Best Practice Tips for SRP Grantees: How to Gain and Maintain Access to Superfund Sites

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Contents

Executive Summary

The intent of this document is to provide you with best practices for establishing and maintaining constructive working relationships with officials at hazardous waste sites. The document focuses on National Priorities List (Superfund) sites, but also offers suggestions that will be useful at other hazardous waste sites. The SRP believes that conducting work at these sites can help grantees test or apply research or community engagement tools in real-world, field conditions and can accelerate the longer-term, broader application of innovative science.

The document outlines six steps to establishing site access and maintaining a productive working relationship with the site manager:

1. Consider key requirements: Be aware of EPA requirements such as safety training and insurance documentation.
2. Find a site: Carefully consider the criteria to find a site best suited for your project. EPA Web tools and EPA, ATSDR, and other agency staff can provide information to find a site.
3. Identify the appropriate site contact: If the hazardous waste site is managed by EPA or another federal agency, begin by contacting the EPA Regional Office, specifically the regional Science and Technology Liaison (STL). The STL will contact the Remedial Project Manager (RPM) for the site. For other sites, you should contact the entity that is responsible for the site (e.g., the state or tribe).
4. Discuss and document the plan: Be willing to share the details of your project plan and listen carefully to the site team. It is important for both you and the EPA site manager that all discussions and decisions are documented.
5. Establish and maintain continuous communication as agreed upon with the site manager: Make the effort to provide consistent, clear communication. This can foster a positive working relationship and prevent misunderstandings.
6. Notify the EPA site manager and other EPA staff that you have worked with when SRP site activities are ending: Make sure the site team is aware that your activities are nearing completion. Document the outcomes – highlight what was learned and the next steps.

The document also provides insight on items that you should consider throughout your project. Each relates to the importance of consistent, clear communication. Please be mindful of the site manager's roles and responsibilities and be prepared to take the responsibility for establishing and maintaining effective communication practices.

This document was prepared by the SRP in cooperation with EPA and ATSDR participants on the Research to Risk Assessment (R2RA) Interagency work group.
The SRP would like to express appreciation for their input and support.

Purpose of Best Practices Tips

The purpose of these tips is to assist SRP grantees in conducting research and community engagement activities with EPA, ATSDR, and other federal, state, or tribal agencies managing hazardous waste sites. Conducting work at hazardous waste sites can help you significantly in testing or applying your research or community engagement tools in real-world, field conditions. The intent of this document is to acquaint you with best practices for establishing and maintaining constructive working relationships with the appropriate officials at sites.

Accessing sites can take multiple forms and fulfill several different needs, as well as provide EPA, ATSDR, or other government agencies with useful information to assist in the short-term and promote the longer-term, broader application of innovative science. Interactions at sites can include:

- Site managers, or their contractors, providing the grantee with site-specific soil, sediment, water, or air sample materials
- Site managers allowing grantee access to the site to personally obtain samples of soil, sediment, water, or air
- Grantees providing technical assistance to the federal or state/tribal agency
- Grantees providing educational resources or technical assistance for communities
- Grantees applying an innovative analytic method
- Grantees testing fate and transport models
- Grantees evaluating new remediation technologies

Organization and Navigation

The Table of Contents contains links for quick access to each section. The document also contains hyperlinks to external websites with more detail about specific issues. The Appendix contains a number of resources useful to successfully planning for and continuing site access, as well as three case studies illustrating how SRP researchers have dealt with common site access issues.

An Additional Note

This document provides best practice tips for accessing EPA Superfund sites. However, state, tribal, or other federal agencies may manage some sites of interest to your research. In those cases, you will need to use other access procedures analogous to the working relationships with EPA and ATSDR. SRP staff can provide more specific assistance at the beginning of this process.

The Process to Request and Maintain Access to a Site

Accessing Superfund sites to support research or community engagement projects involves a series of steps and considerations outlined in detail on the following pages. This document is intended to promote success and minimize potential obstacles at the site.

The Process At-A-Glance:

1. Consider key requirements
2. Find a site
3. Identify the appropriate site contact
4. Discuss and document the plan
5. Establish and maintain continuous communication
6. Notify EPA when SRP site activities are ending

Step 1: Consider Key Requirements

Before you begin the process to request access to a site, you need to be aware of some key requirements:

- EPA requires 24 or 40 hours of health and safety training (HAZWOPER) for all personnel before entering a site. The site manager will provide complete information.
- You will need to provide EPA with documentation of your employer insurance coverage for injury and/or emergency needs while on the site.
- You should be ready to involve, to some degree, appropriate EPA, ATSDR or other government personnel who are involved in the site in development of your research plans. You also need to be willing to discuss and document your plans for data use and publication.
- If the known site owner (Potentially Responsible Party, PRP) does not agree to honor a request from EPA for access to support research, then access would not be granted.

It is important to note that each site is unique and will present site-specific conditions. You should take the time to be certain that you and the site manager have identified site-specific issues and discussed strategies to address them.

Step 2: Find a Site

Based on experience of SRP researchers who have accessed hazardous waste sites, it is useful to specify your key selection criteria for screening potential sites of interest. These criteria might include:

- Sites that are located nearby
- Sites with contaminants of concern that are relevant to your project
- Sites with environmental media (e.g. groundwater, sediments), pathways (e.g. soil vapor intrusion), or technologies (analytic methods, remediation) relevant to your research

EPA's Search Superfund Site Information is a helpful tool to allow grantees to search for sites based on these criteria. You can also access EPA's Cleanups - Where You Live database to find basic information regarding EPA's involvement at a site and the statutory authority related to the site.

Please refer to the EPA Cleanup Process page to learn about the series of steps in the Superfund cleanup process. Understanding the phase that a site is in will help you determine what type of work would be appropriate for the site – and what site activities you might be able to leverage for your project.

Not all Superfund sites are managed the same way!

A Superfund site can be a contaminated site abandoned by its owner, or it can be an active or inactive site with a known owner. Abandoned sites include sites where the owner responsible for the contamination is not known, no longer exists, or does not have the resources to fund the cleanup.

EPA will be the sole manager for any abandoned site and your communication regarding site access will be with EPA, usually the Remedial Project Manager (RPM). Sites managed by EPA are referred to as "EPA-lead" sites.

Assessment and remediation of sites with a known owner/polluter can be managed by EPA, or, at EPA's option, by the owner. Sites managed by the owner are termed PRP- (Potentially Responsible Party) or Enforcement-lead sites. Access to these sites may be more complex. While both the PRP and EPA typically need to approve access, you should work through EPA to request access.

And... Not all contaminated sites are Superfund sites!

Hazardous waste sites may be managed under a variety of different statutory authorities and government agencies. The Superfund statutes (CERCLA and SARA) that established the SRP also created both National Priority List (NPL) and emergency/removal sites. The approximately 1,300 final NPL sites are usually the biggest, most complicated, and longer-term cleanup sites. Listing a site on the NPL requires Federal Register notices including comment periods and announcements of listing and cleanup decisions. EPA and the states conduct hundreds of emergency removal actions each year that usually clean up smaller short-term hazardous waste spills.

Other EPA hazardous waste sites include those addressed under:

- The Resource Conservation and Recovery Act (RCRA) – addresses permitted landfills
- Underground Storage Tanks (UST) – addresses the hundreds of thousands of underground storage tanks containing petroleum, or hazardous substances storage tanks.
- The Brownfields Program – addresses the assessment and reuse of the hundreds of thousands of brownfield properties around the country.

Other Federal Agencies such as the Department of Defense, Department of Energy, and Department of the Interior have lead responsibility for cleaning up their contaminated sites.

It is important to note that the states and tribes also have analogous programs that work either together with EPA at sites or independently at hazardous waste sites that are under their own authorities.

If you have not identified a hazardous waste site that matches your criteria, it can be useful to have a general discussion with EPA, ATSDR, or other agencies about the nature of your needs and the site parameters that would be most appropriate for the project. They can assist in screening ongoing work at sites to identify options relevant to your work.

Step 3: Identify the Appropriate Initial Site Contact

When you have identified a potential site, you will need to approach the appropriate EPA staff and who can facilitate or grant the authority to provide access to the site.

If the hazardous waste site is managed by EPA, a Potentially Responsible Party, or another federal agency, you may ***begin by contacting the EPA Regional Office, specifically the regional Science and Technology Liaison*** (STL). The STLs are valuable technical resources and everyone (EPA, SRP, and SRP researchers) benefits when you keep them informed about your research advances. The STL will contact the Remedial Project Manager (RPM) for the site. The STL can communicate the benefits of allowing SRP grantee site access and coordinate your initial interactions with the RPM. If no RPM is assigned to the site, the STL will assist you with identifying the appropriate EPA contact(s). Even if you know the RPM, SRP requests that you contact the STL. For other sites, you should contact the state or tribal agency.

Each Superfund NPL site usually has an RPM who is the lead federal official responsible for all site activities, including technical assessment and remediation decisions, community involvement, legal aspects, media interviews, and interaction with all stakeholders and interested parties. The location and RPM assigned to each NPL site are available on the EPA Web page Where You Live. Keep in mind that while you may interact with different members of the site team (risk assessor, site attorney, hydrogeologist, community engagement coordinator, engineer, contractors, etc.) during the course of your project work, with few exceptions, the RPM will be your primary contact for all site involvement***. Only the RPM has authority to grant you access to an NPL site***.

> The most important aspect of gaining and maintaining site access is development of a good relationship with the individual who has oversight responsibilities for a site. Effective communication is fundamental to that relationship.

In your initial contact with site team members, you should be prepared to clearly describe the reason for your access request, the type of activity you would like to conduct, the timeframe, the nature of the interactions anticipated with EPA, and the type of cooperation you will need from EPA. Ideally, you should also discuss potential uses of your findings by EPA, ATSDR, or other government agencies that might use the results, time frames for getting and sharing results, and provision of interactive feedback over the duration of the research or community

engagement activities. Consider preparing a one-page project plan as a reference document for the site team members.

Step 4: Discuss and Document the Plan

Remember, you are requesting permission to access a site. Plan to go the extra mile to make it easy for EPA to work with you. RPMs are faced with tremendous responsibility, tight budgets, and pressure from management and impacted communities to clean up the site as quickly as possible. Listen carefully to the site team to make sure that you understand their interests, concerns, timelines, and priorities. Keep in mind that your activities on site should not increase the workload burden on EPA or their contractors in any way that would increase their expenses, which could include any delays in schedules.

You might need to meet with the site team several times to ensure that everyone shares the same understanding of the proposed project. You must be willing to share the details of your project plan. In some cases, you may need to adjust your plan to align with the timetable of site activities or to comply with EPA regulations or procedures. You might also be asked to consider changes to your plan or your schedule to increase the utility of your findings for EPA, ATSDR, or other government agencies.

Clearly describe the potential outcomes of your project. Sharing this information will allow the site team to consider possible uses of your results in work at the site. Your project might support the assessment of a site and improve the remediation process.

Before your project begins, it is imperative that you have an open discussion with the RPM about data ownership and your plans to disseminate your findings. You need to clarify what information you are willing to share (e.g., raw data, data summary tables, written summaries), when you are willing to share it (e.g., monthly, quarterly, annually, at the completion of project), and who you are willing to share the data with (e.g., RPM only, site team, contractors). You need to be clear upfront about your plans to publish your findings and whether or not you are willing to provide the site team the opportunity to review documents prior to publication. In any case, you should provide your EPA partners with any publication or other outcome of the partnership. Ask the site team what type of summary document they would like at the end of your project. They might prefer simple notification that your site work is complete, or might be interested in a summary report that includes background information, methods, results, and outcomes.

> Please note that at some sites there may be ongoing sensitive legal proceedings that could preclude you from accessing a site or mentioning certain details about the site (i.e., name and address) in any publications.

It is very helpful for both you and EPA that all discussions and decisions are documented. Formal agreements signed by both parties are optimal, but we recognize that such a requirement may be unrealistic. At a minimum, create and maintain a complete e-mail record. Be certain the record includes not only your understanding of discussions and decisions, but also documents EPA's awareness and agreement with each decision.

For longer-term projects, this documentation is also helpful to prepare any new member brought on to the site team. It can serve as a resource for new EPA, ATSDR, and other government agency team members, providing detailed information about the nature of the on-going project and maintaining the working relationship without interruption.

Finally, we have a request – when you reach an agreement with EPA to gain access to a site, please let the SRP staff know!

Step 5: Establish and Maintain Continuous Communication

Some projects are brief, one-time events; others are longer-term with site activities that occur over several years. In either case, a documented plan to stay in regular communication is important to maintaining an effective working relationship. Even short-term projects require careful planning and detailed communication with the site manager. Discuss communication strategies with the site manager to learn what method they prefer (e.g., e-mail, phone, in person) and how often they would like to hear from you.

> Much of the success of longer-term research interaction with EPA, ATSDR, and other government agencies results from frequent, meaningful communication. Do not rely on once-a-year, formal meetings!

Your communication strategy should include processes for providing updates and discussing changes to the agreed-upon plan. You might need to alter your project schedule because of issues such as unexpected results that require modifications of the project plan, changes in staff, or weather conditions that prevent site work. EPA might need to request or direct you to make changes because of changes in site conditions, community needs, national guidance, or change in site team staff. No one likes surprises, so be certain to *document and communicate all changes as soon as you are aware of them!*

Step 6: Notify EPA When SRP site Activities are Ending

It is important that you complete the collaboration efforts at a site by informing the site manager that the project is coming to a close. This "closure plan" should be considered as part of your project plan and should be covered in Step 4 above. The closure plan ensures that the site team is fully aware that the SRP activities are nearing completion and identifies final steps

necessary to integrate and/or document the SRP contributions to the site. The closure plan should have the important objective of promoting completion of the collaboration, encouraging the most beneficial application and appropriate use of the project's results, and reinforcing your plans for data sharing/publication.

Items to Consider Throughout the Process

Preventing Surprises

When possible, let the site manager know **before** you make any changes to the plans related to your project on the site. This is especially important if he or she has interactions with community members who may interpret any new information negatively. Providing ample prior notice will allow the site manager time to thoroughly consider the potential implications for the site and discuss alternative actions with you, the local community, and other site team members.

It is important that you inform the site manager prior to meeting with, or releasing information to the PRP, community, federal facility owners, or outside parties. As noted earlier, you should always notify the site manager prior to any release of data or publications that relate to your work at the site.

Defining Appropriate Roles and Expectations

You must keep in mind that EPA has the inherently governmental responsibility of managing the overall federal oversight of the hazardous site of interest, based on the statutory authority defined in CERCLA/SARA (or other statute if conducted under another authority). Inherently governmental responsibilities are those key decision-making steps such as giving direction to contractors and making remediation decisions. This involves both enforcement and programmatic responsibilities. Site managers must follow all statutes and regulations regarding site assessment and remediation, community engagement, and sharing of scientific information at the site. You should respect those responsibilities and incorporate related considerations into your project plan.

You must also balance the need for academic freedom with the inherently governmental role of EPA at the site. It is to the long-term benefit of everyone that innovations and scientific results be shared with the research community through publication. Given the potential enforcement and community concerns at a site, it is important that you discuss future data sharing and publication plans with EPA so that they can incorporate any public policy concerns into the planning. These discussions may include plans for sharing draft publications with EPA, ATSDR,

and other relevant agencies and shielding site-specific identification where necessary, while still allowing for the beneficial effects of scientific publication and data sharing.

Interactions with Potentially Responsible Parties

Many Superfund sites are defined as "Enforcement-lead" or "Potentially Responsible Party (PRP)-lead" sites. The terms are interchangeable. Under the Superfund program, EPA can assign lead responsibility for assessing and cleaning up NPL sites to a private company (PRP) that contributed significantly to the contamination of a site. Such "PRP-lead" sites must follow all the regulations and guidance that EPA applies to "Fund-lead" sites, which are those where EPA has the sole responsibility for the site. Even for PRP-lead sites, the EPA RPM is responsible for the site and oversees the work of the PRP and its contractors.

It is important that you ***always contact EPA first – not the PRP officials***. Your interactions with the PRP should be objective and as transparent as possible. Please keep EPA in the communication loop!

Contracts-Related Issues

SRP grantees should be sensitive to the role of contractors working on the site. The federal, state, or tribal site manager has the sole responsibility and authority to manage site contractors. **Any communication with the site contractors should be conducted through the site manager or other responsible government official.** Any SRP project conducted directly with a contractor could potentially increase the workload burden on EPA contractors and would increase expenses for the EPA.

Sharing Data

As noted in Step 4, you and the site manager should discuss and document how data can best be disseminated to the general public. This will ensure that all parties (including firms competing for the EPA site-related contract) will have equal access to the data.

Managing Community Interactions

You may be requested by communities living on or near hazardous waste sites to assist them in a variety of ways. These could include attending public meetings to answer questions on science, providing information on chemicals of concern, or explaining complex aspects of risk assessment.

Just as EPA is responsible for site cleanups, EPA is responsible for community involvement near a Superfund site. This involvement will include public meetings at any stage in the remedial

process. The RPM and site team will participate; other state and federal agencies, as well as PRPs, may also participate. You may attend these meetings as members of the public and speak from the floor. In addition, EPA may request that you appear on the agenda to present data and or technical aspects of the site related to your activities. Public meetings provide a significant opportunity for you to become involved with communities around Superfund sites.

However, as mentioned previously, it is important that you respect the authority and responsibility the site manager has for federal oversight of assessment and remediation at sites. Many communities will be eager to receive your data and hear your opinions. You are, and should be, an independent, objective agent at the site.

While it can be beneficial if you share information about your project with the community and discuss scientific issues being addressed at the site, it is critical to your working relationship with the site team that you inform them of plans to interact with the community before the event. We are not suggesting that you withhold information from communities, but you must provide the site manager the opportunity to review the information and to plan a response if needed.

Letters of Support

SRP grantees have, in the past, requested "letters of support" from EPA personnel for inclusion in SRP grant applications. EPA employees are prohibited from endorsing or supporting grantee applications as it violates their ethical duty to be impartial in the performance of their job.

To address this conflict of interest concern, SRP grantees should not request letters of praise or appreciation from EPA. If an SRP grantee would like to have documentation of its work with EPA, the documentation can be an objective description of the work that the grantee is conducting at the site and the overall collaboration.

Appendices

1. EPA and ATSDR Contact Information
2. Definition of Key Terms and Acronyms
3. Interviews with three SRP grantees on site access
    a. Phone Interview with Raina Maier
    b. Phone Interview with Mark Brusseau
    c. Phone interview with Kathleen Gray
4. Example Health and Safety Plan (HASP) provided by University of Arizona