APPENDIX A TO PART 307—APPLICATION FOR PREAUTHORIZATION OF A CERCLA RESPONSE ACTION

United States Environmental Protection Agency
Washington, DC 20460

Application for Preauthorization of a CERCLA Response Action

General Instructions: Complete all items in ink or by typewriter. If an item is not applicable to your preauthorization request, write "N/A" in the appropriate space. Attach typewritten sheets for additional information. Specific instructions are presented on page 3 of this form.

I. Introductory Material

<table>
<thead>
<tr>
<th>A. Name, Title and Address of Applicant(s):</th>
<th>B. Name of Site:</th>
<th>C. Eligibility</th>
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<tr>
<td></td>
<td></td>
<td>Individual</td>
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<td>Other</td>
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<td>Foreign Applicant</td>
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D. Name, Title and Address of Agent (if any) Authorized to Represent the Applicant:

II. Relates to Actual or Threatened Release of a Hazardous Substance, Pollutant or Contaminant

A. Date/time (any pm) of release (if known)

B. Location of the release:

C. Is the release or threat of release at an NPL site? [Yes] [No] If yes, what is the site name on the NPL?

D. Provide a short description of the release or threat of release:

E. Did you contact the National Response Center? [Yes] [No] If yes, provide the date and the manner of the notice.

III. Relates to Potentially Responsible Parties (PRPs)

A. Are you a person whom EPA previously identified as a PRP for the site in question? [Yes] [No]

B. If you have not been identified as a PRP, do you fall within one of the four categories of potentially liable parties set forth in section 107(a) of CERCLA? [Yes] [No]

C. Is this application to be approved in the context of a consent order or decree? [Yes] [No]

D. Have you identified any PRPs for the release or threat of release in question? [Yes] [No]

IV. Relates to Proposed Response Action

A. Briefly summarize the proposed response action and attach a schedule of major response activities.

B. Identify which provisions of the National Contingency Plan (NCP) are applicable for the proposed types of response activity (e.g., removal, R(P)S) and describe how the proposed action will be conducted in accordance with those provisions.
C. Address how the proposed response action will be consistent with the NCP with regard to the following performance standards:

1. Worker training, health and safety, and the safety of the public.
2. Community relations plan
3. Compliance with legally applicable, or relevant and appropriate, Federal and State environmental requirements (ARARs).

V. Relates to Applicant's Capabilities

Describe your capabilities to carry out the proposed response actions.

VI. Relates to State or Indian Tribe Consultation

Has a letter signed by the designated State or Indian Tribe official been attached?  
☐ Yes  ☐ No  If no, explain.

VII. Relates to Long-Term Operations and Maintenance (O&M) (If applicable)

☐ I will provide a bond or other financial assurance for O&M.  ☐ The State has agreed to provide for O&M.  
Attach documentation to support your assertion.

VIII. Relates to Projected Costs

A. Provide the projected costs for each proposed response activity and attach an explanation of why each of these costs is "necessary."

B. Provide a proposed schedule for the submission of claims.

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TOTAL $ |

IX. Relates to Project Management

A. Describe the management structure to be put in place to implement the proposed project and to control financial matters.

B. Describe your procedures for comprehensively documenting the work performed and the costs incurred for all phases of the proposed response action.

C. Describe your procedures for reporting to EPA on the progress of the proposed project and for EPA oversight.

D. Describe your proposed procurement procedures

Certification

I certify that all information herein is true to the best of my knowledge. I agree to supply additional information, as requested, in support of this application and access to the site for purpose of inspection.

Signature of Applicant:  
Date:  

CERCLA Penalty for Presenting Fraudulent Claim

Any person who knowingly, gives or causes to be given false information or data in connection with a claim against the Hazardous Substance Superfund may, upon conviction, be fined in accordance with the applicable provisions of Title 18 of the United States Code or imprisoned for not more than 3 years or not more than 5 years in the case of a second or subsequent conviction, or both. 42 U.S.C. 9612 (a)(1)(B)

Civil Penalty for Presenting Fraudulent Claim

The claimant is liable to the United States for a civil penalty of $2,000 and an amount equal to two times the amount of damages sustained by the Government because of the act of that person, including costs of the civil action.

Criminal Penalty for Presenting Fraudulent Claim or Making False Statements

The claimant will be charged a maximum fine of not more than $10,000 or be imprisoned for a maximum of 5 years, or both. 18 U.S.C. 301. 7617.
INSTRUCTIONS TO APPLY
FOR PREAUTHORIZATION OF A CERCLA RESPONSE CLAIM

This form is to be used to apply for CERCLA preauthorization of a claim against the Insititute Subsidiary Superfund Trust, which is authorized by section 112(b) and (c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). EPA preauthorization is required before a party can begin response work that may displace Fund reimbursement of response costs. The regulatory procedures for obtaining preauthorization from EPA are found at 40 CFR Part 307. The public reporting burden for the completion of this form is estimated to vary between 198 and 320 hours—averaging 220 hours—per application. These estimates include the time needed to review instructions, search existing data sources, gather and maintain the data needed for completing and reviewing the collection of information. Any comments concerning the burden estimates or suggestions for reducing the burden to any other aspect of this form should be sent to the following addresses:

Chief, Information Policy Branch, PA-223
U.S. Environmental Protection Agency
401 M St. SE, L-36
Washington, D.C. 20460

Office of Information and Regulatory Affairs
Office of Management and Budget
725 Jackson Place, N.W.
Washington, D.C. 20503

Attention: Desk Officer for Emissions

The applicant bears the burden for demonstrating that adequate Fund resources should be utilized for the project. Consequently, all preauthorization applications should be factored through, well-documented, and based on sound analysis. Due to the complexity of the issues involved, it is in the applicant’s best interest to organize the submission so that it can be easily read to EPA officials.

In many cases, the spaces provided on this form will be insufficient for full presentation of the information solicited. In such circumstances, the applicant shall affix typewritten sheets and provide clear cross-references between the items on this form and the attachments.

A number of items will also require the applicant to provide appendices. If these appendices are not submitted along with the application, the application may be considered incomplete and not processed. The appendices should be compiled in a manner that summarizes the data provided therein. The appendices may include any supporting data that the applicant considers relevant or necessary in support of the application. The appendices should be kept to an absolute minimum and should contain only data that is not already provided in the application.

Applicants should consult 40 CFR section 307.23(d) to assess any claims of business confidentiality.

When completing this form, the applicant is to be used:

Chief, Information Policy Branch, PA-223
U.S. Environmental Protection Agency
401 M St. SE, L-36
Washington, D.C. 20460

Attention: Desk Officer for Emissions

The sections below provide instructions for particular items on the claim form:

I. A. Provide the name, state and address of the person submitting this application. If the claim is submitted by a group of persons who have created a legal entity to act as claimant, information should be provided concerning the identity and location of both the entity and the constituent parties.

B. Self-explanatory.

C. Check all that apply.

D. Agent refers to any duly authorized agent, executor, administrator or other legal representative of the applicant. If a preauthorization application is submitted by such an agent, the latter must present evidence of authority to so represent the applicant. (See 40 CFR Section 307.20).

II. A. C. Self-explanatory.

D. This description must include the following information: the type of vessel and facility; the type and quantity of hazardous substance (including whether the substance is listed under CERCLA section 103); a description of the surrounding population and/or environmental risk.

E. Self-explanatory.

IV. A. Self-explanatory.

B. Describe the response actions that are the subject of the request (e.g., removal, RIFE, selection of remedy, design, construction, and methods proposed for carrying out such actions, including site cleanup plan and quality assurance procedures). Address the requirements contained in 40 CFR 307.22.

C. Method/Community Health and Safety Plan. The method/plan must comply with OSHA Safety and Health standards as 29 CFR Part 1910.29. The community plan must address the protection of areas remote from the physical, chemical, and/or biological hazards particular to the site and the selected response.

D. (See 40 CFR Sections 307.4(b)(1), 307.6(b)(2).)

E. Include a discussion of financial and technical/scientific capabilities.

F. If a letter of cooperation signed by the designated State or tribal Tribe is not attached to an application to undertake a remedial action, explain efforts made by the applicant to obtain such cooperation.

VI. A. All figures provided on the form should be the overall cost for a particular type of response activity (e.g., removal, RIFE, design). Documentation should be attached to support each cost figure. In addition, the applicant must explain why each of the proposed costs is reasonable, necessary, practical, and otherwise credible according to Federal cost procedures. Federal cost principles are presented in the following documents: Omn. Circular A-94 (State and local government and Federally recognized Indian Tribe); Omn. Circular A-122 (non-profit organizations); 40 CFR sections 31.1, 31.3 (not-for-profit organizations).

B. A properly completed attachment of copy data shall be submitted. Applicants are encouraged to prepare reimbursement based upon cash-flow considerations. The goal of an applicant should be to balance major capital expenditures and the completion of discussed tasks against the number and frequency of items.

C. Self-explanatory.