National Priority List/Superfund: U.S. Environmental Protection Agency Proposes Addition of Louisiana/Iowa/Illinois/Pennsylvania Sites



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10/02/2023

The United States Environmental Protection Agency ("EPA") proposed the addition of four sites to the Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund") to the National Priority List ("NPL"). See 88 Fed. Reg. 61492.

The four sites include:

- Lot 46 Valley gardens TCE – Des Moines, IL
- Acme Steel Coke Plant – Chicago, IL
- Exide Baton Rouge – Baton Rouge, LA
- Former Exide Technologies Laureldale – Laureldale, Pennsylvania

Sites listed on the NPL are eligible for government funding remedial action through the Superfund program. Placement of the site on the NPL can have significant financial consequences for the owner or operator of a listed property or other responsible parties.

EPA makes NPL determinations pursuant to Superfund authorities. Sites on the NPL are high priorities for remedial action due to their "relative risk or danger to public health or welfare or the environment." EPA determines which sites to add to the NPL based on the Hazardous Ranking System ("HRS"), which quantifies site-specific risk factors based on scientific methodology.

The HRS evaluates relative threats to public health and the environment posed by uncontrolled releases or threatened releases of such substances. It uses information obtained from the initial, limited investigations conducted at a site. EPA uses the HRS to assign each site a score ranking from 0-100 based on the likelihood that contaminants have been or will be released from the site, physical and toxicological characteristics of the contaminants present at the site, and the human population or sensitive environment or potentially exposed to release from the site.

The HRS measures the risk posed by migration of hazardous substances through four possible pathways:

- Air
- Soil
- Surface water

- Groundwater

As to each of these four pathways, EPA calculates a score by measuring what it describes as factor categories:

1. Waste characteristics
2. Likelihood of release
3. Targets (i.e., an individual, a human population, resources and sensitive environments

Subsurface or vapor intrusion was added as a hazard in 2018.

A copy of the Federal Register Notice can be downloaded here.