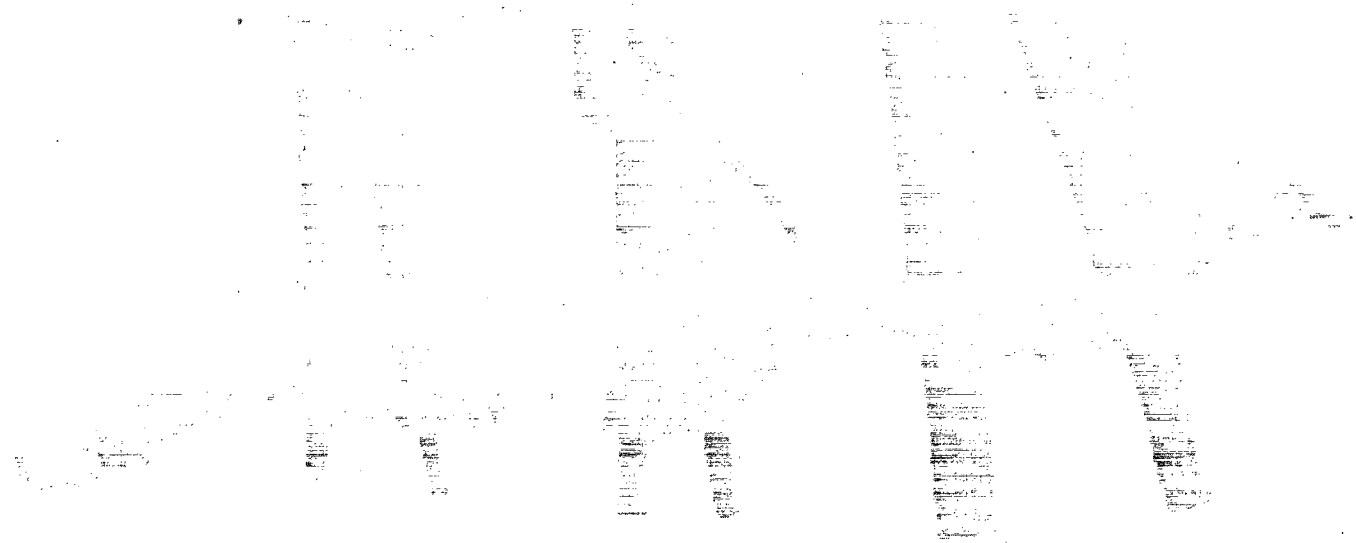
EPA United States
Environmental Protection
Agency

Superfund Community Involvement Handbook



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Errata/Revisions to Pre-Publication Versions

Pre-publication versions of this document have been available in print since June 2001 and online since October 2001. The following revisions to the pre-publication versions appear in this document:

Revision 1 (June 2001): Chapter 5 (Implementing Community Involvement in Remedial Actions), section 12 (Operation and Maintenance), has been rewritten.

Revision 2 (December 2001): Name of original Appendix was changed to "Appendix A" (Superfund Community Involvement Requirements). "Appendix B" (Superfund Community Involvement Directives) was added. Chapter 2 was revised to include an explanation of the Directives.

Revision 3 (April 2002): References to "SARA" in Appendix A (Superfund Community Involvement Requirements) were changed to "CERCLA". "Notice and Comment Period on Consent Decrees" was changed to "Notice and Comment Period on Settlement Agreements."

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Superfund Community Involvement Handbook

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

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Acknowledgments

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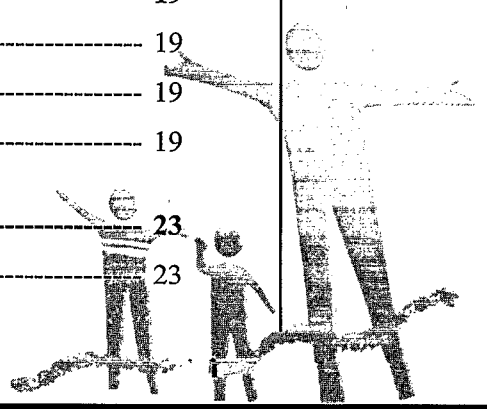

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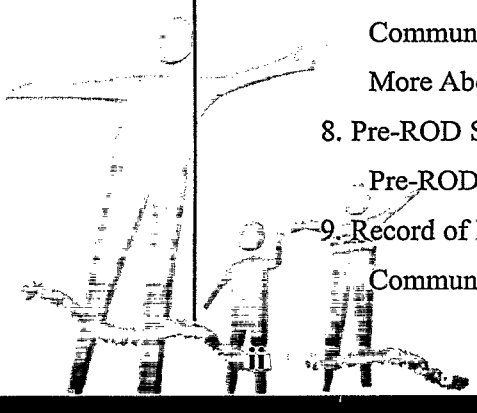

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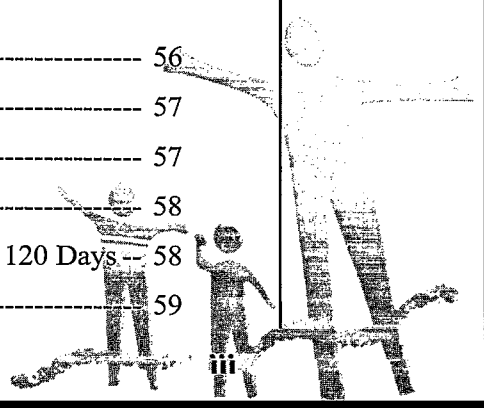

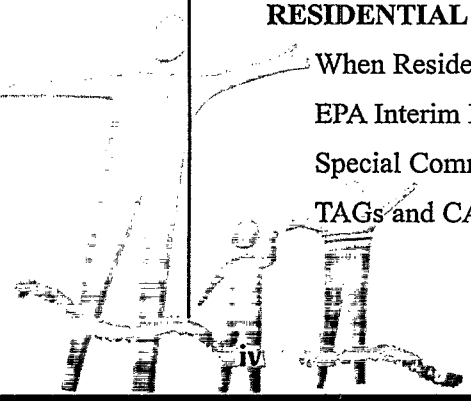

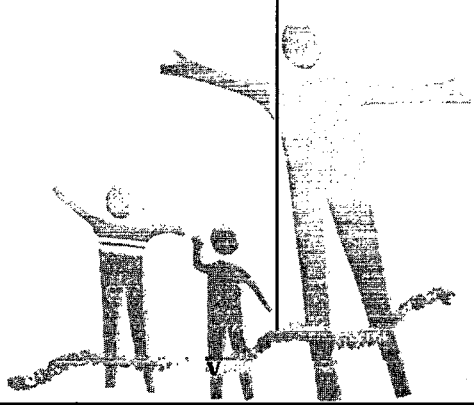

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CHAPTER 1 INTRODUCTION

The U. S. Environmental Protection Agency (EPA) applies the term **community involvement** to its commitment to early and meaningful community participation during Superfund cleanup. The foundation of Superfund's community involvement program is the belief that members of the the public affected by a Superfund site have a right to know what the Agency is doing in their community and to have a say in the decision-making process. This *Handbook* presents legal and policy requirements for Superfund community involvement and additional suggestions for involving the community in the Superfund process. These suggestions are based on experience and are intended to enact EPA's commitment to providing the public with every opportunity to become meaningfully involved in the Superfund process.

Background

When Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, in 1980, it incorporated public involvement into the Superfund process. Congress intended to ensure that the people whose lives were affected by abandoned hazardous wastes and EPA's actions to clean them up would have a say in what happened in their community.

Since then, Congress, through passage of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and EPA, through administrative reforms, have further strengthened the role of community members in the Superfund process. While EPA retains the final responsibility and authority to decide what will happen at a Superfund site, the Agency values and seriously considers community input.

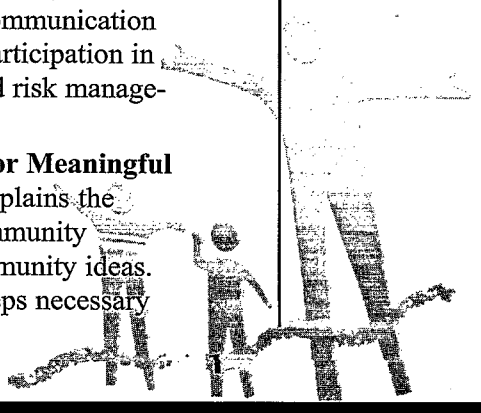
Over the years, EPA's Superfund program has learned a lot about working with people affected by hazardous waste cleanups. Initially, "community involvement" was called "community relations," and although the wording may not seem significant, the concept of public participation was new, even in the private sector. The idea of imparting information to citizens was understood, but the idea of involving citizens and using their advice in making decisions was novel. Consequently, early community relations activities mostly focused on information dissemination rather than on exchange of information and ideas with the community.

As the Agency learned more about hazardous wastes and cleaning them up, so did the general public. Now people in every community have an opportunity to be as informed about Superfund issues as the EPA experts. People who live near Superfund sites should play a meaningful role in the decisions that affect their community. Many people have made a substantive contribution to the site assessment and cleanup process when they have taken the time to become involved.

How to Use The Handbook

This *Handbook* contains guidance on how to implement an effective community involvement program:

- **Chapter 2, The Role of Community Involvement in Superfund**, describes the mission statement of the Superfund Community Involvement Program, community involvement legal requirements and policy guidelines, the big ideas in community involvement, and the shared community involvement responsibilities of the members of the Site Team.
- **Chapter 3, Risk Communication**, focuses on the fundamentals of risk communication to promote informed public participation in Superfund risk assessment and risk management decisions.
- **Chapter 4, Early Planning for Meaningful Community Involvement**, explains the importance of conducting community interviews and accepting community ideas. This chapter also discusses steps necessary



for drafting a Community Involvement Plan that encourages collaboration and sharing information with the public.

- **Chapter 5, Implementing Community Involvement in Remedial Actions**, outlines the steps in the Superfund process and explains required and recommended outreach activities that should occur at each step. This chapter starts with Site Assessment and finishes with deletion from the National Priority List.
- **Chapter 6, Implementing Community Involvement in Removal Actions**, discusses required and recommended community involvement procedures for Superfund removal actions. This chapter covers emergency removals, time-critical removals, and non-time-critical removals.
- **Chapter 7, Dealing with the Media**, discusses how the Site Team can improve its relationship with the media by becoming a valuable resource. This chapter addresses how to establish a media perimeter, conduct briefings, provide visuals, understand and work within different news cycles, use carefully defined messages, and obtain feedback.
- **Chapter 8, Community Involvement at Federal Facilities**, addresses the differences between responses managed by EPA and those led by Federal facilities or States. The chapter emphasizes the Site Team's interaction with other lead agencies to improve outreach and community involvement at these sites.
- **Chapter 9, Community Involvement Activities During Residential Relocation**, presents suggestions for conducting community involvement and outreach activities at sites where residents are being either temporarily or permanently relocated.
- **Appendix A** presents a comprehensive list of statutory and regulatory community involvement requirements in the Superfund program. This list represents the minimum requirements for community involvement under the law. However, be aware that truly successful community involvement typically requires actions beyond the basic requirements.
- **Appendix B** presents the two primary OSWER Directives for Superfund community involvement: *Early and Meaningful Community Involvement* (OSWER Dir. 9230.0-99, October 12, 2001); and *Incorporating Citizen Concerns into Superfund Decision-making* (OSWER Dir. 9230.0-18, January 21, 1991).

This *Handbook* cross-references many of the tools and resources found in the *Superfund Community Involvement Toolkit*, EPA 540-K-01-004, referred to hereafter as the *Toolkit*.

CHAPTER 2 THE ROLE OF COMMUNITY INVOLVEMENT IN SUPERFUND

Mission Statement

The mission of the Superfund Community Involvement Program is to advocate and strengthen early and meaningful community participation during Superfund cleanups.

The Concept

"Community involvement" is the name EPA uses to identify its process for engaging in dialogue and collaboration with communities affected by Superfund sites. EPA community involvement is founded on the belief that people have a right to know what the Agency is doing in their community and to have a say in it. Its purpose is to give people the opportunity to become involved in the Agency's activities and to help shape the decisions that are made.

Superfund community involvement is not a public relations effort to sell the Agency or its plans to the community, nor is it just the communication of information. Remedies that have community concerns and interests factored into them are less controversial and more likely to be accepted. Community involvement is the vehicle EPA uses to get community concerns and interests to the decision-making table.

The Letter of the Law versus the Intent of the Law

CERCLA, as implemented by the National Contingency Plan (NCP), requires specific community involvement activities that must occur at certain points throughout the Superfund process. The Appendix to this document lists these activities according to the steps in the cleanup process. EPA policy, however, goes beyond the letter of the law and recommends the implementation of additional community involvement activities not required by the NCP.

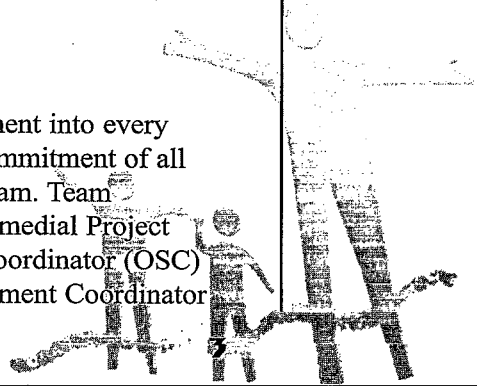
In CERCLA, Congress was clear about its intent for the Agency to provide every opportunity for residents of affected communities to become active participants in the process and to have a say in the decisions that affect their community. Congress, in establishing the Superfund program, wanted the Agency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

> *"You will be most successful when you regularly interact with the community and proactively share information in an understandable way."*
> ***Paul Groulx, OSC, Region 1***

Satisfying the intent of the law—ensuring that the public has appropriate opportunities for involvement—may include implementing the formal and informal outreach activities listed in the *Superfund Community Involvement Toolkit*, which complements this document. This *Handbook* cross-references many of the tools and resources in the *Toolkit*. The *Toolkit* includes a number of standard and innovative outreach activities that EPA can use to satisfy the intent of the law. EPA has learned that making the extra effort to listen to and involve people leads to a smoother and more timely cleanup. Most communities can accept a remedy, even if they are not completely satisfied with it, provided they understand how the decision was reached and had a meaningful part in reaching the decision.

The Site Team

Integrating community involvement into every phase of cleanup requires the commitment of all members of a Superfund Site Team. Team members typically include: a Remedial Project Manager (RPM) or On-Scene Coordinator (OSC) or both; the Community Involvement Coordinator



(CIC); a Site Assessment Manager (SAM); an attorney; and other technical staff.

The RPM or OSC is the overall project manager and is responsible for all site activities, including public outreach and community involvement. The role of the project manager is vitally important in public participation and outreach. The active involvement of the project manager promotes public participation among all team members and ensures the integration of community involvement in the cleanup process. Furthermore, the community sees that the entire Site Team is involved in public participation, which encourages the community to become interested and involved in the Superfund process. This ultimately helps to establish EPA's credibility in the community and to build trust between EPA and the community.

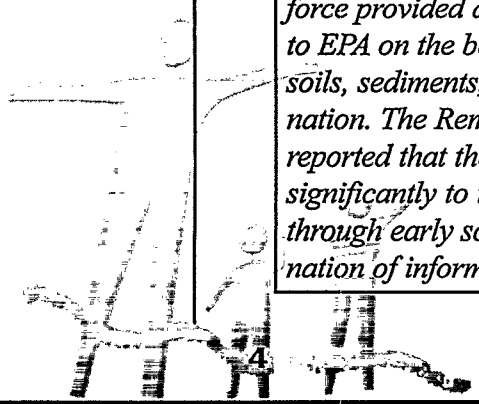
The CIC is responsible for advising the project manager and the Site Team on required community involvement activities and on activities that are recommended to ensure the community has every opportunity to be involved. The CIC often is delegated responsibility for planning community involvement and public outreach activities and for implementing most of these activities. However, an activity is most effective when it is implemented by the entire Site Team.

A site in Region 2 provides an example of how early and meaningful public involvement can lead to a better cleanup. The community at this site played a substantive role in planning for the cleanup. A community task force was organized prior to the initiation of the Remedial Investigation (RI) to test the effectiveness of early community involvement in the Superfund cleanup process. The task force provided assistance and valuable input to EPA on the best approach for dealing with soils, sediments, and ground-water contamination. The Remedial Project Manager reported that the task force contributed significantly to the cleanup effort, primarily through early scoping of issues and dissemination of information to the community.

At a site in Region 5, EPA developed a partnership with a community group, the Minority Health Coalition. This partnership was pivotal in overcoming years of mistrust and community dissatisfaction about a former municipal landfill. EPA solicited community input on the remedy and changed the plans for dealing with groundwater issues as a result of community concerns. The community also came up with useful suggestions for removing an underground storage tank and designing a cap for the landfill.

A good example of how a community involvement activity is planned and implemented is community interviews, which are conducted to obtain information for the Community Involvement Plan (CIP). The CIC can plan the interviews and make the necessary arrangements. Then, the CIC and the project manager (and other team members, if possible) can conduct the interviews. Through this approach, citizens see that there is broader interest in what they have to say, and the project manager starts establishing trust with the community. The project manager also will obtain a firsthand understanding of community interests and sentiments.

All Site Team members should participate in community involvement activities whenever possible. Team members should contact key people in the community periodically and also take time during site visits to meet informally with community members. Although project managers may not be able to participate in all community involvement activities, they should be briefed after key activities and maintain contact



An RPM at a State-led site worked directly with community residents. He listened to community input but made it clear that the final decision rested with the regulatory agency. Citizens formed a community group and felt empowered because the group could give input directly to the decision maker. They felt that the RPM was sensitive to the community's concerns about the potential economic impact of the cleanup. The community was very satisfied with the remedy selected, which takes an innovative approach and will be much less costly than other options that were considered.

with the CIC, other team members, and the community.

Big Ideas in Community Involvement

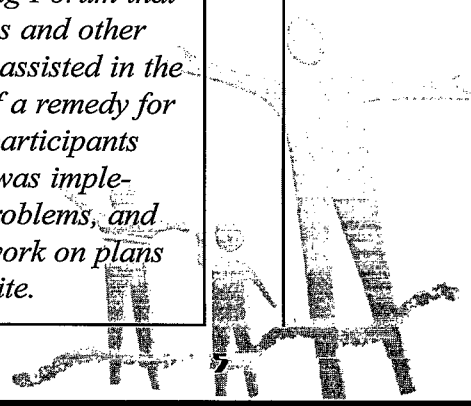
Community Involvement Objectives

On January 21, 1991, EPA issued Office of Solid Waste and Emergency Response (OSWER) Directive 9230.0-18, based upon Superfund Management Review Recommendation #43B. Among other things, the directive states that "it is important that we demonstrate to citizens that they are involved in the decision-making process." The directive emphasizes the objective that EPA should make every effort to fully incorporate the public's concern into site decision making. The Superfund Management Review listed four steps necessary to satisfactorily accomplish this incorporation: "listen carefully to what citizens are saying; take the time necessary to deal with their concerns; change planned actions where citizen suggestions have merit; and explain to citizens what EPA has done and why."

The recommendations of the Superfund Management Review have been restated in the general community involvement objectives listed below:

- *Keep the public well informed of ongoing and planned activities.* Most communities, including those that appear unconcerned, want to be informed of EPA's activities even when there appears to be nothing going on at the site. It is a mistake to believe that if there is nothing significant to share with the community, there is no need to talk to the community.
- *Encourage and enable the public to get involved.* People should be able to talk to the RPM and other members of the Site Team at regularly scheduled meetings or teleconferences, and should be able to easily get in touch at other times.
- *Listen carefully to what the public is saying.* Superfund managers and staff should listen carefully to the concerns and comments of citizens throughout the Superfund cleanup process. It is in the interest of Superfund staff to listen to what people are saying not only during the comment period after the Proposed Plan is issued, but during the entire process. The long-term success of the project is enhanced by involving the public early and often. Carefully considering the public's concerns throughout the process leads to better decision making. Some Site Teams have successfully adopted innovative techniques for soliciting citizen input. These include community workgroups, open houses, and informal discussions. Site Teams are encouraged to try

After several years of community hostility and distrust at a Superfund smelter site, EPA organized a Coordinating Forum that included community members and other key stakeholders. The forum assisted in the development and selection of a remedy for residential cleanup that all participants could support. That remedy was implemented without any major problems, and the forum has continued to work on plans for cleaning up the smelter site.

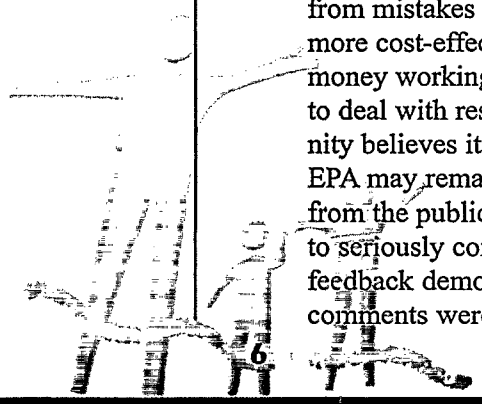


as many of these techniques as possible to communicate with the community. (See the Community Involvement Tools in the *Toolkit* for a detailed list and description of how and when to use different outreach techniques).

- *Identify and deal responsibly with public concerns*. Incorporating public concerns into site decisions need not be a cause for delay or excessive cost. By allocating sufficient time and resources for community involvement at the outset, the Site Team can successfully address community concerns in site decisions. For example, 30 days may not be enough time for an interested public to read and comment on a proposed plan. The Site Team will engender more trust and support if it works with the community to establish a realistic review period from the outset. OSWER Directive #9230.0-08 of March 8, 1990, titled "Planning for Sufficient Community Relations," provides additional guidance and instructs Regions to dedicate adequate resources to support additional community involvement needs. The directive recommends that Regions "...establish a discretionary fund that they could use to fund additional work necessary to respond to citizen concerns."
- *Change planned actions where public comments or concerns have merit.* It is crucial that EPA remain flexible and be willing to alter plans when a local community presents valid concerns. In recent years, EPA has demonstrated an increased willingness to change or significantly alter its preferred remedy. In some instances, public input has saved EPA from mistakes and unnecessary costs. It is more cost-effective to spend time, energy, and money working with the public regularly than to deal with resistance created when a community believes it has been left out of the process. EPA may remain unpersuaded after hearing from the public, but it is EPA's responsibility to seriously consider suggestions and provide feedback demonstrating that community comments were carefully and thoughtfully considered. The measure of success should not be whether the community applauds the remedy because EPA did what the community asked, but whether or not EPA honestly listened to people who participated and genuinely responded to their concerns.
- *Explain to citizens how EPA considered their comments, what EPA plans to do, and why EPA reached its decision.* Regardless of the outcome of site decisions, EPA must fully communicate those decisions to the public. The most thorough vehicle for such communications is the "responsiveness summary," EPA's written response to comments received from the public. It is imperative that the public be able to see EPA's response to their concerns

An On-Scene Coordinator (OSC) at a New England site encouraged community members to form a task force to guide decision making at the site. The OSC took the position that he "worked for the community." He saw it as his job to keep people informed and get their buy-in. He listened and built a foundation based on communication. The OSC acknowledges that it took a lot of effort up front to give residents a stake in the effort. "I empowered the community without giving the store away," he said.

Once the task force was formed, the OSC listened to what they had to say. EPA's initial plan called for demolition and on-site burial of waste under a cap. The task force found it would be more prudent to remove everything to avoid land use restrictions and monitoring requirements. EPA and the State worked hard to make the recommendation work. The Site Team had an ambitious yet realistic plan and a battle cry of "ahead of schedule and under budget," and they did it.



and comments in writing. Responses should be clear and candid, not loaded with technical and legal jargon, and provide reasons and justifications explaining EPA's decision. Although the responsiveness summary is the most visible and comprehensive explanation of EPA decisions, it is only one component of the process. EPA should explain site decisions throughout the entire cleanup, rather than only at a few key stages. EPA must establish and maintain a dialogue through which site decisions are discussed as they are made, as well as make Superfund documents more available to the public throughout the cleanup process.

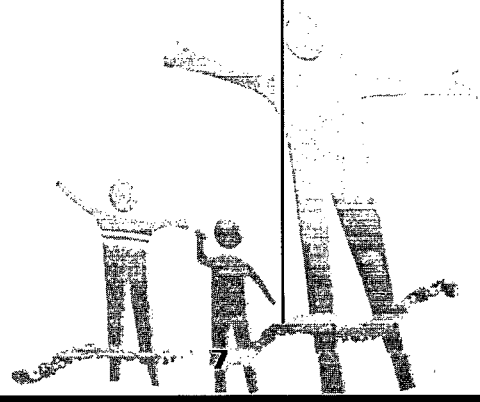
Core Values for Public Participation

The Superfund program endorses the core values for public participation developed by the International Association for Public Participation. These core values are also incorporated into the Model Plan for Public Participation developed by the National Environmental Justice Advisory Council and are the foundation upon which EPA should base its interactions with communities:

- People should have a say in decisions about actions that affect their lives.
- Public participation includes the promise that the public's contribution will influence the decision.
- The public participation process communicates the interests and meets the needs of all participants.
- The public participation process seeks out and facilitates the involvement of those who are potentially affected.
- The public participation process involves citizens in defining how they participate.
- The public participation process communicates to participants how their input was or was not used.
- The public participation process provides participants with the information they need to participate in a meaningful way.

Summary

The purpose of Superfund's Community Involvement Program is to provide the mechanism through which EPA and a community can work collaboratively on a good solution to the hazardous waste problem confronting that community. As practiced by EPA, community involvement fulfills the statutory and regulatory requirements of CERCLA, as well as the intent of the law. At most sites, the success of community involvement has a direct impact on the success of the overall cleanup. For this reason, EPA's preferred cleanup remedy, as presented in the Proposed Plan, should reflect community concerns as much as possible. When it does, the community usually is more willing to accept the Proposed Plan. This will eliminate potential delays in the implementation of cleanup plans.



CHAPTER 3 RISK COMMUNICATION

Introduction

This chapter discusses the principles underlying effective risk communication and focuses on the need for the Superfund Site Team and all others involved in communication and decision-making activities at a Superfund site to understand and implement these principles (see the **Risk Communication** tool in the *Toolkit* for additional tips on effective risk communication and references to useful resources). Communication of risk will be effective only if the Agency's overall communication effort at a site is effective. This means establishing early communication networks that build trust and credibility. While there is a need to explain the technical basis for EPA's decisions and their effects on the risk facing the public, risk communication involves much more than merely "informing" the public. It is an on-going, two-way process between the government and the public. The government must provide information to the public in an understandable and useful manner.

> *"Significant community involvement in the risk assessment led to a better product and increased public confidence in the project."*
> ***Fred MacMillan, RPM, Region 3***

Risk communication activities are an integral part of the Community Involvement Plan (CIP; see also the **Community Involvement Plan** tool in the *Toolkit*). Basic objectives and criteria for successful risk communication should increase:

- Agency awareness of the public's perception of risks at a site;
- Public understanding of the chemicals of concern and corresponding potential effects on human health and the environment;
- Public understanding of the risks of remedial actions; and
- Public understanding of how the agency uses risk assessment in decision-making at a site.

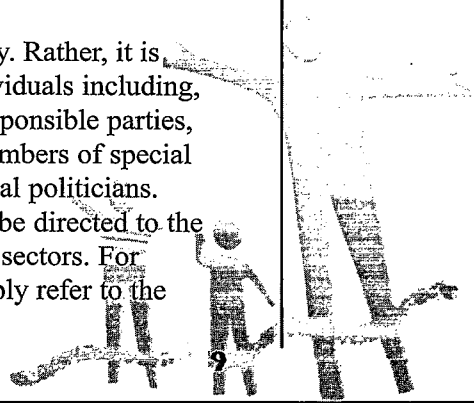
Even an effective risk communication process does not guarantee consensus on the proper remediation activity among all affected parties. The goal of the risk communication strategy is to increase the understanding and involvement of interested parties in the process rather than reach unanimity. To that end, the public needs to be informed of Superfund's mandate to address public health and environmental threats from hazardous waste sites, rather than achieving zero-risk or to return waste sites to their best use.

Risk assessment is used in the Superfund process to help answer questions regarding: the risks of doing nothing to clean up a site; exposure and cleanup levels; and risks from undertaking cleanup activities. The public is much more likely to accept an Agency decision if it has been involved in the decision-making process and helped to establish exposure levels. In some ways, effective risk communication gains the Agency the "benefit of the doubt" when making decisions. Risk communication allows the public to feel that, although it may not be in total agreement with agency actions, EPA should be allowed to proceed as long as the public can hold the Agency accountable and verify its activities.

This chapter reviews the basic principles underlying effective risk communication. It also provides practical guidance on how to discuss technical issues with the public and address their concerns.

Principles of Risk Communication

The "public" is not a single entity. Rather, it is made up of a wide range of individuals including, but not limited to, potentially responsible parties, individuals living near a site, members of special interest groups, and state and local politicians. Any communication effort must be directed to the specific needs of targeted public sectors. For purposes of this chapter, we simply refer to the



"public," while recognizing its many sub-groups.

The Seven Cardinal Rules of Risk Communication

The goal of risk communication is to promote public involvement that is informed, reasonable, thoughtful, solution-oriented, and collaborative. EPA plays a pivotal role in shaping these attitudes. The *Seven Cardinal Rules of Risk Communication* are the principles for effective risk communication developed by EPA. They are recommendations, not hard and fast rules.

1) **Accept and involve the public as a legitimate partner.** This can be accomplished by involving the community and all other parties that have an interest in the issue early. Keep in mind that you work for the public.

2) **Plan carefully and evaluate your efforts.** Successful risk communication planning and evaluation entails: (1) clear, explicit objectives; (2) assessment of strengths and weaknesses of risk data; (3) attention to the needs and interests of various groups; (4) staff training (including technical staff) in communication skills; (5) message rehearsal and testing; and (6) evaluation and "lessons learned."

3) **Listen to the public's specific concerns.** Do not make assumptions about what people know, think, or want. Instead, take the time to find these out by listening to parties with an interest in the issue and and recognizing their feelings. People often are more concerned about trust, credibility, competence, control, fairness, caring, and compassion than mortality statistics or quantitative risk assessments.

4) **Be honest, frank, and open.** State your credentials, but do not ask or expect to be trusted. If you do not know an answer or are uncertain, acknowledge it and respond with the answer as soon as possible. Do not hesitate to admit mistakes or disclose risk information. Try to share more information, not less; otherwise, people may think you are hiding something.

5) **Coordinate and collaborate with other credible sources.** Take the time to coordinate with other organizations. Try to issue communications jointly with other credible sources. Few things make risk communication more difficult than conflicts or public disagreements with such sources.

6) **Meet the needs of the media.** Be open with and accessible to reporters. Realize that reporters must meet their deadlines. Provide risk information tailored to the needs of each type of media. Prepare in advance and provide background material on complex issues. Do not hesitate to follow up on stories with praise or criticism. Establish long-term relationships of trust with specific editors and reporters. Keep in mind that the media are usually more interested in reporting politics rather than risk, simplicity rather than complexity, and danger rather than safety (see the **Media** tool in the *Toolkit* and Chapter 7 in this *Handbook*).

7) **Speak clearly and with compassion.** Be sensitive to norms, such as speech and dress. Whether addressing large groups or individuals, use simple, non-technical language. Communicate on a personal level by using vivid, concrete images or examples and anecdotes that make technical risk data come alive. Use comparisons to help put risks in perspective, but avoid comparisons that do not include distinctions that people consider important. Acknowledge and respond with words and actions to emotions that people express—anxiety, fear, anger, outrage, and helplessness. Always try to include a discussion of actions that are underway or can be taken. Tell people what you cannot do. Promise only what you can do, and be sure to do what you promise.

Risk Communication Is...

A two-way process that:

- *Discusses risk and other concerns to identify mutual solutions;*
- *Responds effectively to public outrage; and*
- *Is genuine and sincere, and conducted with people's interests in mind.*

Risk Communication Is Not...

- *A public relations scheme to steer the public into seeing it EPA's way; or*
- *Another way of better explaining EPA's point of view.*

Although these appear to be basic, common-sense rules for communication, they are frequently ignored. The Site Team must make special efforts to incorporate these communication rules into all projects.

Addressing Technical and Non-Technical Concerns

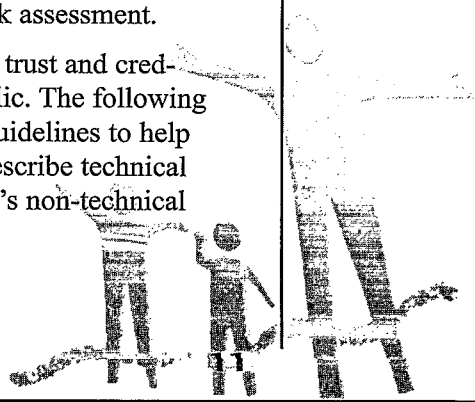
Individuals are often much more concerned with non-technical issues, such as fairness and control, than with the technical details of risk assessment. The risk communicator needs to address both technical risk assessment and non-technical concerns. Agency representatives have a tendency to focus on the technical issues, often to the exclusion of the public's other concerns. When this occurs, the Agency representative is not communicating with the public, especially since the public often views risk differently than do the technical experts.

Too often, experts in government or industry complain that the public is being irrational or emotional by failing to see the wisdom of the technical assessment. These experts feel that if they could just educate the public to the "real" risk (*e.g.*, injury from a Superfund site), then most of their concerns could be dispelled. That assumption is not realistic. The public's perception of risk can be driven by non-technical concerns and no amount of explanation of the technical data will address non-technical fears.

This is not to say that the technical aspects of risk assessment are not important. On the contrary, the technical aspects of the risk assessment are usually the basis for risk management decisions. The Site Team should be prepared to respond to both technical questions from the public regarding the scientific underpinnings of site management decisions and any non-technical issues raised by the public. In turn, a good risk communication strategy prepares the Site Team to deal with non-technical public concerns about risk and provides opportunities for the public to understand the technical aspects of risk assessment.

> "Lay people sometimes lack certain information about hazards. However, their basic conceptualization of risk is much richer than that of the experts and reflects legitimate concerns that are typically omitted from expert risk assessment. As a result, risk communication and risk management efforts are destined to fail unless they are structured as a two-way process. Each side, expert and public, has something valid to contribute. Each side must respect the insights and intelligence of the other." - P. Slovic, "Perceptions of Risk,"

The "bottom line" is to establish trust and credibility between EPA and the public. The following sections identify some general guidelines to help explain risk to a lay audience, describe technical issues, and respond to the public's non-technical concerns.



Non-Technical Public Concerns

Any explanation of the risk around a Superfund site must be coupled with a recognition of the issues that are driving the public's perception of risk at the site. Public perceptions of risk are very important. Agency staff need to realize that if the public perceives something as a risk then it is a risk, no matter how minimal technical experts consider the risk to be. Researchers have identified factors that contribute to the way the public perceives a risk. Given the same technical risk assessment, these factors will affect whether individuals view a problem as more or less risky.

Less Risky	More Risky
Voluntary	Involuntary
Familiar	Unfamiliar
Natural	Man Made
Fair	Unfair
Controlled by Self	Controlled by Others
Chronic	Catastrophic
Not Memorable	Memorable

An example is the perception of the risk of smoking. If the 350,000 Americans who die of cancer from smoking every year all died on the same day, smoking would probably be prohibited. Because the risks from smoking are chronic, rather than catastrophic, they are perceived as less serious.

The public will generally consider the hazards of a Superfund site to be more risky for each of the above factors (with the exception of chronic versus catastrophic). For example, fairness is usually judged by whether there is an equitable distribution of risks and benefits. In the Superfund context, the public living near the site bears the risk while someone else has benefitted.

The communicator can use this insight into how the public perceives risk by addressing factors that can be changed, whenever possible. For example, the community's involvement in the decision-making process will increase the sense of control and lower the perceived risk. When the factor itself cannot be changed, acknowledging its presence and the legitimacy of those in the community who are "outraged" by it will help assuage concerns raised by the public. If the public does not believe that you take its concerns seriously, it may be less willing to listen to your technical explanations.

When using risk comparisons to explain the risk assessment or to put risks into perspective, do not compare risks that affect risk perception differently. For example, it is usually inappropriate to compare a voluntary risk, such as driving a car, to an involuntary one, such as living near a Superfund site. The public will often view these as non-comparable and will respond negatively to attempts to link them.

Explaining Technical Issues

Early explaining of the risk assessment process for a Superfund site to the public is a critical component of the risk communication strategy; the earlier the Agency provides explanations, the

Community residents near a Superfund site were angry with EPA. The Community Involvement Coordinator (CIC) asked key residents to invite their neighbors and friends for an informal session with him, the toxicologist, and the hydrogeologist. He also invited the strongest opponent to attend each session so that critics knew that the Agency was dispensing consistent and correct information. The CIC held as many as three sessions per week over several weeks. The sessions helped citizens understand site risks and helped the community to trust EPA.

better the outcome. The public needs to understand how EPA arrives at the determination of risk, what information is used, how the information is used, the uncertainties inherent in the process, and how uncertainties are addressed. Site Team members should familiarize themselves with the Superfund risk assessment process and how it is used in site decision-making regarding risk management, which will prepare them to answer technical questions from the public more effectively.

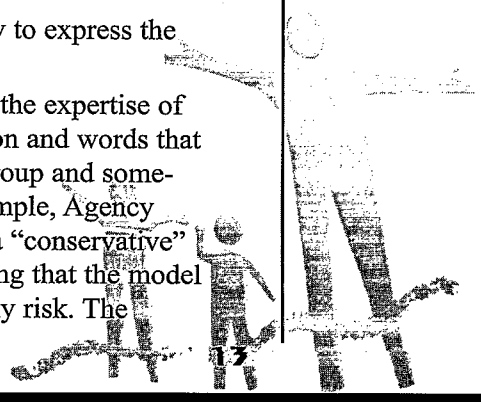
The public needs to understand that for a risk to exist, the following three factors must be present: 1) site contamination; 2) contaminant pathways that reach surrounding populations; and 3) populations that may be exposed to site hazards. If any of these factors are missing, little or no risk is present. Other important technical issues for the public to understand include:

- The four steps of risk assessment—data collection and analysis, exposure assessment, toxicity assessment, and risk characterization;
- The use of Reasonable Maximum Exposure (RME) as the highest exposure that is reasonably expected to occur at a site, considering land use, intake variables, and pathway combinations;
- The methods used by the agency to calculate risk from carcinogens and risk from non-carcinogens;
- The fact that there is always some risk of exposure to carcinogens at a site;
- Potential health and ecological effects associated with the chemicals of concern; and
- Other site-specific issues that should be brought to the public's attention.

Problems often arise when either too much or too little information is provided. The spokesperson often fails to determine precisely what information the public needs and in what form. Consequently, the tendency is to provide too much information, which muddles the message and does not meet the public's needs or the Agency's objectives. After carefully selecting information to provide to the public, other sources of information should be acknowledged to avoid perceptions that information is being withheld.

Communicating technical information to the public can be accomplished using the following general guidelines (adapted from C. Chess, B.J. Hance, and P. Sandman, *Improving Dialogue with Communities*, NJ Department of Environmental Protection, 1987) :

- Do not underestimate the ability of the public to assimilate technical information. Keep in mind that if there is a compelling reason for people to learn new information, they will make an effort to acquire an understanding of a new subject, even if it is technical.
- Try to determine what risk information people need and in what form. This determination means the spokesperson should take the time to "know his/her audience." Be willing to summarize information that the audience needs, rather than present everything the communicator knows.
- Anticipate and respond to people's concerns about their personal risk. Remember the factors driving the public's concern.
- Be sure to provide adequate background when explaining risk numbers. Use non-technical language as much as possible.
- Be prepared to provide information in foreign languages as needed.
- Provide information responsive to public concerns that is neither too complex nor patronizing.
- Put data in perspective and try to express the risk in different ways.
- Use language consistent with the expertise of your audience and avoid jargon and words that may mean one thing to one group and something else to another. For example, Agency personnel often say they use a "conservative" model to estimate risk, meaning that the model tends to overestimate the likely risk. The



public, however, may likely think of "conservative" in its political sense as favoring the preservation of existing conditions.

- Explain the process (the steps in the Superfund risk assessment process). Be willing to discuss uncertainties. Reviewing this process with the public will demonstrate that the risk numbers are not derived from a "black box."
- Use graphics and visual aids.
- Collaborate with other credible experts.
- Be careful when comparing environmental risk to other risks.

Risk Comparisons

One of the best ways to communicate technical issues is to use comparisons that provide context for a situation. However, inappropriate comparisons can have disastrous results for the credibility and efforts of the communicator.

Staff should use comparisons only in conjunction with factors that affect the way the public perceives risks associated with the site. Do not use comparisons that ignore these factors. For example, do not compare an involuntary risk, such as groundwater contamination, to a voluntary risk, such as smoking. The communicator should avoid comparisons that trivialize the risk, such as indicating that one has a greater chance of developing cancer from a contaminant in peanut butter than from living near a Superfund site. This comparison may be technically true, but it is irrelevant and may anger the general public.

As with any technical discussion, be careful to document the accuracy of risk estimates used in comparisons. An inappropriate or inaccurate comparison can lower audience interest and participation to the point that they no longer hear the message being communicated. The following are guidelines for using risk comparisons:

- A risk comparison should not address acceptability of risk, since "acceptability" is a value question rather than a technical one. Use comparisons that put risks in perspective. This can help individuals determine the acceptability of the risk for themselves.
- Compare the risks associated with your proposed solution or action to that of alternative solutions.
- Quantitative comparisons usually are more useful than probability comparisons.
- Use comparisons of the same risk at different times (i.e., before and after remediation).
- Use comparisons with a standard (for example, if the standard for cleanup at a Superfund site is a risk level of one in a million, the remedial action seeks to reduce the risk to that level).
- Compare different estimates of the same risk (*e.g.*, estimates from communities, industry, and your own). If someone else has a higher or lower risk estimate, note the difference.

When explaining risk comparisons to the public, keep the overall communication goal in mind: to provide the public with useful information so that it can understand and participate in the process. The public may only want to know "Is it safe?" It might be useful when explaining estimated excess cancers to point out that 25-33 percent of the population will likely contract some form of cancer during their lifetime, regardless of exposure at this or any site. Again, do not try to imply that the risk at the site is acceptable, but rather provide information to help the public put the risk into perspective. Point out, without sounding glib or condescending, that individuals have to make their own determinations about what they consider safe. For example, a 10^{-6} level chosen by EPA at a site is not risk-free. It is the level determined by EPA at which the risk posed to human health and the environment is low enough to warrant no further action.

Involving the Public

Ideally, the public should be involved as early as possible in decisions affecting a Superfund site. Early involvement is important not only from a

community involvement standpoint, but also because the public can provide valuable information and input into the risk assessment, including pathways of exposure, historical activity, and potential future use of the site. Such information can be collected from the public during the site inspection phase, but most certainly should be by the initiation of the remedial investigation.

Involving the community in risk assessment activities is not always easy, even if the proper groundwork has been laid. Establishing a conversational rapport with citizens who are not familiar with the Superfund risk assessment process may be difficult. At sites where the community is actively involved in the risk assessment process, staff may have difficulty scheduling meetings that are convenient for both Agency officials and community residents. High staff turnover found in many federal and state agencies may be frustrating for both the agency and the community as the two try to establish a working relationship based on familiarity and trust. Despite these difficulties, early community involvement in risk assessment activities should be undertaken at all sites.

Community involvement is best coordinated through a risk communication strategy, which is incorporated into the Community Involvement Plan (CIP). In developing the strategy, Agency staff should anticipate the kinds of questions the public will have at each stage of the process and the plan for suitable information to be distributed at each step. For example, during the period leading up to the risk assessment—preliminary assessment, site inspection, and listing—the public likely will be most concerned about immediate risks from the site, such as effects on drinking water from their wells.

During the risk assessment period, the public may focus on their future well-being and the progress of the risk assessment once immediate concerns have been addressed. The Site Team may hear questions such as: "Will the Agency find out how much contamination there is and where it will go?" or "Is the Agency considering children's exposure?" or "Is the Agency taking into account people who grow vegetables?" The best opportunity for community involvement in the risk assessment process is during the exposure assessment step. Exposure information may be

At a very controversial Region 3 site, EPA invited stakeholders to provide input into what became one of the most complicated risk assessments the Agency had ever undertaken. Community members responded with ideas on approaches to the risk assessment and information about things such as housecleaning practices, resident longevity, and land use practices.

When a PRP-funded community group offered to conduct the risk assessment, EPA invited the group to participate as a partner in the assessment process. Data, methods, issues, and concerns were shared and discussed. Despite varying agendas, the risk assessment was collegial. EPA shared a preliminary draft of the risk assessment with the community group, which provided valuable data corrections.

By involving members of the community in the assessment itself, EPA gained helpful information and established a high level of public confidence. Although not everyone was pleased with the conclusions of the risk assessment, no one felt left out of the process.

EPA gained a better understanding of people's misgivings about a very technical process, and the community gained a greater respect for EPA's risk assessment process. Most importantly, each gained a better sense of other's priorities, in the process overcoming much distrust and many preconceptions.

gathered from the public during community interviews or through a workshop designed to explain risk assessment and gather exposure information.

After the risk assessment is completed, concerns often will turn to the overall effectiveness of the remedial action. The public may ask questions such as: "If wastes are left on site, how can the remedy's effectiveness be guaranteed?" or "What guarantees are there that no effects from exposure will occur in 20 years?" or "What are the risks from conducting the cleanup?" Staff should use a variety of community involvement techniques to answer these questions.

Staff should not selectively involve the public in the risk assessment process. For example, staff should not gather exposure information at a public meeting without explaining the risk assessment process. Nor should they release risk assessment information without explaining it. Selective involvement can create false expectations and damage trust and credibility.

Techniques

Several techniques are available to establish an effective communication network.

One-to-One or Small Group: This is an effective method to communicate with interested individuals or groups. It is low-key and non-threatening, and can facilitate a useful one-to-one exchange of information.

Public Meeting: This technique may be effective early to explain the Superfund process to the community and later to focus on risk assessment and the RI/FS. A public meeting in the early stages of Superfund is a clear sign to the community that the Agency wants to establish an open rapport from the beginning, even if it does not have complete information to answer all of the public's questions. Later, meetings can be used to answer more specific questions and inform the public about precisely what is occurring at the site. Remember the guidelines discussed above for communicating technical issues.

A teacher from a school near a Superfund site with lead and mercury contamination asked a Community Involvement Coordinator (CIC) about educating children and their parents about the site risks in a manner appropriate for their age groups. The CIC organized an exhibit in the school auditorium with a variety of information on lead and mercury. There were pamphlets for parents and school staff on what to do in case of emergencies. For the children, the CIC showed two short films on the dangers of lead and mercury poisoning. Parents and children asked questions relating to the movies. Afterwards, many adults said that the movies delivered a clear message about the hazardous substances. Many said it was a great way to show the students, parents, and teachers what mercury looked like in "real life," without the danger of having it present. Visualization of toxic effects also strengthened the message.

Workshop and Less Formal Interaction: Depending on its relationship with the community, the Agency may choose a less formal, more interactive community involvement technique, such as workshops, to describe Superfund's risk assessment process and how it will be used. A workshop early in the RI/FS process is a good opportunity to present Superfund procedures and timeframes and discuss the public's expectations of the Agency at the site. A workshop also may be useful just before the completed risk assessment is released to the public.

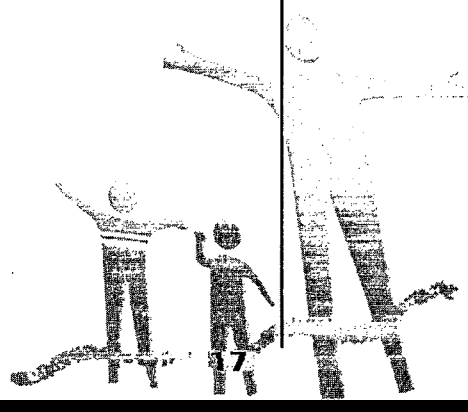
Focus groups: Focus groups are in-depth interactive discussions led by a facilitator. They are

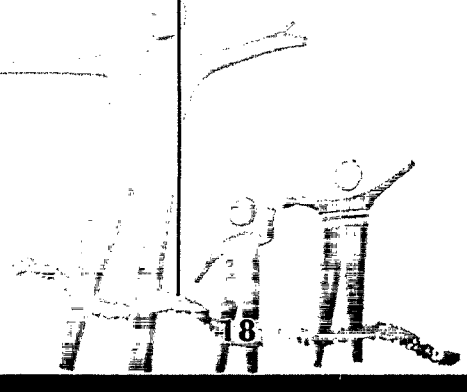
designed to obtain information from selected participants and test ideas or techniques. Potential uses for focus groups in risk communication include:

- Explaining risk perceptions;
- Evaluating perceptual uses and information processing;
- Testing risk communication materials;
- Selecting risk communication channels;
- Designing risk-mitigating polices; and
- Assessing risk communication effectiveness.

Summary

An effective risk communication strategy promotes meaningful community involvement early in the cleanup process. The goals of risk communications are to help individuals understand risk assessment and help technical staff understand community perceptions and concerns. Understanding risk assessment enables individuals in the community to better understand agency actions, allowing them to participate fully in the decision-making process. Trust between the community and EPA helps prevent conflicts and facilitates resolution of conflicts that arise. If staff follow the seven cardinal rules and the guidelines established in this chapter, trust and credibility in the community have a better chance to develop.





CHAPTER 4 EARLY PLANNING FOR MEANINGFUL COMMUNITY INVOLVEMENT

When to Start

The first question to answer in community involvement is: "when to start?" Planning for community involvement should begin during the site assessment phase. Site assessment is the initial phase of a Superfund response to a hazardous waste release or threat of release. Site assessments consist of a preliminary assessment and a site inspection (PA/SI).

If no immediate threat is present that requires emergency response, then, during the site assessment, EPA and the State evaluate the severity of reported hazardous waste releases. The Site Team should plan for community involvement if the response action is expected to last more than 120 days. The plan should include:

- Designating a Community Involvement Coordinator (CIC);
- Contacting key local officials;
- Assembling community profiles; and
- Explaining site assessment activities to the community.

Preliminary Assessment

Preliminary assessments are limited in scope, generally involving a review of site records, permits, pathway data, target data, and land titles to establish past activities at the site (e.g., waste produced or disposed) and the need for further investigation. A preliminary assessment is typically a "desk-top review," and usually does not require a site visit or sampling. As a result, there is little need for organized community involvement during the preliminary assessment beyond designating a CIC and possibly calling key local officials.

If it is likely that the site will be placed on the National Priorities List (NPL) or is a long-term removal, it may be wise to contact key local officials, such as the mayor, city council members, public health and works officials, and members of local planning boards. Staff should keep informed about the results of the preliminary assessment to plan any follow up contacts with the community. If the preliminary assessment indicates that a site inspection is not needed, the same key community officials should be informed. If a site inspection is needed, local officials should be advised that the site is slated for further government investigation and given an approximate schedule. Providing information to interested officials and residents, especially when they request it, can improve future relations and communication efforts.

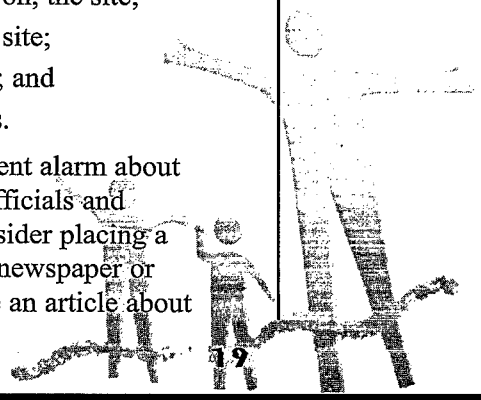
Site Inspection

The purpose of the site inspection is to gather information to determine whether the site should be placed on the NPL or will require a removal action. A site inspection may involve one or more visits by State or EPA field teams to evaluate site hazards. Because a site inspection involves teams working in protective clothing, community interest in the site will likely increase. Consequently, the Site Team should obtain the schedule for all field activities, including work by the Field Investigation Team, the Technical Assistance Team, and the Technical Enforcement Support Team.

Although it is not required, the Site Team may want to prepare the community beforehand for any on-site visits by technical work teams. The individuals to contact include:

- Local officials;
- Heads of community organizations;
- Citizens who have expressed concerns to local, state or federal officials;
- People who live closest to, or on, the site;
- Principals of schools near the site;
- Local businesses near the site; and
- Potentially responsible parties.

Advance notice can help to prevent alarm about the appearance of government officials and contractor teams at the site. Consider placing a display advertisement in a local newspaper or request the newspaper to include an article about



planned site activities. The more open EPA is with the community, the more likely the Agency will be trusted. Not informing the community (passively) can be interpreted as withholding information (actively).

During the site inspection, the Site Team should identify key community leaders and organizations to interview. This identification can be accomplished by assembling a community profile and updating it as often as necessary. A community profile outlines local issues, events, and players (see the **Community Profiles** tool in the *Toolkit*). Assembling a profile helps the Site Team to understand local issues and people, and may help the Site Team determine whether any preliminary community involvement should be conducted. Furthermore, a community profile helps the Site Team to develop a communication strategy and a Community Involvement Plan (CIP).

> *"The sooner you reach out the better. You will be more successful with early, humble coordination."*
> ***Rita Engblom, RPM, Region 6***

To assemble the community profile, the Site Team should:

- Acquire information about the site by conferring with the Site Assessment Manager and other Regional and State staff;
- Conduct research on the Internet;
- Confer with local resources and contacts; and
- Identify interested officials, citizens, and organized groups.

When acquiring information about the site, consider some of the following characteristics:

- Demographics;
- Ethnic backgrounds;
- Languages;
- Sensitive populations;
- Media interest and contacts;
- Previous cleanup activity;
- Interest in obtaining a Technical Assistance Grant (TAG);
- Interest in forming a Community Advisory Group (CAG);
- Popular activities; and
- Accessible resources.

> *By accessing the U.S. Department of Housing and Urban Development (HUD) web page, an EPA CIC learned that Step-Up (HUD's Worker Training program) was active in a community near a Superfund site. He met with the local Step-Up contact to learn more. Then, using HUD's geographic information systems, he gathered local demographic data that improved the communication strategy for the site.*

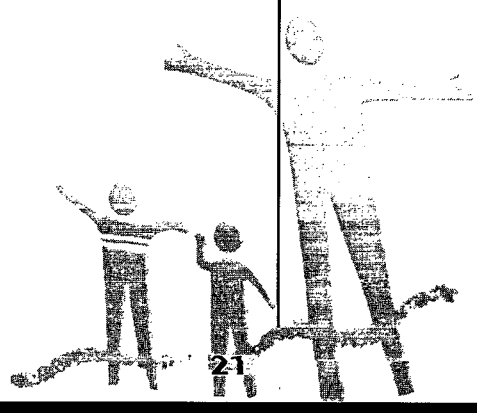
Conducting research on the Internet is a great way to assemble information for a community profile. WasteLAN (formerly called CERCLIS3) is a national database with extensive information on hazardous waste sites, including site history, cleanup progress, and milestones (see the **WasteLAN** resource in the *Toolkit*). Geographic Information Systems (GIS) contain demographic information regarding environmental and socioeconomic characteristics. For instance, both the U.S. Department of Housing and Urban Development's 20/20 GIS program and EPA's LandView GIS program track population by: race; population per square mile; population by age; percentage of minority households in the surrounding area; numbers of households living in poverty; and community support programs.

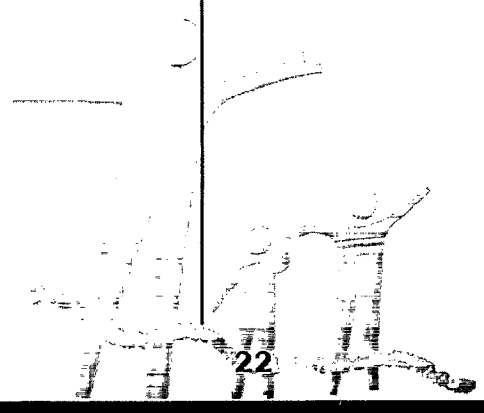
The Site Team also should take advantage of the multimedia facet of LandView, which identifies other hazardous waste sites or permitted facilities. It is critical that information on other local EPA facilities or environmental activities in other media be thoroughly noted in the community profiles,

addressed in the community interviews, and included in the CIP so that the Site Team is familiar with other local EPA activities and will be able to maintain credibility with the community when questioned about the impact of those activities. In addition, knowledge of multimedia issues at a site can help to set the proper level and methods for community involvement. For instance, if EPA has already been active in the community, fact sheets may be sufficient. Conversely, if a community has never dealt with EPA, more community involvement activities may be necessary.

Local contacts (*e.g.*, community leaders, store owners, activists, and long-time residents) should be consulted to identify stakeholders and begin creating a mailing list. Conferring with local resources and contacts also will help you to see local issues from an insider's perspective. Research the site's history by visiting the public library and searching local publications for information. These documents can convey a lot of information about site contamination, EPA's previous involvement, and the risk that site contaminants pose to residents.

The Site Team should explain to the community that a site inspection is not evidence of a confirmed problem. To help explain this, the Site Team should develop a brief communication strategy to determine the message, the audience, and the vehicle to communicate the message (see the **Communication Strategies** tool in the *Toolkit*). Possible vehicles to communicate the message include public advertisements, flyers, telephone hot lines, and fact sheets. Although there are a variety of vehicles to choose from, the fact sheet is used most frequently (see the **Fact Sheets** tool in the *Toolkit*). Whatever vehicle is used, it should explain the purpose of the site inspection and its possible outcomes (*e.g.*, proposal of the site for the NPL, placement of the site in a category, or referral of the site to another program to address hazardous waste problems). In addition, a contact name and phone number should be included for members of the public seeking further information.





CHAPTER 5 IMPLEMENTING COMMUNITY INVOLVEMENT IN REMEDIAL ACTIONS

About The Superfund Remedial Process

This chapter provides a comprehensive discussion of how a Site Team should advocate and strengthen early and meaningful community participation during a Superfund remedial action. Remedial actions are long-term actions taken by EPA to study and clean up sites listed on the NPL. These actions have a number of distinct phases, each with its own set of community involvement activities.

In this chapter, each phase in the remedial process is discussed in sequence:

1. Discovery
2. Preliminary Assessment/Site Investigation
3. Proposed Listing on the NPL
4. Final Listing on the NPL
5. RI/FS Begins
6. FS Completion and Proposed Plan
7. Notice and Comment on Consent Decree (if necessary)
8. Pre-ROD Significant Changes (if necessary)
9. Record of Decision
10. Post-ROD Significant Changes (if necessary)
11. Remedial Design/Remedial Action
12. Operation and Maintenance
13. Proposed NPL Deletion and Final NPL Deletion in the *Federal Register*

Some of these phases may run concurrently.

The section for each phase includes an introduction followed by a discussion of the phase's required community involvement activities and additional recommended community involvement activities. Discussions of specific community involvement activities (*e.g.*, public comment periods, fact sheets, *etc.*) in this chapter are brief, and the reader is referred to the *Community Involvement Toolkit* for further details. The chapter discusses community involvement requirements for certain phases—including Final Listing on the NPL and FS Completion and Proposed Plan—in more detail due to their greater complexity and importance. References to community involvement tools and resources in the *Toolkit* are denoted with bold typeface. Integrating community involvement into every

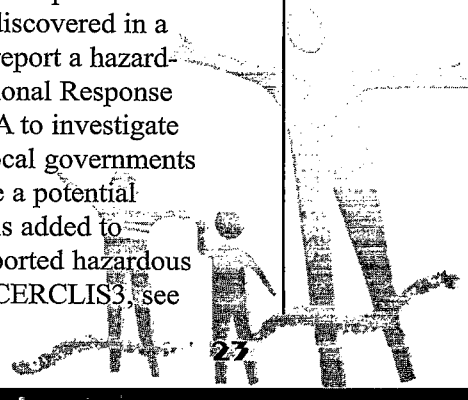
> *"Frequent open and honest communication fosters a high level of trust and cooperation."*

phase of a remedial action requires the commitment of all members of a Superfund Site Team. Team members at a remedial action site typically include: the Community Involvement Coordinator (CIC), the Remedial Project Manager (RPM) (plus possibly an On-Scene Coordinator (OSC) if the site includes a removal action), a Site Assessment Manager (SAM), an attorney, and other technical staff.

The RPM is the overall project manager with responsibility for everything that occurs at the site. The CIC is responsible for advising the project manager on required community involvement activities and recommending activities that will ensure the community has every opportunity to be involved. Involvement by all members of the Site Team in community involvement planning and implemenation activities ensures integration of community involvement in the cleanup process and furthers public participation.

1. Discovery

Discovery is the first phase of the Superfund remedial process. Sites may be discovered in a number of ways. A person may report a hazardous substance release to the National Response Center, citizens may petition EPA to investigate potential releases, or state and local governments may request that EPA investigate a potential release. Once discovered, a site is added to WasteLan, EPA's database of reported hazardous waste sites (formerly known as CERCLIS3, see



the **WasteLan** resource in the *Toolkit*). Once a site is included in WasteLan, EPA schedules it for site assessment.

2. Preliminary Assessment/ Site Inspection

After discovery, EPA conducts a site assessment, consisting of a preliminary assessment and a site inspection (PA/SI), to determine whether hazardous materials are present at the site. The site assessment phase may be the community's introduction to EPA and and the first time citizens hear about the possible presence of hazardous wastes near their homes. This phase can be very frightening for residents. They may feel threatened or uncomfortable about having limited control over the hazardous waste problem in their community. This fear and concern is why it is important to design an effective community involvement plan during this phase.

Preliminary Assessment. During the preliminary assessment, EPA searches permits, titles, and other records to gather data about past activities, exposure pathways, and human and other biological targets at the site. Record searches and other data gathering will involve or affect citizens. Consequently, the community will learn that EPA is investigating the site for dangerous substances. If the site is a likely candidate for listing on the NPL, the Site Team should obtain the schedule of all field activities to be conducted by EPA contractors. The Site Team may want to prepare the community before any on-site visits by technical work teams and alleviate any concerns about the presence of government officials and contractor teams working at the site.

Site Inspection. During the site inspection, field work begins. Workers wear protective equipment in case hazardous substances are present. Understandably, these protective measures frighten some people. Because of this fear, it is recommended that EPA conduct community outreach to explain what EPA is doing at the site. Although the field work that occurs during the site assessment is limited, the Site Team can still use this time to brief the community on the Superfund process, imminent and long-term risk, and what to expect. Early briefings can help the Site Team build trust in the community.

Outreach Activities During PA/SI

Although community involvement is not required during either the preliminary assessment or the site investigation phases of site assessment, EPA does involve the community at sites that garner public interest and sites with a high probability of being placed on the NPL. Regions should consider the following factors when deciding whether a site should receive more extensive community involvement efforts during site assessment:

- The likelihood that the site will be included on the NPL;
- The site's proximity to other NPL sites and the level of public interest at those sites;

Sometimes the community can provide valuable information about a site's history that may not be available elsewhere. Community members at a Region 4 site were not satisfied with EPA's site investigation because it relied on aerial photographs. They thought EPA had not done enough to seek out information about past practices from people who live near the site. Working with EPA, members of a Community Advisory Group (CAG) for the site helped by talking with local media to raise awareness and encourage people to step forward. The CAG group hoped to solicit information from long-time residents with knowledge of site history or other past practices who may have been reluctant to talk with "outsiders" from EPA.

- The site's location with respect to the population centers; and
- The amount of current interest in the site, as measured by attention from citizens' groups, local residents, and the media.

During the site assessment phase, the people most likely to be aware of potential site problems and interested in government response are local officials, including the mayor, city council members, the public health chief, the public works chief, and members of local planning boards. Therefore, one of the first actions staff should take is to contact state and local officials, the congressional delegation, and key citizens who can provide information about the scope and history of the problem.

Other individuals to contact include:

- Heads of community organizations;
- Citizens who have expressed concerns to local, state, or federal officials;
- People who live closest to, or on, the site;
- Principals of schools near the site;
- Local businesses near the site; and
- Potentially responsible parties.

Some recommended outreach activities to conduct at this point are:

- Designating a CIC who can advise the Site Team on community involvement and field the community's questions.
- Distributing **Fact Sheets** to let residents know EPA is conducting site assessment activities (see the **Fact Sheets** tool in the *Toolkit*).
- Holding informal **Public Availabilities/Poster Sessions** (see the **Public Availabilities/Poster Sessions** tool in the *Toolkit*).
- Distributing flyers throughout the community (in schools, grocery stores, and churches).
- Using news releases (see the **Media** tool in the *Toolkit*).
- Creating a **Mailing List** of concerned citizens (see the **Mailing List** tool in the *Toolkit*).
- Establishing a toll-free telephone hotline and publicizing its availability (see the **Telephone** tool in the *Toolkit*).

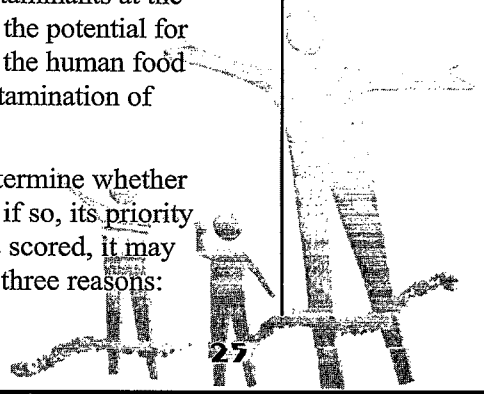
EPA should follow up with the community after a PA/SI has been completed to explain the results and the evaluation and scoring that will happen during the next phase. Site sampling and scoring often take many months to perform, and the time lag between the SI and the decision to proceed with a remedial investigation (RI) may lead to considerable frustration. The Site Team should issue a fact sheet describing the preliminary findings to reassure the community that EPA is actively addressing the site.

EPA should always notify the community when a decision is made about the site. Local officials and the public should hear such news directly from the Site Team, rather than from the news media or other sources.

3. Proposed Listing on the NPL

The Hazard Ranking System (HRS) is the screening tool used by EPA to evaluate risks to public health and the environment associated with a site. Using the HRS, EPA assigns a score between 0 and 100 to indicate the relative seriousness of the risks posed by the site. The factors reflected in the HRS score include the level of contamination at the site in air, soil, and water (including surface, ground, and drinking water); the size of the population at risk; the ecological area at risk; and the likelihood that people will come into direct contact with contaminants at the site. The HRS score accounts for the potential for ecosystem destruction, effects on the human food chain, and actual or potential contamination of ambient air.

The HRS score is one way to determine whether a site is placed on the NPL, and, if so, its priority ranking on the list. Once a site is scored, it may be placed on the NPL for any of three reasons:



- The site scores 28.5 or higher using the HRS;
- The state in which the site is located designates the site as its highest priority; or
- The U.S. Agency for Toxic Substances and Disease Registry (ATSDR) issues a health advisory for the site, and EPA believes that a remedial action is the best response.

If a site does not qualify for the NPL, it may be addressed by other Superfund response programs, such as removal and emergency response. Sites not meeting Superfund removal or remedial response criteria may be handled under other environmental laws, such as the Resource Conservation and Recovery Act or the Clean Water Act. Sites also may be referred to other federal programs, such as the Brownfields Economic Redevelopment Initiative, or may be handled by state hazardous substance response programs, including voluntary cleanup programs.

If a site is placed on the NPL, several community involvement activities are required.

Community Involvement/Outreach Activities During Listing on the NPL

Once EPA decides to propose a site for listing on the NPL, the Agency is required to conduct several community involvement activities. During the listing phase, EPA is required to:

- **Publish notice in the *Federal Register*.** EPA must publish its proposal to list the site on the NPL and its request for public comments in the *Federal Register* (see the **Public Comment Periods** tool in the *Toolkit*).
- **Publish a public notice of EPA's *Federal Register* proposal.** The Site Team must publish a notice in a major local newspaper of general circulation to announce the *Federal Register* proposal and initiation of a public comment period.
- **Hold a public comment period.** The Site Team must hold a public comment period of at least 60 days.
- **Prepare a written response.** EPA must consider all public comments and publish a responsiveness summary that addresses significant comments and any significant new data received during the public comment period (see the **Responsiveness Summary** tool in the *Toolkit*).
- **Publish final listing on the NPL.** EPA must revise and publish the final rule in the *Federal Register* no less than 30 days prior to the effective date of the site listing.

The Site Team should anticipate increased community concern or interest when a site is proposed for the NPL. During the NPL listing process, EPA recommends that the Site Team distribute a fact sheet that describes the site, outlines the NPL process, explains the timeframe for NPL listing, and describes how the public can submit comments. The fact sheet also presents a good opportunity for introducing the availability of Technical Assistance Grants (TAGs). This fact sheet should be placed in the information repository when it is established.

Listing attracts media attention. Preparing a press release to accompany the fact sheet may be useful. (see the **Media** tool in the *Toolkit*).

4. Final Listing on the NPL in the *Federal Register*

Once EPA has considered and responded to the comments received on its proposal to list a site on the NPL, the Agency must announce in the *Federal Register* its final decision to list the site. Several community involvement activities must occur before RI field activities begin.

Community Involvement Activities After Final Listing on the NPL

Before RI field activities start, EPA must:

- **Conduct community interviews.** The Site Team must conduct personal interviews to solicit people's concerns and determine how

and when people want to be involved (see the **Community Interviews** tool in the *Toolkit*).

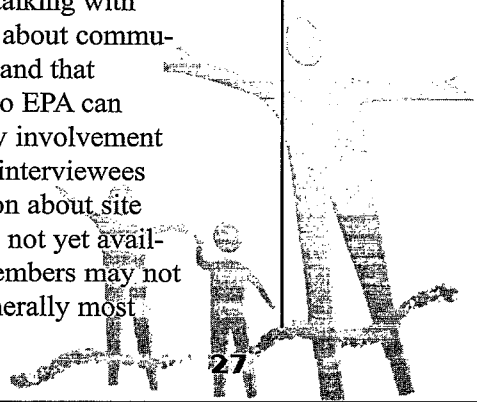
- **Prepare a formal Community Involvement Plan (CIP).** The Site Team must prepare a CIP based on community interviews and other relevant information. The CIP must specify outreach activities that the Agency expects to undertake (see the **Communication Strategies** and **Community Involvement Plan** tools in the *Toolkit*).
- **Establish and maintain an information repository.** The site team must establish at least one information repository at or near the location of the response action (see the **Information Repository** tool in the *Toolkit*).
- **Establish the administrative record.** The Site Team must establish and place the administrative record in the information repository.
- **Issue public notice of information repository.** The Site Team must publish a notice in a major local newspaper informing the public of the establishment of the information repository and the availability of the administrative record (see the **Public Notice** tool in the *Toolkit*).
- **Publish notice of Technical Assistance Grants (TAGs).** The Site Team must inform the community of the availability of technical assistance grants (see the **Technical Assistance for Communities** tool in the *Toolkit*).

More About Community Interviews

The success of community involvement planning depends on community interviews with state and local officials, community leaders, media representatives, potentially responsible parties, and interested residents. The Site Team should use community interviews as a tool to construct the CIP. Typically, these interviews are conducted one-on-one in the person's home or office. However, phone interviews or focus groups occasionally may be appropriate. The most successful interviews are face-to-face discussions that allow the Site Team to determine public concerns and learn how and when local residents want to be involved. The information gathered from 15-25 community interviews provides the basis for development of the CIP. Community interviews also can help to establish a positive relationship with the community.

A member of a community group at a Colorado site suggests that the role of the community and the procedures it must follow should be clearly stated by EPA at the beginning. EPA should have information on resources available to a community ready to go out as soon as a hazardous waste response situation is discovered. EPA should identify the players in the process early and determine the information necessary for the community to make informed decisions and provide meaningful input into any response actions, including to whom the participants should direct their input. EPA also should identify available financial and/or technical assistance resources, including the availability of Technical Assistance Grants.

Community interviews usually are scheduled over two to three days, and often are supplemented with additional unplanned interviews and follow up conversations. When contacting individuals to schedule interviews, the Site Team should explain briefly and clearly the purpose of the interviews. Specifically, staff should explain that they will be talking with area residents and local officials about community concerns regarding the site, and that community interviews are held so EPA can prepare a meaningful community involvement plan. Staff should convey to the interviewees that detailed technical information about site problems or future site actions is not yet available. While some community members may not be willing to be interviewed, generally most



A CIC attended a basketball game at a local high school. By introducing herself to local citizens, she built trust and showed that she was making an effort to get to know them. The people she met that day were more candid in their interviews, and later became advocates for EPA.

citizens, including PRPs, will realize that the discussions are a significant opportunity to express their concerns. Staff should speak first with state and local officials to obtain background information and to let them know that area residents will be interviewed. Officials have an understandable interest in Agency activities that affect their constituents.

For remedial actions, community interviews should be conducted after the site is formally listed on the NPL and before the RI/FS begins. If the situation warrants (this can be determined by using the **Hot Sites Template** resource in the *Toolkit*), consider conducting community interviews before the site is listed on the NPL.

More About Community Involvement Plans

Once the Site Team has conducted the community interviews, it should develop a Community Involvement Plan (CIP). Previously known as the Community Relations Plan (CRP), the CIP is central to Superfund community involvement. It specifies the outreach activities that EPA will undertake to address community concerns and expectations. The CIP is a public document that should be placed in the information repository. The CIP format should include a cover page that identifies the CIP as an EPA document, and also include information specifying what EPA *will* do, not what EPA *should* do.

The CIP should explain how the Site Team will involve the community in site cleanup, rather than provide information about the site itself. It should identify the community's issues, needs, and concerns, and identify specific activities, outreach products, or programs EPA will use to address the community's concerns. For example, if groundwater contamination is an issue, the CIP should identify it as such, and state that "EPA will conduct a series of workshops with a hydrogeologist to explain groundwater." If the health effects of the substances are an issue, then the CIP should propose an activity featuring a toxicologist to talk about the site-specific contaminants, their known effects on people, and

As part of an overall community involvement strategy at a controversial site, a Region 8 CIC determined that formation of a CAG was an appropriate way to involve the community, and took steps to help citizens organize themselves. She invited a diverse group of community leaders to an informational meeting and asked them to suggest other leaders who should be involved in forming a CAG. They participated in a second organizational meeting.

Because of her prior research and knowledge of the community, the CIC knew the emotional nature of the subject matter and the potential for internal conflict, given the fact that the group included people with very different perspectives—including individuals whose family members had suffered site-related health effects and others who were employees of the PRP. That's why, when the CAG held its first "official" meeting, it was led by an outside facilitator. Neutral third-party facilitation was necessary because of the potential for future problems. Even though members suggested that she continue to facilitate meetings herself, the CIC didn't want to put EPA in the "middle," where the trust and credibility the Agency had built in the community could be threatened.

how they move through groundwater.

The CIP also should establish a time line for activities (*e.g.*, "As the Site Team receives sampling results, we will hold a series of ground water workshops"). While the CIP is a public document, remember that the CIP is written for the Site Team.

In general, the CIP should include:

- An overview of the CIP;
- A capsule site description;
- Community background information;
- Community issues and concerns;
- Highlights of the CIP;
- Community involvement activities and timing (including the communication strategy);
- A copy of the interview questions;
- An official contact list (do not include names of private citizens interviewed or the site mailing list);
- The location for public meetings;
- The location of the information repository; and
- Local media contacts.

Interviews are strictly confidential. Names, addresses, and phone numbers of private citizens interviewed should not appear in the CIP, and there should be no way to trace information or comments to any private citizen. However, local officials and representatives of PRPs interviewed in their official capacity should be identified in the list of contacts.

CIP preparation should begin with information about interested officials, citizens, and organized groups. This information should be collected in the community interviews. Also consult the community profile assembled during the planning phase for the following information:

- Multimedia aspects of the site (any other EPA or state activity regarding the environment or other permitted facilities at or near the site);
- Any past news articles, editorials, or letters to the editor that give insight into local perceptions;
- An overview of the demographics; and
- Any need for translating documents (see the **Translation Services** tool in the *Toolkit*);

The **Community Involvement Plan** tool in the *Toolkit* contains a sample Community Involvement Plan and a Community Involvement Activities Template.

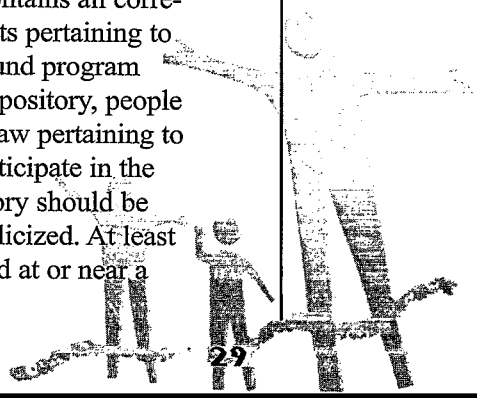
More About Communication Strategies

The CIP is the comprehensive strategy for all community involvement and outreach at the site. A communication strategy for each element of the overall CIP should guide the development and become part of the CIP. Communication strategies saves time and money by helping the Site Team plan site-related communication with the public and other stakeholders. They also can be used to expedite the flow of information for sudden, unfolding events. A good communication strategy provides the "why, what, who, when, where, and how" of relaying information.

Specifically, a communication strategy provides a structure for identifying issues, problems, and actions that require outreach. A communication strategy is a list of messages, audiences, potential message vehicles, required resources, and feedback mechanisms to meet the unique communication needs of each Superfund site. For help in developing communication strategies, see the **Communication Strategies** tool in the *Toolkit*.

More About the Information Repository

An information repository is a record maintained at or near a Superfund site that contains all correspondence, reports, and documents pertaining to the site as well as general Superfund program information. At an information repository, people can research the site, review the law pertaining to the cleanup, and learn how to participate in the cleanup. The information repository should be established early and be well publicized. At least one repository must be established at or near a



remedial site before the RI/FS begins. The Agency must inform the public of the information repository. The availability of the administrative record must be announced through the publication of notices in a local newspaper of general circulation.

The two most significant decisions relating to the information repository are location(s) and choosing the materials to be included. The number of repositories established depends on the remoteness of the site to surrounding communities. Specific locations often are determined during community interviews. Repositories should be convenient to the public where photocopying equipment is available. Common locations include public libraries, city halls, or public health offices. Other locations include fire stations and religious buildings. If a photocopying machine is not available, one may be purchased with site funds.

Repository contents should be organized and indexed. Multiple copies should be made in case documents are lost or misplaced. Repository documents should be updated regularly. If possible, Site Team members should visit the information repository at least once a year to ensure that its contents are current. A sample information repository index is provided in the **Information Repository** tool in the *Toolkit*.

More About Public Notice

Public notices are advertisements published in local newspapers, broadcast on local radio, or sent as mailings to announce public comment periods for EPA decisions, major project milestones, and the establishment of information repositories. The public notice is one of the methods that EPA uses to solicit community participation. The goal of a public notice is to communicate an important announcement to as many people as possible in the affected community. To that end, public notices should be attractive and located in main sections of the paper. Notices should not be placed with legal notices. For more information about public notices, see the **Public Notice** tool in the *Toolkit*.

One Region makes a regular practice of putting a Resource Book at its site information repositories, since the mounds of paper in the Repository can be overwhelming for citizens. The Region finds that the Resource Book helps citizens understand the Superfund process better and provides the site-specific information they want.

One CIC saved a lot of time by transmitting public notices to a local newspaper via an e-mail message specifying the dates the notice should appear and attaching the public notice. The CIC also faxed the public notice to the newspaper to ensure that the newspaper had a hard copy from which to proof the attached document. This exchange took only a few minutes, instead of the hours or days a request by mail or in person might have taken.

More About Technical Assistance Grants

EPA provides technical assistance to communities to help citizens understand site-related information. By law, EPA must inform communities about the availability of Technical Assistance Grants (TAGs) and assist them in applying for these grants. EPA also informs citizens about obtaining assistance through other programs, such as the university-based Technical Outreach Services for Communities (TOSC) program and the Department of Defense's Technical Assistance for Public Participation (TAPP) program.

Under the TAG program, initial grants of up to $50,000 are available to qualified groups affected by a response action. Additional funding is available for sites that meet certain criteria. TAGs can be used to hire a technical advisor, who is an independent expert that can explain technical information and help articulate the community's

Community members at a Region 6 site agree that the TAG they received from EPA enabled the community to participate more effectively in decision making at the site. "Our ability to respond intelligently [to information from EPA and the PRPs] in the language they understand depends on having a good technical advisor, and we had one of the best" said one member of the community group that received the TAG.

concerns (see the **Technical Information for Communities** tool in the *Toolkit)*.

5. RI/FS Begins

After a site is listed on the NPL, the Agency performs a remedial investigation (RI) to gather data needed to determine the nature and extent of contamination at a site, establish site cleanup criteria, identify preliminary alternatives for remedial action, and support technical and cost analyses of alternatives. After the RI has commenced, EPA conducts the feasibility study (FS), which considers different alternatives for cleaning up the site and recommends selection of a cost-effective alternative. Together, these studies usually are referred to as the RI/FS.

The RI/FS is the most critical phase of the Superfund process, and is the time when it is easiest to lose the community. From the time that a work plan is prepared through the completion of the RI/FS, the Site Team should obtain information from the community and learn the community's perspective on site hazards. The Site Team should ensure that the community is informed about what to expect from the RI/FS, is aware of current activities, can track progress at the site, and has every opportunity to participate in deciding upon the Proposed Plan. The specific outreach activities the Site Team is responsible for are discussed below.

Although the RI/FS usually takes 18 to 24 months to complete, actual on-site work usually lasts no more than several weeks to several months. The rest of the time, analytical work is performed at the office or in a laboratory. EPA presence at the site is rare and limited to periodic monitoring or additional sampling. During this period, the Site Team focuses on receiving, reviewing, and analyzing data, and identifying remedy options.

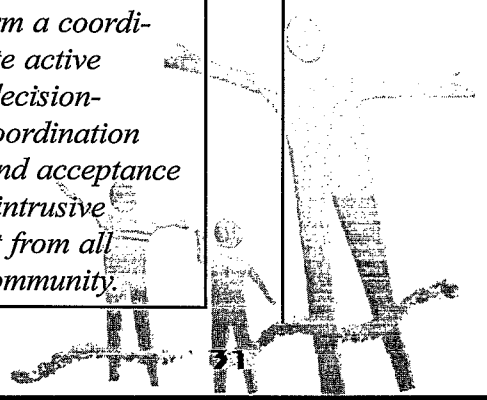
Recommended Outreach Activities During RI/FS

Although community involvement activities are not required during the RI/FS, EPA recommends that at least one community involvement activity be held each year during the RI/FS.

This is the period during which the community hears the least from EPA. From a purely technical perspective, many Site Teams conclude there is nothing occurring that is of interest to the community. Since there is nothing unusual or alarming happening and the Site Team does not want to raise

While EPA held regular public meetings prior to issuing its first cleanup plan at one Region 1 site, community interest in the site seemed limited until the Agency announced the proposed remedy. EPA's Proposed Plan for the site was met with strong and widespread opposition from community stakeholders and PRPs. EPA extended the public comment period on the Proposed Plan, and, in response to those comments, decided to withdraw it.

EPA helped stakeholders form a coordinating committee to facilitate active community involvement in decision-making. Eventually, these coordination efforts led to development and acceptance of a far less costly and less intrusive alternative that won support from all stakeholder groups in the community.



false hopes or fears, it may believe that nothing needs to be shared with the community. However, the community often wants information about the site and ongoing EPA activities, even when there may be nothing significant to report. A lack of communication or information typically results in one of two community responses: either people's fears, anxieties, anger, and frustration intensify, or they may adopt a false sense of security by becoming complacent. Either response can be problematic for meaningful community involvement.

When EPA does not provide official information, residents sometimes turn to other experts who seem more willing to talk to them. These experts may include people or groups with their own agendas. Intentionally or not, these experts can stir up fears and other concerns that would not have otherwise arisen had EPA maintained contact. The end result is usually a significant delay in the process while the Agency responds to misinformation and calms resulting fears and anxieties. Sometimes in these situations, there is a perception that the delay was caused by too much community involvement, when in actuality, too little community involvement was to blame.

The other response to a lack of information from EPA is community complacency. The community may perceive EPA's seeming lack of concern as an indication that the site is harmless. The community may come to the conclusion that things are not as serious as EPA portrayed, that EPA may have overreacted, and that there is really nothing to worry about. Consequently, the site becomes an afterthought and community life returns to normal. At the same time, the Site Team sees a quiet community and concludes the residents either are unconcerned or uninterested. In this case, the Site Team also can be lulled into a false sense of security, which validates reasons for not issuing information.

These attitudes can result in a contentious response to the announcement of the Proposed Plan. Because of this lack of communication comes as a complete surprise to the community, and the community's reaction is just as surprising to the Site Team. Citizens balk at the proposed remedy, they wonder how EPA came up with the idea, they complain that EPA's decision had no local input, and they believe EPA's request for comment is simply a meaningless exercise. The end result is that the Agency needs to delay the process to conduct community involvement work that should have been done all along.

Recent research conducted at active sites indicates that citizens need to hear from EPA on a continuing basis. People are reassured and feel more empowered by simple communication from EPA, even if nothing more is said than "we still have not received the test results from the lab." Therefore, the Agency recommends that regular outreach activities continue throughout the RI/FS, with the Site Team organizing at least one community involvement activity per year.

Community involvement activities that have proven useful during this phase include **Community Visioning, Fact Sheets, Focus Groups,** and **Informal Activities** such as community visits. Other helpful activities include **On-Site Activities,** such as site tours, **Presentations** to local officials, civic groups, and school groups, **Public Availabilities/Poster Sessions,** site-update **Telephone** hotlines, and **Workshops.** See the *Toolkit* Table of Contents for more information about these outreach tools.

The purpose of these activities is to prepare the community for the publication of the Proposed Plan.The Site Team needs to decide which of these or other suggested activities are appropriate during the RI/FS process. These community involvement tools are described in detail in Part II of the *Community Involvement Handbook* and *Toolkit*. The tools included in Part II are guides, not rules. However, the Agency expects the Site Team to draft CIPs that use these tools. They can be used as presented, modified, or combined to address the unique situation at each site.

Person-to-person interaction is necessary for the

community to get to know Site Team members and vice versa. Personal interactions, either by telephone or in person, contribute more to the development of trust and cooperative working relationships than any other form of outreach. Availability sessions, public meetings, workshops, and TV or radio appearances work well.

Some EPA Regions schedule an information public meeting at the beginning of RI field work. Here, the RPM and CIC introduce themselves and the role of EPA, and describe what is and is not known about the site and the implications of this information. The Site Team explains the RI work plan, the type of work anticipated, what they hope to learn, what they expect to find, and safety precautions. Some Site Teams demonstrate protective gear and monitoring equipment at the meeting so that people can become familiar with it. This optional public meeting is an excellent opportunity to educate both the community and the Site Team. Whether it is a public meeting or availability session, some form of person-to-person outreach or community involvement activity during this phase is important to the community and beneficial to the Site Team.

Other Regions take community outreach into the local schools. Site Team members make presentations, either to a large assembly or to specific classes. Team members show students the safety equipment and protective gear and even let some students try on the gear. Educating children also can be a way of educating adults, since children talk to their parents. Furthermore, information brought from school may carry a level of credibility unavailable through other means. Recent studies show that such efforts have positive, long-term effects in the community.

More About Community Advisory Groups

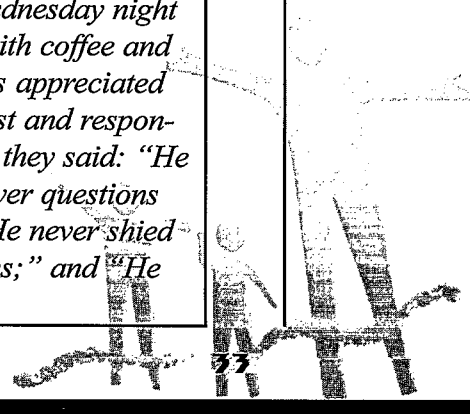
"Providing the community with early drafts of technical documents is worthwhile in the long run."
Mark Doolan, RPM, Region 7

In Chattanooga, TN, citizens addressed environmental problems through a visioning process by setting goals to achieve a shared vision, designing action plans, and implementing projects throughout the community. The high level of commitment generated through an inclusive, open process enabled the community to finance and implement projects without the opposition often seen in community change projects.

A Community Advisory Group (CAG) is a committee, task force, or board made up of residents affected by a Superfund or other hazardous waste site. A CAG provides a public forum where representatives of diverse community interests can present and discuss their needs and concerns related to the site and the site cleanup process. CAGs are a community initiative and responsibility. They function independently of EPA, but they can be a very effective community outreach and participation tool. The Agency encourages CAG development, and EPA Regions provide administrative support for CAGs at many Superfund sites. Experience indicates that CAG involvement in the process results in better decisions on how to clean up sites.

CAGs may not be appropriate at every Superfund site. The Site Team should consider several

The Site Team at one site found public meetings were never well-attended. They found it was better to invite community members to come by the site. The RPM was in the trailer the same hours every day. Wednesday night was "Open Trailer Night," with coffee and cookies. Community members appreciated the RPM's availability, interest and responsiveness. Among other things they said: "He always made the time to answer questions and listen to complaints;" "He never shied away from face-to-face forums;" and "He was devoted to the site."



One Region that needed to distribute bottled water to residents around a site recognized the critical importance of explaining why bottled water should be used and how to avoid using tap water. The CIC coordinated with a sixth grade teacher, and gave a presentation to school children. The students put on a play that was a hit in the community.

factors when evaluating whether a CAG would be appropriate. For example, they should consider the likelihood of long-term cleanup activity at the site. CAGs usually can be beneficial at both remedial sites and removal sites, particularly non-time critical removals. However, the time required to organize and begin CAG operations, which can vary from a few weeks to several months, may preclude CAGs at time critical removal sites and other removal sites where cleanup activities will be brief.

The Site Team also should assess the level of community concern and interest in site cleanup decisions and consider whether there are any environmental justice issues or concerns regarding the site. Has the community expressed an interest in forming a CAG? A community with a high level of interest and concern about remedial activities or significant environmental justice concerns related to the site should be a strong candidate for a CAG. Forming a CAG may not be feasible, however, if there are too many competing interests at the site.

Community interviews or profiles from early in the process are a good source of information when considering whether to recommend formation of a CAG. Once EPA determines that a CAG may be appropriate at a site, the CIC, Site Manager, and other members of the Site Team should explain the CAG concept to the community, recommend it as a vehicle for involvement in the decision-making process, and offer the Agency's assistance in forming and maintaining the CAG should the community choose to form one. If EPA determines that a CAG would not be appropriate at a site, it is important to document the Agency's reasons in a way that can be shared to community residents who express interest. For more information, see the **Community Groups** tool in the *Toolkit*.

6. Feasibility Study Completion and Proposed Plan

The RI/FS process ends with the release of the RI/FS documents and the Proposed Plan for remedial action. This should be a time of intensive community involvement. The Site Team must inform the public about, and receive comments on, all remedial alternatives considered in the RI/FS, the Agency's preferred alternative, the rationale for the preference, and proposed waivers to cleanup standards.

Good technical work during this phase is crucial to a good Proposed Plan. Good community involvement is crucial to the community's understanding and acceptance of that plan. According to Stephen Covey, author of *7 Habits of Highly Successful People*, "People don't care how much you know until they know how much you care." This concept is paramount to effective community involvement. It does not matter how good the work or the plan is if the community does not understand or accept it.

Community Involvement Activities Related to FS Completion and the Proposed Plan

At a minimum, the following activities must be conducted:

- **Develop a Proposed Plan.** The Site Team must develop a Proposed Plan for public comment. The plan must summarize the remedial alternatives presented in the analysis of the RI/FS and identify the preferred alternative, the rationale for that preferred alternative, any proposed waivers to cleanup standards, and documents that support EPA's decision.
- **Publish notice of the Proposed Plan.** The Site

Team must publish a **public notice** of the availability of the Proposed Plan and RI/FS, a brief summary of the Proposed Plan, and an announcement of the **Public Comment Period** in a major local newspaper of general circulation (see the **Public Comment Periods** and **Public Notices** tools in the *Toolkit*).

- **Place the Proposed Plan in the information repository**. The Site Team must make the Proposed Plan and any supporting analysis and information in the administrative record at the **Information Repository** (see the **Information Repository** tool in the *Toolkit*).
- **Hold a public comment period**. The Site Team must provide a reasonable opportunity (not less than 30 days) for the submission of comments. The Site Team must extend this comment period by at least 30 days upon timely request. Although notifying the public of the extension is not required, the Site Team should consider publishing a notice of the extension, or at a minimum, mailing a copy of the extension to those on the site mailing list.
- **Hold Proposed Plan public meeting**. The Site Team must hold a public meeting on the **Proposed Plan** (see the **Public Meetings** tool in the *Toolkit*). The Site Team must provide a transcript of all formal public meetings held during the public comment period. EPA must make the transcripts available to the public via the administrative record.
- **Prepare a written responsiveness summary**. The Site Team must prepare a responsiveness summary that responds to significant public comments, criticisms, and new relevant information submitted during the public comment period. The responsiveness summary becomes part of the Record of Decision (see the **Responsiveness Summaries** tool in the *Toolkit*).

The community involvement activities required for the Proposed Plan are largely impersonal. The Site Team should conduct additional outreach focusing on person-to-person contact during the Proposed Plan phase. There are a number of tools that can be used to personalize this phase. To help explain the Proposed Plan, EPA recommends that the Site Team use at least one of the following outreach tools: **Informal Activities**, **Presentations**, **Public Availabilities/Poster Sessions**, and **Workshops** (see the tools for all in the *Toolkit*).

While it is not required, distribution of the Proposed Plan to the entire site mailing list and any other interested parties is recommended. The site team should place copies of the Proposed Plan in information repositories at or near the site.

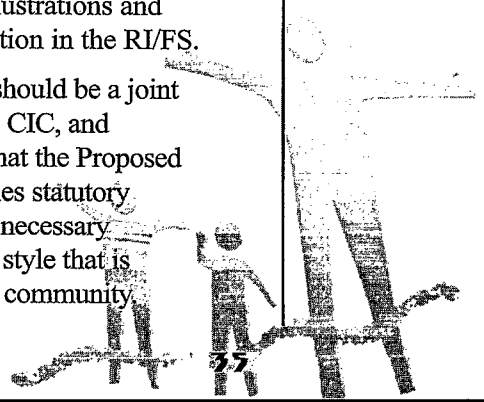
More About the Proposed Plan

The Proposed Plan reflects the decisions made by the lead and support agencies and is a critical part of remedy selection and the administrative record. The Site Team should consult the ROD guidance for information about how to develop the Proposed Plan. The following section provides a brief summary of the discussion contained in the ROD guidance.

The Proposed Plan must be presented at a public meeting, usually referred to as the Proposed Plan public meeting. In the past, Site Teams have put considerable emphasis on this event. However, experience has shown that community involvement activities throughout the entire RI/FS process are at least as important as the Proposed Plan public meeting.

The Site Team can present the Proposed Plan in either the expanded or fact sheet format discussed in the ROD guidance. Regardless of the format, the Site Team should write the plan in a clear and concise style and use illustrations and figures to summarize the information in the RI/FS.

Preparation of the Proposed Plan should be a joint effort of the Site Team. The RPM, CIC, and Regional Counsel should ensure that the Proposed Plan is technically accurate, satisfies statutory requirements, and includes all the necessary information in a clear and concise style that is understandable to members of the community.



In addition to clearly summarizing the alternatives from the detailed analysis of the RI/FS, the Proposed Plan must specify the preferred alternative and the rationale for the preference, citing the evaluation criteria identified in the ROD Guidance. The Proposed Plan should notify the public about how to obtain additional information (*e.g.*, information repositories/administrative record, RI/FS report, public meetings, contact person), as well as when to submit comments.

The presentation of the preferred alternative should emphasize that the Agency has not made a final decision and is open to suggestions on how the preferred alternative, or the other alternatives, might be modified to better satisfy the remedial objectives of the site. In other words, the Proposed Plan should clearly indicate that the Agency encourages public comments on all alternatives, not just the preferred alternative. The Agency may alter the preferred alternative or shift from the preferred alternative to another if public comments or additional data indicate that these modifications are warranted.

More About the Proposed Plan Fact Sheet

The Proposed Plan is a concise, easy-to-read synopsis of the action EPA proposes to take. Unlike the ROD, it is not a legal document that binds EPA to an action, and it should not read like a legal document. Instead, the Proposed Plan is a communications tool required by the NCP as a means of informing the general public about all of the alternatives considered and EPA's preferred remedy. It also notifies the community that it will have an opportunity to comment. The Proposed Plan should be released as a fact sheet, preferably no more than eight pages long, and distributed to all stakeholders. A more formal Proposed Plan may be prepared and placed in the information repository. In this case, summarize it in a Proposed Plan fact sheet, and use the fact sheet to direct readers to copies of the formal plan.

The primary message to convey in the fact sheet is the proposed remedy for the site. Provide this information first, rather than starting with background on the site, other remedies considered, or any other information. Explain that the fact sheet briefly summarizes the formal plan for the remedy. Include why the remedy was chosen over other proposals, then list the other remedies that were considered. Explain in a few sentences what each remedy would entail and why EPA proposed to eliminate it. After that, offer a more detailed explanation of the proposed remedy. Provide general information on the findings of the RI/FS. Explain in more detail what will be done to clean up the site, the impact it will have on the community, the cost, and the duration of construction.

> *"Learning what the citizens are thinking far in advance of the development of the proposed plan is a tremendous advantage."*
> ***Tony Able, RPM, Region 4***

If applicable, be sure to announce that the formal plan is available for review and comment in the information repository. Include the address and hours of the repository and a phone number for requesting copies. Include instructions on how and when to submit public comments.

More About Public Notice of the Proposed Plan

The advertisement published in the newspaper should provide a brief summary of the Proposed Plan and inform the public of the opportunity to comment on the RI/FS and Proposed Plan. The notice should summarize the alternatives and identify the preferred alternative. It should also:

- explain how to submit oral and written comments;
- identify the location of the information repositories and administrative record;
- name a contact person and how to reach him or her; and
- provide the opportunity for a public meeting, or state the time and place of a public meeting if one has been scheduled.

One CIC scheduled regular talks at a bookstore, similar to those given by visiting authors. The presenter spoke about very specific site-related topics and kept the speech to about half an hour. The first ten minutes always were devoted to giving a quick summary of events that had occurred at the site, the next 15 minutes covered the topic, and the last five minutes summarized the main points. After the presentation, the presenter fielded questions.

The announcement should be made at least two weeks prior to the beginning of the public comment period so that the public has sufficient time to obtain and read the document. In order to reach as broad an audience as possible, the advertisement should be designed to attract attention and engage the reader. The Site Team should consider purchasing ad space in the most widely read section of the newspaper.

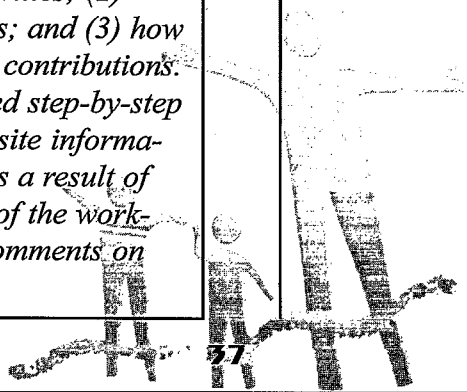
More About the Public Comment Period and Public Meeting

The public comment period offers special community involvement challenges and opportunities. If implemented properly, it can also contribute to the quality of the selected remedial alternative. The Site Team should maintain communication with local officials and interested community members, explain the remedial alternatives in understandable terms, and solicit public input. If this communication is done effectively, concerned groups and individuals can see that their interests are receiving serious consideration. Effective communication should make a significant difference in the acceptability of the final remedy. The public comment period, beyond the 30-day minimum, must be extended by at least 30 additional days upon receipt of a "timely" citizen request. Although "timely" is considered to be within the first two weeks of the comment period, staff should make every reasonable effort to accept requests received at any time during the comment period. If the comment period is extended, staff should publish a public notice to announce the extension of the comment period.

CERCLA and the NCP require EPA to provide an opportunity for a public meeting at or near the site regarding the RI/FS and Proposed Plan. The Site Team also may choose to conduct a formal public hearing, although this alternative is neither required nor always encouraged. Public hearings, at which concerned individuals formally state their comments but no Agency response is given, are primarily a vehicle for the public to get comments into the record, rather than a means for the Agency to engage in a dialogue with the community. If the Agency receives a request for a hearing, staff should explain the distinction between public meetings and hearings and verify that a hearing is what is desired. The public's need often can be met in a more informal, productive, and less resource-intensive manner. If

One CIC decided to inform local stakeholders about an opportunity for review and comment on the proposed cleanup plan by holding a public meeting to announce the opportunity and invite interested parties to a public participation workshop. The meeting was held at a library on a Saturday afternoon, and attracted a large and diverse audience.

The workshop took place on the following Saturday and provided information about: (1) requirements for public review of and comment on site activities; (2) pros and cons of the process; and (3) how citizens can maximize their contributions. A workshop hand-out offered step-by-step guidance for reviewing the site information and filing comments. As a result of his actions, more than half of the workshop attendees submitted comments on the proposed cleanup plan.



a hearing is needed, the preferred approach is to hold it in conjunction with small informal meetings or other communications techniques.

The Site Team also must provide an opportunity for submission of written and oral comments on the RI/FS and Proposed Plan. The Site Team must keep a transcript of the public meeting conducted during the comment period and make the transcripts available to the public as part of the administrative record and information repository. Such transcripts are used by EPA to consider oral comments made during meetings. Other substantive discussions regarding the RI/FS, Proposed Plan, or proposed waivers received by other means, such as telephone calls or meetings with individuals during the public comment period, must also be documented. This documentation may be done through a record of communication, tapes, or notes that must be placed in the administrative record. Agency staff should encourage written comments to ensure they are fully reflected in the record.

7. Notice and Comment on Consent Decree

Sometimes after the Proposed Plan is developed, the Potentially Responsible Parties (PRPs) will negotiate and enter into settlement agreements or consent decrees with EPA to do the cleanup. To conclude such negotiations, EPA enforcement staff and the PRPs may make modifications to the Proposed Plan. Therefore, EPA must inform the community of the consent decree and allow the community to provide input.

Community Involvement Activities for Consent Decrees

In the event that there is an enforcement agreement, the following requirements apply:

- Publish a notice of the proposed agreement in the *Federal Register* at least 30 days before the agreement becomes final, identifying the name of the facility and the parties to the proposed agreement.
- Provide an opportunity for comments and for consideration of comments (see the **Public Comment Periods** and **Responsiveness Summaries** tools in the *Toolkit*).

Under the law, consent decree negotiations are not open to the public. Therefore, once a consent decree emerges, the community may feel victimized. Closed discussions between EPA and PRPs often result in reduced trust and increased resistance on the part of the community.

Fortunately, there are a few things that the Site Team can do to prevent a community from feeling victimized by a consent decree. During consent decree negotiations, the Site Team can use focus groups and informal activities as tools to involve the community.

- **Focus groups** are facilitated discussions about the site and the community's concerns voiced by small groups of stakeholders. Focus groups are a useful tool for understanding stakeholders' opinions on site activities, why they feel as they do, and their needs and expectations. By holding separate focus group sessions with different groups, the Site Team can find out how the community will react to different proposals being considered in negotiations (For more information on using focus groups, see the **Focus Groups** tool in the *Toolkit*).
- **Informal activities** are unstructured visits to the community to give people a chance to get to know members of the Site Team and to discuss the site in a relaxed atmosphere. Informal activities can include visiting a resident's home, hosting an information booth at a local festival, or going door-to-door in a neighborhood close to the site. Such activities allow the Site Team to inform the community about the consent decree. Be aware that any such communication should be cleared with Regional Counsel well in advance of the activity. Typically, the most the Site Team will be able to tell a community is that negotiations may or may not occur and may or may not

result in a consent decree. These efforts may not seem like much, but such communication can go a long way in preventing unpleasant surprises once a consent decree is signed. Such activities allow the Site Team to identify community concerns regarding the consent decree and direct those concerns to EPA's representative at the negotiation table (see the **Informal Activities** tool in the *Toolkit*).

More About Community Involvement Activities for Enforcement Actions

CERCLA created two complementary methods to clean up hazardous waste sites. The first created a trust fund to pay for site clean up. The second provides EPA with authority to identify PRPs linked to the site and negotiate settlements with PRPs for site cleanup work or to issue administrative orders directing them to do so. EPA may also recover the costs of such actions from PRPS when the trust fund has been used.

Since the passage of CERCLA in 1980, several states have enacted similar laws under which they may undertake site cleanup and recover costs from PRPs. Citing their own authority, they may issue orders or enter into settlement agreements with PRPs. The enforcement process is essentially the same as that followed by EPA.

Agency staff should try to help citizens understand Superfund program goals and activities, including enforcement actions. If community concerns are fully identified early in the remedial process, the agency is better able to address these concerns in the proposed plan.

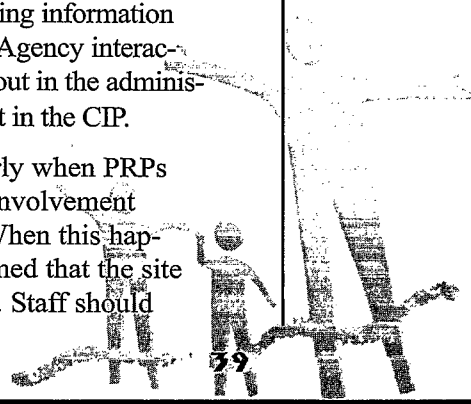
Community Involvement Plan. In fostering community involvement during enforcement actions, CICs should follow the same steps as for fund-financed projects. The steps critical to community involvement are conducting interviews of local citizens and formulating a CIP. Once the CIP has been developed, the CIC and other members of the Site Team should ensure that community involvement activities outlined in the CIP take place. The administrative record is one method to ensure that the public can access information about site activities. This and other methods should be considered and used to inform and involve the public.

The agency in charge of response actions will develop and carry out community involvement activities at enforcement-lead sites. PRPs may participate in community involvement activities only at the discretion of the Regional Office. PRPs do not develop the CIP. The Regional Office will oversee any PRP community involvement activities. PRPs may participate in community involvement activities at sites where they are conducting a removal, RI/FS, remedial design, remedial action, or operation and maintenance. The CIP should cover any PRP participation in community involvement activities. In these cases, the PRPs may wish to participate in public meetings or in the preparation of fact sheets that the agency must review before release to the public. The contents of press releases, however, are not negotiated with PRPs.

The completed CIP should be provided to all interested parties and placed in the administrative record and information repository. If the CIP is revised, the final revised copy should be made available to the public and placed in the administrative record and information repository.

Community involvement activities outlined in a CIP for a PRP-lead site should not compromise the settlement process and the likely schedule of enforcement actions. Technical discussions may be identified in the CIP as community involvement activities. The CIP should document the Agency's approach to coordinating and sharing information with PRPs. Special conditions on Agency interaction with PRPs should be spelled out in the administrative order or consent decree, not in the CIP.

The public must be informed early when PRPs are participating in community involvement activities identified in the CIP. When this happens, the public should be informed that the site response team prepared the plan. Staff should



communicate this by preparing a fact sheet and stating clearly at a public meeting that EPA, and not the PRPs, prepared the CIP, retains all decision-making authority, and directs all community involvement activities.

The CIP also should describe how the litigation process affects community involvement activities. Litigation generally does not occur until after the remedy is selected, but community involvement staff should explain early in the process that legal constraints on community involvement activities may apply during negotiations or litigation. Community involvement staff may choose to describe EPA interaction with the U.S. Department of Justice (DOJ). If litigation is pursued, the CIP will be amended to reflect the potential effects of litigation on community involvement activities. When referral for litigation is the initial enforcement action, the CIP should specify activities that are to be conducted during litigation to the extent known at that time.

The mayor of a town with a Superfund site held a series of meetings with community leaders to encourage community participation in discussions with EPA and PRPs on site cleanup plans. The process continued after the ROD was signed, but broke down prior to the consent decree when the community came out opposed to the selected remedy, incineration. The community had little confidence in the process leading to the RI and the selected remedy, and felt that EPA had "let the fox into the henhouse." When the consent decree was approved, incinerator construction began and residents asked EPA's ombudsman to intervene when fumes generated by construction overwhelmed the PRPs' control apparatus.

EPA stopped work on the site. The community asked for an alternative remedy, and the PRPs agreed to develop one. To help various interest groups at the site work out the problems, EPA proposed formation of a Community Advisory Group, which ultimately helped interests work together by improving relations between EPA and the community.

Enforcement Actions and Community Involvement at Remedial Sites. Community involvement and outreach activities should be planned as early in the enforcement process as possible. Generally, this outreach should occur before the issuance of a RI/FS special notice. Meetings with small groups of citizens, local officials, and other interested parties are extremely helpful for sharing general information and resolving questions. These meetings may also serve to provide information on the Agency's general enforcement process. Also, the information repository and administrative record are sources from which the public may obtain specific information about the site, general Superfund process, and other Agency materials.

Negotiations about private party response actions or payment of cleanup costs are conducted in confidential sessions between the PRPs and EPA or the state. PRPs may be unwilling to negotiate without a guarantee of confidentiality. This expectation of confidentiality restricts the type and amount of information that can be made public.

Special effort should be made prior to the negotiation moratorium to warn the public that little information will be available during negotiations. Neither the public nor the technical advisor (if one has been hired by a community) may participate in negotiations between EPA, DOJ, and the PRPs unless all those parties agree. Instead of direct participation by the public in negotiations, community involvement staff may wish to mail out a fact sheet on the Superfund enforcement process and the moratorium schedules for the specific site.

The public should be informed when agreements are reached and when consent decrees are referred

A CIC and RPM presented a site update to a county's Grand Jury panel that included graphics, maps, and slides of the former mine site. Afterwards, the audience stated an interest in seeing the site first hand. Two weeks later, the RPM and CIC led a site tour for 25 people that included a visit to an adjacent site where EPA was completing removal of contaminated soil. Fact sheets and a chronology of EPA activities were provided as handouts.

to DOJ, lodged, and entered by the court. A press release may be issued if a site mailing list has not yet been established. If a mailing list exists, notices can be sent at the time of the press release.

Once a case is in court, only information from court files will be available to the public. Agency statements about the case must be cleared with DOJ. The Office of Regional Counsel (ORC) team member will arrange for that clearance and consult with DOJ on statements concerning site status, such as investigations, risk assessments, and response work. The ORC is responsible for informing staff about consultations with DOJ.

8. Pre-ROD Significant Changes

If needed, the Site Team may have to address significant changes to the Proposed Plan prior to selection of the final remedy. If new information significantly changes the basic features of the remedy in the Proposed Plan with respect to scope, performance, or cost prior to adoption of the final remedy proposed in the ROD, the Site Team is required to do different community involvement activities. These activities will depend upon whether the significant changes could or could not be reasonably anticipated by the public based on information in the Proposed Plan, supporting analysis, and administrative record.

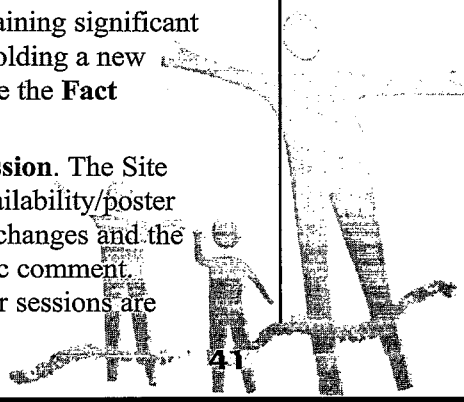
Pre-ROD Community Involvement Activities

If new information that significantly changes the basic features or cost of the remedy becomes available after the publication of the Proposed Plan, and if these changes could be reasonably anticipated by the public based on information in the Proposed Plan, supporting analysis, and administrative record, then the Site Team must include a discussion of the significant changes and reasons for such changes in the ROD. However, if EPA determines that the significant change could not have been reasonably anticipated by the public based on information in the Proposed Plan, supporting analysis, and administrative record, then the Site Team must:

- **Issue a revised Proposed Plan**. Prior to the selection of the remedy, the Site Team must issue a revised Proposed Plan that includes a discussion of the significant changes and the reasons for such changes.
- **Hold a public comment period**. The Site Team must seek additional public comment on the revised Proposed Plan (see the **Public Comment Periods** tool in the *Toolkit*).
- **Prepare a written response**. The Site Team must respond to significant comments (see the **Responsiveness Summaries** tool in the *Toolkit*).

When revisions to the Proposed Plan necessiate a a new round of public comment, public understanding of those significant changes is crucial. EPA recommends that the Site Team use some of the following community involvement tools:

- **Revised fact sheet**. Distribute a revised Proposed Plan fact sheet explaining significant changes and the process for holding a new round of public comments (see the **Fact Sheets** tool in the *Toolkit*).
- **Public availability/poster session**. The Site Team should host a public availability/poster session to explain significant changes and the need for a new round of public comment. Public availabilities and poster sessions are



less structured than public meetings; they are preferred in situations in which public meetings are not required (see the **Public Availability/Poster Session** tool in the *Toolkit*).

- **Informal activities.** The Site Team should engage in some informal outreach activities, such as setting up an exhibit booth at a community event or going door-to-door, to explain the significant changes and the new round of public comments (see the **Informal Activities** tool in the *Toolkit*).
- **On-Site activities.** Depending upon the nature of the significant changes, this point in the process might present a good opportunity for the Site Team to host a site tour, during which the team can explain the site, the nature and extent of contamination, and the significant changes to the revised Proposed Plan (see the **On-Site Activities** tool in the *Toolkit*).
- **Telephone hot lines.** If the Site Team has not already set up a toll-free telephone hot line, this would be a good time to do so. If the hot line is already operating, it should be updated to explain the revised Proposed Plan and the new round of public comments (see the **Telephone** tool in the *Toolkit*).

9. Record of Decision

After EPA considers comments on the Proposed Plan, it selects a final remedy, which is published in the Record of Decision (ROD). The ROD is the official documentation of how EPA considered the remedial alternatives and why EPA selected the final remedy.

Community Involvement Requirements During the ROD

During selection of the final remedy in the ROD, the Site Team must:

- **Publish a notice of the availability of the ROD in a major local newspaper.** The Site Team must notify the public of the availability of the ROD through publication of a notice in a major local newspaper (see the **Public Notices** tool in the *Toolkit*).
- **Review the CIP for needed changes.** After the signing of the ROD and prior to the initiation of the Remedial Design, the Site Team shall review the CIP to determine whether it should be revised to include additional public involvement activities during the RD/RA phase (see the **Community Involvement Plans** tool in the *Toolkit*).

More About Public Notice of ROD

EPA is required to publish a newspaper notice, preferably a display ad, which informs the public that the ROD has been signed and announces the availability of the final remedial action plan selected by EPA. The advertisement should provide a brief summary of the selected remedy and explain where a copy of the ROD can be obtained or reviewed.

ROD Outreach Activities

When the ROD is issued, the Site Team should make a concerted effort to inform the community that EPA has made a decision about the site remedy. This information needs to be disseminated as widely as possible. Although placing a notice in a newspaper is required, it probably is the least effective way of notifying the community. Other more effective approaches for notifying the community about the ROD include:

- **Fact sheets.** Distribute a fact sheet explaining the remedy in the ROD. (see the **Fact Sheets** tool in the *Toolkit*, which includes sample fact sheets and fact sheet templates).
- **Public availability/poster session.** The Site Team can host a public availability/poster session to explain the ROD (see the **Public Availabilities/Poster Sessions** tool in the *Toolkit*).
- **Informal activities.** The Site Team can engage in informal outreach activities, such as setting up an exhibit booth at a community event, to announce the ROD (see the **Informal Activities** tool in the *Toolkit*).

At a controversial site, a CIC held regular conference calls with EPA representatives, reporters, editors, local officials, and interested residents. Twelve lines were dedicated for each call. The date and time of the call were announced in advance. The calls were conducted on a quarterly basis at first, but as work intensified, they were held monthly, then bi-weekly, and weekly.

The CIC also placed weekly updates on a toll-free hot line that citizens could call at their convenience. This information answered the basic questions of affected residents and saved the CIC time responding to individual messages. In the end, the ROD was not contested.

- **On-site activities**. The ROD announcement might present a good opportunity for the Site Team to host a site tour. (see the **On-Site Activities** tool in the *Toolkit*).
- **Press briefings and news releases**. Most local television and radio stations will broadcast public service announcements related to sites. Site Team members may appear on a live radio or cable television call-in shows. The Site Team can respond to questions and also explain the selected remedy. When participating on this type of show, develop messages and repeat them frequently to ensure the key mesages are conveyed to the public (see the **Media** tool in the *Toolkit* and Chapter 7, "Dealing with the Media," in this *Handbook*).
- **Postcard or flyer**. Prepare a post card or flyer to announce the ROD and distribute it to people on the site mail list. Place the flyer or post card in various locations throughout the community, such as schools, libraries, or grocery stores.

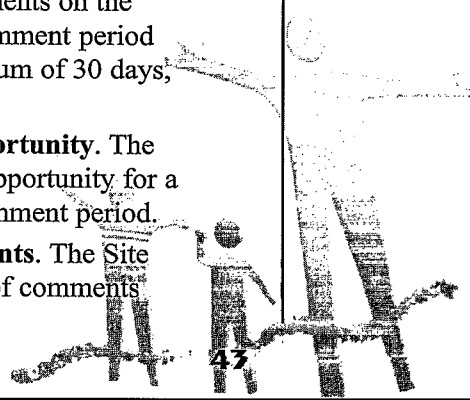
10. Post-ROD Significant Changes

After a ROD is signed, the PRP sometimes will settle with EPA and agree to perform the remedy selected in the ROD. If any post-ROD remedial action or enforcement action under CERCLA §106 is taken, or if any settlement or consent decree under CERCLA §106 or §122 is entered into, and if such action, settlement, or decree differs significantly from the ROD, then EPA must take one of the following actions:

- If the differences in the settlement or consent decree do not fundamentally alter the remedy selected in the ROD with respect to scope, performance, or cost, the Agency must issue an explanation of significant differences and make the explanation and supporting information available to the public in the administrative record and information repository. Additionally, a notice that briefly summarizes the significant differences and states the reasons for such differences must be published in a major local newspaper of general circulation.
- If the differences in the settlement or consent decree fundamentally alter the basic features of the selected remedy with respect to scope, performance, or cost, EPA must propose an amendment to the ROD.

To amend the ROD, EPA must:

- **Publish a notice of availability of the proposed amendment**. The Site Team must publish a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation.
- **Provide time for comments**. The Site Team must provide at least 30 days for the submission of written and oral comments on the proposed amendment (the comment period must be extended by a minimum of 30 days, upon timely request).
- **Provide public meeting opportunity**. The Site Team must provide the opportunity for a public meeting during the comment period.
- **Keep a transcript of comments**. The Site Team must keep a transcript of comments



received at the public meeting.

- **Include an explanation of the amendment.** The Site Team must include a brief explanation of the amendment and a response to each of the significant comments, criticisms, and new relevant information received during the comment period in the amended ROD.

Once the ROD has been amended, EPA must:

- **Publish a notice of availability of the amended ROD.** The Site Team must publish a notice of availability of the amended ROD in a major local newspaper of general circulation.
- **Place the amended ROD in the information repository.** The amended ROD and supporting information must be placed in the administrative record and information repository before commencement of the remedial action.

Post-ROD Outreach Activities

When a settlement agreement or consent decree has caused EPA to propose an amendment to the ROD, EPA must perform the community involvement requirements outlined above. Because settlement negotiations are closed to the public, the settlement and the resulting proposed ROD amendments may come as an unpleasant surprise to the community, and significantly undermine community trust and cooperation. To avoid this result, EPA recommends that the following additional community outreach activities be undertaken:

- **Fact sheets.** Distribute a fact sheet explaining how EPA proposes to amend the ROD and any changes to the scope, performance, and cost of the remedy. The fact sheet should remind the public of its opportunity to comment on the proposed amendments to the ROD (see the **Fact Sheets** tool in the *Toolkit*, which includes sample fact sheets and fact sheet templates).
- **Public availability/poster session.** The Site Team should host a public availability/poster session to explain the proposed amendments to the ROD and the need for a new round of public comment. Public availabilities and poster sessions are preferred in situations in which public meetings are not required (see the **Public Availabilities/Poster Sessions** tool in the *Toolkit*).
- **Informal activities.** The Site Team should engage in informal outreach activities, such as setting up an exhibit booth at a community event or going door-to-door to explain the proposed amendments to the ROD and the new round of public comments (see the **Informal Activities** tool in the *Toolkit*).
- **On-site activities.** Depending upon how tangibly the amendments proposed for the ROD can be demonstrated on site, this time might present a good opportunity for the Site Team to host a site tour. During the tour, the Site Team can provide a history of the site and describe the nature and extent of contamination and the changes to the remedy contemplated by the settlement or consent decree (see the **On-Site Activities** tool in the *Toolkit*).
- **Telephone hot lines.** If the Site Team has not set up a toll-free telephone hot line, this would be a good time to do so. Alternatively, if the hot line was established earlier in the process, it should be updated to explain the proposed amendments to the ROD and the new round of public comments (see the **Telephone** tool in the *Toolkit*).

> *"Engage in meaningful dialogue and you will minimize delays from public misunderstanding and criticism."*
> ***Ed Als, RPM, Region 2***

11. Remedial Design/ Remedial Action

Remedial Design/Remedial Action (RD/RA) is the phase during which EPA designs and implements the cleanup remedy selected in the ROD. As with the other phases, RD/RA has its own set of community involvement opportunities and potential problems. The disruption imposed on communities during the construction phase can

cause communities to become agitated and vocal.

While the remedial design phase usually is uneventful since little or no field work is conducted, the remedial action phase can be very disruptive to the community, with extensive construction, dust, noise, and heavy truck traffic that carries on for months or years. Members of the public may express anger and surprise when construction begins. Moreover, regardless of the success of community involvement efforts prior to construction, there always will be newcomers to the community or people who recently started paying attention who may be especially bothered by the impact of construction on their lives.

The Site Team should continue any ongoing communications and outreach efforts and engage in further efforts. At least one community involvement or outreach activity should be performed each year during the design phase of the remedy. These activities should emphasize that EPA is making progress with the design and, whenever possible, advise the community when construction may begin. Fact sheets or flyers work well to inform the community about the progress of the design. Some Regions require the site team to hold a public meeting at the 75 percent design completion point to educate the community about the project and the potential impact on residents.

Community Involvement Activities During RD/RA

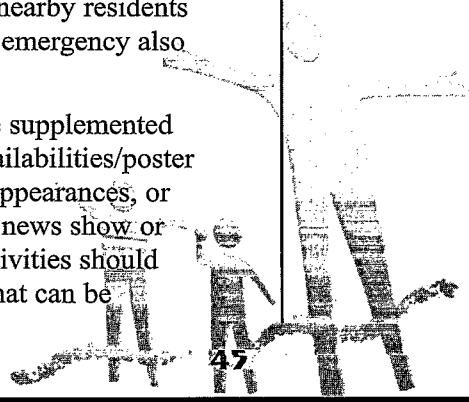
The NCP requires EPA to do the following after the remedial design is approved and before construction begins:

- **Issue a fact sheet**. After completion of the final design, the Site Team must issue a fact sheet (see the **Fact Sheets** tool in the *Toolkit*).
- **Provide a public briefing**. The Site Team must provide a public briefing about the final engineering design prior to the initiation of remedial action (see the **Presentations** and **Public Meetings** tools in the *Toolkit*).

Sometimes a previously "sleepy" site can become a community involvement challenge when new issues arise late in the Superfund cleanup process. A last-minute challenge occurred at a Region 4 site where the community became aware during the design phase that EPA was considering allowing the PRPs to discharge untreated groundwater into a sewer line. The discharge issue galvanized the community. EPA scheduled a public meeting to hear residents' concerns on this and other site-related issues and helped the community form a Community Advisory Group (CAG). EPA organized site visits and worked closely with the CAG to address community concerns. The Agency agreed to continue investigating the site. While those involved agree that the CAG should have been formed much earlier in the process before major site decisions were made, they also agree that the group has played a significant role at the site and has helped build trust between the community and

The community should be informed about the work to be done, planned work hours, truck traffic, health and safety precautions, and monitoring to confirm that there are no releases. The community also should be informed about issues such as whether and how the remedial action will affect school bus routes and schedules, local traffic patterns, noise, and health and safety issues. Procedures for notifying nearby residents in the event of a release or other emergency also should be established.

The required activities should be supplemented with activities such as public availabilities/poster sessions, site tours, radio show appearances, or something similar on a local TV news show or local cable TV station. These activities should educate the community about what can be



expected to occur during the construction phase.

The Site Team also may want to consider special events and facilities at the site that allow residents to see the progress first hand, such as observation decks, special site tours, and other methods that will eduacate and inform the public. Again, the more the residents know, the better the chances of avoiding controversy.

12. Operation & Maintenance

During the Operation and Maintenance (O&M) phase, EPA must conduct a review of the remedy every five years. The project manager forms a Site Team for the five-year review, which may consist of a CIC, scientists, engineers, and other technical personnel. The review includes: examining site data; visiting the site; taking new samples; and talking with affected residents.

EPA is required to notify the community and other potentially-interested parties that a five-year review will be conducted at their site. The Site Team may interview community members to get their views about current site conditions, problems, and concerns. If there is a site CAG or TAG, representatives of these groups should be briefed at appropriate stages of the five-year review. The Site Team also may conduct additional community involvement activities, such as issuing fact sheets or holding a public meeting.

Upon completion of the five-year review, the Site Team is required to write a review report which includes background on the site and cleanup activities, a description of what was done during the five-year review, and an explanation of the results. The explanation of results must include a protectiveness statement for each remedy under review indicating whether the remedy is protecting human health and the environment. While it is not required, the Site Team may choose to ask for public comment on the report.

Upon completion of this report, the Site Team will write a summary of the review report and place the report and its summary in the site repository. The Site Team then will announce that the review is complete, and that the report and summary are available for the public to review. For more information about community involvement strategies during a five-year review, read Appendix A of the *Comprehensive Five-Year Review Guidance.*

13. Proposed NPL Deletion and Final NPL Deletion in the *Federal Register*

A site can be deleted from the NPL when EPA determines that no further response is needed. Procedures for NPL site deletion are similar to rulemaking for NPL site additions. Regional staff need to prepare a deletion docket containing all pertinent information supporting the deletion recommendation before transmitting this docket to EPA Headquarters for review. The Site Team should ensure that the Regional public docket and local information repositories contain copies of all supporting information prior to publication of public notification statements announcing EPA's intent to propose a site deletion.

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

- **Publish a notice of intent**. The Site Team must publish a notice of "intent to delete" in the *Federal Register*.
- **Hold a public comment period**. In the notice, the Site Team must solicit public comments through a public comment period of a minimum of 30 calendar days (see the **Public Comment Periods** tool in the *Toolkit*).
- **Publish a public notice of availability**. The Site Team must publish a public notice of the intent to delete the site from the NPL. The notice should be published in a major local newspaper at or near the site (see the **Public**

Notices tool in the *Toolkit*).

- **Place copies in the Information Repository.** The Site Team must place copies of information supporting the proposed deletion in the information repository (see the **Information Repository** tool in the *Toolkit*).
- **Respond to public comments.** The Site Team must respond to each significant comment and any new data submitted during the comment period and include this responsiveness summary document in the final deletion package (see the **Responsiveness Summary** tool in the *Toolkit*).
- **Place the deletion package in the Information Repository.** The Site Team must place the final deletion package in the local information repository once the notice of the final deletion has been published in the *Federal Register*.

More About the Notice of Intent to Delete

The Site Team must prepare the "Notice of Intent to Delete" to appear in the *Federal Register* and appropriate local publications. Additional information in the notice should include:

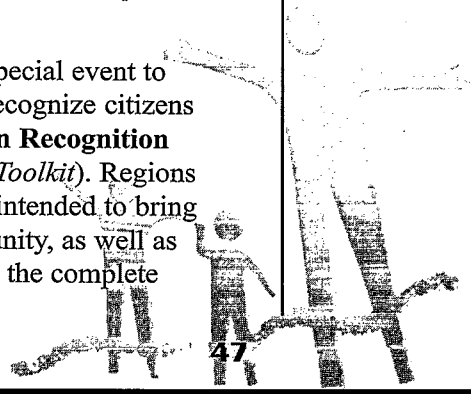
- A summary of EPA deletion criteria and how the site meets the criteria;
- The locations of Regional dockets;
- The locations of local information repositories containing relevant documents;
- The name and address of a Regional contact where comments may be sent;
- A brief site history, including location, former use, contaminants, and date added to the NPL;
- A description of all response actions taken at the site (including the scope of the RI, if applicable, the results, and the conclusions);
- A summary of cleanup standards and criteria and results of all confirmatory sampling;
- A summary of Superfund community involvement activities;
- A description of EPA's close-out plan for the site that explains operation and maintenance procedures, the monitoring program that will be implemented, and any institutional controls that will be used at the site;
- An acknowledgment of State concurrence to delete the site;
- A description of procedures for deleting a site from the NPL; and
- A statement indicating that EPA retains the authority to spend money on and take action at a deleted site if future conditions warrant such actions.

One CIC organized a celebration around the demolition of four smokestacks at a Superfund site. The stacks had been an eyesore in the community. The media was involved, as well as the Regional Administrator and a local Congressman. Local residents printed programs for the demolition and organized a fair with a helicopter ride. The CIC distributed a fact sheet and media package about the stack demolition.

Another CIC held a ceremony when work at a site was completed. The occasion was the completion of on-site revegetation to create a bird sanctuary. Since the site appeared to be nothing more than a grassy field, the celebration focused on the removal of EPA's Superfund sign and the unveiling of a new sign designating the site as a sanctu-

Additional Outreach Activities during NPL Deletions

The last important activity is a special event to commemorate completion and recognize citizens who have helped (see the **Citizen Recognition** and **Special Events** tools in the *Toolkit*). Regions have tried a variety of activities intended to bring closure to the site for the community, as well as for the Site Team. In most cases, the complete



process has taken longer than anyone expected or wanted, and a special event signals success or finality for all involved. In some cases, it can also serve to formally return land to the community. Grand openings, dedications, and naming ceremonies are all appropriate. The purpose of such special events is to involve the community and demonstrate to them in a dramatic fashion that the project is complete.

Community Involvement on Prospective Purchasers Agreements

Prospective Purchaser Agreements (PPAs) are agreements between EPA and prospective purchasers of contaminated properties that contain covenants not to sue. These covenants release purchasers from liability for past contamination. The covenants not to sue are intended to encourage safe reuse or redevelopment of contaminated property that would have substantial benefits to the community (*e.g.*, through job creation or productive use of abandoned property).

EPA issued a "Guidance on Agreements with Prospective Purchasers of Contaminated Property" in May 1995, which expanded the circumstances under which the Agency will consider entering into PPAs. Previous guidance limited use of these covenants to certain situations. The 1995 guidance allows EPA to consider "indirect public benefit" as one of the considerations. A model PPA was issued in October 1999. A PPA tracking system also has been developed within the WasteLAN database.

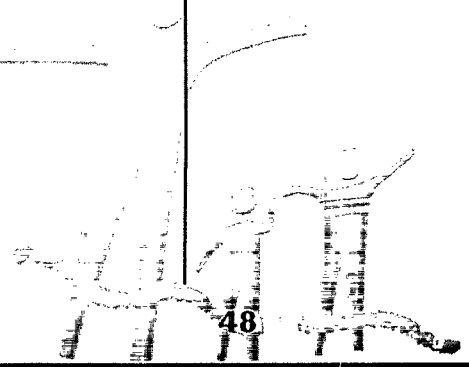
Community Involvement Activities for EPA Agreements with Prospective Purchasers of Contaminated Property

Because settlements with prospective purchasers are not expressly governed by CERCLA, there is no legal requirement for public notice and comment. However, in light of EPA's May 1995 policy of accepting "indirect public benefit" as a partial consideration, and the fact that the PPAs will provide contribution protection to the purchaser, the surrounding community and other members of the public should be afforded an opportunity to provide comments on the settlement, wherever feasible. This is particularly important in urban communities and at facilities where environmental justice is an issue.

At these sites, the Site Team should disseminate information and facilitate public input. Seeking cooperation with state and local government agencies also may facilitate public awareness and involvement. Additionally, the Site Team should make a case-by-case determination of the need and level of measures needed to ensure meaningful community involvement with respect to the agreement. Some PPAs may be subject to relatively short deadlines. In these circumstances, the Site Team should allow sufficient time for appropriate approvals and public comment prior to the deadline.

Summary

The Superfund remedial process can be traumatic for a community, and it is incumbent upon the Agency to help citizens deal with it. It is in EPA's best interest to involve citizens in every aspect of the cleanup. The more they feel involved in the decision-making process, the greater their sense of ownership and buy-in, and the more readily they will accept the proposed remedy.



CHAPTER 6 IMPLEMENTING COMMUNITY INVOLVEMENT IN REMOVAL ACTIONS

Introduction

This chapter presents a comprehensive discussion of how a Site Team should implement early and meaningful community involvement during removal actions. Removals are short-term responses to immediate threats to human health or the environment. Since removals vary in their duration, they present unique community involvement challenges and opportunities. The type and frequency of community involvement activities will vary with the length and urgency of the removal action. Consequently, the community involvement approach for a removal action should be flexible and responsive to changing site conditions and to the needs of the surrounding community.

> *"Be visible and available. Seek out opportunities to meet with community members during their normal activities. Always find the time to answer questions and listen to concerns."*
> ***Paul Groulx, OSC, Region 1***

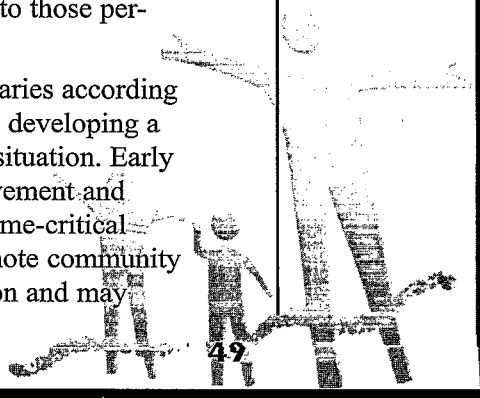
In this chapter, community involvement approaches and methods are discussed for three types of removal actions: emergency responses, time-critical removals, and non-time-critical removals. The unique community involvement approach for each type of removal action is discussed in detail. Required community involvement activities, as well as recommended activities, are presented, as is a discussion of the community involvement challenges and opportunities posed by removal actions. The chapter begins with an overview of Superfund removal actions and planning tips for conducting community involvement and outreach during removal actions. A variety of community involvement activities and suggestions and the rationale for conducting them are presented throughout the chapter. Details about each activity are provided in the *Community Involvement Toolkit*.

About Superfund Removal Actions

Removal actions are characterized by their urgency and duration. There are three basic types of removals:

1) ***Emergency Responses*** are short-term (one-day to three months) actions requiring the immediate removal of hazardous materials to protect human health and the environment. Typical emergency responses address imminent threats, such as fires, explosions, or toxic spills. Communications focus on quickly disseminating information to warn of the potential threats and explain the protective measures EPA is taking.
2) ***Time-Critical Removals*** are situations where EPA must begin cleanup activities within six months of discovery of hazardous materials to protect public health and safety. Community involvement and outreach activities are similar to emergency responses, although more time usually is available to plan outreach activities.
3) ***Non-Time-Critical Removals*** occur when EPA determines that a removal action is appropriate and the situation allows EPA a planning period of six months or more prior to the beginning of removal activities at the site. These sites do not present an immediate threat to public health or safety. In non-time-critical removals, EPA must complete an Engineering Evaluation and Cost Analysis (EE/CA) that describes the cleanup and approach. Because of the longer time frame, the community involvement and outreach activities are similar to those performed for remedial actions.

Even though the response time varies according to the type of removal, the key is developing a successful outreach plan for the situation. Early and continued community involvement and outreach—particularly for non-time-critical removal actions—will help promote community acceptance of the cleanup solution and may



prevent or substantially reduce conflict with the community or other stakeholders as the process proceeds.

Roles and Responsibilities

The On-Scene Coordinator (OSC) is responsible for all response activities conducted during a removal action, including non-technical activities such as communications, public outreach, and community involvement. The OSC can delegate these responsibilities to another OSC, a Community Involvement Coordinator (CIC), or other response agency personnel. Regardless of who performs these functions, outreach, media relations, and community involvement activities are important and necessary elements of a successful cleanup conducted under removal authority.

Since the OSC is responsible for all site activities, he or she must decide early in the response whether additional communications support and expertise are needed. This decision should be based upon the complexity and expected duration of the removal action and the interest of the community and the media. The OSC also relies on advice and support from the CIC or Regional press office when making decisions concerning media relations and public outreach.

The CIC plays an important role in a removal action. The role of the CIC in any type of removal action is to support the OSC and serve as a communications and outreach advisor. The OSC depends on the CIC's expertise and capabilities for developing and implementing a communication strategy for the removal action. This reliance on the CIC by the OSC requires the CIC to quickly gain an understanding of community concerns and the media's needs during a removal action and to develop a strategic plan to address the communication/outreach needs. The CIC advises the OSC of the communication/outreach issues and the proposed communications plan. After this consultation, the CIC coordinates with the OSC to implement the communications plan.

Communications and outreach work best when the OSC and the CIC work as a team to manage all community involvement activities, including community outreach, media relations, coordination with stakeholders, and information dissemination. A teaming arrangement allows the OSC to focus on the technical issues concerning the response while the CIC focuses on the communication and outreach issues. In this arrangement, the OSC coordinates with the CIC to identify key messages or technical issues that need to be disseminated to the media or the surrounding community. The OSC also keeps the CIC informed of technical cleanup activities so that the CIC can knowledgeably respond to questions from the media or the community. The CIC advises the OSC of key concerns of the media and community and suggests approaches for addressing those concerns.

Planning for Communications/Outreach During Removal Actions

Once a removal action begins, the OSC and the support team helping with communications should be prepared to implement a variety of communication and outreach activities quickly to meet the needs of the community and other stakeholders. To improve this capability, the EPA removal Site Team should plan and prepare for communications prior to removal actions. Provided below are several suggestions for planning and preparing for a removal action:

- Develop a "Response Communications Toolkit" for emergency and time-critical responses. The Toolkit should include: electronic templates of press releases and fact sheets that explain EPA's role in responding to the situation; checklists of activities to perform at the incident; tips for dealing with the media; and lists of contacts in the media and other response organizations. The Toolkit also should include a list of equipment and materi-

als needed for a field office, such as a laptop computer, portable printer, printing paper, notepads, pens, tape, stapler, folders, telephone equipment, fax machine, and other basic office equipment and materials.

- Establish a network of contacts in the response community at the local, state, and federal level. In medium and large emergency response situations, all three governmental levels will be involved in the response.
- Develop templates of communication strategies to facilitate identification of key audiences, messages, and communication approaches and methods.
- Define roles and responsibilities of all response personnel who will conduct communication and outreach activities. Understanding the roles of each individual prior to the incident will improve teamwork and coordination during the incident.
- Participate in training and desktop exercises to improve coordination pertaining to communications and outreach.
- Become familiar with the Joint Information Center (JIC) model for coordinating communications during multi-agency responses (See the text box on page 54).
- Develop fact sheets for each type of removal action and fact sheet templates that can be modified to address site-specific and community needs.

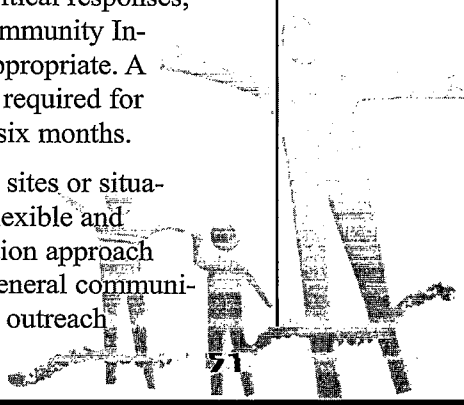
How to Conduct Community Involvement/Outreach During Removal Actions

The approach for conducting community involvement and outreach at removal actions depends on the severity and the duration of the particular response. In all removal actions, certain activities are required by the National Contingency Plan (NCP). The number of required activities increases with the duration of the response action (see the summary of the required activities in the Appendix). Experience has shown that meeting the minimum requirements often is insufficient to adequately meet the community's needs and concerns. Performing the minimum communication/outreach activities can be sufficient at some sites; however, at most sites much more needs to be done. The OSC, with advice from the Site Team, determines the extent of community outreach and involvement needed for the particular response. This determination is best made by conducting an analysis of the communication needs for the specific removal action. Such a determination can be accomplished through a communications strategy.

A communication strategy is critical to a successful outreach effort during removals (see the **Communication Strategy** tool in the *Toolkit*). A communication strategy answers four key questions: 1) Who are the individuals and organizations impacted by the removal action (i.e., the audience)? 2) What are the key communication issues, such as a community's needs and concerns? 3) What are the key messages EPA needs to convey to the public? and 4) Which techniques or activities are most appropriate to meet the community's needs or to convey EPA's message? These questions need to be answered before any communications or outreach activity is conducted. These answers can be derived informally through a discussion among Site Team members or formally in a written document. For an emergency response, a discussion typically suffices, given the time constraints.

For time-critical and non-time-critical responses, a formal document, such as a Community Involvement Plan (CIP), is more appropriate. A Community Involvement Plan is required for removals that require more than six months.

No single approach works for all sites or situations. The Site Team should be flexible and willing to adjust the communication approach and strategy. Regardless of the general communication strategy and the particular outreach



Most removal actions are relatively small in scope and limited to EPA or one other state or federal agency. In these cases, the OSC can manage the coordination of communications and outreach. However, some removal actions involve multiple public or private agencies and organizations. For these occasions, the OSC should consider establishing a Joint Information Center (JIC).

A JIC is a centralized communications hub designed to coordinate communications so that timely, useful, and accurate information can be provided to the public and media. The purpose of the JIC is to gather incident data, analyze public perceptions of the response, and inform the public. Representatives from response agencies are assigned specific functions and tasks to manage information flow and outreach during the incident. The JIC structure works equally well for large or small situations and can expand or contract in size to meet the specific needs of the incident.

Through a JIC, response agencies can work together and speak with a single voice. By maintaining a centralized communication facility, resources are better managed, the issuance of mixed messages is reduced, and duplication of effort is minimized. Use of a JIC allows for tracking and maintaining records and information more accurately.

Additional information on establishing a JIC is available in a National Response Team (NRT) document, Joint Information Center Model: Collaborative Communications During Emergency Response.

activity, there are simple principles that make an outreach program successful. These include:

- Be available and accessible. Accessibility to the community is critical to establishing EPA as the leader of a removal action. The OSC or the Site Team must anticipate and respond to the fear, confusion, and concerns of the community. Being available to answer questions or listen to concerns helps to address the immediate insecurities and fears felt by many community members. Accessibility also increases the community's familiarity with EPA and the Site Team, which ultimately increases comfort level and reduces fear.
- Respond quickly to community questions, concerns, and needs. Responding quickly increases the community's trust and confidence in EPA and the Site Team. Conversely, responding slowly, or not at all, increases the community's fear and leads to mistrust. If time is needed to respond to a request from a stakeholder, explain when an answer will be provided. Always follow up by explaining what has or has not been done to address the person's concern, even if the news is bad. A person that does not hear back from EPA will assume that he or she is being ignored.
- Be honest and open. Never lie or be misleading. A community that learns that EPA staff has been misleading will not believe EPA in the future and will question every decision EPA makes. If an answer is not known, say, "I don't know but will find out." Once an answer is in hand, follow up should be immediate.
- Educate the impacted community about the Superfund program, both in terms of what is possible and not possible. This education will help to manage expectations. If people understand that EPA is prohibited legally from doing something, they will not expect EPA to do it. Conversely, if they do not understand what cannot be done under the Superfund program, they will wonder why it is not being done.

- Empathize with community members or other stakeholders. Listen to people, be concerned, and treat people as you would like to be treated if you found yourself in similar circumstances.
- Be creative and imaginative, particularly when designing or implementing outreach activities. Design activities to meet community needs.
- Recognize that impacted citizens can be a source of help to EPA. Local residents/business owners often know what has occurred at a site and can share this information with EPA. However, EPA needs to ask questions or encourage people to provide the information. Also, local residents can help disseminate information throughout the community.

Adopting these attitudes and principles helps to establish a relationship of mutual respect and trust with the community. Although stakeholders may disagree with specific EPA decisions, they are more likely to understand and accept the decisions if they trust EPA and believe the decision-making process is fair and considers their input.

When an OSC does an initial site assessment at a potential removal site and determines the site probably will require a removal action of more than six months, the OSC or CIC should consider canvassing the area and coordinating meetings with local public officials and the media. This can be an opportunity to gain a better understanding of community concerns and to explain EPA's emergency response and removal program. This early involvement helps to build a relationship with the community, and is particularly important if the site becomes a non-time-critical removal or a remedial action after a time-critical removal. A well-informed community familiar with EPA and its programs will be less skeptical of EPA decisions made during for the longer-term cleanup.

"Take the time to anticipate public concerns and likely reactions and develop effective involvement strategies."
Andy Bain, CIC, Region 9

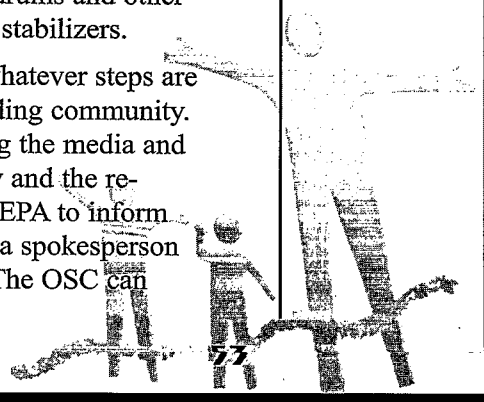
Community Involvement/ Outreach During Emergency Responses

By definition, an emergency is an unforeseen event that requires immediate action. For EPA and the OSC, the initial focus of a response action is to eliminate the immediate threat or potential threat. Equally important is communicating with the impacted community to inform them of events and to respond to questions. During an emergency response, EPA needs to give the public prompt, accurate information on the nature of the release or threat of release and the actions to mitigate the threat.

Emergency responses are designed to address imminent threats such as fires, explosions, toxic spills or any other immediate threat to public health and the environment. They typically involve:

- Evacuating or temporarily relocating people to remove them from direct harm;
- Stabilizing or detonating flammable or explosive hazardous materials;
- Providing site security by posting signs, erecting fences, or posting guards;
- Providing an alternative water supply, such as bottled water; and
- Treating, storing, or disposing of hazardous substances, such as controlling drainage, stabilizing berms, draining lagoons, capping soils or sludge, excavating and removing contaminated soil, removing drums and other containers, or using chemical stabilizers.

The OSC is authorized to take whatever steps are necessary to protect the surrounding community. This authority includes informing the media and the community of the emergency and the response plans. The NCP requires EPA to inform the community and to designate a spokesperson during an emergency response. The OSC can



serve as the spokesperson or that responsibility can be delegated to a CIC or other qualified field personnel. This decision should be made early in the response, as soon as the OSC has determined the potential communication needs for the response. For multi-agency or complicated responses, the OSC should consider establishing a Joint Information Center (JIC) to handle communications and outreach.

Community involvement and public outreach during an emergency present many challenges because of the time constraints and hectic nature of the response, the potential involvement of multiple agencies and organizations, and the limited availability of resources. There is often no pre-planning period. Regardless, successful community involvement and public outreach can be planned and implemented during emergencies. See the section below entitled, "Community Involvement During Time-Critical and Non-Time-Critical Removal Actions," for planning ideas and approaches that can be applied to emergency response.

From the perspectives of surrounding residents and business owners, an emergency response is a potential threat to their health, family, and property, and a significant disruption to their daily routine and life. Consequently, local residents and others impacted by the emergency will be fearful, feel powerless, and possibly be outraged. These concerns and feelings must be addressed by the OSC or the Site Team. Providing frequent and timely information about the emergency response and how it will impact residents helps to alleviate some of these concerns. In most cases, information about individual sample results and health issues should be disseminated directly to individuals. General information can be disseminated through public meetings, telephone calls, door-to-door visits, or leaflets. In rare cases, critical information can be disseminated quickly through the media. The more personal the approach, the more comfortable people will become with the situation and with EPA. The exception to this rule is if people are in immediate danger. In such cases, all communication avenues should be used, including the media, door-to-door notification, radio announcements, or any emergency response notification procedures used by local authorities.

Provided below are specific activities and approaches that can be used to plan or conduct community involvement and outreach activities during an emergency response.

Outreach Activities During Emergency Response

At a minimum, the Site Team needs to perform three activities required by the NCP:

1) **Designate an Agency spokesperson**. In a timely manner, this representative must inform the community of actions taken, respond to inquiries, and provide information concerning the release of hazardous substances.
2) **Notify affected citizens**. The spokesperson must promptly notify the citizens immediately affected by the release, as well as state and local officials, and when appropriate, civil defense or emergency management agencies.
3) **Establish an administrative record**. Staff must establish an administrative record containing documents that form the basis for selecting the response action. The administrative record must be available for public review. Staff must notify the public of the availability of the administrative record by publishing an announcement in a major newspaper of general circulation. For emergency responses lasting less than 30 days, placement of the administrative record file in one central location fulfills statutory requirements.

The role of the agency spokesperson can be filled by the lead OSC, a CIC, another OSC, or any qualified field staff (see the **Spokesperson** tool in the *Toolkit*). During complex, multi-agency responses, the OSC should consider establishing a JIC to coordinate the release of information to

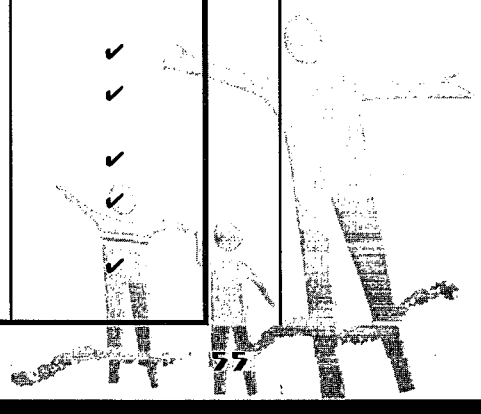
the public through the media (see the **Media** tool in the *Toolkit*).

The activities required by the NCP typically are insufficient for informing the media, the public, and interested stakeholders during an emergency response. Many other options should be considered by the Site Team. Some of these options are:

- Designate a communications lead, such as a CIC, to advise the OSC on community involvement issues and assist the OSC with the media.
- Canvass the neighborhood to identify residents' needs, fears, and concerns.
- Formulate a quick communication strategy and implement the approach and activities accordingly.
- Coordinate with Regional EPA staff to brief them about the response and to ask for assistance, if necessary. Specifically, contact the Regional Press Office, Office of Congressional Liaison, other OSCs and CICs, public affairs, and state contacts.
- Disseminate information to the media through interviews, press briefings, and news releases. Also see Chapter 7, "Dealing with the Media," in this *Handbook*. Prepare key messages for interactions with the media. If no information is available, tell the media that information will be disseminated as soon as accurate information becomes available. For press briefings and interviews, identify a facility (tent, office, trailer), schedule the briefing/interview, and notify the press of the time and location (see the **Media** tool in the *Toolkit*).
- Distribute photographs. Take photographs or use available photographs, maps, or aerial photographs. These images can be distributed to the media and the public, used to document the response, or placed in fact sheets. This will help satisfy the media's and public's need for official information about the emergency (see the **Maps, and Aerial Photographs** tool in the

Community Involvement Requirements for Emergency Responses and Removal Actions

Activity \ Type of Action	Emergency Response (On-site activity lasts less than 30 days)	Time Critical Removal (On-site activity lasts less than 120 days)	Time Critical Removal (On-site activity lasts more than 120 days)	Non-Time Critical Removal
Designate an Agency spokesperson	✔	✔	✔	✔
Notify affected citizens	✔	✔	✔	✔
Establish an administrative record	✔	✔	✔	✔
Publish a notice of availability of the administrative record		✔	✔	✔
Hold a public comment period		✔	✔	✔
Respond to public comments (prepare a responsiveness summary)		✔	✔	✔
Establish an information repository			✔	✔
Publish a notice of availability of the information repository			✔	✔
Conduct community interviews			✔	✔
Prepare a Community Involvement Plan			✔	✔
Publish a notice of availability and a brief description of the EE/CA				✔



Toolkit).

- Distribute regular **Facts Sheets** to let residents know about EPA's emergency response activities. Use existing fact sheets on the removal program, toxic spills, EPA's emergency response program and other topics. Develop new site-specific fact sheets using templates developed for emergency response situations (see the **Fact Sheets** tool in the *Toolkit*).
- Publicize and host **Public Meetings** to deliver information to a large group of people, to let community members voice their concerns, and to foster interaction between the Site Team and the community (see the **Public Meetings** tool in the *Toolkit*).
- Establish a local or toll-free **Telephone** hotline and publicize its availability. The hotline can be constantly manned to respond immediately to questions, play taped announcements that provide current updates on site activities, or permit callers to leave messages or ask questions (see the **Telephone** tool in the Toolkit).
- Be prepared to expand the community involvement and outreach program when local residents need to be temporarily evacuated or relocated to protect them from potential harm. (see the **Residential Relocation** tool in the *Toolkit* and Chapter 9, "Community Involvement Activities During Residential Relocation," in this *Handbook*).
- Determine community demographics and, if necessary, translate documents or radio public service announcements into appropriate languages (see the **Translation Services** tool in the *Toolkit*).
- Develop a risk communication approach that meets the needs of the community (see the **Risk Communication** tool in the *Toolkit* and Chapter 3, "Risk Communication," in this *Handbook*). Emergency responses require skilled risk communication and a willingness to work with frightened residents and the media.

"Ask for help. If you sincerely seek information or support from a community, you will almost always get something worthwhile."
Donn Walters, CIC, Region 6

Community Involvement/ Outreach During Time-Critical and Non-Time-Critical Removal Actions

Since both time-critical and non-time-critical removals have longer planning periods than emergency response actions, more planning may be devoted to community involvement and outreach activities. Additional activities are required by the NCP, and supplemental activities may be needed to adequately address community concerns and needs. Although there are differences between community involvement and outreach approaches and activities for time-critical and non-time-critical removals, the differences are due primarily to regulatory requirements. Supplemental activities and the rationale for conducting these activities at each type of removal action are identical. The specific requirements for each type of removal action are listed in the chart on page 55.

In time-critical and non-time-critical removal actions, EPA should perform outreach and other community involvement activities as early as possible. For example, the OSC, preferably with a CIC, could meet with local officials, media, and residents during the initial site assessment to explain EPA's removal program. Early involvement builds trust with the community and provides an opportunity for EPA to explain the removal process. If the site is subject to a non-time-critical removal or remedial action, a well-informed community will be more supportive of EPA's role as longer-term work continues.

The longer the removal action takes, the more important it is to communicate and involve the community. This communication can be done

through many different activities. The important thing is to match the method with the situation so that the purpose of the activity is met, whether it is conveying information about the incident, soliciting information about the site, or providing training/educational materials about the Superfund program and process.

Time-Critical Removals

A removal is time-critical when EPA has determined that there is no immediate emergency and a removal must begin in less than six months to prevent the situation at the site from becoming an emergency. Although time-critical removals are almost as urgent as emergency responses, they provide more time for planning and conducting removal activities. The NCP requires specific community involvement activities during time-critical removals.

The NCP (at 40 CFR 300.415(n)(2) and (3)) divides time-critical removals into two sets of community involvement requirements (see the table on page 55). The first set of applies when less than six months exist before the removal must begin. When less than six months exist before removal initiation, the NCP lists community involvement requirements that are similar to those implemented during emergency response.

The second set applies when EPA determines that the time-critical removal action will extend beyond 120 days from the initiation of on-site response activities. Because there is more time, the NCP adds more community involvement requirements. The community involvement requirements and recommendations for both sets of time-critical removals are described below.

Non-Time-Critical Removals

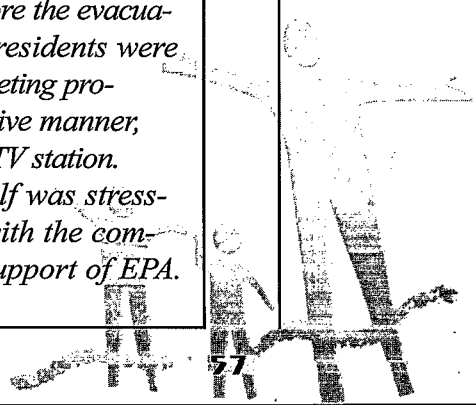
A non-time-critical removal occurs when EPA determines that a removal action is appropriate and there is time for at least a six month planning period prior to when the removal must start. The Site Team must complete an Engineering Evaluation and Cost Analysis (EE/CA) for non-time-

At a site where an emergency response was underway, EPA discovered a corroded tank of anhydrous hydrofluoric acid (HF) releasing vapors. This discovery required evacuation of about 400 residents while the HF was transferred from the storage tank. The Site Team agreed that early and frequent coordination with local officials and citizens was essential. Their proactive coordination efforts were richly rewarded: EPA gained added information about the plant from people who had worked there when it was active, and the local government coordinated much of the support for the HF transfer.

A coordination and planning group that included staff from EPA, local government, the state and other federal agencies, met regularly to plan the evacuation. The OSC reported that the group coordinated much of the time-consuming logistical work required for the evacuation.

The group did not rely on newspaper notices and fact sheets to keep the community informed. Instead, local fire and police personnel went door-to-door in the evacuation area, handing out flyers, explaining the situation, reassuring residents, and delivering details about safety plans. Local ministers kept their congregations updated on the situation.

EPA and state and local agencies conducted a public meeting two weeks before the evacuation. Turnout was large, but residents were not anxious or upset. The meeting proceeded in an orderly, cooperative manner, and was broadcast by a local TV station. Although the evacuation itself was stressful, it proceeded smoothly, with the community coming together in support of EPA.



"Tremendous gains can be achieved by partnering with community leaders to engage the public."
Noemi Emeric, CIC, Region 5

critical removals. The EE/CA is similar to a Remedial Investigation/Feasibility Study, except that it is shorter and less formal. The EE/CA is an important milestone for community outreach activities because several of the NCP's community involvement requirements hinge upon the timing of the EE/CA. The next section provides a complete description of these requirements.

Outreach Activities for Time-Critical and Non-Time-Critical Removals

The initial communication/outreach activities conducted during time-critical and non-time-critical removal actions vary according to the urgency of the response and the needs of the impacted community. The NCP requires EPA to perform several activities for time-critical and non-time-critical removal actions.

The NCP lists the following required activities for all time-critical and non-time-critical responses:

- **Designate an Agency spokesperson.** In a timely manner, this representative must inform the community of actions taken, respond to inquiries, and provide information concerning the release of hazardous substances.
- **Notify affected citizens.** The spokesperson must notify promptly the citizens immediately affected by the release, as well as state and local officials, and when appropriate, civil defense or emergency management agencies.
- **Establish an administrative record.** The Site Team must establish an administrative record containing documents that support the selection of the response action. For time-critical and non-time-critical removals, the administrative record must be available at both a central location and at or near the site (see the **Information Repository** tool in the *Toolkit*).
- **Publish a notice of availability of the administrative record.** The Site Team must notify the public of the availability of the administrative record within 60 days of the initiation of on-site removal activity by publishing an announcement in a major local newspaper of general circulation (see the **Public Notices** tool in the *Toolkit*). The Site Team also must inform the public when information repositories, which may house the administrative record, are created.
- **Hold a public comment period.** If appropriate, the Site Team shall provide a public comment period of no less than 30 days from the time that the administrative record file is made available for public inspection. A comment period is appropriate if cleanup activity is ongoing at the time the administrative record is made available for public inspection and if the comments received from the public are expected to affect future action at the site (see the **Public Comment Periods** tool in the *Toolkit*).
- **Prepare a responsiveness summary.** The Site Team must prepare a written response to significant comments and new data submitted during the public comment period. The responsiveness summary should be placed in the administrative record (see the **Responsiveness Summaries** tool in the *Toolkit*).

The role of the Agency spokesperson can be filled by the lead OSC, a CIC, another OSC, or any qualified field staff (see the **Spokesperson** tool in the *Toolkit*). Staff must coordinate with the OSC about all news releases or statements made by participating agencies.

Additional Activities for Time-Critical Removals Extending Beyond 120 Days

The NCP requires more community involvement and outreach activities during time-critical removals that are expected to extend beyond 120 days from the initiation of the removal. When the Site Team becomes aware that the removal action will extend beyond 120 days, the NCP requires

the Site Team to perform the following activities. These activities must be completed within 120 days of the initiation of the removal action:

- **Conduct community interviews.** The Site Team must conduct interviews with local officials, community residents, public interest groups, or other interested or affected parties to solicit their information needs and concerns, and determine how or when citizens would like to become involved in the Superfund process (see the **Community Interviews** tool in the *Toolkit*).
- **Prepare a Community Involvement Plan.** The Site Team must prepare a Community Involvement Plan (referred to as a "Community Relations Plan" in the NCP and previous guidance documents) based on the community interviews and other relevant information. The plan specifies the community involvement activities that the agency expects to undertake during the response (see the **Community Involvement Plan** tool in the *Toolkit*).
- **Establish an information repository.** The Site Team must establish at least one local information repository at or near the location of the response action. The information repository must contain the administrative record and other documents (see the **Information Repository** tool in the *Toolkit*). The information repository is meant to provide the public easier access to site-related documents. All items in the repository must be made available for copying.
- **Publish a notice of availability of the information repository.** The Site Team must inform the public of the information repository. If the Site Team knows that site work will extend beyond 120 days, it can publish a single public notice to announce the availability of both the information repository and the administrative record. (see the **Public Notices** tool in the *Toolkit*).

Additional Outreach Activities for Non-Time-Critical Removals

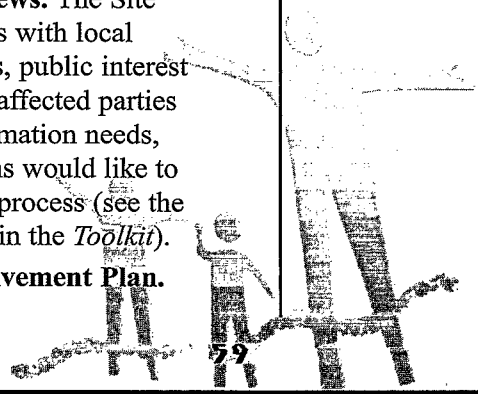
For non-time-critical removal actions, the NCP requires activities similar to those required for time-critical removals extending beyond 120 days, but they occur on a different schedule. The timing of community involvement and outreach events for non-time-critical removals depends upon the schedule for development and approval of the EE/CA. Activities must be performed prior to completion of the EE/CA, when it is approved, and after it is announced.

By the time the EE/CA approval memorandum is signed, the Site Team must:

- **Establish an information repository.** Establish at least one local information repository at or near the site so the public will have easy access to site-related information and documents. The information repository must contain the administrative record and other appropriate items, and these items must be available for copying (see the **Information Repository** tool in the *Toolkit*).
- **Publish a notice of availability of the information repository and administrative record.** The Site Team must notify the public of the availability of the administrative record and the information repository within 60 days of the initiation of on-site removal activity by publishing an announcement in a major local newspaper of general circulation (see the **Public Notices** tool in the *Toolkit*).

Prior to completion of the EE/CA, the Site Team must:

- **Conduct community interviews.** The Site Team must conduct interviews with local officials, community residents, public interest groups, or other interested or affected parties to solicit their concerns, information needs, and elicit how or when citizens would like to be involved in the Superfund process (see the **Community Interviews** tool in the *Toolkit*).
- **Prepare a Community Involvement Plan.**



The Site Team must prepare a formal Community Involvement Plan based on the community interviews and other relevant information. The plan must specify the community involvement activities that EPA expects to undertake during the response (see the **Community Involvement Plans** tool in the *Toolkit*).

After completion of the EE/CA, the Site Team must:

- **Publish a notice of availability of the EE/CA.** The Site Team must publish a public notice of the availability and a brief description of the EE/CA in a major local newspaper (see the **Public Notices** tool in the *Toolkit*).
- **Hold a public comment period.** After the completion of the EE/CA, the Site Team must provide a public comment period of no less than 30 days for the submission of written and oral comments on the EE/CA. Upon timely request (defined as those the Agency receives approximately two weeks before the close of the comment period), the Site Team should extend the public comment period by a minimum of 15 days (see the **Public Comment Periods** tool in the *Toolkit*).
- **Prepare a responsiveness summary.** The Site Team must prepare a written response to significant written and oral public comments submitted during the public comment period. The responsiveness summary must be placed in the information repository (see the **Responsiveness Summaries** tool in the *Toolkit*).

Recommended Outreach Activities for Non-Time-Critical Removals

While conducting time-critical and non-time-critical removals, the Site Team may determine that additional community involvement and outreach activities should be performed to adequately meet the needs of the community. The OSC or the Site Team should consider:

- **Designating a communications leader**, such as a CIC, to advise the OSC on community involvement activities and relieve the OSC of the responsibility of dealing with the media.
- **Preparing a communication strategy.** For time-critical removals extending beyond 120 days and for non-time-critical removals, the Community Involvement Plan serves as the communication strategy and plan for the response. For a shorter duration time-critical removal, the Site Team must develop an informal communications strategy to plan community involvement and outreach activities. A communication strategy can be as simple as a checklist.
- **Developing a checklist** to track community involvement activities and ensure activities are completed within the often chaotic schedule of a removal action. The checklist typically consists of three components:
  1. **People to contact**, including U.S. Senators and Representatives, mayors, newspapers, TV and radio stations, concerned citizens, and impacted residents.
  2. **Major site events and background information** that, at a minimum, includes information about the location of the release and how it was identified, what caused the release of hazardous substances, what hazardous substances are or are suspected to be present, the nature of the threat posed by the release, what action is planned, and what actions already have been conducted.
  3. **Community involvement activities that EPA will conduct**. These activities should be related to various target audiences (*e.g.*, public officials, the media, and community residents) at a removal scene. This list should correspond to the CIP for the site.
- Distributing regular **Fact Sheets** to let residents know about EPA's response activities. These fact sheets should be site specific and brief, typically no more than two pages long. It is better to issue multiple fact sheets, each concerned with a single subject or message, than to issue a lengthy fact sheet with too many messages or too much information. Brief fact sheets are read; longer ones usually are not

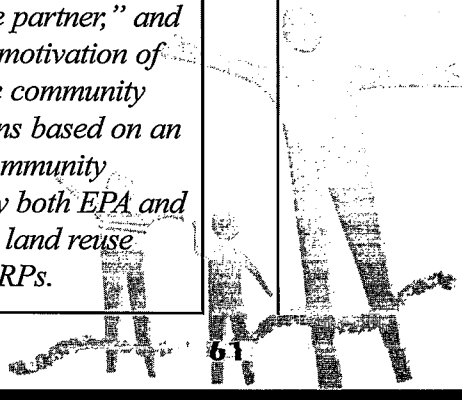
(see the **Facts Sheets** tool in the *Toolkit*) .

- Producing site-specific **Videos**. Videos allow residents to see what is happening and progress made at the site. They give residents a clear picture of site activity in ways that written materials cannot. These can be produced by a contractor and distributed to local news or cable stations. They also should be placed in the information repository (see the **Videos** tool in the *Toolkit*).
- Publicizing and hosting **Public Meetings** to deliver information to a large group of people, to let community members voice their concerns, and to foster interaction between the Site Team and the community. Be aware, however, that public meetings can be the least effective way of soliciting or distributing information. To ensure a public meeting is useful to both EPA and the community, consult the community when planning the meeting. If possible, let local residents plan the agenda and determine the time and location (see the **Public Meetings** tool in the *Toolkit*) .
- Hosting **Public Availability/Poster Sessions** where EPA staff or other experts can discuss cleanup activities with residents. Another option is to display posters that describe cleanup activities and to have EPA staff available to answer questions. Posters also can be displayed in public areas, such as libraries or grocery stores (see the **Public Availability/ Poster Sessions** tool in the *Toolkit)*.
- Using **Informal Activities** such as unstructured community visits to give people a chance to meet EPA staff and to discuss the site in a relaxed atmosphere. This can be a very effective method for distributing information quickly, and sends the message that EPA wants to keep the community informed. One approach is to go to every home in a given area and talk with residents or distribute materials. Possible materials include fact sheets, updates, meeting notices, work schedules, and notices of road closings or changes in traffic patterns. Since placing materials in mail boxes is against federal law, use door hangers to leave information (see the **Informal Activities** tool in the *Toolkit*).
- Making **Presentations** to brief local officials about the threat remaining at the site and the progress being made by EPA to address it (see the **Presentations** tool in the *Toolkit*).
- Building an observation deck. Removals are

At a removal site in California, EPA overcame considerable community resistance caused by a history of problems with state regulators and earlier missteps caused by inadequate development of its risk communication messages.

The Site Team mounted a proactive, energetic, and focused effort to reach out to the community, beginning with a strategy to engage the community. They offered workshops and poster sessions, made door-to-door visits, engaged in dialogue with focus groups, distributed easy to understand fact sheets, and established an Internet-based database of resources. Eventually, EPA facilitated a successful private buy-out deal between the site's PRPs and 65 residents.

Because of the attention and persistence, the Site Team's relationship with the community finally began to improve. The same community organizer who earlier criticized the Agency called the Community Involvement Coordinator "a genuine partner," and praised the commitment and motivation of the Site Team. Eventually, the community accepted compromise solutions based on an increasing trust in EPA. A Community Advisory Panel, organized by both EPA and the PRPs, is now focusing on land reuse options to be funded by the PRPs.



especially conducive to the use of observation decks. These structures, built high and within exclusion zones, enable people to get a clear view of activities as they occur. An observation deck also can be used for site tours (see the **On-Site Activities** tool in the *Toolkit*).

- Using press briefings, and news releases. Most local stations will broadcast public service announcements related to sites. Many radio or TV stations also have live call-in shows on which the Site Team can appear. These outlets allow residents to speak with the Site Team and ask questions, and the Site Team can describe cleanup plans and progress. When working with the media, the Site Team needs to develop messages and repeat them frequently to ensure that important information is conveyed to the public (see the **Media** tool in the *Toolkit* and Chapter 7, "Dealing with the Media," in this *Handbook*).
- Producing and distributing **Maps and Aerial Photographs**. Use existing photographs or maps, or take photographs. Use a digital camera if possible because the pictures can be printed immediately if a color printer is available. Digital pictures are easy to include in press briefings and fact sheets. Maps and photographs can be distributed to the media and the public or included in site fact sheets or other educational materials (see the **Maps and Aerial Photographs** tool in the *Toolkit*).
- Being prepared to expand the community involvement program if impacted residents and businesses have to be temporarily or permanently relocated. During relocations, the community involvement program needs to be expanded significantly to adequately inform and advise residents about relocation as well as to identify and address their unique needs and concerns (see the **Residential Relocation** tool in the *Toolkit* and Chapter 9, "Community Involvement Activities During Residential Relocation," in this *Handbook*).
- Establishing on-site information offices to collect and distribute information and interact with the public. These offices are a necessity at complex sites, especially those involving relocation of residents.
- Establishing a local or toll-free **Telephone Hotline** and publicizing its availability. The hotline can be staffed continually to respond immediately to questions, it can play taped announcements that provide updates on site activities, or it can permit callers to leave messages (see the **Telephone** tool in the *Toolkit*).
- Translating documents or providing translators, if a portion of the impacted residents are non-English speaking (see the **Translation Services** tool in the *Toolkit* for suggestions and approaches for obtaining translation services).
- Developing a risk communication approach that meets the needs of the community. Long-term removals require skilled risk communication and a willingness to work with frightened residents (see the **Risk Communication** tool in the *Toolkit* and Chapter 3 in this *Handbook*.

Summary

Removal actions can be frightening to communities because they happen quickly. The key is to remember that removal actions are faster and more fluid than remedial actions. They allow less time for planning and require the Site Team to be flexible and responsive. It is in EPA's best interest to involve citizens in every aspect of the action. Involving citizens early and sharing information can help ensure a safe and quick response action.

CHAPTER 7 DEALING WITH THE MEDIA

The most current version of this publication is available at www.epa.gov/superfund

In General

The media is the best means of reaching a large audience quickly. However, unless an advertisement is being purchased, the media decides what they will cover and how. The Site Team can influence the media's decisions by fostering a relationship with them and by using and repeating carefully defined messages.

> *"Be willing to shed your own preconceptions and to listen to and learn from your critics. Share ownership, responsibility, work, and credit."*
> ***Fred MacMillan, RPM, Region 3***

The Site Team usually work with the media under two circumstances:

1) When EPA wants to use the media: EPA has something it wants the media to disseminate to the public; and
2) When the media wants to use EPA: someone is covering a story that directly or indirectly relates to the site.

In reality, news issued by the Site Team is a publicity release rather than "news," *per se*. Although the Site Team may believe an announcement is news, the media often defines news as something that is different, unexpected, or controversial. Information about a local Superfund site can be newsworthy, but it must be immediate in nature to be considered news. Information generally is not considered news if it happened days ago, or will happen in the future.

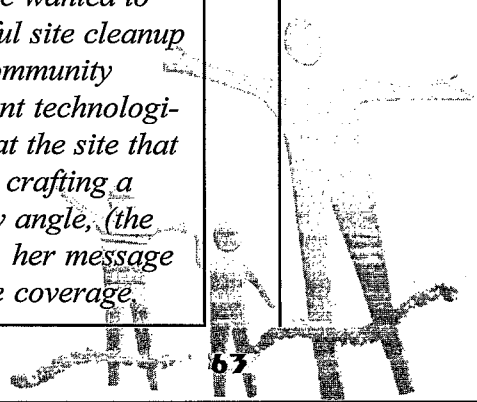
Most citizens consider developments related to local Superfund sites to be news and look for this information in local media outlets. It is appropriate to use the media to publicize a site-related decision, an upcoming meeting, changes in schedule, or changes in activities or expectations. However, the decision about what is "news" rests with the editor, so unless information is placed in a paid advertisement, little control can be exerted over what reporters or editors do with a news release.

For this reason, the Site Team should deliver the message to affected residents and local officials first. Deliver the message directly to them, and then use the media to reinforce it and distribute it further. Remember that people would rather learn about important issues that affect them from someone directly rather than by reading about it in the newspaper. However, in an emergency, it is imperative to reach the media first to alert the public of any dangers.

Work on presenting a well-defined message and building a good relationship with the reporters and editors. A positive relationship will improve the odds that the media will pick up and use your message with as little alteration as possible. To do this effectively, learn how each medium gathers and presents news and understand the different needs of radio, television, and print media. News releases should be tailored to each medium (see the **Media** tool and its attachments, especially Attachment 1: "Guidelines for Working with the Media," in the *Toolkit*).

The Site Team should always be aware of media deadlines, especially it is a resource for a story. If a deadline is not met, another source will be used, and the missed deadline will be remembered.

> *At a Superfund site where the cleanup was completed, enabling site deletion from the NPL, the Community Involvement Coordinator crafted a final message-specific strategy. The key message she wanted to convey was that the successful site cleanup resulted from two factors: community partnerships and an important technological advancement developed at the site that cut cleanup time by 50%. By crafting a well-defined and newsworthy angle, (the technological breakthrough), her message received Regional front-page coverage.*



It is best to use a combination of the following two approaches to media coverage:

- **Paid media.** Media space or time is purchased from a media outlet. This media is advertising, and it is the only way to guarantee total control of the message.
- **Unpaid media.** The media chooses to cover site news as a story. The Agency has less control over how the story is reported, but, in return, the Agency can benefit from the increased credibility of the story stemming from the independence of the reporter. The Agency can improve the chances that a message in such a story will be clearly communicated by anticipating the hard questions, repeating the carefully designed messages, and earning the media's trust as a resource.

Be A Resource

Becoming a resourse is the first step in building good media relations. To be an effective resource, the Site Team must be an accessible and credible source of information, whether the news is good or bad. Working as an effective resource increases the likelihood that the media will work cooperatively with the Site Team when needed.

Do not fear working with the media, which is rarely out to "get" anyone. Good reporters are unbiased and do not give preferential treatment. Remember that the media's job is to smell out a good story. Never evade and never lie, because the lie will become the story. Likewise, remember that good reporters are never "off duty." Thus, avoid making glib or "off the record" comments.

Build the Relationship

Building a good working relationship with the media is as important as getting the facts to the media. Becoming a reliable source of credible information is key. Here are some other suggestions for building a relationship with the media:

- Stop by reporters' offices whenever possible, bring them up to date, and ask if they need anything.
- While visiting the reporter, occasionally visit the editor (print), assignment editor (TV), or news director (radio) for the same purpose.
- Invite reporters to the site and give them a tour.
- Whenever something interesting is occurring, invite the media to cover it.
- If a reporter calls you on a slow news day to solicit some "news," seize the opportunity and do your best to find something.
- If a story is inaccurate, call the reporter and explain what's wrong, but never complain.
- Learn and remember the different styles and needs of each media outlet with which you work, and attend to them as much as possible.
- Have current information packets available for new reporters assigned to the Superfund site.
- Be patient with reporters. They cover many stories and may need to be reminded about the site, even though you recently visited or talked with them.

Use the Media Tools

The news release and the media log are important tools for working with the media. Both are discussed in the **Media** tool in the *Toolkit.* The **Media** tool also has the following nine attachments: Guidelines for Working with the Media; How to Choose a Medium; Guidelines for Picking a Media Event; How to Reach the Media; How to Prepare a News Release; Sample News Release; Other Media Tools; Media Log; and Message Template.

Working with the Media in Emergency Situations

In emergency situations, it is often more effective to deal with the media first rather than directly with affected residents, since broadcast media can provide a "real time" means of reaching the most

people in an emergency. Plus, hazardous material emergencies tend to be news, and the media will almost certainly cover the story.

Depending on the situation, it may be necessary to have officials, possibly local authorities, go door-to-door to alert people of the incident and actions to take. Public meetings, availabilities, and site tours are not typically appropriate until the site has emerged from emergency status. Until that time, the attention of the responding team must be focused on stabilizing the emergency.

Media Contact

One of the key goals is to make the response team's job easier by assigning a member of the Site Team, such as an On-Scene Coordinator (OSC) or Community Involvement Coordinator (CIC), to handle the media and the nontechnical aspects of the response. The best way to view this goal is by thinking in terms of information. The more information the media contact provides to the media and the public, the less the Site Team members will be distracted by information seekers. Make it known that this person is the first point of contact for anyone wanting or needing information.

Establish Boundaries and Structure

If possible, establish a media perimeter. Depending on the situation, this perimeter may be out of the Agency's hands. When establishing boundaries, remember the media's need for "visuals." Placing them too far away will frustrate the media. Do what is possible within the parameters of safety and good sense to accommodate them.

Establish a place for media briefings based on factors such as the perimeter of the site, the terrain, the number of media present, and the type of media present (TV, radio, or print). Each type of media has different needs. The place selected may range from a nearby hotel conference room to a spot in front of a fence or in a field. Consider the backdrop for the visuals.

Identify and work with other on-scene media relations specialists as needed. In particular, bear in mind that other interested parties, including PRPs, will have public relations workers on the ground and in contact with the media. Use the Joint Information Center (JIC) approach whenever possible (see Chapter 6).

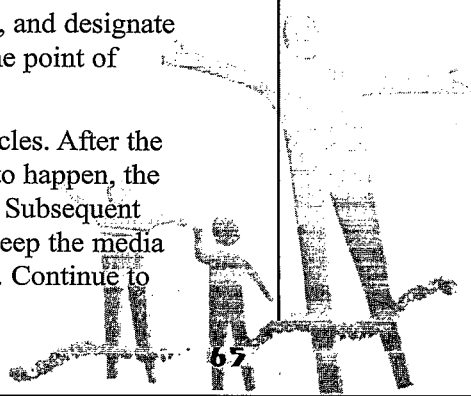
Identify the time for the first media briefing. Try to schedule this time within the first half-hour of the spokesperson's arrival on scene. The spokesperson should inform the media and the Site Team about when and where the first briefing will be held. Decide who among the Site Team will give a statement at the first media briefing.

Find a place to prepare for media briefings. Time is needed to prepare key messages and set the guidelines for the scene, including a schedule for daily media briefings and other interviews with the Site Team members. Consider forming a media pool to limit access to the site. A pool consists of one TV crew, a radio reporter, and a print reporter and photographer, all of whom agree to share their material with the other interested media outlets. Members of a pool should be chosen by their colleagues, not by EPA.

The News Cycle

News has a life cycle. The initial cycle begins when the media first learn of the situation and decides to cover it and lasts until the next deadline. Each subsequent cycle is about 24 hours. However, new technology used by the electronic media is making this less predictable. The first news cycle is the critical one because this is when EPA must deliver its message, establish the Agency as competent and caring, and designate the Site Team spokesperson as the point of contact.

Be aware of subsequent news cycles. After the first day, unless things continue to happen, the event becomes less newsworthy. Subsequent cycles provide opportunities to keep the media informed and to provide updates. Continue to



hold briefings as long as necessary and appropriate. As long as pertinent information is presented, the media will keep coming. If briefings are held just to hold briefings, the media will stop attending. Always answer questions that were left unanswered in the previous briefing.

Local Media versus National Media

Do not succumb to the perceived importance of the national media at the expense of the local media. Local media should have priority in most cases. The national media eventually will leave, but the local media will remain interested long after the site has been stabilized. For formal briefings in a room, set aside the front row of seats for the local media. During question sessions, make it a point to pick a local person for the first question and, if possible, the last.

Think Visuals

Select visual aids to be shown to the media. If none are available, determine when some may become available. Get a map and distribute it to the media as soon as possible (include in the map the location of the media area and the location of future media briefings). Try to have one additional visual aid in each of the first few briefings. Visual aids can be an updated map, a tour of a small part of the affected area, a graph of acceptable levels, a fact sheet on the contaminant with a picture, a clear jar filled with some of the contaminant, or anything else that is appropriate.

"No Comment," "Off the Record," and "Not for Attribution"

Never lie or evade. Never say "no comment" without explaining the policy behind why you cannot comment (*e.g.*, "It is EPA policy to not speculate on such matters"). Do not make "off the record" comments. Determine whether you need to coordinate with a public affairs or press office or can deal directly with the media (see the **Media** tool in the *Toolkit*).

Closure/Critique

Do not leave the media "in the lurch." Space briefings out when new information is slow. The media will sense this winding down as closure. The Site Team should continue to help the media meet their deadlines and ensure they know the spokesperson can be reached. The media should know that one or more members of the Site Team is available for other issues and can become a valuable resource for them.

Keep media contacts on the mailing list as the cleanup continues. Most of the media will continue to update the story, but may not have a crew on site. Be honest with them about time frames regarding new information.

Before they leave, ask for feedback on what went well and what could be improved. Most journalists will offer feedback. If they are unable to do so because of a deadline, ask if you can call them at a more convenient time. After the media have departed, the Site Team should review notes and do a self-critique. What went well? Was it planned or did it just happen that way? What could have been done to make it better?

Summary

The media can be a strong asset for Superfund outreach efforts, but do not assume the media can be controlled or used at will. Appoint a media contact to be a ready, accessible, and credible source of information. Understand that news is what the editor says it is. The Site Team can influence the media's decisions about what is news by fostering its relationship with the media, by using carefully defined messages, and by repeating those messages frequently. Pay attention to media deadlines. Unless there is an emergency situation, go to your primary audience before you go to the media.

CHAPTER 8 COMMUNITY INVOLVEMENT AT FEDERAL FACILITIES

The Federal Government as Owner of Superfund Sites

This chapter describes community involvement at Superfund sites that are owned or operated by the federal government. While the basic steps in the Superfund process are the same for federal facilities as for other sites, there are important differences in the way community involvement is conducted at these sites and the role of EPA's Site Team. This chapter highlights the relationship between EPA and the federal agency responsible for the cleanup of a facility and special concerns that should be addressed in community involvement strategies at federal facilities. Roles for the Site Team members at these sites may range from oversight of the process, to advising the federal site owner, to cooperative management of day-to-day community involvement activities. This chapter also describes Superfund community involvement policies and practices of the Department of Energy (DOE) and Department of Defense (DoD)—the two largest owners of federal facilities—and discusses the roles of DOE's Site-Specific Advisory Boards (SSABs) and DoD's Restoration Advisory Board (RABs).

The roles and responsibilities for the Site Team involved in Superfund cleanups at federal facilities differ from those at non-federal sites in a number of ways. The regulatory enforcement tools available to EPA, the community involvement policies of the federal Potentially Responsible Party (PRP), and public perceptions all may vary somewhat from non-federal facility cleanups. As at all Superfund sites, there are three categories of stakeholders with an interest in the outcome at federal facility sites: the regulators (EPA and state agencies), the regulated (federal site owners), and the public. The key difference at federal facilities is the relationship between the regulator and regulated party as parts of the same government and the effect of this relationship on the perceptions of the public. It may not seem this way to personnel within a particular agency or department, but as far as the public is concerned, the federal government is a single entity that "speaks with a single voice," as reflected in the conduct and outcome of a federal action.

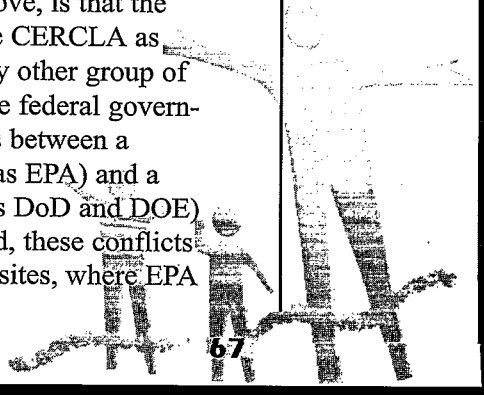
> *"Getting the public more involved is the right thing to do and will usually lead to better decisions."*
> ***David Page, RPM, Department of Energy***

Given this perceived conflict of interest, the federal government should avoid adopting the "DAD" (Decide, Announce, and Defend) approach in its interactions with the public for federal facility cleanups. The most important thing to remember is that regardless of the roles, perspectives, and outlooks of the various federal agencies involved in the cleanup of the site, the public generally sees the federal government as a monolith that should be taking care of a problem that it never should have created in the first place.

According to government estimates, federal facilities account for approximately half of the liability for Superfund cleanups across the U.S., including the largest single sites and the sites with the widest varieties of contamination. These sites pose the greatest cleanup challenges. Long-term cleanup time and cost estimates for federal facilities range up to 75 years and $400 billion.

Interagency Agreements

EPA's CERCLA enforcement responsibilities extend to federal facilities. The consequence of this authority, coupled with the liability ownership circumstances described above, is that the federal government must enforce CERCLA as much against itself as against any other group of responsible parties. Normally, the federal government can not sue itself. Conflicts between a federal regulatory agency (such as EPA) and a regulated federal agency (such as DoD and DOE) may occur, but, within Superfund, these conflicts are not resolved as at other NPL sites, where EPA



is able to compel PRP activities through consent decrees, administrative orders, and cost recovery actions. Rather, Superfund cleanups at federal facilities depend on the ability of federal regulators and responsible parties to agree on and carry out a remedy. The negotiated agreement reached by EPA and the federal party responsible for the cleanup of a federal facility is embodied in the interagency agreement (IAG). IAGs cover the post-RI/FS steps in the remedial process for the site, including remedy selection, design, implementation, operation, and maintenance. The IAG also should cover community involvement requirements for the facility, including the framework for community involvement.

While the regulatory framework and implementation tools for federal facility cleanups differ from those at other remedial sites, the steps in the Superfund process and the basic tenets and requirements of CERCLA, including community involvement requirements, apply equally at federal facilities. Equal application means that any and all public notice, comment, and meeting requirements, administrative record requirements, and other community involvement requirements must be followed at federal facilities. Similarly, the community involvement strategies discussed in Chapter 5 should form the basis for a sound Community Involvement Plan at federal facilities. Bear in mind, the only thing that distinguishes federal facilities from other NPL sites is the relationship of EPA as regulator to the regulated federal site owner; the same rules apply to all sites, as do the same strategies for effective community involvement.

Cooperation and Communication

The keys to successful community involvement at federal facilities are cooperation between EPA and the responsible federal agency and prompt, effective communication between these agencies and the local community. Cooperation between federal agencies and communication with the public are especially important given the conflict of interest and accountability issues that appear whenever the federal government enforces a law against itself. The public will not be interested in the particulars of any conflicts between EPA and the federal site owner, and may cast a suspicious eye on any delays in the cleanup process caused by such conflicts as part of a pattern of the government "going easy" on itself.

With regard to effective communication, a 1993 report by the Federal Facility Environmental Restoration Dialogue Committee (FFERDC) identified three weaknesses in the ways that federal agencies disseminate information on federal facilities cleanups:

- Stakeholder opinions are often solicited late in the process after site investigations are completed;
- The extent and effectiveness of information dissemination and exchange are inconsistent among agencies; and
- Stakeholders perceive that their requests for information are treated by federal agencies as burdensome rather than as a right of citizenship.

In response, FFERDC recommended three principles to guide information dissemination during federal facilities cleanups:

- Federal agencies have an obligation to ensure that information is provided to interested parties within regulatory and resource constraints;
- Information dissemination and exchange processes should ensure the timely release of information to public stakeholders and provide the basis for informed involvement in decision making; and
- Information dissemination and exchange processes must be consistent with the Freedom of Information Act.

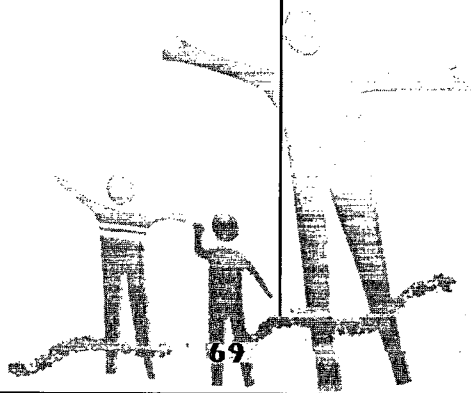
EPA as Advisor at Federal Facilities

At most federal facility sites, the role of EPA's Site Team is best described as an advisor to the federal agency leading the cleanup. The basic strategies for effective community involvement (early involvement, a meaningful role for local stakeholders in decision making, attention to the special needs of the community) are the same at federal facilities as they are at other sites. The difference is that the Site Team, as an advisor to the process, is one step removed from ensuring that effective strategies are implemented, increasing the need for prompt and effective communication and coordination with the federal PRP in the development of the Community Involvement Plan for the site. The Site Team should do more than simply make themselves available to the federal PRP as needed. EPA is the expert among federal agencies on Superfund community involvement and should do all it can to guide community involvement at federal facilities to ensure success, even if it is not the lead agency at the site.

Federal Facility Advisory Boards

In its interim and final reports, the FFERDC recommended that responsible federal agencies establish advisory boards at federal facilities to provide stakeholders with a formal mechanism for sharing information and participating in decisions that affect the health and environment of their communities. In response, DOE established SSABs, while DoD formed RABs. These advisory boards are established either upon the initiative of the federal agency or in response to stakeholder interest. As of June 1998, more than 200 SSABs and RABs have been established. These boards serve as valuable conduits between the federal government and the public by providing opportunities for regular contact between the agencies and public stakeholders. Through these boards, the parties are able to discuss their concerns and better understand the competing needs and requirements of the government and local citizens. The boards augment citizen evaluations of site plans for technical adequacy. The boards also broaden the scope of decision making to account for local stakeholder issues in addition to consideration of technical data required under CERCLA's public comment rules.

SSABs and RABs are intended to complement and facilitate existing community involvement activities rather than supplant broader community involvement, since not everyone with an interest in the facility may have the time, ability, or inclination to serve on a board. EPA Site Teams and their federal agency counterparts should ensure that all stakeholder concerns have an opportunity to be heard and that these advisory boards do not become the only means of community involvement at federal facilities.



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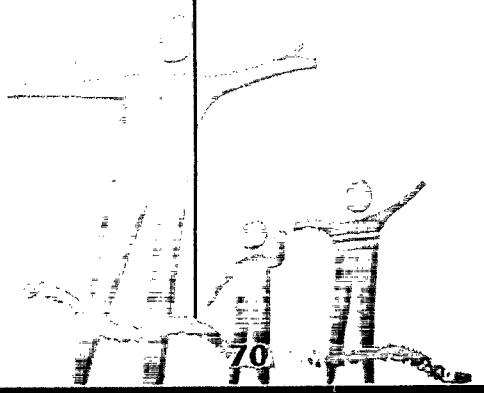


CHAPTER 9 COMMUNITY INVOLVEMENT ACTIVITIES DURING RESIDENTIAL RELOCATION

When Residential Relocation is Part of the Response Action

This chapter describes community involvement at Superfund sites where temporary or permanent relocation of residents on or near the site is part of the remedy. While the basic guidelines for effective community involvement are the same for relocation sites as for other sites, there are special challenges facing the Site Team in these communities. In general, community involvement and other staff should be prepared to go the extra mile in these communities, where residents must deal with both threats of real and perceived contamination prior to the relocation, and the prospect and reality of being moved out of their homes and communities.

Close management of the situation and constant communication among all stakeholders in the relocation process are the keys to effective community involvement at these sites, and these requirements will be invoked repeatedly in this chapter. This chapter also explains EPA's interim policy on Superfund-related relocations, the Uniform Relocation Act, administered by the U.S. Department of Transportation, and the use of Technical Assistance Grants (TAGs) and Community Advisory Groups (CAGs) at relocation sites.

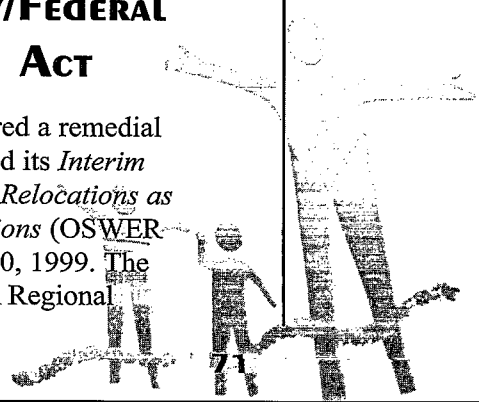
The roles and responsibilities for the Site Team at relocation sites can be seen as "Community Involvement Plus." Everything in the previous chapters in this *Handbook* applies to relocation sites before consideration of the special needs of communities that will be relocated as part of a remedy. Relocation settlements can take years to negotiate and complete. In the meantime, residents are living on or near contaminated sites. These residents share the same concerns regarding the threat of contamination posed by the site, and the plans for dealing with those threats, as residents at other Superfund sites. Added to these concerns is the relocation itself and the special concerns it raises, such as a fair appraisal, adequate compensation, and the stress of finding a new home. These difficulties can be complicated by the hard feelings that can arise at the perceived injustice of the situation, by the lack of trust of the government, and by other apprehensions that arise from being uprooted. The Site Team must have a thorough understanding of the relocation process and sensitivity to the needs of the residents. This understanding will help residents get through this very difficult transition.

> *"Community involvement [at relocation sites] is most effective when it commences as soon as the first article appears in the local newspaper."*
> ***Anna Gabalski, NY State Dept. of Health***

Given the added stress placed on residents who will be relocated, trust-building is of paramount importance for the Site Team at relocation sites. As always, building trust depends on open, honest communication and attention to the concerns of residents. This is paticularly important in relocation communities, where the government not only is already suspect but will be a party negotiating property settlements and compensation. The situation is best served when the Site Team employs all of the communication management strategies and practices described in this *Handbook* and the *Toolkit* to their fullest extent (see the **Residential Relocation** tool in ther *Toolkit*).

EPA Interim Policy/Federal Uniform Relocation Act

Permanent relocation is considered a remedial action under the NCP. EPA issued its *Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions* (OSWER Directive 9355.0-71P) on June 30, 1999. The policy provides direction to EPA Regional



decision makers on when to consider permanent relocation as part of a Superfund remedial action, and stresses four major points surrounding the consideration of relocation:

- EPA's preference is to address the risks posed by contamination by using well designed cleanup methods that allow people to remain safely in their homes and communities;
- EPA may consider a permanent relocation alternative as part of the feasibility study if certain site conditions (found in the policy) are encountered;
- EPA should involve the community early in the process and keep residents informed of activities at the site;
- EPA cannot conduct a permanent relocation of tribal members without tribal government approval.

Permanent relocations are selected as part of the overall remedy for a site as embodied in a Record of Decision (ROD). The decision-making criteria that apply to other parts of a remedy, including application of the nine criteria found in the NCP, also apply to the decision to relocate residents permanently.

The interim policy specifically discusses the importance of community involvement in the relocation process, and covers the role of TAGs and CAGs at relocation sites. The interim policy states: "Community involvement activities at a particular site should be tailored to meet the various needs and concerns of individual citizens within the affected community. EPA should also explore opportunities to partner with other federal, state, and local agencies, non-governmental organizations, and non-profit organizations to help identify other potential assistance that may be available to the relocated residents or to those in the community left behind."

The interim policy restates the applicability of the Uniform Relocation and Real Property Acquisition Policies Act (URA) to the implementation of the decision to relocate residents. The URA includes requirements and procedures to be followed by the federal government when acquiring properties and compensating displaced residents and sets standards for the habitability of new housing for displaced residents. The URA requires the federal government to provide relocation services to reduce the burden on relocated residents, which is the responsibility of the Site Team at Superfund relocation sites. The Site Team should be familiar with the URA and the applicable property acquisition regulations and be ready to explain the formalities of the process to residents and extend the services required under the URA.

Special Community Needs at Relocation Sites

The keys to successful community involvement at relocation sites are close management of the situation and prompt, effective communication among EPA, community residents, and others. As mentioned above, community involvement can not begin early enough at relocation sites. In addition, nothing may contribute more to the quality of the community involvement services rendered than the regular presence in the community of experienced and highly qualified community involvement professionals who are available to assist community members in making the transition to a new community. The Site Team should consider establishing a community resource center with a full-time staff dedicated to providing assistance to residents facing relocation and providing the close management of the process needed to reach a successful conclusion.

Building trust in the community is critical. For the Site Team, this is an everyday part of their job, and there is no substitute for open, effective communication and dealing fairly and responsively with the community. This need for openness is especially high in communities where the government has not only delivered the news of potential contamination risks, but also is dealing

directly with individuals in the property acquisition process. Similar to the special challenges at federal facilities, the government must make an extra effort to build trust at relocation sites.

The Site Team should take a customer service approach in implementing its community involvement plan at relocation sites. Though the relocation process involves a transaction, as properties are acquired and owners are compensated, the activities of the Site Team should never be perceived as transaction-oriented. Rather, it should be clear to all members of the community that community involvement personnel are there to help them get through the process and safely into a new home. Relocation is usually a very stressful event for residents, and the strain felt by people can often spill over into their dealings with others, including EPA staff.

> *"EPA must have experienced people on the ground in relocation communities to provide direct services and deal with problems before they get a chance to snowball."*
> ***Pat Seppi, CIC, EPA Region 2***

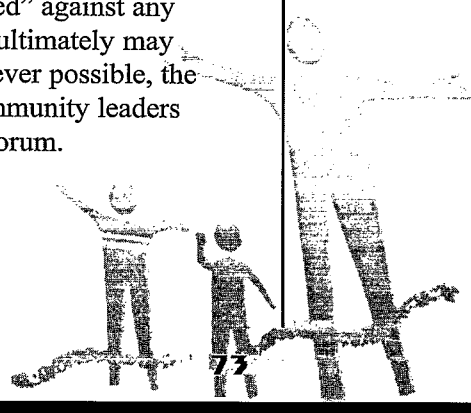
The Site Team should be prepared to provide technical and legal assistance related to the appraisal, negotiation, settlement, and property transfer process, as well as assistance in obtaining new housing, with an emphasis on encouraging home ownership. This assistance will require knowledge of the URA and other relocation programs, knowledge of the technical requirements of appraisals, and familiarity with working with real estate agents and lenders and the tax consequences of property acquisition. All of these are in addition to the regular needs of a community located near a Superfund site. In other words, take everything in Chapters 2 through 8 of this *Handbook* and add to it the special needs of residents being relocated.

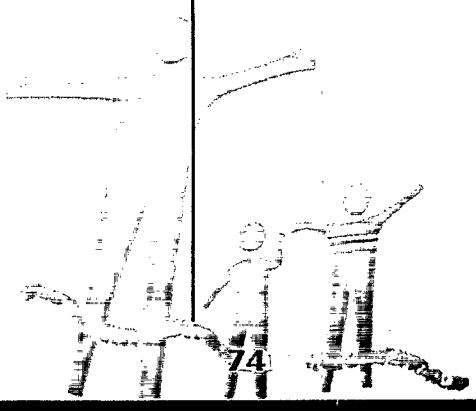
At all times and in all technical and community assistance areas, the Site Team must be prepared to provide one-on-one services. Unlike many other communities, residents subject to relocation will require individual attention, as each has an individual relationship with the government under the circumstances. In addition, the added pressures felt by families subject to relocation should be remembered at all times.

TAGs and CAGs at Relocation Sites

The interim relocation policy encourages the use of TAGs for the hiring of relocation experts by communities. Relocation experts hired with TAG funds can provide independent assistance to communities. The Site Team should ensure that the community is aware of the TAG program and given whatever assistance is needed in the TAG application process.

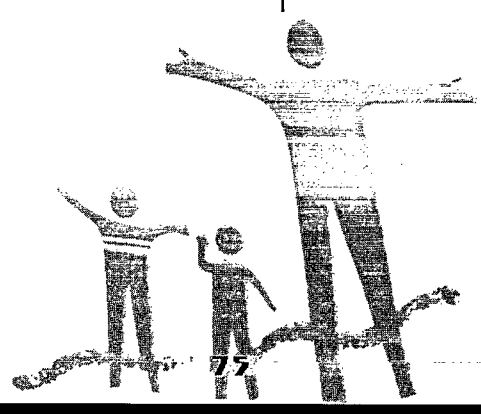
The interim policy also encourages the use of CAGs or similar bodies that engage the community in the relocation process by providing a public forum for stakeholders to present and discuss needs and concerns related to the site and the relocation process in a meaningful way. CAGs can be very valuable mechanisms for facilitating open, active participation by stakeholders in the relocation process. The Site Team should ensure that the CAG is truly representative of the variety of interests in the community. A CAG that is perceived as "stacked" against any community stakeholder interest ultimately may do more harm than good. Whenever possible, the Site Team should work with community leaders in establishing a CAG or other forum.

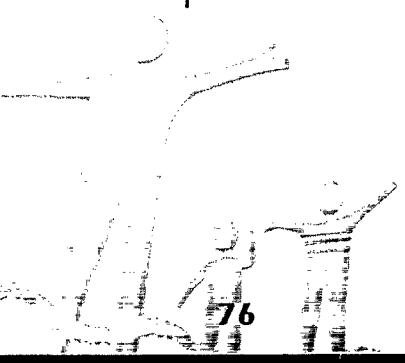




Appendix A
SUPERFUND COMMUNITY INVOLVEMENT REQUIREMENTS

The most current version of this publication is available at www.epa.gov/superfund





Appendix A
SUPERFUND COMMUNITY INVOLVEMENT REQUIREMENTS

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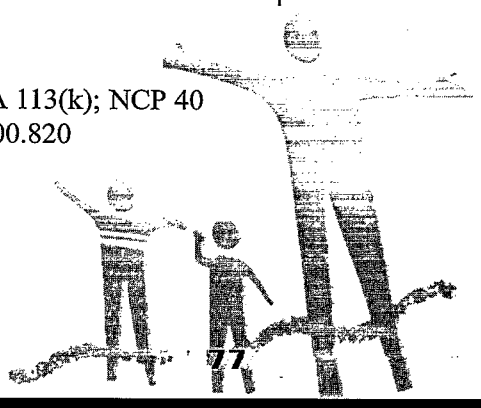
Community involvement requirements are presented below in a table that lists the requirements by site activity. The legislative citation is provided for each of the site activities. For a graphical presentation of the requirements, refer to the maps, "Community Involvement Activities Throughout the Superfund Removal Process" and "Community Involvement Throughout the Superfund Remedial Process," found in the preface of this *Handbook*. These maps combine the list of required activities described below with a list of recommended activities to involve the community effectively.

The Site Team is responsible for ensuring that the Agency meets all of the legal and policy requirements relative to community involvement and for ensuring that the community has been given an opportunity to participate in the process. This table lists and describes the **minimum** community involvement requirements that EPA must conduct at a Superfund site. Simply fulfilling these requirements will not necessarily result in effective community involvement at a site. Rather, these requirements are intended to be the foundation for more comprehensive activities at sites.

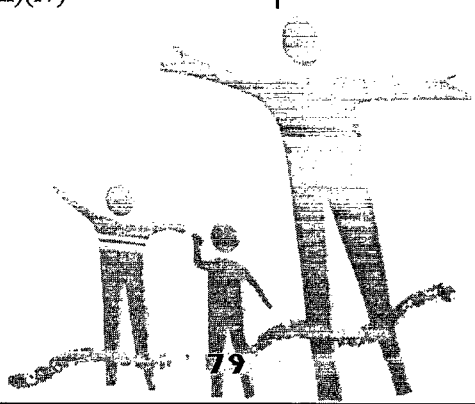
> *"Don't be afraid to go beyond the traditional community relations approach. Adapt your style and activities to the community."*
> ***Mike Holmes, RPM, Region 8***

Site Activity	Minimum Requirement(s)	Source(s)
Removal Actions		
Agency Spokesperson	In the case of all CERCLA removal actions taken pursuant to 300.415 or CERCLA enforcement actions to compel removal response, a spokesperson shall be designated by the lead agency. The spokesperson shall inform the community of actions taken, respond to inquiries, and provide information concerning news releases. All news releases or statements made by participating agencies shall be coordinated with the project manager. The spokesperson shall notify, at a minimum, immediately affected people, State and local officials and, when appropriate, civil defense or emergency management agencies.	The National Oil and Hazardous Substance Pollution Contingency Plan (NCP) 40 C.F.R. 300.415(n)(1)
Administrative Record	The lead agency must establish an administrative record and make the administrative record available to the public at a central location at or near the site.	CERCLA 113(k); NCP 40 C.F.R. 300.820



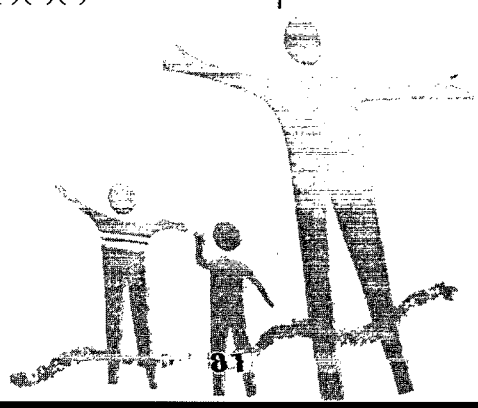
Site Activity	Minimum Requirement(s)	Source(s)
Removal Actions (continued)		
For Removal Actions With A Planning Period of Less Than Six Months		
Notice and Availability of Administrative Record	Within 60 days of the start of on-site removal activity, the lead agency must make the administrative record available to the public and issue a notice of availability in a major local newspaper.	NCP 40 C.F.R. 300.415(n)(2)(i) and 300.820(b)(1)
Public Comment Period	The lead agency must provide a public comment period, if appropriate, of not more than 30 days from the time the administrative record is made available.	NCP 40 C.F.R. 300.415(m)(2)(ii)
Response to Significant Comments	The lead agency must prepare a written response to significant comments.	NCP 40 C.F.R. 300.415(n)(2)(iii)
For Removal Actions Expected to Extend Beyond 120 Days		
Community Interviews	By the end of the 120-day period, the lead agency must conduct interviews with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process.	NCP 40 C.F.R. 300.415(n)(3)(ii)
Community Involvement Plan (CIP)	The lead agency must prepare a formal CIP, based on community interviews and other relevant information, specifying the community involvement activities the lead agency expects to undertake during the response period. The lead agency must complete this CIP within 120 days of the start of on-site removal activity.	NCP 40 C.F.R. 300.415(n)(3)(iii)
Information Repository Establishment and Notification/Notice of Availability of Administrative Record	Within 120 days of the start of on-site removal activity, the lead agency must establish at least one information repository at or near the location of the removal action that contains items available for public inspection and copying. The lead agency must inform the public of the establishment of the information repository and provide notice of the administrative record in this repository.	NCP 40 C.F.R. 300.415(n)(3)(iii)

Site Activity	Minimum Requirement(s)	Source(s)
Removal Actions (continued)		
For Removal Actions With a Planning Period Of At Least Six Months		
Community Interviews and Community Involvement Plan (CIP)	The lead agency shall at a minimum comply with the requirements set forth in paragraphs (n)(3)(i), (ii), and (iii) of this section prior to completion of the Engineering Evaluation and Cost Analysis (EE/CA), or its equivalent, except that the information repository and the administrative record file will be established no later than when the EE/CA approval memorandum is signed. (Essentially, EPA must conduct community interviews and prepare a CIP prior to the completion of the EE/CA.)	NCP 40 C.F.R. 300.415(n)(4)(i)
Information Repository/ Administrative Record Establishment and Notification	The lead agency must establish the information repository and make the administrative record available no later than the signing of the EE/CA approval memorandum.	NCP 40 C.F.R. 300.415(n)(4)(i)
Notice of Availability/ Description of the EE/CA	The Agency must publish a notice of availability and a brief description of the EE/CA in a major local newspaper of general circulation.	NCP 40 C.F.R. 300.415(n)(4)(ii)
Public Comment Period	Upon completion of the EE/CA, the lead agency must provide at least 30 days for the submission of written and oral comments. The lead agency must extend this comment period by at least 15 days upon timely request.	NCP 40 C.F.R. 300.415(n)(4)(iii)
Responsiveness Summary	The Agency must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository.	NCP 40 C.F.R. 300.415(n)(iv)



Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions **NPL Additions**		
Publication of Proposed Rule and Public Comment Period	EPA must publish the proposed rule in the *Federal Register* and seek comments through a public comment period.	NCP 40 C.F.R. 300.425(d)(5)(i)
Publication of Final Rule and Response to Comments	EPA must publish the final rule in the *Federal Register* and respond to significant comments and significant new data submitted during the comment period.	NCP 40 C.F.R. 300.425(d)(5)(i)
Prior to Remedial Investigation (RI):		
Community Interviews	The lead agency must conduct interviews with local officials, public interest groups, and community members to solicit their concerns and information needs and to learn how and when people would like to be involved in the Superfund process.	NCP 40 C.F.R. 300.430(c)(2)(i)
Community Involvement Plan (CIP)	Before commencing field work for the remedial investigation, the lead agency must develop and approve a complete CIP, based on community interviews and other relevant information, specifying the community involvement activities that the lead agency expects to undertake during the remedial response.	NCP 40 C.F.R. 300.430(c)(2)(ii)(A-C)
Information Repository	The lead agency must establish at least one information repository at or near the location of the response action. Each information repository should contain a copy of items developed, received, published, or made available to the public, including information that describes the Technical Assistance Grant application process. The lead agency must make these items available for public inspection and copying and must inform interested citizens of the establishment of the information repository.	CERCLA 117(d) NCP 40 C.F.R. 300.430(c)(2)(iii)

Site Activity	Requirement(s)	Source(s)
Remedial Actions (continued)		
Technical Assistance Grant (TAG) Notification	The lead agency must inform the public of the availability of Technical Assistance Grants and include in the information repository material that describes the Technical Assistance Grant application process.	NCP 40 C.F.R. 300.430(c)(2)(iv)
Upon Commencement of Remedial Investigation:		
Administrative Record	The lead agency must establish an administrative record, make it available for public inspection, and publish a notice of its availability. The lead agency must comply with the public participation procedures required in 300.430(f)(3) and shall document such compliance in the administrative record.	CERCLA 113(k); NCP 40 C.F.R. 300.815 (a-c)
Administrative Record Notification	The lead agency must publish a notice of availability of the administrative record in a major local newspaper of general circulation.	NCP 40 C.F.R. 300.815(a)
Upon Completion of the Feasibility Study (FS) and Proposed Plan:		
RI/FS and Proposed Plan Notification and Analysis	The lead agency must publish a notice of the availability of the RI/FS and Proposed Plan, including a brief analysis of the Proposed Plan, in a major local newspaper of general circulation. The notice also must announce a comment period.	CERCLA 117(a) and (d); NCP 40 C.F.R. 300.430(f)(3)(i)(A)
Public Comment Period on RI/FS and Proposed Plan	The lead agency must provide at least 30 days for the submission of written and oral comments on the Proposed Plan and supporting information located in the information repository, including the RI/FS. This comment period will be extended by a minimum of 30 additional days upon timely request.	CERCLA 117(a)(2); NCP 40 C.F.R. 300.430(f)(3)(c)

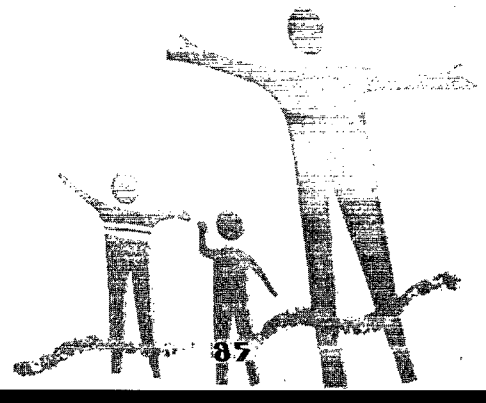


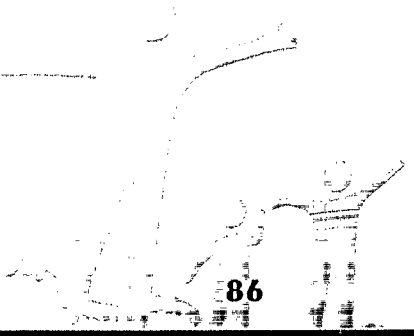
Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions (continued)		
Public Meeting	The lead agency must provide an opportunity for a public meeting regarding the Proposed Plan and supporting information to be held at or near the site during the comment period.	CERCLA 113 and 117(a)(2); NCP 40C.F.R. 300.430(f)(3)(i)(D)
Meeting Transcript	The lead agency must have a court reporter prepare a meeting transcript that is made available to the public.	CERCLA 117(a)(2); NCP 40 C.F.R. 300.430(f)(3)(i)(E)
Notice and Comment Period for Settlement Agreements	A notice of a proposed settlement must be published in the *Federal Register* at least 30 days before the agreement becomes final. This notice must state the name of the facility and the parties to the proposed agreement. Those persons who are not parties to the agreement must be provided an opportunity to file written comments for a period of 30 days.	CERCLA 122; NCP 40 C.F.R. 300.430(c)(5)(i) and (ii)
Pre-Record of Decision Significant Changes:		
Responsiveness Summary	The lead agency must prepare a response to significant comments, criticisms, and new data submitted on the Proposed Plan and RI/FS, and ensure that this response document accompanies the Record of Decision (ROD).	CERCLA 113 and 117(b); NCP 40C.F.R. 300.430(f)(3)(i)(F)
Discussion of Significant Changes	The lead agency must include in the ROD a discussion of significant changes and the reasons for such changes, if new information is made available that significantly changes the basic features of the remedy and the lead agency determines that the changes could be reasonably anticipated by the public.	NCP 40 C.F.R. 300.430(f)(3)(ii)(A)

Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions (continued)		
Revised Proposed Plan and Public Comment	Upon the lead agency's determination that such changes could not have been reasonably anticipated by the public, the Agency must issue a revised Proposed Plan that includes a discussion of the significant changes and the reasons for such changes. The Agency must seek additional public comment on the revised Proposed Plan.	NCP 40 C.F.R. 300.430(f)(3)(ii)(B)
After the ROD is signed:		
ROD Availability and Notification	The lead agency must make the ROD available for public inspection and copying at or near the site prior to the commencement of any remedial action. Also, the lead agency must publish a notice of the ROD's availability in a major local newspaper of general circulation. The notice must state the basis and purpose of the selected action.	NCP 40 C.F.R. 300,430(f)(6)
Revision of the CIP Site Activity	Prior to remedial design, the lead agency should revise the CIP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertain to the remedial design and construction phase.	NCP 40 C.F.R. 300.435(c)(1)
Post-ROD Significant Changes:		
When the remedial or enforcement action, or the settlement or consent decree, differs significantly from the remedy selected in the ROD with respect to scope, performance, or cost:		
Notice and Availability of Explanation of Significant Differences	The lead agency must publish a notice that briefly summarizes the explanation of significant differences (ESD) and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository.	NCP 40 C.F.R. 300.435(c)(2)(i) (A) and (B)

Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions (continued)		
When the remedial or enforcement action, or the settlement or consent decree, fundamentally alters the basic features of the selected remedy with respect to scope:		
Notice of Availability/ Brief Description of Proposed ROD Amendment	The lead agency must propose an amendment to the ROD and issue a notice of the proposed amendment in a major local newspaper of general circulation.	NCP 40 C.F.R. 300.435(c)(2)(ii)(A)
Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary	The lead agency must follow the same procedures for notice and comment as those required for completion of the feasibility study (FS) and Proposed Plan.	NCP 40 C.F.R. 300.435(c)(2)(ii)(B)-(F)
Notice and Availability of Amended ROD	The lead agency must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record and information repository prior to commencement of the remedial action affected by the amendment.	NCP 40 C.F.R. 300.435(c)(2)(ii)(G) and (H)
Remedial Design:		
Fact Sheet and Public Briefing	Upon completion of the final engineering design, the lead agency must issue a fact sheet and provide a public briefing, as appropriate, prior to beginning remedial action.	NCP 40 C.F.R. 300.435(c)(3)

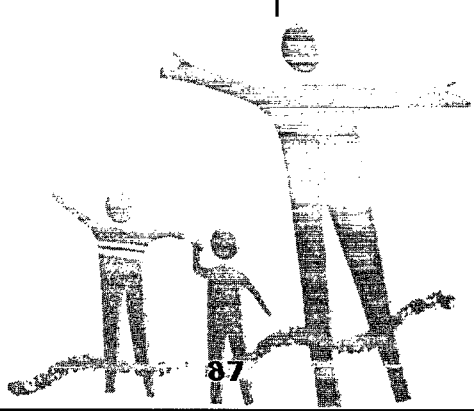
Site Activity	Minimum Requirement(s)	Source(s)
Remedial Actions (continued)		
NPL Deletions:		
Public Notice and Public Comment Period	EPA is required to publish a notice of intent to delete in the *Federal Register* and provide notice of the availability of this announcement in a major local newspaper. EPA must also provide a comment period of at least 30 days on the proposed deletion.	NCP 40 C.F.R. 300.425(e)(4) (i) and (ii)
Public Access to Information	Copies of information supporting the proposed deletion must be placed in the information repository for public inspection and copying.	NCP 40 C.F.R. 300.425(e)(iii)
Response to Significant Comments	EPA must respond to each significant comment and any significant new data submitted during the comment period and include these responses in the final deletion package.	NCP 40 C.F.R. 300.425(e)(iv)
Availability of Final Deletion Package	The final deletion package must be placed in the local information repository once the notice of final deletion has been published in the *Federal Register*.	NCP 40 C.F.R. 300.425(e)(5)

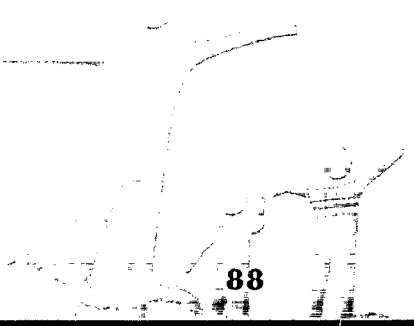




Appendix B
SUPERFUND COMMUNITY INVOLVEMENT DIRECTIVES

The most current version of this publication is available at www.epa.gov/superfund





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

OSWER 9230.0-99

MEMORANDUM

SUBJECT: Early and Meaningful Community Involvement

FROM: Elaine F. Davies, Acting Director *Elaine F. Davies*
Office of Emergency and Remedial Response

TO: Superfund National Policy Managers, Regions 1 - 10

PURPOSE

To improve early and meaningful community involvement in Superfund site decision-making.

BACKGROUND

In an April 10, 2001, memo on EPA's Regulatory Decision Process, Administrator Whitman endorsed "vigorous public outreach and involvement" in working toward environmental goals. Her support for effective public participation is consistent with the Agency's draft Public Involvement Policy (65 *Fed. Reg.* 82335, December 12, 2000). Among other things, the draft Policy emphasizes that Agency programs, when implementing their responsibilities, should:

1. Plan and budget for public involvement.
2. Identify interested parties.
3. Consider technical or financial assistance.
4. Provide timely and useful information and outreach.
5. Conduct meaningful involvement activites.
6. Assimilate public input and provide good feedback.

Superfund has a long-standing commitment to community involvement (also known as public participation) that incorporates these functions. In a 1991 memo (OSWER Directive 9230.0-18), one of my predecessors, Henry Longest, encouraged site responders to "demonstrate to citizens that they are involved in the decision-making process." That memo identified four key practices:

- Listen carefully to what community members are saying.
- Take the time needed to deal with community concerns.
- Change planned actions where community input has merit.
- Explain to the community what EPA has done and why.

This memo builds on the 1991 memo and encourages more substantive involvement of communities from the very outset of a cleanup. The involvement should begin prior to any on-site work and continue throughout the cleanup process, including during any 5-year reviews. This memo focuses on six practices that you should be implementing during Superfund responses.

PRACTICES FOR EARLY AND MEANINGFUL INVOLVEMENT

1) Energize the community involvement plan (CIP). The CIP should be a living vision that is focused, current and helpful. Ideally, a draft of the CIP should be reviewed by the community to ensure that the CIP is on target and meaningful. Making the involvement plan an actual partnership plan, endorsed by the community, is a best practice. All site team members should contribute to early development and implementation of the CIP.

2) Provide early, proactive community support. You should do more to promote and give assistance to communities from the very outset of the work at a site. Superfund has a variety of community assistance mechanisms: Technical Assistance Grants, Community Advisory Groups, Technical Outreach Services to Communities, and the Superfund Job Training Initiative. You should make sure community groups know about these opportunities by the end of the site investigation and you should encourage them throughout the cleanup process to take advantage of what is available. You should also be creative in identifying site-specific ways to enhance the ability of a community to participate (e.g., arranging for educational activities or facilitation services).

3) Get the community more involved in the risk assessment. You should assume the community will be able to understand risk assessments and provide useful input. If the right questions are posed, the community can make important contributions from tHE outset. In particular, you should ask community members about patterns and practices of chemical usage, exposure pathways, and health concerns. At big or controversial sites, you should share a draft of the scope of work with the community and answer questions that are raised about it. You should also provide regular and clear feedback on the progress of the risk assessment and its results. For more ideas, see OSWER Directive 9285.7-01E- P, Community Inovlvement in Superfund Risk Assessments.

4) Seek early community input on the scope of the remedial investigation/feasibility study (RI/FS). Soliciting input before the start of the RI/FS on its scope and approach is a concrete demonstration that you take early involvement seriously. In particular, you need to ask the community what cleanup alternatives should be evaluated during the FS and then consider thoughtfully the input you get. This does not mean you have to do or include exactly what the community wants. It does mean you should listen carefully to identify and understand significant concerns that have merit and should be addressed.

5) Encourage community involvement in identification of future land use. The Superfund Redevelopment Initiative focuses on helping communities participate in identifying future land use and Superfund sites. Early during removal and remedial site planning, you should work with the community to develop a process for exploring future use. This should inlude providing the information and tools to make this exploration a success. The community should have the lead in assessing its social, economic and recreational needs and in giving us its perspective of the most likely future use. You should encourage this effort, while not advocating particular views or opinions.

6) Do more to involve communities during removals. Early and meaningful community involvement at removals is important. Whether it is an emergency response or a non-time critical action, community involvement should not be neglected or postponed. While initial calls should be to state and local authorities, soon thereafter you should reach out to the entire community, which may have a high level of anxiety and concern about health and safety. You need to demonstrate our sincere concern and credibility in order to set the stage for the community cooperation that may be critical during the response (e.g., during an evacuation or relocation). You should not wait to share important information. If you proceed in a spirit of "early, humble coordination," as one On-Scene-Coordinator once put it, you will be suprised at how much good input and help you get.

IMPLEMENTATION

The practices described above are good ways to help achieve early and meaningful community involvement (see attachment for a handy checklist). They are by no means the only effective approaches. Indeed, they may not even be appropriate in certain circumstances. Each community is different and deserves its own, well-thought-out involvement plan. As you conduct removal and remedial actions, you should be creative and proactive in looking for opportunities that meet the needs and interests of the community, while making sound cleanup decisions. You should always be clear about the respective roles of the participants to avoid creating unrealistic expectations about how decisions will be made.

The responsibility for community involvement is a team effort. You achieve the best results when all the key players -- the remedial project manager, the on scene coordinator, the risk assessor, the legal advisor, the site assessment manager and the community involvement coordinator -- cooperate to effectively involve the community. Also, all program managers should look for ways to encourage community involvement and to recognize staff members who successfully practice it.

CONCLUSION

Public involvement is an integral part of both removal and remedial actions. Involvement should occur early and be sustained in a meaningful way throughout all stages of our work. This is strongly encouraged by EPA's Public Envolvement Policy and should lead to better cleanups and more satisfied communities.

Copies of this document are available on our web site at http://www.epa.gov/superfund/pubs.htm. General questions about this topic should be referred to the Call Center at 1-800-424-9346.

Attachment

cc: Jeff Josephson, Lead Region Coordinator, USEPA Region 2
NARPM Co-Chairs
On-Scene Coordinators
Community Involvement Managers
OERR Records Manager, IMC 5202G
OERR Documents Coordinator, HOSC 5202G

Key Practices for Early and Meaningful Community Involvement at Superfund Sites

From OSWER Directive 9230.0-18

- Listen carefully to what community members are saying.
- Take the time needed to deal with community concerns.
- Change plans where community suggestions have merit.
- Explain to the community what EPA has done and why.

From OSWER Directive 9230.0-99

- Energize the community involvement plan.
- Provide early, proactive community support.
- Get the community more involved in the risk assessment.
- Seek early community input on the scope of the remedial investigation/feasibility study.
- Encourage community involvement in identification of future land use.
- Do more to involve communities during removals.

Useful Resources

EPA Draft Policy on Public Involvement:
http://www.epa.gov/stakeholders/policy.htm

Model Plan for Public Participation:
http://es.epa.gov/oeca/oej/nejac/pdf/modelbk.pdf

Lessons Learned about Superfund Community Involvement:
http://intranet.epa.gov/oerrinet/topics/cioc/lessons/index/htm

Community Involvement in Superfund Risk Assessments:
www.epa.gov/oerrpage/superfund/programs/risk/ragsa/ci-ra.htm

Superfund Community Involvement Website:
http://www.epa.gov/superfund/action/community/index.htm

Superfund Redevelopment Initiative Website:
http://www.epa.gov/superfund/programs/recycle/recycle.htm

EPA Stakeholder Website:
http://www.epa.gov/stakeholders/intro.htm

International Assoc. of Public Participation Practitioner Tools:
http://www.iap2.org/practitionertools/index.html

Community Partnering for Environmental Results: A computerized learning program for developing community involvement skills (see Regional Training Officer or Community Involvement Manager for access)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OSWER 9230.0-18

MEMORANDUM

SUBJECT: Incorporating Citizen Concerns into Superfund Decision-making (Superfund Management Review: Recommendation #43B)

FROM: Henry Longest, II, Director
Office of Emergency and Remedial Response

TO: Director, Waste Management Division
Regions I, IV, V, VII, VIII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Regions III, VI, IX
Director, Hazardous Waste Division
Region X

Community Involvement Coordinators, Regions I-X

PURPOSE

To ensure the incorporation of citizen concerns into Superfund site decision-making.

BACKGROUND

In EPA's capacity and willingness to incorporate community concerns into site decision-making are among the most important measures of Superfund's community relations program. Although EPA has made significant progress in its promotion of mutually satisfactory two-way communication with the public, room for improvement exists in integrating the public's concerns into site decisions.

EPA has established methods for soliciting citizen concerns, but that represents only the first step. Citizens rightfully expect that EPA will then carefully consider and fairly evaluate the concerns the community has voiced, making it imperative that EPA pay close attention to such input. It is not enough that we solicit and read public comments. It is important that we demonstrate to citizens that they are involved in the decision-making process.

The impacts of citizen input will be more obvious at some sites than at others, and will not always, of course, be the principal determinant in site decisions. EPA must make every effort, however, to fully incorporate those concerns into site decision-making. The Superfund Management Review (SMR) mentions four steps necessary to satisfactorily accomplish this: "...listen carefully to what citizens are saying; take the time necessary to deal with their concerns; change planned actions where citizen suggestions have merit; and explain to citizens what EPA has done and why." (p.5-7). The following recommendations discuss in detail each of these steps.

Implementation:

1) Listen carefully to what citizens are saying Superfund managers and staff should listen carefully throughout the technical process to the concerns and comments of local communities. It is in the interest of Superfund to listen to what citizens are saying not only during the comment period after the proposed Plan is issued, but during the entire process. Although some may see only the short term view that a community's involvement slows the decision-making process and causes costly delays, it has been EPA's experience that the long term success of the project is enhanced by involving the public early and often. Carefully considering citizen concerns before selection of a preferred remedy will lead to better decision-making.

Some Regions have successfully adopted innovative techniques for soliciting citizen input. These include community workgroups, open houses, and informal "roundtable" discussions. Regions are encouraged to try as many of these techniques as possible to communicate with citizens.

2) Take the time necessary to deal with citizens' concerns. Incorporating citizen concerns into site decisions need not be a cause for delay or, for that matter, excessive cost. By allocating sufficient resources to community relations and, maintaining an awareness of citizen concerns throughout the process, Regions can successfully assimilate citizen concerns into site decisions.

The most effective way to provide time to deal with citizen concerns is by building a schedule at the outset that allows adequate time (and resources) for public involvement. Such planning should include, among other things, the likelihood that commentors may request an extension of the public comment period following issuance of the Proposed Plan, as allowed by section 300.425(f)(3)(i)(C) of the National Contingency Plan (NCP). In accordance with the Slit, site managers should announce a thirtyday comment period, but anticipate the possibility of a sixty-day period. Also, effective planning and early citizen involvement will allow site managers to anticipate those particularly coptroversial sitep or proposed remedial actions, which may warrant an additional extension of the comment period.

OSWER Directive #9230.0-08 of March 8, 1990, entitled "Planning for Sufficient Community Relations," provides additional guidance and instructs Regions to dedicate adequate resources to support additional community relations needs. The guidance included the S1R recommendation that Regions "...establish a discretionary fund that they could use to fund additional work necessary to respond to citizen concerns." (p.5-7).

3) Change planned actions when citizen suggestions have merit. It is crucial that EPA remain flexible, and willing to alter plans where a local community presents valid concerns. In recent years, EPA has demonstrated an increased willingness to change or significantly alter its preferred remedy. In some instances, citizen input has saved EPA from mistakes and unnecessary costs. It is obviously more cost effective to spend time, energy and money working with the public on a regular basis, than to deal with resistance created when a community believes it has been left out of the process.

With regard to changing planned actions, EPA's measure of success should not be whether or not the community applauds the remedy because EPA did what it asked, but whether or not EPA honestly listened to citizens, and genuinely took into account their concerns. EPA may remain unpersuaded after hearing from citizens, but it is EPA's responsibility to reinforce to citizens that their comments were carefully and thoughtfully considered.

4) Explain to citizens what EPA has done and why. Regardless of the outcome of site decisions, EPA must fully communicate those decisions to the public. The most thorough vehicle for such communication is the responsiveness summary- As recommended by the SMR, EPA has revised the format of responsiveness summaries to make them more easily understandable to citizens without compromising the legal and technical goals of the document. It is imperative that the public be able to see in writing EPA's response to their concerns and comments. As the SMR notes, "Whether EPA can do what citizens ask or not, we should always provide them a clear explanation of the basis for our decision." (p.5-7). The public needs clear, candid responses, rather than volumes of technical and legal jargon piling up evidence for why EPA's original decision vas the only possible one.

Although the responsiveness summary represents the most visible and comprehensive vehicle for explaining EPA decisions to the public, it is only one component of a process. EPA should explain site decisions throughout the entire cleanup, rather than only at few key stages. That is, EPA must establish and maintain a dialogue through which we discuss site decisions as they develop, as well as make Superfund documents more available to the public throughout the cleanup process.

Conclusion:

Although Superfund has firmly established its ability to share information with, and receive it from, the public, the , program nevertheless needs to better incorporate citizen concerns into site decisions. 'The recommendations outlined above will move Superfund closer to that goal. For more information regarding Community Relations in Superfund, contact Melissa Shapiro or Jeff Langholz of my staff at FTS 398-8340 or FTS 3988341, respectively.