



# Public Notices

## Description

Public notices are used to share information about important announcements or to provide the public with information about important milestones, events, and opportunities for participation in the Superfund process. Public notices may be published in local newspapers, broadcast on local radio, sent as mailings, or communicated to the public in other ways.

## Required Activity?

Yes. Public notices about various aspects of the Superfund process are required by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and/or other legal authorities.

Remedial process: Section 117(d) of CERCLA establishes requirements for notifying the public at various stages of the remedial process. In the NCP, 40 CFR 300.815(a) addresses an additional notification activity for the remedial process.

Removal process: 40 CFR 300.415(n)(2)(i), §300.415(n)(4)(ii), §300.820(a)(1) and §300.820(b)(1) address notifying the public at various stages of the removal process.

Technical Assistance Grants (TAGs): Communities at sites that are proposed for the National Priorities List (NPL) or are on the NPL may be eligible for a Technical Assistance Grant (TAG). 40 CFR 35.4110 addresses public notification after EPA receives a letter of intent from a community group to apply for a TAG.

## Making it Work

It is important for the public to be informed about major milestones in the cleanup of a Superfund site, upcoming site activities, and where they can find information related to the cleanup of a site. When the public is informed in a timely manner about site-related activities, they are better able to participate in the cleanup process and to provide input to the Agency.

## When to use

Effective May 4, 2015, the NCP was amended to broaden the mechanisms the lead agency can use to provide public notice to the community (63 Fed. Reg. 17703). For the following six actions, 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:

- The administrative record file becomes available for a time-critical removal action (40 CFR 300.415(n)(2)(i)).
- The Engineering Evaluation/Cost Analysis (EE/CA) for a non-time critical removal action is issued (40 CFR 300.415(n)(4)(ii)).
- A site is proposed to be deleted from the NPL (40 CFR 300.425(e)(4)(ii)).
- The administrative record file for the selection of a remedial action becomes available at the start of the remedial investigation (40 CFR 300.815(a)).
- The administrative record file becomes available for a non-time-critical removal action (40 CFR 300.820(a)(1)).
- The administrative record becomes available for any other removal actions (40 CFR 300.820(b)(1)).

The lead agency is still required to publish a public notice in “a major newspaper of general circulation” when:

### Remedial Actions

- The Proposed Plan becomes available (CERCLA §§117(a)(1) and 117(d)).
- The remedial alternative has been selected and the Record of Decision (ROD) is signed (CERCLA §117(b) and 117(d)).
- A remedial action, CERCLA 106 enforcement action, or CERCLA 106/122 settlement is taken that differs significantly from the remedial action that had previously been selected and documented in the ROD or in any ROD amendments (CERCLA §117(c) and 117(d)).



### *Federal Register Notices*

There are several instances where EPA is required to publish notice in the *Federal Register* and seek public comment.

**NPL Listing/Delisting:** EPA uses the formal rule making process to propose and finalize sites on the National Priorities List, and to remove them from the list (40 CFR 300.425(d) and 300.425(e)(4)). For federal facilities, EPA must publish a notice in the *Federal Register* every six months for any federal facilities that have been included in a docket for such facilities (CERCLA 120(c)).

**Administrative settlements:** For any proposed administrative settlement with a *de minimis* party under CERCLA 122(g), EPA must publish a notice in the *Federal Register* and give the community at least a 30-day opportunity to comment before the agreement becomes final. This is also true for any administrative settlement under CERCLA 122(h) that embodies a compromise of any portion of the United States' claim for cost recovery. See CERCLA 122(i); 40 CFR 300.430(c)(5)(i) and (ii).

**Judicial settlements:** For any proposed judicial consent decree with a PRP with respect to CERCLA section 106 remedial action, EPA must coordinate with the Department of Justice (DOJ) on publication of a notice in the *Federal Register*, giving the public at least a 30-day opportunity to comment on the proposed decree. (CERCLA 122(d)(2); 28 CFR 50.7). Moreover, any judicial consent decree proposing to resolve a CERCLA claim must undergo DOJ's *Federal Register* public notice process (28 CFR 50.7).

**TAGs:** 40 CFR 35.4110 calls for public notification in a "major newspaper of general circulation" after EPA receives a letter of intent to apply for a TAG.

In addition to using public notices when required to do so in the instances listed above, there may be other times when the lead Agency opts to exercise its discretion to notify the public, e.g.,:

- The beginning of a remedial investigation.
- Emergency response actions.

- The beginning of work at an operable unit.
- Other important site events.

## What to use

The term "public notice" traditionally has been used to describe a classified notice or display ad published in a major local newspaper of general circulation. (The term is also sometimes interpreted to include official notices published in the *Federal Register*.) Many regions continue to use newspaper-type public notices to announce significant Superfund site events.

Today there are many other ways to notify the public. In addition to publishing notices in major local newspapers of general circulation, regions may use one or more of the following mechanisms to provide public notice to the affected community:

- Publishing a display ad or print notice in small-circulation, local newspapers: e.g., community weekly newspapers or Spanish-or-other-language newspapers; neighborhood newsletters, circulars or Pennysavers.
- Issuing fact sheets.
- Distributing flyers.
- Mailing letters and/or postcards to the site [\*mailing list\*](#).
- Using social media.
- Making telephone calls.
- Posting on Agency, local government, community websites.
- Asking community members to post on neighborhood listservs.
- Emailing notices to site email distribution lists.
- Issuing regional press releases targeted to media outlets near the site.

The site team determines, on a site-specific basis, the most effective type of notice or notices to use and the best communication mechanisms for reaching the community. Often more than one method is used to reach all interested community members. It is recommended that several methods be used.

Regions can determine the most effective ways to reach community members by asking about the community's preferred methods of receiving information in [\*community interviews\*](#) conducted for the preparation of the site's [\*community involvement\*](#)



*plan* (CIP). These interviews with local officials, community residents, public interest groups, or other affected parties are conducted to solicit their concerns and information needs, and to learn how they would like to be involved in the Superfund process. Community interviews for the CIP should include questions about their preferred methods for receiving site-related information. This information and insight will help the site team make a decision about which notification approaches (newspapers, radio, TV stations, community newsletters and websites, etc.) and communication mechanisms are likely to be most effective for reaching the affected community. Even if a formal public notice still must be published in a major newspaper of general circulation, site teams can augment these public notices by communicating important information through other community-preferred mechanisms.

## How to Use

No matter what form public notices take, they are effective only if they communicate key messages well and reach the intended audience. Keep the following points in mind when planning public notices:

- **Define the community to reach.** Identify the community members you are trying to reach before deciding how to communicate your message. Determine if you will need to translate any of your public notices to reach non-English speaking communities.
- **Identify best ways to reach the community.** Identify the methods to reach your target audience by asking people how they usually get information. For example, a display ad in a local community newspaper or a mailing may be more appropriate than a notice in the classified section of the newspaper. Include questions on media-use habits in your initial *community interviews*. Consult local leaders and community members for suggestions about the most effective publications in which to place public notices, or to determine community preferences for receiving information.
- **Determine the major local newspaper of general circulation.** During community interviews, ask people to identify the major newspapers in the area community members read. Use this information to identify the major local newspaper of general circulation that will reach the largest number of community members affected by the site.
- **Identify other media outlets.** Small communities or neighborhoods may have their own newspapers or other publications that are more widely read. Foreign-language radio can be a particularly effective method for reaching non-English-speaking communities. Choose the outlets that are most widely consulted by members of your intended audience. Remember that notices also can be published in church bulletins, community and homeowner association newsletters, weekly newspapers and shopping guides. They can be placed in grocery stores, libraries, and other frequently visited locations in the community. In some cases, a mailing to everyone on the site mailing list can be the most effective way to provide notification of an upcoming event.
- **Provide ample notice.** Provide sufficient notice of an upcoming event to ensure the greatest level of public participation. Consider providing public notification more than once. Consider communicating 10 to 14 days before, one week before, and one day before the event being announced.
- **Meet publication or broadcast schedules.** Many local or community newspapers are published on a weekly or bi-weekly basis, so you should plan ahead to coordinate the publication of the notice with the event. Local radio stations may run free public service announcements if they are submitted in advance.
- **Include all essential information.** Announce dates, times, and locations clearly. Make sure these and other essential facts are prominently displayed in your notice.
- **Provide name, address, and telephone number of contact person.** In addition, you may want to include the location (both physical location and digital access, as applicable) of the information repository in a notice.

## Tips for designing an effective public notice:

- Both the message and the appearance of the notice are important. Use clear, easy to read text along with the EPA logo so the notice will be recognizable at a glance. (See samples in Attachment 1.)





## Related Tools

- [Community Interviews](#)
- [Community Involvement Plans](#)
- [Fact Sheets](#)
- [Information Repository](#)
- [Mailing List](#)
- [Media](#)
- [Public Comment Periods](#)
- [Public Meetings](#)

- When publishing a notice in a newspaper or newsletter, larger, well-placed notices or large display advertisements are more likely to be read because they stand out amidst all the competing information on a newspaper page.
- Repeat the notice, if time and budget allow.

### Documenting the public notice in an Administrative Record:

When the public notice is required by CERCLA or addressed in the NCP, site teams should document in the appropriate Administrative Record the dates and ways they distribute public notices to community members. It also is advisable to document in the site files the dates and ways all public notification is made to communities. Consider including the following documentation for site-related public notices:

- Dated copy of the newspaper, newsletter or other publication that featured the public notice.
- Printout or screen capture of the website, with URL and date, of any web-based notice.
- A printout or screen capture that includes the date of a public notice announced through social media, such as Facebook or Twitter posts.
- Dated copies of any press releases issued, as well as a list of media outlets that received the release.
- Dated copies of any postcards or letters sent via direct mail or emails sent to site listservs.
- Copies of door-to-door fliers with dates and areas where they were distributed.



## Attachment 1: Examples of Public Notices

Here are several examples of different types of public notices.

- A. Sample Listserv message announcing the release of a site Proposed Plan and 30-day public comment period.
- B. Sample newspaper notice of Proposed Plan availability, including information on accessing the Administrative Record online.
- C. Sample postcard notification of Proposed Plan availability and 45-day public comment period.
- D. Sample newspaper display ad for Record of Decision (ROD) signing.
- E. Sample legal notice for ROD signing.





## A. Sample Listserv message announcing the release of a site Proposed Plan and 30-day public comment period.

**From:** [REDACTED]  
**Reply To:** [REDACTED]@RL.GOV  
**To:** [REDACTED]@LISTSERV.WA.GOV  
**Subject:** Proposed cleanup plan to address contaminated groundwater in Hanford's central area  
**Date:** 07/17/2012 07:08 AM  
**Attachments:** [REDACTED] Fact Sheet - FINAL (2).pdf

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This is a message from the Tri-Party Agreement Agencies

### **Proposed cleanup plan to address contaminated groundwater in Hanford's central area**

*The U.S. Department of Energy (DOE) and U.S. Environmental Protection Agency (EPA) invite you to provide input on the proposed cleanup of contaminated groundwater in the 200 UP-1 Groundwater Operable Unit (OU) located under the central part of the Hanford Site, about 20 miles north of Richland, Washington.*

*DOE and EPA have issued a Proposed Plan that describes the proposed cleanup options and identifies the preferred cleanup alternative. The Proposed Plan is being issued for a 30-day public comment period from **July 17 through August 16, 2012**. The Washington State Department of Ecology has determined that the cleanup alternative selected by DOE and EPA meets the state's dangerous waste permit corrective action requirements.*

#### BACKGROUND

The 200-UP-1 Groundwater OU is located in the central portion of the Hanford Site, referred to as the Central Plateau. The Central Plateau is divided into the Outer and Inner Areas. It is the Tri-Party agencies' goal to clean up groundwater in this area so that it could be used as a potential source of drinking water. Currently, this groundwater is contaminated and restricted from being used.

From the 1940s through the early 1990s, liquid wastes from materials used and produced at the Hanford Site were disposed to the ground through cribs, ditches, ponds, and trenches. Some of these waste disposal sites overlie the groundwater in the 200-UP-1 OU. The major waste streams that contributed to groundwater contamination in 200-UP-1 were associated with plutonium separation and uranium recovery operations.

DOE has completed its investigation and evaluation of this OU through a comprehensive remedial investigation (RI) and feasibility study (FS) process. The RI/FS Report concluded that without remedial action, contaminants in groundwater would present an unacceptable level of risk to human health if that groundwater was used for domestic purposes such as for drinking, cooking, or bathing.

The contaminants of concern (COCs) are carbon tetrachloride, uranium, nitrate, chromium (total and hexavalent), iodine-129 (I-129), technetium-99 (Tc-99), and tritium.

#### WHAT IS BEING PROPOSED?

DOE and EPA have evaluated cleanup alternatives for an interim remedial action consisting of a



combination of active remediation through groundwater pump-and-treat technology, monitored natural attenuation (MNA), institutional controls (ICs), and hydraulic containment of iodine-129. The three cleanup alternatives (numbered Alternatives 2 through 4), along with a legally-required “No Action” alternative, are described in Table 1. DOE and EPA have identified Alternative 3 as their preferred alternative for cleanup of the 200-UP-1 OU.

**Table 1. Overview of Cleanup Alternatives for 200-UP-1 OU**

Remedy Components	No Action	Alternative 2—45 Years Active Remediation, MNA, Hydraulic Containment and ICs	Alternative 3—35 Years Active Remediation, MNA, Hydraulic Containment and ICs	Alternative 4—25 Years Active Remediation, MNA, Hydraulic Containment and ICs
Institutional Controls	The National Contingency Plan (40 CFR 300.430 (e)(6)) requires consideration of a No Action Alternative.	ICs are used prevent exposure to groundwater until cleanup levels are achieved. Examples of ICs are deed restrictions, fences, warning signs, and site access controls. (up to 125 years for all remedial alternatives)		
Groundwater pump-and-treat		45 years of pump-and-treat for carbon tetrachloride, uranium, concentrated nitrate plume areas, chromium (total and hexavalent) and Tc-99. Estimated pumping rate of 330 gallons/minute (gpm).	35 years of moderately aggressive pump-and-treat for carbon tetrachloride, uranium, concentrated nitrate plume areas, chromium (total and hexavalent) and Tc-99. Estimated pumping rate of 430 gpm.	25 years of highly aggressive pump-and-treat for carbon tetrachloride, uranium, nitrate plume areas (high and low concentrations), chromium (total and hexavalent) and Tc-99. Estimated pumping rate of 530 gpm.
MNA		Tritium concentrations decrease through natural radioactive decay. The low-concentration parts of nitrate plume and the remaining carbon tetrachloride plume would decrease through dispersion and diffusion processes.		Tritium and the remaining parts of the carbon tetrachloride plume. (The entire nitrate plume is addressed through pump-and-treat.)
Hydraulic Containment of I-129		There is no available treatment technology that can achieve the federal drinking water standard (DWS) of 1 pCi/L for I-129. Hydraulic containment will be used to prevent further migration of this contaminant.		
Cost (Net Present Value)		Not applicable	\$304 Million	\$319 Million

A major component of these cleanup alternatives is the use of groundwater pump-and-treat technology. Extraction wells remove contaminated groundwater from the aquifer and reduce or prevent further plume migration. Injection wells are used to inject treated water back into the aquifer and to control groundwater flow. A large pump-and-treat system, known as the 200 West Groundwater Treatment Facility, has been constructed to treat contaminated groundwater on Hanford’s Central Plateau.

## How can the public participate in making this cleanup decision?

You can participate in the decision-making process by reading the Proposed Plan, which is available on the Administrative Record (AR) ([200-UP-1](#)) and on the Hanford Events Calendar at [\[redacted\]](#). These links also provide access to other supporting documents. Additionally, the Proposed Plan is available for review at the public information repositories (PIRs) listed below and at [www2.hanford.gov/arpir/](http://www2.hanford.gov/arpir/). Please send in your



comments by **August 16, 2012**.

Please send your comments to [REDACTED], U.S. Department of Energy, Richland Operations Office, at the following addresses:

Mail: P.O. Box 550, A7-75  
Richland, WA 99352

Email: [REDACTED]@rl.gov

Phone: [REDACTED]

At this time, a public meeting is not scheduled. To request a meeting in your area, please contact [REDACTED], EPA, no later than **July 31, 2012** at:

Mail: 309 Bradley Blvd. Suite 115  
Richland, WA 99352

Email: [REDACTED]@epa.gov

Phone: [REDACTED]



Public input is a key element in the decision-making process. The Tribal Nations, stakeholders and the public are encouraged to read and provide comments on any of the alternatives presented in this Proposed Plan, including the Preferred Alternative. After the comment period, DOE and EPA will consider the input received and any new information gathered during the comment period and then select an alternative for implementation. The Preferred Alternative could be modified or another alternative selected in response to public comment or new information. DOE and EPA will then prepare a Record of Decision (ROD). This ROD will identify the chosen alternative (i.e., remedy) and include a responsiveness summary containing agency responses to the comments received during the comment period.

<p><b>Richland PIR</b> Washington State University Consolidated Information Center Room 1011 Richland, WA 99352 [REDACTED]</p>	<p><b>Seattle PIR</b> University of Washington Suzzallo Library, Gov. Pubs Dept. Box 352900 Seattle, WA 98195 [REDACTED]</p>	<p><b>Spokane PIR</b> Gonzaga University Folby Center Library East 502 Boone Ave. Spokane, WA 99258 [REDACTED]</p>	<p><b>Portland PIR</b> Portland State University Government Information Bransford Price Millar Library 1875 SW Park Avenue Portland, OR 97207-1151 [REDACTED]</p>
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**B. Sample newspaper notice of Proposed Plan availability, including information on accessing the Administrative Record online.**

ited States En ironmental Protec ion Agency  <b>-- Public Notice --</b> <b>U.S. Environmental Protection Agency</b>	
<b>Sharon Steel-Farrell Works Superfund Site</b> Farrell, Mercer County, PA	
<b>-- US EPA Issues Proposed Remedial Action Plan --</b>	
<p>The United States Environmental Protection Agency (EPA) is seeking public comment on the Proposed Remedial Action Plan (Proposed Plan) for Operable Unit 2 (OU-2), a preferred asphalt cap alternative, at the Sharon Steel-Farrell Works Superfund Site located in Hermitage Township, Pennsylvania.</p> <p>To ensure that the community's concerns are addressed, a <b>public comment period runs from September 17, 2012 through October 16, 2012</b>. During this time, the public is encouraged to submit any comments on the Proposed Plan to EPA.</p> <p>EPA will host a <b>Public Meeting on October 4, 2012 from 6:30pm – 8:30pm</b> in the <b>Council Chambers of the City Building</b> located at 500 Roemer Boulevard, Farrell, PA 16121 to present the Proposed Plan and take public comments.</p> <p>Written comments on the Proposed Plan may be sent to:</p> <p style="text-align: center;">   <b>Remedial Project Manager</b>          US EPA Region 3          1650 Arch Street (3HS22)          Philadelphia, PA 19103-2029          Email:       </p> <p>Comments must be postmarked or emailed by midnight, October 16, 2012.</p> <p>For additional information about the Site, contact:</p> <p style="text-align: center;"> <b>Community Involvement Coordinator</b>          Phone:  </p> <p>EPA encourages the public to review the Proposed Plan and the documents that make up the Administrative Record to gain a more comprehensive understanding of the Site and the Superfund activities that have been conducted here. The Proposed Plan and Administrative Record for the Site can be accessed at <a href="http://www.epa.gov/arweb">www.epa.gov/arweb</a>, or at the following locations:</p>	
<b>Stey-Nevant Public Library</b> 1000 Roemer Blvd. Farrell, PA 16121 Hours: Call (724) 983-2714	<b>EPA Administrative Records Room</b> Administrative Coordinator 1650 Arch Street Philadelphia, PA 19103 Phone: (215) 814-3157 Hours: Monday-Friday 8:30am-4:30pm By appointment only



### C. Sample postcard notification of Proposed Plan availability and 45-day public comment period.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY INVITES PUBLIC COMMENT ON THE PROPOSED PLAN FOR THE AMERICAN CYANAMID SUPERFUND SITE TOWNSHIP OF BRIDGEWATER, SOMERSET COUNTY, NEW JERSEY**

The U.S. Environmental Protection Agency announces the opening of a **45-day comment period** on the preferred cleanup plan to address contamination at the American Cyanamid site in Bridgewater Township, New Jersey. The preferred cleanup plan, and other cleanup alternatives considered, are identified in the Proposed Plan.

The comment period **begins on February 16, 2012 and ends on March 31, 2012**. As part of the public comment period, EPA will hold a public meeting on **Thursday, March 8, 2012** at 7:00 PM at the Somerset County Vocational and Technical High School, 14 Vogt Drive, Bridgewater, New Jersey.

**The Proposed Plan is available electronically at the following address:**  
**[http://www.epa.gov/region02/superfund/npl/american\\_cyanamid/](http://www.epa.gov/region02/superfund/npl/american_cyanamid/)**

Written comments on the Proposed Plan, postmarked no later than March 31, 2012, may be emailed to [REDACTED]@epa.gov or mailed to: [REDACTED], U.S. EPA, 290 Broadway, 19<sup>th</sup> Floor, New York, NY 10007-1866.

The Administrative Record files are available for public review at the following information repositories:  
Bridgewater Township Library: 1 Vogt Drive, Bridgewater, NJ  
USEPA Region 2: Superfund Records Center, 290 Broadway, 18<sup>th</sup> Floor, New York, NY  
NJDEP: 401 East State Street, Trenton, NJ

Please contact Ms. [REDACTED], EPA's Community Involvement Coordinator, at [REDACTED] for more information.



## D. Sample newspaper display ad for Record of Decision (ROD) signing.



### **United States Environmental Protection Agency Selects Cleanup Plan for Ringwood Mines Superfund Site, Ringwood, New Jersey**

After considering the public's comments on the EPA's preferred cleanup plan for the Ringwood Mines Superfund Site, on July 1, 2014, the EPA signed a Record of Decision selecting the cleanup plan. The decision contains the following plans to address contamination in three areas of the site: 1) Peter's Mine Pit – Contaminated soil and other material will be removed from around the opening of the mine pit and the pit will be capped; 2) Cannon Mine Pit – The mine pit will be capped; and 3) O'Connor Disposal Area – The area will be excavated, with a contingency to consolidate and cap wastes if the Borough of Ringwood moves forward with its plan to build a recycling center on this area of the site.

The Record of Decision and other site documents are available electronically at:

<http://www.epa.gov/region2/superfund/npl/ringwood/documents.html>

Project documents are also available for public review at the following information repositories established for the site:

Ringwood Public Library, 30 Cannici Drive, Ringwood, NJ 07456 or EPA Records Center, 290 Broadway, New York, NY 10007-1866.

If you have questions or need additional information, contact the EPA's Community Involvement Coordinator for the site, [REDACTED], at [REDACTED] or [REDACTED] [@epa.gov](mailto:[REDACTED]@epa.gov).





## E. Sample legal notice for ROD signing.

### **TEMPLATE LEGAL NOTICE FOR ROD SIGNING**

#### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY SELECTS CLEANUP PLAN FOR DIAZ CHEMICAL CORPORATION SUPERFUND SITE, HOLLEY, NY

After considering the public's comments on the Environmental Protection Agency's (EPA's) preferred cleanup plan for the Diaz Chemical Corporation Superfund Site, on September 26, 2012, the EPA signed a Record of Decision selecting that cleanup plan. The selected cleanup plan consists of in-situ thermal treatment of the contaminated soil and groundwater in six source areas located at the Diaz Chemical property and natural processes to address the groundwater contaminants down-gradient of the source areas. In 2005, the EPA purchased eight vacated homes and provided the owners with financial assistance to permanently relocate. Under this selected cleanup plan these properties will be sold. The Record of Decision for the site, which includes a Responsiveness Summary that summarizes the comments received during the public comment period and the EPA's responses to those comments, is available for public review at the Community Free Library, 86 Public Square, Holley, NY, 14470 and on line at <http://www.epa.gov/region02/superfund/npl/diazchemical/>. If you have questions or need additional information, contact the EPA's Community Involvement Coordinator for the site, [REDACTED], at [REDACTED].