

Superfund:

Polluters Pay So Children Can Play



35th Anniversary Report



December 2015

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The Center for Health, Environment & Justice (CHEJ) was founded in 1981 by Lois Gibbs, the community leader who led the successful fight to relocate over 800 families away from the Love Canal toxic waste dump in Niagara Falls, NY. CHEJ mentors a national movement to build healthier communities by empowering people to prevent harm caused by toxic chemical threats. CHEJ helps people by providing the tools, direction, and encouragement to advocate for safe and healthy communities. To date, CHEJ has assisted over 12,000 groups nationwide.

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Executive Summary

The federal Superfund program was created in December 1980 in response to serious threats across the country posed by toxic waste sites such as the infamous Love Canal landfill in Niagara Falls, NY. Since then, the U.S. Environmental Protection Agency (EPA) has completed the cleanup of nearly 1,200 of the nation's worst toxic waste sites, protecting hundreds of communities and drinking water supplies.

In recognition of Superfund's 35th Anniversary, this report examines the decline in Superfund's financial stability and urges the reinstatement of "polluter pays fees" to fund site cleanups. This report also examines federal legislative efforts, the management of the Superfund program, and the impact of EPA's Superfund Alternative Approach on community involvement during cleanup decisions and efforts. Unfortunately the trends we reported in our last evaluation five years ago have continued: Superfund is struggling.

The main findings and conclusions of this report follow.

- Unreliable funding of the Superfund program has led to an unstable program. Without a stable and reliable source of income, such as provided by the polluter pays fees, the program is not sufficiently funded to meet long term project needs and the program requirements for permanent cleanups.
- The funding shortfall has resulted in fewer completed cleanups each year; fewer cleanups started each year; inadequate funding of ongoing projects; an increase in the time to complete remedial projects; inadequate funding for emergency removal projects; and a steady stream of unfunded projects each year.
- The expansion of the Superfund Alternatives program, in which the responsible parties agree to cleanup a site and avoid being listed on the National Priority List provides benefits to the polluter while hampering citizen participation that is provided for under the Superfund program. In particular, Technical Assistance Grants (when provided) are awarded by the responsible corporation rather than EPA, a neutral entity.
- The Superfund program has been so badly mismanaged by EPA Administrator Gina McCarthy that an unprecedented act of Congress has proposed transferring EPA oversight of a Superfund site to the Army Corps of Engineers.
- Congress must reinstate the polluter pays fees. Without collecting the corporate fees to replenish Superfund, there is simply not enough money to do the critical job of cleaning up hundreds of abandoned toxic waste sites. It is unfair to place 100% of the burden of the program's annual cost on American taxpayers while corporations make deals and play political games to avoid payment. Corporate

polluters must once again contribute to the costs of cleaning up these contaminated sites.

Financially Ailing Superfund

When Superfund was created on December 11, 1980 through the Comprehensive Environmental Response, Compensation and Liability Act, a Trust Fund was set up with approximately \$1.6 billion to pay for the cleanup of any site where a polluter could not be identified, was bankrupt, or refused to take action. Superfund was financed by polluter pays fees from the companies responsible for the hazardous chemical releases.

By 1995, Superfund had accumulated nearly \$4 billion. However, the authorization to collect these fees ended that year and was not reauthorized by Congress. Consequently, in 2003 the program ran out of money and the entire financial burden of paying for the cleanup of the worst orphan toxic sites in America fell to the taxpayers. In the past five years, Congress has annually allocated approximately \$1.26 billion of general revenues—taxpayer money—to the Superfund program.

Funding for Superfund has continued to decrease from approximately \$2 billion in 1999 to less than \$1.1 billion in 2013 (in constant dollars) according to a federal Government Accountability Office (GAO) report. This decrease has resulted in a dramatic reduction in the number of sites cleaned up. From 2001 to 2008, there was more than a 50% decrease in the number of sites cleaned up. This slide continued during the Obama Administration and recently under the direction of EPA Administrator Gina McCarthy when there was a 40% further reduction in Superfund cleanups—from 20 in 2009 to a mere 8 in 2014.

The lack of polluter pays fees and the dependency on taxpayer revenues has led to a funding shortfall, which has weakened Superfund's response to pressing environmental health concerns. In September 2015, the GAO issued a report that identified three problems linked to the lack of adequate funding of the Superfund program: (1) a decline in the number of remedial action completions; (2) a decrease in construction completions; and (3) a diminished efficiency in completing each project.

The agency has also started fewer cleanups since the Trust Fund ran out of polluter pays fee money. Using EPA records, GAO found that remedial actions and construction completions at Superfund sites have decreased significantly since 1999. The GAO report states that from 1999 to 2013 “the number of remedial action project completions at nonfederal NPL sites generally declined by about 37 percent” while “the number of construction completions at nonfederal NPL sites generally declined by about 84 percent.” The number of remedial actions has decreased from 116 projects in 1999 to 73 in 2013. In 1999 and 2000 there were construction completions at 80 Superfund sites annually, but by 2013 that number had dropped to 13.

The number of sites where cleanup action has started has also decreased dramatically. As stated in the 2015 GAO report, “the decline in funding led EPA to delay the start of

about one-third of the new remedial action projects that were ready to begin in a given fiscal year at nonfederal NPL sites from fiscal years 1999 to 2013.” Furthermore, it is taking longer to complete cleanups, with the median time for project completions increased from about 2.6 years in 1999 to about 4 years in 2013.

Compounding the Superfund slowdown problem is the addition of new sites every year. In its initial surveys EPA identified over 47,000 potentially hazardous waste sites and continues to discover new sites. As EPA adds more sites to the program, it continues to face a thinning of funds, exacerbating the agency's already slow annual remediation schedule and leaving more sites unfunded and unaddressed.

Superfund and the Federal Government: Cutting Corners

With the exception of President George W. Bush, the Superfund polluter pays fees have benefited from broad bipartisan presidential support. President Jimmy Carter, a Democrat, signed the original law in 1980 and President Ronald Reagan, a Republican, signed the 1986 law to continue collecting the fees. In 1990, President George H.W. Bush, a Republican, signed legislation renewing the fees, and in 1995 Democratic President Bill Clinton's Administration proposed renewing the Superfund fees, but Congress failed to approve it. The Bush Administration was the first and only administration with President George W. Bush, a Republican consistently opposing reinstatement of the polluter pays fees. By 2003, the Trust Fund was bankrupt, forcing the American taxpayers to pay the entire cost of running the Superfund program. Unlike his predecessor, President Barack Obama and his Administration repeatedly supported the reinstatement of the polluter pays fees, but intense opposition from Congress has prevented reinstatement of the fees.

The Congressional Sessions during Obama's presidency have continued to reject any attempt to finance Superfund through these fees. Several attempts to introduce legislation to reinstate the fees during this period have failed, demonstrating the continuous lack of Congressional support for this crucial program.

Appointed by President Obama in 2013, current EPA Administrator Gina McCarthy has faced criticism for her inaction with regard to Superfund sites. Administrator McCarthy has placed the Superfund program entirely in the hands of senior staff Mathy Stanislaus and Barry Breen, who have badly mismanaged the program and repeatedly refused citizens the right to appeal their decisions to Administrator McCarthy. This situation reached an extraordinary level when Senator Roy Blunt (R-MO) introduced a bill in Congress that would take oversight of a Superfund site away from EPA and give it to the Secretary of the Army, acting through the Corps of Engineers. EPA's continued delay in implementing a solution for the West Lake landfill in Bridgeton, MO led to this unprecedented decision. A fire that no one has been able to put out has burned at this site for more than four years. The fire is slowly moving toward highly radioactive waste disposed of in different portion of the same landfilled area. EPA's indecision at this site has left residents in close proximity to the landfill breathing unbelievably high

levels of air pollutants coming from the fire and fearful of what will happen if the fire reaches the radioactive waste.

Superfund Alternative Approach

In 2002, EPA created an alternative approach for cleaning up contaminated sites that was separate from, but associated, with the Superfund program. Referred to as the Superfund Alternative Approach (SAA), this approach provides for the cleanup of contaminated sites eligible for cleanup under the Superfund program without the site actually being listed on the NPL. The cleanup at these sites is based on an agreement between EPA and the responsible parties, the companies responsible for the pollution. In order to qualify for an SAA agreement, a site must: 1) meet the criteria for an NPL listing, 2) require long-term remedial action, and 3) have a responsible party that is willing to complete the remedial work.

The alternative approach came about primarily because responsible parties did not want their site added to the Superfund list because of the stigma it creates. Not only does this approach allow companies to avoid the perceived stigma associated with an NPL site, but it also allows companies to avoid listing an NPL site as a liability in its financial papers. This can have a significant impact, especially if the company is to be sold.

While EPA claims that SAA agreements benefit communities, a 2013 GAO report identified a number of disadvantages for communities including having to obtain a technical assistance grant from the responsible party and not from an impartial third party as such as EPA; concern about whether the SAA approach will follow the same process as would an NPL site, especially in providing opportunities for community involvement (some do, some don't); and the limited opportunity for formal public comment on the EPA's selection of the SAA approach itself. Overall the GAO found mixed results when comparing SAA sites with 74 similar NPL sites in completing the cleanup process. They did find that a lower portion of SAA agreements sites had completed cleanup compared to similar NPL sites, though GAO cautioned against drawing conclusions due to the limited number of SAA and NPL sites in its analysis. Concern, however, remains about decreased community involvement and the lack of sufficient EPA oversight of this program.

Superfund Site Profiles

Today, almost 1,400 known Superfund toxic waste sites are poisoning drinking water, land and air with chemicals that cause cancer, birth defects and other health problems. Thirty-one community organizations in 23 states and Puerto Rico representing 30 sites are featured in the *Superfund Site Profiles* in Chapter 5.

Securing Superfund's Future

Decreased funding and the slowdown of the cleanup of Superfund sites have resulted in increased toxic exposures and health threats to communities across America. Stable and equitable funding is long overdue for this critically important pollution prevention program. Superfund was founded on the principle that those companies most closely associated with creating toxic waste sites and generating hazardous waste should bear the financial burden of cleaning them up. It is time for Congress to reinstate the polluter pays fees. Without industry fees to replenish Superfund, there is simply not enough money to do the critical job of cleaning up hundreds of abandoned toxic waste sites and the American taxpayers are unfairly burdened by paying 100% of the annual costs.

The Center for Health, Environment & Justice (CHEJ), Environment America, Sierra Club and hundreds of state and local environmental, health and community groups have waged a campaign to refinance Superfund for years. CHEJ Founder Lois Gibbs was a leader of the successful community fight to relocate over 800 families away from the Love Canal toxic waste dump in Niagara Falls, NY, which led to the creation of the Federal Superfund in 1980. After years of delay, Ms. Gibbs urges policymakers to take action on this critical environmental health problem.

Chapter 1

Financially Ailing Superfund

The federal Superfund program was created by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in December 1980 in response to serious threats across the country posed by toxic waste sites. Infamous sites such as the Love Canal landfill in Niagara Falls, New York and the Valley of the Drums near Louisville, Kentucky, motivated Congress to pass CERCLA in order to better protect the health of the American public.

Since Superfund legislation passed, the U.S. Environmental Protection Agency (EPA) has completed the cleanup of nearly 1,200 of the nation's worst toxic waste sites, protecting hundreds of communities and drinking water supplies.¹ However, there remain over 1,300 sites on Superfund's National Priorities List (NPL) that require cleanup (see Appendix A). According to 2015 data from a report by the United States Government Accountability Office (GAO) 39 million Americans, almost half of whom are children or elderly, still live within 3 miles of a Superfund site.² These people continue to depend on the federal Superfund program to ensure their health and safety as well as the health and safety of their families.

Superfund sites are the worst, most highly toxic contaminated sites in the United States and its territories. In order to become a Superfund site and receive cleanup funding, polluted sites must receive a Hazard Ranking System (HRS) score of at least 28.5 out of 100 and demonstrate a need for remedial action to address the contamination. Once a site meets these criteria, it is publically listed on the National Priorities List.³ In 2002 EPA began allowing corporations and states to oppose a site listing on the NPL, instead addressing the contamination through a Superfund Alternative Approach (SAA) agreement with the polluter or responsible party. See Appendix B for more information about how the Superfund program works.

In recognition of Superfund's 35th Anniversary, this report examines the continuous decline in Superfund's financial stability and urges the reinstatement of "polluter pays fees" to fund site cleanups. This report also examines federal legislative efforts, the EPA's management of the Superfund program, and the impact of EPA's Superfund Alternative Approach on community involvement during cleanup decisions and efforts.

Funding Shortfall

Funding for Superfund has continued to decrease from approximately \$2 billion in 1999 to less than \$1.1 billion in 2013 (in constant dollars) according to a GAO report.⁴ This decrease has resulted in a dramatic reduction in the number of sites cleaned up. From 2001 to 2008, there was over a 50% decrease in the number of sites cleaned up.⁵ This slide has continued during the Obama Administration and recently under the direction of

EPA Administrator Gina McCarthy when there was a 40% further reduction in Superfund cleanups—from 20 in 2009 to a mere 8 in 2014.⁶

The problem is that the program's funding has been greatly reduced ever since the industry fees were allowed to lapse in 1995. When Superfund was created in 1980, a Trust Fund of approximately \$1.6 billion was set up to pay for the cleanup of any site where a polluter could not be identified, was bankrupt, or refused to take action.⁷ This Trust Fund was financed by fees or taxes collected from companies that used hazardous chemicals and were likely to be responsible for toxic releases. These “polluter pays fees” included assessments on crude oil, chemical feedstock, imported chemical derivatives, and corporate environmental income. These four fees became the financial backbone of the Superfund program for more than 20 years. See Appendix C for a more detailed description of these fees.

After Congress failed to reauthorize these fees in 1995, the federal government stopped collecting them. At that time, the Superfund Trust Fund had accumulated nearly \$4 billion.⁸ However, without the fees to fund the program, Superfund was increasingly forced to rely on Congressional appropriations for its funding. By 2003, Superfund had run out of money and the financial burden of cleaning up Superfund sites fell to U.S. taxpayers (See Appendix D). A 2015 GAO report found that from 1999 to 2013 about 80 percent of EPA Superfund cleanup money came from taxpayers, while special accounts and state contributions financed the remaining 20 percent.⁹ Since 2003, Congress has annually allocated between approximately \$1.3 and \$1.1 billion of general revenues—taxpayer money—to Superfund as Congress has failed to reinstate the fees during the Clinton, Bush, and now Obama Administrations (see Appendix D).

The lack of polluter pays fees and the dependency on taxpayer revenues has led to a funding shortfall, which has weakened Superfund’s response to pressing environmental health concerns. In September 2015, the GAO, with cooperation from EPA, published an analysis of Superfund trends from 1999 to 2013. This report identified three problems linked to inadequate funding: (1) a decline in the number of remedial action completions; (2) a decrease in construction completions; and (3) a diminished efficiency in completing each project.¹⁰ Both remedial action and construction completions are incremental measures that EPA uses to determine the progress of Superfund site cleanup and recovery.¹¹

The agency has also started fewer cleanups since the Trust Fund ran out of polluter pays fee money. Using EPA records, GAO found that remedial actions and construction completions at Superfund sites have decreased significantly since 1999. The GAO report states that from 1999 to 2013 “the number of remedial action project completions at nonfederal* NPL sites generally declined by about 37 percent” while “the number of construction completions at nonfederal NPL sites generally declined by about 84 percent.” The number of remedial actions has decreased from 116 projects in 1999 to

* Nonfederal NPL sites make up the majority of Superfund sites and refer to sites that are not directly under federal government jurisdiction such as military bases.

73 in 2013. In 1999 and 2000 there were construction completions at 80 Superfund sites annually, but by 2013 that number had dropped to 13.¹²

GAO also raised concerns about the efficiency of Superfund cleanup completions. According to their report the median amount of time for project completions increased from about 2.6 years in 1999 to about 4 years in 2013.¹³ These data show that Superfund cleanups are caught in a downward spiral: as a result of insufficient funding, cleanups are being completed more slowly, meaning they are continuously costing money and further depleting the Superfund budget.

The lack of polluter pays fees and the dependency on taxpayer revenue led to this funding shortfall which has been ongoing for some time. A 2002 article from the EPA Inspector General reported a \$225 million funding shortfall.¹⁴ The agency then “scrambled to de-obligate and re-certify unexpended prior year funds,” and by the end of Fiscal Year (FY) 2002 the shortfall was down to \$97 million.¹⁵ The EPA Inspector General identified four areas of serious funding shortfalls consistent with the 2015 GAO report: (1) new start construction (cleanup) projects; (2) inadequately funded ongoing projects; (3) inadequately funded removal projects; and (4) inadequately funded pipeline projects. The report observed the following:

When funding is not sufficient, construction at [Superfund] National Priority List (NPL) sites cannot begin; cleanups are performed in less than an optimal manner; and/or activities are stretched over longer periods of time. As a result, total project costs may increase and actions needed to fully address the human health and environment risk posed by the contaminants are delayed.”¹⁶

The funding shortfall reached an estimated \$263 million in 2004 according to survey of EPA staff by the House Energy and Commerce Committee resulting in 9 sites not being cleaned up.¹⁷ House Committee Chair John D. Dingell and other Members of Congress criticized EPA for its lack of action. Dingell said that, “*Instead of making an all-out effort to educate the public and the Congress about the serious funding shortfall, EPA has instead adopted communications strategies to minimize and downplay the problem.*”¹⁸ To the best of our research, no estimate of the funding shortfall has been conducted since that time.

Another concern resulting from the funding shortfall is the number of unfunded Superfund sites that result each year. During the 15 year period from 1999 to 2013, EPA did not fund 94 projects, about one-third of the new remedial action projects in the year in which they were ready to start.¹⁹ In 2013, “EPA did not fund 22 out of 30 projects due to priorities for declining funds” and “in that year, these unfunded projects were estimated to have cost approximately \$101 million.”²⁰ In 2014 there were 5 unfunded sites, as shown in Table 1. Despite their high Hazard Ranking System scores and their need for remedial action, the lack of sufficient funding means these sites will not receive sufficient money to be cleaned up.

Table 1
Unfunded Superfund Sites in 2014²¹

<u>Site Name</u>	<u>Location</u>
Diaz Chemical Corporation	Holley, NY
Radiation Technology, Inc.	Rockaway Township, NJ
Syncon Resins	South Kearny, NJ
Sharon Steel Corporation Farrell Works Disposal Area	Mercer County, PA
Eagle Zinc	Hillsboro, IL

Super Slowdown

The decreased budget of the Superfund program has led to a dramatic reduction in the number of sites cleaned up. From 1997 to 2000 EPA averaged 87 completed cleanups a year²² from 2000-2006 the number of site cleanups dropped from 87 to 40. Then, another drop occurred with only 24 site cleanups in 2007 and 30 in 2008. During the Obama Administration completed cleanups have dropped even further, from 20 in 2009 to only 8 in 2014, a decrease of more than 90% compared to the 1997-2000 time period.

Table 2
Number of Superfund Site Completed Cleanups²³

<u>Fiscal Year</u>	<u>Superfund Site Cleanups</u>
1997	88
1998	87
1999	85
2000	87
2001	47
2002	42
2003	40
2004	40
2005	40
2006	40
2007	24
2008	30
2009	20
2010	18
2011	22
2012	22
2013	14
2014	8

The number of sites where cleanup action has started has also decreased dramatically. As stated in the 2015 GAO report,²⁴

“Because EPA prioritizes funding work that is ongoing, the decline in funding led EPA to delay the start of about one-third of the new remedial action projects that were ready to begin in a given fiscal year at nonfederal NPL sites from fiscal years 1999 to 2013.”

A 2007 study by the Center for Public Integrity found that cleanup work started at only 145 sites during the six-year period from 2001 to 2007, compared to a start-up rate nearly three times greater for the previous six years.²⁵ The study also found that EPA officials said that they have had to delay needed work at some hazardous waste sites, use rapidly dwindling money left over from other cleanups, and resort to cheaper, less effective remedies.²⁶

These findings can be corroborated by people living near Superfund sites across the country. Some of the stories can be found in the case studies in Chapter 5. A number of sites are in a ‘holding pattern’ and have been kept on the Superfund National Priorities List with little or no action for years. EPA claims the slowdown is a result of the diminished purchasing power of Superfund dollars as the problem sites have become more complex and costly to clean. In fact, from 1999 to 2013 EPA spent most of its allotted cleanup funds on an average of just 18 sites each year.²⁷

However, the complexity of Superfund sites has not changed dramatically enough to warrant more than a 90 percent reduction in cleanups since the 1999-2000 time period. Instead, the Superfund slowdown is the result of an ailing, underfunded program. As GAO stated in its report, the median per-site annual expenditures declined by about 48 percent for the fiscal years from 1999 through 2013. “The decline was more pronounced in recent years, decreasing by about 35 percent from fiscal years 2009 through 2013.”²⁸

Compounding the Superfund slowdown problem is the addition of new sites every year. In its initial surveys EPA identified over 47,000 potentially hazardous waste sites and continues to discover new sites.²⁹ During the 15 year period from 1999 to 2013, a total of 304 nonfederal sites were added to the NPL, an average of 20 sites per year.³⁰ As EPA continues to add more sites to the program, it continues to face a thinning of funds, exacerbating the agency's already slow annual remediation schedule and leaving more sites unfunded and unaddressed.

Furthermore, the problem of recalcitrant polluters has escalated because of the funding shortfall. Negotiations between the EPA and polluters over cleanup costs are lengthy, sometimes lasting for years. In the 1990s Superfund had the capital to pay up front for a site cleanup when faced with a noncompliant polluter. Post-cleanup, EPA could file cost-recovery actions against a polluter to recover the money taken from the fund to pay for the cleanup, hereby prioritizing human health over prolonged bargaining. The Superfund law gives EPA the authority to collect as much as triple damages from

polluters in court. Faced with the threat of a cost recovery action, polluters were more likely to agree to fund cleanups.³¹

Now, corporate polluters realize that EPA does not have the funds to threaten them with a lawsuit because they realize that the agency does not have the funds to pay upfront for the cleanup and try to recover its cost through the courts. This greatly weakens EPA's enforcement powers. Furthermore, the 1986 Superfund Amendments and Reauthorization Act (SARA) required cleanups at Superfund sites to employ permanent remedies whenever possible.³² With less financial resources, EPA is less likely to choose permanent remedies that are more inherently thorough and complete, but are more costly.

Chapter 2

Superfund and the Federal Government: Cutting Corners

Bi-Partisan Presidential Support

With the exception of President George W. Bush, the Superfund polluter pays fees have benefited from broad bipartisan presidential support. President Jimmy Carter, a Democrat, signed the original law in 1980 and President Ronald Reagan, a Republican, signed the 1986 law to continue collecting the fees. In 1990, President George H.W. Bush, a Republican, signed legislation renewing the fees,³³ and in 1995 Democratic President Bill Clinton's Administration proposed renewing the Superfund fees, but Congress failed to approve it. The Bush Administration was the first and only administration with President George W. Bush, a Republican consistently opposing reinstatement of the polluter pays fees. By 2003, the Trust Fund was bankrupt, forcing the American taxpayers to pay the entire cost of running the Superfund program.

Unlike his predecessor, President Barack Obama and his Administration repeatedly supported the reinstatement of the polluter pays fees, but intense opposition from Congress has prevented reinstatement of the fees. On his campaign website, President Obama said he would "...restore the strength of the Superfund program by requiring polluters to pay for the cleanup of contaminated sites they created."³⁴⁻³⁶ During his two administrations Obama has attempted to keep that promise. His budgets, while sometimes decreasing total EPA funding, consistently allotted between \$1.1 and \$1.3 billion to Superfund and recommended the reimplementation of polluter pays fees.³⁷

Congressional Efforts to Reauthorize Superfund Fees

Although consistent funding through polluter pays fees is necessary to protect the financial future of the Superfund program, the fees have not been reinstated since 1995. Numerous bills have been introduced since that time to refinance Superfund, but an obstructionist Congress has consistently fought reauthorization of these fees and none have passed. Congressional representatives including Frank Pallone, Jr. (D-NJ), Maurice Hinchey (D-NY), Senator Barbara Boxer (D-CA) and former senators Lincoln Chafee (R-RI) and Frank Lautenberg (D-NJ) as well as current presidential candidate Hillary Clinton (D-NY) all sponsored bills to reinstate Superfund polluter pays fees.^{38,39} However, none of these attempts to shift cleanup expenses back to polluting industries were passed.

The Congressional Sessions during Obama's presidency (111th to 114th) have continued to reject any attempt to finance Superfund through these fees. Two recent failed attempts during this time, in the House of Representatives and in the Senate, demonstrate the continuous lack of Congressional support for this crucial program. On

July 29, 2014, Corey Booker (D-NJ) introduced in the Senate the “Superfund Polluter Pays Restoration Act of 2014” (S. 2679) supported by Senator Robert Menendez (D-NJ) and Senator Barbara Boxer.⁴⁰ This bill would have reinstated the polluter pays fees, increasing them slightly to adjust for inflation. However, it was referred to the Committee on Finance where it died.

Representative Earl Blumenauer (D-OR) introduced in the House the “Superfund Reinvestment Act” (H.R. 1596) cosponsored by former Representative Timothy Bishop (D-NY) and Representative Frank Pallone (D-NJ) on April 15, 2011.⁴¹ This bill proposed reinstating the polluter pays fees and ensuring that Superfund allotments are used only to finance Superfund cleanup. After referrals to four separate committees and two subcommittees, this bill died. Representative Blumenauer reintroduced this bill on June 15, 2015, garnering 18 co-sponsors in the process. GovTrack.us, an analytical organization dedicated to governmental transparency, reported that the new version of the bill has a 1 percent chance of being passed.⁴²

A 2011 analysis of Superfund funding under the American Recovery and Reinvestment Act (enacted by President Obama in response to the 2009 economic crisis) found that the additional \$600 million allotted to Superfund allowed EPA to begin cleanups at 25 new sites and expand cleanups at 26 sites.⁴³ The author concluded that this increase in Superfund actions demonstrates that adequate funding can fundamentally improve the program. Therefore, Congress’ refusal to reinstate the polluter pays fees is clearly directly impeding EPA’s ability to complete Superfund cleanups.

Mismanagement at EPA

Appointed by President Obama in 2013, current EPA Administrator Gina McCarthy has faced criticism for her inaction with regard to Superfund sites. Administrator McCarthy has placed the Superfund program entirely in the hands of senior staff Mathy Stanislaus and Barry Breen, who have badly mismanaged the program and repeatedly refused citizens the right to appeal their decisions to Administrator McCarthy. This situation reached an extraordinary level when Senator Roy Blunt (R-MO) introduced a bill in Congress on November 19, 2015 that would “require the Secretary of the Army, acting through the Corps of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri.”⁴⁴ If passed, this bill would give the Army Corps of Engineers’ Formally Utilized Site Remedial Action Program (FUSRAP) control over the West Lake Superfund site, a radioactive waste site adjacent to a burning landfill in Bridgeton, Missouri. Although EPA has known about this site and the immediate risks it poses to the public for many years, the agency has put off making any decision to clean up this site.

EPA’s continued delay in implementing a solution for the West Lake landfill led to this unprecedented decision. A fire that no one has been able to put out has burned at this site for more than four years. The fire is slowly moving toward highly radioactive waste disposed of in a different portion of the same landfilled area.⁴⁵ EPA’s indecision has left residents in close proximity to the landfill breathing unbelievably high levels of

air pollutants coming from the fire and fearful of what will happen if the fire reaches the radioactive waste.

The West Lake landfill was added to the National Priorities List, designating it as a Superfund site, in August 1990 more than 15 years ago. The entire landfilled area is considered to be a single Superfund site.⁴⁶ EPA's Office of Research and Development stated in 2014 that people in the area surrounding the West Lake Landfill could be exposed to unhealthy levels of radon gas if an underground fire occurred in the radioactive wastes.⁴⁷ Furthermore, more liquid would build up inside the landfill, which could carry radon gas, radioactive waste and other contaminants into the groundwater where it would migrate outside the landfill.

In September 2015 Missouri Attorney General reported that their investigations found radioactive contamination in trees and groundwater off site outside the landfill perimeter.⁴⁸ The Attorney General further noted that these investigations underscore that Republic Services (the site owner and a responsible party) does not have the landfill site under control.

In 2014, a study by the Missouri Department of Health and Senior Services identified a significantly higher incidence of cancer in the surrounding communities of Bridgeton and Maryland Heights, Missouri. In one community, children 17 years of age or younger were found to have a statistically significant number of brain and other nervous system cancers. Overall, in the eight zip code areas, and in particular the communities surrounding the West Lake/Bridgeton Superfund Site, the study found an increased number of colon, female breast, prostate, bladder, kidney, and leukemia in residents.⁴⁹

Despite this growing evidence, EPA has failed to make a decision on how to cleanup this site. Making matters even worse, Gina McCarthy has refused to meet with a group of homeowners from the site, Just Moms STL, who want to speak directly with her about their situation. Just Moms STL tried several times in 2015 to meet with McCarthy who repeatedly ignored their requests.

Perhaps the last straw came when the local school district distributed an emergency evacuation plan in October 2015.⁵⁰ With continued pressure for community residents, Senator Blunt decided that FUSRAP, not EPA, would guarantee the timely response this community needs. Additionally, Representative Wm. Lacy Clay (D-MO) introduced a matching bill in the House.⁵¹ This bipartisan support for a bill to remove a Superfund site from EPA's jurisdiction is unprecedented and demonstrates that the Superfund program is broken.

Chapter 3

Superfund Alternative Approach (SAA)

In 2002, EPA created an alternative approach for cleaning up contaminated sites that was separate from, but associated, with the Superfund program. Referred to as the Superfund Alternative Approach (SAA), this approach provides for the cleanup of contaminated sites eligible for cleanup under the Superfund program without the site actually being listed on the NPL.⁵² There are currently 68 sites listed by the EPA as SAA sites (see Appendix E). EPA Regions 4 and 5 account for 85% of these sites.⁵³

The cleanup at these sites is based on an agreement between EPA and the responsible parties, the companies responsible for the pollution. In order to qualify for an SAA agreement, a site must: 1) meet the criteria for an NPL listing, 2) require long-term remedial action, and 3) have a responsible party that is willing to complete the remedial work.⁵⁴

This alternative approach came about primarily because responsible parties did not want their site added to the Superfund list because of the stigma associated with being identified as an NPL site. Not only does this approach allow companies to avoid the perceived stigma it creates, but it also allows companies to avoid listing an NPL site as a liability in its financial papers. This can have a significant impact, especially if the company is to be sold.⁵⁵

EPA has issued several guidance memos on SAA sites, most recently in 2012.⁵⁶ This guidance directs staff to treat SAA agreement sites “in accordance with the practices normally followed at sites listed on the NPL, using the same response techniques, standards, and guidance and achieving comparable cleanup levels.”⁵⁷ However, as described below, a GAO report that reviewed the implementation of this approach found wide inconsistency in how this guidance was applied at SAA agreement sites. This inconsistency is borne out by reports from leaders at local communities where these agreements are in place.

The inconsistency was especially apparent at the regional level. In the GAO report, the agency found that regional staff reported that they repeatedly entered agreements with responsible parties without following SA guidance and that this practice continues. Officials at EPA headquarters who were interviewed by GAO thought it was clear that the regions are to follow the SA agreement guidance, but they also acknowledged that this preference is not explicitly stated anywhere in guidance for the regions.⁵⁸

In SAA Agreements, the responsible parties pledge to fund and oversee cleanups of non-NPL Superfund sites. If EPA determines these corporations are not meeting the terms of their remediation agreements, EPA can add the site to NPL.⁵⁹ However, EPA has no authority to pay for remedial actions at sites not listed on the NPL, so its ability to negotiate with a recalcitrant or noncompliant responsible party is weakened.

As noted in Chapter 1, without the threat of the being able to clean up the site independent of the responsible party and suing to recover as much as triple damages, EPA's negotiating power is severely weakened. As a result, corporations face little retribution for cutting corners and it's the communities who end up paying the price.

Limitations of SAA Agreements

EPA claims that Superfund Alternative Approach agreements benefit communities through faster action, lower cost, and less bureaucratic red tape.⁶⁰ There is concern, however, that SAA agreements benefit polluters by prioritizing the wants of corporations over the needs of exposed communities. These concerns are founded in the lack of reporting requirements and accountability at SAA agreement sites especially compared to NPL sites. In a 2013 review of the implementation of the SAA agreements, the GAO found that while the processes for implementing the SAA and NPL approaches had many similarities, "the agency's tracking and reporting of SA agreement sites differs significantly from its tracking and reporting of NPL sites." The GAO report also found that "community views on this approach are mixed."⁶¹

The GAO found that "EPA's tracking of SA agreement sites in its Superfund database is incomplete; the standards for documenting the NPL eligibility of SA agreement sites are less clear than those for NPL sites; and EPA is not publically reporting a full picture of SA agreement sites. Unless EPA makes improvements in these areas, its management of the process at SA agreement sites may be hampered."⁶²

In addition to the differences in tracking, GAO reports that "EPA has not reported the agency's performance on the progress of cleanup at SA agreement sites as it has for NPL sites." For NPL sites, EPA issues annual reports available on its website that measure performance at NPL sites. But this process does not include cleanup milestones achieved at SA sites.⁶³ This problem was recognized by EPA as early as 2007⁶⁴ but it has not made progress in addressing this limitation. The GAO report goes on to say that "Without such information on SA agreement sites, Congress lacks complete information on the progress of the Superfund program to inform its legislative actions, including appropriations." This lack of transparency could lead to less funding going to the Superfund program because of the uncertainty over how effective the cleanups carried out by this alternative process.⁶⁵

One of the most notable differences between NPL sites and SAA sites is the way in which they involve affected communities. Community groups at NPL sites are eligible to apply for a Technical Assistance Grant (TAG), while SAA agreement community groups can apply for Technical Assistance Plan (TAP) that are provided by the responsible party.⁶⁶ While the TAP process offers some advantages (no required "match" and less paperwork), there are disadvantages as well including having to acquire the funds from the responsible party with all the conflicts that creates. Furthermore, responsible parties are not obligated to provide TAP funds unless approached by the public.

Another significant difference between SAA agreement sites and NPL sites is the extent of public involvement that occurs at each type of site. At NPL sites, there are extensive opportunities for public involvement built into the site assessment and remedial process at numerous places. None of this formally exists at SAA agreement sites⁶⁷ although EPA guidance does state that the agency will “generally follow the same practices for community engagement at sites using SAA as it does for NPL.”⁶⁸ This has not been the experience of local community leaders at SAA sites in Springfield, OH, Birmingham, AL or Midland, MI (see profiles in Chapter 5).

Another difference identified by the GAO was the limited opportunity for formal public comment on the EPA’s selection of the SAA approach itself.⁶⁹ Overall the GAO found mixed results when comparing SAA sites with 74 similar NPL sites in completing the cleanup process. They did find that a lower portion of SAA agreements sites had completed cleanup compared to similar NPL sites, though GAO cautioned against drawing conclusions due to the limited number of SAA and NPL sites in its analysis. Concern, however, remains about decreased community involvement and the lack of sufficient EPA oversight of this program.

Chapter 4

Securing Superfund's Future

Almost 1,400 Superfund toxic waste sites currently poison our drinking water, land, and air with chemicals that cause cancer, birth defects and other health problems. Decreased funding and the slowdown of cleanups at Superfund sites have resulted in increased toxic exposures and health threats to communities across the United States. At the same new sites continue to be discovered and many existing toxic waste sites remain idle waiting for cleanup and posing health threats to communities. Stable and well-managed funding is long overdue for this critically important public health program. Superfund was founded on the principle that those companies most closely associated with creating toxic waste sites and generating hazardous waste should bear the financial burden of cleaning them up. It is time for Congress to reinstate the polluter pays fees. Without industry fees to replenish Superfund, there is simply not enough money to do the critical job of cleaning up hundreds of abandoned toxic waste sites and the American taxpayers are unfairly burdened by paying 100% of the annual costs.

The Center for Health, Environment & Justice (CHEJ), U.S. PIRG, Sierra Club and hundreds of state and local environmental, health and community groups have waged a campaign to refinance Superfund for years. CHEJ Founder Lois Gibbs was a leader of the successful community fight to relocate over 800 families away from the Love Canal toxic waste dump in Niagara Falls, NY, which led to the creation of the Federal Superfund in 1980. After decades of delay, Ms. Gibbs urges policymakers to take action on this critical environmental health problem.

Chapter 5

Superfund Site Profiles

This chapter features Superfund Site Profiles from 31 grassroots community groups in twenty-three states plus Puerto Rico representing 30 sites. The Site Profiles are based on interviews with community leaders impacted by the sites, or environmental group leaders. They put a human face on Superfund and describe both the successes and persistent problems of this important public health protection program.

To obtain information about Superfund sites by state, visit <http://www.toxicsites.us/>. This website, called Toxic Sites US, is a simple easy to use website that includes information on over 1,300 Superfund sites. Each site has a dedicated page that visually and textually describes location, history, timeline, contaminants, responsible parties and area demographics. In addition, people can contribute their own stories, including photographs and video.

Alabama: 35th Avenue Birmingham

The 35th Avenue site is a mixed industrial and residential area of Birmingham, Alabama. The four neighborhoods located within the site have historically been thriving residential and commercial areas. Many civil rights advocates and leaders, including Reverend Fred Shuttlesworth, were raised in these communities.



Since 1886 the area has been home to 20 foundries and kilns; seven coal, coke or byproducts facilities. By 1981, 20% of the land area was devoted to large industrial plants. Five facilities are identified as possible or likely contributors to the lead, arsenic and/or benzo(a)pyrene (BaP) contamination found in the area: Walter Coke, ABC Coke, U.S. Pipe, KMAC and Alabama Gas Corporation (Alagasco). The EPA has agreed to investigate the Jefferson County Health Department for a potential Title VI violation regarding the issuance of Title V air permit to ABC Coke.

The ATSDR concluded that past and current exposures to contaminants and particulate matter in the communities adjacent to Walter Coke resulted in both short and long-term harmful effects in sensitive individuals. ATSDR came to 3 very strong conclusions in their Health Consultation for the 35th Avenue Site: (1) Exposure to arsenic in the surface soil of some yards could harm people's health, especially children; (2) Exposure to lead in surface soil of some yards could harm people's health, especially children and the developing fetus of pregnant women; and (3) Long-term exposure to PAHs in the surface soil of some yards is at a level of concern for lifetime cancer risk. Although EPA and ATSDR have made strong conclusions about the contamination at the 35th Avenue Site and these communities would benefit from Superfund remediation by being listed on the NPL, the 35th Avenue Site has still not been listed on the NPL.

-Michael Hansen, GASP, Birmingham, AL

California:

Fort Ord

Marina

Due to the constant lack of transparency, missing records and technical assistance to decipher the over 25 years of reports into plain and simple terms, we are not really aware of the true status of this Military Superfund site, which is listed on the EPA national priorities list as the second-most contaminated site in the Nation. When FOEJN applied for and received the TAG grant, we were able to hire independent technical advisors that had begun to translate clean-up reports for the public, into plain language, address toxic exposure and economic disparities for the impacted community, which included CSUMB University students who also experienced health impacts and intimidation from University Administration. The EPA did not refund the Technical Assistant Grant, even though we desperately need the grant to pay a technical advisor. We were told that the EPA had no money to refinance the TAG.



"The polluter pays fees should be reinstated to fund the Superfund program. We desperately need Technical Assistance to participate in decisions that are greatly impacting and exposing our communities to toxic smoke from prescribed burns, contaminated groundwater, Vapor Intrusion, Lead-laced soil, and Methane. Our community based organization is expected to communicate with dozens of agencies, local impacted residents, and elected officials without any available legal help, funding, or resources available to us for military sites and other industrial sites around the country which are causing detrimental health impacts to their surrounding local communities. We need to Re-enact SUPERFUND, not later, but NOW!"

We disparately need to re-enact Superfund in order to clean up heavily contaminated military and other polluted industrial sites that expose nearby communities to life threatening toxins in our air, water & soil. Exposures from pollution and other toxins have clear long-term health effects. Impacted communities have no other recourse regarding health and financial impacts.

Regarding Prescribed Burns: The Fort Ord Cleanup effort has terminated the relocation program for residents suffering from severe ailments such as various cancers, respiratory illness, strokes, and heart attacks. Affected residents cannot relocate themselves due to a lack of funding, especially since there is only a 24 hour notice given to the public before hundreds of acres of military munitions are burned.

-LeVonne Stone, Fort Ord Environmental Justice Network, Marina, CA

Connecticut:

Laurel Park, Inc.

Naugatuck

33 acres was capped, there are monitor wells, which determine the chemicals on-site, which are also in water traveling down Andrew Mt. Rd. nearby the school.

During heavy rainstorms the water travels down around a corner (where recently a house was built) and continues to travel across the street into Fairchild Park, a driveway on Sharon Ave, Lewis St. Perock Lane, on down as far as Olive Street. It goes through the trailer park and recently the rain trapped a resident in their house for several days when the stream ran over.



*Water, Water Everywhere...
But what is in the water? We pay
for our water. We pay our taxes!
The polluters are costing those
living downstream, with no thought
for public health.*

We all live downstream. What is coming down off the mountain is still there buried under tons of debris and chemicals. Between Andrew Mt. & Hunters Mt. a developer proposed a 300 homes development on the top of the hill. This went before the land use boards, where I made a presentation that detailed the history of a dead zone, where nothing has grown in 40 years. The presentation also included well samples that were taken by a student who was preparing documentation for her thesis on landfills. Fortunately I received copies of the results and presented them at the scheduled meeting that night.

Long story short, that board declined the proposal for the developers. The board that reviewed the dead zone, invited me to walk the property with them and I declined and waited on the road, giving them the option to ask questions if they so desired. When they came out to the road I asked if any of you have children in your homes. Yes. I then said if nothing grew on that property, and you now have that substance on your shoes what are you going to do with your shoes?

-Mary Lou Sharon, Pollution Extermination Group, Naugatuk, CT

Florida:

Escambia Treating Company Pensacola

The Escambia Treating Company Superfund Site, known as "Mt. Dioxin," is a former wood treating facility in the center of greater Pensacola. It sits 60 feet above downtown, but just 48 feet of sandy soil above the unprotected groundwater, which serves as the sole aquifer for thousands of residents and is a vital part in the Pensacola Bay System.



Escambia Treating Company (ETC) operated from 1942 to 1982, using creosote and pentachlorophenol (PCP) to treat wood. The resulting residues are highly toxic and persistent in the environment and the human body.

EPA sampling investigations detected dioxins, PCP, polycyclic aromatic hydro-carbons (PAHs), arsenic and other contaminants at high levels in the soil and sludge, offsite as well as onsite. The huge groundwater plume contains elevated levels of naphthalene, benzene, PAHs, phenol and vinyl chloride.

Instead of placing the site on the NPL to be a "real" Superfund site, EPA initially chose their (less costly) emergency removal program. From October 1991 through November of 1992, workers in "moon suits" dredged up toxic soil less than 15 feet from children playing in their own yards.

"All along, Escambia Treating Company Superfund site (Mt. Dioxin) was handled on the cheap: a careless soil removal spread toxic wood treating wastes, urgently needed relocations of nearby families cheated them on property values, and toxic soil was buried onsite instead of being detoxified. When polluters don't pay for real cleanups, Superfund's great promise is just a cruel joke."

In 1992 Citizens Against Toxic Exposure (CATE) was formed to protect community health. Aably led by the late Margaret Williams, CATE pushed for official Superfund listing, which was done in 1994. As CATE discovered the extent and toxicity of offsite contamination, the group's demand became permanent relocation for the mostly African American families in the neighborhoods closest to the site. The campaign was joined by the CHEJ and other groups, and permanent relocation of over 400 families began in the late 1990s. Many residents complained about government property appraisals so low they were unable to buy a comparable replacement home in a safe location.

The EPA also pinched pennies in remedy selection, burying and "capping" the nearly 600,000 cubic yards of toxic soils on the site. Although the site is ideally situated in the center of greater Pensacola, it sits empty due to concerns about toxicity and liability. Cost overrode effectiveness in EPA's groundwater remedy choice as well. Some major sources were not included in the initial plan, and now the groundwater remedy is being reconsidered.

"The community suffers high rates of cancer, numerous chronic disorders, and birth defects linked to chemical exposure," said Francine Ishmael, Executive Director of CATE. Ishmael recalls that for years residents unknowingly used contaminated well water for drinking as well as irrigation of their gardens and fruit trees, and ate produce tainted by airborne contaminants as well. "People have had to bear far too much toxic exposure already," Ishmael declares. "Now EPA must offer real cleanup and protection."

As long as Superfund lets polluters off the hook for funding the Superfund, real cleanup is just a dream.

-Francine Ishmael, Citizens Against Toxic Exposure, Pensacola, FL

Georgia: LCP Chemicals Brunswick

The EPA Region 4 has been working overtime to circumvent community participation in the Superfund process down in Southeast Georgia. After 15 years of studies, two of the four Superfund Site plans were proposed to the community in 2015. The EPA gave the community 24 hours to review 8400 pages of reports and documents before the "Official EPA Public Comment Meeting" on the LCP Chemicals Superfund Site. Like the LCP Chemicals Public Meeting, the EPA gave the community 45 minutes to express their concerns about on the proposed plan. The community, the City Commission, and the County Commission spoke with one voice in their response to the EPA. "We want a cleanup, not a cover-up of the poison."



The Brunswick, Glynn County, Georgia community has patiently waited 15 years for the EPA to release the Proposed Plan for the LCP Chemical Superfund Site and Terry Creek Dredge Spoils Areas Hercules Outfall Site. The results of this effort by the EPA is an apparent agreement between the EPA and the companies, Honeywell and Hercules, for a predetermined remedial action for that solely benefits the company at the economic expense of the community and leaves potential health risks for generations to come. The "Highlight" of both Superfund Site plans were covering up the poison and leaving it in the community.

"Since the Polluter Pays legislation has been allowed to expire, we have seen the poison spread onto neighboring properties as the State of Georgia and the EPA use their limited funds elsewhere. What was a smaller problem is now much larger and much more expensive to get under control."

The community and its elected leaders have spoken. We want the PBCs, mercury, and millions of pounds of pesticides cleaned up. We want the economic blight these Superfund sites bring upon our community lifted. We want the risk to our children and grandchildren gone. We want seafood that is safe to catch and eat, and the EPA to stop saying, "That is the State of Georgia's problem." We know a problem when we see it, and our problem is EPA Region 4 and their agreements with the polluters to leave the poison in our community.

-Daniel Parshley, Glynn Environmental Coalition, Brunswick, GA

Idaho: Bunker Hill Mining and Metallurgical Complex Kellogg



Since 1983 when EPA designated 21 square miles as the second largest National Priority Listed Superfund site in the nation, the Silver Valley Community Resource Center has been raising funds, selling cupcakes, providing its resources to Region Ten of the EPA to help with cleanup and the six generations of families who are living with chronic lead and heavy metal contamination. To be assigned an EPA NPL site, human health conditions brought about due to pollution and contamination exposure of those individuals living in communities is a major concern.

The Bunker Hill Superfund site is in a rural, isolated company mining town. Just saying the word “lead” can generate personal phone calls of intimidation by EPA representatives, verbal attacks and repercussions. State representatives have long been influenced by special interests when it comes to environmental protection and cleanup, especially at the nation’s largest Superfund site. In 2000 the EPA extended the site to 1,500 sq. miles. The site now covers two states and many communities linked to the Coeur d’Alene and Spokane Rivers where a century of mine pollution and contamination continues to wash downstream.

“Region Ten EPA with extraordinary and consistent actions of the Silver Valley Community Resource Center, CHEJ as well as other environmental justice groups have been recipients of millions of dollars of Superfund money at the nation’s largest Superfund site, Bunker Hill Metallurgical site. There is huge disappointment as to the quality of cleanup taking place, the human health issues ignored as well as civil and human rights being violated.”

Citizens suffer disproportionately from poverty and human health effects due to lead and heavy metal contamination. The interior of homes contain 2 to 50 times more lead than is in the soil in yards according to the EPA. This soil is being transported and stored in huge toxic waste repositories. Idaho vital statistics confirm high death rates and the highest suicide rate in the region. Cancer, respiratory, renal failure, and ADHD are all health issues related to the contamination. The only proactive lead intervention program taking place is the SVCRC’s Children Run Better Unleaded Project. In a public housing unit, yards have been remediated three times and still show lead levels of more than four times the 400 parts per million (ppm) threshold that EPA uses at all other Superfund sites but Bunker Hill.

At a meeting with the EPA Regional Administrator, Cami Granetti, a Bunker Hill project manager living in Seattle who accompanied him and waited until he left the meeting to announce “This place is just one big repository, so why are you so upset?” Nothing was done when this was reported to officials at EPA.

There are at least of a dozen huge repositories at a National Historic Landmark on Native American ancestral grounds which in a floodplain, making them a water quality hazard. It took 160 metric tons of lead being washed downstream from these sites according to the USGS for many to realize how exploitive the EPA was in treating the community. In addition to violating National Historic Preservation laws, clean water, clean air, and mandated community involvement, CERCLA laws are being violated. The Old Mission repository is clearly in view of

those who travel Interstate 90, and is situated between the Yellowstone Gas line and another gas line. One day ConocoPhillips had a staff of 70 employees and Homeland Security at the site to repair “a drop in pressure” indicating a gas line leak. No one in the public sector was notified of this danger.

In spite of repeated requests to discuss permanent cleanup technologies that are being utilized at other Superfund sites, EPA has never responded to SVCRC requests to do so. Pollution continues to be washed downstream.

-Barbara Miller of Silver Valley Community Resource Center, Kellogg, ID

Kansas: Neodesha Refinery Neodesha



For several years, Lucille Campbell fought to draw attention to the pollution and health concerns related to the Neodesha Refinery. Campbell's organization, the Neodesha Environmental Awareness Team (NEAT), has employed multiple strategies to raise awareness about the site; but the refinery has yet to be added to the NPL, and it remains a major threat to the community's well-being.

Neodesha is a small town in southeastern Kansas, with approximately 2,800 residents. The town has a long association with the oil industry, as evidenced by the fact that it is home to the first commercial oil well west of the Mississippi River. This history is illustrated by a 40-foot replica of the original well tower at the end of Main Street. These roots, which bring immense pride to many residents, also appear to be causing tremendous health problems.

Taxpayers should not have to pay for the dirty deeds of unscrupulous, greedy companies! The reinstatement of polluters being held financially responsible for damage from their pollution should be completed and strictly enforced.

The refinery, which operated from 1897 to 1970, was first owned by Standard Oil, then sold to Amoco, and is now owned by British Petroleum (BP). Operations at the facility included crude distillation, catalytic cracking, platinum reforming, and steam generation.

Following the closing of the refinery, many illnesses were reported throughout Neodesha. This led to investigations that found groundwater contamination, including a plume of benzene, toluene, ethylbenzene and xylene (BTEX) from the site into Neodesha. The plume affected residential areas, schools, churches, and business and industrial park areas.

In 1980, a consent agreement was signed between Amoco and the state, which says, according to Campbell, that the cleanup would be done "under the auspices of the EPA, Region VII." Neither the EPA nor Superfund ever had a presence at the site.

Superfund has been inapplicable in Neodesha in large part because elected officials and many residents believe that declaring the refinery a Superfund site would create an irreversible black eye to the city. This concern was expressed during a City Commission meeting in 2002 where requests to push for the site's addition to the NPL were strongly discouraged. At this meeting, Kurt Limesand of the Kansas Department of Health & Environment stated that, "The state has tried to keep the federal government out of such situations because we feel our program is less cumbersome and more effective." He added, "We have a good working relationship with the EPA and they would really prefer we do the work because we can get the same results more quickly... if this were a Superfund site, the cleanup would last a long, long time."

These remarks illustrate the past attitude in Neodesha. Many residents have felt that the stigma of being designated a Superfund site would offset any benefits of Superfund resources. However, the work by Campbell and NEAT is making it increasingly apparent that the current approach is not doing enough to eliminate health concerns.

As a result of this shifting attitude, the town recently filed a lawsuit against BP in state District Court alleging that the refinery had poisoned the groundwater and soil and that its managers covered up the pollution to avoid liability. The suit seeks 1 billion dollars in damages and an expedited cleanup. Campbell does not believe a lawsuit is the best way to handle the problem. She states, "If they file a lawsuit, they can settle out of court, and the issue of the sick and dying would never be addressed."

Although slow progress is being made, the situation illustrates the importance of Federal Superfund. Campbell says, "It is alarming how many people have or have died of cancer. Despite being a pretty little town in the country, Neodesha's death rate stays in the top four in the state." She said as a result of the pollution, "water lines are eaten away in many sections and sewer lines have been damaged." Neodesha is a town that could greatly benefit from Federal Superfund.

-Lucille Campbell, Neodesha Environmental Awareness Team, Winfield, KS

Kentucky:

Lee's Lane Landfill

Louisville

Previously a rock/sand quarry until workers broke through the aquifers (which fed the water wells in the community), the 100+ foot deep site became a landfill. Thousands of gallons of toxic chemicals and heavy metals from the DuPont Chemical Company were dumped into the landfill along with other garbage. The chemicals infiltrated the water system and residents drank it, cooked with it, bathed and cleaned with it. In 1980, around 400 drums discovered on the bank of the Ohio River had over 50 chemicals identified, including phenolic resins, benzene, and high concentrations of copper, cadmium, nickel, lead, and chromium. The landfill was ranked on the National Priorities List as a Superfund Site in 1982.



Approximately 2.5 million dollars was collected by the EPA from 23 responsible parties even though 830 potential responsible parties were originally identified in the 1986 Record of Decision. A clay cap was placed on a small area of the landfill on the riverbank and the site was removed from the NPL listing. The EPA denied there was any exposure risk, but in April 2013 the Kentucky Department of Environmental Protection conducted sampling inside the landfill of 33 sites to a depth of 6 inches; 28 came back with elevated levels of toxins or heavy metals to at least 100 times normal limits (benzene, 1,3-butadiene, carbon tetrachloride, chloroform, tetrachloroethylene, trichloroethylene and vinyl chloride, all proved or suspected carcinogens).

The landfill site remains unfenced and freely accessible. Pedestrians, bikers, children, and people on horses, ATVs, and dirt bikes continue to use the landfill as a park. Nothing further has been done.

-John House, Louisville Riverside Restoration Coalition, Louisville, KY

Louisiana: Petro Processors/ Devils Swamp Baton Rouge

Devils Swamp first began to live to its name in 1964 after chemical wastes from ten major petrochemical plants were dumped in a pit between Baton Rouge Bayou and Highway 61. The plants

included Exxon, Dow, Uniroyal, U.S. Steel, Copolymer and Ethyl Corp. In 1980, the site was capped, but two years later it became a Superfund site.

Petro Processors is actually made up of two sites, totaling 77 acres. The first site consists of unlined pits used to bury “designer” chemical wastes such as hexachlorobenzene. By 1993, the wastes had migrated from the site and across a four-lane highway. Erosion coupled with overflow of the site during heavy rains resulted in contamination of the bayou, which carried that contamination into Devil’s Swamp.



up

“It’s critical to reinstate the polluter pays fees to hold polluters accountable for the contamination they create.”

“For years people relied on fishing in the swamp for food for their families. Now with the contamination and health advisories people can’t feed their families the fish or wildlife from that area. A beautiful ecosystem is contaminated, a food source is lost. Something has to be done about it.”

The second site consists of waste dumped in unlined pits, including a pond where fish and trees were killed. The site has been flooded by the Mississippi River several times, carrying waste over the swamp. A dam broke on the site, resulting in a major spill that killed over 100 cattle on an adjacent farm. The contamination has seeped deep into the ground, contaminating the groundwater. “The depth of the contamination was never determined,” said Florence Robinson of Baton Rouge Environmental Association. “This site contained the highest concentrations of chlorinated hydrocarbons ever found out of the test tube.”

Hunters and fishermen who had direct contact with contaminated sediments and ate fish, game and vegetables from the swamp were exposed, as well as residents from inhaling the contaminated air. “Residents have complained of high cancer rates, high blood pressure that disappeared when people moved to other areas, severe nose bleeds, asthma, sudden, unexplained deaths and serious allergic problems,” said Robinson. “The community also has a lot of serious kidney disease, neurological problems, and there have been some horrific birth defects.”

ATSDR did a health assessment which confirmed unsafe exposures. However, they denied any health risks or problems. Robinson and her group applied for a grant for Devil’s Swamp, but found bureaucratic demands made it a near impossibility. “The Federal Superfund has not helped our community in our struggle,” Robinson stressed. “They have agreed to a ‘sham’ cleanup, and have even tried to coerce us into celebrating the completion of construction. They refused to recognize off-site contamination from Petro Processors. A lake in the swamp, Devil’s Swamp Lake, has been proposed for Superfund status, but because Exxon protested, EPA refuses to list it.”

Robinson believes the pump and treat remedy chosen for the site was inefficient and resulted in further exposures. A shift in politics, she said, along with reinstatement of polluter pays taxes could result in a stronger remedy. "Local politics has too strong an influence on the process," she said. "We wanted to petition to get Devil's Swamp Lake on the NPL years ago, but we knew that our governor, who was very pro-industry, would not approve it. Rather than hit a dead-end, we just bided our time until the political winds changed a bit."

Every year since this company started operating in 1965, the Mississippi River has flooded the swamp next to the site. Waste from the two sites continues to migrate underground and contaminate fish, wildlife and the forest in Devil's Swamp. Robinson points out that nothing has been done to contain the extremely high levels of toxic waste which has moved down Bayou Baton Rouge and through Devil's Swamp more than three miles to the Mississippi River. She also notes that nothing has been done by state or federal agencies and the polluters to effectively deal with the contamination in and around the swamp and the two sites. "In the last three years all of the structures and industrial equipment used to remove the waste have been closed down and removed," said Robinson. "Lots of people hunt and fish in the swamp and most of these people do not have a clue that the swamp is contaminated, and many of the workers have no idea they are working in an area that is a threat to their health and the environment."

-Marylee Orr, Louisiana Environmental Action Network, Baton Rouge, LA

Louisiana: Agriculture Street Landfill New Orleans

Since Hurricane Katrina flooded the area almost nine years ago, the housing project has been deserted. A partial demolition of the buildings began at the end of March. Roughly 30 percent of the site (66 units) will remain once the demolition of HANO-owned buildings is completed. The remaining units belong to former residents who took advantage of a rent-to-own program. Since Press Park was never redeveloped, no one ever moved back in, though one former resident did fix his unit.



Residents in Gordon Plaza are not impressed with the partial tear down. They have been asking for years for all the blight to be removed. A former gymnasium next to the Morton school stands wide open. Inside is an assortment of illegally dumped items along with elaborate paintings on the walls. Many worry about their kids playing anywhere in the area.

"We are the forgotten community of Agriculture Street Landfill. The forgotten community needs to be relocated. It's just a shame that we can't get our political leaders to help us with this situation. There are 57 home owners who wish to be relocated ASAP."

"The forgotten community, which is Agriculture Street Landfill, filled a class action lawsuit. At the beginning, the community hired one attorney, but when it came time for the settlement, there were four attorneys added. After each attorney received \$1.7 million, the residents received from \$200 to \$7,000. As you can see, the homeowners got a slap in the face. Now the attorneys and the Special Master have become millionaires and the community is still in the same predicament."

Shannon Rainey and many of her neighbors have been fighting for a buyout since the Environmental Protection Agency (EPA) gave the area Superfund status in 1994. The EPA Superfund program gives the agency the authority to clean up abandoned hazardous waste sites. Without buyouts, relocating is impossible for most of them since their homes have little resale value.

The EPA's testing in 1993 found higher-than-allowed levels of lead, arsenic and polychlorinated aromatic hydrocarbons. It was only then when the city closed the Morton School, although according to legal documents, the EPA found evidence of contamination as early as 1986, reported the Lens.

"Instead of relocation, the community got a remedy," environmental scientist Wilma Subra told DeSmogBlog. "We presented plans for the city and state and the EPA to consider instead of a cleanup — but the city squashed it." The EPA chose to remove the top soil and replace it for \$42.8 million instead of buying the people out. Subra did a lot of testing in the area following Katrina. The results indicated the remediation work was not adequate.

"In areas where they replaced a few feet of soil, the storm opened it all up. A toxic sludge covered everything," Subra said. Her tests showed the sediment sludge contained polynuclear aromatic hydrocarbons and heavy metals and the soil had high levels of dioxins. People who have remained there are still being exposed to carcinogenic chemicals

right under the surface soil in people's yards. An April 2013 Federal Emergency Management Agency report reconfirmed that the topsoil remediation the EPA attempted didn't work.

The report states: "Press Park is situated within a portion of the USEPA Agriculture Street Landfill, which is designated as a Superfund site by the USEPA. This site has been partially remediated. However, the soils under the parking areas, driveways, and building foundations still contain the following contaminants of concern: lead, arsenic and CPAHs. Additionally, the structures are dilapidated and serve as a haven for crime, vagrancy, and vermin that could potentially spread diseases."

-Shannon Rainey, Gordon Plaza Community, New Orleans, LA

Massachusetts: General Electric- Housatonic River Pittsfield

No one denies that along the Housatonic River in Massachusetts, General Electric (GE) is responsible for an overwhelmingly large contamination of soils and water. Located in Western Massachusetts, the site extends out from the GE plant, down the river, and into Connecticut. Yet when the site was assessed in 1997, the big business community preferred that it not be labeled a "Superfund" site. What followed was a series of negotiations between GE and EPA, such that GE is not conducting spill response actions for the spills and depending on whom you ask, it is or isn't a Superfund site.



The site encompasses six waste areas: 11 former river bends of the Housatonic that are filled with contaminated soil; numerous spills that resulted in contaminated plumes acres in size; 8 miles of PCB-contaminated floodplain soils; two landfills; and numerous polluted areas in the city of Pittsfield, including near a school. In a report by the Housatonic River Initiative (HRI), the ABCs of PCBs, they note the "GE facility is comprised of 250 acres with five million square feet of building space." According to Tim Gray, HRI Executive Director, GE dumped chemicals for about 30 to 40 years.

"It is a decade overdue for Congress and the President to reinstate the critically important polluter-pays fees", said Audrey Cole, President of the Housatonic Environmental Action League (HEAL) of Cornwall Bridge, Connecticut. She continued: "In the absence of the polluter-pays program, taxpayers will continue to suffer the unfair financial burden of footing the bill for remediating hundreds of toxic sites abandoned by irresponsible polluting companies."

The site was nominated for Superfund in 1997, followed by the issuance of an EPA CERCLA Order and a grand jury convened against GE. "This put the muscle power together to bring GE to the negotiating table," said Gray. GE negotiated with the Justice Department and EPA and a Consent Decree was issued in 2000, which is essentially in place of a "full tilt Superfund Nomination," said Gray. The consent order laid out a series of cleanups including a two mile stretch of the river, several business properties, the GE plant and over 175 homes. Although it is portrayed as not actually a Superfund site, it is in fact one of the biggest sites in the nation. The EPA has issued an amended permit order to address contamination in the river to the town of Great Barrington. GE and EPA are in dispute resolution over the permit.

Health concerns raised by the community include cancer, immune disorders, skin rashes, thyroid dysfunctions and learning disabilities. People were living in these contaminated yards, emphasized Gray, and even though health problems were severe, people didn't immediately place blame where it was due. "It was hard to make that link, as health problems were rarely linked to the site at first," said Gray. "They pretty much have ignored neighborhood concerns. Both federal and state health authorities don't do their jobs," said Gray. Eventually advisories warning people not to eat anything caught in the river were issued.

HRI has a Technical Assistance Grant which they use to hire experts to work on the side of the citizens, as well as to help with public education about the site and cleanup methods. "The Superfund program did help the Pittsfield community in that a partial cleanup was performed. In some ways, it was a huge victory," says Gray, "as it brought in 500 to 700 million dollars for cleanup. But still, it was only partial. The limitations of the program were lack of funds and sluggish action."

-Tim Gray, Housatonic River Initiative, Pittsfield, MA

-Judy Herkimer, Housatonic Environmental Action League, Cornwall Bridge, CT

Massachusetts: New Bedford Harbor New Bedford

The largest Superfund site in New England and probably the Northeast has been said to be the most PCBs contaminated river in the world. The EPA settled with the primary responsible party, Kyocera, a multi-billion dollar company from Japan, for \$366 million dollars but that still not enough to remove all of the PCBs offsite. Currently, the EPA plans on burying 300,000 cubic yards of PCB sediments in the harbor just yards away from the residential area of Fairhaven, MA beginning in 2016. Even after this, the EPA will still leave 50 ppm of PCBs which will continue to contaminate fish in the harbor (which is the reason that the EPA named this a Superfund site in the first place) instead of their original plans to remove all of the PCBs.



The polluter needs to pay for ALL COSTS FOR A COMPLETE CLEANUP OF THE TOXIC MATERIAL, not a partial settlement with no re-opener clause as was done here for New Bedford Harbor. It's not even removal as the EPA will just relocate the PCBs by burying them in another area within the harbor.

At least two manufacturers in the area used PCBs while producing electric devices from 1940 to the late 1970s, when the manufacture of PCBs was banned by the EPA. These facilities discharged industrial wastes containing PCBs directly into the harbor and indirectly through the city sewer system. As a result, the harbor is contaminated in varying degrees for at least 6 miles from the upper Acushnet River into Buzzards Bay. Over 100,000 people live within 3 miles of the site.

When the cleanup began, the areas with the highest levels of PCBs were addressed first. A 5-acre northern portion of the Acushnet River estuary was identified as the "hot spot" area and addressed prior to the start of the full scale dredging in the upper and lower harbor that has been underway since 2004. Studies on the nature and extent of contamination in the outer harbor are still underway.

Environmental monitoring results indicate that tidal action transports up to 0.5 pounds of PCBs from the upper harbor to the lower harbor each day. Recent monitoring at the Hurricane Barrier indicates that 95 pounds move from within the harbor to Buzzards Bay each year.

Bioaccumulation of PCBs within the marine food chain has resulted in closing the area to lobstering and fishing, and recreational activities and harbor development have been limited by the widespread PCB problem. Since 1982, signs warning the public of the presence of PCBs in the harbor have been in place and maintenance and replacement of these continue as needed.

-Karen Vilandry, Hands Across the River Coalition, New Bedford, MA.

Michigan: Velsicol Chemical St. Louis



Didn't the robins stop dying of DDT poisoning after Rachel Carson's *Silent Spring*? Not in St. Louis, Michigan. In this small town in rural Michigan, the soil contamination left from the production of DDT, along with PBB and more than 200 other chemical compounds by Velsicol Chemical Corporation, continues to cause acute DDT deaths of robins living in the residential areas, and the high levels of DDT in Pine River fish has caused a total no-fish consumption advisory from 1974 to the present day.

Since 1998, the Pine River Superfund Citizen Task Force has been overseeing EPA's work to remediate two failed Superfund sites and the Pine River that runs between them. A radioactive site was successfully cleaned up, and in 2012 the Nuclear Regulatory Commission declared the site safe for any use, including residential and agricultural. In addition a local landfill – a third Superfund site - contains tons of leftover PBB from the chemical factory, along with slaughtered cattle and chickens, some of the animal victims of the 1970s PBB Disaster. Currently, institutional controls at that site seem to be containing the contaminants on-site.

"Like so many sites nationally, ours is only waiting implementation of a remedy, yet we are in competition with others for too few funds. The funds are only going to be adequate if the polluter pay tax is restored. It was the height of fiscal irresponsibility to abolish the tax. Our sites (there are three Superfund sites in our town of 4,000) have been having known migration of contaminants into aquifers for nearly two decades without sufficient funds to halt the migration; yet the former owners of the responsible party escaped with large fortunes, shielded by corporate bankruptcy. Without the Superfund tax, our remediation is being paid by future generations, not the responsible party."

As for the human victims, research by Emory University has shown PBB levels in the blood of some residents and former chemical plant workers as thousands of times higher than the national average. In the 1970s, the immediate human health effects of PBB exposure consisted of hair loss, skin rashes, joint pain and memory loss. More recent studies have shown that both DDT and PBB are endocrine disruptors, meaning they can lead to various glandular problems and impairment of the reproductive system.

This past summer, EPA conducted a time-critical removal action on the St. Louis High School athletic fields, in addition to excavating 117 residential yards to remove DDT-contaminated soil, including the removal of about 100 mature trees. In some of the yards, the excavation went as deep as six feet. The city water supply, which had been contaminated with the DDT-byproduct pCBSA, has been shut down, and a new water supply started up this past fall. The new water system was won in a successful city lawsuit against the bankruptcy trust that owned the Superfund sites and AIG, the insurer for Velsicol. The U.S. Justice Department and EPA attorneys sided with the trust and AIG, but the community won!

Both failed Superfund sites now have new EPA RODs (Records of Decision), and are awaiting funding from the EPA Prioritization Panel for extensive remediation. On the 52-acre plant site, in situ thermal treatment is planned, along with chemical oxidation and

excavation. On the smaller Burn Pit Superfund site, thermal treatment is also planned. Both sites will have perpetual pump-and-treat systems for the groundwater beneath the sites, which is also highly contaminated.

All of our sites are orphaned, and rely on tax-payer dollars for the cleanups. Without the constant activity of the Pine River Superfund Citizen Task Force, it is unlikely that the cleanups would have progressed to this extent. Some of our members have visited other communities where Velsicol left similar destructive pollution, and without citizen groups, nothing is being done in those places. On the other hand, we believe our sites could be much closer to safe completions if the Superfund Tax was still in place to help provide dedicated money for the cleanups of orphaned sites.

-Edward Lorenz, Pine River Superfund Citizen Task Force, St, Louis, MI

Michigan: Dow Chemical *The Tittabawassee River/Saginaw Bay*

Dioxin was first discovered in the Tittabawassee River in 1978. Four governors have been complicit in Dow Chemical avoiding its regulatory obligations. Interventions at the highest levels of government, local, state and federal, have thwarted, delayed or stopped progress. In 2003 under the

Resource Conservation and Recovery Act (RCRA), the Michigan DEQ was granted authority by EPA to sample for dioxin and compel remediation. Increase levels of dioxin were found and the extent of the contamination was more pervasive than thought. Dioxin was showing up in people and in the biota of the floodplain. It was in houses, carpets, duct work and yards.

"In my experience, Dow only enters negotiations to cut a better deal for themselves, not the environment."

-Region V EPA Administrator Mary Gade



These results unleashed Dow's political and PR machine. Elected local, state and federal legislators came to defend their favorite corporation—public health be damned. MDEQ kept pushing the sampling, educating the public and when Dow pushed back, EPA

Region V under Administrator Mary Gade issued Administrative Orders to compel Dow's cleanup of some the worst areas of contamination. Dow did not like it. So they had to come up with a plan.

February 2008: Dow Chemical files suit in Midland County Circuit Court against MDEQ for re-writing the work plans under RCRA for the Saginaw River and Bay. The agency wanted Dow to stop the migration of dioxin to Lake Huron and required Dow to further identify the extent of contamination in the Saginaw River (as was done for the Tittabawassee River) as required by RCRA. EPA Region V supported MDEQ's rewrite of Dow's deficient work plans for the Saginaw River.

March 2008: Dow's David Keplar sends confidential e-mail to Susan Bodine, EPA HQ Superfund, asking for a new direction for the cleanup. The request is successful and the site becomes a Superfund Alternative Site, which keeps the site off the National Priorities List.

March 2008: After the letter from Keplar, MI DEQ Director Chester and Region V EPA Administrator Gade sent a letter to Dow Chemical stating RCRA would remain the lead process and lead to **"final remedy,"** which is **"more likely to be final and durable"** as a result of the coordination between state and federal programs. On the public relations front Dow had local chambers of commerce and units of government send letters to EPA asking for the agency to take over. Dow lobbied Michigan's Governor too.

April 2008: Lone Tree Council FOIA documents reveal: in April 2008 letter to Dow Chemical, Region V admonished the company for pursuing EPA HQ's without the involvement of Region V. In a memo from RA Gade to EPA HQ's, the RA voiced her strong objections to HQ's entertaining Dow at upcoming meeting.

May 2008: Assistant EPA Administrator Marcus Peacock terminated RA Mary Gade. That same week Director Steve Chester is taken off the Dow issue by Governor Granholm and replaced by Granholm's Policy Advisor, Frank Ruswick. Gade stated she spent much of her time running interference with EPA HQ and Dow during her last months in office. In an interview with *The Chicago Tribune* Gade says her termination was a result of the enforcement actions against Dow Chemical. EPA HQ had no comment. Initially it looked like Senators Boxer and Whitehouse would hold hearings but they do not come to fruition.

May 2008: Democratic Governor Granholm sent letter to EPA Administrator Steven Johnson, asking for his assistance with next steps in cleanup process. This is odd given: 1. Little sampling on the Saginaw River had taken place; 2. Dow filed suit against the state for requiring testing in the Saginaw Bay; 3. Dow had numerous deficient work plans outstanding; and 4. Dow resisted response activities to protect impacted residents from dioxin. It would be revealed in August meetings that the Governor was concerned about her legacy.

August 2008: MDEQ Policy Advisor Frank Ruswick is assigned task of finding a new direction for cleanup. He says that Governor wants the issue behind her when she leaves. Ruswick says there are "political realities." He also agreed that Dow did not want to deal with the Saginaw River and Bay and that it is a sticking point that the Governor was not going to go to court over.

September 2008: Lone Tree Council and Ecology Center met with Governor Granholm's Policy Advisor Kelly Keenan. Groups learn that neither Governor's office is not familiar with the Dow's obligations under RCRA but a new path forward could be justified by 2010 to avoid a Republican Governor (Michigan has never seated a democratic Governor three terms running) being seated who would expect nothing from Dow.

October/November 2008: EPA Region V staff, including newly appointed RA Lynn Buhl, came to Lansing to propose the Superfund Alternative Site process to the community. At public meeting, MDEQ and EPA announce and defend the SAS process with little or no detail. The agencies refused to state the genesis of this new SAS process (See below).

December 2008: With a RCRA corrective action in place EPA Region V issued Special Notice to Dow Chemical to begin negotiations under the SAS behind closed doors. Residents and environmental groups sent letter to Administrator Johnson objecting to the SAS process and its closed-door policy. The public was notified quarterly public meetings are suspended and a meeting would take place in January to discuss the SAS process.

JANUARY 2009: FOIA request reveals e-mail from Dow marked **confidential** to EPA HQ's asking that the company and EPA pursue a process other than RCRA to address company's contamination of watershed. RA Gade was not copied on this letter. Administrator Johnson agreed to Dow's request for the SAS process and the right to negotiate one of the nation's worst contaminations out of view of the public and the media.

-Michelle Hurd Riddick, Lone Tree Council, MI

Mississippi: Newsom Brothers/ Old Reichhold Chemicals, Inc. Columbia

"Suffering is suffering," Charlotte Keys said. Unfortunately, the Mississippi evangelist is preaching to the choir in her small rural community. "When your population is as small as ours, people tend to turn a deaf ear. A great injustice has been served on people who have been oppressed, suppressed and depressed." The deaf ear Keys is talking about belongs to Reichhold Chemical Company.



Almost 50 years ago, the company took over more than 100 acres to produce turpentine, resins and other wood derivatives. By 1975, Reichhold had people working in the plant handling deadly toxins, such as pentachlorophenol (PCP) mixed with diesel oil. A year later, the Mississippi Air and Water Pollution Control Commission found the company was discharging wastewater containing phenols, oil and grease into a nearby stream. Reichhold continued operations until 1977, when a major blast destroyed the facility, ceasing operations.

"The Polluters Pay Fees are important to reinstate because the community that the Corporations poisoned are not able to defend themselves from corporate greed. Why should communities bear the burden from polluters poisoning their health and livelihood? All corporations polluting our health and environment need to pay any and all fees associated with their damaging impact."

management. Most times, the chief executives don't even go into plants because they have so many."

After the blast, Reichhold emptied 10,000-gallon tanks into 55-gallon drums and let chemicals pour onto the ground, running into creeks and ditches. Keys' uncle was a truck driver during this time, and he and other workers buried the drums all over Columbia, specifically along the Pearl River. "The guys didn't really know what they were disposing of," Keys explained. "Nobody trained them to that degree." The community was unaware of the damaging toxic substances in the area, she said. The plant told people it was just hauling woodchips, but it was actually a chemical manufacturing operation. "I'm not going to say I blame the workers," Keys said. "It was upper level

In 1984, the chief executives were forced to show their faces in Columbia. At that time, EPA discovered 600 surface drums, two contaminated on-site ponds and several areas of contaminated soil. EPA started cleanup but soon realized there were more problems than they could handle and in October 1986, the Reichhold site was put on the NPL. After an initial investigation, EPA removed the drums, filled the two ponds, and cleaned up 81 acres. However, on 25 leftover acres, housing was built for the poor. People who lived there saw workers in moon suits, Keys said, with only a cyclone fence separating people from the highly contaminated property.

Many people complained of health problems. "There's rashes, birth-defect babies, lupus, and Alzheimer's; miscarriages are very high. I had a miscarriage too, and they told me it

was [because] my body was weak,” said Keys. Other health conditions included kidney failure, lung diseases, skin disorders and cardiovascular diseases.

ATSDR did a health evaluation and never found anything wrong with the people. “They wanted to treat them and talk to them like they were less than human,” Keys said. “I don’t care how much education you have, you can’t come into a community and talk to people like they’re nothing.”

Today, the Newsom Brothers/Old Reichhold Chemicals, Inc. site is deleted from Superfund site listing. But the help of Superfund was less than sufficient, Keys emphasized. “It helped us no more than to get the TAG and get the reports done,” she said. “The community needed relocation and they hurried to get the site delisted so EPA wouldn’t be responsible. People are still in jeopardy. They need out and we won’t quit.”

Keys believes that had her community been a rich neighborhood, it would have received different treatment. “When you have people unorganized and poor with lack of education, anything and everything that could happen would go on,” she said. “A lot of wickedness and corruption.”

To rectify this injustice, Keys wants all responsibility to be on the polluters. She believes not only should a better health and safety system be put in place for plant operations, but government should have a task force for financial enforcement. “Take the fine money and put it into the community, not people’s pockets,” she said.

-Charlotte Keys, Jesus People Against Pollution, Columbia, MS

Missouri:

West Lake/Bridgeton Landfill

St. Louis

A smoldering landfill fire is moving toward the known areas of radioactive wastes at the West Lake Landfill, in St. Louis County. Families living near the landfills have been told this fall 2015 by the State of Missouri that a Chernobyl-like radioactive event could happen in 3 to 6 months.



Furthermore, the smoldering fire has released toxic landfill gas into surrounding communities for the last five years and is expected to smolder for five more years. Radioactive materials were illegally dumped at the landfill, originating from processing uranium in St. Louis for nuclear weapons during World War II.

Nowhere else in America is there a smoldering landfill fire hundreds of feet away from high levels of radioactive materials. Innocent families cannot and should not have to live with this imminent threat and ongoing radioactive and toxic exposures. The State health authorities have documented an increased number of childhood brain cancer (over 300 times what would be expected) respiratory and other diseases.

Gina McCarthy, EPA Administrator and the EPA must do their jobs and fulfill EPA's stated mission "to protect human health and the environment." The only option at this point is for the U.S. EPA to use its legal right under the Superfund act to move families away from the landfill. The poison has spread so far and wide that there is no way they can be cleaned up. The EPA has moved families many times before—starting with Love Canal. There's never been a community that warrants the use of these legal powers more than Bridgeton. It doesn't even have to cost taxpayers any money — the EPA has the legal right to send the bill to the two very profitable corporations that are responsible for this landfill.

The site consists of two landfills owned by Republic Services. One - the Bridgeton Landfill - was primarily a garbage landfill and has been burning below the surface for over four years (although smoke often rises from the site). The second landfill - The West Lake Landfill - contains highly radioactive waste (disposed of illegally). Both sites are considered one Superfund site.

-Dawn Chapman, Just Moms STL, St. Louis, MO

Montana:

Clark Fork River/Milltown Dam

Milltown



Milltown Reservoir Superfund site is part of the largest Superfund complex in the western U.S. Situated in the Clark Fork River Basin the complex stretches from the headwaters of the Clark Fork River at Warm Springs, MT, 125 river miles northwest to the Milltown Dam site just east of Missoula.

The site was listed in 1983 when arsenic contamination was found in the groundwater around the reservoir and dam. Contamination resulted from a massive flood in 1908 which washed millions of tons of copper mine wastes into the river, ultimately ending up in the reservoir behind the dam. For over 70 years the Clark Fork River was used as a dumping ground for wastes from one of the largest copper mining ventures in the U.S.

The Clark Fork River Superfund site complex is still in the process of being cleaned up. (on-going work for the last 20 yrs.) EPA has cut funding to the Clark Fork River TAG group which we wish would be reinstated.

In August of 2005, after 22 years of superfund site investigations and development of cleanup plans an agreement was reached with EPA, the state of Montana, the responsible party (BP/Arco) and the dam's owner to remove the contaminated tailings from the reservoir, remove the dam and restore the river to a free-flowing state. It took two years to remove and transport the contaminated reservoir tailings to a disposal site and it took an additional two years to remove the dam.

Today the Milltown site is Montana's newest state park. The floodplain has been restored with a naturally meandering river. The park includes 500 acres of restored river bottom and pine forest bluffs. It contains walking trails, picnic shelters and river access points. People can now hike, fish, float and watch wildlife in this restored area.

-Kathy Hadley, Clark Fork River Technical Assistance Committee, Deer Lodge, MT

New Jersey: Cornell-Dubilier Electronics Edison

Cornell-Dubilier Superfund Site located in South Plainfield, New Jersey is a leaking toxic bomb that requires almost a billion dollars to clean up the toxic waste polluting an 850 acre toxic drinking water zone, hundreds of homes and the 12 mile Bound Brook. This site produced cancer-causing Polychlorinated Biphenyls. Capacitors and oils and dumped massive amounts of chemicals, including solvents, into the adjacent wetlands and streams. Disposal practices at the site in the 1930's and 1940's were responsible for contaminating a vast geographic area including at least one other Superfund Site. The site also rendered the brook with the distinction of being the only New Jersey waterbody with a ban on consuming a single living organism. The fish and other biota have the PCBs present at the highest levels seen in New Jersey's fish. The Bound Brook also traverses seven other towns and children frequently play there. Both the lake and pond host yearly fishing derbies and people still regularly consume the poisoned fish.

"Our state is number one in Superfund and toxic waste sites in the nation. Many of these leaking toxic slop pits are not under control and in the middle of residential neighborhoods. When the modest Superfund fees on the oil and chemical companies were being collected sites were being cleaned up, creating jobs and revitalizing blighted communities. Superfund site cleanups should be funded by those companies who poison for profit. Any objective observer would agree that the companies that caused the pollution must pay for its cleanup."

Recent USEPA's studies show these highly toxic cancer-causing chemicals will continue to discharge for decades, maybe centuries, without the USEPA taking active measures to stop the flow of chemicals from the 825-acre plume into this densely populated residential community. The USEPA cannot stop the groundwater discharge nor do they have the resources to test the hundreds of homes, schools, daycare centers and businesses that sit directly above the groundwater plume. This plume has the potential to emit deadly gases that may pose a threat to unsuspecting families. This problem is similar to the DuPont Public Works Site in Pompton Lakes, NJ where poison gases were discovered by the USEPA discharging from a chemical plume into over 450 homes. The USEPA has been studying the Bound Brook for 20 years and without dedicated funding, staff and resources the USEPA cannot even finalize the investigation.

The information has not been released to the public because the USEPA has no funding to stop the dangerous flow of these cancer-causing chemicals into the many towns that are being impacted along the 12 mile Bound Brook. Without dedicated funding for the USEPA to conduct the critical cleanup work needed to address this direct human health and environmental threat, it may take centuries to stop the chemicals actively discharging from this site.

-Robert Spiegel, Edison Wetlands Association, Edison, NJ

New York:

Dewey Loeffel Landfill Nassau

The Dewey Loeffel Federal Superfund site was created when GE, Bendix and other companies dumped 46,000 tons of toxic waste in Mr. Loeffel's land and wetlands in the 1960's and 70's. The unlined landfill, primarily filled with PCB and TCE waste, leaked and a TCE plume spread polluting homeowners wells, and a PCB plume spread miles away to pollute Nassau Lake and other water bodies. As a State Superfund site, GE did a cursory "cleanup" by capping the dump and doing some hot spot removal off-site in the 1980s. After tests showed growing contamination and a continually leaking dump, the site was then added to the Federal Superfund and in the last few years, EPA has successfully compelled GE to do comprehensive testing. A cleanup plan has not been developed, but community groups and local public officials are calling for a full cleanup and excavation of the dump.



"On the 35th anniversary of the Federal Superfund, we call upon Senator Chuck Schumer, Senator Kirsten Gillibrand, Congressman Paul Tonko and Congressman Chris Gibson to take the lead on reinstating the polluter pay fees to replenish the bankrupt program. At the same time, we call upon General Electric to fully clean up the GE Dewey Loeffel Superfund site, their leaking dump of 46,000 tons of toxic waste, by excavating the dump and treating the hazardous waste, and cleaning up the nearby polluted Nassau Lake."

**-Kelly Travers-Main, United Neighbors Concerned
About GE, Nassau, NY**

New York: Gowanus Canal New York City

The Gowanus Canal, in Brooklyn, New York, is bounded by several communities including Park Slope, Cobble Hill, Carroll Gardens and Red Hook. The canal empties into New York Harbor. Completed in 1869, the Gowanus Canal was once a major transportation route for the then separate cities of Brooklyn and New York City. Manufactured gas plants, mills, tanneries, and chemical plants are among the many facilities that operated along the canal.



"We see the Superfund clean-up as a great opportunity to involve more volunteers in stewardship of the Gowanus Canal and watershed. While the clean-up will remove old industrial waste and provide a benthic habitat layer in the canal, combined sewer overflow will still pollute the canal during most rainfalls. We are working to create more green space that soaks up stormwater — decreasing CSOs and making a healthier urban ecosystem — and we need to engage our watershed neighbors in this work."

As a result of years of discharges, storm water runoff, sewer outflows and industrial pollutants, the Gowanus Canal has become one of the nation's most extensively contaminated water bodies. Contaminants include PCBs, coal tar wastes, heavy metals and volatile organics. The contamination poses a threat to the nearby residents who use the canal for fishing and recreation.

-Andrea Parker, Gowanus Canal Conservancy, New York, New York

New York: Love Canal Niagara Falls

The birth of Superfund is directly attributed to the Love Canal toxic waste site in western New York. The dangerous health and environmental hazards at Love Canal were so severe it became the catalyst in creating the Federal Superfund law twenty-five years ago. Decades later, Lois Gibbs, leader of the Love Canal Homeowners Association (LCHA), remains a visionary leader and continues to fight for Superfund justice.



The history of Love Canal began in 1892 when William Love proposed digging a canal to connect the upper and lower Niagara River. He was forced to abandon the project, leaving behind a partially dug section of the canal, three thousand feet long. In 1920, the land was sold and chemical waste was dumped at the site until 1953. The principal company that dumped waste was Hooker Chemical Corporation, now a subsidiary of Occidental Petroleum.

The plight of citizens at Love Canal outraged the American public and led to the passage of the Superfund law to find and clean up the nation's worst toxic dumps. Love Canal is one of hundreds of dumps and adequate Superfund resources are essential to clean up the nation's sites. "The core principle of the Superfund program is that polluters, not taxpayers should pay to clean up these deadly toxic waste sites. In addition to providing funding for the cleanups, the polluter pays principle creates a powerful disincentive against the reckless dumping of toxic wastes."

In 1953, after covering the 70-acre canal with dirt, Hooker sold the land to the Niagara Falls Board of Education for one dollar. Included in the deed transfer was a "warning" that chemical wastes were buried on the property and a disclaimer attempting to absolve Hooker of any future liability. Ignoring the threats, the Board began constructing an elementary school on the property. Almost immediately, residents complained of odors and substances surfacing in their yards and on the playground. City officials decided to cover the substances with dirt or clay, and to place window fans in a few homes found to contain high levels of chemical residues. This clearly was not enough to offset over 20,000 tons of toxic waste buried beneath the center of this peaceful community.

The group conducted a study of families living in the neighborhood, which found increases in miscarriages, stillbirths, crib deaths, nervous breakdowns, hyperactivity, epilepsy and urinary tract disorders. It also showed that from 1974 to 1978, 56% of the children were born with a birth defect. Some birth defects included three ears, double rows of teeth and mental retardation. As a direct result of LCHA's fight, President Jimmy Carter ordered a total evacuation of the community in October of 1980. The toxic waste crisis illustrated the need for government intervention. As a result, in December of 1980, Congress enacted the Federal Superfund law to clean up not just Love Canal, but the worst sites throughout the nation.

-Lois Gibbs, Center for Health, Environment and Justice, Falls Church, VA

North Carolina: CTS of Asheville Asheville

An electroplating facility in the North Carolina Mountains operated for nearly three decades before shutting its doors in 1986, leaving industrial waste behind. In the mid-1990s, although tests had already indicated contamination at the site, a piece of the property was sold and developed into a residential neighborhood. Soon afterward, trichloroethylene was found in dangerous levels in several neighboring private wells and springs on the other side of the property.



"CTS Corporation successfully put off having to clean up toxic pollution in Buncombe County for decades!" says Katie Hicks with Clean Water for North Carolina. "The EPA is finally poised to force the polluter to act and remove part of the source of offsite contamination, but it comes to many residents whose health has been impacted by toxins. Cleanup could have happened years ago under a stronger, fully-funded Superfund program – let's give the program the funds and teeth it needs to prevent tragedies like this!"

In 2002, more than 15 years after the plant closed down, an EPA contractor finally tested and discovered levels of TCE in soil on the property so high (830,000 parts per billion) that the agency recognized "an immediate threat to the health and safety of nearby residents" and approved an immediate removal action. Yet EPA's authority under this Memorandum was never used, and contamination remained.

Finally, in 2012, the site was added to the National Priority List, but not without heavy resistance from the responsible party, CTS. CTS legally challenged the listing, just one of many ways this polluter has succeeded at wasting resources and delaying cleanup over many years while residents suffered.

CWFNC has worked alongside community members to call for full-scale cleanup; community efforts have led to extension of public water lines to the area, demolition of the old industrial building, and most recently, an interim action to treat known sources of TCE immediately while the long-term cleanup plan is determined. After years of pressure, EPA is taking a more aggressive approach with the polluter and accessing all possible resources to clean up this long-neglected site, yet we know that with full funding for the Superfund program this toxic polluter could have been forced to clean up their mess years ago!

-Katie Hicks, Clean Water for North Carolina, Asheville, NC

Ohio: Tremont City Barrel Fill German Township

The Barrel Fill, a Superfund Alternative Site, occupies 8.5 acres, with both its location and high volume of hazardous wastes posing a threat to the Mad River Aquifer. Considered to be part of the most productive sole source aquifer in the country, 82,000 people in Clark County depend on it for their drinking water. With 51,500 barrels buried onsite since the late 1970's, containing at least 1.5 million gallons of hazardous wastes, US EPA's cleanup plan will allow reburial onsite of all but liquid hazardous wastes, untreated and uncontained.



"This site has been closed for more than thirty-five years, yet no cleanup is on the horizon. Superfund needs more muscle and teeth to protect our people and our irreplaceable water supply."

All local elected officials, the Ohio EPA, the local Chamber of Commerce, and our citizens group unanimously oppose the current plan. A previous plan introduced by EPA which would permanently remove all hazardous wastes from the site had been acceptable to all. Opposition to the current plan continues to grow, evidenced by over 700 people attending an EPA-hosted information meeting in August. The EPA is asking for

Gov. Kasich's signature to propose the site to the National Priorities List, a necessary step for the cleanup to move forward. Given the extraordinary and sustained opposition to the plan by Clark County leaders and residents, the Ohio EPA has asked the EPA to make further changes to the plan before the Governor will consider signing it.

Waste Management is the lead corporation responsible for the cleanup. Even though the current plan is primarily their submitted plan, they have refused to proceed, now forcing EPA to seek listing the site on the NPL.

-Marilyn Welker, People for Safe Water, Urbana, OH

Oklahoma:

Tar Creek

Ottawa County



This 47-square miles in northeast Oklahoma is called the Tar Creek Superfund Site. It was listed on the NPL in 1983. The site is named after the stream that takes acidic mine drainage to the Neosho River before depositing it in the Grand Lake o' the Cherokees, a state recreation area and a drinking water source for surrounding counties. Since 1997, the Local Environmental Action Demanded Agency, Inc (LEAD) has assumed an active role at the site doing intensive research and working with the community and the authorities, especially on education and outreach.

At first, the designation of abandoned lead and zinc mines as the Tar Creek Superfund site gave EPA the funds to work on cleaning up the site, even though the potentially responsible parties (PRPs) were not cooperating, noted LEAD Agency members Earl Hatley and Rebecca Jim. But now depletion of the Superfund has negatively impacted progress on the site. The implementation of a new operable unit dealing with the non-residential portion of the site was stalled for several years due to lack of funding from Superfund and the stalling tactics of PRPs.

"We have the equivalent of one Animas River spill every three days (since 1979) going down Tar Creek. Where is the outrage for this?"

In 2006, a subsidence report was completed and indicated that the epicenter of the Tar Creek site—the towns of Picher and Cardin, and the Hockerville area—could be at risk for a cave-in because of the undermining beneath the towns. When EPA announced another operable unit for the site, citizens, the media and the state of Oklahoma pressured EPA to include a buyout, or the state would not sign it. A voluntary buyout was completed in early 2009. Since it was a voluntary buyout several families chose to stay in the abandoned town.

There is a closing date for the Tar Creek Superfund Site, say LEAD Agency members. Thirty years from now is the estimated time it will take to dispose of the contaminated lead and zinc waste left at this abandoned site. What neighboring states must watch for is the substance coming into their communities as "gravel". Through new sale regulations, the "chat" mining waste must be protective of human health. These regulations have may reduced the number of buyers and slowed down sales, but the EPA plan allows for sales to continue for ten years before the overall footprint is reduced.

The good news has been that lead levels for children are going down. The EPA efforts and the widespread education united the community. Hatley and Jim note that since both were happening at the same time, credit cannot be given to either. The LEAD Agency found that once EPA was poised to begin real work at Tar Creek because of the evidence that children had been lead- poisoned, the Superfund monies were already used up. So, EPA began negotiations with the polluters and asked Members of Congress to request funding. "In other words," says Hatley and Jim, "it took an Act of Congress to get us this far. If the Superfund taxes are reinstated, our community and others will not have to wait so long for action."

In the last decade, Ottawa County faced two major ice storms, leaving many without power for weeks in freezing weather, a major flood and an F-4 tornado. Each event damaged property, but the tornado took seven lives. The flood damaged over 500 homes. Then the tornado destroyed over 200 homes.

LEAD Agency partnered with Harvard to research the effects of mining on the environment and health that began with a tooth fairy project. With an extensive birth cohort, children are being followed until they turn 21. Tar Creek was one of the eleven federally funded Children's Centers which focused on the multiple metals at the site. "Still many questions are waiting to be answered," said Hatley and Jim. "Blood lead levels in the children are down but are they protected from other pathways? Are the fish safe to eat? Is the air safe to breathe? When will it be possible to swim in the creek again? Now with the Oklahoma fish consumption guidelines, with the new EPA lead standards, we know more about the air we breathe, and with the new OU5 project, we may be able to swim in Tar Creek someday. But right now, the site looks the same, the creek is orange, full of tons of toxic heavy metals flowing downstream per day exposing human health and the environment."

We are still not able to swim in Tar Creek, but the City of Miami has changed their long range goals, with Tar Creek now listed as a future asset!

EPA is still funding the removal of lead contaminated soil from yards and driveways, but has opened this offer to all home owners in the whole county. The Quapaw Tribe has received EPA funding to clean up contamination on tribally owned properties, being the first tribe in the nation given that opportunity. Their first completed project was a contaminated forty acre property which was the site of a former Catholic School for tribal children. The Quapaw Tribe is continuing to receive funding on more properties in the Tar Creek Superfund site.

-Rebecca Jim, Local Environmental Action Demanded (LEAD) Agency, Tar Creek, OK
-Earl Hatley, Local Environmental Action Demanded (LEAD) Agency, Tar Creek, OK

Pennsylvania: Occidental Chemical Corporation Lower Pottsgrove Township

Since 1999, the Alliance for a Clean Environment (ACE) has been fighting to clean up the Occidental Chemical Corporation Superfund site in Lower Pottsgrove. The site's extensive contamination is the legacy of more than four decades of disposal and chemical spills by the site's owners, first Firestone and now Occidental Chemical. Chemicals including trichloroethylene, vinyl chloride and metals have seeped into the groundwater. Occidental is bordered on three sides by the Schuylkill River, a source of drinking water for two municipal systems. In addition, two aquifers underlie the site, plus there are 147 private wells within one mile.



Based on major groundwater contamination, in 1989 EPA added the 257-acre site to Superfund. One of the sources were four unlined and uncovered lagoons, piled high with toxic dioxin-laden sludge. They should have been removed right after the Record of Decision was completed in 1993, notes Dr. Lewis Cuthbert, President of the ACE. After years of needless delay, Occidental finally removed the lagoon wastes off-site in 2008. ACE believes that happened largely through efforts of the public interest scientist, Dr. Henry Cole, hired with three Technical Assistance Grants.

"The Alliance for a Clean Environment (ACE) encourages the reinstatement of the polluter pays fees to fund the Superfund Program. This program was vital to our research, education, and outreach on the Occidental Chemical Superfund site in Pottstown, PA. Without this program, the truth about the widespread high levels of vinyl chloride and TCE contamination of the groundwater would have gone undisclosed and largely unaddressed.

While the 17-acre hazardous landfill and the highly contaminated groundwater were never really cleaned up before our funds were depleted, we along with our Technical Assistance Advisor, Dr. Henry Cole, were successful in getting Occidental's hazardous lagoons moved off-site, in getting more EPA scrutiny on the pump and treat system being used before the toxic water entered a public drinking water resource, and in educating adjacent communities around Occidental about the risks left behind."

"Unfortunately, the lagoon cleanup only removed part of the contamination and EPA is allowing Occidental to walk away leaving our community with a toxic legacy that will continue to contaminate water for decades, if not forever. Pottstown has had more than its share of environmental insults," said Cuthbert. She noted that childhood cancer rates are far higher than national and state averages, according to the state cancer registry. Infant mortality and neonatal mortality rates in the area around Occidental are far higher than the state average, and even higher than Philadelphia and other larger nearby cities. Learning disabilities in the county more than doubled state increases from 1990 to 2000.

Now, ACE is supporting a site redevelopment that will minimize exposure since they did not get a thorough cleanup. The cleanup of only the lagoons still leaves large quantities of waste in two landfills and unknown levels of contaminants in soils and sediment. EPA failed to hold Occidental

accountable to completely clean up the site. So, instead of a cleanup allowing the site to be

safely used for homes or recreation, EPA is using Institutional Controls for the company to avoid a full cleanup. ACE is recommending the site be a solar park for energy, instead of another polluting industry to further jeopardize this region.

ACE would like to work with Occidental, EPA and the state to ensure that the site is redeveloped in a safe and sustainable manner and that nothing is brought in that will add more pollution to surrounding neighborhoods. ACE believes that a solar energy installation designed to provide electricity and/or hot water is one of the best ways to accomplish these goals and minimize exposures.

“The time is now ripe—after years of inaction, the political environment for safe and renewable energy is on the upswing,” said Dr. Cole. “Why not cover contaminated sites like Occidental with solar panels to provide electricity sustainably? The last thing the community needs is another combustion source like power plants or incinerators that add global warming emissions and contaminate communities.”

Dr. Lewis Cuthbert of ACE added, “Shifting to safe and sustainable development is especially important given highly elevated cancers and other environmentally related illnesses. Moreover, the site’s green restoration can lead to economic revitalization and job creation across the region.”

-Donna Cuthbert, Alliance for a Clean Environment, Stowe, PA

Puerto Rico:

Atlantic Fleet Weapons Training Area

Vieques

The end of World War II marked the end of fighting and a victory for the United States, but for the people of Vieques it marked the beginning of destruction. For more than half a century after the war the U.S. Navy used the island of Vieques for bombing practices and other military exercises creating horrific environmental and health disasters. Listed as the Atlantic Fleet Weapons Training Area, the Vieques site includes the Eastern Maneuver Area, former Surface Impact Area, Live Impact Area and Eastern Conservation Zone. Excessive amounts of unexploded ordnance and remnants of exploded ordnance have been identified in the range areas and surrounding waters. Hazardous substances include mercury, lead, copper, perchlorate, TNT, PCBs, depleted uranium, napalm, and Agent Orange.



"The community feels strongly that the EPA lacks the resources to monitor or otherwise supervise the current cleanup process. We energetically demand the Superfund monies be used to support efforts to monitor the cleanup of more than half a century of U.S. military contamination and that the Navy carry out a full scale cleanup. Recent protests have focused on the health crisis due to exaggerated levels of cancer and other ills related to the military toxics".

Viequeses health and a growing tourist industry have been negatively affected by these hazardous pollutants. Both visitors and the 9,300 residents of Vieques access beaches, fisheries and recreational waters impacted by past military activities. Large parts of the impacted areas were set aside as a wildlife refuge, which is home to at least 25 endangered species. Studies have shown a clear correlation between the environmental damage and heightened human health risks.

"Since the U.S. Navy created the toxic mess, they must conduct a cleanup according to Federal Regulations. The cleanup should follow the Superfund guidelines." said resident Nilda Medina, 2005 Nobel nominee for her environmental work.

Spokesperson for Vidas Viequeses Valen, Myrna Pagán reports: "The community feels strongly that the EPA lacks the resources to monitor or otherwise supervise the current cleanup process. We energetically demand the Superfund monies be used to support efforts to monitor the cleanup of more than half a century of U.S. military contamination and that the Navy carry out a full scale cleanup. Recent protests have focused on the health crisis due to exaggerated levels of cancer and other ills related to the military toxics. The health crisis calls for moral, right action on the part of the U.S. government to remedy the environmental disaster it created. Foremost is the right of the people to health and happiness in a safe environment. The Navy cleanup process is based on open burning and open detonation of UXO. The technology to detonate munitions safely exists and should be utilized. Vieques will not tolerate the added contamination OB/OD represents to its sick and dying citizens."

-Myrna Pagán, Vidas Viequeses Valen (Translation: Vieques Lives Matter), Vieques, Puerto Rico

Tennessee: Memphis Defense Depot *Memphis*

In 1942, the U.S. Military began dumping their chemical weapons in a region of south-central Memphis that included residential, commercial and industrial areas. More than 150,000 people obtained their drinking water from public wells within four miles of the site. The area became known as the Memphis Defense Depot as residents realized the hazardous effects of living inside the government's garbage dump.



"Chemical weapons, solvents, all types of VOCs, PCBs and 289 known carcinogens were found on this site," said Doris Bradshaw of the Defense Depot of Memphis, Tennessee. Among the wastes disposed of at the site are oil, grease, paint thinners, methyl bromide, pesticides and cleaning fluids.

"The polluter needs to pay. The polluter pays fees should never have been allowed to expire."

"The government is not above the law. They are responsible for the contamination and they are responsible for the cleanup. They are also responsible for health care in the community."

The 642-acre site, which was listed on the NPL in 1992, has been around for more than 50 years. It consists of two sections: Dunn Field, an open storage and burial area of about 60 acres, and the Main Installation. The Depot provided material support to all U.S. military services during its operation. These activities resulted in leakage, spillage, and disposal of out-of-date materials and regular application of pesticides. According to the EPA, the Army disposed of leaking mustard bombs at Dunn Field in 1946 and contaminated the groundwater with chlorinated solvents

and heavy metals.

The Defense Logistics Agency, one of the responsible parties, agreed in 1996 to an interim cleanup to address the groundwater contamination. A barrier well system was installed to prevent migration of contamination. Further plans for excavation, off-site disposal of the wastes and other remedial actions are scheduled to begin in 2005.

Even if you accept that the contamination is being sequestered now, residents were drinking the contaminated water up until 1954, Bradshaw said. They were also exposed to toxic chemicals through open pits that burned waste. "There's a lot of thyroid disease here, which is related to radiation poisoning," she said. "Stomach cancer is the number one problem. We've also had a few 13-year-old ladies getting uterine cancer. There's an issue with reproductive rights." Other health issues include kidney failure and cancer, liver cancer, brain tumors, bladder cancer, brain cancer and colon cancer.

Bradshaw said the ATSDR did a health assessment, but they didn't look at the community, only the workers. The study found that a large number of workers ended up with liver cancer and unusual brain tumors. "But they couldn't get all the records they needed," she said. "The government stopped the program right in the middle because they said it was too personal." Bradshaw believes they never addressed their health issues. "ATSDR is not a health

agency,” she said. “People need to stop addressing them as a health agency. They’re only a site evaluation agency. They have blinders on when it comes to off-site penetration of waste.”

Trouble dealing with the government led the community to steer clear from any other help it was offering. Instead of getting a TAG, the community used their own scientists and technical assistants. “It was a choice we made early on,” Bradshaw stressed. “We didn’t want government money to fight our own case. The people doing the poisoning become the lead agency for the site and they don’t follow the rules.”

Although Bradshaw and her group did not want federal money for researching the site and proving their case, they do want polluter pay fees reinstated for Superfund. “I think a polluter should pay regardless if it’s Superfund or a federal agency,” she emphasized. “They should pay and they should also make sure communities around the site are taken care of. It shouldn’t be up to the community to prove anything. It should be up to (polluters) to prove they did not do anything.”

-Doris Bradshaw, The Defense Depot of Memphis Tennessee, Memphis, TN

Texas: San Jacinto River Waste Pits Superfund Site *Channelview*

The San Jacinto River Waste Pits Superfund Site (SJRWP) is located 20 miles east of the City of Houston. In the 1960's the Waste Pits were created on the bank of the San Jacinto River for the disposal of highly toxic paper mill waste sludge. Once they were filled to capacity, they were abandoned and later submerged into the River. For decades the Waste Pits were favored as a local swimming and fishing spot, as none of the local residents knew of the dioxin laced pits existence.



"Our country is littered with toxic waste sites that are harming our health, our environment, and our natural resources. Polluter pays fees must be reinstated so the EPA can clean-up abandoned toxic waste sites. The burden of cleaning up these sites should not fall on the backs of American taxpayers."

For over 40 years the abandoned toxic waste from the SJRWP migrated into the local environment and into the food chain. Independent testing has shown dioxin in residential yards, groundwater wells, and local seafood. Texas Department of State Health Services has confirmed abnormally high rates of childhood cancer and cancer in people of all ages near the Waste Pits. The Superfund Site's hazardous wastes not only threaten our health, environment and property, but our way of life.

The involvement of the responsible parties, Waste Management and International Paper, has complicated the process and created a game of tug-of-war between the community and EPA. The surrounding communities and environments of the San Jacinto River have suffered greatly from the effects of the San Jacinto River Waste Pits. The San Jacinto River is a source of seafood, revenue, and recreation that once bonded the community together.

-Jackie Young, San Jacinto River Coalition, Houston, TX

Texas: Koppers Co. & Texarkana Wood Preserving Co. Texarkana

The Carver Terrace subdivision promised dream homes for African-Americans in Texarkana, Texas, in the 1960s. Twenty years later the dream had faded into nightmare. In 1986 the EPA classified the neighborhood.

An old creosote treating operation began in 1910, as the Texarkana Koppers Superfund Site. Though the Koppers Corp. had not caused the pollution, it had purchased assets and liabilities of National Creosote in 1960, thus becoming the responsible party.



By then leaders like Jeter Steger, Patsy Oliver, J. E. “Sonny” Fields, and Talmadge Cheatham knew something was seriously awry. They’d seen pets get sick and die, children get sick, black dirt boil up after rains. The health risks eventually included cancer, kidney disorders, miscarriages, skin disorders, and other medical conditions. These residents and others

“These two old creosote treating sites have left a permanent blotch on the city’s face, while the Koppers (Carver Terrace) site has brought widespread death and sickness among its residents and former residents. EPA closed the sites, but their residues of poisons remain as a red flag to the future.”

eventually fell victim to the nightmare. Fields began keeping a list of deaths. He had recorded 45 by time he, too, died. None had died of old age.

Poisons ravaging the neighborhood included arsenic, polynuclear aromatic hydrocarbons (PAH), fluorides, and dioxins. In one hot spot, said Don Preston, a future FUSE president, five of eight houses in the block had people with liver, kidney, or parathyroid problems. “These health conditions were symptomatic of exposure to PAHs, a chemical of great concern at Carver Terrace. This should have been enough to evacuate the whole community, but it wasn’t.”

Friends United for a Safe Environment (FUSE, Inc.), organized in 1988, immediately taking on the Carver Terrace issue. Residents then formed Carver Terrace Community Action Group (CTCAG) as a sister group, working together. National environmental organizations joined the fight for a buy-out and relocation. A pivotal moment came in February, 1989, when activists from all over the country gathered in a church at Carver Terrace for the Conference on Environmental Justice. Subsequently busloads from Texarkana spearheaded protests in Austin, Little Rock, Houston, and Dallas.

“EPA’s remedy was soil washing while residents remained in their homes on the site,” recalled Dr. James Presley, today’s FUSE president. But a Congressional nudge inspired the EPA to institute a buy-out and relocation. The site was fenced in, the homes leveled. Despite efforts to remediate the site, its hidden toxics leave it off limits, perhaps forever, to human activity, attesting to the complexity of such sites.

“Without federal Superfund,” said Presley, “more people would have died and died sooner. The tragedy is that it took so long.”

For each semester the past several years Texarkana College biology professor Delores McCright has taken her classes to the bolted gates at Carver Terrace for firsthand lectures by Presley and Preston and others on the historic experience. They aren't allowed inside the contaminated property, now a virtual ghost land—a graveyard of dreams. “My students have learned much about pollution and human rights, as well as the history of our area,” she said.

-James Presley, Friends United for a Safe Environment (FUSE), Texarkana, TX

Washington: Lower Duwamish Waterway Seattle

The lower five miles of the Duwamish River were declared a Superfund site in 2001. Over 40 different pollutants and chemicals were above human and environmental health standards. The four contaminants of concern for this river are: arsenic, PCBs, dioxins and furans, and PAHs. It is currently not safe to eat one single meal of resident fish from this river. There are a number of communities affected by the contamination of this river, including industries, the neighborhoods, those who fish in the river, and those who use the river for recreation. The cleanup of this river is an issue of environmental justice. As the

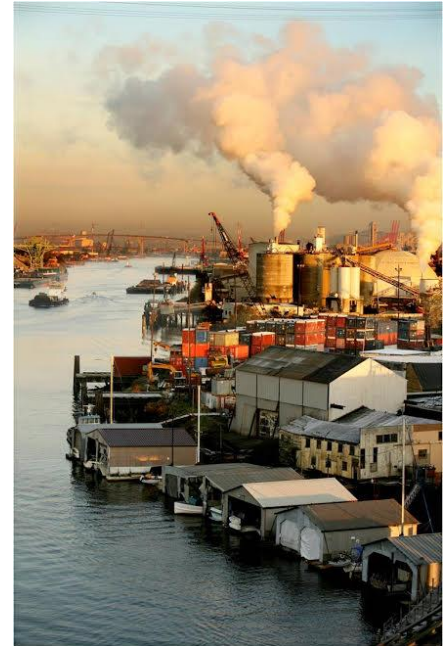
Without a fund to pay for the baseline testing and other steps of remedial design, EPA must delay activity until negotiations are complete and agreed orders are signed with potentially responsible parties. At this site, it is an estimated two years before this work can begin. This delay is an unnecessary burden on an already over-burdened community that wouldn't be necessary if there was once again a fund in Superfund.

Community Advisory Group for the cleanup of the river, the Duwamish River Cleanup Coalition/Technical Advisory Group works to ensure that the Duwamish River Superfund cleanup not only restores environmental health and protects fishers and families who use the river, but also reflects the priorities, values and will of the people who live and work in the region.

The four main potentially responsible parties that have worked with EPA since 2001 include the City of Seattle, King County, the Port of Seattle, and the Boeing Company. The number of potentially responsible parties is expected to grow to over 60. The EPA released the Record of Decision in December 2014 which includes an estimated cost of \$342

million. This final cleanup plan relies heavily on monitored natural recovery; active cleanup is estimated to take place between 2020 and 2027.

-James Rasmussen , Duwamish River Cleanup Coalition/Technical Advisory Group, Seattle, WA



APPENDIX A

Summary of NPL Sites in Each State⁷⁰⁻⁷²

	Final NPL Sites	Proposed NPL Sites	Deleted Sites	Total Sites
Alabama	13	2	2	17
Alaska	6	0	3	9
American Samoa	0	0	1	1
Arizona	9	0	3	12
Arkansas	9	0	8	17
California	97	1	13	111
Colorado	19	1	3	23
Connecticut	14	1	3	18
Delaware	13	1	7	21
Florida	53	1	26	80
Georgia	16	1	5	22
Guam	2	0	0	2
Hawaii	3	0	1	4
Idaho	6	3	3	12
Illinois	44	5	6	55
Indiana	38	1	10	49
Iowa	11	2	10	23
Kansas	12	1	5	18
Kentucky	13	0	7	20
Louisiana	11	4	12	27
Maine	13	0	3	16
Maryland	20	1	4	25
Massachusetts	32	1	6	39
Michigan	65	2	20	87
Minnesota	25	0	21	46
Mississippi	8	1	3	12
Missouri	33	0	5	38
Montana	16	3	0	19
Nebraska	15	1	1	17
Nevada	1	0	0	1
New Hampshire	20	1	1	22
New Jersey	113	2	35	150
New Mexico	15	1	4	20
New York	85	1	31	117
North Carolina	39	0	3	42
North Dakota	0	0	2	2
Northern Mariana Islands	0	0	1	1
Ohio	37	6	7	50
Oklahoma	7	1	7	15
Oregon	13	1	5	19

Pacific Island Trust Territories	0	0	1	1
Pennsylvania	95	2	30	127
Puerto Rico	16	0	6	22
Rhode Island	12	0	1	13
South Carolina	25	0	6	31
South Dakota	2	0	2	4
Tennessee	17	0	6	23
Texas	51	1	12	64
U.S. Virgin Islands	1	0	1	2
Utah	15	3	6	24
Vermont	12	0	2	14
Virginia	31	0	4	35
Washington	51	0	17	68
Washington DC	1	0	0	1
West Virginia	9	0	2	11
Wisconsin	37	1	7	45
Wyoming	2	0	1	3
Totals	1323	53	391	1767

Appendix B

How Superfund Works

Administered by the federal Environmental Protection Agency (EPA) in cooperation with state and tribal governments, Superfund provides broad authority for the government to respond to chemical emergencies and to clean up the worst contaminated sites in the country. Superfund was created because toxic dumps were causing human health risks, massive fish kills, wildlife destruction, air pollution, and drinking water contamination.⁷³

Congress passed the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as the “Superfund” law, in December 1980. This law directed EPA to respond to any release of toxic or hazardous substances that pose an imminent and substantial danger to public health. EPA can complete emergency removal actions to more quickly contain or remove toxic wastes at a site or conduct comprehensive removal actions to fully clean up a site. The worst of these sites are listed on the National Priority List (NPL), marking them as high priority contaminated sites that pose an imminent risk to human health.

In order to be listed on the NPL a toxic waste site must meet certain risk criteria. EPA determines whether a site meets these criteria using their Hazard Ranking System (HRS), an evaluation process that ranks sites based on their estimated threat to the public and the environment. In order to be listed on the NPL, a contaminated site must have an HRS score of 28.5 or above.⁷⁴ Additional factors that could affect a site’s listing include a health advisory issued by the Agency for Toxic Substances and Disease Registry (ATSDR) and nomination by the state government. Since 2000, all sites added to the NPL have had state support.

To pay for these cleanups, the Superfund law created a Trust Fund of approximately \$1.6 billion to be used when a polluter cannot be identified, is bankrupt, or refuses to take action.⁷⁵ The Superfund Trust Fund was financed by four fees and court awards from polluters responsible for hazardous releases. The financing enabled EPA to prevent future toxic disasters by quickly responding to toxic releases and then recovering expenses from the polluter. Under U.S. common law, polluter liability must be determined before any action can be taken. The advantage of Superfund is that it provides EPA with the money to address a health-threatening toxic site first and gives EPA the authority to sue the responsible party to recover its costs. As much as triple damages can be collected by EPA if they win their lawsuit.

Superfund was founded on the principle that those companies most closely associated with generating hazardous waste and creating toxic waste sites should bear the financial burden of cleaning them up. The Superfund Trust Fund monies have been used to clean up 30 percent of the sites, as well as fund enforcement, oversight and

other EPA program activities. Approximately 70 percent of Superfund sites are cleaned up by the companies responsible for the pollution.⁷⁶

EPA has three basic options to achieve a Superfund site cleanup: 1) conduct the cleanup itself and then seek to recover costs from the polluter(s); 2) use judicial or administrative proceedings to compel the polluter to fund the cleanup; and 3) reach a settlement agreement with the polluter that requires them to pay for the cleanup.⁷⁷

In 1986, Congress amended the Superfund program by approving the Superfund Amendments and Reauthorization Act (SARA) that strengthened the CERCLA law and increased the Trust Fund to \$8.5 billion. SARA prioritized the goal of permanent cleanup for Superfund sites, expanded agency investigations into toxic exposure-related human health problems, and provided technical assistance grants to encourage greater citizen participation in the site decision-making process.⁷⁸

EPA's Office of Solid Waste and Emergency Response oversees management of the program. The agency created three mechanisms to establish cleanup standards and procedures. The National Contingency Plan (NCP) provides procedures for EPA, the states, and polluting companies when conducting emergency removals and site cleanups. The Hazard Ranking System (HRS) is a numerically based screening system that evaluates and scores the environmental and health hazards of each site. The National Priorities List (NPL) identifies all Federal Superfund sites that are national priorities and will undergo investigations and cleanups, funded either by the polluter or the Trust Fund. The HRS score is the primary method for determining whether a site is placed on the NPL.⁷⁹

States often nominate sites for inclusion to the NPL. However, fearing the stigma of NPL sites, some states, corporations, and even local governments oppose NPL listings when their sites meet the NPL criteria. After 2002, EPA began allowing responsible parties to sign agreements to fund and oversee Superfund cleanups in exchange for agreeing not to list the site on the NPL. This is called the Superfund Alternative Approach (SAA). In order to qualify for an SAA agreement, a site must: 1) meet the criteria for an NPL listing, 2) require long-term remedial action, and 3) have a responsible party that is willing to complete the remedial work.⁸⁰ However, concern about limited community involvement and lack of sufficient EPA oversight has made SAA agreements a controversial issue.

Appendix C

Superfund's Financial Foundation: Polluter Pays Fees

When Congress enacted the Superfund law it established a series of fees for industries that use hazardous substances. Superfund is based on the principle that polluters, not taxpayers, should pay to clean up toxic waste sites. It embodies the old adage, “if you make a mess, you clean it up.” These fees initially funded the Superfund Trust Fund without financially burdening American taxpayers.

There were four fees, three of which were excise taxes on chemicals and petroleum, and one which was a special income tax on corporations. The fees were renewed in 1986 and 1992. Unfortunately, Congress failed to reauthorize them in 1995 and they were eliminated on December 31, 1995.⁸¹

The four fees generated about \$1.6 billion annually, which was allocated to the Superfund Trust Fund. The fund was used to pay for the cleanup of hazardous waste sites when the “responsible party” or polluter was bankrupt, unwilling to pay or could not be identified, as well as to pay for EPA’s administrative and legal expenses in running the program. Other monetary sources such as general revenues from annual Congressional appropriations and cost recoveries from polluters supplemented the fund.⁸² (See Appendix D)

Superfund Fees

The four fees were the financial backbone of the Superfund program for more than 20 years. They included assessments on crude oil, chemical feedstock, imported chemical derivatives and corporate environmental income.

Crude Oil Fee: This was a fee of 9.7 cents per barrel (or 23 cents per gallon) on domestic refineries based on the amount of crude oil they bought. It also applied to importers of refined petroleum products. This fee generated the largest revenue stream for the Superfund program.⁸³

Chemical Feedstock Fee: This was a fee on 42 toxic chemicals associated with dangerous substances at Superfund sites. It created a financial disincentive to use the chemicals, which resulted in an industry-wide reduction in the use of these substances. The manufacturer, producer or importer imposed the fee on the sale of a listed chemical. The fee ranged from \$0.22 per ton to \$4.87 per ton, based on the chemical, except for xylene, which was taxed at \$0.13 per ton.

Imported Chemical Derivative Fee: This fee was a complement to the feedstock fee to ensure that companies did not escape from paying the fee by importing chemicals that

were produced overseas. It taxed 113 imported chemical substances containing or using any of the 42 chemicals listed in the feedstock fee.⁸⁴

Corporate Environmental Income Fee: This fee was on the profits of large corporations at a rate of 0.12 percent on taxable profits in excess of \$2 million (or \$12 per \$10,000). Corporations in the manufacturing industrial sector (such as chemical and petroleum products) and the mining sector would pay about 41% of this fee. These same sectors are responsible for approximately 43% of all Superfund sites.⁸⁵

The Clinton Administration proposed Superfund reauthorization in 1995, as well as two new environmental fees on property and insurance companies.^{86,1} Unfortunately, under Presidents Clinton, Bush, and now Obama, the Superfund was never refinanced with polluter pays fees.

APPENDIX D^{87,88}

Superfund Budget History (in millions of dollars)

Fiscal Year	Superfund Appropriation	Trust Fund Share	General Revenue Share
1981	\$68	\$68	\$0
1982	\$190	\$190	\$0
1983	\$210	\$210	\$0
1984	\$410	\$410	\$0
1985	\$620	\$620	\$0
1986	\$261	\$261	\$0
1987	\$1,411	\$861	\$550
1988	\$1,128	\$889	\$239
1989	\$1,410	\$1,260	\$150
1990	\$1,575	\$1,575	\$0
1991	\$1,616	\$755	\$861
1992	\$1,615	\$1,381	\$234
1993	\$1,573	\$1,323	\$250
1994	\$1,497	\$1,247	\$250
1995	\$1,354	\$1,104	\$250
1996	\$1,313	\$1,063	\$250
1997	\$1,394	\$1,144	\$250
1998	\$1,500	\$1,250	\$250
1999	\$1,500	\$1,175	\$325
2000	\$1,400	\$700	\$700
2001	\$1,270	\$636	\$634
2002	\$1,270	\$635	\$635
2003	\$1,265	\$633	\$633
2004	\$1,258	0	\$1,258
2005	\$1,247	0	\$1,247
2006	\$1,381	0	\$1,381
2007	\$1,218	0	\$1,218
2008	\$1,217	0	\$1,217
2009	\$ 1,368*	0	\$ 1,368*
2010	\$ 1,370	0	\$ 1,370
2011	\$ 1,328	0	\$ 1,328
2012	\$ 1,225	0	\$ 1,225
2013	\$ 1,099	0	\$ 1,099

*not including \$639 from the American Recovery and Reinvestment Act

APPENDIX E⁸⁹

Summary of SAA Agreements by Location

STATE	SITES		TOTAL SITES
Alabama	Anniston PCB Site (Monsanto Co.)	Anniston, AL	1
Alaska	Alaska Railroad Anchorage Yard	Anchorage, AK	1
Arizona	Asarco Hayden Plant	Hayden, AZ	2
	Cyprus Tohono Mine	Casa Grande, AZ	
Florida	Brown's Dump	Jacksonville, FL	11
	Cascade Landfill	Tallahassee, FL	
	Cascade Park Gasification Plant	Tallahassee, FL	
	Coronet Industries	Plant City, FL	
	ITT-Thompson Industries, Inc.	Madison, FL	
	Jacksonville Ash Site	Jacksonville, FL	
	Nocatee Hull Creosote	Nocatee, FL	
	Orlando Gasification Plant	Orlando, FL	
	Sandford Gasification Plant	Sanford, FL	
	Solitron Devices Inc.	West Palm Beach, FL	
	Sprague Electric Company	Longwood, FL	
Illinois	Alcoa Properties	East St. Louis, IL	18
	Ellsworth Industrial Park	Downers Grove, IL	
	Evergreen Manor Ground Water Contamination	Winnebago County, IL	
	North Shore Gas (NSG) North Plant	Waukegan, IL	
	North Shore Gas South Plant	Waukegan, IL	
	Old American Zinc Plant	Fairmont City, IL	
	Ottawa Township Flat Glass Site	Naplate, IL	
	Peoples Gas Crawford Station Former MGP	Chicago, IL	
	Peoples Gas Hawthorne Avenue Former MGP	Chicago, IL	
	Peoples Gas Hough Place Station Former MGP	Chicago, IL	
	Peoples Gas Light & Coke – 22 nd St.	Chicago, IL	
	Peoples Gas Light & Coke – Division St.	Chicago, IL	
	Peoples Gas Light & Coke North Station	Chicago, IL	
	Peoples Gas Light & Coke Willow St. Station	Chicago, IL	
	Peoples Gas North Shore Avenue Station Former MGP	Chicago, IL	
	Peoples Gas Pitney Court Former MGP	Chicago, IL	
	Peoples Gas South Station Former MGP	Chicago, IL	
	Peoples Gas Throop St. Former MGP	Chicago, IL	
Indiana	Town of Pines Groundwater Plume	Town of Pines, IN	1
Iowa	Iowa City Former Manufactured Gas Plant	Iowa City, IA	1
Louisiana	Highway 71/72 Refinery	Bossier City, LA	1
Maryland	68 th Street Dump/Industrial Enterprises	Rosendale, MD	1
Michigan	Tittabawassee River, Saginaw River & Bay	Midland, MI	1

Nevada	Rio Tinto Copper Mine	Mountain City, NV	1
North Carolina	Ecusta Mill	Pisgah Forest, NC	4
	Gurley Pesticide Burial	Selma, NC	
	Holtra Chem/Honeywell Inc.	Riegelwood, NC	
	Weyerhaeuser Co. Plymouth Wood Treating Plant	Plymouth, NC	
Ohio	Armco Incorporatoin-Hamilton Plant	Hamilton, OH	5
	Chemical Recovery	Elyria, OH	
	Ford Road Industrial Landfill	Elyria, OH	
	South Dayton Dump & Landfill	Moraine, OH	
	Tremont City Barrel Fill	German Township, OH	
Pennsylvania	Foster Wheeler Energy Corporation/Church Road TCE	Mountain Top, PA	1
South Carolina	Admiral Home Appliances	Williston, SC	3
	Henry's Knob	Clover, SC	
	Lyman Dyeing and Finishing	Lyman, SC	
Tennessee	Copper Basin Mining District	Copperhill, TN	4
	Illinois Central Railroad Company's Johnston Yard Superfund Site	Memphis, TN	
	National Fireworks	Cordova, TN	
	Sixty One Industrial Park	Memphis, TN	
Utah	Kennecott (South Zone)	Copperton, UT	1
Washington	Boeing Company Tulalip Test Site	Marysville, WA	1
Wisconsin	Burnham Canal – Miller Compressing Co.	Milwaukee, WI	10
	Cedar Creek	Cedarburg, WI	
	Solvay Coke and Gas Company	Milwaukee, WI	
	WPSC Camp Marina MGP	Sheboygan, WI	
	WPSC Green Bay MGP	Green Bay, WI	
	WPSC Manitowoc MGP	Manitowoc, WI	
	WPSC Marinette MGP	Marinette, WI	
	WPSC Oshkosh MGP	Oshkosh, WI	
	WPSC Stevens Point	Stevens Point, WI	
	WPSC Two Rivers MGP	Two Rivers, WI	
TOTAL			68

References

1. U.S. Environmental Protection Agency (EPA 2015). Superfund Remedial Annual Accomplishments. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/superfund-remedial-annual-accomplishments#cleaning2014>.
2. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>
3. U.S. Environmental Protection Agency (EPA 2015a). Superfund Site Assessment Process. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/superfund-site-assessment-process>.
4. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>
5. U.S. Environmental Protection Agency (EPA 2008) Superfund Accomplishments and Performance Measures, Construction Completed Sites. Available on-line at <http://www.epa.gov/superfund/accomplishments.htm>.
6. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>
7. U.S. Environmental Protection Agency (EPA 2000) *Superfund: 20 Years of Protecting Human Health and the Environment*, USEPA Office of Solid Waste and Emergency Response 5204G, December 11. Available on-line at <http://www.epa.gov/superfund/> ... [Search: Sep- Oct 2008].
8. Congressional Research Service (CRS 2008) *Superfund Taxes or General Revenue: Future Funding Issues for the Superfund Program*, Congressional Research Service Report to Congress, Order Code RL-31410, Update February 4.
9. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>
10. IBID.
11. U.S. Environmental Protection Agency (EPA 2015b). Superfund Remedial Performance Measures. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/superfund-remedial-performance-measures>.
12. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>13.
13. IBID

-
14. Tinsley, N., Inspector General, U.S. EPA (2002). "Statement before the Subcommittee on Superfund, Toxics, Risk, and Waste Management." July 31. Available on-line at http://epw.senate.gov/107th/Tinsley_073102.htm.
15. U.S. EPA Office of the Inspector General (OIG 2004) *Congressional Request on Funding Needs for Non-Federal Superfund Sites*, Report 2004-P-00001, January.
16. IBID
17. Congressional Research Service (CRS 2008) *Superfund Taxes or General Revenue: Future Funding Issues for the Superfund Program*, Congressional Research Service Report to Congress, Order Code RL-31410, Update February 4.
18. Dingle, J. (2004) Letter to the Honorable Michael O. Leavitt, Administrator of the USEPA, August 13.
19. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>.
20. IBID
21. U.S. Environmental Protection Agency (EPA 2015c). Remedial Annual Accomplishments: Fact Sheets; Unfunded Sites. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/remedial-annual-accomplishments-fact-sheets>.
22. U.S. Environmental Protection Agency (EPA 2015d). Superfund Remedial Annual Accomplishments years. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/superfund-remedial-annual-accomplishments#unfunded2014>
23. IBID
24. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>.
25. Sapien, Joaquin (2007) "Superfund Today: Massive undertaking to cleanup hazardous waste sites has lost both momentum and funding," Center for Public Integrity, April 26.
26. IBID
27. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>.
28. IBID
29. U.S. General Accounting Office (GAO 2008), *Superfund: Funding and reported Costs of Enforcement and Administration Activities*, GAO Report Number GAO-08-841R, Washington, DC. July 18.
30. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>.

-
31. Congressional Research Service (CRS 2008) *Superfund Taxes or General Revenue: Future Funding Issues for the Superfund Program*, Congressional Research Service Report to Congress, Order Code RL-31410, Update February 4.
32. U.S. Environmental Protection Agency (EPA 2000) *Superfund: 20 Years of Protecting Human Health and the Environment*, USEPA Office of Solid Waste and Emergency Response 5204G, December 11. Available on-line at <http://www.epa.gov/superfund/> ... [Search: Sep- Oct 2008].
33. Sierra Club (SC 2004) *Communities at Risk: How the Bush Administration Failed to Protect People's Health at Superfund Sites*. Sierra Club, Washington, DC. Available at <http://vault.sierraclub.org/toxics/superfund/report04/report.pdf>
34. Office of the President-Elect: The Obama-Biden Plan. Available at http://change.gov/agenda/urbanpolicy_agenda/
35. Barack Obama and Joe Biden: Promoting a Healthy Environment. Fact Sheet (9 pages). Available at http://energy.gov/sites/prod/files/edg/media/Obama_Cap_and_Trade_0512.pdf
36. Barack Obama and Joe Biden: Supporting Urban Prosperity. Fact Sheet (12 pages). Available at <http://blatantreality.com/wp-content/uploads/2009/05/urbanfactsheet.pdf>
37. Report Card: Campaign Promises. Available at <http://www.obama44reportcard.com/articleResourceIndex.php?articleResourceSubcategoryKey=53>
38. Taylor, David (2011) "No Sign of Action from Congress," Politifact, The Obameter: Restore Superfund program so that polluters pay for cleanups, July 1, 12:34 pm. Available at <http://www.politifact.com/truth-o-meter/promises/obameter/promise/318/restore-superfund-program-so-that-polluters-pay-fo/>
39. Jacobson, Louis (2011) "Lawmakers offer bills to revive tax that benefits Superfund," Politifact, The Obameter: Restore Superfund program so that polluters pay for cleanups, July 1, 12:34 pm. Available at <http://www.politifact.com/truth-o-meter/promises/obameter/promise/318/restore-superfund-program-so-that-polluters-pay-fo/>
40. S. 2679 (113th): Superfund Polluter Pays Restoration Act of 2014. Available at <https://www.govtrack.us/congress/bills/113/s2679>
41. H.R.1596: Superfund Reinvestment Act. Available at <https://www.congress.gov/bill/112th-congress/house-bill/1596>
42. H.R. 2768: Superfund Reinvestment Act. Available at <https://www.govtrack.us/congress/bills/114/hr2768>
43. Virjee, Braunson (2011) *Stimulating the Future of Superfund: Why the American Recovery and Reinvestment Act Calls for Reinstatement of the Superfund Tax to Polluted Sites in Urban Environments, Sustainable Development Law & Policy*. Available at <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1449&context=sdlp>
44. H.R.4100 - To require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri. Available at <https://www.congress.gov/bill/114th-congress/house-bill/4100>
45. "Comments on Isolation Barrier Alternatives Analysis West Lake Landfill, dated October 10, 2014," correspondence from Aaron Schmidt, Deputy Department Director Missouri Department of Natural Resources to Lynn Slugantz, USEPA Region 7, Office of the Administrator, November 24, 2014.

Available at

<http://dnr.mo.gov/env/swmp/facilities/docs/commentsisolationbarrierlaternativesanalysis112414.pdf>

46. Overview of Bridgeton Sanitary Landfill - West Lake Landfill, Missouri Department of Natural Resources, Available at <http://dnr.mo.gov/bridgeton/bridgeton-westlake.htm>

47. LaCapra, Veronique, "EPA Analysis: Neighbors could be at risk if landfill fire reaches radioactive waste in Bridgeton, St. Louis Public Radio, March 31, 2014. Available at <http://news.stlpublicradio.org/post/epa-analysis-neighbors-could-be-risk-if-landfill-fire-reaches-radioactive-waste-bridgeton>

48. AG Koster releases new expert reports concluding that radiation and other pollutants have migrated off-site at Bridgeton Landfill. September 3, 2105. Available at <https://www.ago.mo.gov/home/ag-koster-releases-new-expert-reports-concluding-radiation-and-other-pollutants-have-migrated-off-site-at-bridgeton-landfill>

49. Analysis of cancer incidence data in Eight ZIP code areas around Coldwater Creek 1996-2011. Missouri Department of Health and Senior Services and Missouri Cancer Registry and Research Center. Available at <http://health.mo.gov/living/healthcondiseases/chronic/cancerinquiry/pdf/ccanalysisSept2014.pdf>

50. Bernhard, Blythe, "School Districts prepare for West Lake emergency," St. Louis Dispatch, October 12, 2015. Available at http://www.stltoday.com/news/local/metro/school-districts-prepare-for-west-lake-landfill-emergency/article_a6effa70-f92b-584c-8a7c-cb59d85a6b38.html

51. H.R.4100 - To require the Secretary of the Army, acting through the Chief of Engineers, to undertake remediation oversight of the West Lake Landfill located in Bridgeton, Missouri. Available at <https://www.congress.gov/bill/114th-congress/house-bill/4100>

52. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

53. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

54. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

55. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

56. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

57. IBID

58. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

59. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

60. IBID

61. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

62. IBID

63. IBID

64. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

65. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

66. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

67. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

68. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.

69. U.S. Government Accountability Office (GAO 2013), *Superfund: TEPA Should Take Steps to Improve Its Management of Alternatives to Placing Sites on the National Priorities List*. GAO Report Number GAO-13-252. Available online at <http://www.gao.gov/assets/660/653646.pdf>

70. U.S. Environmental Protection Agency. Superfund Proposed National Priorities List (NPL) Sites – by State. Updated November 20, 2015. Available online at <http://www2.epa.gov/superfund/proposed-national-priorities-list-npl-sites-state>

71. U.S. Environmental Protection Agency. Superfund Deleted National Priorities List (NPL) Sites – by State. Updated November 20, 2015. Available online at <http://www2.epa.gov/superfund/deleted-national-priorities-list-npl-sites-state#AK>

72. U.S. Environmental Protection Agency. Superfund National Priorities List (NPL) Sites – by State. Updated December 1, 2015. Available online at <http://www2.epa.gov/superfund/national-priorities-list-npl-sites-state>

73. US Environmental Protection Agency (EPA 2000) *Superfund: 20 Years of Protecting Human Health and the Environment*, USEPA Office of Solid Waste and Emergency Response 5204G, December 11. Available on-line at <http://www.epa.gov/superfund/> ... [Search: Sep- Oct 2008].

74. U.S. Environmental Protection Agency (EPA 2015a). Superfund Site Assessment Process. Accessed December 4, 2015 at <http://www2.epa.gov/superfund/superfund-site-assessment-process>.

-
75. US Environmental Protection Agency (EPA 2000) *Superfund: 20 Years of Protecting Human Health and the Environment*, USEPA Office of Solid Waste and Emergency Response 5204G, December 11. Available on-line at <http://www.epa.gov/superfund/> ... [Search: Sep- Oct 2008].
76. EPA, *Questions & Answers Regarding September 24, 2004 NPL Rulemaking*, Superfund U.S. EPA. http://www.epa.gov/superfund/news/npl_092304qa.htm.
77. US Environmental Protection Agency (EPA 2000) *Superfund: 20 Years of Protecting Human Health and the Environment*, USEPA Office of Solid Waste and Emergency Response 5204G, December 11. Available on-line at <http://www.epa.gov/superfund/> ... [Search: Sep- Oct 2008].
78. IBID
79. IBID
80. U.S. Environmental Protection Agency (EPA 2012). *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*. September 28, 2012.
81. U.S. EPA, Statement of Carol M. Browner, Superfund, US EPA, 1999. Available at <http://www.epa.gov/superfund/25anniversary.htm>
82. Salvatore Lazzari. CRS Report for Congress: Taxes to Finance Superfund, September 13, 1996. CRS 96-774.
83. IBID
84. IBID
85. Safe From Toxics, A Project of the State PIRGS and State Environment Groups, Superfund Polluter Pay Taxes, 2005. www.safefromtoxics.org/toxicwaste.asp?id2=6139.
86. Salvatore Lazzari. CRS Report for Congress: Taxes to Finance Superfund, September 13, 1996. CRS 96-774.
87. U.S. Government Accountability Office (GAO 2015), *Superfund: Trends in Federal Funding and Cleanup of EPA's Nonfederal National Priorities List Sites*. GAO Report Number GAO-15-812. Available online at <http://www.gao.gov/assets/680/673051.pdf>
88. U.S. Environmental Protection Agency (EPA 2008) Superfund Accomplishments and Performance Measures, Construction Completed Sites. Available on-line at <http://www.epa.gov/superfund/accomplishments.htm>.
89. U.S. Environmental Protection Agency. Number of Superfund Alternative Sites. Available at <http://www2.epa.gov/superfund/search-superfund-sites-where-you-live>.