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Superfund

Community Advisory Groups: Partners in Decisions at Hazardous Waste Sites

Case Studies

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Case Studies

Community Involvement and Outreach Center
Office of Emergency and Remedial Response
U.S. Environmental Protection Agency
Washington, DC

For additional information about CAGs, please call the Superfund Information Hotline at 800-535-0202. Other publications about Community Advisory Groups include EPA's *Community Advisory Groups (CAGs) at Superfund Sites: Quick Reference Fact Sheet* (EPA/540/F-96/016) and EPA's *Guidance for Community Advisory Groups at Superfund Sites* (OSWER Directive 9230.0-28). To place an order for these documents, fax your request to the Superfund Document Center at 703-603-9240.

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Community Advisory Groups: Partners in Decisions at Hazardous Waste Sites

Introduction

The United States Environmental Protection Agency (EPA) is committed to early, direct, and meaningful public involvement in the Superfund process. One of the ways communities are participating in cleanup decisions at hazardous waste sites around the country is through Community Advisory Groups (CAGs). Community Advisory Groups are made up of representatives of diverse community interests and provide a public forum for community members to present and discuss their needs and concerns about the decision-making process at sites affecting them.

This document includes case studies of Community Advisory Groups at five hazardous waste sites: the Brio Refining, Inc., Superfund Site in Harris County, Texas; the Carolawn, Inc., Superfund Site in Chester County, South Carolina; the Colorado School of Mines Research Institute Site in Golden, Colorado; the Oronogo-Duenweg Mining Belt Site in Jasper County, Missouri; and the Southern Maryland Wood Treating Superfund Site in Hollywood, Maryland. The case studies were developed based on interviews with community members involved in the Community Advisory Groups at these sites, EPA personnel, and State and local government personnel involved in the site cleanup efforts.

Each case study summarizes the responses received to interview questions. No attempt has been made to include every answer by every interviewee. In some cases, interviewees did not have answers to all questions posed; in other cases, answers from more than one interviewee were alike. The effort here has been to provide an overall picture that may be helpful in broadening the use of the Community Advisory Group structure to other hazardous waste sites.

Lessons Learned

The case studies highlight several important lessons for communities considering formation of a Community Advisory Group. References to individual case studies are made where applicable. The lessons learned are:

Community Advisory Groups (CAGs) Should Be Formed as Early as Possible

All of the case studies demonstrated the importance of early community involvement in the hazardous waste cleanup process (see section on CAG Formation and Support in each case study). A Community Advisory Group is one of the most effective mechanisms for fostering community involvement.

Forming a Community Advisory Group early in the decision-making process offers significant benefits:

- The community can participate in and impact site activities and cleanup decisions.

- The community has an opportunity to investigate possible remedy selections and to respond to proposed remedies.
- Trust-building, a slow process, will get an early start.
- Operations and dynamics within a Community Advisory Group have time to develop and mature.

While there was unanimous agreement that it is preferable to form Community Advisory Groups as early as possible, Community Advisory Groups established even after major site decisions had been made—such as those for the Carolawn and Southern Maryland Wood Treatment sites—have proven effective and continue to serve useful purposes, such as monitoring site progress and pursuing ongoing issues.

The Community Must Take the Initiative in Community Advisory Group Formation and Operation

It is critical that the community "owns" its Community Advisory Group and that the community itself initiates the formation of the Community Advisory Group. Self-selection of members lends legitimacy to the process and ensures that the Community Advisory Group is in the hands of stakeholders.

It is up to community residents to decide if and how they want to form a Community Advisory Group. Some communities, such as the one at the Carolawn site, use an existing framework upon which to build a Community Advisory Group, while others start their group from scratch. See the section on "CAG Formation and Support" in each case study.

EPA can provide support and guidance to Community Advisory Groups at each step: providing information about what a Community Advisory Group is, its benefits, and how to form one; offering advice on alternatives and resources available; and helping with administrative tasks, including advertising, meeting arrangements, and preparation of information summaries, minutes, and other support materials.

The level of EPA support varies depending on the resources available and the needs and desires expressed by the community. For example, EPA Region 4 provided substantial assistance in helping the community at the Carolawn site organize its Community Advisory Group and hold its first meetings. EPA Region 6 has a contractor in an on-site satellite office who provides ongoing administrative support for the Community Advisory Group at the Brio Refining site. On the other hand, EPA Region 3 had no role in the formation of the Community Advisory Group for the Southern Maryland Wood Treatment site and has provided no ongoing administrative support.

Community Advisory Groups Must Be Inclusive and Independent

The credibility of a Community Advisory Group is a function of two characteristics: inclusiveness and independence. The Community Advisory Group must represent all stakeholder interests—both to maintain credibility within the community, and to assure EPA, the State, and the potentially responsible parties (PRPs) that the Community Advisory Group is the voice for the entire community rather than for a few interested parties. More importantly, the Community Advisory Group must be able to act independently, free from the influence of others with an interest in the outcome of the situation.

This is especially important in selecting Community Advisory Group leadership. Community Advisory Group leaders should not have an interest in a particular outcome. For the Brio Refining Community Advisory Board, the community chose leaders who had opposing views to be co-chairs. One of the co-chairs reported that the move "forced us to work together and work out our differences."

The process by which the Community Advisory Group fulfills its mission must be both open and responsive to community needs and interests. The simplest way to achieve this is to ensure that all Community Advisory Group meetings are open to the public, well advertised, and cover all interests expressed by the local community. Ideally, Community Advisory Group meetings should be facilitated by a disinterested party to ensure that participants do not feel that they are being pushed in one direction or the other. See the section on "CAG Formation and Support" in each case study.

Access to Good Technical Expertise Is Important

Community Advisory Group members at all sites studied agreed that having sound, independent technical advice is a key element of Community Advisory Group success. See the section on "Technical Advisors" in each case study.

Community Advisory Groups for the Brio Refining, Colorado School of Mines Research Institute, and Oronogo-Duenweg Mining Belt sites hired their own technical advisors, using funding from Federal, State and local sources, to provide the technical advice regarding site remediation strategies and activities. The Community Advisory Groups for the Carolawn and Southern Maryland Wood Treatment sites did not require outside technical assistance, because some of their members had considerable technical expertise and were able to interpret information and advise the groups.

The Community Advisory Group Must Recognize What Is Possible and Work Within Those Limits

Community Advisory Group leaders and EPA must recognize that most ordinary citizens do not have a detailed understanding of the Superfund and other waste cleanup programs. They need clear explanations of the goals, purposes, policies, mechanisms, and limitations of the programs. This extends to a clear understanding of the role and responsibilities of the Community Advisory Group and individual citizens with an interest in the process. For example, the community at the Oronogo-Duenweg Mining Belt site wanted EPA to test for and remove lead paint in homes, an area where EPA has no authority; the authority rests with the Department of Housing and Urban Development (HUD). Even in cases where EPA has no direct authority, however, the Agency can take an active role in helping communities find information, contacts, and other resources for addressing their needs. See the section on "CAG Effectiveness" in each case study.

Community Advisory Group Leaders Must Be "In It" for the Long Haul

Community Advisory Group leadership should be consistent and prepared to invest whatever time commitment necessary to see the Community Advisory Group through to completion. Effective Community Advisory Groups tend to develop a "personality" that reflects the input of core players in the process.

Without effective leadership, Community Advisory Groups may operate in a stop-start fashion, losing credibility as decisions are made haphazardly or wasting time bringing new members up to speed. The case studies on the Brio Refining, Carolawn, and Colorado School of Mines Research Institute sites reveal that stability and perseverance are important ingredients of Community Advisory Group success. See the section on "CAG Effectiveness" in each case study.

Community Advisory Groups Are More Effective Than Public Meetings

It is often difficult to address all issues and concerns in detail at a public meeting. The Community Advisory Group process involves establishing an ongoing forum for discussing and resolving issues and concerns. Community Advisory Groups provide a place where community members with different viewpoints can resolve their differences and develop a unified voice. It also provides a place where the community, EPA, the State, PRPs, and technical experts can take the time to examine and discuss detailed information.

The frequency of Community Advisory Group meetings varied at each site—from as often as twice monthly to as seldom as quarterly. Meeting productivity and the ability to keep the momentum of the group over time are more important that how often meetings are held. A good compromise at the sites studied seemed to be scheduling regular monthly or bimonthly meetings, while retaining the flexibility to schedule special interim meetings as circumstances warrant. For example, the Community Advisory Group at the Brio Refining site meets monthly but has more frequent meetings that focus on specific issues when necessary. See the section on "Communications Tools" in each case study.

The Need for Additional Resources Is A Common Concern

Community Advisory Group members and EPA officials interviewed for the case studies noted the need for additional funding to Community Advisory Groups for administrative, logistical and technical support. EPA Regional staff often provides significant assistance with administrative functions, but often more assistance is needed. Some estimated that support for staffing for 10 to 12 hours per week might suffice. Other Community Advisory Group members said they would like to send out mailings or publish fact sheets or a newsletter to the community at large, but lacked the administrative capacity to do so. See the section on "Suggestions for Other CAGs" in each case study.

Community Advisory Groups Can Give the Community More Influence in Site-Related Decisions

EPA staff and community members interviewed for the case studies agreed that forming a Community Advisory Group increased the community's influence on site-related decisions. For example, EPA Remedial Project Manager involved with the Community Advisory Board for the Brio Refining site said formation and operation of the group led to a level of mutual respect between EPA personnel and community activists who had been "butting heads" for years over site issues. As a result, most of the site-related issues the community had prior to formation of the Community Advisory Group have been resolved. Formation of the Community Advisory Group also enhanced the community's influence over site decisions at the Colorado School of Mines Research site. Specifically, EPA

staff said the commitment shown by members of the Community Advisory Group encouraged EPA to rely on and trust their feedback. If the group said a particular remedial alternative would not receive community support, for example, EPA would move on and consider another plan. See the section on "Suggestions for Other CAGs" in each case study.

Community Advisory Groups Can Speed Up the Process

In some cases, Community Advisory Groups may help speed the remedy selection and implementation process. With community input through the Community Advisory Group, EPA may be able to screen out remedial alternatives that the community will not accept prior to expending resources on feasibility analyses. In fact, early involvement by the Community Advisory Groups at the Carolawn and Colorado School of Mines Research Institute sites helped prevent delays that could have resulted from strong community opposition to initial remedy selection. In both cases, this opposition sparked formation of a Community Advisory Group.

Community Advisory Groups can provide an effective forum for careful consideration of remedy alternatives. Questions can be answered quickly and information provided early so that the Community Advisory Group—and the community at large—fully understands remedy alternatives. The Community Advisory Group also provides a mechanism for clearing up misconceptions about the cleanup process and for stopping rumors.

Case Study: Community Advisory Group

Brio Refining, Inc., Harris County, Texas

Introduction

The following is a case study of the EPA Community Advisory Group (CAG) at the Brio Refining, Inc., Superfund site in Texas. Information on which the case study is based was obtained in interviews with the following EPA Region 6 personnel and CAG members:

John Meyer, EPA Remedial Project Manager (RPM) for the Brio Site
Donn Walters, EPA Community Involvement Coordinator (CIC)
Verne McFarland, EPA Region 6 Community Involvement Manager
Marie Flickinger, South Belt Civic Coalition (CAG Co-chair)
Paul Schrader, City of Friendswood (CAG Co-Chair)
Catherine O'Brien, San Jacinto College (CAG Member)
Larry Carter, Friendswood (CAG Member)

The Texas Natural Resources Conservation Commission (TNRCC) has had only limited involvement with the CAG at the Brio site. As a result, no one at the state-level was interviewed.

Overview of Site History

The Brio Refining, Inc., site occupies about 58 acres in southern Harris County, two miles north of the City of Friendswood, which is a suburb of Houston. Operations began at the site in 1957. Until 1969, the primary work at the site involved regeneration of copper catalysts and recovery of petrochemicals from styrene tars and vinyl chloride still bottoms. Approximately 23 unlined pits were dug during this time and used to store raw and process materials. Recycle and recovery operations continued until 1978 when the plant was converted to a crude oil topping unit for jet fuel production. During the 1970s, the pits were closed by mixing the stored material with soil and clay and covering the resulting waste with soil.

Approximately 5,000 people live within a mile of the site. Residences, businesses, a hospital, and a school are located within one-half mile of the site. The Southbend subdivision is located adjacent to the site, and a buyout of the subdivision by the developer, as part of the settlement of a class-action lawsuit by the citizens, is complete. A stream called Mud Gulley borders the site to the west and has been affected by surface drainage from the site.

Studies have shown that 500,000 to 700,000 cubic yards of soil on the site are contaminated and that high levels of volatile organic compounds (VOCs) exist in groundwater under the site. In addition, VOCs and other organic materials have been released periodically to the air. The site was proposed for inclusion on the National Priorities List (NPL) in October 1984, and the listing was finalized in March 1989.

Site Issues

According to RPM John Meyer, the affected community is mainly white, suburban, and middle-income. There is a small (less than two percent) Asian-American population, but there are no environmental justice issues associated with this site.

Mr. Meyer, Mr. Walters, and Mr. McFarland said that the main site-related issues for the community prior to formation of the CAG included:

- The selection of incineration as a remedy;
- Concern about health impacts;
- Concern about contamination of Mud Gulley and potential contamination of groundwater; and
- Impact on property values.

According to CAG Co-Chairs Paul Schrader and Marie Flickinger, the issues for the community related to the site have evolved over a long period of time. Community complaints about Brio, primarily about odors emanating from the site, date back to the 1970s and early 1980s when there were ongoing operations. Ms. Flickinger, who lives near the site and owns a local newspaper (the *South Belt Leader*), said she was among the residents who continuously lodged complaints over the years.

Mr. Schrader said he had limited awareness of these complaints until the 1980s, when he served as a Councilman and eventually Mayor for the City of Friendswood (1988-92). During the early years of operations at the Brio site, which was located in an unincorporated area of Harris County, the City of Friendswood had an agreement with site owners to provide basic public services (police, fire, etc.) in exchange for a fee that equaled half the tax rate. Mr. Schrader said the area was annexed into the City of Friendswood in 1982 before it was declared a Superfund site; had they known it would be a Superfund site, it would not have been annexed.

CAG Members Catherine O'Brien and Larry Carter also have been involved in Brio site issues for a number of years. Ms. O'Brien is a teacher at San Jacinto College South, located near the site, and lives in the area as well. Mr. Carter became active in Brio site issues as a resident of the Southbend Subdivision (adjacent to the site), where he lived for 10 years before moving to Friendswood.

At EPA's invitation, Mr. Schrader, as Friendswood Mayor, held a series of Mayor's Community Leaders Meetings as a vehicle for community participation in discussions with the Agency and the Potentially Responsible Party (PRP) Task Force (the site involves about 30 PRPs) on the Brio clean-up plans. Both Ms. Flickinger and Ms. O'Brien were involved in these meetings. The process continued after the Record of Decision (ROD) was signed in 1988 but broke down prior to the Consent Decree when the community opposed use of incineration. According to Mr. Schrader, development of the remedial investigation and original remedy were "between EPA and the PRP Task Force." He said: "The community had little confidence in the process used; it was like [EPA] had 'let the fox into the henhouse'."

The PRP Task Force continued to hold "public" meetings, but Mr. Schrader said these meetings were essentially one-way briefings. The PRPs gave out

information; there was little opportunity for the community to raise and discuss other issues related to the sites.

The community asked EPA's National Ombudsman Robert Martin to get involved. The incineration remedy was put on hold pending completion of a focused feasibility study. When the Consent Decree was approved, the PRP Task Force began building the incinerator. But, according to Mr. Schrader, fumes generated as a result of the construction "overwhelmed the PRPs' control apparatus." Work on the site was stopped by EPA; the community asked for an alternative remedy, and the PRP Task Force agreed to develop one.

As a direct result of these events, Mr. Meyer approached Ms. Flickinger and Mr. Schrader about forming a Community Advisory Group. The Brio site was not specifically chosen for a CAG pilot study, but CIC Donn Walters said it exhibited the ingredients for a good test of the concept: a vocal, active, and concerned community and involved community leaders who wanted a vehicle like a CAG to give them a more unified, effective voice in decisions about the site. Mr. McFarland agreed, saying that a high degree of involvement by a broad cross-section of stakeholders with divergent viewpoints already existed at the site. He said the site provided a good opportunity for EPA to let these interest groups work out the problems themselves, with the Agency providing guidance in terms of the legal requirements to be met instead of trying to play the role of referee.

CAG Formation and Support

The Brio CAG was formed in August 1994. Prior to the initial meeting, EPA helped Ms. Flickinger and Mr. Schrader develop a list of members that would reflect the broad spectrum of community interests involved in the site (see Attachment 1). Donn Walters said EPA's role was in making suggestions on membership; the final decision rested with the Co-Chairs. Mr. Schrader, however, said that "EPA made the final decision."

All those interviewed agreed that EPA should be actively involved in initiating and establishing CAGs. Everyone agreed that EPA's involvement can help ensure inclusiveness and a balance in participation. Ms. Flickinger said that, in the case of the Brio CAG, EPA suggested that she and Mr. Schrader, who had opposing views about the site at the time, be co-chairs. She said this "forced us to work together and work out our differences."

The Brio CAG developed a written Mission Statement during its second meeting on August 9, 1994. The mission of the CAG is:

> "To provide community input into the conduct of the Focused Feasibility Study to ensure the remedy for the Brio Superfund site is protective of human health and the environment and is implemented in a timely manner."

In addition, CAG members identified a list of goals ("What We Hope To Achieve") related to the site cleanup (see Attachment 2).

The CAG began with 13 members, each representing a community, subdivision, or other stakeholder in the Brio site. Stakeholders represented included the South Belt Civic Coalition, the City of Friendswood, the Adjacent Neighborhood, Imperial Estates Civic Association, Sageglen Civic Association, the TAG Group (a

community group already had been awarded an EPA Technical Assistance Grant), San Jacinto College-South, Memorial Hospital Southeast, Beamer Road Medical Building, Heritage Park Village Homeowner's Association, Southbend (homeowners), Southbend Properties, Inc., and Friendswood. Since the CAG was formed, the Southbend Subdivision has been bought out, and the member representing homeowners is no longer involved. Otherwise, CAG membership has been very stable, and Ms. Flickinger pointed out that many CAG members have a history of involvement in site issues that pre-dates the formation of the CAG. In addition, several have been involved simultaneously in providing input to the U.S. Agency for Toxic Substances and Disease Registry (ATSDR) on health issues related to the site.

The EPA RPM or CIC attend every meeting, except when the CAG holds closed-door sessions (about 10 percent of the time). Three members of the PRP Task Force served as liaisons with the CAG until January, when a disagreement about potential use of soil vapor extraction resulted in their refusal to attend future CAG meetings. A representative of the Texas Natural Resources Conservation Commission (TNRCC) also has attended some of the CAG meetings.

The interviewees unanimously agreed that no one in the community who should be involved in the CAG was overlooked. Mr. Meyer said that anyone who has shown a real interest has been asked to participate. While the primary membership has not been expanded, several interested people have been invited to be "alternates." Mr. Schrader stressed that the CAG always has maintained an open-door policy. Ms. Flickinger said the CAG members represent a good cross-section that has served the interests of the community, and Ms. O'Brien agreed that the really interested people already are involved.

EPA provides what Mr. Meyer characterized as "extraordinary" administrative support to the CAG. EPA has an on-site satellite office at Brio. The PRPs agreed to pay for the satellite office facility; EPA provides a contractor to staff it. The CAG uses the facility for its meeting space. EPA's contractor provides support to the CAG by maintaining its mailing list; sending out meeting notices and agendas; attending all the meetings; preparing and distributing minutes (see Attachment 3), and, in some cases, verbatim transcripts from each meeting; and providing any other logistical help needed. While Mr. Walters and Mr. Meyer both believe that the CAG could function without EPA support, they feel EPA's assistance has been a major ingredient in the CAG's smooth operation.

Technical Advisors

The Brio CAG is unique in that it has its own EPA Technical Assistance Grant. The CAG used the TAG to hire a Technical Advisor. Mr. McFarland said that CAG members approached EPA about applying for a TAG. He said that, since the original TAG awarded to the community had expired, accepting the CAG's application for a supplemental TAG required consultation with the Office of General Counsel (OGC). OGC cleared the request, and the supplemental TAG was awarded to the CAG in 1995. According to Mr. Meyer, the CAG's Technical Advisor has had a long history of involvement with the Brio site; he also was the Technical Advisor to the original TAG recipient group.

The CAG members interviewed unanimously agreed that having a Technical Advisor has been the key element in the CAG's success to date. Ms. Flickinger said that having the Technical Advisor has been vital. She said that it "makes us able to make educated comments and decisions." Mr. Schrader said that having a

Technical Advisor has made a "great difference, because even though some of us were familiar with the technical site issues, we're not experts. We needed a Technical Advisor, because EPA and the PRP Task Force have virtually unlimited ability to raise issues and propose solutions. Our ability to respond intelligently, in the language they understand, depends on having a good Technical Advisor, and we've got one of the best." Ms. O'Brien, who functions as the CAG's administrator for the TAG, agreed, saying that having the Technical Advisor has given the CAG's comments to EPA and the PRPs "more credibility." She says that she and the other CAG members regret that they did not get a Technical Advisor sooner. She said that, in her opinion, discussions/negotiations on the alternate remedy "should not have proceeded until [the CAG] had a Technical Advisor, because when we got one, we were forced to start over in many ways." Ms. O'Brien said the CAG already has indicated to EPA that it wants to apply for continued funding of its TAG.

CAG Effectiveness

All the interviewees believe that the CAG has been an effective way of getting the various groups of Brio site stakeholders to talk with each other. Ms. Flickinger indicated that, at first, the various interests in the community did not agree on many issues related to the site. Viewpoints have now converged, she said, as a result of the CAG Members' commitment to working together. She added that the CAG's Technical Advisor has "helped tremendously." Mr. Carter agreed that the community "definitely was divided" on the issues. He said the CAG was the community's "last resort for getting together and making a difference, but it worked."

Ms. Flickinger and Mr. Schrader said that the CAG has not only provided a forum for its Members, each of whom had a different perspective on site issues, to work out differences and develop a unified voice, but also a vehicle for ongoing and successful negotiations with the PRP Task Force. Mr. Schrader pointed out that the CAG has been successful in getting the PRP Task Force to adopt almost all of its recommendations, "including our suggestions for improving the remedy." He said that achieving success has included having "to go beyond Region 6 and the PRP Task Force" (to EPA Headquarters) and that "positive changes have been made because of the pressure we have been able to exert."

Ms. O'Brien said that, prior to the CAG, "the community could talk to EPA in public meetings, but that wasn't very productive. The PRPs could meet with EPA anytime, because they worked on site issues all day; the community couldn't, because we have other jobs to do. The CAG has leveled the playing field." She said she believes that the CAG concept is "the best way to resolve issues at Superfund sites, because everyone talks *and listens* to each other."

Mr. Meyer indicated that the CAG members "really have coalesced and have begun to function like a real group." He said CAG members quickly came to appreciate how difficult resolving Superfund site issues can be, even issues about which there is some level of agreement. He credits the CAG members for their commitment to resolving their internal differences and working together as a team with the PRPs and EPA. Mr. Walters said that, while the CAG has been an effective way of keeping the residents talking with each other and giving the community as a whole a voice, it also "has created a division with the PRPs," who dropped out of the discussions and "object to the CAG's role." Mr. Meyer

said that, even though the PRP Task Force has not attended CAG meetings since January, some informal discussions between CAG members and PRP representatives have occurred, and there still may be progress toward resolving the problem between the two groups.

All those interviewed also agree that the CAG has been an effective way for the community to talk with EPA and that the community's relationship with EPA has improved. This is true, according to Mr. Schrader, even though the CAG has occasionally been critical of Region 6 and has gone "over their heads to the Ombudsman in Washington." Ms. O'Brien pointed out that the help the CAG received from the EPA Ombudsman helped Members realize that "not everyone at EPA was the enemy."

Mr. Meyer said that EPA had been "butting heads" with community activists like Ms. Flickinger for a long time. He said the CAG's formation and operation has bred a level of mutual respect that allows both EPA and the community to be more forthcoming and willing to cooperate. He said that, although the site is not doing "community-based remedy selection" under the Superfund Reforms Initiative, the community, through the CAG, is intimately involved in the remedy selection process. As an example, he reiterated that the lack of community acceptance of the initial selection of an incineration remedy was instrumental in blocking its implementation, which precipitated formation of the CAG.

The CAG Members interviewed agreed that, based on their experience in the CAG, they believe EPA has heard their concerns and taken them into account as the Agency has made decisions about the Brio site. Ms. O'Brien said that she has seen a definite change in attitude. She said that, in the past, EPA seemed to regard her and Ms. Flickinger and other community activists as "nothing more than 'hysterical housewives,'" and treated them accordingly. "They see us very differently now, I think," she said. "We've proven that we're serious, intelligent people. And we've worked hard to get ourselves educated; we don't show up unprepared."

According to Mr. Schrader, most of the site-related issues the community had prior to formation of the CAG have been resolved as a result of discussions among the CAG, the PRP Task Force, and EPA. He said the outstanding issues—principally the selection of an alternative to incineration—are being actively considered by EPA. Mr. Meyer agreed that most issues have been resolved satisfactorily through the CAG process. He pointed out, however, that the CAG's focus seemed to vary at times, and this may have contributed to the problems between the CAG and the PRP Task Force. Ms. Flickinger said the main issue for the community has been getting an alternate remedy. "We aren't as far along as we could have been, because the Task Force led us down a path that wasn't satisfactory," said Ms. Flickinger.

All respondents agreed that the CAG process has given the community more influence in site-related decisions than it had prior to formation of the CAG. Everyone also agreed that, overall, the CAG for the Brio site has been successful. According to Mr. Schrader, the CAG has been successful because "dedicated people from the community have been willing to work hard, over a long period of time to get our positions taken into account." Ms. Flickinger added that the CAG has been successful, because the Members have "gotten [themselves] well educated."

Ms. O'Brien added that communication among all the parties has improved, and she questioned whether that could have occurred any earlier in the process. She said: "Everybody's attitudes were too divergent: nobody liked the Task Force; EPA thought we were in it to get money from a law suit; we thought EPA was the enemy."

From EPA's point of view, the CAG has been successful, according to Mr. Meyer, even though a final agreement on the alternate remedy has not been reached. And Mr. Walters pointed out that the Brio CAG has met most of the criteria in the CAG Guidance; it has brought together diverse groups in the community and has continued to be an active forum for discussion and resolution of issues. Mr. McFarland agreed that the CAG has been successful in providing valuable input on a variety of issues, not just remedy selection, because it represents a cross-section of the community.

Mr. Walters said that the "downside has been a slower remedy selection process, because of conflicts between the CAG and the PRPs," but he acknowledged that points of conflict could not have been anticipated. Mr. McFarland added that the Brio CAG Members "tend to go over people's heads" and questioned whether any decision "would hold" over the long term. He said having the kind of consensus that can be built in a CAG process puts all the parties in a stronger position, but he believes that regardless of whether community involvement in the Superfund process involves a CAG, the public will not have the ultimate decision-making responsibility, or accountability for failure.

When asked for suggestions on how to improve the Brio CAG, both Ms. Flickinger and Mr. Meyer said more attention should be paid to communications. Mr. Meyer said that the "the only times the CAG hit a 'bumpy road' was when we weren't talking to each other, only exchanging nasty letters." Ms. Flickinger said EPA needs to be more consistent about providing the CAG information on a more regular basis. She said there have been a few occasions when issues may have been resolved quicker or disagreements may have been avoided if the CAG had been apprised sooner of information EPA had.

Ms. O'Brien suggested that EPA should "eliminate the possibility for the PRP Task Force to go to Dallas (meet with EPA Region 6) without us. EPA should refuse to see any stakeholder group without all the others. The Agency should never create a situation where the community is cut out of negotiations."

Communications Tools

CAG Members rely on two tools to communicate with their constituents and other interested residents of the affected community around the Brio site. One is the CAG's periodic meetings; the other is the newspaper owned by Ms. Flickinger.

According to Mr. Schrader, the CAG generally has met twice monthly, but as the number of issues to be resolved has decreased, fewer meetings have been necessary. Currently, the CAG meets at least once a month, more often as needed. Ms. Flickinger added that more frequent meetings that focus on specific issues are sometimes necessary. She said EPA's contractor in the on-site satellite office prepares and distributes meeting notices and agendas to a list of approximately 50 recipients. These include the CAG Members, EPA's RPM and CIC, the TNRCC, the City of Friendswood City Council, officials of Harris

County, the Clear Creek Drainage District, and ATSDR. Ms. Flickinger said that sometimes meeting notices are published in her newspaper as well, depending on the issues to be discussed, but CAG Members are the primary conduit for relaying this information to their respective constituents.

Mr. Schrader and Ms. Flickinger said that CAG Members and EPA representatives attend meetings regularly; invited local and state officials attend "off and on." They said that CAG meetings tend to draw "a core group" of community residents that varies from three to 10 who attend meetings fairly regularly. Ms. Flickinger and Mr. Schrader agreed that these residents participate readily in the meetings and freely express their opinions. They said the CAG is well-known in the community, and reiterated that CAG Membership includes the people who are really interested and those whom the community trusts to be involved on a continuing basis in the clean-up decisions about the Brio site.

The Brio CAG does not publish a newsletter, issue fact sheets or flyers, or distribute site-related information provided by EPA, according to Mr. Schrader and Ms. Flickinger. Except for an occasional special meeting to focus on a specific issue, the CAG has not initiated any other kinds of activities. Ms. Flickinger said that her newspaper carries articles about the major site-related issues and milestones; for example, she said the paper would carry an article about remedy selection when it occurs. In general, however, the CAG Members are confident that the CAG meetings and their personal contacts with their respective constituents provide the community with as much information as it needs and wants on an ongoing basis.

Mr. Meyer agreed that the CAG's main communications tool is Ms. Flickinger's newspaper. He said he makes an effort to remind CAG Members during meetings to relay the information they get from EPA and the PRP Task Force to their constituents, but he has no way of determining the extent to which they do it.

When asked what kind of progress they would like to see over the next five years, the CAG Members interviewed unanimously agreed they would like to see the final remedy implemented and completed. Ms. Flickinger said that she hopes in five years the only reason the CAG Members will get together is for occasional social events. Each also said that their strongest hope is that they will not have to revisit the issue of the Brio site contamination, not ever. Ms. Flickinger said that the CAG is determined to "take our time and do it right, so we won't ever have to go through this again." Mr. Carter and Ms. O'Brien both said it is difficult to maintain any optimism about the future. Mr. Carter does not think work at the site will be over in five years. Ms. O'Brien feels the CAG has been working for two years without much progress. She said she is "impatient," but she wants the job to be done right. "I don't know how much longer it will take us just to get to the design phase. And I don't know whether the companies (PRPs) really have the money it will take to clean this place up."

Suggestions for Other CAGs

All interviewees were asked to name the main ingredients for a successful CAG. The EPA staff emphasized the need to involve all segments of the community. Mr. Meyer said, to be successful, a CAG must present a unified community viewpoint to EPA, even if EPA doesn't agree with that view. Mr. Walters added that the CAG must be committed to educating and continuously informing all segments of the community and must work well and frequently with EPA and state and local agencies.

The CAG Members' responses to the same question emphasized the need for skepticism, courage, and technical expertise. Mr. Schrader said: "As much as we citizens want to believe our Government protects us, we need to be skeptical of everything, because we have to live with the final remedy." Ms. Flickinger added that citizens involved in a CAG also need "to know how and have the guts to go over their (Regional office staff) heads sometime" when the process is not working.

Ms. Flickinger, Ms. O'Brien, and Mr. Schrader agreed that having technical expertise is very important. Mr. Schrader said that the "reputation" of the person(s) providing the technical expertise also is important. He said that, in some cases, people on the CAG may be technically competent to deal with the issues that arise, but having an outside technical advisor who is well-known, someone that EPA and the PRPs cannot easily discount, "makes an enormous difference" in how CAG Members' comments and concerns are heard and addressed.

Ms. O'Brien said the ingredients for a successful CAG are "diversity, as many voices as possible, and tolerance for all viewpoints." She added that EPA must be willing to provide guidance and education on "the process." She said that instead of encouraging the CAG to get a Technical Advisor, which both the CAG and EPA acknowledge to have been important in increasing the CAG's effectiveness, "EPA initially tried to discourage us from applying for a TAG." Ms. O'Brien also believes that EPA's Ombudsman was a "godsend" and said someone like an ombudsman should be available at the Regional office to help communities take advantage of whatever assistance is available and participate as fully as possible in the process.

Mr. Carter said that, to be successful, a CAG needs the power "to get EPA to back the community over the polluters." He said he believes that the CAG should "have a say so on the ROD; we should be party to the agreement." He also said a successful CAG needs a strong, resourceful leader, who knows how to "find out about the things EPA doesn't tell us." He stressed the need for CAG Members to be willing "to work a lot of late nights, talking things over and figuring out what to do."

Ms. Flickinger said she believes that the most effective thing about the Brio CAG has been "our being able to stick to our guns." Ms. O'Brien agreed, saying that the Brio CAG was always ready "to respond to anything, keep a finger on the 'pulse,' and change directions whenever it was needed." Mr. Schrader added that the quality of the CAG's Technical Advisor, who has had previous

experience with EPA, helped the Members formulate responses that took into account not only the technical information, but also the political context. He said

this put the CAG is a much better position to participate fully in negotiations with EPA and with the PRPs.

Mr. Meyer also believes that getting a Technical Advisor was the CAG's most effective strategy. He said the Technical Advisor helped the CAG frame their responses in language that the Agency and the PRPs understand. Mr. Walters felt that the minutes of CAG meetings, which have been very detailed and widely read, and the CAG's report on site remedy concerns, which has been used to "further the group's interests" have been the Brio CAG's most effective tools.

When asked which, if any, of the CAG's strategies or activities have not worked, Mr. Meyer replied that the CAG has "written some extremely scathing reports that infuriated EPA and the PRPs and, I think, backfired; they didn't accomplish what the CAG wanted." The CAG Members interviewed, however, did not name anything they considered to be failures. Ms. Flickinger said that the CAG Members have "done our homework; we have gotten smarter, so we haven't done things we didn't intend to."

The EPA interviewees were asked to offer suggestions, based on their experience with the Brio CAG so far, to other Regions that want to form or get involved with CAGs. All the EPA staff stressed the need to ensure that the CAG is fully representative of the community and that no faction or segment of the community is left out.

Mr. Meyer said that, if EPA Regions are going to get involved in a CAG, they should "do it as early as possible and provide whatever resources the community wants" (such as access to a Technical Advisor). "The process takes too long and is too expensive to find out later that the community has second thoughts or felt pushed into something because they didn't have the resources," he said.

Mr. McFarland agreed that CAGs will need to have access to some support and funding for technical assistance, and he hopes this need will be addressed in new Superfund legislation. He said that since there is no other mechanism for funding them now, he believes the TAG Program "is a reasonable way to give them the tools to do what they need to do. A TAG helps bridge a technical gap that can be insurmountable in situations where a community already is grappling with diverse viewpoints; it makes for less of a roadblock." Mr. McFarland said Regions should be careful, however, if public officials are involved in the CAG, because the Agency cannot award a TAG to a political subdivision. He suggested that "the CAG must incorporate to apply for a TAG." He also cautioned Regions to make it clear from the outset that EPA has the ultimate authority to make decisions and to be clear about how their input will be used. He said it is very important not to create unrealistic expectations.
Mr. Walters said he is "not sure it's a good idea for a CAG to hold a TAG; it gives them more leverage, more power than they need." He cited as an example that the Brio CAG used the TAG to get a Technical Advisor who "has a history of disagreement with the Agency."

Mr. McFarland and Mr. Walters both said that the CAG concept may not be appropriate for every site and that sites need to be evaluated individually. Mr. Walters felt that CAGs are probably a good idea at large sites where issues are contentious and the community has divergent views on these issues. He said it is very important for the RPM and the CIC to be involved on a continuing basis and to keep the Agency informed about what is going on as the CAG is formed and

develops. He pointed out that the Brio CAG has "rather sophisticated leadership" who, on several occasions, have corresponded and met directly with the Regional Administrator, the Assistant Administrator for OSWER at Headquarters, and the National Ombudsman. He said that as a result of this, the CAG has gained "clout."

In offering suggestions to other communities that want to form CAGs, Members of the Brio CAG who were interviewed agree with Mr. Meyer that the earlier a CAG can be formed, the better. Ms. O'Brien also echoed Mr. McFarland's and Mr. Walters' comment that forming a CAG may not be right for every site. She said that a key factor is community interest. "If there is no interest, [developing a CAG] is not worth the frustration," she said.

The CAG Members also believe that having the funding to get a Technical Advisor immediately is key. Mr. Schrader is convinced that, had the CAG been able to hire their Technical Advisor at the beginning (their TAG was not awarded until late 1995), the final remedy selection process would be much farther along today. He also said communities should keep in mind that, even as progress is being made, there still is an adversarial relationship with the PRPs.

Ms. O'Brien said that it is difficult for the community to keep up without the funding necessary for a Technical Advisor. She said the Brio CAG was "lucky; most of us had some history with the site and already knew a lot about it. Most of us had the background, because we had spent a lot of time educating ourselves over the years," she said.

ATTACHMENT 1

CAG Membership List
U.S. EPA Community Advisory Group
Brio Superfund Site

NAME	AFFILIATION
Marie Flickinger (Co-Chair)	South Belt Civic Coalition
Paul Schrader (Co-Chair)	City of Friendswood
Steve Alferi	Heritage Park Village Homeowners' Association
Tod Bogert	Beamer Road Medical Building
Mary Ellen Brennan	Adjacent Neighborhood
Steve Buckman	Sageglen Civic Association
Larry Carter	Friendswood
Gene Cook	Imperial Estates Civic Association
Jack Fields	Southbend Properties, Inc.
Rebecca Lilley	Memorial Hospital Southeast
Catherine O'Brien	San Jacinto College South
Tom Wilhite	TAG Group

ATTACHMENT 2

CAG Remediation Goals

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BRIO COMMUNITY RELATIONS OFFICE
10904 SCARSDALE BLVD., SUITE 295
HOUSTON, TEXAS 77089
(713) 922-4750

Goals of Remediation
"What We Hope to Achieve"
August 30, 1994

EPA Community Advisory Group
Brio Superfund Site

1. 50-foot sand protected
2. Long-term effective solution, protective of human health
3. Long-term elimination of hazard that is protective of health, the environment, and economy
4. Re-route Mud Gully
5. Don't want to be back to this point in 15-20 years
6. Eliminate exposure of air, water, and soil
7. Re-route Mud Gully
8. Fully protective of human health
9. Long-term
10. Esthetics
11. All of the above to be timely
12. Party to celebrate cleanup (paid for by BSTF)

ATTACHMENT 3

Samples of CAG Meeting Minutes

AGENDA

U.S. EPA Community Advisory Group
Brio Superfund Site
March 21, 1995 6:45 P. M. EPA Satellite Office

I.	Call to Order - Paul Schrader	6:45 p.m.
II.	Introduction of Members & Guests	6:50 p.m.
III.	Approve Minutes - January 24	6:55 p.m.
IV.	Presentation by Groundwater Services, Inc. on the Focused Feasibility Study	7:00 p.m.
V.	Set Meeting Schedule	7:40 p.m.
VI.	Public Comments - Marie Flickinger	7.50 p.m.
VII.	Adjourn	8:00 p.m.

Attachments:

* Meeting Minutes - January 24, 1995
* Agenda for the GSI Presentation to the CAG

cc:
Ashby McMullan, TNRCC
Jerry Harris, HCPC
Ronald B. Schultz, Jr., GCHD
Ron Cox, City of Friendswood
Jim Green, HCFC
Chuck Wilcox, RC Pct. 1
Dr. John Villanacci, TDH
Dr. Jean Brender, TDH
Steve Smith, ESTF
J.J. Goldman, BSTF
Col. Robert B. Gatlin, ACE
John Williams, HCHD
Ray Rogers, Clear Creek Drainage Dist.
Tina Forrester, ATSDR
Deloris McKenzie, City of Friendswood
John Meyer, EPA Region 6
Donn Walters, EPA Region 6
Lisa Kobel, EPA Satellite Ofc.
Bob Martin, EPA Headquarters
Roger W. Lee, USGS
George Pettigrew, ATSDR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BRIO COMMUNITY RELATIONS OFFICE
10904 SCARSDALE BLVD., SUITE 295
HOUSTON, TEXAS 77089
(713) 922-4750

MEETING MINUTES

U. S. EPA Community Advisory Group
Brio Superfund Site
March 21, 1995 6:45 p.m. EPA Satellite Office

Approximately 39 people were in attendance, including the following:

CAG Members: Marie Flickinger, Paul Schrader, Steve Alferi, Mary Ellen Brennan, Steve Buckman, Larry Carter, Gene Cook, Jack Fields, Rebecca Lilley, Catherine O'Brien, William Whipple, Tom Wilhite

CAG Members Absent: Tod Bogert (Excused)

Other Attendees: Rosa Thompson, Craig Leber, Mary Ann O'Donnell, John Meyer, Lisa Kobel, Steve Smith, Norma J. Goldman, Ed Dondzila, Wait Bauer, Grant Cox, Todd Fisher, Jo Hanson, Rich Ferguson, Brian Dinges, Roger Lee, John Noble, Dan MacLemore, Paul Buckman, Billy Burge, Sherry Applewhite, Ron Kallus, Bill Coats, Ron Cox.

The meeting began with an introduction of participants, and approval of the January 24 meeting minutes.

GSI Presentation - Grant Cox, Project Team Manager

Mr. Cox reviewed the documentation and history of the Brio site. (Copy of the overhead presentation is attached.)

Q: Will there be some type of long-term pumping with the containment?
A: Containment includes pumping to prevent it from expanding, along with a type of barrier wall.

Q: How would an earthquake affect this type of remedy?
A: Earthquakes will not seriously affect the types of containment proposed. In this area, flooding is the major issue for consideration.

Q: There was no talk of incineration in the presentation. Does GSI plan to compare containment to incineration?
A: GSI will compare the most feasible containment process to incineration.

Q: When will GSI complete the FFS?
A: The work plan is nearly final, pending approval from EPA. It will take about four to five months to complete the study.

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TAG Issues

EPA updated the group on the TAG approval process, emphasizing that the CAG must complete a MBE/WBE utilization goal form. By signing the form, the CAG agrees it will aim to contract 8 percent of the federal funds to a minority-owned or woman-owned business. The group agreed to the requirement, and Paul Schrader signed the form as certifying official.

Tina Forrester recounted ATSDR's experience hiring a technical advisor. ATSDR advertised in newspapers and contacted the Board of Engineers. The agency received 14 responses. Of those, three were selected to interview before the CAG. The CAG found each of the three applicants to be unsuitable. In the end, ATSDR elected not to hire a technical advisor, and will use the funds to utilize someone in-house, or use different contractors to help. Ms. Forrester emphasized that the hiring process took a long time.

After some debate, the CAG agreed to advertise for a technical advisor. TAG responsibilities were assigned as follows:

Subcommittee to draft a public notice and solicitation -Mary Ellen Brennan, Tod Boqert, Steve Buckman, Steve Alferi, Gene Cook, William Whipple

Employment Contract for the Technical Advisor - Jack Fields

Incorporation - Tom Wilhite

It was suggested that each CAG member keep a log of TAG-related activities so their time may count toward the in-kind contribution.

EPA Technical Assistance

EPA introduced Dan MacLemore of Roy F. Weston, EPA's primary oversight contractor. Weston will be reviewing the FFS. Two representatives of USGS were introduced. Roger Lee, whose expertise is in DNAPL and groundwater issues, will be working on the FFS. John Noble will be working on aerial photographic interpretation. Rod Turpin of EPA's Environmental Response Team (ERT) will assist with air issues.

Discussion/Public Comment Period

The group discussed the following issues:

* Purpose of the CAG
* Should the CAG pay to fly Joel Hirshhorn to Brio on April 25, to meet the group
* Stabilizing the pits as part of the selected remedy - EPA will stop the work if the fenceline levels are exceeded. ATSDR concurred that the air standards must be met, or other action taken.
* Synergistic affect of chemicals - The scientific field is not advanced in this area. ATSDR set the fenceline standards very low to account for any synergistic effects.
* Membrane technologies in remediation

The Committee agreed to hold meetings on the first and third Tuesday of each month. The next meeting was scheduled for Tuesday, April 4, 1995, at 6:45 P. m., at the EPA Community Relations Office. The meeting will focus on a discussion of TAG Issues.

The meeting adjourned at approximately 8:25 p.m.

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Agenda

EPA Community Advisory Group
Brio Superfund Site
October 4, 1994 6:30 p.m. EPA Scarsdale Office

I.	Call to order - Marie Flickinger	6:30 p.m.	sharp!
II.	Introduction of members & guests	6:35 p.m.	
III.	Approve minutes--Sept. 20	6:40 p.m.	
IV.	BSTF introduction of contractor	6:45 p.m.	
V.	BSTF-Contractor presentation	6:48 p.m.	
VI.	Questions & Answers from CAG	7:30 p.m.	
VII.	Comments from:		
	John Meyer, EPA Region 6	7:50 p.m.	
	Tina Forrester, ATSDR	8:00 p.m.	
	Bob Martin, EPA Headquarters	8:05 p.m.	
	Jim Green, H.C. Flood Control	8:10 p.m.	
VIII.	Set next meeting date	8:15 p.m.	
IX.	Public Comments - Paul Schrader	8:17 p.m.	
X.	Adjourn	8:30 p.m.	

Marie Flickinger
Co-Chair

Paul Schrader
Co-Chair

Due to the full agenda and importance of this meeting, it will start promptly at 6:30 p.m.

Attachments:
Meeting minutes
- Sept. 20
USGS report

cc:
Ashby McMullan, TNRCC
Jerry Harris, HCFC
Ronald B. Schultz, Jr., GCHD
Ron Cox, City of Friendswood
Jim Green, HCFC
Chuck Wilcox, HC Pct. I
Dr. John F. Villanacci, TDH
Steve Smith, BSTF
J. J. Goldman, BSTF
John Williams, HCHD
Ray Rogers, Clear Creek Drainage Dist.
Tina Forrester, ATSDR
Deloris McKenzie, City of Friendswood
John Meyer, EPA Region 6
Donn Walters, EPA Region 6
Lisa Kobel, EPA Satellite Ofc
Bob Martin, EPA Headquarters
Colonel Robert B. Gatlin, ACE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BRIO COMMUNITY RELATIONS OFFICE
10904 SCARSDALE BLVD., SUITE 295
HOUSTON, TEXAS 77089
(713) 922-4750

MEETING MINUTES

EPA Community Advisory Group
Brio Superfund Site, Harris County
October 4, 1994 6:30 p. m. EPA Brio Satellite Office

Approximately 49 people were in attendance at the session, including the following:

CAG Members: Marie Flickinger, Paul Schrader, Steve Alferi, Tom Wilhite, Catherine O'Brien, Gene Cook, Mary Ellen Brennan, Steve Buckman, Rebecca Lilley, Tod Bogert, Larry Carter

Other Attendees: Jim Green, Chuck Wilcox, Ron Cox, Bob Martin, John Meyer, Donn Walters, Lisa Kobel, Steve Smith, J.J. Goldman, Walt Bauer, Grant Cox, John Conner, Elaine Gie

One CAG member, Meta Vandenberg, was not present. The meeting began with an introduction of participants, and a discussion of the September 20 meeting minutes. John Meyer said he felt one sentence in the meeting minutes should be clarified. The group asked him to write some additional wording for the final meeting minutes to be approved at the next session.

BSTF then introduced Groundwater Services, Inc. (GSI), the contractor hired to conduct the FFS. GSI gave a slide show presentation highlighting the company's qualifications, and the issues to be examined as part of the FFS. GSI presented a timetable for the FFS to include:

Results of Additional Studies	- 4 months
Draft FFS Report to CAG	- 7 months
Final FFS Report	- 8 months

BSTF said the timetable of 8 months is their perception, and could change with input from EPA and the CAG.

A question and answer session followed the presentation. The contractor said its evaluation of remedial options would take into account site drainage and the potential for natural disasters, GSI will explore different containment options, and then compare those options to incineration.

The issue of air monitoring was discussed. BSTP asked four firms to submit proposals to conduct the air monitoring on the site. An air monitoring plan is being developed, in parallel with the FFS.

BSTF was asked the status of hiring the independent technical advisor that the group stipulated must be in place during the FFS. BSTF said Congressman DeLay's office was spearheading the effort to find additional sources of funding, but that BSTF is following up appropriately. A CAG member noted that the group needs to discuss the qualifications necessary in a technical advisor.

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EPA updated the group on recent events:

- EPA has already started to bring USGS into the FFS process. USGS will do the aerial photo interpretation and will provide general technical support to EPA.
- An EPA Response to the Southbend letter concerning air emissions at the site is available to the public in the EPA office.
- Regarding the Administrative Order on Consent, a first draft of the agreement is due out soon,
- Three air monitoring data reports are due out this month:
    1. the flux study in which EPA took over 300 samples onsite
    2. a TAGA report of air monitoring in the community by the TAGA bus
    3. data from the sector monitors located in the community
- The drums of waste being stored onsite are being categorized and removed.
- Tank 402 and the shell enclosure over Pit H/V each have been dismantled.

The Committee asked if EPA could make available the air monitoring data 24 hours before and after an exceedance of an AIC value. The Committee also asked if the repository in the EPA Brio office could include more currently pertinent documents. BSTF agreed to supply the Committee with an index from the college repository from which to select desired documents.

The Committee introduced Bob Martin, the principal author of the SRO report, from EPA Headquarters in Washington, D.C. Mr. Martin remarked that he looked forward to managing the site with everyone - together, and to supporting Region 6.

Jim Green of Harris County Flood Control was introduced. Mr. Green commented that he would like to see Harris County, HCFC, HCPC, and the City of Houston, and everyone present work together to solve the problems at Brio. Personally, Mr. Green said he supported the idea of re-routing Mud Gully. HCFC would have approval over any plans to re-route the Gully.

The meeting was then opened to questions from the audience. The following issues were discussed:

- buffer zones and potential slurry walls around the site
- the suggestion that a full site assessment and environmental impact assessment be conducted
- whether the pump and treat method can cause sidewalks to buckle
- a request that two seats on the Committee be opened for residents currently living in Southbend

The Committee discussed the SRO report. If a containment remedy was selected for the site, Bob Martin said the SRO recommendations on site characterization would remain germane, with a few exceptions. Dioxin, for instance, becomes less important with containment. EPA agreed to submit a plan addressing the SRO report to the Committee and to EPA Headquarters. Bob Martin agreed to review the plan and comment on whether it meets with Headquarters' expectations for the SRO report.

An announcement was made that on September 30, ATSDR released the results of a health study conducted in Southbend subdivision.

The Committee scheduled the next meeting for Tuesday, October 25, 1994, from 6:30 p.m to 8:00 p.m., at the EPA Satellite office.

The meeting adjourned at approximately 8:35 p.m.

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Case Study: Community Advisory Group

Carolawn, Inc., Chester County, South Carolina

Introduction

The following is a case study of the Community Advisory Group (CAG) at the Carolawn Superfund site in South Carolina. The Carolawn CAG is called a Community Advisory Board (CAB). Information for the case study was obtained in interviews with the following EPA Region 4 and State of South Carolina personnel and CAB Members:

Cynthia Peurifoy, EPA Community Involvement Coordinator (CIC)
Yvonne Jones, EPA Regional Project Manager (RPM)
Richard Haynes, S. Carolina Department of Health and Environmental Control
Davis White, Sr., CAB Chairman
Donna Lisenby, CAB Vice-Chairman
B.F. Nichols, CAB Member
Jim Gaston, CAB Member

Overview

The Carolawn, Inc. site is an abandoned three-acre waste storage and disposal facility that was owned by various companies until Carolawn Company bought the site in 1977. Several hundred drums of chemical wastes, including acids, bases, organic solvents, and contaminated soil were stored both outside and inside the fenced site. Four 2,000-gallon tanks of solvents were located on site. Some drums were damaged in a fire, and others were corroded and leaking. A lagoon was used for disposal of waste sludge. Carolawn constructed two incinerators, but they never were used to dispose of wastes. Carolawn, Inc. went bankrupt in 1980, after failing to obtain a permit for incineration.

Approximately 100 people live within a one-mile radius of the site; 2,000 people live within four miles. In the past, significant amounts of contaminated runoff from the site had migrated into a tributary of the Catawba River that supplied drinking water to the town of Lugaff. In 1980, the South Carolina Department of Health and Environmental Control (SCDHEC) sampled three private wells and found them to be contaminated.

The groundwater is contaminated with lead, chloroform, and various volatile organic compounds (VOCs). Arsenic, lead, and methylene chloride were detected in stream sediments. Lead was detected in the soil, and chloroform was detected in the surface water. The site was proposed for National Priority Listing on December 30, 1982, and the listing was completed on September 8, 1983.

The removal of sludge and solid and liquid wastes has reduced the potential for exposure to contaminated materials at the site, and the extension of municipal water lines have reduced risks to the public health and the environment. Groundwater cleanup is underway, and investigations of the former drum storage areas are taking place.

Site Issues

Community Involvement Coordinator (CIC) Cynthia Peurifoy described the affected community as a rural area with a predominately white, middle-income, and well-educated population. There are no environmental justice issues associated with the site.

Prior to formation of the Carolawn Community Action Board in February 1996, the main site related issues were a plan to discharge untreated groundwater into a sewer line to a publicly owned treatment works (POTW) and the possible existence of undiscovered contamination in the additional acreage of the site.

Ms. Peurifoy explained that the Carolawn site already was in the design phase and little community involvement had been done, when the community became aware in 1995 that EPA was considering a proposal by the potentially responsible parties (PRPs) to discharge untreated groundwater into a sewer line to a publicly owned treatment works (POTW).

All interviewees agreed that the discharge issue galvanized the community. Until then, the area had been a "sleepy little site," said CAB Member B.F. Nichols, who wrote letters to the county council opposing a proposed redistricting ordinance that would have allowed the Chester Sewer District to handle the untreated groundwater. Mr. Nichols said that he began a campaign to alert community residents to the plan and to organize opposition. EPA Regional Project Manager Yvonne Jones explained that the county contacted EPA after local residents expressed their opposition at a county council meeting. EPA scheduled a public meeting to hear local residents' concerns first hand.

More than 300 people turned out for a January 10, 1995, public meeting to voice their opposition to the discharge of contaminated groundwater into a sewer line. Ms. Peurifoy and Ms. Jones cited citizen concerns about past sewer overflow problems as a major consideration, and this also was cited by the CAB Members interviewed as a chief reason for community opposition to the proposed discharge plan.

In July 1995, EPA issued a Proposed Plan for Operable Unit (OU) 2 of the site (additional acreage) recommending "no further action" and stated that discharge into the local POTW appeared to not be acceptable to the local community. EPA proposed that a groundwater treatment system be constructed as outlined in the final remedial plan, with discharge to a nearby creek.

All interviewees agreed that EPA's decision to treat contaminated groundwater on site served to resolve the most contentious of site issues. CAB Members said they now are primarily concerned with monitoring progress.

The second major issue at the site, according to CAB Chairman Davis White, Vice Chairman Donna Lisenby, and Members B.F. Nichols and Jim Gaston, is community doubt about whether all contamination has been found on the 68-acre site. Ms. Peurifoy and Ms. Jones agreed that this is a major concern for the community.

Ms. Jones explained that, based on aerial photographs, past waste practices, and several investigations, there is no reason to suspect additional contamination in other areas of the site. A no action Record of Decision (ROD) was issued for OU2,

with the caveat that if additional information becomes available later, EPA and the State would investigate the matter further.

Ms. Lisenby said that she was not satisfied with EPA's investigation of the site outside of the fenced area. She said the investigation relied on aerial photographs taken eight years apart, and EPA may not have done enough to seek out information about past practices from people who live near the site. "They don't solicit input in general, but instead make a few selective visits and those people might not be the most knowledgeable," she said.

In response to community concerns, investigation continues. Recently, a CAB member was interviewed by a local newspaper. This interview resulted in the publication of an article soliciting information to be provided to the CAB on possible additional dumping at the site. Ms. Jones said the idea originated during informal talks between EPA and CAB Members who thought that there may be people with information who might not talk to outsiders like EPA, but might be willing to talk to the Members of the CAB.

Ms. Jones also indicated that EPA plans to "walk the entire site" to visually inspect the site with CAB Members this fall.

CAG Formation and Support

The August 1995 meeting on the Proposed Plan was attended by approximately 300 residents, as well as U.S. Representative John Spratt, who provided EPA with additional information about past operators of the site. At this meeting, future CAB Member B.F. Nichols asked for a committee to be formed to work with EPA.

According to Mr. Nichols, the CAB was formed only after repeated requests. Ms. Lisenby echoed Nichols' opinion. "We had a loose group organized to oppose the discharge plan, " she explained. "Every time we met with EPA we would say we wanted to have a CAG, but the CIC had to go up through the bureaucracy, and it took four months to get sanctioned as an `official' group."

EPA solicited participation in developing the Community Action Board in a November 1995 fact sheet, which also announced the ROD and informed residents of decisions on OU1 and OU2 discharge plan. In response, several local officials and residents contacted EPA with suggestions for implementation procedures and nominees for the proposed CAB.

Ms. Jones said that EPA's guidance on formation of CAGs was sent to all interested parties so that they would know what a CAG is and the proper procedures for establishing one. She said EPA also sent out a notice of a public meeting for the purposes of establishing a CAG.
The Community Action Board's organizational meeting was held on February 15, 1996. The meeting was attended by EPA personnel, Congressman Spratt, and about 15 residents. Ms. Peurifoy went through the outline for forming a CAG included in EPA's guidance. Community residents provided input for a mission statement, operating procedures, and other organizational issues. People were nominated for CAB membership from the floor. Based upon deliberations at the meeting, a CAB formation plan was outlined. Ms. Jones noted, "Congressman Spratt virtually drafted it for us."

A second public meeting was scheduled for March 7, 1996, for the purposes of formally establishing the CAB. Prior to the meeting, the formation of the CAB

was announced in the local paper and further nominations to the Board were sought from the general public (see Attachment 1). At the March meeting, Ms. Jones and Ms. Peurifoy reviewed options for designing the structure and procedures for a Community Advisory Group and presented the proposed CAB mission statement and operating procedures (see Attachment 2). Participants in the meeting elected 15 Members to the CAB. Currently, there are 14 active CAB Members.

CAB Chairman Davis White, Sr., Vice Chairman Lisenby, and CAB Members Jim Gaston and B.F. Nichols described the mission of the CAB in similar terms. Said Mr. White, "We want to be a direct link between our board and EPA, to monitor what is going on, and we want to be a sounding board for people who live in the community, so the Members can be knowledgeable to answer their questions." He read the CAB's mission statement: "to ensure that the community will be included in the proper and complete cleanup of the Carolawn site, the CAB will be educated, aware, and informed, and will serve as an intermediary between EPA, SCDHEC, the site response contractors, and the community at-large."

Everyone interviewed agreed that, as currently constituted, the CAB is representative of the community and includes a wide range of views and interests. All agreed that every effort was made to open membership to anyone interested in serving, and interviewees did not feel there were others in the community who had been excluded from participating on the CAB. Ms. Lisenby said that, while they would like to have a medical professional in the group, she feels it is more important to have Members who are interested and committed to the work. Mr. White said he would like to see the CAB make additional efforts to recruit African-American representation, but noted that he did not know of any African-American families directly affected by the site.

Operating procedures call for quarterly CAB meetings, but all CAB Members interviewed agreed that more frequent meetings—perhaps every 60 days—might be necessary. The EPA RPM and CIC attended both CAB organizational meetings. Since then, the CAB has held at least one additional meeting, which EPA did not attend. Ms. Jones and Ms. Peurifoy agreed that EPA representatives should attend most CAB meetings to show support and listen to concerns, but that the CAB also should be free to have meetings at which they might not want EPA to be present. They also agreed that EPA should provide any resources necessary to get information out to the entire community and that EPA has a responsibility to ensure that the CAB has the resources necessary to operate effectively.

All interviewees agreed that EPA should play a support role in the formation of CAGs. Ms. Lisenby said she thought EPA should provide the kind of administrative support that was provided to them, for example, guidance about what a CAG is and how it is formed, help with advertising, and information summaries. Mr. White and Mr. Nichols echoed their sentiments and added a need for financial support as well.

Technical Advisors

The Carolawn site CAB does not have paid technical advisors, but EPA personnel and CAB Members interviewed agreed that the CAB Members themselves have sufficient technical expertise to understand site issues and assess alternative strategies and designs. Several CAB Members have experience on an emergency response team; one operates a municipal treatment facility; and Mr. Nichols is responsible for hazardous materials issues at a local textile mill that handles chemicals similar to those found at the site.

There was some disagreement among CAB Members about whether the CAB should apply for a Technical Assistance Grant. Chairman White said he thought they should, but Mr. Nichols, Ms. Lisenby, and Mr. Gaston said the CAB probably would not apply for a TAG for various reasons. According to Mr. Nichols, the CAB does not need additional technical expertise. Ms. Lisenby said she was unwilling to go through a bureaucratic application process. Mr. Gaston said: "The Superfund here at Carolawn is about done now. All the committee needs to do now is see that the follow-through is done correctly."

CAG Effectiveness

All interviewees agreed that the CAB has been effective in getting everyone with an interest in site decisions to talk with one another. Mr. White noted that the CAB has provided an effective "communications bridge" for people who are interested in the project to express their views.

There also was general agreement that the CAB provides an effective way for the community to provide input on issues directly to EPA. "It's a better method than holding a public meeting," said Mr. Gaston. Ms. Peurifoy and Ms. Jones agreed. RPM Jones noted that it is difficult to address all issues in detail at a public meeting, and some people inevitably leave with unresolved questions and concerns. She explained that the existence of the CAB allows for lots of informal meetings where EPA officials can take the time to provide very detailed information to whomever is interested and provides a forum for addressing questions and concerns.

Mr. Haynes agreed that, from the State's perspective, the CAB provides an effective way for the community to provide input on issues and also "speeds up the process." He noted that, since community residents are organized, State and Federal officials are presented "with one set of beliefs and comments instead of hundreds."

All agreed that the formation of the CAB has improved the relationship between the community and EPA. Ms. Lisenby said residents understand better how things work and the constraints under which EPA field staff operate. She said that delays that in the past would have been seen as evidence of "stonewalling" or deliberate withholding of information are less likely to be seen that way now. She advocated increased autonomy for EPA field staff so that they can be more responsive to community concerns in a timely manner.

Others said the CAB has improved relations because it helped them "put a face" on EPA. Mr. White said the community looks at EPA in a different light as a result the CAB. "Regardless of how the decision is made, residents now feel they have had some input," he said. Mr. Haynes of SCDHEC echoed Mr. White's comments. "They may not fully agree with all of the State's and EPA's decisions,

but they have a better understanding, and we have a better understanding of their concerns, too," he said. "I think everyone is a lot more pleased with the results than they would have been without the group."

Because the major decision—to treat contaminated groundwater and discharge into the creek—technically was made before the CAB was formed, interviewees often were not sure if the community had more influence in site decisions now than before the CAB was formed. CAB Members Mr. Nichols, Mr. Gaston, and Ms. Lisenby said that, in effect, the CAB resulted from empowerment of the community brought about by organizing around that issue. Mr. Gaston said the community's influence also has increased with PRPs, because the PRPs have additional respect for the group and for its technical sophistication. Ms. Jones and Ms. Peurifoy agreed with views expressed by Ms. Lisenby and Mr. Gaston that the CAB's major concern now is not with decision-making, but with monitoring progress and continuing to pursue further investigation of the additional acreage.

CAB Members agreed that EPA has heard their concerns. All of them noted the group's success in getting EPA to reverse its decision on discharging into the sewer system. (Note: The same core group that later formed the nucleus of CAB membership was involved, although the decision was made before the CAB was formally formed.) Ms. Lisenby added a caveat. She said: "I think they've heard us but not always taken all our concerns into account. I think it's more a function of funding and not because they don't want to." When asked if she thought the Carolawn CAB had been successful, she added: "I think EPA is learning to listen." Mr. White told of a recent incident where CAB Members on a site visit expressed concern over a suspicious looking liquid they saw oozing at the site. He said EPA personnel took a soil sample to check it out. "They listen to us," he concluded.

Interviewees were unanimous in the opinion that the CAB should have been formed much earlier in the process, before major site decisions were made. From the community's perspective, Mr. Nichols said residents never should have had to go through what they did to get a CAB formed. When asked how to improve the CAB, Mr. Gaston said his only suggestion was that the CAB should have been in place from the beginning. Ms. Jones noted, "From a RPM standpoint, it would have been nice to have them organized earlier in the process, prior to when the tough decisions were being made."

CAB Members had a number of suggestions for improving the CAB. Mr. White cited the need for basic funding to allow the group to do its job better. He said he would like to see even more information from EPA, and would like to hire a technical expert to advise the board on a consulting basis. They also agreed that more frequent meetings—perhaps every 60 days—would be helpful.

Ms. Peurifoy said she would like to see training made available to CAB Members, so that they better understand procedures, technical issues, and what is going on at each step in the process. She and Ms. Jones explained that, while formal training has not been available, they have educated CAB Members as issues have arisen. For example, CAB Members have been invited to participate in the ore-final inspection of construction of the groundwater treatment system. Options are being looked at to prepare the CAB for this process. Earlier, EPA made arrangements for the CAB to visit another site with a similar treatment system, but the visit was canceled. Other options are under consideration.

Communications Tools

The Carolawn CAB has quarterly formal meetings. Members are reminded of meetings via cards and phone calls and a notice is placed in the three or four \community newspapers that serve the affected area. Other than the newspaper notice, the CAB makes no overt efforts to recruit widespread participation in their monthly meetings.

CAB Members report that 12-15 Members have attended the meetings held thus far. Mr. Gaston noted that the CAB invited a few residents from the site to attend the last meeting to provide information about early years, but few community residents other than CAB Members attend their meetings.

CAB Members said they were confident that residents were aware the meetings are open to all. Mr. White and Ms. Lisenby noted that since most major decisions had already been made, general interest in the site had already peaked. They said they were confident that residents trusted them to watch out for their interests and would attend meetings if they were concerned about a particular issue.

The Carolawn CAB reports meeting results to the local newspaper and mails minutes to its membership, but has made no other formal efforts to share information with the community at-large. There is no newsletter or formal dissemination of information, and the CAB's mailing list contains solely its own members. In part this is because the CAB has only been in existence a few months, Mr. White said. He indicated that the group may be interested in addressing public awareness issues in the future, but lacks staff or resources.

No CAB Member could remember attending or hearing of any informal meetings with community residents to elicit views or share information, but Mr. Gaston, Mr. Nichols, and Mr. White noted that many Members have large circles of friends and acquaintances with whom they maintain contact. Ms. Lisenby added that several Members also are active on one or more wider community organizations, including churches, Masons, and community associations, with which they share information on an informal basis. The mayor of the nearby town of Richburg also is a CAB Member.

Said Lisenby, "We have a good relationship with our community people and they have experience with us from other environmental fights. They know we know what we're talking about and so they really trust us to take on the technical issues. There are not a lot of people clamoring to be on the board, but they know we're there watching EPA and the PRPs."

To date, the major activities of the CAB has been to organize itself, monitoring the site, and conducting a site visit with EPA on Earth Day.

When asked what kind of progress they would like to see in five or 10 years, CAB Members said they would like to know that the contamination has been contained in the area, that the cleanup is proceeding effectively and swiftly, and to be completely satisfied that no additional contamination is found. Ms. Lisenby added that in 10 years, she also would like to know of any impacts to Fishing Creek.

Suggestions for Others

Everyone interviewed agreed that forming a CAB was a good idea, and encouraged other Regions and communities to do so. Mr. Gaston emphasized the need to organize a CAB as early in the process as possible, a view echoed by each of the other interviewees. Ms. Lisenby agreed. "I can't stress enough how important it is to get a CAG involved from the beginning," she said. "CAGs can make a real difference. It takes a lot to get [the bureaucracy's] attention, but once you've got it, they'll listen."

Mr. Haynes of SCDHEC concluded: "A year ago, I was scared of them getting together. I'm pleasantly surprised and think it probably would be a good idea in other places."

EPA's CIC and RPM agreed that other communities should consider forming their own CAGs. Ms. Peurifoy said that the key is having RPMs that really are willing to work with communities and to take the extra steps necessary to keep the community involved. "This is not something that can be done without a lot of time and effort," she warned. "If you don't want to be there, [the community] will know it. Where there are people who are not comfortable working with the public, [forming a CAG] would be difficult."

Ms. Peurifoy said she initially thought that forming a Community Advisory Group would not be a good idea at a site like Carolawn, because much of the decision-making process already had been completed, and design and remedial action already had begun. "I've changed my mind on that," she said.

Interviewees had a range of opinions about what ingredients make for a successful CAG. Mr. White said the key is to find an issue or a benefit that people are interested in. He said he thought the key is not so much the numbers of people involved, as finding people—a good cross-section of the community—committed to solving problems and willing to work on them until they are resolved. He said a successful CAG's main role is to ensure that the community is thoroughly informed about the site and its activities.

ATTACHMENT 1
CAB Public Meeting Notices

NOTICE OF PUBLIC MEETING TO ORGANIZE THE CAROLAWN SUPERFUND SITE COMMUNITY ADVISORY BOARD

On February 15, 1996, citizens concerned about the cleanup and remediation of the Carolawn Superfund Site met with officials of the U.S. Environmental Protection Agency (EPA) for the purpose of initiating a "Carolawn Superfund Site Community Advisory Board." Those citizens participating developed a proposed "Mission Statement" and proposed nominees for a 15-member Community Advisory Board. The Proposed "Mission Statement" is as follows:

To ensure that the community will be included in the proper and completed cleanup of the Carolawn Superfund Site, the Community Advisory Board will be educated, aware and informed and will serve as an intermediary between EPA, South Carolina Department of Health and Environmental Control (SCDHEC), site response contractors and the community at large.

The proposed nominees for the Community Advisory Board are as follows:

Mr. Tom Funderburk	Mrs. Susan K. Helms	Mr. Barnette Nichols	Ms. Donna Lisenby
Mr. James Gaston	Mr. Tom McMinn	Mrs. Debbie McMinn	Mr. Lonnie Taylor
Mr. J. W. Rockholt	Mrs. J.W. Rockholt	Mrs. M.W. Morrison	Mrs. Jean Nichols
Ms. Nita O'Brien	Mr. Jim Bruce	Mr. John B. McCrory	Mr. Davis C. White, Sr.

The Honorable John M. Spratt, Jr. will serve as an ex officio member of the Community Advisory Board. The designated Acting Chairman for convening and chairing the organizational meeting is Mr. Davis White, Sr.

Notice is hereby given that the public meeting will be held on March 7, 1996, at Lewisville Elementary School, at 7:00 p.m. at which time:

(1) The proposed "Mission Statement" will be read and considered, opened to amendment, and submitted for a vote of approval by those participating.

(2) Proposed Operating Procedures for the Carolawn Superfund Site Community Advisory Board will be considered, opened to amendment, and submitted for a vote of approval.

(3) The proposed nominees for the Community Advisory Board will be considered, and the floor will be opened for nomination of other candidates, after which a Board of 15 members will be elected by vote of those present and participating.

(4) Meeting participants proposed that all citizens residing in Edgemoor, Richburg, Fort Lawn, Great Falls, or in Chester Country Council Districts 1 and 2 be eligible to be members of the Community Advisory Board. However, all interested residents are encouraged to participate in the public meeting and in the approval of the matters to be considered.

The participants of the informal planning meeting held on February 15, would like to express their appreciation to the Honorable John M. Spratt, Jr., Member, U.S. House of Representatives for his participating in the meeting. It should be noted that Congressman Spratt assisted the group by drafting the above notice.

Additional information may be obtained from any of the nominees listed above, or by contacting Cynthia Peurifoy, EPA Community Relations Coordinator, at 1-800-435-9233 or (404) 347-7791 ext. 2072.

United States
Environmental Protection
Agency

Region IV
Office of Public Affairs
345 Courtland St., NE
Atlanta, Georgia 30360

Environmental News

(404) 347-3004

PUBLIC MEETING TO BE HELD IN RICHBURG, SOUTH CAROLINA REGARDING THE CAROLAWN SUPERFUND SITE COMMUNITY ADVISORY BOARD

The U.S. Environmental Protection Agency, in conjunction with the newly formed Carolawn Superfund Site Community Advisory Board, will hold a public meeting in Richburg, South Carolina on Thursday, March 7, 1996. The meeting will be held to formally organize the Advisory Board.

The meeting will begin at 7:00 p.m. at the Lewisville Elementary School on Lewisville High School Road in Richburg. Mr. Davis White, Sr., Acting Chairman, will convene the meeting. Organization of the Advisory Board will include the adoption of the mission statement and operating procedures and the election of Board members.

John H. Hankinson, Jr., EPA Regional Administrator, said, "We welcome the opportunity to work with the Carolawn Community Advisory Board. Community involvement is one of the Agency's top priorities. EPA recognizes that involvement of the public in all types of Superfund projects is an important ingredient for success."

Citizens concerned about the cleanup of the site met with EPA officials on February 15, 1996. The meeting resulted in the development of a mission statement and a proposed list of sixteen nominees for the Board. Congressman John M. Spratt, Jr. will serve as an ex officio member of the Board.

Persons residing in Edgemoor, Richburg, Fort Lawn, Great Falls and in Chester County Council Districts 1 and 2 are eligible to serve on the Board. All interested persons are encouraged to attend the meeting.

The Carolawn site is an abandoned three-acre waste storage and disposal facility. Improper storage and disposal of wastes resulted in contamination of the groundwater and soil. The site was added to the National Priorities List of hazardous waste sites in 1983.

Additional Information regarding the Citizens Advisory Board or cleanup activities at the site may be obtained by contacting Cynthia Peurifoy, Community Relations Coordinator, at 1-800-435-9233.

-0- March 5, 1996
CONTACT: Carl Terry, Press Office, 404/347-3555, ext. 6755

ATTACHMENT 2

CAB Public Meeting Materials

REGION IV

COMMUNITY ADVISORY GROUP PUBLIC MEETING

for the

CAROLAWN SUPERFUND SITE
MARCH 7, 1996 - 7:00 P.M.

LEWISVILLE ELEMENTARY SCHOOL
RICHBURG, SC

AGENDA

CAG Organizational Session
CAROLAWN SUPERFUND SITE
Thursday, March 7, 1996

I. INTRODUCTION

II. SITE UPDATE

III. CAG OVERVIEW

IV. MEMBERSHIP COMPOSITION

V. PURPOSE AND INTEREST

VI. MISSION STATEMENT

VII. OPERATING PROCEDURES

VIII. WHERE DO WE GO FROM HERE ?

IX. ADJOURN

MEMBERSHIP COMPOSITION

- ***Maximum membership proposed -- 15***
- ***Additional efforts will be made to include representation from residents adjacent to site, minority members of the community and a representative from the medical community.***
- ***Open nominations to others at the public meeting***

The proposed nominees for the Community Advisory Board are as follows:

Mr. Tom Funderburk	Mr. James Gaston	Mrs. J.N. Rockholt	Ms. Nita O'Brien
Mrs. Susan K. Helms	Mr. Tom McMinn	Mrs. M.W. Morrison	Mr. Jim Bruce
Mr. Barnette Nichols	Mrs. Debbie McMinn	Mrs. Jean Nichols	Mr. John B. McCrory
Ms. Donna Lisenby	Mr. Lonnie Taylor		Mr. Davis C. White, Sr.

PURPOSE AND INTEREST

- ***Enhance Community Involvement***
- ***Enhance Information Dissemination & Exchange***
- ***Address Community Concerns***
- ***Additional Site Investigation***
- ***Follow up on Possible Dump Sites (Mainly 80 Acres)***
- ***Follow Design Implementation/Schedule***
- ***Periodic Progress Reports and Photographs of Site***
- ***Concern with Erosion and Run-Off***
- ***Real Estate Transactions***

CAG PURPOSE & INTEREST

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MISSION STATEMENT
(To Be Established by CAG)

"To ensure that the community will be included in the proper and complete cleanup of the Carolawn Superfund Site, the Community Advisory Board will be educated, aware and informed and will serve as an intermediary between EPA, South Carolina Department of Health and Environmental Control (SCDHEC), site response contractors and the community at large."

OPERATING PROCEDURES

- ***Membership Vacancies***
- ***Frequency of Meetings - Quarterly During Remedy Implementation***
  - ***Location of Meetings***
  - ***Meeting Format***
  - ***Meeting Documentation***
  - ***Special Focus Sessions***
- ***Document Review & Comment***
- ***Public Participation in CAG Meetings***
- ***CAG Duration -- Duration of Three Years with Renewal Every Three Years Unless the Majority Votes to Discontinue***
- ***Roles and Responsibilities***
  - ***CAG Members***
  - ***CAG Chairperson***

Case Study: Community Advisory Group

Colorado School of Mines Research Institute, Golden, Colorado

Introduction

Following is a case study of the EPA Community Advisory Group (CAG) at the Colorado School of Mines Research Institute, a hazardous waste removal action site in Golden, Colorado. Information on which the case study is based was obtained in interviews with the following EPA Region 8 and State personnel and CAG Members:

Sonya Pennock, EPA Region 8 Community Involvement Manager
Mike Holmes, EPA Community Involvement Coordinator (CIC)
Mike Zimmerman, EPA On-Scene Coordinator (OSC)
Rick Brown, State of Colorado
Carol Harwood, (CAG Member)
Katie Fendel, City of Golden (CAG Member)
Scott Smith (U.S. Army, ret.), Coors Brewery, (CAG Member)

Overview of Site History

The Colorado School of Mines Research Institute (CSMRI) site sits adjacent to and is affiliated with the Colorado School of Mines (CSM) in Golden, Colorado. CSM has been open since 1890. CSMRI conducted research in the development of mining and processing of metals and radioactive materials. Research activities included developing and refining processes for recovering natural resources from ore. Raw materials used for research were obtained from a wide variety of sources from around the world, as well as more local sources. Contaminants at the site represent the full suite of metals and radioactive materials associated with mining activities. The CSMRI closed in 1987.

Wastes from CSMRI research buildings entered a tailings pond through a system of floor drains. The tailings pond is located along Clear Creek, a drinking water source for 250,000 residents of the greater Denver, Colorado, area. When the CSMRI closed in 1987, the State of Colorado installed institutional controls (a fence and signs) around the pond and issued the owner/operator a license for the handling of radioactive materials. Over the years, the owner/operator went bankrupt, and the pond received little attention or management. In January 1992, a water main burst on the site, sending water through the facility, into the drains and out into the tailings pond. The pond overflowed and waste spilled into Clear Creek, triggering an emergency response action by EPA Region 8. In the following months, EPA cleaned CSMRI buildings and drains, dewatered the pond, and removed tailings from the impoundment. Material accumulated from these activities (approximately 15,000 cubic yards) was stockpiled on a clay-lined pad on CSM property for later permanent disposal.

EPA, the State of Colorado, CSM, and 12 private entities participated in negotiations for final disposal. The private companies had been involved in material testing at CSMRI and were potentially liable for the cleanup under CERCLA. CSMRI is *not* an NPL site: the issue at hand for concerned parties was the final disposal of a waste pile that had been contained. The remedy for the waste pile (off-site disposal at an approved solid waste disposal facility) was announced in June 1995, and disposal and final restoration of the property was conducted by the Potentially Responsible Party (PRP) group with EPA oversight as a continuation of the removal action. Decisions on final disposal and future land use of the site are of considerable interest to various stakeholders in the community. A Community Working Group (CWG), comprised of stakeholder representatives, was formed to facilitate public involvement.

Site Issues

The City of Golden lies about 10 miles west of Denver. It has about 15,000 mostly middle-class residents and is growing rapidly. Economic activity centers on the School of Mines and the Coors Brewery. The CSMRI site lies in the central district of the city next to a downtown historic district containing some fairly expensive homes.

Residents of Golden had been concerned about the environmental and other impacts of the CSMRI for many years. These concerns began to come together in response to the emergency situation created by the water main break and converged when EPA issued a preliminary work plan calling for temporary below-ground placement of the stockpile in a containment repository. The CWG was being formed late in 1994 when EPA's Administrative Improvements plan was implemented. Region 8 identified this CWG as a possible Community Advisory Group pilot project under that plan.

The PRPs had proposed a remedy for the stockpile that involved constructing a below-ground containment cell on-site for permanent disposal. EPA's position was that community acceptance of such a remedy was important, and did not seem likely given the size of the stockpile and its proximity to Clear Creek. The main issue dealt with by the CWG was the remedy to be selected for the ultimate disposal of the stockpile accumulated during the removal action. Most other site issues flowed from that question. More specific issues addressed by the CWG included:

- Present impacts of the stockpile on the environment (waterborne run-off into Clear Creek, airborne blow-off into Golden, etc.) ;
- Below-ground vs. above-ground temporary storage of the stockpile (until a remedy was selected and implemented);
- On-site vs. off-site stockpile disposal and the environmental consequences of on-site disposal; and
- Truck traffic in the event of off-site removal of the stockpile.

Mr. Smith said the community also was interested in getting the stockpile characterized before a final decision was made on permanent on-site or off-site disposal. He said that until the community could understand better the threats posed by the site, it would be unable to make proper, informed decisions that balanced the risks and costs of the disposal options. He noted that the risks and costs of off-site disposal are often not understood. For

example, there must be an off-site facility willing and able to accept the waste, and there would be significant truck traffic as the stockpile was removed. Traffic issues to consider included traffic routes, truck size, hours of operation, and a number of other issues. He also noted a tendency for on-site disposal risks to be overstated. All this created the impetus for better waste characterization sought by the CWG before they felt they could make a proper decision.

A principal concern to the stakeholders was the role of the State of Colorado. The State "wore many hats" (regulator and enforcer, PRP, site owner and "bill payer" (by default), CWG facilitator, etc.) regarding the site, which led to a number of problems. For example, at times the State of Colorado was in settlement negotiations with PRPs regarding liability and the disposition of the stockpile at the same time that the CWG was holding meetings to evaluate remedial alternatives or consider other issues. On occasion, the State would have to delay the release of some information to keep the PRPs at the table, but often this was information that the CWG felt it needed to make proper decisions. The actual time delays were less harmful to the process than the mistrust that was bred from a feeling that a deal was being cut in spite of the CWG's efforts.

There were also many times when the issues of interest to the State and the CWG diverged. Mr. Brown reported that there were times, especially early on, when State regulators were focused on the nuts and bolts of the process, such as liability, ARARs, cleanup standards, and remedy selection. They had no way of knowing how the situation would turn out until some of these issues were addressed. In contrast, the community was not always interested in these issues. Local residents tended to focus only on the larger, less complex questions, such as whether the stockpile was to be disposed on-site or off-site, a question the State could not answer at the time. Again, this led to feelings of mistrust. Mr. Brown said he felt the enforcement aspect of the State's role also influenced many other issues for the stakeholders.

CAG Formation and Support

The CWG was formally constituted in January 1995. EPA had required a Community Relations Plan from the PRPs and the State, which called for a forum for community input. EPA did not play a large role in the formation of the CWG, in the sense that it did not organize or recruit CWG Members; however, EPA did actively encourage and support the formation of a broad-based CWG. EPA staff attended every CWG meeting to inform the community of site activities and respond to questions from the community.

All those interviewed agreed that EPA should play a role in the formation and operation of Community Advisory Groups, and further agreed generally that the role EPA played at CSMRI was a good example of the role EPA should play; adviser to the process who is also there to listen to the concerns of the community and explain how and why those concerns will or will not be incorporated into site decisions and actions. Each interviewee discussed "ownership" of CAGs in some respect, and all felt that it was critical that the CAG belong to the community. That means that a party or parties other than EPA should organize the CAG, chair meetings, supervise activities, etc., with EPA participating by attended meetings, listening to the concerns and input from the community, and responding to questions.

Ms. Fendel reported that the CWG was started and initially led by an organization (the Jefferson Group) hired by the PRPs. This group drafted a mission statement and operating procedures, but these and other CWG efforts were cut short by residents of Golden who "mutinied" against the CWG as constituted and pushed for a CWG "owned" by the local community to ensure that all stakeholders were at the table and had an opportunity to be heard. Ms. Fendel said EPA played a "watchdog" or oversight role throughout the transition, and was available to respond to community concerns. Both of these were seen as appropriate roles for EPA to play.

Participation in the CSMRI CWG was informal and open to all. "Membership" was based more or less on self-selection. Ms. Fendel stressed that from the outset the City and other stakeholders wanted to see CWG Members who were participating because they wanted to be on the CWG. If an individual did not have enough of a stake to remain actively involved from start to finish, then he or she was welcome to participate but was not in the core group of about a dozen people who directed CWG activities. This "natural evolution" of a core group served the CWG better, according to the interviewees, than the more formal approach undertaken (prior to the "mutiny") by the Jefferson Group (the PRPs' consultant). Self-selection of the core group lent legitimacy to the process and ensured that the CWG was in the hands of stakeholders with enough of an interest to maintain a high level of involvement. In the opinions of the interviewees, the CWG and its core group represented a fair cross-section of the interests at the site. Mr. Smith and others noted that interest and participation in the CWG extended to the State legislature (in the person of State Senator Perlmutter), such that the CWG, which already included representation from the City Council, also was able to gain access to the State legislative as well as executive (regulatory) branches. Mr. Brown noted that Jefferson County, which includes the City of Golden, was not as involved in the CWG as it could have been.

The role and function of the CWG, according to Ms. Harwood and Mr. Smith, was to provide a forum for the flow of information between the community and site decision-makers. The CWG was the central point of contact for the community to obtain information on Federal and State activities and thinking at CSMRI; the CWG was also a means of providing feedback to those decision-makers on issues such as how the community would like to see the site used in the future, which remedial alternatives were preferable, community concerns regarding the implementation of the selected alternative, etc.

A common concern voiced by most interviewees was the availability (or lack thereof) of EPA funding for technical, logistical, or administrative support of CWG activities. The CWG wanted to hire a technical consultant and sought funding for one. Since CSMRI was not a NPL site, the City of Golden did not qualify for a Superfund Technical Assistance Grant, and no other types of Federal funding were available. Ms. Fendel said that it was very difficult, but the CWG was finally successful in obtaining the needed funds from the State Department of Local Affairs, which provided support through its Mining and Energy Impacts Grant. The CWG then hired a consultant, and EPA took on responsibility for distributing its own information as needed. Parties on all

sides felt the CWG would have benefited significantly from some type of funding support from EPA, especially since CWG Members were contributing their time and efforts.

CAG Effectiveness

Every interviewee responded in the affirmative when asked the direct question "overall, do you think the CWG was effective at the CSMRI site?" However, each respondent qualified their response, and there was a bit of a distinction between EPA staff and other interviewees.

EPA staff were more positive and offered fewer qualifications on the effectiveness of the CWG. Mr. Holmes said he felt the CWG was very effective in getting everyone with an interest to the table and in getting all views expressed, particularly at a site that required quite a bit of thought and consideration of a number of alternatives in a time when communities in general are demanding more input into hazardous waste cleanup decisions. By going to the community up front, EPA was able to screen out remedial alternatives that the community simply would not accept prior to expending EPA resources on analysis of their feasibility. EPA also could reassure the local community that they and other regulators had given the situation some thought, rather than making quick decisions based on incomplete information. EPA could answer questions directly and fill in information gaps in the community, which Mr. Holmes said he believed saved Region 8 a lot of longer-term problems. He also noted that there was quite a bit of technical expertise in the community that the Region was able to access and use.

Mr. Zimmerman said the CAG was effective because it helped clarify the issues for all sides and brought about a consensus (or at least as close to a consensus as they could hope) on the site remedy. Individuals who had been opposed to off-site disposal saw why it may be the only possible option; their opposite numbers were able to see and understand the issues associated with off-site disposal that had perhaps gone unconsidered. Through the CWG, EPA and the State were able to clarify a number of misconceptions and deal with the passions that often crop up at hazardous waste sites. Mr. Zimmerman also felt the open forum approach was effective, especially in a smaller town like Golden where rumors can circulate quickly.

EPA staff also felt that the influence of the local community on site decisions was enhanced by the CWG. The frequency of the meetings and the commitment of the core group created a situation where EPA could turn to the CWG for regular, thoughtful feedback. At first, the CWG meetings were held to share information, but as time passed and the CWG gained its footing, EPA found it was a very effective sounding board, particularly when it came to the consideration of remedial alternatives. If the CWG said a particular remedy would not muster enough support within the community, EPA would move on to the next plan. The CWG also fostered two-way communication that helped EPA avoid unforeseen community resistance. Finally, the role of the CWG placed some responsibility for the site decisions on the community, such that it could not later claim to have been uninformed or "railroaded" into accepting a solution it did not want.

The only suggestion offered by an EPA staffer for improving this CWG was the provision of EPA funding for up-front administrative costs.

Non-EPA interviewees were somewhat less convinced of the effectiveness of the CWG, though they all felt that overall it had been effective in accomplishing what it set out to do. Ms. Harwood said she felt the CAG process holds great promise as a key to resolving a lot of issues for EPA at hazardous waste cleanup sites. For example, EPA is often a victim of rumors passed along by people with little or no information other than seeing EPA show up and declare an emergency. More effective community involvement could overcome such problems. The players on the CSMRI CWG were able to gain an understanding of the process, though there were significant problems (see below). In spite of the problems, Ms. Harwood did say that the CWG provided an effective means of two-way communication with EPA, and that EPA did listen to community concerns, answer questions, and respond to community input in its site decisions. Overall, she felt the CAG had been effective because it brought a large number of perspectives together and arrived at a win-win solution that met most, if not all, concerns expressed. The community got what it wanted; the PRPs got an economical solution.

Areas for improvement identified by Ms. Harwood included:

- The cancellation of regularly scheduled meetings;
- Unannounced agenda changes at some meetings;
- The need to ask for information without knowing what is available (EPA and others with information available should notify the community of what is available and how it may be obtained.);
- The technical complexity of the information provided (Information should be available for people without technical knowledge.);
- Inconsistency in meeting minutes and other reporting; and
- Follow-up after the remedy had been selected.

Ms. Harwood also stated that under no circumstances should an enforcer or PRP play the role in the CAG assumed by the State of Colorado at CSMRI where there is an obvious conflict of interest.

Mr. Smith said he thought the CWG had been effective but could have been better, citing the conflicting roles and responsibilities of the State, the confusing and conflicting messages sent by the School of Mines, and the constant presence of so many PRP lawyers. All of these tended to push the conversation in one direction or another, inhibiting some input. He offered a single solution to most of these issues: adroit, authoritative, and trustworthy facilitation. As constituted, the CSMRI CWG, with facilitation by the State which was both enforcer and defendant, was subject to too much spinning of issues and not enough problem-solving.

Mr. Smith said that EPA had a good reputation in the community before the formation of the CWG, and did nothing to lessen that image during the life of the CWG. EPA displayed open-mindedness and professionalism. He noted that Golden seems to be one of the few communities in the State that does not have a Superfund site within its borders, so EPA may have been able to avoid some community-based issues that it has faced in other parts of the State. He said that the CWG in Golden had been effective overall because it was able to fully consider the costs, risks, and ramifications (including collateral issues such as air quality, traffic and noise issues, etc.) of a sufficient number of remedial alternatives, and have its conclusions incorporated into the alternatives considered by EPA in making its decisions. He noted that he

expected that some of the CWG Members were probably pleasantly surprised that their input was valued by EPA. While there were some procedural and control problems at the outset of the CWG, eventually the discussions were civilized and provided the opportunity to learn and express one's views.

Ms. Fendel said the CWG was very effective after the "mutiny" described above. At first, there was a lot of distrust of the process and a feeling that the local community was having a solution foisted upon them. There were also a number of "false starts" and cancelled meetings until the local community assumed "ownership" of the process. She said the State was probably under too much pressure to do too many different things to provide the CWG with clear leadership. She said EPA played an effective role and was particularly effective in responding to community concerns. She noted that at least one of the two Mikes (Holmes and Zimmerman), and usually both, attended every meeting, and suggested that EPA consider sending more senior management staff to such meetings more often to both give management a better idea of what is happening and give the community a sense that EPA takes these groups seriously. She said that a Region 8 Division Director (Robert DuPrey) attended one CWG meeting, which had a salutary effect on the process. Ms. Fendel offered three suggestions for improving this CWG:

1) The CWG should have been "owned" by the community from the beginning.
2) Funding should have been available from EPA or some other Federal source for administrative support.
3) Meetings should have been held only when there were issues, reports, or other information to discuss.

As the State representative charged with facilitating the meetings, Mr. Brown centered his comments on how the CWG functioned and the complex issues the State faced. He said the CWG was effective in getting a small, committed group together that represented the interests of the community and was able to communicate well with their constituents. He also appreciated the interest and efforts of the Golden City Council and its willingness to deal with issues and situations that were not always to its liking. The CWG was effective in getting information to the City Council so that members of the Council could at least answer questions from the community at large, even if they did not like the answers they were giving. He felt that the CWG was very effective in communicating with EPA and seemed to understand the various functions of the different State and Federal agencies. Mr. Brown felt the CWG had been effective in the sense that a resolution of site issues had been achieved in a manner that all sides could abide.

Communications Tools

The CWG for the CSMRI site scheduled regular, biweekly, three-hour meetings. Meetings were sometimes cancelled, other times they were held weekly, depending on decision-making circumstances. The local newspaper had a representative on the CWG, and meeting announcements and information were published in that newspaper regularly. The CWG's technical consultant published and distributed newsletters and fact sheets on general issues and site-related choices to be made. Fact sheets and other site information also were distributed to the community by EPA. There was no

formal process for the CWG to interact with others in the community since all of the meetings were open. CAG Members who were on the Golden City Council did give briefings at City Council meetings to discuss CWG activities.

Ms. Harwood said the CWG meetings drew a lot of interest from the community and were well-attended, particularly the meetings that centered on the remedy to be selected for the site. Often there was not enough time set aside on the agenda to hear all comments and input from local residents. She noted that EPA distributed fact sheets that were helpful in explaining the process.

Mr. Smith noted that information from the State in support of their planned meeting topics was a bit out of synchronization; the CWG was trying to coordinate their activities with State milestones, but the information they received from the State was inadequate and unreliable. He attributed the "disconnect" to the number of lawyers involved in the process, noting that if one had never seen the Superfund process in action before, one would have been amazed by the number of lawyers and the amount of jargon involved.

Ms. Fendel said the CWG focused on attracting people who wanted to participate, hence the CWG was based on a core group of about 12 or so who were more deeply involved, rather than based on a larger group with more undefined interests.

Suggestions for Other CAGs

On the question of what a CAG should accomplish to be successful, there was a slight difference between the responses from EPA and State government interviewees and those of CAG Members. CAG representatives from the City and the local community tended to focus their responses on the need for more and better information regarding the issues from EPA and the State, the need for the community to "own" the CAG, and the need for EPA to encourage participation and ensure that all viewpoints are represented in the process. EPA and State respondents focused on the need for CAG Members to represent broad-based community interests and to commit themselves to the process for the long haul, and mechanisms for administrative support of CAG activities.

Interviewees from both sides named the need for all participants in the CAG to identify their interest in the process as important to the success of CAGs. At the outset, every participant should identify her or his interest and vision for a successful resolution of the situation, and identify any group or interest they may be representing at a meeting. For example, representatives from PRPs attended every meeting, but did not always identify themselves as such before airing their views. It took a while to match up the position they were taking with their representative capacity. Also, the complexity of the State's role at the site should have been made clear from the beginning. The lag time between hearing a particular viewpoint and discovering the motivation behind that position led to some mistrust.

Ms. Harwood said EPA needs to make sure CAG activities and opportunities are publicized widely, and needs to be aggressive in letting people know that they can participate and have a say in the final outcome. Local residents may not feel they have the knowledge or expertise to participate, not knowing that

information may be provided that will give them enough of an understanding to at least form a general opinion in line with their interests. EPA should make sure that such reliable information is available for local residents who may lack technical expertise. Ms. Harwood also identified the following requirements:

- Effective facilitation of meetings,
- Regular and reliable scheduling of meetings,
- Publication of meeting minutes, and
- Follow-up activities with the community (briefings, publications, etc.) explaining site decisions and the role the local community played in those decisions.

Ms. Harwood said that, in their particular case, the conflict of interest that bound up and inhibited the State could have been fatal to the process. It was only in spite of those problems that the CWG succeeded. Under no circumstances should CAGs or CAG meetings be run by parties with a major interest in the outcome. Ideally, meeting facilitation should be provided by a disinterested party. Otherwise, people will feel that the CAG is being pushed in one direction or another, which goes back to the issue of CAG "ownership."

Most of Mr. Smith's comments focused on things EPA should do early in the process, mostly around the time that a response action situation is discovered. He said EPA should redouble its efforts to ensure that from the beginning communities understand that:

- There are provisions for CAGs;
- The input from CAGs is welcome from the outset of site activities; and
- Funding of CAG activities may be available from a variety of sources.

EPA should not assume that people will know that they can have a say in the process. For example, EPA can let it be known that it cares about local input when General Notice Letters are issued, either through the local press or some other media. He said this particular CWG succeeded, in part, because the group persisted in holding regular meetings despite some initial problems, including a low benefit-to-burden ratio at the outset. The process could have suffered from a lack of interest, but a core group of individuals remained active and interested.

Mr. Smith said that as soon as a response action situation is uncovered, EPA should assemble information on what particular funding support may be available to the local community for CAG activities, especially if a TAG or other EPA support will not be available. EPA also should identify early the players in the process, the information necessary for them to provide meaningful input and make informed decisions, and to whom the participants should direct their input. The substance of and procedures for the local community's role should be clear from the beginning.

Ms. Fendel felt it was critical that the local citizenry be provided with good information and "ownership" of the CAG and its decisions. When the PRPs initially attempted to operate the CWG at CSMRI and run the meetings by lecturing the community on the process and what they could expect, the results were disastrous. The local community must be given

control of the CAG up front and throughout the process. This gives the community both its rightful role in the process and responsibility for the ultimate success or failure of the CAG.

Mr. Brown identified three requirements for a successful CAG:

1) CAG Members who make a long-term investment of themselves in the process, including both time and effort (for example, standing up at a single meeting and listing one's grievances does not influence the process.);
2) Administrative procedures that ensure that agendas and background information for meetings are distributed in time to be reviewed prior to meetings; and
3) Regulators and decision-makers who attend meetings, are willing to listen to community input, and are able to respond to that input (that is, explain what they are willing to do or provide reasons why something cannot be done).

Mr. Brown said that many of the problems at CSMRI may have been avoided if local residents had been provided with more detailed information earlier in the process. He also felt that it was critical that once such information had been provided that the local community take the initiative in selecting representatives to provide leadership in organizing CAG activities ensuring that these representatives reflect a broad-based constituency. Too many times (at other sites), one or two local residents obtain a TAG, hire a consultant, and claim to represent all local interests, though most of the community has no idea this is happening.

Mr. Holmes identified three requirements for a successful CAG, the first two of which restated the first two identified by Mr. Brown. The third addressed the need to carefully select CAG Members with full knowledge of their individual agendas and motivations. Mr. Holmes also recommended identifying alternates for each CAG member who will participate in meetings when the member is unavailable. Mr. Holmes noted that just as each site is different, each CAG will be different, and there is no way for EPA or any other agency to take a "boilerplate" approach to CAG formation or operation. EPA's role in the CAG will likewise differ from site to site. CAGs do not necessarily serve a useful function at all sites, while at others they will be indispensable. The role and function of each CAG must meet the needs of the site and local community; it does not do EPA, the local community, or the PRPs any good to form a CAG merely for the sake of appearing to welcome local input. If local interest does not exist, EPA should not try to create it. Likewise, if local interest is heavy, EPA should respond.

Mr. Zimmerman also identified three requirements for a successful CAG:

1) The process must be open, with all "cards on the table."
2) The CAG must recognize the legal, statutory, and regulatory obligations that set the scope for what is possible at the site.
3) All stakeholder interests must be represented.

Mr. Zimmerman identified a particular function of the CSMRI CWG that served all parties especially well. A public meeting was held just after the recommended remedy was announced. EPA presented the recommendation

at the meeting and asked for a reaction. An informal, straw poll gave EPA a sense of the community's overall acceptance of the proposed remedy, with a few exceptions that could be identified and considered.

Mr. Zimmerman also suggested that EPA staff involved with CAGs develop a keen sense of what the community thinks early in the process. This can be accomplished by being proactive and digging around to uncover public opinion and beliefs, rather than being relatively uninvolved with the local community only to be blind-sided later. He recommended the use of CAGs whenever appropriate and working from the outset of site activities to instill public trust.

Ms. Pennock identified CAG "ownership" and the provision of administrative and logistical resources, facilitation, and technical information and support, as the keys to a successful CAG. She said EPA often walks a fine line in these situations: too much EPA involvement lends the appearance of EPA "ownership"; failure of EPA staff to take the time to adequately and carefully explain information—even details that seem obvious or unimportant—lends the appearance of EPA indifference. She said that others interested in forming CAGs should recognize that they may not speed up the process, and may actually slow down some decisions. The goal of CAGs is sound, collaborative decision-making, not speed. Moreover, CAGs are not appropriate for every site. At CSMRI, there was a clear-cut, short-term cleanup issue. No one should waste time and money just to be able to say "we have a CAG." This requires clear goals for the CAG to pursue and a process for getting there.

Case Study: Community Advisory Group

Oronogo-Duenweg Mining Belt Site, Jasper County, Missouri

Introduction

The following is a case study of the EPA Community Advisory Group (CAG) at the Oronogo-Duenweg Mining Belt Superfund site in Missouri. The CAG at this site is called the Jasper County EPA Superfund Citizen's Task Force. Information on which the case study is based was obtained in interviews with the following EPA Region 7 personnel and CAG Members:

Hattie Thomas, U.S. EPA-Region 7, Office of External Programs
Mark Doolan, EPA Remedial Project Manager (RPM) for the Oronogo-Duenweg Site
Earl Carr, Oronogo-Duenweg Mining Belt Superfund site (Task Force Chair)
David Mosby, Missouri Dept. of Natural Resources
Tony Moehr, Jasper County Department of Health (Task Force Member)

Overview of Site History

The Oronogo-Duenweg Mining Belt site, which covers 6,400 acres, is considered to be a part of the Tri-State Mining District of Missouri, Kansas, and Oklahoma. Two other sites in the district—Cherokee County in Kansas and Tar Creek in Oklahoma—were placed on the NPL in 1983. Lead and zinc ores, as well as some cadmium ores, were mined from 1848 until the late 1960s, with the greatest activity occurring in an area between Oronogo and Duenweg, northeast of Joplin. Mining efforts originally were performed by independent operations that, in later years, were organized by several area mining companies. The site is honeycombed with underground workings, pits, shafts (open, closed, and collapsed), mine tailings, waste piles, and ponds holding tailing waters. An estimated 10 million tons of wastes or tailings are on the site. Throughout the mining era, groundwater had to be pumped to prevent the flooding of mines. When mining ceased, the shafts and underground workings filled with water. Tailing piles have been left uncovered and unstabilized. Leachate and runoff from the piles can enter open shafts and pits. Approximately 1,500 people obtain water from private wells within 3 miles of the site.

Tests conducted in 1977 by the U.S. Geological Survey, and by Potentially Responsible Parties (PRPs) in 1993 and 1994, found soil, on-site groundwater, and surface water to be contaminated with heavy metals including lead, zinc, and cadmium from the mining operations. Potential risks exist through drinking contaminated surface water and groundwater or coming into direct contact with contaminated soil or mine wastes.

The site is being addressed in two phases: initial actions and a long-term remedial phase focusing on clean-up of the entire site. The initial action will

consist of having the PRPs be responsible for providing 100 affected residents with bottled water to reduce the threat of exposure to contamination while investigations leading to final clean-up remedies are being conducted. The entire site, with EPA and the PRPs, began investigations in 1991 to determine the nature and extent of contamination at the site. Once the site investigation is completed, which is scheduled for 1996, clean-up alternatives will be reviewed and a final remedy will be selected.

This mining site is potentially-eligible for clean-up funds from the State of Missouri's approved program under the Surface Mining Control and Reclamation Act of 1977. EPA is developing a policy for listing such sites. An Interagency Agreement was signed with the U.S. Geological Survey in April 1990 to provide technical assistance at this site.

Site Issues

According to Hattie Thomas and Mark Doolan from EPA, the affected community is mainly white, with moderate to wealthy incomes; there is a small (less than one percent) minority population in the County. The community is currently exposed to contaminated soils, contaminated mine tailings, contaminated groundwater and, to a lesser extent, contaminated surface waters with site streams and ponds that are used for recreational purposes. The main sources of lead contamination at the site are located in a very large residential area in northwest Joplin. The contamination has affected 6,000 residential properties and a large population has been exposed.

EPA knew going into this clean-up project that they needed to get the public involved. In response, EPA met with the City of Joplin in November 1994 to inform them of the activities going on at the site and to address community concerns, which included "What are you going to do to protect the health of the citizens?" and "How are you going to do this without totally destroying property values?" The next day, the City held a Council meeting and that night, through a resolution of the City Council, it established a Management Oversight Committee to oversee EPA activities. Around this same time, EPA completed its CAG guidance, which it gave to the City as a means for encouraging the City to expand its Management Oversight Committee beyond just Joplin employees and officials, to include Realtors, Bankers, Businessmen, Citizens-at-Large, School Board members, and Health Department officials. The City responded to these recommendations by including these individuals on the committee; this group is now known to EPA as the CAG and to the citizens of Joplin as the Task Force.

Earl Carr, Task Force Chair, noted that after meeting with EPA, the citizens of Joplin did not feel that they had a voice in the decision-making process so they formed this *"ad hoc"* Management Oversight Committee, which eventually became the Task Force. Mr. Carr noted that EPA was supportive of the City's formation of the Task Force, but that it played no real role in its establishment. David Mosby, Environmental Specialist with Missouri's Department of Natural Resources (DNR), said that the community was concerned about EPA's plans for the cleanup, the impact that these plans would have on the town's real estate values and the general economy, and the impact that the cleanup would have on residents' health. Tony Moehr, Environmental Specialist with the Jasper County Department of Health, said that the community also felt they needed a voice in the decision-making process

because they felt the Superfund process was too uncertain. In addition, they were afraid of what EPA's "Superfund" designation would do to their property values.

CAG Formation and Support

The Oronogo-Duenweg CAG was formed in March and April, 1995, by the City of Joplin and, according to Ms. Thomas and Mr. Doolan, was expanded shortly after that based on recommendations from EPA, which were outlined in EPA's CAG guidance. Mr. Carr noted that EPA provided the City with a copy of its CAG Guidance, but that the City did not follow EPA's recommendations in forming the Task Force. Mr. Mosby and Mr. Moehr said that EPA had discussions with the City about how most CAG groups are structured, which included having an EPA representative as an official member, but the City decided that they did not want EPA or the Missouri DNR to be an official voting member of the Task Force. However, EPA, primarily the Remedial Project manager (RPM), attends all Task Force meetings.

Even though the City of Joplin initiated formation of the Task Force on its own, all interviewees agreed that community involvement is important and that EPA should help a community organize a CAG if the City has not already done so. Mr. Mosby noted that EPA's role should be gauged on a site-by-site basis depending on how the community wishes to organize itself.

The Task Force has written by-laws (see Attachment 1). In addition, the Task Force has a mission statement (see Attachment 2), which includes these four goals:

1) Develop a process to gather early, direct, and meaningful citizen comments.
2) Serve as a public forum for community interests to present and discuss their needs and concerns related to the Superfund decision-making process with appropriate Federal and State agencies.
3) Allow EPA and the State to exchange information with the community, but also enable CAG Members to discuss site issues and activities.
4) Provide a public service to the rest of the community by representing the community in discussions regarding the site and by relaying information from these discussions back to the rest of the community.

In response to a question about membership, Mr. Carr noted that the Task Force has the potential to include 14 authorized members; seven appointed for a one-year period and seven appointed for a two-year period. These members are selected by the Task Force with concurrence by the City Council. For a breakdown of the kinds of recommended members, see Resolution No. 95-088 (see Attachment 3). To date, only 12 of these member slots have been filled.

When asked if any others in the community should be participating on the Task Force, Ms. Thomas and Mr. Doolan said they couldn't think of anyone, noting that these meetings are widely publicized and anyone wanting to join could do so at any time. Mr. Carr said that they should have included a Homebuilders Association member and a medical doctor from the community. He noted that originally the City thought representatives from the County and City health departments would be sufficient, but a medical

doctor from the community would be a value-added member. He noted that the Homebuilders Association attends the Task Force meetings, but that it would be helpful if they were a voting member of the Task Force. Both Mr. Mosby and Mr. Moehr felt that more citizens-at-large should be members of the Task Force. Mr. Mosby added that Task Force meetings do not get a lot of pre-meeting publicity other than an announcement in the City Hall, which results in less participation from residents living in the impacted community. EPA noted that they do not provide any administrative support to the CAG.

Technical Advisors

The Oronogo-Duenweg CAG is unique in that it has its own Technical Advisor, who was hired by the City of Joplin to provide advice on EPA documents and actions. His name is Neil Geitner and he works with Grant Environmental in Colorado. This Technical Advisor has a close working relationship with EPA; EPA provides the Technical Advisor all of its "close-to-final" documents related to the site for review and spends a lot of time on the phone discussing technical issues.

An EPA Technical Assistance Grant (TAG) also has been awarded, to a separate group, for the Oronogo-Duenweg site. Mr. Carr and Mr. Moehr indicated that the Task Force has an unusually good relationship with the TAG group, and that there are two cross-over members between the TAG group and the Task Force so that members are aware of what is being discussed by both groups. Mr. Moehr said that the TAG shares information from their Technical Advisors with the Task Force and its Technical Advisor. Mr. Carr noted that, at first, he thought this relationship might be adversarial since most of EPA's funds seem to be going toward the City of Joplin and the surrounding counties are not as well funded, but this has not occurred.

CAG Effectiveness

Ms. Thomas and Mr. Doolan noted that the Task Force has been an effective way for EPA to consult directly with the community about site issues by providing a means for open communication with the community. EPA started dealing with the community the first day the removal program showed up to do sampling. It was not sure of the problem yet, but once the Task Force was organized, EPA met with them on a monthly basis and talked at least once a week.

In response to a question, Ms. Thomas and Mr. Doolan noted that EPA is doing community-based remedy selection, but is discussing with the community which direction to go in to get the community to buy-in to the decisions made for the site. They added that EPA is making some decisions with a buy-in from the community but that the community is interested in doing some things that EPA has no jurisdiction to be involved in, *i.e.* interior lead-based paint removal. However, EPA has encouraged the community to talk with HUD about its ability to help the community with its lead-paint issue.

When asked if the formation of the Task Force has improved EPA's relationship with the community, Ms. Thomas and Mr. Doolan said that the Task Force has provided an open and honest forum for frequent communication. "If the public is informed with early communication, it makes a difference. They become more trusting." They then noted that it is

difficult to answer whether input from the Task Force has played a part in the decision-making process because there is a gray line on who actually ends up making the decisions. For example, because of EPA's good working relationship with the community, the community has bought into EPA's proposal to implement an innovative technology, phosphate stabilization of metals, at the site. This technology is not a proven technology; it is cutting edge and there are no available studies to prove if it will work. If EPA had come in cold to the community and announced use of this technology, it "probably would have been laughed out of town." But with a strong working relationship, the community has been willing to hear new ideas about ways to remediate the site.

Mr. Carr said that he thought the Task Force has been a very effective way of getting everyone with an interest in site decisions to talk with each other. He said the community relies on the CAG and the TAG to communicate its [the community's] concerns. On the negative side, however, it seems as if the citizens have not taken as active of a role because the Task Force is standing up for them. There is less active public participation at the Task Force meetings, but these meetings do get publicized both in the paper and on television so that the community knows what is being discussed.

Mr. Mosby said that he also thought the Task Force has done a good job at getting people to talk with each other. It has been a good Forum for discussion and trust has been developed within the group. As far as communication problems, there have not really been any. However, EPA has had problems getting access to homes in the community, noting that this issue might be better resolved using the TAG instead to reach the general public. Mr. Moehr said that he thought the group has been effective to a point, but was not sure whether the Task Force was hearing from a large enough cross-section of the community, *i.e.* both urban and rural residents.

Ms. Thomas and Mr. Doolan noted that the Task Force also has done a good job at getting everyone to talk with each other and EPA's experience with Joplin has been positive because there has been open and honest communication between EPA and the community. EPA has allowed the community to discuss the issues and has provided them with all information on the site they need.

All interviewees felt that the Task Force has done more to influence the decisions about the site now than the community could do before it was formed. Mr. Mosby said that the Task Force has enabled the community to have more influence in the decisions made for the site. Mr. Carr said the Task Force provides the community more leverage in the decision-making process.

Mr. Carr noted that Task Force meetings have been an effective way for the community to provide input on site issues directly to EPA because community members come to all meetings. Mr. Carr and Mr. Moehr noted that EPA, DNR, and ATSDR always attend both Task Force and TAG meetings, which makes them available for hard and serious questions by the community, and provides a direct link for communication with EPA. Mr. Mosby noted that the meetings provide a forum in which a lot of information exchange can occur, such as information on feasibility studies and risk assessments.

In response to a question on whether the formation of the CAG has improved the relationship between the community and EPA, Mr. Carr said that the community is still not convinced this program is cost effective. Many residents have lived in Jasper County for 40 years and have the feeling that since nothing has happened to them, the area is safe. He added that before 1990, the health standard for blood-lead levels was 20 micrograms per deciliter and most residents were below this level. However, after 1990, the standard changed to 10 micrograms per deciliter and the residents (mostly children) were no longer considered protected because their blood-lead levels were between 10 and 20 micrograms per deciliter. The community worries that this change in the lead standard has changed how safe the community is perceived.

Mr. Mosby said that initially, the City was hostile about EPA's efforts at the site, but that as time went on, a trust was built through media coverage and distribution of information about the site. Mr. Moehr said that before the Task Force was organized, the lines of communication were not open between the community and EPA. Mr. Carr feels that EPA has tried to hear the community's concerns and to take them into account in the decision-making process, but that "the jury is still out" on whether EPA will take the community's concerns when making their final decisions. Mr. Moehr said that communication with EPA at the Task Force meetings has been somewhat informal, so he is not sure whether EPA addressed all community concerns. However, when issues are not addressed, people from the community are encouraged to comment more frequently to EPA.

There were differing views on whether the main site issues have changed at the site over time since the Task Force was established. Mr. Carr said that he did not think so, but Mr. Mosby and Mr. Moehr said that as the Task Force has evolved, the remediation picture has become clearer, new clean-up remedies have been discussed for the site, and some issues have become better defined. Ms. Thomas and Mr. Doolan said that they felt the main site issues had changed for EPA. For example, EPA usually releases data on the contamination to the public. However, residents did not want their homes listed publicly as contaminated property in fear that their property would be "stigmatized." In response to this, EPA decided not to issue a public list of contaminated properties in Jasper County. Another example is that the Missouri Department of Health and ATSDR have worked closely with EPA to develop a health education program, which probably would have never been accomplished without input from the community.

All interviewees felt that the Task Force has been successful. Ms. Thomas and Mr. Doolan said that the CAG has enabled the community to be involved early-on in the decision-making process. Mr. Carr described a specific success. The Task Force has worked with the City to impose requirements on day care centers to obtain "special-use permits" to operate in the city. To obtain these permits, day care center providers have to get their yards tested to prove that their properties do not exceed the 500 ppm standard for lead. In addition, EPA and DNR tested all currently-operating day care center properties and those found to exceed this limit were excavated and filled-in with clean dirt. Mr. Mosby said that the Task Force has enabled a lot of communication between EPA and the community and has worked to abate the community's fears about declining property values. He added that "established communication forums, where complex issues can be discussed in detail,

enable people to begin to understand site issues on a deeper level and help them to not react from fears." Mr. Moehr noted his concern that despite the fact that the Task Force seems to be successful, as illustrated in the press coverage it gets through the newspaper and local television news, he worries that the group is not getting input from a large enough sector of the community.

Ms. Thomas, Mr. Doolan, and Mr. Carr said that they felt the Task Force was operating efficiently and did not have any suggestions for improvement. Mr. Carr did note, however, the it would be nice if the process could run a little bit faster, but then acknowledged that working with such complex issues slows down the process because it takes time for everyone to understand the issues being discussed. Both Mr. Mosby and Mr. Moehr said that they would like to see more public participation at the Task Force meetings. Mr. Mosby said that this might result from distributing site findings more widely in the community.

Communications Tools

In order to communicate with the Jasper County residents, the Task Force holds meetings every other month. (When the group was first established, they met every month.) Meeting notices are posted in the City Hall the day before the meeting. Mr. Carr said that the Task Force has been successful at getting people to come to the meetings and at each meeting there generally is a quorum of members, as well as between three and twelve non-members, in attendance. The Task Force tends to overrun its agenda by 15-30 minutes at each meeting. Mr. Moehr added that the Task Force has been very successful at getting its members to attend the meetings, but that public participation is variable depending on the topics that are being discussed. At each meeting, the Task Force has been very successful at getting attendees to provide input to the discussion.

Mr. Carr said that the City provides the Task Force with a secretary, who is responsible for developing the minutes at each Task Force meeting and distributing the minutes and other pertinent information to everyone on the Task Force mailing list, which includes Members, Federal and State personnel, and attendees from past Task Force meetings. Mr. Moehr said the secretary also distribute agendas for each meeting through the mail to all Members of the Task Force. This mailing list is maintained and updated by the secretary. The Task Force does not publish a newsletter or distribute flyers or EPA information. Mr. Carr noted that there is just too much information to disseminate to everyone. However, EPA develops fact sheets on what they are doing at the site, which have proven to be valuable information tools. EPA should continue this, but their other information is too much for the community to digest.

Mr. Carr said that Members of the Task Force have met individually with residents, but the process is more of a "grapevine effect" where information trickles down through the community. Mr. Mosby said that the County and City health departments meet with residents as part of their daily function. Mr. Moehr said that he interfaces with community members about site issues on a regular basis through his job.

According to Ms. Thomas and Mr. Doolan, the Task Force formed a subcommittee to specifically work with EPA to develop appropriate institutional controls for the area. Mr. Carr said that the Task Force has embarked on some neighborhood revitalization programs, but wishes that EPA's cleanup program was more comprehensive to address community's needs other than remediation. He explained that the EPA program is deficient in two major areas: it doesn't address revitalization of old neighborhoods; and it doesn't address lead-paint (however, the Task Force understands that EPA's mandate does not allow them to deal with the lead paint issue). Mr. Carr then noted that unless the neighborhood revitalizes, the community will not consider the EPA clean-up a success. The City wants Joplin to be a desirable place to live and EPA can play a role in achieving this goal.

Mr. Mosby noted that the Task Force has initiated a lot of activities. For example, the City has allocated some neighborhood-improvement money for revitalizing the neighborhoods, and the Task Force has hired a consultant to develop a coloring book to teach children about lead-paint issues. Mr. Moehr said that ATSDR has agreed to provide printing funds for this coloring book and that the book will be distributed by the local health departments and school districts. Mr. Mosby said that there also have been other educational outreach efforts with the Girl Scouts and the public schools. In fact, the Girl Scouts have developed a merit-badge program for lead-awareness. The public school system has developed a Lead Health Education curriculum and is gearing this program for different grade levels.

When asked about what kind of progress he would like to see over the next five years, Mr. Mosby said he would like to see all residential soils remediated, blood-lead levels decline, and a decrease in groundwater contamination. In addition, he would like to see a decline in large-level ecological impacts. Mr. Carr said that he would like to see revitalization of neighborhoods, especially the older neighborhoods, and a significant decline in the blood-lead levels in children. He noted that EPA states that a decrease to five percent of children with blood-lead contamination is considered good, but the City will not be happy unless this percentage is decreased below the five-percent mark.

Mr. Moehr said that he would like to see EPA take into consideration the ideas and comments made at the Task Force meetings and use them in their long-term planning process when implementing remedial action. He added that he would like to see the Task Force remain active and to continue communication with the public and its educational outreach activities. In addition, he would like to see the Task Force continue to evaluate EPA's progress at the site and its decision-making process.

When asked about the next ten years, both Mr. Carr and Mr. Mosby acknowledged that the program might take that long to achieve the goals stated above. Mr. Moehr said that he would like to see positive results from the remedial program and hopes that the Task Force will remain an active group at that time.

Suggestions for Other CAGs

Mr. Carr said that the success of a CAG depends on the particular problem in the area. The reason citizens groups are organized is because communities want to give input on their problems. EPA used to give only 30 days notice before they begin their cleanup programs, but the "new EPA" is better. Mr. Mosby said that a CAG should be able to "hear and communicate the science, site objectives, and emotional and political concerns" in order to best estimate the risks or other aspects of a site. Mr. Moehr said that for a CAG to be successful, it should have active participation that includes diverse community membership from the general public. In addition, he felt that active participation from local, State, and Federal agencies is vital to a CAG in order to truly understand what is going on at a site.

Ms. Thomas and Mr. Doolan said that the most fundamental thing for a CAG to do to ensure success is to get involvement from a cross-section of the community in order to ensure good community representation and a strong membership base. In addition, it needs to have regular meetings and a means to hire a Technical Advisor. It is not enough for EPA to give a CAG technical documents, because most often the membership will not be able to understand what is in these documents, much less communicate the documents' contents to the rest of the community.

When asked what the Task Force's most successful activities or publications are, Ms. Thomas and Mr. Doolan pointed to the development of the coloring book and the Task Force's meetings. In particular, the Task Force meetings are a success in that they are well-covered by the media, especially the *Joplin Globe* (see Attachment 4); these stories often make the front page, ensuring that the community is well aware of site activities.

Mr. Carr said that the Task Force's involvement with getting the public school system to develop a Lead Health Education curriculum is a real success, especially because it will be a long-term effort. Mr. Mosby said that the meetings are successful because they get extensive media attention.

When asked about things that have not worked, Ms. Thomas and Mr. Doolan said that at first they were leery about providing technical documents to the Task Force's Technical Advisor, but this ended-up working well. Mr. Carr said that getting EPA to consider the community's lead-paint issues has been difficult because they can't get EPA to bend in this area, but acknowledged EPA's statutory limitations. He added that there is a shortcoming in the "Superfund concept" in that the program does not address needs of neighborhoods. EPA needs to understand this and work to build a solution. Mr. Mosby said that there has been some debate on scientific issues, but other than this, he has not seen any things that have not worked.

Ms. Thomas and Mr. Doolan's suggestion to other Regions that want to form a CAG is to "Just do it!"; ninety percent of the problems at Superfund sites stem from the lack of communication with the public. They said that CAGs should be mandatory at Superfund sites with an appreciable residential population unless the community specifically says they don't want a CAG.

Mr. Carr said that he would encourage other communities to implement a CAG in order to ensure that community concerns are being addressed in the decision-making process. Mr. Mosby said that communities wanting a CAG should start early, get the facts, recruit local academic types, and get members who represent a diverse cross section of the community. Mr. Moehr said that a CAG should include participation from as diverse a group as possible. The membership should include representatives, both citizens and businesses, from all affected areas.

ATTACHMENT 1

Bylaws of the Jasper County EPA Superfund Citizen's Task Force

ARTICLE I

Name and Purpose

Section 1. Name. The name of the organization shall be The Jasper County EPA Superfund Citizens' Task Force (hereinafter referred to as the "Task Force").

Section 2. Purpose. The purpose for which the Task Force is organized is to participate in the Jasper County Superfund Site Decision-Making Process. To accomplish this goal, the Task Force shall:

1. Develop a process to gather early, direct, and meaningful citizen comments.

2. Serve as a public forum for community interests to present and discuss their needs and concerns related to the Superfund decision-making process with appropriate federal and state agencies.

3. Allow the EPA/State to exchange information with the community, and enable the Task Force members to discuss site issues and activities.

4. Provide a public service by representing the community in discussions regarding the site and by relating information from the discussions back to the rest of the community.

ARTICLE II

Membership of Task Force

Section 1. The affairs of the Task Force shall be composed of the following:

1. Task Force Members:

   A) No more than fourteen (14) voluntary members, seven (7) appointed for a one (1) year period, seven (7) appointed for a two (2) year period; and

   B) Recommended members include those from the following groups:

      Economic Development (1)
      Real Estate (1)
      Banking (1)
      Webb City Officials (2)
         1) R-7 Webb City/Carterville School
         1) City Official
      Joplin City Council Representative (1)
      Joplin Zoning & Planning Commissioner (1)
      City of Joplin Health Department (1)
      Jasper County Officials (2)
         1) County Commissioner
         1) County Health Department
      N.W. Joplin Neighborhood Representatives (2)
      Local Business Representative
      R-8 School System (1); and

   C) Ex-officio members consisting of the following: the U.S. Representative from the 7th Congressional District, the State Senator from District 32, the State Representatives from Districts 127, 128 and 129, and the City of Joplin Assistant City Attorney.

Section 2. Resignation and Removal. A Member may resign at any time by submitting his resignation to the Chairman of the Task Force. Resignations shall be effective on the date specified therein, or, if no date is specified, upon receipt by the Chairman. Resignation shall also constitute resignation from any committee of which such Member is a member and from any office held by such Member.

Section 3. Vacancies. Any vacancy occurring in the Task Force shall be filled by the resigning member's appointing authority. A Member selected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

Section 4. Attendance. Members are required to attend at least two-thirds (2/3rds) of the Task Force meetings held each year. A Member who fails to meet the above attendance requirement or who misses three (3) consecutive regularly scheduled meetings may be removed from office. Exceptions for illness and personal emergencies may be considered. Members may not be removed without a majority vote of the membership.

Section 5. Regular Meetings. Regular meetings of the Task Force shall be held at such location as specified in the notice of the meeting. All such meetings shall be open to the public and held in compliance with Missouri's "Sunshine Law".

Section 6. Special Meetings. Special meetings of the Task Force may be called by or at the request of the Chairman or five (5) Members. The person or persons calling a special meeting of the Task Force may fix any place, either within or without the State of Missouri, as the place for holding any special meeting of the Board called by them.

Section 7. Notice. Written or printed notice stating the place, day, hour or the meeting and, in case of a special meeting, the purpose or purposes for which it is called shall be delivered not less than two (2) nor more than thirty (30) days before the date of the meeting, either personally or by mail at the direction of the Chairman or the Secretary to each Member of the Task Force. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the Task Force, with postage thereon prepaid. The attendance of a member at any meeting shall constitute a waiver

of notice of such meeting except where a Member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 8. Quorum. A majority of the whole Membership of the Task Force in person shall constitute a quorum for the transaction of any business at any meeting of the Task Force; provided, however, that less than a majority of the Members present may adjourn the meeting from time-to-time without further notice.

Section 9. Voting. A member shall vote in person.

Section 10. Manner of Acting. The act of a majority of the Members present in person at a meeting at which a quorum is present shall be the act of the Task Force, unless the act of a greater number is required by law.

Section 11. Compensation. Members as such shall not receive any stated salaries for their services.

ARTICLE III
Officers

Section 1. Officers. The officers of the Task Force shall be a Chairman, one (1) or more Vice-Chairmen, and such other officers as may be elected or appointed in accordance with the provisions of this Article. The Task Force may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time-to-time by the Task Force. The Task Force may hire someone outside the membership of the Task Force to serve as Secretary/Recorder, and said Secretary/Recorder shall not be considered a member of the Task Force and shall not vote on any matter before the Task Force. Any compensation paid to the Secretary/Recorder shall be paid by the City of Joplin.

Section 2. Election and Term of Office. The officers of the Task Force shall be elected by the Task Force at any meeting lawfully convened. Each officer shall hold office for one (1) year and until his successor shall have been duly elected and shall have qualified.

Section 3. Removal. Any officer elected or appointed by the Task Force may be removed by a majority vote of the Members then in office whenever in their judgment the best interests of the Task Force would be served thereby.

Section 4. Vacancies. A vacancy in any office due to death, resignation, removal, disqualification or otherwise may be filled by the Task Force, or the appointing authority, for the unexpired portion of the term.

Section 5. Chairman. The Chairman shall preside at all meetings of the Task Force. He shall see that all orders and resolutions of the Task Force are carried into effect and, in general, shall perform all duties incident to the office of Chairman and such other duties as may be assigned by the Task Force.

Section 6. Vice-Chairman. The Vice-Chairman shall act in the absence of the Chairman, in which case he shall have all the power and authority of the Chairman.

Section 7. Secretary/Recorder. The secretary/Recorder shall record or cause to be recorded minutes of all meetings of the Task Force. He shall give or cause to be given notice of all meetings.

ARTICLE IV
Committees

Section 1. Committees of the Task Force. The Task Force, by resolution adopted by a majority of the Members in office, may designate and appoint one or more committees, each of which

shall consist of two (2) or more members, which committees, to the extent provided in said resolution or these Bylaws, shall have and exercise the authority of the Board in the management of the Task Force; provided, however, that no such committee shall have the authority of the Task Force in reference to amending, altering or repealing the Bylaws; electing, appointing or removing any member of any such committee or any Member or officer of the Task Force. The designation and appointment of any such committee and the delegation thereto of authority shall not operate to relieve the Task Force or any individual Member of any responsibility imposed upon it or him by law.

Section 2. Quorum. Unless otherwise provided in the resolution Of the Task Force designating a committee, or these Bylaws, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

Section 3. Rules. Each committee may adopt rules for its own government not inconsistent with these Bylaws, or with rules adopted by the Task Force.

ARTICLE V

Books and Records

The Task Force shall keep minutes of the proceedings of the Task Force and committees having any of the authority of the Task Force, and shall keep, a record giving the names and addresses of the Members of the Task Force. All such records shall be open to public inspection, unless closed pursuant to Missouri Law.

ARTICLE VI

Amendments

These Bylaws may be altered, amended or repealed and new Bylaws adopted only by a two-thirds (2/3rds) vote of the Members
then in office; provided, however, that notice of the proposed amendment be given to each Member ten (10) days prior thereto.

* * *

Adopted by the Members of the Jasper County EPA Superfund Citizens' Task Force, this 24th day of January, 1996.

JASPER COUNTY EPA SUPERFUND
CITIZENS' TASK FORCE

By:_____
Chairman

_____
Secretary/Recorder
(SEAL)

ATTACHMENT 2
CAG Mission Statement

ENVIRONMENTAL JUSTICE FORUM, KANSAS CITY, KS 2/28/96-2/29/96

Panelist:Earl S. Carr

"Superfund Success:Concerns About Mining Wastes in Joplin, Missouri"

ABSTRACT OF PRESENTATION

The City formed a task force of interested and affected parties in March 1995. Representation on the task force includes health, real estate. banking, economic development, schools, city and county elected officials, and persons living near the old smelter site, as well as persons from other villages and cities in the Jasper County Superfund areas. To help insure task force success, support has been provided by City staff as well as by a technical advisor for independent data interpretation and critique.

This Task Force is to:
*DEVELOP A PROCESS TO GATHER EARLY, DIRECT, AND MEANINGFUL COMMENTS.
*SERVE AS A PUBLIC FORUM FOR COMMUNITY INTERESTS TO PRESENT AND DISCUSS THEIR NEEDS AND CONCERNS RELATED TO THE SUPERFUND DECISION-MAKING PROCESS WITH APPROPRIATE FEDERAL AND STATE AGENCIES.
*PROVIDE A PUBLIC SERVICE TO THE REST OF THE COMMUNITY BY REPRESENTING THE COMMUNITY IN DISCUSSIONS REGARDING THE SITE AND BY RELAYING INFORMATION FROM THE DISCUSSIONS BACK TO THE REST OF THE COMMUNITY.
*PARTICIPATE IN THE DECISION-MAKING PROCESS.

The greatest contribution of the Task Force to date has been assisting in the development of public health education programs. These include:
a.Day Care facilities oversight
b.Including health education in the local school curriculum (Aug. 95) grades K & I and high school (future parents)
c.Parents as Teachers
d.Girl Scout Merit Badge Program
e.Physicians Awareness Seminars
f.Developing a site specific coloring/story book to be ready in the Spring of 1996.

It is too early to claim success as we have a neighborhood that has been "stigmatized". We will judge that we have success when:

1.There are no children with blood lead levels above 10 and,
2.The old smelter neighborhood is regarded as a desirable place to live.

In accomplishing these 2 measures of success a comprehensive plan is being developed by the City to more fully address the needs of the neighborhood beyond replacement of yards. This plan will address the additional areas of housing rehabilitation, lead paint hazard removal, and other community development activities including improved streets, sidewalks and sewers.

We believe that the continued cooperation between Federal, State and City agencies is essential to accomplish our goals. But, cooperation must include local citizen participation in determining how available Federal and State funds are spent in the impacted neighborhood.

ATTACHMENT 3
Resolution No. 95-008

RESOLUTION NO. 95-088

COPY

A RESOLUTION **establishing the Jasper County EPA Superfund Citizen's Task Force to participate in the Jasper County Superfund Site decision making process.**

WHEREAS, the Superfund Program in Jasper County involves clean-up of the hazardous waste sites in the City of Joplin and surrounding areas; and

WHEREAS, community involvement is an important element of the Superfund process; and

WHEREAS, a citizen's task force will provide a setting where representatives of the local area can obtain information about the clean-up, and a forum where all affected and interested parties in the community can participate in the Superfund process.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, AS FOLLOWS:

Section 1. **The City of Joplin authorizes the formation of the Jasper County EPA Superfund Citizen's Task Force to participate in the decision making process at the Jasper County Superfund Site.**

Section 2. **The Jasper County EPA Superfund Citizen's Task Force is established with the following guidelines and conditions made a part thereof:**

1) Task Force Members:

A) No more than fourteen (14) voluntary members, seven (7) appointed for a one (1) year period, seven (7) appointed for a two (2) year period; and

B) Recommended members include those from the following groups:

Economic Development (1)
Real Estate (1)
Banking (1)
Webb City Officials (2)
1) R-7 Webb City/Carterville School
1) City Official
Joplin City Council Representative (1)
Joplin Zoning & Planning Commissioner (1)

Resolution No. 95-088 (Continued) (For the March 6, 1995 meeting)

City of Joplin Health Department (1)
Jasper County Officials (2)
1) County Commissioner
1) County Health Department
N.W. Joplin Neighborhood Representatives (2)
Local Business Representative (1)
R-8 School System (1); and

C) Ex-officio members consisting of the following: the U.S. Representative from the 7th Congressional District, the State Senator from District 32, the State Representatives from Districts 127, 128 and 129, and the City of Joplin Assistant City Attorney.

2) Task Force Guidelines:

A) The task force will adopt and publish by-laws and operating procedures relating to how meetings will be conducted, how membership vacancies will be filled, the process for reviewing and commenting on documents and materials relating to the clean-up process, how the task force will relay its findings and recommendations to the EPA and the public, and other various duties.

B) The task force is primarily a representative forum and as such its main function will be to gather and disseminate information concerning the clean-up to the community and the City of Joplin City Council.

3) Meeting Guidelines:

A) All meetings of the task force will be open to the public unless closed pursuant to Missouri law; and

B) Task force meeting notices and agenda will be published in advance and posted at the Joplin City Hall in accordance with Missouri law; and

C) Minutes will be taken at all task force meetings and be made available to the public as provided by Missouri law.

Section 3. The Jasper County EPA Superfund Citizen's Task Force will meet regularly to review and comment on technical documents and plans related to the environmental studies and clean-up activities at the Jasper County Superfund Site and to relay

Resolution No. 95-088 (Continued) (For the March 6, 1995 meeting)

information between the EPA and the community about ongoing activities at the site.

Section 4. That this Resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 6th day of March, 1995.

Ronald F. Richard
Mayor

ATTEST: Mary C. Davis
City Clerk

ATTACHMENT 4

Lead Education Effort Cited: An Article in the *Joplin Globe*

Lead-education effort cited

April 18, 1996

By Wally Kennedy
Globe Staff Writer

Pb Possum, the star character in a coloring book designed to entertain and educate children about lead exposure locally, might have a wider audience than first envisioned.

In fact, the entire local response to lead in the environment — the school curriculum, Parents as Teachers, the coloring book and even Girl Scout badges — could be used in other places where lead is a problem and lead education is needed.

The effort to educate parents and children about lead is one facet of the ongoing cleanup of lead-contaminated yards in Joplin and the Jasper County Superfund Site.

"Joplin is a good model," said Brooke Shadel, with the federal Agency for Toxic Substances and Disease Registry (ATSDR) in Kansas City.

See Lead, Page 10A

Lead poisoning now Sesame Street topic

The Associated Press

WASHINGTON — Elmo and his Muppet friends on Sesame Street are reminding kids to stay away from dust and peeling paint and to wash their hands before eating, part of a national lead poisoning awareness campaign launched Tuesday.

The Children's Television Workshop and the National Safety Council kicked off the campaign at the Children's Museum in Washington with a video featuring Elmo and Sonia Manzano, Maria from Sesame Street.

Lead poisoning, which usually has no visible symptoms, can cause hearing loss, anemia and impaired physical and mental development, according to the National Safety Council.

■ Lead

Continued from Page 1A

"There are a number of different sites around the country with characteristics similar to Jasper County. What has been done in Joplin could be a model for a lot of sites," she said.

"There is no need to reinvent these things. They are generic enough that they could be be used at all mining sites. Someone would just have to pay for printing costs to use them."

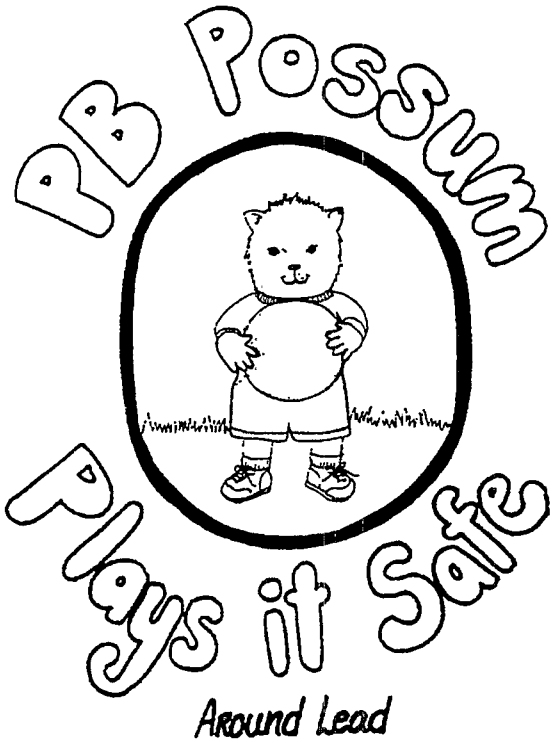
Though the educational materials are drawing attention, it is the approach to the problem the ATSDR would like to see modeled elsewhere.

"The teamwork and community involvement have benefited all parties," she said. "Starting with the team approach at the beginning — with all of the different agencies and different departments there at the table — means the communication lines are open."

It's a pat on the back for the residents' groups monitoring the cleanup, the Joplin and Jasper County health departments, and the Joplin R-8 School District.

Earl Carr, chairman of the Jasper County Superfund Citizens' Task Force, said, "I feel encouraged about our work — that they would consider the health education efforts we have done as a model to be used in other areas. It shows that we are making progress."

An objective of the task force has been to support public education efforts to create a "lead safe" environment, regardless of the source of lead. The effort has been supported by the Jasper County Superfund Site Coalition and Vision Health, a subgroup of the Vision Joplin task force that has set future goals for the area.



Carolyn Vandeven, R-8 assistant superintendent for curriculum and instruction, said, "It's quite an honor because our teachers really responded to a community need, and Parents as Teachers responded as quickly. They knew there was a real need. We are thrilled that the federal government is looking at us as a model."

The school district, in cooperation with the ATSDR, agreed to take on the task of developing a school curriculum that targets pupils in different grades with specific messages. One lesson plan encourages kindergarten children to wash their hands regularly to prevent the ingestion of contaminated dirt. Another plan teaches high school students about what they need to do to create lead safe homes when they have children of their own.

Lead is the number one environmental threat to children, according to the Department of Health and Human Sciences. Chronic, low-level exposure can delay the normal physical and mental development of babies and young children. Deficits in attention span, hearing and learning abilities, and more recently violent behavior, have been linked to childhood lead exposure.

Lead mining and smelting activities have created several contaminated sites in the western part of Jasper County. The Environmental Protection Agency has determined that hundreds of yards in northwest Joplin have been contaminated by lead fallout from a smelter operated decades ago at C Street and Porter Avenue. The EPA already has excavated 300 yards. Plans to resume and expand the cleanup could be in place by the end of summer.

Representatives of local, state and federal health agencies are being invited to a conference in Joplin on May 8 to share ideas on lead-exposure prevention and learn more about the materials developed with regard to Jasper County.

Case Study: Community Advisory Group

Southern Maryland Wood Treating Superfund Site, Hollywood, Maryland

Introduction

The following is a case study of the EPA Community Advisory Group (CAG) at the Southern Maryland Wood Treating Superfund site in St. Mary's County, Maryland. The CAG for this site is called the Southern Maryland Wood Treatment Plant Task Force (TF). The case study is based on information obtained in interviews with the following EPA Region 3 and State of Maryland personnel and TF members:

Stephanie Dehnhard, EPA Remedial Project Manager (RPM)
David Sternberg, EPA Community Involvement Coordinator (CIC) from 1992-1995
Michelle Mosco-Lasuolo, State of Maryland RPM
Ralph Guenther, Chair, Southern Maryland Wood Treatment Plant Task Force
James Riedel, President, Environmental Awareness Coalition of Southern Maryland (TF Member)
Joe Anderson, Citizen (TF Member)

Because Patrick Gaughan, the current CIC, is new to the Southern Maryland site and was unavailable at the time of the interviews, Mr. Sternberg agreed to participate in this study. Mr. Sternberg was the CIC for the site from 1992-1995. Ms. Dehnhard became the site's EPA RPM approximately two years ago. Ms. Mosco-Lasuolo, a State CERCLA program employee for about seven years, has been the site's State RPM for nearly two years. Mr. Guenther, a chemical engineer, moved to St Mary's County in 1985. He has been a member of the TF since 1991 and chair of the TF for the last three years. Mr. Riedel, an employee of Calvert Cliffs Nuclear Power Plant, is a charter member of both the TF and the Environmental Awareness Coalition of Southern Maryland (EAC). The EAC received a Superfund Technical Assistance Grant (TAG) in March 1992. Mr. Anderson became a member of the TF about four years ago and describes himself as a non-scientist.

Overview of Site History

The Southern Maryland Wood Treating Superfund Site comprises about 25 acres northwest of Hollywood in St. Mary's County, Maryland's most southern county. Between 1965 and 1978 the Southern Maryland Wood Treatment Corporation operated a wood preserving facility on four acres of the site. Coal tar, creosote, and pentachlorophenol (PCP) were used in the operation. Process waste was piped into six unlined lagoons. Waste also was released through spillage and chemical drippings from treated wood. Soil in the former lagoon area and in a land treatment area at the site are highly contaminated with PCP, polycyclic aromatic hydrocarbons, volatile organic compounds, and creosote by-products. The shallow on-site aquifer, which is currently not a major source of drinking water, also is contaminated.

About 125 residents live within one-half mile of the site, which is surrounded by residential, agricultural, and wooded areas. The 1990 census shows a county population of 76,000 people, but the population of the county is growing.

Some of the actions the site owner took in 1982, in response to a State Consent Decree, were to spray-irrigate wastewater from the lagoons over a wooded area at the site, excavate contaminated sludge from the lagoons, and place that sludge in a land treatment area on the site. The State initiated contempt proceedings against the company in 1982 and 1984 claiming that its implementation of these measures were unsatisfactory. EPA proposed the site for inclusion on the National Priorities List (NPL) in October 1984, finalized the site on the NPL in June 1986, and undertook several actions in 1985, 1986, and 1993 to stabilize the site. In June 1988, EPA signed a Record of Decision (ROD) that included on-site incineration of contaminated surface and subsurface soils, sediments, cement, contaminated building structures, and tank liquids using a portable, temporary incinerator. EPA signed a second ROD in August 1995.

Site Issues

Attracted to this rural/suburban community by the county's biggest employers—the Patuxent River Naval Air Station (Pax River), the Naval Electronics Systems Engineering Activity (NESEA), and Calvert Cliffs Nuclear Power Plant—St. Mary's County has a large number of well educated and highly skilled people with knowledge about science, government, business, and engineering. Recently expanding operations at Pax River, due to base closings elsewhere, and the county's proximity to Washington, DC, have contributed to the continued influx of technically sophisticated people into the county and to the demand for development. "Only 5-10 percent of the people living within one mile of the site are minorities," according to Ms. Dehnhard.

Although there is no evidence of human exposure to site contamination, "there is a real fear of migration of contamination off site and into the groundwater used for drinking water," said Mr. Sternberg, even though EPA has attempted to contain contamination at the site. "The purpose of the containment area constructed in the 1980s is to keep the contamination from the aquifers," said Ms. Mosco-Lasuolo, "and EPA is monitoring the groundwater to be sure the containment is working." The community currently uses a significantly deeper aquifer than the shallow one contaminated at the site. But to support the growing population in the county, Mr. Sternberg pointed out that, in just the last two years, developers have begun looking for new sources of groundwater, including the more shallow aquifers.

The main event that galvanized the community was the announcement that incineration would be used in remediating the site. It was this issue that prompted the formation of the TF in August 1991, according to all of the EPA and TF members interviewed. EPA's intention to use "incineration led to a firestorm of controversy," said Mr. Anderson. "But what sparked that was the manner in which the EPA project team presented it [incineration] to us," said Mr. Riedel, who remembers that time well. "They put 'fuel on the fire' with statements like 'If you don't like it, get a lawyer'," he said. "That one phrase probably did more to motivate the community than anything else." According to Mr. Riedel, the EAC and the newspapers were primarily responsible for the publicity that lead to the formation of the TF. "The newspapers played a key role in getting the word out," he said, "but a core group of 18 EAC members also went door to door in a lot of communities." The EAC organized in December 1990 and incorporated in 1991. A local cable TV

station also covered the story, but with limited air time; the station's "viewers are very limited," Mr. Riedel said. "It was with the increased publicity associated with the incineration issue that I first heard about it," said Mr. Guenther. Before the publicity surrounding incineration, there was not much interest in the site, Mr. Guenther and Mr. Riedel said, although the safety of the groundwater was and still is a community concern.

CAG Formation and Support

As a result of the public outcry over incineration, the County Commissioners promised to form a task force to advise the County. They selected members for the task force through the County's standard practice for establishing volunteer committees and task forces. The County announces the need for volunteers and requests applications and resumes for its committees and task forces. "A lot of the work of the County is accomplished through volunteer committees and task forces because most County employees, including the Commissioners, serve only part-time," Mr. Riedel said.

Although total membership of the Southern Maryland Wood Treatment Plant Task Force has varied slightly, currently there are nine members on the TF. The TF is supported by the Commissioners' secretary and the County's public information specialist. Administrative support comes solely from the County. The TF's original charge was to:

- Establish a single and complete source of all available documentation and background material;
- Serve as the official point of contact with Federal EPA and State Department of the Environment agents;
- Develop a public information mechanism for rumor control and apprehension retardant;
- Perform technical analyses and reviews of reports and proposals; and
- Submit recommendations to the Board of County Commissioners for formal action plans by the County Government.

The charge was later expanded to include:

- Review available literature and propose alternative courses of action for EPA consideration.

EPA played no role in the formation of the TF and did not provide any administrative support. However, two of the three TF members we interviewed felt EPA should have played a role in its formation, although both qualified their remarks. For example, Mr. Anderson said that "when [he] first became involved there was an adversarial relationship between EPA and the community; there was a lot of distrust of EPA's approach." Mr. Riedel felt that EPA "should have been part of the process to more fully explore what vehicles were available" for organizing community involvement. Only Mr. Guenther indicated that EPA "probably should not" have been involved because "the whole tone on EPA's part was adversarial." He said it appeared that "EPA had its marching orders and was going to go ahead."

From Mr. Sternberg's view,"it wouldn't have been helpful for EPA to have gotten involved; better that we stayed away from it, because we weren't trusted at that point." He added that there has been a perception at other sites, where EPA has

helped set up CAGs, that the CAGs were an EPA front. For the same reason, he said, Potentially Responsible Parties (PRPs) should not get involved in setting up CAGs.

All three TF members said that the TF relies on the technical expertise of its own members for advice—a view corroborated by EPA. TF members include, for example, a chemical engineer, toxicologist, the State's environmental health director, and an environmental attorney. Everyone we interviewed indicated that the combination of technical experts and non-technical people, such as homemakers and "regular working people," on the TF has contributed to its success. In addition to the technical expertise within the TF, Mr. Guenther said that the EAC "occasionally volunteers information to us, and I'm sure they would give us anything we requested." The EAC has an EPA Technical Assistance Grant (TAG). Mr. Riedel said that the EAC relays information from its TAG advisor to the TF and the community. He added that the EAC has been able to get a lot of Superfund-related information, including scientific material on alternative treatments, through one of its members and has always forwarded such information informally to the TF.

CAG Effectiveness

All three TF members and EPA's RPM felt that the TF encompasses every one in the community who would like to participate and does a good job of representing the community. Mr. Riedel pointed out that the EAC initially led the TF in keeping the community involved, but now the EAC plays more of a "monitoring role." According to Ms. Mosco-Lasuolo, the EAC and the TF "seem to encompass a pretty broad group. They share things back and forth and work closely together." Ms. Mosco-Lasuolo said that she frequently speaks with the EAC, as well as the TF. Although "the line between the EAC and TF is very thin, the TF offers a more formal message to the community," Mr. Riedel said. Mr. Sternberg, however, pointed out that EPA also initiated regularly scheduled teleconferences that include more of the community than just the TF.

Ms. Dehnhard felt that EPA is able to effectively consult with the TF about site issues because the TF is well organized and respected in the community. Mr. Riedel suspected that EPA saw the formation of the TF as "a new entity to deal with that had the mandate of the County Commissioners. I wouldn't say the TF was an easier vehicle [than the EAC] to deal with," he said, "but the TF is the official representative of the community." He added, "in my opinion, a group like the TF that is recognized by local government is probably the best way to deal with the community."

The TF members interviewed felt that the TF has been effective in providing input on site issues directly to EPA, but pointed out that there have been some problems. "EPA still holds the marbles; they can accelerate or lengthen the process," Mr. Anderson said, and "it's frustrating when EPA misses deadlines." Mr. Guenther felt that the communication problems the TF has had with EPA have resulted from a lack of information from EPA. He said that EPA "was not forthcoming," when three of four wells at the site were found to be contaminated in May 1994. "We had to learn about the contaminated wells from a State Senator's office." Mr. Guenther said that the TF found out later that the contamination was due to "bad sampling—it wasn't real," but he felt that EPA should have informed them. The TF had to call an emergency meeting, which was well publicized in the press, to provide the public with clear and accurate information about the incident. The meeting effectively defused a potentially explosive situation.

In another incident, Mr. Guenther said EPA made an "off-hand remark that oil was coming to the surface of the pond" after EPA had assured the TF that the pond was stable. The TF insisted that something be done, and ultimately EPA installed a water treatment plant that began operating last year. Mr. Guenther mentioned that one of the TF's current concerns is the adequacy of the monitoring of the clay layer that is supposed to be restraining dense non-aqueous phase liquids. The TF has asked EPA to do directional drilling in that area of the site.

Everyone interviewed believes that the TF has improved the relationship between EPA and the community. "EPA no longer has an adversarial relationship with us," Mr. Guenther said. But Mr. Riedel said, "timeliness is still a problem; there's too much slippage on project implementation." Mr. Anderson pointed out that there tends to be stress and animosity when people want results immediately. He said he recognizes that some delays are inevitable, but he too wants faster EPA action.

From the State's view, there has been a good relationship with EPA over the last two years. Ms. Mosco-Lasuolo attributed much of EPA's success during that time to its project team. In particular, she felt that EPA's RPM, Ms. Dehnhard, has gained the TF's confidence. "She's up-front with them; if she doesn't know the answer, she says so but gets back to them with an answer. She's consistent with that, and I think they appreciate that," she said. Mr. Riedel also indicated that, for the last two years, "EPA has been very responsive."

All interviewees indicated that most of the site-related issues the community had prior to formation of the TF have been resolved: the relationship of the community with EPA has improved, incineration was stopped, a new ROD was signed, and "we have a remedy—thermal desorption—that the Federal Government, the County, and the community can accept," Mr. Guenther said. In addition, Mr. Guenther felt that the TF, in conjunction with EPA and the State, has been effective in getting other issues addressed, such as the installation of a water treatment plant for the pond, and EPA's promise to contain potential air emissions and minimize noise during implementation of the remedy.

Mr. Sternberg attributed the effectiveness of the TF to several factors: (1) the technical sophistication of the community and its historical concern over environmental issues; (2) a well-run County Government, especially the public affairs office, which has committed a lot of resources into this site; (3) U.S. Congressional interest, especially from Senator Barbara Mikulski; and (4) the polarizing issue of incineration. "This site has a higher level of technical sophistication in the community than any other site I've worked with," he said, and "I've worked on 100 Superfund sites." Mr. Sternberg had very high praise for the individual TF members. "They were genuinely concerned about the site; no one had axes to grind; they tried to play a constructive role in the process," he said. Ms. Mosco-Lasuolo commented that she has worked with a lot of community groups, and "this is the best one."

The interviewees unanimously agreed that there was nothing the TF has done so far that has failed, and only one of the interviewees indicated a way in which the TF might be improved. Mr. Sternberg suggested that perhaps the turnover of TF members and chairs could be reduced, though he pointed out that during the time he was involved, "they all did a good job."

Communications Tools

TF members rely on two tools to communicate with their constituents and other interested residents of the affected community around the site. One is the TF meetings, and the other is the annual report to the County Commissioners (see Attachment 1), which is the TF's only official publication. The minutes of TF meetings and annual reports are available to the public on request.

The TF meets on an as-needed basis, but when there is a lot of activity, they meet monthly. Meetings are open to everyone and are announced in the local newspaper about two weeks in advance. The public information specialist for the County takes responsibility for arranging for the announcements in the press. The meetings are typically attended by the County Commissioners' secretary who records the minutes, the County's public information specialist, a representative for the State, and, sometimes, someone from the *Enterprise* Newspaper and EPA. Also, two non-TF members from the EAC nearly always attend. Mr. Guenther said as many as 80-100 people have attended TF meetings. The number of non-TF people who attend "depends on how emotionally charged the issue is," said Mr. Anderson.

"Once the TF formed, there was no reluctance on EPA's part to attend meetings," Mr. Riedel said. However, EPA has attended only about half of the TF meetings, according to Mr. Sternberg, mainly because "we had to watch our travel money and balance the needs at this site against the needs at other sites." The original State RPM, Sesh Lal, was a member of TF "because the County asked him to be a member," Ms. Mosco-Lasuolo said. When he left, he was not replaced on the TF, but Ms. Mosco-Lasuolo indicated that someone from the State always attends the TF meetings.

Everyone interviewed expressed praise for the monthly teleconferences that EPA, in conjunction with the State, began in 1992. Representatives of the TF, the EAC, local newspaper and radio station, the State, and the County (often the Commissioners themselves) participate in the teleconferences, according to Mr. Sternberg and Ms. Dehnhard. "TF participation in the teleconferences gave it [TF] some credibility that it wouldn't have had without it," Sternberg said, and the teleconferences have helped address the problem of general distrust of EPA.

The TF does not publish newsletters, fact sheets, or other publications for direct distribution to the community. "With the exception of the newspaper, there isn't any other effort to solicit community involvement," Mr. Riedel said. The TF does not do mass mailings; "keep in mind this is a small community and the County government doesn't have a big budget," said Mr. Riedel. EPA occasionally has sent out fact sheets, and the EAC has a newsletter that reaches 100-130 residences on its mailing list.

When asked what kind of progress they would like to see over the next five years, the TF members unanimously agreed that they would like the final remedy implemented and completed. Mr. Guenther added, "EPA's schedule takes too long—I hope this question is not an indication of more of the same." He acknowledged that the TF asked for a focused feasibility study and new ROD, which affected the schedule, but noted that the TF reviews EPA documents and comes up with recommendations within two weeks. Mr. Riedel expressed his hope that "this question doesn't mean we're looking in excess of three years" to have the site cleaned up. Mr. Anderson stated that within the next five years, EPA should prepare information regarding the site and the success of the TF and make it available to the public.

Suggestions for Other CAGs

All interviewees were asked to identify the main ingredients for a successful TF or CAG. The EPA staff emphasized several factors: Because credibility in the community is essential, CAGs need to be independent of EPA and the PRPs, and should be representative of the community. Mr. Sternberg emphasized that CAGs work best when there is a significant level of technical sophistication within the membership and a balance of technical expertise in areas such as engineering, biology, chemistry, and public health. The mix also should include some non-technical people as well.

EPA staff felt that CAG members have to have a lot of energy and commitment, and they need to be objective. "You don't want people with too many axes to grind," Mr. Sternberg said. Superfund, he noted, "is a painful process," so CAG members need to work well together and be constructive in order to promote an inclusive and participatory process. TF members, with help from EPA, need to educate themselves about the Superfund process and how government works.

EPA staff recognized that CAGs need administrative support, preferably from someone without an agenda. Administrative support from the County is probably ideal, in Mr. Sternberg's view, but the next best thing would be a Federal grant to the local government. "All that's needed is about ten hours per week of administrative support," Mr. Sternberg said. The Southern Maryland Wood Treatment Plant Task Force was a "harmonic convergence" of the right ingredients for success, he said, "but it is naive to think it's going to be replicated at other sites."

The State RPM emphasized the importance of having CAG members who are willing to do their own research and come up with ideas for discussion. In Ms. Mosco-Lasuolo's experience, CAGs work best when they avoid having one person as the driving force and when they stay focused on their agendas. She added that a good relationship with EPA also "helps a lot to keep things calm and constructive."

The TF members also stressed the importance of including a mix of concerned citizens and technical experts with varied backgrounds in a CAG. The "non-technical perspective" is important in keeping things understandable to everyone, Mr. Guenther said. Mr. Riedel considers the ability of technical and non-technical TF members to work together as the most effective ingredient the TF has brought to the process. "We may have been dumb lucky to have these people," he said, and he stressed that technical experts from within the group or, if necessary, from outside are essential to an effective CAG.

TF members also emphasized getting the community involved early in the process and getting responsive EPA people involved. EPA does not always have to agree with the CAG, Mr. Guenther said, but the Agency needs to avoid saying things like, "We don't do things that way," or "That's not what we did last time." CAGs need accessibility to EPA's project team and need to get information, such as resource lists, RODs, and changes in administrative and technical directives, quickly from EPA. Some type of EPA dissemination vehicle, such as a newsletter and conference calls are useful too. Mr. Riedel felt that EPA should train their project teams in communication skills and in how to deal with people. "EPA needs to go beyond the letter of the law," he said, in dealing with communities.

TF members identified two additional ingredients of success: CAGs should have a charter that gives them "legitimacy and credibility," and CAG meetings should be publicized and open to everyone. Mr. Guenther added that during CAG meetings, community discussions should be promoted, but keeping to an agenda and cutting off discussions from the floor that "became personal in nature" are essential.

ATTACHMENT 1
Southern Maryland Wook Treatment Plant Task Force Annual Report

Southern Maryland Wood Treatment Plant Task Force Annual Report

Presented to the Board of County Commissioners
Ralph Guenther, Task Force Chair

April 30, 1996

SOUTHERN MARYLAND WOOD TREATMENT PLANT TASK FORCE ANNUAL REPORT

PURPOSE OF GROUP:

The Southern Maryland Wood Treatment Plant Task Force was formed by the County Commissioners in August, 1991. The group's original charge was as follows:

1. Establish a single and complete source of all available documentation and background material.

2. Serve as the official point of contact with Federal EPA and state DOE agents.

3. Develop a public information mechanism for rumor control and apprehension retardant.

4. Perform technical analyses and reviews of reports and proposals.

5. Submit recommendations to the Board of County Commissioners for formal action plans by county government.

This charge was subsequently expanded to include:

6. Review available literature, and propose alternative courses of action for EPA consideration.

ACTIVITIES DURING THE PAST YEAR:

In May of 1992, the EPA along with Maryland Department of the Environment agreed to review the decision to Incinerate the soil at the site. The new Record of Decision (ROD) was completed and released in September of 1995. This ROD recommends Thermal Desorption with recovery of the contaminants for shipment offsite and recycle as wood treatment chemicals. The Task Force recommended acceptance of this cleanup technology. This recommendation also received the concurrence of the Environmental Awareness Coalition. Our recommendation was accepted by the Board of County Commissioners with this acceptance forwarded to the EPA.

A contract to begin the design work for the cleanup has been let to a Baltimore firm, E A Engineering. We have not yet seen a scope of work or schedule for their activities. They have completed a work plan which is in a review cycle with the EPA. This plan includes the remedial design and treatability study as well as a schedule of activities. We anticipate receiving this document in late April or early May of 1996.

The remedial design lists the specifications for the cleanup. It will include information on the soil to be cleaned, both quantity and quality. It will provide direction on where and how the soil and water will be handled, treated, and stored both before and after the cleanup. It should provide the broad parameters of the cleanup, i.e., indirect heat source, contaminant condensation and recovery, and expected clean soil analysis. This design effort does not get into the details of the actual cleanup equipment.

The only activity on the site during the past year has been the startup of the water treatment facility. This facility takes the water flowing out of the pond and uses carbon absorption to remove all organic contaminants. This process assures that only clean water leaves the site. This facility is operated for several hours a day, five days a week with provision for weekend operation in the event of heavy rainfall. In theory, this is adequate to keep the pond level below the outfall, and treat all the water leaving the site. In practice, we have already seen a problem with the water treatment plant shut down during the Federal Government's shutdown.

We have continued to review the water test results. There are monitoring wells around the site. At our insistence the EPA began a program to test these monitoring wells on a quarterly basis. The Task Force has reviewed these results as they became available. During the past year, there was only one sample last November showing contamination. A review of the compounds detected showed that most were chemicals used to calibrate the test equipment and had not previously been identified on the site. Based on this, the contamination was attributed to laboratory error. Subsequent testing showed no contamination of the water sample.

Some question remains about the effectiveness of the testing since only the area around the contamination is tested rather than the area under it. While everyone is agreed that we do not want to introduce a pathway into the lower layers by drilling through the contamination, there is a disagreement about the ability to directionally drill from outside the contaminated area to a location under the contamination.

PLANS FOR THE COMING YEAR:

Among the challenges faced by the Task Force in its efforts to assure a timely cleanup of the site are:

1. Continued review of water monitoring well tests.

2. Have EPA expand water monitoring to include samples of the water treatment plant.

3. Review the remedial design, treatability study, and the work schedule.

4. Work closely with EPA and the Army Corps of Engineers to assure that the job progresses in the most timely manner possible.

We have been receiving and reviewing the results of the monitoring wells. These results have occasionally shown the effects of poor sampling or lab handling. We will continue to review the lab work for signs of a problem with the monitoring well water.

The water treatment plant has been in normal operation for approximately one year. We are overdue to have the water between the two carbon beds sampled and tested for contaminant breakthrough. By testing between the two beds, we can find out when the first bed is consumed while we still have the second bed cleaning the water. This assures that no contaminants escape to Old Tom's Run. We will press the EPA to begin regular monitoring of this water.

The Task Force will continue to review all the design documents relevant to assuring that the cleanup is progressing toward the goal of a site which is cleaned up to allow future use of the property and contaminants removed from the site for recycle as a useable product.

The Task Force will work with the EPA and the Army Corps of Engineers to keep the efforts moving forward in the most timely manner possible.

RECOMMENDATIONS:

The Task Force recommends that the Commissioners continue to keep an oversight body to review the operation of the site cleanup and continue the task of contact point for information exchange.