

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OCT - 5 2006

THE ADMINISTRATOR

The Honorable Dennis Hastert Speaker of the House of Representatives Washington, DC 20515

Dear Mr. Speaker:

I am pleased to submit the FY 2005 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

If you have any questions or comments regarding the report, please contact Assistant Administrator Susan Bodine, Office of Solid Waste and Emergency Response, or your staff may contact Carolyn Levine in the Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely, Stephen I

Enclosure



OCT - 5 2006

THE ADMINISTRATOR

The Honorable Richard B. Cheney President of the Senate Washington, DC 20510

Dear Mr. President:

I am pleased to submit the FY 2005 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

If you have any questions or comments regarding the report, please contact Assistant Administrator Susan Bodine, Office of Solid Waste and Emergency Response, or your staff may contact Carolyn Levine in the Office of Congressional and Intergovernmental Relations at 202-564-1859.

Sincerely, tephen L

Enclosure

FY 2005 REPORT TO CONGRESS SUPERFUND FIVE-YEAR REVIEWS

PURPOSE:

The U.S. Environmental Protection Agency (EPA) is responsible for reviewing Superfund remedial actions at least every five years where hazardous substances, pollutants, or contaminants will remain on site above levels that allow for unlimited use and unrestricted exposure. EPA is also responsible for preparing a report to Congress on these reviews.

BACKGROUND:

Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, states:

"If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each 5 years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented. In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section 9604 or 9606 of the Title, the President shall take or require such action."

CERCLA also requires that EPA report to Congress information regarding these sites for which the reviews are required. This report provides a list of sites, information about sites where additional work is required, and contacts for additional information.

FINDINGS:

The attached table presents a list of statutory five-year reviews for non-Federal sites and NPL Federal facility sites, including the following:

- Reviews due in FY 2005, currently completed;
- Reviews due in prior or later fiscal years, but completed in FY 2005;
- Reviews due in FY 2005, still pending; and
- Reviews due in prior fiscal years, still pending.

For non-Federal sites, a total of 163 sites required five-year reviews in FY 2005. 162 reviews were completed for 161 of the 163 sites requiring reviews. Another 13 reviews, due in other fiscal years, also were completed, bringing the total number of non-Federal site five-year reviews completed to 175. For Federal facility sites, a total of 24 sites required five-year reviews in FY 2005. Reviews for 22 of the 24 sites requiring reviews were completed. Another ten reviews that were due at nine sites in other fiscal years also were completed, bringing the total number of Federal facility five-year reviews completed to 32.

In all, the total number of five-year reviews completed for both non-Federal and Federal facility sites was 207. The remedies at 15 of these sites (or portions of the sites) required additional work or additional study. For these sites, implementation of the recommendations in the five-year review reports are underway.

For FY 2005, two Federal facility five-year reviews remain pending. The Federal Agencies responsible for producing the five-year review report are aware that these reports are due and are working to complete them. Five-year reviews at two non-Federal facility sites also are pending. In addition, two five-year reviews (one Federal facility site and one non-Federal facility) that were due in fiscal years prior to FY 2005 remain pending. EPA expects that these six reviews will be completed in the near future.

The five-year reviews contained in this report are publicly available. Additional information for any five-year reviews identified in this report can be obtained by contacting the Office of Superfund Remediation and Technology Innovation at (703) 603-8960, or the Superfund Call Center at (703) 412-9810 or (800) 424-9346. Copies of all five-year review reports also are available on the national Superfund web page (http://cfpub.epa.gov/fiveyear/).

.

		Federa			
Region	Cite No.	Facility	Year	Date	Protectiveness
		(*)	Due	Completed	Statement ¹
01	BRUNSWICK NAVAL AIR STATION	*	2005	9/29/05	Short-Term Protective
01	BURGESS BROTHERS LANDFILL		2005		Short-Term Protective
01	CANNON ENGINEERING CORP. (CEC)		2005		Will Be Protective
01	CHARLES-GEORGE RECLAMATION TRUST		2005	6/28/05	Short-Term Protective
01	FORT DEVENS	*	2005	9/29/05	Protectiveness Deferr
01	LORING AIR FORCE BASE	*	2005	9/1/05	Protective
01	NEW BEDFORD		2004	9/30/05	Will Be Protective
	NEWPORT NAVAL EDUCATION & TRAINING CENTER	*	2005	12/22/04	Will Be Protective
01	NORWOOD PCBS		2005	12/29/04	Protective
01	OLD SOUTHINGTON LANDFILL		2005	9/13/05	Will Be Protective
	PINETTE'S SALVAGE YARD		2005	9/27/05	Protective
	PSC RESOURCES		2005	9/29/05	Will Be Protective
01	RAYMARK INDUSTRIES, INC. (OU 1)		2005	9/30/05	Protective
01	SACO MUNICIPAL LANDFILL		2005		Protective
01	SOMERSWORTH SANITARY LANDFILL		2005	9/30/05	Short-Term Protective
<u>02 </u>	ASBESTOS DUMP		2005	<u>9/19/05</u>	Protective
	ASBESTOS DUMP		2005		Protective
	BARCELONETA LANDFILL		2005	<u> </u>	
02	BATAVIA LANDFILL		2005	9/16/05	Short-Term Protective Protective
02	BROOKHAVEN NATIONAL LABORATORY	*	2005	Pending	
02 (CHEMSOL, INC.		2005		Short-Torm Drate at
	COLESVILLE MUNICIPAL LANDFILL		2005		Short-Term Protective
02	MC CORP. (DUBLIN ROAD LANDFILL)		2005	9/28/05	Short-Term Protective
02 F	FORT DIX (LANDFILL SITE)	*	2005		Short-Term Protective
n_{2}	GENERAL MOTORS (CENTRAL FOUNDRY DIVISION)		2004		Protectiveness Deferre Will Be Protective
	GRIFFISS AIR FORCE BASE (11 AREAS)	*	2007		
02 H	HERTEL LANDFILL		2007		Will Be Protective
T	MPERIAL OIL CO., INC./CHAMPION			0/13/03	Protective
	CHEMICALS ACKSON TOWNSHIP LANDFILL		2005		Will Be Protective
	IS LANDFILL	<u> </u>	2004		Short-Term Protective
	I TUNGSTEN CORP.		2005		Will Be Protective
	10000000000000000000000000000000000000		2005		Will Be Protective
	LATTSBURGH AIR FORCE BASE	*	2005		Protective
	ULVERIZING SERVICES		2004		Protective
	AMAPO LANDFILL		2005	5/16/05	Will Be Protective
	OEBLING STEEL CO.		2005		Protective
	OLNEY MUNICIPAL LANDFILL		2005		Will Be Protective
	ORK OIL CO.		2005		Short-Term Protective
)3 A	RROWHEAD ASSOCIATES, INC./SCOVILL		2005 2007		Protective
				J/21/05	Short-Term Protective
	ALLY GROUND WATER CONTAMINATION		2005		Not Protective
	ERKLEY PRODUCTS CO. DUMP		2005		Short-Term Protective
)3 B	ERKS LANDFILL		2005		Short-Term Protective

.

.

		Federa		1	1
Region	Cite Name	Facility	Year	Date	Protectiveness
		(*)	Due	Completed	Statement ¹
<u>03</u> 03	BUSH VALLEY LANDFILL		2005	9/22/05	Short-Term Protective
03	DELAWARE SAND & GRAVEL LANDFILL		2004	9/21/05	Short-Term Protective
03	E.I. DU PONT DE NEMOURS & CO., INC.		1		
	(NEWPORT PIGMENT PLANT LANDFILL)		2005	3/31/05	Short-Term Protective
03	FIRST PIEDMONT CORP. ROCK QUARRY		2004		
	(ROUTE 719)		2004	2/3/05	Short-Term Protective
03	HAVERTOWN PCP		2005	8/19/05	Short-Term Protective
03	HELLERTOWN MANUFACTURING CO.		2005	4/29/05	Short-Term Protective
03	HUNTERSTOWN ROAD		2005	9/13/05	Will Be Protective
03	KANE & LOMBARD STREET DRUMS		2005	4/29/05	Will Be Protective
03	KEYSTONE SANITATION LANDFILL		2005	9/21/05	Short-Term Protective
03	LANGLEY AIR FORCE BASE/NASA LANGLEY	*			
	RESEARCH CENTER	.1.	2004	Pending	
	L.A. CLARKE & SON		2004	9/29/05	Short-Term Protective
	MALVERN TCE		2005	9/21/05	Short-Term Protective
03	MODERN SANITATION LANDFILL		2005	3/4/05	Protective
03	MW MANUFACTURING		2005	8/23/05	Short-Term Protective
03	NCR CORP. (MILLSBORO PLANT)		2005	6/28/05	Short-Term Protective
03	NOVAK SANITARY LANDFILL		2005	3/23/06	Short-Term Protective
	OSBORNE LANDFILL		2005	9/8/05	Protective
	PUBLICKER INDUSTRIES INC.		2005		Protective
	RESIN DISPOSAL		2005		Protective
	STRASBURG LANDFILL		2005	2/2/05	Protective
03	SUSSEX COUNTY LANDFILL NO. 5		2005	the second s	Protective
03 (J.S. TITANIUM		2005		Short-Term Protective
03	WEST VIRGINIA ORDNANCE (USARMY)	*	2005		Will Be Protective
03 \	WHITMOYER LABORATORIES		2005		Short-Term Protective
03 \	WOODLAWN COUNTY LANDFILL		2005		Short-Term Protective
04 /	AGRICO CHEMICAL CO.		2005		Protective
04	AMERICAN CREOSOTE WORKS, INC.				
(JACKSON PLANT)		2005	7/21/04	Protective
	ANNISTON ARMY DEPOT (SOUTHEAST	*	2004		
	NDUSTRIAL AREA)	Ť	2004	11/4/04	Not Protective
04 0	CAMP LEJEUNE MILITARY RES. (USNAVY)	*	2005	3/24/05	Protective
	DAVIS PARK ROAD TCE		2005		Protective
<u>04</u> +	ELENA CHEMICAL CO. (TAMPA PLANT)		2005		Short-Term Protective
<u>04</u> ⊢	IOMESTEAD AIR FORCE BASE	*	2002		Protective
<u>04</u> H	IOMESTEAD AIR FORCE BASE	*	2003		Protective
<u>04 II</u>	NTERSTATE LEAD CO. (ILCO)		2005	Pending	
04 M	ADISON COUNTY SANITARY LANDFILL		2005		Protective
<u>04 M</u>	ILAN ARMY AMMUNITION PLANT	*	2006		Will Be Protective
04 N	ORTH HOLLYWOOD DUMP		2005		Short-Term Protective
04 N	ORTHWEST 58TH STREET LANDFILL		2006		Protective
<u>04 O</u>	LIN CORP. (MCINTOSH PLANT)		2005		Protective
	ARRIS ISLAND MARINE CORPS RECRUIT				
D	EPOT	-,* 	2005	9/19/05	Short-Term Protective
<u>04 Pl</u>	EAK OIL CO./BAY DRUM CO.		2005	9/23/05	Short-Term Protective

~~ ~~ ~

-

_____T

.

Г

		Federal Facility			Drote eti
Region	Site Name	(*)	Due		Protectiveness
04	PETROLEUM PRODUCTS CORP.				
04	PIONEER SAND CO.	ļ	2005		Protective
	SANGAMO WESTON, INC./TWELVE-MILE		2005	12/13/04	Protective
04	CREEK/LAKE HARTWELL PCB CONTAMINATION		2004		Short-Term Protective
04	SHERWOOD MEDICAL INDUSTRIES		-		
04	STANDARD AUTO BUMPER CORP.		2005	1 1 1	
04	STAUFFER CHEMICAL CO (TAMPA)		2005		Protective
	STAUFFER CHEMICAL CO. (COLD CREEK		2004	9/30/05	Not Protective
	PLANT) STAUFFER CHEMICAL CO. (LEMOYNE		2005	12/21/05	Will Be Protective
	PLANT)		2005	12/21/05	Will Be Protective
(T.H. AGRICULTURE & NUTRITION CO. (ALBANY PLANT)		2005	1/31/06	Short-Term Protective
04 -	TRIANA/TENNESSEE RIVER		2004	2/25/05	Protective
04 1	USN AIR STATION CECIL FIELD	*	2006		Protective
04	WHITING FIELD NAVAL AIR STATION	*	2005	6/14/06	Protective
04	WINGATE ROAD MUNICIPAL INCINERATOR		2005		Protective
04	ELLOW WATER ROAD DUMP		2005	9/23/05	Protective
<u>05</u> /	ADAM'S PLATING		2005		Short-Term Protective
05 A	AMOCO CHEMICALS (JOLIET LANDFILL)		2005		Will Be Protective
05 E	BELVIDERE MUNICIPAL LANDFILL		2005		Protective
05 E Z	BETTER BRITE PLATING CO. CHROME AND		2005		
	CHEM CENTRAL		2005	11/16/04	Short-Term Protective
05 C	CITY DISPOSAL CORP. LANDFILL		2005	2/23/05	Short-Term Protective
05 C	COLUMBUS OLD MUNICIPAL LANDFILL #1		2005	9/23/05	Short-Term Protective
05 C	ROSS BROTHERS PAIL RECYCLING PEMBROKE)		2005		Protective
05 D	UELL & GARDNER LANDFILL		2005	9/2/05	Short-Term Protective
05 G	ALEN MYERS DUMP/DRUM SALVAGE		2005		Protectiveness Deferred
05 G	ALESBURG/KOPPERS CO.		2005		Protective Protective
05 H	.O.D. LANDFILL		2005		Short-Term Protective
05 H	I-MILL MANUFACTURING CO.		2005		Not Protective
<u>05 IC</u>	ONIA CITY LANDFILL		2005		Protectiveness Deferred
	ENTWOOD LANDFILL		2005		Protective
	YSOR INDUSTRIAL CORP		2005		Short-Term Protective
05 L/	AKELAND DISPOSAL SERVICE, INC.		2005		Short-Term Protective
<u>05 LE</u>	EMBERGER LANDFILL, INC.		2005		Short-Term Protective
05 LE	EMBERGER TRANSPORT & RECYCLING		2005		Short-Term Protective
<u>05 Le</u>	EMON LANE LANDFILL		2005		Will Be Protective
05 M	ARION (BRAGG) DUMP		2005		Short-Term Protective
05 M	ASTER DISPOSAL SERVICE LANDFILL		2005		Protectiveness Deferred
05 M	IAMI COUNTY INCINERATOR		2005		Protectiveness Deferred
05 M	ICHIGAN DISPOSAL SERVICE (CORK IREET LANDFILL)				Short-Term Protective

and the borney for addition or specific

.

.

		Federa			
Region	Site Name	Facility		Date	Protectiveness
05		(*)	Due	Completed	
05	NORTHERN ENGRAVING CO.		2005		Short-Term Protective
05	NORTHERNAIRE PLATING		2005	9/2/05	Short-Term Protective
05	PENTA WOOD PRODUCTS		2005		Short-Term Protective
05		·	2005		Will Be Protective
05	PETOSKEY MUNICIPAL WELL FIELD RASMUSSEN'S DUMP		2005		Short-Term Protective
	REILLY TAR & CHEMICAL CORP. (DOVER		2005	8/25/05	Short-Term Protective
05	PLANT)		2005	6/7/05	Short-Term Protective
05	REILLY TAR & CHEMICAL CORP. (INDIANAPOLIS PLANT)		2005	6/5/05	Protective
05	SAUK COUNTY LANDFILL		2005	8/19/05	Drotoctivo
05	SCA INDEPENDENT LANDFILL	<u> </u>	2005	5/13/05	Protective
05	SOUTHSIDE SANITARY LANDFILL	t	2005	9/20/05	Will Be Protective
05	SPICKLER LANDFILL		2005	9/20/05	Protective
05	THERMO-CHEM, INC.		2005	<u>9/2//05</u> 5/10/05	Short-Term Protective
05	TIPPECANOE SANITARY LANDFILL, INC.		2005		Short-Term Protective
05	TOMAH MUNICIPAL SANITARY LANDFILL		2005	9/30/05	Short-Term Protective
05	U.S. AVIEX			4/20/05	Short-Term Protective
	WAITE PARK WELLS		2005	12/3/04	Short-Term Protective
	WINDOM DUMP		2005	6/1/05	Short-Term Protective
	WRIGHT-PATTERSON AIR FORCE BASE	*	2005	2/23/05	Protective
	AMERICAN CREOSOTE WORKS, INC.	<u>^</u>	2005	12/9/05	Protective
<u> </u>	(WINNFIELD PLANT)		2005	9/18/05	Short-Term Protective
06	BAILEY WASTE DISPOSAL		2005	9/28/05	Protective
06	CAL WEST METALS (USSBA)	*	2005		Protective
06	CRYSTAL CHEMICAL CO.		2005		Protective
06	JACKSONVILLE MUNICIPAL LANDFILL		2005		Protective
06	MOSLEY ROAD SANITARY LANDFILL		2005		
06	PESSES CHEMICAL CO.		2005		Short-Term Protective
	PREWITT ABANDONED REFINERY		2005		Short-Term Protective
06	ROGERS ROAD MUNICIPAL LANDFILL		2005		Short-Term Protective
06	RSR CORPORATION				Protective
	SAND SPRINGS PETROCHEMICAL COMPLEX		2005		Short-Term Protective
	SOUTH VALLEY		2005		Protective
_	OUTHERN SHIPBUILDING		2005	9/28/05	Will Be Protective
	EX-TIN CORP.		2005	9/28/05	Protectiveness Deferred
Г	INKER AIR FORCE BASE (SOLDIER		2008	9/29/05	Short-Term Protective
	REEK/BUILDING 3001)	*	2007		Will Be Protective
06 L	JNITED CREOSOTING CO.		2005	9/23/05	Protective
07 1	OTH STREET SITE		2005		
07 2	9TH & MEAD GROUND WATER				Short-Term Protective
			2005	9/29/05	Protective
	HEROKEE COUNTY		2005	9/30/05 F	Protective
$\frac{27}{2}$	ONSERVATION CHEMICAL CO.		2005	Pending	
<u>27 D</u>	OEPKE DISPOSAL (HOLLIDAY)				Protective
)7 F	INDETT CORP.				Protective

why has an other

-

		Federa		1	
Region	Cite Manual	Facility	Year	Date	Protectiveness
		(*)	Due	Complete	d Statement ¹
0707	FULBRIGHT LANDFILL		2005	9/22/05	
07	IOWA ARMY AMMUNITION PLANT	*	2005		
			2005		
07	LAKE CITY ARMY AMMUNITION PLANT (NORTHWEST LAGOON)	*	2005	9/7/05	Short-Term Protective
07	LAWRENCE TODTZ FARM		2005	9/28/05	Short-Term Protective
07	OBEE ROAD		2005	9/21/05	Protective
07	PEOPLES NATURAL GAS CO.		2005		Short-Term Protective
07	SHAW AVENUE DUMP		2005		Protective
07	SHELLER-GLOBE CORP. DISPOSAL		2005	9/1/05	Protective
07	WELDON SPRING FORMER ARMY	*			
	ORDNANCE WORKS	*	2003	3/21/05	Protective
08	ANACONDA CO. SMELTER		2005	9/29/05	Protective
	EAGLE MINE		2005	9/27/05	Protective
08	ELLSWORTH AIR FORCE BASE	*	2005	9/30/05	Protective
08	F.E. WARREN AIR FORCE BASE	*	2005	2/3/05	Protective
08	IDAHO POLE CO.		2005	9/29/05	Protective
08	JACOBS SMELTER		2005		Protective
08	LIBBY GROUND WATER CONTAMINATION		2005	3/31/05	Protective
08	SAND CREEK INDUSTRIAL		2005	9/28/05	Protective
08	SILVER BOW CREEK/BUTTE AREA		2005		Protective
	SMELTERTOWN SITE		2005	9/28/05	Protective
	SUMMITVILLE MINE		2005	9/27/05	Protective
08	JRAVAN URANIUM PROJECT (UNION				FIOLECLIVE
	CARBIDE CORP.)		2005	9/28/05	Protective
	DEL AMO		2004	9/22/05	Will Be Protective
09 [DEL NORTE PESTICIDE STORAGE		2005		Short-Term Protective
<u>09</u> [F	RESNO MUNICIPAL SANITARY LANDFILL		2005		Protectiveness Deferred
<u>09</u> J	.H. BAXTER & CO.		2005		Short-Term Protective
09 L	IQUID GOLD OIL CORP.		2005		Short-Term Protective
09 L	ORENTZ BARREL & DRUM CO.		2005		Short-Term Protective
na IN	ATHER AIR FORCE BASE (AC&W DISPOSAL ITE)	*	2005		Short-Term Protective
09 M	OUNTAIN VIEW MOBILE HOME ESTATES		2005	0/29/05	Droto chi ve
09 N	INETEENTH AVENUE LANDFILL		2005		Protective Short Torm Droto still
	PERATING INDUSTRIES, INC., LANDFILL		2005		Short-Term Protective
09 P	HOENIX-GOODYEAR AIRPORT AREA		2005		Short-Term Protective Protective
ng P	HOENIX-GOODYEAR AIRPORT AREA		1998	Pending	
	OUTH BAY ASBESTOS AREA	 	2005		
ng S	OUTHERN CALIFORNIA EDISON CO. /ISALIA POLEYARD)		2005 2005		Protectiveness Deferred Short-Term Protective
	RACY DEFENSE DEPOT (USARMY)				
	MERICAN LAKE CARDENS (MCCLORD AFR		2005		Protective
	MERICAN LAKE GARDENS/MCCHORD AFB		2005		Protective
	TOOR THAT SUDMARTINE BASE	*	2005	12/30/05	Short-Term Protective

- ----

		Federal Facility	Fiscar Year		
Region		(*)	Due	Date Completed	Protectiveness
10	BUNKER HILL MINING & METALLURGICAL		2005		
10	COAL CREEK AKA ROSS ELECTRIC	ļ			Will Be Protective
10	COMMENCEMENT BAY, NEAR SHORE/TIDE	<u> </u>	2005	3/23/05	Protective
10	FLAIS		2005	12/29/04	Will Be Protective
	HARBOR ISLAND (LEAD) IDAHO NATIONAL ENGINEERING		2005	9/29/05	Will Be Protective
	LABORATORY (USDOE)	*	2005	Pending	
10	JACKSON PARK HOUSING COMPLEX (USNAVY)	*	2005		Not Protective
10	KETCHIKAN PULP COMPANY		2005		Protective
<u>10</u> 10	MARTIN-MARIETTA ALUMINUM CO. MIDWAY LANDFILL		2005		Protectiveness Deferred
			2005		Protective
10	NAVAL UNDERSEA WARFARE ENGINEERING STATION (4 WASTE AREAS)	*	2005		Will Be Protective
10	PORT HADLOCK DETACHMENT (USNAVY)		2005	0/20/05	
10 [JMATILLA ARMY DEPOT (LAGOONS)	*	2005 2005		Protective
			2005	11/19/04	Short-Term Protective

¹ For all sites that require a five-year review, a separate protectiveness determination is generally made for each portion (operable unit) of the site. The statement that is considered "least protective" is used as the general determination for the review in this report. For example, if one operable unit is protective but another operable unit has protectiveness deferred, the determination for the entire review will be

Protective - The remedy is protective of human health and the environment.

Short-Term Protective - The remedy is protective of human health and the environment in the short-term. This statement is generally used when the remedy is protective but requires further actions or institutional controls to remain protective in the long-term.

Will Be Protective - The remedy is expected to be protective of human health and the environment upon completion, and in the interim, exposure pathways that could result in unacceptable risks are being controlled. This statement is generally used for remedies that are under construction.

Protectiveness Deferred - A protectiveness determination of the remedy cannot be made until further information is obtained. Generally, reviews that include this determination identify both the actions and timeframe necessary to obtain the information so a protectiveness determination can be made through an addendum to the five-year review report.

Not Protective - The remedy is not protective of human health and/or the environment. For example, a new exposure pathway may be identified or a remedy may not be able to meet a new cleanup level. Generally, reviews that include this determination identify actions that need to be taken to ensure protectiveness.