



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
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ATLANTA, GEORGIA 30303

MEMORANDUM

DATE: September 27, 2005

SUBJECT: Regional Response for NEJAC Recommendations for  
Savannah River Site, Aiken, South Carolina (SRS), and Defense Depot,  
Memphis, Tennessee (DDMT)

FROM: Kenneth R. Lapierre, Chief  
Federal Facilities Branch  
Waste Management Division

*Kenneth R. Lapierre* 9/27/05

TO: James Woolford, Director  
Federal Facilities Restoration and Reuse Office

The following is submitted in response to recommendations made by the National Environmental Justice Advisory Council (NEJAC) in its report on *Environmental Justice and Federal Facilities* dated October 2004. NEJAC made site-specific recommendations for two facilities in Region 4; Savannah River Site, located in Aiken, South Carolina, and Defense Depot, Memphis, located in Tennessee.

Please feel free to contact me at (404) 562-8570 if you have questions or comments.

## Regional Response for NEJAC Recommendations

Site: Savannah River Site

Office Preparing Response: U.S. EPA Region 4, Waste Management Division, Federal Facilities Branch

Regional Contact: Dawn Taylor, 404-562-8575, taylor.dawn@epa.gov

**NEJAC Recommendation # 1: Recognize the value of input from stakeholders outside of the Savannah River Site Citizens Advisory Board (CAB) process.** Environmental justice communities in both Georgia and South Carolina have worked consistently to participate in the decision-making processes and activities at SRS, particularly during the EIS process. Concerns and questions have been documented and submitted to SRS and DOE over the years with varying degrees of response. The responses to the community have often taken long periods of time with no evidence that consideration was given to either their concerns or questions.

**Regional Response #1:** Under CERCLA, there are very specific activities required to meet community relations requirements. The public is provided multiple opportunities throughout the planning and implementation of cleanup to become involved in the CERCLA remedial process. As the proposed plan is ready to be issued for public comment, DOE publishes a notice of availability of the proposed plan and a brief summary. The notice of availability includes and announces the beginning and end of the public comment period. The proposed plan and all supporting information are made available in the administrative record file. A member of the public may request a public meeting to be held to discuss the action. In addition, DOE regularly provides information and presentations at CAB meetings about upcoming actions. Following the receipt of significant comments, criticisms and new data submitted by the public on the proposed plan and RI/FS, DOE prepares a responsiveness document that accompanies the ROD for the remedial action. To document the selection of a remedial action, the signed ROD is made available for public review. One part of the signed ROD is a responsiveness summary that includes any public comments that were received during the public comment period as well as the lead agency's response to the comment. EPA seriously considers all concerns, comments, and questions posed by the public in the decision making process.

As a RCRA permittee, DOE notifies the public when it has requested that SCDHEC modify its RCRA Permit. SCDHEC issues fact sheets on the RCRA Permit, maintains the RCRA Administrative Record File, and makes final Permit decisions. Both SCDHEC and DOE advertise or announce proposed and final Permit modifications, solicit public comments, hold public meetings, respond to public comments, and communicate Permit decisions to the public.

DOE's Environmental Management program and EPA have been in partnership with Citizen's for Environmental Justice (CFEJ) and Savannah State University since 1994. CFEJ is a community-based organization that works in concert with community leaders and groups from Georgia and South Carolina. CFEJ provides another opportunity for the public to voice their questions and concerns.

EPA will continue to work with DOE and SCDHEC to seek community involvement and public participation. EPA will actively seek opportunities to enhance the public involvement process and reach out to the community through EPA's environmental justice contacts and community involvement coordinators.

**NEJAC Recommendation #2: Recognize that even though the CAB is the official mechanism through which citizens and stakeholders provide input and advice to DOE and SRS, the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) called for additional ways of participation.** The CAB represents one way of doing business that often precludes the real and meaningful involvement of members of environmental justice communities. These communities, as a significant part of the impacted communities, believe their voice must be actively sought after, that it must be integrated into the process; and that they must be informed about the outcomes of their input and involvement.

**Regional Response #2:** EPA, DOE, and SCDHEC have sponsored multiple workshops and availability sessions by way of outreach and education. These efforts are extremely resource intensive, are duplicative of CAB activities, and were undertaken to enhance participation in site activities. Unfortunately, many of these sessions were not widely attended by the community. As discussed in the previous response, there are numerous opportunities, separate from the CAB, for public participation and involvement throughout the RCRA and CERCLA processes.

DOE's Environmental Management program and EPA have been in partnership with Citizen's for Environmental Justice (CFEJ) and Savannah State University since 1994. CFEJ is a community-based organization that works in concert with community leaders and groups from Georgia and South Carolina. CFEJ was established to provide another opportunity for the public participate in the decision making process and voice their questions and concerns.

EPA will continue to work with DOE and SCDHEC to seek community involvement and public participation. EPA will actively seek opportunities to enhance the public involvement process and reach out to the community through EPA's environmental justice contacts and community involvement coordinators.

**NEJAC Recommendation #3: Create a community advisory panel to address issues of trust building.** Mistrust or lack of trust in both DOE and SRS is a recurring theme and poses a challenge to outreach efforts and activities. Environmental justice communities do not trust the information they are receiving from the site about the level of contamination on and off site and the past and potential impacts to their health and immediate environment. Current public involvement approaches and methods of disseminating and sharing information are not having a positive affect on the attitudes of mistrust. A community advisory panel is recommended as a first step in creating both an environment and structure where issues of past and present mistrust can be addressed and resolved. The community advisory panel would be composed of environmental justice community leaders from both Georgia and South Carolina working in collaboration with DOE, SRS and Westinghouse Savannah River Company. SRS has an opportunity to address this critical issue by: 1) providing access to understandable, credible information, 2) ensuring transparency of the process, 3) including input from environmental justice communities in the cleanup decision-making process; and honestly addressing the

concerns of environmental justice communities and their lack of trust in presented data and the official advisory process.

Regional Response #3: DOE's Environmental Management program and EPA have been in partnership with Citizen's for Environmental Justice (CFEJ) and Savannah State University since 1994. CFEJ is a community-based organization that works in concert with community leaders and groups from Georgia and South Carolina. CFEJ, in collaboration with the site and Savannah State University, conducts community workshops designed both to inform and gather information from the community. EPA will present NEJAC's concerns to CFEJ and encourage them to seek ways to address the issues raised in this report.

NEJAC Recommendation #4: **Develop and distribute culturally sensitive and community friendly documents and findings.** Environmental justice communities have consistently requested data and site documents to be disseminated to them in a format and language that they can understand and analyze for the purpose of providing stakeholder input. The documents distributed are very technical, use scientific language, charts, graphs and tables, and are never accompanied by a community-friendly version so that they can be understood by laypeople. In addition, these documents are not being distributed to community members and the public at large in a timely manner to allow for adequate review and submittal of public comments; more often, laypeople are not prepared to provide valid comments. Environmental justice communities desire significant and meaningful participation, but are limited because they do not understand the information about the nature of the contamination, the technology to remediate and the potential impacts. CFEJ has been identified as an environmental organization that provides translation and interpretation of site data and documents. A collaborative effort between the site, environmental justice communities, and CFEJ could institutionalize new and creative ways of providing information to this group of stakeholders. This could assist in building positive partnerships and ultimately a new relationship.

Regional Response #4: The nature of the cleanup activities being conducted is very technical. In communicating about such projects, the difficulty is always in striking a balance between enough technical information to provide a working understanding and providing it in layman's terms. As mentioned in this recommendation, CFEJ has been identified as an environmental organization that provides translation and interpretation of site data and documents. EPA has recommended to DOE to pursue a collaborative effort between the site, environmental justice communities, and CFEJ to institutionalize new and creative ways of providing information to this group of stakeholders. This will assist in building positive partnerships and ultimately a new relationship. EPA will present NEJAC's concerns to CFEJ and encourage them to seek ways to address the issues raised in this report. In addition, Technical Assistance Grants (TAG) are available from EPA. A TAG provides money for activities that help the community participate in decision making at eligible Superfund sites. An initial grant up to \$50,000 is available to qualified community groups so they can contract with independent technical advisors to interpret and help the community understand technical information about their site. Interested community group should contact Dawn Taylor at (404) 562-8575 or [taylor.dawn@epa.gov](mailto:taylor.dawn@epa.gov).

NEJAC Recommendation #5: **Increase the resources to environmental justice communities to conduct capacity building activities and to conduct workshops related to SRS.** Substantial

resources are provided to the CAB to conduct its operations and activities enabling them to provide recommendations of influence. Similar, yet different, levels of funding must be made available to environmental justice communities and organizations to conduct similar work as the CAB, based on the population for outreach. The environmental justice organization can provide more hands-on training from a peer level that leads to the development of the capacity to substantively participate in the National Environmental Policy Act (NEPA) and EIS processes and activities. Capacity building is essential in environmental justice communities, and this training occurs easily using community-based workshops that can be conducted on the weekends in order to include working people. The workshops help to build confidence and provide tools to assist residents in finding and using their voice to impact both policy and practice at the site.

Regional Response #5: In addition to the TAG mentioned in the previous response, EPA offers environmental justice grants through several programs. The Environmental Justice Cooperative Agreements Program provides financial assistance to eligible community-based organizations working on or planning to work on projects to address local environmental and/or public health concerns, using EPA's environmental justice collaborative problem-solving model. The Office of Environmental Justice Small Grant Program provides financial assistance to eligible community groups with projects that address environmental justice issues. To find out about these and other grants awarded by other EPA offices and regions, contact the EPA Region 4 Environmental Justice Coordinator, Cynthia Peurifoy, at 404-562-9649 or [peurifoy.cynthia@epa.gov](mailto:peurifoy.cynthia@epa.gov).

NEJAC Recommendation #6: **Provide resources for communities to undertake independent health studies that help rebuild faith in the government's role as protectors of the community's health.** Health is the primary concern next to cleanup in the environmental justice community. The health studies that have been conducted are few in number and have not answered the questions nor responded to the concerns of environmental justice stakeholders. Communities want to see comparative analysis done between site-conducted studies and independent studies to corroborate findings. Resources in the form of technical assistance grants can be provided to environmental justice communities to engage in a deliberative and collaborative process with the site on health studies.

Regional Response #6: Please see response to the previous recommendation (#5) regarding resources available to community groups. EPA Headquarters will assure that ATSDR is aware of this recommendation.

NEJAC Recommendation #7: **Explain and highlight the role of EPA Headquarters and EPA Regions.** The environmental justice communities do not understand the role of EPA at federal facilities in general, and SRS in particular. There is a critical need for EPA representatives to establish a relationship with the environmental justice communities impacted by the activities at SRS. Community workshops conducted by CFEJ and other organizations include staff from SRS/DOE/WSRC. EPA is visibly absent. This absence/lack of contact has created an incomplete picture for stakeholders who are the significant players in the site cleanup. Questions often arise about compliance and enforcement, but they are responded to by an entity other than EPA. The EPA Headquarters and EPA Region 4 offices that relate to federal facilities must be proactive in

ensuring public participation and addressing environmental justice concerns within their authority.

Regional Response #7: EPA Region 4 has regularly attended and participated in community workshops conducted by CFEJ and other community groups. Specifically, at CFEJ's Bi-State Conference in March 2004 and March 2005, EPA Region 4 gave a presentation about the role of EPA Region 4 Federal Facilities Branch at SRS. Regional representatives will continue to attend and participate in community workshops and try to more clearly define and communicate the roles and responsibilities of EPA, within the scope of the FFA, at SRS.

EPA will continue to work with DOE and SCDHEC to seek community involvement and public participation. EPA will actively seek opportunities to enhance the public involvement process and reach out to the community through EPA's environmental justice contacts and community involvement coordinators.

EPA will prepare a handout for the public that lays out the roles and responsibilities of the FFA parties for this NPL site, and include a brief verbal summary during appropriate presentations to the public.

NEJAC Recommendation #8: **Work with communities to identify and prioritize issues of concern to be addressed by DOE and SRS.** Collaborative efforts to address issues of concern of the environmental justice communities related to cleanup and health should be a priority of the site. Mechanisms to identify and prioritize concerns must be expanded and improved. Annual sessions can be held to dialogue with community leaders in setting the agenda of engagement for the upcoming year depending on the cleanup schedule and other site activities. Environmental justice communities are looking for more viable ways to get their voice heard and honored by DOE and SRS.

Regional Response #8: EPA Region 4 agrees that mechanisms to identify and prioritize concerns must be expanded and improved. EPA has recommended to and encourages DOE and SRS to conduct annual sessions to dialogue with community leaders in setting the agenda of engagement for the upcoming year depending on the cleanup schedule and other site activities. As a support agency, EPA will continue to encourage and facilitate such collaboration.

NEJAC Recommendation #9: **Collaborate with environmental justice communities on the best ways to address health concerns.** The concern related to health impacts continues to be a priority issue. Environmental justice communities want to know about past and potential health impacts. A strategy should be developed to determine how to address health issues, especially since the resources made available to CFEJ preclude them from addressing health-related questions. Not having a formal method to address the health factor contributes to the growing mistrust of the site and DOE. The communities are seeking ways to have at least an initial dialogue. A failed collaboration with ATSDR created frustration in environmental justice communities about who would examine their concerns and questions related to health. The communities recommend that DOE/SRS work with the environmental justice communities on creating a community health agenda.

Regional Response #9: EPA Headquarters will assure that ATSDR is aware of this recommendation.

NEJAC Recommendation #10: **Translate cleanup activities, cost, and technology to basic language and use the environmental justice community's approaches to the dissemination of the information.** Publish in a creative format using laypeople's terms, and include an acronym and definitions sheet, a summary of cleanup activities, the technology to be used, and the cost of cleanup. Work with leaders of environmental justice communities to identify the best and most effective venues to get the information to the people. Local churches, the National Association for the Advancement of Colored People (NAACP) chapters, and environmental justice groups should be provided resources to assist in this process. Public participation is greatly improved when people understand the basics of what is transpiring. The community has a right to know, and that right is guaranteed under law. Scientific and technical documents must be translated into a language that assists people in providing meaningful input and advice.

Regional Response #10: As previously stated in the response to recommendation #4, the nature of the cleanup activities being conducted is very technical. In communicating about such projects, the difficulty is always in striking a balance between enough technical information to provide a working understanding and providing it in layman's terms. CFEJ has been identified as an environmental organization that provides translation and interpretation of site data and documents. EPA has recommended and encouraged DOE to develop a collaborative effort between the site, environmental justice communities, and CFEJ to institutionalize new and creative ways of providing information to these groups of stakeholders. This will assist in building positive partnerships and ultimately improved relationships. In addition, Technical Assistance Grants (TAG) are available from EPA. A TAG provides money for activities that help the community participate in decision making at eligible Superfund sites. An initial grant up to \$50,000 is available to qualified community groups so they can contract with independent technical advisors to interpret and help the community understand technical information about their site. Interested community group should contact Dawn Taylor at (404) 562-8575 or [taylor.dawn@epa.gov](mailto:taylor.dawn@epa.gov).

Site: Defense Depot, Memphis, Tennessee

Office Preparing Response: U.S. EPA Region 4, Waste Management Division, Federal Facilities Branch

Regional Contact: Turpin Ballard, 404-562-8533, [ballard.turpin@gjeпа.gov](mailto:ballard.turpin@gjeпа.gov)

NEJAC Recommendation #1: When conducting public information sessions or meetings, it is imperative that staff from all appropriate agencies be present to respond to questions from the community. This has not always occurred. No one agency can address all questions.

Regional Response #1: At community meetings and Restoration Advisory board (RAB) meetings, the BRAC Cleanup Team (BCT) tries to have expertise available to address issues we anticipate may arise, based on the subjects in the meeting agenda. This has included representatives from EPA, TDEC, ATSDR (off and on), DLA, USACE, A&E contractor, RAC contractor, and Community Relations contractor. RAB membership includes County Health and PWS representatives. It is a rare occasion when we can't answer a question, in which case it becomes an action item to report back with either an answer or a resource for the questioner. The answer may not always satisfy the concerns, but we strive to be complete and accurate. The BCT has agreed that we need to meet with the local government members on the RAB to get them more involved in responding to these questions during the meetings, as appropriate.

NEJAC Recommendation #2: Greater opportunities and allocation of resources are needed for educating community members about technical issues, regulatory standards, and compliance details involved in the cleanup process. Information needs to be in clear, simple, laymen's terms, not in complicated technical language, to greatly assist community residents in making meaningful comments and to increase their level of participation. The RAB received a Technical Assistance for Public Participation (TAPP) grant once, but more resources are needed to reassure the community and help them understand the on-going cleanup process.

Regional Response #2: EPA, DLA, and TDEC have sponsored multiple workshops and availability sessions by way of outreach and education. In recent years, however, the project team has shifted focus from such efforts due in large part to lack of participation by the community, as documented in Number 8 on Page A-31 of the NEJAC report. EPA and the BCT recognize the need for information about the site to be presented in a manner that will be understood by community residents and will continue to work towards that end. There is a wide range of experience and educational background in the community, which is reflected in the makeup of the RAB. This makes it difficult to strike a balance at public meetings between offering enough technical information to provide a working understanding, and providing information in layman's terms. In the past, DLA has typically leaned toward over-simplifying its public presentations. As a result of recent risk communication training attended by the BCT and Depot contractors, it was resolved to try and explain technical issues, and especially answer questions, on both levels where possible and appropriate.

In addition, the same questions are frequently asked at multiple meetings. TDEC and EPA have recommended several times that DLA have standard visual aids available to illustrate the answers to the repetitive questions. The BCT is now working on developing poster boards to

have at all meetings to aid in explaining technical issues and answering frequently asked questions. At least annually, there is a presentation to the RAB (always open to the public) about the site status, the CERCLA process, where projects are in the process, etc. Now that the projects are in remedial design/remedial action, we have an increasing number of public meetings to present the remedial designs and next steps.

With regard to making other resources available, EPA has solicited interest on several occasions in a TAG grant. To date EPA has received no applications. The RAB did not move to re-apply for the additional 3 years worth of available funding under the referenced TAPP grant.

Also, EPA offers environmental justice grants through several programs. The Environmental Justice Cooperative Agreements Program provides financial assistance to eligible community-based organizations working on or planning to work on projects to address local environmental and/or public health concerns, using EPA's environmental justice collaborative problem-solving model. The Office of Environmental Justice Small Grant Program provides financial assistance to eligible community groups with projects that address environmental justice issues. To find out about these and other grants awarded by other EPA offices and regions, contact the EPA Region 4 Environmental Justice Coordinator, Cynthia Peurifoy, at 404-562-9649 or [peurifoy.cvnthia@epa.gov](mailto:peurifoy.cvnthia@epa.gov).

NEJAC Recommendation #3: The lack of information about environmental justice issues among agency representatives and contractors calls for a greater effort to train representatives who will be making contact or working closely with the community. Environmental justice and diversity training is greatly needed to ensure a greater degree of cultural sensitivity and better communication and interaction.

Regional Response #3: BCT principals (agency representatives) have received EJ/Diversity/Risk Communication training through their respective agencies. The BCT recently completed refresher training specific to site issues, including Depot contractor personnel. Additional, in-depth training is planned in FY 06.

NEJAC Recommendation #4: It is important to establish a clear line of responsibility and accountability between the Depot and the other official agencies to strengthen the effectiveness of communication with the community. Having multiple agencies in charge gives the community the feeling they are being "given the runaround" as they seek information.

Regional Response #4: EPA will work with DLA to prepare a handout for the communities which lays out roles and responsibilities of the FFA Parties for this NPL site, and include a brief verbal summary during appropriate presentations to the public. There are multiple agencies in charge of various aspects of the program, but we can try to be clearer up front about who is in charge of what, and the difference between regulatory oversight and support agency activities. This handout will be available at all community meetings and EPA will recommend to DLA that it be included in its Depot restoration newsletter, which is sent to approximately 5,000 addressees.

NEJAC Recommendation #5: EPA should recommend to ATSDR that it seek new and improved methods for assessing exposure in communities that have the probability of past exposure to toxic substances.

Regional Response #5: EPA Headquarters will assure that ATSDR is aware of this recommendation.

NEJAC Recommendation #6: A Working Group should be formed to examine the health concerns of former workers and community members and to establish a health center directly in the community.

Regional Response #6: The most frequently articulated health issues and concerns relate largely to past occupational exposure of Depot workers, many of whom are community members. To a somewhat lesser degree, they also relate to past potential exposure to contamination that may have migrated from the depot via such pathways as windborne or stormwater runoff. Residual soil contamination data from the latter pathway indicate risk from Depot-related releases is within the risk range. ATSDR conducted an epidemiological cancer cluster study as part of a revised health assessment that was published in 2000. The study found no significant increase in cancer incidence in the immediate areas around the Depot as compared to the general population of Memphis. The report was not well received by the community. The issue of injury from past exposure is largely outside of the scope of the Superfund program. However, the RAB and the Superfund public involvement process provide the only re-occurring forum about the Depot where the residents can raise their concerns to local, State, and Federal government representatives.

EPA Headquarters will assure that ATSDR is aware of this recommendation.