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**US Army Corps
of Engineers®**

ENGINEERING AND DESIGN

**PUBLIC PARTICIPATION IN THE DEFENSE
ENVIRONMENTAL RESTORATION
PROGRAM (DERP) FOR FORMERLY USED
DEFENSE SITES (FUDS)**

ENGINEER PAMPHLET

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FOREWORD

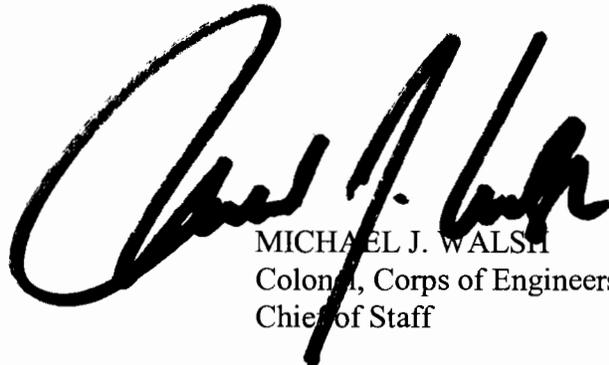
This pamphlet provides information on public participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS). The information presented herein complements the information provided in chapter 8 of the proposed ER 200-3-1.

Chapters 1 and 5, respectively, briefly introduce and conclude the discussion. Chapter 2 provides an overall survey of public involvement programs, with special emphasis being given to the development and revision of Public Involvement Plans. Two key elements of public involvement programs, Restoration Advisory Boards (RABs) and Administrative Records, receive detailed consideration in chapters 3 and 4, respectively. The discussion of RABs incorporates substantial information on the Technical Assistance for Public Participation (TAPP) program. Appendices to the pamphlet provide helpful support materials, ranging from sample fact sheets to explanation of the organizing principles for Administrative Records.

The Office of Counsel plays an integral role in formulating plans for public participation in DERP FUDS and will be consulted with regard to any public involvement program/Public Involvement Plan and the legal requirements for public participation.

In order to establish consistency among this pamphlet and other Army publications, this revision of EP 1110-3-8 incorporates the use of the Army terms "public involvement program" and "Public Involvement Plan" in lieu of the equivalent Environmental Protection Agency (EPA) terms "community relations program" and "Community Relations Plan," respectively, that were formerly used. The use of the term "community relations" is, however, maintained throughout this revision and is to be understood in the same sense in which the term is understood in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, the Superfund Amendment and Reauthorization Act (SARA) of 1986, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

FOR THE COMMANDER:



MICHAEL J. WALSH
Colonel, Corps of Engineers
Chief of Staff

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Engineering and Design
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ENVIRONMENTAL RESTORATION PROGRAM (DERP)
FOR FORMERLY USED DEFENSE SITES (FUDS)

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CHAPTER 1 INTRODUCTION

1-1. Purpose. This pamphlet provides information on public participation in the Defense Environmental Restoration Program (DERP) for Formerly Used Defense Sites (FUDS) through discussion of procedures for the establishment and maintenance of public involvement programs, Restoration Advisory Boards (RABs), and Administrative Records. The information presented herein complements the information provided in chapter 8 of the proposed ER 200-3-1.

1-2. Applicability. This pamphlet applies to all Headquarters, U.S. Army Corps of Engineers (HQUSACE) elements and all U.S. Army Corps of Engineers (USACE) Commands having responsibility for performing hazardous, toxic, and radioactive waste (HTRW) response actions and military munitions response (MMR) actions at FUDS properties. Although specifically written as guidance for managing the public participation process in relation to the USACE FUDS program, the pamphlet may also be used as a guide when USACE has responsibility to comply with the public participation process in relation to the Installation Restoration, Base Realignment and Closure, and Work for Others programs and other environmental restoration projects requiring public involvement.

1-3. Distribution Statement. Approved for public release; distribution is unlimited.

1-4. References. References are at appendix A.

1-5. Explanation of Acronyms. Acronyms used in this document are explained in the glossary.

1-6. Background.

a. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is the law, passed by Congress in 1980, which authorized the government to respond directly to releases, or threatened releases, of hazardous substances that may endanger public health, welfare, or the environment. In 1986, Congress passed amendments to CERCLA, entitled Superfund Amendment and Reauthorization Act (SARA). SARA authorized DERP under 10 United States Code (USC) 2701 et. seq. The FUDS component of DERP is managed and executed by USACE under authority delegated by the Department of Defense (DOD) through the Department of the Army (DA). SARA called for increased public participation during all phases of response actions and required the establishment of information repositories and Administrative Records for each remedial or removal response action. Under DERP, DOD issued policy for establishing RABs to review and comment on environmental restoration activities being conducted at military installations and FUDS properties. In 1996, Congress authorized DOD to obtain technical assistance to help RAB members and Technical Review Committees (TRCs) better understand the scientific and engineering issues underlying environmental restoration activities. In response to this authority, DOD has finalized the

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Technical Assistance for Public Participation (TAPP) program, thereby providing an avenue whereby community members of RABs can obtain technical assistance.

b. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is the Environmental Protection Agency (EPA) regulation which implemented CERCLA. The NCP provides detailed requirements for community involvement in all phases of environmental response actions. Further, the NCP established procedures and requirements for establishing and maintaining Administrative Records.

c. The statutory and regulatory authority and policy guidance indicated in paragraphs a and b above are the basis for the establishment and maintenance of public involvement programs, RABs, and Administrative Records as discussed in chapters 2, 3, and 4, respectively, of this pamphlet.

CHAPTER 2
ESTABLISHING AND MAINTAINING
PUBLIC INVOLVEMENT PROGRAMS

2-1. Scope.

a. This chapter presents the procedures for establishing and maintaining public involvement programs at FUDS properties for FUDS HTRW and MMR projects. Community relations activities are discussed in relation to each phase of remedial and removal response actions. Public Involvement Plans are given special consideration due to their central importance in any public involvement program.*

b. While there can be no set formula for a public involvement program that would be applicable to every FUDS HTRW or MMR project because of the uniqueness of each FUDS property and community, there are some community relations activities that must be performed, at a minimum (see tables 8-1 and 8-2 of the proposed ER 200-3-1). Beyond these minimum requirements, public involvement programs must be tailored to the distinctive needs of each FUDS property and community.

c. All public involvement programs will meet the regulatory coordination requirements set forth in the proposed ER 200-3-1, chapter 9. Federal, state, and local authorities and tribal governments will be provided notice of and opportunity to comment on all response activities and significant documentation (Inventory Project Reports (INPRs), Archives Search Reports (ASRs), no DOD action indicated (NDAI) determinations, etc.) relating to FUDS projects. (See chapter 9 of the proposed ER 200-3-1 for a detailed discussion of regulatory coordination requirements for FUDS projects.)

2-2. Stakeholders in the Public Involvement Program.

- a. Residents of areas containing HTRW or MMR materials.
- b. Users of a FUDS property containing HTRW or MMR materials.
- c. Business persons affected by a FUDS property containing HTRW or MMR materials.

*"Public Involvement Plan" is an Army term. The equivalent EPA term for such plans is "Community Involvement Plan." Although the Army terminology is consistently used throughout this pamphlet, the interchangeability of Public Involvement Plan and Community Involvement Plan is here noted to prevent confusion between this pamphlet and referenced EPA publications.

d. Officials whose political or technical responsibilities, within differing jurisdictions, include a FUDS property containing HTRW or MMR materials.

e. Native American tribal governments and native Alaskan representatives dealing with HTRW or MMR issues.

f. State and Federal regulators.

g. USACE personnel and contractors.

h. Other persons whose interests include the safety and environmental issues associated with a FUDS property containing HTRW or MMR materials.

2-3. Goals of the Public Involvement Program.

a. Ensure that stakeholders understand that personal and property safety is the paramount concern during HTRW response actions and MMR actions.

b. Serve the community's information needs by keeping local residents, officials, and other stakeholders informed in a timely manner of HTRW response actions and MMR actions.

c. Provide local residents, officials, and other stakeholders an opportunity to review and comment on studies being conducted and on proposed remedial or removal response alternatives and decisions.

d. Keep the public well informed of ongoing and planned public involvement activities.

e. Encourage and enable the public to get involved.

f. Listen carefully to what the public is saying.

g. Identify and deal responsively with public concerns.

h. Change planned actions where public comments or concerns have merit.

i. Foster and maintain a climate of understanding and trust between stakeholders and USACE by explaining to stakeholders how USACE considered their comments, what USACE plans to do, and why USACE reached its decisions.

2-4. Responsibilities.

a. Office of Public Affairs, HQUSACE.

(1) Coordinates or approves media responses or visits concerning HTRW response actions and MMR actions that have national significance.

(2) Coordinates public affairs issues with appropriate elements, to include the U.S. Army Environmental Center (USAEC); major Army and other Services commands; Office of Public Affairs, Headquarters, DA (HQDA); and Congressional delegations, regarding HTRW response actions and MMR actions, as needed.

b. Public Affairs Office (PAO), U.S. Army Engineering and Support Center, Huntsville (USAESCH).

(1) Provides public affairs guidance to USACE major subordinate command (MSC) and geographic district command PAOs concerning MMR actions, as requested.

(2) Prepares, or provides input to, programmatic plans, fact sheets, and news releases concerning MMR issues, actions, and policy, as requested.

(3) Provides public affairs support in the field for MMR site inspections (SIs) and response actions to USACE MSCs and district commands at their request and as appropriate resources permit.

(4) Coordinates with lead district PAO any news or public queries and visit requests concerning the FUDS MMR project.

c. OE Center of Expertise (CX), USAESCH. The OE CX is the USACE mandatory CX with respect to FUDS MMR projects. The OE CX provides general support to OE Design Centers and removal districts. To accomplish this, the OE CX has dedicated personnel available for telephonic or written inquiries from OE Design Centers, districts, MSCs, or HQUSACE regarding regulatory and MMR safety and technical information for FUDS MMR projects. This includes having personnel available for timely response to specific HQUSACE-directed MMR-related assignments. The OE CX also provides MMR technical support to any USACE element conducting construction and/or HTRW operations in areas where MMR materials are suspected or known to exist. As needed, the OE CX supports the district's execution of its responsibility for public affairs and interface support with EPA, tribal governments, state and local regulatory agencies, and the community. For a complete discussion of the roles and responsibilities of the OE CX, refer to ER 1110-1-8153.

d. OE Design Centers. OE Design Centers support the geographic districts on all FUDS MMR projects. The Centers will designate a point of contact (POC) for each FUDS MMR project. The POC will coordinate all FUDS project activities with the project manager (PM). The POC will also perform the following:

(1) Provides FUDS project updates to the relevant Design Center PAO.

(2) Provides technical support to briefings and public meetings.

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(3) Acts as representative of the relevant Design Center at RABs and other public involvement activities.

(4) Prepares, or provides input to programmatic plans, fact sheets, and news releases concerning MMR issues, response actions, and policy, as requested and in coordination with the USAESCH PAO.

(5) Provides, in coordination with the USAESCH PAO, public affairs support in the field for MMR SIs and response actions to USACE MSCs and district commands at their request and as appropriate resources permit.

(6) Supports the PM in the development of appropriate Public Involvement Plans for FUDS MMR projects as requested.

e. PAO, U.S. Army Engineer District, Omaha.

(1) Provides public affairs guidance to USACE MSC and geographic district command PAOs concerning HTRW response actions, as requested.

(2) Prepares, or provides input to, programmatic plans, fact sheets, and news releases concerning HTRW issues, response actions, and policy, as requested.

(3) Provides public affairs support in the field for HTRW SIs and response actions to USACE MSCs and district commands at their request and as appropriate resources permit.

(4) Coordinates with the lead district PAO regarding any news or public queries and visit requests concerning the FUDS HTRW project.

f. HTRW CX, Omaha. The HTRW CX assigns technical specialists for numerous HTRW-related topics. USACE MSCs and districts may access various technical specialists and other services through designated technical liaison managers (TLMs). Specific TLMs are assigned for each USACE MSC/district. Each USACE MSC/district should consult with its assigned TLM for current USACE policy guidance on HTRW CX technical review of selected HTRW documents (including INPRs).

g. Military HTRW Design Districts. The military HTRW design district PM performs the following activities:

(1) Supports the PM to coordinate community relations activities on FUDS HTRW projects within the geographic district boundary.

(2) Supports the PM in the development of appropriate Public Involvement Plans for FUDS HTRW projects.

(3) Provides FUDS project updates to the relevant design district.

h. PAO, Geographic District, USACE.

(1) Serves as the primary POC for dissemination of information to the public and the media with respect to FUDS projects.

(2) Keeps all affected USACE and HQUSACE elements informed of anticipated or ongoing activity at FUDS projects that could result in public inquiry.

(3) Provides public affairs guidance and expertise to support the public involvement program for all phases of a FUDS HTRW or MMR project.

(4) Produces public statements and media releases for use at major milestone achievements during work progress at the FUDS project.

(5) Refers all information of national significance to the PAO, HQUSACE, for release through proper channels.

(6) Serves as the spokesperson and community POC who responds to news media and public queries by using statements coordinated with the PM, statements coordinated with the OE Design Center PAO for FUDS MMR projects or the PAO at the military HTRW design district for FUDS HTRW projects, or statements from previously approved documents, as appropriate.

(7) Plans and coordinates with the PM, the military HTRW design district PAO, and the OE Design Center PAO, as appropriate, for support of public briefings, speeches, tours, open houses, news media requests, and visits pertaining to FUDS HTRW and MMR projects.

(8) Provides the PM, the military HTRW design district PAO, and the USAESCH PAO, as appropriate, with copies of all released information and copies of pertinent print and electronic news clippings.

(9) Modifies the Public Involvement Plan to indicate the formation of the RAB and assists the PM in the implementation of RAB policies and procedures with respect to projects where the PM has established a RAB.

i. PM, USACE District. The PM, in coordination with the geographic district PAO, is responsible for all community relations activities at FUDS projects when such responsibility is delegated by the relevant MSC. The PM will perform the following activities:

(1) Programs funding for the public involvement program.

- (2) Establishes and maintains information repositories.
- (3) Provides FUDS project updates and information to the geographic district PAO.
- (4) Accomplishes all coordination requirements to support the public involvement program. Contractors may be used to develop plans, arrange and advertise meetings, facilitate RABs, prepare news releases and procedures for approval, and conduct interviews. Contractors may not act as spokespersons for USACE.
- (5) Establishes and maintains the Administrative Record for each FUDS HTRW and MMR project within his or her geographic area of responsibility.
- (6) Prepares Public Involvement Plan when applicable. (See paragraph 2-6a for statement as to when Public Involvement Plans are required.)
- (7) Establishes a RAB when appropriate, then serves as the FUDS Co-Chair, overseeing all operations of the RAB. If a RAB is not established, the PM will document the circumstances which made the establishment of a RAB inappropriate.
- (8) Prepares a summary of community relations activities following completion of various phases of the removal or remedial response action to evaluate their effectiveness and identify areas for improvement.
- (9) Develops and maintains positive community relations.
- (10) Develops and manages community relations initiatives and activities, defined in the Public Involvement Plan, during removal or remedial response actions within geographic boundaries.
- (11) Administers community relations contracts.
- (12) Promotes the USACE FUDS Program regionally and locally.
- (13) Develops memorandums of agreement in coordination with the MSC, the CXs, and the military HTRW design districts.
- (14) Ensures that all documents released to the public for formal 30-day review and comment (e.g., remedial investigation/feasibility study (RI/FS), Proposed Plan, record of decision (ROD), and engineering evaluation/cost analysis (EE/CA)) are in draft-final form (i.e., appropriate USACE entities have reviewed the draft document, comments have been resolved, and the draft document has been revised to produce the draft-final document for formal public/regulatory review).

(15) Makes the determination of eligibility/preliminary assessment (PA), SI, and remedial investigation (RI) reports available in the information repository after appropriate USACE/regulatory review.

(16) Makes all final technical reports relating to FUDS projects, which are not subject to a legal privilege due to potential litigation, available to the public in the information repository/Administrative Record. The Office of Counsel will be consulted concerning such release.

(17) Ensures that a Public Involvement Plan has been developed for all FUDS properties at the conclusion of the SI phase, with the exception of time-critical removal response actions expected to extend beyond 120 days. For time-critical removal response actions expected to extend beyond 120 days, the Public Involvement Plan is developed within 120 days following the start of onsite removal response actions. For all FUDS properties that have been included on, or proposed for inclusion on, the NPL, the Public Involvement Plan is updated before fieldwork begins.

(18) Ensures that implementation, review, and updating of Public Involvement Plans are in accordance with (IAW) the NCP.

(19) Ensures that the public involvement program meets the regulatory coordination requirements set forth in the proposed ER 200-3-1, chapter 9.

(20) Ensures that the RAB, if one has been established for the project, is represented on the project delivery team (PDT) during the technical project planning (TPP) process.

(21) Prepares decision document (i.e., ROD/DD or Action Memorandum), obtains district Commander's signature, publishes a notice of the final decision in a local newspaper of general circulation, and updates the information repository and Administrative Record by including the notice, the decision document, and materials that support issuance of the decision document.

j. Potentially Responsible Party (PRP) District. See the proposed ER 200-3-1, chapter 5, for information on FUDS properties involving PRP/Third Party Site (TPS) projects.

2-5. Public Participation Activities During the Environmental Restoration Process. See the proposed ER 200-3-1, tables 8-1 and 8-2, respectively, for information on public participation activities for remedial (HTRW/MMR) and removal (HTRW/MMR) response actions. See the proposed ER 200-3-1, chapters 4 and 8, for information on public participation requirements per the ASR for MMR projects.

2-6. Public Involvement Plans.*

a. The NCP requires that a Public Involvement Plan be prepared for all remedial response actions and for all removal response actions expected to extend beyond 120 days. For time-critical removal response actions expected to extend beyond 120 days, the Public Involvement Plan will be required no later than 120 days following the start of the onsite removal response action. The Public Involvement Plan for time-critical removal response actions will specify the community relations activities that USACE expects to undertake during the response action. USACE policy is that in order to ensure maximum participation in the environmental restoration decision-making process, an initial Public Involvement Plan will be prepared for all non-time-critical removal response actions and all remedial response actions at the conclusion of the SI phase. This initial Public Involvement Plan will provide a brief history, discuss SI findings, and indicate potential response actions. Since the Public Involvement Plan will be revised, as appropriate, throughout the environmental restoration process, it need not be elaborate at this time. It must, however, be sufficiently detailed to ensure informed public participation in the environmental restoration decision-making process. This is especially important with respect to NDAI determinations. The initial Public Involvement Plan for remedial response actions will be revised before the RI/FS begins and will outline community relations activities to be held during the RI/FS. For removal response actions, the initial Public Involvement Plan will be revised before the EE/CA is initiated and will outline community relations activities to be held during the EE/CA. The revised plan will also identify anticipated activities that are required during remedial or removal design and subsequent response actions (such as the preparation of a fact sheet after the engineering design is complete). In order to identify additional activities during remedial or removal design and cleanup, the revised plan will be updated before remedial or removal design begins.

*USACE follows EPA guidelines in preparing its Public Involvement Plans, termed Community Involvement Plans by EPA. The information provided in paragraphs 2-6 and 2-7 of this pamphlet is consistent with the guidance provided in EPA 540-k-01-003, Superfund Community Involvement Handbook, April 2002 and EPA 540-k-01-004, Superfund Community Involvement Toolkit, September 2002. EPA 540-k-01-003 provides a generalized discussion, here and there, of Community Involvement Plans. EPA 540-k-01-004 provides a more detailed discussion of such plans, as well as a sample Community Involvement Plan.

b. Public Involvement Plans (other than the initial, cursory plan prepared at the conclusion of the SI phase) document concerns identified during community interviews and provide a

detailed description of the community relations activities planned on the basis of these interviews. Public Involvement Plans should focus on community relations techniques and approaches specific to the FUDS property in question, not generic program goals.

c. The best Public Involvement Plans generally are those that convey a working knowledge of the local community and its concerns, while providing a framework for addressing community concerns during the remedial or removal response. The public involvement program should include sufficient flexibility to adjust to changes either in community attitudes or in the schedule for technical activities at a FUDS property. The PM, in coordination with the PAO, should revise and update the document as changes occur at the FUDS property. Periodic updates ensure an accurate and timely document, promote additional opportunities for interaction with the public, and strengthen the relationship between the district and the local community.

d. While the plan format can be varied to reflect the unique characteristics of a specific program, the recommended format for a fully developed Public Involvement Plan consists of 4 sections and 10 appendices:

(1) Section 1: Overview of Public Involvement Plan.

(2) Section 2: Capsule FUDS Property Description.

(3) Section 3: Community Background.

(4) Section 4: USACE's Public Involvement Program.

(5) Appendices A through G: Appendices A through G provide contact lists of key community leaders and interested parties. (Note: names and addresses of private citizens should not be included in the copy of the Public Involvement Plan that is made available to the public.)

(6) Appendix H: Meeting Locations.

(7) Appendix I: Repository Locations.

(8) Appendix J: Other Local Resources.

These sections and appendices are described in greater detail below.

e. Section 1. Overview of Public Involvement Plan. This section generally consists of two brief paragraphs. The first paragraph states USACE's purpose in developing the Public Involvement Plan and affirms that USACE will use the community involvement activities outlined in the plan to ensure that community members are continuously informed about and provided opportunities to be involved in the environmental restoration process at the FUDS property. The second paragraph indicates the coverage of each section and the appendices of the

Public Involvement Plan, notes what sources USACE drew upon in developing the plan, and states that the USACE district will oversee the implementation of the community involvement activities outlined in the plan.

f. Section 2. Capsule FUDS Property Description. This brief section should describe the basic historical, geographical, and technical details so that readers unfamiliar with the FUDS property will understand why the remedial or removal response action is being executed. The section consists of three parts, as follows:

(1) FUDS Property History. Specific topics to be included in this discussion are as follows:

(a) Detailed chronological history of FUDS property use and ownership relevant to the problem at hand.

(b) Contaminants or explosives safety hazards produced by or found at the FUDS property.

(c) When and why USACE intervened.

(d) Community reaction to the FUDS property.

(2) FUDS Property Description/Location. Specific topics to be included in this discussion are as follows:

(a) Geographical location, size, and surroundings of the FUDS property.

(b) FUDS property in relationship to homes, businesses, schools, playgrounds, lakes, streams/rivers, wetlands, parks, health facilities, and wildlife species/sensitive ecological areas.

Maps showing the location of the FUDS property within the state/region and community, the proximity of the FUDS property to the elements of concern indicated in (b) above, and the FUDS property, itself, should be included.

(3) FUDS Property Inspections and Cleanup Activities. Specific topics to be included in this discussion are as follows:

(a) Type of contaminants or explosives safety hazards present.

(b) Nature of threat and potential threat to public health, safety, and the environment, if known.

(c) History of inspections and studies conducted at the FUDS property.

(d) Lead agency responsible for the FUDS property.

g. Section 3. Community Background. This section is usually divided into five parts, as follows:

(1) Community Profile, which describes the community (setting, population/growth, minorities, businesses, nearby regional centers, residential groupings, school system) and analyzes key local issues and interests, including the need for translation services, whether a second language for non-English-speaking residents or signing for the hearing impaired.

(2) History of Community Involvement, which should identify how the community has reacted to the FUDS property in the past. Specifically, the following questions need to be addressed in this section. What actions, if any, has the public taken to resolve problems at the FUDS property? How did the public view previous response actions at the FUDS property? How does the public perceive various levels of the government's involvement at the FUDS property? Are PRPs associated with the FUDS property or past operations at the FUDS property?

(3) Key Community Concerns, which should analyze the major public concerns regarding the FUDS property, as well as the remedial or removal response actions proposed to deal with those concerns. Throughout the Community Background section, but especially in the analysis of community concerns, the focus should be on community perceptions of the events and problems at the FUDS property, not on the technical history of the FUDS property. This section will contain much of the information obtained during the community interviews.

(4) Response to Community Concerns, which discusses any community involvement activities USACE undertook in direct response to community concerns before the Public Involvement Plan was prepared.

(5) Summary of Communication Needs, which briefly summarizes communication needs and desires as identified by the community members interviewed.

h. Section 4. This section begins with a brief introductory narrative which states the overall goal of USACE's public involvement program, affirms that USACE will implement the community involvement activities to be discussed, and notes that the following plan is based on the community interviews described earlier and that it addresses each issue that was identified as being important to the community. The remainder of the section consists of two parts, as follows:

(1) The Plan. Each issue that was identified during the community interviews is addressed here. The issue is stated first, then the activity (or activities) intended to address the issue is presented. Following this, the objective of the activity, the method to be employed to achieve

this objective, and the timing for employment of the method are indicated. This pattern is repeated until all the issues derived from the community interviews have been addressed.

(2) Projected Schedule for Community Involvement Activities. A timeframe summary of the community involvement activities to be performed will be provided here. This summary may be presented in tabular format, or a matrix that relates the findings of community relations activities to technical and other milestones for the FUDS property could be used.

i. Appendices A through G: Contact Lists of Key Community Leaders and Interested Parties. The names, addresses, and telephone numbers of all officials and group representatives contacted during the community interviews, along with others who will receive information about developments at the FUDS property, are listed in these appendices. However, the names, addresses, and telephone numbers of private citizens contacted for interviews should not be included as a part of the plan that is made public. These names, addresses, and telephone numbers, however, should be included in the mailing list compiled for the FUDS property. The contacts identified in appendices A through G, respectively, should include:

- (1) USACE district contacts.
- (2) Local officials (e.g., mayor, city council members, township supervisors, health officials, fire department, police department).
- (3) State/EPA officials.
- (4) Federal elected officials.
- (5) Environmental and active citizens groups.
- (6) PRPs. See the proposed ER 200-3-1 for information on FUDS properties involving PRP/TPS projects.
- (7) Media contacts (e.g., television, radio, newspapers).

j. Appendices H and I: Suggested Locations for Meetings and Information Repositories. Appendices H and I, respectively, will identify locations for public meetings and for the information repository. Facilities recommended for holding public meetings include school gyms, town halls, and library meeting rooms. The locations selected for public meetings should be accessible to handicapped individuals. Typical locations for information repositories include local libraries, town or city halls, and county offices. Hours that the information repositories will be accessible should be included, along with the names of contacts for getting into the buildings. The size or capacity of meeting rooms is a particularly helpful detail for later planning.

k. Appendix J: Other Local Resources. The contents of this appendix will vary depending on the community in question. Among many possibilities, the appendix may include a list of local businesses that are willing to post notices or distribute flyers, as well as a list of local court reporters who can be contacted to document public meetings.

2-7. Revision of Public Involvement Plans.

a. Description. All or parts of the fully developed Public Involvement Plan for a FUDS property should be revised to incorporate new information, reflect changes in community concerns, or prepare for community activities during remedial or removal design and subsequent response actions.

b. Purpose. The Public Involvement Plan is revised to ensure that it remains sensitive to citizens' concerns through all phases of the remedial or removal response action and to evaluate which community relations activities were effective and which were not.

c. Technique. A Public Involvement Plan initially discusses the findings of the SI and potential response actions. If the project will proceed beyond the SI phase, the Public Involvement Plan is revised to outline the public involvement program techniques for the RI/FS or the EE/CA phase of the response action. Once the ROD/DD or Action Memorandum for a FUDS project is completed, it is appropriate to re-assess the nature and extent of community concerns and develop a new schedule of community relations activities for the design and cleanup phases of the response action. Revisions needed will vary from project to project.

d. When to Revise. Public Involvement Plans will be revised as discussed in paragraph 2-6a above. If, after the plan has been prepared, community concerns change focus or increase in intensity, the plan will be revised accordingly.

e. Accompanying Activities. The responsiveness summary will provide some information to assess the nature and extent of citizens' concerns after the RI/FS or EE/CA report has been reviewed by the public. Additional community interviews can provide further information for revising the Public Involvement Plan.

f. Benefits. Revising the Public Involvement Plan will help to ensure that the geographic district continues to respond to citizens' concerns throughout the remedial or removal response action.

g. Limitations. The PM should make certain that resources are available to implement all activities identified in the revised plan.

2-8. Communication Media and Techniques. There are many community relations activities available for use at FUDS HTRW/MMR projects. Not all available activities are appropriate for use at every FUDS project. Following is a brief discussion of communication media and techniques typically employed at FUDS HTRW/MMR projects.

a. Community Interviews. To identify the attitudes and concerns of area residents concerning activities at the FUDS HTRW or MMR project during the study phase (including time-critical removal response actions expected to extend beyond 120 days), community interviews will be conducted by representatives of USACE and contractors, where appropriate, with members of the public involvement program audiences. Appendix B provides a sample list of questions for the participants. Analysis of these interviews will form the basis for the fully developed Public Involvement Plan for the specific FUDS project in question. Under the Privacy Act, the Paperwork Reduction Act, and IAW AR 335-15 and USACE Supplement 1 to the AR, information collection via questionnaires, surveys, or interviews that involve 10 or more members of the public within a 12-month period must have prior approval by the USACE Management Information Control Officer/Privacy Act Clearance Officer, HQDA, and the Office of Management and Budget (OMB) before being implemented.

b. Fact Sheets.

(1) Fact sheets will address concerns expressed by the local community and will include a capsule history of the FUDS property's use while under DOD control, the status of studies and response actions, updates on schedules, and any special-interest items. Fact sheets will be distributed to the media, stakeholders (area residents, members of citizens groups, regulatory officials, elected and civic officials), and the information repositories when events warrant.

(2) At a minimum, fact sheets will be disseminated upon an award of contract, upon initiation of work during the various FUDS project phases, and upon completion of FUDS project phases.

(3) All fact sheets must be released through the geographic district PAO, which is the releasing authority.

c. News Releases.

(1) News releases will be disseminated to local and regional news media and the information repositories upon an award of contract, upon initiation of work during the various phases of the FUDS project, and upon completion of FUDS project phases. This medium keeps the news media informed directly and supplements information directly disseminated to stakeholders.

(2) All news releases must be released through the geographic district PAO, which is the releasing authority.

d. Response to Queries. The geographic district PAO will serve as the POC for direct calls from the public and news media seeking information on FUDS HTRW or MMR projects within its area of geographic responsibility.

e. Presentations to Groups. Slide briefings, speeches, and informational programs can be presented upon request to civic groups. The history of the FUDS property, environmental studies, and current and planned response actions should be included in these presentations.

f. Special Briefings. When appropriate, special FUDS project briefings will be given by representatives from USACE to local officials or RABs. Such briefings will be coordinated by the geographic district PAO, with logistical and technical support being provided by the military HTRW design district or the OE Design Center or OE removal district as appropriate on an as-needed basis.

g. Public Meetings. Public meetings, both formal and informal, are required when USACE officially accepts public comments on remedial or removal response alternatives and response actions. Meetings should be held near the FUDS project and in an appropriate facility to hold the number of expected attendees from the general public. Consideration should be given to audience size, accessibility, and convenience of the location for the expected participants from the community. Proceedings of the meeting should be placed in the information repository in a timely fashion.

h. Public Availability Sessions. The use of public availability sessions, which facilitate one-on-one communication, is highly desirable in situations where formally structured public meetings/hearings are not mandated. At these sessions, poster stations manned by subject matter experts who can answer questions and respond to concerns will normally be set up.

i. Good Neighbor Program. Property owners and renters of lands adjacent to or on the FUDS property will be included on the information mailing list as stakeholders. If sufficient interest exists within this group of stakeholders, as determined by the PM and the geographic district PAO, special briefings and tours may be arranged by the PM. A visit and briefing would be designed to place the FUDS project into perspective and to ensure that the proper emphasis on safety to life and property is understood.

j. Special Concerns Workshops. Individuals and groups may express unusual levels of concern or even hostility about activities that may affect the environment. If such groups or individuals emerge in the course of a FUDS project, they should be contacted directly by the geographic district PAO, in coordination with the PM, to participate in a special concerns workshop. If necessary, the workshop will allow for an open forum for the expression of concerns relating to the remedial or removal response action.

k. Web Sites. Web sites/project home pages are very effective community relations tools. They can be used to disseminate to and receive from the public various types of information. They can, for example, be used in conjunction with various other of the communication techniques discussed above (fact sheets, news releases, response to queries, etc.).

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2-9. Restoration Advisory Board (RAB). If a RAB is established at a FUDS HTRW/MMR project, it will constitute a major component of the FUDS project's community relations program. Establishing and maintaining RABs is discussed in detail in chapter 3 of this pamphlet.

CHAPTER 3 ESTABLISHING AND MAINTAINING RABs

3-1. Scope.

a. This chapter presents the procedures for establishing and maintaining RABs at FUDS properties for FUDS HTRW and MMR projects. These RABs are to serve as forums for discussion and exchange of information between agencies and affected communities. They provide an opportunity for stakeholders to have a voice and actively participate in the review of technical documents, to review restoration progress, and to provide individual advice to decision makers regarding restoration activities. The Technical Assistance for Public Participation (TAPP) program, which supports RABs and TRCs, is also discussed.

b. The procedures presented in this chapter apply to all HQUSACE elements and all USACE Commands having responsibility for establishing and maintaining RABs at FUDS projects. These procedures apply to PRP projects only in those rare instances when, based on a formal PRP agreement, USACE serves as the lead for execution of the response actions and agrees to establish and maintain a RAB. In such instances, the PM will work closely with the Office of Counsel to ensure that no project documentation that is subject to a legal privilege due to potential litigation is inappropriately released. (Further information on this topic will be published at a later date in the proposed ER 200-3-1.) RABs will be established at all NPL FUDS properties and NPL-proposed FUDS properties. Where FUDS TRCs or similar advisory groups exist, they may be modified to become RABs, IAW paragraph 3-4d. RABs will be established at all other FUDS projects only where there is sufficient, sustained community interest as determined by the district Commander. Such interest is evidenced by any one of the following:

- (1) Federal, state, tribal, or local government representatives request that a RAB be formed.
- (2) Fifty local citizens sign a petition requesting that a RAB be formed.
- (3) The PDT determines that a RAB is needed.

For FUDS removal projects, the RAB process will be initiated when the EE/CA is initiated, provided any one of the criterion listed above exists. For FUDS remedial projects, the RAB process will be initiated when the RI/FS is initiated, provided any one of the criterion listed above exists.

3-2. Determining the Need for a RAB.

a. It is the responsibility of the district Commander where the PM resides to determine when there is sufficient, sustained community interest to establish a RAB. When more than one FUDS project is located within a 5- to 10-mile range of each other, a regional RAB covering both FUDS projects will be considered. When a FUDS project is located near an installation that already has an established RAB, the PM should coordinate with the installation for inclusion of the FUDS restoration activities in this RAB. In addition, regional joint RABs covering restoration activities being conducted by the different Services may be an option for inclusion of the FUDS project. This option should be considered and evaluated by the PM as appropriate. Contact HQUSACE, Directorate of Military Programs, for further information regarding regional joint RABs. When there is no existing RAB near the FUDS project, the PM will determine that at least one of the three criteria listed in paragraph 3-1b exists. Once this requirement has been met, various community involvement techniques should be used to determine whether or not a RAB should be formed. The minimum steps that must be followed are as follows:

(1) Review correspondence files to determine what community comments have been received regarding the FUDS project or other environmental issues related to the community.

(2) Review media coverage to evaluate the extent, type, and duration of such coverage.

(3) Determine interest of local community members through advertisement and public service announcements.

(4) Conduct interviews with officials and others involved in the environmental restoration process.

(5) Advertise in local newspapers.

(6) Review the Public Involvement Plan to determine if the residents indicated an interest in forming a RAB. Send letters and fact sheets to individuals on the mailing list to solicit their interest.

b. Local surveys also can be conducted to determine interest. If soliciting for community interest reveals that there is none, evidence of such solicitation and the fact that there was no expressed interest will be documented. That documentation will be included in the Public Involvement Plan and the information repository.

c. If no interest is expressed in forming a RAB, the PM will document that fact in a memorandum for record (MFR) which will be signed by the district Commander. A copy of this MFR will be forwarded to the relevant MSC and to HQUSACE, ATTN: CEMP-RF. The MFR, itself, will be placed in the permanent Project File. The PM will reassess at least every

2 years, or when the FUDS project circumstances change, to determine if interest develops in forming a RAB.

3-3. RAB Responsibilities. The responsibilities of the RAB include the following:

- a. Providing individual advice on environmental restoration issues to USACE and regulatory agencies.
- b. Conducting regular meetings, open to the public, at convenient times and locations, in most cases after normal duty hours.
- c. Recording minutes of all meetings and making them available to interested parties.
- d. Encouraging community involvement.
- e. Developing and using a mailing list of interested parties who wish to receive information on the environmental restoration process.
- f. Reviewing and evaluating documents; for example, ASRs, sampling and analysis data, EE/CAs, and other technical documents.
- g. Identifying FUDS project requirements.
- h. Recommending priorities among FUDS projects at the FUDS property.
- i. Proposing cleanup levels consistent with planned land use based on coordination with Land Reuse Authorities or other land use planning entities.
- j. Developing a RAB mission statement.
- k. Developing RAB operating procedures.
- l. Ensuring that the RAB is represented on the PDT during the TPP process.

3-4. Composition of RABs.

a. USACE will encourage appropriate Federal, state, and local participation in RABs. Ideally, RABs will be comprised of the PM (or some other, higher-level USACE manager designated by the district Commander), state regulatory agency representatives, other Federal, state, and local agencies as appropriate, local and tribal governments as appropriate, and affected members of the local community. The RAB at an NPL FUDS property will also have an EPA representative. At non-NPL FUDS properties, EPA membership will be at the discretion of the

EPA Regional Administrator. The PM will ensure that RAB members reflect the diversity of the community.

b. RAB members will be selected in a fair and open manner, as outlined in paragraph 3-5. All selections will be made in cooperation with the appropriate Federal, state, and local regulators and affected community members. The size of the RAB will depend on the complexity of the situation, the number of stakeholders, and the level of community interest. The number of RAB members should be large enough to reflect community diversity, yet small enough to be workable. It is recommended that the RAB consist of no more than 20 members.

c. The RAB will be jointly chaired by the PM (or some other, higher-level USACE manager) and a community representative. The PM co-chairperson and community co-chairperson will share leadership responsibilities. The PM should obtain training in Robert's Rules of Order to ensure that meetings are effectively conducted. The responsibilities of each chairperson, listed in paragraph 3-6, will be defined in the RAB's operating procedures.

d. RABs will meet the requirements of 10 USC 2705(c) of the Defense Environmental Restoration Program statute which required DOD to establish TRCs. Where TRCs or other similar advisory groups already exist, they will be considered, in consultation with the state and where appropriate EPA, for conversion to RABs, rather than creating a separate board. These conversions will include the selection of additional community representatives, the selection of a community co-chairperson, and the establishment of a policy whereby meetings are open to the public. As a general rule, TRC members should be given preference in obtaining seats on the RAB in order to preserve the continuity of the restoration process. In all cases, the diversity of the current TRC membership should be evaluated to ensure that the RAB is representative of the community's diverse interests.

e. The RAB will remain active until the response alternative(s) for the FUDS property has been selected through the ROD, the DD, or the Action Memorandum. During the remedial/removal response action phase, RAB meetings will be held either once a quarter or semi-annually at a minimum. More frequent meetings may be held as appropriate based on the RAB Operating Procedures. The RAB will be adjourned when the remedial/removal response action is complete. When multiple projects are being conducted at a FUDS property, and the RAB was established for all projects being executed at the FUDS property, the RAB will not be adjourned until all projects have reached the decision point.

3-5. RAB Formulation and Selection, Announcement, and Training of RAB Members.

a. RAB Formulation. The PM should begin informing and educating the community about the purpose of the RAB and opportunities for membership and participation before any RAB formulation meetings are held. Early on in the member recruitment process, the PM will ensure that all potential public members of the RAB understand that their service will be entirely voluntary and that they will receive no monetary compensation for their service. (See paragraph

3-10c for a fuller discussion of this policy.) Sample documents that may be used in the RAB formulation process are provided at appendices C, D, E, and F. All community members identified on a local public-participation mailing list should be contacted. This process should be completed in consultation with the state, the EPA, and the existing TRC.

b. Selection of RAB Members.

(1) A selection panel made up of community members will be formed. This panel will recommend the community members who will serve on the RAB. This panel will be organized by the PM, with support from the geographic district PAO, in consultation with EPA, as applicable, and state regulators. Members of the selection panel may not serve as RAB members. The selection panel should represent a cross section of the community and its views. Representatives of minority populations and low-income groups should be included in the process. Panel members can be drawn from the following sources:

- (a) Local residents/community members.
- (b) Current TRC members.
- (c) Local environmental groups/activists, civic groups.
- (d) Business and religious community, school districts.
- (e) Low-income and minority groups.
- (f) Local government, local regulatory agencies.
- (g) Homeowners Associations.
- (h) Native American tribes/tribal governments.
- (i) Landowners of FUDS properties.

(2) The selection panel must reflect the diverse community interests and be made up of community members only. A number of options may be used when forming a selection panel provided that the membership selection process reflects balance and diversity. The PM, in consultation with EPA and the state, may choose any of the following:

- (a) Organize a selection panel of community members to nominate RAB members.
- (b) Identify a neutral facilitator to establish the selection panel.
- (c) Have community representatives choose the members of the selection panel.

(d) Place paid public notices in the local newspapers asking for volunteers to serve on the selection panel.

(e) Ask existing community members of the TRC to act as the selection panel.

(f) Have the PM, the EPA, and the state representatives nominate community members to serve on the selection panel.

(3) The selection panel will identify the diverse community interest groups that need to be represented on the RAB. This process will be carried out with support from and in consultation with the geographic district PAO. Based on this identification, the panel will develop a solicitation process and establish criteria for selection of RAB members.

(4) Once the selection panel has established the selection criteria for RAB membership, the selection process should be initiated. The following selection process is recommended in order to ensure that members are selected from the diverse interest groups and to allow any other interested community members to be considered for RAB membership:

(a) Announce participation opportunities through news releases and paid public notices (see sample at appendix C).

(b) Develop a community interest form to determine community concerns and their interest in participating (see sample format at appendix D). Under the Privacy Act, the Paperwork Reduction Act, and IAW AR 335-15 and USACE Supplement 1 to the AR, information collection via questionnaires, surveys, or interviews that involve 10 or more members of the public within a 12-month period must have prior approval by the USACE Management Information Control Officer/Privacy Act Clearance Officer, HQDA, and OMB before being implemented.

(c) Establish a time period for receipt of the community interest forms.

(d) Mail letters of invitation (see sample at appendix E), fact sheets (see sample at appendix F), and community interest forms to all community members on the existing mailing list and to the groups identified by the selection panel.

(e) Place fact sheets and community interest forms in information repositories and at other locations where the public may normally look for community information, such as libraries, community centers, supermarkets, etc.

(f) Hold an initial public meeting about the RAB to discuss purpose, member solicitation process, and membership responsibilities; provide fact sheets and community interest forms to meeting attendees.

(5) After the designated solicitation period ends, the selection panel will convene to develop a list of suggested RAB members who reflect the diverse interests of the community. The community interest forms submitted will be used in developing this list. The selection panel will submit the list of suggested RAB members, along with full explanation establishing the fact that the members represent the diverse interest groups of the community, to the PM for the district Commander's approval. The district Commander, in consultation with EPA and state representatives, must accept the list unless it is determined that the diverse community interests are not fully represented. If this determination is made, the district Commander will specify the weaknesses to be corrected. The selection panel will be instructed to develop a new list for review and approval. Once the list is approved, the selection panel will be disbanded.

c. Announcement of RAB Members.

(1) RAB membership should be announced by the geographic district PAO, based on information provided by the PM, in the following manner:

(a) Send letters to the selected RAB members to notify them of their selection. Send news releases to the local newspapers announcing the formation of the RAB and the date of the first meeting.

(b) Send letters to those who submitted community interest forms but were not selected, announcing the names of the RAB members, thanking those not selected for their interest, encouraging them to attend future RAB meetings, and notifying them that their interest forms will be kept on file in case future membership openings should occur.

(c) Distribute a brief fact sheet announcing the RAB members and meeting schedule and publicly thanking all community members who expressed an interest in RAB participation and encouraging ongoing community attendance and participation at future RAB meetings.

(2) Additions to and deletions from the RAB can be made at any time the RAB deems necessary. Procedures for additions and resignations should be outlined in the operating procedures discussed in paragraph 3-7. A sample Operating Procedures for RABs is provided at appendix G.

d. Training of RAB Members. RAB members will require some initial orientation to enable them to perform their duties. The PM should work with the state, EPA, and environmental groups to develop methods to inform and educate RAB members. This training may be accomplished at initial RAB meetings or at special orientation sessions. RAB members will be provided instruction on the relative risk process, the budgeting process, and how these affect the sequencing of restoration response actions so that RABs can provide informed advice. Technical support staff from state, Federal, and local agencies should be requested to attend such sessions to provide information and explanation to RAB members. In addition, contractors who are performing work at the FUDS property can provide technical support.

3-6. Member Roles and Responsibilities. The roles and responsibilities of RAB members include the following:

a. USACE Co-Chair. It is the responsibility of the USACE Co-Chair (i.e., the PM or the higher-level USACE manager) to:

(1) Coordinate with the community Co-Chair to prepare and distribute an agenda prior to each RAB meeting.

(2) Ensure that USACE participates in an open and constructive manner.

(3) Ensure that the RAB has the opportunity to participate in the restoration decision-making process.

(4) Ensure that community issues and concerns related to restoration are addressed when raised.

(5) Ensure that documents distributed to the RAB are also made available to the general public.

(6) Ensure that an accurate list of interested/affected parties is developed and maintained. This will be done with the assistance of the RAB and the geographic district PAO.

(7) Provide relevant policies and guidance documents to the RAB in order to enhance the RAB's operation.

(8) Ensure that adequate administrative support is provided to the RAB.

(9) Refer issues not related to restoration to appropriate district officials for action.

(10) Report back to the USACE district.

(11) Ensure that the RAB is represented on the PDT during the TPP process.

(12) Ensure that any significant documentation generated by the RAB meets the regulatory coordination requirements set forth in the proposed ER 200-3-1, chapter 9.

(13) Ensure that RAB meeting minutes summarizing topics discussed are prepared and made available, at a minimum, in the information repository.

(14) Ensure that information on activities relating to the RAB (e.g., efforts made to survey community interest in forming a RAB, steps taken to establish a RAB where there is sustained

community interest, how the RAB relates to the overall public involvement program, steps taken to adjourn the RAB, etc.) is documented and made available in the information repository.

(15) Ensure that, to the extent that RAB input is considered in a decision regarding response activities, information about the RAB is included in the Administrative Record.

(16) Ensure that all RAB meetings are open to the public and announced to the public via public notice.

b. Community Co-Chair. It is the responsibility of the community Co-Chair to:

(1) Coordinate with the USACE Co-Chair and RAB community members to prepare an agenda prior to each RAB meeting.

(2) Ensure that community members participate in an open and constructive manner.

(3) Ensure that community issues and concerns related to restoration are raised.

(4) Assist with the dissemination of information to the general public.

(5) Report back to the community.

(6) Serve without compensation.

c. RAB Community Members. It is the responsibility of RAB community members to:

(1) Attend RAB meetings as required by the RAB operating procedures.

(2) Provide individual advice and comments on restoration issues to decision makers.

(3) Represent and communicate community interests and concerns to the RAB.

(4) Act as a conduit for the exchange of information among the community, the USACE district(s), and environmental agencies regarding the restoration program.

(5) Review, evaluate, and comment on documents and other such materials related to restoration activities.

(6) Serve without compensation.

d. State Regulatory Agency Member. It is the responsibility of the state regulatory agency member to:

(1) Attend RAB meetings as required by the RAB operating procedures.

(2) Serve as an information, referral, and resource bank for the community, the USACE district, and involved Federal, state, and local agencies regarding restoration activities.

(3) Review documents and other materials related to restoration activities.

(4) Ensure that applicable environmental standards and regulations are identified and addressed by USACE.

(5) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(6) Assist in education and training for RAB members.

e. EPA Member. Where EPA participates, it is the responsibility of the EPA members to:

(1) Attend RAB meetings as required by the RAB operating procedures.

(2) Serve as an information, referral, and resource bank for the community, the USACE district, and involved Federal, state, and local agencies regarding restoration activities.

(3) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(4) Ensure that applicable environmental standards and regulations are identified and addressed by USACE.

(5) Assist in education and training for RAB members.

3-7. RAB Operations.

a. RAB Operating Procedures.

(1) The RAB is responsible for developing its operating procedures. These procedures should cover attendance requirements, meeting frequency, removing/replacing Co-Chairs and replacing/adding members, terms of service (1- or 2- year terms should be considered), methods for resolving disputes, process for reviewing and responding to public comments, and methods for public participation. These procedures should reflect the fact that all advice provided by the RAB is understood to be the advice of the individual RAB members, not consensus advice of the RAB. The RAB is not an advisory committee, as that term is used in the Federal Advisory Committee Act (FACA). If consensus advice is determined by the RAB to be necessary, legal counsel should be consulted regarding FACA applicability. A sample Operating Procedures for RABs is provided at appendix G.

(2) Each RAB will develop a brief mission statement that specifies its overall purpose. For example, "The RAB mission is to establish and maintain a forum with all stakeholders for the exchange of information in an open and interactive dialogue concerning the environmental restoration activities at this FUDS property."

b. RAB Support. The PM must ensure that adequate administrative support is provided to establish and operate the RAB. This support will typically include the following:

- (1) Providing meeting facilities, organizing and facilitating public meetings.
- (2) Preparing and distributing meeting minutes, management of RAB mailing lists, mailings, and other routine word-processing tasks.
- (3) Copying/printing and distributing RAB documents, notices, and fact sheets.
- (4) Translating and distributing outreach and other RAB materials.
- (5) Modifying Public Involvement Plans to incorporate RAB requirements.
- (6) Providing certain types of training.

3-8. Technical Assistance for Public Participation (TAPP). * The TAPP program provides community members of RABs and TRCs access to independent technical support through the use of government purchase orders. Community members of a RAB or TRC apply to the district Commander for independent technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental contamination, explosives safety hazards, and restoration activities at a FUDS property. The RAB/TRC must demonstrate either that (1) the Federal, state, and local agencies responsible for overseeing environmental restoration at the

* The information presented in paragraphs 3-8 through 3-11 is derived, with modifications, from Technical Assistance for Public Participation Policy Implementation Guidance and Restoration Advisory Board Update, U.S. Army Corps of Engineers, April 1998. FUDS property, and available DOD personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained or that (2) the technical assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the FUDS property and community acceptance of environmental restoration activities at the FUDS property. (See Title 32, CFR, Part 203, for the final rule which explains the TAPP program.)

a. Eligible Applicants. To receive independent technical assistance from USACE under the TAPP program, RABs and TRCs must propose a project and apply to the district Commander responsible for the project management. Only community members (not

government members) of recognized RABs/TRCs are eligible to apply for independent technical assistance from USACE using the TAPP authority. Also, there must be a minimum of three community members, i.e., nongovernment members, on a RAB/TRC in order to apply for TAPP. Any request for TAPP must represent the wishes of the majority of the community members, and the RAB/TRC must certify a majority request on the TAPP application.

b. Eligible TAPP Projects. The following types of technical assistance projects related to DERP activities at a FUDS property are eligible for funding by USACE under the TAPP program:

(1) Interpret technical documents - the FUDS program documents each stage of investigation and decision making with technical reports that summarize data and support cleanup decisions. Technical assistance may be provided to review and interpret plans and technical documents such as studies of the FUDS property, risk assessments, and health assessments.

(2) Assess technologies - explain the function and implications of those technologies elected to investigate or clean up a FUDS property (e.g., understand how vapor extraction works and under what conditions the technology is appropriate).

(3) Participate in relative risk evaluations - technical assistance may be provided to help RAB/TRC community members contribute to the relative risk evaluation process for a specific FUDS project(s).

(4) Interpret health and safety implications - interpret the potential health and safety implications of cleanup levels or response technologies or explain the health and safety implications of FUDS property contaminants, explosives safety hazards, and exposure scenarios.

(5) Certain types of training - technical training on specific restoration issues may be appropriate in circumstances where RAB or TRC members need education or supplemental information on FUDS restoration projects. (Note: TAPP may be used to obtain training to assist the community in understanding processes, health effects, and alternative technologies or to obtain 40-hour hazardous waste worker training certification to go into the "HOT" zones of cleanup areas. In most cases, Federal or state agency personnel can provide training.)

c. Ineligible TAPP Projects. The following types of technical assistance projects are not eligible for funding by USACE under the TAPP program:

(1) Activities associated with nonrestoration issues, such as compliance, are not eligible for TAPP because such activities are not within the purview of RABs/TRCs.

(2) Litigation or underwriting legal actions such as paying attorney fees or paying for a technical assistance provider to assist an attorney in preparing a legal action or preparing for and serving as an expert witness at any legal proceeding regarding or affecting the FUDS property.

(3) Political activity and lobbying as defined by OMB Circular A-122, "Cost Principles for Non-Profit Organizations."

(4) Other activities inconsistent with the cost principles stated in OMB Circular A-122.

(5) Generation of new primary sampling data, such as well drilling and split sampling. (Note: USACE, in coordination with the regulatory agencies, is responsible for developing investigation strategies to ensure that potential contaminants and explosives safety hazards are adequately characterized. If the RAB or TRC members identify a circumstance where they feel that additional data collection may be necessary, these concerns should be communicated to the USACE Co-Chair of the RAB or TRC or to the appropriate regulatory agency for evaluation.)

(6) Disputes with USACE over remedy selection or any other aspects of the restoration program, or to reopen final Army CERCLA decisions, such as RODs, or conducting disputes with USACE.

(7) Epidemiological or health studies, such as blood or urine testing.

(8) Community outreach efforts, such as reproducing reports, conducting FUDS property tours, renting meeting rooms, and distributing newsletters.

d. TAPP Process.

(1) Step One - Identification of Need. When RAB/TRC community members initially determine a desire for independent technical assistance, they must demonstrate that the technical expertise necessary for the proposed project is not available through the Federal, state, or local agencies responsible for overseeing environmental restoration at the FUDS property or that the selection of an alternate provider will contribute to the environmental restoration activities and the community acceptance of these activities. In determining if the technical assistance may already be available, the RAB/TRC community members must first consider the following sources of assistance:

(a) Federal and state environmental regulatory agency personnel responsible for overseeing the environmental restoration program at the FUDS property (e.g., EPA Technical Assistance Grant (TAG) or Technical Outreach Services to Communities(TOSC) support). (If the FUDS property has been listed on the NPL, the public will be informed of the availability of TAGs, which are awarded and managed by EPA regional offices. If the FUDS property has not been listed on the NPL, the public will be made aware of the availability of TOSC support.)

(b) Volunteer sources from within the community (e.g., local universities or local or state environmental organizations).

(c) Contractors already working at the FUDS property.

Upon determining that other sources of assistance are unavailable or unlikely to contribute to the community acceptance of environmental restoration activities at the FUDS property, the RAB/TRC must notify the district Commander of its intention to pursue TAPP.

The community members of the RAB/TRC then define the scope of the independent technical assistance, determining that it meets a genuine need of the RAB/TRC, meets the eligibility criteria, and is limited in scope to the available resources.

(2) Step Two – Application.

(a) Once the scope of the proposed TAPP project has been defined, the RAB/TRC community members must prepare and submit a formal application which specifies the type of assistance required and, if possible, one or more sources for this assistance. USACE districts should contact CEMP-RF for a copy of the latest form to be used for this purpose. The RAB or TRC may outline additional criteria, such as knowledge of local environmental conditions or specific technical issues, a prior work history within the study area which has relevant specific circumstances or unique challenges, or other relevant expertise or capabilities for USACE to consider in selecting an assistance provider. The project description prepared by the RAB/TRC should contain sufficient detail to enable USACE to determine the nature and eligibility of the project, identify potential providers, estimate costs, and prepare a statement of work (SOW) to begin the procurement process. The community members must identify a single POC for communication with the district Commander's staff regarding the TAPP procurement process and confirm that the project is the result of a majority decision by the community members of the RAB/TRC.

(b) The USACE RAB Co-Chair reviews the application to ensure that it is complete, describes an eligible project, and will likely be within the TAPP funding limit (see paragraph 3-10b). The USACE Co-Chair, in coordination with the RAB/TRC, prepares a draft SOW. The TAPP application, with the draft SOW, is forwarded to the district Commander for approval.

(3) Step Three – Approval.

(a) The district Commander or other appropriate decision authority will consider the TAPP request and approve or deny the TAPP application. As part of the approval process, the district Commander determines that the proposed project conforms to eligibility requirements, that the community has sought other avenues of assistance prior to applying for the TAPP, and that funding is available for a TAPP. When other avenues for assistance exist, but the community members desire an independent provider, the district Commander must assess whether or not providing assistance will enhance the environmental restoration program and improve

community support. TAPP applications that fail to meet the requirements relating to relevance to DOD restoration activities at the FUDS property will be denied.

(b) If the TAPP application is approved, the district Commander forwards the request to the district Contracting Officer for procurement. If the application is denied, the district Commander must inform the RAB/TRC, indicate the reason for denial, recommend alternatives for achieving the desired assistance, and describe procedures to appeal the decision IAW paragraph 3-8e. The RAB/TRC may then decide whether to reapply or to appeal the district Commander's decision.

(4) Step Four – Procurement. The district Commander forwards the approved TAPP request to the district procurement and contracting office. Procurements generally will be conducted as purchase orders IAW the Federal Acquisition Regulations (FAR) (48 CFR Part 13) and will comply with all requirements for full and open competition under the Competition in Contracting Act (10 USC 2304). The district procurement and contracting office will award and manage the contract to the selected assistance provider. The USACE Co-Chair of the RAB will serve as a liaison between the RAB community members and the district procurement and contracting office and will also serve as the Contracting Officer's Representative (COR).

(a) Finding a Potential Assistance Provider. The RAB/TRC community members may nominate potential assistance providers for the proposed TAPP project on the TAPP application. The district Contracting Officer may add these providers to the bidders mailing list. The RAB/TRC may have specific criteria in mind for the provider to demonstrate. Potential assistance providers must have:

- Demonstrated knowledge of hazardous or toxic waste issues and/or laws.
- Academic training in a relevant discipline.
- Ability to review, understand, and put technical information into terms understandable to lay persons.

Potential assistance providers should have:

- Experience working on hazardous or toxic waste problems.
- Experience in making technical presentations.
- Demonstrated writing skills.
- Previous experience working with community groups.

Community members of the RAB/TRC may suggest additional provider qualifications as part of the TAPP application. These may be used by USACE in the procurement process to identify the most appropriate provider. If the district Contracting Officer selects a provider not nominated by the RAB/TRC, USACE must so inform the RAB/TRC and determine if they wish to proceed with the procurement.

(b) Simplified Acquisition Procedures (SAP). Because of the dollar levels involved in the procurement, the USACE district procurement and contracting office will generally use SAP to process the approved TAPP request as a purchase order. The benefits of using SAP are that solicitations can be shorter, contracting methods more direct, payment methods quicker, and documentation generally less burdensome. Factors other than price, such as prior performance or the demonstration of other specialized skills, may be considered and require only a minimal amount of documentation when SAP is used.

(c) Independent Government Cost Estimates. The independent government cost estimate is developed by the COR or his or her delegated representative based on the SOW. The district procurement and contracting office must be aware of the source and limits of funding for TAPP projects (see paragraph 3-10). The RAB/TRC should be notified if the government cost estimate for a proposed project exceeds the planned budget. In such instances, unless a waiver to the current policy limits on TAPP expenditures (see paragraph 3-10b) is approved, the procurement as proposed will not proceed. Given this circumstance, the RAB/TRC community members might wish to modify the SOW so that it more closely matches the available resources and resubmit the procurement request.

(d) COR. The COR directs the technical aspects of the contract and assesses the performance of the contractor, with input from the community, at the conclusion of the project. The USACE RAB Co-Chair will in most instances perform the function of the COR. It is important to remember that, although the RAB/TRC initiates the project and has a significant stake in its outcome, the contract is a government contract, and the contractor must receive direction from the government Contracting Officer. The COR must ensure that the contractor understands this relationship. Likewise, it is important that the RAB/TRC community members understand their relationship to the contractor. New tasks or changes to the work schedule or scope must come through the COR to the district Contracting Officer because the community members of the RAB cannot task the contractor directly. Communications between the

community members of the RAB and the contractor could lead to problems if the community members direct the assistance provider to conduct work not identified in the purchase order agreement. Therefore, either the district Contracting Officer or the COR must be present during any such discussions.

(5) Step Five – Assistance Provided. When the government purchase order is awarded, the selected independent contractor will work with the community members of the RAB/TRC through the COR to provide the requested assistance.

(6) Step Six – Reporting. Each RAB/TRC that receives TAPP must submit a report to the district procurement and contracting office at project completion. This report must indicate, by fiscal year, the amount of TAPP funds obligated and evaluate for each project whether or not the TAPP assisted the community in participating in the restoration program. The final report must document TAPP project activities over the entire period of support and must describe achievements with respect to stated TAPP project purposes and objectives. Additional reporting requirements for the district Commander are explained in paragraph 3-11.

e. Appeals.

(1) Disagreements may occur between the USACE staff and the RAB/TRC community members at several points during the TAPP process. For instance, the district Commander may deny an application for TAPP because the budget cannot accommodate the cost near the end of a fiscal year, or the proposed TAPP project may be ineligible because it does not meet the eligibility criteria, or the RAB/TRC community members may dispute the findings of the district Contracting Officer regarding the proposed provider. It is in the best interest of USACE and the community members of the RAB/TRC to avoid disputes and to work cooperatively to resolve potential differences of opinion. In the event that a dispute arises, the community members of the RAB/TRC may wish to appeal the district Commander's decision. The following general operating principles apply when a RAB/TRC wishes to appeal a decision:

(a) Inherently governmental functions, such as the procurement process governed by the FAR, are not subject to appeal.

(b) Eliminating disagreements and roadblocks should be emphasized.

(c) Appeals should be resolved quickly.

(d) Appeals should be resolved at the lowest level possible.

(e) Appeals should be resolved within the Army.

(2) Typically, the appeals process begins with the district Commander (15-day review); then to the MSC Commander (30-day review); then to the Director of Military Programs,

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HQUSACE (30-day review); and, finally, through the Director of Environmental Programs of the Army to the Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health (DASA(ESOH)) (30-day review) (see figure 3-1). For all USACE RABs/TRCs, DASA(ESOH) is the last authority for any appeal concerning TAPP.

(3) Ground rules, as they relate to the appeals process, include:

(a) The majority of RAB/TRC community members must agree to the appeal.

(b) The RAB/TRC must appoint a single spokesperson.

(c) Written justification, submitted to the district Commander, must accompany the appeal.

(d) If the district Commander chooses not to support the appeal, he or she must endorse the appeal to the next higher level of the chain of command, with rationale for denying the appeal.

(e) Appeals must follow the appeals process and cannot skip or circumvent command levels. At each command level, both the appeal and each Commander's endorsement must be considered.

These ground rules are designed to speed the appeals process and to ensure that the appeal has the support of the majority of RAB community members.

3-9. Additional Technical Support. To ensure that RAB/TRC members clearly understand the issues involved in environmental cleanup activities, technical support is available from the district staff and via USACE contractual support. Examples of the types of technical support that could be provided include updates and status reports on ongoing environmental restoration efforts, explanation of technical and risk assessment data, explanation of the relative risk site evaluation procedures and results, planning and facilitating FUDS property visits, and preparation of briefing packages and handouts. Technical support is also available from MSCs, USAEC, the U.S. Army Technical Center for Explosives Safety, the U.S. Naval Explosive Ordnance Disposal Technical Division, EPA (TAG and TOSC support, for example), other Federal agencies, and state regulatory agencies. The following Army agencies are familiar with RABs/TRCs and the TAPP program and are able to provide assistance to the district Commander.

a. USACE CXs. Technical support is available to the RAB/TRC from the USACE HTRW CX and the OE CX. These organizations may provide in-house and contractual support to explain technical data and related issues to the RAB/TRC. In many cases, the restoration contractor already performing work at the FUDS property can provide technical support. The

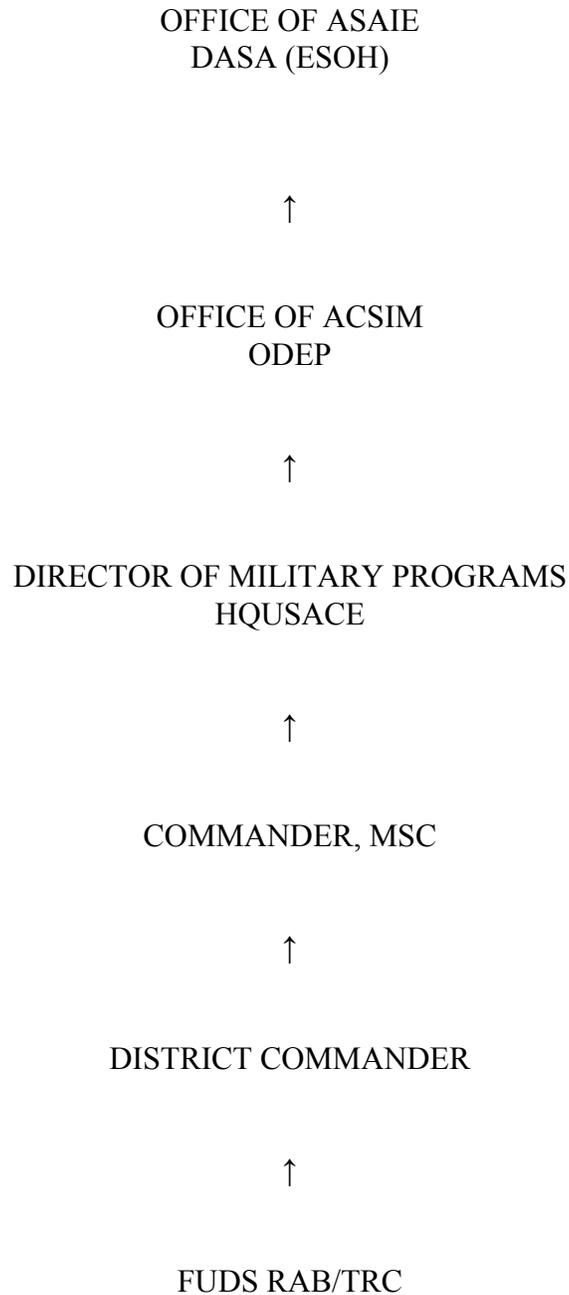


Figure 3-1. Chain of Command for RAB Appeals

district Commander should determine the type and level of contractual support available from current contracts when providing technical support to the RAB/TRC.

b. U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM). USACHPPM also has a staff of environmental health professionals (including scientists, geologists, engineers, and physicians) to assist a RAB. The district Commander can directly contact USACHPPM to request support. This support can be provided by reimbursable funds, if needed. The USACHPPM's Environmental Health Risk Assessment and Risk Communication Program can provide support to RABs by providing assistance on technical issues regarding human health and environmental risk. The USACHPPM program can also provide risk communication support to RABs through their consultation and training services, which include advisory, technical, and logistical support of public meetings, public exhibits, and open dialogue sessions.

3-10. Funding. RABs may be eligible for TAGs from EPA to cover costs associated with NPL FUDS properties. For non-NPL FUDS properties, RABs may be eligible for TOSC support from EPA. RAB members or other community groups may form an organization and apply for a TAG or TOSC to obtain funding for technical support. Costs associated with administrative support to RABs/TRCs and TAPP are eligible for funding from the FUDS Environmental Restoration Account. There is no separate centrally funded RAB/TRC and TAPP account. MSC Commanders will program and budget RAB and TAPP support from their allocation of Program Objective Memorandum FUDS funds.

a. RAB/TRC Support. The district Commander will program funding to establish and operate RABs/TRCs and for the TAPP program. Costs incurred by the district Commander's staff to operate RAB/TRC and provide TAPP are considered RAB administrative support and are funded as project management funds. The contractual support and other authorized RAB/TRC and TAPP execution will be recorded by using the Army Management Structure Code, i.e., 493008.2A for RAB, 493008.2B for TRC, and 493008.2C for TAPP. The Project Execution and Accounting Report will be recorded under the FUDS Environmental Restoration Account. The district Commander's staff should review the definition of RAB/TRC and TAPP administrative funding when identifying RAB funding requirements and outlays. The following are the RAB/TRC eligible and ineligible expenditures:

(1) Eligible RAB/TRC Expenditures.

(a) Activities directly related to the establishment and operation of a RAB will qualify as administrative expenses. Such expenses include member recruitment; meeting announcements; meeting logistics; development of mission statements and operating procedures; facilitators (including translators); preparation of meeting agendas, materials, and minutes; document reproduction for RAB members; maintenance of a RAB mailing list and mailing of relevant information; and orientation training.

(b) Contractor expenses specifically in administrative support of the RAB.

(2) Ineligible RAB/TRC Expenditures.

(a) RAB administrative expenses do not include community involvement expenses, such as preparation of fact sheets or other information materials for public distribution, costs of public meetings, mailings, responding to public comments on the restoration program, or repository costs. Also, expenditures/outlays to determine the interest of a community in establishing a RAB/TRC are considered to be project management expenses and are not to be charged to RAB/TRC accounts.

(b) Salaries for DOD personnel, and temporary duty travel of DOD personnel in connection with RAB/TRC and TAPP activities. These expenditures must be captured as project management costs.

(c) Dedicated equipment, such as computers, software, facsimile machines, telephone lines or access, or electronic mail for RAB community members.

(d) Renting dedicated office space for and providing administrative support services to RAB community members.

(e) Printed stationary and personal business cards.

(f) Temporary duty travel, conference attendance, or conference fees for RAB community members.

(g) Compensation to RAB members for meeting attendance, work hours lost, time invested in reviewing and commenting on documents, travel to RAB meetings, or long distance telephone calls.

b. TAPP Support.

(1) Funding for independent technical assistance for RAB/TRC community members under the TAPP program may be necessary on a case-by-case basis. There is no separate appropriation for TAPP. TAPP projects will be funded from the MSC's allocation of FUDS funds. TAPP is not a grant or direct funding to the RAB/TRC, nor is it a blank check to use at the RAB's/TRC's discretion.

(2) Current policy limits TAPP expenditures for each FUDS property with a RAB/TRC to an annual maximum of \$25,000 or 1 percent of the cost to complete restoration activities (studies, design, cleanup, and operation and maintenance costs) for the FUDS property at the time TAPP is requested, whichever is less, with a lifetime maximum of \$100,000 per FUDS property.

(3) To obtain necessary funding, the district Commanders must program appropriate TAPP requirements. Each PM for the FUDS property with a RAB/TRC and TAPP must determine his or her funding requirements in the budget cycle and program accordingly in the FUDS data base and/or work plans.

(4) Waivers to the \$100,000 total and \$25,000 annual funding limits may be approved by DASA (ESOH). Waiver requests must follow the normal appeals process (see paragraph 3-8e). Requests for waivers are initiated by the RAB/TRC community members and forwarded by endorsement with recommendations by the district Commander through the chain of command to DASA (ESOH). The following considerations may affect the granting of a waiver:

- (a) The size or complexity of the FUDS restoration project.
- (b) The nature and extent of contamination or explosives safety hazards.
- (c) The level of restoration activity at the FUDS property.
- (d) The size and diversity of the affected community.
- (e) Funding received by the community from other Federal sources.

c. Public Participation. Public participation on the RAB/TRC and in the TAPP process will be strictly voluntary, with the exception that state representatives on the RAB may receive reimbursements authorized under the Defense and State Memorandum of Agreement process. USACE will not provide financial support to the public members for their services, nor will members be compensated for work hours lost or time invested in review and commentary on documents. The USACE RAB Co-Chair must ensure that the public clearly understands this fact during the member recruitment process and prior to any final commitment by a public representative to serve on the RAB/TRC or to participate in the TAPP process.

3-11. Reporting. DOD's Management Guidance for the Defense Environmental Restoration Program requires that USACE report on the RAB/TRC and TAPP activities through the Army to the Deputy Under Secretary of Defense for Environmental Security (DUSD(ES)). The district Commander will provide the following information and reports through the relevant MSC to HQUSACE (ATTN: CEMP-RF). Appendix H, table H-1, provides the reporting requirements summary.

a. RAB Establishment and Activities.

(1) The National Defense Authorization Act for Fiscal Year 1996 requires that DOD provide an annual RAB report on funding and activities, including TAPP. To meet these reporting requirements, HQUSACE summarizes RAB and TAPP data at the Army's semiannual In-Process Reviews with DUSD(ES). MSCs are required to summarize the status of RABs and

TAPPs during the semiannual FUDS Program Execution Reviews and submit these summaries to HQUSACE IAW table H-1.

(2) Army policy is that all FUDS properties with a restoration program determine community interest in establishing and participating in a RAB. The district Commander is, therefore, required either to establish a RAB at each FUDS property requiring cleanup or document why a RAB cannot be established. Exceptions to establishing a RAB at the FUDS property may be made in instances where the FUDS property owner objects to the establishment of a RAB, or the FUDS project duration is so short (less than 1 year from an investigation phase to a remedial/removal response completion phase) as to make RAB establishment infeasible, or the FUDS property is in a remote location with no community nearby, or all major environmental cleanup decisions for all FUDS projects for the entire FUDS property have already been made. If a RAB is not being established, the rationale for not doing so will be documented in an MFR which must be signed by the district Commander. A copy of this MFR will be forwarded to the relevant MSC and HQUSACE (ATTN: CEMP-RF).

(3) DUSD(ES) requires reporting on the RAB and the TAPP data. The data will be submitted to HQUSACE biannually by MSCs per table H-1. The data will be provided in tables H-1 through H-9.

b. TAPP.

(1) When the district Commander provides support to a RAB or TRC through the TAPP program, there are two distinct reporting requirements. The RAB/TRC is required to submit a report (see paragraph 3-8d(6)). In addition, the district Commander will report on the results of the TAPP project. The district Commander's report must be based on the RAB/TRC report to the district Contracting Officer, and it must contain the following information:

- (a) Name of the FUDS property and its identification number.
- (b) Name of the assistance provider.
- (c) Cost of the project.
- (d) Duration of the project.
- (e) Short description of the scope of the project.
- (f) Short description of the results of the project.
- (g) Discussion of any technical actions taken because project results conflicted with previous USACE views.

(h) RAB/TRC satisfaction with the project.

(i) Discussion of any problems/issues that came up during the TAPP process.

(j) Discussion of the resolution of any problems/issues that came up during the TAPP process.

(2) The district Commander will submit this report, along with the report submitted by the RAB/TRC, through the relevant MSC to HQUSACE (ATTN: CEMP-RF). HQUSACE will submit all TAPP reports to DUSD(ES) at semiannual In-Process Reviews. The results of a TAPP project should be shared with the community as a whole, and the TAPP report should be retained in the Administrative Record for the FUDS property restoration program.

c. RAB Adjournment and Dissolution.

(1) RAB Adjournment. The district Commander may adjourn a RAB when there is no longer a need for a RAB or when community interest in the RAB declines sufficiently. Any of the following situations is an indication that it may be appropriate to adjourn the RAB:

(a) There is no longer a need for the level of community participation in the environmental restoration program that is usually provided by a RAB.

(b) The FUDS property no longer has an environmental restoration program, i.e., all known contaminants and explosives safety hazards at the FUDS property have been reduced to acceptable risk levels.

(c) A ROD/DD or an Action Memorandum has been signed for a project. When multiple projects are being conducted concurrently at a FUDS property, and the RAB was established for all projects being executed at the FUDS property, the RAB will not be adjourned until all projects have reached the decision point.

(d) Project(s) development is at the response complete stage, and no further environmental restoration decisions are required.

(e) All environmental restoration remedies are in place and are operating properly and successfully. The district Commander will establish a mechanism to inform the community, including former RAB members, about subsequent project actions, such as LTM and 5-year reviews, that may interest the RAB, and allow the community to address this information as appropriate. At a minimum, the PM will provide this information to the community through status report mailings, web sites, or local information repositories.

(f) The RAB has achieved its desired goal as defined in the RAB Operating Procedures.

(g) There is no longer sufficient, sustained community interest, as documented by the PM with RAB community members and community-at-large input, to sustain the RAB. The PM will continue to monitor for any changes in community interest that could warrant reestablishing the RAB.

The district Commander will consult with EPA, the state, involved tribes, RAB members, and the local community, as appropriate, regarding adjourning the RAB before making a final decision and will consider all responses when determining the appropriate action. If the district Commander decides to adjourn the RAB, the district Commander will document the rationale for adjournment in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available.

(2) RAB Dissolution. The district Commander may dissolve a RAB when the RAB is no longer fulfilling its intended purpose of advising and providing community input to the district Commander and decision makers on environmental restoration projects as described in this pamphlet. Although district Commanders are expected to make every reasonable effort to ensure that a RAB performs its intended role, circumstances may prevent the RAB from fulfilling this role. When this occurs, the district Commander will make a concerted effort to resolve the issues that are impairing the RAB's effectiveness. If this effort is unsuccessful, the district Commander may elect to dissolve the RAB. In making such a decision, if environmental restoration activities at the FUDS property are not complete, the district Commander will ensure that the public involvement program detailed in the Public Involvement Plan provides for continued, effective stakeholder participation in the environmental restoration decision-making process.

(a) To facilitate the district Commander's decision making, the PM will consult with EPA, state, tribal, and local government representatives, as appropriate, regarding dissolving the RAB. The PM will notify the RAB community co-chair and members in writing of the intent to dissolve the RAB and the reasons for doing so, and provide the RAB members 30 days to respond in writing. The PM will consider RAB member responses, and in consultation with EPA, state, tribal, and local government representatives, as appropriate, determine the appropriate action.

(b) If the district Commander decides to proceed with recommending the RAB for dissolution, the district Commander will notify the public of the proposal to dissolve the RAB and provide a 30-day public comment period on the proposal. At the conclusion of the public comment period, the district Commander will review the public comments, consult with EPA, state, tribal, and local government representatives, as appropriate, and render a recommendation.

(c) The recommendation, responsiveness summary, and all supporting documentation will be sent through the relevant MSC to HQUSACE (ATTN: CEMP-RF) for further chain-of-

command coordination for approval or disapproval.

(d) Once HQUSACE informs the district Commander of the final decision, the district Commander will document the rationale for dissolution in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available.

(3) Reestablishing an Adjourned or Dissolved RAB. The district Commander may reestablish an adjourned or dissolved RAB if there is sufficient and sustained community interest in doing so and there are environmental restoration activities still ongoing at the FUDS property. Where a RAB is adjourned or dissolved and environmental restoration activities continue, the PM will reassess community interest at least every 2 years. Reassessment will include, at a minimum, consultation with the chain-of-command, the EPA, the state, involved tribes, and the local community, as appropriate, and a 30-day public comment period. Where the reassessment finds sufficient and sustained community interest, the district Commander will reestablish a RAB. Where the reassessment does not find sufficient and sustained community interest in reestablishing the RAB, the district Commander will document (in an MFR) the procedures followed in the reassessment and the findings of the reassessment. This document will be included in the Administrative Record for the FUDS property.

(4) Public Comment. If a decision is made to dissolve a RAB or reconstitute a dissolved RAB, the district Commander will notify the public of the proposal to dissolve or reconstitute the RAB and provide a 30-day public comment period on the proposal. The district Commander will notify the public of the decision through publication of a notice in a local newspaper of general circulation and distribute the notice to community members. The geographic district PAO will provide an updated mailing list. At the conclusion of the public comment period, the district Commander will review public comments, consult with the RAB, the EPA, and state, tribal, and local government representatives, as appropriate, prepare a responsiveness summary, and render a recommendation. The district Commander will notify the public of the decision.

3-12. Community Involvement. The RAB should encourage the public to participate in discussions throughout the environmental restoration process. Many communication techniques are available for use in encouraging public involvement. The RAB should work closely with the geographic district PAO to ensure continued public involvement by means of the following:

a. A Public Involvement Plan should be in place to specify a plan of action for keeping the community involved and informed. (See paragraphs 2-6d through k for discussion of Public Involvement Plan content.)

b. If a Public Involvement Plan already exists for a FUDS project, that plan should be amended by inserting RAB information (such as meeting minutes, descriptions of public involvement activities, etc.) as addenda to the plan. The plan and addenda should be placed in

the information repositories. When the FUDS project is nearing completion, the basic plan should be revised to incorporate these addenda.

c. A mailing list of RAB members, elected officials, the local media, community groups, members of the public, and USACE POCs (technical and public affairs) should be developed and maintained. Public notices, fact sheets, and other handout materials should be sent to all individuals on the mailing list. (Note that the Privacy Act prohibits release of names, addresses, and phone numbers without prior consent.)

d. Information repositories should be established in the local area (at or near the FUDS property). These repositories, generally located at libraries or other publicly accessible locations, should contain documents reflecting ongoing environmental restoration activities, e.g., EE/CA reports, the RI/FS, proposed plans, the Public Involvement Plan, RAB meeting minutes, Public Notices, public comments and responses to those comments, etc.

e. The PM will solicit and respond (in writing) to comments. Public comment periods will be provided as specified in law and applicable regulations. In general, all draft and final documents distributed to the RAB for review and comment should be made available to the general public for a minimum of 30 days before comments are due. For documents where a review period is shorter than 30 days for regulatory staff, this same shorter review period would also apply to the review by the RAB and community members. Every effort should be made to provide the RAB and community members with an adequate review period. Special-focus meetings of the RAB may be called to review and comment on key documents. Formal, written responses should be prepared to all substantive comments received from the RAB and the general public.

CHAPTER 4 ESTABLISHING AND MAINTAINING ADMINISTRATIVE RECORDS

4-1. Scope.

a. This chapter presents the procedures for establishing and maintaining Administrative Records IAW CERCLA for all FUDS HTRW and MMR projects.

b. The Administrative Record, established under section 113 (k) of CERCLA, serves two primary purposes. First, the Record contains those documents which form the basis for selection of a response action and, under section 113 (j), judicial review of any issue concerning the adequacy of any response action is limited to the Record. Second, section 113 (k) requires that the Administrative Record act as a vehicle for public participation in selecting a response action. The procedures discussed in this chapter were developed to ensure that USACE Administrative Records meet these twin purposes.

c. The procedures presented in this chapter apply to all HQUSACE elements and all USACE Commands having responsibility for establishing and maintaining Administrative Records for HTRW response actions and MMR actions at FUDS projects. These procedures apply to PRP projects only in those rare instances when, based on a formal PRP agreement, USACE serves as the lead for execution of the response actions and agrees to maintain the Administrative Record. In such instances, the PM will work closely with the Office of Counsel to ensure that no project documentation that is subject to a legal privilege due to potential litigation is inappropriately released. (Further information on this topic will be published at a later date in the proposed ER 200-3-1.)

4-2. Definition of Administrative Record.

a. The Administrative Record is the body of documents that "forms the basis" for the selection of a particular response at the FUDS project. Documents which are included are relevant documents that were relied upon in selecting the response action, as well as relevant documents that were considered but ultimately rejected (i.e., documents "considered or relied on") (see appendices I, J, and K for particulars relating to Administrative Record documentation requirements).

b. This guidance uses the phrase "considered or relied on" in discussing which documents should be included in the Administrative Record to indicate that it is USACE's general policy to be inclusive with respect to including documents in the Administrative Record. However, drafts or internal documents are generally not included in the Administrative Record except in specific circumstances (see paragraph 4-10).

c. The following principles will be applied in establishing Administrative Records:

(1) The Record will be compiled as documents relating to the selection of the response action are generated or received by the Army.

(2) The Record will include documents that form the basis for the decision, whether or not they support the response selection.

(3) The Record will be a contemporaneous explanation of the basis for the selection of a response action.

d. With each type of document, apply the question, "Will this document be relied upon in selecting the response action?" Many documents that comprise the permanent Project File are support or housekeeping documents that are necessary, but do not contribute to the decision-making process. Documents such as correspondence and work and safety plans may contain information that would be appropriate to include. Some documents contain privileged government information, such as procurement negotiation memorandums or cost reports, or have a legal privilege, making it inappropriate to release them to the public.

e. The effort to establish adequate Administrative Records encompasses a vast array of people, including records managers, PMs, lawyers, PAO personnel, real estate office personnel, and personnel of other Federal agencies. The decision to include those documents labeled Ω in appendix I will require strong coordination with those offices that will play a role.

f. This procedure includes not only those documents which will comprise the Administrative Record, but will also include a description of a model file structure for an entire permanent Project File (see appendix J). This model file structure will be used for all permanent Project Files to ensure uniformity and consistency throughout the HTRW and MMR programs in the Army.

4-3. Judicial Review.

a. The district where the PM resides will develop an internal procedure to channel those documents that are questionable for inclusion in the Administrative Record through the appropriate offices to ensure proper review and coordination. Appropriate offices may include Project Management, Records Management, and Real Estate in conjunction with the Office of Counsel from the district where the PM for the FUDS project resides. Since judicial review of any issues concerning the adequacy of any response action is limited to the Administrative Record, based on section 113 (j) (1) of CERCLA, it is imperative that Office of Counsel have lead responsibility in making final determinations. Counsel will become involved in making decisions for inclusion of documents in the Administrative Record as the documents are being

created. The Administrative Records Coordinator will send all questionable documents (see appendix k - those items marked with a Ω) to the appropriate offices for evaluation and recommendation as to their suitability for inclusion.

b. Section 113 (j)(1) of CERCLA and general principles of administrative law limit the courts to the use of the Administrative Record to support judicial review when the adequacy of a response action is being challenged. As a result, facts or arguments related to the adequacy of a response action that challenging parties present for the first time in court will not be considered since they are not included in the Administrative Record. This statutory limitation does not apply to other litigation which may occur involving active installations or FUDS properties.

c. Administrative Record review saves time by limiting the scope of trials in cases where the adequacy of the response action is being challenged. In these types of cases, the courts may limit a party challenging a decision regarding the use of discovery, hearings, or additional fact finding to look beyond the agency's Administrative Record, except in very limited circumstances. In particular, courts generally will not permit persons challenging a response decision to depose, examine, or cross-examine Federal agency decision makers concerning the selection of the response action. The Administrative Record may have a very important role to play in all litigation. For example, evidence outside the Administrative Record will be both discoverable and admissible in cases which are not exclusively challenging the adequacy of the response action. In these types of cases, the Administrative Record can be critical to help establish the government's case, even if it is not the exclusive information available for use.

d. The Administrative Record may be cited long after officials responsible for the response decisions have moved into different positions or have left the lead or support agency. Judicial review limited to the Record saves time involved in locating former employees who may not remember the facts and circumstances underlying decisions made at a much earlier time. Therefore, the extent to which the Army benefits from having judicial review limited to the Record depends on the quality and completeness of each Record.

4-4. Public Participation.

a. Section 113 (k) (2) of CERCLA requires that the public have the opportunity to participate in developing the Administrative Record for response selection. Sections 117 and 120(f) of CERCLA also include provisions for public participation, to include state and local officials, in the remedial/removal response action planning and selection process. These sections reflect a statutory emphasis on public participation. Therefore, the Administrative Record file will be developed with the involvement of the public as discussed in paragraphs 4-13, 4-14, and 4-15. Participation by interested persons will ensure that the government has considered the concerns of the public during the response selection process. In addition, for purposes of administrative and judicial review, the Record will contain documents that reflect the participation of the public and the Army's consideration of the public concerns.

b. If the Army does not provide an opportunity for involvement of interested parties in the development of the Administrative Record, persons challenging a response action may argue that judicial review should not be limited to the Record. The Army must, therefore, make the information considered or relied on in selecting a response action available to the public, provide the appropriate opportunity for public comment on this information, place comments and information received from the public in the Record, and reflect in the Record the government's consideration of this information. Public availability of the Record is discussed in paragraph 4-13.

4-5. Administrative Records Coordinator (ARC).

a. Each USACE district responsible for the Administrative Record for a FUDS HTRW or MMR project will appoint an ARC early in the commencement of work at the FUDS project. This early appointment is important to ensure that the appropriate documents are included in the Administrative Record file as they are being created. When appropriate, this work may be performed as a collateral duty in those districts with a very small environmental restoration workload. The ARC generally has the responsibility for ensuring that the Administrative Record files are compiled and maintained according to this guidance and in close coordination with the PM, who has overall responsibility for the Administrative Record. The ARC will not be responsible for deciding which documents are included in a Record file. Those decisions should be made in coordination with the PM, the Office of Counsel, and any other related offices. As stated in paragraph 4-3a, the Office of Counsel has the lead responsibility for making final determinations on which documents will be included in the Administrative Record. The ARC duties include:

- (1) Developing procedures for creating Record files.
- (2) Ensuring that the public is notified that the Administrative Record file is available for inspection.
- (3) Ensuring that a copy of the Administrative Record file is available at or near the FUDS project.
- (4) Attending the reading area at the district's office during public viewing of the Administrative Record file to ensure safe keeping of the documents.
- (5) Coordinating efforts to obtain the necessary documents.
- (6) Indexing the Administrative Record file and preparing a table of contents.
- (7) Updating the Administrative Record file and indices on a periodic basis.
- (8) Ensuring availability of the Administrative Record file for copying.

(9) Ensuring that sampling and testing data, quality control and quality assurance documentation, and chain-of-custody forms are available for public inspection when these documents have been included by reference only.

(10) Coordinating with Office of Counsel on questions of relevance and privilege or confidentiality of documents submitted for the Record files.

(11) Arranging for presentation of the Administrative Record to the court when necessary for judicial review.

(12) Arranging for presentation of the Administrative Record for audit purposes.

(13) Maintaining the confidential portion of the Record files, if necessary.

b. Responsibility for designating the ARC resides with the PM. This responsibility includes the requirement to establish a manpower space and funding of the position unless the requirement will be accomplished through contract support.

c. If the way the Administrative Record was compiled and maintained is questioned in litigation, the ARC may be called upon to prepare an affidavit or testify about those procedures. Therefore, the ARC should be familiar with the procedures associated with compiling and maintaining the Administrative Record and should be qualified to fulfill the responsibilities outlined above. This does not imply that the ARC would be required to testify as to the content of the documents contained in the Administrative Record; rather, only the procedures followed for its compilation and maintenance.

4-6. Procedures for Establishing the Administrative Record.

a. IAW CERCLA, the NCP, and various referenced guidance documents, a simple and comprehensive system has been developed for establishing and maintaining the Administrative Record and Record files for all USACE geographic districts performing FUDS HTRW or MMR projects. This system will also be used when a USACE district enters into an agreement with the lead agency to take responsibility for establishing and maintaining the Administrative Record for environmental restoration activities being executed. This system permits DOD to achieve the judicial review and public participation goals of the Administrative Record by the most efficient and practical means.

b. The Administrative Record file should be distinguished from the Administrative Record. The Record file refers to the documents as they are being compiled and may be thought of as a holding file. Until a response action decision has been selected, there is no complete Administrative Record for that decision. Thus, to avoid creating the impression that an Administrative Record is complete at any time prior to the final decision, the set of documents

compiled for the response action is referred to as the Administrative Record file or Record file, rather than the Administrative Record.

c. It is the responsibility of the district where the PM resides to establish and maintain the Administrative Record for each FUDS HTRW or MMR project. When performing HTRW work at a FUDS property and MMR materials are found, a separate Administrative Record for the MMR work is required. When a removal or remedial response action is being executed under the Installation Restoration Program or the Base Realignment and Closure Program, the active installation on which the contaminant or explosives safety hazard is found is responsible for establishing and maintaining the Administrative Record unless a USACE district enters into an agreement to carry out this responsibility as stated in paragraph 4-6a.

d. The PM is responsible for ensuring that each Administrative Record has an index and a table of contents for ease of locating the desired documents. Refer to paragraph 4-8 and appendices L and M for specific procedures.

e. In general, every decision document (i.e., ROD for a remedial response action at an NPL FUDS property, DD for a remedial response action at a non-NPL FUDS property, or Action Memorandum for any removal response action) must be supported by an Administrative Record. FUDS property cleanups may be broken up into several different projects. A project may include several removal and/or remedial response actions for various areas within the FUDS property. Every removal and/or remedial response action will be supported by an Administrative Record.

f. Information relevant to more than one response decision, such as an SI report or a Determination of Eligibility report to include supporting historical evidence, may be placed in the Record file for an initial response action and incorporated by reference in the indexes of subsequent Record files for that FUDS property.

4-7. Compilation.

a. The Administrative Record file will be developed and maintained in both hard copy and, for ease of storage and distribution, electronic format. Contractors will be required to provide contract deliverables in both paper and electronic format.

b. The Administrative Record file should be compiled when the FUDS project is initiated as relevant documents on the response action are generated or received. Generally (see appendix I, note 7, for exceptions), only final versions of documents which form the basis for the selection of a response action which are clearly relevant and nonprivileged will become part of the Administrative Record, as specified in paragraph 4-2. These documents will be entered into the index and made available to the public as soon as possible. For example, the RI/FS work plan, summaries of data, the RI/FS released for public comment, the Proposed Plan, any public comments received on the RI/FS and the Proposed Plan, the EE/CA and EE/CA-related

documents, as well as USACE's responses should be placed in the Record file and made available to the public as soon as they are generated or received.

c. Only reproduced copies of the original documents will be placed in the Record file. The original documents will be maintained in the permanent Project File. When there are questions regarding whether particular documents should be included in the Administrative Record, such documents can be segregated and reviewed at regular intervals with Office of Counsel and other appropriate offices, as described in paragraph 4-2.

d. When documents that are relevant to the response selection are generated or received after the decision document for the selection of a response action has been signed, they should be placed in a postdecision document file and may be added to the Administrative Record file in certain circumstances, as explained in paragraph 4-12.

4-8. Index and Table of Contents.

a. Each Administrative Record must be indexed and have a table of contents. The index plays a key role in enabling both the Army and members of the public to locate and retrieve documents included in the Record. In addition, the index can be used for public information purposes for identifying documents located elsewhere, such as related technical literature used for research purposes. A Data Element Definition Index is provided at appendix M. The information listed in this appendix should be keyed into the data base for indices on every document included in the Administrative Record. The table of contents also serves as an overview of the history of the response action at the FUDS project.

b. The Administrative Record index provides the Army with a degree of control over documents located at or near the FUDS project. The creation of an index will prevent persons from altering the Record simply by physically adding documents to or removing documents from the Record file.

c. Documents related to the selection of the response action will be received throughout the FUDS project phases. These documents should be placed in the Administrative Record file at regular intervals to facilitate public review and input. Concurrently, the table of contents and index should also be updated.

4-9. Maintaining the Record.

a. The official Administrative Record file will be maintained at the district which has PM responsibility for the response action. A duplicate copy of the file will be located at or near the FUDS project. The public should be provided access to the file at both locations. Procedures for a Document Reading Room, to be located at the district's office, will be established by each district to ensure that the integrity of the file is maintained and that public access to the file is orderly. It may be necessary to contract for space or seek an agreement with a local government,

community center, or library to use their facility as a repository for public viewing of the duplicate copy (located at or near the FUDS project) of the Administrative Record file.

b. In establishing public access procedures for the Document Reading Room, the security and integrity of the Record files must be maintained to the greatest extent practicable. The ARC will maintain the reading room and periodically review the Record file to ensure the integrity of the documents. Visitors should be able to view the Record file during reasonable hours (e.g., Monday-Friday, 9:00 a.m. - 4 :00 p.m. at a minimum, with expanded hours, wherever possible, to accommodate evening visitors). The public reading area should include, where feasible:

- (1) Administrative Record file.
- (2) Access to a copier.
- (3) Sign-in book.

c. Controlled access to the files is accomplished by use of a visitor sign-in book which may help to minimize instances in which documents are lost or damaged. (See appendix N for a sample format for the visitor sign-in book.) The sign-in book provides documentation of the government's efforts to provide public access to the Record files. Pertinent information recorded in the book could include:

- (1) Date of visit.
- (2) Name.
- (3) Affiliation.
- (4) Address.
- (5) Phone number.
- (6) FUDS project documents viewed.
- (7) Cost of copied materials (if applicable).

d. Since documents in the Record file should be complete, properly organized, and legible, the integrity of the Record file must be maintained. Storage and reading areas should be supervised by the ARC to maintain proper security. Documents should not leave the document room or be left unattended. The ARC should check the order of the documents after they are viewed by the public to be certain that all documents have been returned intact.

e. The Administrative Record file located at a local repository at or near the FUDS project should be handled with similar care. A cover letter should accompany the Administrative Record file when the Record is initially provided to the local repository. This letter should explain the purpose of the Administrative Record, what it consists of, the public's right to review it, and information on how this Record should be maintained. A model transmittal cover letter is provided at appendix O for this purpose. Appendix P contains a model document transmittal acknowledgment form which can be used to obtain a receipt-acknowledged response from the local repository receiving the Administrative Record file. If possible, the Administrative Record file should be treated as a noncirculating reference; it should not leave the local repository except under supervision. The phone number of the ARC should be provided to the Administrative Record file users and to the manager of the local repository so that problems can be identified and resolved. This information can be included in an information fact sheet accompanying the Administrative Record file (see appendix Q). In addition, the ARC should plan periodic reviews of the Administrative Record file at the local repository to ensure that it remains complete and intact.

4-10. Contents of the Administrative Record. See appendix I for a comprehensive listing of documents to be considered for inclusion in the Administrative Record. Some of these documents, as the appendix I guidance indicates, may not be included, depending on a review by the PM, the Office of Counsel, and other associated offices. The term "document" covers a variety of written material, such as pieces of correspondence, data reports, assessments, plans, newspaper articles, notices, and fact sheets. The two primary purposes for establishing the Administrative Record, as specified in paragraph 4-2, should be observed when selecting documents for inclusion.

4-11. Inclusion of Documents by Reference Only.

a. Certain documents which are included in the Administrative Record do not have to be maintained at the local repository because of the nature of the documents and the burden associated with maintaining such documents in multiple locations. These documents, however, must be incorporated into the Administrative Record by reference (i.e., in the index but not physically in the Record file), and the index must indicate where the documents are publicly accessible. Where a document is listed in the index but not located at or near the FUDS project, the Army must, upon request, make the document available to the public by including the document in the Administrative Record. This guidance applies to verified sampling data, chain-of-custody forms, and additional guidance and policy documents. It does not apply to documents marked with a security classification, such as "confidential" or "secret," nor does it apply to documents marked with For Official Use Only (FOUO) or privileged documents.

b. Unless requested, the following types of documents do not have to be located in multiple locations:

(1) Verified sampling data may be left in its original storage location. Data summary sheets, however, must be located in the Record file. The index must list the data summary sheets, reference the underlying verified sampling data, and indicate where the sampling data can be found.

(2) Chain-of-custody forms may be left in the original storage location. The index must reference the chain-of-custody forms and indicate their location.

(3) When a confidential or FOUO document is included in the Record file, it should be maintained IAW the appropriate security regulations. The index should identify only the title and/or any other unclassified portions of the document. In some cases, historical records used in the research to determine FUDS property conditions may have been classified at one time. However, because of the length of time from the original classification, classifiers may decide to change the classification, or an individual may request a declassification when appropriate. Classified documents placed in the Administrative Record will be maintained IAW AR 380-5 and any local supplements thereto.

(4) Some documents in the Administrative Record file may be protected from public disclosure on the basis of an applicable privilege. Applicable privileges may include, but are not limited to, attorney-client communications; attorney work products; trade secrets or confidential business or financial information; the deliberative process information, which includes pre-decisional communications expressing opinions, advice, analysis, and recommendations of staff or contractors to agency decision-making officials; Privacy Act information; procurement source selection or procurement integrity information; or national security classified information.

(5) Guidance and policy documents need not be physically included in the Record file, but those guidance or policy documents considered or relied on in selecting the response action must be listed in the index to the Administrative Record along with their location and availability.

(6) Publicly available technical literature that was not generated for the FUDS project at issue, such as engineering textbooks, articles from technical journals, etc., does not have to be located at or near the FUDS project. The document must be clearly referenced in the index unless it has been referenced in a document which is already included in the index.

4-12. Postdecision Information. In all cases, documents generated or received after the decision document has been signed should be kept in the permanent Project Files. In general, postdecision documents should not be added to the Administrative Record file. Since the Administrative Record contains the information which was considered or relied on in selecting the response action, documents generated or received after the decision document has been signed should not be included in the Record file. (Such documents may, however, be relevant to later response decisions and become part of a later Administrative Record.) There are some

exceptions, however, to this general rule, as in the following situations where postdecision documents may be added to the Record:

a. Where a decision document does not address, or reserves for consideration at a later date, a portion of the decision. For example, a decision document may not resolve the type of treatment technology. In such cases, the PM should continue to add to the Record file documents which form the basis for the unaddressed or reserved portion of the decision.

b. Where there is a significant change in the selected response action. Changes that result in a significant difference to a basic feature of the selected response action with respect to scope, performance, or cost may be addressed in an explanation of significant differences.

c. Where the changes are so significant that they fundamentally alter the very nature or basis of the overall response action. Such changes will require an amended decision document.

NOTE: The public participation requirements relative to the two methods, presented in b and c above, for dealing with post-ROD/DD changes (i.e., changes after the ROD/DD has been signed) in the remedy selection (see appendix A of EPA 540-k-01-003 for a detailed discussion of these requirements) mirror the public participation requirements relative to pre-ROD/DD changes (i.e., changes after publication of the Proposed Plan but before the ROD/DD is signed) in the remedy selection, with the exception that the question as to whether or not the changes could have been reasonably anticipated by the public is not a factor with respect to post-ROD/DD changes. For example, pre-ROD/DD changes that could have been reasonably anticipated by the public can be discussed in the ROD/DD and the Proposed Plan does not need revision, just as post-ROD/DD changes, given the circumstances indicated in b above, can be dealt with in an explanation of significant differences and the ROD/DD does not have to be amended. Likewise, just as pre-ROD/DD changes that could not have been reasonably anticipated by the public require that the Proposed Plan be revised and a second 30-day public comment period be provided, so post-ROD/DD changes, given the circumstances indicated in c above, require that the ROD/DD be amended and a 30-day public comment period be provided.

d. Where comments containing significant information are submitted by interested persons after the close of the public comment period. The PM must consider such comments only to the extent that they contain significant information not contained elsewhere in the Record file which could not have been submitted during the public comment period and which substantially support the need to significantly alter the response action.

e. Where the Army holds public comment periods after the selection of the response action.

4-13. Public Availability.

a. Section 113 (k) of CERCLA and NCP subpart I (40 CFR 300.800 et seq.) require that the Administrative Record be available to the public. In satisfying this provision, the government must comply with all relevant public participation procedures outlined in sections 113 (k) and 117 of CERCLA.

b. The availability of the Administrative Record will vary depending upon the nature of the response action. Different procedures are required for remedial and removal response actions. In all cases, the PM, in coordination with the geographic district PAO, should publish a notice of availability of the Administrative Record when the Record is first made available for public inspection at the agency office and in the vicinity of the FUDS project at issue. The notice should explain the purpose of the Administrative Record, its location and availability, and how the public may participate in its development.

c. The notice should be published in a major local newspaper of general circulation. The newspaper notice should be distributed to persons on a public affairs mailing list for the FUDS project. Publication of the notice should be the responsibility of the geographic district PAO and should be done in coordination with the PM. A copy of the notice of availability and list of recipients should be included in the Record file. Appendix R contains a model notice of availability.

d. This public notice may be combined with other notices for the same FUDS project, such as a notice of availability of the local information repository, if they occur at the same time. Additionally, the public can be informed through existing special notices, newsletters, and fact sheets. Information on security criteria that must be met in order to view the Administrative Record (e.g., criteria for entry into the agency office/Document Reading Room) will be provided to the public. See the foreword and paragraphs 2-4i (16), 3-1b, 4-1c, and 4-2d for information on the central role the Office of Counsel will play with respect to determinations concerning the legal requirements for public participation, particularly so with respect to project documentation that will not be made available to the public due to a government/legal privilege.

4-14. Administrative Record Requirements for Remedial and Removal Response Actions. See the proposed ER 200-3-1, tables 8-1 and 8-2, respectively, for information on Administrative Record requirements for remedial and removal response actions. See chapter 8 of the proposed ER 200-3-1 for a discussion of the different Administrative Record requirements for time-critical removal response actions (i.e., actions for which, based on the FUDS property evaluation, the lead agency determines that a period of less than 6 months exists before the onsite removal response action must be initiated) and non-time-critical removal response actions (i.e., actions for which, based on the FUDS property evaluation, the lead agency determines that a planning period of at least 6 months exists before the onsite removal response action must be initiated).

4-15. Relationship to Army Records Information Management System (ARIMS).

a. ARIMS classification standards relating to the Environmental Restoration Program have been developed to preserve all records necessary to protect the legal and financial interests of the Army. This action will facilitate the documentation of USACE efforts needed for future discussion with regulators, to respond appropriately to legal actions and cost recovery or contribution claims, and to initiate cost recovery or contribution claims against other parties.

b. All files for FUDS HTRW and MMR projects will have ARIMS numbers assigned to their documents IAW AR 25-400-2. Documents for the Administrative Record, insofar as this procedure is concerned, will have ARIMS numbers but will be arranged IAW the recommended file structure as outlined in appendix J. Documents can be found by ARIMS numbers in the index. This EP is in no way intended to supersede, circumvent, or in any other way misuse the established recordkeeping regulations. See the proposed ER 200-3-1, chapter 10, for a detailed discussion of maintenance requirements for HTRW and MMR permanent Project Files.

4-16. Filing and Binding.

a. Since the Administrative Record cannot be created until coordinated decisions are made concerning the appropriateness of particular documents, all potential Administrative Record documents will be maintained in the Administrative Record file by the PM. The Administrative Record file, as described in paragraph 4-5, is the file containing potential Administrative Record documents as they are created. These documents will be contained in file folders marked IAW the file structure as outlined in appendix J. The documents that comprise the Administrative Record total about 30 percent of the entire permanent Project File.

b. Because the Administrative Record is a specialized subset of the entire permanent Project File and because it is intended for frequent public use, ease of filing and durable binding are imperative. Generally, documents filed IAW ARIMS are filed in file folders. To prevent loss and maintain file integrity, documents in the Administrative Record will be filed in binders or other fastening folders which secure all pages, with a table of contents in the front of each volume. A separate index volume will enable the searcher to locate specific documents through a variety of index entry arrangements.

c. The index will be maintained in a 1-inch or smaller binder. The binder will be labeled on the side and on the front with the FUDS project number, FUDS project location (area within the FUDS property if applicable), Administrative Record Index, and the date, as well as the name of the responsible USACE district. The index should include the following information for each document:

- (1) Document Number - a unique sequential number (place this number on the document as well).
- (2) Document Date - date of the document.

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(3) Document Title - a thorough identification of the actual document with substantive information. Include sufficient information to ensure that the document cannot be confused with another (e.g., the title "report" would be insufficient).

(4) Author - name and affiliation.

(5) Recipient - name and affiliation.

(6) Document location.

(7) Document type.

(8) Number of pages.

(9) ARIMS number - Include ARIMS number as appropriate on all correspondence and maintain IAW disposition instructions.

d. The table of contents will be maintained in its entirety (covering all volumes of the Administrative Record file) in the index binder. A table of contents will also be maintained (covering only the contents of the volume in question) for each volume of the Administrative Record file. It will be arranged in an organized file structure of 11 major divisions (see appendix J). Within each major division is a series of minor divisions. The records for each FUDS HTRW or MMR project in the Army will be arranged according to this hierarchy of major and minor divisions. Numbers within each minor division will be mnemonic (depending on length and content of subdivision), that is, the same document type will bear the same minor division number throughout. For example: major division 2.0 is Removal Response, minor division 2.01 is Correspondence, minor division 2.02 is Sampling and Analysis Data and Plans, minor division 2.03 is Scopes of Work/Contractual Documents; major division 3.0 is Remedial Investigation, minor division 3.01 is Correspondence, minor division 3.02 is Sampling and Analysis Data and Plans, minor division 3.03 is Scopes of Work/Contractual Documents.

e. Correspondence, as a document type, will always appear as the "01" minor division. Some divisions will have fewer minor divisions or will have content that does not "fit" the same headings, thus disrupting the mnemonic quality. Where possible, though, the same structure will apply. Appendix J shows the 11 major divisions that make up this file structure. These 11 major divisions correspond to the 11 volumes that constitute the typical Administrative Record. The number of binders per volume will vary depending on the size and number of the documents contained therein.

4-17. Audit Procedures.

a. The documents comprising the Administrative Record file will be subject to audit and therefore will be maintained as outlined in this EP. The purpose of an internal management control review is to identify, report, and make appropriate recommendations regarding the elimination of deficiencies in the establishment and/or maintenance of the Administrative Record. The internal review will protect the interests of the Army in the event that the Administrative Record is subject to review or audit. Further, the audit is necessary to ensure that the Administrative Record is maintained in proper order when subject to judicial review. As stated in paragraph 4-3, since judicial review of issues concerning adequacy of any response action is limited to the Administrative Record, it is imperative that internal reviews be performed to ensure the quality and completeness of each Record. The review may be performed by the ARC when applicable or by an internal management control monitor for the HTRW and MMR programs.

b. A system of internal controls will be established at each FUDS project to monitor the Administrative Record process. To aid in the review, the following internal management control checklist should be used. Inadequate procedures or incomplete documentation will be detected by using the checklist, thereby preparing the FUDS project for an audit. This checklist can be used for routine internal examination or by an external auditor.

Internal Management Control Checklist

(1) Is EP 1110-3-8 being used, for FUDS HTRW and MMR projects, in your organization?

(2) Is an individual appointed ARC in writing?

(3) Are the documents created in the permanent Project File arranged according to the Model Permanent Project File Structure, appendix J of EP 1110-3-8?

(4) Are all required documents included in the Administrative Record, as described in appendix K of EP 1110-3-8?

(5) Does the Administrative Record have a Table of Contents?

(6) Does the Administrative Record have an Index? Does the Index indicate where the documents are publicly accessible?

(7) Is the Administrative Record contained in 3-ring binders or other fastening folder which secures all pages?

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(8) Are the binders labeled on the side and on the front with the FUDS project number, FUDS project location, and name of responsible USACE district? Is there a Table of Contents in each binder?

(9) Has an internal procedure been established to coordinate with the Office of Counsel and others to determine which documents will become part of the Administrative Record?

(10) Is there a public Document Reading Room at the district office? Are photocopy facilities available for the public? Is controlled access to the Record files accomplished by use of a visitor sign-in book?

(11) Are public reading areas monitored to ensure property security? To the extent feasible, does the ARC check the order of the documents after they have been viewed by the public to ensure that all documents were returned intact?

(12) Are documents relevant to the response selection which are generated or received after the ROD/DD or Action Memorandum has been signed placed in a postdecision file?

(13) Has an offsite local repository been established? Is the Administrative Record located at a local repository treated as a noncirculating reference?

(14) Has an individual been designated, in writing, as responsible for establishing and monitoring the Administrative Record at a local repository? Does the individual conduct periodic reviews of the Administrative Record at the local repository to ensure that it remains complete and intact?

(15) When sending the Administrative Record to the local repository, are the Transmittal Cover Letter and the Document Transmittal Acknowledgment form used?

(16) Have Fact Sheets been created for the local repository and the general public?

(17) Has a Notice of Public Availability been developed to inform the public about the availability and location of the Administrative Record?

(18) For time-critical removal response actions, is the Administrative Record available for public viewing no later than 60 days after the initiation of the onsite removal response action? Has a notice of availability been published in a major local newspaper and a copy of the notice included in the Administrative Record file?

(19) Are formal written responses to all significant comments included in the Administrative Record?

(20) For non-time-critical removal response actions, is the Administrative Record available for public review when the EE/CA is made available for public comment before initiation of the removal response action?

(21) If a public meeting has been held to discuss ongoing removal response actions or the EE/CA, has the official transcript of the meeting been placed in the Administrative Record?

(22) Is every ROD/DD or Action Memorandum supported by an Administrative Record?

(23) Are only reproduced or digitally scanned copies of the original documents placed in the Administrative Record file?

(24) Are documents which are included in the Administrative Record but not maintained at the local repository near the FUDS project (because of the nature of the documents and the burden associated with maintaining such documents in multiple locations) incorporated into the Administrative Record by reference (i.e., in the index but not physically in the Record file)?

(25) Are documents with a security classification properly marked and handled IAW AR 380-5?

(26) Are guidance and policy documents listed in the Index to the Administrative Record along with their location and availability?

(27) Has publicly available technical literature that was not generated for the FUDS project at issue been clearly referenced in the Index?

(28) Is postdecision information maintained IAW paragraph 4-12 of EP 1110-3-8?

(29) Are procedures established for the appropriate participation of interested persons in the development of the Administrative Record for the selection of a removal or remedial response action?

(30) Are ARIMS numbers assigned to all files for FUDS HTRW and MMR projects IAW AR 25-400-2?

c. The internal reviewer's examination is conducted for the principal purpose of certifying the completeness and integrity of the Administrative Record for the FUDS HTRW or MMR project. In so doing, the reviewer should place emphasis on significant management areas and operations to ensure that correct procedures are in place for the establishment and maintenance of the Administrative Record. The reviewer will identify, report, and make appropriate recommendations regarding conditions that cause or contribute to inefficient operations, deficiencies, and errors of omission or commission. Detailed examination of management

operations will be limited to that deemed necessary based upon appraisal of the adequacy of procedures and internal controls.

d. The reviewer will review the documents that comprise the Administrative Record to ensure their inclusion. To accomplish this, the reviewer should check the contents of the Administrative Record against the Table of Contents and the Index. Random checks throughout the Index to find specific documents will reveal the adequacy and completeness of the Index and the presence of the indexed documents. Likewise, the reviewer should select documents and check their presence in the Index by the variety of entry points, i.e., key words in the title, author, receiver, etc. To determine if correct procedures are in place, the reviewer can use the Internal Management Control Checklist.

e. The Administrative Record file will be reviewed within 1 year of establishment and each succeeding year thereafter, while in public use. The implementation of sound internal controls for all FUDS projects will ensure the organization and orderliness of Administrative Record files, thereby facilitating the review process. It is the responsibility of the district to maintain its Administrative Record file in a condition for review; to prepare or reconstruct such files is not the responsibility of the reviewers. All sets of the Administrative Record file should be reviewed, those at a repository near the FUDS project and those at a public reading room at the district.

f. Deficiencies will be noted in an exit interview with the lead official for the FUDS project and then documented in a follow-up memorandum. The memorandum will state the specific deficiencies, if any, or the strengths and merits attesting to the adequacy of the Record. If deficiencies exist, the memorandum will allow sufficient time for correction. Further, the memorandum will indicate that corrective measures will be taken and implemented prior to the internal management control review the following year.

CHAPTER 5 CONCLUSION

5-1. Interrelation of Public Involvement Program Elements. Perhaps the most salient feature of the well ordered public involvement program, implicit throughout the discussion presented in this pamphlet, is the interrelation of its elements. Community interviews, for example, serve to highlight community concerns and issues which the Public Involvement Plan is developed, in part, to address. These same interviews may be helpful to the PM in his or her decision whether or not to establish a RAB at the FUDS project. If a RAB is established, the Public Involvement Plan must be revised to incorporate appropriate RAB information. Administrative Record documents will often be used by the RAB in its decision-making process, just as documentation generated by the RAB or by community relations activities prescribed by the Public Involvement Plan will become part of the Administrative Record. Interrelation of its elements clearly defines the well ordered public involvement program.

5-2. Summary. As the discussion in this pamphlet of procedures for establishing and maintaining public involvement programs, RABs, and Administrative Records has made clear, public participation in DERP is both a legal requirement and a practical necessity. The legal requirements for such participation are cited throughout the pamphlet and need not be restated here. The practical necessity for such participation if environmental restoration is to succeed is equally clear. As indicated in the overview discussion of public involvement programs in chapter 2, the best public involvement programs and Public Involvement Plans – those that most effectively further the environmental restoration process – are community specific. This specificity cannot be achieved without substantial public participation. Just so, it is public participation in the development of the Administrative Record that lends such credibility to the Record that judicial review with respect to issues arising in relation to environmental restoration decision making can be restricted to the Administrative Record. This restriction greatly speeds the environmental restoration process. Public participation in DERP, both a legal requirement and a practical necessity, is essential to successful environmental restoration.

APPENDIX A
REFERENCES

Competition in Contracting Act, 10 USC 2304.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, PL 96-510, 94 Stat. 2767, 42 USC 9601.

Defense Environmental Restoration Program, 10 USC 2701.

Federal Advisory Committee Act, PL 92-463 of 1972, as amended.

National Defense Authorization Act for Fiscal Year 1996, PL 104-112.

Paperwork Reduction Act, 44 USC 3501-20.

Privacy Act, 5 USC, 552a of 1974, as amended.

Superfund Amendment and Reauthorization Act of 1986, PL 99-499, 100 Stat. 1613, amending CERCLA, 42 USC 9601 et. seq., and miscellaneous other sections.

Final Rule on Technical Assistance for Public Participation in Defense Environmental Restoration Activities, Title 32, CFR, Part 203.

National Oil and Hazardous Substances Pollution Contingency Plan, Title 40, CFR, Part 300, U.S. Environmental Protection Agency, Washington, D.C.

Simplified Acquisition Procedures, Title 48, CFR, Part 13.

Management Guidance for the Defense Environmental Restoration Program, Office of the Deputy Under Secretary of Defense (Environmental Security), September 2001. This document is available on the Internet at <http://www.dtic.mil/envirodod>.

AR 25-400-2, The Army Records Information Management System (ARIMS).

AR 335-15, Management Information Control System.

AR 380-5, Department of the Army Information Security Program.

USACE Supplement 1 to AR 335-15, Management Information Control System.

ER 1110-1-8153, Ordnance and Explosives Response.

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Proposed ER 200-3-1, Formerly Used Defense Sites (FUDS) Program Policy.

Technical Assistance for Public Participation Policy Implementation Guidance and Restoration Advisory Board Update, U.S. Army Corps of Engineers, April 1998. This document is available on the Internet at <https://www.denix.osd.mil/denix/Public/Policy/Army/IRP/rabapr98.htm/>.

EPA 540-k-01-003, Superfund Community Involvement Handbook, April 2002. This document is available on the Internet at www.epa.gov/superfund.

EPA 540-k-01-004, Superfund Community Involvement Toolkit, September 2002. This document is available on the Internet at www.epa.gov/superfund.

OMB Circular A-122, Cost Principles for Non-Profit Organizations. This document is available on the Internet at <http://www.whitehouse.gov/omb/circulars>.

Robert's Rules of Order, August 2000. The current edition of this standard reference work is commercially available on the Internet at www.robertsrules.com.

APPENDIX B
COMMUNITY INTERVIEW QUESTIONS

Name:
Address:

Telephone (H): _____ (W): _____

Wishes to join mailing list? Yes _____ No _____

1. A _____ study is being conducted at _____. Have you heard about this study?
If so, do you remember when and how you learned of it?

Answer:

2. Have you talked with any Corps of Engineers, state, or environmental officials about the
ongoing _____ study?

Answer:

3. If you have, were they responsive to your concerns or questions?

Answer:

4. What special interests or concerns do you have about _____
or the _____ study and why is this of particular interest or concern?

Answer:

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5. Have any of your friends or neighbors talked with you to express interest or concern about the _____ study, and if so, what were their concerns and why is this information of particular interest or concern?

Answer:

6. If you had a question or concern, what would you do? Is there someone you would call or contact?

Answer:

7. Would you be interested in joining a mailing list to receive fact sheets and other general information about this study?

Answer. Yes _____ No _____

8. How does the community receive information about local events and news (i.e., radio, television, newspapers)?

Answer:

9. Other than the mailing list, in what other ways can the Corps of Engineers provide you with information and better involve you in the decision-making process at _____?

Answer:

Newspaper(s) _____

Radio/TV _____

Information Repository (suggested location) _____

Community Hotline _____

Community Meetings (suggested time and place) _____

Formal Briefings _____

FUDS Property Visits _____

Web Site _____

Restoration Advisory Boards _____
Other _____

10. How frequently would you like to receive information?

Answer:

Monthly _____

Bi-monthly _____

Quarterly _____

Annually _____

Whenever events warrant _____

Other _____

11. Can you suggest anyone else (friend, neighbor, group, informal or formal leader) that we should contact or who might want to be included on the mailing list?

Answer:

12. Is there anything else you would like to mention that we have not talked about? If in answering this question you provide "historical" information, please identify the source of this information.

Answer:

Privacy Act Statement

Authority: 10 U.S. Code (USC) 2705.

Principal Purpose: To identify the attitudes and concerns of area residents concerning activities at the FUDS HTRW or MMR project during the study phase. The requested information will be used to develop a Public Involvement Plan for the specific FUDS project in question. The information will also be used by the Army to develop a mailing list of individuals interested in receiving fact sheets and other general information about the study. Disclosure of the requested information is voluntary. Failure to provide all the requested information may lessen the effectiveness of the public involvement program for the project.

APPENDIX C
SAMPLE RAB PUBLIC NOTICE

Public Notice
(Name of U.S. Army Corps of Engineers (USACE) District)
Formation of Restoration Advisory Board (RAB)
Membership Solicitation

The Department of the Army recognizes the importance of stakeholder participation in the Defense Environmental Restoration Program. Therefore, (name of district) is announcing the establishment of a RAB. The RAB is being created in order to improve public participation by involving the community in the environmental restoration of the Formerly Used Defense Sites property at (name of FUDS property).

The RAB will include community members who reflect the diverse interests of the local community. RAB members will be asked to review and comment on plans and technical documents relating to the ongoing environmental studies and restoration activities at (name of FUDS property). RAB members will have the opportunity to provide comments that may accelerate the restoration. Members will also be expected to serve as voluntary liaison between the community and the USACE district and be available to meet with community members and/or groups. Community RAB members will receive no compensation for their service. RAB meetings will be open to the public.

Community interest forms can be obtained by contacting:
(List name(s), title, address, and telephone number of contact)

Members will be expected to serve a 1- to 2-year term and attend RAB meetings regularly. Forms will be reviewed by the selection panel. The selection panel will make recommendations to the district Commander for approval of RAB members. The selection panel members will be representatives from the (name of district), the (name of state environmental agency), the community, and the U.S. Environmental Protection Agency, as appropriate. To qualify, interested parties must be local residents of (name of cities or counties) who are affected by (name of FUDS property).

The initial meeting to form the RAB will be held (list location, date, and time). For additional information, please contact (name, address, and telephone number of contact).

APPENDIX D
SAMPLE RAB COMMUNITY INTEREST FORMAT

Community Interest
(Name of FUDS Property) Restoration Advisory Board (RAB)

RAB members are volunteering to serve a 1-to 2-year term and to attend all RAB meetings. Duties and responsibilities will include reviewing and commenting on technical documents and activities associated with the Defense Environmental Restoration Program at (name of FUDS property). Technical experts will be made available to the RAB. Members will be expected to be available to community members and groups in order to facilitate the exchange of information and/or concerns between the community and the RAB. RAB community members can expect to devote approximately (number of hours/days) per year to the RAB. RAB members will receive no compensation for their service.

Priority for RAB membership will be given to local residents who are impacted/affected by the (name of FUDS property).

Name: _____

Address: _____
Street Apt # City State Zip

Phone: () () ()
Daytime Home Fax

1. Are you affiliated with any group related to environmental restoration activities? If yes, list the group and your position, if applicable.
2. Briefly state why you would like to participate on the RAB.
3. What experience have you had working as a member of a diverse group with common goals?
4. The community co-chairperson will be selected by community members of the RAB. Please indicate whether or not you are interested in being considered for the community co-chairperson position on the RAB.

_____ Yes, I would like to be considered.

_____ No, I would not like to be considered.

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5. Are you willing to serve as a volunteer on the RAB?

_____ Yes, I am willing to serve as a volunteer.

_____ No, I am not willing to serve as a volunteer.

6. By submitting this form, you are indicating that you are aware of the time commitment which this appointment will require of you.

Privacy Act Statement

Authority: 10 U.S. Code (USC) 2705.

Principal Purpose: To identify members of the local community who are interested in serving on the RAB. The requested information will be used to develop a list of interested persons from which the community members of the RAB will be selected. The information will also be used by the Army to contact the individuals who are selected. Disclosure of the requested information is voluntary. Failure to provide all the requested information may prevent selection to serve on the RAB.

Applicant Signature

Date

APPENDIX E
SAMPLE RAB LETTER OF INVITATION

Dear (Community Member):

The Department of the Army recognizes the importance of stakeholder participation in the Defense Environmental Restoration Program. Therefore, (name of district) is announcing the establishment of a Restoration Advisory Board (RAB). The RAB is intended to improve public participation by involving the community in the restoration decision-making process.

The RAB will include community volunteer members who reflect the diverse interests of the local community. RAB members will have an opportunity to provide comments on restoration activities. RAB community members can expect to spend (number of hours/days) per year supporting the RAB.

RAB members will be asked to meet regularly to review and comment on technical documents and plans relating to the ongoing environmental studies and restoration activities at (name of FUDS property). RAB members will be expected to serve as liaison with the community and be available to meet with community members and groups. Members will be expected to serve a (state length of service) term. All RAB meetings will be open to the public.

If you are interested in serving on the RAB for (name of FUDS property), please complete the enclosed form and return it to the following address not later than (deadline for applications):

(Name, address, and phone number of contact)

Forms will be reviewed by the RAB selection panel. The selection panel will submit recommendations for RAB membership to the district Commander for approval. The RAB selection panel will be comprised of representatives from the (name of district), the community, the (name of state agency), and the U.S. Environmental Protection Agency, as appropriate.

Sincerely,

(Name of Panel Member)

Enclosure

APPENDIX F
SAMPLE RAB FACT SHEET

Fact Sheet
Restoration Advisory Board
(Name and Location of FUDS Property)

Background

The U.S. Army Corps of Engineers (USACE), (name of district), is pursuing environmental restoration activities at (name of FUDS property) as part of the Defense Environmental Restoration Program. (Provide a brief description of the response actions projected at the FUDS property.)

What is a Restoration Advisory Board?

A Restoration Advisory Board (RAB) is an advisory body designed to act as a focal point for the exchange of information between (name of district) and the local community regarding environmental restoration activities. The RAB is intended to bring together community members who reflect the diverse interests within the local community, enabling the early and continued two-way flow of information, concerns, values, and needs between the affected community and the district.

RAB members will be asked to meet regularly to review and comment on technical documents and plans relating to the ongoing environmental studies and restoration activities at (name of FUDS property). Members will be expected to serve as liaison with the community and be available to meet with community members and groups. Membership terms will be decided by the RAB. All RAB meetings will be open to the public. Technical support staff will be available to provide informational support and explanation to RAB members.

How to Become a RAB Member

Community members interested in finding out more about the RAB are invited and encouraged to attend a community meeting. (Name of district) will conduct this meeting on (date and time). At the meeting, you will learn about the purpose of the RAB and RAB membership opportunities and responsibilities and will hear an update on the status of restoration activities and future plans. RAB membership applications will be available at the community meeting. The community meeting will be held at the following address:

(Location, address, date, and time)

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If you have questions about the RAB or are interested in applying for RAB membership, community interest forms may also be obtained by contacting:

(List name, title, address, and telephone number of contact)

All community interest forms must be received by (deadline for forms). Forms will be reviewed by the selection panel which will make recommendations to the district Commander for approval. The selection panel will be organized by the Formerly Used Defense Sites Project Manager of (name of district). The selection panel members will be representatives from the USACE district, the state, the community, and the U.S. Environmental Protection Agency, as appropriate.

Responsibilities

Community members are expected to serve as volunteers on the RAB and to provide individual advice to decision makers on environmental restoration plans for (name of FUDS property).

APPENDIX G
SAMPLE RAB OPERATING PROCEDURES

Operating Procedures
for (name of FUDS property)
Restoration Advisory Board

1. Mission Statement of (name of FUDS property) Restoration Advisory Board (RAB). The mission of the (name of FUDS property) RAB is to establish and maintain a forum with all stakeholders for the exchange of information in an open and interactive dialogue concerning the environmental restoration activities at (name of FUDS property). The RAB will review technical documents and provide comments and advice to the U.S. Army Corps of Engineers (USACE), (name of district), on the proposed environmental restoration activities.
2. Responsibilities of the RAB. Responsibilities of the RAB are as follows:
 - a. Provide advice on environmental restoration issues to USACE and regulatory agencies.
 - b. Hold regularly scheduled meetings that are open to the public and held at convenient times and locations, normally after duty hours.
 - c. Prepare public notices to promote public participation in RAB meetings.
 - d. Review, evaluate, and provide comments to the (name of district), USACE, on documents related to environmental restoration activities.
 - e. Identify applicable cleanup standards presented in the Comprehensive Environmental Response, Compensation, and Liability Act and other applicable city, county, state, and Federal law and recommend cleanup levels consistent with planned reuse.
 - f. Recommend priorities among FUDS projects.
 - g. Record minutes of RAB meetings and make them available to interested parties.
 - h. Develop RAB mission statement and operating procedures.
 - i. Provide a representative on the project delivery team (PDT) during the technical project planning (TPP) process.
3. RAB membership will consist of members from USACE, other Federal, state, and local regulatory agencies, and the local community. RAB membership will reflect the diversity of the community.

a. Community members may be drawn from, but are not limited to, the local community (including residents; various local government agencies; businesses; school districts; local environmental groups (including activist groups); civic/public interest organizations; religious groups; local regulatory agencies; Homeowners Associations; the medical community; the economically disadvantaged; African-American, Native American, Hispanic, and other minority groups; other state and Federal governments; trustees; and local and tribal governments). Community members will provide information, seek independent technical advice when appropriate and feasible, communicate public concerns to the RAB, and provide information and progress reports to the public.

b. Other RAB members will be as follows:

(1) USACE Co-Chair. Responsibilities of the USACE Co-Chair (i.e., the project manager (PM) or some other, higher-level USACE manager) are listed in paragraph 7a below.

(2) State Regulatory Agencies. Responsibilities of the state regulatory agency member(s) are listed in paragraph 7d below.

(3) U.S. Environmental Protection Agency (EPA). Responsibilities of the EPA member(s) are listed in paragraph 7e below.

4. RAB Formation. General guidelines applicable to the formation of a RAB are as follows:

a. A RAB will consist of no more than 20 members.

b. A selection panel made up of community members will recommend RAB members to the USACE district Commander (name of FUDS property and name of district) for approval.

c. RAB members will serve a (stipulate 1- or 2-year) term. RAB members may submit an application to serve another term (not to exceed 2 years) when their first term has been completed. Total service will not exceed 4 years.

d. A Community Co-Chair will be elected by the RAB members. The procedures for conducting this election are specified in paragraph 6 below. The Community Co-Chair will serve a 1-year term, with re-election limited to one additional term.

e. The PM or some other, higher-level USACE manager designated by the district Commander will serve as the USACE Co-Chair.

5. RAB Meetings. RAB members will comply with the following meeting procedures:

a. Each community member will have one vote on the RAB's operating procedures in RAB meetings. Minutes of each RAB meeting will be recorded for inclusion in the Administrative Record.

b. Each RAB member will act individually in discussions, in providing comments on documents, and in providing advice to USACE. The RAB is not an advisory committee, as that term is used in the Federal Advisory Committee Act. All advice will be offered by RAB members as individuals and is not to be construed as "consensus" advice.

c. Regular, ontime attendance is a requirement for continued RAB membership. The RAB will meet once a month or any other period specified in the RAB operating procedures. Members are expected to attend every meeting. After a member has missed two meetings without appropriate explanation, the USACE and Community Co-Chairs will send a 14-day written notice to the member requesting written explanation, within 14 days, of these absences and indicating that after three missed meetings, the RAB will assume that the member is no longer interested and will terminate his or her membership.

d. Member participation will follow a process similar to that presented in Robert's Rules of Order. An agenda will be followed at RAB meetings, with full and open discussions encouraged. A time for public comments or questions from the public on matters not included in the agenda will be held either at the beginning or near the end of the meeting. An effort should be made to complete the agenda, including public comments and questions, between (state specific beginning and ending times). A Co-Chair will ask the members for a motion to adjourn and approval of such motion in order to end each meeting.

e. The RAB will encourage public participation. Co-Chairs, or other designated representatives, will respond to questions raised by the public. If sufficient information is not available to provide an accurate response at the meeting, the issue will be recorded in the meeting transcript. A written response to all issues raised will be provided. The response provided will be an agenda item for discussion at the next regularly scheduled meeting. All public comments will be considered by the RAB and recorded in the meeting transcript.

f. RAB community members must have prior approval of the RAB before speaking for the RAB during press interviews or other public relations activities.

g. When a RAB member is unable to participate in RAB meetings, the member should submit a written resignation to a RAB co-chairperson. Resigning members may nominate new members to replace themselves. Replacement members will also be sought from those individuals who were notified of their nonselection when they initially completed the community interest forms. New members must continue to reflect the diversity of the community.

h. A Procedures Committee will be established to resolve issues regarding compliance with the operating procedures and to accept proposals from RAB members to change the procedures. This committee will be composed of the two Co-Chairs and one RAB member appointed by the RAB.

i. A Nomination Committee will be established to accept nominations for election of the Community Co-Chair. The procedures for conducting the election are listed in paragraph 5 below.

j. Disputes within the RAB will be resolved by means of a three-step process. First, the RAB Co-Chairs will attempt to resolve the issue. When these efforts are not successful, an independent facilitator may be brought in to resolve the issue. Disputes which cannot be resolved by the Co-Chairs or a facilitator may be formally presented to the USACE district Commander for resolution.

k. A quorum of RAB members must be present in order to hold a RAB meeting. A quorum is defined as both Co-Chairs, one regulatory agency member, and 51 percent of the remaining RAB members.

6. Election of Community Co-Chair. An election will be held in (specify month) of each year to elect a Community Co-Chair. The Community Co-Chair will be elected by a majority vote of the community RAB members, by written ballot. A Nomination Committee consisting of three RAB members will be appointed in (specify month) by the existing Community Co-Chair to recommend a nominee for the Community Co-Chair position for the upcoming year. Other members may be nominated from the floor at the (specify month) RAB meeting. Write-in candidates and self-nomination are other avenues for election to the Community Co-Chair position. The Nomination Committee will count the written ballots and announce the results at the (specify month) RAB meeting. The Co-Chair elect will assume the position at the (specify month) RAB meeting.

7. RAB Member Responsibilities.

a. Responsibilities of the USACE Co-Chair are as follows:

(1) Coordinate with the Community Co-Chair to prepare and distribute an agenda prior to each RAB meeting.

(2) Communicate with all RAB members regarding environmental restoration activities at (name of FUDS property).

(3) Publicly announce RAB meetings at least 15 days prior to and on the day preceding the meeting dates.

(4) Ensure that USACE participates in an open and constructive manner.

- (5) Ensure that RAB members are educated and trained regarding their responsibilities as a member of the RAB.
- (6) Ensure that the RAB is provided access to documents for its review and comment. Ensure that an adequate review period is allowed for the RAB members. Ensure that documents distributed to the RAB are also made available to the public in the information repository.
- (7) Maintain a mailing list of interested and affected parties in the environmental restoration activities at (name of FUDS property).
- (8) Ensure that adequate administrative and technical support is provided to the RAB.
- (9) Ensure that community issues and concerns related to environmental restoration activities are addressed when raised.
- (10) Ensure that the RAB is fully informed during all phases of the environmental restoration process and that it has opportunities to participate in advising decision makers before final decisions are made.
- (11) Provide all relevant guidance documents to the RAB to enhance the operation of the RAB.
- (12) Report back to the USACE district and refer issues not related to environmental restoration to appropriate officials for action.
- (13) Ensure that the RAB is represented on the PDT during the TPP process.
- (14) Ensure that any significant documentation generated by the RAB meets the regulatory requirements set forth in the proposed ER 200-3-1, chapter 9.
- (15) Ensure that RAB meeting minutes summarizing topics discussed are prepared and made available, at a minimum, in the information repository.
- (16) Ensure that information on activities related to the RAB is documented and made available in the information repository.
- (17) Ensure that, to the extent that RAB input is considered in a decision regarding response activities, information about the RAB is included in the Administrative Record.
- (18) Ensure that all RAB meetings are open to the public and announced to the public via public notice.

b. Responsibilities of the Community Co-Chair are as follows:

(1) Coordinate with the USACE Co-Chair and the RAB members to prepare and distribute an agenda prior to each RAB meeting.

(2) Coordinate, as required, with the USACE Co-Chair to ensure that RAB questions and concerns are answered in an appropriate and timely manner.

(3) Encourage open and constructive community participation at RAB meetings.

(4) Ensure that RAB members are trained regarding their responsibilities as RAB members.

(5) Communicate with RAB members regarding environmental restoration activities.

(6) Ensure that community issues and concerns related to environmental restoration are adequately addressed and that relevant information is communicated back to the community.

(7) Assist in the dissemination of information to the general public.

(8) Serve without compensation.

c. Responsibilities of RAB community members are as follows:

(1) Attend RAB meetings as required by the RAB operating procedures.

(2) Provide advice on environmental restoration activities to decision makers.

(3) Communicate community interests and concerns to the RAB.

(4) Serve as a conduit for the flow of information among the community, the USACE district, and other involved Federal, state, and local agencies regarding the environmental restoration issues at (name of FUDS property).

(5) Review, evaluate, and provide comments on documents related to environmental restoration activities.

(6) Serve without compensation.

d. Responsibilities of state regulatory agency member(s) are as follows:

(1) Attend RAB meetings as required by RAB operating procedures.

(2) Serve as an information, referral, and resource bank for the community, the USACE district, and other involved Federal, state, and local agencies regarding environmental restoration activities at (name of FUDS property).

(3) Review and provide comments on documents and other materials related to environmental restoration activities.

(4) Ensure that state environmental standards and regulations are identified and addressed by USACE.

(5) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(6) Assist in the training of RAB members.

e. Responsibilities of the EPA member(s) are as follows:

(1) Attend RAB meetings as required by RAB operating procedures.

(2) Serve as an information, referral, and resource bank for the community, the USACE district, and other involved Federal, state, and local agencies regarding environmental restoration activities at (name of FUDS property).

(3) Facilitate flexible and innovative resolutions of environmental issues and concerns.

(4) Ensure that Federal environmental standards and regulations are identified and addressed by USACE.

(5) Assist in the training of RAB members.

8. Amendments to RAB Operating Procedures. Amendments to RAB operating procedures may be made with a three-fourths majority vote of a quorum of all RAB members. Proposed amendments will be referred to a Procedures Committee for evaluation and recommendations. Proposals will be voted on by all RAB members after they receive the Procedures Committee's written recommendations. These recommendations will be provided to the RAB members at least 20 days prior to the meeting in which the proposed amendments will be addressed.

APPENDIX H
REPORTING MATRIX AND REPORTING TABLES

Table H-1. FUDS RAB and TAPP Reporting Requirements Matrix

No.	Requirement	Status Date	Report Due Date	Status Date	Report Due Date
1	FUDS Property RAB Status – Table H-2	31 March	30 April	30 September	31 October
2	RAB Establishment and Expenditures – Table H-3	31 March	30 April	30 September	31 October
3	TAPP Expenditures – Table H-4	31 March	30 April	30 September	31 October
4	New RABs Established – Table H-5	31 March	30 April	30 September	31 October
5	RAB Adjournment – Table H-6	31 March	30 April	30 September	31 October
6	RAB Community Representation – Table H-7	None	None	30 September	31 October
7	RAB Activity – Table H-8	None	None	30 September	31 October
8	RAB Advice – Table H-9	None	None	30 September	31 October
9	TAPP Reports	None	None	30 September	31 October

Table H-2. FUDS Property RAB Status

FUDS Property Name	FUDS Property Number	Federal Facility I.D. Number	Date RAB Established (YYMMDD) (Note 1)	Reason RAB Not Established (Note 2)	Date RAB Adjourned (YYMMDD) (Note 3)	Reason RAB Adjourned (Note 4)

Note 1: Date (Year Month Day) the first RAB meeting was held and the community members selected the Community Co-Chair.

Note 2: Every FUDS property with a restoration program must determine interest in a RAB. For every FUDS property where a RAB has not been formed, provide a reason why a RAB has not been established. The following are standard reasons:

- A. FUDS property located in remote area; therefore, no affected community.
- B. District Commander has determined that a RAB is not needed, or the property owner objects to the establishment of a RAB.
- C. The community has expressed no sufficient, sustained interest in a RAB.
- D. Establishment of a RAB is not warranted due to lack of outstanding cleanup issues or activities.
- E. FUDS property is supported by another RAB.
- F. DOD does not have cleanup lead at FUDS property (e.g., PRP projects).
- G. District Commander has not attempted to establish a RAB.
- H. District Commander is in the process of determining community interest in establishing a RAB.

Note 3: If the RAB was adjourned, indicate the date (Year Month Day) meeting was held to adjourn the RAB.

Note 4: Indicate the reason RAB was adjourned:

- A. The FUDS property no longer has an environmental restoration program.
- B. All environmental restoration remedies are in place and are operating properly and successfully.
- C. There is no longer sufficient, sustained community interest.

Date Prepared:

Table H-3. RAB Establishment and Expenditures

FUDS Property Name	FUDS Property Number	Federal Facility I.D. Number	Date RAB Established (YYMMDD)	FY (Current FY)		FY (Next FY)	
				Funds Expended Thru 31 Mar	Funds Expended Thru 30 Sep	Funds Projected Thru 31 Mar	Funds Projected Thru 30 Sep

Expenditures will be reported as Outlays (Actual Expenses, not Obligations).

Date Prepared:

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Table H-4. TAPP Expenditures

FUDS Property Name	FUDS Property Number	Federal Facility I.D. Number	Date Initial TAPP Request (YYMMDD)	FY (Current FY)		FY (Next FY)		Total TAPP Expenditures
				Funds Expended Thru 31 Mar	Funds Expended Thru 30 Sep	Funds Projected Thru 31 Mar	Funds Projected Thru 30 Sep	

Expenditures will be reported as Outlays (Actual Expenses, not Obligations).

Date Prepared:

Table H-5. New RABs Established

FUDS Property Name	FUDS Property Number	Federal Facility I.D. Number	Date RAB Established (YYMMDD) (Note 1)

Note 1: Date (Year Month Day) the first RAB meeting was held and the community members selected the Community Co-Chair.

Date Prepared:

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Table H-6. RAB Adjournment

FUDS Property Name	FUDS Property Number	Federal Facility I.D. Number	Date RAB Adjourned (YYMMDD) (Note 1)

Note 1: Date (Year Month Day) the last RAB meeting was held and the community members decided to adjourn the RAB.

Date Prepared:

Table H-7. RAB Community Representation

FUDS Property Name	Federal Facility I.D. Number	Date RAB Established (YYMMDD)	A	B	C	D	E	F	G

Mark XX in all columns that apply for each FUDS property.

- A – Local residents/community members.
- B – FUDS property residents, if any.
- C – Local environmental groups/activists.
- D – Business community.
- E – Low income and minority.
- F – Local government officials.
- G – Other.

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Table H-8. RAB Activity

FUDS Property Name	Federal Facility I.D. Number	Date RAB Established (YYMMDD)	A	B	C	D	E	F	G

Mark XX in all columns that apply for each FUDS property.

- A – Reviewed plans and technical documents.
- B – Provided comments or advice.
- C – Received training.
- D – Established operating procedures.
- E – Participated in or reviewed relative risk evaluations.
- F – Provided advice that affected scope or schedule of studies/cleanup.
- G – Improved Corps of Engineers credibility.
- H – Established partnerships among stakeholders.

Date Prepared:

Table H-9. RAB Advice

FUDS Property Name	Federal Facility I.D. Number	Date RAB Established (YYMMDD)	A	B	C	D	E	F	G

Mark XX in all columns that apply for each FUDS property.

- A – Scope of studies.
- B – Work plan priorities.
- C – FUDS project priorities.
- D – Relative risk evaluations.
- E – Remedy selections.
- F – Study or cleanup schedule.
- G – Future land use.
- H – Other.

Date Prepared:

APPENDIX I SELECTING DOCUMENTS FOR THE ADMINISTRATIVE RECORD

This appendix indicates all the documents that might possibly be generated at a FUDS HTRW or MMR project. Nearly 70 percent of them will not be included in the final Administrative Record. This comprehensive listing is included not only to give the reader an understanding of the universe of documents that are available for inclusion in the final Record but also to provide a guide to selecting those documents that should be included in the final Record.*

Key:

√ = Include in Administrative Record

✳ = Exclude from Administrative Record

Ω = Perhaps include. Some records may be appropriate for inclusion in the Administrative Record; requires a document-by-document review.

1.0 Site Management Records.

- Ω 1.01 Correspondence (see notes 1 and 8)
- √ 1.02 ASR (including factual supporting historical documents)
- Ω 1.03 Scopes of Work/Contractual Documents (see note 14)
- Ω 1.04 Site Photographs and Maps
- Ω 1.05 Site Descriptions and Chronologies (see note 13)
- Ω 1.06 Reference Documents
- Ω 1.07 Federal, State, Local Technical Records
- √ 1.08 INPR (include final INPRs that have been reviewed and concurred with by agency counsel and when applicable the Confirmation Report for FUDS HTRW projects - do not include government cost estimates which may be attached to the INPR)
- √ 1.09 Final PA Report (including any associated documents)

*For instructions on the more detailed numbering system for documents to be placed on the Project Information Retrieval System (PIRS), refer to <https://mvrpirs.mvr.usace.army.mil>.

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- √ 1.10 SI Documents
- Ω 1.11 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
- * 1.12 NDAI Documents at the INPR phase will be excluded since no Administrative Record is compiled for such actions. It should be noted, however, that NDAI decisions reflected in the Action Memorandum or ROD/DD will be included.

2.0 Removal Response.

- Ω 2.01 Correspondence (see note 1)
- √ 2.02 Sampling and Analysis Data and Plans (see note 2)
- Ω 2.03 Scopes of Work/Contractual Documents (see note 14)
- Ω 2.04 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
- * 2.05 Invoices/Contractor Payments/Cost Reports
- Ω 2.06 Interagency Agreements/Memoranda
- Ω 2.07 ARAR Determinations (see note 5)
- * 2.08 Interim Deliverables (see note 7)
- √ 2.09 Chain-of-Custody Forms
- * 2.10 Daily Operations Summary/Situation Reports
- * 2.11 Work Register and Logs
- √ 2.12 Anomaly Review Board Documents (Management Plan, Correspondence, Standing Operating Procedures (SOPs), Findings)
- Ω 2.13 Removal Response Reports (Emergency Evacuation Orders)
- Ω 2.14 EE/CA Approval Memorandum
- √ 2.15 EE/CA Report
- √ 2.16 Action Memoranda

3.0 Remedial Investigation (RI).

- Ω 3.01 Correspondence (see note 1)
- √ 3.02 Sampling and Analysis Data and Plans (see note 2)
- Ω 3.03 Scopes of Work/Contractual Documents (see note 14)
- Ω 3.04 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
- ✱ 3.05 Invoices/Contractor Payments/Cost Reports
- Ω 3.06 Interagency Agreements/Memoranda
- Ω 3.07 ARAR Determinations (see note 5)
- ✱ 3.08 Interim Deliverables (see note 7)
- √ 3.09 Chain-of-Custody Forms
- √ 3.10 RI Reports
- √ 3.11 Health and Endangerment Assessments (including human health and ecological risk assessments and lead-based paint and asbestos surveys)

4.0 Feasibility Study (FS).

- Ω 4.01 Correspondence (see note 1)
- √ 4.02 Sampling and Analysis Data and Plans (see note 2)
- √ 4.03 Geophysical Investigation Data
- Ω 4.04 Scopes of Work/Contractual Documents (see note 14)
- Ω 4.05 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
- ✱ 4.06 Invoices/Contractor Payments/Cost Reports
- Ω 4.07 Interagency Agreements/Memoranda

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- Ω 4.08 ARAR Determinations (see note 5)
- ✱ 4.09 Interim Deliverables (see note 7)
- √ 4.10 FS Reports (see note 7)
- √ 4.11 Proposed Plans for RA (see note 7)
- 5.0 Record of Decision (ROD) or Decision Document (DD).
 - Ω 5.01 Correspondence (see notes 1 and 8)
 - √ 5.02 Sampling and Analysis Data and Plans (see note 2)
 - √ 5.03 Geophysical Investigation Data
 - Ω 5.04 Scopes of Work/Contractual Documents (see note 14)
 - Ω 5.05 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
 - ✱ 5.06 Invoices/Contractor Payments/Cost Reports
 - Ω 5.07 Interagency Agreements/Memoranda
 - Ω 5.08 ARAR Determinations (see note 5)
 - √ 5.09 All Public Notices, Comments Received, and Responses to the Comments
 - √ 5.10 ROD or DD (see note 7)
 - √ 5.11 Amendments to ROD or DD
 - √ 5.12 Explanation of Significant Differences
- 6.0 Remedial Design (RD). (from previous remedial or removal response actions) (see notes 8 and 9)
 - ✱ 6.01 Correspondence
 - ✱ 6.02 Sampling and Analysis Data and Plans
 - ✱ 6.03 Scopes of Work/Contractual Documents (see note 14)

- * 6.04 Invoices/Contractor Payments/Cost Reports
- * 6.05 Interagency Agreements/Memoranda
- Ω 6.06 ARAR Determinations (see note 5)
- * 6.07 Final RD Documents (no cost estimates should be included) (see notes 8 and 9)
- 7.0 Remedial/Removal Action (RA)/Long-Term Management (LTM). (from previous remedial or removal response actions) (see notes 8 and 9)
 - * 7.01 Correspondence
 - * 7.02 Sampling and Analysis Data and Plans
 - * 7.03 Scopes of Work/Contractual Documents (see note 14)
 - * 7.04 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
 - * 7.05 Invoices/Contractor Payments/Cost Reports
 - * 7.06 Interagency Agreements/Memoranda
 - * 7.07 ARAR Determinations (see note 5)
 - * 7.08 RA Documents
 - Ω 7.09 LTM Documents (see note 16)
- 8.0 Public Affairs/Community Relations.
 - √ 8.01 Correspondence (see notes 1 and 8)
 - * 8.02 Mailing Lists
 - Ω 8.03 Scopes of Work/Contractual Documents (see note 14)
 - Ω 8.04 Work Plans/Safety Plans and Progress Reports (see notes 3 and 4)
 - * 8.05 Invoices/Contractor Payments/Cost Reports

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- Ω 8.06 Public Involvement Plan (see note 7)
- Ω 8.07 Briefing Papers (briefing papers may be statements of fact presented to the decision makers which form part of the basis for a decision, or they may be privileged deliberative process information which constitute staff analysis or recommendations, or they may have both types of information.)
- Ω 8.08 News Clippings and Press Releases (see note 11)
- * 8.09 Work Logs
- √ 8.10 Public Meeting Minutes/Transcripts (including minutes of RAB/TRC meetings) (see note 15)
- Ω 8.11 Fact Sheets/Newsletters
- √ 8.12 Written Responses to Public Comments/Questions (include all public comments, or information obtained from the public relating to the response action decision, which may include summaries of interviews, correspondence with political subdivisions such as zoning boards, letters from the public, etc.)
- √ 8.13 Public Notices (Availability of Record, Public Comment)

9.0 Congressional Relations.

- Ω 9.01 Correspondence (to include formal Congressionals) (see notes 1, 8, and 12)
- Ω 9.02 Briefings
- Ω 9.03 Transcripts
- Ω 9.04 Testimonies
- Ω 9.05 Published Hearings

10.0 Freedom of Information Act (FOIA).

- * 10.01 Correspondence
- * 10.02 Requests
- * 10.03 Responses

11.0 Real Estate.

- Ω 11.01 Correspondence (see notes 1 and 8)
- Ω 11.02 Rights-of-Entry Documents (may be appropriate for inclusion, e.g., when relevant information is considered in the response action decision process)
- Ω 11.03 Title Search Documents (see note 10)
- Ω 11.04 Land Grants/Deeds
- Ω 11.05 Interagency Agreements/Memoranda (may be appropriate for inclusion, e.g., when relevant information is considered in the response action decision process)
- √ 11.06 Final approved Findings and Determinations

Notes

The following notes are referenced in Selecting Documents for the Administrative Record. Only documents containing factual data relevant to the selection of the response action on the FUDS property should be included in the Administrative Record.

1. Internal correspondence should generally be excluded from the Administrative Record. However, if these records contain facts that are not available elsewhere, they should be included in the Administrative Record. Also, all government attorney correspondence should be excluded from the Administrative Record as well as privileged documents. This material includes formal letters, meeting notes, and telephone notes.
2. Sampling and analysis data must be included in the Administrative Record. When it is available, validated data should be used. In order to limit the physical size of Administrative Records, sampling and analysis data may be included in the Record by referencing the data in the Record's Index.
3. Only the final version of a work plan (including all subplans) and any subsequent revisions/modifications need to be included in the Administrative Record.
4. Only progress reports that provide factual information related to a selection of a response action must be included in the Administrative Record.
5. ARAR information which is directly related to decisions made at the FUDS project must be included in the Administrative Record. Correspondence between attorneys and/or FUDS project team members relating to ARARs should be excluded from the Administrative Record.
6. Certain documents may need to be added to the Administrative Record after the Action Memorandum is signed. These documents would be added to the Administrative Record if they are relevant to a follow-up action or if the Action Memorandum is amended.
7. All relevant draft documents (e.g., EE/CA, RI/FS, ROD, Public Involvement Plan) that are made available to the public and upon which the government received comments should be included in the Administrative Record. Draft documents which contain factual information that does not appear in the final document or is included in other documents, and upon which the government based a portion of its response action decision (even if the document was not released to the public) must be included in the Administrative Record.
8. Documents generated after the Action Memorandum, the ROD, or the DD are final are usually not included in the Administrative Record. However, if there are multiple areas within a FUDS property, some documents generated after one Action Memorandum, ROD, or DD may be included in the Administrative Record if it is related to how the government made a decision for

another Action Memorandum, ROD, or DD at the FUDS property. These documents should be included in the permanent Project File at the district.

9. RD and RA documents are usually excluded from the Administrative Record. However, if there are multiple RDs and RAs, documents from previous RDs and RAs may be included in the Administrative Record to support follow-up response actions. In addition, if there is an amendment to a ROD, a DD, or an Action Memorandum, additional RD and RA documents may be added to the Administrative Record. These documents should be included in the permanent Project File at the district.

10. Title search records may be excluded from the Administrative Record if they do not contain information relevant to selection of a response action. Since title search records may be considered confidential, they may be cited in the Index and excluded from the physical Administrative Record, i.e., inclusion by reference only.

11. USACE press releases are included in the Administrative Record. General newspaper clippings are excluded from the Administrative Record (unless they served as the basis for a response action).

12. Comments received from members of Congress on draft documents that were relied upon in selection of a response action (e.g., EE/CA, RI, FS, Proposed Plan, ROD, Public Involvement Plan) must be included in the Administrative Record.

13. Site descriptions and chronologies may be included in the Administrative Record if they reflect official agency positions. They are not to be included if they were prepared as the FUDS project team's working papers.

14. The final scopes of work, including any modifications, should be included. Most other contract file documents are not relevant. Official contract documents and financial records will be maintained IAW AR 25-400-2.

15. Include recommendations or significant information provided by any RAB or TRC which relates to a response action decision. Also include the documents that were developed to establish the RAB or TRC, correspondence reflecting any changes in the RAB or TRC membership, and the minutes of any meeting between the RAB or TRC and the agency decision-making official.

16. Postdecision information, including LTM documents, is generally excluded from the Administrative Record. See paragraph 4-12 of this pamphlet for a discussion of when it may be appropriate to include such information in the Administrative Record.

APPENDIX J
MODEL PERMANENT PROJECT FILE STRUCTURE

This file structure is included to provide an organizational framework for an entire HTRW or MMR permanent Project File. Only 30 percent or less of the documents listed below will ultimately comprise the Administrative Record. The numbering system employed here is consistently used throughout the appendices of this EP and can be further seen in the development of the Administrative Record document-numbering system and the arrangement of the Administrative Record Table of Contents (see paragraph 4-16).*

1.0 Site Management Records.

- 1.01 Correspondence
- 1.02 ASR
- 1.03 Scopes of Work/Contractual Documents
- 1.04 Site Photographs and Maps
- 1.05 Site Descriptions and Chronologies
- 1.06 Reference Documents
- 1.07 Federal, State, Local Technical Records
- 1.08 INPR
- 1.09 PA Report (including any associated documents)
- 1.10 SI Documents
- 1.11 Work Plans/Safety Plans and Progress Reports
- 1.12 NDAI Determinations

2.0 Removal Response.

- 2.01 Correspondence
- 2.02 Sampling and Analysis Data and Plans
- 2.03 Scopes of Work/Contractual Documents
- 2.04 Work Plans/Safety Plans and Progress Reports
- 2.05 Invoices/Contractor Payments/Cost Reports
- 2.06 Interagency Agreements/Memoranda
- 2.07 ARAR Determinations
- 2.08 Interim Deliverables
- 2.09 Chain-of-Custody Forms
- 2.10 Daily Operations Summary/Situation Reports
- 2.11 Work Register and Logs

*For instructions on the more detailed numbering system for documents to be placed on PIRS, refer to <https://mvrpirs.mvr.usace.army.mil>.

- 2.12 Anomaly Review Board Documents (Management

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Plan/Correspondence/SOPs/Findings)

- 2.13 Removal Response Reports (Emergency Evacuation Orders)
- 2.14 EE/CA Approval Memorandum
- 2.15 EE/CA Report
- 2.16 Action Memoranda

3.0 Remedial Investigation (RI).

- 3.01 Correspondence
- 3.02 Sampling and Analysis Data and Plans
- 3.03 Scopes of Work/Contractual Documents
- 3.04 Work Plans/Safety Plans and Progress Reports
- 3.05 Invoices/Contractor Payments/Cost Reports
- 3.06 Interagency Agreements/Memoranda
- 3.07 ARAR Determinations
- 3.08 Interim Deliverables
- 3.09 Chain-of-Custody Forms
- 3.10 RI Reports
- 3.11 Health and Endangerment Assessments (including human health and ecological risk assessments and lead-based paint and asbestos surveys)

4.0 Feasibility Study (FS).

- 4.01 Correspondence
- 4.02 Sampling and Analysis Data and Plans
- 4.03 Geophysical Investigation Data
- 4.04 Scopes of Work/Contractual Documents
- 4.05 Work Plans/Safety Plans and Progress Reports
- 4.06 Invoices/Contractor Payments/Cost Reports
- 4.07 Interagency Agreements/Memoranda
- 4.08 ARAR Determinations
- 4.09 Interim Deliverables
- 4.10 FS Reports
- 4.11 Proposed Plans for RA

5.0 Record of Decision (ROD) or Decision Document (DD).

- 5.01 Correspondence
- 5.02 Sampling and Analysis Data and Plans

- 5.03 Geophysical Investigation Data
- 5.04 Scopes of Work/Contractual Documents
- 5.05 Work Plans/Safety Plans and Progress Reports
- 5.06 Invoices/Contractor Payments/Cost Reports
- 5.07 Interagency Agreements/Memoranda
- 5.08 ARAR Determinations
- 5.09 All Public Notices, Comments Received, and Responses to the
Comments
- 5.10 ROD or DD
- 5.11 Amendments to ROD or DD
- 5.12 Explanation of Significant Differences

6.0 Remedial Design (RD).

- 6.01 Correspondence
- 6.02 Sampling and Analysis Data and Plans
- 6.03 Scopes of Work/Contractual Documents
- 6.04 Invoices/Contractor Payments/Cost Reports
- 6.05 Interagency Agreements/Memoranda
- 6.06 ARAR Determinations
- 6.07 RD Documents

7.0 Remedial/Removal Action (RA)/Long-Term Management (LTM).

- 7.01 Correspondence
- 7.02 Sampling and Analysis Data and Plans
- 7.03 Scopes of Work/Contractual Documents
- 7.04 Work Plans/Safety Plans and Progress Reports
- 7.05 Invoices/Contractor Payments/Cost Reports
- 7.06 Interagency Agreements/Memoranda
- 7.07 ARAR Determinations
- 7.08 RA Documents
- 7.09 LTM Documents

8.0 Public Affairs/Community Relations.

- 8.01 Correspondence
- 8.02 Mailing Lists
- 8.03 Scopes of Work/Contractual Documents
- 8.04 Work Plans/Safety Plans and Progress Reports
- 8.05 Invoices/Contractor Payments/Cost Reports
- 8.06 Public Involvement Plan

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- 8.07 Briefing Papers
- 8.08 News Clippings and Press Releases
- 8.09 Work Logs
- 8.10 Public Meeting Minutes/Transcripts (including minutes of RAB/TRC meetings)
- 8.11 Fact Sheets/Newsletters
- 8.12 Written Responses to Public Comments/Questions
- 8.13 Public Notices (Availability of Record, Public Comment)

9.0 Congressional Relations.

- 9.01 Correspondence (to include formal Congressionals)
- 9.02 Briefings
- 9.03 Transcripts
- 9.04 Testimonies
- 9.05 Published Hearings

10.0 Freedom of Information Act (FOIA).

- 10.01 Correspondence
- 10.02 Requests
- 10.03 Responses

11.0 Real Estate.

- 11.01 Correspondence
- 11.02 Rights-of-Entry Documents
- 11.03 Title Search Documents
- 11.04 Land Grants/Deeds
- 11.05 Interagency Agreements/Memoranda
- 11.06 Findings and Determinations

NOTE: Where appropriate, documents may be retained by the Office of Counsel as the attorney's working file. All other documentation relating to legal issues that is not privileged or confidential will be retained in the permanent Project File within the major file subdivision to which it pertains. For example, documents generated by the legal office regarding rights-of-entry issues will be retained under 11.0 for Real Estate and, specifically, 11.02 for Rights-of-Entry Documents. Within the appropriate subdivisions, include all correspondence to and from agency counsel and other agency staff on the FUDS project team, all legal demands or claims and documents relating to processing them, all documents involving any litigation, all documents prepared to assist agency counsel or the Department of Justice in representing the agency on pending or potential legal disputes, and any other documents which are related to legal issues. Privileged or confidential documents will be maintained either in the Office of Counsel or with

the remainder of the permanent Project File in a privileged and confidential section of the file. Each document in this portion of the file, as well as the divider or file marker for this section, will be marked as privileged and confidential. These marked documents will not be released outside the agency or included in the Administrative Record without the approval of the Office of Counsel.

APPENDIX K ADMINISTRATIVE RECORD DOCUMENTS

The documents listed below will be included in the final Administrative Record. Since those documents marked with a "Ω" in appendix I may be added after a review by appropriate offices, they are not included here. This listing is based on the arrangement of the model permanent Project File structure presented as appendix J. This file structure will also be used in developing the Table of Contents for an Administrative Record. The 11 major divisions that make up this file structure correspond to the 11 volumes that constitute the typical Administrative Record. The number of binders per volume will vary depending on the size and number of the documents contained therein. (See paragraph 4-16 for a detailed discussion of the arrangement of a typical Administrative Record table of contents.)

1.0 Site Management Records.

- 1.02 ASR (including factual supporting historical documents)
- 1.08 INPR (include final INPRs that have been reviewed and concurred with by agency counsel and when applicable the Confirmation Report for FUDS HTRW projects – do not include government cost estimates which may be attached to the INPR)
- 1.09 Final PA Report (including any associated documents)
- 1.10 SI Documents
- 1.12 NDAI Determinations documented in the Action Memorandum, the ROD, or the DD

2.0 Removal Response.

- 2.02 Sampling and Analysis Data and Plans (see note 2 of appendix I)
- 2.09 Chain-of-Custody Forms
- 2.12 Anomaly Review Board Documents (Management Plan/Correspondence/SOPs/Findings)
- 2.15 EE/CA Report
- 2.16 Action Memoranda

3.0 Remedial Investigation (RI).

- 3.02 Sampling and Analysis Data and Plans (see note 2 of appendix I)
- 3.09 Chain-of-Custody Forms
- 3.10 RI Reports
- 3.11 Health and Endangerment Assessments (including human health and ecological risk assessments and lead-based paint and asbestos surveys)

4.0 Feasibility Study (FS).

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- 4.02 Sampling and Analysis Data and Plans (see note 2 of appendix I)
- 4.03 Geophysical Investigation Data
- 4.10 FS Reports (see note 7 of appendix I)
- 4.11 Proposed Plans for RA (see note 7 of appendix I)

5.0 Record of Decision (ROD) or Decision Document (DD).

- 5.02 Sampling and Analysis Data and Plans (see note 2 of appendix I)
- 5.03 Geophysical Investigation Data
- 5.09 All Public Notices, Comments Received, and Responses to the Comments
- 5.10 ROD or DD (see note 7 of appendix I)
- 5.11 Amendments to ROD or DD
- 5.12 Explanation of Significant Differences

6.0 Remedial Design (RD). None unless notes 5, 8, or 9 of appendix I apply

7.0 Remedial/Removal Action (RA)/Long-Term Management (LTM). None unless notes 5, 8, 9, or 16 of appendix I apply

8.0 Public Affairs/Community Relations.

- 8.01 Correspondence (see notes 1 and 8 of appendix I)
- 8.10 Public Meeting Minutes/Transcripts (including RAB/TRC meeting minutes) (see note 15 of appendix I)
- 8.12 Written Responses to Public Comments/Questions (include all public comments, or information obtained from the public relating to the response action decision, which may include summaries of interviews, correspondence with political subdivisions such as zoning boards, letters from the public, etc.)
- 8.13 Public Notices (Availability of Record, Public Comment)

9.0 Congressional Relations. None unless determined that they provide factual information that was relied upon in the selection of a response action

10.0 Freedom of Information Act (FOIA). None

11.0 Real Estate.

- 11.06 Final approved Findings and Determinations

APPENDIX L
MODEL ADMINISTRATIVE RECORD INDEX

The Administrative Record Index will be divided into several indices arranged by the access points indicated below. By knowing only one piece of information about the document being sought, such as the author, a person will be able to find that document in its volume of the Record. Each Index should include on the top of each page the FUDS property name, date of the Index, and type of organizing identifier, e.g., author, date, etc., for that Index.

Key Words (found in the title of each document or piece of correspondence)

Authors (authors of documents sent and received)

Affiliation (of authors of sent documents)

Date (provides for a chronological listing of all documents)

ARIMS number

Volume number (volume of binder in which the document is maintained)

APPENDIX M
MODEL ADMINISTRATIVE RECORD DATA ELEMENT DEFINITION INDEX

Doc No.	Unique no. assigned to each document based on file structure numbering system
Vol	Volume number of the binder in which the hard copy of the document is contained
Title	Title of the document
Date	The date the document was published by or released from the issuing office or agency
Author	Author of document sent or received
Affiliation	Agency, office, or corporate entity of author
Pages	Total number of printed pages of document, including any attachments
ARIMS No.	File no. from AR 25-400-2
Doc Type	Indicates type of document, e.g., correspondence, report, plan, memorandum, etc.

APPENDIX N
SAMPLE VISITOR SIGN-IN BOOK FORMAT

Visitor Sign-In Book

Date of visit: _____

Name: _____

Affiliation: _____

Address: _____

Phone number: _____

FUDS project documents viewed: ASR _____ INPR _____ ROD _____ Other _____

Cost of copied materials (if applicable): _____

Privacy Act Statement

Authority: 10 U.S. Code (USC) 2705.

Principal Purpose: To establish controlled access to the Administrative Record file and other FUDS project documents in order to minimize instances in which documents are lost or damaged. The requested information will be used to contact viewers of the Record file and other FUDS project documents to identify and resolve problems as necessary. The sign-in book will also be used to provide documentation of the government's effort to provide public access to the Record file and other FUDS project documents. Disclosure of the requested information is voluntary. Failure to provide all the requested information will not prevent viewing of the Record file or other FUDS project documents.

APPENDIX O
MODEL ADMINISTRATIVE RECORD TRANSMITTAL COVER LETTER

(Name of Contact)
(Address)

Dear (Name of Contact):

The U.S. Army Corps of Engineers is required by law to establish Administrative Records for certain environmental restoration projects and to maintain one copy of such Records "at or near" the environmental restoration project at issue. The attached Administrative Record consists of information upon which the government bases its selection of response action for the (name of FUDS property).

By providing the public with greater access to these Records, it is our hope that the public will be better equipped to comment constructively on FUDS project activities and to understand the issues relating to the selection of the response action at the FUDS property.

We appreciate having the (name of local repository) as the designated Administrative Record facility for the (name of FUDS property). The enclosed Record file, along with any future documents relating to technical activities at the FUDS project, will be placed in the (name of local repository) and be available for public review. The Record file should be treated as a noncirculating reference - it should not be removed from your facility.

Also enclosed is a fact sheet to assist you and your staff in answering questions posed by the public concerning Administrative Records for selection of response actions at FUDS projects. Please feel free to distribute this guide to the public.

To ensure the receipt of the Administrative Record, I would appreciate your completion of the attached Document Transmittal Acknowledgment form. Please return this form in the enclosed self-addressed, stamped envelope.

Again, I would like to thank you for your cooperation with the U.S. Army Corps of Engineers in serving as a field repository. If you have any questions or comments, please contact (name of contact) at (phone no.).

Sincerely,

(Name)
Administrative Record Coordinator
(Signature is subject to local procedures.)

APPENDIX P
MODEL ADMINISTRATIVE RECORD DOCUMENT TRANSMITTAL
ACKNOWLEDGMENT FORM

FROM: (Office Address)

TO: (Field Repository Address)

I acknowledge that I have received the following documents from the U.S. Army Corps of Engineers, (district office/field office), pertaining to (FUDS property name).

Administrative Record Name _____

Administrative Record Volume Numbers _____

Signed _____

Date _____

Please return this form to: (District Office/Field Office Address)

APPENDIX Q
SAMPLE ADMINISTRATIVE RECORD
FACT SHEET

Administrative Records in Local Repositories

The Administrative Record is the collection of documents which forms the basis for the selection of a response action at a FUDS environmental restoration project. Under section 113 (k) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendment and Reauthorization Act (SARA), 42 USC 9601 et. seq., the U.S. Army Corps of Engineers is required to establish an Administrative Record for every remedial or removal response action and to make a copy of the Administrative Record file available at or near the FUDS project.

The Administrative Record file must be reasonably available for public review during normal business hours. The Record file should be treated as a noncirculating reference document. This will allow the public greater access to the volumes and minimize the risk of loss or damage. Individuals may photocopy any documents contained in the Record file, according to the photocopying procedures at the local information repository.

The documents in the Administrative Record may become damaged or lost during use. If this occurs, the local repository manager should contact the Corps of Engineers district or field office for replacements. Documents may be added to the Record file as the FUDS project work progresses. Periodically, the Corps of Engineers may send supplemental volumes and indexes directly to the local repository. These supplements should be placed with the initial Record file materials.

The Administrative Record file will be maintained at the local repository until further notice. Questions regarding the maintenance of the Record file should be directed to the local Corps office.

The Corps welcomes comments at any time on documents contained in the Administrative Record file. Please send any such comments to (name of contact). The Corps will hold formal public comment periods at certain stages of the response process. The public is urged to use these formal review periods to submit their comments. The public will be advised through the local news media of these formal review periods.

For further information on the Administrative Record, contact (name and phone number of ARC).

APPENDIX R
MODEL ADMINISTRATIVE RECORD NOTICE OF PUBLIC AVAILABILITY

THE U.S. ARMY CORPS OF ENGINEERS
ANNOUNCES THE AVAILABILITY OF THE
ADMINISTRATIVE RECORD
(NAME OF FUDS PROPERTY, LOCALITY, STATE)

The U.S. Army Corps of Engineers announces the availability for public review of files comprising the Administrative Record for the selection of the (remedial, removal) response action at the (name of FUDS property, locality, state). The Corps seeks to inform the public of the availability of the Record at this repository and at the district office and to encourage the public to comment on documents as they are placed into the Record file.

The Administrative Record includes documents which form the basis for the selection of a (remedial, removal) response action at this FUDS project. Documents now in the Record files include (determination of eligibility/PA and SI reports, validated sampling data, RI/FS or EE/CA work plan, and the Public Involvement Plan). Other documents will be added to the Record files as the FUDS project work progresses. These additional documents may include, but are not limited to, the RI/FS report, the Proposed Plan, the EE/CA report, other technical reports, additional validated sampling data, comments and new data submitted by interested persons, and Corps responses to significant comments.

The Administrative Record is available for review during normal business hours at:
(information repository name, address, and phone number and Corps of Engineers district office name, address, and phone number and the room number for its public access reading room)

Additional information is available at the following location(s):
(name, address, phone number)

Written comments on the Administrative Record should be sent to:
(name, address, phone number)

GLOSSARY

ACSIM	Assistant Chief of Staff for Installation Management
AR	Army Regulation
ARAR	Applicable or Relevant and Appropriate Requirement
ARC	Administrative Record Coordinator
ARIMS	Army Records Information Management System
ASAIE	Assistant Secretary of the Army for Installations and Environment
ASR	Archives Search Report
ATSDR	Agency for Toxic Substances and Disease Registry
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
COR	Contracting Officer's Representative
CX	Center of Expertise
DA	Department of the Army
DASA (ESOH)	Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health)
DD	Decision Document
DEP	Department of Environmental Protection
DERP	Defense Environmental Restoration Program
DOD	Department of Defense
DUSD (ES)	Deputy Under Secretary of Defense (Environmental Security)
EE/CA	Engineering Evaluation/Cost Analysis
EPA	Environmental Protection Agency
ETL	Engineer Technical Letter
FACA	Federal Advisory Committee Act
FAR	Federal Acquisition Regulation
FFERDC	Federal Facilities Environmental Restoration Dialogue Committee
FOIA	Freedom of Information Act
FOUO	For Official Use Only
FR	Federal Register
FS	Feasibility Study
FUDS	Formerly Used Defense Sites
FY	Fiscal Year
HQDA	Headquarters, Department of the Army
HQUSACE	Headquarters, U.S. Army Corps of Engineers
HTRW	Hazardous, Toxic, and Radioactive Waste
IAW	In Accordance With
INPR	Inventory Project Report

LTM	Long-Term Management
MFR	Memorandum for Record
MSC	Major Subordinate Command
MMR	Military Munitions Response
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NDAA	National Defense Authorization Act
NDAI	No DOD Action Indicated
NPL	National Priorities List
ODEP	Office of the Director of Environmental Programs
OE	Ordnance and Explosives
OMB	Office of Management and Budget
PA	Preliminary Assessment
PAO	Public Affairs Office
PDT	Project Delivery Team
PIRS	Project Information Retrieval System
PL	Public Law
PM	Project Manager
POC	Point of Contact
PRP	Potentially Responsible Party
RA	Remedial Action
RAB	Restoration Advisory Board
RD	Remedial Design
RD/RA	Remedial Design/Remedial Action
RI	Remedial Investigation
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
SAP	Simplified Acquisition Procedures
SARA	Superfund Amendment and Reauthorization Act
SI	Site Investigation/Inspection
SOP	Standing Operating Procedure
SOW	Statement of Work
Stat	United States Statutes at Large
TAG	Technical Assistance Grant
TAPP	Technical Assistance for Public Participation
TLM	Technical Liaison Manager
TOSC	Technical Outreach Services to Communities
TPP	Technical Project Planning
TPS	Third Party Site
TRC	Technical Review Committee
USACE	U.S. Army Corps of Engineers

USACHPPM.....U.S. Army Center for Health Promotion and Preventive Medicine
USAECU.S. Army Environmental Center
USAESCHU.S. Army Engineering and Support Center, Huntsville
USC.....United States Code