**MODEL REMEDIAL INVESTIGATION/FEASIBILITY STUDY**

**STATEMENT OF WORK**

**[OPERABLE UNIT \_\_]**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ SUPERFUND SITE**

**\_\_\_\_\_\_\_\_\_ City, \_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_**

**EPA Region \_\_\_**

**(For Use with Model RI/FS Administrative Settlement Agreement Order on Consent)**

**September 2022**

● This model, the guidance documents referenced herein, and any internal procedures adopted for its implementation and use are intended solely as guidance for employees of the U.S. Environmental Protection Agency. They do not constitute rulemaking by the Agency and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law or in equity, by any person. The Agency may take action at variance with this model, the guidance documents referenced herein, or its internal procedures.

● This document contains automatic section and paragraph numbers and automatic section and paragraph cross references, and an automated Table of Contents. If you add or delete sections or paragraphs, please do not attempt to manually renumber any sections or paragraphs or cross references. Please see instructions at end of document for more details.

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1. INTRODUCTION
   1. **Purpose of the SOW**. This SOW sets forth the procedures, requirements, and recommendations for implementing the Work to develop and perform the remedial investigation (“RI”) and the feasibility study (“FS”) for [Operable Unit-\_] of the Site. Further, this SOW is a part of and incorporated into the Administrative Settlement Agreement and Order on Consent, CERCLA Docket No. \_\_\_ (“Settlement”)
   2. The terms used in this SOW that are defined in CERCLA, in regulations promulgated under CERCLA, or in the Settlement, have the meanings assigned to them in CERCLA, in such regulations, or in the Settlement, except that the term “Paragraph” or “¶” means a paragraph of the SOW and that the term “Section” means a section of the SOW, unless otherwise stated. If there is a conflict between this SOW and the Settlement, the provisions of the Settlement shall govern.
   3. At the completion of the RI/FS, EPA will be responsible for identifying a preferred remedy, soliciting, and reviewing public comments on the proposed plan, and the selection of a site remedy, and will document this selection in a record of decision (“ROD”). The remedial action alternative selected by EPA will meet the cleanup standards specified in CERCLA § 121. As specified in CERCLA § 104(a)(1), as amended, EPA or its representatives will provide oversight of Respondents’ activities throughout the RI/FS [and further as provided].
   4. Modifications to the SOW will follow procedures described in Sections VII (Performance of the Work) and XXI in the Settlement. Respondents shall refer to the Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988) (“RI/FS Guidance”) in performing their responsibilities under this SOW.
   5. This SOW is not intended to modify current EPA guidance or regulations, including but not limited to the guidance documents referenced in ¶ 8.1. Current EPA guidance and regulations shall control in the event of any conflict between the SOW and current EPA guidance and regulations.
2. COMMUNITY INVOLVEMENT
   1. As requested by EPA, Respondents shall conduct community involvement activities under EPA’s oversight as provided for, and in accordance with this Section. Such activities must include designation of a Community Involvement Coordinator (“CI Coordinator” [**insert, if provided for below:** and implementation of a Technical Assistance Grant (TAG)].
   2. **Community Involvement Responsibilities**

EPA has the lead responsibility for developing and implementing community involvement (“CI”) activities at sites. This includes compliance with 40 C.F.R. § 300.430(c)(2) (outlining the lead agency’s community involvement responsibilities) and the preparation of a Community Involvement Plan (CIP) specifying the CI activities expected to be undertaken during the remedy response.

* + 1. Such activities include not only notifying the community of the availability of a TAG but also, where appropriate, potential use of EPA’s Technical Assistance Services for Communities contract. EPA is also responsible for compliance with § 300.815(a) (making administrative record available to the public) and § 300.430(f)(3)(i)(C) (providing reasonable opportunity for submission of comments on the RI/FS and Proposed Plan), respectively.
    2. **Respondents’ CI Coordinator.** As requested by EPA, Respondents shall designate and notify EPA of Respondents’ CI Coordinator. Respondents may hire a contractor for this purpose. Respondents’ notice shall include the name, title, and qualifications of their CI Coordinator. Respondents’ CI Coordinator is responsible for providing support regarding EPA’s CI activities, including coordinating with EPA’s CI Coordinator regarding responses to the public’s inquiries and/or requests for information or data about the site.
    3. As requested by EPA, Respondents shall participate in and/or conduct community involvement activities, including participation in (1) the preparation of information regarding the field sampling activities for dissemination to the public, with consideration given to including local and mass media and/or internet notification, and (2) public meetings that may be held or sponsored by EPA to explain activities at or relating to the site [and (3) add other activities EPA decides are necessary to protect and address the concerns of communities with EJ concerns and overburdened communities, *e.g.,* “giving presentations” or providing interpretation and/or translation services]. Respondents’ support of EPA’s community involvement activities may include providing online access to initial submissions and updates of deliverables to (1) any Community Advisory Groups, (2) any TAG recipients and their advisors, and (3) other entities to provide them with a reasonable opportunity for review and comment. EPA may describe in its CIP Respondents’ responsibilities for community involvement activities. All community involvement activities conducted by Respondents at EPA’s request are subject to EPA’s oversight. Upon EPA’s request, Respondents shall establish, as early as feasible, a community information repository at or near the site, as provided in the CIP, to house one copy of the administrative record.
  1. **Information for the Community**. As requested by EPA, Respondents shall develop and provide to EPA information about the RI/FS including: (1) any validated data from field sampling activities as provided in ¶ (a) below; (2) schedules prepared under Section 7; (3) dates that Respondents completed each task listed in the schedules; and (4) digital photographs of the Work being performed, together with descriptions of the Work depicted in each photograph, the purpose of the Work, the equipment being used, and the location of the Work. The EPA Project Coordinator may use this information for communication to the public via EPA’s website, social media, or local and mass media. The information provided to EPA shall be suitable for sharing with the public (*e.g.,* drafted in plain language) and the education levels of the community as indicated in EJScreen. Translations shall be in the dominant language(s) of community members with limited English proficiency.
     1. As requested by EPA, Respondents shall describe all community impact mitigation activities to be performed: (i) to reduce impacts (e.g., air emissions, dust, odor, traffic, noise, temporary relocation, negative economic effects) to residential areas, schools, playgrounds, healthcare facilities, or recreational public areas frequented by community members (“Community Areas”) during field sampling activities; (ii) to conduct monitoring in Community Areas of impacts from field sampling activities; (iii) to communicate validated sampling data; [and] (iv) to make adjustments during field sampling activities in order to further reduce negative impacts to affected Community Areas [;and (v) any additional activities as appropriate]. Descriptions shall contain information about impacts to Community Areas that is sufficient to assist EPA’s site team in performing the evaluations recommended under the *Superfund Community Involvement Handbook*, OLEM 9230.0-51(Mar. 2020). EPA’s Remedial Project Manager (“RPM”) and CI Coordinator will review and approve all proposed activities.

[If EPA and Respondents agree to the TAP option, add: 2.4 **Settling Respondents’ Responsibilities for a Technical Assistance Plan (see appendix for these provisions)**

1. REMEDIAL INVESTIGATION
   1. **Previous Investigation Summary Report**. Respondents shall prepare a Previous Investigation Summary Report for EPA [and State/Tribe] review and EPA approval. The report shall include available data relating to the varieties and quantities of hazardous substances, pollutants, or contaminants at the site. Available data may include results from any previous sampling or other investigations that have been conducted. Respondents will refer to Table 2-1 of the *Guidance for Conducting Remedial Investigations and Feasibility Studies,* OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988) for a comprehensive list of data collection information sources. The report shall also describe releases of hazardous substances, pollutants or contaminants into the environment.
   2. **Conceptual Site Model Development and Report**. The Conceptual Site Model (“CSM”) is a representation of the site that summarizes and helps project teams visualize and understand available information, and which is updated as additional information becomes available. Respondents shall develop (or, as appropriate, update) the CSM for EPA [and State/Tribe] review and EPA approval. The CSM shall be based upon all available site-specific information. Respondents shall provide the CSM and an accompanying summary report that documents the information used in developing the CSM, why any available information was not used, and recommendations regarding data gaps. Respondents shall update the CSM, as requested by EPA, to account for information obtained during the RI.
   3. **Identification of Preliminary RAOs, PRGs and ARARs**. Respondents shall develop preliminary remedial action objects (“RAOs”), which are medium-specific goals for protecting human health or the environment that specify the chemicals of concern, exposure route(s) and receptor(s) and preliminary remediation goals (“PRGs”). Respondents shall prepare a memo for EPA [and State/Tribes] review [and EPA approval] providing preliminary identification of potential [state/tribal/territories] and federal chemical-specific, location-specific and action-specific applicable or relevant and appropriate requirements (“ARARs”) to assist in the refinement of RAOs, and the initial identification of remedial alternatives and ARARs associated with particular actions. ARAR identification will continue as site conditions, contamination, and remedial action alternatives are refined. Respondents shall also incorporate federal and [State/Tribal] potential ARAR and “to be considered” materials provided by EPA before or with review comments on each deliverable.
      1. **Remedial Investigation Work Plan.** Respondents shall submit an RI work plan (“RIWP”) to EPA and [State/Tribes] for review and EPA approval, consistent with OSWER 9835.1(c). The RIWP shall include a comprehensive description of the RI Work to be performed, including the scope, methodologies, and schedule for completion. The RIWP shall also include all requirements under **¶**3.3 unless EPA decides that one or more provisions is not necessary. The RI is typically conducted over multiple years where tasks are sequenced and scoped based on the best available information and the CSM. Therefore, there is high probability that either the sequence or scope may change as the CSM is refined and the RI progresses. The RIWP describes areas of a site that may pose potential current or future unacceptable risk to public health or welfare or the environment due to the release or threat of release of chemicals. The RIWP will present a statement describing the release or threat of release of hazardous substances, pollutants or contaminants at or from the Site. Respondents will develop a specific project scope based on EPA’s remedial strategy for the Site (“Site Strategy”). [If commingled contamination (e.g., hazardous substances comingled with pollutants or contaminants) is discovered at the site, then addressing the constituents contaminated in the commingled contamination shall be incorporated into the FS.] The RI shall consist of collecting data to characterize site conditions (including meteorology affecting the site, 40 C.F.R. § 300.430(d)(2)(i)), determining the nature and extent of the contamination at or from the site, assessing risk to human health, sensitive populations (40 C.F.R. § 300.430(d)(2)(vii)) and the environment, and conducting treatability testing as necessary to evaluate the potential performance and cost of the treatment technologies that are being considered. Respondents shall identify which climate-related or environmental hazards (e.g., sea level changes, increased severity of wildfire, increased storm intensity, increased flood risk, etc.) may affect the potential remedies at the site. Respondents shall use forward-looking climate data to evaluate the current and potential chemical releases and unacceptable exposure pathways.
      2. In its description of the methodologies to be used to perform any RI Work, the RIWP shall consider the environmental footprint of all such activities and, to the extent practicable, take actions to minimize said footprint. The RIWP shall be consistent with the *Consideration of Greener Cleanup Activities in the Superfund Cleanup Process* (Aug. 2, 2016). These considerations for greener cleanups are not intended to allow cleanups that do not satisfy threshold requirements for protectiveness, or do not meet other site-specific cleanup objectives. Greener cleanup activities refer to strategies designed to help minimize the environmental footprint of cleaning up contaminated sites and ensure a protective remedy within the applicable CERCLA statutory and regulatory framework.
   4. **RIWP Deliverables**. The Respondents shall submit the following deliverables for EPA review and approval unless EPA decides that one or more provisions is not necessary:
      1. **Quality Assurance Project Plan** Respondents shall collect, produce, evaluate, or use environmental information under a Quality Assurance Project Plan (“QAPP”) reviewed and approved by EPA with [State/Tribe] consultation. No environmental information, as defined by AQS/ANSI E-4, will be collected, produced, evaluated, or used without an EPA approved QAPP. The QAPP will be consistent with EPA Directive CIO 2105.1 (Environmental Information Quality Policy, 2021), consistent with the most recent version of ASQ/ANSI E-4 (Quality Management Systems for Environmental Information and Technology Programs Requirements with Guidance For Use) and consistent with EPA/G-5 (EPA requirements for QAPPs).
         1. **Field Sampling Plan**. The field sampling plan (“FSP”) shall be written so that personnel unfamiliar with the project will be able to gather the samples and field information required. The FSP shall be prepared in accordance with RI/FS Guidance.
      2. **Emergency Response (ER) and Notification Plan**. The ER and Notification Plan shall describe procedures to be used in the event of an accident or emergency at the site (*e.g.*, power outages, water impoundment failure, treatment plant failure, slope failure, etc.). The ER and Notification Plan shall include:
         1. Name of the person or entity responsible for responding in the event of an emergency incident;
         2. Plan and date(s) for meeting(s) with the local community, including local, [State/Tribes], and federal agencies involved in the cleanup, as well as local emergency squads and hospitals;
         3. If applicable, a Spill Prevention, Control, and Countermeasures Plan consistent with the requirements of 40 C.F.R. part 112 (describing measures to prevent, and contingency plans for, spills and discharges);
         4. Notification activities in accordance with ¶ 5.6(b) (Release Reporting) in the event of a release of hazardous substances requiring reporting under sections 103 or 111(g) of CERCLA, or section 304 of the Emergency Planning and Community Right-to-know Act (“EPCRA”), 42 U.S.C. § 11004; and
         5. A description of all necessary actions to ensure compliance with Section 5 (Meetings, Reporting, and Permits) in the event of an occurrence during the performance of the Work that causes or threatens a release of a hazardous substance, pollutant or contaminant at or from the site that constitutes an emergency or may present an immediate threat to human health or welfare or the environment.
      3. **Health and Safety Plan**. The Health and Safety Plan (“HASP”) shall describe all activities to be performed to protect on-site personnel from physical, chemical, and all other hazards posed by the field sampling. The HASP shall: (1) be prepared in accordance with EPA’s *Emergency Responder Health and Safety Manual* and Occupational Safety and Health Administration (“OSHA”) requirements under 29 C.F.R. §§ 1910 and 1926; and (2) shall address RI Work and include contingency planning. EPA does not approve the HASP but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.
      4. **Field Summary [and Other Technical] Reports**. Respondents shall provide a report after the field activity demobilization that addresses the collection, processing, management, distribution, analysis, and archival of data and information. These reports will be reviewed and approved by EPA with [State/Tribe] consultation.
      5. **Reuse Assessment**. Respondents will prepare a reuse assessment in accordance with the SOW, RIWP, and applicable EPA guidance. The reuse assessment will inform the development of realistic land use assumptions. The reuse assessment also informs the baseline risk assessments when estimating potential future risks and preliminary RAOs and supports the remedy selection process. Respondents shall update the reuse assessment, as requested by EPA, to account for information obtained during the RI.
      6. **Baseline HHRA and ERA.** Respondents shall perform the Baseline Human Health Risks Assessment (“Baseline HHRA”) and Ecological Risk Assessment (“ERA”) in accordance with the SOW and the NCP, including the 40 C.F.R. § 300.430(d)(2)(vii) provision on sensitive populations, RIWP, and applicable EPA guidance. Additionally, Respondents shall ensure that risk assessments incorporate site-specific exposure assumptions based on: (1) awareness of community practices, (2) environmental justice[[1]](#footnote-2) concerns, and (3) anticipated changes to weather and climate. Respondents shall use current EPA-recommended environmental justice screening tools (e.g., EJScreen as identified by EPA during the scoping of the Baseline HHRA. If requested by EPA, Respondents shall conduct more detailed evaluations of community practices, environmental justice concerns, and potentially exposed populations as identified by EPA as a result of community outreach. If requested by EPA, Respondents shall use climate change screening tools (e.g., forward-looking climate data) to evaluate the affect that anticipated changes to weather and climate have on the results of the Baseline HHRA and ERA. The evaluation of site-specific exposure assumptions shall be discussed in the risk assessment as appropriate. Potential overestimation and/or underestimation of risk associated with community practices, environmental justice concerns, and impacts of climate change shall be presented in the uncertainty discussion. Risk assessments will be reviewed and approved by EPA with [State/Tribe] consultation. Respondents shall identify and document all sources of information reviewed to address the human health and ecological assessment endpoints.
      7. **Preliminary IC Evaluation.** The Respondents shall submit a preliminary institutional control (IC) evaluation for EPA and [State/Tribe] review and EPA approval. The IC evaluation will describe potential land and/or resource use restrictions and their relationship to the preliminary RAOs. The IC evaluation will also identify potential IC instruments (or layered instruments), including those who potentially are responsible for implementing, maintaining, and enforcing the ICs. The IC evaluation will include an estimate for how long IC instruments (or layered instruments) shall remain in place. The IC evaluation will inform development of the FS (comparative analysis of alternatives) and Institutional Controls Implementation and Assurance Plan (“ICIAP”).
      8. **Draft RI Report**. Respondents shall submit to EPA for review and approval pursuant to **¶**6.5 (Approval of Deliverables), a draft RI report consistent with the SOW, RIWP, and with EPA guidance and regulations. This report shall summarize results of field activities to characterize the Site, including the sources of, nature and extent of, and fate and transport of contamination. Respondent will refer to the RI/FS Guidance for an outline of the report format and contents. Following comments by EPA [and the State/Tribes], Respondents will prepare a final RI report which satisfactorily addresses these comments.
   5. **Treatability Study**. Respondents shall conduct treatability studies, except where the Respondents can demonstrate to EPA’s satisfaction that they are not needed. Respondents shall provide EPA and [State/Tribe] with the following deliverables for review:
      1. **Identification of Candidate Treatability Study Technologies Memorandum**. This summarizes a literature review of applicable technologies to gather information on performance, relative costs, applicability, removal efficiencies, operation and maintenance requirements, and implementability of candidate treatability study technologies. This memorandum shall be submitted as set forth in the RIWP [or “as specified by EPA,” or other scheduling provision preferred by the Region] for EPA approval.
      2. **Treatability Test Work Plan**. If EPA determines that treatability testing is required, Respondents shall submit a treatability test work plan, including a schedule, FSP, QAPP and HASP, for EPA review and approval as appropriate.
      3. **Treatability Study Evaluation Report**. Upon completion of the treatability studies, Respondents shall submit a treatability study evaluation report that includes:
         1. An evaluation of the effectiveness, implementability, and cost of each technology.
         2. An evaluation of the actual results of each technology as compared with predicted results.
         3. An analysis and interpretation of testing results.
         4. An evaluation of full-scale application of the technology, including a sensitivity analysis identifying the key parameters affecting full-scale operation.

Following comments by EPA [and the State/Tribes], Respondents will prepare a final report which satisfactorily addresses these comments.

1. FEASIBILITY STUDY
   1. **Feasibility Study**. The FS shall identify and evaluate (based on treatability testing, where appropriate) remedial alternatives to prevent, mitigate, or otherwise respond to or remediate the release or threatened release of hazardous substances, pollutants or contaminants at or from the site. [If there is potential commingling of hazardous substances with pollutants or contaminants at the site, then the evaluation of the potential performance and cost of the treatment technologies should also take into account the ability of those treatment technologies to address the commingled contamination (e.g., hazardous substances comingled with pollutants or contaminants) and any adverse impacts the comingled contamination may have on the ability and cost of the treatment technologies to address the release or threatened release at the site.] The remedial alternatives evaluated shall include, but shall not be limited to, the range of alternatives described in the NCP, 40 C.F.R. § 300.430(e), and shall include remedial actions that utilize permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable. Respondents shall also evaluate potential impacts that treatment technologies have on other hazardous substances, pollutants or contaminants at or from the site. In evaluating the alternatives, Respondents shall address the factors required by section 121 of CERCLA, and 40 C.F.R. § 300.430(e).
   2. **FS Deliverables.** The Respondents shall develop the FS deliverables in accordance with the RI/FS Guidance. The Respondents shall submit the following deliverables for EPA review and approval unless EPA decides that one or more provisions is not necessary:
      1. **Refine RAOs, PRGs and ARARs.** Respondents shall prepare a memorandum revising the RAOs, PRGs and ARARs to include potential ARARs specific to actions and locations described in **¶**3.3 with the findings of the RI. Respondents will review and, if necessary, modify the site-specific RAOs, specifically the PRGs, that were established by EPA prior to or during discussions between EPA and Respondents. The revised RAOs and PRGs will be documented in this memorandum that will be reviewed and approved by EPA. These modified PRGs will specify the contaminants and media of interest, exposure pathways and receptors, and an acceptable contaminant level or range of levels (at locations for each exposure route), basis for the value, and the associated residual risk. This memorandum will discuss the consideration of sensitive subgroups in determining the acceptable exposure levels for sites with systemic toxicants, in accordance with 40 C.F.R. § 300.430(e)(2)(i)(A)(1). In addition, the memorandum will discuss whether the ARARs may not be sufficiently protective given the presence of multiple contaminants at the site or multiple pathways of exposure for sites with known or suspected carcinogens, in accordance with 40 C.F.R. § 300.430(e)(2)(i)(A)(2).
      2. **Identify and Evaluate Remedial Technologies and Assemble Alternatives**. Concurrent with ¶ 4.2(a), Respondents shall assemble combinations of technologies, and the media to which they would be applied, into remedial alternatives that address contamination on a sitewide basis or for an identified operable unit. Deliverables will be reviewed and approved by EPA with [State/Tribe] consultation. Respondents shall: (i) develop general response actions for each medium of interest defining containment, treatment, excavation, pumping, or other actions, singly or in combination, that may be taken to satisfy the RAOs for the site; (ii) identify volumes or areas of media to which general response actions might be applied, taking into account the requirements for protectiveness as identified in the RAOs and the chemical and physical characterization of the site; and (iii) identify and screen the technologies applicable to each general response action to eliminate those that cannot be implemented technically at the site. The general response actions are further refined to specify remedial technology types (e.g., the general response action of treatment can be further defined to include chemical or biological technology types). Respondents shall assemble the selected representative technologies into alternatives representing a range of treatment and containment combinations, as appropriate.
      3. **Comparative Analysis of Alternatives**. Upon EPA approval of ¶ 4.2(a) and (b), Respondents shall conduct a comparative analysis of alternatives to evaluate the relative performance of each alternative in relation to the nine evaluation criteria identified below in this paragraph and prepare a summary report. This range of alternatives shall include, as appropriate, options in which treatment is used to reduce the toxicity, mobility, or volume of wastes, but varying in the types of treatment, the amount treated, and long-term residuals or untreated wastes are managed. The analysis will include options involving treatment and/or containment; and a no-action alternative. The evaluation criteria include: (1) overall protection of human health and the environment; (2) compliance with ARARs; (3) long-term effectiveness and permanence; (4) reduction of toxicity, mobility, or volume through treatment; (5) short-term effectiveness; (6) implementability; (7) cost; (8) state (or support agency) acceptance; and (9) community acceptance. The analysis shall (consistent with 40 C.F.R. § 300.430(e)(9)(iii)(C) and *Consideration of Climate Resilience in the Superfund Cleanup Process for Non-Federal National Priorities List Sites* OLEM 9355.1-120, June 30, 2021) include an assessment of the vulnerability of the protectiveness of each alternative to the impacts of climate change and, for each alternative where appropriate, an evaluation of the possible addition of further measures to ensure the resilience a particular alternative’s protectiveness to the impacts of climate change. In addition, where appropriate for particular evaluation criteria, Respondents shall also evaluate, to the extent practicable, opportunities to reduce the environmental footprint of each alternative. Such evaluation shall include the consideration of green remediation best management practices and/or application of the ASTM Standard for Greener Cleanups, consistent with *Consideration of Greener Activities in the Superfund Cleanup Process* (Aug. 6, 2016). These considerations for greener cleanups are not intended to allow cleanups that do not satisfy threshold requirements for protectiveness, or do not meet other site-specific cleanup objectives.

For each alternative, Respondents shall provide: (1) a description of the alternative that outlines the waste management strategy involved and identifies the key ARARs associated with each alternative, and (2) a discussion of the individual criterion assessment. If the Respondents do not have direct input on criteria (8), state (or support agency) acceptance, and criteria (9), community acceptance, these will be addressed by EPA. Note that criteria (8) and (9) are not addressed until after the Proposed Plan.

* + 1. **Environmental Justice Concerns about Disproportionate Impacts**.Consistent with 40 C.F.R. § 300.430(e)(2)(i)(A)(1) and with consideration of communities with environmental justice concerns identified in the Baseline HHRA, Respondents shall identify different remedial alternatives in the FS to address, where applicable and in consultation with and as approved by EPA, environmental justice concerns regarding the potential for disproportionate impacts from the contaminated site, including through the site’s contribution to cumulative impacts on the affected community. Evaluation of the potential for disproportionate impacts shall consider indicators of population vulnerability and pollutant burden using EJScreen; as well as other available data on population vulnerability and pollution burden (including public health outcomes reflecting cumulative impacts) and information obtained during community outreach efforts. Respondents shall identify and document in a memorandum for EPA review and approval all sources of information reviewed and implemented to address the environmental justice concerns.
    2. **Refine IC Evaluation.** Concurrent with ¶ 4.2(d), Respondents shall prepare a memorandum revising the ICs in **¶**3.4 (g) with the findings of the RI. Respondents will review and, if necessary, modify the site-specific interim and permanent ICs that were established by EPA prior to or during discussions between EPA and Respondents. ICs need to be enforceable under CERCLA, rather than relying on local controls, such as zoning. The ICs evaluation shall also identify how the ICs response actions components fit with the relevant criteria outlined in the NCP (40 C.F.R. § 300.430(e)(9)(iii)) such as: compliance with ARARs; long-term effectiveness and permanence; short-term effectiveness; implementability; cost; state acceptance; and community acceptance. The IC analysis shall be submitted for review and approval by EPA and added as an appendix to the draft FS Report.
    3. **Draft FS Report**. Following ¶¶4.2(d) and (e), Respondents shall submit to EPA [and State/Tribe] a draft FS report for review and approval pursuant to **¶**6.5 (Approval of Deliverables). Respondents shall refer to Table 6-5 of the RI/FS Guidance for report content and format. The FS report and the administrative record shall provide sufficient information to support the remedial alternatives analysis and remedy selection under sections 113(k) and 117(a) of CERCLA. Respondents will prepare a final FS report which satisfactorily addresses EPA [and State/tribal] comments.

1. MEETINGS, PERMITS, and REPORTS
   1. **Meetings**
      1. **Kickoff meeting**. Within \_\_ days of the Effective Date of the Settlement, Respondents shall schedule a kickoff meeting with technical staff, EPA, [State/Tribes], and other stakeholders to discuss the statement of work, a Site visit and document review needs. EPA will determine the site-specific objectives of the RI and will provide Respondents a strategic approach, per **¶**3.4 of this SOW. The meeting will also be used to outline project-specific requirements including: project objectives, data gaps, potential sampling and analysis methods, and performance goals. The deliverable after the kickoff meeting will be a project schedule and RI work plan under **¶**3.4. The kickoff meeting and systematic planning meetings referenced in **¶**5.1(b) will be documented in the QAPP.
      2. **Systematic Project Planning Meetings**. Within the schedule set forth in the RI Work Plan, Respondents shall schedule systematic project planning meetings with EPA and the [State/Tribe]. Systematic project planning is a process that requires Respondents [, State/Tribal/Territories,] and EPA to convene during key milestones in the RI/FS schedule in order to update the CSM, and to review the sequence and scope of upcoming RI/FS tasks to determine if they are still appropriate or need modification.
      3. **Meetings**. Respondents shall participate in meetings and make presentations at the request of EPA during the preparation of the RI/FS. Topics will include anticipated problems, RI/FS updates, or new issues. Meetings will be scheduled at EPA’s discretion.
   2. **Progress Reports**. Commencing the [month] following the Effective Date of the Settlement and until EPA approves the FS report, Respondents shall submit progress reports to EPA on a [quarterly/monthly/weekly] basis, or as otherwise requested by EPA. The reports shall cover all activities that took place during the prior reporting period, including:
      1. Describe the actions that have been taken under this SOW;
      2. Include all results of sampling and tests and all other data received by Respondents;
      3. Describe Work planned for the next two months with schedules relating such Work to the overall project schedule for RI/FS completion;
      4. Describe all problems encountered in complying with the requirements of this SOW and any anticipated problems, any actual or anticipated delays, and solutions developed and implemented to address any actual or anticipated problems or delays;
      5. Describe of any modifications to the work plans or other schedules Respondents have proposed or that have been approved by EPA; and
      6. Describe all activities undertaken in support of the CIP during the reporting period and those to be undertaken in the next [six weeks].
   3. **Notice of Schedule Changes**. If the schedule for any activity described in the Progress Reports, including deliverables required under Section 6, changes, Respondents shall notify EPA of such change at least [seven] days before they perform the activity.
   4. **Investigation Derived Waste.** Respondents may ship Investigation Derived Waste (“IDW”) from the Site to an off-site facility only if they comply with section 121(d)(3) of CERCLA, section 300.440 (“Off-Site Rule”) of the NCP, *EPA’s Guide to Management of Investigation Derived Waste*, OSWER 9345.3-03FS (Jan. 1992). Wastes shipped off-site to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 C.F.R. § 261.4(e) shipped off-site for treatability studies, are not subject to section 300.440 of the NCP.
   5. Permits
      1. As provided in CERCLA § 121(e), and section 300.400(e) of the NCP, no permit is required for any portion of the Work conducted entirely on-site *(i.e*., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work). Where any portion of the Work that is not on-site requires a federal or state permit or approval, Respondents shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals.
      2. Respondents may seek relief under the provisions of Section [**XII**] (Force Majeure) of the Settlement for any delay in the performance of the Work resulting from a failure to obtain, or a delay in obtaining, any permit or approval referenced in ¶ 5.5(a) and required for the Work, provided that they have submitted timely and complete applications and taken all other actions necessary to obtain all such permits or approvals.
      3. Nothing in the Settlement or this SOW constitutes a permit issued under any federal or state statute or regulation.
   6. Emergency Response and Reporting
      1. **Emergency Action.** If any event occurs during performance of the Work that causes or threatens to cause a release of hazardous substances, pollutants or contaminants on, at, or from the site and that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, Respondents shall: (1) immediately take all appropriate action to prevent, abate, or minimize such release or threat of release; (2) immediately notify the authorized EPA officer (as specified in ¶ 5.6(b)) orally; and (3) take such actions in consultation with the authorized EPA officer and in accordance with all applicable provisions of the Health and Safety Plan, the Emergency Response Plan, and any other deliverable approved by EPA under the SOW.
      2. **Release Reporting**. Upon the occurrence of any event during performance of the RI Work that Respondents are required to report pursuant to sections 103 and 111(g) of CERCLA, or section 304 of EPCRA, Respondents shall immediately notify the authorized EPA officer orally.
      3. The “authorized EPA officer” for purposes of immediate oral notifications and consultations is the EPA Project Coordinator, the EPA Alternate Project Coordinator (if the EPA Project Coordinator is unavailable), or the EPA [Emergency Response Unit], Region \_\_ if neither EPA Project Coordinator is available.
      4. For any event covered by **¶**5.6, Respondents shall: (1) within [14] days after the onset of such event, submit a report to EPA describing the actions or events that occurred and the measures taken, and to be taken, in response thereto; and (2) within 30 days after the conclusion of such event, submit a report to EPA describing all actions taken in response to such event.
      5. The reporting requirements under **¶**5.6 are in addition to the reporting required by CERCLA §§ 103 and 111(g) or EPCRA § 304.
2. DELIVERABLES
   1. General Requirements for Deliverables
      1. Respondents shall submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither is specified, the deliverable does not require EPA’s approval or comment. Paragraph 6.3(Data Format Specifications) applies to all deliverables. Paragraph 6.4 (Certification) applies to any deliverable that is required to be certified. Paragraph 6.5 (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval. All deliverables shall be submitted by the deadlines in the RI/FS Schedule in **¶**7.1.
      2. Respondents shall submit all deliverables in electronic form. Respondents shall submit deliverables in paper form if unable to submit electronically. Data format specifications for sampling, analytical and monitoring data, and spatial data are addressed in **¶**6.3. All other deliverables shall be submitted in the electronic form specified by EPA’s Project Coordinator. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5 x 11 inches, Respondents shall also provide EPA and [State/tribe] paper copies of such exhibits. Respondents shall not submit deliverables to EPA that are marked as “copyright,” “trademark,” or confidential”, as the deliverables are part of the administrative record for the Site and as such are available to the public.
   2. **[State/Tribal] Copies**. Respondents shall, at any time they send a deliverable to EPA, send a copy to the [State/Tribe]. EPA shall, at any time it sends a notice, authorization, approval, disapproval, or certification to Respondents, send a copy to the [State/Tribe].
   3. **Data Format Specifications**
      1. Sampling, analytical and monitoring data shall be submitted in standard regional Electronic Data Deliverable format. [**Specify the EDD format that the Region uses**.] Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.
      2. Spatial data, including spatially-referenced data and geospatial data, shall be submitted: (1) in the ESRI File Geodatabase format [**or insert Regionally-preferred spatial file format**]; and (2) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions shall include the collection method(s). Projected coordinates may optionally be included but shall be documented. Spatial data shall be accompanied by metadata, and such metadata shall be compliant with the Federal Geographic Data Committee (“FGDC”) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor complies with these FGDC and EPA metadata requirements and is available at https://www.epa.gov/geospatial/epa-metadata-editor.
      3. Each file shall include an attribute name for each site unit or sub-unit submitted. Consult https://www.epa.gov/geospatial/geospatial-policies-and-standards for any further available guidance on attribute identification and naming.
      4. Spatial data submitted by Respondents does not, and is not intended to, define the boundaries of the site.
   4. **Certification**. All deliverables that require compliance with this Section must be signed (which may include electronically signed) by Respondents’ Project Coordinator, or other responsible official of Respondents, and shall contain the following statement:

I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

* 1. **Approval of Deliverables** 
     1. **Initial Submissions**
        1. After review of any deliverable that is required to be submitted for EPA approval under this SOW, EPA shall: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.
        2. EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved due to material defects and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.
     2. **Resubmissions**. Upon receipt of a notice of disapproval under ¶ 6.5(a) (Initial Submissions), or if required by a notice of approval upon specified conditions under **¶** 6.5(a), Respondents shall, within \_\_ days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring Respondents to correct the deficiencies; or (5) any combination of the foregoing.
     3. **Implementation**. Upon approval, approval upon conditions, or modification by EPA under ¶ 6.5(a) (Initial Submissions) or ¶ 6.5(b) (Resubmissions), of any deliverable, or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the Settlement; and (2) Respondents shall take any action required by such deliverable, or portion thereof. The implementation of any non-deficient portion of a deliverable submitted or resubmitted under ¶ 6.5(a) or ¶ 6.5(b) does not relieve Respondents of any liability for stipulated penalties under Section [XIV] (Stipulated Penalties) of the Settlement.
     4. Notwithstanding the receipt of a notice of disapproval, Respondents shall proceed to take any action required by any non-deficient portion of the submission, unless otherwise directed by EPA.
     5. In the event that EPA takes over some of the tasks, Respondents shall incorporate and integrate information supplied by EPA into those reports.
     6. Respondents shall not proceed with any activities or tasks dependent on the following deliverables until receiving EPA approval, approval on condition, or modification of such deliverables: [RI/FS Work Plan; Sampling and Analysis Plan; draft RI Report; Treatability Testing Work Plan; Treatability Testing Sampling and Analysis Plan; Treatability Testing Health and Safety Plan [**delete any of the foregoing not required as a deliverable and add any additional deliverables, if desired**]; and draft FS Report]. While awaiting EPA approval, approval on condition, or modification of these deliverables, Respondents shall proceed with all other tasks and activities that may be conducted independently of these deliverables, in accordance with the schedule set forth under this Settlement.
     7. For all remaining deliverables not listed in ¶ 5.5(f), Respondents shall proceed with all subsequent tasks, activities, and deliverables without awaiting EPA approval of the submitted deliverable. EPA reserves the right to stop Respondents from proceeding further, either temporarily or permanently, on any task, activity, or deliverable at any point during the Work.
     8. **Material Defects**. If an initially submitted or resubmitted plan, report, or other deliverable contains a material defect, and the plan, report, or other deliverable is disapproved or modified by EPA under ¶ 6.5(a) (Initial Submissions) or (b) (Resubmissions) due to such material defect, Respondents shall be deemed in violation of this Settlement for failure to submit such plan, report, or other deliverable timely and adequately. Respondents may be subject to penalties for such violation as provided in Section [XIV] (Stipulated Penalties) of the Settlement.
  2. **[State/Tribal] Review and Comment**. The [State/Tribe] will have a reasonable opportunity for review and comment prior to any EPA approval or disapproval under ¶ 6.5 of any deliverables that are required to be submitted for EPA approval.
  3. **Notice of Completion of RI/FS Work.** When EPA determines that all RI/FS Work has been fully performed in accordance with this Settlement, with the exception of any continuing obligations required by this Settlement, including [**insert list of such obligations,** e.g., payment of Future Response Costs [, if applicable: land, water, or other resource use restrictions] and Record Retention], EPA will provide written notice to Respondents. If EPA determines that any Work has not been completed in accordance with this Settlement, EPA will notify Respondents, provide a list of the deficiencies, and require that Respondents modify the RI/FS Work Plan, if appropriate, in order to correct such deficiencies. Respondents shall implement the modified and approved RI Work Plan and shall submit a modified draft RI Report and/or FS Report in accordance with the EPA notice. Failure by Respondents to implement the approved modified RI/FS Work Plan shall be a violation of this Settlement.

1. SCHEDULE
   1. All deliverables and tasks required under this SOW shall be submitted or completed by the deadlines or within the time durations listed in the RI/FS schedule set forth below. Respondents may submit proposed revised RI/FS schedules for EPA approval. Upon EPA’s approval, the revised RI/FS schedule supersedes any prior RI/FS schedule.

|  |  |  |
| --- | --- | --- |
| Description | Reference | Deadline |
| Designate CI Coordinator | ¶ **Error! Reference source not found.** | Within X days after EPA request |
| Technical Assistance Grant [Technical Assistance Plan] | ¶ 0 | Within X days after EPA request |
| Previous Investigation Report | ¶ 3.1 | Within X days after Effective Date |
| Conceptual Site Model Report | ¶ 3.2 | Within X days after Effective Date |
| Remedial Investigation Work Plan | ¶ 3.3(a) | Within X days after Effective Date |
|  |  |  |
| Identification of Candidate Treatment Technologies Memorandum | ¶ 3.5(a) | Within X days after EPA request |
| Treatability Test Work Plan | ¶ 3.5(b) **Error! Reference source not found.** | X days after EPA approval of Identification of Candidate Treatment Technologies Memorandum (¶ 3.5(a)) |
| Treatability Study Evaluation Report | ¶ 3.5(c) | X days after the completion of the Treatability Test Work Plan (¶3.5(b)) |
| Refine RAOs and ARARs | ¶ 4.2(a) | Within X days after EPA request |
| Identify and Evaluate Remedial Technologies | ¶ 4.2(b) | Within X days after EPA request and concurrent with Refine RAOs and ARARs (¶ 4.2(a)) |
| Comparative Analysis of Alternatives | ¶ 4.2(c)**Error! Reference source not found.** | X days after EPA approval of Refine RAOs and ARARs (¶ 4.2(a)) and Identify and Evaluate Remedial Technologies (¶ 4.2(b)) |
| Environmental Justice Concerns about Disproportionate Impacts | ¶ 4.2(d) | X days after EPA approval of Comparative Analysis of Alternatives (¶ 4.2(c)) |
| Refine IC Evaluation | ¶ 4.2(e) | X days after EPA approval of Comparative Analysis of Alternatives (¶ 4.2(c)) and concurrent with Environmental Justice Concerns about Disproportionate Impacts (¶ 4.2(d)) |
| Draft FS Report | ¶ 4.2(f)**Error! Reference source not found.** | X days after EPA approval of Environmental Justice Concerns about Disproportionate Impacts (¶ 4.2(d)) and Refine IC Evaluation (¶ 4.2(e)) |
| Kickoff Meeting | ¶ 5.1(a) | Within X days after Effective Date |

1. REFERENCES
   1. The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below is available on one of the two EPA web pages listed in ¶ 8.2:
      1. A Compendium of Superfund Field Operations Methods, OSWER 9355.014, EPA/540/P-87/001a (Aug. 1987).
      2. CERCLA Compliance with Other Laws Manual, Part I: Interim Final, OSWER 9234.1-01, EPA/540/G-89/006 (Aug. 1988).
      3. Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988).
      4. CERCLA Compliance with Other Laws Manual, Part II, OSWER 9234.1-02, EPA/540/G-89/009 (Aug. 1989).
      5. Guide to Management of Investigation-Derived Wastes, OSWER 9345.303FS (Jan. 1992).
      6. Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.703 (Feb. 1992).
      7. Guidance for Conducting Treatability Studies under CERCLA, OSWER 9380.3-10, EPA/540/R-92/071A (Nov. 1992).
      8. National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. part 300 (Oct. 1994).
      9. EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).
      10. Guidance for Quality Assurance Project Plans, QA/G-5, EPA/240/R-02/009 (Dec. 2002).
      11. Institutional Controls: Third Party Beneficiary Rights in Proprietary Controls (Apr. 2004).
      12. Quality management systems for environmental information and technology programs -- Requirements with guidance for use, ASQ/ANSI E4:2014 (American Society for Quality, Feb. 2014).
      13. Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3, EPA/505/B-04/900A though 900C (Mar. 2005).
      14. Superfund Community Involvement Handbook, OLEM 9230.0-51 (Mar. 2020). More information on Superfund community involvement is available on the Agency’s Superfund Community Involvement Tools and Resources web page at https://www.epa.gov/superfund/community-involvement-tools-and-resources.
      15. EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, QA/G-4, EPA/240/B-06/001 (Feb. 2006).
      16. EPA Requirements for Quality Assurance Project Plans, QA/R-5, EPA/240/B-01/003 (Mar. 2001, reissued May 2006).
      17. EPA Requirements for Quality Management Plans, QA/R-2, EPA/240/B-01/002 (Mar. 2001, reissued May 2006).
      18. EPA Directive CIO 2105.1 (Environmental Information Quality Policy (Mar. 31, 2021), https://www.epa.gov/sites/production/files/2021-04/documents/environmental\_information\_quality\_policy.pdf.
      19. USEPA Contract Laboratory Program Statement of Work for Organic Superfund Methods (Multi-Media, Multi-Concentration), SOM02.4 (Oct. 2016), https://www.epa.gov/clp/epa-contract-laboratory-program-statement-work-organic-superfund-methods-multi-media-multi-1.
      20. EPA National Geospatial Data Policy, CIO Policy Transmittal 05-002 (Aug. 2008), https://www.epa.gov/geospatial/geospatial-policies-and-standards and https://www.epa.gov/geospatial/epa-national-geospatial-data-policy.
      21. Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).
      22. Principles for Greener Cleanups (Aug. 28, 2009), https://www.epa.gov/greenercleanups/epa-principles-greener-cleanups.
      23. Consideration of Greener Cleanup Activities in the Superfund Cleanup Process (Aug. 2, 2016), https://semspub.epa.gov/work/HQ/100000160.pdf.
      24. [Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements, Interim (Sept. 2009).]
      25. Close Out Procedures for National Priorities List Superfund Sites, OSWER 9320.2-22 (May 2011), https://www.epa.gov/superfund/close-out-procedures-national-priorities-list-superfund-sites.
      26. Groundwater **Road Map: Recommended Process for Restoring Contaminated Groundwater at Superfund Sites,** OSWER 9283.1-34 (July 2011).
      27. Recommended Evaluation of Institutional Controls: Supplement to the “Comprehensive Five-Year Review Guidance,” OSWER 9355.7-18 (Sept. 2011).
      28. [Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach, OSWER 9200.2125 (Sept. 2012).]
      29. Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012).
      30. Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012).
      31. [EPA’s Emergency Responder Health and Safety Manual](http://www.epaosc.org/_HealthSafetyManual/manual-index.htm), [OSWER 9285.3-12](http://www.epaosc.org/_HealthSafetyManual/emergency-responder-manual-directive-final.pdf) (July 2005 and updates), https://www.epaosc.org/\_HealthSafetyManual/manual-index.htm.
      32. Guidance on Systematic Planning Using the Data Quality Objectives Process, EPA QA/G-4, EPA/240/B-06/001, Office of Environmental Information (Feb. 2006), https://www.epa.gov/sites/production/files/2015-06/documents/g4-final.pdf.
      33. Consideration of Tribal Treaty Rights and Traditional Ecological Knowledge in the Superfund Remedial Program, OLEM 9200.2-177 (Jan. 2017), https://semspub.epa.gov/src/document/11/500024668.
      34. Smart Scoping for Environmental Investigation Technical Guide, EPA/542/G-18/004 (Nov. 2018), https://semspub.epa.gov/work/HQ/100001799.pdf.
      35. Strategic Sampling Approaches Technical Guide, EPA/542/-F-18/005 (Nov. 2018), https://semspub.epa.gov/work/HQ/100001800.pdf.
      36. Best Practices for Data Management, EPA/542/F-18/003, (Nov. 2018), https://semspub.epa.gov/work/HQ/100001798.pdf.
      37. Smart Scoping of an EPA-Lead Remedial Investigation/Feasibility Study, EPA/542/F-19/0006 (Oct. 2020), https://semspub.epa.gov/work/HQ/100002571.pdf.
      38. Interim Final Risk Assessment Guidance for Superfund, Volume I - Human Health Evaluation Manual (Part A), RAGS, EPA/540/1-89/002, OSWER 9285.7-01A (Dec. 1989), https://www.epa.gov/risk/risk-assessment-guidance-superfund-rags-part.
      39. Interim Final Risk Assessment Guidance for Superfund, Volume I - Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments), OSWER 9285.7-47 (Dec. 2001), https://www.epa.gov/risk/risk-assessment-guidance-superfund-rags-part-d.
      40. Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments, (“ERAGS”), EPA/540/R-97/006, OSWER 9285.7-25 (June 1997).
      41. Reuse Assessments: A Tool to Implement the Superfund Land Use Directive. OSWER 9355.7-06P (June 4, 2001), http://www.epa.gov/superfundlcommunity/relocationireusefinaLpdf.
      42. ECO Update: The Role of Screening-Level Risk Assessments and Refining Contaminants of Concern in Baseline Ecological Risk Assessments, EPA/540/F-01/014 (June 2001).
      43. EPA QA Field Activities Procedure CIO 2105-P-02.1 (Sept. 23, 2014)
      44. EPA Requirements for Quality Management Plans (QA/R-2) EPA/240/B-01/002 (Mar. 2001, reissued May 2006).
      45. Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).
      46. Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites. OSWER 9355.7-19 (Mar. 2010).
      47. Consideration of Climate Resilience in the Superfund Cleanup Process for Non-Federal National Priorities List Sites (June 30, 2021).
   2. A more complete list may be found on the following EPA web pages:
      1. Superfund Laws, Policy, and Guidance: https://www.epa.gov/superfund/superfund-policy-guidance-and-laws.
      2. Collection of Methods: <https://www.epa.gov/measurements/collection-methods>.
      3. Quality Assurance:
         1. EPA QA Field Activities Procedures: <https://www.epa.gov/irmpoli8/epa-qa-field-activities-procedures>.
         2. Policy to Assure Competency of Laboratories, Field Sampling, and Other Organizations Generating Environmental Measurement Data under Agency-Funded Acquisitions: https://www.epa.gov/sites/default/files/2016-11/documents/fem-lab-competency-policy\_policy\_updated\_nov2016.pdf.
         3. Superfund Contract Laboratory Program: https://www.epa.gov/clp.
         4. Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846), Second edition (July 1982): https://www.epa.gov/hw-sw846.
         5. Standard Methods for the Examination of Water and Wastewater: http://www.standardmethods.org/.
         6. Air Toxics - Monitoring Methods: https://www.epa.gov/amtic/compendium-methods-determination-toxic-organic-compounds-ambient-air.gov.
      4. Superfund Redevelopment Basics: Policy, Guidance, and Resources: https://www.epa.gov/superfund-redevelopment-initiative/superfund-redevelopment-basics#policy.
      5. Superfund Green Remediation: https://www.epa.gov/superfund/superfund-green-remediation.
      6. Superfund Climate Resilience: https://www.epa.gov/superfund/superfund-climate-resilience.
      7. Ecological Risk Assessment: https://www.epa.gov/risk/ecological-risk-assessment.
   3. For any regulation or guidance referenced in the Settlement or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Respondents receive notification from EPA of the modification, amendment, or replacement.
2. APPENDIX – TECHNICAL ASSISTANCE PLAN INSERTS

**2.4 Settling Respondents’ Responsibilities for a Technical Assistance Plan**

* + 1. At EPA’s request, Respondents shall arrange for a qualified community group to receive the services of a technical advisor(s) who can: (i) help group members understand Site cleanup issues (specifically, to interpret and comment on Site-related documents developed under this SOW); and (ii) share this information with others in the community. The technical advisor(s) will be independent from Respondents. Respondents’ TAP assistance will be limited to $50,000, except as provided in ¶ 9(d)(3), and will end when EPA issues the ROD based on the RI/FS conducted pursuant to this SOW. Respondents shall implement this requirement under a TAP.
    2. At EPA’s request, Respondents shall cooperate with EPA in soliciting interest from community groups regarding a TAP at the Site. If more than one community group expresses an interest in a TAP, Respondents shall cooperate with EPA in encouraging the groups to submit a single, joint application for a TAP.
    3. At EPA’s request, Respondents shall, within [30] days, submit a proposed TAP for EPA approval. The TAP shall describe Respondents’ plans for the qualified community group to receive independent technical assistance. The TAP must include the following elements:
       1. For Respondents to arrange for publication of a notice in local media that they have received a Letter of Intent (“LOI”) to submit an application for a TAP. The notice shall explain how other interested groups may also try to combine efforts with the LOI group or submit their own applications, by a reasonable specified deadline;
       2. For Respondents to review the application(s) received and determine the eligibility of the community group(s). The proposed TAP shall include eligibility criteria as follows:
          1. A community group is eligible if it is: (a) comprised of people who are affected by the release or threatened release at the Site, and (b) able to demonstrate its ability to adequately and responsibly manage TAP-related responsibilities by identifying a point of contact for the TAP and provided to EPA a process for communication with the TAP to address community group concerns.
          2. A community group is ineligible if it is: (a) a potentially responsible party (“PRP”) at the Site, represents such a PRP, or receives money or services from a PRP (other than through the TAP); (b) affiliated with a national organization; (c) an academic institution; (d) a political subdivision; (e) a tribal government; (f) a group established or presently sustained by any of the above ineligible entities; or (g) a group in which any of the above ineligible entities is represented.
       3. For Respondents to notify EPA of their determination on eligibility of the applicant group(s) to ensure that the determination is consistent with the SOW before notifying the group(s);
       4. If more than one community group submits a timely application, for Respondents to review each application and evaluate each application based on the following elements:
          1. The extent to which the group is representative of those persons affected by the Site; and
          2. The effectiveness of the group’s proposed system for managing TAP-related responsibilities, including its plans for working with its technical advisor and for sharing Site-related information with other members of the community.
       5. For Respondents to document their evaluation of, and their selection of, a qualified community group, and to brief EPA regarding their evaluation process and choice. EPA may review Respondents’ evaluation process to determine whether the process satisfactorily follows the criteria in ¶ 9(c)(4). TAP assistance may be awarded to only one qualified group at a time;
       6. For Respondents to notify all applicant(s) about Respondents’ decision;
       7. For Respondents to designate a person (“TAP Coordinator”) to be their primary contact with the selected community group;
       8. A description of Respondents’ plans to implement the requirements of ¶ 9(d) (Agreement with Selected Community Group); and
       9. For Respondents to submit quarterly progress reports regarding the implementation of the TAP.
    4. Agreement with Selected Community Group
       1. Respondents shall negotiate an agreement with the selected community group that specifies the duties of Respondents and the community group. The agreement shall specify the activities that may be reimbursed under the TAP and the activities that may not be reimbursed under the TAP. The list of allowable activities shall be consistent with 40 C.F.R. § 35.4070 (e.g., obtaining the services of an advisor to help the group understand the nature of the hazards at the Site and the various stages of the response action, and communicating Site information to others in the community). The list of non-allowable activities shall be consistent with 40 C.F.R. § 35.4075 (e.g., activities related to litigation or political lobbying).
       2. The agreement shall provide that Respondents’ review of the community group’s recommended choice for Technical Advisor will be limited, consistent with 40 C.F.R. §§ 35.4190 and 35.4195, to criteria such as whether the advisor has relevant knowledge, academic training, and relevant experience as well as the ability to translate technical information into terms the community can understand.
       3. The agreement shall provide that the community group is eligible for additional TAP assistance, if it can demonstrate that it has effectively managed its TAP responsibilities to date, and that at least three of the following eight factors are satisfied:
          1. EPA expects that more than eight years (beginning with the initiation of the RI/FS) will pass before construction completion will be achieved;
          2. EPA requires treatability studies or evaluation of new and innovative technologies;
          3. The public health assessment (or related activities) for the Site indicates the need for further health investigations and/or health-related activities;
          4. After Respondents’ selection of the community group for the TAP, EPA designates additional operable units at the Site;
          5. After Respondents’ selection of the community group, a legislative or regulatory change results in significant new Site information;
          6. Significant public concern about the Site exists, as evidenced, e.g., by relatively large turnout at meetings, the need for multiple meetings, the need for numerous copies of documents to inform community members, etc.;
          7. Any other factor that, in EPA’s judgment, indicates that the Site is unusually complex; or
          8. A RI/FS costing at least $2 million is being or was performed at the Site pursuant to this Settlement.
       4. Respondents are entitled to retain any unobligated TAP funds upon EPA’s issuance of its ROD.
       5. Respondents shall submit a draft of the proposed agreement to EPA for its comments.

**Editing Instructions Regarding Automated Features**

This document uses styles to make editing easier. Please do not try to format any paragraphs manually. Instead, use the tailor-made “quick style” buttons. They are accessible from the “Home” tab. There is a quick style for each of the six numbered levels, and they are “LVL 1” through “LVL 6.” All Section headings, which have “LVL 1” formatting, will appear in the Table of Contents (TOC). Do not manually renumber any internal cross references, as they are all automatic. Use the “Update Field” command instead [Ctrl-A, right click, “Update Field,” OK]. Cross references to the Settlement are bracketed and in bold in the text as they must be manually updated. There are additional editing instructions are on the next page.

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| **FEATURE** | **INSTRUCTION** |
| **INSERTING TEXT COPIED FROM A DIFFERENT DOCUMENT** | Text copied from a different document will usually have embedded formatting codes. Pasting the text into your document will cause the formatting codes to be inserted as well, which will create unpredictable and frustrating formatting and numbering results. **Therefore, ALWAYS use the “Paste Special” function to insert text copied from another document**. Press Ctrl-Alt-V; in the pop-up menu, click “Unformatted Text” and OK. (You can also click the Home tab, Paste, Paste Special, Unformatted Text and OK.) |
| **INSERTING A NEW PARAGRAPH** | Click at the end of the paragraph immediately preceding the place where you wish to add the new **paragraph**, and press Enter. To change the new paragraph's outline level use (under the Home tab) the styles menu. For example, to change ¶  2.1.c into ¶  2.1.b(1), click in that paragraph and then (using the Home tab) click the "LVL 3" style. To change ¶  3.1.a into ¶  3.2, click in that paragraph and then (using the Home tab) click the “LVL 2” Style. |
| **ADDING AN UPDATEABLE SECTION OR PARAGRAPH CROSS-REFERENCE** | (a) Click where you wish to insert a cross-reference; (b) Click the “References” tab, and, in the “Captions” box, click “Cross-reference;” (c) In the pop-up menu that appears, make sure the “Reference type” field contains “Numbered item” and the “Insert reference to” field contains “Paragraph Number (full context); (d) In the “For which numbered item” field” select the numbered item (section, paragraph. or subparagraph) you wish to cross-reference and click “Insert”. |
| **UPDATING THE CROSS-REFERENCES** | Press Ctrl-A (to select entire document); right click; in the pop-up menu, click “Update Field;” click OK. Note: If a numbered paragraph that has been cross-referenced elsewhere in the document is deleted, remove the obsolete paragraph cross-reference. Otherwise, when you update the cross-references, the following message will appear: “Error! Reference source not found.” |
| **UPDATING THE TABLE OF CONTENTS** | Right-click in the TOC, and in the pop-up menu, left-click “Update Field.” Or click in the TOC, press F9, click Update Entire Table and OK. If you have just added a new section heading, click Update entire table before pressing Enter. |
| **INSERTING A NEW SECTION HEADING** | Click in the text of the new heading and assign the “LVL 1” paragraph style to the text by clicking the “Home” tab, and in Styles box, clicking the “LVL 1” style button.) That will add the section number, change the numbering of later sections, and ensure that the new section will be referenced in the table of contents. |
| **CHANGING THE FONT** | Press Ctrl-A (to select entire document); right click; in the pop-up menu, click “Font;” in the “font” field, select a new font; click OK. |

1. Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. [↑](#footnote-ref-2)