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

NOV 5 1990

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OSWER Directive #9230.0-16

MEMORANDUM

SUBJECT: Making Superfund Documents Available to the Public Throughout the Cleanup Process, and Discussing Site Findings and Decisions as They are Developed (Superfund Management Review: #43 G,H,Q,R,T)

FROM: Henry L. 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
Director, Toxic and Waste Management Division,
Region IX
Director, Hazardous Waste Division,
Region X

Community Relations Coordinators, Regions I - X

Purpose: This directive presents recommendations for improving Superfund efforts towards timely release of information to the public during site cleanup activities.

Background: The Superfund Management Review (SMR) emphasizes the importance of expanding the public's role in the Superfund process, and identifies public access to information as an indispensable element of meaningful citizen participation. Both the SMR and our own experience continue to point to this as among the most important, and potentially most frustrating, problems in our attempts to deal openly with the communities at Superfund sites. Citizens' beliefs -- even where unfounded -- that we are slow or unwilling to share information compromise our ability to convince them that site cleanups are being conducted as well and as fast as they should be. The SMR makes five recommendations on this crucial issue. The five specific recommendations are:

- Discuss site findings and decisions as they are developed (43.G)
- Make documents available throughout the process, not just during the public comment period (43.H)
- Be more aggressive in supplying information to citizens and their technical advisors (43.Q)
- Ensure access to information by establishing convenient repositories, reviewing, and releasing documents and placing them in repositories quickly, and notifying citizens of the availability of information (43.R)
- Identify ways to bring citizens into technical discussions early (43.T)

A recent survey of Regional Community Relations Coordinators with regard to implementation of these five SMR recommendations found that, although Regions are making considerable progress in fulfilling these recommendations, there still is room for improvement. The following seven recommendations are designed to foster such improvement.

Implementation: By drawing from existing Regional practices, as well as suggesting new activities, we hope to further improve the timing, amount, and type of information made available to citizens. This sharing of ideas and experience is particularly important in a program like Superfund community relations, where there are limited resources and a high level of public interest.

Regions should reassess their efforts to meet the five SMR recommendations and consider adding the following techniques. Many of these activities can be adapted successfully to meet a particular Region's overall, as well as site specific, needs.

1. Involve Citizens During the PA/SI Stage. The SMR stressed that neither citizens nor PRPs should have to wait until the end of the Remedial Investigation and Feasibility Study to learn the results of Superfund site investigations. This means that when citizens are interested, Regional Superfund staff should make information about the site findings available as early as the Preliminary Assessment (PA) and Site Investigation (SI) stages of the process. Regions should not routinely initiate community relations activities at all PA/SI sites,

however, because resources cannot support a full-scale community participation program for all discovered sites. Instead, Regions should select PA/SI sites to receive the attention of the community relations staff, based on a consideration of the following factors:

- the likelihood that the site eventually will be included on the National Priorities List (NPL). Community relations staff will work with technical staff to determine a site's potential for being listed. Regions should avoid raising public interest about PA sites only to have to subsequently halt community contact when the sites are not listed on the NPL;

- the location of the site with regard to other existing NPL sites, and the community interest level at those sites;

- the location of the site relative to population centers;

- the amount of media coverage, as well as direct feedback from citizens' groups and local residents. While we do not want to exacerbate community concerns at sites that may prove to be relatively minor problems, we do need to respond fully to known high levels of community interest at sites we are investigating.

Once a Region decides to initiate the community relations process at a PA/SI site, they may conduct a variety of activities, including the following:

- contacting local officials for information;

- briefing local officials and key community leaders on progress at the site;

- beginning to develop a site mailing list;

- issuing a fact sheet on the preliminary findings and the Hazardous Ranking System score;

- setting up a site "hotline" -- a toll free number that community members can use to report information and direct questions to EPA staff.

When the site is proposed for the NPL, the Region should issue a news release and contact local officials and key citizens. The Regions may do this by telephone, through briefings, or in meetings.

Addressing citizen concerns early provides valuable input about the interests and concerns of the site community. This information can be incorporated into the Community Relations Plan (CRP). Early community relations also fosters trust between a site community and EPA, and helps the community to have realistic expectations regarding the frequency of EPA contact with them.

2. Increase Regularity of Site Contact. Recommendations 43.G, 43.H, and 43.Q all call attention to the importance of establishing regular, frequent contact between EPA and the public, particularly at sites where a great deal of community interest exists. The citizens will feel EPA is being more responsive to their concerns if they have regular meetings rather than sporadic contact at key decision points. For instance, one Region found that it was valuable to meet with citizens to obtain their comments on the draft Community Relations Plan so that the public is involved before the plan goes into effect. In addition, open houses, telephone calls, availability sessions, and frequent meetings with Technical Assistance Grants (TAG) holders and citizen groups will allow them to work more effectively with EPA.

Although regularity of site contact is an important element in the building of trust between EPA and the community, it is not the only ingredient. Citizens must have contact with all key staff, and such contact must be of high quality. Specifically, it is vital for the Remedial Project Manager (RPM) and other technical staff to be heavily involved in direct communication with the public. Such interaction not only will ensure that citizens have access to the staff with the most technical and site specific knowledge, but also will guarantee that the site managers see firsthand and are aware of citizen concerns. Furthermore, to ensure quality contact with the community, all staff should be trained in interpersonal communication skills. (See the "Office of Solid Waste and Emergency Response Training Course Catalog" for a listing of courses available to increase our proficiency in communication. Of special value are the courses on "Answering Tough Questions," "Communicating With the Media," and "Community Relations in Superfund: Concepts and Skills for Response Staff.")

OSWER Directive #9230.0-16

3. Bring Citizens into Technical Discussions. Regions should try to have at least one community representative present during all external technical discussions, except those involving negotiations between EPA and Potentially Responsible Parties (PRPs). When legal or logistical considerations preclude citizen participation in technical discussions, some Regions have discovered that a good compromise is to make minutes of the meeting available to the public. For communities with high interest, Regions also can hold availability sessions after closed technical discussions.

Superfund managers should do everything possible to involve the public in technical discussions, especially at enforcement-lead sites where citizens may feel left out of the process. In cases when information is "enforcement sensitive", the Regions should make an extra effort to keep regular lines of communication open by emphasizing the information that can be shared with the public.

4. Increase Coordination Between Technical and Community Relations Staff. Many Regions have found that integrating various EPA staff into "site teams" facilitates cooperative, efficient and well coordinated cleanup activities. Managers should value the roles of all team members and keep regular lines of communication open between technical and community relations staff. To facilitate this communication, some Regions have found it helpful for RPMs and Community Relations Coordinators to conduct on-site interviews and planning sessions together as team members. In addition, Regional community relations staff are encouraged to coordinate document distribution with Superfund technical and legal staff. An organized team approach will ensure that important documents are released as soon as possible.

5. Release Near Final Documents When Appropriate. Since the EPA review process often can be quite extensive and time consuming, the community may become impatient awaiting the release of an important document. Therefore, in cases of high community interest, EPA may choose to release "draft" documents in near final form. Staff should make clear to the community the "draft" status of the document. One Region has suggested that draft documents should be:

- Maintained in separate binders from final documents, with extensive disclaimers and caveats, and;
- Printed on paper that is pre-labelled with "DRAFT-DRAFT-DRAFT" diagonally across each sheet in red ink.

OSWER Directive #9230.0-16

Although the release of near final documents may speed the dissemination of information to the public, Regions are strongly urged to emphasize the non-final status of the document.

In addition to timely sharing of site documents with the public, Superfund is committed to equal access to information for both PRPs and citizens. Regions should routinely ensure that PRPs and citizens can access the same documents at the same stages of the cleanup, except where "enforcement sensitive" information precludes such disclosure. Unless the information clearly jeopardizes ongoing negotiations with PRPs, it should be equally available to all parties.

6. Expand Site Mailing Lists. One of the most cost-effective methods of providing Superfund site communities with information is through mailings. The incremental cost of distributing site fact sheets to a greater number of community residents is extremely small, because the greatest portion of costs is associated with writing and preparing a fact sheet. Therefore, some Regions have pursued ways of expanding site mailing lists, beyond just those citizens who have expressed an interest in the site. Specifically, EPA has utilized community groups and local agencies to send out EPA fact sheets as part of their regular mailings. Also, these and other groups have offered to include information on the Superfund site in their regular newsletters.

7. Make Information Repositories User-friendly. Regions should make the large quantities of information contained in repositories as accessible as possible. For example, Regions can conduct site visits and request public input regarding the location of information repositories, as well as set up secondary locations at the request of citizens. These can be done as part of an ongoing effort to establish and maintain complete, convenient information repositories. In addition, Regions also can offer TAG recipients the convenience of being a secondary location of a repository. This provides easy access to the repository for a group that is likely to use it frequently. Finally, Regions should monitor the repository periodically to ensure that it is in order and complete, as well as label file cabinets, book shelves and binders with "EPA" stickers to clearly designate them as Superfund site documents.

Conclusion: Making documents available to the public throughout the cleanup process and discussing site findings and decisions as they are developed will more fully involve citizens in the cleanup process and ensure two way communication between Superfund staff and local communities. Using the recommendations

in this directive will enhance community relations efforts and expand the public's role in the Superfund process.

For further information regarding Superfund community relations activities, please contact Melissa Shapiro or Jeff Langholz of my staff at FTS 398-8340 and FTS 398-8341, respectively.