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POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCH BASIC TRAINING



Office of Site Remediation Enforcement
Office of Enforcement and Compliance Assurance

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PRP SEARCH BASIC TRAINING TEAM

The PRP Search Basic Training Team was formed in 2011 to address a critical need identified by EPA, states, tribes, and other stakeholders. The all-volunteer team developed a nine-part course designed to cover the major steps and considerations in performing potentially responsible party (PRP) searches and relate them to other milestones in the Superfund response process. The course was first presented June 9-10, 2014 in Denver, Colorado, immediately prior to the 9th National Training Conference on PRP Search Enhancement, and forms the basis of this manual. All team members are to be congratulated on performing an invaluable service for the entire Superfund enforcement community.

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Current members of the PRP Search Basic Training Team would like to acknowledge and express their thanks for the efforts of former members in developing PRP Search Basic Training: Carol Berns, Region 2; Herb Miller, Region 4; and Grechen Schmidt, Region 10.

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Team Biographies

CAROL BERNS

Carol Berns has been practicing law for 34 years, 24 of them with U.S. EPA. She spent the first 10 years of her legal career doing environmental and government contracting work with the U.S. Army Corps of Engineers in Kansas City and New York. In 1990, she began working for EPA Region 2 as a Superfund enforcement attorney. Sites or cases of significance she has worked on include U.S. v. Alcan Aluminum (a 2nd Circuit case involving divisibility); U.S. v. A&N Cleaners (a S.D.N.Y. case involving owner liability of a lessee), and the Consolidated Iron and Metal site (a large recycling site involving an innovative cash-out settlement). In addition to her caseload, which runs the gamut from small owner-operator sites to large generator sites involving thousands of parties, Ms. Berns has handled several administrative cases involving EPCRA.

Ms. Berns received a B.S. degree from The George Washington University in 1974 and a J.D. from the University of Kansas in 1980. She is a member of the National PRP Search Enhancement Team and has participated in and spoken at a number of conferences.

MARTHA BOSWORTH

Martha Bosworth is an enforcement coordinator in EPA Region 1's Office of Site Remediation and Restoration, working primarily on PRP searches and cost recovery cases. She began her EPA career in the Office of Water as an enforcement specialist in the NPDES program. In 1995, she joined the Superfund program and has spent 15 years conducting PRP search and cost recovery activities. Ms. Bosworth is a 1988 graduate of Trinity College of Vermont, formerly located in Burlington, Vermont.

CINDY BROWN

Cynthia Brown has served as an Enforcement Officer in Region 6's Superfund Division since 2005. Prior to that she was a Team Leader in Superfund Finance where as a Certified Public Accountant she was active in cost package preparation, and served as an expert witness for the Superfund cost management system during litigation. Ms. Brown is the Finance Section Chief in the Region 6 Incident Response Team, and teaches Incident Command System courses at OSC Readiness Training and throughout the country. As one of the senior Enforcement Offices in Region 6, she has been involved in some of the most contentious Superfund litigation in the Southwest. She is currently handling the enforcement aspects of the Explo Systems case where 18 million pounds of unauthorized explosives were discovered. She is also active as a teacher and presenter in PRP search courses taught to state and tribal communities in Region 6. Prior to joining EPA, she was an auditor for the U.S. Government Accountability Office and Department of Health and Human Services. She is a graduate of Truman State University in Northern Missouri.

NANCY DECK

Nancy Deck has worked for EPA since 1974. She recalls the early years of the Agency and the excitement, energy, and enthusiasm that led the charge at that time. Through all the ups, downs, and frustrations of the many administration changes through the years, she finds the work is still rewarding and the EPA family one she is proud to be a part of. Nancy started out in Radiation Programs, then moved to the Office of Solid Waste, and finally landed in the Office of Site Remediation Enforcement where most of her years with EPA have been spent. Her work has run the gamut from managing the early Technical Enforcement Support contracts (TES I, II, 11, and 12), to serving on the Agency's Allocation Pilot, which earned her a Bronze Medal, and serving as Team Leader of the National PRP Search Enhancement Team for the last 12 years. The Team's accomplishments under her leadership include the publication of two editions of the PRP Search Manual (2003 and 2009) and an Addendum in 2012, development of the Superfund Enforcement Directory (SFED), presentation of seven National Training Conferences on PRP Search Enhancement, and development of PRP Search Basic Training. Nancy is eligible to retire, but until she decides what she wants to be when she grows up, she plans to keep working with the Team.

COURTNEY KUDLA

Courtney Kudla is an enforcement officer in the Region 6 Superfund Enforcement Assessment Section. Ms. Kudla has worked for EPA since 2003. In her time with EPA, she has conducted PRP searches for removal and remedial sites, assisted with public outreach during the Hurricane Katrina response, and managed e-discovery for numerous Superfund litigation cases. Ms. Kudla received her Bachelor of Science degree in sociology from Manchester College in 2001 and her Master of Public Affairs degree from Indiana University in 2003.

ANDREA MADIGAN

Ms. Madigan is the CERCLA Supervisory Attorney for U.S. EPA Region 8's Legal Enforcement Program, Office of Enforcement, Compliance, and Environmental Justice. Ms. Madigan is a founding member and chair for EPA's National Bankruptcy Work Group. Ms. Madigan also serves as an adjunct instructor for the Missouri University of Science and Technology. Ms. Madigan joined EPA in 1990. Prior to joining EPA, Ms. Madigan was in private practice specializing in bankruptcy and commercial litigation. Ms. Madigan received her J.D. from the University of Colorado in Boulder, Colorado in 1983.

CARLYN WINTER PRISK

Carlyn Winter Prisk has been a civil investigator in Region 3's Superfund program for 15 years. As an investigator, Ms. Prisk currently conducts PRP searches at both removal and remedial sites and also works extensively on cost recovery cases involving complicated or unique issues such as insurance, receiverships, bankruptcy, corporate successorship, and limited ability to pay.

Ms. Prisk received a M.S. degree in Criminology from St. Joseph's University in 1997 and began her career with the U.S. Department of Labor. She has been a member of the National PRP Search Enhancement Team for approximately 12 years and has participated in and spoken at a number of conferences. Ms. Prisk is wife to Brian and mom to Kara, four fur babies, several fish, and a frog. She spends much of her time outside of EPA in or around a swimming pool as an age-group coach, PIAA official, and swimmer. In her spare time, Ms. Prisk volunteers at her daughter's school, bakes, and enjoys reading, writing and, occasionally, sleeping.

MIKE RUDY

Mike Rudy is a civil investigator and senior enforcement specialist in EPA Region 8's Superfund Cost Recovery Unit, and has been Region 8's representative on the National PRP Search Enhancement Team for the last nine years. Mr. Rudy has been with Region 8 for 22 years, serving as an inspector, enforcement officer, and civil investigator. Before EPA, he served as a special agent with the U.S. Air Force Office of Special Investigations for seven years. As an agent, Mr. Rudy conducted criminal, fraud, counter-intelligence, and anti-terrorism investigations. Mr. Rudy currently conducts complex civil investigations in the Region 8 Superfund program. Mr. Rudy received his B.S. from Valdosta State University in 1984 and his M.P.A. from the University of Oklahoma in 1990. He has attended numerous advanced investigative courses. He is married and has a son and three Japanese Akitas.

GRECHEN SCHMIDT

Grechen Schmidt is a civil investigator in EPA's Region 10. She joined EPA in 1988 as a community involvement coordinator. Ms. Schmidt designed and managed Region 10's Superfund Technical Assistance Grant Program (TAG) and helped develop the national community involvement training material and the Department of Defense's community involvement training. She served as EPA's technical expert on the Superfund process and TAG programs in a criminal trial that resulted in a conviction and maximum jail sentence. From 1995 to 1997, Ms. Schmidt worked as a compliance officer in the Drinking Water program, focusing on drinking water systems in the State of Washington. From 1997 to 1999, she took an interagency personnel assignment to the Alaska Department of Environmental Conservation to help them develop the community involvement portion of their hazardous waste cleanup program. In 2000, she became an investigator in the Office of Environmental Assessment. She has provided interviewing and report writing training as a Basic Inspector Training instructor. Today she is the sole civil investigator in Region 10 and is located in the Office of Regional Counsel where she provides support to all regional programs.

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Chapter 1 - Introduction to CERCLA

WHAT IS CERCLA?

“CERCLA” stands for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended,¹ also known as Superfund. The statute has two primary objectives:

- Reducing or eliminating threats to human health and the environment posed by uncontrolled hazardous waste sites.
- Responding to releases or threatened releases of hazardous substances.



Superfund achieves these objectives by authorizing the federal government to identify parties responsible for conditions at uncontrolled hazardous waste sites and to respond to those conditions in order to eliminate or reduce their potential for releasing hazardous substances into the environment. Prior to the enactment of CERCLA, it was not clear that the federal government had such authority under existing environmental laws. A crucial element in achieving CERCLA’s overall objectives is the effort to identify potentially responsible parties (PRPs) who may be legally liable for the contamination at a particular Superfund site.

This manual describes the basic elements of the PRP identification process or “PRP search.” To help you understand why certain steps in the PRP search are taken and how they relate to each other, we will start with a description of the overall legal framework within which CERCLA operates.

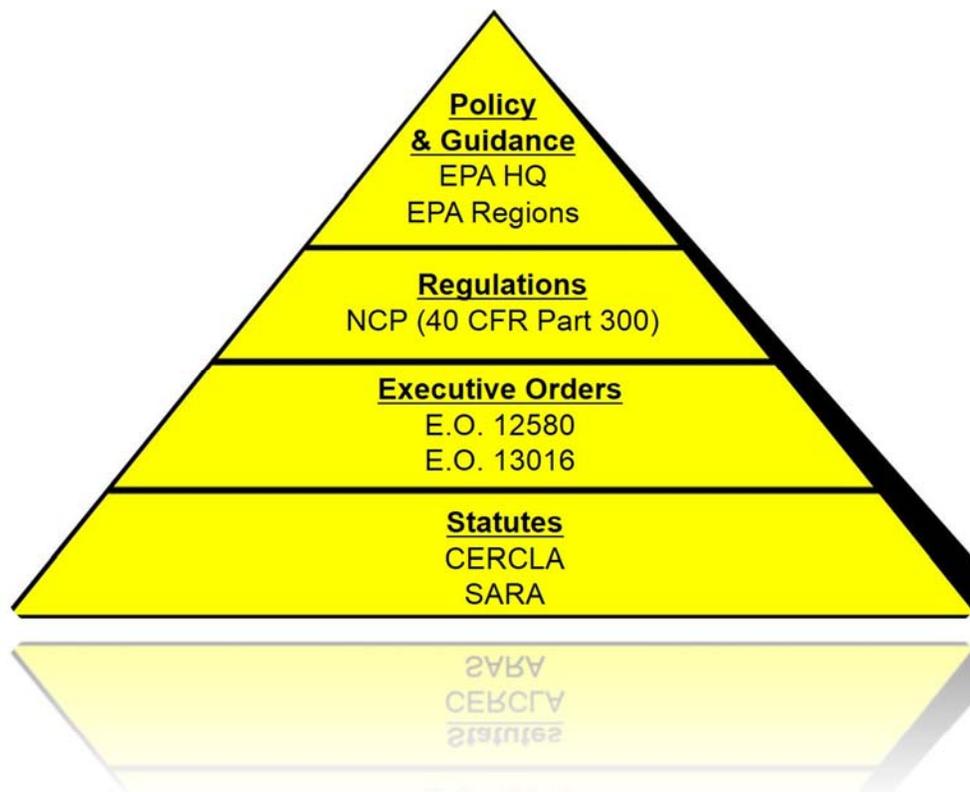
- **Executive Orders.** CERCLA grants the authorities described above to the president of the United States. President Reagan delegated them to the U.S. Environmental Protection Agency (EPA) by Executive Order (E.O.) 12580 on January 23, 1987.² That E.O. and E.O. 13016, issued by President Clinton on August 28, 1996, delegate certain additional powers under CERCLA to other federal departments and agencies.

¹ P.L. 96-510, 42 U.S.C. §§ 9601 to 9675. CERCLA has been amended several times. The most extensive amendment was the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499 (SARA). See also the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996, P.L. 104-208 (“Lender Liability Amendments”) and the Small Business Liability Relief and Brownfields Revitalization Act of 2002, P.L. 107-118 (“Brownfields Amendments”).

² An executive order is a rule or order issued by the president to all or a part of the executive branch of the federal government.

- **Regulations.** CERCLA directed the president to revise and republish the National Oil and Hazardous Substances Pollution Contingency Plan (NCP or “National Contingency Plan”), which was first published in 1968 and later amended by the Clean Water Act to include “procedures and standards for responding to releases of hazardous substances.” This revision provides detailed instructions for implementing CERCLA’s response authorities.
- **EPA Policy and Guidance.** EPA issues policy statements and guidance documents to EPA employees to help them exercise CERCLA’s response authorities in the real world. EPA policy and guidance, which may be issued by either headquarters or individual Regions, set forth the Agency’s understanding of how CERCLA provisions apply in specific circumstances, the factors that may be considered in applying those provisions, and how the Agency should exercise its discretion in questionable cases. One of the important functions these documents serve is to ensure national consistency in the implementation of the Superfund program. Unlike statutes, executive orders, and regulations, policy statements and guidance documents do not have the force of law. They are purely advisory in nature, but since they are issued by EPA and are based on the Agency’s cumulative experience, they have a far-reaching influence on how the Superfund program is implemented in specific cases.³

These elements of the legal framework can be depicted as a hierarchy with statutes serving as the foundation:



³ An index of current EPA headquarters policy and guidance may be found at <http://www.epa.gov/superfund/policy/index.htm>.

- **Case Law.** The meaning and application of CERCLA’s provisions are frequently litigated in federal court. The decisions of a U.S. District Court (the trial level), U.S. Court of Appeals (first appellate level), and U.S. Supreme Court (final appellate level) have the force of law within the particular court’s territorial jurisdiction. They “feed back” into CERCLA as definitive interpretations of its provisions.
- **Site-Specific Documents.** These include decision documents such as the record of decision (ROD) or request for funding for a removal action (“Action Memo”), which describe the specific action that will be implemented at a site and explain why it was chosen. Site-specific documents also include settlement documents such as consent decrees (CDs) and administrative settlement agreements and orders on consent (ASAOs), which set out the terms of agreements between EPA and responsible parties describing the actions those parties must take to remedy the problems at a site. These documents provide the legal authority to implement actions at a specific Superfund site.



HOW DOES CERCLA WORK?

CERCLA § 104(a) authorizes the president to respond to releases or threatened releases of hazardous substances. As we saw above, this authority has been delegated to EPA. CERCLA defines three kinds of response action – removal, remedial, and enforcement.

Removal and remedial actions usually involve direct cleanup work performed by PRPs or the Agency at a site. Remedial actions tend to be larger in scale and longer in duration while removal actions are generally short-term actions taken to protect human health and welfare or the

environment. Enforcement actions can be taken to encourage or compel responsible parties to perform the removal or remedial work or to reimburse EPA for performing it.⁴ EPA has adopted an “Enforcement First” policy that assigns priority to enforcement. In other words, EPA makes every effort to find responsible parties to perform removal and remedial actions before spending tax dollars to perform them itself. The “Enforcement First” policy therefore gives a high priority to conducting thorough PRP searches.

EPA makes every effort to find responsible parties to perform removal and remedial actions.



Before the PRP search can get under way, however, EPA has to determine whether CERCLA authorizes it to take any response action at all. According to the statute, there are several conditions that have to be satisfied before EPA can do so. Section 104(a) authorizes the president (i.e., EPA) to take any response measure consistent with the NCP to protect public health or welfare or the environment when there is a release or the substantial threat of a release of a hazardous substance into the environment, or there is a release or the substantial threat of a release into the environment of a pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare. Each of the underlined terms in this section is defined in CERCLA § 101 and appears in the glossary at the end of this manual.

⁴ Enforcement includes EPA oversight of cleanup work performed by responsible parties.

These determinations are made by regional counsel and other EPA officials before a PRP search is authorized. Once authorized, the object of the PRP search is to identify parties who may be legally liable for the cost of performing response actions at a site.

Liability criteria are set forth in CERCLA § 107(a). A party may be held liable when there is:

- a release or threatened release;
- of a hazardous substance;
- from a facility into the environment;
- that causes response costs to be incurred; and
- the party is included in a class of persons described in CERCLA § 107(a).

Section 107(a) lists four kinds of response cost for which a party who satisfies these conditions may be held liable, namely the cost of:

- actions taken by the United States, a State, or an Indian tribe that are not inconsistent with the NCP;
- actions taken by other parties that are consistent with the NCP;
- natural resource damage restoration; and
- health assessments performed by the Agency for Toxic Substances and Disease Registry (ATSDR).

The classes of liable person defined in section 107(a) include the following:

- the current owner and operator of a facility;
- the owner or operator of a facility at the time hazardous substances were disposed of;
- a person who arranged for disposal or treatment of hazardous substances; and
- a person who transported and chose the disposal location of hazardous substances.



The object of a PRP search is to identify all the parties who fit into one of the four classes of person at a site or facility where there has been a release or threatened release of a hazardous substance and who can therefore be held responsible or liable for response costs. You may wonder why we talk about a *potentially* responsible party search instead of a *responsible* party search. This is because PRPs may have certain liability defenses available to them or may fall into special categories of persons who are exempt from liability under the statute. We will discuss these defenses and exemptions in the next chapter. In practice, the term “PRP” is commonly used interchangeably with “responsible party” or “liable party.”

CERCLA LIABILITY

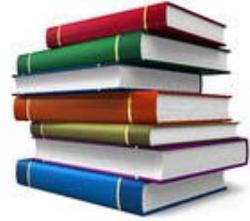
The liability imposed by CERCLA is strict, retroactive, and joint and several. We will discuss these in turn.

- **Strict Liability.** This means that a party may be held liable even if the problems caused by the release of hazardous substances were unforeseeable, the party's actions were not unlawful at the time they occurred, or the party used state-of-the-art waste management practices when the hazardous substances were disposed of or released. You can see why this is called "strict" liability. EPA does not have to prove that a party's actions were negligent. Moreover, the party cannot get "off the hook" by showing that his actions were perfectly legal at the time he performed them or that he used the best available waste management practices.
- **Retroactive Liability.** This simply means that a party may be held liable for the consequences of actions that took place before CERCLA was enacted.
- **Joint and Several Liability.** This means that (1) every party who contributed to the contamination at a site is liable for the response costs incurred in addressing it, and (2) each and every such party or any subgroup of such parties may be held liable for the total amount of those costs. Most people understand what several liability is (everyone pays his share) but sometimes have trouble with joint liability. If you go to happy hour with your friends after work and the waiter asks you if you want to "run a tab," he is asking you to agree to assume joint liability for the bill. If you agree, and your friends begin to drift away, and you fail to collect any money from them before they go, and you are the last person left at the table, what happens? You have to pay the whole bill yourself. You have just experienced the "joint" part of joint and several liability.



What do these aspects of CERCLA liability have to do with the PRP search? They multiply the number of possible PRPs and broaden the scope of the search. For example, retroactive liability means that the search may cover parties and actions that occurred many years ago. Likewise, strict liability limits liability defenses to those expressly set out in the statute. Moreover, joint and several liability may influence search strategy by encouraging parties who are identified early in the process or who have "deep pockets" to help identify other PRPs.

REFERENCES



PRP Search Manual, Section 1.1 (“Overview of CERCLA”), 2009 edition
<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

EPA Superfund Enforcement Web page
<http://www2.epa.gov/enforcement/superfund-enforcement>

EPA CERCLA Overview Web page
<http://www2.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>

National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300)
http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr300_03.html

EPA Superfund Cleanup Policies and Guidance Documents
<http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>

EPA Superfund Liability Web page
<http://www2.epa.gov/enforcement/superfund-liability>



Chapter 2 – Liability Overview

DEFENSES AND EXEMPTIONS

In Chapter 1, we reviewed the liability criteria set forth in section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), but noted that the statute also provides a number of defenses to and exemptions from liability. This is why a potentially responsible party (PRP) is not exactly the same as a responsible or liable party. A party may satisfy all the section 107(a) criteria, but still be able to avoid liability if he can successfully assert a defense or qualify for an exemption.

PRPs' claims to defenses and exemptions are evaluated by regional counsel and other EPA officials, but the evidence they look at is collected during the information-gathering phase of the PRP search, which will be discussed later in this manual. It is important for those conducting the search to be aware of the defenses and exemptions that may be claimed by PRPs so as to be sensitive to information that might impact them.

You will see that the common denominator among all these defenses and exemptions is that each creates a possible exception to the strict liability described in Chapter 1.

Third-Party Defense

Section 107(b) provides that a party is not liable if a release was caused solely by an:

- act of God;
- act of war; or
- act or omission of a third party.

“Acts of God,” which are calamities such as floods and hurricanes, and acts of war are not used as defenses very often simply because the types of event they rely on are, fortunately, infrequent. Reliance on the third-party defense, however, is quite common, and CERCLA § 107(b)(3) lists several conditions that a party must satisfy to assert the defense successfully:

- The act or omission was performed by someone other than the PRP.
- The PRP had no direct or indirect contractual relationship with the third party.¹
- The PRP exercised due care with respect to the released hazardous substances; and
- The PRP took precautions against foreseeable acts or omissions of the third party.

¹ “Contractual relationship” is defined at CERCLA § 101(35) and appears in the glossary.

CERCLA places the burden of proving all of the above on the party asserting the defense.

Service Station Dealer Exemption

CERCLA § 114(c) creates an exemption from arranger or transporter liability under section 107(a)(3) or (4), respectively, in favor of service station dealers who accept used oil from the public for recycling. In order to qualify for the exemption, the recycled oil may not be mixed with any other hazardous substance and must be stored, treated, transported, and otherwise managed in compliance with regulations issued under section 3014 of the Resource Conservation and Recovery Act, and the recycling transaction must have occurred after the regulations were issued on May 3, 1993.



A service station dealer may still be held liable as a current or former owner or operator under CERCLA § 107(a)(1) or (2).

State and Local Government Exemptions

Under CERCLA § 107(d), a state or local government cannot be held liable for costs or damages resulting from an emergency response to a release or threatened release of hazardous substances unless its actions amount to gross negligence or intentional misconduct.

CERCLA § 101(20)(A) also exempts units of state and local government from owner and operator liability when they involuntarily acquire CERCLA facilities as long as they did not cause or contribute to the contamination. These governmental units often acquire contaminated property involuntarily when the property is abandoned, tax-delinquent, seized, forfeited, or subject to foreclosure in connection with a government loan. Governmental entities in this situation may also be able to assert the third-party defense successfully.

Secured Creditors

CERCLA § 101(20)(A) and (E) create an exemption from owner/operator liability in favor of secured creditors. These are persons who hold “indicia of ownership” of a facility primarily to protect a security interest in the facility. Examples include mortgage lenders who formally take legal title to the mortgaged property as security for repayment of the mortgage loan. CERCLA restricts the exemption to secured creditors who do not “participate in management” of the facility. Section 101(20)(F) explains that participating in management means either exercising decision-making control over environmental compliance at the facility or exercising managerial control over day-to-day environmental compliance decisions or substantially all the operational functions of the facility other than environmental compliance.



Recyclers

The Superfund Recycling Equity Act of 1999 (SREA) added section 127 to CERCLA, exempting certain parties who “arrange for recycling of recyclable materials” from arranger and transporter liability. Recyclable materials include scrap paper, plastic, glass, textiles rubber, and metal; spent lead-acid and nickel-cadmium batteries; and other types of spent battery. Owners and operators of sites are not eligible for the

exemption, nor are arrangers and transporters of non-recyclable materials or recyclable materials that do not meet the criteria of section 127. The PRP has the burden of proving he is entitled to the exemption.

Landowner Liability Protections



The Small Business Liability Relief and Brownfields Revitalization Act of 2002, better known as the Brownfields Amendments, either clarified existing or added new liability protections for certain classes of landowner.

- **Innocent Landowner.** Section 101(35) defines three types of innocent landowner: (1) persons who at the time they acquired a facility did not know and had no reason to know that the hazardous substances released or threatened to be released had been disposed of there; (2) governmental entities that acquired facilities through any involuntary transfer or acquisition or through the exercise of eminent domain; and (3) parties who acquired a facility by inheritance or bequest. In order to qualify as the first of these types, the landowners must demonstrate that they performed “all appropriate inquiries” into the previous uses and ownership of the property before they acquired it. EPA subsequently issued a detailed regulation setting forth the requirements for conducting all appropriate inquiries (AAI).
- **Contiguous Property Owner.** CERCLA § 107(q) defines a contiguous property owner as one whose property was contaminated solely by a release from a contiguous or “similarly situated” property owned by someone else. Contiguous property owners have a defense to owner liability if they (1) are not a PRP or affiliated with a PRP; (2) did not cause, contribute, or consent to the release of hazardous substances; and (3) conducted AAI prior to purchase and demonstrate that they did not know or have reason to know of the contamination.
- **Bona Fide Prospective Purchaser.** In contrast to the innocent landowner and contiguous property owner defenses, the bona fide prospective purchaser (BFPP) defense under CERCLA § 101(40) works even when the purchasers knew that the property they were purchasing was contaminated. As you might expect, however, there are several conditions to be satisfied in order to take advantage of the defense:
 - The facility must have been purchased after January 11, 2002.
 - The purchaser must not be a PRP or affiliated with a PRP.
 - The purchaser must have performed AAI.
 - The purchaser must have taken reasonable steps to stop any continuing releases and threatened future releases, and
 - The purchaser must comply with all land use restrictions and institutional controls affecting the property.²

² EPA defines institutional controls as “administrative and legal controls that minimize the potential for human exposure to contamination and protect the integrity of remedies by limiting land or resource use, providing information to modify behavior, or both.”

Other Exemptions

In addition to the landowner liability protections, the Brownfields Amendments added two statutory exemptions:

- **De Micromis Contributors.** CERCLA § 107(o) exempts from arranger liability parties who contributed less than 100 gallons of liquid material or 200 pounds of solid material containing hazardous substances to a site.
- **Municipal Solid Waste.** CERCLA § 107(p) creates an exemption in favor of residential property owner, operators, or lessees; small businesses; and charitable organizations who dispose of municipal solid waste (MSW) at sites on the national priorities list (NPL).³ The statute defines MSW as household waste and waste generated by other commercial, industrial, or institutional entities that is essentially the same as household waste.

Enforcement Discretion

In addition to statutory defenses and exemptions, EPA exercises discretion in enforcing CERCLA in a number of situations where either the statute grants discretion or adhering to the letter of the law would impose undue hardship on PRPs without advancing the goals of the Superfund program.

EPA can exercise discretion to avoid imposing undue hardship.



- **Orphan Share.** The orphan share is the portion of cleanup costs that cannot be assessed to a PRP either because the PRP is insolvent or because EPA simply cannot identify the PRP. Under joint and several liability, other PRPs could be forced to absorb these costs. In the interests of concluding a settlement promptly and avoiding potentially protracted and expensive litigation over the issue, EPA may choose in some cases to absorb these costs itself.
- **De Minimis Settlements.** Under CERCLA § 122(g), EPA may expedite settlements that involve only “a minor portion of the response costs at the facility concerned.” If EPA determines that such settlements are practicable and in the public interest, the statute directs it to enter into them “as promptly as possible”. PRPs may qualify for *de minimis* settlement if the hazardous substances contributed to the facility are minimal in terms of both quantity and hazardous effects in comparison to the rest of the hazardous substances found there or if they qualify as *de minimis* innocent landowners.
- **Residential Owners.** EPA generally does not take enforcement actions against owners of residential property when certain conditions are met (e.g., the property owner’s activities did not lead to the release or threatened release of hazardous substances).
- **Contaminated Aquifers.** An aquifer is an underground, water-bearing, geological formation. Water is usually not static within aquifers but commonly migrates within and

³ The NPL is the list of the highest priority sites for long-term remedial action.

through them. EPA generally does not take enforcement action against owners of property that has been contaminated solely as the result of subsurface migration of hazardous substances within an aquifer from a source or sources outside the property.

- **Ability to Pay.** So far we have discussed PRP liability, but another important factor that EPA considers is “viability.” In other words, the PRP must have the financial wherewithal to pay response costs. Under its general ability to pay (ATP) policy, EPA has refrained from imposing full liability on PRPs where doing so threatened to put a company out of business or impose undue financial hardship on either businesses or individuals. The Brownfields Amendments specifically authorized EPA to negotiate a settlement based on a PRP’s ability to pay rather than on its full liability or to consider “alternative payment methods” if a PRP is unable to pay the full amount of its liability at the time of settlement. Under both EPA’s enforcement discretion and the Brownfields Amendments, it is up to the party claiming ATP status to provide EPA with the information it needs to evaluate the party’s claim.

SETTLEMENTS

We said in Chapter 1 that the PRP search is the first step in the CERCLA enforcement process. In the following chapters we will discuss the “nuts and bolts” of performing searches, but it may be a good idea here to jump ahead and briefly discuss the ultimate goal of the PRP search, which is to achieve a settlement in which the PRP agrees either to perform the site cleanup or to reimburse EPA for performing it.



There are two types of settlement, administrative and judicial. Administrative settlements are arranged directly between EPA and the PRP(s). They do not involve the courts unless EPA needs to take additional enforcement action against a PRP who is not abiding by the terms of the agreement. Administrative settlements – the most common type is an ASAO – are typically used for removal actions and remedial investigations/feasibility studies (RI/FSs).

A judicial settlement is one approved by a federal court. CERCLA § 120(d) requires that any settlement involving a remedial action must be entered as a consent decree in a U.S. District Court. The agreement between EPA and the PRP(s) takes the form of an order or “decree” of the court and must first be approved by the U.S. Attorney General. *De minimis* settlements under CERCLA § 122(g) must be embodied in consent decrees if response costs at the facility in question exceed \$500,000, unless the Agency has received prior approval from the Attorney General to proceed administratively.

Before moving on to the “nuts and bolts” chapters, it may be useful to provide you with process timelines for the three kinds of removal action (emergency, time-critical, and non-time-critical) and remedial actions. These should help you understand the sequence of PRP search activities that ultimately lead to settlement.

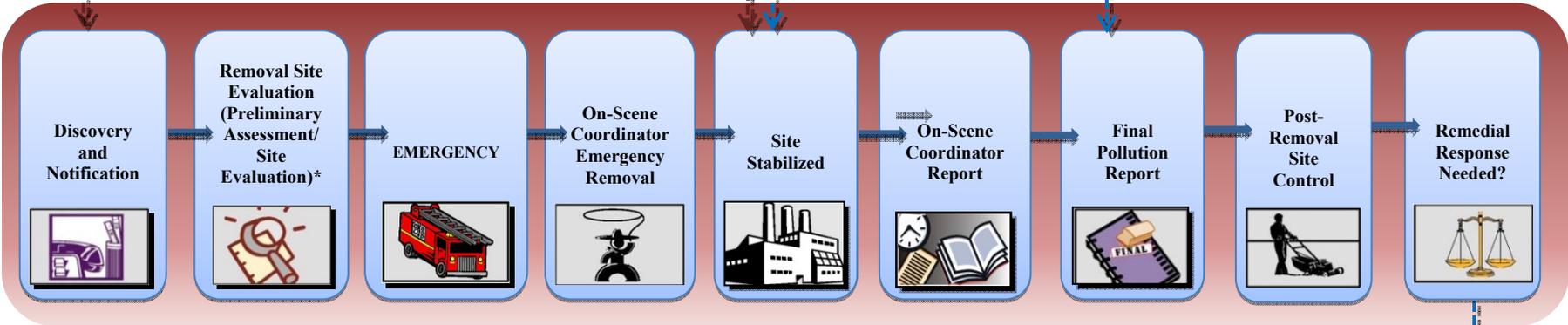
EMERGENCY REMOVAL PRP SEARCH

PRP SEARCH ACTIVITIES

- PHASE 1 PRP SEARCH**
- Make oral inquiries
 - Provide oral notices
 - Consult readily available site records
 - Obtain evidence of current ownership

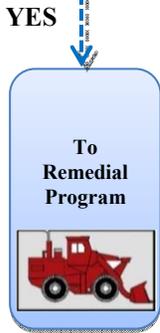
- PHASE 2 PRP SEARCH**
- Title search
 - §104(e) letters
 - Interviews
 - Issue GNLs

REMOVAL ACTIVITIES

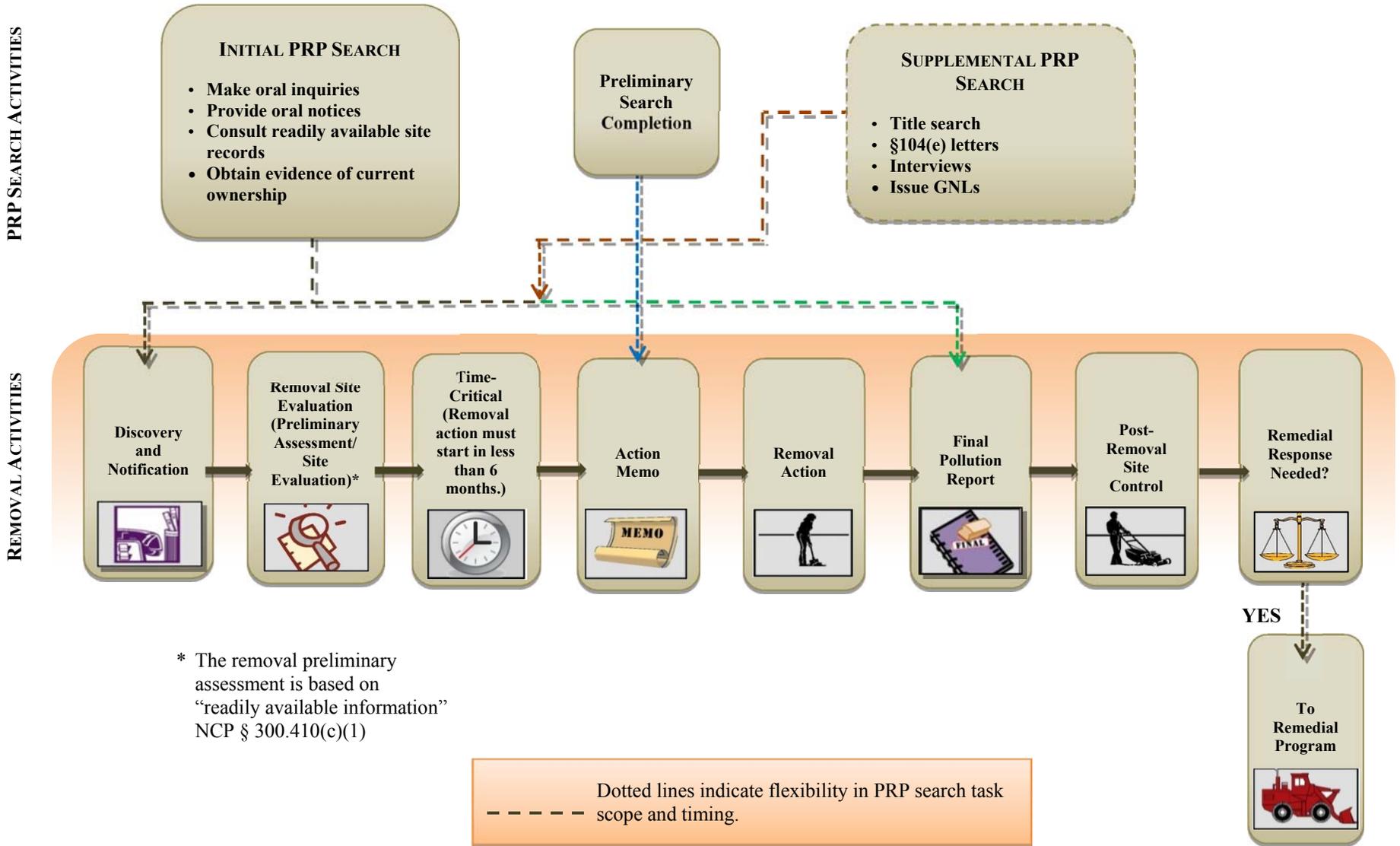


* The removal preliminary assessment is based on “readily available information” NCP § 300.410(c)(1)

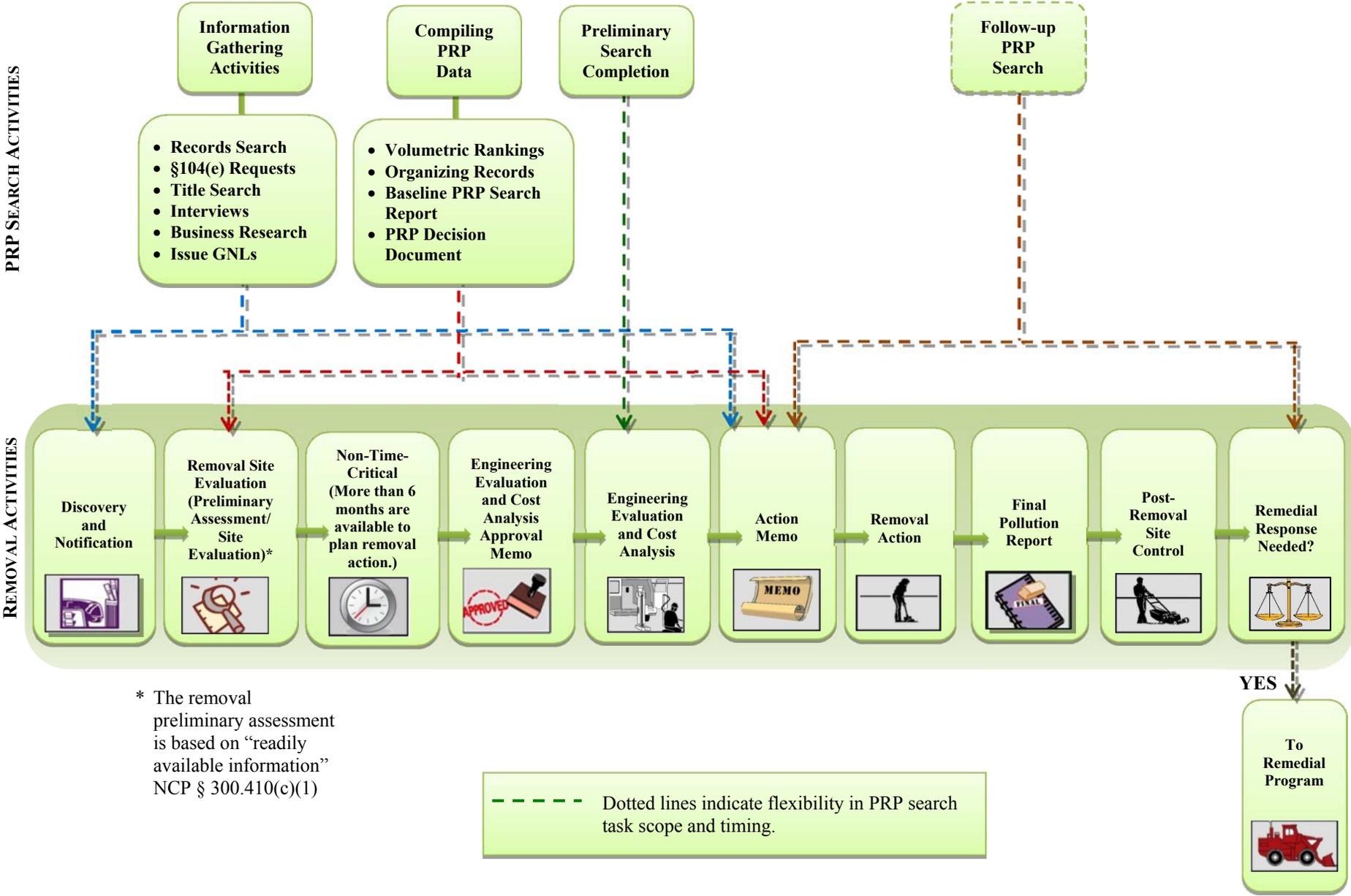
----- Dotted lines indicate flexibility in PRP search task scope and timing.



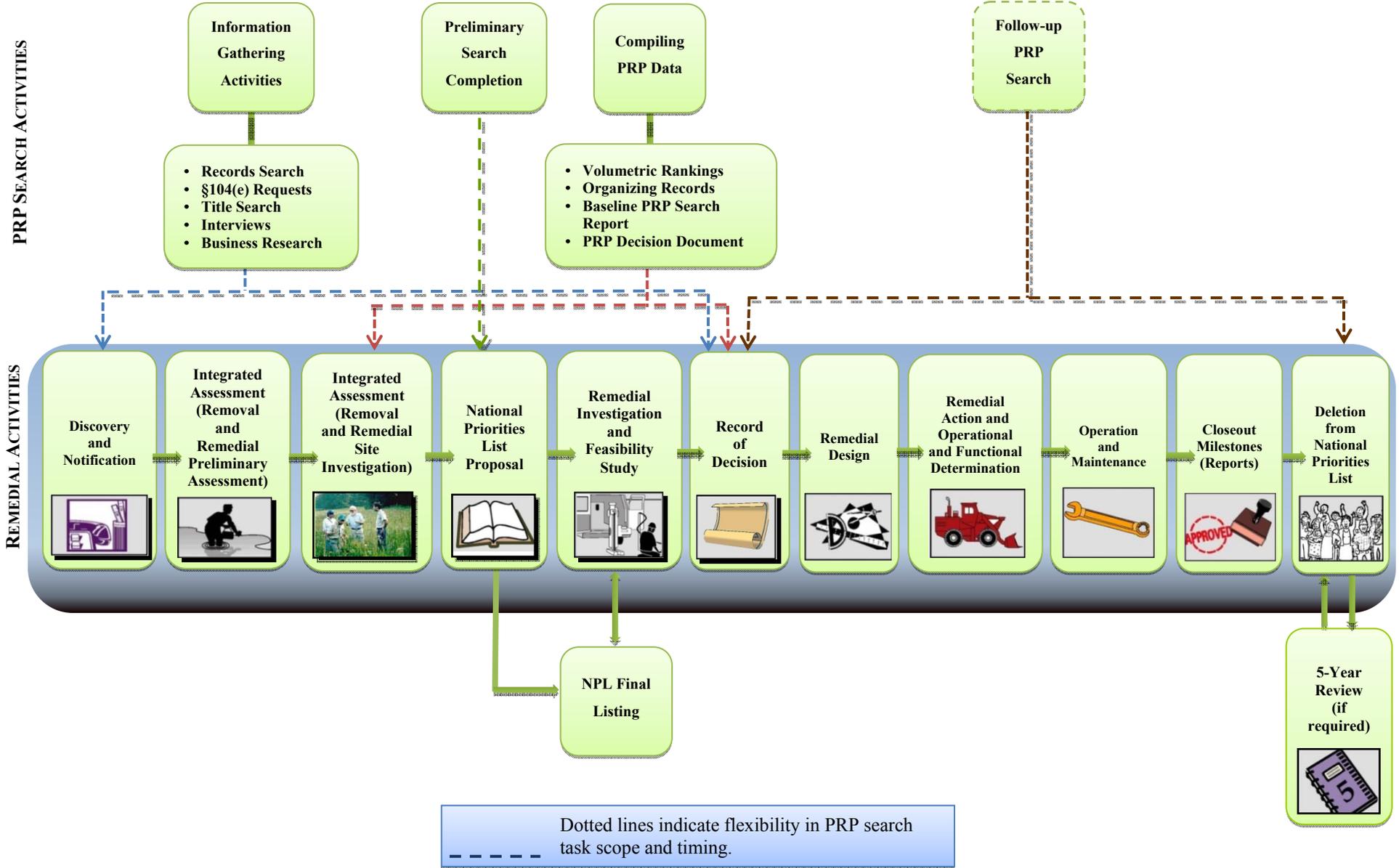
TIME-CRITICAL REMOVAL PRP SEARCH



NON-TIME-CRITICAL REMOVAL PRP SEARCH



REMEDIAL PRP SEARCH PROCESS



REFERENCES



CERCLA Lender Liability Exemption: Updated Questions and Answers

<http://www2.epa.gov/enforcement/fact-sheet-updated-questions-and-answers-cercla-lender-liability-exemption>

Interim Guidance on the Municipal Solid Waste Exemption Under CERCLA Section 107(p)

<http://www2.epa.gov/enforcement/interim-guidance-municipal-solid-waste-exemption-under-superfund>

Superfund Recycling Equity Act of 1999: Factors To Consider In A CERCLA Enforcement Case

<http://www2.epa.gov/enforcement/guidance-superfund-recycling-equity-act-exemption-factors>

Interim Enforcement Discretion Guidance Regarding Contiguous Property Owners

<http://www2.epa.gov/enforcement/interim-guidance-enforcement-discretion-regarding-contiguous-property-owners>

Interim Guidance on Orphan Share Compensation for Settlers

<http://www2.epa.gov/enforcement/guidance-orphan-share-compensation-rdra-and-non-time-critical-removal-settlers>

Orphan Share Reform Implementation Update

<http://www2.epa.gov/enforcement/guidance-updates-implementation-orphan-share-reform>

Interim Guidance on the Ability to Pay and *De Minimis* Revisions to CERCLA § 122(g) by the Small Business Liability Relief and Brownfields Revitalization Act

<http://www2.epa.gov/enforcement/guidance-ability-pay-and-de-minimis-revisions-cercla-section-122g-2002-brownfield>

General Policy on Superfund Ability to Pay Determinations

<http://www2.epa.gov/enforcement/guidance-superfund-ability-pay-determinations>

Policy Toward Owners of Residential Property at Superfund Sites

<http://www2.epa.gov/enforcement/guidance-owners-residential-property-superfund-sites>

Policy Toward Owners of Property Containing Contaminated Aquifers

<http://www2.epa.gov/enforcement/guidance-owners-property-containing-contaminated-aquifers>

EPA Negotiating Superfund Settlements Web page

<http://www2.epa.gov/enforcement/negotiating-superfund-settlements>

EPA Recovering Cleanup Costs Web page

<http://www2.epa.gov/enforcement/superfund-cost-recovery>



Chapter 3 – Gathering Information

The objective of information gathering is to locate and obtain copies of all records pertinent to the site and relevant to the potentially responsible party (PRP) search. Before you begin the search for records, it is important to keep in mind that information gathering is not a linear process. Conducting a thorough PRP search often means revisiting sources and digging through them repeatedly. Relevant records may include almost anything related to the site. Examples of relevant records include correspondence, maps, hazardous waste manifests, technical reports, permits, violations, investigations, site owner records, litigation files, bankruptcy files, local newspaper accounts, and on-line information. The difficulty and amount of time needed to complete information gathering depend on the specific site.

Site complexity is often a function of site size. In general, smaller sites tend to have a limited number of owners, operators, and sources of contamination. Sites that span a large geographic area tend to have many different owners, operators, and sources of contamination. An example of a small site is a contaminated metal plating facility, while an example of a large site is an industrial park with ground water contamination. The metal plating facility is likely to have a limited number of owner/operator PRPs. An industrial park will have a much larger number of owners/operators, and each may have to be evaluated for sources of contamination. The industrial park may also have a long history of operation and many of the historical operators who caused the pollution may no longer be located at the site or even in business. Although the size of a site is not always a determining factor in its complexity, it is important to get an idea of how big a site is before beginning the search in order to estimate the resources required for the search and to allocate them appropriately. This picture illustrates the Portland Harbor site, which involves hundreds of PRPs and potential sources of contamination.



ENVIRONMENTAL DATA SOURCES

A good starting point for any search is EPA databases for existing data on the site. Many Superfund sites may have come to the attention of EPA programs other than Superfund, including Resource Conservation and Recovery Act (RCRA) corrective action, air, or water. Documents maintained in these databases and program files may include permits, inspection reports, correspondence, records of violations, enforcement actions, and criminal violations. Things to look for in these documents include the names of people associated with the site (current and former employees), descriptions of site operations, owners or lease holders, names of customers, and photographs and maps. These records are potential sources of information on site history, identity of PRPs, and additional contacts.

The screenshot shows the EPA Envirofacts Multisystem Search interface. At the top, the EPA logo and navigation links are visible. The main heading is 'Envirofacts' with a breadcrumb trail: 'You are here: EPA Home » Envirofacts » Multisystem Search'. Below this is the 'Multisystem Search' section, which includes a search form with the following fields and options:

- Facility Selection:** A text input field for 'Facility Site Name:' and radio buttons for 'Beginning With', 'Exact Match', and 'Containing'.
- Geography Search:** A text input field for 'ZIP Code:', a text input field for 'Address:', and text input fields for 'City:', 'County:', and 'State:'. Radio buttons for 'Beginning With', 'Exact Match', and 'Containing' are also present.
- System Data Searches:** A list of search options including Multisystem, AFS, BR, Brownfields/Cleanups, CERCLIS, Cleanups, ECHO/IDEA, FRS, EZ Search, Organization Search, Greenhouse Gas, Customized Search, ICIS, ICR, ICMS, Locational Information, Locational Search, PCS, Customized Search, RADInfo, RadNet, Customized Search, RCRAInfo, SOWS, SRS, TRI, TRI Explorer, TRI Search, Form R Search, and Form R & A Download.

The page also includes a 'Contact Us' and 'Share' link in the top right corner and a '100%' zoom indicator at the bottom right.

EPA is not the only source of environmental data. Other federal agencies, state environmental agencies, and local government agencies may also collect similar environmental permit and enforcement data that can be useful in identifying PRPs and implementing site response actions. The usefulness of other federal agency records will depend on the site location and sources of contamination. Many Superfund sites are located on federal land or have federal agencies as PRPs. State environmental agencies may be involved with cleaning up contaminated sites before EPA gets involved, and may already have identified some PRPs. A local fire department report from a hazardous waste spill or plat maps from zoning departments are examples of types of useful local government record. Before you begin searching through state and local records, it is a good idea to familiarize yourself with how the state and local governments are structured as department and agency names are not uniform. Using all available information sources, try to identify patterns of non-compliance and hazardous materials use. This will help develop a complete picture of all environmental problems at a site.

BUSINESS RECORDS

Information gathering is not just about collecting environmental records. It also includes collecting information on the business entities that may have operated at a site throughout its history. Collecting information about businesses can be difficult due to corporate name changes, mergers, acquisitions, and sale of corporate assets. Information about this type of business activity can be obtained from state agencies, including the secretary of state or revenue departments. Larger companies also may have corporate histories on their websites, including dates of important acquisitions and mergers. A more in-depth discussion of corporate history may be found in Chapter 7.

PRP searchers collect information about all the business entities that may have operated at a site.

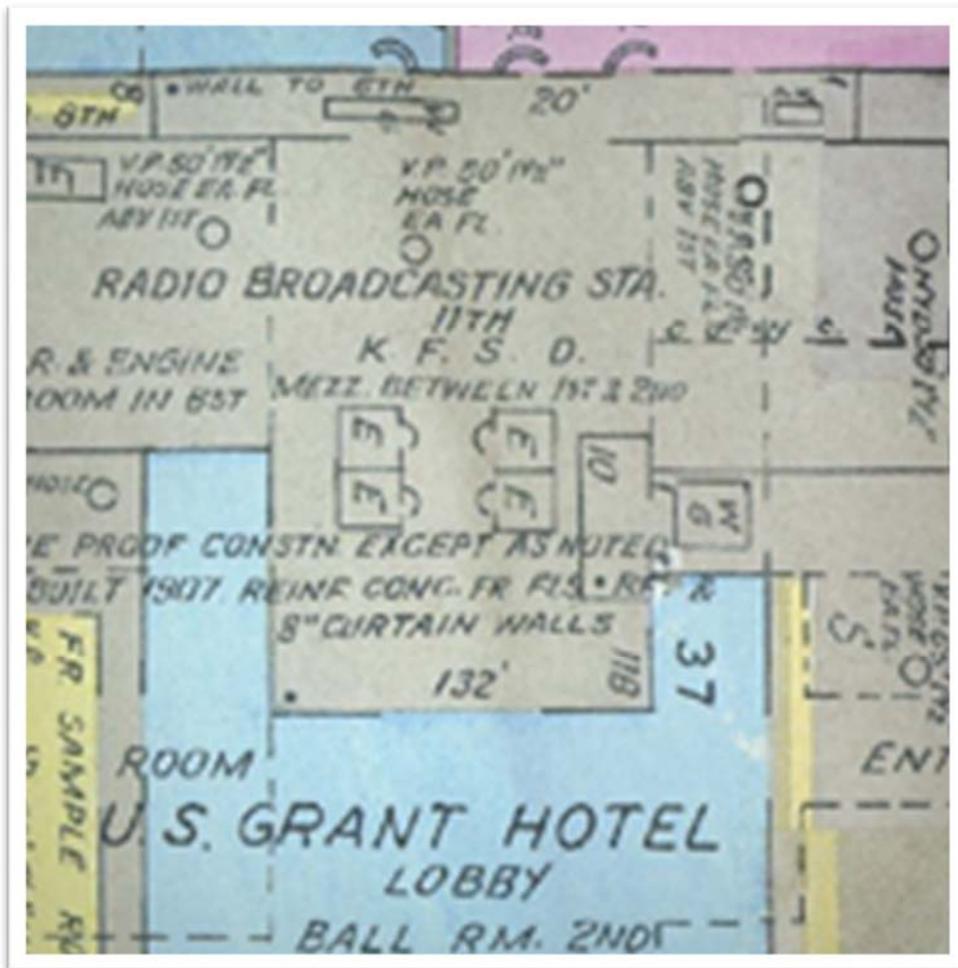


HISTORICAL RECORDS

Industrial uses at some Superfund sites may span 100 years or more. Site configurations and industrial uses have often changed in the course of the site's history. The person conducting the PRP search may need to investigate the entire site history as any information on historical site owners and operations may be useful for identifying PRPs. Little information of this kind, however, is likely to be found in federal or state environmental databases. Local sources, such as libraries, universities, and historical societies, will probably be more helpful.

One important source of historic business information is Polk directories. These were city directories published by a private company in the early 20th century that are often found in collections at historical societies and libraries. These directories can be searched by street address or type of business. Using the site address as a reference point, you can search through yearly volumes for information on businesses operating there. You can also investigate neighboring properties and determine if they had the same owners.

Sanborn Maps are another important historical information tool. Originally created for assessing fire insurance liability in urban areas, they can provide historical building information and street names. The maps were published beginning in 1867 and are typically updated every 10 years. The maps themselves are large-scale lithographed street plans at a scale of 50 feet to one inch on 21-inch by 25-inch sheets of paper. Many Sanborn maps are made available through public or university libraries or, most comprehensively, through the Library of Congress. They can also be purchased through private companies. Sanborn maps can be very useful if the buildings at a site have changed dramatically over time. If you are able to determine when a certain type of building was constructed, you may be able to get an idea of when specific industrial operations began on site. Below is an example of a typical Sanborn map.



PRPIIS AND FEE-FOR-SERVICE DATABASES

One of the most important guides to information gathering is the online bibliography Potentially Responsible Party Internet Information Sources (PRPIIS) compiled by EPA employees. The guide provides internet links to and a short description of all known sources of information for conducting PRP searches, including both government and private sources. Types of information

referenced include businesses, government agencies, legal resources, investigative resources, maps and aerial photographs, and technical guides. PRPIIS includes both free and fee-for-service sources.

PRPIIS Oct2011.pdf - Adobe Reader

13 / 29 96.5%

Potentially Responsible Party Internet Information Sources, 10/28/11 (PRPIIS)

Government Agencies

Bureau of Economic Analysis	http://www.bea.gov/	Link to various economic indicators.
Bureau of Justice Statistics	http://www.bjs.gov/	Crime statistics and court statistic information; no individual or company information.
Bureau of Land Management	Global Records http://www.glorerecords.blm.gov/	Search Federal land records, surveys, plats, field notes, status, etc.
	Land and Mineral Use http://www.blm.gov/lr2000/	Provides reports on BLM land and mineral use authorizations for oil, gas, and geothermal leasing, rights-of-ways, coal and other mineral development, land and mineral title, mining claims, withdrawals, classifications, and more on federal lands or on federal mineral estate
Bureau of Prisons	http://www.bop.gov/	Link to the Bureau of Prisons. It includes the ability to search for inmates who have been located in federal prisons.
Census Bureau	http://www.factfinder.census.gov/home/saff/main.html?_lang=en	Link to United States census information.
Census Bureau (Pre-set profiles of communities)	http://censtats.census.gov/pub/Profiles.shtml	Link to pre-established sets of census information for communities in the United States.
County Courthouses	http://www.genealogy.com/00000229.html?Welcome=1085073621	Link to county websites.
Courts (district, appeals, bankruptcy)	http://www.uscourts.gov/court_locator.aspx	Link to federal court information.

* Denotes a fee for service Page 13

* Denotes a fee for service Page 13

Courts (district, appeals, bankruptcy)	http://www.uscourts.gov/court_locator.aspx	Link to federal court information.
County Courthouses	http://www.genealogy.com/00000229.html?Welcome=1085073621	Link to county websites.

A few of the more important fee-for-service databases include Accurant, CLEAR, PACER, and LexisNexis®. These services allow for “global” searching across the nation, and in some instances can locate valuable information that may not be found easily in other public records, including information on the location of individuals, business records, newspaper records, and legal cases. These databases typically allow you to search using a person’s or company’s name and will return search results on all available records pertaining to the searched name or term.

Information gathering is only one component of a thorough PRP search. We will discuss several more in the following chapters, including CERCLA information-gathering authorities. This chapter should have provided you with a useful preliminary overview of some major information resources. Browsing through PRPIIS and available EPA databases is the best way to familiarize yourself with the kind of information they contain. With experience and guidance from seasoned PRP searchers, you will become comfortable and proficient using these databases and other investigative tools.

REFERENCES



PRP Search Manual, Checklists in Appendices B and C

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Potentially Responsible Party Internet Information Sources (PRPIIS)

See Appendix C.

U.S. Securities and Exchange Commission

<http://www.sec.gov/edgar.shtml>

Environmental Data Resources: Sanborn Maps

<http://ednnet.com/prods/sanborn-maps/>

EPA Records Web page

<http://www.epa.gov/records/>

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Chapter 4 - Issuing Information and Site Access Requests

Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authorizes EPA to request information and gain access to areas containing hazardous substances. Issuing information request letters is a basic element of nearly every potentially responsible party (PRP) search. EPA is authorized to issue request letters to any person, including business entities and government agencies, who may have information about a site, not just to persons who may be PRPs. This authority is delegated to specific officials within each EPA Region.

104(e) LETTERS

Under CERCLA § 104(e)(2), EPA may require any person who has or may have information relevant to any of the following to furnish information or documentation relating to them:

- The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- Information relating to the ability of a person to pay for or perform a cleanup.

This provision equips EPA with a powerful tool for information gathering. There are several steps that should be taken before sending a “104(e) letter,” however, that will save time and help ensure that you receive useful information in response. Before drafting an information request letter, the PRP search team should determine what information is needed to:

- identify PRPs (e.g., manifest data, names, addresses);
- determine PRPs’ liability (including possible defenses); and
- conduct future investigations or response actions (e.g., physical characteristics of the site, historical data, sampling data).

Issuing information request letters is a basic element of nearly every PRP search.



It is also important to develop a complete list of the parties from whom you intend to seek information. A 104(e) letter should be sent to anyone with a connection to the site. This includes current owners, individuals and businesses you have discovered during your research, individuals and businesses you have discovered from initial responses to 104(e) letters, and owners and operators of neighboring properties. Section 104(e) letters should be drafted with input from both attorneys and the case team working on the search.

It is also important to communicate in the proper tone, which will differ depending on the party receiving the letter. A small business or an individual may not have much technical knowledge or access to an attorney and may find letters confusing if they contain too much technical or legal jargon. Large companies, on the other hand, are likely to have attorneys on their staffs who are experienced at responding to 104(e) letters. Letters addressed to them should be as specific as possible to prevent them from justifiably providing vague responses.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

APR 07 2011

VIA Certified Mail: 7010 0290 0003 2276 3987

Mr. Robert A. Iger
President
Walt Disney Company
500 South Buena Vista Street
Burbank, California 91521

Re: Request for Information Pursuant to CERCLA Section 104(e);
San Fernando Valley Area 2 Superfund Site – Glendale Chromium Operable Unit;
500 South Buena Vista Street, Burbank, California 91521
THIS REQUEST FOR INFORMATION SUPERCEDES EPA's DECEMBER 14th, 2010
REQUEST FOR INFORMATION¹.

Dear Mr. Iger:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to actual or threatened releases of hazardous substances at the San Fernando Valley Area 2 Superfund Site, Glendale Chromium Operable Unit ("Chromium OU"), which is located in Los Angeles County, California. A Superfund site is a site contaminated with hazardous substances at levels that may present a threat to human health or the environment. EPA believes that the Walt Disney Company ("Disney") may have information about current and former industrial operations at 500 South Buena Vista Street, Burbank, CA. EPA needs the information and documents responsive to this request to proceed with this Superfund Site investigation. We appreciate your² cooperation with this request.

The Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601-9675, as amended ("CERCLA" or "Superfund"), authorizes EPA to investigate and, if necessary, take action to protect human health and the environment at locations where

¹ EPA has made some adjustments to the questions in Enclosure B. A response from Disney to the December 14th, 2010 104(e) letter from EPA is not necessary.

² In this letter, and the enclosures to this letter, the terms "property," "person," "you," and other terms used herein are defined under the "Definitions" heading in Enclosure A of this letter (attached).

there has been a release or threat of a release of a hazardous substance to the environment. Section 104(e) of CERCLA authorizes EPA to require persons with information related to hazardous substances releases to provide such information.

EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- The nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a vessel or facility.
- The ability of a person to pay for or perform a cleanup.

We encourage you to give this request for information your immediate attention. Instructions on how to respond to the questions are provided in Enclosure A. Your response to this letter should be made in writing, signed by you or your duly authorized representative, and returned to EPA within thirty (30) calendar days of your receipt of this letter. You may provide your response and attachments electronically in Adobe Portable Document Format (PDF) and deliver them to EPA by CDROM or through E-Mail, but you must mail a signed hardcopy of the letter portion with your responses to the EPA.

Your compliance with this information request is mandatory. Pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), you must respond completely and truthfully to all questions contained in Enclosure B to this letter. Please be further advised that 18 U.S.C. § 1001 provides for criminal penalties for the provision of false, fictitious or fraudulent statements or representations. Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. Section 9604(e)(5). The CERCLA statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance.

EPA understands that you may consider some of the requested information confidential. You may not withhold the information on that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including providing support for your claim of confidentiality.

If you have information about other persons who may have information which could assist the Agency in its investigation, that information should be submitted within the timeframe noted above.

Please note that this request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(3), 3507, 3512, and 3518(c)(1). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. § 3502(4), (11); 5 C.F.R. § 1320.4 and § 1320.6(a).

Your response to this request for information should be mailed within thirty (30) calendar days following receipt of this letter, and be directed to:

Andrew Taylor
Case Developer, Mail Stop SFD-7-5
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Email: taylor.andrew@epa.gov

If you have questions regarding this information request, please contact Andrew Taylor at 415-972-3129 or by email at Taylor.Andrew@epa.gov. If you have questions about the history of the Chromium OU, the nature of the environmental conditions at the Chromium OU, or the status of cleanup activities, please contact Lisa Hanusiak at 415-972-3152, Hanusiak.Lisa@epa.gov. Please direct any legal questions to Thomas Butler at 415-972-3869 or by email at Butler.Thomas@epa.gov.

We appreciate your response to this information request, and look forward to cooperatively working with you on these matters.

Sincerely,



Katherine Moore, Manager
Case Development /Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2)

cc:

Larry Moore, California Regional Water Quality Control Board, Los Angeles
Samuel Unger, California Regional Water Quality Control Board, Los Angeles
Robert Antonopolis, Walt Disney Company

Tracking 104(e) requests can be difficult, especially at large sites. Before sending out any letters, develop a tracking system to record who has received letters, who has responded, and the responses themselves. Your tracking system should do the following:

- assign a tracking number to each recipient,
- indicate the delivery status of each letter (e.g., delivered, refused, undelivered), and
- indicate the response status of each letter (e.g., no response, partial response, complete response).

Databases and spreadsheets can be used to assist with tracking. Information request letters should be sent via certified mail, priority mail, or air courier. Request a return receipt so EPA can confirm that the letter was received. Responses received should be reviewed to identify missing information or items that need clarification. A follow-up letter can be sent to request missing information or clarify responses.

Not responding to 104(e) requests or providing incomplete responses may result from recipients misunderstanding the questions or failing to appreciate EPA's authority to obtain the requested information. Complete and prompt responses are most likely if you take steps to prevent or correct these problems. One way to do this is to set up a toll-free "hotline" to assist recipients with routine questions. Another is to provide a "plain English" fact sheet along with the 104(e) letter that addresses frequently asked questions and explains EPA's statutory authority.

Files obtained from respondents may be subject to a confidential business information (CBI) claim. CBI is confidential information relating to the respondent's business activities, e.g., a business process secret, and is protected from disclosure under federal law. Information requested by EPA may also be subject to a claim of privilege. The most common privileges that respondents claim are attorney work product, attorney-client, and deliberative process. Privileged documents do not have to be released to EPA or the courts.



ANALYZING RESPONSES

Analyzing responses is among the most important elements of the PRP search. Responses to information requests should be reviewed and analyzed for information that:

- links a party to the site;
- establishes a party's liability;
- establishes a party's financial viability; and
- provides leads to additional information about the party, the site, or other PRPs.

Responses may help the PRP search team develop a history of site activities and involvement of various parties in the treatment or disposal of hazardous substances.

Once the due date for response has expired and the responses have been reviewed, the PRP search manager should coordinate with an attorney on appropriate follow-up actions. These may include:

- issuing follow-up letters to unresponsive parties;
- issuing administrative orders to compel compliance;
- initiating judicial action to compel compliance; or
- sending 104(e) letters to additional persons identified in the first round of 104(e) responses.

SITE ACCESS

As mentioned above, CERCLA also authorizes EPA to gain site access under certain circumstances. CERCLA § 104(e)(3) authorizes EPA at reasonable times to enter any vessel, facility, establishment, or other place or property:



- where a hazardous substance or pollutant or contaminant may be or has been generated, stored, treated, disposed of, or transported from.
- from or to which a hazardous substance or pollutant or contaminant has been or may have been released;
- where such release is or may be threatened; or
- where entry is needed to determine the need for response or the appropriate response or to effectuate a response action.

Property owners must grant access in writing before EPA or its contractors may enter onto a site. Therefore an access agreement should be drafted and sent to all owners of the property. Most such access agreements follow a standard template. Access should not be open-ended; the agreement should describe what activities EPA plans to conduct at the site and include a schedule for access that will allow EPA enough time to complete its work at the site. The agreement should also ensure that the site owner or a representative may be present when EPA personnel are on site. It is often helpful to contact the site owner informally before sending out an access agreement. This gives the owner advance warning and the opportunity to try to schedule EPA's access so as not to interfere unduly with normal business activities.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

URGENT LEGAL MATTER ■ PROMPT REPLY NECESSARY
CERTIFIED MAIL ■ RETURN RECEIPT REQUESTED

DATE: October 06, 2011

NAME: Ms. Dominique M. Gabriel, President,
Crane River Condominiums (East) Trust

ADDRESS: 33 Water Street, Unit 22,
Danvers, MA 01923

Re: **REQUEST FOR ACCESS TO PROPERTY**
Crane River Condominiums (East) Trust
27 - 33 Water Street, Danvers, MA 01923

Dear Ms. Gabriel:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the property located at 27 - 33 Water Street, Danvers, MA. The property is further defined at the Essex County South District Registry of Deeds in Book 9131, Page 510, as amended, being the organization of Unit Owners of Crane River Condominium (East), a condominium established by Master Deed dated August 12, 1987 and recorded with said Registry in Book 9131, Page 491, as amended.

EPA requests access to the property to conduct a limited preliminary assessment and site investigation (PA/SI) at the Creese and Cook II Site (Site). A PA/SI is necessary to evaluate the potential danger to public health and/or the environment posed by the release or threat of release of hazardous substances. The type of activities which EPA expects to perform include:

- Taking surface and subsurface soil samples as may be determined necessary.
- Excavating holes for subsurface investigation
- Reviewing and copying any documentation found on-site regarding materials, including hazardous substances, pollutants or contaminants, or hazardous waste, that were generated, treated, stored or disposed of at the Site.

EPA also requests access to documentation which provides information about materials, including hazardous substances, pollutants or contaminants, or hazardous waste, that were generated, treated, stored, or disposed of at the Site. In addition, if you have information and



documentation regarding other parties involved in the activities which may have resulted in contamination at the Site, you should contact Cindy Lewis at the EPA Office of Environmental Stewardship at (617) 918-1889.

EPA is allowed to seek this information and conduct such investigations pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). The authorization provided by CERCLA includes access to private property for the purpose of determining the need for response actions, performing response actions, and/or enforcing CERCLA.

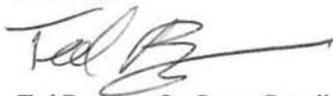
Please signify your consent to access by signing the attached document in the space provided, and return it to me at the following address:

Ted Bazenas, On-Scene Coordinator
U. S. EPA - New England, Region 1
5 Post Office Square, Suite 100 – OSRR02-2
Boston, MA 02109-3912

The access agreement must be signed by owners, operators or their authorized representatives of the property. Please provide the name, address, and telephone number of a designated contact for future communications. Please reply this request within **ten (10) business days** of your receipt of this letter. Enclosed with this letter is a fact sheet responding to frequently asked questions about EPA's authority to access property under CERCLA.

Your cooperation in assisting with completion of activities at the Site is appreciated. If you have any questions, I may be contacted at (617) 918-1230. All communications from your legal counsel should be directed to Cindy Lewis of the EPA Office of Environmental Stewardship at (617) 918-1889.

Sincerely,



Ted Bazenas, On-Scene Coordinator
Emergency Response & Removal Section I

Enclosure

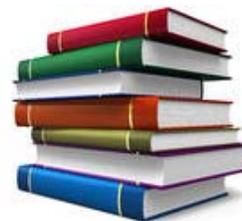
cc: Site file: Creese and Cook II Site Files
Cindy Lewis, EPA Enforcement Counsel
Martha Bosworth, Enforcement Coordinator



Owners should be given a period of 10-14 days to respond to an access letter. If there is no response within that period, send a follow-up request via certified mail or, if possible, deliver the letter by hand. Make sure you are documenting all attempts to contact the owner, such as phone calls, e-mails, and letters. If all other attempts are unsuccessful, EPA can petition a court to obtain a warrant for access. This alternative is time-consuming and should only be used as a last resort.

Try to visit the site as early as possible after you have received proper authority. Many sites will have records available that can be used to establish liability. Look through filing cabinets, archive-type boxes, desk drawers, ledgers, and any other record repository. Some sites, especially bankrupt facilities, will be messy or even dangerous. EPA employees on site will need to be prepared and should be briefed on all health and safety concerns. In practice, 104(e) information request and site access letters will be issued more or less simultaneously with identifying and reviewing the types of records discussed in Chapter 3.

REFERENCES



Information Requests – 104(e) Question Categories Web page
<http://www2.epa.gov/enforcement/superfund-information-request-letters>

Transmittal of Guidance on Issuing CERCLA Section 104(e)(2) Information Requests to Federal Agencies at Privately-owned Superfund Sites
<http://www2.epa.gov/enforcement/guidance-issuing-superfund-104e2-information-requests-federal-agencies-privately-owned>

Transmittal of Sample Documents for More Effective Communication in CERCLA Section 104(e)(2) Information Requests
<http://www2.epa.gov/enforcement/guidance-sample-documents-effective-communication-under-cercla-section-104e>

Transmittal of Model Consent Decree for CERCLA Section 104(e) Information Request Enforcement Actions
<http://www2.epa.gov/enforcement/model-cercla-section-104e-information-request-enforcement-actions-consent-decree>

Transmittal of Guidance on Use and Enforcement of CERCLA Information Requests and Administrative Subpoenas
<http://www2.epa.gov/enforcement/guidance-use-and-enforcement-cercla-information-requests-and-administrative-subpoenas>

PRP Search Manual, Section 3.1.5 (“Special Planning Considerations”)
<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Releasing Information to Potentially Responsible Parties at CERCLA Sites
<http://www2.epa.gov/enforcement/guidance-releasing-information-prps-cercla-sites>

Releasing Identities of PRPs in Response to FOIA Requests
<http://www2.epa.gov/enforcement/guidance-releasing-prp-identities-foia-responses>

EPA Regulations Governing Business Confidentiality Claims (40 C.F.R. § 2.201-2.215)
http://www.access.gpo.gov/nara/cfr/waisidx_01/40cfr2_01.html



Chapter 5 - Performing Title Searches

OVERVIEW

A title search is a review of public records for information about past and current ownership of real property. The title search is a key component of any site history and, except in exceptional cases, is always part of the PRP search process. For PRP search purposes, the objectives of a title search include:

- identifying former and current owners and operators;
- identifying owners and operators at the time of each disposal;
- identifying potential interviewees;
- providing an accurate legal description of affected property; and
- identifying current property encumbrances, including easements, covenants, and restrictions.

A title search should cover the period during which contamination is suspected to have occurred down to the present. Title searches should be carefully tailored to each site's specific needs, however, as they can be very expensive, especially if a site is comprised of many parcels or if the title history is long and complicated.

Some county governments have all title information available on line, making it possible to complete a title search on your computer. Others will have incomplete or no title search information on line and the title search will have to be conducted on site at the county courthouse. If you plan to travel to the courthouse to conduct a title search, determine the location and hours of operation of the tax assessor's office and deed room. It is also important to confirm the methods of payment that are accepted, how much copies will cost, and any special rules for making copies. Most the time this information can be found either on line or by contacting the county by phone. Copies typically cost anywhere from 25 cents to \$5 a page. Certified copies typically cost more than regular copies.

TYPES OF TITLE SEARCH DOCUMENTS

Title documents of which you may need to obtain copies include the following:

- Warranty Deeds
- Quitclaim Deeds
- Tax Deeds/Sheriff Deeds

-
- Mortgages/Deeds of Trust
 - Leases
 - Property Plats
 - Trustee's, Administrator's, and Executor's Deeds
 - Patents
 - Deeds of Reconveyance
 - Financing Statements
 - Judgments and Lis Pendens
 - Real Estate Contracts
 - Agreements
 - Mineral Leases
 - Oil and Gas Leases
 - Plat Maps of Subdivisions
 - Easements
 - Mining Claims

The most important provision of any deed is the legal description of the property.



The most common types of title document you will come across are warranty deeds and quitclaim deeds. In a warranty deed, the seller warrants or guarantees that he has a specific interest in the property to convey. In a quitclaim deed, he conveys whatever interest he has but does not warrant or guarantee that he has a specific interest or that he is the only person with an interest in the property. The most important provision of either type of deed is the legal description of the property being conveyed. Property may be described by:



- Metes and bounds;
- Reference to a certain lot or lots in a recorded plat;
- Fractions of sections (Public Land Survey System or PLSS);
- Parcel number;
- Deed reference; or
- Any combination of the above.

Below is a legal description in metes and bounds.

PARCEL 2

A parcel of land in Lot 37, *ASSESSOR'S SUBDIVISION OF THE G. ALVAREZ GRANT*, as recorded in Map Book 3, page 137 of the Public Records of ██████████ County, Florida, described as follows: Commence at the Southwest corner of said Lot 37, thence run East along the South line of said Lot 37 North 74° East a distance of 2931.07 feet, thence continue North 74° East a distance of 167.3 feet to the West right-of-way line of Mango Drive, thence run along said West right-of-way line north 22° 06' West a distance of 239.5 feet for the Point of beginning, thence continue along said right-of-way line a distance of 50 feet, thence run south 67° 37' 40" West a distance of 166.3 feet, thence South 22° 06' East a distance of 50 feet, thence North 67° 37' 40" East a distance of 166.3 feet to the point of beginning.

038
FROM
2332
148

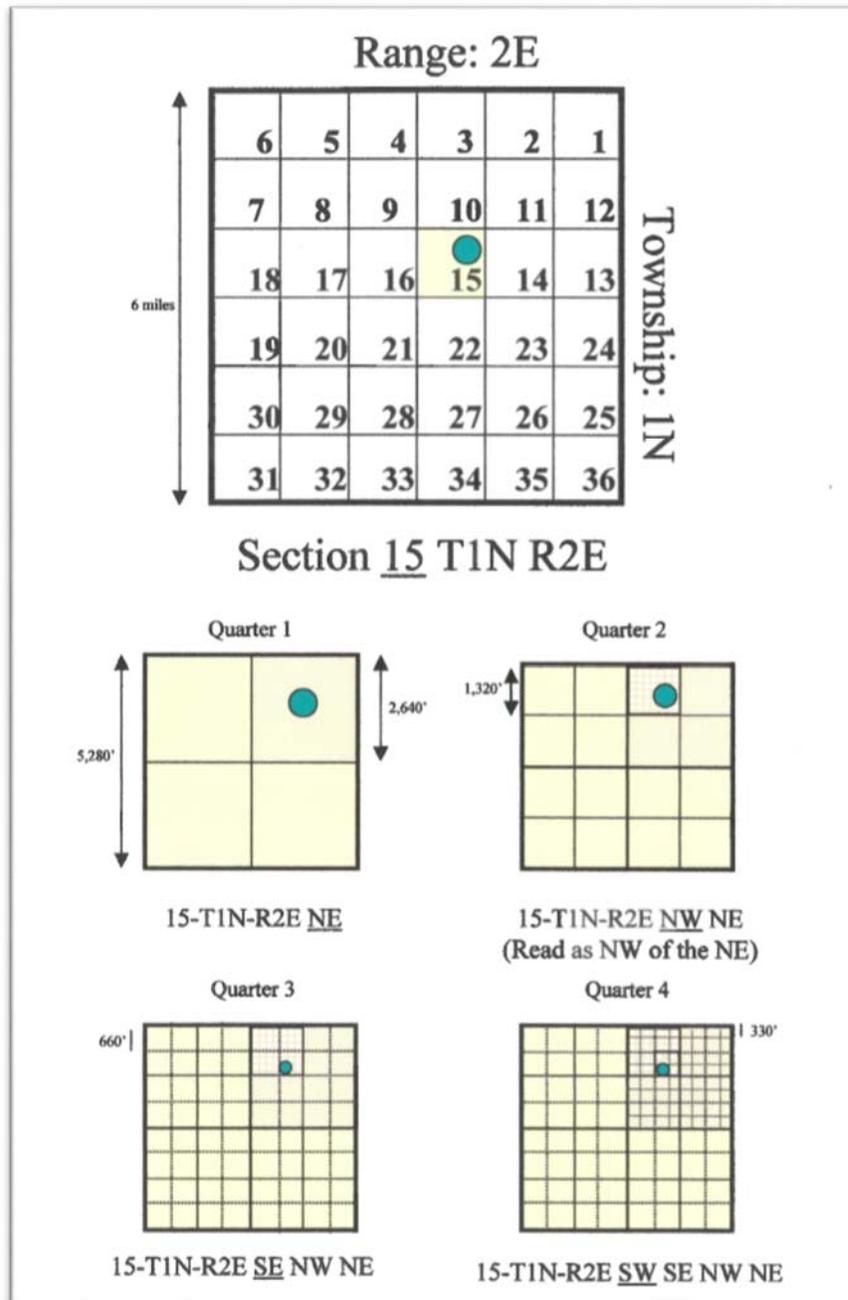
The following legal description is in fractions of sections using the Public Land Survey System.

payable annually in advance, the following described land situated in ██████████ County, Mississippi, to-wit:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 7 South Range 11 West, except that part of said property described as follows:

Commencing at the NW corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16 Township 7 South Range 11 West, ██████████ County, Mississippi, due East a distance of 167.25' to West back edge of Three Rivers Road, side ditch; thence South along back edge of road side ditch to intersection with north R/W line of G. & S. I. R.R. Spur, thence on north G. & S. I. R.R. R/W a distance of 179.0' to intersection W/east 1/8 section line, thence on east 1/8 section line due north a distance of 339.33' to point of commencing,
Approximately 1.348 Acres.

Public Land Survey System



It is important that you read and understand the legal description to make sure that the entire property you are researching is changing hands in the described transaction as property is often split up and sold separately or combined with other property during a sale.

NEIGHBORING PROPERTIES



Additional title searches may be necessary if contamination has been found migrating off site. A title search also may be conducted for parcels adjacent to the site if, for example, EPA will need to obtain access from owners or ultimately implement institutional controls on properties which are adjacent to the site. In addition, a title search of adjacent parcels may disclose names of people familiar with past or present site activities who can be contacted and interviewed. It also may provide information about other activities in the area that may have contributed to contamination at the site.

HOW TO CONDUCT A TITLE SEARCH

The following outlines a step-by-step guide to complete an in-person title search at a county courthouse complex. These steps can also provide a useful guide for conducting on-line title searches.

1. The first step on site should be to visit the Tax Assessor's office (other possible office names include Property Appraiser, Real Property, and Appraiser). Using the owner name or street address, obtain a copy of the current deed reference.

2. While at the Tax Assessor's office, obtain copies of a tax map and property card. A property card will have all the information you will need to perform a title search. It will include:
 - a. Parcel number;
 - b. Owner name;
 - c. Mailing address;
 - d. Property location or address;
 - e. Acreage;
 - f. Evaluation;
 - g. Current deed reference – Book/Page/Date;
 - h. Previous deed references – Book/Page/Date;
 - i. Sales history;
 - j. Sales prices; and
 - k. Legal description – brief excerpt from deed, e.g., "5-acre tract."

-
3. The next step will be to visit the deed room (also known as Register of Deeds, Chancery). Using the deed reference you have obtained, locate the property in the deed books. A deed book will be separately indexed by grantor and grantee and should be organized either chronologically or alphabetically.
 4. Once you have located your property, first search forward to the present to see if the property has recently been sold and the tax assessor's records are out of date. Then search backward to record the history of the property. Typically you should search back in time to the first industrial use of a property or the date a developer acquired property from individuals.
 5. Make copies of all the deeds of interest. Make sure the book number is on the deed you copy. If not, write the deed number in the corner.

PRP VIABILITY

One aspect of a PRP search is determining if the responsible parties have the financial means to pay for the site cleanup. One way to determine this is by looking at the PRPs' assets and liabilities. Determining what is an asset and what is a liability will be discussed in more detail in upcoming chapters and in more advanced training. For our purposes here, an asset would be other real property owned by the PRP in addition to the property whose title you are currently searching. This information can be obtained from the Tax Assessor's office. A liability would be an "encumbrance" on the property, including a mortgage or a lien. This information will be found in the indices kept in the deed room. If a mortgage or lien has been satisfied, this will also be noted. Include in the title search report any outstanding lien or mortgage on a property.

TITLE SEARCH REPORT

Title search activities should be summarized in a title search report. The title search report should include the current owners, previous owners, dates, site description, and location of the property. The title search report can be organized in many different ways, as long as it conveys the needed information. Examples appear on the following pages.

Title Search Report



320 Church Street NE
P.O. Box 652
Salem, OR 97308-0652
503-581-1431 FAX 364-8716

USEPA
1200 6th Avenue, Suite 900 ORC-158
Seattle, WA 98101
Attn: Grechen F. Schmidt

March 13, 2014
Title Number : 099184L
Title Officer : MICHELE M. HARRIS
Your Reference: --

STATUS OF RECORD TITLE REPORT FOR:
140 Queen Ave SW
Albany, OR 97322

<u>Policy or Policies to be issued:</u>	<u>Premium</u>
STATUS OF RECORD TITLE REPORT	\$200.00
LIMITED CHAIN OF TITLE REPORT	\$100.00

We have searched the status of record title as to the following described property:

See Exhibit "A"

and dated as of March 11, 2014 at 8:00 A.M.

We find the last deed of record runs to:

Pacific Cast Technologies, Inc., a Nevada corporation

Said property is subject to the following on record matters:

1. Property taxes for the year 2009-2010 delinquent
Original amount : \$55,410.86, plus interest
Map & Tax Lot No. : 11S-03W-07CD 1105 A1
Account No. : 914614
Code : 0801
Affects : Improvement Only
2. Property taxes for the year 2010-2011 delinquent.
Original amount : \$166,398.65, plus interest
Map & Tax Lot No. : 11S-03W-07CD 1105 A1
Account No. : 914614
Code : 0801
Affects : Improvement Only
3. Property taxes for the year 2011-2012 delinquent.
Original amount : \$172,680.14, plus interest
Map & Tax Lot No. : 11S-03W-07CD 1105 A1
Account No. : 914614
Code : 0801
Affects : Improvement Only

Chain of Title

Order No. 099184L
Page 4

NOTE: Property taxes for the year 2013-2014, PAID IN FULL
Amount : \$7,031.23
Map and Tax Lot No.: 11S-03W-07CD 1105 A2
Account No. : 918846
Code : 0801
Affects : Real Property/Improvement Only

CHAIN OF TITLE

Document : Bargain and Sale Deed
Grantor : Hopton Technologies, Inc. now known as Molecular Technologies and Trade
Grantee : Hopton Technologies Int LLC
Recorded : March 30, 2000 MF Vol: 1097 Page: 587

Document : Warranty Deed
Grantor : Hopton Technologies Int LLC
Grantee : EKA Chemicals, Inc.
Recorded : March 7, 2001 MF Vol: 1160 Page: 128

Document : Warranty Deed
Grantor : Wyman-Gordon Titanium Castings, LLC
Grantee : Pacific Cast Technologies, Inc.
Recorded : September 7, 2001 MF Vol: 1214 Page: 1214

Document : Warranty Deed
Grantor : EKA Chemicals, Inc.
Grantee : EKA Chemicals, Inc.
Recorded : February 8, 2002 MF Vol: 1262 Page: 930

Document : Special Warranty Deed
Grantor : EKA Chemicals, Inc.
Grantee : Capital Acquisitions LLC
Recorded : June 30, 2004 MF Vol: 1596 Page: 896

Document : Warranty Deed
Grantor : Capital Acquisitions, LLC
Grantee : Absorbent Technologies, Inc.
Recorded : July 26, 2006 2006-018191

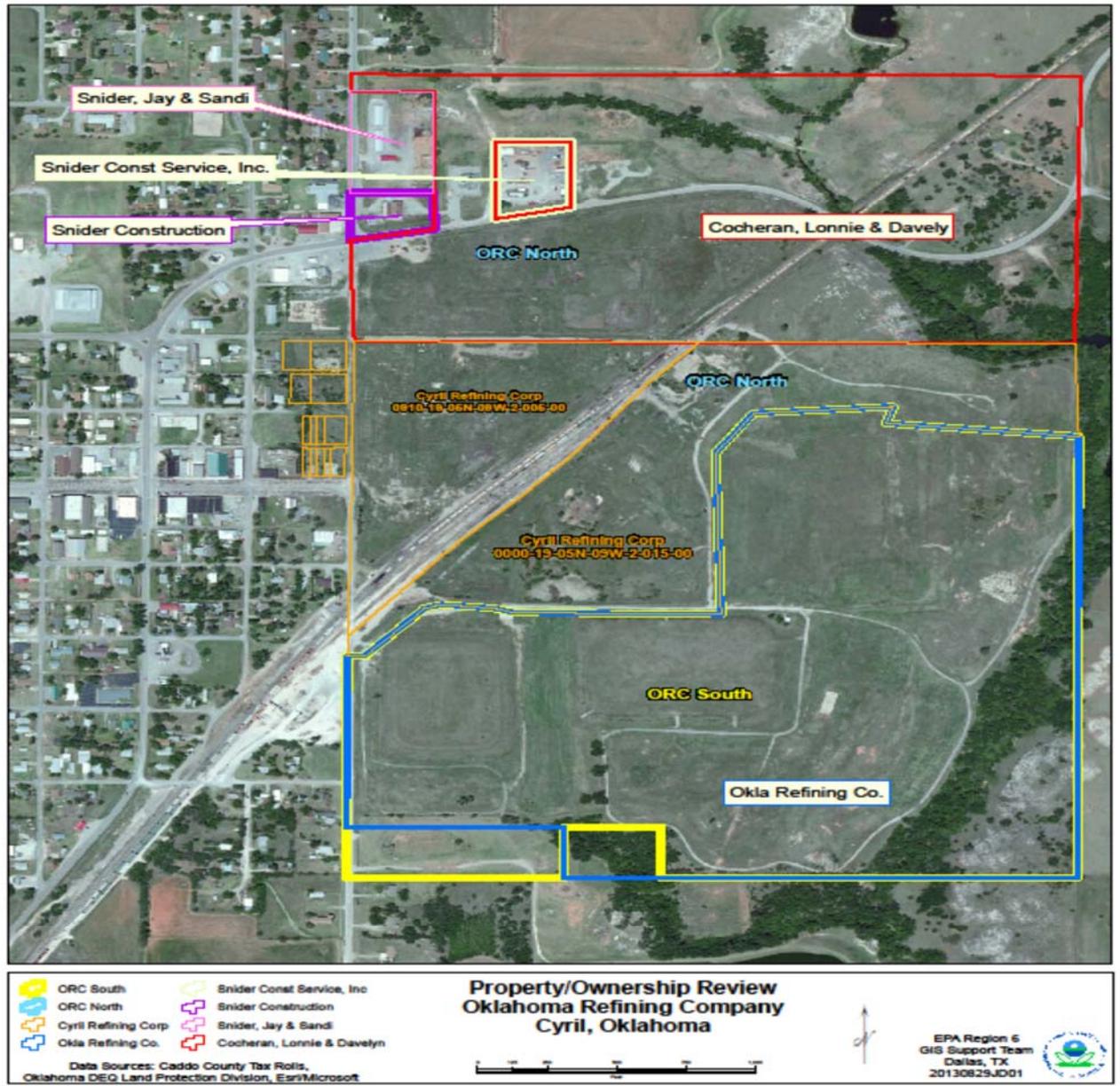
Document : Special Warranty Deed
Grantor : Absorbent Technologies, Inc.
Grantee : Farouk H. Al-Hadi and David L. Ellis and Pamela L. Ellis
Recorded : July 26, 2006 2006-018192

Document : Warranty Deed
Grantor : Farouk H. Al-Hadi and David L. Ellis and Pamela L. Ellis
Grantee : Pacific Cast Technologies, Inc.
Recorded : February 18, 2014 2014-001760

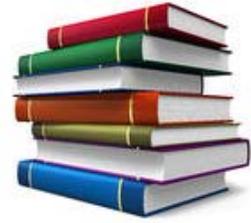
Chain of Title in PRP Report

Date	Grantor	Grantee	Document#
3/30/2000	Hopton Technologies Inc (n/k/a Molecular Technologies & Trade Inc.)	Hopton Technologies Int LLC	1097/587
3/7/2001	Hopton Technologies Int LLC	EKA Chemicals Inc.	1160/128
9/7/2001	Wyman-Gordon Titanium Castings LLC	Pacific Cast Technologies Inc.	1214/246 (ATI property listed as exemption in property description)
2/7/2002	EKA Chemicals Inc.	EKA Chemicals Inc.	1262/930
6/28/2004	EKA Chemicals Inc.	Capital Acquisitions LLC	1596/896
7/26/2006	Capital Acquisitions LLC	Absorbent Technologies Inc.	2006-18191
7/26/2006	Absorbent Technologies Inc.	Farouk H. Al-Hadi, an undivided ½ interest & David L. Ellis and Pamela L. Ellis, husband and wife, an undivided ½ interest	2006-18192
2/18/2014	Farouk H. Al-Hadi, an undivided ½ interest & David L. Ellis and Pamela L. Ellis, husband and wife, an undivided ½ interest, all as tenants in common	Pacific Cast Technologies, Inc.	Warranty Deed- Statutory Form 2014-01760 (a portion paid to a facilitator pursuant to an IRC 1031 Tax Deferred Exchange)

GIS Map



REFERENCES



PRP Search Manual, Section 3.5 (Perform Title Search)

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Potentially Responsible Party Internet Information Sources (PRPIIS)

See Appendix C.

USLegal

<http://www.uslegal.com>

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Chapter 6 - Conducting Interviews

Interviews complement the collection of relevant site records and aid in the development of site-specific information that may not be recorded in government and potentially responsible party (PRP) documents. Interviews are generally performed to identify additional PRPs or gather evidence for liability determinations. If site documents do not exist, interviews may be the only method available to obtain the information needed to complete the search. If site documents do exist, interviews may help clarify the content of the documents or identify additional leads.

MYTHS ABOUT INTERVIEWS

There are a number of myths that people have about how to conduct interviews. The goal of this chapter is to explain what interviews are and what they are not. The chapter will also provide helpful tips for conducting interviews. The most common interview myths are the following.

- High technology solves most cases.
- There is lots of training on how to conduct interviews.
- Interviewing can be learned solely from experience.
- Good interviewers are born, not made.
- Interviewing is just questions and answers.

Good interviewers are made, not born.



Investigators, not scientists, solve most cases. DNA (deoxyribonucleic acid) testing and other hi-tech investigative tools cannot replace a good interview. Training for conducting interviews is inadequate in most organizations, including EPA. Most organizations assume that you can learn interviewing skills through experience. This is also a myth; although experience is important, learning how to conduct effective interviews requires real training and practice. Everyone hired by EPA has enough skill to be a good and effective interviewer. Interviews are also never just “Qs and As.” A good interview requires an emotional connection with the interviewee.

INTERVIEW CONSIDERATIONS

There are other factors to consider before deciding to conduct interviews. One of the most important is the time required to plan, coordinate, and conduct interviews. Investigators typically spend two to three times more time preparing for an interview than conducting the actual interview. A considerable amount of time is also devoted to writing up the results of an interview. The PRP search team needs to evaluate beforehand if an interview is likely to result in valuable information that would make the time spent worthwhile. Investigators should also

consider the location and availability of interviewees. Arranging travel time can be difficult and you need to consider when a subject will be available for an interview.



One factor to consider is that EPA interviews normally have less evidentiary value than a signed 104(e) information request letter. A signed 104(e) information response is more likely to be admissible in court while interviews are sometimes not allowed into evidence. 104(e) letters have to be certified by the PRP as being complete and notarized. Also, there are penalties of up to \$37,500 per day for failure to fully and truthfully respond to a 104(e) request.

Interviews do have some advantages over 104(e) information requests. Interviews allow for immediate follow-up questions without having to send an additional 104(e) letter, and people often give broader and higher quality answers in an interview. There are also some witnesses who have a hard time with 104(e) letters because of ill health, age, or illiteracy.

Interview topics will vary from site to site and depend on the interviewee. The interviewer should seek to gather information on:

- Existing records;
- Location of additional records;
- Site activities that led to contamination;
- Nature and extent of contamination;
- Location of site contamination; and
- Other potential interviewees.



Interviewees are typically persons who may be able to identify or locate PRP and site documents. After a thorough review of collected site information, the PRP search team should develop a list of potential interviewees by name and address. Potential interviewees include:

- Site operators (plant managers, plant workers, contractors, truck drivers);
- On-site visitors (vendors, inspectors, recyclers, customers);
- Government officials (courts, law enforcement agencies, the SEC, state environmental agencies); and
- Local witnesses.

The universe of interviewees is always case-specific. The interviewee selection should be based on whether he or she is necessary to strengthen your case for cost recovery, negotiation, or litigation.

There are 10 important qualities of a good interviewer.

- Professional behavior (acting within your scope of authority)
- Attitude (open-minded)
- Flexibility
- Curiosity
- Imagination
- Intuition
- Neutrality
- Active listening
- Rapport
- Patience



EIGHT STEPS

All good interviews have a definite structure. The following is from John Hess's book *Interviewing Interrogation for Law Enforcement*.

Step 1 – Preparation

Preparing for an interview means knowing all the case facts and what questions you plan to ask the interviewee. It also means scheduling the interview during the appropriate time during an investigation. An interview should not occur so early that many pertinent facts of the case have yet to be uncovered or so late in the investigation that it is unlikely to provide new information. It is also important to consider the location of an interview; government buildings may be appropriate for some interviews, but not all.

Step 2 – Introduction

It is important always to introduce yourself with your name, authority/position, and the purpose of the interview. Be especially careful about the purpose, since you never get a second chance to make a first impression

Step 3 – Establish Rapport

Establishing rapport with the interviewee will lead to a more cooperative interview. This can be accomplished through the use of flattery, mirroring the interviewee's mannerisms, and withholding judgment. It is also important that you are detached from the subject and do not criticize what the interviewee has to say.

Step 4 – Question Formulation and Techniques

An interview is successful when the interviewee provides the truth. Well-crafted questions can lead the interviewee to tell the truth. Open-ended questions work best and provide the interviewee with an opportunity to tell his or her story. Closed questions, i.e., yes-or-no questions, work better with reluctant interviewees. Simple questions often encourage compliance more than complicated questions. Complex and specific questions should only be asked after evaluating the interviewee’s initial responses. It is also important never to ignore an unanswered question and move on to another topic. Instead ask the question again varying the wording. Many investigators have a hard time asking tough questions. Tough questions would include, “What is in that unlabeled barrel?” “Where are the missing records?” “Who else knows about the release?” Sometimes these kinds of questions need to be asked, even if they make the interviewee uncomfortable.



Step 5 – Verification

One of the worst things that can happen to an investigator is having a witness recant or change his or her story later, especially in front of the prosecutor, attorney, or, worst of all, in court. This can happen either because interviewers often hear what they want or expect or because witnesses often think one thing and say another. This can be avoided by paraphrasing the witness’s testimony and repeating it to him or her for confirmation and possible elaboration. Signed statements are also a good way to confirm a witness’s testimony, especially if they are written by the witness. Written statements and recordings are always completely voluntary and should never be elicited with promises or threats. An investigator needs to be prepared to provide the witness with copies of statements or recordings.

Step 6 – All-Inclusive Questions

It is important to ask an all-inclusive question at the end of the interview, such as, “Now that I have gone over the facts, can you think of anything else that might be of value, anything I forgot to ask.” This type of question often elicits information that you did know was pertinent or available.



Step 7 – Departure

Leaving an interview can be as important as the introduction. The rapport that was established during the interview should be sustained afterward. Sometimes the best information obtained is after the official interview is completed.

Step 8 – Review

It is important to ask yourself what you would do differently if the interview were to take place again. Try not to think in terms of an overall rating, but look at the individual parts. Did I develop rapport? Did I ask open-ended questions? Did I listen actively? An interviewer will only improve if he or she takes the time to evaluate what could have been done better.



TELEPHONE INTERVIEWING TECHNIQUES

Investigators often find it necessary to conduct interviews over the telephone due to geography, time constraints, or other scheduling factors. Telephone interviews have some advantages over face-to-face interviews, and some disadvantages. You should evaluate them before deciding that a telephone interview is advisable, and be aware of them while conducting the interview.

Advantages and Disadvantages

There are three main advantages to telephone interviews:

1. They may be cost- and time-effective. This is likely to be the case when the subject is located in a distant geographical location or his availability is limited due to travel or other conflicting activities.
2. The subject's responses will not be prepared in advance. This may result in more spontaneous responses that suggest new lines of inquiry to the interviewer or reveal inconsistencies in the information provided by the subject.
3. The subject may be willing to answer questions that he or she would not be willing to answer in a face-to-face interview. Certain potentially embarrassing topics may be easier for the interviewee to talk about in the relatively anonymous context of a telephone interview.

There are some disadvantages too. The interviewer has less control over the subject and the interview environment. This may hamper his efforts to keep the interview "on track" due either to distractions in the environment or simply the ease with which the interviewee can terminate the interview. Closely related to this lack of control is the interviewer's inability to evaluate the subject's non-verbal behavior. As we have seen, this is one of the interviewer's most important skills, and not being able to use it may prevent him from accurately assessing how the interview is going and adjusting his interview strategy accordingly.

Interrogating over the Telephone

The most important rule is not to adopt an accusatory style of interrogation. There are several reasons for this. First, the likelihood of obtaining a confession in an uncontrolled environment is remote. We have seen how control of the environment, emphasizing the formality of the process

and including the personal presence and authority of the interviewer, can help elicit a confession. These persuasive elements are absent in a telephone interview. Moreover, once the subject has given a telephone interview, he or she is unlikely to agree to a face-to-face interview. He or she may feel they have “done their bit” or be put on their guard by the line of questioning. And even if he or she does confess, there is no witness to the confession, leaving the subject free to deny the confession later.

Environmental Considerations

It is essential that a telephone interviewee be somewhere private. This will reduce the incidence of distractions and interruptions, and also remove people who may have an inhibiting effect on the interviewee. If the subject’s environment does not sound private to you, offer to call back at another time or place.

Timing Considerations

Interviewees who have limited time to talk will usually give unsatisfactory interviews. They will be preoccupied, unable to focus on the questions fully, and provide hurried and fragmentary responses. To help prevent these outcomes, do not contact interviewees at mealtimes or just before leaving for or from work. To maximize the likelihood of successful interviews, try to call when they are most likely to be alone, e.g., when the kids are at school or the spouse is at work.



Six-Step Interview Structure

1. **INTRODUCTION.** The goal is to establish rapport with the interviewee. Introduce yourself, identify the purpose of the interview, and explain the question-and-answer format you plan to follow
2. **INITIAL OPEN QUESTION.** This step is designed to get the subject used to talking to you as well as to elicit specific information. It also casts the subject in the role of expert on the topics of interest to you. The initial open question may take forms such as, “Can you tell me everything that happened . . . “ or “Can you explain exactly how . . . “ Naturally, the initial open question may generate further, more detailed questions.
3. **DRAWING OUT A COMPLETE RESPONSE.** Once the interviewee is talking, you want him to continue. You can encourage this by assuring him that you find his responses pertinent and valuable, and that you are eager to hear more. Expressions such as “OK,” “I see,” “Alright,” and “Please continue” are usually sufficient to convey your satisfaction with his answers.
4. **CLARIFYING QUESTIONS.** It will be necessary to ask questions of this kind to fill in gaps in the subject’s responses or to provide necessary context for understanding them. They are also a means of encouraging him to keep him talking, and may serve to jog his memory about details he or she may have overlooked or not considered important. Clarifying

questions may take forms such as, “Can you tell me about . . . ,” “Can you clarify exactly what you meant by . . . ,” or “Could you give me an example of”

5. **ASKING DIRECT QUESTIONS.** An interviewer asks this type of question to get at specific pieces of information that are crucial to the investigation. You may go into the interview with these questions clearly in mind, but some may occur to you as you learn more from the interviewee. Either way, they are best asked once rapport has been established, the subject has gotten accustomed to talking with you, and you have conveyed the idea that the interview is proceeding satisfactorily. Then the subject is likely to be most receptive to questions such as, “Did you . . . ? ,” “Do you know who . . . ? ,” “and “Is it possible that . . . ?”
6. **SUMMARY STATEMENT.** A summary statement is useful for reinforcing the interviewee’s commitment to any assertions he or she has made. Affirming his assertions may prepare him for a face-to-face interview, and working with you to draft and agree on a summary statement will keep the line of communication between you open for future conversations.

REFERENCES



PRP Search Manual, Section 3.4 (“Conduct Interviews”)

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

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Hess, John E. *Interviewing and Interrogation for Law Enforcement*, Second Edition. Matthew Bender & Company (2010)

Holmes, Warren D. *Criminal Interrogation: A Modern Format for Interrogating Criminal Suspects Based on the Intellectual Approach*. Charles C. Thomas Publisher (2002)

Kelly, Patrick J. “Interview and Persuasion Techniques”, Presentation at 7th National Training Conference on PRP Search Enhancement (June 2010).

Lieberman, David J. “Never Be Lied to Again”. DJL Media (2010)

Navarro, Joe. *What Every Body is Saying: An Ex-FBI Agent’s Guide to Speed-Reading People*. HarperCollins e-books (August 2007)

Rudacille, Wendell C. *Identifying Lies in Disguise*. Kendall Hunt Publishing Co. (1994)

Walters, Stan B. *Principles of Kinesics Interview and Interrogation*. CRC Press, Inc. (1996)

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Chapter 7 - Business Entities as PRPs

As we have already seen, Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) identifies four classes of person who are potentially liable to perform or pay for site cleanup. The term “person” is in turn defined by Section 101(21) to include “an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body.” Obviously, business entities account for a substantial proportion of the “persons” who may find themselves liable under Section 107(a).

The terms used to describe business entities vary by jurisdiction, but the following are in general use and cover the majority of such entities:

- Sole proprietorships,
- Partnerships,
- Corporations,
- Limited liability companies, and
- Joint ventures.

Each of these is characterized by significant differences in ownership and management.

SOLE PROPRIETORSHIP

- A business owned and operated by an individual.
- All assets of the business are owned by the individual.
- The individual owner/operator is liable for all debts and obligations of the business.



PARTNERSHIP

- Associations of two or more persons to carry on a business for profit as co-owners.
- Each “general” partner is personally liable for all debts and obligations of the partnership.
- Each “limited” partner’s liability is limited to the amount of his investment.



JOINT VENTURE

- A partnership that is usually limited in purpose and duration.
- Partners in a joint venture are usually other business entities, often corporations.

CORPORATION

- A corporation is a legal entity that is an “artificial person” for legal purposes.
- A corporation is created under state law and is separate from the shareholders who own it.
- A “subsidiary” is a corporation owned in whole or in part by another corporation.
- Corporations may be public or private. A public corporation is usually authorized to sell shares to the public, is traded on a public stock exchange, and is subject to extensive statutory reporting requirements on its activities and finances.
- Management functions are divided among incorporators, directors, officers, and shareholders.



LIMITED LIABILITY COMPANY (LLC)

- An entity that affords the owners liability protections similar to those available to corporate shareholders without all the rights and duties of a corporation.
- Special-purpose entities such as professionals doing business as a company are often organized as LLCs.

HOW ARE CORPORATIONS CREATED?

Corporations are creatures of state law. Every state has a corporations law that authorizes and specifies the requirements for creating a corporation. Articles of incorporation, which act as a sort of “constitution” for the company, are generally filed with the secretary of state or similar state official.

Shareholders in a corporation are not personally liable for its debts.



Corporations may exist in perpetuity, and are generally authorized to do everything necessary to accomplish their business purposes, including acquiring and holding real and personal property and borrowing and lending money.

LIABILITY PROTECTIONS

One of the great advantages of the corporate form of business organization is the liability protection it offers the owners. Shareholders in a corporation are not personally liable for the corporation’s debts. Each

shareholder risks only the amount of his investment. Shareholders are therefore insulated from the liabilities of the corporate enterprise.

EXCEPTIONS TO LIMITS ON CORPORATE LIABILITY

In order to prevent abuse of the corporate form, legislatures and courts have created exceptions to the liability protections normally afforded to shareholders and other corporate actors. Some of the most important of these exceptions are discussed below.



- **PIERCING THE CORPORATE VEIL.** This is a legal theory used to ignore the corporate “person” and hold shareholders individually liable. Courts have usually invoked this theory when they find that the corporation has no existence separate from the individual shareholder and is only his “alter ego”. Evidence of being a mere “alter ego” includes failure to comply with corporate formalities, commingling of corporate and individual assets, undercapitalization of the corporation, and use of the corporation to commit illegal or fraudulent acts.
- **DIRECT LIABILITY.** The U.S. Supreme Court ruled in *United States v. Bestfoods*, 524 U.S. 51 (1998) that a parent corporation may be directly liable under CERCLA if it managed, directed, or conducted operations of a subsidiary related to pollution. The court stated that in order to impose direct liability, this involvement must exceed corporate norms. There is a presumption that an employee of both the parent and subsidiary is acting on behalf of the subsidiary.

Courts have also applied the *Bestfoods* direct liability standard to corporate officers, directors, employees, and shareholders. Any of these actors may be found directly, i.e., personally liable if he (1) participated personally in the activity leading to the release of hazardous substances, or (2) exercised direct control over environmental management of the facility, including waste handling or disposal operations.

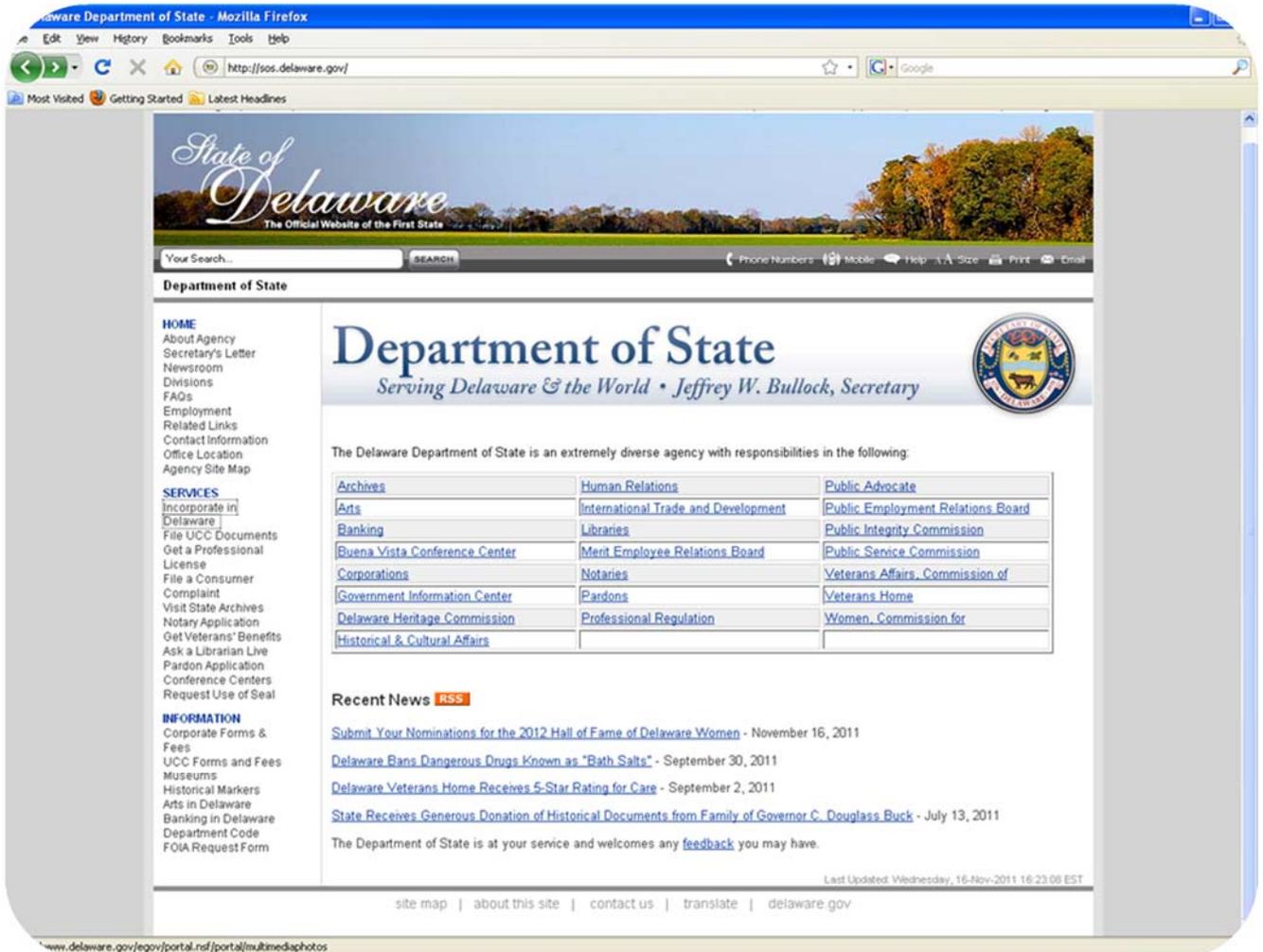
CORPORATE HISTORY

The history of any corporation begins with the time and place of incorporation. Subsequent events may complicate the potentially responsible party (PRP) search and raise questions as to the corporation’s liability. In general, these are (1) name changes, (2) mergers and consolidations, and (3) asset purchases.



- **NAME CHANGES.** Companies may operate under multiple names, especially when they are divided into different divisions. They also may use trade names, “doing business as” (dba) names, or even fictitious names. Regardless of how a name change comes about, it has no bearing on liability. A corporation (or any other business entity) is the same for

liability purposes regardless of what it is called. In other words, a company cannot avoid liability simply by changing its name. On the other hand, name changes can make it difficult to determine the identity of a PRP. Corporate and other business entities' name changes can be traced in the files of the secretary of state and the Securities and Exchange Commission (SEC) and in trade or financial journals.



- **MERGERS AND CONSOLIDATIONS.** A merger is the absorption of one corporation into another with the surviving corporation acquiring all the assets and liabilities of the one it absorbs. In a consolidation, two or more corporations transfer all their assets and liabilities to a new corporation. In either case, the surviving corporation inherits or “succeeds to” all the liabilities of its merger partner or predecessors. Both mergers and consolidations often result in name changes, but the same rule applies. In other words, a company cannot avoid liability by merging with another one or transferring its assets to a new one. Records and documentation of mergers and consolidations may be found in the files of the secretary of state and the SEC and in trade or financial journals.
- **ASSET PURCHASES.** A corporation generally does not assume liability merely by acquiring assets from a PRP. There are, however, exceptions to this rule. One is for a fraudulent transaction, e.g., an effort to disguise the vendor’s liability. In other cases, there may be an express or implicit assumption of liabilities on the part of the purchaser. Also, courts may determine that an asset purchase amounts to a “de facto merger”. In other words, a transaction overtly structured as an asset purchase renders the vendor an empty shell all of whose actual business activities have been transferred to the purchaser. Documents relating to such sales or transfers may be filed with the secretary of state; evidence of them is also likely to be found in corporate records and minutes.

REFERENCES



PRP Search Manual, Sections 1.2 (“General CERCLA Liability”) and Section 3.6 (“Corporate Liability”)

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Potentially Responsible Party Internet Information Sources (PRPIIS)
See Appendix C.

Information Requests – 104(e) Question Categories

<http://www2.epa.gov/enforcement/superfund-information-request-letters>



Chapter 8 - Compiling PRP Data and Managing Records

Every potentially responsible party (PRP) search is different and the data collection process will be different too. There is, however, a “short list” of documents that the PRP searcher tends to encounter regularly. The most common types of documents are:



- Hazardous waste manifests
- Floating manifests
- Pick-up notices
- Invoices
- Material safety data sheets (MSDS)
- Business records
- Bank statements
- Customer lists



The places where documents are located are often as varied as the documents themselves. The most likely places to start looking include EPA and other federal agency files, state files, and records kept by site owners and operators.

Agency files should contain information submitted by the owners or operators in compliance with periodic reporting requirements imposed by statute. EPA and secretary of state files may in turn disclose inspection and compliance activity conducted by other federal, state, and local agencies. Site records are likely to come in all shapes and sizes, and all types of records should be investigated as they may include anything from scribbled notes to technical descriptions of site operations and detailed and systematic business records.

Site records come in all shapes and sizes.





COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DIVISION OF HAZARDOUS WASTE
 One Winter Street
 Boston, Massachusetts 02108

Please print or type. (Flow designed for use on size 11x17 paper, landscape.)

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator USE EPA ID No. **MA0000151A100000** Material: **HAZARDOUS WASTE**

2. Page 1 of 1 Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address: **HAVERHILL Country Club, Bridget Ln Haverhill MA 01830**

4. Generator's Phone: **508 3731146**

5. Transporter's Name and Mailing Address: **WASTE OIL Corp., Kelley Road P.O. Box 127, Plainfield, NE 68065**

6. Transporter's Phone: **402 382-5781**

7. US DOT Description (including proper shipping name, hazard class, and assignment): **WASTE PETROLEUM OILS n.o.s. COMBUSTIBLE LIQID NA 2270**

8. Additional 2 recipients for Materials Labels (Include English physical name and hazard code): **To be Recycled**

9. Special Handling Instructions and Additional Information: **(Surcharge)**

10. Signature of Generator: **Richard M. Francis**, Date: **12/04/90**

11. Signature of Transporter: **Bob Murphy**, Date: **12/04/90**

12. Signature of Facility: **Drivna Cote**, Date: **12/04/90**

13. Emergency Contact Name: **2536-0009**

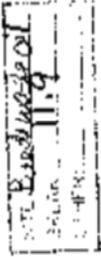
14. Facility Owner or Operator (Continuation of receipt of hazardous materials covered by this manifest return to all of 47 CFR 15): **Drivna Cote**

In case of emergency or spill, immediately call the National Response Center (800) 424-8802.

MA 42267 COPY FACILITY MAILS TO GENERATOR

HAZARDOUS WASTE MANIFEST

NO. 1079K



BEEDE WASTE OIL CORPORATION
Kally Road
Frishton, N.H. 03866

FLOATING MANIFEST

Date: 7/17/83

GENERATOR	ADDRESS	DECLARED PRODUCT	APPROXIMATE GALLONS	GENERATOR SIGNATURE
1. P. J. Keating	Interlocking Mass.	Motor Oil	1800	[Signature]
2. Brown's Inc	Interlocking Mass	Motor oil	800	[Signature]
3. Matthews Inc	Interlocking Mass	Motor oil	800	[Signature]
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				

2850 Gal

25EC-0069

FLOATING MANIFEST

2536-0097

PLAID, INC. PLATTSBURGH, N.H.

Dr. Name	Address	Phone	Date	Time	Amount
Done	Banker 137 Main Street Dorchester, N.H.	603 224-4055	8-18-86	Roller	Full
Done	141 Main Street Dorchester, N.H.	603 437-9685	8-18-86	Don	200
Done	101 Main Street Dorchester, N.H.	603 436-0510	8-18-86	Don	4-6 amount
Done	101 Main Street Dorchester, N.H.	855-5215	8-19-86	Don	own fuel
Done	101 Main Street Dorchester, N.H.	378-4415	8-19-86	Don	own fuel
Done	101 Main Street Dorchester, N.H.	78-7354	8-19-86	Don	150
Done	101 Main Street Dorchester, N.H.	374-054	8-19-86	Don	250-225
Done	101 Main Street Dorchester, N.H.	673-	8-20-86	Don	150
Done	101 Main Street Dorchester, N.H.	7500	8-20-86	Don	150
Done	101 Main Street Dorchester, N.H.	4800	8-20-86	Don	300
Done	101 Main Street Dorchester, N.H.	687-9710	8-20-86	Don	300
Done	101 Main Street Dorchester, N.H.	665	8-20-86	Don	300-500
Done	101 Main Street Dorchester, N.H.	693-4371	8-21-86	Don	300
Done	101 Main Street Dorchester, N.H.	603	8-21-86	Don	300
Done	101 Main Street Dorchester, N.H.	483-5711	8-21-86	Don	300

PICK-UP NOTICE

5154

Beebe Waste Oil Corp.
 P.O. BOX 127, KELLEY ROAD
 PLAISTOW, NH 03865
 TELEPHONE: (603) 382-5761

DATE: 12/1/79
 CHECK # 111
 OTHER: _____

Mass state lic. #3
 147NH-0025
 TA ID #NH0018958140

Order Date: _____ By: _____ NB 1 25
 Pick-up Date: 12/1/79 Time: MARK TAYLOR
 Approx. Gal.: 06 10 1/2 surcharge-rate
 Meter ID: 250 0001 Generator Tel. #: 2000 CA
XX00090* (LOC) (174-0581)
MOCKHILL COUNTRY CLUB
27 GOLF LANE
 Special instructions (if any)
MOCKHILL # 01821

Order Description	Price	QTY	\$ Amount
<u>Motor oil</u>	<u>2.50</u>	<u>25.0</u>	<u>62.50</u>

Exempt #: _____ SURCHARGE: 05.00
 CA TOTAL DUE: 67.50
 CK # _____ Payment Rec'd: _____
 CO BALANCE DUE: _____

Received by: Arthur Bassett TANK # _____ TICKET #: _____
2180

2536-0096

INVOICE

COMPILING DATA



Compiling data can be as big a challenge as gathering them. In every case, you will need a system that compiles data so they can be accessed, tracked, and manipulated for purposes of evaluating PRP liability and viability. Depending on the scope of the search and complexity of the site, this purpose may be served by something as simple as a spreadsheet or require a more elaborate database or specialized contractor products and support. The following factors should be considered and evaluated when developing a site-specific database:

- Data entry procedures
- Types of summaries and reports needed
- Number and types of wastes to be tracked
- Who the database users will be
- Resource requirements for development and maintenance
- Contractor support needs and availability
- Contract period of performance
- Expected term of use
- Hardware and software compatibility
- Ease of transition

A numbering system is essential for tracking data. Each PRP should be assigned a unique identifier to prevent confusion if parties have similar names. The identifier format can be flexible. An example would be (xxxx-xxxx), where the first four digits are the unique party identifier and the last four are page numbers.

Volumetric or “waste-in” data are crucial for establishing PRP liability. A compilation of volumetric data should include:

- Names and addresses of PRPs
- Types and volumes of hazardous substances contributed
- Dates of shipments
- Transporter names
- Evidence types
- Other information to support assumptions

Once volumetric data are compiled, a volumetric ranking may be established in which PRPs are ranked in descending order by the volume of waste they contributed to the site, expressing each party’s



An accurate volumetric ranking facilitates settlement negotiations.

contribution as a percentage of the total volume of hazardous material at the site. An accurate volumetric ranking facilitates settlement negotiations and enables EPA to identify *de minimis* and *de micromis* parties.

Just as volumetric data are crucial for establishing PRP liability, financial data are crucial for establishing PRP viability. A compilation of financial data should include the following:

- Names and addresses of companies
- Name changes, mergers, and acquisitions
- Nature and dates of important financial transactions
- Information bearing on ability to pay its share of cleanup costs

ORGANIZING RECORDS

A record is recorded information in any format that is (1) created in the course of business, (2) received for action, or (3) needed to document EPA activities. More information may be found at www.epa.gov/records/whatis. You should be familiar with both your Region's record-keeping requirements and Superfund records management requirements, which are set out in Subpart I of the National Contingency Plan (NCP).



For management purposes, documents should always be requested in electronic format as hard copies take up space. Ensure that confidential business information (CBI) and personally identifiable information (PII) are identified and protected. A database may be useful for managing and tracking this and other document-specific information. Submit all documents to your regional Records

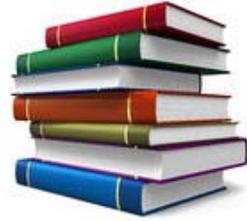
Center as soon as possible.

Organizing records pertaining to large sites presents unique challenges. The best method of doing so may be identified by considering the following factors:

- Types of information needed from the documents
- Volume of documents
- Regional file structure
- Capabilities of the organizer
- Ease of document retrieval
- Long-term tracking needs and capabilities
- Potential document security issues
- Unique site-specific needs
- Nature and number of potential users
- Time required to organize documents



REFERENCES



PRP Search Manual, Section 3.8 (“Compile Waste-In Information”) and Section 3.8.2 (“Waste-In Lists and Volumetric Rankings”)

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Final Guidance on Preparing Waste-in Lists and Volumetric Rankings for Release to Potentially Responsible Parties (PRPs) Under CERCLA (“Waste-in Guidance”)

<http://www2.epa.gov/enforcement/guidance-preparing-waste-lists-and-volumetric-rankings-release-prps-waste-guidance>



Chapter 9 - PRP Search Documentation

BASELINE PRP SEARCH REPORT

There is no official definition of what constitutes a “baseline” potentially responsible party (PRP) search or a “baseline” PRP search report, and not all EPA Regions use this term. Nevertheless, at some point in the search you will have gathered enough information about the site and the PRPs associated with it to support some preliminary liability determinations. At this point, you will want to compile and organize this information to support these determinations, whether or not you call the product a baseline PRP search report. Regardless of what the document is called, it should consist of two major components, a site history and a PRP synopsis.

SITE HISTORY

The site history relies on the information gathered during the course of all the activities described in Sessions 1 through 8 of this course. The site history has two major purposes:

- To describe and relate information about the site property, owners and operators, operations, and contaminants so as to support liability determinations; and
- To provide information to individuals performing technical field work on possible locations of environmental contamination.

Just as there is no official definition of a “baseline” PRP search report, there is no standard format for writing a site history, nor are there any requirements as to sources that must be relied on for the information it contains. Every site is unique, and the sources and format of every site history will reflect the peculiarities of the site and the available sources of information about it. The history should include the following elements, however, in one form or other:



- **START DATE.** The date when the PRP search began and why that date was selected.
- **SITE CHRONOLOGY.** The list and/or description of activities that have taken place at the site in chronological order.
- **OWNERSHIP HISTORY.** The owners and operators of the site in the same order as the site chronology.

PRP SYNOPSIS

The PRP synopsis also is based on the information gathered in the activities covered in Sessions 1 through 8. The main elements of the synopsis are as follows:

- Name of the PRP
- Reason the party was identified as a PRP
- The PRP’s potential defenses to or exemptions from liability
- Conclusions as to liability and recommendations for further action
- The type of release for which the PRP is believed responsible
- History of enforcement actions taken against the PRP at the site
- The PRP’s financial viability

PRELIMINARY PRP SEARCH COMPLETION MEASURE



The “Preliminary PRP Search Completion” measure was developed in response to an EPA Office of Inspector General (OIG) evaluation report that sought to establish consistent milestones for and documentation of PRP searches. In response to the report, EPA developed a “Preliminary Potentially Responsible Party (PRP) Search Completion” guidance document in June 2011.¹ This guidance outlines the search activities that constitute completion of a “preliminary” PRP search and describes the procedure for documenting them.

The elements of preliminary search completion and the documentation requirements for each are set out below.

Site Location/ Legal Description	Names of Current and Past Owners	Description of Site Operations	Liability/Viability Determination	Names of Arrangers/Trans porters (if appropriate)
Found on technical documents or from OSC/RPM, with the legal description found on the vesting deed	Vesting deed	Leases or other agreements for activity on site not by owner	Use information obtained and Section 107(a) to determine if the PRPs are liable, Use tax documents to determine viability	Site business records and permits

¹ Transmittal of “Preliminary Responsible Party Search Completion” Measure Definition for Incorporation into the Superfund Program Implementation Manual for FY2012. OECA Memorandum (June 23, 2011).

Satisfaction of the preliminary search completion requirements is documented in Superfund Enterprise Management System (SEMS) and the site file. Regions may follow the documentation format set out in EPA's June 2011 "PRP Search Reference Summary" guidance document or their own formats as long as they document the tasks completed and the results. The following documents rely on information developed in the course of the preliminary PRP search:

- Removal Enforcement Attachment
- Regional NPL Enforcement Document
- Cost Recovery Decision Document²
- 10-Point Settlement Analysis
- Pre-Referral Notice
- Cost Recovery Referral for Removal
- Department of Justice (DOJ) Referral
- Special Notice Letters
- General Notice Letters

FOLLOW-UP SEARCHES

There are several circumstances in which a follow-up search is necessary or advisable:



- New evidence may come to light of additional PRPs and/or other sources of contamination that require investigation.
- Sale of the site property.
- Inadequate response to a Section 104(e) information request.
- Prior to issuing a ROD or commencing a removal action, remedial investigation, or remedial action.

There is no standard form of follow-up PRP search report. Search reports are updated as and if necessary after follow-up activities are completed and before milestone cleanup activities commence.

² E.g., PRP Search Documentation Summary Requirements for Decision Documents to Not Pursue Cost Recovery Where Unaddressed Past Costs Are Greater Than \$200,000. OECA Memorandum (March 8, 2011).

OTHER TASKS AND USES OF THE PRP SEARCH REPORT

ATP Determinations

Both the baseline and preliminary PRP searches should include information on the financial viability of the PRP, i.e., his ability to pay for his share of the necessary removal and remedial activities at the site. This information will enable the case team to evaluate ability-to-pay claims brought under Section 122(g)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Waste Stream Analysis

The information about site operations and contaminants set out in the site history part of the PRP Search Report may enable the case team to link PRPs with specific areas, contamination, and media at the site. This exercise should enable the team to arrive at a more accurate and better documented estimate of the PRP's share of response costs, thereby strengthening EPA's position in settlement negotiations and supporting its liability determinations if they are challenged in court.

The information about site operations and contaminants in the site history part of the PRP Search Report may enable the case team to link PRPs with specific areas, contamination, and media at the site.



Cost Recovery and Statute of Limitations

As we saw in Chapter 1, CERCLA enables EPA to recover its response costs from responsible parties. An accurate and thorough PRP search is indispensable for doing so as EPA relies on the PRP search report to document all the liability factors that have to be demonstrated to prove that an owner, operator, arranger, or transporter is responsible for site contamination. Information in the PRP search report supports the three phases of the cost recovery process.

- **DEMAND LETTERS.** These are sent to responsible parties setting forth the Agency's grounds for determining that the party is responsible for site contamination and the dollar amount of its liability.
- **COST DOCUMENTATION.** EPA must document the work performed at a site and the direct and indirect costs of performing it in order to show that the costs were "not inconsistent with" the National Contingency Plan as required by CERCLA § 107(a)(4)(A).
- **REFERRALS TO DOJ.** When a cost recovery settlement cannot be reached with responsible parties or where a proposed settlement concerns a site where total response costs exceed \$500,000, cost recovery must be referred to DOJ along with the Agency's supporting cost documentation.

When there is no voluntary cost recovery settlement, DOJ sues the responsible parties in federal court to recover EPA's response costs. DOJ will review the cost recovery referral "package" for

sufficiency, but it is not able to fill “holes” in the PRP search itself. Failure to document work performed, costs incurred, or liability determinations adequately will seriously jeopardize EPA’s ability to recover its costs.

Moreover, delays caused by efforts to repair defects in PRP search and cost documentation can jeopardize EPA’s claim by exceeding the limitation periods set forth in CERCLA § 113(g). Subject to certain exceptions, CERCLA requires that:

- An action to recover removal costs must be commenced within three years after completion of a removal action, and
- An action to recover remedial costs must be commenced within six years after initiation of physical, on-site construction of the remedy.

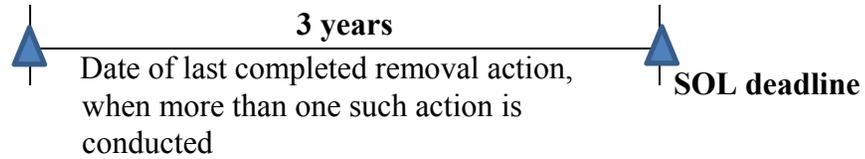


When there is both a removal and a remedial action at a site, there can be one “rolling” limitation period. If the remedial investigation begins within three years after completion of the removal action, the removal costs can be recovered as part of the remedial investigation cost recovery action. Furthermore, if the remedial design begins within three years of the record of decision (ROD) being signed, the removal and the remedial investigation costs can be recovered with the remedial design cost recovery. Finally, if the remedial action begins three years from the remedial design, all costs in effect roll into the remedial action cost recovery. These statutory periods are illustrated on the following page.

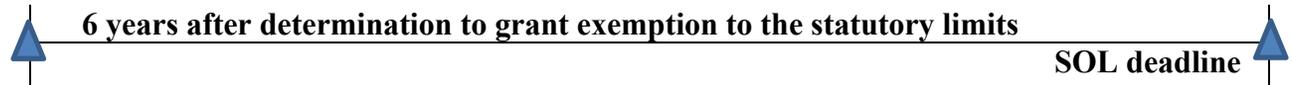
Regardless of what limitation period applies at a particular site, however, there may not be time to plug all the holes in defective liability and cost documentation. This might defeat EPA’s cost recovery altogether by expiration of the limitation period, or jeopardize it by forcing DOJ to litigate inadequately supported claims. In any case, it is best to document all search activities as soon as possible to ensure the case being developed is complete and supports any claims EPA and DOJ decide to pursue.

COST RECOVERY STATUTORY PERIODS

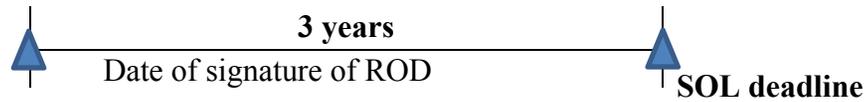
**CONVENTIONAL
REMOVAL**



**REMOVAL WITH
SIGNED WAIVER**



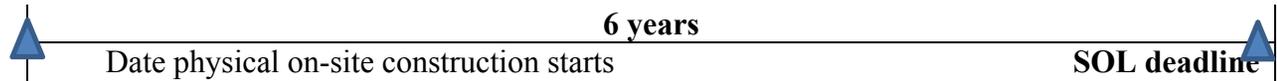
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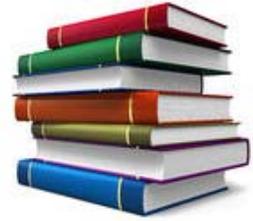
RD



RA



REFERENCES



Transmittal of Preliminary Potentially Responsible Party Search Completion Measure Definition for Incorporation into the Superfund Program Implementation Manual for FY2012 (6/23/2011)

<http://www2.epa.gov/enforcement/guidance-preliminary-prp-search-completion-measure-definition-and-superfund-program>

PRP Search Documentation Summary Requirements for Decision Documents to Not Pursue Cost Recovery Where Unaddressed Past Costs are Greater Than \$200,000 (3/8/2011)

<http://www2.epa.gov/enforcement/guidance-documenting-prp-search-decision-documents-and-unaddressed-cost-recoveries>

PRP Search Manual, Chapters 3 and 4

<http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum>

Statute of Limitations Overview (09/2005) (EPA Intranet Only)

<http://intranet.epa.gov/oeca/osre/doc/sol-overview.pdf>

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Appendix A

Acronyms and Abbreviations

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Acronyms and Abbreviations

AAI	All appropriate inquiries
AR	Administrative record
ASAOC	Administrative settlement agreement and order on consent
ATP	Ability to pay
ATSDR	Agency for Toxic Substances and Disease Registry
BFPP	Bona fide prospective purchaser
CBI	Confidential business information
CD	Consent decree
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CLEAR	Consolidated Lead Evaluation and Reporting
CFR	Code of Federal Regulations
CWA	Clean Water Act
dba	doing business as
DNA	Deoxyribonucleic acid
DOJ	Department of Justice
E.O.	Executive Order
EPA	Environmental Protection Agency
FOIA	Freedom of Information Act
FS	Feasibility study
GIS	Geographic information system
GNL	General notice letter

LLC	Limited liability company
MSDS	Material safety data sheet
MSW	Municipal solid waste
NCP	National Contingency Plan
NPL	National Priorities List
OECA	Office of Enforcement and Compliance Assurance
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSC	On-scene coordinator
OU	Operable unit
PA	Preliminary assessment
PACER	Public Access to Court Electronic Records
PA/SI	Preliminary assessment/site investigation
PCBs	Polychlorinated biphenyls
PDF	Portable document format
PII	Personally identifiable information
P.L.	Public Law
PLSS	Public Land Survey System
PRP	Potentially responsible party
PRPIIS	Potentially Responsible Party Internet Information Sources
RA	Remedial action
RCRA	Resource Conservation and Recovery Act
RD	Remedial design
RD/RA	Remedial design/remedial action
RI	Remedial investigation
RI/FS	Remedial investigation/feasibility study

ROD	Record of decision
RPM	Remedial project manager
SARA	Superfund Amendments and Reauthorization Act of 1986
SEC	Securities and Exchange Commission
SEMS	Superfund Enterprise Management System
SI	Site investigation
SNL	Special notice letter
SOL	Statute of Limitations
SREA	Superfund Recycling Equity Act of 1999
TSCA	Toxic Substances Control Act
UAO	Unilateral administrative order

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Appendix B

Glossary

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Glossary

Administrative Settlement and Administrative Order on Consent (ASAOC):

A legal agreement between EPA and an individual, business, or other entity in which the other entity agrees to take an action, refrain from an activity, or pay certain costs. It describes the actions to be taken, may be subject to a public comment period, applies to civil actions, and can be enforced in court. AOCs are most commonly used for removal actions and remedial investigation/feasibility studies (RI/FSs), but may be used for *de minimis* and cost recovery settlements.

Administrative Record (AR):

The body of documents that "forms the basis" for the selection of a particular response at a site. For example, the AR for remedy selection includes all documents that were "considered or relied upon" to select the response action. An AR must be available at or near every site to permit interested individuals to review the documents and to allow meaningful public participation in the remedy selection process. ARs are increasingly being made available electronically. This requirement does not apply to other ARs, such as those for deletion from the National Priorities List (NPL).

Administrator's/ Executor's/ Trustee's Deed:

A deed that conveys land executed by the individual managing a trust.

Arranger:

Any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of hazardous substances owned or possessed by the person or by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances. Arrangers are sometimes referred to as generators

Brownfields:

In general, the term refers to real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The term does not include:

- a facility that is the subject of a planned or ongoing removal action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
 - a facility that is listed or proposed for listing on the National Priorities List (NPL);
-

-
- a facility that is the subject of a unilateral administrative order (UAO), a court order, an order of consent or judicial consent decree that has been issued to or entered into by the parties under CERCLA, the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA, commonly referred to as the Clean Water Act (CWA)), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA);
 - a facility that is subject to corrective action under RCRA § 3004(u) or 3008(h), and to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
 - a facility that is a land disposal unit with respect to which a closure notification under Subtitle C of RCRA has been submitted, and closure requirements have been specified in a closure plan or permit;
 - a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States for an Indian tribe;
 - a portion of a facility at which there has been a release of polychlorinated biphenyls (PCBs), and that is subject to remediation under TSCA; or
 - a portion of a facility for which assistance for response activity has been obtained under Subtitle I of RCRA from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

Cleanup Activities: Actions taken to deal with a release or threatened release of a hazardous substance that could affect humans or the environment. The term “cleanup” is sometimes used interchangeably with the terms remedial action, removal action, response, or corrective action.

Consent Decree (CD): A legal document, approved by a judge, that formalizes an agreement reached between EPA and one or more potentially responsible parties (PRPs) outlining the terms under which that PRP(s) will conduct all or part of a response action, pay past costs, cease or correct actions or processes that are polluting the environment, or comply with regulations where failure to comply caused EPA to initiate regulatory enforcement actions. The CD describes the actions PRP(s) will take, is subject to a public comment period prior to its approval by a judge, and is enforceable as a final judgment by a court.

Contractual Relationship:

According to CERCLA § 101(35), “The term ‘contractual relationship’, for the purpose of section 107(b)(3), includes, but is not limited to, land contracts, deeds, or other instruments transferring title or possession, unless the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and one or more of the circumstances described in clause (i), (ii), or (iii) is also established by the defendant by a preponderance of the evidence:

- (i) At the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in, or at the facility.
- (ii) The defendant is a government entity which acquired the facility by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation.
- (iii) The defendant acquired the facility by inheritance or bequest.

In addition to establishing the foregoing, the defendant must establish that he has satisfied the requirements of section 107(b)(3)(a) and (b).

Contribution:

A legal principle according to which an entity can seek to recover some of the response costs for which it has already resolved liability with the United States. For example, when several PRPs are liable for a hazardous substance release, EPA is not required to pursue all of them. If EPA settles with or wins its case against a subset of PRPs, then the right of contribution enables the settling PRPs or those against whom a judgment is rendered to seek recovery of a proportional share from other PRPs who were not named as defendants in EPA's suit or settlement, but who nonetheless contributed to the release.

Cost Recovery:

A process by which the U.S. government seeks to recover money previously expended in performing any response action from parties liable under CERCLA § 107(a). Recoverable response costs include both direct and indirect costs.

Deed:

A written document that transfers ownership or an interest in real property to another person.

Deed of Trust:

A document that pledges real property to secure a loan until the loan is repaid. A deed of trust usually involves a title insurance company or escrow company that acts on behalf of the lender. When you sign a deed of trust, in effect you are giving a trustee title to the property (ownership), but you hold the rights and privileges to use and live in or on the property.

Defendant:	A person against whom a claim or charge is brought in a court of law.
Demand Letter:	A written demand for recovery of costs incurred under CERCLA. The primary purposes of written demands are to formalize the demand for payment of incurred costs plus future expenditures, inform potential defendants of the dollar amount of those costs, and establish that interest begins to accrue on expenditures. A demand letter may be incorporated into the special notice letter.
De Micromis Exemption:	In general, a party is not liable under CERCLA § 107 if it can demonstrate that the total amount of the material containing hazardous substances that it generated and arranged for disposal at, or accepted for transport to, an NPL site was less than 110 gallons of liquid materials or less than 200 pounds of solid materials, unless those substances contributed significantly to the cost of the response action or natural resource restoration at the facility; the party has been uncooperative with EPA's response actions at the site; or the party has been convicted of a criminal violation for the conduct to which the exemption would apply.
De Minimis Contributor:	PRPs who are deemed by the settlement agreement to be responsible for only a minor portion of the response costs at a particular facility. A determination of a PRP's responsibility is made based on the volume, toxicity, or other hazardous effects in comparison with other wastes at the facility. CERCLA § 122(g)(1)(A) expressly defines <i>de minimis</i> contributor.
De Minimis Landowner:	PRPs who are deemed by the settlement agreement to be past or present owners of the real property at which the facility is located who did not conduct or permit the generation, transportation, storage, treatment or disposal of any hazardous substance at the facility; did not contribute to the release or threat of release of a hazardous substance at the facility through any act or omission; and had no actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance at the time of purchase. CERCLA § 122(g)(1)(B) expressly defines <i>de minimis</i> landowner.
De Minimis Settlement:	An agreement, either administrative or judicial, authorized by CERCLA § 122(g), between EPA and PRPs for a minor portion of response costs.
Easement:	A right to make limited use of someone else's real property. Utility companies, for example, commonly have easements that allow them access to real property they do not own for purposes of installing, inspecting, maintaining, or repairing equipment. An easement is one form of institutional control that may be required at a Superfund site if hazardous substances remain there after remedial action is complete.

Eminent Domain:	The power to take private property for public use. Under the U.S. Constitution, there must be just compensation paid to the owners of this property. EPA exercises its power of eminent domain through the process of condemnation.
Enforcement Actions:	EPA, state, or local legal actions to obtain compliance with environmental laws, rules, regulations, or agreements, or to obtain penalties or criminal sanctions for violations.
Environment	According to CERCLA § 101(8), “(A) the navigable the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.”
Federal Register:	A federal government publication that includes proposed regulations, responses to public comments received regarding proposed regulations, and final regulations. The <u>Federal Register</u> is published every working day by the Office of Federal Register, National Archives and Records Administration, Washington, DC 20408. The <u>Federal Register</u> publishes regulations and legal notices issued by federal agencies. These include presidential proclamations and executive orders, federal agency documents required by Congress to be published, and other federal agency documents of public interest. The <u>Federal Register</u> is available to the public via the internet and through public libraries that are federal depositories, law libraries, and large university libraries.
Force Majeure:	A clause common to construction contracts which protects the parties in the event that a portion of the contract cannot be performed due to causes that are outside the parties' control (i.e., problems that could not be avoided by the exercise of due care, such as an act of God). These causes are known as force majeure events. Force majeure provisions are included in administrative orders on consent and consent decrees. These provisions stipulate that the PRPs shall notify EPA of any event that occurs that may delay or prevent work and that is due to force majeure. Two examples of force majeure may be raised as defenses to liability. CERCLA § 107(b) releases from liability any person who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance was caused solely by an act of God or an act of war.

Freedom of Information Act (FOIA)

Federal statute (5 U.S.C. § 552 et seq.) that requires the government to publish or otherwise make publicly available certain classes of agency records and to make all other agency records publicly available upon written request unless the statute specifically exempts them from disclosure.

Fund (Hazardous Substance Superfund or Superfund Trust Fund):

A fund established by section 9507 of the Internal Revenue Code of 1986 to help pay for cleanup of hazardous waste sites and enforcement action against responsible parties.

General Notice Letter (GNL):

A notice to inform PRPs of their potential liability for past and future response costs and the possible future use of CERCLA § 122(e) special notice procedures and the subsequent moratorium and formal negotiation period.

Grantee:

A person to whom an estate or interest in real property passes, in or by a deed.

Grantor:

A person from or by whom an estate or interest in real property passes, in or by a deed.

Hazard Ranking System (HRS):

The principal screening tool used by EPA to evaluate risks to public health and the environment associated with abandoned or uncontrolled hazardous waste sites. The HRS calculates a score based on the potential for hazardous substances spreading from the site through the air, surface water, or ground water, and on other factors such as nearby population. This score is the primary factor in deciding if the site should be on the NPL and, if so, what rank it should have compared to other sites on the list. A site must score 28.5 or higher to be placed on the NPL.

**Hazardous
Substance:**

According to CERCLA § 101(14), “(A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 301(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substance Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

Indian Tribe:

According to CERCLA § 101(36),” any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

**Information
Request Letter:**

Formal written request for information, authorized by CERCLA § 104(e)(2)(A) through (C), issued during an administrative investigation. EPA is authorized to request information from any person who has or may have information relevant to any of the following:

- the kind and quantity of materials that have been or are being generated, treated, disposed of, stored at, or transported to a vessel or facility;
- the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a vessel or facility; and
- the ability of a person to pay for or perform a cleanup.

Failure to respond to or providing an incomplete response to an informational request is subject to statutory penalties.

**Innocent
Landowner:**

A person who purchased or acquired real property without actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substances. PRPs may assert this claim as part of their defense, but only the court may make this determination based on CERCLA §§ 107(b) and 101(35).

Joint and Several Liability:

A legal doctrine defining the scope of a defendant's liability. When more than one PRP is involved at a site and the harm is indivisible, the court may impose joint and several liability upon all parties involved at the site. In this instance, each PRP involved at the site may be held individually liable for the cost of the entire response action.

Judicial Review:

Review by a court of a decision rendered by a federal agency or department or of an appeal challenging either a finding of fact or finding of law. Under CERCLA, for example, the court provides judicial review prior to entry of the consent decree. In addition, the court would provide judicial review of an EPA decision if a PRP submitted a "petition to review" to a federal court of appeals. The jurisdiction of the court and the scope of its review are defined by CERCLA § 113(h) and the Judicial Review Act, 28 U.S.C. §§2341-2351.

Lead Agency:

The agency that primarily plans and implements cleanup actions. This could be EPA, a state or political subdivision of a state, another federal agency, or Indian tribe. Other agencies may be extensively involved in the process, but the lead agency directs and facilitates activities related to a site, often including enforcement actions.

Lease:

An ownership interest held by a landlord with the right of use and occupancy conveyed by contract to others; usually consists of the right to receive rent and the right to repossess on termination of the lease.

Lis Pendens:

Means "a suit pending." A lis pendens is a written notice that a lawsuit has been filed involving the title to real property or some interest in that real property.

Mineral Lease:

Created by the Mineral Leasing Act of 1920, a U.S federal statute. The Act authorizes the leasing of public lands for developing deposits of coal, petroleum, natural gas, and other hydrocarbons.

Mining Claim:

A claim of real property in which metal ore or minerals may be located. It is a description by boundaries of the real property containing the ore or minerals.

Municipal Solid Waste (MSW):

Waste material generated by a household and waste material generated by a commercial, industrial, or institutional entity, to the extent that the waste material:

- is essentially the same as waste normally generated by a household;
- is collected and disposed of with other MSW as part of normal MSW collection; and
- contains a relative quantity of hazardous substances no greater than the relative quantity of hazardous substances contained in waste generated by a typical single family household.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP):

The major framework regulation for the federal hazardous substances response program. The NCP sets forth procedures and standards for how EPA, other federal agencies, states, and private parties respond under CERCLA to releases or threats of releases of hazardous substances, and under CWA § 311, as amended by the Oil Pollution Act of 1990, to discharges of oil.

National Priorities List (NPL)

The list compiled by EPA pursuant to CERCLA § 105 of uncontrolled hazardous substance releases in the United States that are priorities for long-term remedial evaluation and response.

Natural Resources:

According to CERCLA § 101((16), “land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), and State or local government, any foreign government, and Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.”

Natural Resource Damages:

Damages for injury or loss of natural resources as set forth in CERCLA §§ 107(1) and 111(b) and NCP § 300.615.

Oil and Gas Lease:

A contractual agreement between the owner of a mineral (the lessor) and a producer (the lessee) whereby the lessor grants the right to develop deposits of minerals to the lessee.

Orphan Share:

A portion of cleanup costs that cannot be assessed to a PRP as a result of either the PRP's insolvency or EPA's inability to identify PRP(s).

Owner or Operator:

According to CERCLA § 101(20), any person owning or operating a vessel or facility, or in the case of a hazardous substance being accepted for transportation, the common or contract carrier. It does not include a unit of state or local government that acquired ownership or control involuntarily through bankruptcy, tax delinquency, or abandonment.

Person:

According to CERCLA § 101(21), “an individual, firm, corporation, association, partnership, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.”

Plaintiff:

A party who brings a legal action; the party who complains or sues in a civil action and is so named on the record.

Plat Map:

A document drawn to scale, showing the divisions of a piece of land and giving the legal descriptions of pieces of real property by lot, street, and block number. It shows the land as subdivided into lots and the location and boundaries of individual parcels with the streets, alleys, easements, and rights of use over the land of another.

Pollutant or Contaminant:

According to CERCLA § 101(33), “any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause, death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term “pollutant or contaminant” shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).”

Potentially Responsible Party (PRP):

Any individual or entity including owners, operators, transporters, or generators who may be liable under CERCLA § 107(a).

Quitclaim Deed:

Conveys to the grantee and the grantee’s heirs and assigns in fee all of the legal or equitable rights the grantor has in the property that existed at the time of the conveyance.

Record of Decision (ROD):

The official Agency document that describes the remedial cleanup alternatives that have been considered, selects the remedy, provides technical background relevant to the decision, and explains how the decision complies with the law.

Release:

According to CERCLA § 101(22), “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source byproduct or special nuclear material from any processing site designated under section 102(a)(1) of 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer.”

Remedial Action:

According to CERCLA § 101(24), “those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a hazardous substance into the environment.” Generally, response actions that take longer than a non-time-critical removal and are more complex than removals.

Removal:

According to CECLA § 101(23), “the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release...[and] such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances...” Such evaluations include the RI/FS. Removals are classified according to urgency as “emergency,” for those requiring immediate response; “time-critical,” for those that take no more than six months; and “non-time-critical” for removals that need up to a year or more.

Remedial Investigation/ Feasibility Study (RI/FS):

Activities conducted at an NPL site by EPA or a PRP acting under an ASAO or (rarely) a unilateral administrative order (UAO) to assess site conditions and evaluate alternatives to the extent necessary to select a remedy that will be described in the record of decision (ROD) and clean up the site in accordance with CERCLA § 121.

Remedial Design/Remedial Action (RD/RA):	Response actions performed at an NPL site by EPA or a PRP under a CD approved and entered by a federal court. RD is the engineered design of the remedy selected by the RI/FS; RA is the construction and continuing operation and maintenance of the remedy.
Settlement:	Resolution of a claim. Settlement occurs when a federal or state agency enters into a written agreement with PRPs requiring them to pay for or perform specified response actions. Settlements may be achieved administratively through an administrative order on consent or judicially through a consent decree.
Special Notice Letter (SNL):	A written notice to a PRP providing information on potential liability, conditions of the negotiation moratorium, future response actions, and demand for past costs. The SNL is authorized under CERCLA § 122(e)(1) and triggers the start of a negotiation moratorium.
Special or Limited Warranty Deed:	Limits the liability of the grantor by warranting only what the deed explicitly states; usually used to avoid assuming liability of a general warranty deed.
Statute of Limitations (SOL):	The statutorily defined period of time within which the United States, on behalf of EPA, must file a claim for cost recovery. If the United States does not file a case within the SOL, it may not be able to recover its costs from the PRPs.
Strict Liability:	Legal responsibility for damages without regard to fault or diligence. The strict liability concept in CERCLA means that the federal government can hold PRPs liable without regard to a PRP's fault, diligence, negligence, or motive.
Superfund Enterprise Management System (SEMS)	Superfund Enterprise Management System (SEMS) - An electronic repository of Superfund documents routinely used to disseminate records in response to FOIA requests, establishment of administrative records (ARs), and litigation support. The system provides access to programmatic information regarding Superfund site management, cost recovery, site financial resources, enforcement actions, and supporting documentation. The SEMS database application supports the electronic capture, imaging, indexing and tracking of records that document investigation, cleanup, and enforcement activities at potential existing hazardous waste sites. SEMS integrates legacy Superfund data collection, reporting, and tracking modules from the removal, remedial, federal facilities, enforcement, and emergency response programs into a single system to support program activities and decisions regarding Superfund site cleanups.

Tax Deed/Sheriff Deed:

A legal document that provides written proof of ownership of real property acquired from the government at a tax sale. A tax sale is conducted by the government after a stipulated period of time for the non-payment of tax on real property.

Transporter:

According to CERCLA § 107(a)(4), “any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release or threatened release which causes the incurrence of response costs, of a hazardous substance.”

Warranty Deed:

A warranty deed warrants that the grantor is the lawful owner of the property, that the property is free from all encumbrances or liens, and that the grantor will defend the title.

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Appendix C

Potentially Responsible Party Internet Information Sources (PRPIIS)

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**Potentially Responsible Party Internet Information Sources, 05/21/2014
(PRPIIS)**

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*** Denotes a fee for service**

Potentially Responsible Party Internet Information Sources, 05/21/2014 (PRPIIS)

Business Information

Annual Reports and SEC filings	The Public Register Online	http://www.annualreportservice.com/	Free directory of online annual reports.
	Morning Star Document Research*	http://www.10KWizard.com	Search for company SEC filings. Subscription required.
	U.S. Securities and Exchange Commission	http://www.sec.gov/edgar/searchedgar/webusers.htm	Company information, shareholder information, and SEC filings including annual reports.
	Annual Reports	http://www.annualreports.com/	Free directory of online annual reports.
Bankruptcy	American Bankruptcy Institute*	http://www.abiworld.org//AM/Template.cfm?Section=Home	Numerous online resources including headlines, news, meeting information, court opinions and other bankruptcy info. Subscription is required.
	Public Access to Court Electronic Records (PACER)*	http://www.pacer.gov/	Access to federal court documents. Registration is required. Fees are generally \$.08 a page.

* Denotes a fee for service

Potentially Responsible Party Internet Information Sources, 05/21/2014 (PRPIIS)

Compliance Information	Occu. Safety and Health Admin. (OSHA)	http://www.osha.gov/pls/imis/establishment.html	Search for information on OSHA inspections and violations.
Company Profiles and Information	Proquest Dialog*	http://www.dialog.com/proquestdialog/	Subscription service allowing detailed search of hundreds of trade journals and market sources.
	Corporate Information *	http://www.corporateinformation.com/home.aspx	Information on companies in 55 different countries. Free snapshots reports as well as more comprehensive reports for a fee.
	Corporation Wiki	www.corporationwiki.com	Claims to have summaries on over 20 million companies.
	Dun and Bradstreet*	http://www.dnb.com	Search for business and financial information on companies. Certain D & B information is available through Lexis. Your region may already have a subscription to access D & B reports.
	Hoovers Online*	http://www.hoovers.com	Source of company information, including financials and links to websites. Free snapshot reports and more comprehensive reports available for a fee.
Corporate Affiliates	Dun and Bradstreet*	http://www.dnb.com	Financial information on many companies.
	Lexis Corporate Affiliations*	http://www.corporateaffiliations.com/	Database of relationships between companies.

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Corporate Financial Information	Hoovers Online*	http://www.hoovers.com	Financial information on many companies.
	Motley Fool	http://www.fool.com/	A variety of financial information.
	Mergent*	http://www.mergentonline.com/login.php	A variety of tools available. This site requires a subscription.
	Yahoo! Finance	http://finance.yahoo.com/	Financial news and information.
Corporate Records	E-Secretary of State	http://www.e-secretaryofstate.com/	Free link to States' SOS websites.
	National Association of Secretaries of State	http://www.nass.org/state-business-services/corporate-registration/	National SOS organization. Provides links to every State under Business Services section.
	Search Systems	http://publicrecords.searchsystems.net/United_States_Free_Public_Records_by_State/	Free link to public records by state, county, or city.
	Coordinated Legal Tech	http://www.coordinatedlegal.com/SecretaryOfState.html	Similar to NASS, provides a link to the Secretary of State in each State as well as information about the cost.
	Lexis*	http://www.lexis.com	Pay service, provides one-stop access to corporate records for most states (Delaware and NJ not covered).

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International Business	Global 2000	http://www.forbes.com/global2000/	Forbes list of the World's 2000 biggest public companies.
	British Columbia*	https://www.bconline.gov.bc.ca/	Access to Land Titles, Property Assessments, BC Companies, registrations under the Personal Property Security Act (i.e. Liens and Security Agreements), and a range of other useful information services.
	Industry Canada	https://www.ic.gc.ca/app/scr/cc/CorporationsCanada/fdrlCrpSrch.html?locale=en_CA	Search for Federally incorporated Canadian companies.
	Canadian Stock Exchange	http://www.sedar.com/	Access to most public securities documents and information filed by public companies in Canada.
	Corporate Information	http://www.corporateinformation.com/home.aspx	Search for information about companies in 55 different countries.
	Canadian Business	http://www.ic.gc.ca/eic/site/ccc-rec.nsf/eng/home	Search for information on Canadian companies.
	Kompass	http://www.kompass.com	Search for information about companies from 70 different countries.
	Mergent Online*	http://www.mergentonline.com/login.php	Obtain information on international companies, including annual reports.
	Ministry of Mining	http://www.empr.gov.bc.ca/MINING/GEOSCIENCE/Pages/default.aspx	Mining reports from the British Columbia Ministry of Mining.

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Potentially Responsible Party Internet Information Sources, 05/21/2014 (PRPIIS)

International Business (con't)	Oncorp Direct	http://www.oncorp.com/	Search for information about corporations in Ontario, Canada.
	UK Company Registration	https://www.gov.uk/government/organisations/companies-house	Select Find Company Information to search for companies in England, Wales, Northern Ireland, and Scotland.
	Companies in the UK	http://www.companiesintheuk.co.uk/	General info on companies in the UK.
	EuroPages	http://www.europages.co.uk/#	A Business to Business search engine with information on more than 500,000 businesses
	GBR Direct	http://www.gbrdirect.eu/companySearch.aspx	Search for information on companies in 18 Eastern and Western European countries.
Manufacturing information	Industry guide	http://www.thomasnet.com/	Search by product service, company name, brand name or industry.
	SIC Codes	http://www.osha.gov/pls/imis/sicsearch.html	Obtain industry specific information by SIC code. Searchable by keyword as well.
	NAIC Codes	http://www.census.gov/eos/www/naics/	Obtain industry specific information by NAIC and SIC code. Searchable by keyword as well.
News	Business Week	http://www.businessweek.com	A weekly business news magazine that has an online issue with the information more frequently updated.
	Journal of Business	http://www.bizjournals.com/	This is nation's largest publisher of metropolitan business journals and updates websites for 41 print business journals.
	TheStreet	http://www.thestreet.com	Investment news.
	Wall Street Journal	http://online.wsj.com/home-page	International market and economic news.

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Non-Profits	Guidestar	http://www2.guidestar.org/	Provides detailed information on non-profits, including IRS Form 990. Free to register. Additional information available with premium membership, \$350/mo.
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EPA Resources - Public

Administrative Record on the Web		http://loggerhead.epa.gov/arweb/public/advanced_search.jsp	EPA's Superfund Administrative Record Database.
Enforcement		http://www2.epa.gov/enforcement	EPA's Compliance and Enforcement website.
Economic Models		http://www2.epa.gov/enforcement/penalty-and-financial-models	EPA's link to all financial computer models, which evaluate a PRP's ability to pay clean up costs.
Environmental Response Team		http://www.ert.org/	EPA's Environmental Response Team's website.
Environmental Terms and Acronyms		http://www.epa.gov/OCEPATERMS/	A glossary of environmental terms, abbreviations and acronyms.
EPA Libraries		http://www.epa.gov/natlibra/ols.htm	Provides the ability to search EPA libraries for specific information and/or publications.
Finding Potentially Responsible Parties		http://www2.epa.gov/enforcement/finding-potentially-responsible-parties-prp	EPA's PRP Search website.
Hazardous Waste Clean Up Information		http://www.clu-in.org/	Contaminated Site Clean-up Information. Provides information about innovative treatment and site characterization technologies to the hazardous waste remediation community.

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Office of Site Remediation Enforcement (OSRE) Information Request Letters	http://www2.epa.gov/enforcement/superfund-information-request-letters	Links to EPA 104(e) Information request letters and standard questions.
Links to State Environmental Agencies	http://www.epa.gov/epahome/state.htm	EPA's web link to state environmental Agencies.
National Enforcement Training Institute (NETI)	http://www.epa.gov/compliance/training/neti/courses.html	Listing of classes that are provided by EPA's enforcement training institute.
National Locator	http://cfpub.epa.gov/locator/index.cfm	EPA's electronic phone book.
National Priority List	http://www.epa.gov/superfund/sites/npl/frlist.htm	Provides information concerning sites that are proposed, listed and/or deleted from the National Priorities List.
OSC website	http://www.epaosc.org	EPA's web site for Removal Actions.
PRP Search Manual	http://www2.epa.gov/enforcement/report-prp-search-manual-2009-edition-2011-addendum	Link to EPA's PRP Search Manual.
Superfund Enforcement Guidance Documents	http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/	Link to Superfund guidance documents.
Superfund Information System (CERCLIS)	http://cumulis.epa.gov/supercpad/cursites/srchsites.cfm	Publicly available access to EPA's Superfund Information System.
Where You Live Site	http://www.epa.gov/epahome/whereyoulive.htm	Link to various web locations that provide information concerning the location of hazardous substances within a community.

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EPA Resources - Internal

Office of Site Remediation Enforcement (OSRE)	http://intranet.epa.gov/oeca/osre/index.html	Home page for OSRE's Intranet.
Office of Site Remediation Enforcement (OSRE)	http://cfint.rtpnc.epa.gov/ioic/sme/	ORSE subject matter contact roster.
Office of Superfund Remediation and Technology Innovation	http://intranet.epa.gov/oerrinet/	Office of Superfund Remediation and Technology Innovation main website.
CERCLA Enforcement Project Manager Handbook	http://intranet.epa.gov/oeca/osre/documents/hbk-pdf/	The link provides an overview of the roles and responsibilities of the remedial project manager and the on-scene coordinator (RPM/OSC) in identifying and communicating with PRPs; coordinating with communities, states, tribes, and natural resource trustees; negotiating agreements for site cleanup; initiating administrative and judicial enforcement actions; selecting site remedies; recovering EPA's response costs; and overseeing PRP-lead response actions.

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Financial Information

Calculators	Yahoo! Finance	http://finance.yahoo.com/calculator/index	A variety of financial calculators.
Financial Models	EPA Enforcement Models	http://www2.epa.gov/enforcement/penalty-and-financial-models	Download BEN, ABEL, INDIPAY, MUNIPAY, and PROJECT.
Home Values	Yahoo Homes	https://homes.yahoo.com/	
	Zillow	http://www.zillow.com/	
Interest rates; industry discount rates	Federal Reserve	http://www.federalreserve.gov/releases	Current and historical information on interest rates, industry discount rate, etc.
Investment Information	MorningStar*	http://www.morningstar.com/?pgid=hetabhome	Investment news, information, tools and calculators. Registration (free regular membership required to use portfolio feature. Premium (fee) membership for access to analyst research and stock reports.
Loan rates	Bankrate.com	http://www.bankrate.com/	Current mortgage and other loan rates.
	Bestrate.com	http://www.bestrate.com/	Current mortgage and other loan rates.
Municipalities	Munifilings.com*	http://www.munifilings.com/munifilings/IndexAction.do	Budget, annual reports, other information related to municipalities, school districts, and many municipally owned or operated entities. Registration and search is free, pay per report.

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	City-Data	http://www.city-data.com/	Useful Site for Municipal ATPs.
Non-Profits	Guidestar	http://www2.guidestar.org/	Provides detailed information on non-profits, including IRS Form 990. Free to register. Additional information available with premium membership, \$350/mo.
Salary.com		http://www.salary.com/mysalary.asp	Salary comparisons by profession and location.

Government Agencies

Bureau of Economic Analysis		http://www.bea.gov/	Link to various economic indicators.
Bureau of Justice Statistics		http://www.bjs.gov/	Crime statistics and court statistic information; no individual or company information.
Bureau of Land Management	Global Records	http://www.glorerecords.blm.gov/	Search Federal land records, surveys, plats, field notes, status, etc.
	Land and Mineral Use	http://www.blm.gov/lr2000/	Provides reports on BLM land and mineral use authorizations for oil, gas, and geothermal leasing, rights-of-ways, coal and other mineral development, land and mineral title, mining claims, withdrawals, classifications, and more on federal lands or on federal mineral estate
Bureau of Prisons		http://www.bop.gov/	Link to the Bureau of Prisons. It includes the ability to search for inmates who have been located in federal prisons.
Census Bureau		http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml	Link to United States census information.

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Census Bureau (Pre-set profiles of communities)	http://censtats.census.gov/pub/Profiles.shtml	Link to pre-established sets of census information for communities in the United States.
County Courthouses	http://www.naco.org/counties/pages/findacounty.aspx	Link to county websites.
Courts (district, appeals, bankruptcy)	http://www.uscourts.gov/court_locator.aspx	Link to federal court information.
Department of Interior – Bureau of Land Records	http://www.gloreCORDS.blm.gov/search/default.aspx	Searchable database of BLM’s General Land Office Records
Department of Justice (attorneys)	http://www.justice.gov/usao/	Link to information on the United States Attorney’s Office.
Department of Labor	http://www.bls.gov/	Link to the Department of Labor. Provides information concerning various economic indicators.
Federal Election Commission	http://www.fec.gov/finance/disclosure/norindsea.shtml	Individual contributions to political campaigns.
Federal Reserve Board	http://www.federalreserve.gov/econresdata/default.htm	Link to the Federal Reserve Board’s economic research information.
Financial Crimes Enforcement Network	http://www.fincen.gov	Main web link to the Department of Treasury’s Financial Crimes Enforcement Network. This Site now includes the Money Services Business information formerly available at www.msb.gov .
Government Phone Numbers	http://www.usa.gov/directory/federal/index.shtml	Listing of federal state and local government phone numbers.
Government Printing Office	http://www.gpoaccess.gov	Main link to the Government Printing Office. Useful access portal to all U.S. government publications.

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Internal Revenue Service		http://www.irs.gov	Main access point for information provided by the Internal Revenue Service.
National Archives		http://www.archives.gov/	Main link to the National Archives.
National Criminal Justice Reference Service		http://www.ncjrs.gov	Federally funded resource offering justice and substance abuse information.
Nuclear Regulatory Commission Tracking		http://nrctracking.ornl.gov/	Search for complex NRC sites and expired NRC licenses.
Office of Surface Mining Reclamation and Enforcement		http://www.wrcc.osmre.gov/resources.shtm	Provides links to OSM's databases and other websties on abandoned mines, applications, permits, operators, and environmental violations at mines, maps and geospatial and natural resource information,
Occupational Safety & Health Administration	Index to site	http://www.osha.gov	Main link to the Office of Safety and Health Administration.
	Inspection Information	http://www.osha.gov/oshstats/index.html	Link to OSHA inspection and accident investigation information.
Office of Patents & Trademarks		http://www.uspto.gov/trademarks/index.jsp	Main link to information concerning patents and trademarks.
Securities and Exchange Commission (EDGAR)		http://www.sec.gov/edgar/searchedgar/companys_earch.html	Link to the Securities and Exchange Commission's ("SEC") Electronic Data Gathering, Analysis, and Retrieval System (EDGAR). This database allows the ability to research company filings with the SEC.
US, State & Local Government		http://www.usa.gov/Topics/Reference_Shelf.shtml	Link to federal, state and local websites.
U.S. Marshals Service		http://www.usdoj.gov/marshals/	The U.S. Marshals Office can assist EPA by serving notices and may accompany EPA staff in questionable locations.

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Law, Legal Sites

Code of Federal Regulations	Gov't Printing Office	http://www.access.gpo.gov/nara/cfr/cfr-table-search.html	Searchable CFR database from 1996.
	Cornell University	http://www.law.cornell.edu/cfr/text	Searchable CFR database.
Code of Federal Regulations, Federal Register, and more		http://www.heinonline.org/HOL/Welcome?collection=fedreg	ABA journals, most cited journals, criminal justice journals, intellectual property library, CFR from 1938, FR from 1936, U.S. Attorney General opinions, legislative history, Presidential and Supreme Court libraries, statutes.
Federal Acquisition Regulation		https://www.acquisition.gov/far/	FAR regulations and GSA forms library.
Federal Register		http://www.gpoaccess.gov/fr/index.html	Federal Register from 1994 with links to libraries for FRs prior to 1994.
Lawyers	Martindale locator	http://www.martindale.com	Find a lawyer.
	Find a lawyer	http://www.findlaw.com	Find a lawyer.
	Bar associations	http://www.bestcase.com/statebar.htm	State bar association links.

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Legal research pages	Westlaw*	http://www.westlaw.com	Online legal research service for legal and law related materials and services.
	Lexis*	http://www.lexis.com	Comprehensive databases of law, business, public records and news. Your legal office may already have an account.
	Justia	http://dockets.justia.com/	Search Federal Court dockets.
Legislation pending in Congress; votes, bills, laws	Senate	http://www.senate.gov	U.S. Senate.
	House	http://www.house.gov	U.S. House of Representatives.
Legislative information (The Library of Congress)		http://thomas.loc.gov/home/thomas.php	Bills, resolutions, congressional record, committee reports, searchable by bill text.
Supreme Court Decisions		http://www.law.cornell.edu/supct/	Supreme Court decisions, briefs, links to briefs, oral argument recordings 1990 – present.
U.S. Code	U.S. House	http://uscode.house.gov	U.S. House of Rep.; searchable code from 1988; link to Federal Register.
	Cornell University	http://www.law.cornell.edu/uscode/text	Searchable U.S. Code.
U.S. Courts		http://www.uscourts.gov/court_locator.aspx	Links to all U.S. Courts. Documents are available using PACER.

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Investigative Resources

Almanacs		http://www.infoplease.com/index.html	Miscellaneous information with links to almanacs, atlases, encyclopedias and more.
Archived webpages	Cyber Cemetery	http://govinfo.library.unt.edu/default.htm	Search for archived copies of government webpages.
	Way Back Machine	http://www.archive.org/web/web.php	Search for archived copies of websites.
Directories	Anywho	http://www.anywho.com/reverse-lookup	Reverse phone.
	AT & T	http://www.corp.att.com/directory/	Find a business or person using AT&T's Directory Assistance.
	Email addresses	http://my.email.address.is/	Searches Yahoo!, Switchboard, W.E.D, InfoSpace, and Look4U, as well as reverse email address search and tips on finding email addresses.
	Freeality	http://www.freeality.com/findc.htm	Search public records by category or state or nationwide.
	Infobel	http://www.infobel.com/en/world/index.aspx	Find anyone anywhere in the world. Available in multiple languages.
	Reverse address directory	http://www.reverseaddressdirectory.com	Reverse address, phone.
	Search Systems	http://publicrecords.searchsystems.net/index.php	General Information Search (i.e. zip code, area code).
Directories (con't)	Superpages	http://www.superpages.com	Business Directory
	Switchboard	http://www.switchboard.com	Personal and Business Directory.
	Toll Free Numbers	http://inter800.com/	Toll free number directory.

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	Whowhere	http://www.whowhere.com	White and yellow pages.
Federal Gov't Directories	FedStats	http://fedstats.sites.usa.gov	Statistics from 100 government agencies.
	Louisiana State University Libraries	http://www.lib.lsu.edu/gov/index.html	Federal agency directory.
Find people	Yahoo	http://search.yahoo.com/people/email.html	Search for people and businesses information.
	Searchbug	http://www.searchbug.com/peoplefinder/	Personal and Business directory with additional services if you submit an email address in which the information can be sent.
	Westlaw*	http://web2.westlaw.com/signon/default.wl?fn=%5Ftop&newdoor=true&rs=WLW11%2E04&vr=2%2E0	Search for legal information, as well as parties to lawsuits. Your legal office may have an account.
	Clear*	https://clear.thomsonreuters.com/index.jsp	Search for business or personal information with an address or name. This service was previously known as ChoicePoint, Autotrack, and CP Clear.
	Public Data*	http://www.publicdata.com	Search criminal, motor vehicle, drivers' license, sex offenders, voter, property tax, federal, Secretary of State, and professional license from select states.
	Experian/MetroNet*	https://www.infolookup.experian.com/metroonet/	Credit Reports, business searches, and personal searches.
	Lexis*	http://www.lexis.com	People finder, real property searches, liens and encumbrances, etc.

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Find People (con't)	Accurint*	http://www.accurint.com/	Lexis product, provides comprehensive information on individuals with one search.
	Federal Prisoners	http://www.bop.gov/inmateloc/	Locate inmates in Federal prisons.
	Zaba	http://www.zabasearch.com/	People and address research.
	New Ultimates	http://www.newultimates.com/	People, phone number, and address research.
Investigator's Guide to Sources of Information		http://www.fas.org/irp/gao/osi-97-2/soi_ch4.htm	List of investigative databases.
Library of Congress		http://www.loc.gov/index.html	Largest library in the world; services include Ask a Librarian, photo duplication; see FAQs.
Linda Hall Library		http://www.lindahall.org	Library of science, engineering and technology; document delivery services; searchable catalog; reference and search services.
Marine Vessels	NOAA	http://www.st.nmfs.noaa.gov/st1/CoastGuard/VesselByName.html	Searchable database of vessel names and information.
	Boat Info World	http://www.boatinfoworld.com/	Searchable database of vessel names and information.
	USCG	http://cgmix.uscg.mil/PSIX/PSIXSearch.aspx	Searchable database of vessel names and information.

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Municipalities	City Data	http://www.city-data.com/	Includes photos, statistics, maps, home values, crime data, etc.
	Munifilings.com*	http://www.munifilings.com/munifilings/IndexAction.do	Budget, annual reports, other information related to municipalities, school districts, and many municipally owned or operated entities. Registration and search is free, pay per report.
National Archives		http://www.archives.gov/index.html	Searchable databases of historical information.
National Response Center		http://www.nrc.uscg.mil/apex/f?p=109:1:2446608262617462	Query reported releases of hazardous substances by company or location. (Temporarily disabled while they deal with security vulnerabilities. Summary date is available.)
News-papers	Digital First Media	http://www.digitalfirstmedia.com/products/	Selected newspaper links in selected states.
	News Voyager	http://www.naa.org/	Links to all major newspapers; search by state, no logins.
Personal Property	Collect.com	http://www.collect.com/	Antiques, collectibles values. Registration required.
	EBay	http://www.ebay.com/	Online auction.
	Kelley Blue Book	http://www.kbb.com/	Car values.
	Kovels.com	http://www.kovels.com/	Antiques, collectibles values. Registration required.
	Nada Guides	http://www.nadaguides.com/	Car, boat, RV, motorcycle, mobile home values.

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Photo editing Tool	JPEGsnoop.com	http://jpegsnoop.en.softonic.com/	Free software that claims to analyze photos and determine whether they have been edited.
Public Records Directories	BRB Publication	http://www.brbpub.com/free-public-records/	Public records databases by state; links to free databases (similar to Search Systems before it became a pay service).
	Search Systems	http://publicrecords.searchsystems.net/	Lists 38,541 searchable public record databases; no direct link unless a paying member, but will show which databases are free of charge.
Regional Information Sharing Systems*		http://www.iir.com/Information_Sharing/riss/default.aspx	National program of regionally oriented services designed to enhance the ability of criminal justice agencies to share information; membership required.
Sanborn Maps	EDR Net*	http://www.edrnet.com/environmental-services/sanborn-maps	Order Sanborn Fire Insurance maps.
	Library of Congress*	http://www.loc.gov/rr/geogmap/sanborn/	Over 6,000 maps available online. Over 675,000 available in person. The searchable database includes only those sheets added since 1981.

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<p>Sanborn Maps (cont'd)</p>	<p>Local Universities</p> <p>(examples: Penn State, Dartmouth, University of Florida, University of Utah, University of Colorado-Boulder , UC Berkley)</p>	<p>http://www.libraries.psu.edu/psul/digital/sanborn.html</p> <p>http://www.dartmouth.edu/~library/maproom/sanborns.html?mswitch-redirect=classic</p> <p>http://ufdc.ufl.edu/sanborn</p> <p>http://content.lib.utah.edu/cdm/az?page=0</p> <p>http://libnet.colorado.edu/sanborn/about.asp</p> <p>http://cluster3.lib.berkeley.edu/EART/snb-intr.html</p>	<p>Check with universities in your State – many have extensive collections of area Sanborn Maps available.</p>
	<p>Local Public Libraries</p> <p>(examples: Chicago, IL; Ann Arbor, MI; Everett, MA; Iowa; Georgia; Kansas City, MO)</p>	<p>http://www.chipublic.org/resource/illinois-sanborn-maps/</p> <p>http://www.aadl.org/node/9308</p> <p>http://epls.org/nw-history/digital-collections/sanborn-maps</p> <p>http://www.statelibraryofiowa.org/services/online-resources/resources/sanborn-login</p> <p>http://dlg.galileo.usg.edu/sanborn/?Welcome</p> <p>http://www.kchistory.org/cdm4/sanborn_splash.php</p>	<p>Many state libraries and public libraries in large urban areas have collections of Sanborn Maps available.</p>

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State and Local Gov't Directories	GovEngine.com	http://www.govengine.com/	Federal, state and local government information.
	State and Local Government on the Net	http://www.statelocalgov.net/index.cfm	Directory of state, county, city government websites.
	State Agencies	http://wikis.ala.org/godort/index.php/State_Agency_Databases	Links to State agencies.
Federal Directories	USA.gov	http://www.usa.gov/	“Government made easy.”
U.S. Geological Survey	Earth Sciences Library	http://library.usgs.gov/	The largest earth science library in the world.
Zip codes	USPS	http://zip4.usps.com/zip4/welcome.jsp	Find zip code for an address.

Maps and Aerial Photos

Bing Maps	http://www.bing.com/maps/	Similar to Google Earth. View 3d aerial photos, maps, and more. Free service but requires a software download.
Enviromapper	http://www.epa.gov/emefdata/em4ef.home	U.S. EPA's interactive maps and aerial photography to display facility-based information from the Envirofacts Warehouse.

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Freeality.com		http://www.freeality.com/maps.htm	Directory of map-related sites.
Historic Aerial Photos		http://www.historicaerials.com/	Obtain older aerial photos for some areas. Free to use, photos available for purchase.
Google Earth		http://www.google.com/earth/index.html	Satellite imagery, maps, terrain and 3D buildings. Free service but requires a software download.
Google Maps		http://maps.google.com/maps	Maps and directions. Limited aerial photos.
Mapquest		http://www.mapquest.com/	Maps and directions.
Track Plotter		http://www.tractplotter.com/	Map by latitude and longitude.
U.S. Geological Survey	National Geologic Map Database.	http://ngmdb.usgs.gov/ngmdb/ngm_catalog.ora.html	National Geologic Map Database. Search USGS maps.
	National Map	http://nationalmap.gov/	Maps of North America

Mining Site Specific Resources

Abandoned Mine Land Inventory System	http://amlis.osmre.gov/Default.aspx	Computer system used to store, manage, and report on the Office of Surface Mining Reclamation and Enforcement's Inventory of Abandoned Mine Land Problems
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Potentially Responsible Party Internet Information Sources, 05/21/2014 (PRPIIS)

Applicant/Violator System	https://avss.osmre.gov/	DOI, Office of Surface Mining database. Information on applicants, permittees, operators, application and permit records, as well as unabated or uncorrected environmental violations of SMCRA are maintained in this nationwide database.
Coalex Research Reports	http://www.osmre.gov/resources/Coalex.shtm	Reports are products of research and analysis conducted on specific issues relating to the regulation of Surface Mining Control and Reclamation Act of 1977.
Department of Interior – Bureau of Land Records	http://www.glorerecords.blm.gov/search/default.aspx	Searchable database of BLM’s General Land Office Records
Land and Mineral Use	http://www.blm.gov/lr2000/	Provides reports on BLM land and mineral use authorizations for oil, gas, and geothermal leasing, rights-of-ways, coal and other mineral development, land and mineral title, mining claims, withdrawals, classifications, and more on federal lands or on federal mineral estate.
National Mine Map Repository	http://mmr.osmre.gov/	Searchable index of OSMRE’s mine map repository.
University of Idaho	http://www.lib.uidaho.edu/special-collections/	This collection has information about the Day Mining Co. and associated mining companies. Also personal records of Jerome Day.
University of Utah	http://www.lib.utah.edu/portal/site/marriottlibrary/	Mining company records--covering Utah, Idaho, Wyoming

* Denotes a fee for service

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University of Washington	http://www.lib.washington.edu/specialcoll/	Major resource for rare and archival materials covering a broad range of topics, formats, and periods. Research strengths include the history of the Pacific Northwest, Alaska and Western Canada.
University of Wisconsin, Ecology and Natural Resources Collection	http://digicoll.library.wisc.edu/EcoNatRes/Search.html	Searchable collection of Mineral Yearbooks 1933-1993.

Real Property

ABC's of Real Estate	http://www.realestateabc.com/	Real estate and mortgage resources.
DataQuick*	http://www.dataquick.com/	Real property ownership, appraisal information.
HomeSeekers.com	http://www.homesekers.com/	Residential property sales and value information.
Netronline.com	http://www.netronline.com/	Real estate information and public records search. Also includes aerial photos resource.
RealEstate.com	http://www.realestate.com/homevalues/	Residential property sales and value information.
Rent-O-Meter	http://www.rentometer.com	Residential rental comparison.
Zillow	http://www.zillow.com/?kwd=zillow	Real estate information and property values. The information available varies by region searched.

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Technical Information

Agency for Toxic Substances and Disease Registry (ATSDR)	Hazardous Substances	http://www.atsdr.cdc.gov/SPL/index.html	Hazardous substance and toxicological information.
	ToxFAQs	http://www.atsdr.cdc.gov/toxfaqs/index.asp	ToxFAQs: Frequently asked questions about contaminants found at hazardous waste sites.
Cleaner Solutions Database		http://www.cleansolutions.org/?action=vendor_search&page=0&submit=Submit&sortby=product&sortasc=1	Search for products based on vendor-recommended contaminant, substrate and equipment information.
Efunda (Engineering Fundamentals)		http://www.efunda.com/processes/processes_home/process.cfm	Descriptions of industrial processes.
Envirofacts Master Chemical Integrator		http://www.epa.gov/enviro/html/emci/chemref/	Search the EMCI Chemical References Web Pages.
Material Safety Data Sheets (MSDS)	MSDS.com	http://www.msds.com/	MSDS search by chemical, product name.
	Seton Resource Center	http://www.seton.com/static/help/help_pages/crc.html	MSDS search by manufacturer name.
Military specification lubricant products		http://www.mtpinc-exporter.com/chemicals/chem_mil_spec.htm	Listing by specification number and title of specification.
National Library of Medicine		http://sis.nlm.nih.gov/enviro.html	Environmental health and toxicology information. Also, access to TOXNET, a collection of databases on hazardous chemicals, toxic releases, and environmental health.

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Radiochemistry Society	http://www.radiochemistry.org/periodictable/	Periodic table.
Toxnet- Toxicology Data Network	http://toxnet.nlm.nih.gov/	Data on toxicology, hazardous chemicals, environmental health, toxic releases.
US Metric Association	http://lamar.colostate.edu/~hillger/common.html	Metric conversions.

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United States Environmental Protection Agency
