



Community Involvement at Federal Facilities

MARCH 21, 2024

FEDERAL FACILITIES RESTORATION AND REUSE OFFICE

This course will go over community involvement requirements and activities at federal facility Superfund sites listed on the National Priorities List (NPL) in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Overview

- Lead Agency Role at Federal Facilities
- Levels of Community Involvement (CI)
- NPL Listing Actions
- Removal Actions
- Environmental Justice Considerations
- Remedial Actions
- Post-ROD Actions



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COMMUNITY INVOLVEMENT: LEAD AGENCY ROLE

“Lead Agency” Definition

- The National Contingency Plan (40 CFR 300.5) states that:
 - The **Lead Agency** is the agency that provides the On-Scene Coordinators (OSCs)/Remedial Project Managers (RPMs).
 - The Department of Defense (DoD) or Department of Energy (DoE), then DoD or DoE will be the **lead agency** for their sites.
 - For sites other than those of EPA, the US Coast Guard (USCG), DOD, or DOE, then that other federal agency will be the **lead agency** for remedial actions and removal actions other than emergencies.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300.5) states the cases where another federal agency besides EPA serve as the lead agency.

- The Lead Agency is the agency that provides the On-Scene Coordinators (OSCs)/Remedial Project Mangers (RPMs) to plan and implement response actions under the NCP.
- In the case of a release of hazardous substance, pollutant or contaminant, where the release is on or where the source of the release is from any facility or vessel under the jurisdiction, custody, or control of Department of Defense (DoD) or Department of Energy (DoE), then DoD or DOE will be the lead agency.
- In the case of a release on or the source of the release is from any facility or vessel under the jurisdiction, custody, or control of a federal agency other than EPA, the US Coast Guard (USCG), DOD, or DOE, then that agency will be the lead agency for remedial actions and removal actions other than emergencies.

Role of Federal Agencies



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- At Federal Facility sites (i.e., Departments of Energy, Defense, Interior, etc.), the other federal agency (OFA) is the lead agency for community involvement activities
- EPA conducts regulatory oversight and ensures that community involvement requirements are being met
- Meaningful community participation requires coordination from all agencies

EO 12580 delegated presidential authorities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to the heads of various Executive Branch agencies under certain circumstances. In exercising these powers, such agencies are given the responsibility to provide for public participation. This means that those federal agencies are the lead agency for CERCLA actions and community involvement activities at federal facilities.

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 federal facilities agreement (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.
- MEANINGFUL CI: commitment to a process that seeks and facilitates public input on EPA actions by “providing timely and culturally appropriate information, access for people with disabilities, and language access for persons with limited English proficiency, considering issue of access raised by location, transportation, and other factors affecting participation, and by making available technical assistance to build community-based capacity for participating.

Community Involvement in Federal Facility Documents

- ❑ Interagency Agreement (IAG) commonly known as a Federal Facilities Agreement (FFA) contains specific information on CI
 - FFAs are site-specific
 - Delineate activities at each remediation step
 - Define responsibilities of federal agency
- ❑ Site Management Plan has milestones of interest to the community
 - Component of many FFAs
 - Identifies key remedial action processes, milestones, and necessary documents
- ❑ EPA's Primary Role: provide oversight and act as advisors and/or partners in CI Program development with the lead agency

Once the site is listed on the NPL, the Superfund process and community involvement activities apply equally at Federal Facilities using CERCLA authority. For Federal Facilities on the NPL, CERCLA requires an Interagency Agreement (IAG) or Federal Facilities Agreement (FFA). The FFA usually includes CI activities, and the EPA Remedial Project Manager (RPM), as advised by the Community Involvement Coordinator (CIC) (if one is assigned to the site), should ensure that CI is adequately addressed. The Site Management Plan is a component of the FFA and identifies necessary documents, processes, and milestones. The best way to ensure CI is adequately addressed is to ensure the Federal Facility prepares a Community Involvement Plan or similar document.

Compliance with Superfund CI objectives is tempered by budget constraints and fiscal uncertainties. These two facets of government impact programs nationwide. The challenge is to assure the community that site cleanup continues to be efficient and effective by planning for budget contingencies internally within the site team and externally with the community. If the site has been on the NPL for some time, CI activities and requirements may vary depending on what phase of the Superfund process the site is in. While required CI activities may be sufficient to meet the needs of the affected community, site teams should continually assess the situation to determine if additional activities are needed to fully engage the community.

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

1. Ensure all applicable federal rules and regulations governing community involvement (CI) are being implemented by the Federal Facility.
2. Encourage the lead federal agency to advocate for early and meaningful CI.
3. Become familiar with the Federal Facilities Agreement (FFA).
4. Offer advice, as appropriate, about planning and implementing CI activities.
5. Bring community issues to the site team's attention with best practices to address the situation.
6. Immediately address any lapses in agreed-upon CI procedures or milestones in the FFA.



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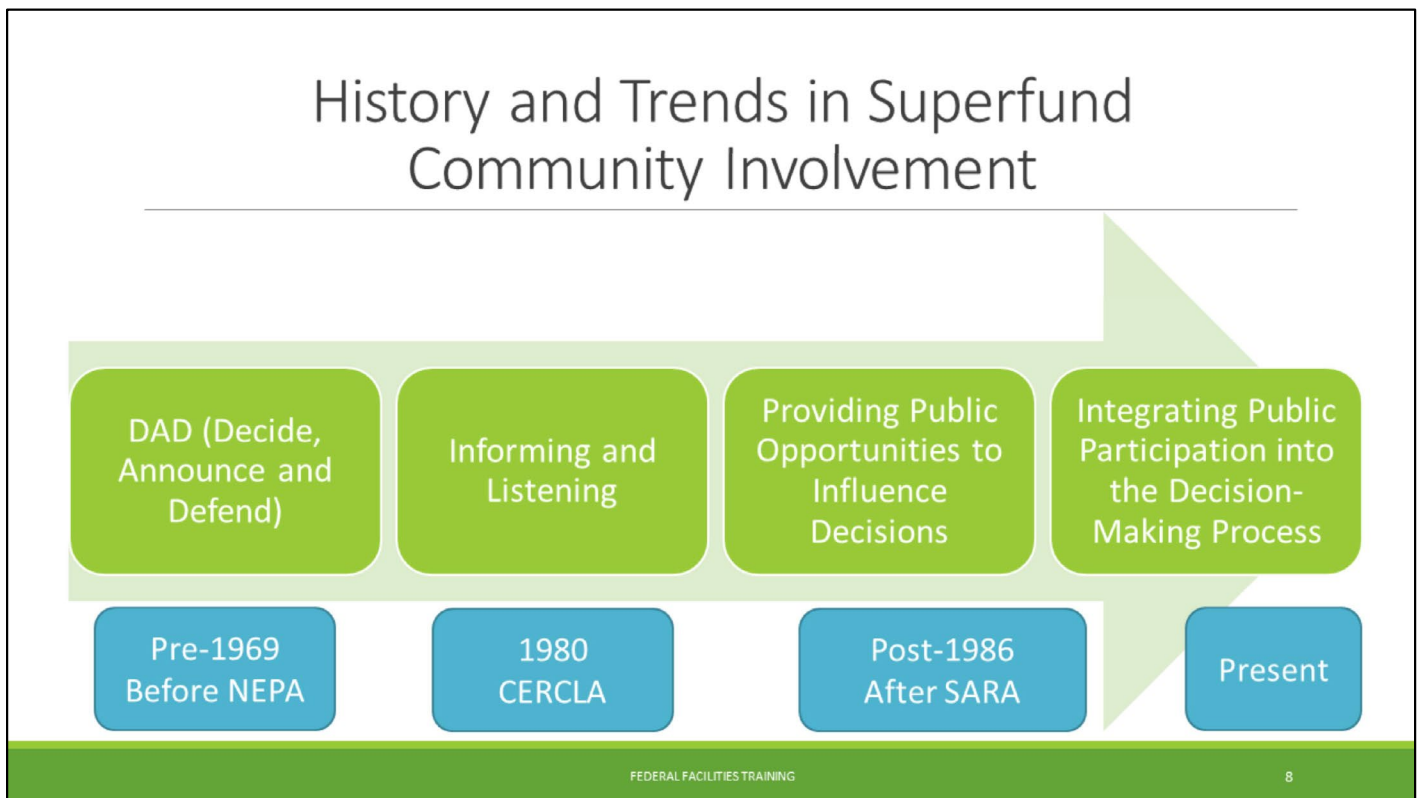
Taken from the 2020 Superfund Community Involvement Handbook

CERCLA and NCP 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 the 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.

Taken from [2020 Superfund Community Involvement Handbook \(PDF\)](#), Chapter 6, Community Involvement at Federal Facilities

(<https://comsub.epa.gov/work/HQ/100002505.pdf>)

Levels of Community Involvement



As a result of the National Environmental Policy Act in 1969 (NEPA), community involvement in the U.S. evolved from the paternalistic “Decide, Announce and Defend (DAD)” approach to more inclusive stakeholder involvement by integrating the community into the decision-making process. NEPA requires that environmental impact studies be performed on large federal actions (e.g., highways), informing the public and receiving public comments.

In 1980, Congress made public involvement in decision-making an important part of the cleanup process when the Superfund program was established by CERCLA. The role of community involvement in Superfund decision-making was strengthened by the Superfund Amendments and Reauthorization Act (SARA) in 1986. The NCP describes EPA’s process for conducting Superfund community involvement. Since 1986, the government began actively informing the public, seeking comments, and factoring those comments into decisions. Many times, public comments resulted in a government agency altering its proposed solutions. In fact, there are examples at Superfund sites where EPA has altered a proposed remedy to clean up a site based upon community input.

The EPA agency-wide Public Involvement Policy affirms the Superfund approach to community involvement. The policy reflects the change of perception about community involvement not just within EPA, but also the country. Community involvement within EPA’s programs has evolved because EPA has learned that community involvement improves the decision-making process and the Agency’s decisions. Not only are the Agency’s decisions better, but they are also more likely to be accepted by the community when the community feels it has and continues to play an integral part in the decision-making process.

Spectrum of Community Involvement				
OUTCOME	GOAL	PURPOSE	PROMISE: We Will	EXAMPLES
Outreach	Inform	Provide Information	Keep you informed	Websites Fact Sheet Phone Hot Line Press Release
Information Exchange	Consult	Provide & exchange data, opinions, and options	Listen, acknowledge concerns & aspirations, & provide feedback on how your input influenced our decision	Individual Interviews Public Meeting Public Comment Availability Session TAGs
Recommendations	Involve	Obtain useful & influential advice or comments	Take your advice or comments into account when making a decision	CAGs RABs TAGs Task Force
Agreements	Collaborate	Reach workable agreement or settlement	Work in good faith to reach an understanding that we can all support & implement as agreed	Community Involvement Plan Interviews Institutional Control Oversight
Stakeholder Action	Empower	Empower stakeholders to take action	Support your decision & assist in your implementation	Voluntary Program Good Samaritan Program Superfund Redevelopment Initiative

The figure is an EPA variation of the International Association of Public Participation (IAP2) Federation Spectrum of Public Participation, P2 Pillars, and can be found at <https://www.epa.gov/international-cooperation/spectrum-public-involvement> . This table depicts different stages in the stakeholder involvement spectrum. It is up to the site team to decide what the goal/outcome of the community involvement effort will be and to communicate that both internally and externally to the community.

It is a legal requirement to inform the public and respond to public comments at specific steps in the Superfund cleanup pipeline, so at a minimum you will be performing activities noted in the first two rows of the table, or levels of the spectrum. Keep in mind, the level of involvement will depend on the site. At some sites with low public interest, it may not be necessary to move past the “inform” level and the site team can proceed with the decision as long as the opportunity for public input was provided. However, when there is a significant amount of public interest, it will be necessary to involve and collaborate with communities to reach decisions.

It is important to recognize that the number of activities, expense, and time devoted to public participation do not mean the same thing as the potential for actual public influence on the decision. In community involvement, a great deal of time, effort, and resources can easily be expended on the wrong pursuits, in turn leading to negative results. This is particularly true when you follow a prescribed set of activities in a law or regulation without first understanding the role for the public in the Superfund decision-making process.

Acronyms in Figure:

TAGs: Technical Assistance Grant RABs: Restoration Advisory Board CAGs: Community

Advisory Group

Community Advisory Boards: RABs and SSABs



Photo of DOE's Hanford Advisory Board (2018)

Site Advisory Boards

- Ingredients for Advisory Board Success
 - Represent a broad range of community interests
 - Have good working relationships with the federal agency
 - Participate in site decisions
 - Keep the community informed about the Board's activities
 - Provide opportunities for community participation at meetings

CI at federal facilities merit special consideration inasmuch as DOD RABs and DOE SSABs offer local stakeholders opportunities to participate at sites that have both remedial and removal cleanups. RABs are typically established at a DOD NPL site where there is sufficient and sustained community interest, and SSABs exist at several DOE sites. These boards are comprised of representatives of the lead agency, EPA, major stakeholder groups and concerned citizens who are committed to reviewing site plans and sometimes receiving technical assistance. EPA works with DOD and DOE and their respective stakeholders at the local level by providing technical and regulatory input. Many times the

DoD Restoration Advisory Boards

- Since 1994, restoration advisory boards (RABs) have been established at over 300 military installations and properties
- Stakeholder group that meets on a regular basis to discuss environmental restoration at a DoD site

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DOD and EPA issued joint guidance in 1994 on RAB Implementation Guidelines,

<https://www.epa.gov/fedfac/restoration-advisory-board-rab-implementation-guidelines>

RABs are an expansion of DoD's Technical Review Committee (TRC) concept. The boards are a forum for exchange of information and partnership among citizens, the installation, EPA, and State. Most importantly, they offer an opportunity for communities to provide input to the cleanup process. It is DoD and EPA's view that RABs will improve DoD's cleanup program by increasing community understanding and support for cleanup efforts, improving the soundness of government decisions, and ensuring cleanups are responsive to community needs.

RABs bring together people who reflect the diverse interests within the local community, enabling the early and continued flow of information between the affected community, DoD and environmental oversight agencies. DoD is creating RABs to ensure that all stakeholders have a voice and can actively participate in a timely and thorough manner in the review of restoration documents. RAB community members will provide advice as individuals to the decision-makers

on restoration issues. It is a forum to be used for the expression and careful consideration of diverse points of view. The RAB complements other community involvement efforts, but does not replace them. The DoD installation will continue to be responsible for fulfilling all statutorily mandated public involvement requirements.

On May 12, 2006, the RAB Rule was issued (71 Federal Register 27610). The RAB Rule Handbook (2007) provides more specific information on the use of RABs.
(<https://denix.osd.mil/rab/home/unassigned/rab-rule-handbook/>)

The Environmental Management (EM) Site Specific Advisory Board (SSAB) was created in 1994 to involve stakeholders more directly in DOE EM cleanup decisions. Currently, there are 8 local boards around the DOE EM Complex. There is no difference between a SSAB and a Citizens Advisory Board.

The EM SSAB's activities are governed by the Federal Advisory Committee Act (FACA), which was enacted to ensure that board deliberations are open and transparent to the public. Members of the EM SSAB local boards are made up of representative members of the community around DOE sites, not necessarily experts. FACA formalizes the advisory board process. It requires that all meetings be open and accessible to the public, meetings be announced in the Federal Register, all documents be maintained for the life of the board, membership be made of a diversity of interests, and there be time allotted at each meeting for public comment. DOE is required to formally respond to each recommendation made by a local board. All of the local boards of the EM SSAB have both a state and EPA liaison. While the state and EPA liaisons are not voting members of the board, local boards should allot time (if requested) at any meeting to allow the state or EPA to address the board.

Please note that each local board listed is a hyperlink and will direct you to the specific board's website for more information. More information is also available at

<https://energy.gov/emssab>

- [Hanford Advisory Board](#)
- [Paducah Citizens Advisory Board \(CAB\)](#)
- [Portsmouth SSAB](#)
- [Northern New Mexico CAB](#)
- [Nevada SSAB](#)
- [Oak Ridge SSAB](#)
- [Savannah River Site CAB](#)
- [Idaho Cleanup Project CAB](#)

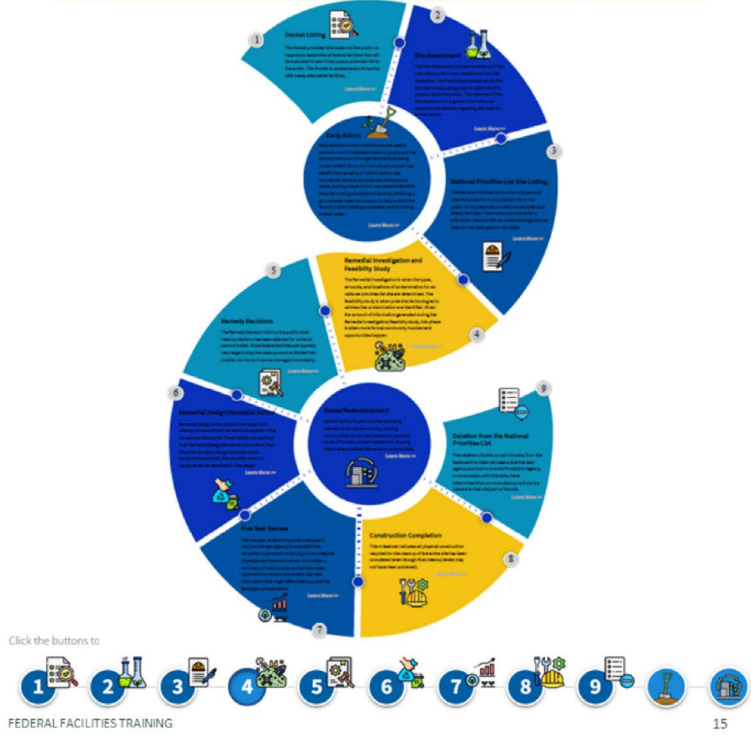
Advisory Boards versus Community Involvement

- ❑ EPA should participate as a liaison at advisory board meetings to provide an EPA perspective to board members and hear their concerns
 - All FFA agencies should be involved in these meetings
- ❑ Keep in mind that advisory boards **do not** replace community involvement
- ❑ The lead agency is still expected to conduct community involvement activities with the broader public

It is important to recognize that advisory boards, both RABs and SSABs, are not a replacement for community involvement. These boards often represent a small group of active stakeholders and can provide very useful recommendations to the corresponding federal agency; however, working to involve the broader community affected by the cleanup decisions being made is necessary.

Community Involvement Opportunities at NPL Sites

Superfund Federal Facilities Cleanup Process



The Superfund Federal Facilities Program has a webpage that illustrates the Superfund Federal Facilities Cleanup Process. As you click on each step of the process, it will highlight community involvement opportunities at that stage. Appendix A of the Superfund CI Handbook contains all the regulatory citations and responsible party for CI outreach.

https://efedp.epa.gov/public/extensions/CFRCLA_Superfund_Cleanup_Process/CFRCLA

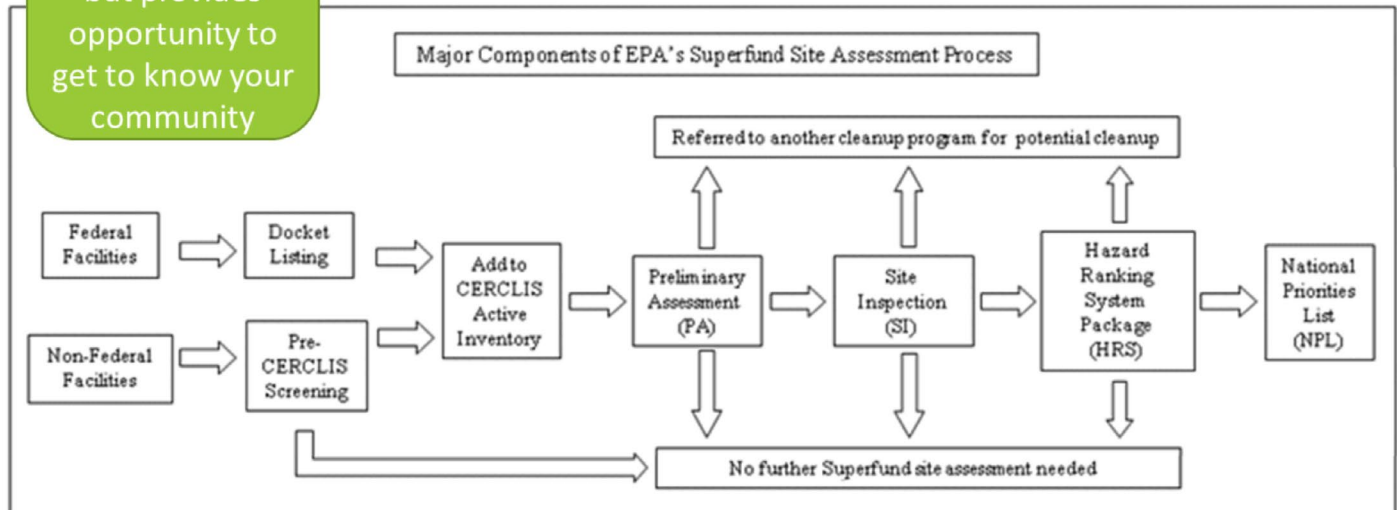
Case Study

LAURA KNUDSEN
COMMUNITY INVOLVEMENT COORDINATOR
REGION 10

Initial NPL Listing Community Involvement

CI does not typically start at PA or SI stage, but provides opportunity to get to know your community

Discovery of Contamination at Federal Facilities



Superfund Site Assessment Process; <https://www.epa.gov/superfund/superfund-site-assessment-process>

Site assessment often begins with Federal Facilities when the facility has been listed on the Federal Agency Hazardous Waste Compliance Docket (Docket) (2016 EPA CI Handbook, Chapter 3, p. 26). Section 120(c) of CERCLA requires EPA to establish this Docket of Federal Facilities which are managing or have managed hazardous waste or have had a release of hazardous waste. Thus, the Docket identifies all Federal Facilities that must be evaluated to determine whether they pose a risk to human health and the environment, and it makes this information available to the public.

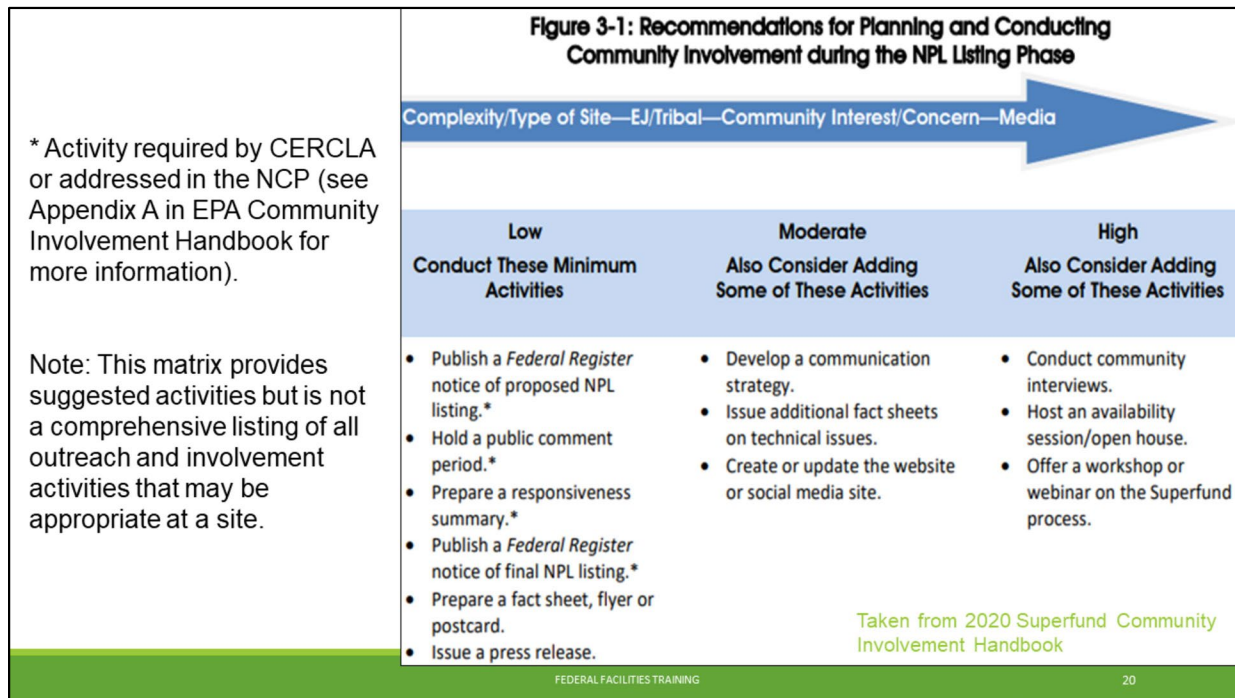
EPA, state and tribal partners, or the appropriate federal agency then conducts a Preliminary Assessment (PA). If warranted, a Site Inspection (SI) or other more in-depth assessment is conducted to determine whether the site warrants short- or long-term cleanup attention. At the conclusion of the assessment, a Hazard Ranking System (HRS) model is applied to derive a preliminary site score. Community involvement does not start at the PA and SI process because many sites assessed for inclusion on the NPL fall into other categories for cleanup. However, it is a good opportunity to get to know your community. It is an opportunity to develop trust and credibility in the agency's ability to deal fairly and effectively with site issues.

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.

NPL Listing CI Requirements

- 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 that addresses significant comments and any significant new data received during the public comment period.
- Publish a final NPL listing in the Federal Register.

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.



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. 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.

Removal Action Community Involvement

Removal action activities community involvement requirements are slightly different than those for remedial actions, depending on the type and duration of the removal process.

Removal Actions

- ❑ Emergency Response
 - Action is **typically** required within hours
 - May not have enough time to issue an Action Memo (AM) before taking action
- ❑ Time-Critical Removal Action (TCRA)
 - Action is required within 6 months
 - Typically, an approved action memo (AM) is in place before initiating a non-emergency time-critical response
- ❑ Non-Time-Critical Removal Action (NTCRA)
 - Planning period of more than 6 months is available
 - Requires an Engineering Evaluation/Cost Analysis (EE/CA), or its equivalent, before AM is signed

Each type of removal action requires different levels of community involvement

There are three types of removal actions: emergency response; time-critical; and non-time-critical responses.

- **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.
- **Time-critical removals** are situations where a removal is appropriate and on-site removal activities must begin within six months.
- **Non-time-critical removals** are undertaken when a removal action is appropriate and the situation allows for a planning period of at least six months before on-site activities must begin.

The Action Memo (AM) is the primary removal action document. It should document threats posed and actions taken for an emergency removal action and document threats posed and actions to be taken for a time-critical or non-time-critical removal action.

The NCP states that whenever a planning period of at least six months exists before on-site activities must be initiated, and the lead agency determines, based on a site evaluation, that a removal action is appropriate then the lead agency shall conduct an engineering evaluation/cost analysis (EE/CA) or its equivalent. (NCP 300.415(b)(4)(i)). During an EE/CA, data and removal alternatives for implementing a cost-effective removal response are evaluated.

Community Involvement in Removal Actions

- Basic CI Actions for All Removals
 - Designate an agency spokesperson
 - Establish an administrative record
 - Inform the community about the administrative record (AR)
- All time-critical responses with a planning period of less than 6 months also require
 - Public comment period within 30 days of AR file being made available to public
 - Response to significant comments (include in AR)



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Note: These are responsibilities of the lead agency. EPA ensures these requirements are met.

Emergency removals begin almost immediately, so there are no additional CI activities beyond the basic requirements, which are required for all removal actions :

- Designate an agency spokesperson
- Establish an administrative record
- Inform the community about the administrative record

Remember that quick and clear communication is key in explaining potential threats, how the community can protect themselves, and what measures are being taken.

Time-critical responses have longer planning periods than emergency removals, which means there is more time to plan community involvement activities. For time-critical removals, CI activities should include the basics above PLUS:

- Holding a public comment period no less than 30 days from when the administrative record is available to the public.
- Preparing a responsiveness summary to respond to comments.

The Administrative Record is composed of documents that form the basis for selection of a response action that are usually made available in an Information Repository. It is the Federal Facility's responsibility to determine whether to provide this information in traditional form (i.e., paper copies or microfilm), electronically, or both. It would be helpful for interviews to assess the availability of computers in the community when determining what method to provide this information to the community.

Community Involvement in Removal Actions

Time-critical responses that last more than 120 days shall include:

- Community interviews
- Community involvement plan
- Information repository

Non-time-critical responses with a planning period of at least 6 months shall also include:

- Public notice of availability of EE/CA
- Public comment period (at least 30 days) on the EE/CA (can be extended by a minimum 15 days upon timely request)
- Responsiveness summary to be included in the AR

Note: These are responsibilities of the lead agency. EPA ensures these requirements are met.

For **time-critical responses expected to extend beyond 120 days**, CI activities should include the basics PLUS:

- Conducting community interviews to determine how to involve the public in the removal process.
- Preparing a community involvement plan based on the community interviews.
- Establishing at least one information repository near the response location to provide the public with easier access to site-related documents.

Non-time-critical responses come with significantly more CI because more time is available to plan for the cleanup. For non-time-critical responses, CI activities should include the basics above PLUS:

- Publishing a public notice
- Holding a public comment period

Required
Community
Involvement
Activities for
Removal Actions

Taken from 2020 Superfund Community
Involvement Handbook

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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	Long-Term	
		On-site Activity Lasts Less than 120 days	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	✓

The NCP addresses certain community involvement activities for each type of removal action, at specific points in the removal process (see Table 4-1 of the CI Handbook). 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, on-scene coordinators (OSCs) and site teams should continually assess the situation to determine an appropriate mix of activities to fully engage the community.

Appendix A of the CI Handbook lists community involvement requirements for removal or remedial actions. Response actions necessary to achieve short term strategic objectives are generally identified as **time-critical removal actions**, and activities necessary to achieve mid-term strategic objectives are generally identified as **non-time critical removal actions**. Note that these required activities serve as the foundation for planning community involvement at Superfund.

Test Your Understanding

True or False:

- A removal is time-critical when a site evaluation has been conducted and it is determined that there is not an immediate emergency, but on-site removal activity must begin within six months

Test Your Understanding

What two CI activities are required when a removal action on-site activity takes **less** than 120 days?

- A. Complete a CI Plan
- B. Establish an Administrative Record
- C. Notify the public about the availability of the Administrative Record
- D. Establish an Information Repository
- E. Conduct a community interviews

Test Your Understanding

Which activities are required when a removal action on-site activity takes **more** than 120 days?

- A. Complete a communications plan
- B. Establish an Administrative Record
- C. Notify the public about the availability of the Administrative Record
- D. Establish an Information Repository
- E. Conduct a community interviews

Test Your Understanding

Which activities are required for a non-time critical removal action with a planning period of **more than 6 months**?

- A. Respond to public comments in a responsiveness summary
- B. Establish an Administrative Record
- C. Hold a public meeting
- D. Hold a public comment period
- E. Conduct community interviews



Environmental Justice Considerations

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EPA EJ Priorities

Take immediate and affirmative steps to incorporate environmental justice considerations into their work, including assessing impacts to pollution-burdened, underserved, and Tribal communities in regulatory development processes and to consider regulatory options to maximize benefits to these communities.

Take immediate and affirmative steps to improve early and more frequent engagement with pollution-burdened and underserved communities affected by agency rulemakings, permitting and enforcement decisions, and policies.

<https://www.epa.gov/newsreleases/epa-administrator-announces-agency-actions-advance-environmental-justice>

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In April 2021, EPA Administrator Regan directed all EPA offices to clearly integrate environmental justice considerations into their plans and action. In his message, Administrator Regan, while acknowledging the agency's past environmental justice efforts, called on all EPA offices to take the following steps:

Strengthen enforcement of violations of cornerstone environmental statutes and civil rights laws in communities overburdened by pollution.

Take immediate and affirmative steps to incorporate environmental justice considerations into their work, including assessing impacts to pollution-burdened, underserved, and Tribal communities in regulatory development processes and to consider regulatory options to maximize benefits to these communities.

Take immediate and affirmative steps to improve early and more frequent engagement with pollution-burdened and underserved communities affected by agency rulemakings, permitting and enforcement decisions, and policies. Following President

Biden's memorandum on strengthening the Nation-to-Nation relationship with Tribal Nations, EPA staff should engage in regular, meaningful, and robust consultation with Tribal officials in the development of federal policies that have Tribal implications.

(<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>)

Consistent with the Administration's Justice 40 initiative, consider and prioritize direct and indirect benefits to underserved communities in the development of requests for grant applications and in

EJ is about Protection and Engagement

Environmental justice requires that all people experience the **same degree of protection**, and everyone has **equal access to the decision-making process**.

- **To provide the same degree of protection**, we must first recognize that some people may be disproportionately impacted because of biological, physiological, psychosocial and socioeconomic vulnerabilities and/or higher or more frequent exposures.
- **To ensure equal access to the decision-making process**, the outreach strategies should be tailored to meet the needs of the community.

<https://www.epa.gov/environmentaljustice>

EPA has an opportunity, through regulatory oversight to ensure that the potential for disproportionate impacts is identified so that vulnerabilities and exposure conditions can be accounted for, assessed and addressed through the CERCLA process. EPA RPMs should review the lead agency's community involvement plan, request updates and oversee implementation to ensure that the community engagement is timely and effective.

Each federal agency may have its own guidance on how to incorporate environmental justice. Sharing these guidance documents at the site team level is helpful to ensuring the needs of each agency are being addressed.

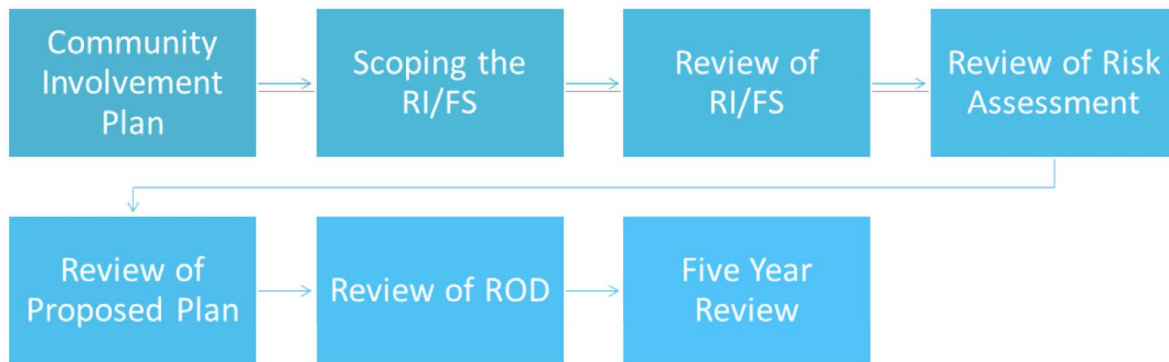
Department of Defense Strategy on Environmental Justice, 1995.

https://www.denix.osd.mil/ej/denix-files/sites/95/2023/04/DoD-Environmental-Justice-Strategy-24-Mar-1995_508.pdf

DOE Website on Environmental Justice <https://www.energy.gov/lm/environmental-justice>

More information on Federal EJ Strategies is available at

<https://www.epa.gov/environmentaljustice/federal-ej-strategies>



When and How to Consider EJ Factors in the CERCLA Pipeline

Considering environmental justice (EJ) throughout the CERCLA process is important to ensuring the selected remedy reflects any EJ concerns, particularly for minority populations, low-income populations, and/or indigenous peoples. Being able to describe how EJ considerations were addressed throughout the process is useful to include in the Record of Decision.

EPA has a 2015 guidance related to this topic titled “Guidance on Considering Environmental Justice During the Development of a Regulatory Action.” This guidance was created to ensure understanding and foster consistency with efforts across EPA’s programs and regions to consider environmental justice. While not specific to Superfund, 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. Guidance available at <https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>

Current EPA guidance does not prescribe or recommend a specific approach or methodology for conducting screening-level analysis. A screening-level analysis should provide information related to whether there may be potential EJ concerns associated with regulatory actions, and may include elements such as the following:

1. A description of the potential impacts on, and existing risks to, minority populations, low-income populations, and/or indigenous peoples. This may involve a description of:
 - The proximity of sources being regulated to these populations
 - The number of sources that may be impacting these populations
 - The nature and amount of pollutants that may be impacting these populations
 - Whether there are any unique exposure pathways involved
 - Combinations of the various EJ factors occurring in conjunction with one another
 - Expressed stakeholder concerns about the action, if any.

2. A description of potential impediments to meaningful involvement. This may involve understanding whether the action presents opportunities to improve public involvement requirements or limits opportunities in some way. After initial screening, qualitative factors addressing site-specific factors should be identified and considered.

Take Action to Engage



Compare EJScreen/Desktop tools with current community outreach information



Strategize how to engage neighborhoods that you might be missing



Update the Community Involvement Plan



Expand understanding of community concerns through engagement



Convene other state and local agencies and other organizations to help address community needs beyond site-specific issues

How to Take Action to Protect...

Use

Use information to understand potential land and resources use, unique activities, etc. that could result in exposures

Include in the Conceptual Site Model

Inform sampling and analysis

Ensure

Ensure that the relevant exposure scenarios are included in the risk assessment

Assess in the risk assessment

Identify risks

Disproportionate risks

Consider

Consider other non-site related factors that could influence risk and provide context

Highlight important science-based information that influences risk for decision-makers



EJ Documentation

What would we document?

- Site-specific assessment of EJ concerns
- Absence of EJ concerns
- Vulnerable populations
- Site Activities by the Lead Agency
 - Outreach & Engagement Efforts
 - Risk Assessment Considerations/Inputs
 - Responsiveness to Community Concerns
 - Remedy Selection and Effectiveness

Pros:

- Promote consistency
- Share best practices
- Better, more effective cleanups
- Support required reporting

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Piloting EJ Considerations at Federal Sites

Goal is to develop a systematic approach to incorporating EJ considerations into CERCLA investigations at Federal Facilities

Team reps:

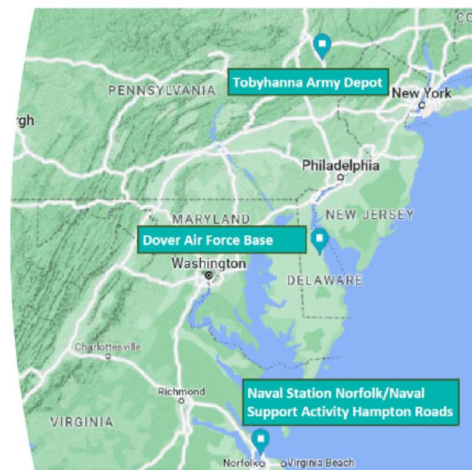
- Three Federal Facilities
- Three States
- EPA R3, FFRRO Staff

Walk through process of incorporating EJ analyses

- Tools
- Integration & Documentation

Report & Toolbox

- <https://www.epa.gov/fedfac/environmental-justice-considerations-federal-facility-superfund-sites>



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Remedial Action Community Involvement

Community Involvement Requirements Before RI Field Activities

- Conduct community interviews
- Prepare a formal CIP
- Establish a local information repository at or near the site
- Establish the administrative record file and make it available as a part of the information repository
- Publish a public notice in a newspaper of major local circulation or use one or more other mechanisms to give adequate notice



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Once a Federal Facility is listed on the National Priorities List (NPL), the site enters the Superfund process. The NCP requires specific community involvement activities at certain points throughout the Superfund process. Activities necessary to achieve long term strategic objectives are generally referred to as **remedial actions**.

Consistent with the NCP, the lead cleanup agency 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.
- 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.

Public Notice in Newspapers

☐ Public notices in newspapers of general circulation are needed for:

- Proposed listing of the site on the NPL
- Availability of the administrative record file and Information Repository location for remedial actions.
- Availability and brief analysis of the Proposed Plan
- Issuance of ROD
- Issuance of ESD
- Proposed Plan for ROD Amendment

These notices are not affected by the May 2015 NCP changes to broaden the mechanisms the lead agency can use to provide public notice.

Some public notices are required to be published in a newspaper of general circulation. Changes were made to the NCP in 2015 to allow adequate notice to a community via a major local newspaper of general circulation **or** by using other mechanisms in six specific instances. EPA is required to follow the statutory public notice requirements associated with CERCLA section 117. Publication in a major local newspaper of general circulation will continue to be required for:

- 1) notice of availability of the proposed plan (40 CFR 300.430(f)(3)(i)(A)),
- 2) notice of availability of the Record of Decision (40 CFR 300.430(f)(6)(i)),
- 3) notice that briefly summarizes the explanation of significant differences (40 CFR 300.435(c)(2)(i)(B)),
- 4) notice of availability and a brief description of the proposed amendment to the Record of Decision (40 CFR 300.435(c)(2)(ii)(A)), and
- 5) notice of availability of the amended Record of Decision (40 CFR 300.435(c)(2)(ii)(G)).

Changes were made to the NCP in 2015 to allow adequate notice to a community via a major local newspaper of general circulation **or** by using other mechanisms.

Public Notice By Other Mechanisms

- ❑ Public notices in major newspapers or by other mechanisms for notifying the public of:
 - Availability of AR files pertaining to time-critical actions;
 - Availability of EE/CA for a NTCRA
 - NPL deletions
 - Availability of AR at the commencement of the remedial investigation
 - Availability of AR when an EE/CA for a NTCRA is issued for public comment
 - Notification of AR for all other removal actions not included in Section 300.820(a).

Other mechanisms for providing public notice include distributing flyers door-to-door, mailing notices to homes, sending email notifications, making telephone calls, or posting on Web sites.

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. Those six instances are:

- § 300.415(n)(2)(i) That requires 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.
- § 300.415(n)(4)(ii) that requires 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.
- § 300.425(e)(4)(ii) that requires notification of releases that may be deleted from the National Priorities List (NPL).
- § 300.815(a) that requires notification of the availability of the administrative record file for the selection of a remedial action at the commencement of the remedial investigation.
- § 300.820(a)(1) that requires 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.
- § 300.820(b)(1) that requires notification of the availability of the administrative record file for all other removal actions not included in § 300.820(a).

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

* Activity required by CERCLA or addressed in the NCP (see Appendix A in EPA Community Involvement Handbook 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.

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"> • 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.

Taken from 2020 Superfund Community Involvement Handbook

Community Involvement Requirements for the Proposed Plan and ROD

- Publish a public notice in a newspaper
- Make the Proposed Plan and supporting information available to the public (AR and information repository)
- Provide a 30-day public comment period
 - extend the period by at least 30 days, if appropriate.
- Provide the opportunity for a public meeting during the public comment period at or near the site.
 - Prepare a transcript and make available to the public
- Prepare a “Responsiveness summary” (included in the ROD)
- Publish notice of availability of the ROD in a newspaper

The lead cleanup agency 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.
- Make the Proposed Plan and any supporting analysis and information available to the public in the administrative record and information repository.
- Provide 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.
- 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. 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 site team is serious about considering the community’s input.

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

* Activity required by CERCLA or addressed in the NCP (see Appendix A in EPA Community Involvement Handbook 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.



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"> • Prepare a Proposed Plan.* • Post a notice of the Proposed Plan.* • Hold a public meeting and prepare a meeting transcript.* • Hold a public comment period.* • Prepare a responsiveness summary.* • Issue a press release. • Distribute a flyer. • Make the EPA citizen's guides to cleanup technologies available. 	<ul style="list-style-type: none"> • Prepare a fact sheet summarizing the Proposed Plan. • Conduct informal activities. • Host an availability session/open house. • Prepare additional fact sheets on technical issues. • Make presentations to community groups in person or via conference call, Adobe Connect, or other Agency meeting or webinar tools. • Offer a workshop or webinar on the Superfund process. • Create or update the website or social media site. • Prepare communication strategies as needed. 	<ul style="list-style-type: none"> • Conduct focus groups. • Form or work with an existing Community Advisory Group. • Offer alternative dispute resolution services. • Conduct a TANA and, if appropriate, provide technical assistance.

Taken from 2020 Superfund Community Involvement Handbook

Note that the lead agency must provide the opportunity for a public meeting to be held during the public comment period at or near the site. This can be done by including language in the proposed plan and fact sheet (if applicable) that states the public can request a public meeting by contacting the federal agency. If significant interest in a public meeting is demonstrated, the site team can then plan a public meeting in response to public interest. If it is known or anticipated that there will be a high level of interest, the site team can plan for the public meeting in advance and announce it in conjunction with the public comment period and notice of Proposed Plan availability.

Test Your Understanding

Answer True or False:

- At a minimum, a 30-day public comment period is required on a Proposed Plan AND upon timely request, the lead agency will extend the public comment period by a minimum of 30 additional days

Test Your Understanding

Which of these are conducted to gather information for a Community Involvement Plan (CIP) and serve as 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?

- A. Action Memo
- B. Public Meeting
- C. Press Release
- D. Proposed Plan
- E. Community Interviews

Test Your Understanding

A _____ of a public meeting held during a proposed plan public comment period must be kept and made available to the public.

- A. Transcript
- B. Video Recording
- C. Photo Log
- D. Sign-In Sheet
- E. Audio Recording

Test Your Understanding

The lead agency must publish a _____ for the following events:

- The public comment period on the Proposed Plan is held
- The remedial alternative has been selected and the ROD signed

- A. Responsiveness Summary
- B. Fact Sheet
- C. Action Memo
- D. Public Notice
- E. Proposed Plan

Community Involvement in Post-ROD Actions

Community Involvement for Changes Post-ROD

- ❑ Changes significantly affecting the remedy selected in the ROD will need more explanation and opportunity for public comment than others
- ❑ Post-ROD changes are documented by the following:
 - **Insignificant or minor change** recorded in the project file
 - **Significant change** through an Explanation of Significant Differences (ESD)
 - **Fundamental change** which requires a ROD Amendment

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.
- **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. 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.



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Community Involvement Requirements for ESD

- Issue an ESD
- Make the ESD and supporting information available in the administrative record and information repository
- Publish a public notice in a major local newspaper of general circulation

A site team should work together to identify community needs and go beyond the requirements as appropriate.

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 Requirements:

- 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.

Community Involvement Requirements for ROD Amendments

- Publish a notice of the availability in a major local newspaper of general circulation
- Hold a public comment period of at least 30 days on the Proposed Plan to amend the ROD,
 - Extend by a minimum of 30 days upon timely request
- Provide the opportunity for a public meeting during the comment period
- Keep a transcript of the public meeting
- Prepare a written response to comments
 - this summary should be included in the amended ROD.
- Publish notice of availability of the amended ROD



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Similar to ROD CI Process

Fundamental changes/ROD amendment: Consistent with CERCLA, the NCP and existing EPA CERCLA guidance, the lead cleanup agency 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 the lead cleanup agency and EPA decide to formally amend the ROD, the lead cleanup 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.

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

* Activity required by CERCLA or addressed in the NCP (see Appendix A in EPA Community Involvement Handbook 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.

Taken from 2020 Superfund Community Involvement Handbook

Community Concern—Media—EJ/Tribal—Potential Controversy/Disruption		
Low Conduct These Minimum Activities	Moderate Also Consider Adding Some of These Activities	High Also Consider Adding Some of These Activities
<p>For Minor Changes</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>For Significant Changes</p> <ul style="list-style-type: none"> Issue an ESD.* Make the ESD available in the administrative record/information repository.* Publish a notice.* <p>For ROD Amendment</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>After ROD Is Amended</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.

Changes that significantly or fundamentally affect the remedy selected in the ROD typically involve more explanation and enhanced community involvement.

Five-Year Reviews and the Community



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- Why they are important to the community
 - Federal facility cleanups are long-term efforts
 - Way to communicate with and update the public on cleanups
- Informing the Community
 - Public should be informed when the document is available
- Involving the Community
 - Consider community interviews as part of five-year reviews
 - Five-Year reviews provide an opportunity to identify and address concerns

Section 121 of CERCLA requires remedial actions that result in any hazardous substances, pollutants, or contaminants remaining at the site be subject to a Five-Year Review. The purpose of the five-year review is to evaluate the implementation and performance of the remedy in order to determine whether the remedy is or will be protective of human health and the environment. For federal facility sites, the lead agency conducts the review, prepares the reports, and submits the report to EPA for review and comment. The lead agency is responsible for ensuring that the recommendations and follow-up actions in the report are completed. No community involvement activities during operation and maintenance (O&M) or the five-year review are mandated in CERCLA or addressed in the NCP.

Five Year Reviews undertaken by the lead federal agency 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 period is a good time to assess the level of CI.

2001 EPA Guidance on FYRs

- Notify the community the review will be conducted
- Notify the community when the review has been completed
- Make the report available to the public

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EPA Federal Facilities HQ reviews every NPL site five-year review!



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Cleanups at Federal Facilities

- Home
- FEDFacts
- Base Realignment and Closure (BRAC)
- Emerging Contaminants and Contaminants of Concern
- Federal Agency Hazardous Waste Compliance Docket
- Military Munitions and Unexploded Ordnance (UXO)
- Quality Assurance

Five-Year Review of Federal Facility Cleanups

Overview **Training & Tools** FYR Information

Community Tools

The Federal Workgroup on Five-Year Reviews (FYR) developed these training tools to help site managers at federal facilities communicate with community members about the purpose and process of five-year reviews. Use of these materials is not required at any site; they are tools you may use and adapt as appropriate to meet your site-specific needs. When you use these, please add any information specific to your site, such as contact information.

Training and Tools available at

<https://www.epa.gov/fedfac/five-year-review-federal-facility-cleanups>

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The EPA 2001 Comprehensive Five-Year Review Guidance provides the policies and procedures for conducting five year reviews at Superfund sites.

(<https://semspub.epa.gov/work/HQ/128607.pdf>)

The 2001 guidance states that the site team should consider conducting additional community involvement activities at high profile sites, those with significant public interest, and any other sites for which there is a need for additional community involvement activities. This may include notifying local public officials, including the primary local health agency, and the leadership of any relevant neighborhood and civic groups. In addition to this notification, you may also wish to interview several community members, at least some of whom live or work near the site, to get their views about current site conditions, problems, or related concerns. If there was or is a citizens advisory group, representatives of these groups should be briefed at the outset of the five-year review process, and, if requested, at other appropriate points. You may also want to consider appropriate ways, such as public meetings or an opportunity for submitting written comments, to get broader public involvement.

More information on Federal Facility Five-Year Reviews is available at

<https://www.epa.gov/fedfac/five-year-review-federal-facility-cleanups>

Test Your Understanding

True or False:

- A five-year review requires a notice be published in a newspaper of major circulation.

EPA Technical Assistance at Federal Facilities on the NPL

- ❑ Technical Assistance Needs Assessment (TANA)
 - helps determine whether the advisory group is best served by a TAG, TASC, or TAPP.

- ❑ TAG and TASC dependent on EPA funds available

- ❑ TAG and TASC are used more at private NPL sites, but are available at federal facilities

TAG

- Technical Assistance Grant

TASC

- Technical Assistance Services for Communities

TAPP

- Technical Assistance for Public Participation (For DoD RABs)

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At complex sites or where there is strong community interest or EJ concerns, the lead federal agency should consider assessing the community's need for technical assistance through the Technical Assistance Needs Assessment (TANA). The TANA is a site-specific process that identifies whether a community requires additional support from EPA to understand technical information and to enable meaningful community involvement in the Superfund decision-making process. The benefit of the TANA is that it helps determine whether the advisory group is best served by a TAG, TASC, or TAP.

- TAGs provide funding to community groups to contract their own technical advisor to interpret and explain technical reports, site conditions, and EPA's proposed cleanup proposals and decisions. An initial grant up to \$50,000 is available to qualified community groups.
- TASCs provide independent assistance through an EPA contract to help communities better understand the science, regulations and policies of environmental issues and EPA actions. Under the TASC contract, a contractor provides scientists, engineers and other professionals to review and explain information to communities on a project-specific basis and provided at no cost to communities. TAPPs provide 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.

TAG website: <https://www.epa.gov/superfund/technical-assistance-grant-tag-program>

TASC website: <https://www.epa.gov/superfund/technical-assistance-services-communities-tasc-program>

TAPP website: <https://denix.osd.mil/rab/>

In Review

- Community involvement plays a significant role in Superfund
- Communication and coordination across the site team is necessary for an effective community involvement program
- Often a site team will need to go beyond regulatory requirements to meet the intent of community involvement under CERCLA and the NCP



Contact Information

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The *Superfund Community Involvement Handbook and Toolkit*
describes over 40 techniques

Communication Tools

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The Superfund Community Involvement Tools and Resources website includes links to the handbook and toolkit. <https://www.epa.gov/superfund/superfund-community-involvement-tools-and-resources>

Community Involvement Planning

- ❑ Community Involvement Plan (CIP)
 - The backbone of community involvement
 - Specifies activities that address community needs, concerns and expectations

- ❑ Communication Strategy
 - Single event or short-term
 - Addresses a specific problem or issue
 - Can be a component of a CIP



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Community involvement planning involves both short- and long-term strategies.

Community Involvement Plan:

A Community Involvement Plan, or CIP, is the backbone of the community involvement process and serves as a useful reference for the site team during the remedial process or long-term emergency response. This document addresses how general outreach activities will be undertaken for a long-term project or activity.

Communication Strategy:

A **communication strategy** is a short-term plan for providing information to specific audiences about a specific issue, event, or concern. It is a blueprint for addressing a specific problem or issue and emphasizes three critical components: message (what), audience (who), and delivery (how). Short-term strategies are limited to only those elements necessary for communicating efficiently and effectively. A communication strategy can be one component of a CIP, but it addresses only a specific event, issue, or concern, such as an emergency response to a release, or communicating the specific risk at a site.

Major Components of the CIP

- ❑ Living document required by the NCP
 - ❑ Important to update as site conditions change
- ❑ CIP
 - Describes the site
 - Includes a community profile
 - Identifies community needs and concerns
 - Specifies site action plan
 - Allows for community comment

Community Involvement Plans

Overview

A community involvement plan (CIP) is a site-specific strategy to enable meaningful community involvement throughout the Superfund cleanup process. CIPs specify EPA-planned community involvement activities to address community needs, concerns, and expectations that are identified through *community interviews* and other means.

The CIP is both a document and the culmination of a planning process.¹ As such, the CIP represents the backbone of the site's community involvement program and serves as an informative guide for community members. A well-written CIP will enable community members affected by a Superfund site to understand the ways in which they can participate in decision-making throughout the cleanup process. It also can be a useful reference for the site team during the Superfund cleanup regarding appropriate activities for community involvement.

This is important because the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) requires the lead agency to prepare a community involvement plan (formerly called a community relations plan) "based on community interviews and other relevant information, specifying the community relations activities that the lead agency expects to undertake during the remedial response." The NCP specifies that the CIP must be in place before remedial investigation field activities start, "to the extent practicable." [NCP-40 CFR §300.430(c)(2) (i)(A-C)].

The NCP further requires that EPA review the CIP prior to initiating the remedial design (RD) "to determine whether it should be revised to describe further public involvement activities during remedial design/remedial action (RD/RA) that are not already

This and all tools in the Community Involvement Toolkit should be used in conjunction with the *Community Involvement Handbook*, which provides guidance to EPA staff on how EPA typically plans and implements community involvement activities at Superfund sites.

addressed or provided for" in the CIP [40 CFR §300.435(c)(1)].

For removal actions lasting 120 days or more, the NCP specifies that the lead agency must prepare a CIP based on community interviews and other relevant information "by the end of the 120-day period." For removal actions with a planning period of at least six months, the NCP requires the CIP to be completed prior to the completion of the engineering evaluation/cost analysis (EE/CA). [40 CFR §300.415(n)(3)(ii)].

These requirements are equally applicable to federal facilities and sites using the Superfund Alternative Approach (SAA).

Why This Is Important

Implementation

A CIP is a community-oriented document that provides an accessible road map for community involvement throughout the cleanup process. While the community involvement coordinator (CIC) has primary responsibility for the CIP, all members of the site team — the remedial project manager (RPM) or on-scene coordinator (OSC); CIC; risk assessor; the enforcement case team; EPA contractor; state, tribal, or local agency staff; or others — should be involved in the development and implementation of the CIP.

The CIP should be a "living" document and is most effective when it is updated or revised as site conditions change. The CIP document:

- Describes the release and affected areas (a.k.a., "the site"), including relevant history, type and extent of contamination, and environmental

¹Heller, Judith. Planning for Participation: Trends & Opportunities in Superfund's Community Involvement Plans, 2010. Report prepared for the U.S. EPA by National Network for Environment Management Studies Fellow. Many of the ideas for this tool were informed by this report.

FEDERAL FACILITIES TRAINING

The CIP should be a living document and is most effective when it is updated or revised as site conditions change. The CIP:

- **Describes the site**, including relevant history, type and extent of contamination, and environmental exposures and concerns.
- **Includes a comprehensive Community Profile**, including a summary of demographic information and other important characteristics of the affected community which may be obtained from the EJ Screen.
- **Identifies key community needs**, concerns, and questions, as well as expectations. This information is typically collected through Community Interviews and depicted in the Community Profile.
- **Specifies planned outreach activities or action plan**. The plan includes a projected sequence of project milestones tied to site activities (with projected timeframes, whenever possible) and the mechanisms that will be used to communicate with the public.
- **Allows for community comment** on the draft CIP and describes the mechanisms used to receive and consider feedback before issuing the “final” CIP (e.g., formal or informal public comments, community meetings, public meeting, etc.) Refer to the CIP tool in the community involvement toolkit for additional components.

<https://semspub.epa.gov/work/HQ/100002210.pdf>.

Fact Sheets

- Brief document that provides site-related information to affected communities
- Explains highly technical concepts in a way that can be easily understood by non-technical readers
- Should address “what is this” and “why should I care,” and “how can I get involved?”
- When posting online, consider creating a short video to accompany the fact sheet for social media

Community Guide to Granular Activated Carbon Treatment



What Is Granular Activated Carbon Treatment?

Granular activated carbon or “GAC” is a material used to filter harmful chemicals from contaminated water or air. It is composed of granules of coal, wood, nutshells or other carbon-rich materials that have been heated to “activate” the surface of the granules. As contaminated water or air flows through GAC, contaminants sorb (stick) to the GAC surface and are removed. GAC can sorb a wide range of contaminants such as fuel oil, solvents, polychlorinated biphenyls (PCBs), dioxins and other industrial chemicals, as well as radioactive materials. It also sorbs low levels of some types of metals. GAC is commonly used as a treatment step in other cleanup methods. (See the community guides to *In Situ Carbon Amendments for Groundwater*, *In Situ Sediment Amendments, Pump and Treat*, and *Soil Vapor Extraction and Air Sparging*.)

How Does It Work?

GAC treatment typically involves pumping contaminated water or soil vapor through a column or tank filled with GAC. As contaminated material flows through the GAC, the contaminants sorb to the outer and inner surfaces of the granules. The water or vapor exiting the container is cleaner. Sometimes the



water or vapor must be pumped through additional columns or tanks to ensure all contaminants are removed. The water or vapor is tested to make sure cleanup levels are met.

Once air is treated to cleanup levels, it can be released outside. Treated water that meets cleanup levels can be reused or discharged for disposal. Depending on the site, treated groundwater may be discharged to a nearby stream or river or back underground through injection wells or trenches. A sprinkler system can distribute treated water over the ground surface so that it seeps into the soil. The water also may be discharged to the public sewer system or in some cases, reused for other site activities.

GAC needs to be replaced when the available surfaces on the granules are taken up by contaminants and additional contaminants can no longer sorb to them. The “spent” GAC may be replaced with fresh GAC or regenerated to remove the sorbed contaminants. To regenerate spent GAC, it is usually sent to an offsite facility where it is heated to very high temperatures to destroy or remove the contaminants.

How Long Will It Take?

It takes only a few minutes for water or vapors to pass through a GAC filter. However, the time it takes to clean up a site with GAC can take several months or years. The cleanup time will depend on several factors that vary from site to site. For example, GAC will take longer where:

- Contaminant concentrations are high or the source of contamination has not been completely removed.
- The amount of groundwater or soil vapor requiring treatment is large.
- Groundwater cannot be pumped at a fast rate.
- Treatment of groundwater or vapor involves additional cleanup methods.

Social Media

Benefits:

- Connect with a community when travel is difficult.
- Promote public meetings and other site events.
- Share videos, photos and summaries that document public meetings and other events, which can show site activities and accomplishments.
- Engage in conversations with the community.
- Provide regular updates on site conditions or share data, such as daily air quality.

Considerations

- Community access to internet
- Adding live-stream to public meetings or other activities
- Translation Services

Overview

EPA defines social media as any online tool or application that goes beyond simply providing information by allowing collaboration, interaction and sharing. Examples include blogs, wikis, photo and video sharing, podcasts, social networking, social news, web conferencing and webcasting. Such tools allow EPA to reach out to people who may not engage the government in more formal, traditional ways. The Agency is using social media to create a more effective and transparent government, engage the public and EPA's partners, and facilitate collaboration.

Why This Is Important

This is important because EPA's policy is to use social media where appropriate to meet its mission of protecting human health and the environment. Because many people are turning to social media for information and relying less on traditional media (e.g., newspapers, television and radio), community involvement coordinators (CICs) should evaluate opportunities to use social media to reach their audiences.

It may also be appropriate to monitor local Facebook, Twitter, Reddit and other social media pages to understand what is happening in the community and stay abreast of attitudes and reactions. Site teams should ensure communications over social media align with information on the Superfund site-profile pages and other communication channels.

Implementation

Social media offer additional venues for reaching communities to engage in discussions, disseminate information, and maintain regular contact. This is especially helpful when decreasing travel budgets may limit the time a CIC or other site-team members can spend at the site and in the community. However, it is important to remember that social media should be used in addition to — rather than instead of — more traditional communications channels.

Where to Seek Assistance

EPA's social media policies evolve as new tools and technologies appear. EPA's *Using Social Media to Communicate with the Public Procedure* explains roles and responsibilities of staff who use social media, how to obtain approval for its use, how to ensure accessibility under Section 508 of the Rehabilitation Act of 1973, and how to moderate comments received through social media channels. In addition, the Agency has *policy and procedures* for using social media, and EPA's Office of Multimedia has *guidelines* for using social media and multimedia to communicate your message.

Contact your [Web Council Member](#) for approval prior to using these tools. Your Web Content Coordinator will ensure that your social media project conforms to your program's goals, and will get approval from the Office of Public Affairs Office of Web Communications before you begin. There are legal issues and federal requirements that are unique to the government — such as privacy, records management, procurement rules, and staff participation on external sites — that directly impact EPA employees' use of social media tools.

EPA maintains a [list of all the social media tools](#) that employees can use because EPA has negotiated special EPA-only agreements that resolve the legal issues with the standard Terms of Service.

Using Social Media to Communicate with Communities

The public needs to be informed about major milestones in the cleanup of a Superfund site, upcoming site activities, and where to find information

Because many people are turning to social media for information and relying less on traditional media (e.g., newspapers, television and radio), site teams and their community involvement contacts should evaluate opportunities to use social media to reach their audiences. Social media offer additional venues for reaching communities to engage in discussions, disseminate information, and maintain regular contact. However, it is important to remember that social media should be used in addition to — rather than instead of — more traditional communications channels.

The public needs to be informed about major milestones in the cleanup of a Superfund site, upcoming site activities, and where to find information about the site. Social media can help with this, as it can supplement the approaches addressed in the NCP and specified in CERCLA for issuing public notices. The site team should research and identify the most appropriate mechanisms to reach the community members with whom it wants to communicate.

Social Media Tool: <https://sempub.epa.gov/work/HQ/100001966.pdf>