



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

MAY 14 1997

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE
9200.4-21

MEMORANDUM

SUBJECT: Headquarters Consultation for Addressing Methyl Tertiary Butyl Ether (MTBE) Contamination Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

FROM: Stephen D. Luftig, Director /s/
Office of Emergency and Remedial Response

Barry Breen, Director /s/
Office of Site Remediation Enforcement

TO: Superfund National Policy Managers, Regions 1-10
Regional Counsel, Regions 1-10

PURPOSE

The purpose of this memorandum is to request that Regions consult with Headquarters when considering use of CERCLA authority to address MTBE contamination. The Office of Emergency and Remedial Response (OERR) and the Office of Site Remediation Enforcement (OSRE) have agreed that this consultation policy should be applicable to all Fund-lead and potentially responsible party (PRP)-lead sites, including other Federal agency-lead and State-lead sites.

BACKGROUND

MTBE, a gasoline additive that reduces air pollution, is being detected with increasing frequency in groundwater

nationwide. Under CERCLA section 101(14) and 101(33), petroleum, including crude oil and its fractions, may be excluded from the scope of the statute. MTBE's chemical characteristics and widespread use in gasoline products complicate the choice of an appropriate response authority.

IMPLEMENTATION

Regional management should consult with the appropriate OERR Regional Center Director or OSRE Regional Support Division Branch Chief prior to using CERCLA authority or funding to address MTBE contamination. General questions regarding which sites need consultation or regarding the consultation process should be addressed to Amy Legare, OSRE, at (202) 564-4256, or Richard Jeng, OERR, at (703) 603-8749. We appreciate your assistance in this matter.

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