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

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### A. Name, Title and Address of Applicant(s):

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<th>C. Eligibility</th>
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<tr>
<td>Individual</td>
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<td>Foreign Applicant</td>
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### B. Name of Site:

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

A. Date/Time and location 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:
     - If no, explain why not:

### 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
   - If yes, provide date of notice letter:

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
   - If yes, describe why:

C. Is this application to be approved in the context of a consent order or decree? [ ] Yes [ ] No
   - If yes, provide information as to the status of the settlement negotiations, provide the name of the relevant EPA contact person, and attach the most recent draft of any settlement agreement:

D. Have you identified any PRPs for the release or threat of release in question? [ ] Yes [ ] No
   - If yes, attach a list of known PRPs and describe the results of any contacts with them:
     - If no, describe efforts to identify PRPs:

### 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, RIFS) 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 assurance.

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."

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TOTAL $______

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

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 or entity who knowingly, either directly or indirectly, and in any manner, do any act or thing, as defined in clause (ii) of section 107(a)(2) of the United States Code, or any person acting by, through or on behalf of a person, who is or was, at any time before the filing of the complaint, in violation of any Federal or State environmental law, shall be subject to a civil penalty, after notice and opportunity for hearing, of not less than $5,000 and not more than $50,000 for each violation or act on or on behalf of such person.

Civil Penalty for Presenting Fraudulent Claim

The person or entity whose act is subject 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 acts of that person, including costs of the civil action.

Criminal Penalty for Presenting Fraudulent Claim or Making False Statements

The person or entity shall be charged with and be forbidden to present a fraudulent claim or make false statements.

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INSTRUCTIONS TO APPLY
FOR PREAUTHORIZATION OF A CERCLA RESPONSE CLAIM

This form is to be utilized to apply for EPA preauthorization of a claim against the Trustee Substantial Superfund Site authorized under sections 11040 and 112 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA preauthorization is required before a party can begin response work that party desires Fund reimbursement of its response costs. The regulatory preauthorization 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 330 hours - averaging 280 hours per application. These estimates include the time needed to review instructions, search existing data sources, gather and maintain the data necessary for completing and reviewing the collection of information. Any comments concerning the burden estimates including suggestions for reducing the burden or any other aspect of this form should be sent to the following addresses:

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

Attention: Desk Officer for EPA

The applicant bears the burden for demonstrating that scarce Fund resources should be utilized for this project. Consequently, all preauthorization applications should be factually thorough, 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 by 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 submit typewritten sheets and provide clear cross-references between the items on this form and the attachments.

A number of forms will also require that the applicant provides appendices. In these appendices, the applicant shall supply sufficient documentation to support the statements presented in the form. Forms in this category should be in accordance with the following rules. The appendices should be organized and presented in a logical manner so as to clearly support the statements made in the body of the application and to allow clear cross-references between the appendices and the primary document. The goal should be to ensure that all documentation required by the appendices clearly relates to and supports the information presented in the body of the application.

Applicants should consult 40 CFR section 307.230(a) to assist any claims of business confidentiality when completing this form. When completing this form, the applicant should list on the form the name and address of the entity responsible for the site, as well as the responsible party. The applicant should take care to provide clear cross-references between the form and the appendices.

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

I. A. Provide the name, address and the name 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 the preauthorization application is submitted by such an agent, the agent must present evidence of authority to so represent the applicant. (See 40 CFR Section 307.21)

II. A. C. Self-explanatory.

D. This description must include the following information: the type of vessel or facility, the type and quantity of hazardous substance (including whether the substance is listed under CERCLA section 101); a description of the surrounding population and environmental risk.

E. Self-explanatory.

IV. A. Check whether you own or operate or had an interest in the property (if any) located at the site.

B. Self-explanatory.

C. Describe the response activities that the subject of the request (e.g., removal, RRF, site restoration, design, construction) considered, and methods proposed for carrying out such activities, including site sampling plan and quality assurance/quality control procedures. Address the requests contained in 40 CFR 307.22.

D. This (community health and safety plan) where applicable, and of EPA.

E. This community health and safety plan must convey the necessary and effective use of sites where hazardous substances may be present in the site and the selected response.

F. This plan must address the protection of areas remote from the physical, chemical and/or biologic hazards present to the site and the selected response.

G. This plan need not detail a plan if the response action is a short duration or a community-related plan already exists for the site or area.

H. Include a description of financial and technical/operational capabilities.

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

II. A. The figures provided on this form should be the overall cost for a particular type of response activity (e.g., removal, RRF, design). Documentation should be attached to support each cost figure. In addition, the applicant must identify why each of the proposed costs is necessary. "Necessary" costs are those which are (1) required, (2) demonstrate, and (3) allowable according to Federal cost principles. Federal cost principles are presented in the following documents: OMB Circular A-110 (State and local government and Federally recognized Indian Tribes); OMB Circular A-122 (non-profit organizations); 40 CFR appendix A-130 (non-profit organizations).

B. A complete list of the submissions of data provided should be included. Applicants are encouraged to process 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.