

Executive Summary

Although not required in the NCP, a one-page summary of the response activity is strongly recommended.

The Executive Summary allows readers to quickly familiarize themselves with the contents of the report, and provides a place to emphasize the most significant aspects of the situation and the actions taken. The contents of the executive summary of a removal activity should therefore focus on identifying the site and presenting a brief description of the major aspects of the situation, the mitigative actions, and the disposal method.

Exhibit 6 on the following page presents the standard outline and example information for an executive summary of removal activity.

I. SUMMARY OF EVENTS

Ensure that the information contained throughout this section is consistent with the Action Memorandum, or that deviations in the scope of the response are justified. Where appropriate, information on the site conditions and background may be abstracted from the Action Memorandum.

A. Site Conditions and Background

1. Initial situation

- Describe the current and prior uses of the site and the nature and type of each facility which operated on the site. Indicate the NPL status of the site.

*Example: The Whimperton Wire Company site, listed on the NPL, is an abandoned steel manufacturing facility which contained thousands of drums of unknown liquids and solids, bulk quantities of acids, laboratory chemicals, and other regulated hazardous materials which were scattered throughout the approximately 200-acre site. The site was used primarily to produce steel wire and cable for more than 75 years; in recent years it has also operated as a polymer reclamation facility, a*

<sup>10</sup> A © denotes information which should be included in CERCLIS.

**EXHIBIT 6. EXECUTIVE SUMMARY OF THE REMOVAL ACTIVITY**

**SITE:** Whimperton Wire Company Site

**LOCATION:** Bobsled, New Jersey

**PROJECT DATES:** 10/26/91 - 9/1/93

**INCIDENT DESCRIPTION:** The site, listed on the NPL, is an abandoned steel manufacturing facility encompassing approximately 200 acres. The company produced steel wire and cable on site for more than 75 years, with other industrial activities added in recent years. Soil, ground water and surface water, including the Delaware River and Sander's Creek, were threatened by more than 2,000 deteriorating drums of unknown liquids and solids, unstable acid baths, compressed gas cylinders, chemical laboratories, and loose asbestos in on-site buildings. A laboratory fire on October 17, 1991, in a building housing acids, gases, poisons, and other hazardous substances alerted the Response and Prevention Branch to the potential hazards at the site, and accelerated its efforts to begin a CERCLA §104(a) response. No PRP was found financially viable to undertake a full cleanup of the site.

**ACTIONS:** EPA and the technical assistance contractor conducted an extensive assessment between October 14, 1991, and October 27, 1991. The ERRS contractor mobilized on November 2, 1991, and began site preparation and stabilization. A command post was established in an on-site building, site security was enhanced, and warning signs were posted along the site perimeter. Bulking and staging of materials began in November 1991. Laboratory chemicals were removed from all buildings and catwalk areas, and then separated and labeled. All drums were staged and tested for compatibility and color coded into 16 separate wastestreams. Vandalism of equipment and fires on site brought work to a standstill and made added site security necessary. The ERRS contractor temporarily demobilized in April 1992 and remobilized in October 1992. Since November 1992, the ERRS contractor shipped 1,200 overpacked drums for disposal; 15 roll-offs containing 55-gallon drums of waste acid for disposal; 5,000 gallons of acids for recycling; and 60 gas cylinders were either reclaimed by their manufacturers or treated on site. Site security continued to be provided until the remedial personnel procured the services of a contractor.

(Signature) \_\_\_\_\_

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*warehouse facility, and an equipment storage facility for a construction company.*

- Describe the site's physical location in terms of exact street address, coordinates (latitude/longitude), surrounding land use, local population size, and distance(s) to sensitive populations, habitats, and natural resources.

*Example: The site is located in Bobsled Township, Hunterdon County, New Jersey (38° 37' 57" N, 75° 35' 06" W) and is bounded by the Delaware River to the north, Sanders Creek to the east, and the residential community of Bobsled to the south and west. Bobsled Township comprises approximately 400 residences with a population of about 1,450.*

- Briefly describe the history of the incident or release, including the date of the incident, the type of incident that occurred, and the facts concerning the discovery of the release.

*Example: In September 1991, the Chief of the Removal Action Branch requested that the Response and Prevention Branch conduct a preliminary assessment at the Whimperton Wire Company site. The request was based in part on requests from local officials, including the Bobsled Township Fire Marshal, who had expressed concerns that acutely toxic and hazardous substances were uncontained and uncontrolled at this site and presented a potential time-critical threat to the local population.*

- List the known materials on site and the quantities.

*Example: The assessment revealed the presence of more than 2,000 drums, several acids baths, approximately 60 compressed gas cylinders, several chemical laboratories, and numerous buildings with asbestos-contaminated pipes. Materials on site included acids, bases, halogenated and non-halogenated solvents, heavy metals, oxidizers, and waste oils. Lead contamination in soil as high as 7,000 ppm was also found.*

- Describe the threat to human health or the environment posed by the incident or release. (Refer to information contained in section III of the Action Memorandum.)

## 2. Location of hazardous substance(s)

- Specify areas of concern on site, indicating water sources that were contaminated or threatened. (Note: A map or diagram of the site may assist in indicating areas of concern on the site. If a site map is used, include it as the next page in the report.)

*Example: Drums, bulk quantities of acids, laboratory chemicals, and other hazardous materials were located throughout the site. Particular areas of concern included: four on-site buildings (#15, #20, #32, #35) containing laboratory chemicals, one of which was involved in a fire on October 17, 1991; a sulfuric*

acid tank and a phosphoric acid tank, both with poor structural integrity and containing over 2,000 gallons of acid; and an area of surface soil along the site's southwest property border that had lead levels as high as 7,000 ppm. In addition, the migration of contamination from the site may have affected ground water in the area, and contaminated run-off from the site has entered the Delaware River and Sanders Creek. The extent of impact has not been determined; results of sample analyses are pending.

**3. Cause of the release or discharge**

- Describe the facts concerning the cause or threat of the release or discharge, and the activities that may have contributed to or were contributing to the incident.

*Example: The on-site fire on October 17, 1991, in building #15 alerted Response and Prevention Branch personnel to the potential hazards at the site, and accelerated the completion of the preliminary assessment and the start of removal activity.*

**4. Efforts to locate and obtain response by responsible parties**

- Describe the actions taken to locate responsible or potentially responsible parties and to obtain from them a prompt and proper response.

*Example: No financially viable PRP was found that was willing to undertake a full cleanup. Therefore, no orders pursuant to Section 106 of CERCLA, as amended by SARA, were issued. One PRP, Zimmer Container Corp., was issued a Notice Letter regarding the surface wastes in and around its area of operations. Zimmer was willing to clean up the portion of surface wastes that it generated during its lease operations. On October 22, 1991, Notice Letters pursuant to Section 107(a) of CERCLA, as amended by SARA, were sent to 19 PRPs, identified by EPA, inviting participation in the removal activity. Six replies were received by EPA, but only one PRP, Whimperton Wire Corp., accepted any responsibility or liability for hazardous substances at the Whimperton Site. Seven letters were returned to sender or indicated that the party had moved and left no forwarding address. Nine potentially responsible parties were identified by EPA as potentially viable and were issued Section 104(e) Request for Information letters on December 18, 1991.*

**B. Organization of the Response**

- For multiple phase removal activities, summarize the activities planned and conducted during each phase.

*Example: The site was divided into four quadrants and the removal activity was conducted in two phases. Phase 1 was directed towards immediate site stabilization measures. Phase 2 consisted of bulking, transporting, and*

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*disposing of materials staged in Phase 1. Exhibit xyz outlines the agencies or parties which provided response, assessment, or disposal assistance, and the action(s) each took or the role(s) each served.*

- Indicate in tabular form the name of specific Federal, State, and/or local government agencies or parties, and contractors, that provided response or assessment assistance or disposal. Briefly describe the actions of these groups, or their roles in protecting public health and the environment.

**Exhibit 7 on the following page shows a sample table for outlining the organization of the response. The description in this example is incomplete, but indicates the format and the types of information to include.**

### **C. Injury or Possible Injury to Natural Resources**

#### **1. Content and time of notice to natural resource trustees**

- State the details of any notification provided to natural resource trustees relating injury or possible injury to natural resources, and the date of notification.

*Example: On October 25, 1991, the OSC sent written notification to the New Jersey Department of Environmental Protection (NJDEP) of the potential ground water contamination on site and the potential surface water contamination of the Delaware River and Sander's Creek from site run-off.*

#### **2. Trustee damage assessment and restoration activities**

- Describe damage assessment activities and efforts to replace or restore damaged natural resources undertaken by Federal or State trustees.

*Example: The NJDEP hired a contractor, Water Resources, Inc., to determine the extent of contamination to the Delaware River and Sander's Creek. Water Resources collected sediment and water samples from both bodies of water along the perimeter of the site. Results of analyses were not available at the time of this writing.*

EXHIBIT 7. ORGANIZATION OF RESPONSE

Agencies or Parties Involved	Contact	Description of Participation
U.S. EPA - Region 2 Woodbridge Avenue Raritan Depot, Building 209 Edison, NJ 08837 (212) 434-8079	Joan Smith Greg Norman Courtney Barnes	Federal OSC responsible for overall response oversight and success.  Assisted with project oversight and control.
U.S. EPA - Region 2 CERCLA Removal Enforcement Section One Federal Plaza New York, NY 65478 (212) 545-7878	Peter Simpson	Issued written Notice Letters and Request for Information Letters to potentially responsible parties.
New Jersey Department of Environmental Protection 312 Westview Lane Trenton, NJ 08967 (201) 346-7111	Becky Steinberg Mark Slupek	Provided historical information on the site and responded to fires at the site.
EnviroTEK, Inc. Technical Assistance Team 9797 Main Street Arlington, VA 22209 (703) 986-3452	Ralph Zapatos Paul George	Provided the OSC with technical assistance, administrative support, sampling, photo and site documentation, site safety, and draft report preparation.
HazWaste Cleanup Corporation 34 Quincy Street Philadelphia, PA 57894 (215) 248-2234	Irving Niles Lois West	Provided personnel and equipment necessary for removal and conducted the cleanup. Coordinated shipment and disposal of materials.
Bobsled Township Fire Department Bobsled, NJ 90808 (201) 345-7896	James Steele	Provided renewable air during site assessment and water for site decontamination. Also responded to fires on site.

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Information for the following section should be presented in a concise, narrative summary.

### D. Chronological Narrative of Removal Activities

#### 1. Threat abatement actions taken

- Indicate whether the response was conducted under the authority of CERCLA, RCRA, or OPA.

*Example: This response was conducted under the authority of CERCLA Section 104(a).*

- Describe chronologically the details of any threat abatement actions taken.

*Example: EPA Region 2, supported by the technical assistance contractor, conducted an extensive site assessment between October 14, 1991, and October 27, 1991. EPA mobilized the Emergency and Rapid Response Services (ERRS) contractor, HazWaste Cleanup Corp., on November 2, 1991. Between that time and November 12, 1991, the scope of work was focused on general site preparation, which included establishing a command post area and enhancing site security. Site security was enhanced by installing chains and locks on all site entrance gates, barbed wire in areas where the site fence was broken or in weakened condition, and warning signs along the entire site perimeter, as well as in some interior areas of the site where physical hazards were present.*

*Building #22 was designated as the laboratory chemical and drum staging area for the site, and a decontamination trailer was set up as a support zone for the building. All easy access points were secured by the installation of doors with locks, chicken wire, and barbed wire, and by boarding up broken windows with plywood...*

*[Description of the site preparation might continue for a few paragraphs.]*

*Most of the chemical bulking and staging phase (i.e., Phase 1) of the project was conducted between November 1991 and March 1992. It began with the removal of laboratory chemicals from each building, beginning in Quadrant III and progressing to Quadrants II, I, and IV, respectively ...*

*[The remainder of the section describes the rest of the removal activity in a similar fashion.]*

If this is an early-action site, mention the combined site assessment; if remedial activities are planned or ongoing, report them here.

**2. Treatment, disposal, or alternative technology approaches pursued**

- State the technology approaches tested and implemented for on-site treatment or disposal of materials.  
*Example: The diverse wastestreams, materials, and debris on site were incinerated, recycled, chemically treated, or disposed of in RCRA-approved landfills.*
- State the materials and quantities disposed of, the method of disposal, and the location of the disposal facility. Present this information in tabular form.

**Exhibit 8 on the following page provides the tabular format for materials and their disposition.**

- Provide concise but detailed descriptions of available, innovative, or emerging alternative technologies successfully used in treating or disposing of materials on site.  
*Example: No on-site treatment, disposal, or alternative technologies were pursued at this site.*

*[Examples of alternative technologies would include in situ vitrification, biodegradation, solidification, high pressure solvent extraction, etc.]*

**3. Public information and community relations activities**

- Describe the actions taken to inform the community of the release and the removal activities completed to solicit or respond to community concerns.

*Example: Prior to mobilization of the cleanup contractor, the OSC prepared a community relations plan. An initial meeting was held on October 26, 1991, at the Bobsled Township Mayor's Office to notify public officials of the proposed site removal activities and to discuss public notification procedures in the event of an incident during cleanup operations. Following a press conference, the local officials and representatives of the EPA Office of External Affairs performed a door-to-door tour of residences located along the perimeter of the site to explain EPA's ongoing removal activities and to answer any questions concerning local involvement. The OSC also met with local fire and police officials to discuss general cleanup activities and contingency plans. Fact sheets were issued to all Bobsled residents outlining the site hazards and mitigative actions being conducted.*



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<b>Material</b>	<b>Amount</b>	<b>Method</b>	<b>Location</b>
Crushed empty drums and debris	5 roll-offs at 30 cu yd each	Landfill	Chemical Management Fort Wayne, IN
Solid waste containing heavy metals	75 55-gal drums, 15 roll-offs at 30 cu yd each	Landfill	Chemical Management Emelle, AL
Cyanide and corrosive liquid waste	120 55-gal drums	Chemical treatment	SinoChem, Inc. Detroit, MI
Halogenated liquid organics	59 55-gal drums	Incineration	Rally Environmental Services, Inc. Austin, TX
Phosphoric and sulfuric acids	5,000 gal liquid	Recycle	Everclear Products Camden, NJ
Elemental mercury	2.8 lb	Recycle	Polymer-Science, Inc. Harvey, MO

**E. Resources Committed**

- Summarize the estimated total project costs, highlighting the categories below. (Note: Use the Removal Cost Management System [RCMS] to determine the estimated total project costs.) [5]

Extramural costs:

- Regional removal allowance costs (or total cleanup contractor costs), including costs for Emergency and Rapid Response Services (ERRS), Regional ERRS, subcontractors, prequalified vendors and other site-specific contracts, letter contracts, order services, notices to proceed, and interagency agreements (IAGs) with other Federal agencies
- Technical Assistance Team (TAT)/Superfund Technical Assessment and Response Team (START) costs
- Contract Laboratory Program (CLP) costs
- Response Engineering and Analytical Contract (REAC) costs

EPA Intramural costs:

(Note: See the Removal Cost Management Manual for the formula for calculating intramural direct and indirect costs [6]. Contact the Regional Financial Officer for direct and indirect cost rates to be used in the formula.)

- Provide the removal project ceiling from the Action Memorandum for comparison.
- The cost information may be supplemented according to individual Regional cost tracking, provided that the required information is complete.

**Exhibit 9 on the following page shows an estimated total cost summary for a sample removal project.**

With the expected increase in the number of non-time-critical removal activities under the early action initiative, there will be a consequent increase in the number of cost recovery actions subject to the removal Statute of Limitations (SOL). The SOL for removal activities is three years from a removal completion, unless remedial activity is initiated within three years of the completed removal activity. The need for accurate, timely, and complete cost documentation and reporting of work performed is extremely important [3].

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### EXHIBIT 9. REMOVAL PROJECT ESTIMATED TOTAL COST SUMMARY

#### Extramural Costs:

Total Cleanup Contractor Costs	\$2,835,444
Total TAT/START Costs	168,353
Total CLP Costs	0
Total REAC Costs	0

EXTRAMURAL SUBTOTAL \$3,003,797

#### Intramural Costs:

EPA Direct Costs	\$200,000
EPA Indirect Costs	299,569

INTRAMURAL SUBTOTAL \$499,569

ESTIMATED TOTAL PROJECT COSTS \$3,503,366

PROJECT CEILING \$3,600,000

## II. EFFECTIVENESS OF REMOVAL ACTIVITIES

The evaluation of the removal action should be objective. The criteria include: timeliness of response, level of preparedness to respond, appropriateness of actions, whether safety procedures were followed, whether the PRP contributed to the removal action, and the form and quantity of that contribution. Only facts should be noted.

### A. Actions Taken by PRPs

- Indicate whether the PRP(s) responded to any notice letter(s) and how cooperative they were in providing information to assist with the removal.

*Example:* Only one PRP, Zimmer Container Corporation, was financially viable or willing to undertake any cleanup. Zimmer was issued a Notice Letter on September 19, 1991, regarding the hazardous substances, debris, and solid waste in and around its area of operations. Zimmer agreed to clean up the portion of surface wastes that it had generated during its lease operations.

- If the PRP did any portion of the site work, indicate whether the PRP responded to an administrative order.

*Example:* Under an Administrative Order, Zimmer Container Corporation conducted cleanup of its portion of wastes on site.

- For work performed by the PRP(s), cite instances indicating whether the PRP(s) or their representatives took adequate health and safety measures, and conformed to the site safety plan.

- Indicate whether the performance of the PRP conflicted with performance expectations.

*Example:* Zimmer Container Corporation cleaned up and removed most of the surface wastes identified by EPA; however, the potential soil contamination resulting from its welding, spraying, and refurbishing operations of box trailers is unknown at this time and was not addressed during the removal activity. This potential contamination will be addressed in future action by the remedial personnel.

## **B. Actions by State and Local Agencies**

- Indicate whether any role was played or assistance provided by State or local agencies in the removal. Describe actions of State and local agencies as first responders, in the preliminary assessment of the site, and/or in community relations which were either valuable or a hindrance to the removal activity.

*Example:* The NJDEP provided historical information on the site during the assessment phase of the removal. The NJDEP also responded to incidents involving fires at the site to aid in mitigation actions.

The Bobsled Township Fire Department provided a renewable air supply during the site assessment. The Fire Department also coordinated with the ERRS contractor to respond to several site fires caused by vandals and, for a nominal fee, provided water for the site decontamination trailer.

The New Jersey State Police (NJSP) responded to several incidents involving fires and vandalism at the site. However, the OSC's first request to the NJSP for support was denied because assistance was not requested through the Bobsled Township Police Department's mutual aid agreement.

- Indicate whether the State made arrangements for post-removal site control.

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### C. Actions Taken by Federal Agencies and Special Teams

- Indicate whether any role was played or assistance provided by the U.S. Coast Guard, the Agency for Toxic Substances and Disease Registry (ATSDR), the Federal Emergency Management Agency (FEMA), or any other agency during the removal. Describe technical assistance provided by these agencies.

*Example: Upon discovery of vandalized equipment on site, the OSC contacted the Federal Bureau of Investigation (FBI). The FBI declined to investigate the matter because of the uncertainty involved with the status of ownership of the damaged equipment.*

*EPA's Office of the Inspector General (IG) provided an investigator at the time of the discovery of the damaged equipment; however, the lack of a Federal or State agency representative to investigate outside causes of the vandalism hampered the IG investigation.*

- Indicate any participation by the NRT, the RRT, or other teams during the removal. Describe any assistance they provided in coordinating with Federal, State, and local agencies and other interested parties, and in planning the removal activity.

*Example: The USCG National Strike Force denied the OSC's request for a site visit and assistance in the final removal of hazardous materials.*

### D. Actions Taken by Contractors, Private Groups, and Volunteers

- Review the delivery orders and work performed by the ERRS contractor (or other cleanup contractor). Indicate whether all personnel, materials, and equipment were provided as required by the contract and delivery orders, and whether they were provided within acceptable time frames.

*Example: The EPA ERRS contractor, HazWaste Cleanup Corp., conducted the cleanup of the site. In addition to performing wastestream staging and bulking and drum sampling, ERRS coordinated the shipment and disposal of the materials. Through the ERRS contractor, site security and utilities support were also provided. The ERRS contractor provided an on-site mobile laboratory, as well as equipment and personnel to conduct the field operations.*

- Indicate whether health and safety protocols were observed, and whether applicable safety and environmental laws and regulations were followed in storage, transportation, treatment, and disposal of wastes. Cite any violations.

*Example: All health and safety protocols and safety and environmental laws were followed during this removal activity.*

- Indicate whether tasks assigned to the technical assistance contractor were completed in a timely and effective manner.

*Example: The EPA technical assistance contractor, EnviroTEK, Inc., provided*

*timely assistance in the preliminary assessment of all site buildings, the development and maintenance of the site safety plan, documentation of on-site activities, air quality monitoring of all work areas, and coordination of the disposal and reclamation of abandoned cylinders and acids.*

- Describe instances where work performed by volunteers was valuable to the success of the removal activity or where their presence hindered site activities.

*Example: Volunteers from a local Boy Scout troop assisted in the distribution of fact sheets to local Bobsled residents.*

### III. DIFFICULTIES ENCOUNTERED

Most removal activities encounter some problems. When difficulties arise on site, especially those involving intergovernmental coordination or compliance with policies and regulations, communicating these difficulties program-wide will help avoid them at other sites or facilitate their solutions should they occur.

In this part of the OSC Report, list the items that affected the response, giving careful attention to issues of intergovernmental communication and coordination, and regulatory and policy interpretation and compliance. Give each type of difficulty a short title for easy reference.

#### A. Items That Affected the Response

- Evaluate the efficiency of the removal activity. List technical, naturally occurring, and uncontrollable items that adversely affected the removal activity.

*Example: Incineration: The high cost of transportation of hazardous waste to an off-site incinerator (because of community resistance to mobilization of an on-site incinerator) and the delays due to work stoppage by the hazardous waste haulers union greatly increased the total removal cost.*

*Vandalism: Fires and vandalism occurred on several occasions at the site; some of these incidents hindered site actions and endangered EPA personnel, cleanup contractors, and the local residents. Because of the large size of the site, it was difficult to limit access. Site security through ERRS subcontractors was unsuccessful in most incidents because security guards could not maintain a constant watch on perimeter areas. Local authorities were not able to curtail trespassing and illegal dumping on site and did not have the resources to contend with these problems.*

*Union Actions: On March 8, 1992, the Heavy Equipment Operators and Laborers Union formed a picket line across the site entrance and disrupted site work for several days. Subcontractors, such as the*

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*hazardous waste haulers and the site sanitation subcontractor, honored this line. Even after site work was resumed, physical harassment against the ERRS contractor personnel hindered site progress on several occasions. The local community exhibited no concern over the disruption of removal activities.*

*Delays: On March 30, 1992, all personnel were demobilized from the site after vandals caused extensive damage to the heavy equipment and other operational equipment at the site. Work was delayed until October 1992, when the cooperation of the Department of Justice and the U.S. Marshal's Office was obtained in order to provide safer and more secure working conditions.*

### B. Issues of Intergovernmental Coordination

- Evaluate communication and coordination efforts among Federal, State, and local parties and the effect of the efforts on the removal activity. Cite examples that hindered or disrupted the coordination of a smooth removal activity.

*Example: EPA's ability to request assistance from State and Federal agencies outside of the RRT framework should be addressed. The role of an OSC during an emergency response or removal activity is unknown to those State and Federal agencies that do not have participating members on the RRT. In addition, the OSC did not know the extent of assistance which can be requested or provided from other agencies, as was the case with the FBI.*

### C. Difficulties Interpreting, Complying With, or Implementing Policies and Regulations

- Indicate those policies and regulations that in any way affected the efficient conduct of the removal activity and how they affected the removal activity.

*Example: Threats to health and safety of personnel: EPA lacks formal guidance or policy on health and safety issues unrelated to standard OSHA or EPA requirements for hazardous waste activities. The site-specific health and safety plan did not address the acts of violence perpetrated by vandals and arsonists. Without such guidance, the OSC can use only his best judgment as to whether removal activities can safely continue.*

## IV. RECOMMENDATIONS

This part of the OSC Report provides the opportunity for OSCs to share the benefits of their site experiences. As site managers and implementors of EPA's operating policies and regulations, OSCs are most qualified to provide valuable feedback from a field perspective to removal program managers on the effectiveness of these policies and regulations. Through their experience and expertise conducting removals, OSCs can assist other OSCs and developers of policy by communicating their successes in conducting particular types of removal actions, using innovative technologies, and by providing recommendations for the prevention of future discharges and releases.

To ensure the value of OSC Reports to the removal program, all the issues presented below should be carefully addressed. Give all recommendations a short title for easy reference.

A. Means to Prevent a Recurrence of the Discharge or Release

- Examine the cause of the incident and determine, if possible, what action(s) could have prevented it. Provide specific recommendations for how EPA or other Federal or State agencies could act to prevent similar occurrences.

*Example:* Routine audits: Audits should be conducted routinely for companies that are producers or users of large quantities of hazardous substances, and these companies should be required to routinely dispose of wastes produced and materials no longer used. Companies that fall into these categories could be required to carry and maintain liability insurance to pay for potential environmental damage or threats that result from operations.

B. Means to Improve Removal Activities

- Provide recommendations from section III of the OSC Report to address the difficulties encountered during the removal activity. Focus on improvements to intra-program coordination and on issues that could have broad application within, or implications for, the Superfund program.

*Example:* On-site incineration: The mobilization of an on-site incinerator for the destruction of wastes would have reduced transportation costs associated with off-site disposal.

Site security: EPA's effort to provide continuous site security at hazardous waste sites where local and State authorities are unable to supplement or support such activities needs to be examined.

- Highlight what actions went well during the removal and provide specific recommendations so that other OSCs can take advantage of these experiences.

*Example:* Multiple OSCs: Using several OSCs, with one lead OSC, to oversee



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*different phases of the removal activities can improve complex removal activities. Because of the numerous tasks undertaken for this action, more than two OSCs were used at different phases of the removal activity, which greatly aided in contractor monitoring and in planning initiatives.*

### C. Recommendations for New Policy or Regulations, and Changes in Current Regulations and Response Plans

- Indicate those regulations or policies that hinder rather than promote the efficient, timely, and safe completion of removal activities. State the manner(s) in which they hinder operations, and provide recommendations for their revision.

*Example:* 1. DOJ support: *There should be expedited methods for obtaining Department of Justice response to criminal activities against EPA employees or its contractors.*

2. MOU or LAG: *A Memorandum of Understanding and Interagency Agreement should be developed between the EPA and the U.S. Marshal's Office to immediately address threats or potential threats to EPA employees from outside parties interfering with an approved Federal removal activity.*

3. Guidance: *EPA should develop guidance or policy pertaining to the protection of its employees and contractors under its direction, and incorporate it by reference in the Federal Regional Contingency Plan. It is also suggested that a legal determination of Federal property be made known to OSCs in order to distinguish the threshold for FBI or other agency involvement.*

**Exhibit 10 presents an OSC Report Review Checklist which can be used to ensure that all information requirements have been addressed and that the report is error-free.**

**EXHIBIT 10. OSC REPORT REVIEW CHECKLIST**

The following checklist has been developed to help ensure that all OSC Reports are complete. A comprehensive list of topics for inclusion in OSC Reports is provided. OSCs should compare OSC Reports to the checklist and add their own procedures if they desire. **The OSC Report should not include subjective judgments, draw conclusions which are not fact-based, express unsubstantiated opinions, or discuss the legality of actions or events.**

The OSC Report has:

- \_\_\_ Provided an executive summary of the response action (optional).
- \_\_\_ Described the primary aspects of the site conditions and site background succinctly and accurately, and includes:
  - Initial situation, background, site location, coordinates, and NPL status
  - Location of hazardous substances and areas of concern on site
  - Cause of the release or discharge
  - Efforts to obtain response by responsible parties (section I.A).
- \_\_\_ Outlined the organization of the response, indicating agencies, parties, and contractors that provided assistance, and their action(s) or role(s) (section I.B).
- \_\_\_ Indicated the content and date of any notice to natural resource trustees about injury or possible injury to natural resources (section I.C).
- \_\_\_ Indicated Federal and State trustee damage assessment activities and efforts to replace or restore damaged natural resources (section I.C).
- \_\_\_ Indicated the response authority and described in a chronological narrative the details of threat abatement actions taken (section I.D).
- \_\_\_ Stated the technologic approaches tested and implemented, and concisely described innovative or emerging alternative technologies successfully used (section I.D).
- \_\_\_ Stated the materials and quantities disposed of, the method(s) of disposal, and the location of the disposal facility/facilities (section I.D).

## OSC REPORT REVIEW CHECKLIST

### EXHIBIT 10. OSC REPORT REVIEW CHECKLIST (Continued)

The OSC Report has (continued):

- \_\_\_ Described the public information and community relations activities performed (section I.D).
- \_\_\_ Summarized the estimated total project costs and provided the removal project ceiling for comparison (section I.E).
- \_\_\_ Provided an objective evaluation of the effectiveness of removal activities, including:
  - Actions taken by PRPs (section II.A)
  - Actions taken by State and local agencies (section II.B)
  - Actions taken by Federal agencies and special teams (section II.C)
  - Actions taken by contractors, private groups, and volunteers (section II.D).
- \_\_\_ Listed the difficulties encountered during the response activity, including:
  - Technical, naturally occurring, and uncontrollable items that affected the response (section III.A)
  - Issues of intergovernmental coordination (section III.B)
  - Difficulties interpreting, complying with, or implementing policies and regulations (section III.C).
- \_\_\_ Provided recommendations on means to prevent a recurrence of the discharge or release (section IV.A).
- \_\_\_ Provided recommendations on means to improve response activities (section IV.B).
- \_\_\_ Provided recommendations or proposals for changes in regulations and response plans (section IV.C).
- \_\_\_ Provided a reference list of related or supplemental documents (in lieu of attachments).

# APPENDIX A. MODEL COMBINED INITIAL AND FINAL POLREP

## U.S. ENVIRONMENTAL PROTECTION AGENCY POLLUTION REPORT Model Combined Initial and Final POLREP

- I. **HEADING** *Example:*
- Date: *November 4, 1992*
  - Subject: *Elmhurst Dump, Caroline County, New Jersey*
  - From: *Joan Smith, OSC, U.S. EPA, Region 2, Response and Prevention Branch*
  - To: *Robert Watson, Director, ERD*  
*Janet Cohen, Response and Operations Branch Chief, Region 2*  
*James Stacks, NJDEP*  
*Local Emergency Planning Committee*
- POLREP No.: *1 and Final*
- II. **BACKGROUND** *Example:*
- Site No.: *Q6*
  - Delivery Order No.: *1234-56-78*
  - Response Authority: *CERCLA, § 104(a)*
  - ERNS No.: *30580*
  - NPL Status: *Non-NPL*
  - CERCLIS No.: *N/A*
  - State Notification: *NJDEP notified*
  - Action Memorandum Status: *Action Memorandum being prepared*
  - Start Date: *November 2, 1992*
  - Demobilization Date: *November 3, 1992*
  - Completion Date: *November 4, 1992*
- III. **SITE INFORMATION**
- A. **Incident Category**
- Indicate the appropriate CERCLA incident category for the site from the following list:
    - Active Production Facility
    - Inactive Production Facility
    - Active Waste Management Facility
    - Inactive Waste Management Facility
    - Midnight Dump
    - Transportation-Related
    - Other

*Example:* CERCLA incident category: *Midnight Dump*

## B. Site Description

### 1. Site description

- Briefly describe the site setting, including coordinates (latitude/longitude), location (city, county, state), acreage, and ownership.

*Example:* On November 1, 1992, four sealed but badly damaged boxes were found by a local resident in a deserted field near Elmhurst, Caroline County, NJ (39° 49' 57" N, 77° 38' 19" W). The boxes were soggy, the labels had almost completely peeled off, and poison symbols were barely visible. Present ownership of this 40-acre field was under dispute and the last legal owner could not be immediately located. Well-established trails through the unsecured field indicated routine use by residents. The NJDEP, due to the potentially hazardous contents of the boxes, requested EPA assistance.

- Describe the area (e.g., residential, urban, commercial) and estimate the threatened population (as identified in the Preliminary Assessment).

*Example:* The field where the boxes were found is not cultivated, but the surrounding fields are irrigated with water from a nearby stream. The field is in a very rural area of Caroline County, with a population of fewer than 250 people within a one-mile radius. Two miles downstream of the site is a small town (Elmhurst) with a population of approximately 5,000 people.

- Discuss past and present site activities.

*Example:* The site was formerly a cornfield, and is currently not farmed due to legal disputes over ownership.

### 2. Description of threat

- Describe the threat to human health or the environment posed by the site. If the threat is the result of a single incident or release, describe the incident or release, including the date and what ensued.

*Example:* The barely visible symbols on the labels of the boxes appeared to indicate that the boxes contained arsenic trioxide -- a highly toxic carcinogen. This posed a potential serious contact/inhalation threat to passersby. Rain could destroy the containers, wash the contents into the soil, and/or contaminate the nearby stream.

## C. Preliminary Assessment Results

- Briefly discuss the results of the preliminary assessment, if any.

*Example:* The boxes appeared to contain the original material. No leakage was initially observed, but the boxes were deteriorated.

#### IV. RESPONSE INFORMATION

##### © A. Situation

###### 1. Current situation

- Summarize the current situation at the site and the status of the ongoing removal activity, including information pertaining to site conditions, weather (if pertinent), media activity, and other relevant factors.

*Example:* Heavy rain caused muddy conditions which hampered access to the site. The OSC arrived on scene at 1300 hours on November 1 and determined the location of the boxes to be 50 feet from the swollen stream flowing nearby. On closer inspection, the OSC found no other boxes or drums anywhere near the four identified boxes.

Technical assistance contractor personnel arrived on scene at 1530 hours on November 1 to assist the OSC with the response activity by collecting soil and water samples for analysis, and by performing air monitoring.

On verifying the contents of the boxes, the OSC mobilized the ERRS contractor who arrived on the scene at 1700 hours on November 1.

###### 2. Removal activity to date

- Describe what removal activities have already been initiated, including preparation of the Action Memorandum, whether the OSC invoked the \$50K response authority, any actual site mobilization and the actions taken, and any community relations activities.

*Example:* The area was immediately fenced off by the ERRS contractor and warning signs were posted. The boxes were overpacked and staged within the secured area. After the boxes had partially dried out, and on closer scrutiny, the contents of the boxes appeared intact. The OSC with the help of the technical assistance contractor identified the name of the manufacturer on the labels, and contacted the manufacturer – Metchem, Inc., of Trenton, NJ.

- Discuss State and local agency involvement, including any request for EPA assistance; any State or local agency cooperation in assessing the incident and threats; any "first responder" or other actions taken by State or other agencies to protect public health and the environment; and whether State or other agency personnel remain at the site.

*Example:* The NJDEP contacted the EPA Duty Officer, and a representative was present on site from the outset.

### 3. Enforcement

- Indicate whether EPA or State enforcement actions have been initiated.

*Example: The manufacturer of the arsenic, Metchem, Inc. was contacted on November 2 and representatives arrived on site on November 3, 1992, at 1400 hours.*

### B. Planned Removal Activities

- Discuss the removal activity as outlined in the Action Memorandum.

*Example: Because of the imminent threat to public health and the environment posed by the highly toxic and hazardous contents of the damaged boxes, this site met the criteria of a CERCLA emergency response. Using the \$50K authority, the OSC initiated an immediate response.*

*The manufacturer will assume responsibility of the secured containers of hazardous materials. The contents will be repackaged at their factory for reuse.*

### C. Next Steps

- Describe plans for ongoing removal activity, including waste analysis, containment, and cleanup; enforcement; planned meetings with local or Regional environmental or enforcement agencies; and community relations activities.

*Example: Sample analysis results showed no contamination of the soil or water.*

- Discuss the status of the OSC Report and the expected completion date. If applicable, indicate any future site activity (e.g., PRP, remedial, or State).

*Example: The OSC Report is under preparation and is expected to be completed by November 30, 1992. No further Federal response activities are anticipated.*

### D. Key Issues

- Identify any problem areas.
- State how the objectives set forth in the Action Memorandum were achieved through the removal activity. Specifically address any wastes remaining on site, including those which are contained. Document how threats to human health and the environment have been reduced or eliminated.

*Example: An Action Memorandum is being prepared. Prompt and immediate Federal action eliminated a potentially hazardous situation.*

**V. COST INFORMATION**

- Provide detailed final cost information for the site. Below is an example of cost information that OSCs should provide. Individual Regions should also note ceilings for ERRS, TAT/START, or other line items if such ceilings are maintained. To the extent practicable, all expenditures relevant to the site should be noted in the POLREP. Cost information should be as detailed and complete as possible.

*Example:*

		<i>Cost To Date</i>
<i>ERRS Contractor</i>	\$	3,010-
<i>LAGs</i>		<i>N/A</i>
<i>Letter Contracts</i>		<i>N/A</i>
<i>Extramural Cleanup Contractor Costs</i>		3,010
<i>TAT/START Contractor Costs</i>		1,850
<i>CLP Analytical Services</i>		<i>N/A</i>
<i>REAC</i>		<i>N/A</i>
<i>Intramural Direct Costs (HQ, Regions, ERT)</i>	1,900	
<i>Intramural Indirect Costs</i>	2,150	
<i>Total Intramural Costs</i>		4,050
<b>TOTAL</b>	<b>\$</b>	<b><u>8,910</u></b>
• <i>Project Ceiling</i>	\$	50,000
• <i>Percent of Project Funds Remaining</i>		82.2%

- Include the following statement in all final POLREPs:

The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

**VI. DISPOSITION OF WASTES**

- Using the waste disposal matrix below, list the wastestreams identified, and note the medium and quantity. For each wastestream, indicate the planned or actual disposition (e.g., containment, treatment, disposal). See Exhibit 2 on page 17 for more information on recording site wastes.
- Abbreviations may be used in the matrix and clarified in the text of the POLREP. Keep each individual wastestream separate. Containment and disposal should not both be denoted for the same wastestream. See Exhibit 2 on page 17 for more information.



*Example:*

<i>Wastestream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Containment - Migration Control</i>	<i>Treatment</i>	<i>Disposal</i>
<i>Heavy metal (arsenic)</i>	<i>Solid, contained in boxes</i>	<i>4 boxes, each 20 lb</i>	<i>Boxes secured, area fenced off</i>	<i>None</i>	<i>Collected by Metchem, Inc., NJ, for reuse</i>

## APPENDIX B. REFERENCES<sup>11</sup>

### Statutes and Regulations

- [1] The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 55 FR 8666, 40 CFR Part 300, (March 8, 1990)
- [2] The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. sections 9601-9675

### Guidance

- [3] OSWER Directive 9203.1-05, Volumes 1 - 5, "Superfund Accelerated Cleanup Model - Interim Guidance," (December 1992)
- [4] OSWER Directive 9360.3-01, "Superfund Removal Procedures: Action Memorandum Guidance," EPA/540/P-90/004 (December 1990)
- [5] *Removal Cost Management System User's Guide*, Version 3.2 (June 1989)
- [6] OSWER Directive 9360.0-02B, "Removal Cost Management Manual," (April 1988)

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<sup>11</sup> Bracketed numbers appear throughout the text and correspond to the references listed in this appendix. These references may be consulted for additional information on specific topics affecting the preparation and content of POLREPs and OSC Reports.



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