



# Selecting a Combined Response Action Approach for Noncontiguous CERCLA Facilities to Expedite Cleanups

Office of Emergency and Remedial Response  
Hazardous Site Control Division OS-220W

Quick Reference Fact Sheet

CERCLA sites are generally addressed on an individual basis. However, CERCLA, as amended by SARA, section 104(d)(4) allows EPA to treat noncontiguous facilities as one site for the purpose of taking response actions when the facilities are related on the basis of geography, or on the basis of the threat or potential threat to the public health or welfare, or the environment. Section 104(d)(4) of the statute refers to combining noncontiguous CERCLA facilities," but for all practical purposes, the term "site" is synonymous with "facilities." This means that wastes from several Superfund sites can be managed in a coordinated fashion at one of the sites and still be an "on-site" action, within the permit waiver criteria of CERCLA section 121(e)(1). Or, a combined response action may combine separate CERCLA sites into one large study area for development of a joint ground water remedial investigation and feasibility study (RI/FS) and remediation. The goal of this fact sheet is to explain to CERCLA site managers what factors, benefits, and limitations are associated with taking a combined response action approach. Highlights 1 and 2 include case studies of combined response actions. Highlight 3 provides a list of sites for which combined response actions are being conducted. Combined response actions may be more cost effective and expeditious to undertake, since one set of resources is used to carry out two or more related (but distinct) cleanups. In addition, the permit waiver in CERCLA section 121(e)(1) applies to response activities conducted "on-site," including all portions of an aggregated site; therefore, the management of wastes between aggregated noncontiguous sites may be conducted without a permit.

## Q1. What Is a Combined Response Action for Noncontiguous Facilities?

- A. A Combined response action is an approach to remediation that uses one central site for remediation of wastes from multiple CERCLA facilities (or sites). Or, a combined response action is the grouping of separate sites into one study area because they contribute contamination to the same aquifer or surface water source. In either case, one RI/FS is typically developed for the combined response action. Combining response actions at two or more noncontiguous CERCLA sites allows the cleanup effort to proceed in a more timely and cost-effective manner.

## Q2. Under What Authority Can This Type of Action Be Applied?

- A. For the purposes of taking a response action, EPA can combine two or more noncontiguous facilities (or sites) that are reasonably related based on geography or the threat or potential threat to human health or welfare, or the environment. CERCLA section 104(d)(4) provides EPA with broad discretion to treat noncontiguous facilities as one site for the purposes of response actions. The permit waiver in CERCLA section 121(e)(1) applies to response actions

conducted "on-site," including all portions of an aggregated site. In addition, the Preamble to the NCP provides a detailed discussion on the use and limitations of this combined approach (See 55 FR 8690, March 8, 1990).

## Q3. What Are the Key Benefits Associated With This Approach?

- A. There are several potential benefits associated with a combined response approach. First, it may be more cost effective to apply treatment at a central location rather than at numerous individual sites. For example, one incinerator will be used at the Times Beach site to treat dioxin-contaminated soils from numerous CERCLA dioxin sites in Missouri. Time and resource savings attributed to combining response actions for noncontiguous CERCLA sites may be achieved from the development of a single RI/FS, Record of Decision, remedial design, and remedial action for multiple sites.

A combined response action approach may be highly favored by the State and Public in cases where sites are near residential areas and where wastes will be transported to a different CERCLA site for treatment and disposal. (Alternatively, this approach may be disfavored by the community that hosts the site to which

## The Aberdeen Pesticide Dumps Site, North Carolina: A Case Study

This site is comprised of five noncontiguous areas that are reasonably close together--all areas are within a three-mile radius. The wastes are similar or identical and are appropriate for like treatment. In addition, all areas are related on the basis of the threat or potential threat to the human health, welfare, and the environment. Initially, this site was considered as five separate areas listed as one site. Four removal actions were conducted between 1985 and 1989. The material removed from two areas in 1988 and 1989 was stock piled on-site.

In May 1991, a feasibility study was conducted, which supported the use of the centrally-located area for remedy implementation. This was substantiated by the economic impracticability of conducting treatment at each area. Excavation of contaminated soil is required at each area, or operable unit, comprising the site. The selected remedy for this site involves on-site thermal treatment of the contaminated soil, analysis of thermal treatment ash, and on-site disposal. Treatment will be conducted at a central location on-site, which was chosen based on the presence of the largest volume of contaminated soil at the selected area, transportation costs from noncontiguous sites, short-term risk to residents associated with transportation, and noise pollution considerations. Treatment at the centrally-located site area was determined to be more cost effective and efficient and provides the greatest opportunity for achieving a sound and expeditious environmental cleanup at the site.

Following EPA's issuance of a CERCLA section 106 Administrative Order in March 1990, the PRP agreed to implement the remedy for the stockpiled excavation materials at one of the areas. After sampling the stockpile, the PRP requested a delay in implementing the remedy to analyze the viability of combining the remedial process and using one treatment technology at a central location. EPA granted the extension based on the potential cost savings if it was subsequently determined that one treatment technology was appropriate to address the soil problems at more than one area.

waste will be sent for treatment.) Also, while the treatment system is being designed at the central location, wastes from other noncontiguous sites can be excavated and transported to the central facility. If treated soil will be managed at the central facility instead of being hauled back to the satellite sites, site deletions from the NPL can proceed for the satellite sites. With this approach two or more contaminated sites may be addressed in the same amount of time needed for one cleanup. Note, however, that there may be PRP opposition based on the perception that PRPs for one site may become PRPs for other aggregated sites (See NCP 55 FR 8691). Similarly, PRPs for the "receiving" facility may be concerned if the combined action results in on-site waste to manage long-term (i.e., responsibilities for O&M of a larger facility). (Some of these concerns may be rebuttable where economies of scale can be shown.)

### Q4. What Are the Criteria For Considering a Combined Response Action?

- A. The decision to combine noncontiguous sites for the purposes of taking a response action should generally consider the following factors: 1) nature of the contamination, 2) geographic locations of the facilities, 3)

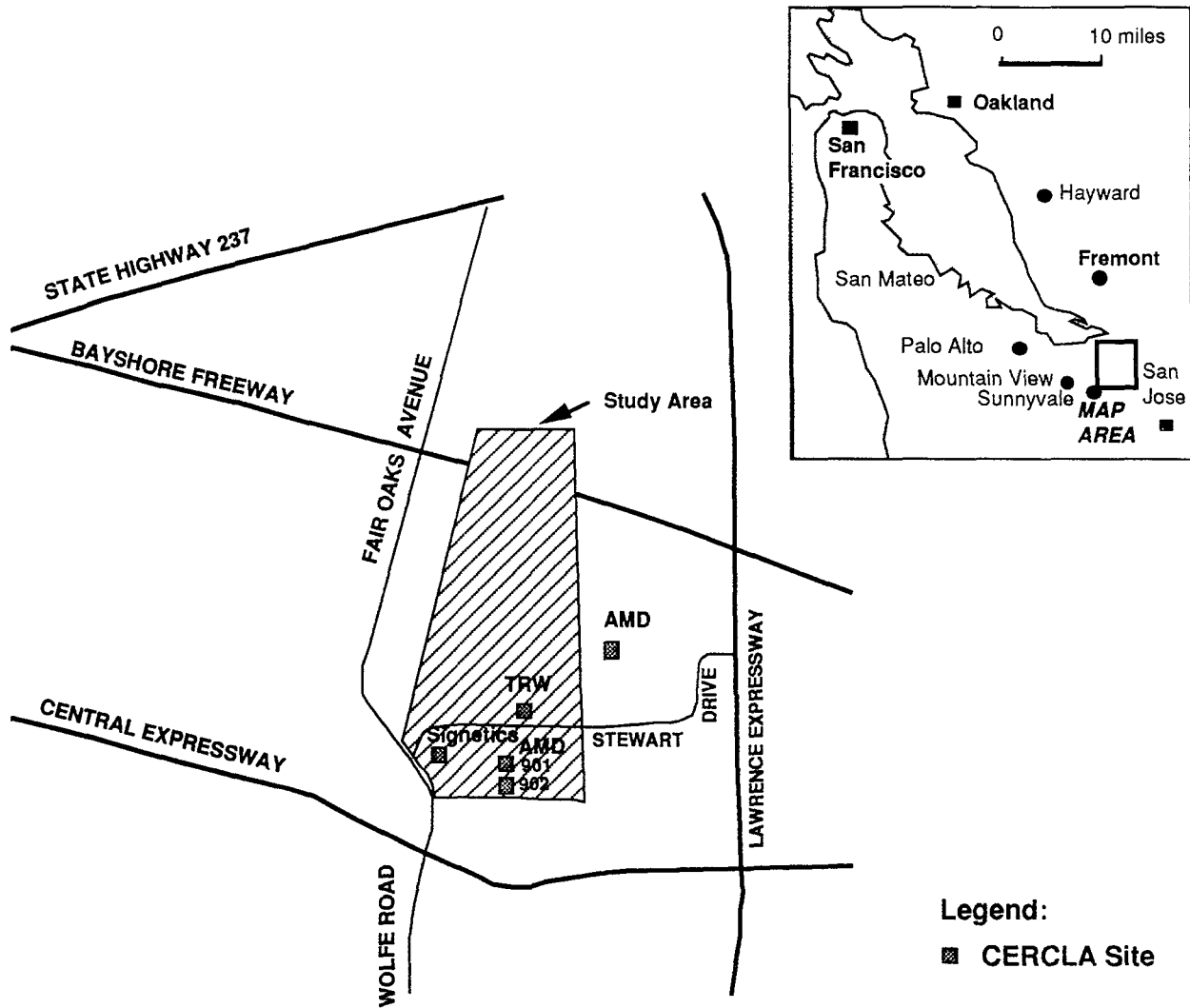
compatibility of wastes selected for the treatment or disposal approach, 4) the cost effectiveness of the aggregated response, 5) enforcement considerations, and 6) public acceptance.

If a combined response action will be taken for the treatment of CERCLA wastes, the foremost factor is whether the contaminants are related such that the combined treatment or management would be effective and protective of human health and the environment. (For example, if thermal treatment is selected for organic wastes, high concentrations of inorganic wastes may not be compatible for thermal treatment, would likely require post-treatment, and thus may not be a good candidate for aggregation.) Also, if treated soils will be managed at the site where treatment is conducted instead of being returned to the individual sites, the implementation time to complete the remedial action and the costs would be less.

EPA may consider adopting a combined response action approach based on geography. For example, noncontiguous CERCLA sites may represent significant sources of contamination to a common ground water aquifer. The decision to combine the ground water RI/FS and remedial action for these facilities may be based on a commingled contaminant plume.

## HIGHLIGHT 2

### Example of Combining Response Actions at Noncontiguous Facilities Advanced Micro Devices/Signetics TRW Microwave, California



This map shows an example of three separate CERCLA sites that have been combined into one large study area site. Each of the separate facilities contributed to ground water contamination. Their commingled plume was a primary factor in the decision to combine the remedial action for these facilities. A joint RI/FS was completed and served to further define the ground water contaminant plume. The Regional Water Quality Control Board adopted an Order approving a joint final Remedial Action Plan that encompasses cleanup at all three facilities.

**HIGHLIGHT 3**

| <b>REGION 2</b>   | <b>STATE</b> | <b>COMBINED<br/>RESPONSE<br/>ACTION</b>      | <b>CONTACT<br/>PHONE<br/>NUMBER</b>      |
|---|--------------|--|--|
| <i>Montclair/West Orange Radium</i>                                       | <i>NJ</i>    | <i>Source Treatment</i>                      | <i>(212) 264-2220</i>                    |
| <i>Rockaway Borough Well Field</i>  | <i>NY</i>    | <i>Ground Water Treatment</i>                | <i>(212) 264-0106</i>                    |
| <b>REGION 4</b>   |              |  |  |
| <i>Aberdeen Pesticides</i>  | <i>NC</i>    | <i>Source Treatment</i>                      | <i>(404) 347-7791</i>                    |
| <i>ILCO</i>   | <i>AL</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(404) 257-2643</i>                    |
| <b>REGION 5</b>   |              |  |  |
| <i>United Scrap Lead</i>  | <i>OH</i>    | <i>Source Treatment</i>                      | <i>(312) 886-5877</i>                    |
| <i>Janesville Ash Beds/Janesville<br/>Old Landfill</i>                    | <i>WI</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(312) 353-9229<br/>(312) 353-9229</i> |
| <i>Midco I/Midco II</i>   | <i>MI</i>    | <i>Source and Ground Water<br/>Treatment</i> |  |
| <i>Northside Sanitary<br/>Landfill/Envirochem</i>                         | <i>IN</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(312) 886-4739</i>                    |
| <b>REGION 6</b>   |              |  |  |
| <i>Jacksonville Municipal Landfill/Rogers<br/>Road Municipal Landfill</i> | <i>AR</i>    | <i>Source Treatment</i>                      | <i>(512) 255-6664</i>                    |
| <b>REGION 7</b>   |              |  |  |
| <i>Times Beach</i>  | <i>MO</i>    | <i>Source Treatment</i>                      | <i>(913) 551-7697</i>                    |
| <b>REGION 9</b>   |              |  |  |
| <i>Mt. View/Fairchild</i>   | <i>CA</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(415) 744-2236</i>                    |
| <i>San Gabriel Area #1, #3, #4</i>  | <i>CA</i>    | <i>Ground Water Treatment</i>                | <i>(415) 744-2257</i>                    |
| <i>Monolithic Memories/National<br/>Semiconductor</i>                     | <i>CA</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(415) 744-2236</i>                    |
| <i>Teledyne<br/>Semiconductor/Specfra-Physics</i>                         | <i>CA</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(415) 744-2233</i>                    |
| <i>Advanced Micro<br/>Devices/Signetics/TRW<br/>Microwave</i>             | <i>CA</i>    | <i>Source and Ground Water<br/>Treatment</i> | <i>(415) 744-2231</i>                    |

The distance between sites may also be a deciding factor in determining whether grouping is appropriate for waste treatment and will result in a more efficient cleanup. For instance, in some cases, taking CERCLA waste to another site rather than hauling it to a distant commercial facility may reduce transportation risks. In other cases, the planned aggregation may lead to increased transportation and associated risks and thus would be inadvisable. Also, EPA recognizes that what may be reasonable distance in a sparsely populated area may be less reasonable in a more urban setting. For example, transporting highly volatile wastes through a densely populated area may pose too high a risk. Transportation costs also should be considered. Where the cost of transporting materials from one site to another site may be prohibitive, this combined approach may not be cost-effective.

**Q5. Can An NPL Site Be Combined With A Non-NPL Site?**

- A. Yes, but any remedial action for the combined site must be accomplished through an enforcement action; no Fund monies may be spent for remedial actions unless all portions of the combined site are on the NPL.

**Q6. Must the Combined Sites Be Commonly Owned?**

- A. No. EPA believes that common ownership is not a necessary condition for coordinating response actions at noncontiguous sites. Limiting the applicability of this approach to commonly owned sites may be unduly restrictive, with no gain in environmental protection. However, whether the noncontiguous sites are commonly owned may be among the factors considered in determining whether to implement a combined response. The absence of common ownership may result in increased obstacles from the land owner of the "treatment" site as well as other PRPs. Combining response actions at enforcement-lead sites raises issues of containment liability and the allocation of resources and costs. These issues may delay response actions and should be resolved during the public comment period.

**Q7. Is a RCRA Permit Required When a Combined Response Action Approach Is Taken?**

- A. No. One of the benefits of using this type of approach during cleanup is that wastes from several sites can be managed in a coordinated method at one site and be considered an on-site action. An on-site action falls within the permit waiver criteria of CERCLA section 121(e)(1). For example, if noncontiguous sites A, B, and C are aggregated, then an on-site treatment facility built on site A can accept and treat hazardous wastes from

sites B and C without obtaining a RCRA permit for the treatment unit.

**Q8. Must a Combined Response Action Approach Comply With ARARs?**

- A. Yes. Even where noncontiguous sites are treated as one site, activities at the aggregated site must comply with (or waive) substantive requirements of federal or state environmental laws that are ARARs. Actual permits are not required (See Permits and Permit "Equivalency" Processes for CERCLA On-Site Response Actions," OSWER Dir. 9355.7-03, Feb. 19, 1992). However, transport of hazardous waste from one site to another is subject to RCRA manifest requirements (See 55 FR 8691, March 8, 1990).

**Q9. Is the Noncontiguous Site Approach Available For Non-CERCLA Sites?**

- A. No. The authority to treat noncontiguous sites as one site is limited under section 104(d)(4) to CERCLA "facilities," for the purpose of taking a response action under CERCLA section 104, and the permit waiver is available only for removal and remedial actions under CERCLA. Treatment activities performed under other authorities (or voluntarily) must secure all necessary permits for on-site and off-site actions.

**Q10. What RCRA Regulations Are Relevant When This Approach Is Used?**

- A. Although a RCRA permit is not required for response actions on an aggregated CERCLA site, there are RCRA regulations that will often be ARARs for on-site CERCLA response actions. Any cleanup activities that constitute treatment, storage, or disposal of a hazardous waste must be in compliance with (or waive) RCRA regulations that are ARARs (See 55 FR 8691, March 8, 1990). For example, RCRA closure requirements under 40 CFR 264 Subpart G may be ARARs for sites where hazardous wastes are disposed. In addition, prior to disposal, land disposal restrictions must be considered as potential ARARs if the waste is a RCRA hazardous waste. Beyond ARARs, a combined response action that requires transporting hazardous waste from one site to another must meet RCRA manifest requirements under 40 CFR 263 (See 55 FR 8691, March 8, 1990.)

**Q11. Can A CERCLA Site Manager Combine An Ongoing Remedial Action With a Nearby Site?**

- A. Yes. Ongoing remediation efforts can only be combined with remediation at newly identified noncontiguous sites if the criteria for selecting such an approach are

met. For Fund-lead projects, if noncontiguous sites are combined, they must all be listed on the NPL (See 55 FR 8690, March 8, 1990). Communities near all of the noncontiguous sites should be given an opportunity to comment on the combined approach. The Record of Decision for the receiving facility (and for the satellite site as well if a ROD exists) should be amended (or ESDs issued) to document significant differences from the original remedial plans, including scheduling, cost, and transportation issues associated with the combined response action. If no ROD exists, a proposed plan and Record of Decision for treatment of wastes from newly identified noncontiguous sites will be required.

For more information on combining response actions at noncontiguous sites, contact your Regional coordinators from OWPE/OERR or Tish O'Connor at FTS 678-8370.

[Note: These policies set out in this document are intended as guidance only.]