

**“Capturing State/Tribal Response Program Activity Levels”**  
developed by the State/Tribal/EPA Phase II Joint Working Group

**Please provide the following for the last federal fiscal year:**

1. Number of properties enrolled in response program supported by the CERCLA 128(a) funding.
2. Number of properties that received No Further Action (NFA) documentation or Certificate of Completion (COC) or equivalent AND have all required institutional controls in place.
3. Number of properties that received an NFA or COC or equivalent and do NOT have all required institutional controls in place.
4. Total number of acres associated with properties in #2 above.
5. **(OPTIONAL)** Number of properties where assistance was provided, but the property was **not**-enrolled in the response program.

<b>State or Tribal Nation:</b>	
<b>Fiscal Year:</b>	<b>Number</b>
1. Properties enrolled in a CERCLA 128(a) funded the response program	
2. Properties with completed cleanups <u>which have</u> all required ICs in place (or do not require any ICs)	
3. Properties with completed cleanups which <u>do not</u> have all required ICs in place	
4. Total number of acres associated with #2.	
5. OPTIONAL: Number of properties not enrolled for which assistance was provided	

Guidance on answering the reporting questions, along with definitions can be found on the next page.

## GUIDANCE ON ANSWERING THE REPORTING QUESTIONS

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- The definitions below are based on the EPA Property Profile Form (PPF). The definitions below are meant as guidance. States and tribes that have definitions that differ from those below may choose to adopt those definitions when reporting their data – we are not expecting states/tribes to alter existing regulatory or statutory definitions, but rather to report consistently on an annual basis.
- Prior to the first reporting timeframe, states and tribes will work with their regional EPA office to determine the exact definition for their particular situation. This negotiated definition will create the parameters by which the state or tribe will report for subsequent years.
- Reporting on #2. Also include in this number properties which do not require any institutional controls.
- Reporting on #3: For those states/tribes that do not issue an NFA or COC without all ICs in place, the appropriate answer for #3 would be “0” (as this would not occur)
- Reporting on #5: Question # 5 is optional. For those that choose to answer this question, the following are examples of activities we would consider: technical review of site assessment documents, quality assurance reviews, review of CERCLA 104(k) grantee applications, etc. This section would not be for those reviews/technical assistance provided to properties “enrolled” in the VCP, i.e., those working toward an NFA or COC.

### DEFINITIONS

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1. **Properties:** (as defined in the Property Profile Form (PPF)) “contiguous piece of land under unitary ownership”
2. **Enrolled:** “enter into, register with, accepted into, or other type of official entrance or inclusion into the response program” (does not include situations where technical assistance is provided to an entity, but not formal “enrollment” occurs)
3. **Response Program:** “generally, the state or tribal program(s) that benefit from CERCLA 128(a) grant funding”
4. **No Further Action Letter or Certificate of Completion or equivalent:** (based upon language in the PPF) documentation issued by the state or tribal response program indicating cleanup is complete according to the standards of that program.
5. **required institutional controls (or land use controls):**
  - a) **required:** as determined by state/tribal/local law, regulation, or ordinance as necessary to protect the environment and/or public health
  - b) **institutional controls:** (as defined in the PPF) although definitions of institutional controls may vary, the four general categories of ICs are:
    - proprietary controls (e.g., easements, covenants);
    - governmental controls (e.g., zoning, building codes, drilling permit requirements);
    - informational devices (e.g., state registries, deed notices, advisories), and
    - enforcement/permit tools (e.g., order, permits, consent decrees).

6. **in place**: (as defined in the PPF) depending on the type of institutional control(s) to be implemented at a property the term “in place” could include for example: the enactment of ordinances (e.g., ground water use restrictions), codes, and/or regulations by local government; recording of legal instruments in the chain of title for a property; issuance by a regulatory authority of enforcement tools or permit; listing of property on a state registry of contaminated sites; and/or recording of deed notices or hazard advisories in local land records.