United States
Environmental Protection
Agency

October 2002
9200.5-330FS

Preliminary Assessment Petition

For years hazardous wastes have accumulated unchecked in vacant lots, dumps, manufacturing plants, and various other types of locations around the United States. The U.S. Congress recognized the potential threat to public health and the environment and in 1980 passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), more commonly known as "Superfund." With Superfund, the President authorized the U.S. Environmental Protection Agency (EPA) to identify hazardous wastes that threaten public health and the environment, and to locate and properly dispose of these wastes. The first step of that identification process is called the Preliminary Assessment.

WHAT IS A PRELIMINARY ASSESSMENT?

In a Preliminary Assessment (PA), EPA attempts to verify the existence of released hazardous waste at a site that may fall under Superfund. PAs are conducted by the EPA or its representatives and usually result from EPA discovering that a hazardous substance may pose a threat to the public or the environment. The purpose of a PA is to determine if a threat exists and what further action should be taken. If the PA shows that there is a serious immediate threat, EPA may use Superfund money to quickly remove the hazardous substance. If the threat is not immediate, EPA will conduct more thorough studies to decide the best way to deal with the problem. Naturally, if no danger exists, no further action will be taken.

WHAT IS A PA PETITION, AND WHY WOULD YOU SUBMIT IT?

Although the EPA has always responded to requests from the public to investigate suspected hazardous waste sites, Congress formalized this process in 1986, by making some changes in the Superfund program. One of these changes (now CERCLA Section 105(d)) provides the public with an opportunity to formally petition the Federal government to conduct a PA. By sending in a PA petition, persons can notify the EPA of suspected environmental problems that may directly affect them, thus possibly identifying sites that may otherwise remain unknown.

Releases of hazardous substances may threaten an individual's health, property, and environment. By reporting such releases and petitioning for PAs to be conducted people can help themselves, their communities, and the country.

WHO MAY SUBMIT A PA PETITION?

Basically, Congress has allowed any person or organization to submit a PA petition. This petition should concern a release or threatened release that affects the petitioner. The term "release" includes any means by which a substance could be exposed to the environment, such as by spilling, leaking, discharging, dumping, injecting, and escaping.

WHAT INFORMATION MUST BE IN A PA PETITION?

An example format for petitions is included on the last page of this bulletin. People submitting petitions do not have to follow this format, but petitions must contain the following information:

- The full name, address, telephone number, and signature of the person submitting the petition.
- The location of the actual/potential release, which is also called the "site." Because the people reviewing the petition or conducting the PA may not be familiar with the area of the release, its location should be described as exactly as possible. For example, marking the location on a street map or drawing a more detailed map (showing the release area, landmarks, and distances) would be helpful in finding and responding to the potential problem. If a map cannot be found or made, the site should be described by providing its distance, as accurately as possible, from nearby roads, (using street names or route numbers), buildings, and other easily noticeable objects.
- A description of how the petitioner is, or may be, affected by the actual/potential release. For example, a release may cause unpleasant smells, bad-tasting well water, animal injuries, damaged trees and plants, as well as body rashes and other physical effects. These factors may affect a person's health and cost money. Petitioners can clarify the seriousness of the problem and its potential effects by describing their location in relation to the area of the release, and how they came in contact with or became aware of the release.

ED_014293_00000553-00001

WHAT TO FOCUS PETITIONS ON

Because Congress specified that petitioners must be affected by specific releases that they want to report, people should focus on actual/potential releases that they know of firsthand that occur around their homes or jobs. For example, EPA discourages submittal of PA petitions for the following situations:

- A petition covering possible releases at many locations, which were picked for some general reason, and not based on firsthand, specific knowledge. For example, a petition covering every landfill in a State is not specific and does not help EPA focus on the most serious problems.

- Petitions about sites that are unlikely to affect petitioners, such as sites far away from where they live or work.

- Petitions about possible pollution affecting a wide area, but which cannot be linked to releases from a specific location or source. Examples of problems over wide areas include polluted rivers and contaminated ground water. Petitioners should instead try to alert EPA to the source of such problems, such as drums leaking onto the ground.

EPA asks that petitioners carefully consider their petitions with the above examples in mind. Every year EPA investigates thousands of possibly hazardous sites, some of which pose serious threats to the public. If EPA receives petitions that are general or unclear, or that do not have enough information, valuable time and resources are taken away from more serious problems. Petitions without the required information will be returned to the petitioner. With this in mind, EPA asks petitioners to provide as much information as they can, but only on serious environmental problems.

WHAT OTHER INFORMATION CAN BE HELPFUL?

Naturally, the more information in a petition about an actual/potential site, the quicker and better the EPA can respond to it. Aside from what is mentioned above, no other information is required, but the following facts can be very helpful to the people reviewing petitions:

- What substances are involved (e.g., chemical name, popular name, name on container).

- Description of substances involved (e.g., smell, color, liquid/solid/gas).

- How the substance is, or may be, released (e.g., leaking container, dumped on ground, oozing from soil).

- Events leading to release (e.g., who did what and when to cause actual/potential site).

- State or local agencies already contacted and what they did (e.g., fire, police, or health department; State environmental agency).

WHAT HAPPENS TO A PA PETITION AFTER IT IS SUBMITTED?

After receiving a PA petition, EPA will decide (1) if there is reason to believe that an actual/potential site exists, and (2) whether EPA has the legal authority under Superfund to respond to the site.

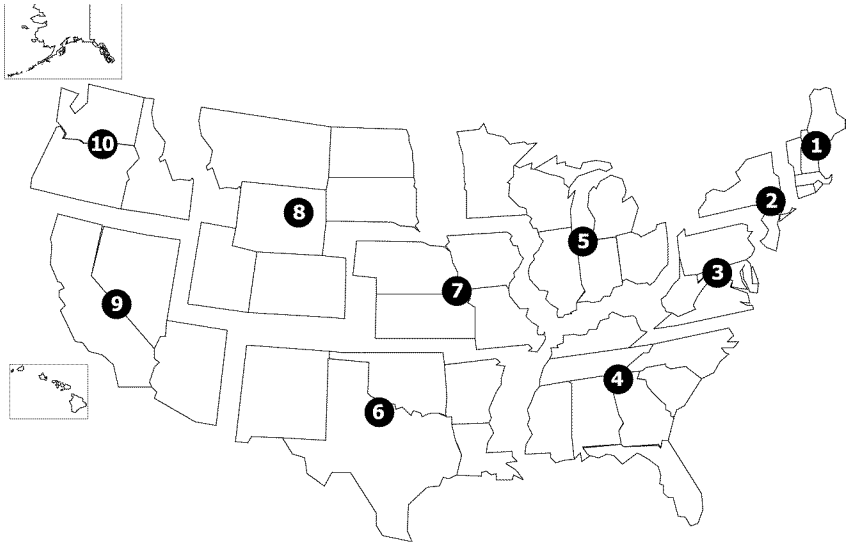
Petitioners do not have to prove that an actual/potential release exists or that it affects them. However, they do have to provide enough information to make the person reviewing the petition suspect that an actual/potential release may exist that may affect the petitioners. Also, under Superfund, EPA cannot respond to certain types of sites. For example, the law says Superfund does not cover petroleum or natural gas, engine exhaust emissions, normal use of fertilizer or pesticides, certain releases within a workplace, and some releases of nuclear materials. Finally, if a PA of the release was done in the past, a new one will not be conducted, unless additional information has been discovered about the site.

Within 12 months after a PA petition is received, it will be reviewed by EPA and a report of the review will be sent to the petitioner(s) within this one year timeframe. The report will describe whether the petition was approved and the reasons for the decision. If a petition is approved, EPA will conduct a PA during this period and provide a copy of the PA to the petitioner.

WHERE TO SEND PA PETITIONS

A PA petition ordinarily must be sent to the EPA Regional Administrator covering the location of the site. A map of the ten EPA Regions and a list of the EPA Regional Administrators, their addresses, and the States in their Regions is on Page 3. However, if the potential site is on Federal land, the petition should be sent directly to the Federal agency that owns the land. Each Federal agency is responsible for conducting a PA for any site on the agency's property. If petitioners cannot determine the Federal agency's address, the insert on Page 3 lists EPA's Regional Federal Facility Coordinators, who can help in locating the right address.

ED_014293_00000553-00002



Region I:
Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

Office of Site Remediation and Restoration
U.S. Environmental Protection Agency
1 Congress Street Suite 1100
Boston, MA 02114-2023

Region II:
New Jersey, New York, Puerto Rico, Virgin Islands

Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway
New York, NY 10007-1866

Region III:
Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia, Virginia

Hazardous Site Cleanup Division
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Region IV:
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Waste Management Division
U.S. Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Region V:
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Superfund Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3507

Region VI:
Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Superfund Division
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Region VII:
Iowa, Kansas, Missouri, Nebraska

Superfund Division
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, KS 66101

Region VIII:
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Office of Ecosystems Protection and Remediation
U.S. Environmental Protection Agency
999 18th Street
Denver, CO 80202-2466

Region IX:
American Samoa, Arizona, California, Guam, Hawaii, Nevada, Marianas, Trust Territories

Superfund Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Region X:
Alaska, Idaho, Oregon, Washington

Office of Environmental Cleanup
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

A list of addresses for other Federal agencies can be obtained by calling EPA Regional Federal Facility Coordinators at the following numbers.

Headquarters	ph 202/564-4271 fax 202/501-0069
Region I:	ph 617/918-1431 fax 617/918-1291
Region II:	ph 212/637-4322 fax 212/637-3256
Region III:	ph 215/814-3348 fax 215/814-3005
Region IV:	ph 404/562-8527 fax 404/562-8518
Region V:	ph 312/886-0992
Region VI:	ph 214/665-6726 ph 214/665-6785 fax 214/665-6460 fax 214/665-7263
Region VII:	ph 913/551-7776 fax 913/551-7063
Region VIII:	ph 303/312-6244 fax 303/312-6067
Region IX:	ph 415/972-3133 fax 415/947-3518
Region X:	ph 206/553-6635 fax 206/553-0124

ED_014293_00000553-00003

SAMPLE PUBLIC PETITION FORMAT

(Regional Administrator)
United States Environmental Protection Agency
Region (Insert proper Region number)

-or-

(Administrator)
(Federal Agency)
(local address)

[Instructions in brackets can be replaced with relevant information, and the brackets deleted.]

Under the authority of CERCLA Section 105 (d), as amended, the petitioner,

(Name) : _____

(Address) : _____

(Telephone Number) : _____

hereby requests that Region ***[(insert number of U.S. EPA Region in which release/threatened release is located from list provided in the bulletin) of the United States Environmental Protection Agency (or) (name of appropriate Federal agency, in the case of a suspected release/potential release from a Federal facility)]*** conduct a preliminary assessment of the suspected ***[release (or) threatened release]*** of a hazardous substance, pollutant, or contaminant at the following location:

(Precise description of the location of the release/threatened release: attach marked map if possible)

_____

Petitioner is affected by the [release (or) threatened release] because:

(Describe as completely as possible how you are affected, or potentially affected,

by the release/threatened release)

[The information requested below is not required but, to the extent that it can be included, it will expedite review of and response to your petition.]

Type or characteristics of the substance(s) involved:

_____

_____

Nature and history of any activities that have occurred regarding the release/threatened release:

_____

_____

_____

State and local authorities you have contacted about the release/threatened release and the response, if any:

_____

_____

_____

ED_014293_00000553-00004