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EPA Superfund Sites: Getting Named as a Potential Responsible Parties by Cathey Lee

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You want to do everything you can to avoid being named one of the â€œpotentially responsible partiesâ€• (PRPs) for an EPA Superfund site. And if you are identified as a PRP, you should immediately seek professional help -- not just legal counsel but environmental engineering counsel to help you fully understand the magnitude of the problem and your response options.

Under rules pertaining to EPA Superfund sites, you can be considered a PRP if you are an individual, company or agency that:

Is the current or former property owner or operator of a site containing hazardous waste.

Arranged for a hazardous substance to be treated, disposed or transported at the site.

Transported a hazardous substance to a site selected by you.

You can be a PRP even if you didnâ€™t dispose of hazardous substances yourself or you were unaware others were using your property to do so.

Understand your options.

You may believe youâ€™re not responsible because your company or actions didnâ€™t cause the problem. If neighboring property is involved, maybe your neighbor is at fault or should be responsible for resolving the problem. Arming yourself with facts from an independent third-party expert can help make your case.

A consulting engineer brings expertise in hands-on field work and scientific analysis geared toward identifying the best solutions. Theyâ€™re able to comfortably liaise with regulators, representing you in negotiations during the investigative or remedial stages.

If possible, you want to demonstrate your level of responsibility is minimal compared to the overall level of contamination of the EPA Superfund site, because you could be eligible for a de minimis out-of-court settlement which would save substantial time and money.

An experienced consultant can team up with your attorney, providing site investigation, results and analysis and other technical support. Their knowledge and expertise, along with a reputation for credibility, can help assure the best outcome for you.

Avoid becoming an EPA Superfund site PRP.

If you own environmentally impaired property, a professional consultant can also help clean up your site before it attracts official attention as a hazardous waste dump, or to prepare it for sale. They will define an appropriate cleanup approach, perform remedial investigations, design and implement an effective â€“ and cost-effective â€“ plan of action. And theyâ€™ll ensure your cleanup work strictly complies with the National Oil and Hazardous Substances Contingency Plan (NCP).

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