversight Administration

As the Superfund program has matured, parties developed substantial expertise in performing cleanup activities. Many of these parties perform high quality cleanups and work closely and cooperatively with EPA. On July 31,1996, EPA issued a policy memorandum entitled "Reducing Federal Oversight at Superfund Sites with Cooperative and Capable Parties." The memorandum set guidelines for determining PRP cooperativeness and capability, which are extremely

important factors in determining whether to reduce EPA cleanup oversight. EPA may reduce federal oversight of remedial and non-time-critical removal actions performed by PRPs at Superfund and non-Superfund sites if guidelines are met.

In FY97, a national work group was established to encourage Regions to improve oversight administration at sites having capable and cooperative PRPs. The goal of the work group was to establish and improve working relationships with PRPs. The work group identified NPL sites with capable and cooperative PRPs, and notified them of EPA's proposal for improving oversight administration.

4.3.7 Issuance of Comfort/Status Letters

Currently, the EPA is implementing its Brownfields Economic Redevelopment Initiative, which is designed to promote the reuse of undeveloped, abandoned, industrial or commercial facilities that are complicated by environmental contamination. Comfort/status letters are intended to provide EPA with an administrative tool that can be used to remove the specter of future liability from Brownfield redevelopment projects. These letters offer a measure of "comfort" with respect to the potential for federal cleanup liability under CERCLA. Comfort/status letters allow parties with an interest in a property to make an informed decision regarding the likelihood of federal cleanup action.

Sample comfort/status letters have been developed for sites not listed in active CERCLIS records, sites in the Superfund pre-remedial evaluation process, sites with possible federal interest, and sites where states are overseeing cleanup under state authority.

4.3.8 Ability to Pay Determinations

The Office of Site Remediation Enforcement (OSRE) developed a policy to help determine a party's acceptable ability to pay in Superfund cases. The policy consists of two phases: the "balance sheet phase" and the "income and cash flow statement phase." These phases have been combined into a financial hardship standard to determine a PRP's ability to pay Superfund cleanup costs. The standard is intended to expedite settlement with parties that have a limited ability to pay, thereby reducing their transaction costs in a fair manner. In FY97, ability to pay settlements were established for 19 settlements.

Ability to pay (ATP) settlements focus on the interest accruing on Superfund trust fund monies and on the PRPs financial well being. Settlements cannot cause undue financial hardship to individuals dependent on a PRP.

EPA has established seven criteria that must be met in order for a claim of undue financial hardship to be considered:

- The PRP has demonstrated that paying the full cost of cleanup will cause financial hardship;
- The ATP candidate cannot be discharged from site-related responsibilities;
- The candidate must request an ATP settlement from the EPA;
- An ATP analysis must be performed to determine a party's financial well-being;
- Each person involved in an ATP settlement must be defined under CERCLA;
- The settlement should require that the ATP candidate recover all expenses associated with the site (*i.e.*, insurance recoveries); and,
- The settlement should resolve all of the ATP candidate's liability expenses for response costs at the site.

4.3.9 Penalty and Punitive Damage Claims for Noncompliance with Administrative Orders

In FY97, EPA issued an interim policy on settlement penalty and punitive damage claims for noncompliance with administrative orders. Under CERCLA sections 106 (b)(1) and 107 (c)(3), civil penalties may be assessed when EPA enforces an administrative order. Punitive damages may also be

assessed when Superfund monies have been spent as a result of noncompliance with an administrative order. The goal of this policy is to help the Agency gain experience with administrative order compliance.

EPA created a penalty calculation that incorporates harm, and equitable adjustment factors from a "harm recalcitrance" matrix. Unlike existing policy, the degree of responsibility is incorporated into the matrix by analyzing the PRPs involvement at a site and their ability to finance an administrative order. The penalty calculation and its supporting matrix provide substantial incentive for historically recalcitrant PRPs to comply with UAOs.

4.3.10 Lender and Fiduciary Liability Amendments

The Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996 was enacted in FY97. The act includes lender and fiduciary liability amendments, amendments to the creditor exemption in Subtitle I of RCRA, and validates the portion of EPA's "CERCLA Lender Liability Rule" that addresses involuntary acquisitions by the government. EPA issued an interpretative policy statement on CERCLA provisions to guide implementation. Under this policy, the amendments define key terms and list activities that a lender may undertake without forfeiting the exemption. This act also amends the section of RCRA (9003 (h)(9)) that provides a secured creditor exemption pertaining to underground storage tanks (USTs).

4.3.11 Successful Enforcement Accomplishments

Highlights of nine selected FY97 accomplishments throughout the enforcement program are summarized in Exhibit 4.3-1.

Exhibit 4.3-1
Highlights of Successful Enforcement Accomplishments

Davis Liquid Waste Rhode Island (Region 1) Settlement: Consent Decree (CD06) for PRP lead RD/ RA at Operable Unit 3, and cost recovery for RD/RA at Operable Unit 1 lodged on November 26, 1996 at the Federal District Court. Estimated Value: $32,100,000	EPA reached a Consent Decree with 54 settling parties to perform remedial activities at the Davis Liquid Waste site in Smithfield, Rhode Island. The Consent Decree was lodged with the United States District Court for the District of Rhode Island in November of 1996. Remedial Action costs were estimated at $32,100,000. The site was a disposal facility for hazardous substances including paint and metal sludges, oily wastes, solvents, acids, caustic pesticides, phenols, halogens, metals, fly ash, and laboratory pharmaceuticals. Wastes that contaminated the soil, surface water, and groundwater included volatile organic compounds (VOCs), organics, inorganics, metals, arsenic, benzene, trichloroethylene (TCE), 1,1-DCE. In 1977, this hazardous waste disposal site was closed by court order. In August of 1982, EPA awarded a $336,182 Cooperative Agreement to Rhode Island for a remedial investigation and feasibility study (RI/FS) to determine the extent of the contamination and to identify alternatives for remedial action. From 1985 to 1986, a removal action shipped 600 drums off site to an approved disposal facility. The final cleanup remedy entails excavating 25,000 cubic yards of raw waste and contaminated soils for on-site treatment using thermal desorption, and treating on-site groundwater. In March 1997, the settling parties began to perform the work described in the Consent Decree.

Barceloneta Landfill Puerto Rico (Region 2) Settlement: Consent Decree (CD01) for PRP lead RD/RA and cost recovery for combined RI/FS at Operable Unit 1 was referred on September 30, 1997. Estimated Value: $11,830,485	The EPA reached a Consent Decree on September 30, 1997, for remedial activities at the Barceloneta Landfill. Remedial Action costs were estimated at $11,830,485. Various heavy metal and volatile organic compounds (VOCs) in sludges have been identified from sampling at this site. There is also toluene in the surface water and heavy metals in the water runoff. In 1983, EPA sent notice letters to potentially responsible parties. In 1988, an extensive study began on the pollution problems at this site. An Administrative Order on Consent was signed in September of 1990 by parties who agreed to complete the site remediation. A site investigation and the Feasibility Study were completed in March and September of 1995, respectively. On December 27, 1995, EPA issued a Proposed Plan which described an alternative to capping the landfill. To discuss this alternative, a public meeting was held on January 18, 1996. A Record of Decision (ROD) was signed in June 1996 requiring the capping of three disposal areas with a low permeability cover system. On September 30, 1997, a Consent Decree (CD01) for RD/RA was signed.
Paoli Rail Yard Pennsylvania (Region 3) Settlement: Consent Decree (CD06) for PRP lead RD/RA at Operable Unit 2 and cost recovery for remedial community relations and a preliminary assessment were lodged on July 28, 1997 at the Federal District Court. Estimated Value: $21,150,000	Amtrak, Conrail, and SEPTA are conducting cleanup activities at the Paoli Rail Yard in Chester County, Pennsylvania. The estimated cost of cleanup is $21,150,000. This site consists of an electronic train repair facility and a commuter rail station. Samples taken from the site in 1984 indicated a severe PCB problem. In July 1992, EPA signed a final Record of Decision (ROD) requiring excavation and treatment of soil from the rail yard, nearby residential areas, and contaminated stream sediments. EPA issued an order to conduct the cleanup of residential soils and stream sediments on September 30, 1996. The PRPs signed an action order to conduct Remedial Design on April 17, 1997. The CD for Remedial Action was lodged, but has not yet been entered. Currently, EPA is planning to redevelop this site after cleanup activities are complete.

Saltville Waste Disposal Ponds Virginia (Region 3) Settlement: Consent Decree (CD02) was lodged May 15, 1997 for PRP lead RD/RA at Operable Unit 3, and combined RI/FS and remedial community relations at Operable Unit 1 at the Federal District Court. Estimated Value: $36,379,000	EPA reached a Consent Decree with a major PRP, the Olin Corporation, to perform remedial activities at the Saltville Waste Disposal Ponds in Saltville, Virginia. The clean-up remedies include modifying the on-site treatment plant, collecting groundwater, and long-term monitoring. The estimated value of this Remedial Action is $36,379,000. Mercury-contaminated wastewater and process waste from soda ash manufacturing had been disposed in two large ponds near the facility. A preliminary investigation called for surface water diversions, the construction of a treatment plant, and future investigations. In June 1987, EPA issued a ROD which documented interim measures at this site to address immediate threats. The treatment plant was completed in the summer of 1994. In the fall of 1995, a remedy was selected to cap 75 acres of the site, install groundwater interceptor trenches, and treat the groundwater. EPA also took prompt action on off-site concerns. Two Administrative Orders on Consent were established with Olin and the EPA to address environmental concerns. At Operable Unit 1, the treatment plant continues to remove mercury from Pond 5 groundwater. At Operable Unit 3, additional sampling was conducted to produce a Focused Feasibility Study to evaluate alternatives for clean-up. The work completed by Olin saved the trust fund $1,500,000.
Union Carbide Corp. Ohio (Region 5) Settlement: Administrative Order by the EPA signed on March 4, 1997, for PRP Removal at Operable Unit 1, and cost recovery for PRP Removal. Estimated Value: $50,115,000	At the Union Carbide Corporation site in Ohio cleanup activities are being conducted under an Administrative Order signed on March 4, 1997. The estimated cost of cleanup is $50,115,000. The main contaminates at this active landfill are dioxin and VOCs. Under Operable Unit 1, the sole PRP, Union Carbide Corporation, is excavating contaminated soil and placing it in a regulated onsite facility. Treatment systems are also being installed at the site for ground water remediation. Future cleanup involves capping two or three areas of the landfill. An eight month plan for soil cleanup, quality assurance and groundwater design, and a soil vapor extraction system were also developed throughout fiscal year 1997.

Marco of Iota Louisiana (Region 6) Settlement: Administrative Order (03) was signed on September 9, 1997, by the EPA, for removal action cost recovery. Estimated Value: $728,939	EPA reached an administrative cost recovery settlement with 193 parties including de micromis parties, *de minimis* parties, and other parties at the Marco of Iota site in Iota, Louisiana. This facility was closed in February 1992 when EPA determined that it was operating as an unpermitted hazardous waste treatment, storage, and disposal site. Contaminants included acids, arsenic, white phosphorus, flammable liquids, flammable gases, and corrosives. The Region packaged, transported, and disposed of the wastes because of the immediate threat of the hazardous substances. An Administrative Order was issued to resolve the liabilities of the PRPs. The total value of the settlement was estimated at $728,939.
Hayford Bridge Road Groundwater Site Montana (Region 8) Settlement: Administrative Order (04) by EPA on September 23, 1997 for a PRP fund lead RA at Operable Unit 1. Estimated Value: $243,000	EPA reached a *de minimis* settlement with 22 PRPs for PRP fund lead Remedial Action at the Hayford Bridge Road Groundwater site in Charles, Montana. Until 1973, the Findett Company, recycled PCBs, oil, and chlorinated solvents. In 1973, they converted the business to a custom chemical manufacturer. PCBs, oils, and chlorinated solvents have contaminated on-site soils, adjacent property soils, and the groundwater. In 1988, EPA issued a Record of Decision (ROD) that selected a ground water pump and treat remedy. Remediation of the on-site contamination is now being implemented. Bioremediation will also occur. The contaminated soils on adjacent properties will be handled in the future as a Removal Action.
Lorentz Barrel & Drum Co. California (Region 9) Settlement: Administrative Order (04) on September 17, 1997 for Remedial Design cost recovery at Operable Unit 1. Estimated Value: $1,042,297	EPA reached a *de minimis* settlement with 80 PRPs for cost recovery for Remedial Design pertaining to the Lorentz Barrel & Drum Co. located in San Jose, California. The site was used as a drum recycling operation. Several investigations indicated heavy metals, organics, and PCBs in the soil and groundwater. A Consent Decree was signed in 1990 with 11 PRPs to design, construct, and operate a groundwater treatment system. In 1992, seven PRPs signed an Administrative Order on Consent (AOC) to remove contaminated buildings, sumps, drums, debris, and asbestos waste from the site. In 1996, the remaining building debris and contaminated soil was moved to a regulated off-site facility. On September 17, 1997, an Administrative Order on Consent (AOC) was issued to recover EPA and State past costs from the settling parties.

Montrose Chemical Corp. California (Region 9) Settlement: Consent Decree (CD02) lodged on March 25, 1997 in the Federal District Court for cost recovery for RD/RA, combined RI/FS and removal activities. Estimated Value: $21,860,000	EPA reached a Consent Decree with the U.S. Department of Justice, state and federal natural resources trustees, and 155 municipalities to resolve liability at the Palos Verdes Shelf, a section of the Montrose Chemical Corp. site in Torrance, California. The Consent Decree was lodged in the Federal District Court on March 25, 1997. Remedial action costs are estimated at $21,860,000. The Montrose Chemical Corporation was a facility that manufactured the pesticide DDT from 1947 until 1982. The wastewater from the DDT production discharged into the Los Angeles sewer system that empties into the Pacific Ocean. Wastes that contaminated and affected the nearby aquifers, wells, sewer systems, and soils included DDT, monochlorobenzene (MCB), and VOCs. In 1983, an Administrative Order was issued to study the nature and extent of contamination. These studies were expanded under additional orders in 1985, 1987, and 1989. A joint feasibility study is being conducted with the adjacent Del Amo facility to construct a remedy for cleaning up the groundwater contamination at both sites. On March 25, 1997, a Consent Decree was lodged to resolve the liability of settling parties with respect to natural resource damages at the Palos Verdes Shelf and response costs associated with the Montrose site. The Consent Decree also provides the parties with contribution protection. In late 1997, the groundwater remedy was chosen. EPA also expects to propose a cleanup action for the Palos Verdes Shelf. Interim measures and a long-term remedial phase are the focus of cleaning up the Montrose Chemical Corp. site.

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