

Evaluation of Institutional Controls at the Cornell Dubilier Electronics Inc. Superfund Site in South Plainfield, New Jersey

November 25, 2025 | Report No. 26-E-0003



Abbreviations

CDE	Cornell Dubilier Electronics Inc.
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
C.F.R.	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
IIJA	Infrastructure Investment and Jobs Act
OIG	Office of Inspector General
OU	Operable Unit
PCB	Polychlorinated Biphenyl
U.S.C.	United States Code

Key Definitions

Community Involvement Plan	An official site document that outlines a site-specific strategy to enable meaningful community involvement throughout the Superfund cleanup process and to address community needs, concerns, and expectations.
Informational Devices	Information and notifications that are provided to local communities, site users, or other interested persons and that indicate residual contamination remains on site.
Institutional Controls	Legal and administrative controls that help minimize the potential for human exposure to contamination and protect the integrity of the response action by limiting land or resource use and guiding human behavior.

Cover Image

Two versions of a fish consumption advisory sign, one in English and one in Spanish, located at New Market Pond in South Plainfield, New Jersey. Featuring the illustration of a fish within a red circle with a line through it, the sign reads, “Do not eat fish from these waters. For information on this fish advisory contact: New Jersey Department of Environmental Protection 609-484-6070. For information on the ongoing investigation of this area contact United States Environmental Protection Agency 888-283-7626.” In the background is a body of water with lily pads. (EPA OIG image)

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At a Glance

Evaluation of Institutional Controls at the Cornell Dubilier Electronics Inc. Superfund Site in South Plainfield, New Jersey

Why We Did This Evaluation

To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA's institutional controls related to Infrastructure Investment and Jobs Act-funded remedial activities at the Cornell Dubilier Electronics Inc. Superfund site in South Plainfield, New Jersey, will minimize human exposure to site contaminants. The Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, authorizes the EPA to clean up contaminated sites. The EPA develops records of decision for each Superfund site that outline the cleanup remedies to be implemented. If contamination at the site remains above allowable levels, the EPA must review the remedies every five years to ensure their effectiveness.

The EPA allocated \$170 million from the Infrastructure Investment and Jobs Act to divert surface water and dredge approximately three miles of the Bound Brook running adjacent to the Cornell Dubilier Electronics Superfund site. This remedy requires the implementation of institutional controls, such as advisory signs. The Cornell Dubilier Electronics Superfund site is in EPA Region 2.

To support these EPA mission-related efforts:

- *Cleaning up and revitalizing land.*
- *Partnering with states and other stakeholders.*

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What We Found

The fish advisory signs, an informational device used at the Cornell Dubilier Electronics Inc., or CDE, Superfund site, do not align with the EPA's guidance for fish consumption advisories and do not reflect the requirements documented in the record of decision for a portion of the site known as Operable Unit 4. For example, the signs do not communicate the presence of polychlorinated biphenyls, commonly referred to as PCBs, nor do they specify the associated health impacts of consuming contaminated fish. As a result, the potential of this institutional control to minimize human exposure to site contaminants may be reduced.

Also, the EPA's community engagement strategy for the CDE Superfund site does not align with the EPA's statement that the strategy is based on regulation and Agency guidance. Specifically, it is not based on recent, formal interviews from the community. The EPA issued the site's original community involvement plan, which outlines the community engagement strategy, in 2000 after conducting interviews. However, while the EPA site team updated the community involvement plan in 2020, it had not performed any additional interviews as of October 2024. Some of the EPA's site information and reporting is also incomplete or inaccurate. For example, five-year review reports for the site do not describe whether, how, and when the EPA inspected and evaluated the institutional controls along the Bound Brook. The EPA also does not have the most recent community involvement plan in the site's local information repository, and the site's profile page on the EPA website depicts additional areas of investigation not directly linked to the site, which may cause confusion.

Incomplete, unavailable, and inaccurate information about the CDE Superfund site compromises the effectiveness of risk communication during the site's \$170 million Infrastructure Investment and Jobs Act-funded remediation and may result in increased human health risks from exposure to site contaminants.

Recommendations and Planned Agency Corrective Actions

We make ten recommendations to the regional administrator for Region 2, including updating and using consistent, clear messaging on the CDE Superfund site's advisory signs and other informational devices; updating the community involvement plan for the site and making it publicly available; accurately documenting the results, outreach activities, and community feedback from the five-year reviews; and updating the site profile page. The Agency agreed with our recommendations, which we consider resolved pending implementation of the agreed-to corrective actions.

Noteworthy Achievements

The EPA site team for the CDE Superfund site demonstrated meaningful engagement with local officials during the ongoing site cleanup phases and maintains an office on the site. Also, the EPA site team listened to the community's concerns and posted signs as an institutional control long before they were required as part of the site remedy.



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

November 25, 2025

MEMORANDUM

SUBJECT: Evaluation of Institutional Controls at the Cornell Dubilier Electronics Inc. Superfund Site in South Plainfield, New Jersey
Report No. 26-E-0003

FROM: Nicole N. Murley, Deputy Inspector General performing the duties of the Inspector General *Nicole N. Murley*

TO: Michael Martucci, Regional Administrator
EPA Region 2

John W. Busterud, Assistant Administrator
Office of Land and Emergency Management

This is our report on the subject evaluation conducted by the U.S. Environmental Protection Agency Office of Inspector General. The project number for this evaluation was OSRE-FY24-0125. This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

In accordance with EPA Manual 2750, your office provided acceptable planned corrective actions and estimated milestone dates in response to OIG recommendations. All recommendations are resolved, and no final response to this report is required. If your office submits a response, however, it will be posted on the OIG's website, along with our memorandum commenting on the response. The response should be provided as an Adobe PDF file that complies with the requirements of section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that your office does not want released to the public; if the response contains such data, your office should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at www.epa.gov/oig.

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Purpose

The U.S. Environmental Protection Agency Office of Inspector General initiated this evaluation to determine whether the EPA's institutional controls related to Infrastructure Investment and Jobs Act-, or IIJA-, funded remedial activities at the Cornell Dubilier Electronics Inc., or CDE, Superfund site in South Plainfield, New Jersey, will minimize human exposure to site contaminants.

Background

The Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, also commonly known as Superfund, authorizes the EPA to require property owners and other potentially responsible parties to clean up contaminated sites.¹ CERCLA, through its implementing regulations, requires that the EPA maintain a list of sites prioritized for cleanup based on the relative threat that the on-site contamination poses to human health and the environment.² This list is called the [National Priorities List](#). Sites on the National Priorities List are referred to as Superfund sites, although not all Superfund sites are considered serious enough to be included on the National Priorities List. Appendix A contains more information on Superfund funding sources.

To address site contamination more efficiently, the EPA divides some Superfund sites into distinct areas called operable units, or OUs. To determine the number and scope of a site's OUs, the EPA considers the geographic areas of the site; the specific contaminants of concern; and the type of contaminated media, such as groundwater or soil. The EPA documents these OUs in records of decision, which are official site cleanup plans that outline the remedies to be implemented to control and mitigate the site contamination. As remedial activities progress, the EPA may redefine the OUs and update the official records of decision. If contamination at a site remains above the levels that would allow unlimited use of and unrestricted exposure to the site, CERCLA requires the EPA to review the site every five years to ensure that the remedies are still effective.³ This is called the Superfund five-year review.

Institutional Controls

Institutional controls are administrative and legal controls that help minimize the potential for human exposure to contamination and that protect the integrity of implemented remedies by limiting how the land or other resources are used and by guiding human behavior. Institutional controls may be a key part of a remedy at a Superfund site. As described in the green box below, there are several types of institutional controls, such as governmental controls and informational devices. These controls can also take many forms, such as easements, building codes, fishing restrictions, tracking systems, signs, and more.

¹ A potentially responsible party is a person or company that may be liable for certain contamination response costs under CERCLA. A potentially responsible party could be a current or former owner or operator of a facility or vessel; those who arrange for transport, disposal, or treatment of hazardous substances; or those who accept hazardous substances for transport or disposal or select a disposal site from which there is a spill or release of hazardous substances that triggers a response under CERCLA.

² 42 U.S.C. § 9605(a)(8)(B) and 40 C.F.R. § 300.425.

³ 42 U.S.C. § 9621(c).

Types of Institutional Controls

Proprietary controls: Controls that prohibit or restrict use of or activities on private property. They are made with the agreement of the property owner and an enforcement authority. Examples include restrictive covenants and easements.

Governmental controls: Restrictions that a governmental entity imposes on resource or land use. Examples include zoning, building codes, groundwater-use regulations or restrictions, and fishing restrictions.

Informational devices: Information and notifications that are provided to local communities, site users, or other interested persons and that indicate residual contamination remains on site. Examples include state registries of contaminated sites, deed notices, tracking systems, fish- and shellfish-consumption advisories, and signage.

Enforcement and permit tools with institutional control component: Legal tools that limit site activities or require performance of specific activities. Examples include federal facility agreements and consent decrees.

The EPA implements institutional controls, as appropriate, after the discovery of contamination, during the cleanup process, and if the contamination remains over allowable levels after the planned remedies have been implemented. Often, the EPA must work with state and local stakeholders and property owners to implement institutional controls at a site. According to the EPA's *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*, planned institutional controls should be described as explicitly as possible in a site's record of decision. Specifically, the record of decision should describe who will implement the controls, how the institutional controls will be implemented, and what the performance goals for the controls will be.

Cornell Dubilier Electronics Inc. Superfund Site History

Electronics were manufactured at the CDE site in South Plainfield from 1936 through 1962, during which time poor waste-handling practices resulted in releases of polychlorinated biphenyls, or PCBs, and chlorinated volatile organic compounds, contaminating the soil, sediment, and groundwater at both the facility and surrounding residential, commercial, municipal, and other publicly accessible properties. These contaminants can cause cancer and serious adverse health effects to the immune, reproductive, nervous, and endocrine systems.

In the 1980s, the New Jersey Department of Environmental Protection investigated elevated levels of tetrachloroethylene, trichloroethylene, and other volatile organic compounds in the groundwater at residences surrounding the former CDE facility. By the 1990s, the EPA had identified contaminated soil, surface water, and sediment at the former facility and ordered the property owner to perform a removal action to mitigate contaminated soil and surface water runoff.⁴ The CDE site was added to the National Priorities List in 1998. Because of the complexity and size of the CDE Superfund site, the EPA divided the remedial activities into four OUs and documented each OU in separate records of decision. Table 1 details the OUs and associated remedies.

⁴ A removal action is generally a short-term cleanup action intended to address an imminent threat from released hazardous substances to human health or the environment.

Table 1: Remedial actions at the CDE Superfund site

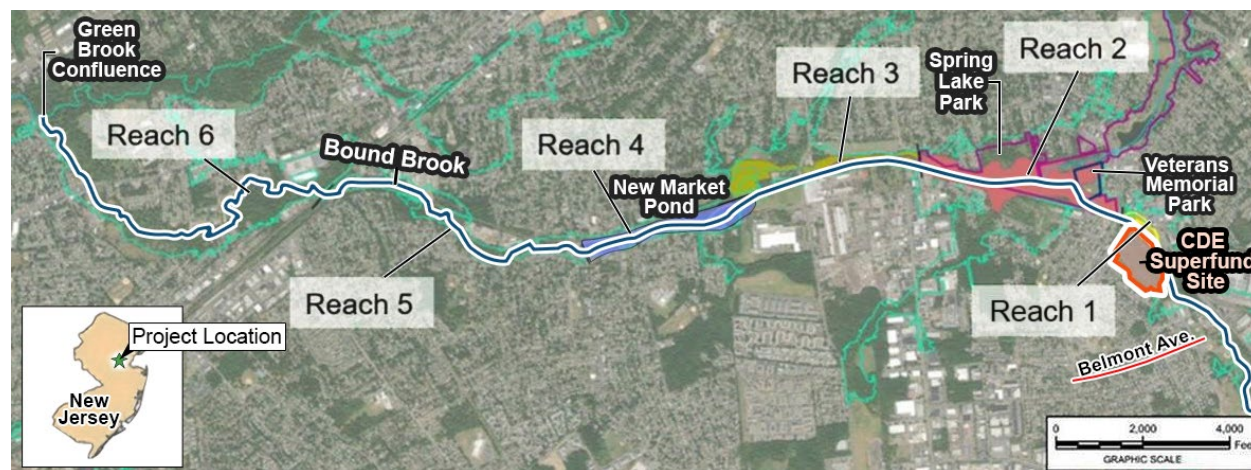
OU	Year that record of decision was signed	Remedial action	Actions completed?
OU1	2003	Removal of PCB-contaminated soil and interior dust at 34 locations surrounding the former facility.	Yes
OU2	2004	Removal of PCB-contaminated soil, demolition of structures, and installation of a multilayered asphalt cap at the former facility.	Yes
OU3	2012	Establishment of long-term groundwater and vapor intrusion monitoring programs and institutional controls related to groundwater through the implementation of a classification exception area.*	Ongoing
OU4	2015	Relocation of a waterline, groundwater extraction and treatment, diversion of surface water, and the dredging and disposal of PCB-contaminated soil and sediment along the Bound Brook, including New Market Pond.	Ongoing

Source: OIG summary, *Record of Decision, Operable Unit 4*, for the CDE site, EPA Region 2, May 2015. (EPA OIG table)

* New Jersey statute defines a “classification exception area” as an area within which one or more constituent standards and designated uses are suspended in accordance with the applicable New Jersey law.

The EPA has remediated the former facility using various funding sources, and portions of the OU4 remedy for the surrounding area will be funded with supplemental appropriations. Specifically, the EPA allocated \$170 million of IJA funds in 2023 to divert surface water and dredge approximately three miles of the Bound Brook that run adjacent to the CDE Superfund site. As outlined in the *OU4 Record of Decision*,⁵ the EPA will ultimately remove PCB-contaminated sediments and floodplain soil from this three-mile area, which is shown in Figure 1 as Reaches 2 through 4 and which includes New Market Pond. The EPA anticipates completing this work by approximately 2030.

Figure 1: Sections of the Bound Brook where the EPA will remove contaminated soil and sediment



Source: OIG analysis of EPA map. (EPA OIG modification of an EPA image)

Note: The EPA has completed remediation for Reach 1, while remediation for Reaches 2 through 4 is in progress and remediation for Reaches 5 and 6 has not yet been funded.

⁵ Record of Decision, Operable Unit 4 Bound Brook, Cornell-Dubilier Electronics, Inc. Site, South Plainfield Borough, Middlesex County, New Jersey, United States Environmental Protection Agency, Region 2, May 2015.

The *OU4 Record of Decision* remedy requires that the fish consumption advisory established by the New Jersey Department of Environmental Protection remain in place as an institutional control while the EPA completes the OU4 work. The fish consumption advisory is intended to minimize the potential for human exposure to site contaminants from contaminated sediment and surface water from the Bound Brook. The EPA has also planned and implemented other institutional controls at the CDE Superfund site. Table 2 summarizes the institutional controls planned and implemented at the site through December 2021; these controls are all documented in the site's records of decision.

Table 2: Institutional controls at the CDE Superfund site

Institutional control	Purpose
Fish consumption advisory	To inform the public of the hazards of consuming fish from the Bound Brook.
Fish consumption advisory signage	To remind anglers and other recreational users of the presence of PCBs in sediments and fish and the need to take preventative measures.
Classification exception area	To prevent the installation and use of private groundwater wells and the use of the contaminated groundwater.
Deed notice (planned)	To prevent either the former facility's parcel from being rezoned from commercial/industrial to residential or the future unrestricted use of the former facility property.

Source: OIG summary, *2021 Five-year Review Report* and *OU4 Record of Decision*. (EPA OIG table)

According to the New Jersey fish consumption advisory subject matter expert, the New Jersey fish consumption advisory program does not post signage at affected areas when an advisory is issued, although it does provide templates for such signs. Additionally, the EPA has posted guidance on its website related to fish consumption advisories.⁶ This guidance explains that advisories can be communicated in several ways, such as on television, in newspapers, on the internet, and via posters and signs; states that visual aids related to an advisory should, among other things, have concise and direct text with an emphasis on symbols and images; and provides that risk communication materials should include the contaminant of concern. A staff member we spoke to from the EPA Office of Water confirmed that advisory signs should identify the contaminants of concern. Further, the *OU4 Record of Decision* for the CDE Superfund site, which was signed in 2015, specifies that continued signage is a required institutional control for the site remedy. This record of decision states that the EPA, in collaboration with the New Jersey Department of Environmental Protection and local governments, will continue to maintain signs in both English and Spanish to remind the public that PCBs are in the sediment and fish and that preventative measures should be taken, including releasing any caught fish in accordance with the fish consumption advisory established by the New Jersey Department of Environmental Protection.

⁶ See [Guidance for Developing, Implementing and Improving Advisory Programs](#), which consists of four volumes posted on the EPA's website.

Superfund Site Community Involvement Requirements and Guidance

CERCLA's regulations include the National Contingency Plan which, according to an EPA [website](#), is "the federal government's blueprint for responding to both oil spills and hazardous substance releases." The National Contingency Plan requires the EPA to prepare a community involvement plan as part of Superfund site remedial activities. A community involvement plan is an official document that outlines how the EPA should approach community involvement throughout the Superfund cleanup process.⁷ Each plan should be based on community needs, concerns, and expectations specific to that site. To that end, the National Contingency Plan requires the EPA to conduct interviews of impacted community members to inform the community involvement plan.⁸ The purpose of the community involvement plan is to ensure that the public has appropriate opportunities for involvement in site decisions and activities, as well as to identify ways the community can learn about the site.⁹ In addition, for each Superfund site, the National Contingency Plan requires the EPA to maintain an administrative record of documents that are "received, published, or made available to the public,"¹⁰ such as the site's community involvement plan, proposed plans for remedial actions, and public comments received. A site's administrative record should also contain documents like records of decision that reflect or support why the EPA selected a certain remedy. These documents must be stored in a local information repository that is available "at or near" the Superfund site for public inspection.¹¹

EPA guidance further addresses the National Contingency Plan requirements. According to the EPA's 2020 *Superfund Community Involvement Handbook*,¹² community interviews are a critical part of producing a community involvement plan. The guidance explains that community interviews allow the EPA site team, which includes the site's remedial project manager and community involvement coordinator, to hear directly from the community about its needs and expectations, address the community's questions or concerns, and gain insight into how the community prefers to receive information about and be involved in the site's remediation. The EPA site team can then use this information to develop the community involvement plan and to build and strengthen its relationships with the community. The site team may also revisit these topics with the community when updating the community involvement plan.

The EPA's *Comprehensive Five-Year Review Guidance*,¹³ dated June 2001, recommends that the EPA also interview community members as part of its oversight activities during the five-year review process, with the goal of obtaining their views about site conditions and any related concerns. The

⁷ 40 C.F.R. § 300.430(c)(2)(ii). While the Code of Federal Regulations uses the term "community relations plan," the plan is now commonly referred to as a community involvement plan.

⁸ 40 C.F.R. § 300.430(c)(2)(i).

⁹ 40 C.F.R. § 300.430(c)(2)(ii).

¹⁰ 40 C.F.R. § 300.810(a)(3).

¹¹ 40 C.F.R. § 300.805(a).

¹² EPA Office of Land and Emergency Management, 9230.0-51 Superfund Community Involvement Handbook (2020).

¹³ EPA Office of Solid Waste and Emergency Response, 9355.7-03B-P, Comprehensive Five-Year Review Guidance (2001).

Comprehensive Five-Year Review Guidance recommends that EPA staff conducting a five-year review read the site's community involvement plan to help identify which community members to interview.

A five-year review is an evaluation of the implementation and performance of remedies at a site, including institutional controls, to determine whether they are or will be protective of human health and the environment. These evaluations take place every five years and typically include document reviews, site personnel interviews, and site inspections. CERCLA requires five-year reviews when hazardous substances, contaminants, or pollutants are left on the site and prevent unrestricted use of the site or its resources because of the risk of exposure to the public.

Responsible Offices

The EPA Office of Land and Emergency Management is responsible for developing guidance, policy, and program management for Superfund sites nationwide through all phases of remediation. In fiscal year 2024, the Office of Land and Emergency Management's budget from annual appropriations was approximately \$877 million. This figure does not include amounts from supplemental appropriations legislation such as the \$3.5 billion designated for Superfund National Priorities List sites under the IIJA, or the revenues generated from Superfund excise taxes.

The CDE Superfund site is in EPA Region 2, which covers New Jersey, New York, Puerto Rico, the U.S. Virgin Islands, and eight Indian Nations. The Region 2 Superfund Emergency Management Division is responsible for implementing CERCLA and the National Contingency Plan in New Jersey and other locations within the region's area of responsibility. To accomplish this, Region 2 delegates Superfund site management responsibilities to remedial project managers. Region 2 also appoints community involvement coordinators to facilitate community outreach and engagement programs, as well as site attorneys from its Office of Regional Counsel to provide legal support for regulatory actions associated with cleanup activities.

The Office of Water is responsible for ensuring that drinking water is safe and for restoring and maintaining oceans, watersheds, and aquatic ecosystems to protect human health; support economic and recreational activities; and provide healthy habitats for fish, plants, and wildlife. The Office of Science and Technology within the Office of Water creates and distributes guidance related to fishing and fish consumption restrictions, often interfacing with state agencies to help create and implement policies and institutional controls related to these restrictions. In fiscal year 2024, the Office of Water's budget from annual appropriations was approximately \$4.7 billion, and its Office of Science and Technology's budget was approximately \$32.1 million. Neither of these figures include amounts from supplemental appropriations, such as from the IIJA or the Inflation Reduction Act.

Noteworthy Achievements

The EPA team for the CDE Superfund site, namely the remedial project manager and community involvement coordinator, demonstrates meaningful engagement with local officials in the Borough of South Plainfield, Piscataway Township, and Middlesex County in New Jersey. The EPA site team maintains an office on the site, which allows for community drop-ins, enables more effective oversight of the day-to-day needs of the site and the surrounding community, and facilitates active engagement at public

meetings. In addition, these EPA employees listened to the community's concerns and posted signs as an institutional control long before the 2015 *OU4 Record of Decision* required fish consumption advisory signs as part of the remedy and despite fact that there is no state requirement to post such signs.

Scope and Methodology

We conducted this evaluation from September 2024 to July 2025 in accordance with the *Quality Standards for Inspection and Evaluation*, published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we perform the evaluation to obtain sufficient and appropriate evidence to support our findings.

We reviewed site documents to obtain an understanding of the site history, contaminants of concern, objectives of the remedial activities, and historical implementation of institutional controls. We reviewed records of decision, five-year review reports, the EPA's "Cornell Dubilier Electronics Inc. South Plainfield, NJ" [site profile page](#), and the EPA's "Cleanups in My Community" geographic information system [database](#). We also reviewed documents and files at the CDE Superfund site's local information repository in South Plainfield.

We conducted nine interviews, an initial visit to observe the site, and a second site visit to understand the partnerships, practices, and policies related to implementing, monitoring, and enforcing institutional controls at the CDE Superfund site. We interviewed stakeholders, including staff from Region 2 and the Office of Water; representatives from the New Jersey Department of Environmental Protection; and representatives from New Jersey's Middlesex County, Borough of South Plainfield, and Piscataway Township. We also visited two other Superfund sites and one EPA-managed hazardous cleanup site in New Jersey with fishing or fish consumption restrictions to compare signage and review institutional controls, specifically informational devices.

Prior Reports

EPA OIG Report No. [24-E-0046](#), *The EPA Should Improve Oversight of Physical Access and Institutional Controls at the Escambia Wood Superfund Site*, issued on June 12, 2024, noted that the EPA was not providing sufficient oversight of the maintenance of engineering controls and institutional controls at the Escambia Wood Superfund site. Physical access controls at the site, such as fencing and signage, were in poor condition or missing. The EPA was not ensuring that state and local stakeholders enforced restrictive covenants prohibiting residential or recreational use of the land, resulting in encampments of homeless persons at the site. We made four recommendations, including some related to the EPA's oversight of the site's institutional controls. All four recommendations are closed with corrective actions completed.

EPA OIG Report No. [24-E-0033](#), *EPA Region 7 Did Not Effectively Engage with the Community Surrounding the Findett Corp. Superfund Site*, issued on April 17, 2024, noted that the EPA was ineffectively communicating with the community surrounding the Findett Corp. Superfund site, leaving the community confused about the remediation actions and uninformed about opportunities for involvement. The EPA did not update its plan for engaging the community at the site throughout the changing site conditions, and the plan did not reflect community feedback. We made five recommendations, including

implementing procedures for updating the plan. One corrective action that the EPA proposed in response to our recommendation included integrating new procedures to formally discuss whether a site's conditions or community needs have changed, which would prompt a review of the plan. All five recommendations are closed with corrective actions completed.

EPA OIG Report No. [24-E-0032](#), *The EPA Needs to Improve Institutional Controls at the American Creosote Works Superfund Site in Pensacola, Florida, to Protect Public Health and IJIA-Funded Remediation*, issued on April 15, 2024, noted that the institutional controls at the American Creosote Works Superfund site were not sufficient to prevent potential exposure to contamination. We made nine recommendations to improve the implementation and effectiveness of institutional controls at the site. As of April 2025, seven of the nine recommendations are closed with corrective actions completed, one remains open with corrective actions not fully completed, and discussions are ongoing on documentation to support the closure of the remaining recommendation.

EPA OIG Report No. [21-P-0223](#), *EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites*, issued on September 9, 2021, noted that the Office of Land and Emergency Management was not consistently communicating health risks to impacted communities located near contaminated sites, which limited community members' ability to rely on the EPA's information to manage their risk of exposure to contaminants. At the time of the report, the Office of Land and Emergency Management did not have a national strategy for risk communication nationwide, which meant the various Office of Land and Emergency Management programs and ten EPA regions used their discretion on how to implement risk communication. We made three recommendations to the Office of Land and Emergency Management, including providing communities with the information required to manage their risks of exposure to contaminants. All three recommendations are closed with corrective actions completed.

EPA OIG Report No. [17-P-0174](#), *EPA Needs to Provide Leadership and Better Guidance to Improve Fish Advisory Risk Communications*, issued on April 12, 2017, noted that the EPA could take more of a leadership role and function as the connector for federal agencies, states, and tribes with the development of fish advisories. The EPA, states, and tribes were not consistently evaluating the effectiveness of fishing advisories, which could have helped determine whether the advisories were successfully reaching community members and whether there were any needed improvements. We made four recommendations to the EPA, including updating fishing advisory guidance for states and tribes. All four recommendations are closed with corrective actions completed.

Results

The institutional controls at the CDE Superfund site, specifically the informational devices, do not align with the EPA's guidance for fish consumption advisories or reflect the requirements documented in the site's record of decision for OU4. The EPA is using the New Jersey Department of Environmental Protection's fish consumption advisory as an institutional control, which is intended to limit exposure to the CDE Superfund site contaminants. The long-term effectiveness of the remedy at the site relies on this advisory. However, the signs related to the advisory that the EPA posted do not specify health risks,

which reduces their potential to guide human behavior and minimize human exposure to site contaminants. Proper implementation of the informational devices related to the fish consumption advisory is necessary both during and after the remedial activities to realize the full protectiveness of the \$170 million IJA-funded remediation.

Furthermore, the EPA's community engagement strategy for the CDE Superfund site is not based on formal feedback from the community. The EPA said it followed the requirements of National Contingency Plan and EPA guidance when updating its community involvement plan, which outlines the community engagement strategy. However, the EPA did not conduct community interviews even though the National Contingency Plan requires them when creating plans and the guidance says they should be done for comprehensive plan updates. Also, the EPA's five-year review reporting failed to include information about the site team activities necessary to establish that the fish consumption advisory signage at the Bound Brook remains in place to protect human health and the environment. For example, the EPA has not reported whether it evaluated the Bound Brook area or the effectiveness of the fish consumption advisory signs as part of its five-year reviews. Other information is also missing or inaccurate, such as the most recent community involvement plan missing from the site's local information repository and an inaccurate boundary depicted on the site's profile page. Determining and applying an effective community engagement strategy and ensuring that complete and accurate information is publicly available are paramount to reduce the risk of potential human exposure to the CDE Superfund site contaminants.

The EPA's Informational Devices Do Not Specify the Health Risks Associated with Consuming Fish from the Bound Brook

The CDE Superfund site *OU4 Record of Decision* requires that a fish consumption advisory, already in place by New Jersey, be continued as an institutional control to minimize human exposure to the site contaminants. The EPA incorporated the fish consumption advisory already established by the State of New Jersey into the record of decision to enhance the protectiveness of the OU4 remedy. According to the EPA remedial project manager, the state fish consumption advisory program does not require any cautionary signs to be posted. However, the CDE Superfund site *OU4 Record of Decision* specifies continued signage as a required remedy because of how long it will take to complete the remedial activities and because it is expected that fish tissue will remain hazardous for human consumption for years afterward. The fish consumption advisory signs that the EPA has posted along the Bound Brook do not fully satisfy the *OU4 Record of Decision* requirements for that informational device by not communicating the presence of PCBs and the need to take preventative measures. They also do not align with the EPA's guidance for fish consumption advisories by not presenting the risk of consuming contaminated fish as well as the contaminants in fish that are of concern.

To implement and manage its state-level fish consumption advisories, the New Jersey Department of Environmental Protection lists the locations and details of the advisories online through an interactive map and in a "Fish Smart, Eat Smart" booklet. This booklet is available on the state website. The state also provides information about fish advisories in a digest that is made available to fishing license applicants. The state does not post signs as part of its fish consumption advisory program. According to the New

Jersey fish consumption advisory subject matter expert, the New Jersey Department of Environmental Protection provides templates for such signs to stakeholders that ask for them, but the state itself has not posted fish advisory signs for the past 15 to 20 years because they are frequently vandalized.

Because the state did not post signs and because of community concerns expressed in interviews during the development of the site's original community involvement plan from 2000, the EPA site team proactively posted fish advisory signs long before they were required by the *OU4 Record of Decision* in 2015. The remedial project manager said that the EPA site team inspects and maintains the signs as part of normal site operations. As shown in Figure 2, the EPA posted two different versions of signs in the New Market Pond area, which a local official identified as the main area within the proposed dredging boundaries where people tend to fish. However, neither sign communicates the presence of PCBs or the potential health risks from consuming fish, contrary to the EPA's fish advisory guidance and the *OU4 Record of Decision* requirements. Specifically, the EPA's fish advisory guidance recommends clearly explaining the risk of fish consumption and stating the contaminants in fish that are of concern. The *OU4 Record of Decision* also requires signage to remind anglers and other recreational users of the presence of PCBs in sediments and fish and the need to take preventative measures. We asked the remedial project manager why the signs did not include the contaminant of concern.¹⁴ This person opined that simpler messaging was more effective and that more information can become confusing. Regardless, we viewed signs at another EPA-managed hazardous site in New Jersey with straightforward messaging that communicates the health risks. According to a lead environmental protection specialist from the Office of Water, a contaminant of concern may be omitted from a sign if there are multiple contaminants in the water body, as the message may become overwhelming. However, in this case there is only one contaminant of concern in the fish tissue: PCBs.

Figure 2: Fish consumption advisory signs posted at the CDE Superfund site

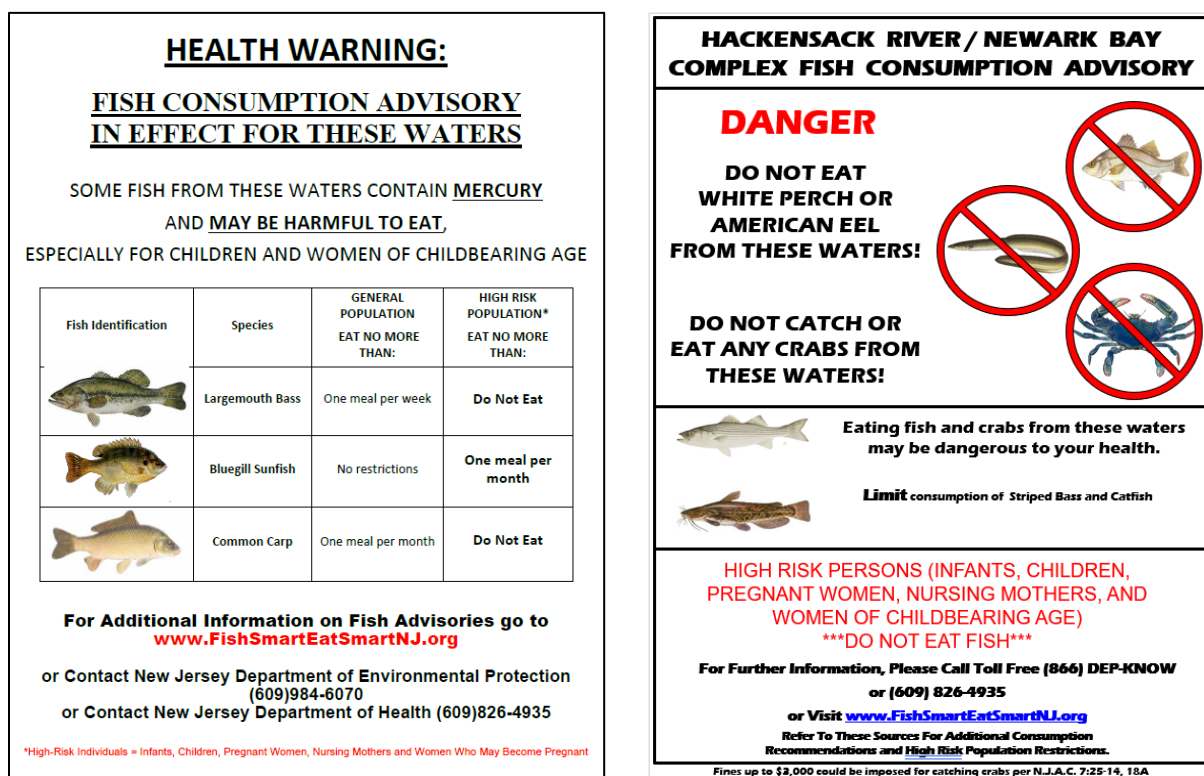


Source: Fish advisory signage at New Market Pond. (EPA OIG images)

¹⁴ The EPA installed the signs at New Market Pond prior to this remedial project manager's tenure.

We also interviewed another Region 2 official who has been involved with the CDE Superfund site longer than the remedial project manager we spoke with. That official said that Region 2 worked with the New Jersey Department of Environmental Protection to develop the signs. However, the signs do not follow either of the two templates provided to us by the New Jersey Department of Environmental Protection. As Figure 3 shows, one template identifies the contaminant of concern and one does not, while both templates explicitly indicate a health risk from consuming fish. But as shown in Figure 2 above, neither of the signs posted at the CDE Superfund site communicates a health risk. The Region 2 official explained that, when developing signs, there is often a need to balance ensuring public awareness of site contaminants with encouraging the use of the natural resource.

Figure 3: New Jersey Department of Environmental Protection fish advisory sign templates



Source: Templates provided by the New Jersey Department of Environmental Protection. (New Jersey Department of Environmental Protection images)

In addition to posting signs, the EPA distributes fliers to update the community regarding site activities, in accordance with the community involvement plan for the CDE Superfund site. The community involvement coordinator provided two examples of the fliers. These community fliers describe the remedies being implemented at the site and attempt to preemptively address the public's concerns, such as traffic and noise associated with construction activities. Although the community fliers indicate that the soil is contaminated with PCBs and state that PCBs can cause health effects, they do not include information about the fish consumption advisory or the risk of consuming fish from the Bound Brook. The community fliers state, "Some site workers may be dressed in protective clothing to keep contaminated soil off their clothes, and may wear dust masks, but this does not indicate a risk to

surrounding residents.” This language suggests that if there were risks to surrounding residents, the fliers would describe them.

While signs and fliers alone cannot ensure that communities will comply with advisories, the CDE Superfund site *OU4 Record of Decision* included the continuation of the fish advisory already in place by the New Jersey Department of Environmental Protection. In the record of decision, the EPA explains that it selected the dredging of the sediment, excavation of floodplain soils, and implementation of institutional controls as the cleanup option at this site because it was determined to be protective of human health and the environment, as well as to be the most cost-effective, permanent treatment alternative. However, this determination of cost-effectiveness was, in part, based on the remedy being effective over the long term. As stated in the *OU4 Record of Decision*, the long-term effectiveness of the remedy relies on the fish consumption advisory being in place. The informational devices are critical to the protectiveness of the remedy because of the long-term nature of the cleanup itself. Specifically, the engineered elements of the remedy, such as the dredging and excavation, will take until at least 2030 to complete. The EPA then estimated that once it removes the contaminants from the soil and sediment, it would conservatively take 100 years for the contamination in fish tissue to recover to safe levels. Therefore, the EPA’s proper implementation of informational devices such as signs related to the fish consumption advisory is necessary both during and after other remedial activities to realize the full protectiveness of the \$170 million IJA-funded remediation.

Furthermore, effective risk communication can deter certain behaviors. The public may be less likely to comply with the existing signs requiring the release of caught fish because they do not clearly communicate that the consumption of the fish poses a health risk. Moreover, some people whom we interviewed described seeing, or having knowledge of, people fishing in the Bound Brook, and one interviewee indicated that people were possibly consuming the fish. Signs specifying the presence of PCBs and health risks may more effectively prevent fish consumption.

The CDE Superfund Site’s Community Involvement Plan May Not Reflect the Community’s Communication Needs and Preferences

The EPA did not conduct community interviews for the CDE Superfund site’s most recent community involvement plan, published in 2020. As required by the National Contingency Plan, the EPA created a community involvement plan for the CDE Superfund site and published it in 2000. This original community involvement plan included interviews of impacted community members and identified an appropriate community engagement strategy for the site based on those interviews, such as distributing community fliers and press releases, holding public information sessions, and briefing residents. Through these interviews, the EPA identified that community members preferred to be updated about site progress directly from the EPA rather than from local stakeholders.

The EPA issued a new CDE Superfund site community involvement plan in 2020—20 years after the EPA originally published the site’s first plan. While neither the National Contingency Plan nor EPA guidance prescribes how often an EPA site team should update a community involvement plan, EPA guidance does state that the community involvement plan is a “living document” that is most effective when it is

updated as site or community conditions change. Further, updates or comprehensive revisions to a community involvement plan may occur at specific benchmarks in the cleanup process, such as after a record of decision is signed. However, the EPA did not reissue the CDE Superfund site community involvement plan until 2020 despite signing records of decision for OUs at this site in 2003, 2004, 2012, and 2015. These signings represent four missed opportunities over the past two decades to assess the community needs and revise the plan.

Moreover, the 2020 community involvement plan states that it is “based on” National Contingency Plan requirements as well as the EPA’s 2016 *Community Involvement Handbook*. Since the regulation does not provide requirements for updating plans, it is reasonable to infer that the requirements the Agency was applying were those

Community interviews have not yet been conducted nor has detailed information been gathered from the local community to draw conclusions about community concerns for OU4.

The CDE Superfund site’s community involvement plan (2020)

relating to creating a plan, which includes conducting community interviews. However, the EPA did not conduct community interviews, even though the National Contingency Plan requires them when first creating a community involvement plan. Further, the handbook says that a comprehensive plan update should include another round of community interviews. Given that this was the first update to the plan in 20 years, with significant changes to site conditions over that time (and likely to the community and its preferred communication methods in general), it is reasonable to consider a comprehensive revision as being appropriate. The lack of interviews does not appear to be an oversight as the updated plan states that “[c]ommunity interviews have not yet been conducted nor has detailed information been gathered from the local community to draw conclusions about community concerns for OU4.” The 2020 community involvement plan also does not specify when or how interviews or other means of community input would take place and during which phase of the cleanup process. As of October 2024, the EPA site team had not yet conducted the community interviews, which means that no interviews have been conducted for nearly 25 years. The EPA site team also told us that it intended to maintain its current communication strategy with the impacted community. Based on these discussions, it appears that there is also no plan to update the site’s community involvement plan based on community interviews before the start of the remedial activities for OU4, which are anticipated to begin in the fall of 2025.

The community involvement coordinator explained to us that the community involvement plan is not a primary information source for community members, describing the document as underused and time-consuming to update. The community involvement coordinator said that community members are more likely to call the EPA site team rather than read the community involvement plan. The EPA site team reported being well-known in the community, given the EPA’s long-standing presence during the remedial activities. Indeed, the representatives from local municipalities whom we interviewed consistently indicated that the EPA was effective in both remediating the site and communicating the site’s progress in a timely manner, as well as in always being accessible and receptive to questions from local stakeholders. Because of the perception that its accessibility and reputation allow anyone to reach

out with questions or concerns, the EPA site team may not prioritize formally outlining a community engagement strategy in the community involvement plan. However, the purpose of the plan is not to communicate actual *site updates* to the community but to identify the *best methods* to communicate and engage with the community.

Documentation for the CDE Superfund site also does not show that the EPA site team used other opportunities, such as five-year reviews or public meetings, to elicit the community's concerns and needs related to communication. In particular, the EPA's *Comprehensive Five-Year Review Guidance* states that regions should consider interviewing community members near the site to understand current site conditions, problems, or concerns during the review planning stages. We reviewed the 2011, 2017, and 2021 five-year review reports for the CDE Superfund site, and none include details related to either community interviews or public meetings conducted as part of the review. They also do not include any interview documentation forms or transcripts.

The lack of recent community interviews is especially problematic given that the EPA site team and local stakeholders indicated that the residential population surrounding the CDE Superfund site tends to turn over frequently. This means that even the 2020 community involvement plan may not reflect the current concerns of the community; may not include relevant plans for engaging the community; and may preclude the EPA from identifying appropriate ways to involve the community for related purposes, such as the five-year review process. Considering the size and complexity of cleanup activities at the CDE Superfund site, updating the community involvement plan based on community interviews would help ensure that the EPA site team understands the community's needs and preferences for communication about the site's progress and would be more consistent with the requirements of the National Contingency Plan and align with the EPA's own guidance. Additionally, by not conducting interviews during the five-year review process, the EPA may fail to identify and address gaps in awareness of the site risks within the community.

The EPA Can Improve the Completeness, Availability, and Accuracy of Public Information Related to the CDE Superfund Site

Public information for the CDE Superfund site is either incomplete, unavailable, or inaccurate. Five-year review reports for the site do not describe whether, how, and when the EPA is inspecting and evaluating the Bound Brook, including New Market Pond. They also do not report how the EPA is evaluating the effectiveness of institutional controls, specifically the fish consumption advisory signs. Further, the 2020 community involvement plan is not part of the CDE Superfund site's local information repository or the public-facing site profile page. Lastly, the site boundary shown on the "Cleanups in My Community" geographic information system database, which can be accessed through the CDE Superfund site's profile page, is inaccurate and includes an additional lake that is not a component of the site. According to the EPA [website](#), the Agency works to ensure that "[a]ll parts of society," including individuals and communities, "have access to accurate information sufficient to effectively participate in managing human health and environmental risks." To that end, the EPA makes information available to the public regarding its activities at Superfund sites, its intentions for communicating with the public, and the

geographic extent of the site. Incomplete, unavailable, and inaccurate information about the CDE Superfund site may result in increased human health risks from exposure to site contaminants.

The EPA Can Better Document Actions to Evaluate and Maintain Institutional Controls

The EPA has not been documenting efforts made to inspect and evaluate the Bound Brook and associated institutional controls during the five-year review process. According to EPA's *Comprehensive Five-Year Review Guidance*, the five-year review should include a site inspection that is to be completed no more than nine months before the five-year review report is published. The site inspection functions as a visual confirmation of the site's status and aids in documenting the condition of the site and the remedy. To help EPA site teams with planning and documenting site inspections, the EPA developed a site inspection checklist. Included in the checklist is the evaluation of the implementation, enforcement, and adequacy of institutional controls. In addition, when an institutional control is part of a remedy, the current and long-term effectiveness of that institutional control should be included as part of the protectiveness determination in the five-year review, per the EPA's *Recommended Evaluation of Institutional Controls: Supplement to the 'Comprehensive Five-Year Review Guidance.'*

Although the EPA site team for the CDE Superfund site is completing the required five-year reviews, the five-year review reports do not describe whether the EPA is evaluating the effectiveness of institutional controls during the five-year review process, including whether its off-facility inspections include the areas subject to the fish consumption advisory, an institutional control. We reviewed the 2011, 2017, and 2021 five-year review reports for the site. In the 2011 and 2017 five-year reviews,¹⁵ the EPA said that it inspected off-site areas, which included inspecting runoff leaving the facility and the status of construction on neighboring properties. Using these parameters, only the segment of Bound Brook between the facility and Belmont Avenue would be within the scope of the off-facility study areas for those two five-year reviews. In other words, the five-year reviews would not have addressed the sections of the Bound Brook being remediated using funds from the IJJA. The 2021 five-year review report, which is the first five-year review to include OU4, is even more vague and does not detail what the EPA included in the inspection of off-facility areas. Although the 2021 five-year review report describes the fish consumption advisory, it does not describe any efforts taken to evaluate the effectiveness of the advisory and associated signs, such as conducting community interviews. Given that the OU4 remedy is relying on the effectiveness of these institutional controls to protect human health while cleanup efforts are ongoing, the EPA should be thoroughly evaluating the effectiveness of these institutional controls in the five-year reviews.

The EPA site team said that it is physically at the site and inspects the former facility and the surrounding area weekly, including regularly checking the condition of the fish consumption advisory signs at New Market Pond. The remedial project manager explained that, due to this frequent on-site presence, the information in the five-year review report is a compilation of what occurs at the site weekly in lieu of information from one site inspection. However, the five-year review reports do not accurately reflect

¹⁵ The 2011 five-year review addressed only OU1 and OU2 remedies, which were under construction at the time of the review. OU3 and OU4 remedies had not yet been implemented. The 2017 five-year review only addressed OU1, OU2, and OU3.

these ongoing efforts, and it is unclear whether daily or weekly inspection activities can replace the required five-year review site inspection. Because these efforts are not being documented and because regional and headquarters staff outside of the EPA site team rely on the five-year review reports to review site cleanup activities, the EPA cannot conduct accurate or reliable oversight to determine whether it needs to perform follow-up actions at the site.

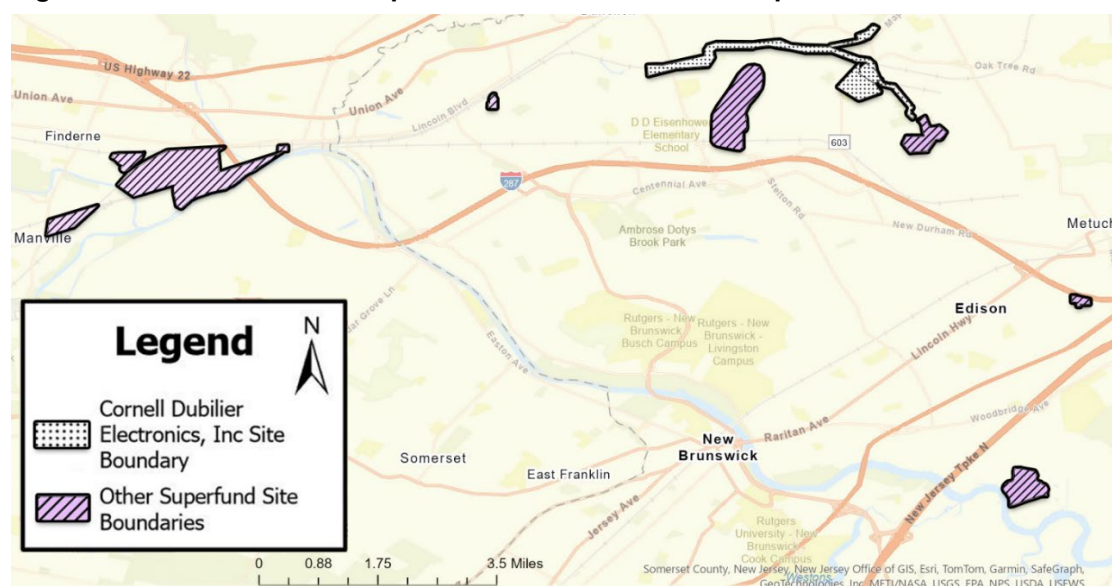
The CDE Superfund Site Community Involvement Plan Is Not Publicly Available, As Required

The CDE Superfund site has both physical and electronic documents available to the public, but not all the required documents were publicly available. The site's local information repository is at the South Plainfield Public Library, which is about half a mile from the site. While this repository was robust and well organized, it did not include the most recent 2020 community involvement plan, contrary to National Contingency Plan requirements. The 2000 community involvement plan was included, but as discussed previously, this plan does not reflect current site conditions and may no longer accurately reflect the community's concerns.

The local information repository is not the only place where information about the CDE Superfund site is missing. The EPA's Superfund site profile pages allow the public to have quick access to important information about the sites, including documents about cleanup activities and decisions, contact information, and background information. To prepare for our site visit, we attempted to find the address for the local information repository on the CDE Superfund site profile page, but this information was not available. In addition, the CDE Superfund site profile page was missing key documents that the EPA's fiscal year 2025 *Superfund Program Implementation Manual* says are required to be included on the site profile pages. According to the manual, this collection of "Key Documents," which appears on each site profile page under the "Site Documents & Data" section, is to include public involvement documentation, such as community involvement plans. While the CDE Superfund site profile page includes many of the required documents in its "Key Documents" section, such as the five-year review reports and the records of decision, it does not contain the 2000 or 2020 community involvement plans. This is contrary to the EPA's intent to ensure that key information is easy to find and accessible. The 2000 community involvement plan is included in the "Administrative Records" collection on the site profile page, but that section has more than 300 documents, making the plan difficult to locate. In contrast, the "Key Documents" collection has only 11 documents, which means the community involvement plan would be visibly prominent there.

The community involvement plan is an important resource that allows the community to easily identify how the EPA will communicate about site remedial activities. It is especially important for the CDE Superfund site because of the numerous other Superfund sites in the area, each with their own risks that the community should be aware of. If the community cannot access the community involvement plans for one of these sites, which are shown in Figure 4, its opportunities to learn about how to publicly participate in the cleanup decision-making process will be curtailed, and its ability to reduce potential exposure to contamination will ultimately be hindered.

Figure 4: Location of other Superfund sites near the CDE Superfund site



Source: EPA OIG analysis of the EPA's Superfund site boundary geographic information system. (EPA OIG modification of EPA geographic information system information)

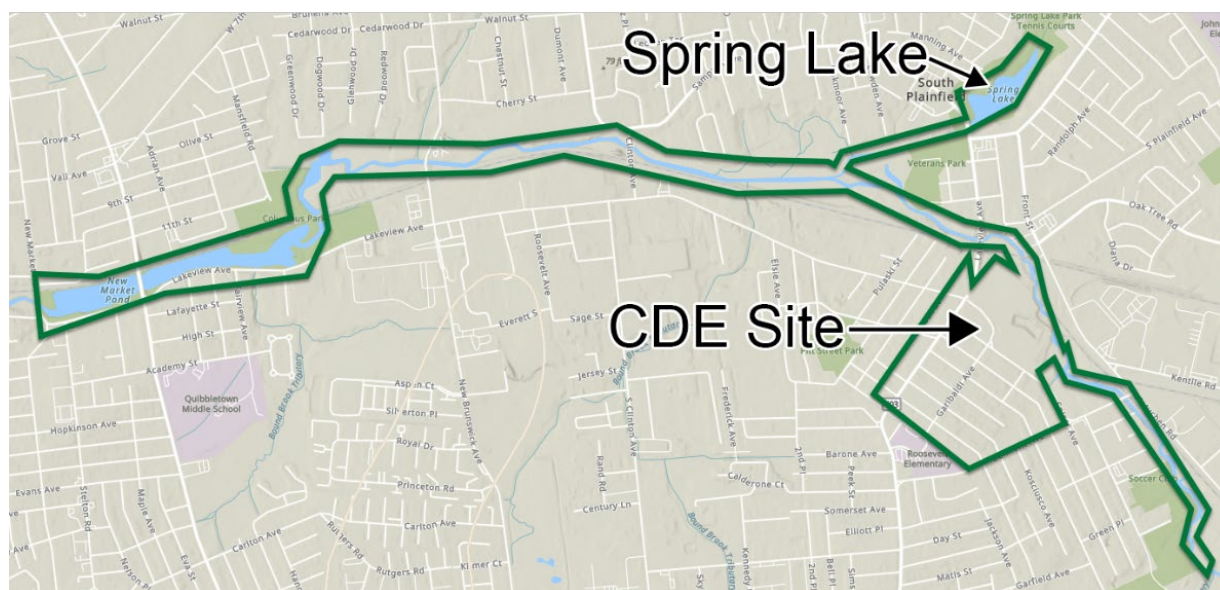
The CDE Superfund Site Boundary on the Site Profile Page Is Inaccurate

As shown in Figure 5, the CDE Superfund site boundary on the site profile page shows Spring Lake, a heavily used local park, as being part of the site. Spring Lake is also featured in various maps in official site documentation and is included on the site's map in the Superfund Enterprise Management System.

The **Superfund Enterprise Management System** serves as the EPA's primary enterprisewide Superfund records repository and is the primary data source for information on Superfund Program accomplishments, tracking, and monitoring.

Because information indicated that it is part of the CDE Superfund site, we visited Spring Lake in April 2024. We observed a single fish consumption advisory sign; it was in English and in poor condition. However, the remedial project manager told us that Spring Lake is not within the CDE Superfund site boundary. The remedial project manager explained that the EPA sampled water and sediment from Spring Lake during the investigatory phase of the cleanup process and determined that the lake did not contain contamination associated with the CDE Superfund site.

Figure 5: Boundary for the CDE Superfund site



Source: The EPA's "Cleanups in My Community" mapping tool. (EPA OIG modification of an EPA image)

The contamination status of Spring Lake remains unclear because the EPA is not the only entity with inconsistent and unreliable messaging regarding Spring Lake. The New Jersey Department of Environmental Protection's interactive map for fish consumption advisories does not list Spring Lake, but the department does include the lake in its "Fish Smart, Eat Smart" booklet. Regardless, the EPA's messaging regarding Spring Lake may lead the public to incorrectly believe that the local park is within the CDE Superfund site boundary, as we initially did. Office of Management and Budget Memorandum M-23-22, *Delivering a Digital-First Public Experience*, dated September 22, 2023, states that "[m]embers of the public depend on the Federal Government for authoritative and trustworthy information." It is important that the EPA accurately reflect the CDE Superfund site boundary, as well as the extent of any contamination from the site, so that the public can effectively exercise its right to participate in the cleanup process and manage its exposure to environmental risks.

Recommendations

We recommend that the regional administrator for Region 2:

1. Update fish consumption advisory signs at the Cornell Dubilier Electronics Inc. Superfund site so that they include the contaminant of concern, in compliance with the site's record of decision for Operable Unit 4 and the EPA's *Guidance for Developing, Implementing and Improving Advisory Programs*. These updates will more clearly communicate that the consumption of the fish poses a health risk and may more effectively prevent fish consumption.
2. Update the community fliers for the Cornell Dubilier Electronics Inc. Superfund site to include information about the fish consumption advisory. This will ensure consistent communication across the different methods that the EPA uses to make the public aware of the fish consumption advisory and site risks.

3. Use consistent and clear messaging on all informational devices, including advisory signs and fliers, about the Cornell Dubilier Electronics Inc. Superfund site to communicate that the fish consumption advisory exists because of the health risks associated with consuming fish from waters contaminated by the site.
4. Update the community involvement plan for the Cornell Dubilier Electronics Inc. Superfund site to include community interviews, which will facilitate effective outreach during the Infrastructure Investment and Jobs Act-funded remediation at the site, in compliance with the National Contingency Plan and the EPA's *Community Involvement Handbook*.
5. Document outreach activities and feedback from the community surrounding the Cornell Dubilier Electronics Inc. Superfund site during the next five-year review for the site, consistent with the EPA's *Comprehensive Five-Year Review Guidance*. Ensuring that the five-year review reports document the EPA's efforts to elicit and respond to community concerns will better reflect the site team's ongoing efforts and provide assurance that the EPA remains engaged with the community as remediation continues.
6. Develop and implement a plan for how site inspection activities and institutional control evaluation activities will be accurately documented in future five-year review reports for the Cornell Dubilier Electronics Inc. Superfund site. This will ensure that the reports document how and whether the EPA's oversight activities at the site provide a sound basis for declaring the remedy protective of human health and the environment.
7. Make the most recent Cornell Dubilier Electronics Inc. Superfund site community involvement plan available to the public at the site's local information repository. Making the plan available will ensure that the community is aware of opportunities to learn about how to participate in the cleanup decision-making process and to reduce potential exposure to contamination.
8. Add all Cornell Dubilier Electronics Inc. Superfund site community involvement plans to the "Key Documents" collection of the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page. Electronic site records will improve access to information regarding community involvement opportunities and site cleanup efforts.
9. Update the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page to include the location of the site's local information repository to ensure that the public is aware of where it can view physical copies of the site's administrative records.
10. Update the Cornell Dubilier Electronics Inc. Superfund site boundary in the EPA's "Cleanups in My Community" geographic information system database and the Superfund Enterprise Management System to accurately reflect the site's boundaries. Accurate information about the extent of the contamination will ensure that the public correctly associates impacted water bodies with this site, allowing individuals to more effectively participate in the cleanup process and manage their exposure to environmental risks.

Agency Response and OIG Assessment

The Agency's response to our draft report is in Appendix B. The EPA also provided technical comments, which we considered and incorporated as necessary. The Agency agreed with all ten recommendations and provided acceptable corrective actions that meet the intent of our recommendations, including updating signage and fliers, updating the community involvement plan and making it available to the public, incorporating formal interviews and documenting community feedback in its five-year review process and community involvement plan updates, and ensuring that the site team's activities to evaluate the effectiveness of institutional controls are better documented in its five-year review reports. All ten recommendations are resolved with corrective actions pending.

As the Agency works to implement its corrective actions, we offer the following additional suggestions on Recommendations 1 and 10. Regarding Recommendation 1, Region 2 plans to work with the New Jersey Department of Environmental Protection to reach agreement on revised language for the fish consumption advisory signage. Given that the New Jersey Department of Environmental Protection provided the examples that we presented in Figure 3 of this report, we anticipate that both parties can come to an agreement on language that indicates the contaminant of concern. However, Recommendation 1 states that the signage should also align with the EPA's *Guidance for Developing, Implementing and Improving Advisory Programs*. Accordingly, we expect Region 2 to contact the Office of Water, as needed, to ensure any updated signage also aligns with EPA guidance.

Regarding Recommendation 10, Region 2 explained that the site boundary depicted in the "Cleanups in My Community" geographic information system database reflects the extent to which the EPA has investigated the site rather than the extent of contamination. Based on this explanation, the Agency plans to revise the site boundaries to include areas targeted for remediation in addition to areas investigated and will clarify such boundaries in the legend. However, the National Contingency Plan defines "on-site" as "the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action."¹⁶ In other words, the extent of contamination and areas subject to response actions define the site boundary. Further, an EPA fact sheet related to defining site boundaries explains that the remedial investigation determines the areas to which contamination has spread and therefore defines the site boundaries.¹⁷ Including areas like Spring Lake, which the Agency investigated and determined were not contaminated with releases from the CDE Superfund site and thus not subject to the response actions, in the site boundary layer of the database would be inaccurate and confusing. Further, to accurately reflect the previously investigated areas within the "Cleanups in My Community" database would likely require the Agency to create a separate database layer and would impact how other sites represent their geographic information in the database. Region 2 should consider programwide implications before determining how to best display the CDE Superfund site boundary information in the "Cleanups in My Community" geographic information system database.

¹⁶ 40 C.F.R. § 300.5.

¹⁷ EPA Office of Solid Waste and Emergency Response, 9320.2-1OFS, Clarifying the Definition of "Site" Under the National Priorities List (1996).

Status of Recommendations

Rec. No.	Page No.	Recommendation	Status*	Action Official	Planned Completion Date
1	18	Update fish consumption advisory signs at the Cornell Dubilier Electronics Inc. Superfund site so that they include the contaminant of concern, in compliance with the site's record of decision for Operable Unit 4 and the EPA's <i>Guidance for Developing, Implementing and Improving Advisory Programs</i> . These updates will more clearly communicate that the consumption of the fish poses a health risk and may more effectively prevent fish consumption.	R	Regional Administrator for Region 2	3/31/26
2	18	Update the community fliers for the Cornell Dubilier Electronics Inc. Superfund site to include information about the fish consumption advisory. This will ensure consistent communication across the different methods that the EPA uses to make the public aware of the fish consumption advisory and site risks.	R	Regional Administrator for Region 2	12/31/25
3	19	Use consistent and clear messaging on all informational devices, including advisory signs and fliers, about the Cornell Dubilier Electronics Inc. Superfund site to communicate that the fish consumption advisory exists because of the health risks associated with consuming fish from waters contaminated by the site.	R	Regional Administrator for Region 2	12/31/25
4	19	Update the community involvement plan for the Cornell Dubilier Electronics Inc. Superfund site to include community interviews, which will facilitate effective outreach during the Infrastructure Investment and Jobs Act-funded remediation at the site, in compliance with the National Contingency Plan and the EPA's <i>Community Involvement Handbook</i> .	R	Regional Administrator for Region 2	12/31/25
5	19	Document outreach activities and feedback from the community surrounding the Cornell Dubilier Electronics Inc. Superfund site during the next five-year review for the site, consistent with the EPA's <i>Comprehensive Five-Year Review Guidance</i> . Ensuring that the five-year review reports document the EPA's efforts to elicit and respond to community concerns will better reflect the site team's ongoing efforts and provide assurance that the EPA remains engaged with the community as remediation continues.	R	Regional Administrator for Region 2	9/30/27
6	19	Develop and implement a plan for how site inspection activities and institutional control evaluation activities will be accurately documented in future five-year review reports for the Cornell Dubilier Electronics Inc. Superfund site. This will ensure that the reports document how and whether the EPA's oversight activities at the site provide a sound basis for declaring the remedy protective of human health and the environment.	R	Regional Administrator for Region 2	9/30/27
7	19	Make the most recent Cornell Dubilier Electronics Inc. Superfund site community involvement plan available to the public at the site's local information repository. Making the plan available will ensure that the community is aware of opportunities to learn about how to participate in the cleanup decision-making process and to reduce potential exposure to contamination.	R	Regional Administrator for Region 2	12/31/25
8	19	Add all Cornell Dubilier Electronics Inc. Superfund site community involvement plans to the "Key Documents" collection of the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page. Electronic site records will improve access to information regarding community involvement opportunities and site cleanup efforts.	R	Regional Administrator for Region 2	12/31/25

Rec. No.	Page No.	Recommendation	Status*	Action Official	Planned Completion Date
9	19	Update the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page to include the location of the site's local information repository to ensure that the public is aware of where it can view physical copies of the site's administrative records.	R	Regional Administrator for Region 2	12/31/25
10	19	Update the Cornell Dubilier Electronics Inc. Superfund site boundary in the EPA's "Cleanups in My Community" geographic information system database and the Superfund Enterprise Management System to accurately reflect the site's boundaries. Accurate information about the extent of the contamination will ensure that the public correctly associates impacted water bodies with this site, allowing individuals to more effectively participate in the cleanup process and manage their exposure to environmental risks.	R	Regional Administrator for Region 2	3/31/26

* C = Corrective action completed.

R = Recommendation resolved with corrective action pending.

U = Recommendation unresolved with resolution efforts in progress.

Superfund Funding Sources

Congress enacted CERCLA in 1980 in response to highly publicized hazardous waste incidents that occurred in the 1970s. CERCLA instituted a tax on the chemical and oil industries and authorized the EPA to require owners and operators of contaminated sites to clean up the sites. The tax revenues are put in a trust fund, known as the Superfund, to pay for emergency responses and site cleanup when the EPA cannot identify responsible parties or if responsible parties are unable to pay. During the first five years, revenues were raised primarily from tax revenues on oil and chemicals with some Treasury funding. In 1986, Congress enacted the Superfund Amendments and Reauthorization Act, which reinstated and expanded the scope of taxes on the oil and chemical industries from 1987 through 1991. In 1990, taxes to support the Superfund were extended once again until 1995 by the Omnibus Budget Reconciliation Act of 1990. Superfund tax revenues for oil and chemicals ceased at the end of 1995, and revenue sources for the fund expanded to include cost recoveries from responsible parties, fines and penalties, and interest on amounts in the fund.

Historically, Superfund funding has been insufficient to support the large amount of remediation that needs to occur at the hundreds of Superfund sites nationwide. A 2010 GAO report, [GAO-10-380](#), *Superfund: EPA's Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels, and More Sites Are Expected to Be Added to the National Priorities List*, documented that, by 2009, the Superfund balance had decreased to \$137 million. The report also described how the annual cost estimates for Superfund remediation for 2011 and 2012 exceeded those of 2009 by \$253 million and \$414 million, respectively. Furthermore, the report stated that the costs were likely underestimated. The report also noted that as of the date of the report, either all or more than half of the planned remediation actions were still incomplete because of insufficient funding at 65 percent of the 75 nonfederal National Priorities List sites where human exposure was still unacceptable.

Recent special appropriations have injected funding into the Superfund. In 2009, Congress enacted the American Recovery and Reinvestment Act, which provided \$600 million for the Superfund. The EPA is dedicating the \$3.5 billion provided in 2021 by the IIJA for Superfund to remediate sites on the National Priorities List. Additionally, the IIJA reinstated the chemical taxes through the year 2031, and the Inflation Reduction Act, enacted in 2022, permanently reinstated the oil and petroleum taxes.

Agency Response to the Draft Report

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION II

DATE:

SUBJECT: Response to Office of Inspector General Draft Report Project No. OSRE-FY24-0125, "Evaluation of Institutional Controls at the Cornell Dubilier Electronics Inc. Superfund Site in South Plainfield, New Jersey," dated July 15, 2025

FROM: Michael R. Martucci, Regional Administrator, Region 2

MICHAEL
MARTUCCI

Digitally signed by
MICHAEL MARTUCCI
Date: 2025.08.14
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TO: Paul H. Bergstrand, Assistant Inspector General Office of Special Review and Evaluation

Thank you for the opportunity to respond to the issues and recommendations in the subject draft report. The agency agrees with the report recommendations and has provided high-level intended corrective actions and estimated completion dates to the extent that we can.

Following is a summary of the agency's overall position, followed by its response to each of the report recommendations. More detailed, specific technical comments and suggestions on the draft report are included in the attachment.

AGENCY'S OVERALL POSITION

Region 2 appreciates the Office of Inspector General's (OIG's) initiative to undertake an evaluation of the Region's institutional controls for the Cornell-Dubilier Electronics Superfund site in South Plainfield, New Jersey. The audit report provides a coherent evaluation of institutional controls placed on the site, and your office's independence and detachment adds a valuable perspective.

EPA would like to thank the OIG for its engagement with members of South Plainfield, Piscataway Township and Middlesex County, offering them a voice in this process. The agency's community outreach efforts for this site are robust, but we can certainly do more to hear and be responsive to our stakeholders.

The draft report contains ten recommendations for Region 2. The agency agrees with all the recommendations. Our responses to the recommendations highlight how the Region plans to address your concerns.

AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS

Recommendation #	Recommendation	High-Level Intended Corrective Action(s)	Estimated Completion Date
1	Update fish consumption advisory signs at the Cornell Dubilier Electronics Inc. Superfund site so that they include the contaminant of concern, in compliance with the site's Record of Decision for Operable Unit 4 and EPA's Guidance for Developing, Implementing and Improving Advisory Programs. These updates will more clearly communicate that the consumption of the fish poses a health risk and may more effectively prevent fish consumption.	<p>The Region will contact the State of New Jersey Division of Science and Research to determine the appropriate language to consider for revising the fish consumption advisory signs. If changes are agreed upon, the Region will place revised signs within the Bound Brook areas.</p> <p>The Region is not solely relying on institutional controls to address contaminated sediment, floodplain soils, and surface water in the Bound Brook. The fish advisory signs are one of several tools the Region uses to inform the public about the hazards of consuming fish from the Bound Brook.</p>	<p>March 31, 2026</p> <p>EPA will request guidance from NJDEP science department on formatting and text for signage.</p>
2	Update the community fliers for the Cornell Dubilier Electronics Inc. Superfund site to include information about the fish consumption advisory. This will ensure consistent communication across the different methods the EPA uses to make the public aware of the fish consumption advisory and site risks.	Future community flyers and site fact sheets will include fish consumption advisories and will reference other agency contacts for further information on specific health-related questions.	December 31, 2025, and on-going during the duration of the project.

3	Use consistent and clear messaging on all informational devices, including advisory signs and fliers, about the Cornell Dubilier Electronics Inc. Superfund site to communicate that the fish consumption advisory exists due to the health risks associated with consuming fish from waters contaminated by the site.	Agreed. The Region will provide more concise information about health risks associated with fish consumption through multiple media devices. The Region will continue to maintain an office on the site, which allows for community drop-ins, more effective oversight of the day-to-day needs of the site and the surrounding community and facilitates active engagement with the public.	December 31, 2025, and on-going during the duration of the project.
4	Update the Community Involvement Plan for the Cornell Dubilier Electronics Inc. Superfund site to include community interviews, which will facilitate effective outreach during the IJIA-funded remediation at the site, in compliance with the National Contingency Plan and the EPA's <i>Community Involvement Handbook</i> .	The 2020 community involvement plan is being updated and will be provided to the public once it becomes available. The EPA is currently conducting formal interviews for the updated CIP.	December 31, 2025, and on-going during the durations of the project.

5	<p>Document outreach activities and feedback from the community surrounding Cornell Dubilier Electronics Inc. Superfund site during the next five-year review for the site to be consistent with the EPA's Comprehensive Five-Year Review Guidance. Ensuring the five-year review reports document the EPA's efforts to elicit and respond to community concerns will better reflect the site team's ongoing efforts and provide assurance that the EPA remains engaged with the community as remediation continues.</p>	<p>Agreed, the Region will provide more information in future five-year reviews regarding its outreach efforts and feedback from the public.</p>	<p>September 30, 2027</p>
6	<p>Develop and implement a plan on how site inspection activities and institutional control evaluation activities will be accurately documented in future five-year review reports for the Cornell Dubilier Electronics Inc. Superfund site. This will ensure the reports provide assurance that the EPA's oversight activities at the site provide a sound basis for declaring the remedy protective of human health and the environment.</p>	<p>Site inspections and reviews of institutional controls are consistently performed at the site. The Region will provide more detailed descriptions and findings in future five-year reviews.</p>	<p>September 30, 2027</p>

7	Make the most recent Cornell Dubilier Electronics Inc. Superfund site Community Involvement Plan available to the public at the site's local information repository. Making the plan available will ensure the community is aware of opportunities to learn about how to participate in the cleanup decision-making process and reduce potential exposure to contamination.	Agreed, the Region is updating the 2020 Community Involvement Plan and will make it available at the site's local repository.	December 31, 2025
8	Add all Cornell Dubilier Electronics Inc. Superfund site Community Involvement Plans to the "Key Documents" collection of the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page. Electronic site records will improve access to information regarding community involvement opportunities and site cleanup efforts.	Agreed, the Region is updating the 2020 CIP and will make it available on the "Key Documents" section of the site profile page.	December 31, 2025
9	Update the "Cornell Dubilier Electronics Inc. South Plainfield, NJ" site profile page to include the location of the site's local information repository to ensure the public is aware of where it can view these records.	Agreed. The Region will include the location of the site's local information repository on the site profile page.	December 31, 2025

10	<p>Update the Cornell Dubilier Electronics Inc. Superfund site boundary in the EPA's "Cleanups in My Community" geographic information system database and the Superfund Enterprise Management System to accurately reflect the site's boundaries. Accurate information about the extent of the contamination will ensure the public correctly associates impacted water bodies with this site, allowing individuals to more effectively participate in the cleanup process and manage exposure to environmental risks.</p>	<p>The site boundaries provided in the database show the extent of the Region's investigations of the site which included Spring lake. The Region will revise the site boundaries to also include areas targeted for remediation in addition to all areas investigated, and the Region will clarify remediation areas in the legend.</p>	March 31, 2026
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CONTACT INFORMATION

If you have any questions regarding this response, please let me know or have your staff communicate with Arlene Chin, Region 2's Audit Follow-up Coordinator, at (212) 637-3408 (Chin.Arlene@epa.gov), Sandy Whittaker, Section Supervisor, Grants Management Section, at (212) 637-3458 (Whittaker.Sandy@epa.gov), or Rudnell (Rudy) O'Neal, Manager, Grants and Compliance Management Branch, at (212) 637-3427 (Oneal.Rudnell@epa.gov).

Attachment

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