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SURVEY QUESTIONS REGARDING UNALLOCABLE WASTE AT SUPERFUND SITES

REGION: _____ SITE: _____

TYPE (i.e., landfill, oil recycling, etc.): _____

CONTACT (name and telephone): _____

1. **What percentage of the waste volume at the site do you believe is not allocable to any party** (whether or not viable, defunct, etc.)?

   _____

2. PRPs may, if given the opportunity, argue that the volume of waste unallocable to any party is different percentage than EPA would determine. They may argue for a different evidentiary standard (for example, a party may argue to limit its liability to liability for those barrels upon which there is a label with the name, address and photo of the particular party; or, parties may deny liability at a groundwater contamination site, arguing that chemicals found in the groundwater could have emanated from other facilities in the vicinity, and therefore, the source of the contamination is not identifiable).

   Given the possible arguments, and recognizing that a PRP could significantly reduce or escape liability if successful in such arguments:

   What percentage of the waste volume at the site do you think PRPs would argue is not allocable to any party?

   _____

3. Taking into consideration these two positions, **what do you believe a third-party neutral would conclude is the percentage of waste volume not attributable to any party?**

   _____

4. **If EPA has made a determination at the site, what percentage of the volume of the waste at the site was attributed to non-viable parties** (defunct, bankrupt, with an inability to pay)?

   _____

5. **If there has been an allocation at this site, what percentage volume of the waste at the site was not attributed to any party?**

   _____

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June 7, 1995

MEMORANDUM

SUBJECT: Unallocated Waste at Superfund Sites

FROM: Stacy Baird
OSRE, Regional Support Division

TO: Superfund Reauthorization Quick Response Contacts

We are currently gathering information to assess the potential costs associated with various proposals to expand the use of orphan funding.

In June 1993, we asked the regions to provide information in response to questions addressing mixed-funding issues. One question asked at that time was: What percentage of waste volume at the site was unallocable?

We are currently updating and expanding the responses to that question. Could you please provide a copy of this memo and the attached questions to the RPM and the attorney on each site in your region that is listed on the attached appendix.

As usual, the turnaround time for this information is quite short. I apologize for this. If each attorney and RPM could respond by fax by Tuesday, June 13, 1995, I would greatly appreciate it.

Information provided will remain confidential and will be disclosed only as part of an overall analysis. No site names or locations will be publicly disclosed.

My telephone number is (202) 260-7220, please feel free to call or have those working on the sites call with any questions or comments. As well, I would appreciate any explanation of your answers to this survey.

My fax number is (202) 260-3069. Thank you very much.