

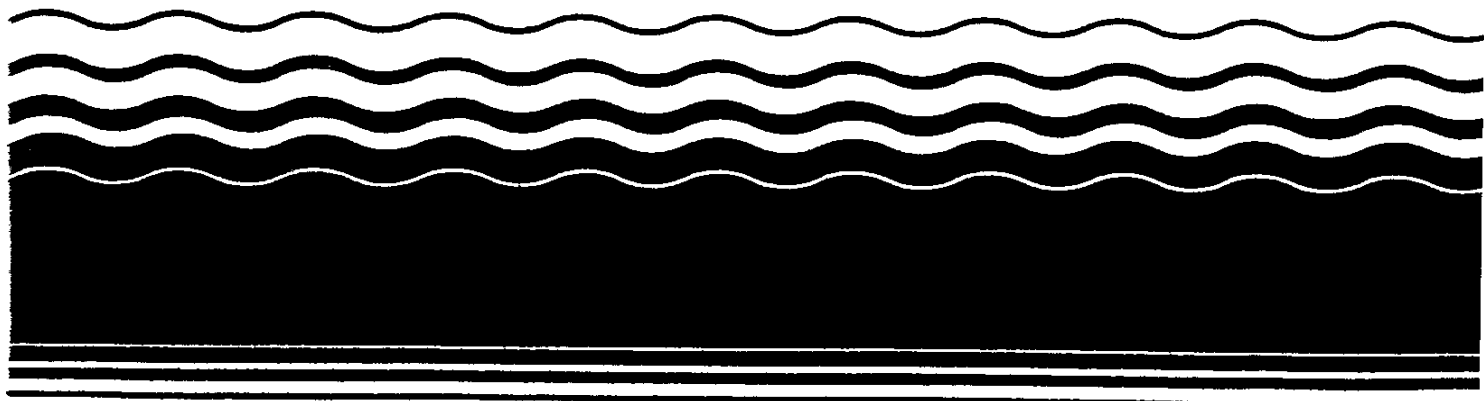
Superfund

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# Superfund Removal Procedures

Public Participation Guidance  
for On-Scene Coordinators:  
Community Relations and the  
Administrative Record





## **SUPERFUND REMOVAL PROCEDURES**

### **PUBLIC PARTICIPATION GUIDANCE FOR ON-SCENE COORDINATORS: COMMUNITY RELATIONS AND THE ADMINISTRATIVE RECORD**

Office of Emergency and Remedial Response  
U.S. Environmental Protection Agency  
Washington, DC 20460

## NOTICE

The policy and procedures set out in this document are intended solely for the guidance of Government personnel. They are not intended, nor can they be relied upon to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the guidance provided in this document, or to act at variance with the guidance, based on an analysis of site circumstances. The Agency also reserves the right to change this guidance at any time without public notice.

This document is part of a ten-volume series of guidance documents collectively titled the Superfund Removal Procedures. These stand-alone volumes update and replace OSWER Directive 9360.0-3B, the single-volume Superfund Removal Procedures manual, issued in February 1988.

Each volume in the series is dedicated to a particular aspect of the removal process and includes a volume-specific Table of Contents, Reference List, and Key Words Index. The series comprises the following nine procedural volumes:

The Removal Response Decision: Site Discovery to Response Decision

Action Memorandum Guidance

Response Management: Removal Action Start-up to Close-out

Removal Enforcement Guidance for On-Scene Coordinators

Public Participation Guidance for On-Scene Coordinators: Community Relations and the Administrative Record

Removal Response Reporting

Special Circumstances

Guidance on the Consideration of ARARs During Removal Actions

State Participation.

In addition, the series includes an Overview volume, containing a comprehensive Table of Contents, List of Exhibits, Key Words Index, List of Acronyms, and Glossary, for use as a quick reference.

This document summarizes the relevant public participation guidance and statutory authorities for conducting community relations and administrative record activities. Appendix A contains the Community Relations Plan Outline. "Appendix B. References" provides a comprehensive list of supporting guidance documents that may be consulted for additional information on relevant topics. Bracketed numbers [#] appear throughout the text to indicate specific references in Appendix B. Consult the reference documents for a more detailed explanation of removal program procedures or policies affecting public participation procedures. In addition, Appendix B provides a full citation of each statute and regulation cited throughout the text. Appendix C contains the Key Words Index.

Opportunities for public participation in the Superfund program promote two-way communication between members of the public, including potentially responsible parties (PRPs) and the lead government agency responsible for response actions. Because removal actions generally proceed quickly, there is less time to plan or conduct public participation activities than during a remedial response. As with other removal activities, preparation and the ability to work under short notice are essential to ensure that affected communities be involved from the outset where appropriate.

Public participation procedures for removal actions are addressed by two components of the removal process: community relations and the development of the administrative record. Public participation procedures for removal actions have been designed to ensure an appropriate level of public involvement without causing unnecessary delay. Therefore, these procedures vary depending on site-specific circumstances. On-Scene Coordinators (OSCs) should coordinate their efforts with technical, enforcement, and community relations staff to ensure that the local public is provided with accurate and timely information, and that the community's concerns about planned actions are heard, considered, and responded to by the lead agency and documented in the administrative record.



Site-specific public participation efforts are an important component of successful removal actions.

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# PUBLIC PARTICIPATION DURING THE REMOVAL ACTION PROCESS

## Overview

Section 113(k)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), provides for the involvement of communities affected by response decisions at Superfund sites. Public participation in the Superfund program, as a whole, consists of all those public outreach activities conducted throughout the planning and implementation of Superfund removal and remedial responses. The overall objectives of public participation in the Superfund program are to:

- Inform the public of the degree and type of risks associated with the site, planned or on-going actions, and other issues as appropriate
- Provide the public with an opportunity to comment on decisions about the site
- Identify and respond to community concerns.

Since removal actions generally proceed quickly, there is less time to plan or conduct public participation activities than during a remedial response. Sections 300.415(m) and 300.820 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) specify two forms of public participation for all removal actions:

- Community relations activities - designed to integrate the specific information needs of the community into the design of the communications approach or community relations plan for the site [5].
- Administrative record activities - designed to serve as the basis for the response selection and as a vehicle for public participation in the removal action [1].

For clarity, this guidance document distinguishes between community relations and administrative record activities based upon the NCP classifications. The NCP, however, provides cross-references for many of the public participation activities specified within sections 300.415(m) and 300.820. The OSC therefore must ensure that both community relations and administrative record activities are implemented, as appropriate, at each site.

Because public participation requirements are site-specific and vary with the urgency of the removal action, there are no set formulas for success. Instead, public outreach efforts must be tailored to address the distinctive needs of each community as well as the technical removal action schedule. For instance, the timing and type of community relations activities required for a removal action depend on the duration of on-site activity, although the OSC

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is also responsible for assessing whether additional activities not required by the NCP may benefit the community. In contrast, administrative record requirements are, in part, based on the length of the planning period available prior to the initiation of on-site activities. This guidance discusses specific public participation requirements for removal actions, as specified by the NCP and CERCLA, and also provides suggestions for additional activities should time allow or circumstances indicate the need for an expanded or alternative approach.

### Approach for On-Scene Coordinators

The urgent nature and the need for quick response typical of many removal actions demands that the approach to public participation be responsive to changing community needs. OSCs should:

- Be accessible to the community
- Ensure all communications are clear and accurate
- Develop a public participation strategy that considers the special needs and concerns of the community.

These activities help ensure that OSCs adopt an appropriate public participation approach as discussed further below. When possible, the OSC should work closely with the Region's Community Relations Coordinator (CRC) and Administrative Record Coordinator (ARC) to design an approach that will address the NCP requirements and specific site circumstances (see pp. 4-13).

Accessibility to the community is critical to establishing the OSC's role as the leader of on-site activity. The OSC must anticipate and respond to the fear, confusion, and frustration often experienced by community members during removal actions. The OSC should be available on a routine basis to answer individual questions and for specific events such as press interviews or public meetings. During removal actions, however, OSCs must balance the need for public accessibility with the limits of time and other resources. For example, during time-critical situations, the OSC may determine that it is a more timely and efficient use of staff or other resources to hold a public availability session, rather than develop and distribute public information materials, to ensure immediate accessibility and reduce the community's fears.

As the manager of on-site activity, the OSC is responsible for maintaining consistent, timely, and accurate communication with the community. OSCs must listen to the needs and concerns of the community and develop a strategy for formal and informal communication with the community. Because discussions of removal actions can sometimes be highly technical, the OSC must present information in clear and easy-to-understand terms. In all instances, OSCs must ensure that the communication strategy is understood by other public participation staff and that information provided to the public is consistent. To assist in communicating technical concepts, the OSC may elect to develop supplemental information materials, such as a fact sheet, to summarize site activity.

The public participation approach that the OSC adopts for the community should reflect the interests and information needs of the community. The OSC should match the extent and type of information to be communicated with requests and concerns expressed by the community. For example, if the removal action utilizes a new technology, the OSC may use charts or diagrams as part of the public participation approach to help the community understand basic technological concepts.

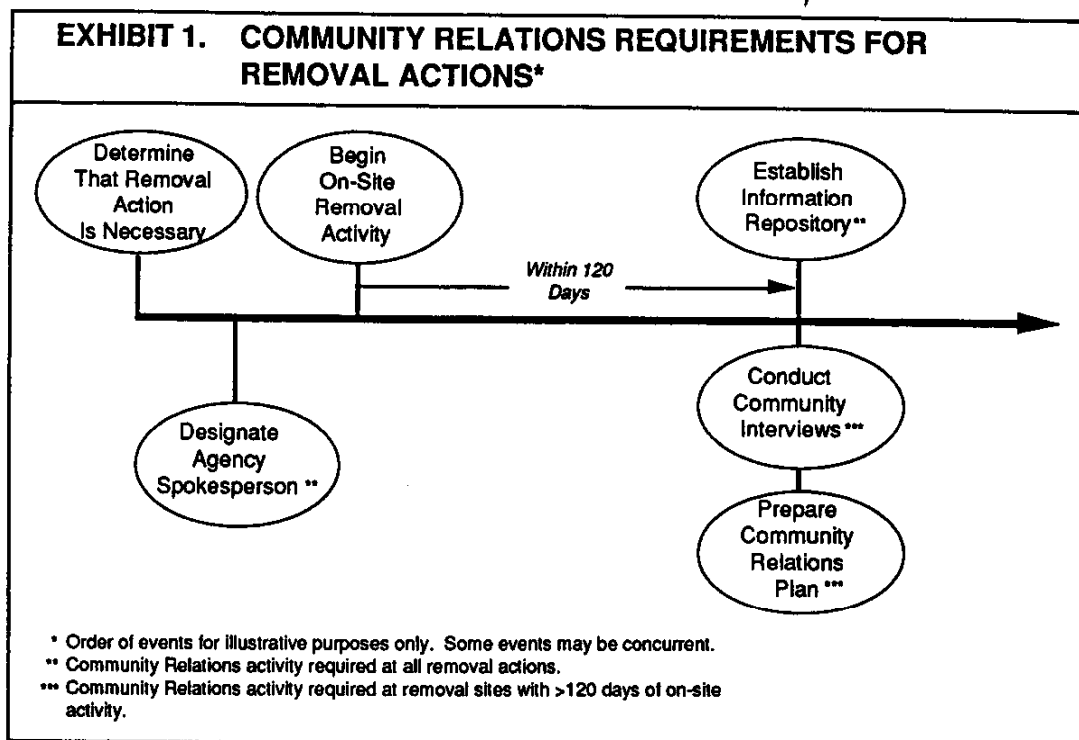


# COMMUNITY RELATIONS REQUIREMENTS DURING REMOVAL ACTIONS

## Overview

When a removal action has been determined necessary to mitigate a threat to public health and the environment, it is imperative to give the public prompt, accurate information on the nature of the release or threat of release and the removal action necessary to mitigate the release or threat of release. Community relations requirements during removal actions are intended to promote active communication between communities affected by a release or threat of a release [5].

As the Agency's lead technical representative and director of community relations at a site, the OSC is responsible for conducting or delegating responsibility for community relations activities. These activities are described in the NCP and vary according to the duration of on-site activity. The timing of community relations requirements for removal actions is illustrated in Exhibit 1.



## COMMUNITY RELATIONS REQUIREMENTS

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Specifically, certain community relations activities are required if on-site activities are expected to extend beyond 120 days from the initiation of on-site activity.<sup>1</sup> Also, certain public participation activities are required for all removal actions, regardless of the duration of on-site activity.

It is important to note that *a removal action will have community relations and administrative record requirements*. In addition, the NCP provides cross-references for certain community relations requirements, such as establishing an information repository, within the administrative record requirements. Similarly, certain administrative record requirements have community relations components, such as designating a public comment period and subsequently developing the written response to significant comments (see pp. 14-22). To ensure that all required community relations and administrative record activities are conducted during a removal action, OSCs should consult the Public Participation Checklist provided in Exhibit 2.

Section 300.415(m) of the NCP requires the following community relations activities:

- Community Relations Activities Required at All Removal Actions
  - Designate Agency spokesperson
  - Establish information repository
- Community Relations Activities Required at Removal Sites with >120 Days of On-site Activity
  - Conduct community interviews
  - Prepare community relations plan

### Required Community Relations Activities

#### Designate Agency Spokesperson (This activity is required at all removal actions)

The NCP requires the lead agency to designate a spokesperson for all removal actions. The spokesperson informs the community of actions taken, responds to inquiries, and provides information concerning the release. At a minimum, the spokesperson must notify immediately affected citizens, State and local officials, and, when appropriate, civil defense or emergency management agencies. If the OSC is not available for the media due to other responsibilities at the site (or is not comfortable in the role as spokesperson), the OSC may designate another Agency spokesperson, such as a member of the Region's public affairs staff or the CRC assigned to the site (see pp. 23-25). The OSC, however, is responsible for approving all Federal news releases or statements by participating agencies [3].

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<sup>1</sup> Required administrative record activities are defined according to the duration of the planning period; these activities are discussed further beginning on p. 14.

### EXHIBIT 2. PUBLIC PARTICIPATION CHECKLIST

The following checklist has been developed to assist OSCs in conducting and coordinating public participation procedures with other EPA personnel and contractor support. Because the NCP cross-references certain public participation requirements within the community relations and administrative record sections, the OSC must ensure that all relevant administrative record and community relations requirements are completed.

#### COMMUNITY RELATIONS ACTIVITIES

##### Required at All Removal Actions:

- Designate an Agency spokesperson.
- Notify affected citizens, State and local officials, and civil defense/emergency management agencies.
- Review/coordinate any news releases or statements made by participating agencies.

##### Required at Removal Sites With >120 Days of On-Site Activity:

- Conduct community interviews for removal actions.
- Prepare community relations plan for removal actions.
- Select materials for inclusion in information repository.
- Establish information repository(s) for removal actions.
- Inform public of availability of the information repository.

##### Which Can Be Implemented at the OSC's Discretion:

- Contact Community Relations Coordinator to arrange for on-site support.
- Conduct a public meeting or public availability session.
- Prepare meeting summary.
- Develop additional public information materials, such as fact sheets.
- Establish on-scene information office.

## COMMUNITY RELATIONS REQUIREMENTS

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### EXHIBIT 2(2). PUBLIC PARTICIPATION CHECKLIST

#### ADMINISTRATIVE RECORD ACTIVITIES

##### Required at All Removal Action:

- Establish administrative record file.
- Select documents to be included in the administrative record file.
- Publish public notice of administrative record availability:
  - Issue notice within 60 days of initiation of on-site removal activity for time-critical actions, including emergencies.
  - Issue notice of availability of administrative record with a brief description of EE/CA for non-time critical actions.
- Make the administrative record file available.<sup>1</sup>
- Document compliance with community relations procedures in the administrative record file.
- Add documents to the administrative record file.<sup>2</sup>

##### Required at Sites With > Six Months of Planning:

- Provide public comment period for comments on the EE/CA and supporting documentation of not less than 30 days for all non-time-critical removal actions<sup>3</sup>, and a public comment period of not less than 30 days for time-critical actions, as appropriate.<sup>4</sup>
- Prepare written response to significant comments and include in administrative record file for all non-time-critical removal actions and for any time-critical actions for which a public comment period was held.

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<sup>1</sup> Where it is deemed necessary to initiate on-site removal activities within hours of determining that a removal is appropriate and on-site removal activities cease within 30 days of initiation, the NCP allows the administrative record to be made available for public inspection only at the central location.

<sup>2</sup> Documents generated or received after the decision document is signed shall be added to the file only as provided in NCP Section 300.825.

<sup>3</sup> Upon receipt of a timely request, the lead agency will extend the public comment period by a minimum of 15 days.

<sup>4</sup> In general, a public comment period will be considered appropriate if cleanup activity has not been completed at the time the record file is made available to the public and if public comments might have an impact on future action at the site.



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### Hints for Communicating with the Media [3]

- Coordinate with the Office of Public Affairs/Community Relations Coordinator
- Identify the messages you want to communicate
- Use short, memorable phrases
- Always tell the truth
- Speak in plain English
- Listen to and answer the question
- Turn negatives into positives
- Stay "on the record"
- Be prepared.

**Conduct Community Interviews** (This activity is required at removal sites with >120 days of on-site activity)

Community interviews provide essential background information for the Community Relations Plan. The purpose of these interviews is to solicit information about community concerns, information needs, and how or when citizens would like to be involved in the Superfund removal process [5]. The OSC may delegate this activity to the CRC or another Agency representative. Interviews should be conducted with local officials, community residents, public interest groups, and other interested or affected parties, as appropriate. Depending on the circumstances, the OSC routinely may conduct the interviews when residents contact Agency representatives to voice their concerns and seek additional information about Agency activities. Other interviews may be scheduled formally and conducted by the OSC or a designated Agency representative to ensure that a broad range of community perspectives are considered in developing the community relations strategy. Contractor support, through the Technical Assistance Team (TAT), may be available to assist the OSC in organizing information obtained through interviews. The actual interviews, however, must be conducted by EPA personnel.

**Prepare Community Relations Plan** (This activity is required at removal sites with >120 days of on-site activity)

The Community Relations Plan (CRP) is a site-specific document designed to communicate the community relations techniques and approaches deemed appropriate and relevant to the site [5]. The OSC oversees the development of the CRP, ensuring that it:

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- Accurately documents community concerns identified during interviews
- Clearly describes the site background and information regarding the history of EPA, State, or local agency involvement at the site, if appropriate
- Incorporates site-specific circumstances, such as the type of removal action, in determining appropriate community relations activities
- Provides a detailed description of the community relations strategies for addressing community concerns regarding the site.

The OSC may delegate the preparation of the CRP to the CRC or State or local agencies; however, the OSC is responsible for ensuring that the plan is implemented.

The CRP is a planning document for the lead agency. As such, the CRP should convey a working knowledge of the local community and its concerns, while providing a framework for addressing these community concerns during the removal action. The recommended format of the CRP consists of five sections and two appendices; however, the format and level of detail included in the CRP will vary according to the type of removal action. Appendix A provides a detailed outline for a typical CRP.

### Establish Information Repository (This activity is required at all removal actions)

The information repository is a project file or collection of materials relating to a specific Superfund site and to the Superfund program in general [5]. The purpose of the repository is to allow open and convenient public access to documents explaining the actions taking place at a site. To establish the local information repository, the OSC must select a location that is at or near the location of the response action, such as a local library or municipal building. Depending on the level of interest at the site, the OSC may establish more than one information repository at the site.

Typically, the information repository contains documents that provide information on site location and activities, as well as Superfund program and policy guides. The information repository may include materials on the Superfund process, background information, fact sheets, press releases, maps, and other information to aid public understanding of a site response. Exhibit 3 provides a list of required and suggested materials for inclusion in the information repository. All items in the repository must be available for inspection and copying. The administrative record file (see p. 14), by contrast, is the body of documents that forms the basis of the agency's selection of a particular response at a site, i.e., documents relevant to a response selection on which the lead agency relies, as well as relevant comments

**EXHIBIT 3. INFORMATION REPOSITORY CONTENTS [5]**

**Required Contents**

Copy of the Administrative Record File\*  
Work Plan submitted by Responsible Party, if available

**Suggested Contents**

Copies of CERCLA, RCRA, and the NCP  
Documentation of site sampling results  
Brochures, fact sheets, and other information about the Superfund program and the specific site  
Copies of site-specific press releases and newspaper clippings  
Any other relevant material (e.g., published articles on the potential risks associated with specific chemicals found at the site)

\* If more than one information repository has been established for a site, a copy of the administrative record file must be made available in at least one of the repositories.

and information that the lead agency considers but may reject in the ultimate response selection decision. The administrative record file must be made available for public inspection at one of the information repositories.<sup>2</sup>

After the local information repository is established, the OSC may obtain assistance in maintaining the repository from any member of the community relations or records management staff, the CRC, a State or local government agency representative, or a PRP in certain situations.

**Additional Community Relations Activities**

At the discretion of the OSC, the following community relations activities may be used to help implement the community relations plan. They are not required by the NCP or CERCLA, and their use will depend on Regional practice, level of community interest, and the urgency of the removal action.

<sup>2</sup> Where it is deemed necessary to initiate on-site removal activities within hours of determining that a removal is appropriate and on-site removal activities cease within 30 days of initiation, NCP section 300.805(a)(5) allows the administrative record to be made available for public inspection only at the central location.

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### Conduct Public Meetings

The purpose of a public meeting is to inform citizens of ongoing response activities and to receive citizen feedback on the proposed course of action [5, 8]. The meeting should not substitute for other activities that involve direct communication with the public, but instead should provide a presentation of technical site-specific information and an opportunity for a question-and-answer session. The OSC should assume the role of moderator at the meeting and present technical information about the site. Additionally, the CRC, public affairs staff, or State or local government representatives should present a summary of community relations activities to be used at the site. The OSC may enlist other Regional staff to present additional information about the site if appropriate.

### Availability Sessions

A public availability session is an informal meeting in a public location where people can talk to Agency officials on a one-to-one basis. Typically, technical experts on different aspects of removal activities, such as hydrogeologists and engineers, are available to answer questions. One advantage of the public availability session is that it encourages direct, informal interaction between the public and Agency staff, enabling the Agency to respond immediately and directly to community concerns.

### Develop Additional Public Information Materials

To assist the public in understanding the Superfund program or site-specific activities, the OSC may develop brief fact sheets or draw upon existing outreach materials. Public information materials usually take the form of fact sheets, public notices, or exhibits designed to help ensure that the public is informed of the status of the removal action and has an understanding of the Superfund removal program [2, 5, 8]. Public information materials are not always site-specific; they may be used to provide generic information about the Superfund program or EPA Regional activities relevant to the site. Generic materials are available through the Regional public affairs office or through the Office of Waste Programs Enforcement (OWPE) at EPA Headquarters.<sup>3</sup> They also may be used to convey site-specific information about the technology being used in the removal process, the role of PRPs in the process, or the opportunities for public involvement in the decision-making process at the site, if appropriate. These materials may be distributed at public meetings, mailed to residents of the site community, or made available through the information repository.

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<sup>3</sup> Agency requestors must submit a written request for Superfund publications to OWPE's Superfund/RCRA Documents Center via E-Mail or postal/interoffice mail. E-Mail requests should be sent to OERR/PUBS, Box 5248; and written requests mailed to: Superfund Documents, OS-240, 401 M Street, S.W., Washington, D.C. 20460. Requests should include the full name of the recipient, address, telephone number, and the title(s) or number(s) of the documents being requested.

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### Develop Community Relations Mailing List

The OSC may develop or update a mailing list for the site to facilitate distribution for fact sheets, bulletins, or other EPA-issued correspondence about site activities. The mailing list should contain the names, addresses, and where appropriate, affiliations of all community leaders and interested parties, including:

- Federal, State, and locally-elected officials
- Potentially responsible parties
- Members and leaders of environmental and citizens' groups
- Interested citizens
- EPA Regional officials
- State environmental and health officials
- Local health department, safety, and township officials
- Press contacts.

The initial mailing list may be developed from parties identified during other community outreach activities, conversations with local officials, and from sign-in sheets at public meetings or availability sessions. The mailing list should be updated as necessary.

### Prepare Meeting Summaries

A meeting summary provides the community with a written record of the key points covered during community meetings. It may be prepared by the CRC, other community relations staff, or a contractor, such as the TAT. Photocopies of the agenda, a list of Agency representatives with addresses and telephone numbers, and any handout or public information materials distributed by EPA at the meeting should be attached to the meeting summary. A copy of the meeting summary should be provided in the information repository.

The meeting summary is not a transcript of the meeting, but a summary of main issues and concerns. A certified meeting transcript prepared by a stenographer is recommended for formal public meetings held during a public comment period. In addition, comments and responses received at a public meeting held during a formal comment period must be documented in the written response to significant comments (see p. 21).

### Establish On-Scene Information Office

An on-scene information office may be established by the OSC to better enable the Agency to respond immediately to local questions and concerns and issue press releases [5]. The on-scene information office may be located in a trailer or small building near the site and staffed by a full-time or part-time person such as the CRC or other community relations resource

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person designated by the OSC. On-scene offices are useful especially during removal actions involving particularly complex technologies or processes, when there is a high level of risk to human health or to the environment, or when a significant amount of interaction between EPA and community members is expected. If the OSC determines that an on-scene information office is appropriate, an Agency staff person should remain on site until the removal action is completed. At the discretion of the OSC and depending on the circumstances at the site, the responsibilities of the on-site staff may include:

- Distributing information to local residents
- Maintaining the mailing list
- Tracking the status of access to the property
- Preparing a daily log of citizen inquiries
- Preparing press releases
- Responding to citizen inquiries.

If resources do not allow for the extended presence of an Agency representative on-site, the OSC may determine critical points where this support is necessary. Information requests also may be collected by a telephone answering machine to provide residents access to Agency staff. The OSC or another Agency representative should monitor the incoming messages on a regular basis and provide prompt follow-up to community requests for information.