

MONTANA DEQ

FISCAL YEAR 2009 REMEDIATION DIVISION ANNUAL REPORT

July 1, 2008 – June 30, 2009

It is the mission of the Montana Department of Environmental Quality to protect, sustain and improve a clean and healthful environment to benefit present and future generations.

It is the mission of the Remediation Division to protect human health and the environment by preventing exposure to contaminants released to soil or water, and to oversee compliance with state and federal laws and regulations.

REMEDIATION DIVISION

The Remediation Division is one of four divisions under the Montana Department of Environmental Quality (DEQ). The Division is responsible for overseeing investigation and cleanup activities at state and federal Superfund sites, reclaiming abandoned mine lands, implementing corrective actions at sites with leaking underground storage tanks, and overseeing groundwater remediation at sites where agricultural and industrial chemical spills have caused groundwater contamination. The purpose of these activities is to protect human health and the environment; to prevent human and ecological exposure to hazardous or deleterious substances that have been released to soil, sediment, surface water, or groundwater; and to ensure compliance with applicable state and federal regulations.

The division's Mine Waste Cleanup and Hazardous Waste Site Cleanup Bureaus and their respective sections and programs facilitate site cleanup. Program staff includes bureau chiefs, section supervisors, environmental science specialists, reclamation specialists, and other technical program staff. The Division Administrator oversees and ensures program administration. The Division Administrator's Office includes the office manager and administrative professional staff, the fiscal officer and staff, and the public information officer.



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MINE WASTE CLEANUP BUREAU

Abandoned Mines Section

Purpose: Montana's Abandoned Mined Land Reclamation (AML) Program within the DEQ is responsible for cleanup and reclamation of historic (pre-1977) mining-related disturbances. In effect since 1980, Montana's AML Program is regulated by federal and state statutes, and by Montana's Approved Abandoned Mine Reclamation State Plan published in the Code of Federal Regulations. The AML Program is funded by a federal grant under the Surface Mining Control and Reclamation Act.

Program Highlights: In FY 2009, the program resumed construction for the third and final year at the Snowshoe Mine in Lincoln County. Work is on schedule for completion at the end of the 2009 work season. The Snowshoe project is a cooperative project with the U.S. Forest Service (USFS) that involves removal of mine waste and tailings from the floodplain and stream channel of Snowshoe Creek and placement of these wastes in an engineered repository located in a high and dry location on USFS property. In addition to abandoned mined land and USFS funding, the project received a \$300,000 grant from the 2007 legislative session.

The AML Program completed construction on the Trail Creek Coal Mitigation project in Park and Gallatin counties as well as on the Toston Smelter Mine Reclamation Project in Broadwater County. The Toston project removed lead and arsenic-contaminated slag and mine waste from the banks and bed of the Missouri River, and encapsulated these materials in a secure, engineered repository. The project featured an Earth/Arbor Days tree planting event involving local high school students and Montana Conservation Corps. The event promoted the Montana Governor and First Lady's Math and Science Initiative. It was attended by First Lady Nancy Schweitzer and the federal Office of Surface Mining (OSM) Casper Field Office Director Jeffrey Fleischman. The Toston project also received a \$300,000 grant from the 2007 legislature.

The program held a public meeting in Cooke City, Park County to inform community members of the DEQ purchase of McLaren Tailings property and to share an Engineering Design Document, prior to developing construction specifications and bidding documents for the McLaren project. Construction began on a portion of the Spring Meadow Lake Mine Reclamation Project in winter 2009. Mine waste and impacted sediment was removed from the lake while water levels were at seasonal lows. Construction specifications and bidding documents were developed for the remainder of the project and the work advertised for bid in June 2009.

AML worked with the U.S. Bureau of Land Management (BLM) on an agreement to provide funding to expand and incorporate additional mine wastes from the Great Divide Ski Area into the Bald Butte Mine Reclamation Project, Lewis and Clark County. Construction is scheduled to begin in 2010. Staff conducted hard rock reclamation investigation at Highland, Lilly Orphan Boy, Broken Hill and Forest Rose as well as at the Garnet priority mine sites. The Garnet project will focus in part on source control of contaminated mine drainage.

AML continued to monitor completed mine waste repositories, assessing upstream and downstream water quality as well as repository leachate. The program also continued work on the Belt Coal Mine Acid Mine Drainage Control Project, Cascade County, assessing the reopened Anaconda Coal Mine for hydrologic influences from surface and groundwater sources and evaluating the design of an underground bulkhead system for source control of acid mine drainage.

Construction Services Section

Purpose: The Construction Services Section (CSS) of the Mine Waste Cleanup Bureau is responsible for the remedial cleanup of 22 miles of Silver Bow Creek, extending from Butte to the Warm Springs Ponds, and 43 miles of the Clark Fork River bank and associated flood plain, extending from Warm Springs Ponds to areas west of Garrison Junction. This work, overseen by EPA, is funded from a cash-out settlement with Atlantic Richfield Corporation (ARCO) completed under federal superfund law.

MINE WASTE CLEANUP BUREAU—CONTINUED

In 1983, the Silver Bow Creek/Butte area was listed as a Federal Superfund site. The remediation and restoration project cost is \$100 million using funds from a legal settlement with ARCO. The Clark Fork project cleanup will start in late 2009 or early 2010 and is expected to take 10 to 12 years.

Program Highlights: Streamside Tailings Operable Unit construction was completed for miles 9 and 10 in the Ramsey area as a part of the ongoing remedial effort. Live trout have now returned to reclaimed portions of the creek. Construction in the Fairmont to Opportunity area of Silver Bow Creek was started. Design was completed, and work in the Durant Canyon area was advertised for bid. Compost procurement, application, seeding and weed control continued along the creek. The entire project, which extends from the I-15 and I-90 bridges, West of Butte, to Warm Springs Ponds, is expected to be completed by 2012.

Work began in FY 2009 on the Clark Fork River Operable Unit Federal Superfund project. In fall 2008, the DEQ conducted soil sampling at the Deer Lodge Trestle Area, marking the start of the combined \$123 million Superfund remediation and restoration of the Upper Clark Fork River. In early summer 2009, work continued at the Trestle Area with plans to begin in late summer on the East Side Road properties and do initial river characterization and sampling. A first for the division was the KQRV River Radio broadcast of one of the Clark Fork public meetings live as a public service for the community of Deer Lodge.

Federal Superfund Section

Purpose: The Federal Superfund Section (FSS) of the Mine Waste Cleanup Bureau is responsible for administering remedial cleanup activities, in consultation with EPA, at 2 federal Superfund sites in Montana. Cleanup at the Montana Pole National Priority List (NPL) site and the Troy Operable Unit of the Libby Asbestos NPL Site is led by the DEQ. The DEQ also supports EPA at 12 other sites through the Superfund process, working towards final risk management and clean up decisions.

Program Highlights: DEQ continued to inspect properties in Troy for vermiculite to ensure rapid response to clean up the worst homes. More than 5,000 environmental samples have been collected from 866 properties and 107 parcels meet the current removal criteria. Nine parcels have already been addressed through EPA's removal contractors. In June 2009, the EPA, in partnership with the U.S. Department of Health and Human Services, declared the Libby Asbestos Site a Public Health Emergency.

Work also continued at the Anaconda Smelter site on the Community Soils, Old Works, and Regional Water Waste and Soils projects. The section is assisting EPA in developing an Explanation of Significant Differences (modification of the Record of Decision, or ROD) for the remediation of lead contaminated residential soils. (The ROD addresses the final cleanup of the Site and is the official documentation of how remedial alternatives were considered and why agencies selected the final remedy). The section continues to provide input for attic and yard sampling, remediation of residential and commercial/industrial properties, activities to minimize blowing dust concerns, and surface and groundwater investigations.

Remediation of the Milltown Reservoir Sediments Operating Unit involved the removal of two million cubic yards of sediment from the reservoir. The DEQ assisted the Montana Department of Transportation (MDT), EPA, and the Army Corp of Engineers with the completion of the Highway 200 and I-90 bridges. The DEQ facilitated fish monitoring and groundwater studies to evaluate the effects of the dam removal on fish migration and residential wells.

The section continued remediation of groundwater and soil at Montana Pole. FSS provided input to MDT for the removal of contaminated soils during I-90 bridge realignment activities on the Montana Pole site. Operations and maintenance were continued at Libby Groundwater and Idaho Pole. Groundwater monitoring continued at Lockwood Solvent Ground Water Plume.

Ongoing development of institutional controls (restrictions that protect human health and safety) took place at the Anaconda, Carpenter/Snow Creek and East Helena sites with EPA and the appropriate county. The section conducted or participated in public meetings for Flat Creek/IMM and East Helena Asarco. The section assisted EPA in preparing a ROD for the Carpenter/Snow Creek Mining District Town of Neihart Operable Unit.

MINE WASTE CLEANUP BUREAU—CONTINUED

In the Upper Tenmile Creek Mining Area, the section conducted remediation for residential soils, evaluated potential waste water treatment systems and potential potable water sources, and conducted mine site reclamation evaluations. FSS worked collaboratively with EPA to delist the soil portion of the Mouat Superfund site in Columbus. Mouat became the first Superfund site in Montana to become delisted.

The DEQ assisted EPA with work on the Flat Creek/IMM site in Superior to prepare for the official listing on the NPL, expected to occur in the fall of 2009. Flat Creek/IMM consists of Operable Unit 1, residential areas in and around the town of Superior and Operable unit 2, the former mine site. Remedial investigation activities are being conducted. Progress was made on the Asarco bankruptcy agreements statewide, including in the Barker/Hughesville Mining District.

HAZARDOUS WASTE SITE CLEANUP BUREAU

Tank Cleanup Program

Purpose: The Petroleum Services Section (PTS) and the LUST Brownfields Section (LBS) administer cleanup (corrective action) requirements for petroleum releases (leaks and spills) under the Petroleum Storage Tank Cleanup Act and the Montana Storage Tank Act. These sections both oversee the investigation of contamination and subsequent cleanup at release sites, including but not limited to service stations and convenience stores throughout Montana. PTS focuses on releases from known sources at petroleum storage tank facilities with solvent responsible parties. LBS focuses on federally-funded cleanup work for releases with unknown sources and at releases from underground storage tank sites with insolvent or recalcitrant responsible parties, and releases at federally-owned sites.

Petroleum Release Statistics: In FY 2009, 33 new petroleum releases were confirmed and 84 petroleum releases were closed. There were 1,549 active release sites as of June 30, 2009.

Program Highlights: The two sections worked closely with the Petroleum Release Compensation Board, and the DEQ Waste and Underground Tank Bureau and Enforcement Division to produce the quarterly *MUST News*. This newsletter is a communication tool produced by the Montana DEQ to inform and update petroleum storage tank owners and operators, environmental consultants and others interested in developments about petroleum storage tank operation, rules, release prevention, remediation and reimbursement. *MUST News* is distributed quarterly via U.S. mail, emailed via list serv and posted online at www.deq.mt.gov

LBS Highlights: The LUST Brownfields Section (LBS) provided project management oversight on 60 active LUST Trust sites during Fiscal Year 2009. DEQ conducted investigation and cleanup activities at 16 different LUST Trust sites and completed a cost recovery action at one site. In an effort to bring additional LUST Trust Sites to closure, LBS staff updated Site Status Memorandums on numerous sites as well as re-ranked sites using the updated LBS priority ranking system. These activities helped to focus program efforts on high priority sites and also identified several sites ready for closure review.

The LUST Trust Program received special grant funding for the George's Conoco site in Ronan from the American Petroleum Institute (API) to support a graduate student Master's Degree research project through the University of Montana (U of M) Geoscience Department. The research project seeks to better define subsurface contaminant conditions focusing research efforts on the heat plume generated by the electrical resistance heating project. The project uses heat to break down petroleum in the soils in order to achieve clean up.

LBS staff, using its newly updated cost recovery case summary format, completed 39 Cost Recovery Case Summaries to initiate timely cost recovery actions. Cost recovery efforts were completed at three separate LUST Trust sites.

HAZARDOUS WASTE SITE CLEANUP BUREAU—CONTINUED

AMERICAN RECOVERY AND REINVESTMENT ACT

The LUST Trust Program requested and received \$1.3 million in federal Stimulus funding during FY 2009. Montana was the first of five states in the region to be awarded funds from the EPA for underground petroleum spills under the American Recovery and Reinvestment Act (ARRA). The Stimulus funds will be used to support investigation and remediation efforts at seven sites in Montana. The money will fund work in Sidney, Lewistown, Ronan and two sites each in Columbus and Roundup. There are more than 1,500 active petroleum storage tank releases in Montana. The DEQ looked at high priority, shovel-ready sites to decide the seven that will get ARRA funding. For more information visit the Montana recovery website at www.recovery.mt.gov.



PTS Highlights: The PTS section received accolades from the EPA for stepping up site closures in FY 2009. The division has made a significant push to get sites that are close to closure over that last bit of effort it takes to polish off our cleanup activities and issue No Further Action (NFA) letters. EPA noticed the progress. “Great news on the cleanups! My team has been commenting on the increase in NFA letters,” wrote Janice Pearson, UST/LUST Team Leader, US EPA, Region 8.

PTS has approximately 100 sites that are ready for closure and approximately 250 sites that are nearing closure. Thus, the PTS should be able to lower its overall backlog to approximately 1,150 in the next 18 months. Also in FY 2009, the PTS adopted performance standards to be reached by each project manager.

The PTS developed a pilot monitoring project to begin in fall 2009. The DEQ, with the concurrence of the responsible party, will contract out sampling a small number of sites that are eligible for the Petroleum Release Compensation Fund, where responsible parties have met their co-pay. The goal of this project is to keep low priority sites from falling through the cracks, by improving efficiency in monitoring, thereby reducing costs. Effective May 1, 2009, the PTS encouraged investigations, work plans and reports to be submitted to DEQ in digital format in addition to initial paper copies. This practice will ensure easy access to information and reduce paper consumption. PTS has received positive feedback from members of the consulting community.

Site Response Section

Purpose: The Site Response Section (SRS) administers the state Comprehensive Environmental Cleanup and Responsibility Act (CECRA) and the Water Quality Act (WQA) to investigate and clean up hazardous substances at sites not addressed by the federal Superfund program. Historical waste disposal activities and spills at these sites caused contamination of air, surface water, groundwater, sediments, and/or soils with hazardous or deleterious substances. Under CECRA, sites are ranked based on potential risks to human health and the environment.

Program Highlights: Because staff and financial resources are insufficient to address the 209 contaminated sites listed in Montana, CECRA activities focus primarily on 36 of the 58 maximum and high priority sites on the list. In addition to routine reviews and approvals conducted, the SRS completed significant major actions at several of the state’s high and maximum priority sites.

Legislative amendments were made to CECRA this past session. HB 153 amended the Voluntary Cleanup & Redevelopment Act to require that voluntary cleanup plans be submitted in two separate phases (an environmental assessment phase and a remediation proposal), to provide a “stop work” provision if the applicant fails to reimburse DEQ oversight costs, and to require applicants to notify DEQ within 10 days if certain conditions are encountered during the cleanup, allowing DEQ to void approval

HAZARDOUS WASTE SITE CLEANUP BUREAU—CONTINUED

if the applicant does not report the information. SB71 amended the Controlled Allocation of Liability Act and allows DEQ to provide orphan share reimbursement incrementally to a lead potentially liable person without the necessity of a hard ship determination for early reimbursement. Both bills are effective October 1, 2009.

Progress continues at the Burlington Northern Santa Fe (BNSF) Livingston Shop Complex facility. About 200 structures have been sampled to evaluate whether vapors are migrating into buildings from below the ground surface. BNSF petitioned for dispute resolution regarding DEQ's decisions about vapor intrusion and is now taking DEQ to court. BNSF successfully completed pilot testing of sodium permanganate injection into the groundwater to break down solvent contamination. Further testing will occur this year. The free product recovery system and bioventing of petroleum contaminated soils was expanded and over 16,000 gallons of petroleum product have been recovered or remediated to date.

The DEQ launched remedial design for the final cleanup activities at the Kalispell Pole and Timber, Reliance Refinery, and Yale Oil Corporation facilities, which are collectively referred to as the "K.R.Y." site. Phases for cleanup are outlined in the DEQ's remedial action work plan. The plan considers current uses, infrastructure needs and future development. A pilot test of a particular chemical oxidant is underway to provide information for design plans.

Vapor intrusion investigations have expanded into the residential area at the Bozeman Solvent Site (former dry cleaner location) based on the confirmed presence of tetrachloroethene (PCE) vapors exceeding screening levels beneath the shopping center slab. Enhanced bioremediation was evaluated through a pilot test and additional monitoring continues to determine its effectiveness for final cleanup.

Settlement funds received last year for the Upper Blackfoot Mining Complex allowed the DEQ to begin implementation of the design process associated with removing the Mike Horse Dam. The risk assessment and feasibility study for the entire site is ongoing and expected to be completed in 2010.

Cleanup of asbestos contaminated soils was nearly completed at the CMC Asbestos Bozeman CECRA site. The City of Bozeman is conducting the work and is being reimbursed for the eligible costs through the orphan share fund.

Progress continues at the former Texaco-Sunburst Works Refinery site in Sunburst. In addition to clean up actions, such as vapor intrusion mitigation system and soil excavation to remove lead and petroleum contamination on individual properties, free product recovery systems were installed to recover petroleum floating on the groundwater table.

Under the Voluntary Cleanup and Redevelopment Act (VCRA), one voluntary cleanup plan was approved in FY 2009. Voluntary cleanups are typically for low and medium-priority sites.

The SRS Groundwater Remediation Program (GRP) addressed ongoing work at 87 sites and closed seven existing sites. The GRP also conducted work on a number of special projects using contracted services: additional investigations better defined solvent contamination, potential sources, and identified nearby wells at the Helena Solvent Site; investigation at the former Savage Fertilizer Plant in Savage better defined contamination; and two detailed groundwater elevation maps were completed that will help with interpretation of connections between nitrate sources and impacted wells at the Lost Creek Fan nitrate plume located northwest of Kalispell.

Brownfields Programs

Purpose: Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off undeveloped, open land and improves and protects the environment.

HAZARDOUS WASTE SITE CLEANUP BUREAU—CONTINUED

The Remediation Division's Brownfields Program is supported in both the LBS and SRS sections. Both sections have brownfields coordinators who maintain information about brownfields in Montana and assist communities in redevelopment of blighted properties. They publish the semi-annual newsletter, *The Outreach*, in coordination with the DEQ Permitting and Compliance Division's Hazardous Waste Section and the department's publications staff.

Program Highlights: The Petroleum Brownfields Program is an outgrowth of the traditional Brownfields Program and focuses remediation efforts on formerly used service stations, petroleum bulk plants, and refinery sites that meet Petroleum Brownfields eligibility criteria. In 2009, a new Petroleum Brownfields Program Coordinator was assigned within the LBS. The coordinator has worked to develop program guidance and eligibility criteria for screening potential Petroleum Brownfields sites and continues to meet with state and local Brownfields coordinators to discuss projects and conduct community outreach. Petroleum Brownfields outreach efforts included conference calls with the City of Billings and the Great Falls Development Authority, public meetings with the City of Billings and Big Sky Economic Development Corporation, and Beartooth Economic Development Corporation in Columbus, and coordination meetings with the Great Falls Development Authority in Great Falls. Remediation project work at the Shelby Refinery site, which was implemented in 2008 through the Petroleum Brownfields Program, continued in 2009 under the oversight of the City of Shelby.

Hazardous Waste Brownfields Program accomplishments this year included: developing a chemical oxidation treatability study for the Davis Post Yard, Willow Creek; reviewing voluntary cleanup plans for the Shelby Refinery, Shelby; acquiring and compiling data for a dioxin background study; conducting Phase I and II work at the former Malta Airport, Malta; finalizing the Phase 1 assessment for the Yellowstone Heritage Trail Association, Livingston; assisting Lewistown in obtaining an EPA cleanup grant for the Berg Lumber Mill and Powell County in obtaining a targeted brownfields assessment for a portion of Milwaukee Roundhouse, Deer Lodge; and drafting six acknowledgement letters for applications for competitive EPA assessment grants, revolving loan funds, and cleanup grants.

DIVISION ADMINISTRATOR'S OFFICE

Fiscal Services

Purpose: The Fiscal Services Unit (FSU) manages contracts, agreements, task orders, procurement and invoicing processes. FSU monitors budgets, coordinates grant and other applications, completes reports, and conducts other financial services for the division.

Program Highlights: FSU managed 69 consultant contracts and agreements with other state agencies and counties throughout the state. In addition 191 task orders were also managed during FY 2009 under these contracts and agreements. A total of \$19,745,385 in invoice payments were processed and sent to DEQ Financial Services for payment during FY 2009. FSU staff sent out a total of 288 invoices for reimbursement of costs incurred by the division for the CECRA program which resulted in cost recovery of \$1,732,488. A total of 41 invoices were sent out for the LUST Trust program which resulted in cost recovery of \$27,887. FSU staff participated in meetings to improve both CECRA and LUST Trust cost recovery procedures. Additional cost recovery was invoiced for joint projects with both the Montana Department of Justice Natural Resource Damage Program and the USFS. FSU staff also attended meetings with the DEQ Revenue & Accounts Receivable Project Committee to streamline accounts receivable into a new department wide accounts receivable billing module. This transition should be completed in FY 2010. The Remediation Division continues to manage cooperative agreements with EPA for various superfund and groundwater cleanup activities and the cooperative agreement with the Office of Surface Mining for the abandoned mine activities. Budget Status Reports were completed to assist program managers with budget management in all programs and fiscal staff prepared applications and semiannual and quarterly reports for the federal agreements.

FSU staff was increased by one FTE during SFY 2009 to have adequate staff to meet the needs of both the new Clark Fork River Consent Decree and the Abandoned Mine Program funding increase as well as to provide better reporting and financial updates for all of the program managers. The reallocation of duties among the FSU staff began in June 2009.

DIVISION ADMINISTRATOR'S OFFICE—CONTINUED

Administrative Professionals Team

Purpose: The Administrative Professionals Team (APT) provides specific and general support to the Hazardous Waste Site Cleanup and Mine Waste Cleanup bureaus using knowledge of office practices; state, department and division programs; technical terminology; computer hardware and software; and a variety of policies and procedures. This staff is responsible for tasks associated with payroll, travel arrangements and reimbursements, document production, filing system maintenance, database maintenance, web publishing, information dissemination, and other general administrative and clerical support. In addition, day-to-day management of building issues is handled by APT staff.

Program Highlights: 2009 presented the APT staff with opportunities to work closely with other division and building staff. The APT served as website publisher for much of the Remediation Division. APT staff reviewed and inventoried CSS records; developed Records Retention Plans; moved all PTS and AML files to a new location; separated DSMOA files and developed a new filing system for them; proofed and formatted 46 Director's memos; electronically processed 629 purchase requisitions; processed and mailed over 1000 division correspondence documents; compiled and approved 41 Central Stores orders; received, sorted and distributed mail twice daily every work day; received and distributed paychecks/advice every other week; processed time to determine leave accrued biweekly; and made over 200,000 copies of documents for both staff and the public.

Public Information

Purpose: The division strives to be transparent, accessible and collaborative, to proactively provide information about project purpose, developments and status to Montana's public, media and policy makers through methods that best reach the audience, and to respond promptly, honestly and openly to media and other public questions, concerns and input. The Public Relations Specialist acts as the division's public information officer (PIO) and works to advance the public communication mission. The PIO helps to involve the public in decisions that affect communities.

Program Highlights: The division's public communication effort included coordinating publication of *MUST News*, a quarterly publication about Montana Underground Storage Tanks; writing the division annual report and brochures, site updates and fact sheets, news/press releases, communication plans and other materials; planning and implementing community involvement; generating news coverage of project developments in at least 125 print and broadcast news articles and reports; assisting with public meetings and responding to inquiries from the public and news media. The communication effort also included coordinating the division display at the Capitol Rotunda during the 2009 Legislative Session and an Earth Day event that involved the State First Lady, high school students and community participants.

Remediation Division Indicators – July 1, 2008 to June 30, 2009

Indicator (Fiscal Year)	Actual 2009
Active Sites	1,441
Inactive Sites	7,474
Site Activities	885
Sites Closed/Delisted	86
Cost Recovery Invoices	329
Costs Recovered	\$2,588,167
Contracts + Task Orders	260
Contract Costs	\$19,745,385
Public Comment Periods	6
Public Meetings	12