



# At a Glance

## Why We Did This Project

We evaluated whether the U.S. Environmental Protection Agency (EPA) enforced Potentially Responsible Parties' (PRPs') compliance with EPA Superfund Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Response Settlements and Unilateral Response Orders.

Under its CERCLA authority, the EPA can employ Superfund enforcement instruments to require PRPs to address environmental contamination at Superfund sites. The EPA is responsible for enforcing the terms specified in enforcement instruments and for taking action when violations occur. The EPA monitors violations of enforcement instruments when the violations amount to Substantial Noncompliance (SNC).

## This report addresses the following:

- *Cleaning up and revitalizing land.*

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## ***While EPA Regions Enforce at Six Superfund Sites Reviewed, Four of Those Sites Remain in Significant Noncompliance, and Nationwide Reporting and Tracking Can Be Improved***

### What We Found

EPA regions we reviewed were enforcing for all six of our sampled sites. However, four of those sites remained in significant noncompliance. Additionally, the EPA's ineffective tracking of SNC for Superfund enforcement instruments limited headquarters' ability to measure whether, and how well, the regions were addressing noncompliance at sites.

**The effectiveness of EPA headquarters' oversight of enforcement at Superfund sites was limited as headquarters was not aware of all SNCs and thus could not assess adequacy of regional actions.**

As of May 2018, there were 1,625 active Superfund enforcement instruments nationwide. The EPA's Office of Enforcement and Compliance Assurance was aware of 50 enforcement instruments in SNC, which represented 3 percent of active enforcement instruments, suggesting that 97 percent were in compliance. However, that level of compliance for our sample was overstated, as four of the six enforcement instruments we reviewed were erroneously coded as "Not in SNC" when they should have been coded as "In SNC." We found that the guidance for tracking and monitoring noncompliance allows for overly subjective determinations of SNCs, and EPA headquarters did not use the compliance reports to thoroughly monitor compliance with enforcement instruments nationally.

Headquarters oversight is critical in cases where PRPs have liabilities in more than one region. Without appropriate oversight, headquarters' awareness of all PRP liabilities and possible inability to pay for cleanup is limited. This situation could lead to increased expenditures from the Superfund trust fund to pay for cleanups, resulting in less Superfund money being available for other sites. Cleanups can also be delayed when negotiations slow or stall, thereby extending human health exposures.

### Recommendations and Planned Agency Corrective Actions

We recommend that the Assistant Administrator for Enforcement and Compliance Assurance revise guidance on the tracking and monitoring of SNC to better define "In SNC" and "Not in SNC"; require correction of SNC status where designations are inaccurate; communicate to regions the clarified guidance on proper designations of SNC and how to report them; remind regions to correct and update compliance data as appropriate for all active enforcement instruments; and develop, document and assign the roles and responsibilities of headquarters staff for oversight of monitoring noncompliance with Superfund enforcement instruments. The agency agreed with the recommendations, which are resolved with corrective actions pending.