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EPA Superfund Information Repositories and Administrative Records

What is Superfund?

In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA Superfund). This Act empowered the U.S. Environmental Protection Agency (EPA) and the States to respond to threats of uncontrolled hazardous waste. CERCLA also established a Trust Fund which EPA could use in emergency situations and at sites where long term remedies are required. The Superfund process involves site investigations, studies of the feasibility of different technologies, and actual cleanups. Using enforcement authorities, EPA can compel potentially responsible parties (PRPs) to clean up the site or pay for the costs. When the PRPs are unwilling or unable to conduct or pay for the cleanup, money from the Trust Fund may be used.

INTRODUCTION

Citizens play a central role in the Superfund program. EPA considers public input when making site cleanup decisions, particularly the Agency's selection of the remedy for the site. This fact sheet discusses two features of EPA's Superfund Community Relations Program: the information repository and the administrative record.

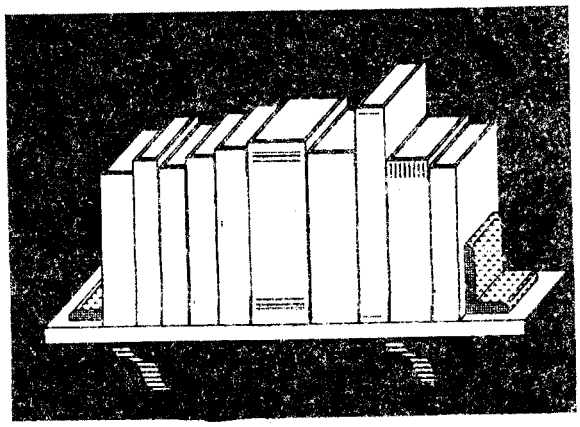
1. What is an information repository?

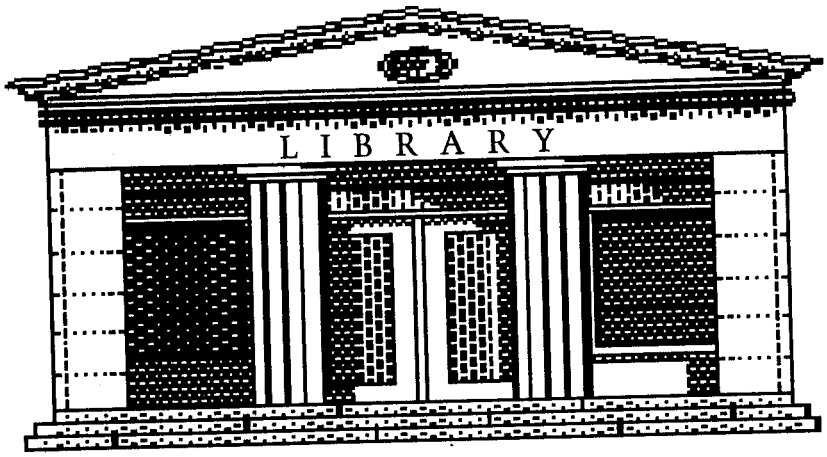
An information repository is where current information, technical reports, and reference materials regarding a Superfund site are stored. EPA or the State establishes the repository in the community at the beginning of site studies to provide the public with easily-accessible information. Repositories are established for all sites where cleanup activities are expected to last for more than 45 days. Typical repository locations include public libraries or municipal offices.

2. What is an administrative record?

The administrative record is a specialized file containing the information which was used to select the remedy at a Superfund site. Administrative records contain technical reports specific to each Superfund site, and key technical and administrative guidance for cleanups. An administrative record must be available at every site to encourage public participation in the remedy selection process. EPA also maintains an identical copy of the administrative record at the EPA Regional Office or a State office.

Although agencies may establish more than one information repository in a community, EPA or the State typically establishes only one local administrative record. Since the information repository is opened first, quite often the administrative record will be at the same location so that the public can access both.





Community libraries or other public buildings may house information repository, the administrative record, both. Librarians will choose among these options according to the best fit for their facility space and other factors.

6. Can I request that additional information be included in the information repository?

EPA encourages public input on the contents of the information repository. Requests for information to be added to the repository should be addressed to the CRC, whose name and address is available in the information repository.

7. Where is the information repository located?

Information repositories are usually located near the site in a public building, such as a public library or school. The primary consideration in choosing the location is accessibility. Whenever possible, repositories are located in buildings with photocopying facilities, and are accessible for people with physical handicaps. In some cases, two repositories are established for a site. A public library branch near the site, for example, may be an appropriate location for the repository. In addition, the main library, which is typically located in the center of the community and therefore more accessible to a larger number of citizens, would be a second appropriate location.

8. How can I use the information repository?

Repository information can help members of the public understand site activities and develop comments on certain documents during public comment periods. Documents subject to public review include the Remedial Investigation/Feasibility Study (RI/FS) reports, the Proposed Remedial Action Plan, and the Record of Decision (ROD). These documents are discussed later in this fact sheet.

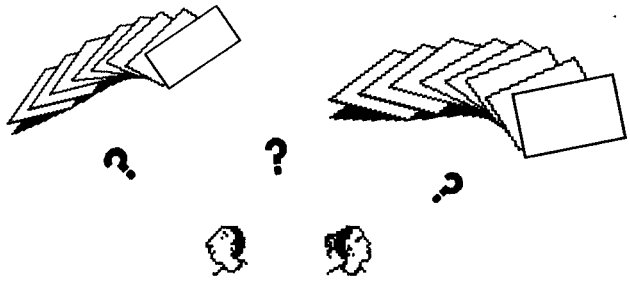
The repository also contains technical site information, such as sampling analysis reports, and information on cleanup alternatives considered at the site. This information allows members of the public to understand site conditions and make substantive comments on the proposed remedial alternative, for example. In addition, the information repository may contain information on the roles and responsibilities of EPA, the State, or responsible parties.

9. How does the information repository relate to other public involvement activities regarding the site?

The information repository represents the primary source of written public information about the site. It is not, however, the only source. General and site-specific fact sheets and public meetings also provide opportunities for citizens to gather information about the site. In addition, public meetings and other informal meetings between EPA staff and area residents provide an opportunity for citizens to communicate directly with representatives from EPA as well as State representatives, and other parties engaged in the site activity. A site Community Relations Plan (CRP), which is included in the information repository, documents Agency efforts to provide opportunities for public involvement. The CRP also documents and provides a public record of community concerns about the site.

10. To whom do I address questions about the material in the information repository?

The information repository librarian is usually the most accessible person to whom questions about the organization and use of the repository may be addressed. The CRC also is available to help interpret reports or other relevant issues. Their names, addresses, and telephone numbers are listed in the CRP and in fact sheets available in the information repository.

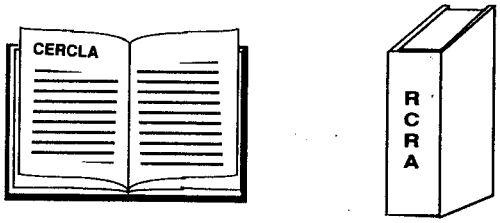


STANDARD INFORMATION REPOSITORY DOCUMENTS

Although the contents of each information repository vary depending on the site and phase of site cleanup, certain documents are found in most repositories. This section briefly describes some, but certainly not all the documents that could be included.

General Superfund Information

Most information repositories contain introductory background information on the Superfund program. This information may include fact sheets and brochures on various aspects of the Superfund program and the cleanup process. General program information provides a context within which the public may consider site-specific information and explains the overall Superfund goals.



Copies of CERCLA and RCRA

Information repositories typically contain copies of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Resource Conservation and Recovery Act (RCRA). CERCLA provides the statutory authority for the Superfund cleanup and enforcement programs. RCRA is a comprehensive waste management law. CERCLA and RCRA are complementary laws that establish waste management and cleanup programs for past and present disposal practices. These statutes are generally included in repositories to provide the public with a framework for understanding the activities at the site.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

The NCP is the central regulation of Superfund. By setting forth guidelines and specific procedures that must be followed, it acts as a blueprint for conducting Superfund cleanups.

Hazard Ranking System (HRS) Information

The Hazard Ranking System (HRS) is a method used by EPA to evaluate potential risks to health and the environment by the release of hazardous substances at a site. The HRS produces a site score (a number between 1 and 100) that is the primary factor in deciding if a hazardous waste site should be placed on the National Priorities List (NPL). The NPL is a list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term cleanup, using money from the Superfund. HRS information includes site investigation reports and site soil, water, and air sampling data and analysis.

Press Releases

Press releases that are relevant to the site or the Superfund Program are typically included in information repositories. Press releases provide a record of activity at the site, and may document community concerns and EPA or State responses.

Cooperative Agreement

In some cases, the State may be conducting cleanup work at the site. When the State assumes lead responsibility for cleaning up a Superfund site, the State's responsibilities are set forth in a Cooperative Agreement with EPA.

Technical Assistance Grants (TAG) Brochure and Citizens Handbook

The TAG program is designed to provide grants of up to $50,000 to eligible groups living near Superfund sites. The recipient of a TAG award may hire a Technical Advisor, such as an epidemiologist, toxicologist, or hydrologist. The Advisor interprets technical data on the nature of hazards at the site and the recommended alternatives for cleanup. Only one TAG is available per Superfund site. A brochure briefly outlining the TAG program and announcing the availability of the grant is included in the repository. Detailed information about the program and information on how to apply for a TAG are contained in the Citizens' Handbook. The Handbook contains detailed information on the TAG program requirements and instructions on organizing a community to apply for a grant. For a copy of the Handbook, or additional information about the program, contact the CRC.

STANDARD ADMINISTRATIVE RECORD DOCUMENTS

The administrative record evolves over time, and documents are added corresponding to site activities. These documents will be used as the basis for selecting the removal action or the site remedy. Until the final decision document is signed, there is no complete administrative record for a site. The "administrative record file" refers to the documents as they are being compiled. The record file must be made available at or near the site except for emergency removals that last fewer than 30 days. This section briefly describes some, but certainly not all the documents that could be included.

Community Relations Plan (CRP)

The Community Relations Plan (CRP) is a document prepared by EPA or the State, which describes the site background; identifies community concerns regarding the site; sets forth a strategy for addressing those concerns; and identifies opportunities for public involvement regarding the sites. The CRP also contains names and addresses of EPA and State contacts. The key planning information in the CRP is derived from interviews with

members of the local community. CRPs are prepared for all Superfund actions lasting longer than 120 days.

Administrative Order on Consent (AOC)

An AOC is a legal agreement between EPA and Potentially Responsible Parties (PRPs) in which the PRPs agree to perform or pay for some or all of the cost of a removal or an RI/FS. AOCs are issued by EPA, and may also be signed by the State.

Engineering Evaluation/Cost Analysis (EE/CA)

If a period of at least six months exists before a removal begins, an EE/CA will be done. The EE/CA analyzes removal alternatives and their costs for a site.

Action Memo

An Action Memo provides a concise written record of the decision selecting a removal action. It describes the site's history, current activities, and health and environmental threats. It outlines the proposed actions and costs, and documents approval of the removal. An addendum to the Action Memo sets forth the enforcement strategy. Because Action Memos are the primary decision documents to select and authorize removal actions, they are the critical component of the administrative record. When an Action Memo is signed, the administrative record for a removal closes.

Remedial Investigation/Feasibility Study (RI/FS) Work Plan

The RI/FS is a series of investigative and analytical studies that are usually performed at the same time to:

- Gather the data necessary to determine the type and extent of contamination at the site
- Establish goals for cleaning up the site
- Identify and screen cleanup alternatives
- Analyze the technology and costs of the cleanup alternatives.

The RI/FS work plan sets forth detailed procedures for conducting the RI/FS, including how and where sampling will be conducted, treatment alternatives to be explored, and methodologies for conducting site studies.

Health Assessment

The health assessment is a study required by CERCLA that determines the potential risks to human health posed by the site. Health assessments are conducted by personnel from the Agency for Toxic Substances and Disease Registry (ATSDR). They review environmental sampling data and other site-related information. The health assessment determines whether any current or potential health threat exists. It does this by evaluating the completeness of the information and considering the types of contamination present, pathways the contamination might take, and the extent to which the site area is used by humans and animals.

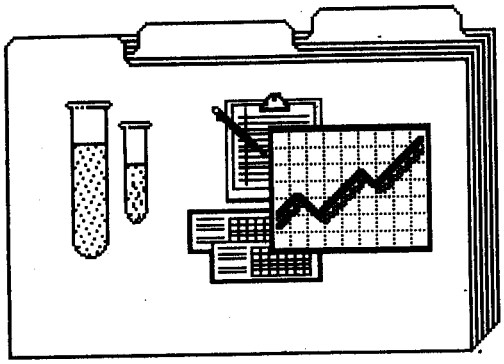
Risk Assessment

Risk assessments are evaluations performed as part of the RI/FS to estimate the damage a Superfund site could cause to health or the environment. As such, risk assessments help determine the levels of chemicals that can remain on the site, as well as the need for action. They also provide a basis for comparing different cleanup methods.

Site Sampling Data and Results

Soil, air, and water at Superfund sites may be sampled and tested for contamination at various stages of the cleanup process. Information on sampling activity is typically included in the administrative record file and enables the public to

better understand the nature and extent of contamination at the site. These reports are often highly technical; other documents such as the RI and FS reports generally will summarize the information and provide an analysis of the results.



Remedial Investigation (RI) Report

The RI report includes information on physical and chemical monitoring studies, the nature and extent of contamination, potential routes of exposure, and a baseline assessment of the potential risks to human health posed by the site. The RI report generally begins with a brief synopsis of the whole report.

Feasibility Study (FS) Report

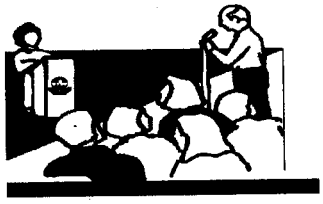
The FS report contains a detailed analysis of the feasible cleanup alternatives, and supports the selection of the appropriate cleanup alternative. The FS report evaluates each of the proposed cleanup alternatives against criteria such as short and long term effectiveness, implementability, cost, compliance with State cleanup requirements, and the effectiveness of the alternative in maintaining protection of human health and the environment. The FS report also compares the alternatives being considered.

Proposed Remedial Action Plan

The Proposed Remedial Action Plan (Proposed Plan) describes all the cleanup technologies considered for the site by EPA and identifies the alternative(s) proposed by EPA to be the best cleanup method. The Proposed Plan provides the public with a comparison of cleanup alternatives considered feasible by EPA.

Public Meeting Transcript and Summaries

CERCLA requires EPA to provide the opportunity for a public meeting to discuss the site cleanup plan, and to make a transcript of the meeting available to the public. At sites where there is a high level of community interest, public meetings may be held more frequently to provide the community and EPA with the opportunity to exchange information on the site. For these meetings, when no transcript of the meeting is taken, a meeting summary will be placed in the information repository. Public meetings also provide the opportunity for members of the community to express their concerns regarding the site, and for EPA to respond to those concerns.



Transcripts of public meetings are included in the information repository as a means of documenting public involvement in the site cleanup process.

Responsiveness Summary

Responsiveness summaries outline oral and written public comments received by EPA during public comment periods on key documents, such as the Proposed Plan, and contain EPA's response to these comments. As such, they document community concerns regarding the cleanup for EPA decision-makers and are a key part of the Agency's record of decision.

Record of Decision (ROD)

The ROD is EPA's official decision document that explains which cleanup alternatives will be used at Superfund sites. The ROD is based on information and technical analysis generated during the RI/FS. The ROD also takes into consideration public comments and community concerns.

POST-DECISION DOCUMENTS

The administrative record normally closes when the ROD is signed. On occasion, new information is received on site conditions or the technology selected, which requires the ROD to be amended or an explanation of significant differences to be written. These materials may be added to the administrative record file and kept in a post-decisional file.

More documents pertaining to the site will be generated after the close of the administrative record. The following documents will be part of the information repository:

Remedial Design (RD)

The RD specifies detailed, site-specific procedures and schedules for conducting the actual remedial work at the site. The RD may be prepared by EPA, the State, or the PRPs in cases where PRPs are conducting site activities. The RD provides the public with information on activities to be conducted at the site and the schedule for completion of those activities. After completion of the final engineering design, a fact sheet will be placed in the information repository. A public briefing will be scheduled prior to the initiation of the remedial action.

Remedial Action (RA)

The RA is the actual construction that follows the remedial design of the selected cleanup alternative at a Superfund site.

Consent Decree (CD)

A CD is a legal agreement between EPA, the PRPs, and sometimes the State, whereby the PRPs consent to perform or pay for all or part of the RD/RA. The Consent Decree describes the actions for which PRPs are responsible and is subject to a public comment period. Consent Decrees are approved and issued by U.S. District Court judges.

Unilateral Administrative Order (UAO)

A UAO is a legal document issued by EPA directing PRPs to perform the RD/RA. It sets forth the liability of the parties for the cleanup, describes actions to be taken, and subjects the recipients to penalties and damages for noncompliance. UAOs may be enforced in court.

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