How to Conduct PRP Research
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2019 TRP Workshop
Agenda/Topics to Be Covered

- Who is a PRP under Alaska State Law
- Who is a PRP under CERCLA
- A note on joint and several liability
- Why search out PRPs?
- How to Identify PRPs
- Steps to Locating this information
- Additional Resources
- Case Study
Who is a PRP?
Alaska Statute 46.03.822(a)

- Owned or controlled the hazardous substance at the time of its release;
- Own(ed) or operate(d) the property or facility from which the release occurred
- Own or operate the property at which the hazardous substance came to be located
- Arranged for transport, disposal or treatment of hazardous substances that were released

*Liability is Strict, Joint and Several!
Who is a PRP?
CERCLA 42 U.S.C. 9601 et seq.

• Current owners and operators of a facility,

• Past owners and operators of a facility at the time hazardous wastes were disposed,

• Generators and parties that arranged for the disposal or transport of the hazardous substances, and

• Transporters of hazardous waste that selected the site where the hazardous substances were brought.

*Liability is Retroactive, Strict, Joint and Several!
A note on joint and several liability

What is “liability”?  
• A comprehensive legal term that describes the condition of being actually or potentially subject to a legal obligation

What is “strict liability”?  
• Legal obligation without regard to fault

What is “joint liability”?  
• A legal obligation for which more than one party is responsible

What is “joint and several liability”?  
• The status of those who are responsible together as one unit as well as individually for their conduct. The person who has been harmed can institute a lawsuit and recover from any or all of the wrongdoers—but cannot receive double compensation, for instance, the full amount of recovery from each of the two wrongdoers.
This means PRPs are any and all...

- Spillers
- Owners
- Operators
- Transporters

Why search out PRPs?

- If there is a PRP, then the EPA and ADEC expect them to pay for assessment and cleanup meaning...
- The site likely won’t make it through a Brownfields eligibility determination
How to Identify the PRPs

• Questions to answer
  – How, when, and where did a release occur?
  – Who currently owns the site and who used to own it?
  – How has the property been used over time and by whom?
  – Who are the current and former operators and lessees?
  – Did the property boundaries change?
  – Did the property description change?
Locating information

- Step One: Determining Legal address of the property
- Step Two: Locating (potential) releases on the property
- Step Three: Finding the Current landowner
- Step Four: Finding the Past landowners
- Step Five: Finding the Current site operator and/or site lessee and/or Transporters
- Step Six: Finding Past site operator and/or site lessee and/or Transporters
- Step Seven: Locating Adjacent property owners (if contamination is migrating or to provide historic information)
Step One: Locating a legal description of property

- DCRA Community Profile Maps
  http://dcced.maps.arcgis.com/apps/webappviewer/index.html?id=18fdb060875740fdad22099ca779d637
  *did the property boundaries change?
  *did the property description change?

ADNR Alaska Mapper http://dnr.alaska.gov.mapper/controller
Step One: Locating a legal description of property

Local Maps

- City of Cordova Property Tax Roll [http://www.cityofcordova.net/residents/services/property-taxes](http://www.cityofcordova.net/residents/services/property-taxes)
- City of Dillingham GIS [http://dillingham.maps.arcgis.com/apps/Viewer/index.html?appid=f3a82ba94f0b4fe0bd34a3ee407322b1](http://dillingham.maps.arcgis.com/apps/Viewer/index.html?appid=f3a82ba94f0b4fe0bd34a3ee407322b1)
- Fairbanks North Star Borough GIS [http://fnsb.us/gis/Pages/GIS-Viewers.aspx](http://fnsb.us/gis/Pages/GIS-Viewers.aspx)
- City and Borough of Juneau GIS [http://epv.juneau.org/](http://epv.juneau.org/)
- Kenai Peninsula Parcel Viewer [http://mapserver.borough.kenai.ak.us/kpbmapviewer/](http://mapserver.borough.kenai.ak.us/kpbmapviewer/)
- Kodiak Island Borough Map Center [https://www.kodiakak.us/339/Map-Center](https://www.kodiakak.us/339/Map-Center)
- City and Borough of Yakutat Map Gallery [https://cby.maps.arcgis.com/home/index.html](https://cby.maps.arcgis.com/home/index.html)

*did the property boundaries change? *Have the property boundaries changed?
Step Two: Locating if there is a Known Release on the Property

- ADEC Contaminated Sites Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/
Step Two: Locating if there is a Known Release on the Property

- ADEC Spills Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/PERP/SpillSearch
Step Two: Locating if there is a Known Release on the Property

- EPA Enviromapper
  https://geopub.epa.gov/myem/efmap/index.html?ve=8,47.12417984008789,-120.6796875&pText=Kittitas
Step Three: Locating the Current Landowner

- Local knowledge

- ADNR Recorders office
  http://dnr.alaska.gov/ssd/recoff/searchRO.cfm

- Local Maps/Info
Step Four: Locating Previous Landowners

- Local knowledge

- ADNR Recorders office
  http://dnr.alaska.gov/ssd/recoff/searchRO.cfm

- DCCED Corporate licenses
  https://www.commerce.alaska.gov/cbp/main/

- Historical Societies

- ANSCA Contaminated Lands Map
  http://blm-egis.maps.arcgis.com/home/webmap/viewer.html
  ?webmap=404797968578439f4f4cece4bf529643
Step Five: Locating the Current Operator, Site Lessee or Transporter

- Local knowledge

- ADNR Recorders office
  http://dnr.alaska.gov/ssd/recoff/searchRO.cfm

- DCRA Community Database
  https://dcced.maps.arcgis.com/apps/MapJournal/index.html?appid=9817f419840f43b78ead8608fc9ce103#

- DCCED Corporate licenses
  https://www.commerce.alaska.gov/cbp/main/

- Google
Step Five: Locating the Previous Operator, Site Lessee, or Transporter

- Local knowledge

- ADNR Recorders office
  [http://dnr.alaska.gov/ssd/recoff/searchRO.cfm](http://dnr.alaska.gov/ssd/recoff/searchRO.cfm)

- DCRA Community Database

- DCCED Corporate licenses
  [https://www.commerce.alaska.gov/cbp/main/](https://www.commerce.alaska.gov/cbp/main/)

- Google
Step Seven: Locating Adjacent Property Owners

- Local knowledge

- DCRA Community Profile Maps

- ADNR Recorders office
  [http://dnr.alaska.gov/ssd/recoff/searchRO.cfm](http://dnr.alaska.gov/ssd/recoff/searchRO.cfm)

- Local Maps/Info
Additional EPA Resources

PRP Search Manual

https://www.epa.gov/sites/production/files/2017-10/documents/prp-search-man-cmp-17_0.pdf

PRP Search Training videos

https://www.epa.gov/enforcement/prp-search-training-videos

PRP Search Basic Training

Case Study

• There is a reported junkyard in the Matanuska Susitna Borough
• Address given as “2nd and D Street” Palmer, AK
• You visit the site and find this:

• How do you locate possible PRPs?
How to Identify the PRPs

• Questions to answer

  – How, when, and where did a release occur?

  – Who currently owns the site and who used to own it?

  – How has the property been used over time and by whom?

  – Who are the current and former operators, lessees, and transporters?

  – Did the property boundaries change?

  – Did the property description change?
Step One: Locating a legal description of property

- DCRA Community Profile Maps
  http://dcced.maps.arcgis.com/apps/webappviewer/index.html?id=18fbd060875740fdad22099ca779d637

- Local GIS Maps (see slide 10)
  - Mat-Su Borough Parcel Viewer
    https://mapping.matsugov.us/Html5Viewer/index.html?viewer=MSB_Parcel_Viewer

* did the property boundaries change?

* did the property description change?
Step Two: Locating if there has been a Release on the Property

- ADEC Contaminated Sites Map
  https://www.arcgis.com/home/webmap/viewer.html?webmap=315240bfbaf84aa0b8272ad1cef3cad3

- ADEC Contaminated Sites Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/

- ADEC Spills Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/PERP/SpillSearch
Step Three: Locating the Current Landowner

• Luckily for me:

Mat-Su Borough Parcel Viewer
https://mapping.matsugov.us/Html5Viewer/index.html?viewer=MSB_Parcel_Viewer

Also gave me the Current Owner
Step Four: Locating Previous Landowners

- ADNR Recorders office
  [http://dnr.alaska.gov/ssd/rec off/searchRO.cfm](http://dnr.alaska.gov/ssd/rec off/searchRO.cfm)

* Did they own the property at the time or since the spill?
Step Five: Locating the Current Operator

• If not the owner, who is living on property?
  – Conducted a site visit and did more research
    – Michael (one of Gerald’s son’s) lives on the property

Step Six: Locating the Previous Operator

• Who had operated on property?
  – The records indicate Gerald Poirier operated on the property as the owner
  – Not clear previously
Step Seven: Locating Adjacent Property Owners

Luckily for me, I could also get this information on:

Mat-Su Borough Parcel Viewer
https://mapping.matsugov.us/Html5Viewer/index.html?viewer=MSB_Parcel_Viewer
PRPs Found

- Answer our questions
  - How, when, and where did a release occur?
    - Gerald Poirier brought items out to his property and stored them since at least the early 2000s
  - Who currently owns the site and who used to own it?
    - “Estate of Gerald Poirier”
    - Owned by Katie Dryden previously, but not likely owned at time of contamination
  - How has the property been used over time and by whom?
    - As an illegal dumping area since Gerald Poirier operated on it – unclear previously
  - Who are the current and former operators and lessees?
    - Michael, one of Gerald’s sons.
  - Did the property boundaries change?
    - No, property was surveyed in 1916 with no other changes
  - Did the property description change?
    - No, property was surveyed in 1916 with no other changes