

US EPA ARCHIVE DOCUMENT

## CHECKLIST OF PRP SEARCH TASKS

**NOTE:** This checklist is intended as a tool, listing tasks which **may** be assigned or performed during PRP searches, depending on site enforcement strategy and needs. The list which follows does not imply that all tasks must or should be performed, and the sequence in which tasks are performed should be governed by site strategy rather than the order listed below.

Region: \_\_\_\_\_ Site Name: \_\_\_\_\_

Location: \_\_\_\_\_

TASK	TASK SELECTION CRITERIA / CONDITIONS															
1. <input type="checkbox"/> <b>Agency Record Collection and File Review</b>	Gather and organize the information; review records to extract PRP information and leads															
<table><thead><tr><th>Files are:</th><th>File Location</th><th># of Pages</th></tr></thead><tbody><tr><td><input type="checkbox"/> Federal</td><td></td><td></td></tr><tr><td><input type="checkbox"/> State</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Local</td><td></td><td></td></tr><tr><td><input type="checkbox"/> Other</td><td></td><td></td></tr></tbody></table>	Files are:	File Location	# of Pages	<input type="checkbox"/> Federal			<input type="checkbox"/> State			<input type="checkbox"/> Local			<input type="checkbox"/> Other			
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2. <input type="checkbox"/> <b>Title Searches</b>	<b>Note:</b> Guidelines such as going back 50 years or to the end of World War II or the first industrial use of the property can sometimes be useful, but in most cases determining the relevant period for a search is a highly site-specific exercise.															
A. <input type="checkbox"/> Simple Title Search	Site involves less than five parcels and the site does not have a long history of industrial use.															
B. <input type="checkbox"/> Complex Title Search	Site involves more than five parcels and/or has a long history of industrial use.															
C. <input type="checkbox"/> Unknown Title Search	A site property description will need to be developed by EPA, or EPA's enforcement contractor along with an estimate of the title search cost.															
D. <input type="checkbox"/> Title Search for Recorded Instruments	Includes deeds, leases, mortgages, liens, plate maps, contracts. Necessary to support site history and PRP list. If litigation is expected, certified copies (see next task) are usually required for admissibility.															
E. <input type="checkbox"/> Certified Copies	Includes deeds, leases, mortgages, liens, death records, wills, lawsuits and contracts. Obtain certified copies if litigation is expected and case attorney requires certified copies for court admissibility.															
F. <input type="checkbox"/> Chain of Title	A chronological list of title instruments for quick reference to title transactions over time.															
G. <input type="checkbox"/> Property History Narrative	Requested for more complex sites when a detailed narrative description of property history would assist case development.															

**Checklist for Tasking**  
Continued –

TASK	TASK SELECTION CRITERIA / CONDITIONS
3. <input type="checkbox"/> Interviews with Government Officials	Interviews required of persons known or suspected to possess unique information about the site. Interviews generally conducted by phone unless travel is specifically requested. This task is used in most PRP searches.
4. <input type="checkbox"/> Records Compilation	Records are located and manually organized to permit easy access and use. A file system and index are usually established. Depending on the number of records, records may be computerized.
5. <input type="checkbox"/> Compliance History	This task provides a narrative description of site compliance status for a specified period of interest focusing on activities and parties involved with hazardous wastes.
6. <input type="checkbox"/> PRP Status/PRP History	PRPs for which a current address is not available are researched to determine their fate. Names, addresses, and registered agents are provided for the PRPs and any successor companies.
7. <input type="checkbox"/> PRP Name and Address Update	Current name and address information is obtained for identified PRPs. Includes name, address, registered agent, mergers, and name changes.
8. <input type="checkbox"/> CERCLA 104 (e) Letters	EPA identifies PRPs and collects evidence by sending section 104(e) information request letters. The information gathered from 104(e) letters is critical to site history, status, chemical use, disposal, volume, and other information to determine liability.
9. <input type="checkbox"/> Financial Status	Solicit financial information through CERCLA 104(e) authority regarding the financial condition of the PRPs. This task can provide PRP information such as financial status, officers, and current business operations.
Develop financial information for: (Identify public vs. private companies, etc.)	
A. <input type="checkbox"/> Individual PRPs	Attach list of names and addresses
B. <input type="checkbox"/> Partnership	Attach list of names and addresses
C. <input type="checkbox"/> Corporation	Attach list of names and addresses
D. <input type="checkbox"/> Exempt Organizations	Attach list of names and addresses
E. <input type="checkbox"/> Other	Attach list of names and addresses
F. <input type="checkbox"/> CERCLA 104(e)/ RCRA 3007(c) Letters	This task includes formulating potential questions for PRPs based on gaps observed in available information, preparing letters with PRP names and addresses, and reviewing responses for information relevant to PRPs.
10. <input type="checkbox"/> History of Site Operations	<i>Note: This task may be more appropriately performed after issuance of information request 104(e) letters and the review of PRP files. A narrative description of site operations through a specified period of interest is presented in a report. This history focuses on activities and parties involved with hazardous wastes. Particularly useful if many operators or various types of operations were involved at the site.</i>

**Checklist for Tasking**  
Continued –

TASK	TASK SELECTION CRITERIA / CONDITIONS
11. <input type="checkbox"/> Report Preparation	PRP reports should include sections on the site background, project approach, contracts and sources, site history, PRPs, and conclusions/recommendations.
12. <input type="checkbox"/> Aerial Photographs and Sanborn Maps	Aerial photographs and Sanborn maps can provide detailed site information without accessing the site. They can also be used to compare site characteristics over a period of time.
13. <input type="checkbox"/> CERCLA Subpoena Authority	Authority to serve administrative subpoenas to obtain evidence from PRPs and others. The subpoena is useful in situations when the PRP may not respond to the information request under 104(e) e.g., obtaining financial and account records from financial institutions.
14. <input type="checkbox"/> Field Survey	This task is used to gather additional evidence through field activities such as general field inspection, document review, personal interviews, and drum label recording. Usually conducted only when there is no other information available about a site.
15. <input type="checkbox"/> Industrial Survey	This task identifies PRPs through a survey of local businesses and a review of various industrial manuals and directories. This is an indirect method of identifying PRPs and may be difficult to prove if no other information is available. May serve as a starting point of more detailed research into disposal practices of local industries.
16. <input type="checkbox"/> PRP File Review	PRP documents, such as operator records, are reviewed to extract PRP information and leads. This task should be completed after a review of agency files.
<p>Use this space to describe anything unique about the records and their condition including business confidential, contamination, travel involved, access, other sources besides hard copy, etc.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
17. <input type="checkbox"/> Private Citizen/PRP Interview	Interviews with persons known or suspected to possess unique information about the site. Interviews can be conducted via telephone, or in person at the discretion of the investigator and/or enforcement specialist. Detailed interviews, when needed, can be documented by a transcript.
18. <input type="checkbox"/> EPA Investigations	Investigations can be useful in locating individuals, developing information regarding closely held financial assets, and interviewing parties with knowledge of the site activities. If a potential for danger exists, contact appropriate law enforcement personnel, such as EPA CID special agents, building security, or local police.
19. <input type="checkbox"/> CERCLIS	CERCLIS is an EPA database which generally contains PRP information such as: name, addresses, types of letters sent (notice, demand and information request) and the dates sent, orders issued, and kind of PRP (owner, operator, generator, or transporter).

**Checklist for Tasking**  
Continued –

TASK	TASK SELECTION CRITERIA / CONDITIONS
20. <input type="checkbox"/> <b>Waste Stream Inventory</b>	Compile an accurate inventory of wastes that were disposed of at the site by reviewing operating logbooks, analytical reports, and waste stream records.
21. <input type="checkbox"/> <b>Process Chemistry Analysis</b>	The process chemistry analysis task is generally performed after an industrial survey and a waste stream inventory. This task attempts to link industries with wastes at a site.
22. <input type="checkbox"/> <b>Database(s)</b>	
A. <input type="checkbox"/> <b>Correspondence</b>	A database is created to keep track of PRPs sent letters (Notice or Information), whether they responded, and other information as specified by EPA. Computerized databases should be considered for cases with a large number of PRPs.
B. <input type="checkbox"/> <b>Inventory</b>	Information management system developed to organize and permit quick retrieval of documents by key word, author, date, subject, or other predetermined strategy. Useful for searches with a large number of documents or if documents must be easily accessed.
C. <input type="checkbox"/> <b>Transactional</b>	Site transaction databases are used to rank PRPs based on quantified site usage information. (See also Generator Ranking)
23. <input type="checkbox"/> <b>Financial Assessment</b>	This task provides a more detailed analysis of a PRP's financial situation than the financial status task.
24. <input type="checkbox"/> <b>Generator Ranking</b>	This is usually a work product(printout) from a transactional database project (see #22 above). The ranking orders generators by waste volume or other comparable unit.
25. <input type="checkbox"/> <b>Property Appraisal/Property Survey</b>	Appraisal of site property owned by a PRP which may have value. Appraisal may focus on contaminated state or post-remedial state.

Please identify person completing this checklist:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Region/Other: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

## CHECKLIST FOR REMOVAL/PRE-REMEDIAL SITES

Completion of this form is not mandatory, nor is it directed solely towards a specific type of responder. The first on-site responder may begin the checklist which may include contributions from any of the following: EPA site assessment manager (SAM), on-scene coordinator (OSC), civil investigator (CI), remedial project manager (RPM), EPA contractor, state staff, or state contractor. This form should be filled out for future use by EPA or state staff in preservation of evidence related to the identification of potentially responsible parties. This form may be filled out at any point during the site discovery, assessment/investigation, or response phase.

It may not be possible to provide information for each of the items on this form but, providing information on as many of the items as possible will improve the overall efficiency of the site remediation and enforcement processes. When you have completed it to the extent feasible, please distribute copies of this form to the appropriate EPA and state personnel (e.g., civil investigators, EPA or state attorney, OSC, RPM, etc.), and place the original in the site file.

**1. Potential Site referred:**

Region: \_\_\_\_\_ Site Name: \_\_\_\_\_

Location: \_\_\_\_\_

**2. Referred by:**

Department/Agency	Contact Name	Phone #
<input type="checkbox"/> State		
<input type="checkbox"/> National Response Center		
<input type="checkbox"/> Other:		

**3. Basic site information was requested to be submitted to the regional office from the above referral contact:**

☐ Yes ☐ No

**4. Identification of person completing this checklist:**

Organization: \_\_\_\_\_ Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**5. The OSC (or other First Responder) determines the urgency of the situation at the site, assessing the factual information referred against the criteria set forth in the National Contingency Plan.**

**6. Site Team formed, OSC, Attorney, Enforcement Specialist, Civil Investigator, Site Assessment Manager, Remedial Project Manager, EPA contractor, State staff, etc.**

7. Site Team reviews information to ascertain responsible corporate officers, registered agents, and principal environmental and/or health and safety contacts. Some examples of information to be reviewed and their source is:

- ☐ U.S. EPA media files (NPDES permits, RCRA information, EPCRA releases, CAA permits)
- ☐ State media files
- ☐ Local health department files
- ☐ Historical society information/historical photos
- ☐ Newspaper archives
- ☐ Local university archives
- ☐ Sanborn fire insurance maps
- ☐ Other \_\_\_\_\_

8. Obtain access agreement(s) with last known owner(s) of site property:

☐ Yes ☐ No Date obtained: \_\_\_\_\_

9. Identification of the property to be visited:

- ☐ Copy of deed
- ☐ Address: \_\_\_\_\_
- ☐ Plat #: \_\_\_\_\_
- ☐ Cross Street Location: \_\_\_\_\_

10. Identification of possible contacts that may be a source of information in the future, including complete names, titles, addresses, and telephone numbers. Include all people you encounter on the site, and anyone volunteering information about the site: [\*Owners/operators, prior owners/operators, generators, transporters, local authorities, state and other federal agencies, local libraries, other]

Association With Site and Number of Years*	Contact Name	Address	Phone No.

11. Interviews were conducted with the following contacts:

Interviewee	Association With Site and Number of Years	Date Interview Conducted	Interviewer	Transcript Available Yes/No

12. Information about records located onsite:

Type of Records *	Location of Records	Condition of Records**	Name of Person in Possession of Records

\*Types of records, to include but not limited to: log books, driver's tickets, utility bills, payroll records, letterheads, or other specific correspondence or records.

\*\*Please identify if: contaminated, damaged, poor quality, good quality, other



13. Are there file cabinets on site?

Number of File Cabinets	Location of File Cabinets	Condition of Cabinets/Files

14. Were photographs taken? *[Note: photographs should conform to accepted photographic record protocol. Refer to TAT, site assessment, and criminal investigators for EPA photographic protocol]*

☐ Yes ☐ No

Photographs were taken of: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

15. Were drums found at the Site? ☐ Yes ☐ No

Number of Drums: \_\_\_\_\_

Number With Labels: \_\_\_\_\_

16. Was sampling done? ☐ Yes ☐ No

17. Neighbors near the site:

Name	Association With Site and Number of Years	Address	Phone No.	Interviewed and Date Yes/No

18. Additional potential sources for gathering site information:

- ☐ Neighboring Businesses
- ☐ County Recorder:
  - ☐ Deed Information
  - ☐ Past Tax Information
  - ☐ Sidwell Maps
- ☐ Financial Information
  - ☐ Financial Institutions
  - ☐ Accountant Information
  - ☐ Commerce Clearing House (CCH) Publications (Capital Transactions)
- ☐ PRP Information on EPA Databases
  - ☐ CERCLIS
  - ☐ IDEA
  - ☐ FINDS
  - ☐ ERNS
- ☐ Electronic Database Review
  - ☐ Choice Point
  - ☐ Dun & Bradstreet
  - ☐ Lexis/Nexis (or Westlaw)
  - ☐ Corporate Information
  - ☐ Prior lawsuits, bankruptcy filings, SEC filings
  - ☐ Internet sources

19. OSC plans for:

- ☐ Removal action
- ☐ Removal scoping
- ☐ Public participation
- ☐ Establish administrative record

20. Based on information gathered to date, appropriate enforcement activities should be taken:

- ☐ Issue information request
- ☐ State an opportunity, in the information request, for the PRPs to provide information on additional PRPs
- ☐ Initiate title search
- ☐ Review relevant site records
- ☐ Initiate PRP search report
- ☐ Oral/written general notice letters issued to known PRPs

21. OSC prepares Action Memorandum

- ☐ Develop negotiation strategy
- ☐ Prepare draft administrative order on consent (AOC)
- ☐ Negotiate AOC or issue unilateral administrative order (UAO)

*[Note: when issuing UAOs, the enforcement team should follow guidance on Administrative Reforms - the UAO should be issued equitably to the largest manageable number of parties and the team should document the reasons why the UAO is not issued to all PRPs, if appropriate]*

22. Site cleanup:

- ☐ PRP-lead
- ☐ Fund-lead

23. Cost recovery phase:

Complete enforcement investigations:

- ☐ Followup on earlier PRP search
- ☐ Update title search if necessary

Cost recovery activities:

- ☐ Itemized cost summary
- ☐ Send demand letters
- ☐ Cost recovery referral
- ☐ Close-out memorandum (where appropriate, if case is not referred to DOJ)
- ☐ Cost documentation package
- ☐ Work performed documents

Please use the following space to provide additional noteworthy information regarding this checklist and the site:

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PLEASE ATTACH ALL RELEVANT INFORMATION THAT HAS BEEN REFERENCED IN THIS CHECKLIST AND DISTRIBUTE TO THE APPROPRIATE REGIONAL CIVIL INVESTIGATOR, SITE FILE, AND OTHER EPA OR STATE PERSONNEL AS APPROPRIATE.