

Superfund Community Involvement Handbook

March 2020

Notice

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ACRONYMS AND ABBREVIATIONS

ADR	alternative dispute resolution
ARARs	applicable or relevant and appropriate requirements
ASAO	administrative settlement agreement and order on consent
ATSDR	Agency for Toxic Substances and Disease Registry
CEI	community engagement initiative
CAG	community advisory group
CDC	Centers for Disease Control and Prevention
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980, also referred to as Superfund
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CI	community involvement
CIC	community involvement coordinator
CIP	community involvement plan
CIPIB	Community Involvement and Program Initiatives Branch
CIU	Community Involvement University
CPRC	Conflict Prevention and Resolution Center
CRN	Community Resource Network
DoD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
ECRCO	External Civil Rights Compliance Office (New name for the Office of Civil Rights (OCR))
EE/CA	engineering evaluation/cost analysis
EJ	environmental justice
EJ IWG	Federal Interagency Working Group on Environmental Justice
EJSCREEN	EPA's screening tool for assessing whether a community may have environmental justice concerns
ESD	explanation of significant differences
Fed. Reg.	Federal Register
FFA	Federal Facility Agreement

FOIA	Freedom of Information Act
FS	feasibility study
GAO	General Accountability Office
HRS	Hazard Ranking System
HUD	U.S. Department of Housing and Urban Development
IAG	interagency agreement
IC	institutional control
ICR	Information Collection Request
JIC	joint information center
LUC	land use control
NCP	National Oil and Hazardous Substances Pollution Contingency Plan, or National Contingency Plan
NEJAC	National Environmental Justice Advisory Council
NPL	National Priorities List
NRC	Nuclear Regulatory Commission
NRRB	National Remedy Review Board
O&M	operation and maintenance
OCR	Office of Civil Rights (Now called the External Civil Rights Compliance Office)
OLEM	Office of Land and Emergency Management (successor to OSWER)
OMB	Office of Management and Budget
ORSSAB	Oak Ridge Site-Specific Advisory Board
OSC	on-scene coordinator
OSWER	Office of Solid Waste and Emergency Response (now OLEM)
OU	operable unit
PA	preliminary assessment
PEHSU	Pediatric Environmental Health Specialty Unit
PII	personally identifiable information
PRP	potentially responsible party
PTAP	Partners in Technical Assistance Program
QR Code	Quick Response Code
RAB	Restoration Advisory Board (for DoD sites)
RD/RA	remedial design and remedial action

RI	remedial investigation
RI/FS	remedial investigation and feasibility study
ROD	Record of Decision
RPM	remedial project manager
SAA	Superfund alternative approach
SARA	Superfund Amendments and Reauthorization Act
SEMS	Superfund Enterprise Management System
SEP	supplemental environmental project
SI	site investigation
SMP	site management plan
SRI	Superfund Redevelopment Initiative
SSAB	Site-Specific Advisory Board (for DOE sites)
SuperJTI	Superfund Job Training Initiative
TAG	Technical Assistance Grant
TANA	Technical Assistance Needs Assessment
TAP	Technical Assistance Plan
TAPP	Technical Assistance for Public Participation
TASC	Technical Assistance Services for Communities
TRC	Technical Review Committee
UAO	unilateral administrative order
UDEQ	Utah Department of Environmental Quality

PREFACE

This document provides guidance to EPA staff on how EPA typically plans and implements community involvement activities at Superfund sites. It is intended to help promote consistent implementation of national policy on these issues. The activities identified as requirements are ones that are mandated by the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA) or addressed in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which is EPA's regulatory blueprint for implementation of the Superfund program. This guidance does not, however, substitute for CERCLA or the NCP, nor is it a regulation itself. Thus, it does not impose legally binding requirements on EPA, states, or the regulated community, and may not apply to a particular situation based upon the circumstances of each situation. EPA and other federal, state, tribal, and local decision-makers retain the discretion to adopt community involvement approaches that differ from this guidance on a case-by-case basis, when appropriate. Any decisions regarding a particular site will be made based on the applicable statutes and regulations.

Audience for the CI Handbook

The Community Involvement (CI) Handbook is intended primarily for members of EPA Superfund site teams with a role in community involvement. Superfund site team members may include remedial project managers (RPMs), on-scene coordinators (OSCs), community involvement coordinators (CICs), site assessment managers, risk assessors, and enforcement staff. EPA site team counterparts in other federal, state, and tribal agencies also may find the handbook useful. The handbook might be particularly useful to anyone who is new to planning and conducting Superfund community involvement activities.

This 2020 version of the CI Handbook replaces the version published in 2016; however, only broken links were updated, and no other content was changed. The CI Handbook reflects current regulations, policies and practices, and includes new information about technical assistance, site reuse, environmental justice, new media technologies and social media, NCP amendments regarding information repositories and public notices, and other topics that have come to the forefront since the 2005 edition. The update completed in 2016 included expanded chapters about community involvement during enforcement actions and at federal facilities.

Specifically, this handbook:

- Outlines the minimum community involvement activities required by federal law or procedures outlined in the NCP. These provisions are mapped out in Appendix A.
- Provides information about factors to consider when determining an appropriate mix of community involvement activities on a site-specific basis for each step in the remedial or removal process. These additional activities are outlined in Chapter 3 (Community Involvement during the Remedial Process) and Chapter 4 (Community Involvement during the Removal Process). These chapters include useful charts that show minimum activities and suggestions for enhanced community involvement activities, if warranted.

A Note about Broken Links

While every effort was made to ensure that links within this document were working properly at the time of release, readers may encounter broken links. Periodic updates of links in this document are planned.

How to Use the Superfund CI Handbook

This CI Handbook provides general guidance about how to conduct community involvement at Superfund remedial and removal sites, as well as at sites that are undergoing site assessment activities. While the document may be read in its entirety, each chapter is a handy resource and may be referenced independently. Information in various chapters describes appropriate activities for each stage of the Superfund remedial or removal process. The information for all stages of the process also should be carefully reviewed by the site team early on, when the community involvement plan is being prepared for a site.

The CI Handbook is organized as follows:

- **Chapter 1, Community Involvement in the Superfund Process**, provides an overview of the evolution of EPA's approach to Superfund community involvement from its beginnings in the early 1980s to the present day.
- **Chapter 2, Building a Foundation for Successful Community Involvement**, explains some of the principles that usually lead to successful community involvement approaches at Superfund sites. Topics include the Superfund site team, community involvement plans, communication strategies, risk communication, environmental justice, technical assistance, involving the community in consideration of reasonably anticipated future land use, working with traditional and new media, coordinating with other EPA programs, explaining to community members the collection and potential release of personally identifiable information, and evaluating community involvement activities.
- **Chapter 3, Community Involvement during the Remedial Process**, discusses the community involvement activities for Superfund remedial sites that are required by statute or addressed in the NCP. The chapter includes several charts that site teams may find helpful in assessing when additional community involvement activities may be appropriate for sites in the Superfund remedial program.
- **Chapter 4, Community Involvement during the Removal Process**, discusses the community involvement activities for Superfund removal actions required by statute or addressed in the NCP. This chapter covers emergency removals, time-critical removals, and non-time-critical removals.
- **Chapter 5, Community Involvement in Enforcement Actions**, provides an overview of community involvement in the Superfund enforcement program. This chapter discusses the opportunities and challenges associated with conducting community involvement during the cleanup process at enforcement-lead sites.
- **Chapter 6, Community Involvement at Federal Facilities**, discusses the relationship between EPA and the lead federal agency at NPL federal facility sites. The chapter highlights special considerations for community involvement strategies at NPL federal facility sites.
- **Appendix A** lists community involvement activities mandated in CERCLA or addressed in the NCP. These represent the minimum community involvement activities conducted under the Superfund program.
- **Appendix B** is a reference to relevant policy and guidance documents used to complete the CI Handbook, plus additional documents that may be useful to the reader.
- **Appendix C** contains a copy of EPA's Community Involvement Customer Satisfaction Survey, which was approved by the Office of Management and Budget (OMB). Site teams may use questions from the survey to assess outreach and engagement activities.

Other Resources

Readers are encouraged to consult the relevant statutes and policy and guidance documents in Appendix B, which also includes links to the documents. Additional resources are highlighted throughout the text. Readers also are encouraged to visit the Superfund Community Involvement website at:

<http://www.epa.gov/superfund/superfund-community-involvement>.

The Superfund CI Handbook and the Superfund CI Toolkit

There are many links in this Handbook to the [Superfund Community Involvement Toolkit](#) (the CI Toolkit). The CI Toolkit is a comprehensive, complementary resource to the CI Handbook that provides detailed information and recommendations about specific aspects of the community involvement process, such as how to develop a community involvement plan, conduct community interviews, create a community profile, prepare fact sheets, and perform many other activities.



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CHAPTER 1

COMMUNITY INVOLVEMENT IN THE SUPERFUND PROCESS

Introduction

Superfund community involvement is the term EPA uses to describe the process of engaging with communities affected by Superfund sites. Congress made public involvement in decision-making an important part of the cleanup process when the Superfund program was established by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. The role of community involvement in Superfund decision-making was strengthened in the Superfund Amendments and Reauthorization Act (SARA) of 1986. The National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan, or NCP) describes EPA's process for conducting Superfund community involvement.

The Superfund program established the following community involvement policy objectives:

- Conduct early, frequent and meaningful community involvement.
- Keep the public well-informed of ongoing and planned activities.
- Encourage and enable the public to get involved.
- Listen carefully to what the public is saying.
- Consider changing planned actions where public comments or concerns are considered by the site team.
- Explain to community members how EPA considered their comments, what the Agency plans to do, and why this decision was made.

Key Goals of Superfund Community Involvement

To ensure that community members affected by a Superfund remedial or removal site:

- Are aware of EPA's activities.
- Have opportunities to influence site cleanup and reuse decisions.
- Are aware that their concerns are considered in the site decision-making process.

Both the Agency and the community benefit from well-designed and executed Superfund community involvement activities that fully engage the community.

Benefits of effective community involvement to communities affected by Superfund sites may include:

- A better understanding of the Superfund process.
- Opportunities to be heard during the decision-making process.
- Participation in a process that encourages the community to share its vision for current or future uses of the property.
- Involvement in a process that builds cohesion and promotes inclusiveness within the community.
- A cleanup approach that considers community members' needs and concerns and minimizes negative impacts to the community.

Benefits of effective community involvement to the agency often include:

- Better understanding of community needs and concerns and increased awareness of whether certain segments of the community may bear a disproportionate burden of exposure or environmental health effects of the actual or potential release of hazardous substances.
- A working relationship with the community based on trust and respect, which minimizes potential conflicts that may result in costly and unnecessary delays.
- Improved quality of decisions and increased community acceptance and support of Agency decisions, resulting in time and cost savings that allow cleanup goals to be accomplished more quickly and efficiently.
- Improved access to local and historical information that may lead to a more accurate characterization of exposure pathways due to human behavior, identification of unique ways in which the community uses local resources, and development of appropriate exposure scenarios for reasonably anticipated future land uses.
- Opportunities to engage responsible stewards (local government officials, community members and others) who may ensure the property is reused appropriately into the future and might also support institutional controls (ICs) and other operation and maintenance elements.

CERCLA and the NCP

In CERCLA, Congress was clear about its intent for the Agency to provide opportunities for members of affected communities to become active participants in the Superfund cleanup process and to have a say in the decisions that affect their communities. In establishing the Superfund program, Congress wanted EPA to be guided by the people whose lives are affected by Superfund sites. The intent of the law is restated in the NCP, in provisions such as 40 CFR 300.430(c)(2)(ii) for remedial actions: “(A) Ensure the public appropriate opportunities for involvement in a wide variety of site-related decisions, including site analysis and characterization, alternatives analysis, and selection of remedy; (B) Determine, based on community interviews, appropriate activities to ensure such public involvement; and (C) Provide appropriate opportunities for the community to learn about the site.”

CERCLA, as implemented by the NCP, requires specific community involvement activities be undertaken at certain points throughout the Superfund process. (See Appendix A for a detailed description of activities required by CERCLA or addressed in the NCP.) Additionally, EPA Superfund community involvement policies encourage the implementation of a wide range of community involvement activities that fully engage the community in the Superfund decision-making process.

Successful Community Involvement in Practice

A site in Region 2 is an example of how early and meaningful public involvement can lead to a better cleanup. The community at this site played a substantive role in planning for the cleanup. A community task force that was organized prior to the initiation of the remedial investigation provided assistance and valuable input to EPA on the best approach for dealing with soils, sediments, and groundwater contamination. The RPM reported that the task force contributed significantly to the cleanup effort, primarily through early scoping of issues and dissemination of information to the community.

What are Institutional Controls?

EPA defines institutional controls (ICs) as non-engineered instruments, such as administrative and legal controls, that help to minimize the potential for exposure to contamination and/or protect the integrity of a response action. For more information, please see the December 2012 [*Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*](#).

Local government and community institutions may have to implement and monitor ICs. As a result, it is important that the site team ensure that local government and community institutions fully understand their role with ICs.

Evolution of Superfund Community Involvement

Over the years, EPA has continued to encourage Superfund site teams to fully engage communities in the Superfund cleanup process. The evolution of the Superfund program's community involvement policies and practices reflects EPA's recognition that when the community is involved in a meaningful way, communities benefit, and the Agency makes better decisions. EPA's amendment to the NCP in 1982 reiterated the Agency's approach to involving the community in the Superfund process.

Throughout the decades following the 1982 revisions to the NCP, EPA learned the benefits of listening to and engaging with communities at Superfund sites. In 1991, the Office of Solid Waste and Emergency Response (OSWER) issued Directive 9230.0-18, [Incorporating Citizen Concerns into Superfund Decision-making \(Superfund Management Review: Recommendation #43B\)](#), which states that "it is important that we demonstrate to citizens that they are involved in the decision-making process." The directive emphasizes four key objectives: 1) listen carefully to what community members are saying; 2) take the time necessary to deal with community members' concerns; 3) change planned actions where citizen suggestions have merit; and 4) explain to community members what EPA has done and why.

Addressing Environmental Justice in Community Involvement

EPA's approach to community involvement continued to evolve through an increased focus on environmental justice. As a result, the Superfund program's approach to community involvement also evolved.

In 1993, the National Environmental Justice Advisory Council (NEJAC) was established by charter to provide independent advice and recommendations to the EPA Administrator on environmental justice concerns. The Superfund program contributes to and carefully considers NEJAC's advice and recommendations.

In 1994, [Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), was issued. Section 1-101 of Executive Order 12898 directed each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Section 1-103 of Executive Order 12898 directed each federal agency to "develop an agency-wide environmental justice strategy."

EPA's Definition of Environmental Justice

EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

(See EPA's Environmental Justice website and page 3 of Plan EJ 2014.)

To implement Executive Order 12898, OSWER issued a memorandum in 1994 titled [Integration of Environmental Justice into OSWER Policy, Guidance, and Regulatory Development](#). This memo stated that, "...to the extent practicable, staff should evaluate the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities." This memorandum also emphasized that "at all critical stages of development, there should be meaningful input from stakeholders, including members of the environmental justice community and members of the regulated community."

In 1996, the NEJAC published the [Model Plan for Public Participation](#). The 2013 update to the model plan, [Model Guidelines for Public Participation](#), recognizes barriers and challenges common to communities with environmental justice concerns, such as:

- Lack of availability and access to resources (specifically, funding and staff) to conduct the needed activities over the long term).

- Poor or little coordination among and between various federal, state, tribal, and local government agencies and other entities.
- Language and cultural differences.
- Identification of and coalition-building among local leadership within a community.
- Lack of cultural competency among agencies trying to cultivate community involvement.
- Lack of recognition among communities and individuals of their stakeholder status in environmental justice concerns.
- Lack of trust between community members, regulatory agencies, and regulated industries.

In *Model Guidelines for Public Participation*, the NEJAC concludes that conducting effective public participation processes in an environmental justice context requires an approach that is “tailored to the specific, unique needs of the particular community where activities are being implemented.” Section 3 of the document offers detailed recommendations on ways that EPA can work with stakeholders with environmental justice concerns to develop an effective community involvement approach. (See Appendix C of the [Model Guidelines for Public Participation](#), which includes a 34-step “Environmental Justice Public Participation Checklist for Government Agencies.”)

[Plan EJ 2014](#), which was issued in 2011, provides a road map to enable the Agency to better integrate environmental justice and civil rights into its programs, policies and daily work. The plan focuses on agency-wide areas critical to advancing environmental justice, including rulemaking, permitting, compliance and enforcement, community-based programs, and EPA’s work with other federal agencies. This plan also established specific milestones to help the Agency meet the needs of overburdened neighborhoods through decision-making, scientific analysis, and rulemaking. As of 2016 EPA is working on the [Draft EJ 2020 Action Agenda](#), which builds on the foundation established through EPA’s Plan EJ 2014.

In 2014, the Agency issued the [Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#). This policy clarifies and integrates environmental justice in the Agency’s work with federally recognized tribes, indigenous peoples throughout the United States, and others living in Indian country.

EPA issued its final [Guidance on Considering Environmental Justice During the Development of Regulatory Actions](#) in May 2015. This guidance was created to ensure understanding and foster consistency with efforts across EPA’s programs and regions to consider environmental justice and to make a visible difference in America’s communities. The document is a step-by-step guide that helps EPA staff ask questions and evaluate environmental justice considerations at key points in the rulemaking process. This guidance also helps EPA staff determine whether actions raise possible environmental justice concerns and encourages public participation in the rulemaking process. In 2015, EPA also released the public version of its EJSCREEN environmental justice mapping and screening tool.

Superfund Land Reuse and Community Involvement

While EPA was working to address environmental justice concerns, the Agency also started developing community involvement policy regarding the consideration of reasonably anticipated future land use in making remedy selection decisions for sites under the Superfund program. OSWER Directive 9355.7-04 (1995), [Land Use in the CERCLA Remedy Selection Process](#), states that EPA “believes that early community involvement, with a particular focus on the community’s desired future uses of property associated with the CERCLA site, should result in a more democratic decision making process; greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups.”

Subsequent initiatives and policy continued to structure the Superfund program's approach to address the reuse of land after a Superfund cleanup is complete. In 1999, the [Superfund Redevelopment Initiative \(SRI\)](#) was launched. SRI's goal is to ensure "...that at every Superfund site, EPA and its partners have an effective process and the necessary tools and information needed to return the country's most hazardous sites to productive use." As part of SRI, [Reuse Assessments: A Tool to Implement the Superfund Land Use Directive](#) was released in 2001 to help site teams apply the 1995 Land Use Directive. In 2010, a memorandum, [Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites](#) was issued "... to further EPA's policy supporting, whenever practicable, reuse of all or a portion of National Priorities List (NPL) sites where EPA has lead responsibility..."

EPA's Agency-wide Public Involvement Policy

In 2003, EPA adopted an agency-wide [Public Involvement Policy](#) that affirmed Superfund's approach to involving communities in Agency actions that affect them. The policy outlines seven recommended steps:

- 1) **Plan and budget:** Planning community involvement activities and adequately budgeting resources can help ensure an effective community involvement process. Early planning typically helps get these activities and processes moving in an orderly way, both within EPA and with the public.
- 2) **Identify whom to involve:** Identifying the interested and affected public early is often the cornerstone of public involvement processes. This step is designed to enable EPA to have direct exchanges of information, feedback, and involvement with people affected by Agency decisions.
- 3) **Consider providing technical or financial assistance:** Providing technical and financial assistance helps communities navigate complex scientific issues, data, and documents. Many individual stakeholders cannot effectively take part in a dialogue about difficult environmental decisions because they do not have enough suitable and timely technical or financial assistance or personal time to research the issues, understand the effects and results of possible decisions, and feel comfortable expressing their opinions in a public forum.
- 4) **Provide information and conduct outreach:** Offering information and outreach opportunities early, often, and in accessible places normally helps enable communities to contribute effectively to EPA decision-making processes.
- 5) **Consult with and involve the public early and often:** Giving the public an opportunity to communicate their concerns, problems, and alternatives can improve the Agency's decisions and environmental outcomes. A community involvement practitioner should seek every opportunity to expand and diversify public consultation and involvement processes.
- 6) **Review and use public input and provide feedback:** Reviewing and using comments from the public and providing feedback generally supports the process and confirms EPA's constructive use of feedback to those who contributed ideas.
- 7) **Evaluate public involvement activities:** Getting feedback from the public on how well a specific involvement activity or overall involvement process (e.g., meetings, notice of action, rulemaking) worked can help the Agency change those processes and activities to make them more effective for EPA and participants.

OLEM's Community Engagement Initiative

In 2009, OSWER (now the Office of Land and Emergency Management, or OLEM) launched the Community Engagement Initiative (CEI) to enhance OLEM and Regional offices' engagement with local communities and stakeholders and to help them meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste. The CEI provided an opportunity for the Superfund program to review its community involvement and outreach processes and identify areas of potential improvement. A CEI Action Plan was issued in

December 2009, followed in May 2010 by the CEI Implementation Plan, which included 16 actions to help integrate and coordinate community engagement principles and successful practices into OLEM's work and decision-making processes. The CEI was among OSWER's contributions to Plan EJ 2014, EPA's road map for integrating environmental justice into the Agency's programs, policies, and activities.

Community Resource Network

In 2014, EPA introduced the cross-Agency strategy called "Making a Visible Difference in Communities across the Country." This initiative included the development of a Community Resource Network (CRN)¹ for EPA employees to facilitate collaboration and information-sharing for community involvement work. EPA staff may pose community involvement related questions to the broader CRN community, browse and share materials, and more. The CRN highlights the importance of internal networking and leveraging resources cross-programmatically. Lessons learned and shared through the CRN will be used to improve the support EPA provides to communities.

Recent Amendments to the NCP

Superfund community involvement will continue to evolve. The NCP was amended on March 18, 2013, to address the ever-changing advancements in information technologies as tools for sharing information with members of the community at Superfund sites. The NCP now permits the use of CD-ROM, the Internet, and other existing and future technologies for managing and distributing Superfund administrative record files when these tools are determined by EPA to be acceptable to the community and compatible with the resources of the public information repository. Another NCP amendment, which broadens the mechanisms EPA can use to provide public notice to the affected community, became effective May 4, 2015. (See box on page 35)

Chapter 1 Endnote

¹ The [Community Resource Network \(CRN\)](#) site is currently intended only for EPA employees. As a result, the link to the CRN site is only accessible by EPA employees.

CHAPTER 2

BUILDING A FOUNDATION FOR SUCCESSFUL COMMUNITY INVOLVEMENT

A successful approach to community involvement at Superfund sites usually involves:

- Interacting with the community in ways that promote trust and constructive dialogue.
- Modeling exceptional teamwork.
- Carefully planning community involvement activities based on knowledge of the site and the needs of the affected community.
- Addressing several overarching issues and considerations, such as: (1) communicating risk effectively so that the community may understand risk exposures; (2) assessing and addressing environmental justice concerns; (3) assessing and responding to technical assistance needs; (4) coordinating and collaborating with other EPA programs; (5) involving the community in considering reasonably anticipated future land use options; (6) using traditional and new media effectively; (7) planning for community involvement when resources are limited; (8) explaining the collection and potential release of personally identifiable information to community members; and (9) evaluating community involvement efforts.

Following this type of approach often provides a firm foundation for community involvement that is built on trust, transparency, and a commitment to addressing community concerns and facilitating the community's participation

in the decision-making process at Superfund sites. Although stakeholders may disagree with specific Agency decisions, they are more likely to understand and accept decisions if they trust EPA and believe that the decision-making process is fair and their input is considered. Please note that EPA is not always the lead agency for the remedial process. (See box titled "Lead and Support Agencies in the Superfund Remedial Process".) This guidance document addresses sites for which EPA is the lead agency.

Lead and Support Agencies in the Superfund Remedial Process

At or before the time a site is placed on the NPL, interagency negotiations normally are initiated to determine which government agency should act as the lead agency and which should act as the support agency in the remedial process, as those roles are described in the NCP in 40 CFR 300.5. (See also "EPA's Listing Decision" box on page 27.) These negotiations may include EPA, other federal agencies, states, and Indian tribes. EPA, a state or tribal environmental agency, or another federal agency can serve as the lead agency. In general, the lead agency has the primary responsibility for coordinating a response action. The support agency or agencies generally play a review and concurrence role in the remedial process. When EPA acts as the lead agency, the state or tribal government for the area where the site is located usually serves as the support agency. When a state or tribe is the lead agency, EPA usually serves as the support agency.

Generally, when an agency other than EPA is the lead agency, that agency has the responsibility for ensuring that statutory community involvement requirements and community involvement provisions in the NCP are met. The specific responsibilities of the lead and support agencies usually are identified in either a Superfund state contract or a cooperative agreement, which are site-specific agreements that establish federal and state roles and responsibilities for a CERCLA remedial action. In addition, the state or tribe and EPA may enter into a Superfund memorandum of agreement, which is a general, non-site-specific agreement that defines the roles and interaction between EPA and the state or tribe for conducting response actions.

Promoting Trust and Constructive Dialogue

Effective community involvement at Superfund remedial and removal sites often depends on interacting with the community in ways that promote trust and constructive dialogue. Whether community involvement is for the short term or long term, it should be based on an understanding that the community can play an important and useful role throughout the Superfund process. It is a good idea to keep these concepts in mind:

- **Be inclusive.** Site teams should identify and invite all interested stakeholders to participate in the process. It is important to consider if there are “hard to reach” people in the community, such as people who may speak languages other than English or community members who may not trust the government because of legal status or other concerns. If the site is located in a community that is likely to have environmental justice concerns, additional efforts should be made to involve segments of the community that are not effectively reached by conventional approaches.
- **Consider the need for tribal consultation.** If a site affects tribal lands or any tribal members, tribal consultation is essential.¹ While EPA consults with tribal leaders on a government-to-government basis, it is also important to coordinate with tribal members at Superfund sites. Site teams should take care to keep tribal leaders and environmental officials aware of EPA’s coordination and outreach activities with tribal members.
- **Be honest, open, and transparent.** Honesty and transparency promote trust. Misleading or failing to divulge information can be costly: A community that learns that EPA staff has misled them or failed to divulge pertinent information may not believe EPA in the future and may question every EPA decision.
- **Be available, accessible, and quick to respond.** The site team should be prepared to anticipate and respond to the community’s concerns, fears, and potential areas of misunderstanding or confusion. The site team should strive to respond to questions and concerns as quickly as possible. If time is required to respond to a community member’s request, explain when an answer will be provided and always follow up as promised.
- **Empathize with community members, practice active listening, and promote open and frequent two-way communication.** Site teams should treat people with courtesy and respect and try to see each situation from the community member’s point of view. Asking open-ended questions and listening carefully to what members of the community say is critical. Site teams also should remember that members of the affected community may have knowledge that can help EPA, particularly information that might help with site characterization and risk assessment. Local community members and business owners may be willing to share what they know about the site, including current or historical patterns of use.
- **Educate the affected community about the Superfund program and processes.** Explaining EPA’s authority and its limitations may help members of the community set reasonable expectations about what EPA can and cannot do. Providing a sense of the overall timeline for a cleanup also can help set reasonable expectations about cleanup and the community’s role in it.
- **Keep site-specific information current.** Keeping community members informed about site activities and future plans can build trust and help the site team stay abreast of community concerns.
- **Tailor community involvement approaches and activities to meet community needs.** It is worthwhile to fully understand community needs before planning community involvement and outreach activities. Whenever possible, the site team should be creative and imaginative when designing or implementing activities to ensure that the community’s needs are met.
- **Provide resources to help the community understand and participate meaningfully in the Superfund process.** This may mean planning additional outreach activities, such as enabling

community access to an independent facilitator or mediator to help resolve differences within a community or between EPA (see the box on page 11 that discusses EPA's Conflict Prevention and Resolution Center) and a community or providing technical assistance services to help the community better understand the process and interpret complex technical information. (See discussion of Technical Assistance on pages 14-16.) In some cases, it may be appropriate to convene discussions about potential future land-use options or to explore whether job training services can be offered through the [Superfund Job Training Initiative](#) (SuperJTI) so that community members might be hired to work on the cleanup.

Teamwork and the Superfund Site Team

The composition of the site team varies depending on the type of response (remedial action or removal action) and complexity of the site. Site teams for remedial sites typically include a remedial project manager (RPM); an on-scene coordinator (OSC) if a remedial site includes a removal action; a community involvement coordinator (CIC); a site assessment manager; an Office of Regional Counsel attorney; and sometimes other staff with specific expertise, such as risk assessors and hydrogeologists. A regional environmental justice coordinator or a regional public affairs officer also might be assigned to the team for some sites. A representative from the Agency for Toxic Substances and Disease Control (ATSDR) sometimes serves on the site team. For remedial enforcement-lead sites, a civil investigator might be part of the site team. The site team can include one or more state agency representatives when the state is the support agency for the site, and tribal representatives may be part of the site team depending on their interest and expertise after tribal government consultation occurs. In many cases, contractors may be on site to support the site team. It is important to clearly identify contractors as non-EPA personnel and to be clear that only EPA personnel speak for the Agency.

At removal sites, the site team usually includes an OSC who serves as a project manager; other OSCs who serve in supporting roles, particularly at large removal or emergency removal sites; possibly a CIC; possibly a regional environmental justice coordinator; some technical staff; and contractors responsible for carrying out response actions. For emergency removals and some removal actions, the site team often is considerably smaller and may include only the OSC and contractors. For a large or significant emergency removal action or for large floods, many people may be on the site team, each with a different function or responsibility.

The RPM or OSC generally is the overall project manager for a site cleanup and is responsible for all site activities, including outreach and community involvement. As such, he or she typically is responsible for ensuring that all community involvement requirements in the statute and provisions in the NCP are met. The active involvement of the RPM or OSC in planning and conducting community involvement activities helps promote the role of community involvement among all team members and may help build trust in the community and ensure the integration of community involvement in the cleanup process. Although project managers may not be able to participate in all community involvement activities, they should play a key role in planning these activities and should be briefed about community involvement work. Project managers should try to maintain contact with all team members and interested and affected community members.

The CIC generally is responsible for advising the RPM or OSC and the site team on planning and conducting community involvement and outreach activities. However, some site teams may not include a CIC; the RPM or OSC usually assumes these duties.

Valuable Resources for Superfund Site Teams

The Superfund Community Involvement Toolkit: The CI Toolkit is a comprehensive compendium of recommended community involvement tools and techniques for use at Superfund sites. Each tool provides detailed information about each technique or resource, including what it is and when its use may be most appropriate. Each tool also provides step-by-step recommendations and links to other useful resources. These methods can be adapted, combined, or reinvented as appropriate to address the specific needs of each community. The toolkit is available on EPA's website at: www.epa.gov/superfund/community-involvement-tools-and-resources.

EPA's Community Involvement University: EPA's Community Involvement University (CIU) training program offers a variety of courses and webinars for the site team and other EPA and EPA-affiliated staff to learn the necessary skills, techniques, and practices to engage community members in the Superfund process. The [CIU brochure](#) and the CIU Trainex website provide more information.

EPA's [Conflict Prevention and Resolution Center \(CPRC\)](#): Superfund site team members who are working with communities need to understand that stressful or difficult situations may occur. EPA's CPRC provides a range of [alternative dispute resolution \(ADR\) services](#) to the Superfund program and throughout EPA, including resources and training for communities and site team members to work through these situations. One example of these ADR services is the Community Involvement as Conflict Prevention Program. Through this program, CPRC and EPA's Office of Superfund Remediation and Technology Innovation provide contractor support to site teams to assist in the planning, development and implementation of Superfund CIPs, community interviews, and community profiles.

Translation Services: In 2015 EPA's External Civil Rights Compliance Office (ECRCO) (formerly the Office of Civil Rights (OCR), within the Office of General Counsel (OGC)), launched an agency-wide translation services contract to address translation needs for Limited English Proficiency communities. Currently, funds are available for regions to use for translation needs, such as document translation, telephonic interpretation, on-site interpretation and more. For more information please visit the following [EPA Intranet link](#) (available only to EPA employees).

The site team should work and speak as one group so that the community receives consistent, factual, non-contradictory information from EPA. Each member should be aware of site issues and community concerns and should be able to speak with authority on the EPA's positions and decisions. For this reason, it is usually a good idea for members of the site team to share information about interactions with community members, reach consensus on community involvement activities and approaches, and discuss issues as a team.

Planning for Successful Community Involvement

Whether developing a formal Community Involvement Plan (CIP)—called a Community Relations Plan in the NCP—or a communication strategy for a specific situation, careful planning generally is essential for effective community involvement.

The [Community Involvement Plan](#) tool in the [CI Toolkit](#) contains a detailed discussion of CIPs, how to prepare them, and links to sample CIPs.

The Community Involvement Plan

The CIP discusses EPA’s site-specific strategy for informing and engaging community members in the Superfund process. Consistent with the NCP, a CIP should be prepared for all remedial actions. A CIP also should be prepared for removals lasting 120 days or more, or with a planning period of at least six months in which an engineering evaluation/cost analysis must be completed. Although there is no requirement to prepare a CIP for removal actions that are shorter than 120 days, some regions prepare “mini” CIPs when they recognize that such plans could help the site team address community needs.

Community interviews are an essential element of the process for developing the CIP. These interviews are a way to meet with community members and learn about their site-related needs, concerns, and expectations, as well as how the community gets information and prefers to receive site-related information from EPA. It is important for all members of the site team, including the RPM or OSC, to help define the objectives for your community interviews, including what information to seek from the community. The community can help the site team identify the past uses, practices, or other

history of the site to inform the site investigation and risk assessment. For example, by asking community members about their interaction with the site, the site team may learn valuable information, including whether members of the community regularly traverse the site or use the site or potentially affected areas for hunting, fishing, or recreation. Such information can help the site team identify unique exposure pathways that may be considered when developing the risk assessment and the remedial investigation/feasibility study (RI/FS) work plan. Once all of the community interviews are conducted, a discussion with the RPM or OSC (and other members of the site team, as appropriate) to summarize what was learned often is useful. The site team may consider revisiting these issues with the community during periodic updates to the CIP.

The CIP typically is both a document and the culmination of a planning process. The CIP generally provides a road map for the site team’s use throughout the cleanup process by describing the outreach activities EPA plans to undertake to address community needs and concerns during the cleanup process. A well-written CIP should enable community members affected by a Superfund site to understand the ways in which they can participate in decision-making throughout the process. The CIP also should be a “living” document and normally is most effective when it is updated or revised as site or community conditions change. The CIP document typically:

- **Describes the site**, including relevant history, type and extent of contamination, human health risks, environmental exposures and concerns, both directly related to the site and in a broader sense.
- **Describes the community** in a comprehensive profile that includes demographic information, local government structure, and any relevant community characteristics, including communities or subgroups with potential environmental justice concerns as well as tribal and cultural practices or characteristics.

Constructive Interaction with Community Members in Contentious Situations

Sometimes tensions may be high when community members are dealing with upsetting site-related issues related to their community, property or the health and safety of their families. Site teams should anticipate that there will be times when community members faced with these difficult issues may be angry, emotional, and distrustful or even hostile to EPA. It is a good idea to develop specific strategies for anticipating and addressing these situations in a professional and appropriate manner. All members of the site team should understand how to defuse potentially contentious and emotional situations and react in ways that are likely to lead to constructive dialogue that addresses community concerns.

The CPRC offers numerous resources, including neutral third-party facilitation. In some cases, training for site teams may be warranted. (Please see box on page 10 on “Valuable Resources for Superfund Site Teams” for more information.)

- **Identifies key community needs, questions, and concerns as a result of interviews with community members** as well as expectations and unique needs of the community (e.g., translation and disability services) or unique cultural behaviors, customs, and values. This information is also typically collected through community interviews and described in the community profile section of the CIP.
- **Discusses the need for technical assistance services** and, if appropriate, identifies programs and mechanisms for providing access to technical assistance for communities.
- **Includes an Action Plan** that specifies EPA’s planned outreach activities and community involvement mechanisms, describes the objective and intention of the activity, outlines a projected sequence of project milestones tied to site activities (with projected time frames, whenever possible), and discusses the mechanisms that will be used to explain to the public how community feedback is considered during the cleanup process.
- **Identifies any additional special services or approaches** that EPA may use to address unique needs of the community. These may include encouraging the formation of a Community Advisory Group (CAG), which is a committee, task force, or board composed of community members and other stakeholders affected by the site. Additionally, EPA may provide facilitation or dispute resolution services for community meetings or groups, translating documents into different languages, suggesting job training services such as the SuperJTI program so that community members can be hired to work on the cleanup, or supporting an approach for the community to discuss and consider site reuse options.
- **Allows for community comment on the draft CIP** and discusses the mechanisms used to receive and consider feedback before issuing the final CIP (e.g., formal or informal public comments, community meetings, public meetings, etc.).
- **Discusses plans to evaluate accomplishments**, including a schedule for updating or revising the CIP.

Communication Strategies

While the CIP generally provides a road map for conveying and receiving information throughout the entire Superfund process, a communication strategy normally provides a plan for communicating with specific audiences about a single event, issue, or concern, such as informing the community about an emergency response to a release or addressing how to communicate risk at a site. A communication strategy also can be used to expedite the flow of information for sudden, unfolding events or when EPA requests specific information from community members.

For help developing communication strategies, see the [Communication Strategies](#) tool in the [CI Toolkit](#).

A good communication strategy usually provides the “who, what, why, when, where, and how” for relaying or collecting information. Generally, it also:

- Outlines the objectives/goals of the communication.
- Identifies and discusses key stakeholders and audiences and their concerns.
- Defines key messages to convey or key information to collect.
- Identifies potential communication methods and vehicles for communicating information for a specific purpose.
- Specifies how feedback on the strategy will be obtained.

Communication strategies do not have to be formal written documents. A simple communication strategy typically involves determining the best approach for identifying and communicating the most important messages or information to the people who need the information. A good communication strategy can be based on what is learned by talking to community members about their concerns and information needs. This simple approach normally is suitable for addressing specific issues at low-risk sites that have not generated a high level of public concern. At sites with higher levels of public concern or site cleanup issues that are expected to be controversial, one or more written communication strategies may be appropriate to address specific issues or situations, or to reach individual audiences.

Key Considerations When Planning Community Involvement

Site teams should keep a few overarching themes in mind when planning and conducting community involvement and outreach. These include:

- Communicating risk effectively.
- Assessing and addressing environmental justice and tribal concerns (please see the box titled “Using EPA’s EJSCREEN tool” on page 15).
- Assessing and responding to technical assistance needs.
- Involving the community in considering reasonably anticipated future land use options, as appropriate.
- Using traditional and new media (including social media) effectively.
- Explaining the collection and potential release of personally identifiable information to community members.
- Coordinating and collaborating with other EPA programs and other federal agencies.
- Planning for community involvement when resources are limited.
- Evaluating community involvement activities.

Communicating Risk Effectively

Community involvement activities usually involve communicating risk in some form, so the site team should strive to ensure that the principles of effective risk communication are considered in everything they do. Effective risk communication generally involves a dialogue between the site team and the community – an interactive information exchange about the nature of risk and other concerns. This dialogue should be a genuine and sincere conversation that aims to convey important information, respond to public concerns and identify mutual solutions. All members of the site team usually are involved in various aspects of risk communication efforts.

Superfund Risk Communication Resources

The [Risk Communication](#) tool in the [CI Toolkit](#) contains detailed information on risk communication, instructions for developing risk messages, a list of frequently asked questions, and other useful tools.

[Superfund Risk Assessment and How You Can Help](#) (Video)

This 40-minute video explains the Superfund human health risk assessment process in plain terms and describes how communities can be involved.

Effective risk communication should:

- Communicate risk- and exposure-related information by translating technical data into language that can be easily understood by members of the community
- Help community members understand the Agency's risk assessment and risk management processes and decisions.
- Help the Agency understand the community's concerns and the factors that affect their perception of risk related to the site.
- Increase mutual trust and credibility in a way that provides community members an opportunity to participate meaningfully in decision-making about how risk should be managed in their community.

Effectively communicating information on site-related hazards and risks usually is a multistep process that normally involves:

- Identifying and understanding the audience.
- Developing clear messages that convey important risk-related information—with an understanding of, and respect for, the audience's concerns and perception of site-related risks.
- Selecting appropriate communication methods to deliver those messages.
- Understanding that an effective risk communication process enables mutual understanding of risk-related concerns but does not guarantee consensus.

Assessing and Addressing Environmental Justice and Tribal Concerns

EPA defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”²

Fair treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from negative environmental consequences of industrial, governmental, and commercial operation or program and policies.³

Meaningful involvement means that: (1) potentially affected community members have a appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected. In the Agency's implementation of environmental justice, EPA has expanded the concept of fair treatment to include not only the consideration of how burdens are distributed across all populations, but also how benefits are distributed.⁴

To integrate EPA's definition of environmental justice into practice, the Superfund program incorporates a few best practices, such as:

Considering Multiple and Cumulative Effects

Some communities are faced with the presence of numerous environmental burdens in addition to the Superfund site. Many times these communities also suffer disparities in health conditions compared to other communities. For example, according to the *Jacksonville Integrated Planning Project*, a December 2012 report written by an EPA contractor, the community of Jacksonville, Florida, “faces numerous environmental challenges including Superfund sites, brownfields and air and water-related contamination...The Superfund Program is often engaged with communities that are experiencing cumulative environmental and health impacts that can be beyond the scope of cleaning up a single Superfund site.”

- Identifying communities with potential environmental justice concerns:** Many communities affected by Superfund sites are lower income, higher minority or indigenous, and more burdened by other environmental stressors when compared to the general population. Site teams should consider assessing whether environmental justice concerns are present at a site because this may provide important information for cleanup and for community involvement purposes. EPA's [*Guidance on Considering Environmental Justice during the Development of Regulatory Actions*](#), released in May 2015, outlines several factors to help site team members assess whether a community might have environmental justice concerns. The factors are: (1) proximity and exposure to emission sources; (2) unique exposure pathways; (3) physical infrastructure; (4) multiple stressors and cumulative impacts; (5) capacity to participate in decision-making; and (6) higher risk in response to exposure among minority populations, low-income populations, and/or indigenous peoples.⁵
- Considering the collection of relevant data and using EPA's EJSCREEN tool** to help identify communities that may have potential environmental justice concerns. (See box on previous page.) Relevant data that the site team should consider may include demographic data (e.g., ethnicity/race, education, languages spoken), relevant existing health information (e.g., asthma rates, nutritional status), and information about additional environmental burdens (e.g., toxic release

Tribal EJ Policy and Policy on Tribal Consultation

It is important to note the difference between meaningful involvement of indigenous peoples and government-to-government consultation with tribes. [EPA's Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#) discusses meaningful involvement of indigenous peoples throughout the U.S. and others living in Indian country.

The federal government has a unique government-to-government relationship with federally recognized tribes, which arises from Indian treaties, statutes, executive orders, and the historical relations between the United States and Indian Nations. The federal government has a trust responsibility to federally recognized tribes. Part of this responsibility includes consulting with tribes and considering their interests when taking action that may affect them or their resources. [EPA's Policy on Consultation and Coordination with Indian Tribes](#) discusses EPA's responsibilities to work government-to-government with federally recognized tribes.

(Visit EPA's [Environmental Protection in Indian Country](#) website and also consult Appendix B for links to important documents related to working with tribes and tribal consultation.)

Using EPA's EJSCREEN Tool

EJSCREEN is the environmental justice screening and mapping tool EPA uses to identify areas that may have environmental justice concerns as the Agency develops programs, policies and activities that may affect communities. The EJSCREEN tool offers a variety of powerful mapping capabilities that enable users to access environmental and demographic information at high geographic resolution displayed in color-coded maps and standard reports. EJSCREEN provides consistent data and standardized summary metrics that facilitate national, regional, or state-level environmental justice screening. EPA developed EJSCREEN to assist in meeting environmental justice goals consistent with Executive Order 12898, [Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), and the goals of Plan EJ 2014. EPA released the EJSCREEN tool for public use on June 10, 2015. It is available at: www.epa.gov/ejscreen.

EJSCREEN can help site teams characterize communities by showing demographic information and information on a variety of environmental factors that may contribute to a community's environmental burden. Site teams are encouraged to use EJSCREEN to help identify and graphically represent information that could indicate potential environmental justice concerns. Site teams also should consider information from other sources. As is true for any screening-level analysis, use of EJSCREEN is designed as only a first step and not as the sole basis of Agency decision-making. Local knowledge and information also are important for an accurate assessment of a location or community.

facilities, air pollution data) in affected populations. The collection and consideration of this information should be discussed in the site's CIP.

Site decisions should take into account sensitive subpopulations as well as unique exposure pathways from site contamination. For this reason, demographic information and information about potential environmental factors affecting the community should be shared among the site team in a timely manner, sometimes even before the CIP is final. This should help ensure that these factors can be considered appropriately during the risk assessment or during the preparation of other appropriate site analyses or decisions. For example, the risk assessment and development of cleanup levels may take into consideration exposure assumptions or other factors related to sensitive subpopulations. (For information about the risk assessment process, see the [Risk Assessment Guidance for Superfund \(RAGS\) Part A](#), which provides guidance on the human health evaluation activities that are conducted during the baseline risk assessment.)

- **Planning and implementing enhanced community involvement opportunities:** Relevant information about potential environmental justice concerns should be considered when developing the CIP and when planning and conducting specific community involvement activities. For sites that affect indigenous peoples, special care should be taken to consult with tribal leaders and environmental officials whenever the site team works with tribal members.

Site teams should consider tailoring community involvement approaches to reach out more effectively to specific populations. Some examples include using translation or interpretation services; partnering with local community groups or community leaders; employing nontraditional media outlets for outreach; identifying nongovernment locations to hold public meetings; scheduling community involvement activities at times other than during subsistence fishing, hunting, or agriculture seasons; and continuing to distribute paper copies of outreach materials when members of the community lack access to electronic forms of communication.

Site teams also are encouraged to consult with their Regional Environmental Justice Coordinators and [EPA Tribal Program Managers](#), as appropriate, and to work with state, local, or tribal governments to determine whether they can offer assistance or insights into how to meet the special needs of a community with environmental justice concerns.

Assessing and Responding to Technical Assistance Needs

Understanding the volume of technical information related to a site can be a daunting task for anyone. By offering technical assistance to communities, EPA can help community members better understand technical issues and options for remediation and reuse. This can help community members more effectively articulate their concerns and preferences during the decision-making process.

A variety of technical assistance services may be available to help communities with the following:

- Reviewing, interpreting, and explaining Superfund cleanup decision documents.
- Reviewing, interpreting, and explaining other site-related technical and scientific reports.
- Providing information about site-related basic science, environmental policy, and related resources.
- Providing assistance to help communities understand health risks.
- Helping the community identify reasonably anticipated future land uses to inform remedial actions and understand how land use can impact remedies.
- Preparing outreach materials.
- Presenting educational programs on site-related technical issues or subjects.
- Helping to resolve conflicts among stakeholders.

These resources and services can be provided informally by the site team or through formal programs available through EPA grants and contracts or by external partners.

Site team members should consider whether assistance available through other EPA programs or resources can be offered to a community, especially if the community has environmental justice concerns. Examples include technical assistance programs such as [Technical Assistance Services for Communities \(TASC\)](#) or the [Technical Assistance Grant \(TAG\)](#) program. When offered by EPA, such technical assistance should be beneficial to the broad community and inclusive of the diversity of concerns and interests across the community. When reviewing a TAG application, EPA considers an applicant group’s “representation of groups and individuals affected by the site” and their “ability and plan to inform others in the community of the information provided by the technical advisor” (40 CFR 35.4155 (a) and (c)). Other types of assistance may be available through the [SuperJTI](#) program or the [Superfund Redevelopment Initiative](#). Facilitation, mediation and other specialized assistance available through the [Conflict Prevention and Resolution Center](#) also might be helpful in some situations. If any of these programs appear to be applicable at a given site, the site team should consider meeting with the appropriate EPA contacts to discuss opportunities to provide assistance and to coordinate outreach opportunities.

Conducting a Technical Assistance Needs Assessment: For most sites, informal technical assistance provided directly by the site team as part of the overall community involvement effort will be sufficient to address the community’s needs. However, if a community seems to have unmet needs for technical assistance, the site team might consider conducting a [Technical Assistance Needs Assessment \(TANA\)](#). A TANA is a site-specific assessment to determine whether a community might benefit from additional support to help community members understand site-related technical information. The TANA process offers a recommended blueprint for designing a coordinated effort to meet the community’s needs while minimizing the overlap of technical assistance services provided by the site team, external partners, and EPA grants and contracts.

The TANA process usually involves:

- 1) Interviewing community members to obtain their views on the ways in which the community is receiving technical information about a site and whether community members can readily understand the information.
- 2) Assessing whether additional forms of technical assistance may be appropriate to enable the community to understand and comment on site-related technical information.
- 3) Identifying organizations in the community that are interested or involved in site-related issues and that might provide an appropriate conduit for technical assistance services to the affected community.

While a TANA may be appropriate at any time, conducting a TANA concurrently with the community interviews for the CIP is ideal. A TANA may be conducted later if the technical assistance needs of the community cannot be adequately defined at that time.⁶

Using the TANA to Identify Technical Assistance Services and Programs for Communities: In addition to providing guidance for conducting interviews, the [TANA](#) tool in the [CI Toolkit](#) includes detailed information about the types of technical assistance services that may be offered to a community by EPA site teams or through the Agency’s technical assistance programs and resources. Most times, technical assistance is provided to the community by the site team as part of the site’s overall community involvement effort. This informal technical assistance may be provided through fact sheets, availability sessions, workshops, and similar resources. EPA also may offer more formal technical assistance, which

Managing Community Expectations about Technical Assistance Resources

Preface any discussion of potential technical assistance or other resources by explaining that availability of these services is contingent upon funding, and often also upon eligibility or other factors.

usually is provided by an independent technical expert (and sometimes a mediator or facilitator) working with a community organization. Formal technical assistance generally is made available through an EPA program or funding vehicle or via an external partner. These include a variety of programs that offer:

- Access to independent experts through the [TAG](#) program, [Technical Assistance Plans \(TAP\)](#), or [TASC contract](#).
- Neutral facilitation, mediation, and dispute resolution services through the EPA Conflict Prevention and Resolution Services contract.
- Partnering with universities, colleges, and nonprofit organizations for voluntary support to communities through EPA's new Partners in Technical Assistance Program (PTAP).
- A source of medical information and advice on environmental conditions that influence children's health. [Pediatric Environmental Health Specialty Units](#) (PEHSUs) are a network of specialists who respond to questions from public health professionals, clinicians, policy makers, and the public about children's environmental health concerns, with funding from EPA's Superfund program. For example, children at the Navy Yard Mills site in Massachusetts were exposed to TCE in an indoor batting cage. PEHSU doctors came to a public meeting to answer community questions. It may have reassured some community members to hear from a nongovernment professional who was qualified to answer very specific questions about children's health.

Other Resources for Communities: It is a good idea to be familiar with other resources and information sources of potential interest to members of the community. Some of these resources, including information about forming a [CAG](#) or initiating a [SuperJTI](#) project at a site, are discussed in Chapters 3 and 4. Please consult the Superfund Community Involvement webpage for information about other resources that may be useful to communities near Superfund sites. It also is a good idea to stay abreast of other EPA programs, services, and funding opportunities of potential interest to communities affected by Superfund sites. The [Community Revitalization Assistance](#) page on EPA's website is a good place to start.

Disclaimer Language for Explaining the Release of Personally Identifiable Information

To clarify the collection and release of personally identifiable information (PII) for community members, please consider displaying the following disclaimer language on public sign-in sheets, public mailing lists, or any other time when PII is collected:

The information you provide here is subject to [EPA's Privacy Policy](#), and may be disclosed consistent with federal laws and regulations, including under the Freedom of Information Act (FOIA).*

**EPA's Privacy Policy should not be confused with the Privacy Act, which generally does not cover sign-in sheets and mailing lists, but may cover other collected information. If collected information is subject to the Privacy Act, please follow the procedures outlined in the system of records notice, including any requisite disclaimer language.*

Explaining the Collection and Potential Release of Personally Identifiable Information to Community Members

During community involvement activities, the collection of personally identifiable information is inevitable. Sign-in sheets for community meetings and mailing lists are two common examples where non-sensitive PII (such as names and home addresses or home telephone numbers) is collected. General EPA policy regarding the collection and release of PII consists of the following:

- In general, sign-in sheets and mailing lists are subject to EPA’s Privacy Policy.⁷ As a result, EPA staff typically should consult with the Office of Regional Counsel or Office of General Counsel before determining whether to disclose or withhold the information. A Freedom of Information Act (FOIA) request may be required.
- If a FOIA request is received, it is possible that some personal information could be released to the FOIA requestor (such as names). Oftentimes the personal privacy exemption under FOIA (exemption 6) may apply, and after balancing the personal privacy interests against public interest, EPA may determine that some PII should not be released. Release of PII for FOIA requests is determined on a case-by-case basis, and EPA programs should consult with their FOIA office or counsel when making this determination.

Coordinating with Other EPA Programs and Other Federal Agencies

Superfund site teams benefit from acting as “One EPA” in communities. A One EPA approach can be achieved by coordinating with other EPA programs and communicating consistent community goals and messages. Close coordination among EPA programs also can enable communities at Superfund sites to leverage all available resources that might benefit them.

Site teams should be aware of the other environmental issues that could affect how community involvement at a Superfund site is conducted or received by the community particularly environmental justice considerations related to whether a community might bear a disproportionate share of the environmental burden. Regardless of whether a site has environmental justice concerns, the site team should be aware of other regulated hazardous waste facilities or environmental programs in the community that are administered by EPA or a state, tribe, or other federal agency. Knowledge about past and ongoing environmental activities nearby also is useful, including those activities related to environmental enforcement, permitting, pollution, pollution prevention, and emergency preparedness that might affect community attitudes toward EPA, local/state/tribal regulatory agencies, and nearby facilities of concern.

Teamwork between the Superfund and RCRA programs is very important. There are numerous sites that may be addressed under either or both programs over time. Close coordination and cross-program teamwork is particularly important in the transition period when a site previously addressed by a state or federal lead agency under the RCRA program enters the Superfund program. RCRA programs often have built up important relationships with the community as well as with the facility and its representatives, such as public relations firms, environmental consultants, and attorneys. Superfund site teams should carefully coordinate with their Agency, state, or tribal RCRA counterparts to ensure that existing relationships are maintained and nurtured.

The site team also is encouraged to investigate other EPA programs or initiatives that could offer opportunities for coordination or collaboration. For example, in February 2015, the Superfund program made a new commitment to coordinate with the Agency’s water program on contaminated sediments issues.⁸ Through increased internal coordination, EPA site teams often can help communities access a

Coordinating with ATSDR

Coordinating with other federal agencies also may be an important part of the cleanup process. The [Agency for Toxic Substances and Disease Registry \(ATSDR\)](#) and the [Centers for Disease Control and Prevention \(CDC\)](#) have a strong partnership with EPA and the Superfund program. ATSDR conducts public health assessments, health consultations, and health education at Superfund sites. ATSDR personnel are located in each Region and in Washington, D.C., and can assist staff in defining ways to coordinate work to protect the health of communities affected by Superfund sites.

In addition, CERCLA Section 104(i)(6)(B) [42 U.S.C. 9604(i)(6)(B)] allows individuals to petition ATSDR to conduct a health assessment by providing information that individuals have been exposed to a hazardous substance from a release or threatened release.

range of EPA resources, including relevant grant opportunities, technical assistance, and useful data. These efforts can help to facilitate community dialogue and engagement and empower communities at Superfund sites to take an active role in addressing site issues as well as other environmental issues that affect them.

EPA also benefits from cross-program coordination in many ways. For one, individual programs and regions learn from each other by sharing best practices, success stories, and useful contacts. They can share new tools, such as the GeoPlatform and Region 1's Community Action Tracker. Coordination encourages cross-pollination of best practices and promotes cross-program and cross-regional use of tools and data. Sometimes this collaboration can lead to development of innovative multimedia strategies. Cross-program coordination also helps the Agency "speak with one voice" at the local level, better address community needs and goals, and effectively explain the environmental and public health benefits of EPA's work to communities affected by Superfund sites.

Site team awareness of the programs and initiatives of other federal agencies might be useful to communities at Superfund sites. For example, by accessing the U.S. Department of Housing and Urban Development (HUD) webpage, an EPA CIC learned that Step-Up (HUD's Worker Training program) was active in a community near a Superfund site. The EPA CIC met with the local Step-Up contact to learn more and then used HUD's geographic information systems to gather local demographic data that improved the CIP for the site. In another example, EPA Region 4 coordinated with other federal agencies through an interagency working group to address environmental justice concerns in several communities, including North Birmingham, Alabama, and Turkey Creek and North Gulfport, Mississippi.

The Federal Interagency Working Group on Environmental Justice (EJ IWG) focuses resources from 17 federal agencies and White House offices to help meet economic, environmental, and community needs. The EJ IWG was established in 1994 under Executive Order 12898 to guide, support, and enhance federal environmental justice and community-based activities. The EJ IWG works to strengthen community access to federal programs and expertise by eliminating barriers, making connections, and avoiding duplication. For more information about the EJ IWG, visit:

<https://www.epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg>.

Involving the Community in Considering Reasonably Anticipated Future Land Use Options

Since 1995, EPA has had guidance that discusses how current and reasonably anticipated land use should be considered in the remedy selection process for Superfund sites.⁹ Today, as a result of cleanup, many sites can be returned to long-term sustainable and beneficial reuse. Communities affected by Superfund sites can play a vital role in informing the cleanup process so that formerly contaminated lands may be returned to productive and beneficial use, which sometimes can increase the economic viability of the community. Visit the [Superfund Redevelopment Initiative webpage](#) for information about the SRI and reuse planning support. Additional information regarding community involvement as it relates to considering reasonably anticipated future land use can be found in OSWER Directive 9355.7-19, [*Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites*](#).

Using Traditional and New Media Technologies Effectively

Until relatively recently, working with news media at a Superfund site meant identifying the major print, television and radio outlets serving the area and working with reporters to deliver site-related news and information. Today the media landscape is very different as new technologies continue to change the ways in which people receive and share information. The rise of digital forms of communication from websites and social media (e.g., Facebook, Twitter, Instagram, Pinterest) to blogs and even text messaging and various phone applications (apps) means that many people rely less on traditional media and often turn to these new media technologies and communication methods as primary or supplemental information sources.

For Superfund site teams, working with traditional media (print, television and radio) remains important, but often it is necessary to also use new media technologies to reach people affected by Superfund sites. The importance of using diverse channels of communication is reflected throughout this handbook, with references made to providing information electronically (e.g., by posting information on websites). Site-specific websites are useful for keeping the community informed about site activities, sharing information, and providing a mechanism for feedback. EPA introduced new Superfund Site Profile Pages in late 2015. As a result, EPA now has a standard platform for conveying information to the public for each NPL site. Similar pages for removal sites also may be on the horizon. Community members will be able to access site information through links to the administrative record and other documents, and will be able to provide comments to EPA online using the Regulations.gov site for official public comments during listing and de-listing.

However, the use of social media may have the greatest effect on community involvement efforts at Superfund sites. Regardless of whether the site team chooses to use social media as part of its community involvement approach, the reality is that social media is an important communication mechanism within communities. Monitoring local Facebook, Twitter, Instagram, and other social media sites is a good approach to understand what is happening in the community, to stay abreast of site-related community attitudes, and to become aware of misinformation, rumors, and community reactions to site issues that could mislead the public regarding EPA's response actions.

Working with Traditional Media: Almost every Superfund site generates interest in the local news media at some point, and EPA often turns to local media to help disseminate information about site issues and activities. Therefore, it is important to understand how media outlets work and to carefully consider the role of the news media in community involvement efforts.

To do this effectively, site team members are encouraged to learn how traditional media outlets gather and present news. Site teams also should understand the different needs of radio, television, and print media, as well as how other media channels (including online media outlets and social media) work. EPA news releases should contain well-crafted messages delivered in a way that is tailored to each medium and to that medium's specific audiences (see the [Media Relations](#) and the [Risk Communication](#) tools in the [CI Toolkit](#), especially the attachments).

In general, the site team usually works with the media when EPA wants the media to disseminate information to the public and when the media covers a story that directly or indirectly relates to the site. Information about a local Superfund site can be newsworthy, but to be considered news and attract media coverage, it must be immediate in nature and relevant to the local audience. The Agency is more likely to attract media coverage by developing relationships with local reporters and editors, issuing timely news releases and media advisories with well-crafted messages, making members of the site team available to the media when events or issues may be newsworthy, and earning the media's trust as a resource by anticipating and responding to questions in a timely fashion with reliable, up-to-date information.

Working with Social Media: EPA uses the term "social media" to refer to any online tool or application (app) that goes beyond simply providing information to also provide collaboration, interaction, and sharing. Examples of social media include blogs, microblogs, wikis, photo and video sharing, podcasts,

virtual worlds, social networking, social news and bookmarking, Web conferencing and webcasting. Such tools provide another way for EPA to accomplish its mission of protecting human health and the environment. The implementation of EPA's agency-wide social media policy has evolved as new tools and technologies appear at an increasing rate. In addition, specific uses of approved social media products vary among EPA Regions.

Before using social media as part of EPA business, EPA employees should consult the Agency's guidance on social media within EPA's Web Guide. In addition to the general social media policy referenced above, EPA employees should consult three additional procedures documents that are discussed within the Web Guide: (1) *Using Social Media to Communicate with the Public*; (2) *Representing EPA Online Using Social Media*; and (3) *Should I Respond or Not on EPA's Behalf*. These guidance documents apply to EPA employees representing the Agency on social media in their official capacities. They outline the procedures to follow and the issues to consider when using social media to communicate with the public. In particular, [*Using Social Media to Communicate with the Public*](#) explains roles and responsibilities of those involved with using social media, how to obtain approval for its use, how to ensure accessibility under Section 508, and how to moderate comments received through social media channels.

Superfund site teams should consider applying appropriate social media technologies to community involvement work whenever possible, in accordance with the social media policies and procedures discussed above. However, it is important to keep the "digital divide" in mind: Easy access to the Internet, smartphones, and other devices is not universal. This is particularly important to consider when the affected community has environmental justice concerns and many community members might have lower incomes or lack access to new technologies.

When considering the use of social media, it is a good idea to research and identify the most appropriate mechanism to reach the community members with whom you want to communicate. Local government and community organizations generally know which social media outreach tools they have used successfully to communicate with the community. Remembering that social media should not be used *instead* of more traditional communication channels also is important; its use should be *in addition* to traditional communication channels. Use of social media often represents an added opportunity for engagement with a growing audience of people expecting more transparency, faster communication, and more access to information than ever before. There are many examples of social media applications at Superfund sites, such as the [Facebook page for Coeur d'Alene Basin](#) and the QR (Quick Response) code project in EPA Region 3 (see Chapter 3). Another example is the [Columbia River Watershed Twitter Feed](#). While the watershed is not a Superfund site, this Twitter Feed is a great example of how to use social media to update community members on site activities.

Many things should be considered before a site team decides to use social media. Effective use of social media is based on a good understanding of how each type of tool works and what it can and cannot accomplish. This usually means thinking carefully about what the site team wants to accomplish, knowing the intended audience, and understanding the nature of social media communication. While traditional news output is primarily a one-way process of disseminating information to an audience, social media is more like a conversation between participants. Social media is immediate and interactive, which means that its use often requires a commitment to monitoring the conversation over time, acknowledging and responding quickly to comments and questions, and providing information quickly and accurately in real time. For more information, consult the [Social Media](#) tool in the [CI Toolkit](#).

Planning for Community Involvement When Resources Are Limited

EPA site teams should carefully consider resource constraints when planning community involvement activities. Think creatively, use the tools and technologies available, and make the best possible use of travel dollars when site trips are possible. In recent years, budgets have been cut and the availability of funds for site travel has declined. This trend is likely to continue. At the same time, EPA's commitment to

effective Superfund community involvement remains strong. To meet this commitment, Superfund site teams are finding creative ways to build and maintain relationships with affected communities and share information, even when unable to travel to sites.

For example, the use of collaborative technologies such as Adobe Connect provides the option for virtual meetings, while Microsoft OneDrive and Microsoft SharePoint provide document-sharing services “in the cloud,” along with the ability to collaborate through discussion forums, news feeds, and more. All of these tools can be applied to community involvement work, enabling site teams to interact with community members when face-to-face meetings are not feasible. Using Adobe Connect to conduct a virtual public meeting takes significant planning and preparation, but implementing collaborative technology can be a viable alternative when face-to-face interactions are not an option. Also consider planning conference-call meetings. Keep in mind that not all community members may have ready access to the Internet connections that make use of these technologies feasible. A “Long Distance Engagement Guide” has been developed as a living document. The guide includes checklists for deciding whether the use of technology to connect with remote participants is advisable and then considering all of the factors necessary for a successful long distance engagement event. This guide also contains best practices for long distance engagement. Contact the Community Involvement and Program Initiatives Branch for more information.

Evaluating Community Involvement Activities

Obtaining and responding to feedback from community members generally is an important aspect of effective community involvement. Without concrete feedback, it might be difficult for the site team to know whether their community involvement plans or activities are reaching their intended audience or working as anticipated. For this reason, it may be useful to solicit feedback and gather information that will help the site team assess how well each approach or activity is meeting its intended objective.

In general, a key to evaluating short- or long-term community involvement efforts is identifying reasonable goals and objectives for the overall community involvement approach and defining objectives for each outreach or involvement activity. Some relevant questions may include: What do you want to accomplish? Who is your target audience? What knowledge do you want members of the community to acquire or what actions do you want them to take as a result? Is your message reaching its target audience? Once the goals are set, the next steps generally include developing measures of success; identifying, collecting, and analyzing measurement data; and implementing corrective actions.

Evaluation results can be used to make adjustments to specific activities or to the overall approach, if necessary. Informal feedback can be used to make mid-course corrections or to address any issues or shortcomings as they arise. Constant and consistent evaluation of community involvement efforts can help the site team improve outreach and continuously improve its community involvement approach.

If possible, evaluation should be done both formally and informally throughout the entire Superfund process. Informal feedback may be obtained through conversations after a community meeting or via emails or phone calls from community members regarding outreach efforts. More formal evaluations are conducted through interviews, surveys, and evaluation forms (paper or digital). However, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) applies whenever identical information from 10 or more public respondents becomes necessary. An approved Customer Service Survey has been developed for site teams to use when collecting information for evaluation purposes (see box on next page).

Community Involvement Customer Satisfaction Survey

To enhance the ability of site teams to evaluate community involvement efforts, an Information Collection Request was submitted and approved for use by the Office of Management and Budget. A copy of the “Customer Satisfaction Survey” (OMB Control # 2050-0179, expiration date 4/30/2016) is in Appendix C.

This survey is an opportunity for community members to convey how well EPA is listening to their concerns about the cleanup and making it possible for them to participate in the planning and decision-making process. This survey is NOT intended to be given in its entirety. Instead, individual sections may be used as a specific situation dictates. In addition to paper copies, you may choose to provide the survey to participants online via commercially available software where EPA has signed a [terms of service agreement](#).*

Check with the Community Involvement and Program Initiatives Branch to ensure that you have the most recent and up-to-date version of this survey.

* This link is available internally only to EPA staff.

Chapter 2 Endnotes

¹ It is important to note the difference between how “meaningful involvement” of indigenous populations is used in the environmental justice context and in EPA’s policy on consultation with tribes, as discussed in [EPA’s May 4, 2011, Policy on Consultation and Coordination with Indian Tribes](#). The federal government has a unique government-to-government relationship with federally recognized tribes, which arises from Indian treaties, statutes, Executive Orders, and the historical relations between the United States and Indian Nations. The federal government has a trust responsibility to federally recognized tribes. Part of this responsibility includes consulting with tribes and considering their interests when taking action that may affect them or their resources.

² U.S. EPA. Plan EJ 2014, Office of Environmental Justice, September 2011, p. 3.

³ Ibid.

⁴ Ibid.

⁵ U.S. EPA. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*. May 2015, pp.13-15.

⁶ Note that interviews with more than nine people that are conducted apart from the community interviews for development of the CIP or for a PRP investigation may be subject to the Paperwork Reduction Act, which requires prior approval by the Office of Management and Budget of an Information Collection Request (ICR) for this purpose. (See box above.)

⁷ EPA’s Privacy Policy should not be confused with the Privacy Act, which generally doesn’t cover sign-in sheets and mailing lists.

⁸ See memorandum, “Promoting Water, Superfund and Enforcement Collaboration on Contaminated Sediments,” February 12, 2015. <http://www.epa.gov/sites/production/files/2015-02/documents/promoting-water-sediments-memo.pdf>

⁹ U.S. EPA. *Land Use in the CERCLA Remedy Selection Process*, May 25, 1995 (OSWER Directive 9355.7-04). <http://semspub.epa.gov/src/document/HQ/174935>

CHAPTER 3

COMMUNITY INVOLVEMENT DURING THE REMEDIAL PROCESS

About the Superfund Remedial Process

This chapter discusses how a site team should advocate for early and meaningful community participation during the Superfund cleanup process. In general, remedial actions are long-term actions taken to clean up sites. Generally, remedial actions may be performed by EPA, another designated lead agency (federal, state or tribal agencies), or potentially responsible parties (PRPs). Remedial action site activities have distinct phases, each with its own set of community involvement issues and activities.

In this chapter, the following phases are discussed in sequence:

- 1) Discovery of Contamination.
- 2) Site Assessment.
- 3) Proposed and Final Listing on the NPL.
- 4) Remedial Investigation/Feasibility Study.
- 5) Feasibility Study Completion and Proposed Plan.
- 6) Pre-Record of Decision Significant Changes (if necessary).
- 7) Record of Decision.
- 8) Post-Record of Decision Significant Changes (if necessary).
- 9) Remedial Design/Remedial Action.
- 10) Operation and Maintenance/Five-Year Review.
- 11) NPL Site Deletion.

Explaining the Superfund Remedial Process to Communities

The [*This is Superfund*](#) brochure is a great tool that can help explain the Superfund remedial process to communities.

Each section of this chapter begins with an introduction to a step in the Superfund cleanup process, followed by a discussion about assessing, planning, and implementing community involvement activities during that phase. A summary of community involvement procedures required by law or addressed in NCP provisions is provided to indicate the minimum community involvement activities that should be conducted. This is followed by a discussion of some of the recommended factors to consider when developing a community involvement approach for an individual site. Where appropriate, the discussion is summarized in a graphic figure that shows a sampling of community involvement activities to consider, depending on whether the assessment suggests that a low, moderate, or high level of community involvement may be appropriate.

Discussions of specific community involvement activities are intentionally brief. Additional information about specific community involvement tools, methods and activities is included in the CI Toolkit. References to relevant guidance, websites, and community involvement tools and resources in the CI Toolkit are provided via hyperlinks. (Also see the additional information in Chapter 5, Community Involvement during Enforcement Activities, and Chapter 6, Community Involvement at Federal Facilities.)

1. Discovery of Contamination

The Superfund site assessment process often begins with EPA being notified of a release or potential release of hazardous substances into the environment. Such notifications often come from the party responsible for the release or from state, tribal or other environmental programs. They also may come from individuals. For example, citizens have an explicit right under Section 105(d) of the CERCLA statute to petition EPA to conduct a preliminary assessment of a particular release.¹ After notification to EPA, non-federal facility sites undergo a screening process to determine whether the CERCLA site assessment process is appropriate. With federal facilities, the process typically starts when the facility has been listed on the Federal Agency Hazardous Waste Compliance Docket.

2. Site Assessment

Once a site is identified as appropriate for site assessment, it receives a site discovery date and is added to the active Superfund Enterprise Management System (SEMS), the successor to the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) site inventory. Using criteria established under the Hazard Ranking System (HRS), EPA and/or its state and tribal partners or the appropriate federal agency then conducts a Preliminary Assessment (PA). If warranted, a Site Inspection (SI) or other more in-depth assessment is conducted to determine whether the site warrants short- or long-term cleanup attention. The HRS is a numerically based screening system that uses information from initial, limited investigations to assess the relative potential of sites to pose a threat to human health or the environment. The HRS is the principal mechanism EPA uses to place sites on the National Priorities List.

At the conclusion of an assessment, the HRS model is applied to derive a preliminary site HRS score. Sites that do not warrant further interest are assigned a No Further Remedial Action Planned (NFRAP) decision. While sites scoring over 28.5 or greater are eligible for NPL placement, the NFRAP decision can also apply to these sites if EPA determines the site would receive a no-action Record of Decision (ROD) if it was placed on the NPL. Sites that do warrant additional removal or remedial study but are not placed on the NPL are referred to the appropriate cleanup programs for further work. These cleanup programs include EPA's removal program, the Resource Compensation and Recovery Act (RCRA) program, state/tribal cleanup programs such as voluntary cleanup programs, and the Superfund Alternative Approach (SAA), or a site may be referred to the Nuclear Regulatory Commission, if appropriate (see box on next page). Most of the sites assessed for potential NPL listing are screened out of the Superfund program.

Planning for Community Involvement during the Site Assessment

Although there are no formal requirements in CERCLA or provisions in the NCP for community involvement during the site assessment process, it is important to consider community interests early, when site activities commence. Community involvement does not start until the site inspection portion of the process, when EPA and contractors are on the ground sampling. Because the site assessment process often is the Agency's first contact with the community, it is an opportunity for EPA to develop trust and credibility in the Agency's ability to deal fairly and effectively with site issues. Starting to understand community dynamics and cultural, tribal and ecological practices at this stage is very useful. However, this need for early outreach and understanding is balanced by the fact that many sites are screened out of the Superfund program and will have no continuing EPA involvement (see box on next page). At this stage, it is important not to create false expectations in the community about future actions by EPA.

As is the case during each phase of the Superfund process, transparency and effective communication with the community are important. Community members often are not familiar with the site assessment process or its purpose. For this reason, it may be important to provide information to help community members understand what is happening, why it is happening, and what site-related

EPA's Listing Decision

In addition to determining whether the site should be placed on the National Priorities List, EPA evaluates several other options for addressing site issues during the site assessment stage. Options considered include:

National Priorities List: The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP (40 CFR part 300), is required under CERCLA. The NPL must be revised annually and is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants, or contaminants.

Superfund Alternative Approach (SAA): When a liable PRP demonstrates it is viable and cooperative, EPA Regional offices, at their discretion, may enter into a SAA agreement with the PRP to facilitate the cleanup of a site. To view a list of all sites currently being managed under these agreements, visit EPA's [Compliance and Enforcement Office's Sites with Superfund Alternative Approach webpage](#).

EPA Removal Program: Removal actions tend to be swift responses to immediate threats from hazardous substances, pollutants or contaminants in order to eliminate dangers to the public. Typical situations requiring removal actions include chemical fires or explosions, threats to people from exposure to hazardous substances, or contamination of drinking water supplies. Types of removal actions include removing and disposing of hazardous substances, constructing a fence or taking security precautions to limit human access to a site, providing a temporary alternative water supply to local residents when drinking water is contaminated, and temporarily relocating area residents if necessary.

State or Tribal Cleanup: Sites completing the Superfund assessment process and determined to need long-term cleanup attention may be addressed under a state or tribal environmental cleanup program. Those that require no EPA financing, enforcement, or other substantial involvement are assigned a status of "Other Cleanup Activity: State/Tribal Lead" in EPA's SEMS (formerly CERCLIS) database. EPA periodically checks with state and tribal regulators on the status of cleanup work at these sites. Should conditions change such that federal Superfund involvement becomes necessary, EPA will work with its state and tribal partners to determine next steps and revise the site status accordingly. A 2012 Government Accountability Office (GAO) study found that about 58 percent of sites that are determined to be eligible for listing on the NPL are deferred to other cleanup programs. Nearly half of those (47 percent) are deferrals to state programs.

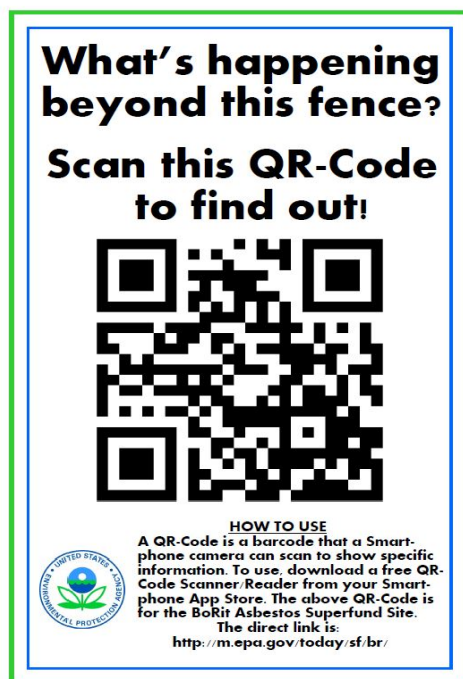
Other Federal Agency: Federal facility sites completing the Superfund assessment process and determined to need long-term cleanup attention may be addressed under another federal agency's environmental cleanup program. Federal facilities that are tracked in EPA's SEMS database and are being cleaned up but are not on the NPL are assigned a status of "Other Cleanup Activity: Federal Facility Lead." EPA periodically checks with other federal agencies on the status of cleanup work at these sites.

Deferred to RCRA: It is EPA's policy to defer placing sites on the NPL that can be comparably addressed under the RCRA Subtitle C corrective action authorities. There are certain exceptions to this policy, and sites not subject to Subtitle C will continue to be considered for NPL listing.

Deferred to Nuclear Regulatory Commission (NRC): It is EPA's policy not to list releases of source, by-product, or special nuclear material from any facility with a current license issued by the NRC because the NRC has full authority to require cleanup of releases from such facilities. If a facility is licensed by the NRC, but the NRC does not have authority to require cleanup, the site will not be deferred from NPL listing.

Finding New Ways to Provide Site Information to the Community

Region 3 uses Quick Response (QR) codes to provide information at some of its sites. These symbols, which are akin to barcodes, allow smartphone users to scan a code using a free app. By scanning the code with the phone's camera, the user is directly linked to information on a webpage. There is no need to write down the URL, and the information is available immediately. QR codes can be put almost anywhere on signs, fact sheets, even business cards. Region 3 used a QR code on a sign at a fence-enclosed site (see image below). The sign's QR code linked to the URL of a webpage with the latest site information. The sign also provided a shortened URL for people who did not have a smartphone. One important tip is to link to a webpage that can be easily read on a mobile device.



decisions may mean to them. This means communicating clearly that EPA is gathering and analyzing information during the site assessment process to determine whether further assessment or cleanup may be needed, and explaining that if EPA determines a response is necessary, the Agency will indicate which cleanup program or approach is the most appropriate.

In most cases, it may be a good idea for EPA to conduct community outreach whenever there are activities at a site or when the site team wants to contact members of the community during the site assessment stage. For example, site staff may wish to contact state, tribal and local officials, and key community members for information about the scope and history of the site's contamination. In some instances EPA also may want to actively solicit information from the public to help identify PRPs and their waste-handling practices. Given that the community might learn that EPA is investigating the site for hazardous substances, it often is wise to consider conducting community outreach before these activities commence. This was the case at the Leeds Metal Superfund Site in Leeds, Maine. Early in the PRP search and site listing process for the site, former railroad employees, local officials, and nearby residents offered to be interviewed. While the primary purpose for these interviews was to seek evidence regarding a specific waste disposal issue, EPA also was able to obtain information about the previous use of the site.

During the site inspection, field work usually is limited to a few weeks. However, the site team should consider informing the community about EPA's schedule of field activities whenever on-site sampling or other activities are planned and also should prepare the community before any on-site visits by

technical work teams occur. Keeping the community informed and explaining upcoming work can help alleviate concerns about the presence of government officials and contractor teams working at the site. For example, members of the community sometimes are alarmed to see workers on-site, particularly when they are using protective clothing and equipment. Consider conducting outreach in advance to explain what EPA is doing at the site and the types of activities members of the community are likely to observe.

After a site assessment is completed, the site team may wish to inform the community about EPA's decision and describe the next steps, including whether further site assessment might be necessary. If there is sufficient community interest or concern, the site team may wish to issue a fact sheet describing

the preliminary findings and next steps. If it is determined that no cleanup is necessary, it can be a good idea to explain the basis for that decision.

Minimum Community Involvement Activities for Site Assessment

Neither CERCLA nor the NCP require any specific community involvement activities during the site assessment phase of the Superfund cleanup process. If EPA decides to propose the site for listing on the NPL, the opportunity for formal public comment comes when EPA proposes to list the site. Please note that separate from working with the community, EPA's policy on consultation with Indian tribes provides for government-to-government consultation when EPA's actions and decisions may affect tribal interests.

Assessing Whether Additional Outreach and Community Involvement Activities Might Be Appropriate during Site Assessment

The need for early community involvement should be assessed by balancing the likelihood of EPA's continued involvement at the site with the level of interest or concern about the site in the community. If it appears likely that the site will be found eligible for NPL listing, it may make sense to begin community involvement activities during the site assessment process. In this situation, EPA, in consultation with appropriate state and tribal officials, should consider conducting community involvement activities. Start by assessing whether any of the following factors are present:

- The community may have environmental justice or tribal concerns.
- There is a health advisory by the Agency for Toxic Substances and Disease Registry.
- EPA has received a citizen petition (under CERCLA Section 105(d)) to investigate a release or potential release.
- There is general community interest or an organized citizen group that focuses on site-related issues.
- The community may be affected by the presence of another nearby NPL site, an EPA or state/tribal environmental assessment, or other significant environmental burdens.
- There is congressional, state, tribal, or local governmental interest in the site.
- The site has attracted media attention.
- The site is close to residential areas or is near day care centers, schools, hospitals, etc., or to other potential releases of contamination.
- The site may pose a significant potential for exposures to the human population.

Community involvement activities that may be appropriate during site assessment include:

- When warranted, consulting with a CIC to decide whether to prepare a site- or situation-specific [communication strategy](#) for the site assessment.
- Designating an EPA staff member (usually the CIC, if one is assigned) who can advise the site assessment team on community involvement, implement community involvement activities, and field the community's questions.
- Issuing news releases (see the [Media Relations](#) tool).
- Distributing [fact sheets](#) or using other tools to let community members know that EPA is conducting site assessment activities and to explain the site assessment process.
- Distributing flyers throughout the community (e.g., in schools, grocery stores, and churches).
- Creating a [mailing list](#) or email list of concerned community members if there are plans to distribute information to the community.

- Making presentations to community organizations. (When resources are limited, consider making presentations via an Internet webinar or by using Agency meeting software tools, such as Adobe Connect.)
- Holding informal [public availability/poster sessions](#).
- Establishing a toll-free telephone hotline, email list, or listserv and publicizing its availability.
- Creating a website or using [social media](#) to provide information about the site and site assessment process.

In some cases, technical assistance may help communities understand the technical issues related to site assessment (e.g., sampling strategies or sampling results for hazardous substances that may be present at the site). At sites likely to be eligible for NPL listing and where there are environmental justice concerns or strong community or media interest, the site team might consider conducting a [Technical Assistance Needs Assessment](#) (TANA) to assess the community's need for technical assistance and to identify the most appropriate programs or services that can be offered to help the community review the site-specific information being gathered during the site assessment process.

3. Proposed and Final Listing on the NPL

Once the site assessment is completed and the site receives an HRS score of 28.50 or greater, EPA may decide that the best way to clean up the site is to add it to the NPL. Adding a site to the NPL requires EPA to follow established rulemaking procedures. EPA must first publish a notice in the *Federal Register* proposing to add a site to the NPL and requesting public comments. EPA must consider and address all comments and make a final determination about whether to list the site. If the Agency decides to list the site, it must publish a final rule in the *Federal Register*. Typically, EPA adds new sites to the NPL twice each calendar year, usually in the spring and fall.

Planning for Community Involvement during Proposed and Final NPL Listing

As an important first step, the site team should assess the situation to determine an appropriate mix of community involvement activities and plan an approach that addresses the needs of the community.

In most cases, the site team should expect increased community concern or interest when a site is proposed for the NPL. While informing the public through a *Federal Register* notice is required, conducting additional activities to inform the community about the NPL listing process and how the public can submit comments may also be appropriate. If appropriate, the site team should inform the community at this time about the availability of [Technical Assistance Grants](#) (TAG). A TAG can be awarded to an eligible organization that represents a community being affected by a Superfund site that is on or proposed for the NPL, as long as a response action is underway or scheduled to begin.² (More detailed information about TAGs may be found in the [Technical Assistance Grant](#) tool in the [CI Toolkit](#).)

Listing a site on the NPL also may attract media attention. Preparing a press release or using social media may be useful. The team should consider developing talking points for media interviews. Work with the Regional public affairs office whenever the media are involved.

Minimum Community Involvement Activities during the NPL Listing Phase

During the NPL listing phase, the site team should conduct the following activities (see also Appendix A).

- Publish a proposed rule to add a site to the NPL in the *Federal Register* and request public comments.
- Hold a [public comment period](#) of at least 30 days.

- Prepare and publish a response to comments support document (sometimes called a “responsiveness summary”) that addresses significant comments and any significant new data received during the public comment period.
- Publish a final NPL listing in the *Federal Register*.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during NPL Listing

The site team should assess whether additional community involvement activities may be appropriate during the NPL listing process by considering these or other key factors:

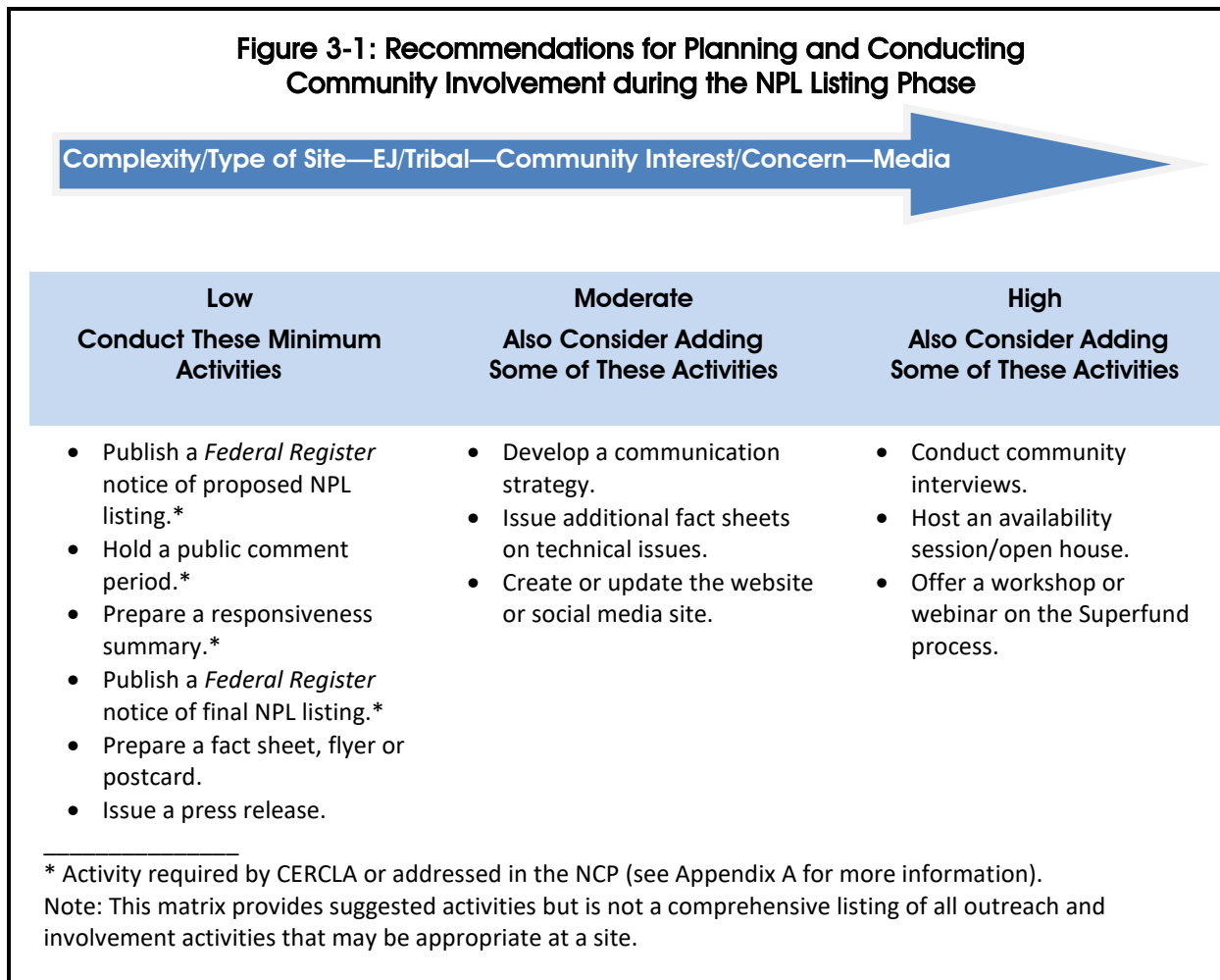
- **Complexity of the site:** How large is the geographical area affected by the site? Is the site located in a rural or urban area? Do many people live near the site? Given the exposure pathways, are nearby community members directly impacted? Are homes, schools, day care centers, or hospitals nearby?
- **The level of community concern or interest before and during the listing process:** How familiar is the community with the site and EPA’s involvement at the site? Have people asked questions or expressed concerns to the site team? Did community members or organizations submit comments during the public comment period? Are residential properties contaminated? Will samples be taken from residential yards? Is the site being assessed in response to a Section 105(d) citizen petition?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer, drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?
- **The level of media interest before and during the listing process:** Have news stories been published or broadcast about the site? Have news media outlets contacted EPA with questions about the proposed listing? (Be sure to work with the Regional public affairs office whenever there is media attention at a site.) Have community members used social media to alert others about site activities?

If consideration of these factors suggests that the level of community or media interest is moderate or high, the site team might consider conducting more than the minimum community involvement activities required by CERCLA or addressed in the NPL. Enhancing the community involvement effort sometimes enables EPA to begin developing a constructive relationship with the community. Even if community or media interest in the site is relatively low, it sometimes is better not to rely solely on a *Federal Register* notice to inform the community; the site team may wish to consider and use other techniques to notify the community about the site and the NPL listing process.

This initial assessment of community interest typically is based on information derived from the site assessment process; the site team’s observations, interactions, and experiences with the community; and other information. If the site team determines that the site might warrant additional community involvement, they should consider preparing a communication strategy for the NPL listing phase. The strategy can help the site team to clearly define the key issues, identify the primary audiences and stakeholders, determine major information needs and key messages, and select the best methods and timing for disseminating information during the NPL listing phase.

A graphic similar to Figure 3-1 is used throughout this chapter to show a range of possible community outreach and involvement activities based on an analysis of possible factors at each phase of the remedial

process. The minimum activities required by CERCLA or addressed in the NCP are indicated with an asterisk (*). As the degree of a community’s concern and interest increases, the site team might wish to consider enhancing community involvement by undertaking one or more additional activities, such as the examples provided.



4. Remedial Investigation/Feasibility Study

After a site is listed on the NPL, the Agency (or the PRP, subject to EPA oversight) typically performs a remedial investigation (RI) to gather data needed to characterize site conditions, determine the nature of the waste, assess risk to human health and the environment, and conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

In general, EPA conducts risk assessments on a site-by-site basis because each Superfund site is unique in terms of the contaminants present and their potential health effects. The baseline risk assessment is designed to provide an analysis of the potential adverse health effects (current or future) caused by hazardous substance releases from a site in the absence of any actions to control or mitigate these releases (i.e., under an assumption of no action). The baseline risk assessment typically contributes to the site characterization and subsequent development, evaluation, and selection of appropriate response alternatives. The results of the baseline risk assessment normally are used to help determine whether additional response action is necessary at the site, modify preliminary remediation goals, help support

selection of the “no-action” remedial alternative, where appropriate, and document the primary causes and magnitude of risk at a site.

Because the risk assessment is designed to identify the primary health and environmental threats at the site, it typically also provides valuable input to the development and evaluation of alternatives during the feasibility study (FS).

The human health risk assessment is one part of the Superfund process that generally warrants early community involvement. See the [Risk Communication](#) tool, [Risk Assessment Guidance for Superfund \(RAGS\) Part A](#), and [Risk Assessment Guidance for Superfund \(RAGS\), Volume 1 - Human Health Evaluation Manual Supplement to Part A: Community Involvement in Superfund Risk Assessments](#) for suggestions about how to help the community understand and accept the human health risk assessment, and how Superfund staff and community members can work together during the early stages of Superfund cleanup. These guidance documents also discuss where community input can be of value, recommend questions the site team should consider asking the community, and illustrate why community involvement generally is valuable during the human health risk assessment at Superfund sites.

In general, following or concurrent with the RI, EPA or the PRP prepares the FS, which is designed to help in the development, screening, and detailed evaluation of alternative remedial actions. Consistent with the NCP and EPA’s RI/FS guidance, the FS typically applies the nine evaluation criteria specified in the NCP to evaluate the cleanup alternatives³ and then presents a recommendation for the Agency’s preferred alternative. Together, these studies usually are referred to as the RI/FS, and they help provide administrative record support when the Agency publishes a Proposed Plan to clean up the site.

Although the RI/FS may take 18 to 24 months to complete, on-site work usually lasts no longer than several weeks to several months. Additional analytical work often is performed at the office or in a laboratory. EPA’s presence at the site often may be limited to periodic monitoring or additional sampling. During this period, the site team normally focuses on receiving, reviewing, and analyzing data and identifying remedy options.

Planning for Community Involvement during the RI/FS

Community involvement during the RI/FS presents both opportunities and challenges. EPA has an opportunity to build a strong foundation based on its responsiveness, honesty, and transparency. Building this foundation may begin during the site assessment or the NPL listing stages, but it often is established during the RI/FS. At many sites, EPA’s first substantive engagement with the community occurs at the beginning of the RI/FS phase. EPA’s site team should inform the public about the Superfund program and process, site contaminants and health risks, and planned site activities. EPA also should explain how the community can become involved in the decision-making process. Generally, a best practice is to share information as frequently as possible through a variety of methods (e.g., mail, email, social media, websites, and personal contact) and for members of the site team to be available to answer questions and address community concerns.

The importance of informing and involving the community at this stage in the Superfund process is reflected in several community involvement requirements in CERCLA and specific provisions in the NCP. This includes the development of the site Community Involvement Plan, or CIP (the Community Involvement Plan is called the Community Relations Plan in the NCP).

This phase of the process often can present some challenges because of the time required to complete the RI/FS and the Agency’s schedule of activities and actions at the site. Typically, there is a significant amount of work and EPA visibility at the site when RI activities begin. This stage often is followed by a period of relative inactivity at the site between the completion of sampling and issuance of the FS. While there may be little new information to convey during this time, it may be a good idea to maintain close contact with the community on a continuing basis. Doing so may help to reassure the public, even if EPA’s message is that “we still have not received the test results from the lab.” As a rule of thumb, it may

be a good idea to conduct at least two community involvement activities each year during periods of relative inactivity.

Minimum Activities for RI/FS

Consistent with the NCP, EPA should conduct the following community involvement activities prior to the initiation of RI field activities:

- Conduct [community interviews](#) to solicit people’s concerns and determine how and when people want to be involved.
- Prepare a formal [CIP](#) to specify outreach activities that the Agency expects to undertake.
- Establish and maintain a local [information repository](#) at or near the location of the site. (See box on page 35 for more information.)
- Establish the [administrative record](#) file and make it available to the public as a part of the information repository.
- Publish a public notice to announce the availability of the administrative record for the selection of a remedial action in a newspaper of major local circulation or use one or more other mechanisms to give adequate notice to the public of the availability of the administrative record file.
- Inform the community of the availability of a [TAG](#).

The CIP usually lays out the approach and rationale for community involvement efforts and activities throughout the Superfund process, not just the RI/FS stage. Because the CIP is so important, it often is a good idea to devote significant effort to its development. This involves interviewing community members and local officials to learn of their concerns, knowledge of the site, and expectations about their participation in the cleanup process.

Interviews conducted for the CIP can yield useful information for the RI/FS. For example, Region 3 found information useful to the RI/FS while interviewing local residents for the CIP for a former brass and bronze foundry site. Community members told interviewers that after the foundry closed, used sand casings were offered to the surrounding community. The inhabitants used this potentially contaminated sand to fill holes in yards, sidewalks, and streets. EPA took this information into account when sampling the area, which involved excavating up to six feet in some areas. Also, at the request of the PRP, EPA “fingerprinted” the lead contamination to distinguish between lead from the site and lead from a nearby incinerator. See the [Community Involvement Plans](#) and [Community Interviews](#) tools for more information.

Conducting Community Interviews for the Development of the CIP

Community interviews are conducted to gather information about community needs and concerns. The information from these interviews is used for a CIP or for a Technical Assistance Needs Assessment.

Whenever possible, community interviews should be conducted by EPA’s CIC, accompanied by the RPM or OSC. These interviews are one way to meet with community members and learn about their site-related needs and concerns, as well as how the community gets information and prefers to receive site-related information from EPA. This information is particularly helpful as reliance on traditional forms of communication, including telephone land lines, no longer can be assumed. Community interviews also can provide a valuable opportunity for the site team to explore community concerns in depth and build positive relationships with community members.

In addition, interviews often are an opportunity to learn about past and current uses of the site that might impact sampling plans or other cleanup activities.

Changes in the NCP: Electronic Availability of the Administrative Record File & Information Repository, and Public Notice Requirements

On March 18, 2013, EPA promulgated a final rule to amend the NCP to address the electronic availability of the administrative record file and locations for information repositories, as follows:

Electronic Availability of the Administrative Record File: On March 18, 2013, EPA promulgated a final rule to amend 40 CFR § 300.805(c) of the NCP, “Location of the Administrative Record File” in Subpart I, “Administrative Record for Selection of Response Action,” to acknowledge advancements in technologies used to manage and convey information to the public (78 Fed. Reg. 16612). This amendment to the NCP added language to broaden the technology to include microform, computer telecommunications or other electronic means that the lead agency is permitted to use to make the administrative record file available to the public regarding documents that form the basis for the selection of a response action. Based on the preferences of the community and the lead agency’s assessment of the site-specific situation, the lead agency will determine whether to provide the administrative record file to the public as: (1) traditional forms (e.g., paper copies; microform), (2) electronic resources, or (3) both traditional forms and electronic resources.

Information Repository: Section II (Background) of this final rule amending the NCP indicates that the contents of the physical information repository located at or near the site will depend on the lead agency’s assessment of the site-specific circumstances, including the preferences of the community and the capacity and resources of the public to utilize and maintain an electronic- or computer telecommunications-based repository. Just like the administrative record file, the lead agency will determine whether to provide: (1) traditional forms (e.g., paper copies; microform), (2) electronic resources, or (3) both traditional forms and electronic resources based on the preferences of the community and the lead agency’s assessment of the site-specific situation. (See [Federal Register, March 18, 2013](#), for text of the final rule.)

In a second NCP amendment, effective May 4, 2015, EPA added language to the NCP to broaden the methods by which the EPA can notify the public about certain Superfund activities.

Public Notices: The rule expands the public notice language in six sections of the NCP to allow adequate notice to a community via a major local newspaper of general circulation or by using one or more other mechanisms for:

- A notice of the availability of the administrative record file for CERCLA actions where, based on a site evaluation, the lead agency determines that a removal action is appropriate, and that less than six months exists before on-site removal action must begin.
- Notification of the engineering evaluation/cost analysis (EE/CA) where the lead agency determines that a CERCLA removal action is appropriate and that a planning period of at least six months exists prior to initiation of the on-site removal activities.
- Notification of releases that may be deleted from the NPL.
- Notification of the availability of the administrative record file for the selection of a remedial action at the commencement of the remedial investigation.
- Notification of the availability of the administrative record file when an EE/CA is made available for public comment, if the lead agency determines that a removal action is appropriate and that a planning period of at least six months exists before on-site removal activities must be initiated.
- Notification of the availability of the administrative record file for all other removal actions not included in § 300.820(a).

In other stages of the Superfund process where public notice occurs (as outlined by CERCLA and the NCP) it is still necessary to publish a notice in a major local newspaper of general circulation. Other methods also may be used, but these must be in addition to the public notice in a major local newspaper of general circulation.

(See [Federal Register, May 4, 2015](#), for text of the final rule.)

Assessing the Need for Additional Community Involvement Activities during RI/FS

When assessing community involvement efforts during the RI/FS, the site team may wish to consider these factors:

- **Complexity of the site:** How large of a geographical area does the site occupy? How many distinct communities are impacted by the site? Is the site located in a rural or urban area? Do many people live near the site? Are nearby community members directly impacted by site activities or potentially exposed to contaminants? Is drinking water being provided, or has the state, tribe, or local government issued fishing or recreational use advisories? Are there homes, schools, day care centers, or hospitals nearby? Does the site have numerous operable units (OUs)?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer, drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?
- **Community concern or interest:** Is the community aware of the site and potential hazards? Have community members contacted EPA about the site? Are community members worried about their health and other socio-economic impacts of the site? Have community members used a webpage or social media to disseminate information about the site? Is there an organized community group interested in becoming involved in site issues?
- **Media interest:** Is there media interest in the site? Have articles been written or news stories about the site been broadcast? If so, have the stories been accurate and balanced? Have reporters contacted the site team or Agency representatives to ask questions about the site? (Be sure to work with the Regional public affairs office whenever there is media interest in a site.)

All of these factors can directly influence the development of the CIP and decisions regarding the level of community involvement activity that may be appropriate during the RI/FS. We recommend that Regions use Figure 3-2 to help assess the situation and determine an appropriate level of community involvement at this point in the process. If the level of community interest/concern and media interest is relatively low, fulfilling community involvement requirements or adding a couple of additional activities may be all that is appropriate.

Some EPA Regions schedule an informational public meeting at the beginning of RI field work for the RPM and CIC to introduce themselves, discuss EPA's role, and describe what is and is not known about the site. In this way, the site team is able to explain the RI work plan, the type of work anticipated, what they hope to learn, what they expect to find, and the safety precautions they follow. Some site teams bring protective gear and monitoring equipment to the meeting so that people can become familiar with it. An optional informational public meeting may provide an excellent opportunity to educate the community and allow the site team to learn about the site from the community's perspective. Other Regions take community outreach into the local schools. Educating children also can be a way of educating adults because children talk to their parents. Furthermore, information brought from school may carry a level of credibility unavailable through other means.

Person-to-person outreach is recommended during the RI/FS phase. Such interaction can help the community and site team get to know each other. Personal interactions, by telephone or in person,

sometimes can contribute more to the development of trust and cooperative working relationships than other forms of outreach.

In some cases, technical assistance may be appropriate to help communities understand the technical issues related to the RI/FS (e.g., sampling strategies, sampling results for hazardous substances present at the site, cleanup approaches or technologies). At sites with environmental justice concerns or strong community interest, the site team might consider conducting a TANA to assess whether the community could benefit from technical assistance and to identify the most appropriate programs or services that can be offered to help the community review and understand site-related technical information.

Consistent with existing CERCLA guidance, Regions should consider current and reasonably anticipated future land use throughout the remedy selection process for a site (e.g., when developing the proposed plan). This may be an opportunity for community members to express their views to EPA regarding potential reuses for the site after cleanup.

Considering reuse can help empower community members by focusing on future beneficial uses. For example, the community of Fort Valley, Georgia, which surrounds the 31-acre Woolfolk Chemical site, wrestled with the impacts of the Superfund cleanup process and how to return the site to reuse for many years. Fort Valley is a community with environmental justice concerns because minorities and low-income inhabitants form a large percentage of the population living near the site. The Woolfolk Chemical site was contaminated with high levels of arsenic and other contaminants from decades of agricultural pesticide production. In 1994, EPA awarded a TAG, part of which was used to help the community understand potential options for future reuse of the site. The Agency learned that the community wanted to redevelop a portion of the site (OU-2) into a public library, adult education center, and city government office space. EPA took the community's wishes into account when it developed the Proposed Plan for OU-2, which was issued in June 1995. The proposed plan took into account the reasonably anticipated future use of this portion of the site after cleanup based on the community's redevelopment plan. This portion of the cleanup was completed in 1998 and is now the site of the Peach County Public Library and the Fort Valley Welcome Center.

EPA subsequently engaged in an extensive dialogue with community members about future reuse for a different portion of the Woolfolk site (OU-3). Although this occurred after the Proposed Plan for OU-3 was issued in 1997, the dialogue was still timely because the OU-3 cleanup was not yet completed. The Agency worked with community members, land use planners, and local government officials to ensure that the reasonably anticipated future land use reflected the community's vision and to ensure the cleanup standards that EPA established in the 1998 ROD for this operable unit are protective of human health. The CERCLA remedy selection process enabled community members to voice their views and concerns about reuse of the site and their hopes about how the site would be reused once the cleanup was complete. A 2007 final report described three potential scenarios combining commercial, recreational, and public use for this portion of the site. This cleanup was completed in 2009.

If institutional controls (ICs) are under consideration as an element of a remedial alternative being evaluated in the FS, this may be an excellent time to educate the community about ICs. As discussed in more detail in EPA's CERCLA guidance (e.g., the PIME guidance) ICs may include non-engineered instruments, such as administrative and legal controls, that are designed to help minimize the potential exposure to contamination and/or protect the integrity of a response action.⁴ For example, local government zoning restrictions may prohibit certain land uses for a site, such as residential use, and consistent with existing CERCLA guidance addressing consideration of current and reasonably anticipated future land use, such restrictions should be considered in the CERCLA remedy selection process.

Because rigorous periodic monitoring and reporting often are among the most useful approaches for ensuring the long-term effectiveness of ICs and maintaining the integrity of the cleanup, community

involvement can be an important part of this process.⁵ Educating the public about ICs in community involvement activities and information materials as early as possible in the cleanup process is very important. ICs should be publicized as soon as practicable and as early as the ROD or remedial design/remedial action (RD/RA) stage, depending on when the specific type of IC is identified.

Involving Community Members in IC Planning

During all stages of IC planning and particularly early on, the site team should seek input (and evaluate the capacity for IC involvement) from state, tribal, and local governments; responsible parties; affected communities; natural resource trustees; and other stakeholders. This will help ensure that the most appropriate ICs are selected as part of the response action. Early cooperation and coordination among these parties often can be critical to ensuring long-term IC protectiveness at a site. Affected stakeholders should be made aware of ICs under consideration and have an opportunity to provide input. In developing informational devices, it normally is helpful to provide information about the ICs and appropriate contact information for reporting incidents that might result in unacceptable exposure to contamination.

Figure 3-2: Recommended Activities for Planning and Conducting Community Involvement during RI/FS

Complexity/Type of Site—EJ/Tribal—Community Interest/Concern—Media Interest

Low	Moderate	High
Conduct These Minimum Activities	Also Consider Adding Some of These Activities	Also Consider Adding Some of These Activities
<ul style="list-style-type: none"> • Conduct community interviews.* • Prepare a CIP.* • Establish the local information repository.* • Establish the administrative record.* • Issue a public notice about local information repository and administrative record.* • Advertise availability of the TAG.* • Distribute a fact sheet about the site and Superfund process. • Create a website, Facebook page, or social media site. 	<ul style="list-style-type: none"> • Prepare communication strategies, as needed. • Conduct outreach to explain risk assessment guidelines and processes. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Host an availability session/open house. • Prepare fact sheets on technical or enforcement issues. • Offer a workshop or webinar on the Superfund process. • Use telephone hotlines. • Host site tours. 	<ul style="list-style-type: none"> • Work with the Community Advisory Group. • Conduct a TANA and offer technical assistance, if appropriate. • Offer community visioning for site reuse.

* Activity required by CERCLA or addressed in the NCP (see Appendix A for more information).

Note: This matrix lists only a few suggested activities and is not a comprehensive listing of all outreach and involvement activities that may be appropriate at a site.

5. RI/FS Completion and the Proposed Plan

As discussed in the RI/FS and ROD guidances⁶, the RI/FS process normally ends with the release of the RI/FS documents and the development of the Proposed Plan for remedial action. The Proposed Plan should lay out the remedial alternatives presented in the FS analysis, present the preferred alternative, explain the rationale for selection of the preferred alternative, identify any proposed waivers to cleanup standards that are based on ARARs (applicable or relevant and appropriate requirements, such as technical impracticability waivers), and list documents used to support EPA's decision. The Proposed Plan is a critical part of the remedy selection and the administrative record. The Proposed Plan also can serve as an effective communication device for the Agency to present its preferred remedy and rationale to the community.

As part of the RI/FS completion process, an EPA Region should determine whether its preferred remedy is estimated to exceed \$25 million.⁷ If the preferred remedy is estimated to exceed \$25 million, the Region should submit information to EPA's National Remedy Review Board (NRRB) about the alternatives it is considering, along with an explanation of its preliminary decision on selection of the preferred alternative.⁸ If the preferred remedy will be reviewed by the NRRB, the site team should alert the community that the board is going to consider a particular remedy and provide community members with an opportunity to submit information to the board before it meets (see box below). Following the meeting, the board posts a memorandum online that sets forth its recommendations to the Region (see www.epa.gov/superfund/national-remedy-review-board-nrrb). Although the board's recommendations are carefully considered, the board does not change the Agency's findings or alter the public's role in site decisions; the Region typically has the final decision-making authority.

The NRRB generally reviews cleanup strategies after the RI/FS and before the Region releases the proposed plan for comment. The NRRB may review remedies at other phases of the cleanup process, but this is not typical.

National Remedy Review Board

The NRRB's meetings are not open to the public, but the board allows representatives of community groups to submit a written technical summary (usually 20 pages or less, or up to 40 pages for sites where the estimated remedial action costs exceed \$100 million) of any technical issues they believe are pertinent to the cleanup decision, including their recommended approach and rationale for that approach. The site manager should attach this summary to the site information package submitted to the board four weeks before the meeting. Stakeholder position papers should be included in the administrative record.

The NRRB's Q&A Manual provides a Community Guide that may be used to provide information to interested stakeholders. The Community Guide recommends that at sites where EPA has awarded a TAG or recognized a Community Advisory Group, the site manager should notify the community of the pending NRRB review. The Region should offer the TAG or CAG groups an opportunity to provide a technical summary. Where the site manager has established close working relationships with other stakeholder groups early in the RI/FS process, the site manager may also offer these groups the opportunity to submit written technical comments. The PRPs at a site also are offered an opportunity to submit written technical comments. The stakeholders' and PRPs' summaries are attached to the site information package submitted to the NRRB for review.

Planning for Community Involvement during RI/FS Completion and the Proposed Plan

EPA announces and explains its Proposed Plan for cleaning up contamination at a Superfund site and asks the public to submit comments on the plan. A strong and well-executed program for community involvement during this phase can help ensure that the community fully understands the Proposed Plan and EPA's reasons for later selecting its preferred remedy in the ROD.

Guidance for writing the Proposed Plan is provided in *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (EPA 540-R-98-031, July 1999), which also is known as the ROD Guidance.

The goal of community involvement at this stage is to educate the community about the Agency's analysis and its preferred solution, and to encourage the public to comment on the Agency's Proposed Plan. Generally, when the community understands the decision and rationale presented in the Proposed Plan, the public can offer comments and suggestions to help the Agency make its decision.

Tools Available to Help Explain Cleanup Technologies to the Public

See the "Citizen's Guides" section on the [Community Involvement Tools and Resources webpage](#). The Citizen Guides are a set of more than 20 fact sheets that summarize cleanup methods used at Superfund and other sites. The series was updated in 2012 to include information about new technologies and techniques. Each fact sheet is two pages long and answers six questions about the cleanup method: (1) What is it? (2) How does it work? (3) How long will it take? (4) Is it safe? (5) How might it affect me? And (6) Why use it? The fact sheets also are available in Spanish.

Also consult the [CLU-IN.org](#) website as a comprehensive source of information about innovative treatment and site characterization technologies, and for current and archived webinar training courses on a variety of topics.

It is a good idea to provide several opportunities for EPA to explain the Proposed Plan, educate the community about the proposed remediation technologies and any ICs proposed as part of the remedy, respond to questions from the public, and encourage the submission of comments. This is also a good time to assess whether technical assistance might help the community interpret and understand technical information related to the FS and Proposed Plan. If technical assistance was provided earlier in the Superfund process, that assistance usually should be continued and enhanced during this stage. If a community has requested or received technical assistance services, this often is an indication that the community is interested and wants to be involved in the decision-making process; it also might be an indication that additional outreach and involvement activities could be appropriate.

The Proposed Plan and Supplemental Fact Sheet

The Proposed Plan is required by the statute as a means of informing the community about all of the alternatives considered and EPA's preferred remedy. The Proposed Plan also is intended to inform the community that they have an opportunity to comment. Although the Proposed Plan often presents highly technical information, it should be written so that the layperson can understand it.

The Proposed Plan normally should be presented in a comprehensive document that is written in a clear and concise style and uses illustrations and figures to summarize information. The plan should summarize the alternatives from the analysis of the RI/FS and specify EPA's preferred alternative and the rationale for choosing this alternative. The presentation of the preferred alternative should emphasize that EPA has not made a final decision and will consider the community's views on all alternatives. EPA may modify the preferred alternative or shift to another alternative if public comment or new information indicates these modifications are warranted.

Because the Proposed Plan often is lengthy, detailed and technical, it is recommended that the site team also prepare a brief, less technical, and easy-to-read fact sheet (no more than 8-10 pages) that summarizes the key findings and conclusions contained in the Proposed Plan.

Minimum Activities for the Proposed Plan

Consistent with CERCLA and the NCP, Regions should conduct the following community involvement activities:

- Prepare a Proposed Plan of the action EPA proposes to take to remediate the site. Publish a [public notice](#) in a major local newspaper of general circulation to publicize the availability of the Proposed Plan and RI/FS, provide a brief summary of the Proposed Plan, and announce a public comment period. The notice should be published at least two weeks before the beginning of the public comment period.
- Make the Proposed Plan and any supporting analysis and information available to the public in the administrative record and [information repository](#).
- Provide an opportunity for a [public comment period](#) (not less than 30 days) for the public to submit comments, and extend the period by at least 30 days, if appropriate. Although EPA is not required to inform the community of an extension of the public comment period, the site team should consider announcing an extension through a variety of mechanisms (webpage, email, fact sheet, social media, etc.).
- Hold a [public meeting](#) to present the Proposed Plan. Prepare a transcript of all formal public meetings held during the public comment period, and place the transcripts in the administrative record and information repository.
- Prepare a written response to significant comments submitted during the public comment period. This “responsiveness summary” is included in the ROD.

During the Proposed Plan phase of the remedial process, the site team is encouraged to maintain communication with public officials and interested community members, explain the remedial alternatives in understandable terms, and solicit public input. Effective community involvement and careful consideration of suggestions and comments submitted by concerned community groups and other inhabitants will showcase that the Agency is serious about considering the community’s input.

Recording Public Comments at Public Meetings

While the NCP does not state how the transcript for a public meeting should be prepared, using the services of a court reporter is recommended.

Comments from the public usually are noted in the record, but are not directly addressed or answered during the meeting. Instead, EPA’s responses to these comments should be provided, in writing, in the responsiveness summary document that is included in the Record of Decision. For this reason, the members of the site team normally should limit their responses to public comments offered during the meeting to explaining or clarifying technical or process issues.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate When Issuing the Proposed Plan

The issuance of the Proposed Plan usually is a time of intense community involvement. The site team should assess whether additional community involvement activities may be appropriate at this time by considering these or other factors:

- ***The level of community concern or trust:*** What has been the level of community interest in site issues to date? Has the community requested or received technical assistance services? Is there reason to believe that the community may not fully trust EPA’s judgment or site-related actions? Have people asked questions, expressed concerns, or raised objections about EPA’s actions at the site? Have news media outlets contacted EPA with questions about the Proposed Plan? Have community members used social media or a website to alert the community about the Proposed Plan?
- ***Environmental justice or tribal concerns:*** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a

tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?

- ***Likelihood that the preferred remedy could be controversial:*** Are there several reasonable remedy alternatives that could be considered for the site? Is the preferred remedy complex or difficult to understand? In the past, has the community indicated a preference for, or aversion to, the approach in the preferred alternative? Did the NRRB review this matter? If so, did the community group representatives submit comments to the board before its meeting?
- ***Potential disruption to the community:*** Will the preferred alternative require substantial disruption in the community (e.g., temporary or permanent relocation, substantial truck traffic, or neighborhood disruption)? Are there many community members who could be affected or inconvenienced by site work? Will site work affect schools, playgrounds, parks, or other nearby public spaces? Does the remedy include restrictions on fishing, gardening, or recreational and other uses?

If more than one of these factors is present, it may indicate that the site team ought to consider conducting additional community involvement activities. Doing so might enable EPA's site team to nurture a constructive relationship with the community and increase community understanding and probable acceptance of the Proposed Plan. As shown in Figure 3-3, as community, environmental justice, and tribal concerns increase, along with other disruptions and controversies, additional community involvement activities should be considered.

Informing the community of the availability of technical assistance services may be particularly important in the period leading up to issuance of the Proposed Plan. The community might need help in understanding the technical information in the RI/FS and Proposed Plan in order to provide comments and participate in the decision-making process. This often is particularly important for communities with potential environmental justice concerns, complex or numerous remedial alternatives, and strong community interest. If the community requests technical assistance or the site team believes the community might benefit from technical assistance, the site team should consider completing a Technical Assistance Needs Assessment or [TANA](#).

The site team may also consider helping the community form or work with an existing CAG, particularly at sites with high levels of community concern or distrust. A CAG is a committee, task force, or board composed of

community members and other stakeholders affected by the site. CAGs can enhance public participation in the cleanup process by providing a public forum where representatives of diverse community interests can discuss their concerns and learn from each other. CAGs also can help the community "speak with one voice" on contentious issues, which can assist EPA's efforts to listen to and respond to community concerns.

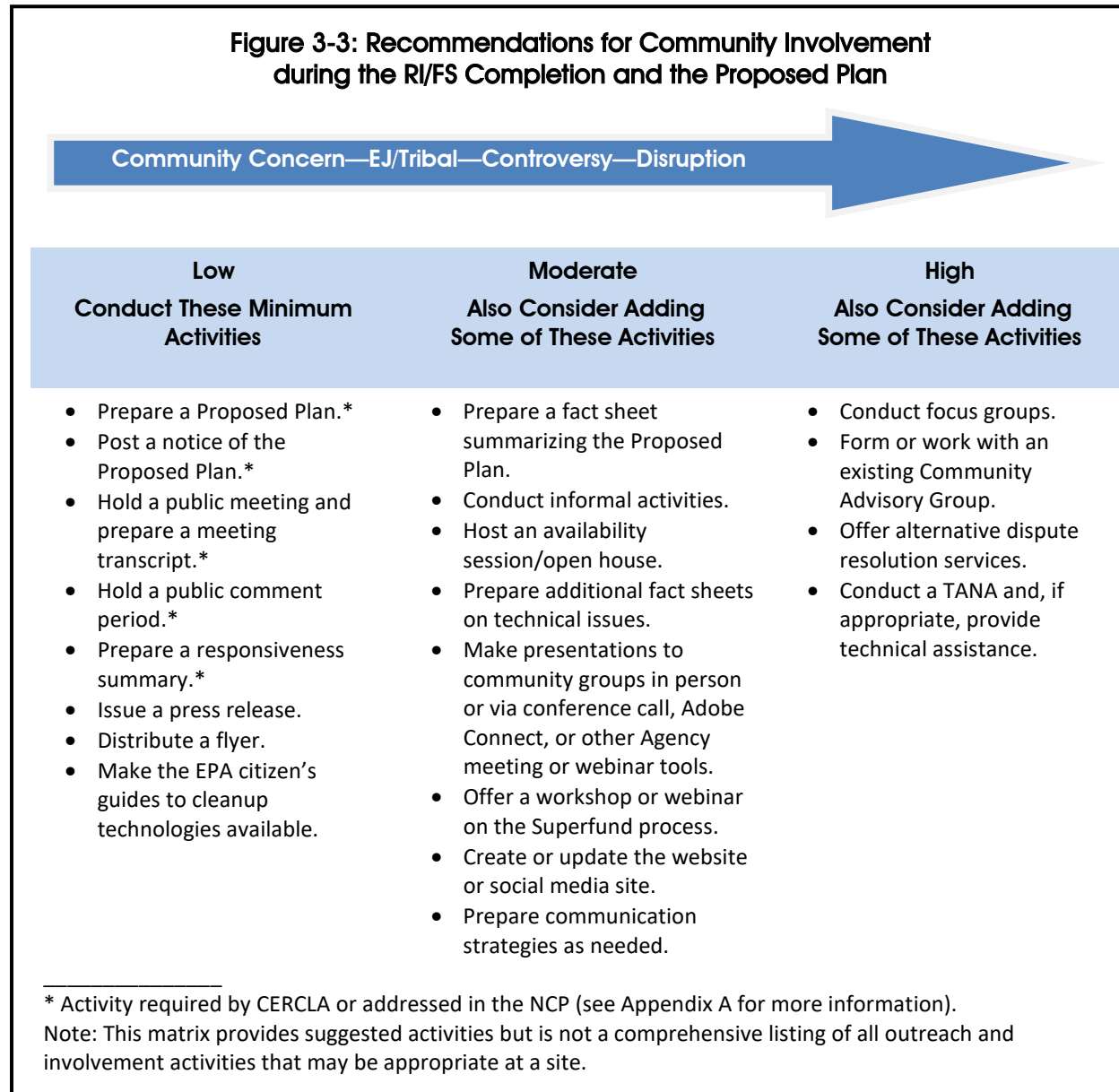
At sites where trust is an issue or where it may be difficult for all voices in the community to be heard, the site team might consider offering mediation or neutral third-party facilitation services. The team can consult with a Regional alternative dispute resolution (ADR) specialist for advice on handling difficult situations and for more information about when to use facilitation or other ADR techniques. ADR

"The use of the Technical Assistance Services for Communities (TASC) program at my site has helped the community focus and prioritize their primary concerns, understand complex investigations and be more involved in the decision-making process."

Jackie Lane, CIC Region 9

specialists can help the site team obtain third-party neutral facilitation to handle highly contentious situations. ADR specialists also can arrange for skilled mediation when there is a potential for serious conflict. This was the case at a site where one Region’s efforts to help a community with environmental justice concerns form a CAG were unsuccessful. A neutral facilitator was brought in to work with community groups. Instead of a formal CAG, the facilitator found that convening a series of roundtable meetings was a better approach. This eventually resulted in a “workgroup approach” better suited to the community’s needs.

Figure 3-3: Recommendations for Community Involvement during the RI/FS Completion and the Proposed Plan



6. Pre-ROD Significant Changes (if necessary)

Consistent with the NCP, Regions should take certain steps after publication of the Proposed Plan and before final selection of the remedial action if new information is made available during the comment period that significantly changes the basic features of the preferred alternative identified in the Proposed Plan with respect to scope, performance, or cost.

Planning for Community Involvement during Pre-ROD Significant Changes

The [ROD Guidance](#) discusses what can constitute a significant change and provides recommendations on evaluating whether a change could be reasonably anticipated by the public based on information in the Proposed Plan.

Minimum Community Involvement Activities for Pre-ROD Significant Changes

The ROD Guidance provides recommendations about what to do if new information is made available that significantly changes the basic features of the remedy with respect to scope, performance or cost after the Proposed Plan is published and prior to the adoption of the selected remedy in the ROD. Furthermore, the ROD Guidance recommends that the ROD should include a discussion of the significant changes and the reasons for such changes if these changes could have reasonably been anticipated by the public based on the alternatives and other information available in the Proposed Plan or the supporting analysis and information in the Administrative Record file.

If EPA determines that the significant change could not have been reasonably anticipated by the public based on information in the Proposed Plan, supporting analysis, and administrative record, prior to adoption of the selected remedy in the ROD, a revised proposed plan is issued, and the same community involvement procedures that were conducted for the original proposed plan are repeated. These include:

- Issue a revised Proposed Plan, which must include a discussion of the significant changes and the reasons for such changes.
- Publish a [public notice](#) in a major local newspaper of general circulation to publicize the availability of the revised Proposed Plan and announce a public comment period. The notice should be published at least two weeks before the beginning of the public comment period.
- Make the revised Proposed Plan and any supporting analysis and information available to the public in the administrative record and [information repository](#).
- Hold a [public comment period](#) (not less than 30 days) for the public to submit comments, and extend the period by at least 30 days, if appropriate. Although EPA is not required to inform the community of an extension of the public comment period, the site team should consider announcing an extension through diverse communication mechanisms (webpage, email, fact sheet, social media, etc.).
- Hold a [public meeting](#) to present the revised Proposed Plan. Prepare a transcript of all formal public meetings held during the public comment period, and make the transcripts available to the public in the administrative record file and information repository.
- Prepare a written [responsiveness summary](#) that summarizes and responds to significant public comments, criticisms, and new relevant information submitted during the public comment period. The responsiveness summary becomes part of the ROD, which is added to the administrative record file.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate for Pre-ROD Changes

Additional community involvement activities are recommended in the NCP only in certain cases when a significant change is made after publication of the Proposed Plan. Nevertheless, EPA site teams are encouraged to notify the community of significant changes even if such notification is not addressed in the NCP. This may be a good idea when a new round of public comment is not necessarily required or when EPA changes its preferred remedy by selecting one of the alternatives that was initially described in the Proposed Plan but not identified as the preferred alternative. Clearly explaining any changes using a variety of outreach mechanisms often will reinforce the community's view that EPA is being transparent and honest.

When revisions to the Proposed Plan lead to a new round of public comment, it is important to make the community aware of the changes and help them understand the changes. To address significant changes, EPA recommends that the site team consider whether one or more of the following activities might be appropriate:

- Develop a [*communication strategy*](#) for informing the community about the proposed changes, their significance, and any additional public comment period.
- Distribute a revised fact sheet explaining significant changes and the process for a new public comment period.
- Host a public availability/poster session to explain the significant changes and the need for a new round of public comments. Other possibilities to communicate with members of the community could include sponsoring a conference-call meeting or webinar using EPA meeting software, such as Adobe Connect, or other Agency meeting or webinar tools.
- Undertake informal outreach activities, such as setting up an exhibit booth at a community event.
- Depending on the nature of the significant changes, it can be an excellent opportunity for the site team to host a site tour during which the team can describe the site, the nature and extent of contamination, and the significant changes in the revised Proposed Plan.
- If the site team has not already set up a toll-free telephone hotline and/or a website, Facebook page or other social media site, this might be a good time to do so. If the hotline and website already are in operation, it may be a good time to update them to explain the revised Proposed Plan and the new public comment period.

7. Record of Decision

After EPA receives and considers comments on the Proposed Plan, the Agency normally selects and documents a final remedy in a ROD. The ROD documents the remedial action selected for a site or operable unit. In addition, the ROD:

- Certifies that the remedy selection process was carried out in accordance with statutory and regulatory requirements.
- Provides the public with a consolidated summary of information about the site, the chosen remedy (including the rationale behind the selection), and a response to significant comments. This summary discusses the technical parameters of the remedy and specifies the methods selected to protect human health and the environment, including treatment, engineering, and institutional control elements, as well as cleanup levels.

Planning for Community Involvement during the ROD Phase

As the ROD is issued, the site team should inform the community that EPA has made a decision about the site remedy. If the community involvement effort for a site with moderate or high community interest or concern has been successful to date, the community already should be familiar with the selected remedy and engaged in the decision-making process. The community involvement effort for the ROD can build on this foundation.

Minimum Activities for ROD Issuance

Once the ROD is signed and issued, the site team should:

- Publish a [*public notice*](#) in a major local newspaper of general circulation that informs the public that the ROD has been signed, summarizes the selected remedy, and states where a copy of the ROD can be obtained or reviewed.

- Review the [CIP](#) before the initiation of the remedial design to determine whether it should be revised to include additional community involvement activities during the RD/RA phase.

Reviewing and Revising the CIP

The CIP should be reviewed when the ROD is issued and revised when the site team believes that a change in the strategy for involving communities is warranted. Sometimes updating contact information, media and elected officials lists, and other reference materials may be sufficient, along with revising the list of activities planned for subsequent phases of the process.

However, when a comprehensive revision of the CIP is appropriate, the site team should consider taking a fresh look at community needs and concerns (usually by conducting another round of community interviews), reassessing EPA's community involvement approach, and revising EPA's site-specific action plan for community involvement accordingly.

The decision to revise the CIP sometimes is based on a change in the level or nature of community interest. When there is a high level of interest at a site, the CIP should be revised regularly so that the document continues to reflect current conditions and community interests. On the other hand, it can be useful to do a comprehensive CIP revision when community interest has waned over a long period of time. Revising the CIP also may be appropriate after significant demographic, economic, or political changes in the community occur.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate for ROD Issuance

As is true at each phase of the process, during the time in which the ROD is issued, the site team should assess whether additional community involvement efforts should be undertaken to make the community aware of site activities and provide opportunities for engaging in the process.

The site team should assess whether additional outreach, educational, and engagement activities ought to be undertaken when the ROD is issued and before the RD/RA begins. This decision should be based on prior experience with the community, particularly during the RI/FS and Proposed Plan phase, and by considering these and other factors:

- **Community reactions to the selected remedy:** Is the remedy in the ROD different from what was in the proposed plan? Were significant changes made since the proposed plan was issued? Does the site have numerous OUs? Is there reason to believe EPA's remedy decision could be controversial?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?

Community Involvement and Institutional Controls

Meeting with community members and local government representatives often is important throughout the IC life cycle to ensure that the need for ICs is understood and accepted as necessary for ensuring protection of human health and the environment. Oftentimes, community members and local government representatives are responsible for maintaining ICs in the long term.

- **Community concern or interest:** Are community members worried about their health and other socio-economic impacts of the site or have they expressed concerns about the cleanup plan? Is the selected remedy likely to cause significant disruption or nuisance (traffic, dust, noise)? Are there homes, schools, day care centers, or hospitals nearby that will be impacted by the remedy? Is an organized community group or technical assistance recipient group involved in site issues? Have community members used social media to disseminate information about the site, such as through a blog or webpage?
- **Media interest:** Have reporters contacted the site team or EPA representatives to ask questions about the Proposed Plan or ROD? Have articles been written or news stories been broadcast? If so, have the stories been accurate and balanced?

At this stage of the process, the decision about whether to enhance community involvement usually is predicated on the success of earlier efforts and the level of community interest and concern. If the community has been kept fully informed about and involved in the remedy selection process, the ROD is more likely to be accepted. In such cases, the minimum activities listed in Figure 3-4 usually will suffice. If some community members appear to be unaware of the cleanup alternatives and remedy specified in the ROD, it could indicate that additional community involvement efforts might be appropriate. Earlier communications may not have reached all intended audiences, new people may have moved into the area, or some community members may have only recently become aware of or concerned about the site.

Although a community's possible need for technical assistance should be defined as early as possible, it is important to take a fresh look at this point. The site team may wish to conduct a [TANA](#) if it has not already done so. If the community already is receiving technical assistance services, it is a good time to follow up with community members to ensure that needs are being met.

When ICs are a component of the selected remedy, the ROD usually explains what IC restrictions may be necessary (e.g., restrict residential use of the property, prevent building on the landfill cap, or prevent consumption of contaminated groundwater). This information should be communicated early and often after the ROD is signed, even if the specific type of IC is not yet known.

As part of its outreach efforts for the ROD, the site team may want to consider setting the stage for upcoming site activities during RD/RA. Advising the community about what to expect in the next phase of the process might help the community prepare for remediation activities and understand how site activities could affect them.


8. Post-ROD Significant Changes (if necessary)

As discussed in the ROD Guidance, information after a ROD is signed that is related to scope, performance or cost may prompt a reassessment of the remedy. Generally, there are three types of ROD changes, each potentially with its own type of documentation and community involvement steps:

Non-significant or minor changes may affect things such as the type or cost of materials, equipment, facilities, services, and supplies used to implement the remedy. The change will not have a significant impact on the scope, performance or cost of the remedy. These changes should be recorded in the project file.

Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. After adoption of a ROD, CERCLA requires an explanation of significant differences (ESD) if a remedial action, enforcement action under CERCLA, or any settlement or consent decree differs significantly from the ROD.

Figure 3-4: Recommendations for Planning and Conducting Community Involvement When the ROD Is Issued

Reactions to the Remedy—EJ/Tribal—Community/Media Interest 

Low Conduct These Minimum Activities	Moderate Also Consider Adding Some of These Activities	High Also Consider Adding Some of These Activities
<ul style="list-style-type: none"> • Publish a notice of ROD availability.* • Review the CIP, and if necessary revise it.* • Make ROD available to the public in the information repository and administrative record. • Issue press releases and hold press briefings. • Make Citizen’s Guide series to cleanup technologies available. 	<ul style="list-style-type: none"> • Prepare communication strategies, as needed. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Conduct informal activities. • Offer an availability session/open house. • Issue fact sheets. • Offer a workshop or webinar on cleanup technology. • Host a conference call or Web-based meeting. • Prepare a website or social media site. • Offer site tours or other on-site activities or a virtual site tour online. • Establish/use telephone hotlines. 	<ul style="list-style-type: none"> • Form or work with a CAG. • Conduct a TANA and possibly offer technical assistance.

* Activity required by CERCLA or addressed in the NCP (see Appendix A for more information).
 Note: This matrix lists a few suggested activities but is not a comprehensive listing of outreach and involvement activities that may be appropriate at a site.

Fundamental changes involve an appreciable change or changes in the scope, performance, and/or cost, or multiple significant changes that together have the effect of a fundamental change to the ROD. An example of a fundamental change is one that results in a reconsideration of the overall waste management approach selected in the original ROD. When fundamental changes are made to the ROD, a Proposed Plan for the amended ROD that highlights the proposed changes must be issued. An amended ROD that documents the changes follows the Proposed Plan. When this occurs, the community involvement requirements are similar to those required for the initial Proposed Plan (Section 5 of this chapter).

A detailed discussion of how to address post-ROD changes can be found in the [ROD Guidance](#).

Planning for Community Involvement during Post-ROD Significant Changes

Changes that significantly or fundamentally affect the remedy selected in the ROD typically involve more explanation and enhanced community involvement. The community involvement steps summarized below for various types of ROD changes reflect this need.

Minimum Activities for Post-ROD Changes

Non-significant or Minor Changes: There are no statutory requirements or NCP provisions addressing community involvement when minor changes are made to the ROD.

Significant changes/ESD: Consistent with CERCLA, the NCP and existing CERCLA guidance, Regions should:

- Issue an ESD that describes to the public the nature of the significant changes, summarizes the information that led to making the changes, and affirms that the revised remedy complies with statutory and regulatory requirements.
- Make the ESD and supporting information available to the public in the administrative record and [information repository](#).
- Publish a [public notice](#) in a major local newspaper of general circulation that briefly summarizes the significant differences and states the reasons for the changes.

Fundamental changes/ROD amendment: Consistent with CERCLA, the NCP and existing EPA CERCLA guidance, Regions should:

- Publish a notice of the availability of the ROD amendment and a brief description of the proposed amendment in a major local newspaper of general circulation.
- Hold a [public comment period](#) of at least 30 days for the submission of comments on the Proposed Plan to amend the ROD, and extend the period by a minimum of 30 days upon timely request.
- Provide the opportunity for a [public meeting](#) during the comment period.
- Keep a transcript of comments received during the public meeting.
- Prepare a written response to comments (responsiveness summary) that includes a brief explanation of the Proposed ROD amendment and a response to each of the significant comments, criticisms, and new relevant information received during the comment period. Consistent with the NCP, this summary should be included in the amended ROD.

A final decision on whether to amend the ROD generally is made only after consideration of public comments. If EPA decides to formally amend the ROD, the Agency should take the following steps consistent with CERCLA, the NCP, and existing EPA CERCLA guidance:

- Publish a notice of the availability of the amended ROD in a major local newspaper of general circulation.
- Make the amended ROD and supporting information available in the administrative record and information repository before the remedial action begins.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate for Post-ROD Changes

The site team should ensure that the community is aware of any pending ROD changes, particularly those requiring an ESD or ROD amendment. Regions should inform the community about the proposed changes as early as possible. The site team should assess the need for additional community involvement activities for post-ROD changes by considering these or other relevant factors:

- **ROD amendment or potential controversy of proposed significant changes:** Will ROD changes, especially those requiring an ESD or amendment, be unexpected by members of the community? Did the initial remedy in the ROD enjoy significant support? Do the changes include any elements that the community opposed or expressed concern about in the past? Will the changes or amendment potentially increase community disruption (e.g., more truck traffic or noise)?
- **The level of community and media concern:** What has been the level of community interest in site issues to date? Has the community requested or received technical assistance services? Have news media outlets contacted EPA with questions about ROD changes? Have community members used social media to alert the community about site issues?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe that this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards? If the site has environmental justice concerns, have there been previous efforts to educate, inform, and involve these members of the community?

EPA recommends that the site team explain any changes to a ROD, even if the changes are relatively minor. For changes that require an ESD or a ROD amendment, the site team should consider undertaking additional community involvement activities, as suggested in Figure 3-5. Given the potential complexity of explaining ROD changes, the site team may wish to develop a communication strategy for ESDs and ROD amendments—particularly if there are environmental justice considerations or the potential for an adverse reaction to the ROD changes. The ROD Guidance recommends preparing a side-by-side comparison and using a fact sheet to explain the changes.⁹ While a new public comment period is not required for an ESD, the ROD Guidance notes that in some cases it may be a good idea to provide an opportunity for public comment, especially when there is considerable public or PRP interest. A public comment period is required for a proposed ROD amendment.¹⁰

While EPA provides an opportunity for a public meeting for a proposed ROD amendment, the site team may want to consider also offering other types of community involvement opportunities. Sometimes it is a good idea to repeat some of the community involvement activities that have been effective in the past. For example, if a public availability or poster session proved to be a successful outreach technique during the RI/FS, this probably would be a good way to explain an amended ROD or a complicated ESD. Offering a site tour or posting a virtual video tour on a website also can be an effective way to explain how changes will differ from what was initially documented in the ROD.

9. Remedial Design/Remedial Action

Remedial design (RD) is the phase in the Superfund site cleanup process in which the technical specifications for cleanup remedies and technologies are developed. Remedial action (RA) follows the RD phase and involves the actual construction or implementation stage of the cleanup. (Detailed information about the RD/RA process can be found in the [RD/RA Handbook](#).)

Figure 3-5: Recommendations for Planning and Conducting Community Involvement for Post-ROD Changes

Community Concern—Media—EJ/Tribal—Potential Controversy/Disruption

<p>Low</p> <p>Conduct These Minimum Activities</p>	<p>Moderate</p> <p>Also Consider Adding Some of These Activities</p>	<p>High</p> <p>Also Consider Adding Some of These Activities</p>
<p><i>For Minor Changes</i></p> <ul style="list-style-type: none"> • Issue a fact sheet. • Issue an email or Web announcement. • Update the website or social media site. <p><i>For Significant Changes</i></p> <ul style="list-style-type: none"> • Issue an ESD.* • Make the ESD available in the administrative record/information repository.* • Publish a notice.* <p><i>For ROD Amendment</i></p> <ul style="list-style-type: none"> • Publish a public notice.* • Hold a public comment period.* • Conduct a public meeting and prepare a transcript.* • Publish a responsiveness summary.* <p><i>After ROD Is Amended</i></p> <ul style="list-style-type: none"> • Publish a notice of amended ROD availability.* • Make the amended ROD available to the public in the administrative record and information repository.* • Prepare a fact sheet summarizing significant changes. • Issue a press release. 	<ul style="list-style-type: none"> • Prepare a communications strategy if necessary. • Conduct informal activities. • Host a conference-call meeting with members of the community. • Hold an availability session/open house. • Issue additional fact sheets on ROD changes. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Offer a site tour or virtual site tour. • Hold meetings in person or by teleconference or webinar to explain the ROD. 	<ul style="list-style-type: none"> • Conduct or update the TANA and if appropriate provide or continue to provide technical assistance. • Form or work with a CAG. • Hold focus groups. • Offer ADR services through CPRC, if appropriate.

* Activity required by CERCLA or addressed in the NCP (see Appendix A for more information).

Note: This matrix provides suggested activities but is not a comprehensive listing of all outreach and involvement activities that may be appropriate at a site.

Planning for Community Involvement during RD/RA

During the RD/RA phase, the community usually will begin to see increased activity at the site. This increased activity brings its own set of community involvement issues, opportunities, and potential challenges. Community involvement activities during the RD/RA process typically are designed to keep the community informed about site activities and to help EPA anticipate and respond to community concerns about the RD/RA and potential impacts on the community.¹¹

Generally, it is a good idea to explain to the community who is responsible for funding and conducting the RD and RA. In many cases, EPA will fund and perform the RD and/or RA with Superfund monies (Fund-lead sites). In most cases, EPA will negotiate with or direct a PRP to fund and perform the RD and/or the RA (PRP-lead or enforcement-lead sites). There are potential communication issues unique to Fund-lead and enforcement-lead sites.

Fund-lead: When EPA designs and implements the remedy through the Superfund program, funding is derived directly from the program. Due to budget limitations, the Agency cannot fund RD and RA activities at all Fund-lead sites every year. EPA directs remedial action funding to priority sites as recommended by the [National Risk-Based Priority Panel](#) (see box). Sites that are characterized as “lower priority” by the panel may have funding delayed.

When funds are limited, EPA may decide to defer the start of the RD or lengthen the time frame for the design of the remedy. Site teams might have to explain to communities that RD/RA activities at their site may be delayed. Once the design is completed, funds must be obtained to pay for construction of the selected remedy. When Superfund program resources are sufficient, most sites will receive funding to initiate the RA. However, when resources are scarce, funding may be available only for some sites, or the Agency may decide to fund only specific activities at various sites. When EPA’s funding decisions for a Fund-lead site result in a postponement of the RD/RA, the community may not understand the reasons for this delay. The site team should anticipate the potential need to explain EPA’s decisions. (This is the kind of issue for which a communication strategy may be helpful.)

Enforcement or PRP-lead: If EPA determines that a viable PRP is available to perform the work, a PRP may be responsible for conducting the RD and/or the RA. EPA may negotiate a consent decree with the PRP, issue a unilateral administrative order (UAO), or work with the Department of Justice (DOJ) to seek a judicial order for the PRP to conduct the RD and/or RA. (See Chapter 5 for more information on EPA’s enforcement options and Chapter 6 regarding enforcement options for federal facility sites.) In such cases, the PRP is responsible for conducting the work with EPA oversight.

When the PRP is involved in the RD/RA, community involvement and outreach is affected in many ways. The CIC and the site team will have to explain how and why the PRP will be involved in the site cleanup and also explain EPA’s oversight role.

National Risk-Based Priority Panel

In August 1995, EPA established a [National Risk-Based Priority Panel](#) of program experts to evaluate human health and environmental risks at NPL sites ready for remedial action funding. The panel uses five criteria to classify threats that contaminants may pose:

- 1) Risks to human population exposed to the contaminant.
- 2) Stability.
- 3) Contaminant characteristics.
- 4) Threat to a significant environment.
- 5) Program management considerations (including innovative technologies, environmental justice, brownfields/economic development, etc.).

The Agency uses these evaluations to establish funding priorities for remedial action projects in the Superfund program. This national-level review is intended to serve as a way for the Agency to compare projects across Regions, ensuring that scarce resources are allocated to the projects addressing the greatest risk to human health and the environment.

Meetings of the National Risk-Based Priority Panel are not open to the public.

The community's familiarity with and perception of the PRP (and its trust or distrust of the PRP) may affect the types and overall intensity of the community involvement effort. Because low-income and communities of color often bear the burden of environmental pollution, such communities may be particularly mistrustful or frustrated by the PRP's past actions. The site team may consider identifying and discussing these and other environmental justice concerns.

Negotiations of Settlements for RD and/or RA and Public Comment Period Notice on Proposed Agreements

After EPA issues the ROD, the Agency often will attempt to negotiate a settlement with PRPs to design and conduct the cleanup. As explained further in Chapter 5, such negotiations are not open to the public. The confidential nature of the EPA-PRP negotiations sometimes leads to increased mistrust and even resistance on the part of the community.

The site team should consider whether to conduct additional community involvement activities during settlement negotiations. These activities may help the community better understand the negotiation process.

Depending on the type of agreement reached, the public may have an opportunity to review and comment on the proposed agreement. If a public comment period is required, the federal government must:

- Publish a notice of the proposed agreement in the *Federal Register* at least 30 days before the agreement becomes final. The notice identifies the facility covered by the proposed agreement, the nature of the proposed agreement, and the parties who have signed it.
- Provide an opportunity to anyone who is not a party to the agreement to file written comments for a period of 30 days.

If the proposed agreement is in the form of a judicial consent decree (which generally is the case), it is DOJ's responsibility to arrange for its publication in the *Federal Register*.

If the settlement is in the form of an administrative agreement (e.g., an administrative consent order with a cost-recovery component and an obligation to conduct only the RD), the responsibility belongs to EPA.

Minimum Community Involvement Activities during RD/RA

Consistent with the NCP, during the RD/RA phase, EPA should:

- Issue a [fact sheet](#) after completion of the final design and prior to beginning the RA.
- If appropriate, hold a [public meeting](#) at RD completion and prior to the initiation of the RA.

In addition, at sites where EPA and a PRP have negotiated and entered into a settlement agreement to conduct the RA, DOJ must publish a notice of a proposed settlement in the *Federal Register* and announce an opportunity for the submission of written comments (see box above).

Additional activities for other types of settlements are discussed in Chapter 5.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during RD/RA

As is the case for other phases of the Superfund process, being proactive often leads to effective community involvement during the RD/RA phase. This means seeking community input while the RD is being developed. Because it often is too late to accommodate community concerns once the RD is completed, it usually is a good idea for the site team to meet with community members and local groups early and often during the RD phase to discuss the potential effects of the remedial action on the community. These effects may include air emissions, traffic, noise, temporary or permanent relocation, and economic effects (see box on page 56). Consider discussing the remediation activities, including

contingency plans, with those who live or work closest to the site or along the travel route for off-site waste disposal. This might entail visiting individual residences or businesses.

This is an excellent time to consider whether the site might be a candidate for a Superfund Job Training Initiative (SuperJTI) project, particularly if the affected community has environmental justice concerns, such as high unemployment. For example, the [Diamond Alkali SuperJTI project](#) provided career development opportunities in environmental remediation for 15 trainees living near the Diamond Alkali Superfund Site. The program provided local job-seekers with new skills and work experience linked to the cleanup of the Passaic River, which is adjacent to the site. EPA's goal was to help the community create job opportunities and partnerships that remain in place for the long term. For information about other SuperJTI projects, visit the [SuperJTI webpage](#).

While the RD phase often is uneventful because little or no field work is conducted, the RA phase can be very disruptive to the community. During the RD phase, the site team should keep the community informed about progress at the site, and provide updates about site activities and the disruptions they might encounter.

The community can be an important ally during the RD/RA. For example, community members may notice suspicious activities and report them to EPA, thus reducing site vandalism. Keeping communication lines open, responding quickly to community inquiries, addressing complaints as they arise, and if necessary, debunking rumors and correcting misinformation before it spreads are all best practices during the RD/RA phase. Using social media also may be very helpful. The site team can monitor comments and correct misinformation quickly.

Failure to prepare the community adequately for the upcoming RA could lead to difficulties during implementation. Community members may be angry or surprised when construction begins because they have not fully grasped what will be happening at the site or within their community.

The site team should consider taking these factors into account when assessing the need for and extent of community involvement activities during the RD/RA phase:

- ***Proximity of the site to residential areas, public facilities, and healthcare facilities:*** Is the site close to residential areas, schools, playgrounds, or recreational or public areas frequented by community members? Will any remediation activities be conducted on or near residential or commercial properties?
- ***Environmental justice or tribal concerns:*** Are there low-income, minority, or indigenous populations living near the site

Superfund Job Training Initiative

The Superfund Job Training Initiative (SuperJTI) is a job readiness program that provides free training and employment opportunities for community members living in communities affected by Superfund sites. Many of these areas are communities with environmental justice concerns—historically under-represented minority and low-income neighborhoods and areas burdened with significant environmental challenges. EPA's goal is to help these communities develop job opportunities that remain long after a Superfund site has been cleaned up.

EPA offers SuperJTI training through its Technical Assistance Services for Communities (TASC) contract, which provides independent educational and technical assistance to communities affected by Superfund sites.

Celebrating an Important Milestone and Thanking the Community

When cleanup work was about to begin at a complicated site in a community with environmental justice concerns, Region 7 helped celebrate the milestone by saying "Thank You to the Community." A letter published in the local African American publication thanked the community for their patience and faith in the Agency. Region 7 also hosted a big event at the local Boys and Girls Club (which was across from the site) that featured local community leaders. After the event, a letter signed by the Regional Administrator was sent to the community neighborhood association chairs recognizing and thanking them for the work they had done.

who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer, drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?

- **Potential disruption to community members, businesses, or community life:** Does the remedy include either permanent or temporary relocation? (Note: Relocation will require the highest level of community involvement.) Will there be significant truck traffic, noise, dust, or detours during the RA? Will truck routes and construction affect community members or visitors? Are local businesses likely to be affected by noise, reduced accessibility, rerouted traffic, or other site-related factors that could reduce customer traffic or otherwise adversely affect the conduct of business?
- **Lead Entity for RD/RA:** Is the site Fund-lead, state-lead, tribal-lead, or enforcement-lead? Or is the site being addressed by a federal facility? Is the lead entity for RD/RA trusted by the community? For

Potential Effects of RA Activities on the Community

Air emissions: The provisions for air monitoring, potential for fugitive emissions, plan for suppression, warning systems for the community (i.e., to address concerns about playgrounds, school areas, etc.), and evacuation procedures are very real community concerns. Some site teams arrange to have real-time air monitoring data posted on a website, install video cameras to record site activities for local cable channels or for Internet streaming, and work with the community to develop a warning system to notify the community of an emergency situation. The site team also should be aware of and monitor emissions from diesel and other vehicular traffic associated with site activities, as this could be a concern in a community that already experiences high pollution or has a prevalence of asthma. The site team could decide not to add to existing pollution on days when air quality is poor.

Traffic: The RA often involves a substantial increase in vehicular traffic, particularly trucks around the site. The design will include recommended hauling routes (based on road weight restrictions, ease of transport, etc.), but community members who know the area may have their own suggestions, which also may be better options. The site team should consider the alternatives, which may include rerouting or restricting the time of day or days of the year (e.g., for a recurring community event or celebration) that trucks may operate.

Noise: The RA may result in an increase in noise levels in the surrounding community. Although the RD needs to comply with local noise standards, the site team may want to consider additional sound suppression systems to accommodate the community.

Relocation: The RA may result in temporary or permanent relocation of community structures or residents, which has a significant impact on affected residents. Relocation often involves extensive and frequent person-to-person interaction between the site team and impacted community members. Regions should prepare an intense, well-designed approach to informing and consulting with the community to ensure that all community concerns and issues are adequately addressed (see [Temporary and Permanent Relocations](#) tool in the CI Toolkit).

Economic effects: Community members may question the economic effect that the RA will have on the community. As a show of good faith for a Fund-lead site, EPA may decide to structure the remediation contract to allow more local business participation. The contract can be phased (e.g., site preparation work, site security) and separated into nonhazardous and hazardous components that would allow smaller local firms to compete and participate in the cleanup. A SuperJTI project can provide training and employment opportunities for affected community members.

Fund-lead sites, will limits on resources reduce funding for the RD or RA or result in delays? If so, will the community be upset or dismayed by the delay and the reason for it?

- **The level of community concern:** What has been the level of community interest in site issues to date? Has the community requested or received technical assistance services? Have news media outlets contacted EPA with questions about the remedy and design? Did the community or segments of the community oppose the selected remedy? Have community members used social media to alert the community about the cleanup design and potential impacts on the community during RA? Will the cleanup play an important role in the surrounding community or in the reuse of the site?

Assessing the situation can help the site team determine an appropriate level of community involvement activity during RD/RA. It is a good idea to begin by assessing experiences with the community so far: Has the level of community interest been high or low? Has there been a need to conduct additional community involvement activities during the earlier phases of the process? If so, additional community involvement may be a good idea during the RD/RA.

It usually is a good idea to keep community involvement alive throughout the remedial process. Maintaining communication with the community during lulls in activity can be important. As a rule of thumb, it often makes sense to conduct at least one community

involvement activity each year during the design phase of the remedy. These activities should emphasize that EPA is making progress with the design and, whenever possible, advise the community when construction might begin. A website, social media site, fact sheets, flyers, informal meetings, or briefings work well to inform the community about the progress of the design. Scheduling events, hosting exhibits, or offering site tours to celebrate important project milestones during the RA also can help nurture a good relationship with the community and give them a sense that the cleanup is progressing.

Make good use of Agency meeting tools, such as Adobe Connect, to interact with community groups, or schedule a couple of teleconference updates or Q&A sessions for interested members of the community.

The Power of Information

A Region 1 site team used a Twitter account and text messages to provide regular updates to the community living near a contaminated mill that was being demolished. Community members were concerned and needed assurance that the area around the site was safe. A green/yellow/red color-coding system was created to share information with community members based on real-time air monitoring data. Daily updates were sent via a daily “blast” text message to cell phones, which reached all interested community members, regardless of whether they had Twitter accounts.

After the demolition was completed and the site was paved, the site’s CIC learned that the city had not received a single call from concerned community members during the eight-month process—a testament to the power of information when it is communicated effectively.

10. Operation and Maintenance/Five-Year Review

During the Operation and Maintenance (O&M) phase and Five-Year Review, actions often are taken to ensure that the remedy performs as intended. Depending on the remedial action, O&M may include maintaining engineering containment structures (e.g., landfill covers) and operating groundwater remediation systems. O&M also may involve planning, implementing, maintaining, and enforcing institutional controls in order to ensure the long-term effectiveness of ICs and maintain the integrity of the cleanup. Section 8.6 of *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites* (OSWER 9355.0-89, EPA-540-R-09-001, December 2012) notes that community involvement can be an important part of this process. Local community members, community associations, and interested organizations can be valuable resources for day-to-day monitoring of ICs and site conditions. Because community members who live or work near the site often have a vested interest in ensuring compliance with the ICs, they generally recognize changes

at the site. Community monitoring can be fostered through public outreach activities to inform nearby community members about the existence and purpose of the ICs and the types of activities that could adversely affect the integrity of the response action. For these reasons, information about ICs should be included in informational materials and community involvement activities, including site websites, public meetings and notices, and mailings to nearby homeowner associations and property owners. These materials should contain contact information for reporting an incident.

Remedial actions that result in any hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure are reviewed every five years. The purpose of a five-year review is to evaluate the implementation and performance of a remedy to determine if the remedy is protective of human health and the environment.¹² When the five-year review is completed, a five-year review report is issued. The five-year review report presents findings, conclusions and follow-up actions to address issues, and protectiveness statements. It also contains data and information necessary to support all findings and conclusions.

Figure 3-6: Recommendations for Planning Community Involvement during RD/RA



<p>Low</p> <p>Conduct These Minimum Activities</p>	<p>Moderate</p> <p>Also Consider Adding Some of These Activities</p>	<p>High</p> <p>Also Consider Adding Some of These Activities</p>
<p>For RD/RA</p> <ul style="list-style-type: none"> • Prepare a fact sheet on RD.* • Provide public briefing, if appropriate.* • Post on website or social media site. <p>For Consent Decree with PRP for Remedial Action</p> <ul style="list-style-type: none"> • Publish <i>Federal Register</i> notice.* • Hold public comment period.* 	<ul style="list-style-type: none"> • Prepare a communication strategy. • Conduct informal activities. • Host an availability session/open house. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Issue annual (or more frequent) fact sheets. • Issue press releases/flyers. • Set up a telephone hotline. • Use social media to provide real-time information on site activities. 	<ul style="list-style-type: none"> • Visit individual homes/businesses. • Offer site tours or other on-site activities. • Plan a SuperJTI project.

* Activity required by CERCLA or addressed in the NCP (see Appendix A for more information).
 Note: This matrix provides suggested activities but is not a comprehensive listing of all outreach and involvement activities that may be appropriate at a site.

Planning for Community Involvement during O&M/Five-Year Review

Community involvement activities during the O&M phase generally are concentrated around five-year reviews. Among other things, the five-year review normally consists of examining site data, visiting the site, sometimes taking new samples, and talking with affected community members about the site if necessary. During the review process, members of the community may be interested in some or all of the following information:

- What the five-year review entails.
- How community members or groups can contribute information about site activities, including the monitoring of institutional controls.
- Where to find written documentation about the review.
- What the protectiveness statements mean.
- What happens after the review is complete, especially if the remedy is found to be not protective.

The *Comprehensive Five-Year Review Guidance* outlines EPA's recommended approach and clarifies policy related to five-year reviews, including community involvement. It recommends notifying the community that the five-year review will be conducted and when it has been completed, and making the results of the review available to the public in the information repository. These community notification activities should be sufficient for most sites. The guidance recommends adopting a community involvement strategy that is tailored to the specific needs of each affected community.

Informing the Community about the Five-Year Review

One Region issues press releases to announce five-year reviews for several sites at the same time. These press releases have been well-received.

The CIC usually is a member of the site team for the five-year review. The CIC works closely with the site manager from the early stages of the planning process for the five-year review to ensure that the most appropriate methods are used to notify or involve the community in the process. Effective community involvement during this time sometimes calls for managing community expectations. This can be achieved by clearly communicating the purpose of the five-year review, which is to evaluate whether the current remedy is making progress toward meeting cleanup goals, not to reopen debate about the remedy decision.

Minimum Activities for O&M/Five-Year Review

No community involvement activities during O&M or the five-year review are mandated in CERCLA or addressed in the NCP. For information on recommended community involvement activities during the five-year review process, see the box above and Appendix A of the [Comprehensive Five-Year Review Guidance](#), which recommends that, at a minimum, the site team should do the following:

- Inform the community and other potentially interested parties that a five-year review will be conducted, using the most appropriate communication method or activity for the specific community.
- Inform the community and other potentially interested parties that a five-year review was conducted at the site.

- Prepare a brief summary of the results, inform the community that the five-year review report is complete and available for review, post the report on a site webpage, and make the report and the summary available to the public in the information repository.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during O&M/Five-Year Review

Planning for community involvement for O&M/five-year review should begin early. As a first step, the site team should consult the site's CIP to obtain information about the community and how interested and

Informing the Community about Five-Year Reviews

When informing the community that a five-year review will be conducted, consider including:

- The site name, location, and website address (if available).
- The lead agency conducting the review.
- A brief description of the selected remedy, including ICs.
- A summary of contamination addressed by the selected remedy.
- How the community can contribute during the review process, including information about monitoring ICs and contacts for reporting breaches.
- A contact name and telephone number for further information.
- The scheduled completion date of the five-year review.

When informing the community that a five-year review has been completed, consider including:

- The site name, location, and website address (if available).
- The lead agency conducting the review.
- A brief description of the selected remedy, including ICs.
- A summary of contamination addressed by the selected remedy as provided in the initial notice.
- A brief summary of the results of the five-year review.
- The protectiveness statement(s).
- A brief summary of data and information that provided the basis for determining protectiveness, and issues, recommendations, and follow-up actions directly related to the protectiveness of the remedy.
- Locations where a copy of the five-year review can be obtained or viewed (including site repositories).
- A contact name and telephone number for more information or to ask about the results.
- The date of the next five-year review or a statement and supporting rationale indicating that five-year reviews no longer will be required.

involved it was in the selection and implementation of the remedy. The CIP provides a good overview of the previous community involvement approach and can be an invaluable resource when planning for community involvement for the five-year review. If appropriate, the site team may choose to interview several community members during the five-year review process to get their views about current site conditions, problems, or related concerns. The site team also may choose to talk with people who implement the ICs to see if the ICs are working as intended. If there is or was a CAG or a group that received a TAG or other technical assistance services on behalf of the community, the site team may wish to interview representatives of these groups at appropriate points in the five-year review process.

When assessing the need for community involvement activities during the O&M/five-year review stage, the site team should consider the following factors:

- **Level and complexity of O&M or other activities at the site:** Are significant remediation activities continuing at the site? Are other OUs still under construction? If so, does the community have issues or concerns with the other OUs? Was the remedy controversial in the past? If five-year reviews were conducted previously, was the remedy found to be protective and functioning as intended by decision documents? Were ICs a part of the remedy? Is the community aware of ICs? What is required to monitor compliance with ICs? Have there been any inquiries about ICs or concern about compliance with IC restrictions (e.g., land or resource use)?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?
- **New information or changes in last five years:** Have there been developments or new information during the past five years that could cause the community to question current operations? Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives still valid? Did the five-year review find the remedy to be “not protective”? (This may be particularly important for reuse considerations.)
- **Community concern or media interest:** Have community members raised concerns about the effectiveness of the remedy or about potential health and safety issues? Historically, has the site had a significant level of community concern? Was there community opposition to the ROD, RD/RA, or how the cleanup was implemented? Have community members contacted EPA about the site remedy, its operation, or site conditions? Does or did the site receive technical assistance services or have a CAG or a TAG recipient group? Are other organized community groups interested in site issues and the operation of the remedy? Have reporters contacted the site team or EPA representatives to ask questions about the five-year review or the protectiveness of the remedy?

The CIP: A Living Document

Community attitudes and perceptions may change significantly over a long period of time. The CIP may no longer be an accurate reflection of current community attitudes. In addition, community demographics can change significantly over an extended period of time.

For most five-year reviews, planning and conducting the activities recommended in the *Comprehensive Five-Year Review Guidance* (i.e., informing the community and interested parties about the beginning and completion of the five-year review and making the results available to the public in the information repository) should be sufficient. If the site has ICs, information about the ICs and contact information for reporting breaches should be included in these communications.

The guidance also recommends that Regions document in a memo to the site file any community notification activities. While this information does not necessarily need to be documented in the actual five-year review report, the Agency recommends that documentation be kept in the Region's site files for site inspection (site inspection checklist or trip report), interviews (details or summary notes), and public notifications (copy of outreach documents and announcements). (See memorandum on [“Five-Year Review Program Priorities” to Superfund National Policy Managers, Regions 1-10](#), May 3, 2007, OSWER # 9200.2-60.)

There are many effective methods for notifying the community about five-year reviews. Examples include: posting information and reports on the site's webpage or social media site; disseminating reports; preparing and distributing postcards, fact sheets, and flyers via mail, email, social media, or at events; issuing press releases; and placing advertisements in local newspapers, community newspapers, or newsletters. Additional community involvement activities might include notifying local public officials, such as the primary local health agency, and the leadership of neighborhood and civic groups.

Enhanced community involvement may be appropriate in some situations, such as when the remedy is found to be not protective. Additional community involvement may be warranted when the five-year review is for one OU at a site with several OUs and the community is very interested and involved. In such cases, it is a good idea to develop a communication strategy before informing the public about the five-year review. Possible additional activities include hosting open houses or availability sessions when the community has expressed concern about the five-year review or the results of the review. Holding a public meeting or providing an opportunity for submitting written comments can help address issues when the community has significant concerns about the site and five-year review. These activities may be conducted before or at the outset of the five-year review and in conjunction with the site inspection, depending on the situation at the site and the community's needs.

Useful Community Involvement Video for Five-Year Reviews

The Federal Workgroup on Five-Year Reviews developed a [video](#) to help site managers communicate with community members about the purpose and process of five-year reviews. While this video was developed specifically for use at federal facilities, it may be useful for non-federal facility sites where a five-year review is being conducted. Other useful tools also are available.

11. NPL Site Deletion

The NCP states that a site may be deleted from or recategorized on the NPL when no response or no further response is appropriate. To delete a site from the NPL, EPA must determine, in consultation with the state or tribe, that one of the following criteria has been met:

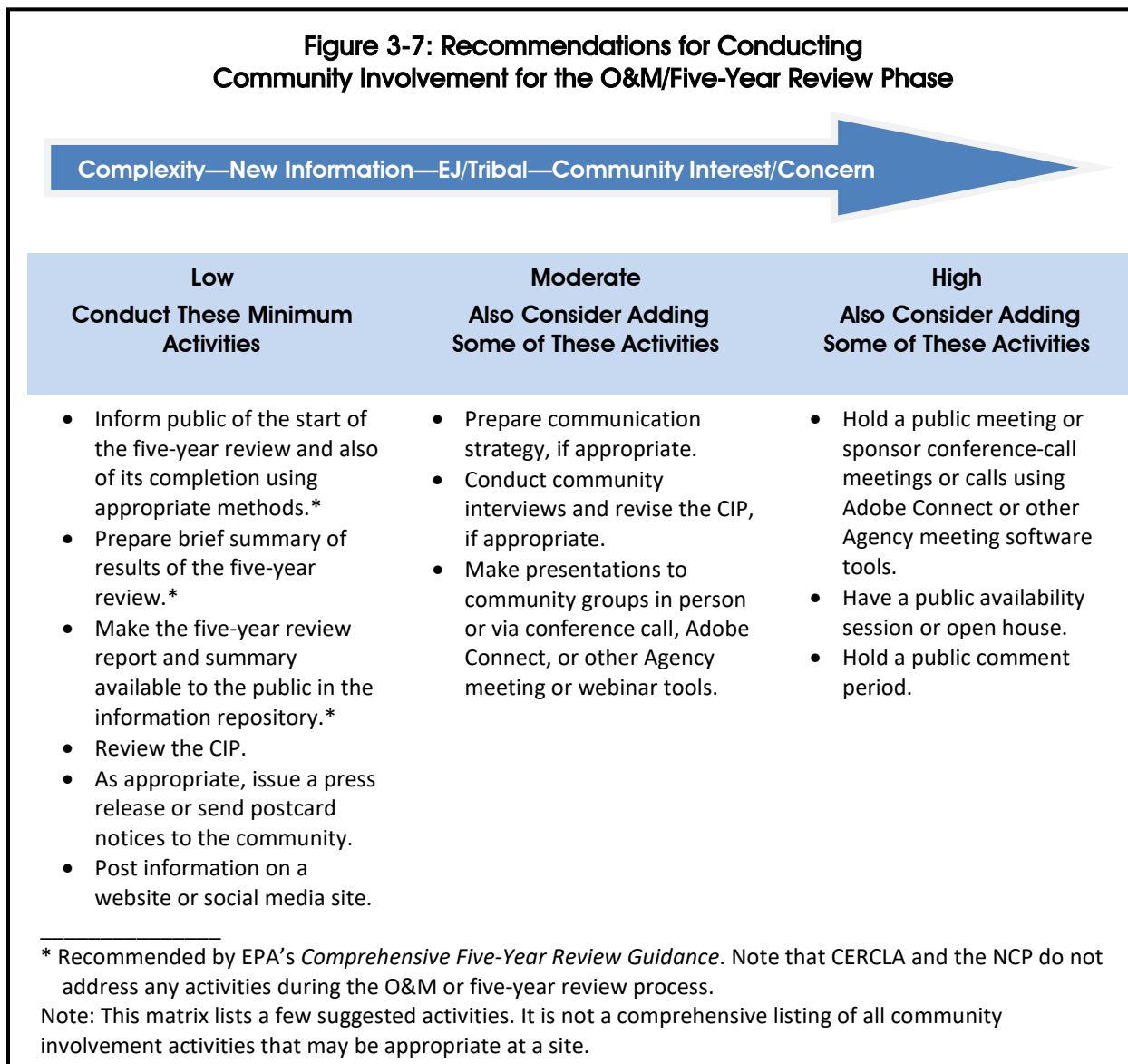
- Responsible or other parties have implemented all appropriate response actions required.
- All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is necessary.
- The remedial investigation has shown that the release poses no significant threat to public health or the environment; therefore, no remedial measures are required.

At most sites, the NPL deletion process begins after EPA determines that the site-completion milestone has been achieved and documented. Site deletion requirements ensure that:

- The documentation of activities and decision-making at the site is complete.
- The activities conducted and documented are verified.
- The public is notified and provided an opportunity to submit comments before the site is formally deleted from the NPL.

Sites also may be deleted from the NPL through deferral to the RCRA Corrective Action program or to other entities, including the Underground Storage Tanks program or state or tribal cleanup programs. For more information about the site deletion process, see [Close Out Procedures for National Priorities List Sites](#) (May 2011).

Site deletion was separated from the five-year review process in December 1991. This means that a site can be deleted from the NPL before the first five-year review is completed. Consult the [Comprehensive Five-Year Review Guidance](#) for more detailed information.



EPA also may delete portions of NPL sites, provided that deletion criteria are met. EPA's [Partial Deletion Rule](#) (November 1995) allows the Agency to delete portions of a site—a defined geographical area, OU, or a specific medium (e.g., surface water) at the site—that may have been cleaned up and made available for productive reuse.

Planning for Community Involvement during the NPL Deletion Process

Procedures for NPL site deletion are similar to rulemaking for NPL site additions, which means that the Agency must propose deleting a site through a formal rulemaking notice in the *Federal Register*. This initial notice announces the “intent to delete” and solicits public comments. The process is completed

when the Agency announces the final deletion through a notice placed in the *Federal Register* and a local newspaper, and the deletion information is made available to the public in the [information repository](#). The site team should ensure that local information repositories contain copies of all supporting information before notifying the public about EPA's intent to propose a site deletion.

As part of this process, Regional staff prepares a deletion docket that contains the documentation supporting the deletion, along with copies of the *Federal Register* deletion notices, responsiveness summary, and public comments, as appropriate. All information contained in the docket also should be made available to the public in the information repository.

Minimum Community Involvement Activities during the NPL Site Deletion Process

The following community involvement activities are required during the NPL site deletion process:

- Publish a [public notice](#) in the *Federal Register* to announce the intent to delete and a public comment period. Also, publish a public notice in a major local newspaper or use one or more other mechanisms to give a community adequate notice of the intent to delete.
- Solicit public comments through a [public comment period](#) for a minimum of 30 days.
- Respond to each significant comment and any significant new data submitted during the comment period, and include these responses in a responsiveness summary in the final deletion docket.
- Publish a final deletion announcement in the *Federal Register*.
- Once the notice of the final deletion has been published in the *Federal Register*, ensure the deletion docket is made available to the public in the [information repository](#). The deletion docket also is made available at the EPA Regional office public docket and online on the federal government's Federal Docket Management System website, which provides online access to the dockets of all federal rulemaking.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during the NPL Site Deletion Process

Deleting a site from the NPL is the culmination of the Superfund remedial process. The site deletion milestone is significant, so it is a good idea to share the news with all Superfund stakeholders, particularly the affected community. In addition to announcing the proposed deletion through the *Federal Register* and publishing a public notice in a local newspaper or using one or more other mechanisms, the site team also might consider additional methods to reach a broader audience. The outreach effort should reflect the level of community interest and involvement, particularly at this stage of the process.

Depending on community sentiment about the Superfund site and the completion of cleanup activities, the site team may want to plan a ceremony or special event to commemorate completion and recognize community members who have helped. In many cases, the cleanup process may have taken longer than

The Deletion Docket

At a minimum, these documents are included in the Deletion Docket:

For a Full Site Deletion:

- Final Closeout Report.
- State Concurrence Letter.
- Administrative Record Index.
- *Federal Register* deletion notices, responsiveness summary, and public comments.

For a Partial Deletion:

- No Action ROD or RA Report for the parcels proposed for deletion.
- A map clearly delineating the boundaries of the parcels proposed for deletion.
- Bibliography of the administrative record citing the documents pertinent to the parcels.
- *Federal Register* deletion notices, responsiveness summary, and public comments.

anyone expected or wanted, and a special event signals success or finality for all involved. In some cases, a special event also can be used to formally “return land” to the community. Several Regions have undertaken activities intended to bring closure to the site for the community as well as for the site team. Grand openings, dedications, and naming ceremonies all are appropriate.

For example, when the Quincy Smelter portion of the Torch Lake Superfund site in Michigan's Upper Peninsula was deleted from the NPL, Region 5's Administrator joined the Superintendent of the Keweenaw National Historical Park to announce the milestone. The announcement occurred at an event in Houghton, Michigan, directly across the Keweenaw Waterway. Quincy Smelter has historic significance as the last standing copper smelter of its kind. The announcement recognized the partial deletion as a notable milestone for the long-term preservation and historical interpretation of the smelter. The Region 5 Administrator said, “EPA will continue working to remediate the remainder of the Torch Lake Superfund site, so that it can be removed from the National Priorities List.”

Summary of Community Involvement Provisions Related to the Superfund Remedial Process <i>(See Appendix A for a complete discussion of CERCLA Requirements and NCP Provisions)</i>	
NPL Listing	
◦ <i>Federal Register Notice:</i> Publish the proposed rule on NPL listing.	NCP 40 C.F.R. §300.425(d)(5)(i)
◦ <i>Public Comment Period:</i> Hold a public comment period on proposed rule for NPL listing for at least 30 days.	NCP 40 C.F.R. §300.425(d)(5)(i)
◦ <i>Federal Register Notice:</i> Publish the final rule on NPL listing.	NCP 40 C.F.R. §300.425(d)(5)(ii)
◦ <i>Response to Comments:</i> Prepare responsiveness summary and make available to the public.	NCP 40 C.F.R. §300.425(d)(5)(ii)
Prior to Field Work for and at Commencement of Remedial Investigation	
◦ <i>Community Interviews:</i> Conduct interviews to solicit concerns/information needs and learn how people want to be involved.	NCP 40 C.F.R. §300.430(c)(2)(i)
◦ <i>Community Involvement Plan (CIP):</i> Prepare CIP based on community interviews and other information.	NCP 40 C.F.R. §300.430(c)(2)(ii)(A-C)
◦ <i>Information Repository:</i> Establish at least one information repository at or near the site and inform the public.	CERCLA 117(d); NCP 40 C.F.R. §300.430(c)(2)(iii)
◦ <i>Technical Assistance Grant (TAG):</i> Inform public of TAG and make the TAG application information available to the public in the information repository.	NCP 40 C.F.R. §300.430(c)(2)(iii) and (iv)
◦ <i>Administrative Record:</i> Establish an administrative record file upon commencement of the remedial investigation.	CERCLA 113(k)(1); NCP 40 C.F.R. §300.815 (a-c) §300.430(f)(3)
◦ <i>Public Notice:</i> Publish a public notice in local newspaper to announce establishment/availability of the administrative record file.	NCP 40 C.F.R. §300.815(a)
Proposed Plan	
◦ <i>Public Notice:</i> Publish a public notice in local newspaper that (1) announces the availability of the RI/FS and Proposed Plan; (2) includes a brief analysis of the Proposed Plan; and (3) announces a public comment period.	CERCLA 117(a)(1) and (d); NCP 40 C.F.R. §300.430(f)(3)(i)(A)
◦ <i>Public Comment Period:</i> Hold a public comment period on the Proposed Plan and RI/FS for at least 30 days and extend by 30 days upon timely request.	CERCLA 117(a)(2); NCP 40 C.F.R. §300.430(f)(3)(i)(C)
◦ <i>Public Meeting:</i> Provide an opportunity for a public meeting regarding the Proposed Plan.	CERCLA 113(k)(2)(B)(iii) and 117(a)(2); NCP 40 C.F.R. §300.430(f)(3)(i)(D)
◦ <i>Meeting Transcript:</i> Prepare a transcript of the public meeting and make it available to the public.	CERCLA 117(a)(2); NCP 40 C.F.R. §300.430(f)(3)(i)(E)
◦ <i>Response Summary:</i> Prepare a written response to comments and include it in the ROD.	CERCLA 113(k)(2)(B)(iv); and 117(b); NCP 40 C.F.R. §300.430(f)(3)(i)(F)
Pre-Record of Decision (ROD) Significant Changes (if necessary)	
◦ <i>ROD Significant Changes:</i> Include in ROD a discussion of significant changes that could have been reasonably anticipated by the public.	NCP 40 C.F.R. §300.430(f)(3)(ii)(A)
◦ <i>Revised Proposed Plan:</i> Issue revised Proposed Plan when changes could not have been reasonably anticipated by the public.	NCP 40 C.F.R. §300.430(f)(3)(ii)(B)
◦ <i>Public Comment Period:</i> Hold a public comment period on the revised Proposed Plan.	NCP 40 C.F.R. §300.430(f)(3)(ii)(B)
After the ROD Is Signed	
◦ <i>ROD Availability:</i> Make ROD available for public inspection and copying at or near the site.	NCP 40 C.F.R. §300.430(f)(6)(i) and (ii)
◦ <i>Public Notice:</i> Publish a public notice in a local newspaper that announces the availability of the ROD.	NCP 40 C.F.R. §300.430(f)(6)(i) and (ii)

<ul style="list-style-type: none"> ◦ <i>CIP Review/Revision</i>: Review the CIP and consider a comprehensive revision, if necessary, to take a fresh look at EPA's community involvement approach during Remedial Design/Remedial Action (RD/RA). 	NCP 40 C.F.R. §300.435(c)(1)
Post ROD: Explanation of Significant Differences (If necessary)	
<ul style="list-style-type: none"> ◦ <i>Public Notice</i>: Publish a public notice in local newspaper that summarizes the explanation of significant differences (ESD). 	NCP 40 C.F.R. §300.435(c)(2)(i)(A) and (B) §300.825(a)(2)
<ul style="list-style-type: none"> ◦ <i>Administrative Record/Information Repository</i>: Make the ESD available to the public in the administrative record file and information repository. 	NCP 40 C.F.R. §300.435(c)(2)(i)(A) and (B) §300.825(a)(2)
Post ROD: Amendment to the ROD (If necessary)	
<ul style="list-style-type: none"> ◦ <i>Public Notice</i>: Publish a public notice in local newspaper that announces availability of the amended ROD and provides a brief description of the ROD amendment. 	NCP 40 C.F.R. §300.435(c)(2) (ii)(A)
<ul style="list-style-type: none"> ◦ <i>Public Comment Period</i>: Hold a public comment period of at least 30 days on the proposed amended ROD and extend the period by 30 days upon timely request. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(B)-(F)
<ul style="list-style-type: none"> ◦ <i>Public Meeting</i>: Provide an opportunity for a public meeting regarding the amended ROD. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(B)-(F)
<ul style="list-style-type: none"> ◦ <i>Meeting Transcript</i>: Keep a transcript of comments made during the public meeting. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(B)-(F)
<ul style="list-style-type: none"> ◦ <i>Responsiveness Summary</i>: Prepare a response to comments and include the response summary in the amended ROD. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(B)-(F)
<ul style="list-style-type: none"> ◦ <i>Public Notice</i>: Publish a public notice in local newspaper to announce the availability of the final amended ROD. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(G) and (H) §300.825(b)
<ul style="list-style-type: none"> ◦ <i>Administrative Record/Information Repository</i>: Make the amended ROD available to the public in the administrative record file and information repository. 	NCP 40 C.F.R. §300.435(c)(2)(ii)(G) and (H) §300.825(b)
Consent Decrees for Remedial Action	
<ul style="list-style-type: none"> ◦ <i>Federal Register Notice</i>: Publish a notice in the <i>Federal Register</i> for a consent decree with a PRP covering Remedial Action. 	28 C.F.R. 50.7
<ul style="list-style-type: none"> ◦ <i>Public Comment Period</i>: Hold a public comment period of 30 days on a proposed consent decree with a PRP covering Remedial Action. 	CERCLA 122(d)(2)
Remedial Design/Remedial Action	
<ul style="list-style-type: none"> ◦ <i>Fact Sheet</i>: Issue a fact sheet prior to beginning remedial action. 	NCP 40 C.F.R. §300.435(c)(3)
<ul style="list-style-type: none"> ◦ <i>Public Briefing</i>: Provide a public briefing, as appropriate, prior to remedial action. 	NCP 40 C.F.R. §300.435(c)(3)
NPL Deletion	
<ul style="list-style-type: none"> ◦ <i>Federal Register Notice</i>: Publish a notice of intent to delete in the <i>Federal Register</i>. ◦ Publish a notice of availability of the final deletion docket in the <i>Federal Register</i>. 	NCP 40 C.F.R. §300.425(e)(4) (i) and (ii) NCP 40 C.F.R. §300.425(e)(5)
<ul style="list-style-type: none"> ◦ <i>Inform the Community of the Intent to Delete</i>: Publish a public notice in newspaper to announce the <i>Federal Register</i> notice of intent to delete or use one or more other mechanisms to give adequate notice to a community of the intent to delete. 	NCP 40 C.F.R. §300.425(e)(4) (i) and (ii)
<ul style="list-style-type: none"> ◦ <i>Public Comment Period</i>: Hold a public comment period of 30 days on proposed rule of intent to delete. 	NCP 40 C.F.R. §300.425(e)(4) (i) and (ii)
<ul style="list-style-type: none"> ◦ <i>Information Repository</i>: Make the site deletion documentation and the final deletion (or docket) available to the public in the information repository. The final deletion docket must be made available in the information repository once the notice of final deletion has been published in the <i>Federal Register</i>. 	NCP 40 C.F.R. §300.425(e)(4)(iii) NCP 40 C.F.R. §300.425(e)(4)(iii)
<ul style="list-style-type: none"> ◦ <i>Response Summary</i>: Prepare a response to comments and include the response summary in the deletion docket. 	NCP 40 C.F.R. §300.425(e)(4)(iv)

Chapter 3 Endnotes

¹ U.S. EPA. Preliminary Assessment Petition, October 2002, 9200.5-330FS (Fact Sheet).

<http://semspub.epa.gov/src/document/HQ/176083>

² See CERCLA §117(e) and 40 CFR 35.4110(a).

³ See National Contingency Plan ([40 CFR 300.430\(e\)\(9\)\(iii\)](#)).

⁴ U.S. EPA. *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*. Office of Solid Waste and Emergency Response: December 2012, EPA-540-R-09-001, OSWER 9355.0-89.

⁵ Ibid. See Section 8.6.

⁶ See (a) U.S. EPA. *Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (Interim Final)*, October 1988. EPA 540-G-89-004, OSWER Directive 9355.3-01, p. 6-14; and (b) U.S. EPA; *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*, July 1999. EPA 540-R-98-031, OSWER 9200.1-23P, PB98-963241, p. 1-5 to 1-6 and 3-1 to 3-5.

⁷ Effective October 1, 2014, the NRRB began piloting a change to the dollar threshold from the current \$25 million threshold for requiring a review of a Superfund response action to a \$50 million threshold. See [OSWER Directive 9285.6-21](#).

⁸ See the 'FAQs' tab at <http://www.epa.gov/superfund/national-remedy-review-board-nrrb>

⁹ Ibid. 6(b), pp. 7-1 to 7-5.

¹⁰ Ibid. (6(b), p. 7-5.

¹¹ Sometimes when an RA is of longer duration, a five-year review may be conducted during this phase of the Superfund process. See information about five-year reviews in Section 10 of this chapter. Also see Section 1.3.1 of EPA's *Comprehensive Five-Year Review Guidance* (EPA 540-R-01-007, OSWER No. 9355.7-03B-P, June 2001), which states:

"...In accordance with CERCLA §121 and the NCP, a statutory review is triggered by the initiation of the first remedial action that leaves hazardous substances, pollutants, or contaminants on site above levels that allow for unlimited use and unrestricted exposure. In cases where there are multiple remedial actions, the earliest remedial action that leaves hazardous substances, pollutants, or contaminants on site should trigger the initial review, even if it is an interim remedial action. For the purpose of a five-year review, a remedial action typically is initiated on the date of 'actual RA on-site construction' or the 'actual RA start' date for Federal facilities. The date of actual RA on-site construction generally corresponds to the date the contractor begins work at a site for the remedial action, typically the date of on-site mobilization. The definition of the 'actual RA start' varies as outlined in the Superfund/Oil Program Implementation Manual (SPIM). For remedies where on-site mobilization may not occur, as a matter of policy, the date of the first monitoring event following ROD signature or the ROD signature itself should be used to trigger the five-year review period."

¹² Ibid. Five-year reviews also may be conducted during the RA.

CHAPTER 4

COMMUNITY INVOLVEMENT DURING THE REMOVAL PROCESS

Introduction

Removals are responses to releases that threaten the public health or welfare or the environment of the United States. The type and frequency of community involvement activities for removals will vary with the urgency and type of removal action. The community involvement approach for a removal action should be flexible and responsive to changing site conditions and to the needs of the surrounding community.

This chapter begins with an overview of community involvement activities during Superfund removal actions. This is followed by a discussion of planning and implementing an appropriate community involvement approach for each type of removal action. For each type of removal action, a recommended approach to planning is presented that (1) accounts for community involvement activities required by CERCLA or addressed in the NCP, and (2) discusses a way to assess the situation to determine whether additional activities should be conducted to encourage community participation. The community involvement challenges and opportunities for each type of removal action also are discussed.

Overview: Community Involvement for Superfund Removal Actions

CERCLA Section 104 authorizes a removal action when: (1) there is release or substantial threat of release of a hazardous substance into the environment or (2) there is a release or substantial threat of release of a pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.

In general, removals are initiated when the lead response agency determines that a removal is the appropriate response action and an “Action Memorandum” (action memo) is signed. (Sometimes the action memo is signed after the fact.) This determination is based upon a removal site evaluation, which is an assessment of a release or threatened release and the potential threat to human health and the environment. In addition to determining that a removal action is appropriate, the action memo designates the type of removal action to be conducted based on the time before the physical, on-site removal activities must start. There are three types of removal actions:

- 1) **Emergency removals** require an immediate response to releases or threatened releases to the environment. Emergency removals are initiated within hours or days of the determination that a removal action is appropriate. Typical emergency removals address immediate threats, such as fires, explosions, toxic spills, or imminent contamination of a water supply. Because an emergency removal can begin within hours or days of the determination that a removal is appropriate, there is little or no time for planning and relatively few procedural and community involvement requirements. Instead, the focus is on communications: quickly disseminating information to warn of the potential threats, advising community members about how to protect themselves, and explaining the protective measures EPA is taking.
- 2) **Time-critical removals** are situations for which EPA determines that a removal is appropriate and on-site removal activities must begin within six months. Examples include removal of drums or small volumes of contaminated soil and stabilization of lagoons. The NCP addresses two different sets of community involvement activities, depending on the expected duration of the time-critical removal action: (1) short-term responses for which on-site activities will be completed within 120 days of the initiation of on-site actions, and (2) longer-term response actions that require more than 120 days for

on-site activities. For a time-critical response, the action memo is the only required written document describing the cleanup options for the release. There are specific community involvement activities required for time-critical removals that are expected to be completed within 120 days, and additional requirements when the time-critical removal will require on-site activities that last longer than 120 days.

- 3) ***Non-time-critical removals*** are undertaken when EPA determines that a removal action is appropriate and the situation allows for a planning period of at least six months before on-site activities must begin. Because non-time-critical sites do not present an immediate threat to public health or safety, more time is available to thoroughly assess potential threats and evaluate cleanup alternatives. The decision documents for non-time-critical removal actions are more prescriptive than the other types of removal actions and are tied to specific milestones. EPA must prepare an engineering evaluation and cost analysis (EE/CA), analyzing alternatives for the site. The EE/CA is available to the public for review and comment. The longer planning period for a non-time-critical removal comes with significantly more community involvement.

The NCP addresses certain community involvement activities for each type of removal action, at specific points in the removal process (see Table 4-1). However, as is true for all Superfund community involvement efforts, these activities should be a foundation upon which to plan and conduct a robust and effective community involvement strategy. The community involvement activities addressed in the NCP often will be sufficient to meet the needs of the affected community; however, OSCs and site teams should continually assess the situation to determine an appropriate mix of activities to fully engage the community. For example, it often is a good idea to talk with Regional environmental justice or tribal coordinators and to use EJSCREEN or other GIS tools to learn more about potentially affected communities, including downstream communities that otherwise might not be easily identified.

Assessing community involvement needs usually encompasses many factors, such as the nature and extent of the threat and the need for immediate action; location of the incident or site; the expected duration of the removal action; the degree of community and media interest; the potential impact of cleanup activities on the community; and other factors. The site team should be flexible and willing to adjust the community involvement approach throughout the removal action. Early and continued community involvement—particularly for longer time-critical and non-time-critical removals—generally will help promote community acceptance of the cleanup solution and may prevent or substantially reduce conflict with the community or other stakeholders throughout the removal process.

Type of Action Activity	Emergency Removal	Time-Critical Removal (Planning Period of Less than 6 Months)		Non-Time-Critical Removal Planning Period of More than 6 Months
		Short-Term On-site Activity Lasts Less than 120 days	Long-Term On-site Activity Lasts More than 120 days	
Designate Agency spokesperson to notify public and respond to questions.	✓	✓	✓	✓
Establish an administrative record.	✓	✓	✓	✓
Notify the public about the availability of the administrative record.	✓	✓	✓	✓
Hold a public comment period, if appropriate (required for EE/CA).	As appropriate	✓	✓	✓
Respond to public comments by preparing a responsiveness summary and put in administrative record file.	As appropriate	✓	✓	✓
Establish an information repository and inform the public of its availability.	N/A	N/A	✓	✓
Conduct community interviews.	N/A	N/A	✓	✓
Prepare a CI Plan.	As appropriate, when longer than 120 days	N/A	✓	✓
Notify the public about the availability of, and provide a brief description of the EE/CA.	N/A	N/A	N/A	✓

Community Involvement and Outreach during Emergency Removals

For EPA and the OSC, the initial focus of an emergency removal is to address the situation and eliminate the immediate or potential threat. During an emergency, it is equally important for EPA to provide prompt, accurate information to the public on the nature of the release or threat of the release and the actions necessary to mitigate the threat. EPA also should inform the public of important events and developments, and should be available to answer questions from the affected community.

Emergency removals may involve:

- Evacuating, sheltering in place, or temporarily relocating people to protect them from direct harm.
- Stabilizing or detonating flammable or explosive hazardous materials.
- Providing site security by posting signs, erecting fences, or posting guards.

- Providing an alternate water supply, such as bottled water.
- Treating, storing, or disposing of hazardous substances, such as controlling drainage, stabilizing berms, draining lagoons, capping soils or sludge, excavating and removing contaminated soil, removing drums and other containers, or using chemical stabilizers.

The OSC is authorized to take whatever steps are necessary to protect the surrounding community. This includes informing the media and the community of the emergency and response plans. The NCP requires EPA to designate a spokesperson to inform the community and respond to questions during an emergency removal. The OSC usually serves in this capacity but may delegate that responsibility. In addition, OSCs should be familiar with consultation requirements, acts, executive orders, and policies that require them to work with tribal representatives as much as possible during area planning and Regional response team meetings. (See the [Consultation and Coordination with Tribes](#) page and Appendix B of this handbook for references and links to relevant documents related to tribal consultation.)

Community involvement during an emergency removal often presents many challenges due to the urgency of the situation and fast-paced nature of the response, the often limited availability of resources, and the potential involvement of multiple agencies and organizations. Successful community involvement depends on quickly and accurately assessing community needs and concerns and tailoring community involvement efforts to address those needs. Developing a [communication strategy](#) to identify key messages and appropriate communication methods often is a good idea.

Whenever people may be in immediate danger and the objective is to get information out quickly to a wide audience, all available communication avenues should be used. This includes disseminating information through the news media, door-to-door notifications, social media, text messaging, and any other existing emergency notification procedures used by local authorities. (See the [CI Toolkit](#) for additional information on a variety of communication tools.)

When quick and widespread information dissemination is not required, other methods may be more effective. Some critical information may be communicated effectively through more personal methods, such as telephone calls, door-to-door visits, and public meetings. Generally, the more personal the information about individual sample results and health issues generally should be disseminated directly to the affected individuals.

Effective Communication during an Emergency Removal

- Assess the community's information needs.
- Develop a [risk communication](#) approach that meets the needs of the community. Emergency removals require knowledge of risk communication techniques and a willingness to work with the media and with community members who may be frightened.
- Develop a [communication strategy](#) and implement the approach and activities accordingly.
- In addition to traditional media and outreach mechanisms, make good use of local government emergency notification mechanisms to disseminate critical information quickly. These may include distribution of recorded telephone messages to all local community members, text-message alert systems, and announcements on local radio stations and public access channels, local websites, or Facebook pages.

Planning for Community Involvement during an Emergency Removal

Staff likely to be involved in emergency removals should have communication tools and materials prepared in advance that can be quickly deployed in an emergency removal. Activities that OSCs, CICs and other members of EPA's site team can undertake before and during an emergency removal to plan effectively for outreach and communication include:

- Participating in training and desktop exercises to improve communication and outreach.
- Defining roles and responsibilities of all response personnel who will conduct communication and outreach activities during an emergency removal. Understanding the roles of each individual in advance is likely to improve teamwork and coordination during the incident.
- Developing a response communications toolkit for emergency removals. The toolkit might include electronic templates of press releases and fact sheets that explain EPA's role in responding to the situation; checklists of activities to perform at the incident; tips for dealing with the media; and lists of contacts in the media and other response organizations. Also consider including a list of equipment and materials needed for a field office, such as a laptop computer, portable printer, paper, notepads, pens, tape, stapler, folders, telephone equipment, and other basic office equipment and materials.
- Developing templates for communication strategies to help identify key audiences and messages as well as communication approaches and methods.
- Developing templates for [fact sheets](#) that address various types of incidents (pipeline spill, train derailment, chemical spill, etc.) that can be modified to address site-specific and community needs.
- Establishing a network of contacts in the response community at the local, state or tribal, and federal level. In medium and large emergency removal situations, all three levels of government may be involved in the response.

Incident Command and Coordinating Communications Through a Joint Information Center

When an emergency response involves numerous agencies, the OSC may consider establishing a Joint Information Center (JIC) to handle communications and outreach.

A JIC is a centralized hub designed to coordinate communications to the public and media in a timely, useful, and accurate manner. Response agencies work together and speak with a single voice. By maintaining a centralized communication facility, resources are better managed, duplication of effort is minimized, and records are centrally maintained.

The JIC gathers incident data, analyzes public perceptions of the response, and informs the public. Representatives from response agencies are assigned specific functions and tasks to manage information flow and outreach during an incident. The JIC structure can expand or contract in size to meet the specific needs of an incident. Additional information on establishing a JIC is available in a National Response Team document, [National Response Team \(NRT\) Joint Information Center Model: Collaborative Communications During Emergency Response](#).

Minimum Activities for Emergency Removals

At a minimum, the NCP indicates that the site team (which sometimes consists only of an OSC and response contractors) perform two community involvement-related activities for an emergency removal:

- **Designate an Agency spokesperson** to inform the community of actions taken, respond to inquiries, and provide information concerning the release of hazardous substances. The spokesperson notifies community members immediately affected by the release, as well as tribal and local officials and civil defense or emergency management agencies, as appropriate.

- **Establish an administrative record** containing documents that form the basis for selecting the response action remedy. For emergency removals lasting less than 30 days, placement of the administrative record file in one central location fulfills NCP requirements.

Community Engagement at Green Lake, Seattle, Emergency Removal

EPA Region 10 cleaned up thousands of toxic chemicals in improperly stored containers from a densely populated Seattle neighborhood in the spring of 2014. It was stressful for the community to find half a dozen big trucks and a field categorization work tent blocking off the sidewalk as people in hazmat suits suddenly appeared in the neighborhood.

The community expressed appreciation for the emergency response work EPA performed, despite the Agency's significant footprint. Region 10 had a CIC on site for the entire 11-day response and distributed four fact sheets in that time, with updates as the work progressed. Each fact sheet was formatted to include "What we found," "What we're doing about it," and "What you're seeing." Fact sheets also provided contact information.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during an Emergency Removal

In most cases, an emergency removal is relatively short in duration. The community involvement effort focuses on communication, primarily disseminating accurate information to the public through the spokesperson (usually the OSC), as addressed in the NCP.

When an emergency removal continues for several days, weeks or longer, the nature of the communication and outreach effort may change over time, and the need to plan an effective communication approach increases. In addition to disseminating information, it also may be necessary to solicit information from affected stakeholders with direct knowledge of the incident and the site. At the onset, the EPA site team should consider the following factors to fully assess the situation and develop an effective communication approach:

- ***Nature of the immediate threat and the need for immediate protective action:*** Does the incident involve an immediate threat to human health that requires people to take specific protective actions (e.g., shut windows, restrict water use, heed fish advisories, shelter in place, evacuate, temporarily relocate, etc.)? Is the threat one that people can readily see, hear, smell, or taste, or does it involve a danger that may not be immediately apparent?
- ***Community members who may be hard to reach:*** Does the incident affect a tribe or Indian country? Are there populations that subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the incident? Are there members of the community who might not be reached through the communication methods or channels that reach most other members of the community?
- ***Location of the incident:*** How large an area or population is potentially affected? Did the incident occur in a rural or urban area? Are nearby community members directly impacted by the incident or potentially exposed to contaminants? Are homes, schools, day care centers, or hospitals nearby?
- ***Length of the incident and potential duration of the response:*** How long is the immediate threat (or need for immediate protective action) likely to last? Once the immediate danger has abated, how long is the emergency removal or cleanup likely to last? How much time is needed to respond to the incident? Will EPA be involved for days, weeks, or months?
- ***Community concern and media interest:*** Is the community fully aware of the incident and potential hazards? Have people asked questions, expressed concerns, or raised objections about EPA's

response actions? Are community members worried about their health or the socio-economic impacts of the incident or the response? Is there reason to believe the community may not fully trust EPA's judgment or incident-related actions? Are the media interested in the incident and EPA's role? (Be sure to work closely with the Regional public affairs office whenever there is media interest in an incident.)

- **Potential disruption to the community:** Will response activities cause substantial disruption in the community (e.g., evacuation, temporary relocation or shelter-in-place, substantial truck traffic, or neighborhood disruption)? If drinking water is being provided, how long is the need expected to continue? Are there plans to issue fishing or recreational use advisories? Will response work affect schools, playgrounds, parks, or other nearby public spaces? How many community members will be affected by removal action work at the site?

After considering these factors, the site team may wish to undertake some of the outreach and communication activities described in Table 4-2.

Community Involvement and Outreach during Time-Critical Removal Actions

A removal is time-critical when EPA has conducted a site evaluation and determined that there is not an immediate emergency, but on-site removal activity must begin within six months. The NCP (at 40 CFR 300.415(n)(2) and (3)) establishes two sets of community involvement requirements for time-critical removals based upon the expected duration of on-site removal activities. The first situation occurs when EPA determines that on-site actions can be completed within 120 days of the initiation of on-site removal activities. For this type of time-critical removal, the NCP prescribes community involvement activities that are similar to those required during an emergency removal. The second situation applies when EPA determines that on-site actions are likely to extend beyond 120 days from the initiation of on-site response activities. When this occurs, the community involvement requirements are more extensive.

Planning for Community Involvement during Time-Critical Removals

For time-critical removals, site teams should initiate outreach as early as possible. If the site transitions from a time-critical removal to a non-time-critical removal or a remedial action, a well-informed community is more likely to be supportive of EPA's role as longer-term work continues.

The longer the removal action takes, the more important it can be to communicate with and involve the community. There are many ways to do so. The challenge is to plan activities that are well-suited to the situation and the particular needs of the community, whether this involves conveying information about the incident, soliciting information about the site, seeking comments on EPA's planned cleanup approach, or educating the public about the Superfund removal program and process.

Time-critical removals have longer planning periods than emergency removals, which means there is more time to plan community involvement activities. Although the NCP specifies a different set of community involvement activities based on the expected duration (up to 120 days or beyond 120 days) of on-site removal activities, the planning approach for community involvement is the same. The first step is to know the minimum community involvement activities addressed in the NCP. The next step is to assess the situation to identify community needs and develop a community involvement approach that meets those needs. Often the minimum community involvement activities will suffice. In other cases, it may be appropriate to consider additional or enhanced community involvement activities to fully address community needs.

Minimum Community Involvement Activities for Time-Critical Removals

For time-critical removals, EPA has up to six months to plan a removal from the time the Agency decides that a time-critical response is appropriate (usually with the signing of the action memo). As noted previously, there are two different sets of community involvement requirements for time-critical removals based on the expected duration of the response action.

Minimum Community Involvement Activities for Time-Critical Removals When On-site Activities Are Expected to Last up to 120 Days

If on-site activities can be completed within 120 days of initiation of on-site actions, the NCP addresses the following community involvement activities:

- **Designate an Agency spokesperson** to inform the community of actions taken, respond to inquiries, and provide information concerning the release of hazardous substances. The spokesperson notifies community members immediately affected by the release, as well as state, tribal, and local officials and civil defense or emergency management agencies, as appropriate. The role of the Agency spokesperson usually is filled by the OSC, but the OSC may delegate spokesperson responsibilities.
- **Establish an administrative record** containing documents that support the selection of the remedy for the time-critical removal action. The administrative record must be available at a central location at or near the site.
- **Publish a notice of availability of the administrative record in a major local newspaper or use one or more other mechanisms to give adequate notice to a community** within 60 days of the initiation of on-site removal activity.
- **Hold a *public comment period***, if appropriate, of no less than 30 days from the time that the administrative record file is made available for public inspection. A comment period may be appropriate if the time-critical removal activity is ongoing at the time the administrative record is made available for public inspection and if the comments received from the public are expected to affect future action at the site.
- **Prepare a responsiveness summary** to respond to significant comments and new data submitted during the public comment period. The responsiveness summary should be placed in the administrative record.

Minimum Community Involvement Activities for Time-Critical Removals When Site Activities Are Expected to Extend Beyond 120 Days

For time-critical removals that are expected to extend beyond 120 days from the initiation of on-site actions, the NCP addresses the same community involvement activities that are required for a time-critical removal of shorter duration, as described above, plus three additional activities. Thus, the community involvement activities for time-critical removal actions when site activities are expected to extend beyond 120 days are:

- **Designate an Agency spokesperson.**
- **Establish an administrative record.**
- **Publish a notice of availability of the administrative record or use one or more other mechanisms to give adequate notice to the community of the availability of the administrative record file.**
- **Hold a public comment period.**
- **Prepare a responsiveness summary to respond to significant comments.**

Additional activities to complete within 120 days of the initiation of the time-critical removal action are:

- **Conduct community interviews** with local officials, community members, public interest groups, or other interested or affected parties to solicit their information needs and concerns and to determine how or when community members would like to become involved in the removal process.
- **Prepare a Community Involvement Plan (CIP)** based on the community interviews and other relevant information. The CIP specifies the community involvement activities that the Agency expects to undertake during the response.
- **Establish at least one information repository** at or near the location of the response action (local information repository) to provide the public with easier access to site-related documents. The information repository contains the administrative record and other documents, and these items are available for inspection and copying. The public should be informed of the establishment of the local information repository. (See box on page 35 for more information.)

Assessing Whether Additional Community Involvement Activities Might Be Appropriate during Time-Critical Removals

The NCP addresses additional community involvement activities for time-critical removals when on-site activities are expected to exceed 120 days. Regardless of the length of the response, the OSC and site team should carefully plan a site-specific community involvement approach that is based on fulfilling the NCP community involvement provisions, assessing site-specific community interests and needs, and conducting involvement activities that address community needs. The following are some of the factors that the site team may want to consider when assessing the situation:

- ***Length of the time-critical removal action:*** Will on-site actions exceed 120 days from the initiation of on-site activities? (This is the threshold that triggers additional NCP community involvement activities.)
- ***Location of the time-critical removal site:*** Is the removal action being conducted in a rural or urban area? Do many people live near the site? Are nearby community members directly impacted by the site or potentially exposed to contaminants? Are homes, schools, day care centers, senior centers, or hospitals nearby?
- ***Community concern or interest:*** Is the community aware of the situation and potential hazards? Have people asked questions, expressed concerns, or raised objections about EPA's response actions? Are community members worried about their health and/or various socio-economic impacts of the response? Is there reason to believe that the community may not fully trust the role of the PRPs or EPA's judgment or response-related actions?
- ***Media interest:*** Are the media interested in the removal action and EPA's role? Have reporters contacted the site team or EPA representatives to ask questions? (Be sure to work with the Regional public affairs office whenever there is media interest in an incident.)

**Table 4-2: A Sample of Community Involvement Activities
Appropriate for Time-Critical and Non-Time-Critical Removals**

By assessing the situation and identifying community needs and concerns, the site team often can determine an appropriate mix of community involvement activities for a removal site. Consider using some of the following types of activities *in addition* to the activities required by CERCLA or addressed in the NCP for emergency removals and other removal actions. (Follow the links below to the [CI Toolkit](#), and consult the toolkit for a comprehensive list of other community involvement tools and activities.)

- Develop a [risk communication](#) approach that meets the needs of the community.
- Canvass the neighborhood [door to door](#) to identify community members' needs, fears and concerns.
- Coordinate with Regional EPA staff to brief them about the response and ask for assistance, if necessary. Specifically, contact the Regional public affairs office and congressional liaison, other OSCs and CICs, and state contacts.
- Develop a [communication strategy](#) that defines the key messages for the public.
- Disseminate information to the [media](#) through appropriate methods, including interviews, press briefings, and news releases. If no information is available, tell the media that information will be disseminated as soon as accurate information becomes available. For press briefings and interviews, identify a facility (e.g., tent, office, trailer), schedule the briefing/interview, and notify the press of the time and location.
- Whenever possible, work with local officials to use existing local outreach mechanisms, including a local government's official website or Facebook page, or other local communication mechanisms.
- Develop and maintain a webpage or Facebook page throughout the duration of the response action. This may be more appropriate for a longer-term emergency removal and time-critical and non-time-critical responses that occur over a period of weeks or months.
- Distribute [photographs, maps, or aerial photographs](#) on a webpage or through social media mechanisms. These images can be distributed to the media and the public, used to document the response, or placed in fact sheets. This will help satisfy the public need for official information about the emergency.
- Determine community demographics and, if necessary, translate documents and provide emergency information in appropriate languages, including tribal languages where some community members are fluent only in the tribe's native language. Consider using the EPA's External Civil Rights Compliance Office (formerly Office of Civil Rights (OCR), within the Office of General Counsel, (ECRCO) translation contract (http://intranet.epa.gov/civilrights/lepaccess.htm#_ga=1.43837606.2062774527.1425480689) (Internal EPA link)
- Develop and disseminate [fact sheets](#) electronically through a website or as paper copy to let community members know about EPA's removal activities. Use existing fact sheets on the removal program, toxic spills, and other topics.
- Publicize and host [public meetings](#) or similar events to deliver information to a large group of people, to let community members voice their concerns, and to foster interaction between the EPA site team and the community.
- Make good use of Agency meeting software tools such as Adobe Connect and webinar platforms to arrange virtual meetings when resource limitations preclude face-to-face meetings. Another idea is to publicize and host a conference-call meeting for the public or for specific community groups.
- Establish a local or toll-free [telephone](#) hotline or Facebook page and publicize its availability. The hotline or social media mechanism should be monitored closely at all times to respond immediately to questions, provide current updates on incident activities, or permit members of the community to ask questions or provide comments.
- Be prepared to expand the community involvement and outreach program when local community members have to be evacuated or temporarily relocated to protect them from potential harm. (See the [Temporary or Permanent Relocations](#) tool.)

- **Potential disruption to the community:** Is drinking water being provided by state or local governments? Have fishing or recreational use advisories been issued? Will removal activities cause substantial disruption in the community (e.g., relocation, substantial truck traffic, noise from heavy equipment use, dust, or other impacts)? Will site work affect schools, playgrounds, parks, or other public spaces? How many community members will be affected by removal action work at the site?
- **Environmental justice or tribal concerns:** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?

Use Figure 4-1 as a tool to help determine an appropriate mix of community involvement activities for a time-critical removal site. If the level of community interest/concern and media interest is relatively low, the site team usually can plan and implement the activities addressed in the NCP, perhaps augmented by one or more additional activities. When a single issue (such as temporary relocation) or several factors combined suggest potential for a high level of community and media interest, the community involvement effort probably should expand accordingly.

Sometimes technical assistance may be needed to help community members understand the technical issues related to the removal action (e.g., sampling strategies, sampling results about hazardous substances present at the site, or cleanup approaches or technologies). EPA should consider offering technical assistance using the services available through EPA's [Technical Assistance Services for Communities](#) (TASC) contract, particularly at sites with strong community interest or potential environmental justice concerns.

Building a relationship with the community can be particularly important if the site becomes a non-time-critical removal or a remedial action. A well-informed community familiar with EPA and its programs is likely to be more trustful of EPA decisions throughout the process.

Figure 4-1: Recommendations for Planning and Conducting Community Involvement during Time-Critical Removals

Time—Location—EJ/Tribal—Community/Media Interest—Potential Disruption

<p>Low Conduct These Minimum Activities</p>	<p>Moderate Also Consider Adding Some of These Activities</p>	<p>High Also Consider Adding Some of These Activities</p>
<p>On-site Actions (120 Days or less)</p> <ul style="list-style-type: none"> • Designate a spokesperson.* • Establish an administrative record.* • Notify the public about the availability of the administrative record.* • Hold a public comment period, if appropriate.* • Prepare a responsiveness summary.* • Prepare media talking points. • Use social media for communication. <p>On-site Actions (120 Days or more)</p> <ul style="list-style-type: none"> • Designate a spokesperson.* • Establish an administrative record.* • Notify the public about the availability of the administrative record.* • Hold a public comment period, if appropriate.* • Prepare a responsiveness summary.* • Conduct community interviews.* • Prepare a CIP.* • Establish a local information repository.* • Inform the public about the establishment of the information repository and provide notice of the availability of the administrative record file.* • Prepare communication strategies. • Prepare media talking points. • Distribute a fact sheet about the removal and the Superfund process. 	<ul style="list-style-type: none"> • Adopt an effective risk communication approach. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Host an availability session/open house. • Prepare fact sheets on cleanup approach. • Offer a workshop or webinar on Superfund removal process. • Host site tours. • Establish a telephone hotline. • Provide translation services, if necessary. • Hold public meetings or publicize and host conference-call meetings that are open to the public. • Hold an extra public meeting in a tribal community, if appropriate. 	<ul style="list-style-type: none"> • Work with an existing community group. • Offer technical assistance, if appropriate. • Prepare and maintain a website or social media site.

* Activity required by CERCLA or addressed in the NCP (see Appendix A for more information).

Note: This matrix lists only a few suggested activities and is not a comprehensive listing of all outreach and involvement activities that may be appropriate at a site.

Community Involvement during Non-Time-Critical Removal Actions

Non-time-critical removals are conducted when EPA determines, based on the site evaluation, that a removal action is appropriate and a planning period of at least six months is available before on-site activities must begin. The site team must complete an engineering evaluation/cost analysis (EE/CA) for a non-time-critical removal. The EE/CA is analogous to a streamlined RI/FS conducted for Superfund remedial actions. It includes a comparison of various technology alternatives and describes the recommended action and EPA's reasons for the recommendation. This determination can be summarized in a fact sheet and placed in the administrative record file. The EE/CA is an important milestone for community outreach activities because several of the NCP's community involvement activities for non-time-critical removal actions hinge upon the timing of the EE/CA.

After the initial site evaluation is conducted and the need for a non-time-critical removal action is determined, an EE/CA is prepared and is subject to public comment. After considering comments, EPA finalizes the EE/CA. The results of the EE/CA and EPA's response decision are summarized in the approved Action Memorandum, which provides a concise written record of the removal action selected to address the contamination at the site. This Action Memorandum mirrors the function of a Record of Decision (ROD) for a remedial response, but the decision process usually is faster. Upon approval of the Action Memorandum, EPA or a PRP with EPA oversight will undertake the non-time-critical removal action to address problems at the site.

Planning for Community Involvement for Non-Time-Critical Removal Actions

The site team is responsible for understanding and fulfilling the community involvement activities addressed in the NCP for non-time-critical removal actions. Early and frequent community involvement is recommended throughout the planning and implementation of a non-time-critical removal. Community involvement activities should be tailored to the specific needs of the affected community as well as to the technical action schedule. While fulfilling community involvement activities addressed in the NCP for a non-time-critical removal often is sufficient to address community needs, the site team also is encouraged to assess site-specific community needs and concerns to determine whether additional activities might be warranted.

Minimum Activities for Non-Time-Critical Removal Actions

Sections 300.415(n) and 300.820 of the NCP specify the community involvement and administrative record activities for non-time-critical removal actions. These minimum activities are:

- **Designate an Agency spokesperson** to inform the community of actions taken, respond to inquiries, and provide information concerning the release of hazardous substances. The spokesperson notifies community members immediately affected by the release, as well as state/tribal and local officials and civil defense or emergency management agencies, as appropriate. The role of the Agency spokesperson can be filled by the lead OSC, a CIC, another OSC, or any qualified field staff.
- **Conduct community interviews** with local officials, community members, public interest groups, or other interested or affected parties to solicit their information needs and concerns and to determine how or when community members would like to become involved in the removal process. The [community interviews](#) should be completed before the EE/CA is completed.
- **Prepare a Community Involvement Plan** before the EE/CA is completed. The [CIP](#) is a site-specific document that discusses the approach and rationale for the community involvement efforts and activities throughout the removal process.
- **Establish an administrative record file** by the time the EE/CA approval memorandum is signed.
- **Establish at least one information repository** at or near the site by the time the EE/CA approval memorandum is signed, and inform the public of the establishment of the [information repository](#).

The repository is intended to ensure the public has easy access to site-related information and documents, which must be available for inspection and copying. At least one repository must contain the administrative record.

- **Publish a public notice in a major local newspaper or use one or more other mechanisms** to announce (1) the availability of the EE/CA, with a brief description of it, and (2) the availability of the administrative record file when the EE/CA is placed in the administrative record file and made available for public comment. This notice also can be used to announce a public comment period.
- **Hold a public comment period** of no less than 30 days from the time that the administrative record file and EE/CA are made available for public inspection and comment. Upon timely request (usually defined as requests received about two weeks before the close of the comment period), the [public comment period](#) must be extended by a minimum of 15 days.
- **Prepare a responsiveness summary** to respond to significant comments and new data submitted during the public comment period. The responsiveness summary should be placed in the administrative record.

Assessing Whether Additional Community Involvement Activities Might Be Appropriate at a Non-Time-Critical Removal Site

The issuance of the EE/CA generally is a time of enhanced community involvement, and the approach should start with the activities addressed in the NCP. Site teams at non-time-critical removal sites also are encouraged to consider whether additional community involvement might be appropriate. Depending on the site, additional community involvement efforts may be warranted if the level of community concern or distrust is high or if EPA's preferred action could be controversial or cause significant disruption within the community. Here are some of the factors the site team may wish to consider when determining whether enhanced community involvement might be appropriate at a non-time-critical removal site:

- ***The level of community concern or trust:*** What has been the level of community interest in the site? Is there reason to believe that the community may not fully trust EPA's judgment or site-related actions? Have people asked questions, expressed concerns, or raised objections about EPA's actions at the site? Is there concern that EPA has determined that the removal is not time-critical? Is there interest in reusing the site?
- ***Media interest:*** Is the removal action being covered by the media? Have reporters contacted the site team or EPA representatives to ask questions? (Be sure to work with the Regional public affairs office whenever there is media interest in an incident.)
- ***Environmental justice or tribal concerns:*** Are there low-income, minority, or indigenous populations living near the site who are or may be more adversely impacted by the site? Does the site affect a tribe or Indian country? Are there cultural resources that might be impacted by site activities that are important to tribal members who may not live near the area? Are there populations who subsist on fish, vegetation, or wildlife? Are there language barriers among those impacted by the site? Are there other hazardous sites or sources of pollution that affect the community? Does the community lack benefits such as municipal services (sewer/drinking water, trash collection) or access to green space or health services? Is there reason to believe this community or segments of the community may bear a disproportionate environmental burden or include sensitive subpopulations with greater vulnerability to environmental hazards?
- ***Likelihood that the preferred action could be controversial:*** Are there several reasonable action alternatives that could be considered? Has the community indicated a preference for, or resistance to, the approach recommended in the EE/CA?
- ***Site location and potential disruption to the community:*** Is the site in a rural or urban area? Do many people live near the site? How many are directly affected by the site? Are homes, schools, day care

centers, or hospitals nearby and will they be impacted by site work? Will the recommended action require substantial disruption in the community (e.g., temporary or permanent relocation, substantial truck traffic, or neighborhood disruption)? Have community members been provided with drinking water? Have fishing or recreational use advisories been issued?

If one or more of these factors are present, the site team might wish to expand the community involvement effort (see Figure 4-2). Additional outreach activities that may be appropriate during a non-time-critical removal action include:

- Issuing press releases (see the [Media Relations](#) tool).
- Preparing and distributing a [fact sheet](#) (paper or electronic) summarizing the EE/CA or explaining the non-time-critical removal action process.
- Distributing flyers throughout the community in schools, grocery stores, other gathering spaces, and churches or other places of worship.

Community Involvement at a Removal Site with Environmental Justice Concerns

EPA Region 7 assessed community needs and developed a plan with enhanced community involvement for a community with environmental justice concerns at a non-time-critical removal site in an urban area where nearly all members of the community are minorities and about two-thirds have low incomes. An EJSCREEN analysis showed that the area may also bear a significant environmental burden.

After the initial time-critical removal action was completed, a non-time-critical removal action followed. As the duration of work at the site increased, the Region continually assessed community involvement needs by conducting a new round of community interviews and revising the site's original CIP several years after it was first developed.

Region 7 takes a flexible approach to community involvement that adapts to specific community needs. For example, when Region 7's efforts to encourage the community to form a Community Advisory Group at the site were unsuccessful, a neutral facilitator was brought in to work with community groups. Instead of a formal CAG, the facilitator worked with the community to develop a series of roundtable meetings that eventually resulted in a "workgroup approach" that suited community needs.

Over the years, a full suite of community involvement activities has been conducted, such as:

- Press releases, fliers, phone calls, email and door-to-door distribution of notices.
 - Public meetings and availability sessions.
 - Numerous community meetings, meetings with grassroots community organizations, and individual meetings with neighbors and businesses.
 - Support provided through the TASC contract for assistance interpreting technical documents. TASC services were available to the community at all times and were used for the EE/CA and at other pivotal points during the process.
 - A celebration event to announce the transition from the planning phase to the implementation stage.
 - An Environmental Justice Listening Session with Region 7's Regional Administrator.
- Creating a [mailing list](#), email list, or text-message cell phone-number list of concerned community members to distribute information.
 - Making a [presentation](#) to a community organization, in person, via conference call, or using one of the Agency's meeting software tools, such as [Adobe Connect](#) (Internal EPA link).
 - Holding informal [public availability/poster sessions](#).

- Establishing a toll-free telephone hotline, website, Facebook page, or other social media site and publicizing its availability.
- Setting up a text-messaging system for site activity bulletins, if appropriate.
- Considering whether the community might need help understanding the information in the EE/CA so that they can provide comments and participate in the decision-making process in a meaningful way, and then, if appropriate, offering technical assistance to the community, perhaps through EPA’s TASC contract.

Figure 4-2: Recommendations for Planning and Conducting Community Involvement during a Non-Time-Critical Action

Community/Media Interest—EJ/Tribal—Potential for Controversy/Disruption

<p>Low</p> <p>Conduct These Minimum Activities</p>	<p>Moderate</p> <p>Also Consider Adding Some of These Activities</p>	<p>High</p> <p>Also Consider Adding Some of These Activities</p>
<ul style="list-style-type: none"> • Designate a spokesperson.* • Establish an administrative record.* • Establish an information repository.* • Conduct community interviews.* • Prepare a CIP.* • Notify the public about the availability of the administrative record file and EE/CA availability.* • Hold a public comment period.* • Prepare a responsiveness summary and place in the administrative record.* • Prepare a fact sheet summarizing the EE/CA. • Issue a press release. 	<ul style="list-style-type: none"> • Conduct informal activities. • Host an availability session/open house. • Make presentations to community groups in person, in a conference call meeting, or through an Agency meeting software tool, such as Adobe Connect. • Offer a workshop or webinar on the removal process or on the technologies involved in the recommended action. • Create a website, Facebook page, and/or use other social media mechanisms. 	<ul style="list-style-type: none"> • Prepare communication strategies, as needed. • Use mobile media/text alerts to alert the community to site activities, if appropriate. • Offer mediation or dispute resolution services. • Offer technical assistance to the community, perhaps through EPA’s TASC contract.

* Activity required by CERCLA or addressed in the NCP. See Appendix A for more information.

Note: This matrix provides suggested activities but is not a comprehensive listing of all outreach and involvement activities that may be appropriate at a site.

Summary of Community Involvement Activities for the Superfund Removal Program	
<i>(See Appendix A for a complete discussion of CERCLA Requirements and NCP Provisions)</i>	
Emergency Removals	
◦ <i>Agency Spokesperson:</i> Designate a spokesperson to inform the community about actions taken, respond to inquiries, and provide information concerning the release.	NCP 40 C.F.R. §300.415(n)(1)
◦ <i>Administrative Record:</i> Establish an administrative record file that is available for public inspection at or near the site.	CERCLA 113(k)(1); NCP 40 C.F.R. §300.800 (a); NCP 40 C.F.R. §300.820 (a)(1)
Time-Critical Removals (Planning Period of Less than Six Months) Expected to Extend <u>120 Days or Less</u> After the Start of Removal Activities	
◦ <i>Agency Spokesperson:</i> Designate a spokesperson to inform the community about actions taken, respond to inquiries, and provide information concerning the release.	NCP 40 C.F.R. §300.415(n)(1)
◦ <i>Administrative Record:</i> Establish an administrative record file that is available for public inspection at or near the site.	NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1)
◦ <i>Notify the Public:</i> Publish a public notice in the local newspaper or use one or more mechanisms to give a community adequate notice of the availability of the administrative record file.	NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1)
◦ <i>Public Comment Period, as appropriate:</i> Hold a public comment period of at least 30 days once the administrative record file is made available.	NCP 40 C.F.R. §300.415(n)(2)(ii) §300.820(b)(2)
◦ <i>Response Summary:</i> Prepare a written response to comments and include it in the administrative record file.	NCP 40 C.F.R. §300.415(n)(2)(iii) §300.820(b)(2)(3)
Time-Critical Removals (Planning Period of Less than Six Months) Expected to Extend <u>More than 120 Days</u> After the Start of Removal Activities	
◦ <i>Agency Spokesperson:</i> Designate a spokesperson to inform the community about actions taken, respond to inquiries, and provide information concerning the release.	NCP 40 C.F.R. §300.415(n)(1)
◦ <i>Administrative Record:</i> Establish an administrative record file that is available for public inspection at or near the site.	NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1)
◦ <i>Notify the Public:</i> Publish a public notice in the local newspaper or use one or more other mechanisms to give a community adequate notice of the availability of the administrative record file.	NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1)
◦ <i>Public Comment Period, as appropriate:</i> Hold a public comment period of at least 30 days once the administrative record is made available.	NCP 40 C.F.R. §300.415(n)(2)(ii) §300.820(b)(2)
◦ <i>Response Summary:</i> Prepare a written response to comments and include it in the administrative record file.	NCP 40 C.F.R. §300.415(n)(2)(iii) §300.820(b)(2)(3)
◦ <i>Community Interviews:</i> Within 120 days of the start of on-site removal activity, conduct community interviews to solicit concerns/information needs and learn how and when people want to be involved.	NCP 40 C.F.R. §300.415(n)(3)(i)
◦ <i>Community Involvement Plan (CIP):</i> Prepare CIP based on interviews and other information.	NCP 40 C.F.R. §300.415(n)(3)(ii)
◦ <i>Information Repository:</i> Establish at least one information repository at or near the site [local information repository] and notify the public. Make the administrative record file available at the [local] information repository and provide notice of the availability of the administrative record file.	NCP 40 C.F.R. §300.415(n)(3)(iii)

Non-Time-Critical Removals (Planning Period of at Least Six Months)	
◦ <i>Agency Spokesperson:</i> Designate a spokesperson to inform the community about actions taken, respond to inquiries, and provide information concerning the release.	NCP 40 C.F.R. §300.415(n)(1)
◦ <i>Administrative Record:</i> Establish an administrative record file that is available for public inspection at or near the site. Make the administrative record available in at least one information repository no later than the signing of the EE/CA approval memorandum.	NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1) NCP 40 C.F.R. §300.415(n)(4)(i)
◦ <i>Community Interviews:</i> Prior to completion of the EE/CA, conduct community interviews to solicit concerns/information needs and learn how and when people want to be involved.	NCP 40 C.F.R. §300.415(n)(4)(i)
◦ <i>Community Involvement Plan (CIP):</i> Prior to completion of the EE/CA, prepare the CIP based on interviews and other information.	NCP 40 C.F.R. §300.415(n)(4)(i)
◦ <i>Information Repository:</i> No later than by the signing of the EE/CA, establish at least one information repository at or near the site and notify the public.	NCP 40 C.F.R. §300.415(n)(4)(i)
◦ <i>Notify the Public:</i> The administrative record file shall be made available for public inspection when the EE/CA is made available for public comment. At such time, publish a public notice in the local newspaper or use one or more other mechanisms to give a community adequate notice of the availability and brief description of the EE/CA.	NCP 40 C.F.R. §300.415(n)(4)(ii) §300.820(a)(1)
◦ <i>Public Comment Period:</i> Hold a public comment period of at least 30 days once the EE/CA is made available and extend the comment period by at least 15 days upon timely request.	NCP 40 C.F.R. §300.415(n)(4)(iii) §300.820(a)(2) §300.825(b) and (c)
◦ <i>Response Summary:</i> Prepare a written response to comments and include it in the administrative record file.	NCP 40 C.F.R. §300.415(n)(4)(iv) §300.820(a)(2)

CHAPTER 5

COMMUNITY INVOLVEMENT DURING ENFORCEMENT ACTIVITIES

Introduction

One major goal of the Superfund program is to encourage responsible parties to clean up contaminated sites. EPA has the authority to negotiate settlements, to issue orders directing PRPs to take necessary response actions, to use Fund monies for response actions, or to sue PRPs (through the U.S. Department of Justice [DOJ]) to repay the costs of such actions when Fund monies have been used for these purposes. The approach EPA takes to reach a settlement or compel responsible parties to pay for or undertake the cleanup of sites is referred to as the Superfund enforcement process. At enforcement sites, EPA makes all decisions regarding cleanup standards and the selected remedy. As noted above, EPA may direct the PRP to perform site work, subject to EPA oversight.

The enforcement process used by EPA to enlist or compel PRP involvement normally includes five major efforts:

- 1) EPA attempts to identify and notify PRPs as early as possible in the Superfund process.
- 2) EPA encourages PRPs to do the work at a site.
- 3) If EPA believes that a PRP is willing and capable of doing the work, EPA generally will attempt to negotiate an agreement with the PRPs that is enforceable by a court of law.
- 4) If a settlement is not reachable, EPA can issue a unilateral administrative order (UAO) directing the PRP to do the work or file suit (through DOJ) against the PRPs.
- 5) If the PRPs do not perform the response action and EPA undertakes the work, the Agency files suit against a PRP or PRPs, when practicable, to recover money spent by EPA and deposit it in the Superfund Trust Fund.

This chapter provides an overview of community involvement in the Superfund enforcement program. It discusses the opportunities and challenges associated with conducting community involvement during the cleanup process at enforcement sites. These include opportunities for enhancing community involvement when searching for viable potentially responsible parties; performing enforcement activities relating to the remedial investigation/feasibility study (RI/FS), remedial design/remedial action (RD/RA), or removal actions; and conducting enforcement for cost recovery or against instances of Superfund noncompliance.

Community involvement at “enforcement sites” or “enforcement-lead sites”—sites where the PRPs conduct the response actions—follows the same process as Fund-lead sites. (See Chapter 3, Community Involvement during the Remedial Process, and Chapter 4, Community Involvement during the Removal Process.) Community involvement at enforcement sites can be challenging, but not because there are many additional requirements; in fact, there are only a couple of additional requirements. Conducting community involvement at enforcement sites can be a challenge because of the complexity of the enforcement process, lack of public knowledge or awareness of the respective roles of the PRP and EPA, the confidentiality of settlement negotiations, and potential mistrust between the public and the responsible parties.

Site teams should consider augmenting community involvement to address the enforcement-related issues at the key points in the process—particularly during the RI/FS and RD/RA. At these points, it may be a good idea to assess whether additional activities should be planned and implemented to: (1) educate the public about the enforcement process and the confidentiality of settlement negotiations; (2) explain EPA’s

oversight role to the public; and (3) address any trust issues the community may have with the PRP that is conducting cleanup activities. EPA has compiled a list of such activities that the Agency has used in the past for more meaningful involvement of communities in the Superfund enforcement process. See the Agency's 2014 report, [*Community Engagement Initiative: Compilation of EPA's Activities Encouraging Community Engagement in Superfund Enforcement*](#).

Confidentiality of Settlement Negotiations

EPA's negotiations with responsible parties for any response activity (RI/FS, RD/RA, or removal) generally are conducted in confidential sessions. Community members may not participate in the negotiations unless all litigants agree to allow their participation. The confidentiality of statements made during negotiations is a well-established principle of the American legal system and is intended to promote a thorough and frank discussion of the issues between the litigants in an effort to resolve differences. For written documents subject to the Freedom of Information Act (FOIA), there is no settlement privilege that would exempt the production of settlement communications. However, in certain circumstances, the Agency may be able to withhold settlement communications if there is a federal court order or under Exemption 7(A), which exempts records that could reasonably be expected to interfere with enforcement proceedings. The law is unsettled in this area at this time. (Please note that under Exemption 7(A), settlement communications may be subject to disclosure after the enforcement proceeding has been resolved.) Litigants may be unwilling to negotiate without a guarantee of confidentiality because they fear that public disclosure of sensitive issues might interfere with the orderly resolution of a settlement and damage their potential litigation position. Confidentiality also ensures that offers and counteroffers made during negotiation will not be used by one litigant against the other in any ensuing litigation.

The confidentiality of settlement negotiations can result in a lack of transparency that may cause or increase community mistrust. Community members may not fully understand the process or EPA's role in the negotiations. For this reason, it might be important for the site team to educate the public about the process and reassure them that the Agency does not negotiate cleanup standards or possible cleanup remedies with the PRPs. EPA merely negotiates the terms obligating the PRPs to carry out the cleanup. These terms can include EPA's promise not to sue the PRPs again if they perform the specified cleanup and attain the cleanup standards; the penalties they will have to pay if they violate the settlement in the future; the process they can use if they believe that EPA is asking for unreasonable steps beyond the selected response; their legal protection from lawsuits by other PRPs; and the arrangement wherein EPA can periodically send them a bill for the costs incurred in overseeing their work.

EPA Oversight of PRP Response Activities

Educating the community about EPA's oversight role at enforcement-lead sites may also be important. EPA uses a variety of legal enforcement instruments—including consent decrees, administrative settlement agreements and administrative orders on consent, UAOs, and court injunctions—to compel PRPs to take certain actions. Regardless of what enforcement instrument is used, EPA oversees the PRPs' activities to ensure that they are in compliance with their obligations. This oversight includes reviewing draft work plans and other deliverables submitted by the PRPs and ensuring that the PRPs' revisions incorporate EPA's requested changes. In addition, EPA oversight often includes site visits by RPMs, OSCs, or Agency contractors to ensure that the PRPs are conducting work properly.

Enhanced Community Involvement and a Focus on Future Use Make a Difference at an Enforcement Site

Enhanced community involvement and a focus on site reuse can be important elements of the cleanup approach at a complex site where the cleanup will be conducted by a PRP. EPA Region 8's project team adjusted its usual emphasis on enforcement and cleanup to include consideration of future redevelopment at the Midvale Slag Superfund site in Midvale City, Utah. The team developed innovative enforcement mechanisms in partnership with the PRP-owner of the site, Midvale City, and other stakeholders to foster cleanup and reuse of the site.

By nurturing relationships among regulatory agencies, the PRP, and the community stakeholders, EPA was able to negotiate a cleanup settlement that brought new benefits to the community. The collaboration included a settlement provision that provided the site's owner with Superfund special account money to clean up the site. The 2004 settlement also provided for the implementation of Institutional Control Process Plans, which clarified long-term stewardship roles and helped ensure future site protectiveness. These enforcement mechanisms were instrumental in transforming a site with mountains of slag into Bingham Junction, a thriving retail, commercial and transportation center with residential units and recreational space. This result was in marked contrast to EPA's earlier experience at the nearby Sharon Steel site, where the community felt that its involvement was minimal and that its preferences for site reuse were not adequately considered in the site's ROD. The Sharon Steel site was capped and to date has not been redeveloped.

In the late 1990s, the outlook for productive partnerships and innovative solutions at the Midvale Slag site was not promising. "There was limited communication, poor relationships and a lot of staff turnover," recalled EPA project manager Fran Costanzi. "People's experiences from the [nearby] Sharon Steel site were still fresh. The community felt that the regulatory agencies were not listening to them, and EPA and UDEQ [the Utah Department of Environmental Quality] were unsure how to incorporate the community's priorities and redevelopment interests in the cleanup process."

EPA Region 8, UDEQ, Midvale City and the site's owner began to change these dynamics in 1999. EPA decided that expanded community outreach and engagement would be an important part of the Agency's approach to the site's cleanup. EPA staff hosted education sessions to explain the Superfund process at the site to citizens, community organizations, and elected officials. A community group used its TAG to engage a technical advisor to help residents understand cleanup options and consider redevelopment options for the site. EPA collaborated with others on a detailed assessment of community priorities, local economic conditions, and regional market trends as well as an environmental review of the site's contamination and physical features. This enabled Midvale City and the site's property owner to identify future land uses for the site that would address community priorities and fit appropriately with the site's remedy. The resulting Master Plan outlined opportunities for mixed residential, office, retail and recreational land uses.

"We [EPA] emphasized that we didn't have all of the answers, and that we weren't sure how cleanup and redevelopment might be able to mesh together," said Costanzi. "We framed the process as an ongoing discussion built around sharing information and problem-solving to identify options and opportunities. We emphasized that it is EPA's mission to not only protect human health and the environment, but also to help communities restore contaminated lands to beneficial use."

For more information, see the Midvale Slag enforcement case study: [From Midvale Slag to Bingham Junction: A Superfund Success Story](#). See also: [Cleanup and Mixed-Use Revitalization on the Wasatch Front: The Midvale Slag Superfund Site and Midvale City, Utah](#).

Overview of the Superfund Remedial Enforcement Program

Initial enforcement efforts begin when the Agency searches for parties responsible for the contamination. If this PRP search is successful, EPA adopts an "enforcement first" policy that explores using its settlement and enforcement authorities before using the government's Fund monies to conduct the response activity. Consistent with this philosophy, EPA attempts whenever possible to negotiate an agreement requiring the PRPs to conduct the RI/FS and RD/RA under EPA oversight.

The PRP Search and Early Phases of Remedial Enforcement

EPA begins any Superfund cleanup enforcement effort with a search for the parties responsible for the contamination. The Agency often asks parties to provide records, documents, and other information and also requests access to properties in order to assess site conditions, conduct sampling and perform other response activities. Parties that do not comply with such requests for information or access may be subject to an enforcement action (see CERCLA section 104(e)(5)).

RI/FS Enforcement

After identifying the responsible parties, EPA typically attempts to negotiate a settlement that requires the PRPs to conduct an RI and an FS under EPA oversight. If this is the case, the enforcement mechanism usually is an Administrative Settlement Agreement and Order on Consent (ASAOC), although in some cases it might be a UAO, or even (in very rare instances) a judicial consent decree or injunction. Each of these mechanisms is enforceable in court.

Community Involvement Provisions Often Included in PRP Settlement Agreements

EPA often seeks to include several provisions related to community involvement in negotiated settlement agreements.

Community Involvement Provisions in RI/FS Settlement Agreements

When negotiating an RI/FS settlement agreement, EPA typically seeks to include at least two provisions related to community involvement. EPA may require PRPs to:

- Provide support to the Agency's community involvement efforts, including participation in preparing information for dissemination to the public and in public meetings.
- Establish an information repository near the site (local information repository) to house a copy of the site's administrative record and other appropriate technical and outreach documents. This echoes the NCP regulatory provision about such repositories (40 CFR 300.430(c)(2)(iii)). For more information about recent NCP changes regarding the establishment of information repositories, please see box on page 35.

Community Involvement Provisions in Superfund Alternative Approach Agreements

When EPA decides to use the Superfund Alternative Approach at a site (see Chapter 3, Section 2, Site Assessment, for more information), Agency policy requires the Region to try to include a Technical Assistance Plan (TAP) provision in any settlement agreement for RI/FS or RD/RA. A TAP provision in a settlement obligates the PRPs, at EPA's request, to arrange at their own expense for a community group to obtain the services of an independent technical advisor and share information with others in the community. (See [EPA's Interim Guidance: Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements](#), dated September 3, 2009.)

Community Involvement Provisions in RD/RA Settlement Agreements

EPA usually seeks to include at least several provisions relating to community involvement in RD/RA settlement agreements. EPA may require the PRP to:

- Assist with community involvement if requested by EPA.
- Submit written progress reports periodically to EPA and provide EPA, upon request, with copies of records and information relating to the RD/RA.

The Agency may decide to make these reports and documents publicly available.

When an administrative settlement (e.g., an ASAOC for the RI/FS) contains a cost recovery compromise, EPA is required to publish notice of the proposed settlement in the *Federal Register* to provide persons who are not parties to the proposed settlement an opportunity to comment on this component. This

requirement typically is aimed at PRPs that did not agree to the proposed settlement, rather than at members of the community.

Absent a settlement agreement, EPA may issue a UAO for the PRP to conduct the RI, the FS, or both, or EPA may work with DOJ to seek a judicial order requiring the PRP to perform the RI, the FS, or both. EPA also has the authority to perform the RI/FS itself and can seek to recover its costs from the responsible parties.

As with Fund-lead sites, once the RI/FS is complete, EPA issues a Proposed Plan that identifies its preferred option for cleaning the site and seeks public comment. After considering comments, EPA issues the ROD that sets forth its reasons for selecting the remedy. The ROD also includes a summary of the Agency's analyses of, and responses to, the public comments it received on the Proposed Plan. (See Chapter 3 for a discussion of community involvement during the RI/FS, Proposed Plan, and ROD phases.)

RD/RA Enforcement

EPA generally tries to get PRPs to conduct cleanups themselves, in concert with EPA's "enforcement first" philosophy.¹ For remedial actions, EPA attempts whenever possible to negotiate a judicial consent decree requiring the PRPs to conduct the RD/RA under EPA oversight. If an agreement cannot be reached, EPA might issue a UAO for the cleanup or work with DOJ to seek a judicial order requiring the cleanup.

After negotiations are completed, CERCLA requires DOJ to provide an opportunity for the public to comment on the RD/RA consent decree before the court decides whether to approve it as a final judgment (see CERCLA section 122(d)(2)(B)). DOJ does so by publishing a notice in the *Federal Register* (see 40 CFR 300.430(c)(5)(ii) and 28 CFR 50.7). EPA might also decide to issue a press release (either alone or jointly with DOJ) and/or take other steps (e.g., send copies of the *Federal Register* notice to persons on the site mailing list) to alert community members about their opportunity to comment on the proposed settlement after it has been signed by the PRPs, EPA, and DOJ.

Once the public comment period on the proposed consent decree has closed, DOJ (in cooperation with EPA) will consider each comment. If the comments present facts or considerations that indicate the proposed decree is inappropriate, improper, or inadequate, DOJ and EPA can withdraw consent. However, if DOJ and EPA decide to proceed, DOJ will file a "Motion to Enter" the consent decree. This filing, which requests the court's approval of the proposed decree, will include a summary of the comments received as well as the government's responses to the comments.

Planning for Community Involvement during the Remedial Enforcement Process

As has been emphasized throughout this handbook, CICs and other members of site teams should view the community involvement requirements in CERCLA and provisions in the NCP as a starting point for planning community involvement at each step of the remedial process. They should carefully assess the situation at each site to develop a plan that includes an appropriate mix and schedule of community involvement activities tailored to the needs of each site. (See chapters 3 and 4.) Similarly, Superfund enforcement cases vary greatly.

There is no one-size-fits-all when it comes to activities for involving communities at enforcement sites. Site teams should consider site-specific circumstances when assessing whether to go beyond the minimum required community involvement activities. The fact that EPA successfully used a particular technique at one enforcement site does not necessarily mean that the approach will be effective in other cases. Site teams should treat each enforcement site as unique and adopt an appropriate community involvement approach.

There are only a couple of additional requirements for public notification/community involvement as a result of the enforcement process:

- If an administrative settlement (e.g., an ASAO for removal or RI/FS) contains a cost recovery compromise, EPA is required to publish notice of the proposed settlement in the *Federal Register* at least 30 days before the settlement becomes final in order to provide persons who are not parties to the proposed settlement a period of at least 30 days during which to comment on this component. This requirement typically is aimed at PRPs that did not agree to the proposed settlement, rather than at members of the community.
- When EPA negotiates a settlement for performance of a remedial action, the Agency is required to put the settlement in the form of a judicial consent decree. For this or any other type of CERCLA consent decree, DOJ is required by law to give the public an opportunity to review and comment when it submits such a settlement on EPA's behalf to a federal court for the judge's approval.

Community Involvement during the PRP Search and Early Phases of the Remedial Enforcement Process

Community involvement at enforcement sites is most likely to be effective when the site team carefully plans for and addresses any special circumstances and potential community concerns. This planning process begins with careful internal coordination. The site team should make sure that the roles of the CIC, the RPM/OSC, the civil investigator, and the Regional counsel are clearly defined, and that all members of the team closely coordinate their activities.

All members of the site team should work closely throughout the process to ensure that they elicit and provide information to the affected community in ways that do not jeopardize any Agency enforcement actions.

Consideration of enforcement-related issues early in the process is important, particularly when community interviews are planned and the Community Involvement Plan for the site is prepared (see box), usually during the RI/FS phase. Sometimes the PRP search process involves interviewing members of the community. Members of the site team responsible for working on enforcement may ask the CIC or RPM/OSC to seek information about PRPs and their waste-handling practices during community interviews when preparing the CIP. In other cases, enforcement staff may decide that the CIC or response personnel should not explicitly solicit PRP-related information during community interviews. If such information is volunteered during an interview, enforcement staff may ask the interviewer to inform the interviewee that the information will be passed along to an EPA civil investigator and that the investigator may follow up with the interviewee later.

Preparing Community Involvement Plans for Enforcement Sites

The site team should ensure that the CIP for an enforcement site:

- Indicates that the NCP allows PRPs to participate in the Agency's community involvement efforts (40 CFR 300.430(c)(3)). PRPs do not develop the CIP. EPA directs the community involvement activities as well as any support or participation from the PRPs.
- Includes additional activities and informational materials to educate the public about the enforcement process, explains and reassures the public about EPA's oversight role, and addresses issues related to possible community mistrust of the PRP.
- Outlines all community involvement activities that will be undertaken. Most activities will be related to the RI/FS and RD/RA phases of the Superfund process.

In addition, before the PRPs begin the RD, the EPA site team must review the CIP and determine whether it should be revised to include further public involvement activities during the RD/RA (40 CFR 300.435(c)). This is an excellent opportunity to add a discussion about the PRP's legal obligations (under any consent decree) to provide assistance with EPA's community involvement activities.

PRPs do not develop the CIP. EPA directs the community involvement activities as well as any support or participation from the PRPs. In rare cases, additional preplanning for community interviews may be necessary at enforcement-lead sites. The CIC and RPM/OSC should work with the Regional counsel and civil investigators to identify potential precautions that should be taken during community interviews (e.g., where there is sensitivity to pending negotiations or litigation) or whenever the site team plans to interview the current owner of the facility or other PRPs.

Community Involvement during RI/FS and RD/RA Enforcement

The enforcement-related community involvement issues and the types of activities suggested to address community concerns and questions at enforcement sites during the RI/FS and RD/RA phases of the Superfund process are very similar.

Before RI/FS settlement negotiations begin, and when EPA begins negotiations for an RD/RA consent decree, it is a good idea to “demystify” the enforcement process for the public. One idea is to distribute or post EPA’s fact sheet, [*The Superfund Enforcement Process: How it Works*](#), on the site website, or to prepare a site-specific fact sheet about the upcoming negotiations. Other ideas include holding meetings or planning informal activities in the community to educate the public about the enforcement process.

Educating the public about the process can be critical to building and maintaining trust and open communication with the community in the face of negotiations that usually are conducted behind closed doors. Communications should focus on describing the negotiation and settlement process. They could explain what topics would be covered by the confidential negotiations and, more importantly, what topics would not be covered. It also may be important to identify what information EPA can or cannot share with the public about negotiations and to reassure the public that EPA does not negotiate the cleanup standards or selected cleanup plan with the PRPs. EPA is solely responsible for those decisions, as reflected in the Proposed Plan and ROD.

The subsequent settlement negotiations essentially cover how the cleanup will be carried out by the PRPs, not what the cleanup will entail or the standards the cleanup must meet. EPA should be clear that the Agency retains all decision-making authority and that it negotiates only the terms obligating the PRPs to carry out the cleanup.

While negotiations for either an RI/FS settlement agreement or the RD/RA consent decree are ongoing, the site team should consider whether to schedule public meetings, availability sessions, or informal activities to discuss technical issues. These technical discussions are held separately from, but concurrent with, the settlement negotiations with the PRPs (see 40 CFR 300.430(c)(4)). Such meetings can be a valuable opportunity to engage community members on cleanup implementation issues that are significant to them.

While settlement negotiations for the RD/RA consent decree are underway, the site team may be able to give communities some limited information about the progress of ongoing settlement negotiations rather than waiting until a proposed consent decree is submitted to a court for its approval. The site team should, however, coordinate with the EPA and DOJ attorneys on any such disclosure in order to avoid any improprieties.²

Once the enforcement instrument takes effect, the site team may consider whether it is appropriate to keep communities apprised of the PRPs’ actions. PRPs usually will submit draft RI/FS and RD/RA work plans and other relevant documents to EPA for Agency review.³ Agency policy allows Regions to consider making these documents available to the public. EPA can post information online to help communities track the RI/FS and RD/RA schedule and alert them to deliverables and their due dates. EPA also routinely adds relevant PRP submissions to the site file, which is broader than the site’s administrative record on response selection. These documents also may be made available to the public in the information repository.

Consider reassuring the community that the Agency is overseeing the PRP's RI/FS or RD/RA activities to ensure that they are performed correctly. One option is to summarize EPA's oversight role in fact sheets or other site outreach documents. In some cases, it may be a good idea to provide more details on how EPA monitors the PRP's compliance, such as by reviewing the PRP's submissions of draft documents and ensuring that the PRP revises the drafts to incorporate the changes sought by EPA.

Community Involvement with Enforcement for Removals

At removal sites, EPA uses its enforcement capabilities either to negotiate with or compel the responsible party to clean up contamination, or to recover costs for performing the work itself. There are three types of removal actions: non-time-critical removals, time-critical removals, and emergency removals. (See Chapter 4 for a thorough discussion of the removal process.) For some removals (especially the non-time-critical removals), the Agency generally tries to get the PRPs to do the cleanup themselves, preferably via settlement (this represents implementation of EPA's "enforcement first" policy⁴). If a non-time-critical removal is needed, EPA initially attempts to negotiate a settlement for the engineering evaluation/cost analysis (EE/CA)—the removal program's version of an RI/FS—which lays the groundwork for EPA's cleanup decision. In emergency situations, EPA may undertake the response itself (or at least the initial portion) and take enforcement action later to recover its costs.

As is true for sites requiring remedial action, EPA does not negotiate with PRPs about what the removal will entail or what the cleanup standards will be. EPA retains all decision-making authority and negotiates the terms obligating the PRPs to carry out the cleanup. If negotiations for an EE/CA or the physical removal activities appear infeasible or prove unsuccessful, the Agency may issue a UAO or coordinate with DOJ to seek a judicial order obligating the responsible parties to perform the activity.

The Agency's enforcement practices vary for each type of removal, which means that the opportunities for community involvement in enforcement also vary. The information in this section addresses the special requirements, opportunities, and challenges associated with conducting community involvement for enforcement sites in the Superfund removal program.

Community Involvement with Enforcement for Emergency Removals

Emergency removals are responses that need to be started immediately or within a matter of hours or days. EPA tries to secure PRP cooperation with these emergency removals as quickly as possible. By their nature, emergency removal situations do not allow for extensive public involvement. Nevertheless, the Agency's communications with the community during these removals should explain that EPA's OSC is in charge of the response and is directing the PRP's efforts.⁵ After the passage of time, EPA in many cases classifies subsequent responses to the same release as a time-critical or non-time-critical removal. In those cases, the site team may continue with the community involvement activities conducted for time-critical or non-time-critical removals.

Community Involvement with Enforcement for Time-Critical Removals

Time-critical removals are responses that need to be started sooner than a non-time-critical removal or a remedial action. This usually means there is less time for enforcement activities. Nevertheless, EPA often negotiates a settlement or issues a UAO obligating the PRPs to conduct time-critical removals and also takes steps to involve the public in these enforcement activities. Additional community involvement activities sometimes undertaken for time-critical removals include holding public meetings with community members on technical issues while settlement negotiations are occurring separately, and sharing information by making PRP deliverables available to the public.

Community Involvement with Enforcement for Non-Time-Critical Removals

EPA's approach to enforcement with non-time-critical removals generally is the same as its approach in remedial actions, except that a different legal instrument often is used for the settlement agreement. For remedial actions, EPA is required to use judicial consent decrees for any settlement agreement (see CERCLA section 122(d)(1)(A)). With non-time-critical removals, the Agency usually uses ASAOCs as the enforcement instrument; a consent decree is used only in rare cases. Community involvement for non-time-critical removals is similar to the approach used for the RD/RA. However, there is no requirement to provide an opportunity for public comment on a settlement agreement for a non-time-critical removal that uses ASAOC as the settlement mechanism (unless it contains a compromise of a cost-recovery claim).

Community Involvement with Cost Recovery Enforcement

Cost-recovery enforcement tends to focus on deciding what portion of the cleanup costs should be borne by the PRPs and what portion should be borne by EPA. In some cases, cost-recovery settlements can have a significant impact on when response activities will occur in the future and on the pace at which the response will move forward. As a result, community members may be interested in whether a cost-recovery settlement ensures that sufficient funding will be available to carry out the response action in the future. Site teams should anticipate this concern and consider providing interested communities with information about cost-recovery enforcement and the resources available (from the PRPs and/or EPA) for future response activities. For example, the site team can provide information to the community about how and when EPA plans to use the monies received from the PRPs as a result of a settlement.

EPA is required to give the community an opportunity to review the proposed agreements and provide comments for administrative settlements reached under CERCLA section 122(h) (and also under 122(g), which is *de minimis* settlements).⁶ In these cases, EPA must publish a notice of the proposed settlement in the *Federal Register* at least 30 days before the agreement becomes final. (See CERCLA section 122(i); 40 CFR 300.430(c)(5)(i) and (ii).) The notice must state the name of the contaminated site and the parties who signed the proposed settlement. Anyone who has not signed the agreement has 30 days to file written comments. In practice, any comments received tend to be from PRPs who did not participate in the proposed settlement rather than from members of the community at large.

Community Involvement with Enforcement for Superfund Noncompliance

Sometimes a party may fail to comply with a Superfund-related obligation. For example, it might not report a release of hazardous substances, or it may fail to conduct studies or cleanups required by a UAO. A PRP may balk at an Agency request for relevant information or access to property needed for sampling or other cleanup activities. Such noncompliance can give rise to claims for CERCLA statutory penalties. As part of a settlement for these types of penalty claims, an alleged violator may voluntarily agree to undertake a Supplemental Environmental Project (SEP).⁷ A SEP is an environmentally beneficial project that is not required by law but which a defendant voluntarily agrees to implement as part of a settlement of a penalty claim. When negotiating a penalty settlement that may include a SEP provision, EPA and the alleged violator should collaborate in obtaining public input on possible projects.⁸ The Agency might even consider proactively inviting the public to submit ideas for possible projects before any noncompliance has occurred. EPA and the alleged violator could then consider those ideas as SEPs in the future if noncompliance does occur.

Aside from an enforcement action by EPA, CERCLA also authorizes any person to bring a civil enforcement action against any person who is allegedly in violation of any Superfund requirement or order (see CERCLA § 310(a)(1)). Such actions can augment EPA's enforcement efforts or highlight certain violations for EPA's attention. For example, citizen suits for alleged violations of the reporting requirements under CERCLA §103 can supplement the Agency's own efforts to enforce these provisions. Parties also can bring citizen suits for alleged violations of cleanup-related orders or settlements. In part

to assist potential citizen-suit plaintiffs, EPA is required to make any records, reports or information obtained pursuant to CERCLA §104 available, unless such information constitutes confidential business information (see CERCLA §104(e)(7)(A)).

Chapter 5 Endnotes

¹ “Enforcement First for Remedial Action at Superfund Sites,” Memorandum signed by John Peter Suarez, Assistant Administrator, Office of Enforcement and Compliance Assurance, and Marianne Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, to Regional Administrators, September 20, 2002. www.epa.gov/enforcement/guidance-enforcement-first-remedial-action-superfund-sites

² See the following EPA guidance: *Restrictions on Communicating with Outside Parties Regarding Enforcement Actions*, signed by Granta Y. Nakayama/OECA and dated March 8, 2006, at www.epa.gov/enforcement/restrictions-communicating-outside-parties-regarding-enforcement-actions; *Outside Communications Regarding Matters Under Investigation, in Pre-Litigation Stages, or in Litigation*, EPA Ethics Advisory 90-2, signed by Gerald H. Yamada/OGC and dated October 26, 1990 (not available publicly, but available to EPA employees on the Intranet); and *Public Release of EPA Enforcement Information*, signed by Steven A. Herman/OE and dated August 15, 1996, not available publicly, but available to EPA employees on the Intranet.

³ See *Making Superfund Documents Available to the Public Throughout the Cleanup Process, and Discussing Site Findings and Decisions as They are Developed (Superfund Management Review: #43 G, H, Q, R, T)*, November 5, 1990 (OSWER Directive 9230.0-16), pp. H-24 and H-25. <http://semspub.epa.gov/src/document/HQ/174057>

⁴ “Enforcement First” for Removal Actions, Memorandum signed by Cynthia Giles and Mathy Stanislaus, August 4, 2011. www.epa.gov/sites/production/files/2013-10/documents/enf-first-removal.pdf

⁵ See 40 CFR 300.120(a) and 40 CFR 300.135(a), which provide that the OSC directs response efforts and coordinates all other efforts (including communications) at the scene of a release. See also 40 CFR 300.135(n), which requires OSCs to ensure that all public and private interests are kept appropriately informed, and 40 CFR 300.155, which provides that all federal news releases by participating agencies be cleared through the OSC.

⁶ A 122(g) settlement is a settlement with a PRP that contributed relatively little to the contamination. A 122(h) settlement is an administrative settlement for cost recovery only, usually but not always involving dollar amounts smaller than those with judicial consent decrees.

⁷ See EPA’s Supplemental Environmental Projects (SEP) Policy, revised 2015. www.epa.gov/enforcement/2015-update-1998-us-epa-supplemental-environmental-projects-policy

⁸ Interim Guidance for Community Involvement in Supplemental Environmental Projects, 68 FR 35584 (June 17, 2003). www.epa.gov/enforcement/environmental-protection-agency-federal-register-notice-interim-guidance-community

CHAPTER 6

COMMUNITY INVOLVEMENT AT FEDERAL FACILITIES

CERCLA and the NCP's provisions on early and meaningful community involvement and the basic approach to community involvement apply equally to federal sites as they do to private sites. However, because other federal agencies often have lead cleanup authority at these sites, they also have the lead responsibility for community involvement. Accordingly, EPA's primary role at federal facility sites on the NPL tends to be providing oversight of the other federal agency's community involvement activities to ensure that the CERCLA requirements as well as the NCP and EPA guidance are met. EPA's site team also can act as an advisor, and in the most successful instances, a partner in the development and implementation of the other agency's community involvement program for a site. This may involve acting as an advocate for meaningful community involvement at various points in the process. EPA site teams should work closely with the federal facility lead so that an effective community involvement approach can be developed while carefully considering resource constraints.

This chapter is intended primarily for members of EPA Superfund site teams working with other federal agencies at federal facility sites on the NPL. EPA site team counterparts in other federal, state, and tribal agencies also may find this information useful.

Effectively, ensuring protectiveness of human health and the environment often depends on cooperation between federal agencies and good communication among EPA, the federal agency, state/tribal and local regulatory agencies, and the public. Agencies and stakeholders should share information freely, engage in proactive community involvement, and work to build trust through ongoing engagement with the community. In addition, agencies and stakeholders should work with communities that have environmental justice concerns so that they are better able to participate in a site's remedy selection and cleanup process.

This chapter focuses primarily on community involvement for the federal sites on the NPL. A discussion of EPA's community involvement role at federal facility sites on the NPL follows, including some of the special considerations that arise with community involvement at these sites.

Federal Government Contaminated Sites

The federal government currently owns or operates many contaminated sites. These include active Department of Defense (DoD) military installations¹ and Department of Energy (DOE) nuclear facilities, as well as millions of acres of land owned by the United States and managed by the Department of the Interior (DOI) or the U.S. Department of Agriculture. In addition, numerous contaminated sites are no longer owned or operated by the federal government, such as DoD's Formerly Used Defense Sites and many sites with radioactive contamination from early U.S. Atomic Energy Commission operations that now may be tribally or privately owned.²

EPA and the federal agencies responsible for these sites often have discretion regarding which legal authorities (e.g., CERCLA, RCRA) can be used to address contamination at a particular site. For example, they might opt to use CERCLA's remedial or removal authorities. Alternatively, they might consider using RCRA authorities that typically are implemented by authorized states. About 78 contaminated sites that are owned or operated by the federal government are listed on the NPL. (Also see the box, "EPA's Listing Decision," on page 27 for a summary of the other legal authorities that can be used to address contaminated sites.)

Cleanup Process at Federal Facility Sites on the NPL

The technical and procedural steps in the Superfund process and the community involvement activities required by CERCLA or addressed in the NCP apply equally at federal facilities using CERCLA cleanup authority. Equal application means that any and all of the community involvement CERCLA requirements for NPL sites also must be followed and satisfied at federal facilities. (See Chapter 3 and Chapter 4 for a full discussion of how to implement community involvement at each stage of the removal and remedial cleanup processes.)

For federal facility sites on the NPL, CERCLA requires EPA and the federal agency to negotiate an interagency agreement (IAG), commonly known as a Federal Facility Agreement (FFA), within six months of review of the RI/FS.³ To date, EPA has negotiated more than 170 CERCLA FFAs with other agencies, most at the beginning of the RI/FS. FFAs are site-specific agreements, so the work required for cleanup differs from agreement to agreement. In general, these agreements delineate activities that will be undertaken for each step of the remediation process and define the responsibilities of the federal agencies involved. FFAs usually include community involvement activities through a plan that the lead federal agency will develop and implement to establish the overall framework for conducting community involvement.

The site management plan (SMP) is an important component in many FFAs. The SMP is supposed to identify the key steps in the remedial action process, set milestones, specify the documents to be produced for EPA review during the cleanup, and prioritize the cleanup activities. During the negotiation for the FFA, the lead agency and EPA should ensure that community involvement is adequately addressed; requiring the federal facility to prepare a community involvement plan or similar document often is the best way to do so.

Listing Federal Facilities on the NPL

CERCLA Section 120(c) requires EPA to establish a docket that lists contaminated federal properties. At the end of FY 2013, EPA had included more than 2,000 sites on this publicly available docket. Once a site is listed on the docket, the agency associated with that property is required under CERCLA section 120(d) to take steps to assure that a preliminary assessment (PA) is conducted. Executive Order 12580 delegates the President's CERCLA authority to the responsible federal agency to conduct CERCLA response activities, including PAs. The agencies must comply with substantive and procedural CERCLA requirements to the same extent as private entities. Accordingly, these agencies typically prepare the PA for their facilities that are on the docket, while EPA provides oversight to ensure that these assessments meet the CERCLA requirements and are consistent with the provisions in the NCP.

Once the PA is complete, the PA report is made publicly available, and the federal agency determines whether to also require a site investigation. From there, EPA will decide whether the site should be proposed for the NPL. An initial EPA proposal to include a federal site on the NPL is reviewed by the Office of Management and Budget, which provides an opportunity for the responsible federal agency to provide input. Even at this stage, it is possible that the federal government may decide against addressing the contamination with an NPL listing. If EPA proposes the site for the NPL, the Agency follows the same listing process used for any site proposed for the NPL (see Chapter 3). This includes requirements for public comment periods when the site is proposed and when the final listing notice is published in the Federal Register.

For More Information

Visit the following websites:

- Federal Facilities Restoration and Reuse Office: www.epa.gov/fedfac
Compliance and Enforcement at Federal Facilities:
www.epa.gov/enforcement/enforcement-and-compliance-federal-facilities

Implementation of RI/FS at Federal Facilities on the NPL

Once a federal facility is added to the NPL, the lead federal agency must, in consultation with EPA and the appropriate state or tribal authorities, commence an RI/FS within six months of listing. Typically, the lead federal agency has the lead role at the RI/FS stage, and EPA provides oversight and support. This is true not only for the technical and engineering aspects of the response activities but also for community involvement. The FFA usually requires the lead federal agency to develop a CIP (or similar plan) or implement a CIP that already has been drafted. The CIP is a CERCLA requirement. The CIP in the FFA acts as a commitment by the federal facility to conduct the activities that are contained in the CIP.

CERCLA section 120(f) requires the lead federal agency and EPA to provide an opportunity for state/tribal and local officials to participate in the studies leading up to the remedy selection, including (but not limited to) the review of all applicable data as it becomes available and the development of studies, reports, and action plans.

Proposal and Selection of the Remedy for Federal Facilities on the NPL

After completion of the RI/FS, the lead federal agency typically submits a draft Proposed Plan to EPA. Once EPA concurs, the lead federal agency releases the Proposed Plan and is required to notify the public of the availability of the Proposed Plan and the opportunity for public comment. EPA provides oversight during this process. The EPA site team should encourage the federal agency to pay close attention to community involvement during this critical step when developing the CIP for the site (see discussion of Proposed Plans and RODs in Chapter 3).

Following consideration of comments received during the public comment period for the Proposed Plan, the responsible federal agency drafts the ROD and then seeks EPA's review and approval. The EPA site team might again suggest to the federal agency that activities be included in the site's CIP to fully explain the final decision to the community. EPA can assist by using its relationship with the community and offering advice and expertise in risk communication to facilitate explaining the final decision to the affected community. This may be particularly important when the federal agency and EPA are unable to reach agreement on the remedy and the decision will be made by EPA.

Implementation of RD/RA and O&M for Federal Facilities on the NPL

Subject to EPA oversight, the lead federal agency will conduct the RD/RA and O&M pursuant to the terms of the FFA and consistent with the requirements of CERCLA and provisions of the NCP. During the lead federal agency's implementation of the RD/RA and O&M, EPA should monitor the cleanup schedule and milestones and oversee the other agency's implementation to ensure that the FFA's requirements are met, including proper and timely implementation of cleanup activities and adherence to CERCLA's community involvement requirements. This includes working with the lead agency to ensure that the community is kept informed of significant milestones and other important information (see Chapter 3).

Pursuant to the FFA, EPA can assess stipulated penalties for noncompliance, including missed milestones. The FFA also has a formal dispute resolution process that is used when the parties disagree on whether a violation occurred or about some other aspect of the cleanup.

If the ROD calls for the establishment of institutional controls (ICs, sometimes called "land use controls" or LUCs for federal facilities) as a component of the remedial action, the FFA's SMP may call for coordination with the community. Such coordination can assist the federal facility and EPA in ensuring that any ICs, such as restrictive covenants or deed restrictions for parcels no longer owned by the federal government, are appropriately defined and effectively implemented.

If the ROD calls for a remedy that would leave any hazardous substances, pollutants, or contaminants at the site, the federal agency must review the remedial action within five years after the initiation of the RA

and every five years thereafter. Five-year reviews provide an opportunity to evaluate the implementation and performance of a remedy to determine whether it remains protective of human health and the

Community Tools for Five-Year Reviews

In July 2011 EPA, DoD, DOE, and the DOI formed a workgroup to improve the federal five-year review process by promoting community tools and best management practices.

The workgroup developed training tools—including a video, training module, and fact sheets—to help site managers communicate with community members about the purpose and process of five-year reviews. The tools are intended to help site teams educate the public about five-year reviews so that they understand the focus of the five-year review report. The tools are meant to keep the message focused on evaluating the protectiveness of the remedy.

These tools can be easily adapted for use at any site where a five-year review is being conducted. (See www.epa.gov/fedfac).

environment. The FFAs may set forth requirements for five-year reviews, including a process for public participation and a process for resolving any interagency disputes.

Typically, the lead federal agency will draft the five-year review report and submit it for EPA's review. EPA will either concur with the other agency's findings or make its own independent findings. If necessary, EPA and the agency may use a formal dispute resolution process set forth in the FFA to resolve any disputes on the findings of the five-year review. (See EPA's [Comprehensive Five-Year Review Guidance](#), p. 2-5.)

Community involvement activities undertaken by the lead federal agency during the five-year review should include notifying the community that the review will be conducted; requesting information from the community about the site,

if appropriate; notifying the community that the review (including a determination of whether the selected remedy is protective) has been completed; and preparing a summary of the review and making it available at the local repository and/or on a webpage. The five-year review can be an important source of site-related information for community members, especially during the later stages of cleanup when community involvement activities may diminish. (See Chapter 3 for additional information about community involvement during five-year reviews.)

Role of EPA's Site Team in Community Involvement at Federal Facility Sites on the NPL

Community involvement at federal facility NPL sites typically works well when there is cooperation between EPA and the lead federal agency. EPA should do all it can to assist other federal agencies to ensure successful community involvement at federal facility NPL sites. In addition to providing oversight of the lead agency's community involvement activities, EPA's site team, particularly the CIC at sites where one is assigned, should offer advice to the federal agency on the development and implementation of the federal agency's community involvement plan and activities at a site.

The foundation of effective community involvement at NPL sites generally starts with a commitment to the principle that the public should be meaningfully involved in decision-making. EPA should work with the federal agency to ensure that the community involvement requirements in any FFA are fulfilled, including the federal facility's obligations to:

- Fulfill the community involvement activities required by CERCLA or addressed in the NCP.
- Involve the community throughout the cleanup process, within resource constraints.

EPA's site team also can build a working relationship that promotes partnership with its federal facility counterpart by:

- Encouraging the federal facility to take a proactive planning approach to ensure meaningful community involvement in a site's remedy selection and cleanup process.

- Providing guidance about planning and implementing outreach and involvement activities.
- Providing advice and input for the site's CIP, including participating in community interviews, if possible.
- Reviewing and commenting on drafts and encouraging updates to the CIP and other outreach documents, as needed.
- Attending public meetings and advisory board meetings.
- Being available to provide advice or guidance to the federal facility when community involvement issues arise.

Additional community involvement activities may be appropriate to fully engage and inform the community. These activities should be specified in the site's CIP, which typically provides a blueprint for community involvement activities throughout the cleanup process, and is the heart of the community involvement effort for the site. The EPA site team (and particularly the CIC, where involved) should be prepared to act as advisor and partner to the federal facility to ensure that the CIP addresses the community's needs and concerns, and clearly explains the federal facility's plans for involving the community.

Factors to consider when assessing whether additional community involvement activities may be appropriate in the CIP could include the level of community and media interest; location and size of the site; the community's relationship with the federal facility and/or EPA; environmental justice concerns; and the level of interest surrounding cleanup plans and future use of the site. (See the discussion and matrices in each subsection of Chapter 3 for additional guidance about the factors to consider when assessing community involvement needs at each phase of the process.)

The EPA site team should coordinate with their federal agency counterparts to help ensure that the CIP is updated or revised as appropriate. This means ensuring that the CIP is implemented and, if necessary, modified to address unforeseen needs at each step of the cleanup process.

Prompt and effective communication and coordination with the lead federal agency generally is important throughout the process. EPA's site team should continue to work closely with, advise, and partner with the lead federal agency to monitor community needs and suggest additional outreach and community involvement activities whenever appropriate. Promptly addressing any lapses in agreed-upon community involvement procedures or milestones in the FFA is very important. This means that EPA's CIC (where involved) sometimes might wish to encourage the federal facility to solicit and consider community input.

At Federal Facility Sites on the NPL, the EPA Site Team Should:

- Ensure that all applicable federal rules and regulations governing community involvement are being implemented by the federal facility.
- Encourage the federal agency to advocate for early and meaningful community involvement.
- Become familiar with the FFA.
- Offer advice, as appropriate, about planning and implementing community involvement activities.
- Bring community issues to the federal facility site team's attention with best practices to address the situation.
- Immediately address any lapses in agreed-upon community involvement procedures or milestones in the FFA.

Special Considerations for Community Involvement at Federal Facility Sites on the NPL

Several aspects of community involvement may be unique to federal facility NPL sites. These include the types of community groups and advisory boards that sometimes operate at DoD and DOE sites, and the technical assistance services that may be available to communities at federal facility sites.

Community Advisory Boards

Community groups and advisory committees can enhance public participation in the cleanup process by providing a public forum where representatives of diverse community interests can discuss their concerns and learn from each other. The committees, task forces, or boards include community members affected by a site. [DoD Restoration Advisory Boards \(RABs\)](#) and [DOE Site-Specific Advisory Boards \(SSABs\)](#) offer local stakeholders opportunities to participate in cleanups at federal facilities. These stakeholders generally include representatives of the lead agency, EPA, and major stakeholder groups in the community. The boards often review site plans and sometimes can be the entity through which technical assistance is provided to the community.

RABs and SSABs provide stakeholders with a formal, structured mechanism for sharing information and participating in site cleanup decisions that affect the health and environment of their communities. EPA works with DoD and DOE and their respective stakeholders at the local level by providing technical and regulatory input at advisory board meetings. Many times the RPM, CIC, or both represent EPA on a site's advisory board or attend advisory board meetings.

DoD RABs provide a forum through which members of nearby communities can offer input into DoD's environmental restoration program at a particular site. RABs typically are established at DoD federal facility NPL sites where there is sufficient and sustained community interest.

SSABs were developed to involve stakeholders more directly in DOE cleanup decisions. While only one Federal Advisory Committee Act-chartered Environmental Management Site-Specific Advisory Board (EM SSAB) existed as of the end of FY2013, local site boards have been organized under the EM SSAB umbrella charter at DOE sites: the Hanford Advisory Board, Idaho National Laboratory Citizens Advisory Board, Northern New Mexico Citizens' Advisory Board, Nevada SSAB, Oak Ridge SSAB, Savannah River Site Citizens Advisory Board, Portsmouth SSAB, and Paducah Citizens Advisory Board.

Advisory boards that work well are representative of the broad range of community interests, have a good working relationship with the federal agency that operates the site, participate in site decisions, keep the community informed of the advisory board's activities, and provide opportunities for community members to participate in advisory board meetings.

While SSABs and RABs can play an important role in the community involvement effort at federal facility sites on the NPL, these panels are intended to complement and facilitate existing community involvement activities rather than supplant broader community involvement. EPA site teams and their federal-agency counterparts should ensure that all stakeholder concerns can be heard and that these advisory boards do not become the only means of community involvement at federal facilities.

Technical Assistance at Federal Facilities on the NPL

In general, there are few differences in how technical assistance is offered and provided at federal facility sites on the NPL compared to other NPL sites. The differences are related to the eligibility of community groups at federal facility sites on the NPL for various technical assistance services available through EPA, and to the availability of additional technical assistance resources that may be offered through other federal agencies. The best time to assess a community's need for technical assistance is early in the process. However, as is the case for other NPL sites, the community's need for technical assistance at federal facility sites should be reassessed at various times throughout the remedial process.

The community's technical assistance needs should be addressed in the site's CIP. At complex sites or where there is strong community interest or environmental justice concerns, the lead federal agency should consider assessing the community's need for technical assistance. One way to do this is by

conducting a [Technical Assistance Needs Assessment](#) (TANA) to determine whether the community would benefit from technical assistance and to identify the most appropriate programs or services that can be offered to help the community. These programs or services may include assistance through EPA's [Technical Assistance Grant](#) (TAG) program or through EPA's [Technical Assistance Services for Communities](#) contract. Other sources of technical assistance may include DoD's TAPP program (see box on p. 103). The best time to conduct a TANA is early in the process, ideally in conjunction with the community interviews for development of the CIP.

DoD's Technical Assistance for Public Participation Program

Community members of DoD RABs may request technical assistance through DoD's Technical Assistance for Public Participation (TAPP) program. TAPP provides funds to small businesses to conduct independent technical analyses for community members of RABs on topics of concern at DoD environmental restoration sites. Up to \$25,000 per year and a total of \$100,000 per DoD installation is available. Waivers to these limits sometimes are considered.

Those requesting technical assistance must be members of an established RAB or Technical Review Committee (TRC) with at least three community members. The majority of the RAB or TRC members must support the request.

Communities that have received technical assistance grants or other technical assistance services from EPA are not precluded from getting a TAPP, but these other sources of assistance are considered during the decision process. Funding for TAPP services is awarded competitively under federal contracting rules. DoD makes the final decision about who is hired as the technical consultant.

For more information, see DoD Manual Number 4715.20, *Defense Environmental Restoration Program Management* (March 9, 2012), pp. 83-84.

<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodm/471520m.pdf>

SSAB Recognized by EPA for Excellence in Community Involvement

EPA awarded its 2006 Citizen Excellence in Community Involvement Award to the Oak Ridge Site Specific Advisory Board (ORSSAB) in recognition of the SSAB's dedication and commitment to the community members affected by the DOE Oak Ridge Reservation Site in Oak Ridge, Tennessee. The ORSSAB was established to reflect the concerns of the communities impacted by cleanup of the Oak Ridge Reservation and to serve as a communication link between the public and DOE. Members of the board are appointed by DOE and serve on a voluntary basis, without compensation. Among ORSSAB's achievements are the development of a process to facilitate tracking of contaminated parcels of DOE land and the creation of a Stewardship Education Resource Kit that provides local educators with the tools to engage students in developing a general awareness of environmental cleanup issues and long-term site stewardship issues.

When considering the most appropriate technical assistance program and identifying a community organization to receive technical assistance services on behalf of the community, it is important to carefully consider eligibility criteria for various programs. For example, while TAGs are available at federal facility sites on the NPL, the SSAB or RAB may not be eligible to apply because TAGs cannot be awarded to groups with PRP representation on their boards. TAGs are available only for sites that are on the NPL or proposed for the NPL once site activities have been initiated.

Chapter 6 Endnotes

¹See the Defense Environmental Programs Annual Report to Congress at <https://denix.osd.mil/arc/home/>.

² See, for example, EPA's report, *Federal Actions to Address Impacts of Uranium Contamination in the Navajo Nation* (January 2013), which discusses hundreds of such sites.

³CERCLA section 120(e)(2) provides that an IAG/FFA must be entered into within 180 days of the completion of the RI/FS. The statute also states that "substantial continuous physical onsite remedial action" must begin no later than 15 months after RI/FS completion. CERCLA section 120(e)(2)'s final sentence requires that all IAGs comply with CERCLA section 117's requirements for public participation (e.g., on the Proposed Plan, ROD, etc.).

APPENDIX A

SUPERFUND COMMUNITY INVOLVEMENT REQUIREMENTS

Community involvement activities required by CERCLA or addressed in the NCP are listed by site activity in a table on the following pages. The source citation in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and source language in CERCLA and the NCP are provided for each site activity. The source language column allows the reader to easily access the exact terminology in CERCLA and the NCP for all the community involvement provisions. The inclusion of this column is intended to help minimize confusion or misinterpretation of CERCLA and the NCP.

This table lists and discusses the minimum community involvement activities required by CERCLA or addressed in the NCP that are conducted at a Superfund site. These activities are intended to be the foundation for comprehensive community involvement activities at CERCLA sites. Other sections of the NCP that discuss community involvement (such as §300.155) that are not included in this Appendix can be found in the [complete text for CERCLA](#) and the [NCP](#), which are available to download and read online.

****Note about text in boldface in the “Source Language” column:*** The editors added **boldface** text in the Source Language column to emphasize certain passages. This language is not actually shown in **boldface** in CERCLA or the NCP.

Remedial Actions

Site Activity Responsible Party	Source Citation(s)	Source Language
Remedial Actions/NPL Additions		
Publication of Proposed Rule and Public Comment Period Responsible Party: EPA	NCP 40 C.F.R. §300.425(d)(5)(i)	(5) To ensure public involvement during the proposal to add a release to the NPL, EPA shall: (i) Publish the proposed rule in the <i>Federal Register</i> and solicit comments through a public comment period.
Publication of Final Rule and Response to Comments Responsible Party: EPA	NCP 40 C.F.R. §300.425(d)(5)(ii)	(ii) Publish the final rule in the <i>Federal Register</i> and make available a response to each significant comment and any significant new data submitted during the comment period.
Prior to Remedial Investigation (RI)		
Community Interviews Responsible Party: Lead Agency	NCP 40 C.F.R. §300.430(c) (2)(i)	(2) The lead agency shall provide for the conduct of the following community relations activities, to the extent practicable, prior to commencing field work for the remedial investigation: (i) Conducting interviews with local officials, community residents, public interest groups, or other interested or affected parties, as appropriate, to solicit their concerns and information needs, and to learn how and when citizens would like to be involved in the Superfund process.
Community Involvement Plan (CIP) Responsible Party: Lead Agency	NCP 40 C.F.R. §300.430(c)(2) (ii)(A-C)	(ii) Preparing a formal community relations plan (CRP), based on the community interviews and other relevant information, specifying the community relations activities that the lead agency expects to undertake during the remedial response. The purpose of the CRP is to: (A) Ensure the public appropriate opportunities for involvement in a wide variety of site-related decisions, including site analysis and characterization, alternatives analysis, and selection of remedy; (B) Determine, based on community interviews, appropriate activities to ensure such public involvement, and (C) Provide appropriate opportunities for the community to learn about the site. Note: The <i>Community Relations Plan (CRP)</i> referenced in the NCP passage above is now commonly called referred the <i>Community Involvement Plan</i>

Site Activity Responsible Party	Source Citation(s)	Source Language
Information Repository Responsible Party: Lead Agency	CERCLA 117(d); NCP 40 C.F.R. §300.430(c)(2)(iii)	<p>CERCLA 117(d) (d) Publication.—For the purposes of this section, publication shall include, at a minimum, publication in a major local newspaper of general circulation. In addition, each item developed, received, published, or made available to the public under this section shall be available for public inspection and copying at or near the facility at issue.</p> <p>NCP 40 C.F.R. §300.430(c)(2)(iii) (iii) Establishing at least one local information repository at or near the location of the response action. Each information repository should contain a copy of items made available to the public, including information that describes the technical assistance grants application process. The lead agency shall inform interested parties of the establishment of the information repository.</p>
Technical Assistance Grant Availability Notification Responsible Party: Lead Agency	NCP 40 C.F.R. §300.430(c)(2) (iii) and (iv)	<p>(iii) Establishing at least one local information repository at or near the location of the response action. Each information repository should contain a copy of items made available to the public, including information that describes the technical assistance grants application process. The lead agency shall inform interested parties of the establishment of the information repository.</p> <p>(iv) Informing the community of the availability of technical assistance grants.</p>
Upon Commencement of Remedial Investigation (RI)		
Administrative Record, Administrative Record Notification and Public Comment Period Responsible Party: Lead Agency	CERCLA 113(k)(1); NCP 40 C.F.R. §300.815 (a),(c) §300.430(f)(3)	<p>CERCLA 113 (k)(1) (1) Administrative record. —The President shall establish an administrative record upon which the President shall base the selection of a response action. The administrative record shall be made available to the public at or near the facility at issue. The President also may place duplicates of the administrative record at any other location.</p> <p>NCP 40 C.F.R. §300.815 (a) (a) The administrative record file for the selection of a remedial action shall be made available for public inspection at the commencement of the remedial investigation phase. At such time, the lead agency shall publish in a major local newspaper of general circulation a notice or use one or more other mechanisms to give adequate notice of the availability of the administrative record file.</p> <p>(c) The lead agency shall comply with the public participation procedures required in §300.430(f)(3) and shall document such compliance in the administrative record.</p>
Upon Completion of the Feasibility Study (FS) and Proposed Plan		
RI/FS and Proposed Plan Notification and Analysis Responsible Party: Lead Agency	CERCLA 117(a)(1) and (d); NCP 40 C.F.R. §300.430(f)(3) (i)(A)	<p>CERCLA 117(a) and (d) (a) Proposed Plan. – Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both the following actions:</p>

Site Activity Responsible Party	Source Citation(s)	Source Language
		<p>(1) Publish a notice and brief analysis of the proposed plan and make such plan available to the public.</p> <p>(d) Publication. – For the purposes of this section, publication shall include, at a minimum, publication in a major local newspaper of general circulation. In addition, each item developed, received, published, or made available to the public under this section shall be available for public inspection and copying at or near the facility at issue.</p> <p>NCP 40 C.F.R. §300.430(f)(3)(i)(A)</p> <p>(i) The lead agency, after preparation of the proposed plan and review by the support agency, shall conduct the following activities:</p> <p>(A) Publish a notice of availability and brief analysis of the proposed plan in a major local newspaper of general circulation.</p>
<p>Public Comment Period on RI/FS and Proposed Plan</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA 117(a)(2); NCP 40 C.F.R. §300.430(f)(3) (i)(C) NCP 40 C.F.R. §300.815(b)</p>	<p>CERCLA 117(a)(2)</p> <p>(a) Proposed Plan. –Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both the following actions:</p> <p>(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 121(d)(4) (relating to cleanup standards). The President or the State shall keep a transcript of the meeting and make such transcript available to the public.</p> <p>NCP 40 C.F.R. §300.430(f)(3)(i)(C)</p> <p>(C) Provide a reasonable opportunity, not less than 30 calendar days, for submission of written and oral comments on the proposed plan and the supporting analysis and information located in the information repository, including the RI/FS. Upon timely request, the lead agency will extend the public comment period by a minimum of 30 additional days.</p> <p>NCP 40 C.F.R. §300.815 (b)</p> <p>(b) The lead agency shall provide a public comment period as specified in §300.430(f)(3) so that interested persons may submit comments on the selection of the remedial action for inclusion in the administrative record file. The lead agency is encouraged to consider and respond as appropriate to significant comments that were submitted prior to the public comment period. A written response to significant comments submitted during the public comment period shall be included in the administrative record file.</p>
<p>Public Meeting</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA 113(k)(2)(B)(iii) and 117(a)(2); NCP 40 C.F.R. §300.430(f)(3)(i)(D)</p>	<p>CERCLA 113(k)(2)(B)(iii)</p> <p>(B) Remedial action. –The President shall provide for the participation of interested persons, including potentially responsible parties, in the development of the administrative record on which the President will base the selection of</p>

Site Activity Responsible Party	Source Citation(s)	Source Language
		<p>remedial actions and on which judicial review of remedial actions will be based. The procedures developed under this subparagraph shall include, at a minimum, each of the following:</p> <p>(iii) An opportunity for a public meeting in the affected area, in accordance with section 117(a)(2) (relating to public participation).</p> <p>CERCLA 117(a)(2)</p> <p>(a) Proposed Plan. –Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both the following actions:</p> <p>(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 121(d)(4) (relating to cleanup standards). The President or the State shall keep a transcript of the meeting and make such transcript available to the public.</p> <p>NCP 40 C.F.R. §300.430(f)(3)(i)(D)</p> <p>(D) Provide the opportunity for a public meeting to be held during the public comment period at or near the site at issue regarding the proposed plan and the supporting analysis and information.</p>
<p>Meeting Transcript</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA 117(a)(2); NCP 40 C.F.R. §300.430(f)(3) (i)(E)</p>	<p>CERCLA 117(a)(2)</p> <p>(a) Proposed Plan. –Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both the following actions:</p> <p>(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 121(d)(4) (relating to cleanup standards). The President or the State shall keep a transcript of the meeting and make such transcript available to the public.</p> <p>NCP 40 C.F.R. §300.430(f)(3)(i)(E)</p> <p>(E) Keep a transcript of the public meeting held during the public comment period pursuant to CERCLA section 117(a) and make such transcript available to the public.</p>
<p>Notice and Comment Periods for Settlements with <i>De Minimis</i> Parties and Settlements Containing a Compromise of U.S. Cost Recovery Claim</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA 122(i)(1-3); NCP 40 C.F.R. §300.430(c)(5)(i) and (ii)</p>	<p>CERCLA 122(i)(1-3)</p> <p>(1) Publication in <i>Federal Register</i>. –At least 30 days before any settlement (including any settlement arrived at through arbitration) may become final under subsection (h), or under subsection (g) in the case of a settlement embodied in any administrative order, the head of the department or agency which has jurisdiction over the proposed settlement shall publish in the <i>Federal Register</i> notice of the proposed settlement. The notice shall identify the facility concerned and the parties to the proposed settlement.</p>

Site Activity Responsible Party	Source Citation(s)	Source Language
		<p>(2) Comment Period. –For a 30-day period beginning on the date of publication of notice under paragraph (1) of a proposed settlement, the head of the department or agency which has jurisdiction over the proposed settlement shall provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement.</p> <p>(3) Consideration of Comments. –The head of the department or agency shall consider any comments filed under paragraph (2) in determining whether or not to consent to the proposed settlement and may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.</p> <p>NCP 40 C.F.R. §300.430(c)(5)(i) and (ii)</p> <p>(i) Lead agencies entering into an enforcement agreement with de minimis parties under CERCLA section 122(g) or cost recovery settlements under section 122(h) shall publish a notice of the proposed agreement in the <i>Federal Register</i> at least 30 days before the agreement becomes final, as required by section 122(i). The notice must identify the name of the facility and the parties to the proposed agreement and must allow an opportunity for comment and consideration of comments; and</p> <p>(ii) Where the enforcement agreement is embodied in a consent decree, public notice and opportunity for public comment shall be provided in accordance with 28 CFR 50.7.</p>
<p>Responsiveness Summary</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA 113(k)(2)(B)(iv); and 117(b);</p> <p>NCP 40C.F.R. §300.430(f)(3)(i)(F)</p>	<p>CERCLA 113(k)(2)(B)(iv)</p> <p>(B) Remedial action. –The President shall provide for the participation of interested persons, including potentially responsible parties, in the development of the administrative record on which the President will base the selection of remedial actions and on which judicial review of remedial actions will be based. The procedures developed under this subparagraph shall include, at a minimum, each of the following:</p> <p>(iv) A response to each of the significant comments, criticism, and new data submitted in written or oral presentations.</p> <p>CERCLA 117(b)</p> <p>(b) Final Plan. –Notice of the final remedial action plan adopted shall be published and the plan shall be made available to the public before commencement of any remedial action. Such final plan shall be accompanied by a discussion of any significant changes (and the reasons for such changes) in the proposed plan and a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations under subsection (a).</p> <p>NCP 40C.F.R. §300.430(f)(3)(i)(F)</p> <p>Prepare a written summary of significant comments, criticisms, and new relevant information submitted during the public comment period and the lead agency response to each issue. This responsiveness summary shall be made available with the record of decision.</p>

Pre-Record of Decision Significant Changes		
Discussion of Significant Changes Responsible Party: Lead Agency	NCP 40 C.F.R. §300.430(f)(3) (ii)(A)	(ii) After publication of the proposed plan and prior to adoption of the selected remedy in the record of decision, if new information is made available that significantly changes the basic features of the remedy with respect to scope, performance, or cost, such that the remedy significantly differs from the original proposal in the proposed plan and the supporting analysis and information, the lead agency shall: (A) Include a discussion in the record of decision of the significant changes and reasons for such changes, if the lead agency determines such changes could be reasonably anticipated by the public based on the alternatives and other information available in the proposed plan or the supporting analysis and information in the administrative record.
Revised Proposed Plan and Public Comment Responsible Party: Lead Agency	NCP 40 C.F.R. §300.430(f)(3) (ii)(B)	(B) Seek additional public comment on a revised proposed plan, when the lead agency determines the change could not have been reasonably anticipated by the public based on the information available in the proposed plan or the supporting analysis and information in the administrative record. The lead agency shall, prior to adoption of the selected remedy in the ROD, issue a revised proposed plan, which shall include a discussion of the significant changes and the reasons for such changes, in accordance with the public participation requirements described in paragraph (f)(3)(i) of this section.
After the ROD is signed		
ROD Availability and Notification Responsible Party: Lead Agency	CERCLA 117(b); NCP 40 C.F.R. §300.430(f)(6) (i) and (ii)	CERCLA 117(b) b) FINAL PLAN.—Notice of the final remedial action plan adopted shall be published and the plan shall be made available to the public before commencement of any remedial action. NCP 40 C.F.R §300.430(f)(6) (i) and (ii) (6) <i>Community relations when the record of decision is signed.</i> After the ROD is signed, the lead agency shall: (i) Publish a notice of the availability of the ROD in a major local newspaper of general circulation; and (ii) Make the record of decision available for public inspection and copying at or near the facility at issue prior to the commencement of any remedial action.
Revision of the CIP Responsible Party: Lead Agency	NCP 40 C.F.R. §300.435(c)(1)	(c) <i>Community relations.</i> (1) Prior to the initiation of RD, the lead agency shall review the CRP to determine whether it should be revised to describe further public involvement activities during RD/RA that are not already addressed or provided for in the CRP. Note: <i>The Community Relations Plan (CRP) referenced in the NCP passage above is now referred to in common practice as the Community Involvement Plan (CIP)</i>

<p>Post-ROD Significant Changes: When the remedial or enforcement action, or the settlement or consent decree, differs significantly from the remedy selected in the ROD with respect to scope, performance, or cost.</p>		
<p>Notice and Availability of Explanation of Significant Differences</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.435(c)(2)(i)(A) and (B) §300.825(a)(2)</p>	<p>NCP 40 C.F.R. §300.435(c)(2)(i)(A) and (B)</p> <p>(2) After the adoption of the ROD, if the remedial action or enforcement action taken, or the settlement or consent decree entered into, differs significantly from the remedy selected in the ROD with respect to scope, performance, or cost, the lead agency shall consult with the support agency, as appropriate, and shall either:</p> <p>(i) Publish an explanation of significant differences when the differences in the remedial or enforcement action, settlement or consent decree significantly change but do not fundamentally alter the remedy selected in the ROD with respect to scope, performance, or cost. To issue an explanation of significant differences, the lead agency shall:</p> <p>(A) Make the explanation of significant differences and supporting information available to the public in the administrative record established under §300.815 and the information repository; and</p> <p>(B) Publish a notice that briefly summarizes the explanation of significant differences, including the reasons for such differences, in a major local newspaper of general circulation</p> <p>NCP 40 C.F.R. §300.825(a)(2)</p> <p>(a) The lead agency may add documents to the administrative record file after the decision document selecting the response action has been signed if:</p> <p>(2) An explanation of significant differences required by §300.435(c), or an amended decision document is issued, in which case, the explanation of significant differences or amendment decision document and all documents that form the basis for the decision to modify the response action shall be added to the administrative record file.</p>
<p>Fundamental Changes: When the remedial or enforcement action, or the settlement or consent decree, fundamentally alters the basic features of the selected remedy with respect to scope.</p>		
<p>Notice of Availability/ Brief Description of Proposed ROD Amendment</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.435(c)(2)(ii)(A)</p>	<p>(ii) Propose an amendment to the ROD if the differences in the remedial or enforcement action, settlement, or consent decree fundamentally alter the basic features of the selected remedy with respect to scope, performance, or cost. To amend the ROD, the lead agency, in conjunction with the support agency, as provided in §300.515(e), shall:</p> <p>(A) Issue a notice of availability and brief description of the proposed amendment to the ROD in a major local newspaper of general circulation</p>
<p>Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.435(c)(2)(ii)(B)-(F)</p>	<p>(B) Make the proposed amendment to the ROD and information supporting the decision available for public comment;</p> <p>(C) Provide a reasonable opportunity, not less than 30 calendar days, for submission of written or oral comments on the amendment to the ROD. Upon timely request, the lead agency will extend the public comment period by a minimum of 30 additional days;</p>

		<p>(D) Provide the opportunity for a public meeting to be held during the public comment period at or near the facility at issue;</p> <p>(E) Keep a transcript of comments received at the public meeting held during the public comment period;</p> <p>(F) Include in the amended ROD a brief explanation of the amendment and the response to each of the significant comments, criticisms, and new relevant information submitted during the public comment period.</p>
<p>Notice and Availability of Amended ROD</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.435(c)(2) (ii)(G) and (H) §300.825(b)</p>	<p>NCP 40 C.F.R. §300.435(c)(2)(ii)(G) and (H)</p> <p>(G) Publish a notice of the availability of the amended ROD in a major local newspaper of general circulation; and</p> <p>(H) Make the amended ROD and supporting information available to the public in the administrative record and information repository prior to the commencement of the remedial action affected by the amendment.</p> <p>NCP 40 C.F.R. §300.825(b)</p> <p>(b) The lead agency may hold additional public comment periods or extend the time for the submission of public comment after a decision document has been signed on any issues concerning selection of the response action. Such comment shall be limited to the issues for which the lead agency has requested additional comment. All additional comments submitted during such comment periods that are responsive to the request, and any response to these comments, along with documents supporting the request and any final decision with respect to the issue, shall be placed in the administrative record file.</p>
Remedial Design		
<p>Fact Sheet and Public Briefing</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.435(c)(3)</p>	<p>(3) After the completion of the final engineering design, the lead agency shall issue a fact sheet and provide, as appropriate, a public briefing prior to the initiation of the remedial action.</p>
Proposed Consent Decrees for Remedial Action		
<p>Opportunity for Public to Comment</p> <p>Responsible Party: Department of Justice</p>	<p>CERCLA 122(d)(2); 28 C.F.R. 50.7</p>	<p>CERCLA §122 (d)(2)Public Participation</p> <p>Filing of proposed judgment. (A) At least thirty days before a final judgment is entered under paragraph (1) judgment shall be filed with the court.</p> <p>(A) Opportunity for comment. The Attorney General shall provide an opportunity to persons who are not named as parties to the action to comment on the proposed judgment before its entry by the court as a final judgment...</p> <p>28 C.F.R. §50.7 Consent judgments in actions to enjoin discharges of pollutants.</p> <p>(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to enjoin discharges of pollutants into the environment only after or on condition that an opportunity is afforded persons (natural or corporate) who are not named as parties to the action to comment on the proposed judgment prior to its entry by the court.</p>

		<p>(b) To effectuate this policy, each proposed judgment which is within the scope of paragraph (a) of this section shall be lodged with the court as early as feasible but at least 30 days before the judgment is entered by the court...</p> <p>Where it is clear that the public interest in the policy hereby established is not compromised, the Assistant Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require a period shorter than 30 days or a procedure other than stated herein.</p>
<p>Filing and Consideration of Comments from Public</p> <p>Responsible Party: Department of Justice</p>	<p>CERCLA §122(d)(2)(B)</p>	<p>CERCLA §122(d)(2)(B) Opportunity for comment... The Attorney General shall consider, and file with the court, any written comments, views, or allegations relating to the proposed judgment. The Attorney General may withdraw or withhold its consent to the proposed judgment if the comments, views, and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper, or inadequate.</p> <p>28 CFR §50.7(b) ... Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider, and file with the court, any written comments, views or allegations relating to the proposed judgment. The Department shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (2) to oppose an attempt by any person to intervene in the action.</p>
De Minimis Settlements and Settlements Containing a Cost Recovery Compromise		
<p>Notice for Settlements with <i>De Minimis</i> Parties and Settlements Containing a Compromise of United States' Cost Recovery Claim, respectively</p> <p>Responsible Party: Lead Agency</p>	<p>CERCLA §122(i)(1); NCP 40 C.F.R. §300.430(c)(5)</p>	<p>CERCLA §122(i)(1) Publication in <i>Federal Register</i>. At least 30 days before any settlement (including any settlement arrived at through arbitration) may become final under subsection (h) of this section, or under subsection (g) of this section in the case of a settlement embodied in an administrative order, the head of the department or agency which has jurisdiction over the proposed settlement shall publish in the <i>Federal Register</i> notice of the proposed settlement. The notice shall identify the facility concerned and the parties to the proposed settlement.</p> <p>NCP 40 C.F.R. §300.430(c)(5) (i) Lead agencies entering into an enforcement agreement with <i>de minimis</i> parties under CERCLA section 122(g) or cost recovery settlements under section 122(h) shall publish a notice of the proposed agreement in the <i>Federal Register</i> at least 30 days before the agreement becomes final, as required by section 122(i). The notice must identify the name of the facility and the parties to the proposed agreement and must allow an opportunity for comment and consideration of comments; and (ii) Where the enforcement agreement is embodied in a consent decree, public notice and opportunity for public comment shall be provided in accordance with 28 C.F.R. 50.7.</p>
<p>Comment Period</p>	<p>CERCLA §122(i)(2)</p>	<p>CERCLA §122(i)(2)</p>

		(2) Comment period.—For a 30-day period beginning on the date of publication of notice under paragraph (1) of a proposed settlement, the head of the department or agency which has jurisdiction over the proposed settlement shall provide an opportunity for persons who are not parties to the proposed settlement to file written comments relating to the proposed settlement.
Consideration of Comments	CERCLA §122(i)(3)	CERCLA §122(i)(3) (3) Consideration of comments.—The head of the department or agency shall consider any comments filed under paragraph (2) in determining whether or not to consent to the proposed settlement and may withdraw or withhold consent to the proposed settlement if such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.
NPL Deletions		
Public Notice and Public Comment Period Responsible Party: EPA	NCP 40 C.F.R. §300.425(e)(4) (i) and (ii)	(e) <i>Deletion from the NPL.</i> Releases may be deleted from or recategorized on the NPL where no further response is appropriate. (4) To ensure public involvement during the proposal to delete a release from the NPL, EPA shall: (i) Publish a notice of intent to delete in the <i>Federal Register</i> and solicit comment through a public comment period of a minimum of 30 calendar days; (ii) In a major local newspaper of general circulation at or near the release that is proposed for deletion, publish a notice of availability or use one or more other mechanisms to give adequate notice to a community of the notice of intent to delete.
Public Access to Information Responsible Party: EPA	NCP 40 C.F.R. §300.425(e)(4)(iii)	(iii) Place copies of information supporting the proposed deletion in the information repository, described in §300.430(c)(2)(iii), at or near the release proposed for deletion. These items shall be available for public inspection and copying.
Response to Significant Comments Responsible Party: EPA	NCP 40 C.F.R. §300.425(e)(4)(iv)	(iv) Respond to each significant comment and any significant new data submitted during the comment period and include this response document in the final deletion docket.
Availability of Final Deletion Docket Responsible Party: EPA	NCP 40 C.F.R. §300.425(e)(5)	(5) EPA shall place the final deletion docket in the local information repository once the notice of final deletion has been published in the <i>Federal Register</i> .

Removal Actions

Site Activity Responsible Party	Source Citation(s)	Source Language
Agency Spokesperson Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(1)	(n) <i>Community relations in removal actions.</i> (1) In the case of all CERCLA removal actions taken pursuant to §300.415 or CERCLA enforcement actions to compel removal response, a spokesperson shall be designated by the lead agency. The spokesperson shall inform the community of actions taken, respond to inquiries, and provide information concerning the release. All news releases or statements made by participating agencies shall be coordinated with the OSC/RPM. The spokesperson shall notify, at a minimum, immediately affected citizens, state and local officials, and, when appropriate, civil defense or emergency management agencies.
Administrative Record Responsible Party: Lead Agency	CERCLA 113(k)(1); NCP 40 C.F.R. §300.800 (a) NCP 40 C.F.R. §300.820 (a)(1)	<p>CERCLA 113 (k)(1) (1) Administrative record. -- The President shall establish an administrative record upon which the President shall base the selection of a response action. The administrative record shall be made available to the public at or near the facility at issue. The President also may place duplicates of the administrative record at any other location.</p> <p>NCP 40 C.F.R. §300.800 (a) (a) <i>General requirement.</i> The lead agency shall establish an administrative record that contains the documents that form the basis for selection of a response action. The lead agency shall compile and maintain the administrative record in accordance with this subpart.</p> <p>NCP 40 C.F.R. §300.820 (a)(1) (a) If, based on the site evaluation, the lead agency determines that a removal action is appropriate and that a planning period of at least six months exists before on-site removal activities must be initiated: (1) The administrative record file shall be made available for public inspection when the engineering evaluation/cost analysis (EE/CA) is made available for public comment. At such time, the lead agency shall publish in a major local newspaper of general circulation or use one or more other mechanisms to give adequate notice to a community of the availability of the administrative record file.</p>

For Removal Actions with a Planning Period of Less Than Six Months		
<p>Notice and Availability of Administrative Record</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(i) §300.820(b)(1)</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(i)</p> <p>(i) Publish a notice of availability of the administrative record file established pursuant to §300.820 in a major local newspaper of general circulation or use one or more other mechanisms to give adequate notice to a community within 60 days of initiation of on-site removal activity.</p> <p>NCP 40 C.F.R. §300.820(b)(1)</p> <p>(1) Documents included in the administrative record file shall be made available for public inspection no later than 60 days after initiation of on-site removal activity. At such time, the lead agency shall publish in a major local newspaper of general circulation a notice or use one or more other mechanisms to give adequate notice to the public of the availability of the administrative record file.</p>
<p>Public Comment Period</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(ii) §300.820(b)(2)</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(ii)</p> <p>(ii) Provide a public comment period, as appropriate, of not less than 30 days from the time the administrative record file is made available for public inspection, pursuant to §300.820(b)(2).</p> <p>NCP 40 C.F.R. §300.820(b)(2)</p> <p>(2) The lead agency shall, as appropriate, provide a public comment period of not less than 30 days beginning at the time the administrative record file is made available to the public. The lead agency is encouraged to consider and respond, as appropriate, to significant comments that were submitted prior to the public comment period. A written response to significant comments submitted during the public comment period shall be included in the administrative record file.</p>
<p>Response to Significant Comments</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(iii) §300.820(b)(2)(3)</p>	<p>NCP 40 C.F.R. §300.415(n)(2)(iii)</p> <p>(iii) Prepare a written response to significant comments pursuant to §300.820(b)(3)</p> <p>NCP 40 C.F.R. §300.820(b)(2)(3)</p> <p>(2) The lead agency shall, as appropriate, provide a public comment period of not less than 30 days beginning at the time the administrative record file is made available to the public. The lead agency is encouraged to consider and respond, as appropriate, to significant comments that were submitted prior to the public comment period. A written response to significant comments submitted during the public comment period shall be included in the administrative record file.</p> <p>(3) Documents generated or received after the decision document is signed shall be added to the administrative record file only as provided in §300.825.</p>
For Removal Actions Expected to Extend Beyond 120 Days		
<p>Community Interviews</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(3)(i)</p>	<p>(3) For CERCLA removal actions where on-site action is expected to extend beyond 120 days from the initiation of on-site removal activities, the lead agency shall by the end of the 120-day period:</p>

		(i) Conduct interviews with local officials, community residents, public interest groups, or other interested or affected parties, as appropriate, to solicit their concerns, information needs, and how or where citizens would like to be involved in the Superfund process.
Community Involvement Plan (CIP) Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(3)(ii)	(ii) Prepare a formal community relations plan (CRP) based on the community interviews and other relevant information, specifying the community relations activities that the lead agency expects to undertake during the response. Note: <i>The Community Relations Plan (CRP) referenced in the NCP passage above is now referred to in common practice as the Community Involvement Plan).</i>
Information Repository Establishment and Notification/Notice of Availability of Administrative Record Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(3)(iii)	(iii) Establish at least one local information repository at or near the location of the response action. The information repository should contain items made available for public information. Further, an administrative record file established pursuant to subpart I for all removal actions shall be available for public inspection in at least one of the repositories. The lead agency shall inform the public of the establishment of the information repository and provide notice of availability of the administrative record file for public review. All items in the repository shall be available for public inspection and copying.
For Removal Actions with a Planning Period of at Least Six Months		
Community Interviews and Community Involvement Plan Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(4)(i)	NCP 40 C.F.R. §300.415(n)(4)(i) (i) Comply with the requirements set forth in paragraphs (n)(3)(i), (ii), and (iii) of this section, prior to the completion of the EE/CA, or its equivalent, except that the information repository and the administrative record file will be established no later than when the EE/CA approval memorandum is signed.
Information Repository/ Administrative Record Establishment and Notification Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(4)(i) NCP 40 C.F.R. §300.820(a)(1)	NCP 40 C.F.R. §300.415(n)(4)(i) (i) Comply with the requirements set forth in paragraphs (n)(3)(i), (ii), and (iii) of this section, prior to the completion of the EE/CA, or its equivalent, except that the information repository and the administrative record file will be established no later than when the EE/CA approval memorandum is signed. NCP 40 C.F.R. §300.820 (a)(1) (1) The administrative record file shall be made available for public inspection when the engineering evaluation/cost analysis (EE/CA) is made available for public comment. At such time, the lead agency shall publish in a major local newspaper of general circulation a notice of the availability of the administrative record file.
Notice of Availability/ Description of the EE/CA Responsible Party: Lead Agency	NCP 40 C.F.R. §300.415(n)(4)(ii)	NCP 40 C.F.R. §300.415(n)(4)(ii) (ii) Publish a notice of availability and brief description of the EE/CA in a major local newspaper of general circulation or use one or more other mechanisms to give adequate notice to a community pursuant to §300.820.

<p>Public Comment Period</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(4)(iii) §300.820(a)(2) §300.825(b) and (c)</p>	<p>NCP 40 C.F.R. §300.415(n)(4)(iii) (iii) Provide a reasonable opportunity, not less than 30 calendar days, for submission of written and oral comments after completion of the EE/CA pursuant to §300.820(a). Upon timely request, the lead agency will extend the public comment period by a minimum of 15 days.</p> <p>NCP 40 C.F.R. §300.820(a)(2) (2) The lead agency shall provide a public comment period as specified in §300.415 so that interested persons may submit comments on the selection of the removal action for inclusion in the administrative record file. The lead agency is encouraged to consider and respond, as appropriate, to significant comments that were submitted prior to the public comment period. A written response to significant comments submitted during the public comment period shall be included in the administrative record file.</p> <p>NCP 40 C.F.R. §300.825(b) and (c) (b) The lead agency may hold additional public comment periods or extend the time for the submission of public comment after a decision document has been signed on any issues concerning selection of the response action. Such comment shall be limited to the issues for which the lead agency has requested additional comment. All additional comments submitted during such comment periods that are responsive to the request, and any response to these comments, along with documents supporting the request and any final decision with respect to the issue, shall be placed in the administrative record file.</p> <p>(c) The lead agency is required to consider comments submitted by interested persons after the close of the public comment period only to the extent that the comments contain significant information not contained elsewhere in the administrative record file which could not have been submitted during the public comment period and which substantially support the need to significantly alter the response action. All such comments and any responses thereto shall be placed in the administrative record file.</p>
<p>Responsiveness Summary</p> <p>Responsible Party: Lead Agency</p>	<p>NCP 40 C.F.R. §300.415(n)(4)(iv) §300.820(a)(2)</p>	<p>NCP 40 C.F.R. §300.415(n)(4)(iv) (iv) Prepare a written response to significant comments pursuant to §300.820(a).</p> <p>NCP 40 C.F.R. §300.820(a)(2) (2) The lead agency shall provide a public comment period as specified in §300.415 so that interested persons may submit comments on the selection of the removal action for inclusion in the administrative record file. The lead agency is encouraged to consider and respond, as appropriate, to significant comments that were submitted prior to the public comment period. A written response to significant comments submitted during the public comment period shall be included in the administrative record file.</p>

APPENDIX B

CERCLA AND THE NCP, REGULATIONS, POLICIES AND GUIDANCE, AND OTHER USEFUL REFERENCES

This section includes links to some useful reference documents and Web sites, primarily focusing on EPA guidance and policies for Superfund. URLs are shown in lieu of hyperlinks to provide references for readers who might be using a paper copy of the Handbook.

CERCLA and the NCP

Comprehensive Environmental Response, Compensation, and Liability Act of 1980. 42 U.S. Code §§ 9601-9675 (2010 ed.)

<https://www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act>

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” was enacted by Congress on December 11, 1980, in the wake of the discovery of toxic waste dumps such as Love Canal and Times Beach in the 1970s. The law authorizes the President to respond to releases, or threatened releases, of hazardous substances that may endanger public health, welfare, or the environment. CERCLA also enables the President to force parties responsible for environmental contamination to clean it up or to reimburse the government for the response or remediation costs incurred.

Superfund Amendments and Reauthorization Act of 1986. 42 U.S. Code §§ 9601-9675 (2010 ed.)

<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap103.htm>

Law full text here with downloadable PDF: <https://www.govtrack.us/congress/bills/99/hr2005/text>

The Superfund Amendments and Reauthorization Act (SARA) of 1986 revised various sections of CERCLA and reflected the government’s experience administering the Superfund program during its first six years. SARA stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites; increased state involvement in every phase of the Superfund program; encouraged greater citizen participation in making decisions on how sites should be cleaned up; and made several other important changes and additions to the Superfund program.

National Oil and Hazardous Substances Pollution Contingency Plan. 40 CFR Part 300 (March 2014)

www.ecfr.gov/cgi-bin/text-idx?SID=7c606fc837c9121c39f256c1ff5300be&mc=true&node=pt40.28.300&rgn=div5

The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases. The NCP describes the mechanisms and structures by which the federal government plans for, prepares for, and responds to oil and hazardous substance releases. Since its initial establishment in 1968, the NCP has been broadened and revised several times to keep pace with the enactment of legislation.

National Oil and Hazardous Substances Pollution Contingency Plan; Revision to Increase Public Availability of the Administrative Record File. 78 FR 16612, pp 16612 -16614 (March 18, 2013)
www.federalregister.gov/articles/2013/03/18/2013-06189/national-oil-and-hazardous-substances-pollution-contingency-plan-revision-to-increase-public

EPA promulgated a final rule to amend 40 CFR § 300.805(c) of the NCP pertaining to the location of the administrative record files. This rule acknowledges advancements in technology used to manage and convey information to the public. The amendment that is the subject of the rule adds language to the NCP to broaden the technology to include computer telecommunications or other electronic means that the lead agency is permitted to use in making the administrative record file available to the public.

National Oil and Hazardous Substances Pollution Contingency Plan; Amending the NCP for Public Notices for Specific Superfund Activities. 80 FR 17703, pp 17703-17706 (April 2, 2015)
www.federalregister.gov/articles/2015/04/02/2015-07474/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-amending-the-ncp-for-public

Effective May 4, 2015, EPA promulgated a final rule to amend the NCP to broaden the mechanisms the lead agency can use to provide public notice to the community. As a result, the lead agency can publish a notice in a major local newspaper of general circulation or use one or more other mechanisms to notify the public in six specific instances, which are specified in the rule.

Superfund Community Involvement Directives

(Listed chronologically, with most recent first)

U.S. EPA. *Public Involvement Policy of the U.S. Environmental Protection Agency*, May 2003 (EPA 233-B-03-002)
<http://nepis.epa.gov/Exe/ZyPDF.cgi/100045RR.PDF?Dockey=100045RR.PDF>

The purpose of EPA's 2003 Public Involvement Policy is to improve the acceptability, efficiency, feasibility and durability of EPA's decisions; reaffirm EPA's commitment to early and meaningful public involvement; ensure that EPA makes its decisions by considering the interests and concerns of affected people and entities; promote the use of a wide variety of techniques to create early and, when appropriate, continuing opportunities for public involvement in EPA decisions; and establish clear and effective guidance for conducting public involvement activities.

U.S. EPA. *Early and Meaningful Community Involvement*, October 12, 2001 (OSWER Directive 9230.0-99)
<http://semspub.epa.gov/src/document/HQ/175501>

This policy directive describes and encourages the use of six practices to ensure more substantive involvement of communities from the outset of Superfund cleanups. It builds on a 1991 policy from EPA's Office of Solid Waste and Emergency Response directive (OSWER Directive 9230.0-18) that discusses four key steps necessary to satisfactorily incorporate citizen input into site decision-making.

Technical Assistance Grant Program; Final Rule. (October 2, 2000) 65 FR 58858
www.gpo.gov/fdsys/pkg/FR-2000-10-02/pdf/00-24047.pdf

EPA published the final rule for the Technical Assistance Grant (TAG) Program on October 2, 2000. This rule is EPA's regulation for the TAG program. It further streamlines the TAG program by simplifying application and management procedures and allowing advance payments up to \$5,000 to new recipients. (Note that some sections of the TAG regulation were amended in 2008 (73 FR 15922) and again in 2014 (79 FR 75871).)

U.S. EPA. *Incorporating Citizen Concerns into Superfund Decision-making (Superfund Management Review: Recommendation #43B)*, January 21, 1991 (OSWER Directive 9230.0-18)

<http://semspub.epa.gov/src/document/HQ/174143>

This policy directive discusses in detail the four steps mentioned by the 1989 Superfund Management Review Recommendation #43B as necessary to satisfactorily incorporate citizen input into site decision-making. The four steps discussed are: (1) Listen carefully to what community members are saying; (2) Take the time necessary to deal with community members' concerns; (3) Change planned actions where citizen suggestions have merit; and (4) Explain to community members what EPA has done and why. The directive was issued to ensure the incorporation of citizen concerns into Superfund site decision-making.

This policy directive provides guidance to Regional staff on planning for sufficient community relations activities and identifies specific planning activities that have been used in the Regions.

U.S. EPA. *Minimizing Problems Caused by Staff Turnover (Superfund Management Review: Recommendation #43 M, N, O)*, December 19, 1990 (OSWER Directive 9230.0-13)

<http://semspub.epa.gov/src/document/HQ/174148>

This policy directive provides guidance for Regional Superfund teams on maintaining continuity in community involvement when site team staff turnover occurs.

U.S. EPA. *Innovative Methods to Increase Public Involvement in Superfund Community Relations (Superfund Management Review Recommendation #43.A)*, November 30, 1990 (OSWER Directive 9230.0-20)

<http://semspub.epa.gov/src/document/HQ/174145>

This policy directive describes six innovative techniques used by Regions to expand community involvement in the Superfund process and encourages their replication in other Regions.

U.S. EPA. *Making Superfund Documents Available to the Public throughout the Cleanup Process, and Discussing Site Findings and Decisions as They are Developed (Superfund Management Review: #43 G, H, Q, R, T)*, November 5, 1990 (OSWER Directive 9230.0-16)

<http://semspub.epa.gov/src/document/HQ/174057>

This policy directive presents recommendations for improving Superfund efforts toward timely release of information to the public during site cleanup activities.

U.S. EPA. *Using State and Local Officials to Assist in Community Relations (Superfund Management Review: Recommendation #43.K.L)*, September 28, 1990 (OSWER Directive 9230.0-17)

<http://semspub.epa.gov/src/document/HQ/174055>

This policy directive provides recommendations for increasing the involvement of state and local officials in communicating with the public during Superfund cleanups.

U.S. EPA. *Role of Community Interviews in the Development of a Community Relations Program for Remedial Response*, June 15, 1990 (OSWER Directive 9230.0-15)

<http://semspub.epa.gov/src/document/HQ/174144>

This policy directive offers guidance on the use of community interviews, which are required under the NCP, to guide development of community involvement plans at Superfund cleanup sites.

U.S. EPA. *Superfund Responsiveness Summaries (Superfund Management Review: Recommendation #43E)*, June 4, 1990 (OSWER Directive 9203.0-06)

<http://semspub.epa.gov/src/document/HQ/174146>

This policy directive updates the format for oral and written responsiveness summaries to improve EPA's explanations of how it considers community concerns raised during public comment periods in making remedy selection decisions.

U.S. EPA. *Planning for Sufficient Community Relations (Superfund Management Review: Recommendation #43A)*, March 7, 1990 (OSWER Directive 9230.0-08)

<http://semspub.epa.gov/src/document/HQ/174056>

This document provides guidance to help Superfund managers promote earlier and more frequent community relations at Superfund site communities. It recommends specific planning activities that have been used successfully in the Regions. These recommended activities encourage Superfund managers to: integrate community relations into all technical phases; ensure responsive community relations activities; and establish realistic schedules to meet Superfund site community needs.

Environmental Justice and Tribal Consultation Documents

(listed roughly in chronological order, with the most recent first)

Environmental Justice

U.S. EPA. *Plan EJ 2014*

<https://www.epa.gov/environmentaljustice/plan-ej-2014>

Plan EJ 2014 is a road map or strategy to help EPA integrate environmental justice (EJ) into its programs, policies, and activities. The plan was named in recognition of the 20th anniversary of President Clinton's issuance of Executive Order 12898. EPA finalized Plan EJ 2014 in 2011 and developed a comprehensive suite of guidance, policies, and tools to integrate EJ into every facet of the Agency's activities and operations.

U.S. EPA. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*, May 2015

<https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>

This guidance was created to ensure understanding and foster consistency with efforts across EPA's programs and regions to consider environmental justice and make a visible difference in America's communities. The final guidance supersedes the agency's *Interim Guidance on Considering Environmental Justice During the Development of an Action*, released in July 2010. The Guidance is a step-by-step guide that helps EPA staff ask questions and evaluate environmental justice considerations at key points in the rulemaking process. It helps EPA staff determine whether actions raise possible environmental justice concerns and encourages public participation in the rulemaking process.

Executive Order No. 12898. *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 16, 1994 (59 FR 7629)

<http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was issued by President William J. Clinton in 1994 to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations. Its goal was to achieve environmental protection for all communities. The executive order directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, and to develop a strategy for implementing environmental justice.

U.S. EPA. *Integration of Environmental Justice into OSWER Policy, Guidance, and Regulatory Development*, September 21, 1994 (Memorandum)

<http://nepis.epa.gov/Exe/ZyPDF.cgi/91015AV6.PDF?Dockey=91015AV6.PDF>

This memorandum carries out a recommendation in the 1994 OSWER Environmental Justice Task Force Final Report, which emphasized the need to ensure that attention is focused on environmental justice in policy, guidance and regulation development. The memorandum states that to the extent practicable, staff should evaluate the ecological, human health and socio-economic impacts of a proposed decision document in minority and low-income communities. The memorandum also states that there should be meaningful input from stakeholders, including members of the environmental justice community and members of the regulated community, at all critical stages of development.

U.S. EPA. *The Model Plan for Public Participation*, November 1996 (EPA300-K-96-003)

<http://nepis.epa.gov/Exe/ZyPDF.cgi/500003KG.PDF?Dockey=500003KG.PDF>

The EPA *Model Plan for Public Participation* was written as a part of the activities of the National Environmental Justice Advisory Council and outlines critical elements for conducting public participation. The plan also identifies core values and guiding principles for the practice of public participation. It was published as a “living document” that would be reviewed and revised as necessary, and has since been revised twice. The 2013 revision, [Model Guidelines for Public Participation](#), recognizes barriers and challenges common to environmental justice communities and is intended to complement the implementation of EPA’s *Plan EJ 2014*.

Tribal Policy and Tribal Consultation

Memorandum to EPA Employees from Administrator Gina McCarthy Commemorating the 30th Anniversary of the EPA’s Indian Policy, December 1, 2014.

<http://www.epa.gov/sites/production/files/2015-05/documents/indianpolicytreatyrighismemo2014.pdf>

The memorandum states that EPA has an obligation to honor and respect tribal rights and resources protected by treaties. While treaties do not expand EPA’s authority, EPA must ensure its actions do not conflict with tribal treaty rights. In addition, EPA programs should be implemented to enhance protection of tribal treaty rights and treaty-covered resources when we have discretion to do so.

U.S. EPA. *Policy for Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*, 2014.

<https://www.epa.gov/environmentaljustice/epa-policy-environmental-justice-working-federally-recognized-tribes-and>

This policy clarifies and integrates environmental justice in the Agency’s work with federally recognized tribes, indigenous peoples throughout the United States, and others living in Indian country.”

Tribal Consultation and Coordination Plan: EPA’s *Plan EJ 2014*

<https://www.epa.gov/environmentaljustice/epa-plan-ej-2014-tribal-consultation-and-coordination-comments-and-responses>

Plan EJ 2014 is a roadmap that will help EPA integrate environmental justice into the Agency’s programs, policies, and activities. *Plan EJ 2014* highlights Cross-Agency Focus Areas, Tools Development, and Program Initiatives as three essential elements that will advance environmental justice across the EPA and the federal government. The Tribal Consultation and Coordination Plan includes a description of the actions under consultation with federally recognized tribes in *Plan EJ 2014*, the process EPA intends to follow, the consultation and coordination timeline, and information on how tribes can provide input on this action.

U.S. EPA. *EPA Policy on Consultation and Coordination with Indian Tribes*, May 2011

<http://www.epa.gov/sites/production/files/2013-08/documents/cons-and-coord-with-indian-tribes-policy.pdf>

This policy establishes national guidelines and institutional controls for tribal consultation across EPA. EPA program and Regional offices have the primary responsibility for consulting with tribes. All program and Regional office consultation plans and practices must be in accord with this policy. This policy seeks to strike a balance between providing sufficient guidance for purposes of achieving consistency and predictability and allowing for, and encouraging the tailoring of consultation approaches to reflect the circumstances of each consultation situation and to accommodate the preferences of tribal governments.

U.S. EPA. *Consulting with Indian Tribal Governments at Superfund Sites: A Beginner's Booklet*. November 2006 (OSWER-9200.3-42)

<http://semspub.epa.gov/src/document/HQ/175860>

This booklet introduces EPA staff and managers to the basics of government-to-government consultation with Indian tribal governments within the context of Superfund. It provides a beginner's background to a subject matter that involves many important, nuanced, historical, complex, and challenging issues. Therefore, it is not exhaustive in scope, and is meant as a starting point.

Executive Order No. 13175. *Consultation and Coordination With Indian Tribal Governments*. November 9, 2000 (65 FR 67249)

<http://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf>

This executive order, signed by President Bill Clinton, charges executive-level departments and agencies with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and strengthening the government-to-government relationship between the United States and Indian tribes.

Additional Resources: EPA community involvement staff should be familiar with consultation requirements, acts, and policies that require them to work with tribal representatives as much as possible. The following laws and guidances address federal government policies that may be relevant to EPA responses on tribal lands:

- **Endangered Species Act:** Directs federal agencies to carry out programs for the conservation of threatened and endangered plant and animal species and the habitats in which they are found.
- **Magnuson–Stevens Fishery Conservation and Management Act, Essential Fish Habitats Final Rule:** Designates and protects essential fish habitats, or waters and substrates necessary to produce managed fishery resources.
- **National Historic Preservation Act, Section 106 (Cultural and Historic Resources):** Establishes a review process that directs federal agencies to minimize potential harm and damage to historic properties and cultural resources, and to ensure stakeholder voice in decisions affecting these resources during any federal undertaking.
- **Native American Graves Protection and Repatriation Act, Section 13:** Directs federal agencies to consult Indian tribes, Alaska Native Villages, or Native Hawaiian organizations when projects encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on federal or tribal lands.

Community Engagement Initiative

U.S. EPA, Office of Solid Waste and Emergency Response. *Community Engagement Initiative Action Plan*, May 2010

The CEI Action Plan presents actions to enhance OSWER's relationships with communities as EPA carries out its mission to protect human health and the environment.

U.S. EPA. Office of Solid Waste and Emergency Response. *Community Engagement Initiative*

EPA's Office of Solid Waste and Emergency Response introduced the CEI in 2009 to enhance OSWER and regional offices' engagement with local communities and stakeholders, such as state and local governments, tribes, academia, private industry, other federal agencies, and nonprofit organizations, to help them meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste.

U.S. EPA, Office of Solid Waste and Emergency Response. *Community Engagement Initiative Implementation Plan*

The CEI Implementation Plan discusses the specific actions and activities under the CEI. It discusses the steps that OSWER and the Office of Enforcement and Compliance Assistance program offices plan to implement under the CEI, and outlines the schedule and specific deliverables of the Initiative.

U.S. EPA. Office of Enforcement and Compliance Assurance. *Community Engagement Initiative Compilation of EPA's Activities Encouraging Community Engagement in Superfund Enforcement*, September 2014.

<http://www.epa.gov/sites/production/files/2014-10/documents/cei-compilation-final-2014.pdf>

This document is a compilation of activities that EPA has taken to encourage more meaningful involvement of communities in the past in the Superfund enforcement process. It is merely a listing of the types of actions that some case teams have implemented and which can be considered for use, as appropriate, in future cases. It is not a policy or guidance and does not present any recommendations or establish any requirements.

Other Superfund Guidance, Policy, and Selected Documents

(listed roughly in chronological order in the Superfund cleanup process)

U.S. EPA. *Preliminary Assessment Petition*, October 2002, 9200.5-330FS

<http://semspub.epa.gov/src/document/HQ/176083>

This fact sheet discusses the procedures for submitting a citizen's petition for a preliminary assessment under CERCLA Section 105(d), which provides the public with an opportunity to formally petition the federal government to conduct a preliminary assessment. By submitting a petition, persons can notify the EPA of suspected environmental problems that may directly affect them, thus possibly identifying sites that may otherwise remain unknown.

U.S. EPA. *Guidance for Performing Preliminary Assessments Under CERCLA*, September 1991, (NTIS PB92-963303, EPA 9345.0-01A)

<http://semspub.epa.gov/src/document/HQ/189160>

This guidance discusses how regional EPA, state, and contractor staff can conduct a preliminary assessment and report results. The document discusses the information necessary to evaluate a site and how to obtain it, how to score a site, and reporting requirements. Guidelines on preliminary assessment evaluation, scoring, and the use of standard preliminary assessment score sheets are also provided. The

overall goal of the guidance is to help users conduct high quality assessments that result in correct site screening or further action recommendations.

U.S. EPA. Superfund National Priorities List Web Area

<http://www.epa.gov/superfund/superfund-national-priorities-list-npl>

The National Priorities List Web area describes the NPL site listing process and allows users to locate NPL sites, check on the cleanup progress of NPL sites, and find information on new and proposed NPL sites.

U.S. EPA. Superfund RI/FS and Treatability Studies Overview

<http://www.epa.gov/superfund/superfund-remedial-investigationfeasibility-study-site-characterization>

This page provides a list of guidance documents that provide standard guidelines for conducting a remedial investigation/feasibility study (RI/FS) or for performing treatability studies. A wide variety of topics are covered including scoping, screening, cost estimating, alternative remedy analysis, and treatability applications. It includes a link to *EPA's Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (Interim Final)* October 1988.

U.S. EPA. Risk Assessment Guidance for Superfund (RAGS) Volume 1 - Human Health Evaluation Manual (Part A), December 1989 (with annotations added April 2010). EPA 540/1-89/002.

http://www.epa.gov/sites/production/files/2015-09/documents/rag_s_a.pdf

RAGS Part A provides guidance on the human health evaluation activities conducted for the baseline risk assessment, the first step of the RI/FS.

U.S. EPA. Risk Assessment Guidance for Superfund (RAGS), Volume 1 - Human Health Evaluation Manual Supplement to Part A: Community Involvement in Superfund Risk Assessments

https://www.epa.gov/sites/production/files/2015-09/documents/ci_ra_supp.pdf

The purpose of this guidance document is to provide the site team with information to improve community involvement in the Superfund risk assessment process. It provides suggestions for how Superfund staff and community members can work together during the early stages of Superfund cleanup; identifies where, within the framework of the human health risk assessment methodology, community input can augment and improve EPA's estimates of exposure and risk; recommends questions the site team should ask the community; and illustrates why community involvement is valuable during the human health risk assessment.

U.S. EPA. Guidance for Scoping the Remedial Design, March 1995 (EPA/540/R-95/025)

<http://semspub.epa.gov/src/document/HQ/174091>

This guidance document discusses the activities performed in the pre-design planning phase of the Superfund remedial process. The document presents information about preparing the statement of work to facilitate remedial design for Superfund cleanup projects. It also discusses preparing a Project Management Plan, remediation schedules, cost estimates, and model statements of work for oversight of Fund-lead projects and the remedial design process.

U.S. EPA. Remedial Design/Remedial Action Handbook, June 1995 (EPA 540/R-95/059)

<http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=100025CQ.PDF>

The EPA Remedial Design/Remedial Action Handbook provides RPMs with an overview of the remedial design and remedial action processes. The handbook focuses on how an RPM can use project management principles to effectively implement a selected remedy in accordance with the ROD. It is not a conventional engineering manual, but rather a general reference document for issues that arise during the RD/RA.

U.S. EPA. *Superfund Lead-Contaminated Residential Sites Handbook*, August, 2003 (OSWER 9285.7-50)

<http://semspub.epa.gov/src/document/HQ/175343>

This handbook was developed to promote a nationally consistent decision-making process for assessing and managing risks associated with lead-contaminated residential sites across the country. Major sources of lead contamination historically included mining and milling sites, primary and secondary smelters, battery manufacturing and recycling facilities, pesticide formulators, pesticide use in orchards, and paint manufacturers (prior to 1978). EPA has remediated, or overseen the remediation of, many lead-sites and surrounding residences. This document is based on the lessons learned from EPA's experience in remediating residential lead sites. Section 2.0 of this handbook addresses community involvement.

U.S. EPA. *Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*, July 1999 (EPA 540-R-98-031)

https://www.epa.gov/sites/production/files/2015-02/documents/rod_guidance.pdf

This guidance document, commonly referred to as the "ROD Guidance" provides guidance to EPA and state staff on preparing Superfund Proposed Plans, RODs, Explanations of Significant Differences, and ROD amendments. The guidance includes recommended formats and content for Superfund remedial action decision documents; clarifies the roles and responsibilities of EPA, federal facilities, states, and tribes in developing and issuing decision documents; clarifies roles and responsibilities of stakeholders in the remedy selection process; and explains how to address changes made to proposed and selected remedies.

U.S. EPA. *Land Use in the CERCLA Remedy Selection Process*, May 25, 1995 (OSWER Directive 9355.7-04)

<http://semspub.epa.gov/src/document/HQ/174935>

This policy directive presents information for considering land use in making remedy selection decisions under CERCLA at NPL sites. The directive states that EPA believes early community involvement, with a particular focus on the community's desired future uses of property associated with the CERCLA site, should result in a more democratic decision-making process; greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups.

U.S. EPA. *Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites*, March 17, 2010 (OSWER Directive 9355.7-19)

<http://semspub.epa.gov/src/document/HQ/175563>

This directive is designed to further EPA's policy supporting, whenever practicable, reuse of all or a portion of NPL sites where EPA has lead responsibility. The directive is intended to facilitate future remedial decisions at NPL sites by outlining a public process and sources of information that should be considered in developing reasonable assumptions regarding future land use. The document also highlights many of the principles from the 1995 Superfund Land Use Directive and provides additional guidance on considering reasonably anticipated future land use when carrying out response actions under CERCLA, as amended by SARA.

U.S. EPA. *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls and Contaminated Sites*, December 2012. (OSWER Directive 9355.0-89)

<http://semspub.epa.gov/src/document/HQ/175446>

This guidance identifies and addresses many of the common issues that may be encountered when using institutional controls pursuant to several of EPA's cleanup programs (Superfund remedial and removal, federal facilities, brownfields, underground storage tanks, and Resource Conservation and Recovery Act sites). It also provides an overview of the Agency's policy regarding the roles and responsibilities of stakeholders involved in various aspects of the institutional control life cycle, namely the planning, implementing, maintaining, and enforcing of institutional controls.

U.S. EPA. *Reuse Assessments: A Tool to Implement the Superfund Land Use Directive*, June 4, 2001 (OSWER Directive 9355.7-06P)

<http://semspub.epa.gov/src/document/HQ/174941>

This policy directive presents information for developing future land use assumptions when making remedy selection decisions for Superfund sites under CERCLA. The purpose of the directive is to reaffirm *Land Use in the CERCLA Remedy Selection Process* (OSWER Directive 9355.7-04) (“Superfund Land Use Directive”) in Superfund response actions, extend the applicability of the Superfund Land Use Directive to non-time-critical removal actions where appropriate, and introduce “reuse assessment” as a tool to help implement the Superfund Land Use Directive.

U.S. EPA. Post Construction Completion Web Area

<http://www.epa.gov/superfund/superfund-post-construction-completion>

The EPA Post Construction Completion Web Area contains documents, memoranda, fact sheets, and other supporting information on post construction completion activities, which are intended to ensure that Superfund response actions provide for the long-term protection of human health and the environment. Information in this area includes: long-term response actions; operation and maintenance; institutional controls; five-year reviews; remedy optimization; and NPL deletion.

U.S. EPA. *Close Out Procedures for National Priorities List Sites*, May 2011 (OSWER Directive 9320.2-22)

<http://semspub.epa.gov/src/document/HQ/176076>

This guidance document describes the process for accomplishing remedial action completion, construction completion, site completion, partial deletion, and site deletion for NPL sites. The guidance also recommends a format and content for relevant closeout documents.

U.S. EPA Superfund Redevelopment Web Area

<http://www.epa.gov/superfund-redevelopment-initiative>

The EPA Superfund Redevelopment Web Area provides information on how the Superfund program is working with communities and other partners to return hazardous waste sites to safe and productive use without adversely affecting the remedy.

U.S. EPA. *Direct Final Process for Deletions and Partial Deletions*, October 2002

<http://semspub.epa.gov/src/document/HQ/176081>

This fact sheet is targeted to Regional EPA staff and provides details on the streamlined process for deleting sites from the NPL.

U.S. EPA. *Comprehensive Five-Year Review Guidance*, June 2001 (EPA 540-R-01-007)

<http://semspub.epa.gov/src/document/HQ/128607>

The *Comprehensive Five-Year Review Guidance* (OSWER Directive 9355.7-03B-P) is intended to promote consistent implementation of the five-year review process. The guidance document provides an approach for conducting five-year reviews, facilitates consistency across the 10 EPA Regions, clarifies current policy, and discusses the roles and responsibilities of various entities in conducting or supporting five-year reviews. Appendix A provides a brief discussion about community involvement during the five-year review. Appendix A focuses on the role of the CIC, community involvement activities, community notification, additional recommended activities at high visibility sites, elements of a communication strategy, and community interviews. An example timeline of communication activities and sources for additional information on community involvement are also provided.

U.S. EPA. *Five-Year Review Program Priorities*, May 3, 2007 (OSWER Directive 9200.2-60)
<http://semspub.epa.gov/src/document/HQ/174113>

This memorandum provides the results of the December 2006 Office of Inspector General Audit Report on the Five-Year Review program and highlights Five-Year Review program priorities. Priorities identified for EPA include: improve the quality and consistency of five-year review reports; continue to involve the community; document site verification activities; continue to improve timeliness of reviews; track and implement five-year review issues and recommendations; and continue to improve coordination between Headquarters and Regions.

Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. November 1, 1995 (60 FR 55466)

<https://www.govinfo.gov/app/details/FR-1995-11-01/95-27069>

The *Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List*, or the “Partial Deletions Rule,” notifies the public of a change in EPA policy. The Partial Deletions Rule allows EPA to delete releases at portions of NPL sites. Under previous EPA policy, releases could only be deleted after the evaluation of the entire site.

Enforcement

U.S. EPA. *Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach (SAA)*, September 28, 2012 (OSWER Directive 9200.2-125)

<http://www.epa.gov/sites/production/files/documents/rev-saa-2012-mem.pdf>

This document contains a transmittal memorandum and updated guidance on response selection and settlements using the Superfund Alternative Approach. The guidance addresses the use of Superfund agreements at sites that are eligible to be listed on the NPL but are not listed.

U.S. EPA. *Enforcement First for Remedial Action at Superfund Sites*, September 20, 2002

<http://www.epa.gov/enforcement/guidance-enforcement-first-remedial-action-superfund-sites>

This memorandum requests Regional Administrators to redouble their attention to ensure the continued implementation of the “enforcement first” policy at Superfund sites in their Regions. The enforcement first policy promotes the “polluter pays” principle and helps to conserve the resources of the Hazardous Substance Trust Fund for the cleanup of those sites where viable responsible parties do not exist.

U.S. EPA. *Compliance & Enforcement at Federal Facilities Web Area*

<http://www.epa.gov/enforcement/enforcement-and-compliance-federal-facilities>

This Web area contains resources and supplemental links for obtaining information and relevant guidance on enforcement and compliance at federal facilities.

U.S. EPA. *Superfund Enforcement Program*

<http://www.epa.gov/enforcement/superfund-enforcement>

The Superfund Enforcement Program website contains resources on finding potentially responsible parties, Superfund liability, negotiating Superfund settlements, recovering cleanup costs, and other information pertinent to Superfund enforcement. Supplemental links for Superfund enforcement policy and guidance documents, Superfund enforcement reports and publications, and Superfund enforcement cases and settlements are also provided.

U.S. EPA. *Interim Guidance: Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements*, September 3, 2009

<http://www.epa.gov/sites/production/files/documents/interim-tap-sf-settle-mem.pdf>

This document provides an overview of how technical assistance plans (TAPs) have typically been implemented to date, as well as guidance to Regions on negotiating a settlement provision for a TAP. Six attachments to the document provide guidance on TAPs in Superfund settlements.

Removal Actions

U.S. EPA. *Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA*, August 1993 (EPA540-R-93-057)

<https://semspub.epa.gov/src/document/HQ/122068.pdf>

Chapter 2 of this document provides guidance for conducting an engineering evaluation/cost analysis (EE/CA), which analyzes removal action alternatives for a site. An EE/CA is required for all non-time-critical removal actions under the NCP, provides a vehicle for public involvement, and evaluates and recommends the appropriate response.

U.S. EPA Community Involvement during Emergency Removals Web Area

<http://www.epa.gov/emergency-response/community-involvement-during-emergency-responses>

This Web area provides links to additional information on requirements and good practices in community involvement during emergency removal actions.

U.S. EPA. *Use of Non-Time Critical Removal Authority in Superfund Response Actions*, February 14, 2000 (Memorandum)

<http://semspub.epa.gov/src/document/HQ/174826>

This memorandum is intended to serve as a guide to project managers during the decision process of selecting between remedial and removal actions. Pertinent NCP criteria are summarized to ensure that Regions properly consider and document the rationale for employing removal authorities.

U.S. EPA. “Enforcement First” for Removals, memorandum signed by Cynthia Giles and Mathy Stanislaus, August 4, 2011

<http://www.epa.gov/sites/production/files/2013-10/documents/enf-first-removal.pdf>.

This memorandum clarifies EPA’s Enforcement First for removals policy.

APPENDIX C

EPA COMMUNITY INVOLVEMENT CUSTOMER SATISFACTION SURVEY

Customer satisfaction surveys are used by EPA to gather community input about EPA’s community involvement efforts. To help site teams evaluate community involvement efforts, EPA received approval from the Office of Management and Budget for use of the “Customer Satisfaction Survey” for EPA community involvement that is included in this appendix.

The EPA Community Involvement Customer Satisfaction Survey included here is a source document approved by the OMB with numerous questions that can be used to develop shorter customer satisfaction surveys for use at Superfund sites. (The survey is NOT intended to be given in its entirety.) Generally, site-specific surveys consist of up to ten questions asking community members to provide opinions and to rank EPA’s community interactions, the level of knowledge citizens have gained about the site and issues, how citizens learned information about the site, and the desires of the community for how they would like to interact with EPA.

The information gathered in these customer satisfaction surveys helps EPA improve its community involvement activities and relationships with communities at Superfund sites. EPA estimates that these surveys will be completed at five (5) active Superfund federal-lead sites each year. The template for this survey accompanies this ICR.

Note that the survey here is approved for use only through April 30, 2016. However, EPA plans to renew the survey for use after that date. Please contact CIPIB before using questions from this survey to ensure that you have the most up-to-date version, as changes to the survey are made periodically.

What Do You Think About the U.S. EPA’s Community Involvement Efforts at the _____ Site?

The U.S. Environmental Protection Agency (U.S. EPA) is cleaning up the contamination at the _____ Superfund site in your community. The U.S. EPA believes the active, meaningful involvement of community members is critical to the success of a cleanup effort. This survey is an opportunity for you to tell us how well we are doing at listening to your concerns about the cleanup and making it possible for you to participate in the planning and decision making process. Please take a few minutes to answer the questions. Your views are important and will help us to be more responsive to your needs and interests.

This survey is being conducted in accordance with the Federal Paperwork Reduction Act Information Collection Request # 1487.12. You will need about 15 minutes to answer the questions.

***Note to surveyors: It is intended that each survey given will include the introductory paragraph, above, and Section G with the closing disclosure. Sections A-F are optional sections with questions that may be used as a specific situation dictates. This survey is NOT intended to be given in its entirety. The surveyor may also choose, in addition to paper copies, to provide the survey to participants online via commercially available software.**

Section A: Assessing Overall U.S. EPA Community Involvement Efforts

A-1. How do you rate the U.S. EPA at each of the following? (Circle one choice for each question)

a. Providing the information you need.	Very Poor	Poor	Average	Good	Very Good
b. Making the information easy to understand.	Very Poor	Poor	Average	Good	Very Good
c. Making it easy to get involved.	Very Poor	Poor	Average	Good	Very Good
d. Listening to your concerns.	Very Poor	Poor	Average	Good	Very Good
e. Responding to your concerns.	Very Poor	Poor	Average	Good	Very Good
f. Treating you courteously.	Very Poor	Poor	Average	Good	Very Good
g. Using your input.	Very Poor	Poor	Average	Good	Very Good
h. Explaining decisions.	Very Poor	Poor	Average	Good	Very Good

Section B: Assessing U.S. EPA Efforts at Keeping Communities Informed

B-1. How do you learn about the U.S. EPA’s work at the site? (Check all that apply)

- U.S. EPA mailings
- Newspaper articles
- Radio or TV news
- U.S. EPA’s web page
- Community members/family/friends
- Public meeting or information session held by the U.S. EPA
- Direct conversation with someone from the U.S. EPA
- Information about the site is “common knowledge”
- Know someone who worked at the site
- Through one or more community organizations, business associations, or advisory groups (CAG)
- Social Media (Facebook, Twitter, etc.)
- Other (Please specify): _____

B-2. How would you prefer to receive information from the U.S. EPA about the site? (Check up to 3 choices)

- Mailings—short (1-2 pages) very focused (issue-specific) sent *frequently*
- Mailings—longer, general information, sent periodically
- Emails—brief, very focused (issue-specific) sent *frequently*
- Emails—longer, general information, sent periodically
- Meetings—short, very focused, held frequently
- Meetings—longer, general informational meetings, held periodically
- Social media (Facebook, Twitter)
- Direct communication with an U.S. EPA representative
- The U.S. EPA website
- Presentations at local clubs and organizations
- Other (Please specify): _____

B-3. How interested are you in obtaining information about the following topics? (Circle one answer for each question)

a. U.S. EPA’s Superfund Program.	Not Interested	Somewhat Interested	Interested	Very Interested
b. Contamination at the site.	Not Interested	Somewhat Interested	Interested	Very Interested
c. How the site might affect human health.	Not Interested	Somewhat Interested	Interested	Very Interested
d. How the site might affect the environment.	Not Interested	Somewhat Interested	Interested	Very Interested
e. Site cleanup decisions.	Not Interested	Somewhat Interested	Interested	Very Interested
f. Site reuse or redevelopment.	Not Interested	Somewhat Interested	Interested	Very Interested
g. Other (Please specify): _____	Not Interested	Somewhat Interested	Interested	Very Interested

B-4. In what ways do you prefer to participate at this site? (Check all that apply)

- Through opportunities to provide written comments on U.S. EPA documents.
- Through public meetings.
- Through opportunities to meet and talk informally with U.S. EPA staff.
- By attending community club/organization meetings that U.S. EPA staff have been invited to.
- By calling a toll-free telephone number.
- Through a community group.
- Through opportunities to talk with independent experts.
- Through a web site or social media.
- Other (Please specify): _____
- Not interested in being involved.

B-5. Please tell us whether you have ever:

a. Provided information to the U.S. EPA about the site and its history.	Yes	No
b. Expressed your concerns about the site to the U.S. EPA.	Yes	No
c. Offered suggestions or advice about the site to the U.S. EPA.	Yes	No
d. Given comments to the U.S. EPA on materials available for public review.	Yes	No
e. Requested information from the U.S. EPA about the site.	Yes	No
f. Attended a U.S. EPA-sponsored meeting or event about the site.	Yes	No
g. Visited the site's information repository.	Yes	No

B-6. In a few words, what is your understanding of the cleanup work U.S. EPA plans to do at the site?

B-7. How concerned are you that the site may be harmful to each of the following: (Circle one answer for each question.)

a. My or my family's health.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
b. The environment.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
c. Property values.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
d. Jobs in the community.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
e. Business in the community.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
f. Community historical or cultural integrity.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable
g. Site redevelopment or reuse.	Not Concerned	Somewhat Concerned	Concerned	Very Concerned	Not Applicable

Section C: Public Meeting Feedback Questions

These questions will help the U.S. EPA better understand what worked well and what improvements to consider making before holding future public meetings.

C-1. How did you learn about this public meeting? (Check all that apply)

- _____ U.S. EPA mailings (other than this survey)
- _____ Newspaper articles
- _____ Radio or TV news
- _____ Community organization
- _____ Family or friends
- _____ Email from U.S. EPA
- _____ U.S. EPA's website
- _____ Social media (Facebook, Twitter, etc.)
- _____ Flyers in store windows/bulletin boards
- _____ Direct conversation with someone from the U.S. EPA
- _____ Other (Please specify): _____

C-2. Please give us your feedback on the following: (Circle one choice for each question)

a. Information about the meeting was available early enough to make plans to attend.	Strongly Disagree	Disagree	Agree	Strongly Agree
b. Meeting location was convenient.	Strongly Disagree	Disagree	Agree	Strongly Agree
c. Meeting facility was comfortable.	Strongly Disagree	Disagree	Agree	Strongly Agree
d. Meeting time was convenient.	Strongly Disagree	Disagree	Agree	Strongly Agree
e. The length of the meeting was appropriate.	Strongly Disagree	Disagree	Agree	Strongly Agree
f. Language interpreters were available (if needed).	Strongly Disagree	Disagree	Agree	Strongly Agree
g. Provisions were made to accommodate the needs of persons with disabilities	Strongly Disagree	Disagree	Agree	Strongly Agree
h. Meeting facility was well-equipped for all planned activities (enough seats, work space, supplies, etc.).	Strongly Disagree	Disagree	Agree	Strongly Agree

C-3. What topics were of most interest to you at the meeting?

C-4. How was the meeting useful to you?

C-5. How can U.S. EPA improve the next public meeting?

Section D: Questions for Use During Site Cleanup-Removal/Relocation

These questions will help the U.S. EPA better understand what worked well and what improvements to consider when implementing future removals requiring temporary relocation of residents.

Introduction: You were recently relocated while removal and restoration activities were completed at your property. These activities were designed to remove significant potential sources of [contaminant] from your property, thereby reducing any potential [contaminant] -related health exposures. We would appreciate it if you could take a few moments to provide feedback on your relocation experience and the removal/restoration work that was completed on your property.

D-1. Relocation (Circle one choice for each question)

a. U.S. EPA staff were friendly and helpful.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
b. The relocation handouts I was given were useful and understandable.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
c. U.S. EPA staff responded to my questions in a timely manner.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
d. I was treated with courtesy and respect by U.S. EPA staff.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
e. U.S. EPA staff contacted me as often as I would have liked:					
• Before my relocation.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
• While I was relocated.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
• After my property was cleaned up and I was back in my home.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
f. I was well-informed of my choices for relocation (hotel, friend's home, etc.).	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
g. I was well-informed about the expected length of my relocation and was kept informed of any changes.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
h. I was told when I needed to relocate with enough time to plan my move.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
i. The reimbursement paperwork was understandable.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
j. I received my reimbursement within 30 days.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable

D-2. U.S. EPA’s Work on My Property: Removal and Restoration (Circle one choice for each question)

a. I was well-informed about the extent of the work U.S. EPA would do on my property.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
b. The specifics of the property restoration were explained in writing and provided to me.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
c. I was informed of the landscape options for my property.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
d. I understood what I had to do following the removal at my property in order for the landscaping to be successful.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
e. The on-site workers were courteous and respectful.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
f. I was kept informed about any changes in the schedule for the work on my property.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
g. I was informed if any of my possessions could NOT be decontaminated.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
h. My property was restored to a condition at least equal to its previous condition (recognizing that it may take time and water/aerating on my part for the seed to take or plants to grow).	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable
i. The work done on my property met my expectations.	Strongly Disagree	Disagree	Agree	Strongly Agree	Not Applicable

D-3. Do you have any additional comments/feedback regarding your relocation or the removal/restoration work on your property? (Use the space below)

Section E: Questions for Use at Sites with Institutional Controls

These questions will help the U.S. EPA better understand whether community members are aware of, or interested in, information about any institutional controls (ICs) at the site, which are administrative and legal controls, including limitations on land use or resource use, deed restrictions, or building codes. An example of an IC might be building code restrictions to prevent vapor intrusion, or preventing development on a landfill cap to avoid damage to the integrity of the cap surface. Community input can be essential to selecting, using, and monitoring ICs that are the best fit for the community and the protectiveness of the remedy.

E-1. Are you aware of any restrictions (institutional controls) in place at the site including limitations on land and/or resource use, building code requirements or deed restrictions?

Yes No

E-2. Would you like more information about restrictions (institutional controls) on the use of land or resources or any deed restrictions in place at the site?

Yes No

If yes, please contact (name and phone number) to request the information.

Section F: Questions about Technical Assistance Resources Provided to the Community

These questions will help the U.S. EPA better understand how to provide the most effective technical assistance resources at sites.

F-1. Do you know of any assistance U.S. EPA has provided to help you and other community members/groups better understand technical and scientific information regarding the site cleanup?

Yes No (Please skip to question F-3)

F-2. How was technical assistance provided to your community? (check all that apply)

- Through a Technical Assistance Grant (TAG)
- Through Technical Assistance Services for Communities (TASC)
- Through U.S. EPA site staff
- Through assistance from a local, regional or national organization/entity/university
- Through a Pediatric Environmental Health Specialty Unit (PEHSU)
- Through a Technical Assistance Plan (TAP)
- Through Technical Assistance for Public Participation (TAPP)
- I do not know how the assistance was provided
- Other (Please specify): _____

Please rate how useful each of the following has been in helping community members better understand information about the site and take a more active role in the process:

a. Community informational newsletters and/or factsheets.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
b. Presentations by experts to explain technical site information to the community.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
c. Community informational workshops/trainings.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
d. Redevelopment planning.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
e. U.S. EPA provides facilitator or mediator to help the community.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
f. U.S. EPA assists community groups that want to help the community understand or participate in the site cleanup process.	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable
g. Other (Please specify): _____	Not Helpful	Somewhat Helpful	Helpful	Very Helpful	Not Applicable

F-3. If technical assistance *has not* been provided to your community, which of the following activities could help you and other community members/groups better understand technical and scientific information regarding the site cleanup? (Check all that apply)

- Community informational newsletters and/or factsheets.
- Presentations by experts to explain technical site information to the community.
- Community informational workshops/trainings.
- Redevelopment planning.
- U.S. EPA provided facilitator or mediator to help the community.
- U.S. EPA gave assistance to one or more community groups that wanted to help the community understand or participate more actively in the site cleanup process.
- Other (Please specify): _____
- I don't feel that any technical assistance is needed.

Section G: General Information [REQUIRED Section]

This section must be included at the end of all surveys.

G-1. Is there anything else you would like to tell us about the U. S. EPA’s community involvement efforts or about the cleanup activities at this site?

Thank you for taking the time to share your views with us. If you would like to be on the U.S. EPA’s mailing list, please contact (name and telephone number).

The public reporting and recordkeeping burden for this collection of information is estimated to average 15 minutes per response. Send comments on the Agency’s need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed survey to this address.

United States
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