

**Superfund National Relocation Policy Dialogue  
International City/County Management Association  
Washington, DC  
March 2-3, 2000**

The U.S. Environmental Protection Agency (EPA) convened a policy dialogue meeting to review, discuss, and receive input on EPA's Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions (Interim Policy), which was issued on June 30, 1999. The policy dialogue took place March 2-3, 2000, at the facilities of the International City/County Management Association (ICMA) in Washington, DC. Participants included representatives of EPA and other federal government agencies, state and municipal government agencies, grassroots citizens organizations, universities, relocation consultants and specialists, corporations, and others with a stake in the development of EPA's policy on Superfund-related relocations.

## **THURSDAY, MARCH 2**

### **WELCOME**

Mr. Steve Luftig, Director of EPA's Office of Emergency and Remedial Response (the Superfund program), welcomed the participants and provided some background on the development of the Interim Policy. He presented a brief history of how and why this meeting was held. About five years ago, the National Environmental Justice Advisory Committee (NEJAC), an advisory commission established by EPA, recommended that EPA develop a policy for relocating residents away from Superfund sites. Since that time, EPA has convened several forums with various stakeholder groups representing industry, government, and citizens to discuss relocation at Superfund sites. EPA wanted to obtain various perspectives on relocation prior to developing a policy. In June 1999, EPA issued the interim relocation policy and encouraged EPA's Regional Offices to begin implementing the policy. At the same time, EPA solicited public comments on the policy.

Mr. Luftig identified two goals for the meeting: (1) to provide EPA with comments on the interim policy; and (2) to offer suggestions to EPA for developing implementation guidance. Meeting participants were invited because of their expertise and experience with permanent and temporary relocation. Invitees included those who have been relocated, companies that paid for relocations, insurance experts, relocation advisors, and others. Mr. Luftig said EPA is seeking comments and suggestions to improve the interim policy, not consensus. Consequently, he encouraged meeting participants to offer suggestions and ideas.

Mr. Luftig said that a decision to relocate is difficult and has a huge impact on the community. EPA follows the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) when permanently relocating people. The URA is administered by the Department of Transportation (DOT), from which EPA seeks advice on how to apply the URA during relocations at Superfund sites.

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Mr. Luftig concluded his remarks by saying that EPA has completed construction at 675 Superfund sites and expects to complete many more this year. However, the Superfund program was cut by \$100 million in Fiscal Year 2000. Consequently, Superfund has scaled back its plans for this fiscal year.

Mary Skelton Roberts, ICMA, introduced herself as the meeting facilitator and said EPA wants to engage in a dialogue with participants and get their feedback on the interim relocation policy. She proposed and asked for concurrence for ground rules for workshop participants. The ground rules were accepted without modification. Ms. Roberts then asked participants to introduce themselves.

### **OVERVIEW OF INTERIM EPA RELOCATION POLICY**

JoAnn Griffith, EPA, presented a brief history of the development of Superfund's relocation policy. The relocation policy was issued as an interim document because EPA wants to solicit public comment and feedback on the document. EPA will revise the document based on the comments and produce a final relocation policy.

The effort to develop the relocation policy began in 1995. Shortly thereafter, EPA selected the Escambia Superfund site in Pensacola, Florida, as a pilot relocation site to help identify specific relocation issues. During 1997-1998, EPA held a series of forums, with various stakeholders interested in or having experience with relocation. In June 1999, EPA issued the interim final relocation policy and encouraged its use by its Regional Offices. Currently, EPA is seeking feedback on the policy and will consider revising it based upon comments and suggestions that are received.

Ms. Griffith summarized the interim policy. EPA's preference is to address the risks and choose methods of cleanup which allow people to remain safely in their homes and businesses, but permanent relocation is a viable remedy option under the existing regulations and can be considered during the remedy selection process. It focuses on when to consider relocation during the remedy-selection process and suggests that EPA explore opportunities for enhancing community involvement during remedy selection.

Under the National Contingency Plan (NCP; EPA's Superfund regulations), relocation is considered a remedial action. Consequently, it only can be selected based upon the nine criteria for selecting a clean up remedy set out in the NCP. In the policy, a decision was made to use the existing remedy selection process and criteria and not introduce specific criteria or requirements for relocations, giving EPA more flexibility in selecting relocation as part of a remedy.

The policy acknowledges that relocation is stressful for individual residents as well as for the community as a whole. For this reason, the policy promotes enhanced community involvement at relocation sites, such as the establishment of a Community Advisory Group (CAG). CAGs provide a useful forum for

ensuring that the community's vision is factored into the decision-making process. The Superfund Technical Assistance Grant (TAG) program has been expanded and now permits TAG groups to hire independent relocation advisors. For the segment of the community that remains, EPA is partnering with other government agencies, business, and organizations to redevelop or reuse the site. In addition, EPA is developing a program to offer redevelopment grants. This program currently is being piloted.

In conclusion, Ms. Griffith said EPA believes it can clean up most sites without having to relocate residents, thereby allowing communities to remain viable and productive. Cleanup remedies must protect human health for both current and future uses. When relocation is considered, it must be evaluated using the nine remedy selection criteria. Concurrently, EPA also must engage the community in a dialogue to develop an overall strategy for the site.

Ms. Connie Tucker, Southern Organizing Committee, asked how many communities have been relocated under Superfund and for a demographic breakdown of those communities. She added that EPA often stops at the fence line of a site when sampling and only does more when the community "raises hell." She cited an example of a site in Alabama where the initial samples were all taken on site. Later, contamination was found outside the fence as well. Ms. Tucker also mentioned that EPA does not give special consideration to sites in flood plains and cited the Agriculture Street Landfill site in Louisiana as an example.

Ms. Suzanne Wells, EPA, replied that about 17 sites were selected for permanent relocation as part of a site remedy and referred participants to a list of relocated sites that was included with the meeting packet. Damon Whitehead, Lawyers Committee on Civil Rights, said the list of relocated sites is dated October 1999 and is not complete or accurate. For example, the Lansdowne Radiation site in Pennsylvania is included on the list, but the relocation there never occurred. Ms. Griffith clarified that the list includes sites where relocation was selected through a ROD. Mr. Whitehead questioned why the Industrial Excess site in Ohio was on the list and Ms. Griffith explained that a relocation did occur at that site.

Margaret Williams, Citizens Against Toxic Exposure (CATE), asked about the criteria EPA used at sites where relocation has occurred and mentioned that the list of relocated sites is inaccurate, particularly the estimated cost. She said the cost information on Escambia is wrong. Ms. Griffith replied that the list was prepared using information obtained from the ROD for each site. This ROD information only provides an estimated cost and not actual costs. Ms. Griffith acknowledged that the list is incomplete and inaccurate. She did not intend to mislead anybody with the relocation information on the list and said EPA will update the list. One participant mentioned that RODs are available through EPA's web site.

In terms of the racial composition of relocated sites, Suzanne Wells said that EPA has not collected this information. Mr. Whitehead said his organization is currently compiling information about the racial characteristics of 14 relocated sites. Although the study is not complete, he indicated that most of the sites are overwhelmingly white, with Texarkana and Escambia being the exceptions. These two sites were relocated because of political acts or pressure. He encouraged EPA to collect demographic information for all sites and suggested that there is disparity in how ethnic communities are treated in comparison to white communities. He said the study will be available in the near future.

In response to Ms. Tucker's comments about flood plains, Ms Griffith said EPA considers flood plains when selecting and designing a remedy to clean up a site. However, EPA did not consider how flood plains may factor into a relocation decision when developing this policy. Anita Gabalski, NY State Department of Health, asked about the average time required from site investigation to the selection of a remedy contained in a ROD. Ms. Griffith said the average time is improving, but still is about ten years.

Michael Lythcott, The Lythcott Company, asked whether EPA takes property values into account when relocating people. He cited Montclair, a community in New Jersey with high property values, where relocation worked well. He stated his belief in qualitative differences in types of sites and the corresponding impact on property values. He suggested EPA make a distinction between sites like Montclair, where property values will rebound after completion of site cleanup, and other sites where depressed property values remain low. Specifically, he suggested that EPA consider what will remain behind at the site as well as the impact of the Superfund site and relocation on property values. A decline in property value also affects local governments, which may experience a decline in property taxes. Pat Seppi, EPA, clarified that at Montclair, four families were permanently relocated; relocation of the rest of the community is temporary.

Mr. Lythcott also asked about the Del Amo site in California and the criteria applied by EPA to determine when a temporary relocation is not cost-effective or when the length of the temporary relocation becomes too long. In reply, Ms. Griffith said EPA has determined, as a general rule, that temporary relocations should not exceed one year. Mr. Lythcott suggested that determining the cost may provide a defensible tool for justifying permanent relocations over temporary relocations and that the length of temporary relocations should be limited to six months.

Mr. Lythcott also discussed problems with EPA's pilot redevelopment program for Superfund sites, which too often deals only with State and local governments and excludes the impacted community. He asked whether community and non-profit groups can apply for the program grants. Ms. Wells replied that one condition of the grants is that the community must participate in the process and cited the Avtex site in Virginia where the community participated in the redevelopment process even though the grant was issued to the local government. A participant suggested that program should use the

Brownfields program as a model. Brownfields grants require community participation. Mr. Lythcott said EPA needs to distinguish between the impacted community and “near” community when issuing the redevelopment grants. He said the near community should be more involved, including the hiring of local residents and businesses. He cited the Escambia site as an example where no local residents or minority-owned businesses have been involved in the redevelopment of the site. He contrasted the experience of Placerville, Louisiana, where service providers were required to train relocated community residents. Ms. Tucker concurred with Mr. Lythcott and said EPA needs to do more to ensure minority firms receive some of the benefits of redevelopment. She noted that others benefit from the pollution and others benefit from the resolution, but too often the impacted community is left out completely. Sue Briggum, Waste Management Inc., said EPA could use the Department of Energy (DOE) as a model for minority and local contracting. DOE policy requires the hiring of near neighbors.

Ms. Tucker asked if it is possible to obtain detailed cost information from sites that have been relocated. She stated her belief in a disparity between relocations in white communities versus minority communities. Mr. Lythcott added that information is needed on the cost to relocate a family, including the amount paid per house and the cost to relocate residents. Ms. Tucker clarified that cost information is needed for both the relocation and the overall site cleanup.

Cynthia Babich, Del Amo Action Committee, said EPA, at relocation sites, needs to ensure that the homeowners remaining near relocation sites are not exposed to airborne contaminants. She is pleased that EPA Headquarters is promoting early and meaningful community involvement; however, she believes that this policy needs to be communicated better to the Regions because the Regions often do not implement Headquarters policy. Ms. Babich added that it is important to know how much money is being spent to relocate people and clean up a site, but of more importance is whether people are receiving what they need regardless of cost. She described the Del Amo agreement and said it could be used as a model for future relocations. Copies of this document were available for participants.

In response to a question about how many sites currently are being considered for relocation, Ms. Wells said EPA Headquarters would contact the Regions to obtain this information. Ms. Seppi said two sites in Puerto Rico are being considered for relocation.

### ***Action Items***

- C EPA agreed to determine the average length of time from Site Inspection to ROD.
- C EPA agreed to determine how many sites are being considered for relocation.
- C EPA agreed to update the list of relocated Superfund sites with current and accurate information.

### **OVERVIEW OF COMMENTS RECEIVED ON THE INTERIM POLICY**

**SUPERFUND NATIONAL RELOCATION POLICY DIALOGUE—MARCH 2-3, 2000**

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Suzanne Wells presented an overview of comments received on the interim relocation policy. Seven sets of comments have been received and more are expected. She distributed a *Summary of Comments Received on the “Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions.”* She said the comments can be organized into 11 separate categories:

- |   |                                      |
|---|--------------------------------------|
| C Interim Policy Issues                                 | C Eminent Domain                     |
| C Technical Assistance Grants/Community Advisory Groups | C Advisory Services                  |
| C Relocation Management                                 | C Environmental Justice Issues       |
| C Rental Issues   | C Displacement of Community          |
| C Appraisal Process/Value of Properties                 | C Department of Defense Coordination |
|   | C Uniform Relocation Act             |

She reviewed particular comments on the policy and said the comments are available through the Superfund Docket and also will be placed on Superfund’s web page.

Mary Skelton Roberts facilitated a discussion about the comments that had been received and solicited additional comments on the interim policy. The discussion was initially organized around the eleven categories of comments, with the focus on Interim Policy Issues, TAGs, and Relocation Management. The participant’s statements were typed and displayed and participants reviewed and confirmed the specific wording. These typed comments, which are provided below, have been edited and supplemented by meeting notes for clarification.

**Interim Policy Issues**

Participants were asked to offer suggestions and reactions to each of the comments included in the Interim Policy Issues section of the Summary of Comments document. Below are the comments included in the Summary of Comments document, which are in italics, followed by participant’s statements.

- 1). *The Interim Policy does a good job of placing the issues of permanent relocation in the context of the CERCLA decision making process.*
- C CERCLA mandates looking at public health and welfare, but the policy leaves off welfare. There is also a bias against relocation because of the cost effectiveness criteria. CERCLA does not state there should be a bias against permanent relocation, and should not be interpreted as such. The problem with flexibility in applying the remedy selection criteria is that Regions have no uniform guidance, making it more difficult to achieve fair outcomes for communities of color. Thus, flexible criteria should be developed for permanent relocation. This will ensure more consistency in Regional implementation.

- 2) *EPA should not separate discussion of Interim Policy, the URA, and Guidance documents used to implement the URA.*
- C This issue is complex. The final relocation policy should consider the impact of the URA. The URA does not seem suited to most Superfund sites. Legislation may be needed that addresses the special circumstances of relocation at toxic waste sites. The policy under the URA and the federal government's policy for relocating federal government employees differ.
- C One participant agreed with the initial comment and added that a uniform policy is needed to streamline and guide the process.
- C It is difficult to integrate the interim relocation policy with the URA since DOT administers the URA and EPA implements Superfund relocations. This needs to be reconciled. How are environmental justice considerations factored into the URA and DOT's responsibilities? There are only two pages in the URA on actual relocation, the rest is about property acquisition.
- 3) *Final policy should not be implemented prior to conclusion of pilot study being conducted at the Escambia Wood Treating Company site.*
- C How can EPA develop a policy until it has completed and assessed the pilot? The Escambia pilot probably would not qualify for relocation under the current interim policy. The URA is not a good policy for toxic site relocations: it fails to look after the needs of citizens and is primarily concerned with protecting the government from lawsuits.
- C As a part of the Escambia study, there should be a public meeting in Pensacola to hear from the citizens who were relocated and others. EPA is interviewing some people, but it also need to hold a public meeting so anyone can comment.
- C Tim Fields stated in a letter that lessons from Escambia would be incorporated into the final relocation policy.
- C EPA is on the right track. There is a need for an interim policy. It provides a foundation for decisions and negotiations with PRPs.

*General Statements/Comments about Interim Policy Issues*

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Suzanne Wells said EPA plans to develop relocation implementation guidance, but it will take some time to complete. In the meantime, Ms. Wells asked if there are any key issues or topics that need to be addressed immediately. Participants offered the following comments and suggestions.

- C The policy should include a section of relocation tools and examples, and comments from people who have been relocated, perhaps as an appendix. Examples and tools would enrich the document. Both good and bad examples should be included. All lessons should be captured in the document.
- C Using the URA limits the possibilities. At Del Amo, when the program was initially designed, Dow agreed the relocation policy would not be less than that offered to Dow employees. The government needs to keep up with private relocations.
- C EPA is limited in what it can do. Congress is responsible for authorizing EPA programs. Plus, EPA's budget impacts site cleanup decisions. There are examples where the PRP has agreed to offer more, but EPA is rarely able to do the same at fund-lead sites. Plus, EPA cannot compel a PRP to do more.

One participant countered that EPA can serve as a catalyst to encourage hesitant PRPs to do more. However, since EPA is biased against selecting relocation as a remedy, it is essentially working with the PRP to decide against relocation. If the policy is biased against relocation, it will hinder efforts to get PRPs to be fully accountable.

An industry representative disagreed with the comment that EPA is biased against relocation. He said many RPMs are encouraging PRPs to accept relocation as part of the remedy. Many businesses also are working to become "neighbors of choice" in communities. One person countered that he has not seen good corporate managers.

- C Relocation is usually the least expensive alternative for PRPs.
- C When the URA is used for joint government/private industry relocations, "it is not a pleasant experience." The agency applying the URA creates problems.
- C The policy needs to capture lessons about what worked in situations where PRP's hindered relocation. One person added that the policy needs to recognize that PRP's operate under different standards than EPA, given their legal liability.
- C The policy should address PRPs when they happen to be the Federal government; sometimes governmental and private sector PRPs are treated differently.

- C The URA often focuses on issues other than those of importance to the community, such as costs to the government. The private sector focuses on bottom line costs. The needs of the community need to be taken into account. Relocation should not just be a question of property acquisition, it's a question of community welfare, especially for families on the fence line.
- C The policy should not just account for relocation, but also for cleanup.
- C EPA needs to evaluate its method for calculating the costs of alternatives, including methods for factoring relocation and remediation costs together.
- C As a general rule, the time period for temporary relocations should be limited to six months, not a year. Any temporary relocation longer than six months should be made a permanent relocation. The stress of staying in hotels or temporary housing for a long duration often can be significant. We need a firm recommendation on the period for temporary relocation.

The policy should clarify how time periods are calculated: continuous period of time or combined time people relocated from their residence when the relocations are segmented. The policy needs to account for multiple relocations of the same residents over time.

- C The policy needs to address stress and other social-psychological issues of relocated residents.

Dr. Couch, Penn State University, said the impact of stress can be measured. Many studies already have been completed on the physical impacts of stress. In answer to a question, he said stress models can be linked with social models and quantified.

ATSDR is trying to establish baseline data on stress impacts and is currently searching for a community to study to determine the baseline data. However, identifying the community has been difficult because people do not want to be the subject of a study.

- C EPA needs to reconsider the time it takes to address communities currently waiting for relocation assistance, given that at one site, at least one resident died in the interim waiting for relocation.
- C In many cases, different populations at a site have different sets of needs that should be taken into account. The elderly, in particular, have many unique needs.
- C Services should be provided during relocation to assist the elderly and residents with special needs.
- C Some people may not want to be relocated for a variety of reasons (e.g., offer on house too low, living costs would be higher in new neighborhood, the new neighborhood may not be better, etc.).

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Use the Del Amo resident survey comments to see why some chose relocation and others did not. The elderly often have different reasons for not wanting to relocate (e.g., stress, existing illness, avoiding debt, different perception of risk, etc). This is especially true when elderly residents have lived around contaminated property most of their lives: why should they move if they have lived with contamination for so long.

- C The policy needs to ensure that residents are tracked after relocation. EPA needs to ensure that relocation does not reinforce *de facto* Jim Crow patterns of segregation. While the new houses might be physically superior, the neighborhoods are often worse.
- C A better approach is needed for determining the fair market property value. The policy (especially regarding home inspections) needs to ensure that housing provided as compensation is at least equal or greater in quality and value. The policy should look at the median cost of housing in the area as a whole instead of just the value of existing housing.
- C The policy should address the total period of exposure to toxins and factor that exposure into decisions about permanent and temporary relocations. Risk assessments should examine whether there is a need to immediately move residents out of an affected area.
- C The policy should affirm that groups or organizations helping communities fight for relocation or environmental cleanup should continue to be involved in the process. The Corps of Engineers usually tries to “cut out” organizations helping communities.
- C There needs to be fair compensation and economic development opportunities for residents in the affected areas during relocation/remediation. The policy should include language for minority contracting and hiring of local impacted residents.
- C Real estate value impact studies should be conducted as part of the remedy assessment process at every Superfund site under the CERCLA welfare mandate. The economic harm can be as bad as the harm to health. Economic harm can be easily quantified through a real estate value impact study. This information can be considered, along with health risk assessment data, when making decisions about remedy selection and relocation.
- C A demographic study should be required anytime relocations occur.
- C In general, the policy needs to be flexible enough to account for a variety of local situations, because conditions vary from site to site.
- C In the remedy selection section, add a discussion about risk reduction to cover residual risk.

### **Technical Assistance Grants/Community Advisory Groups**

Participants were asked to offer suggestions and reactions to comments included in the Technical Assistance/Community Advisory Groups section of the Summary of Comments document. Provided below are participant's general statements about community involvement, Technical Assistance Grants (TAGs), and Community Advisory Groups (CAGs).

#### *General Statement/Comments about TAGs/CAGs/Community Involvement*

- C The policy should require community involvement that makes residents real partners in the process; while that is the spirit of the policy, it is not currently required under the law. Specify the types of community involvement activities that are necessary, such as the establishment of CAGs.
- C CAGs are a good idea. They need to be intimately involved in the relocation process; otherwise the community is dealt with individual by individual, weakening its collective action. PRPs have used CAGs to dilute citizen activists input. The interests of local residents often get lost in the CAG structure. Consequently, the policy needs to include some language on CAG composition.

The section on CAG composition needs to state that representatives from grassroots groups be included. Otherwise the interest of other stakeholder groups (the private sector, local government, etc) will overwhelm residents and the CAG will dilute community influence. The community needs to be more involved in getting stakeholders on the CAG. If there are existing grassroots groups involved, they should be participating on the CAG. Citizen leaders need to be recognized and allowed to participate on CAGs.

Separate CAG groups should be formed for residents whose health has been affected.

- C Currently, the community involvement process is flawed. Now, the remedy decision already is made before community involvement occurs. The community has no input during the remedy selection process when relocation would first be considered. The involvement process needs to start from the beginning of the RI/FS when EPA is developing cleanup options. Once the RI/FS is complete, it is difficult to convince EPA or PRPs to reverse their decision.
- C EPA should provide additional TAG support, especially if new costs arise, and clarify how the money can be spent. In response, Ms. Wells explained the TAG groups can request additional money through a "waiver" process.

- C There needs to be a specific grant set aside for technical assistance on relocation, with clarification on how the relocation TAG funds can be used.
- C TAGs do not address problems with DOE and DOD facilities. Grassroots groups run the risk of losing credibility if they accept grant money from one federal agency (EPA) when other federal agencies (DOE and DOD) are the PRPs.

In reply, EPA staff said that EPA needs to coordinate with other federal agencies, especially DOE and DOD. CERCLA, which was adopted in 1980, is only designed to deal with private sector PRPs, not other federal agencies. SARA rectified this omission somewhat, but problems remain.

A participant said since EPA does not have oversight authority over DOD and DOE, both of these agencies should be participating in these discussions. Furthermore, these agencies should develop their own relocation policy.

Another participant said federal government PRPs should provide the same level of protection to their near neighbors as CERCLA requires of private industry.

- C EPA should describe the characteristics of a relocation expert. This expert should be able to provide needed demographic data, estimate costs, conduct real estate impact analyses, etc. The process would be improved if EPA and the community agreed on the selection of the relocation advisor.
- C TAGs either need to be expanded or the TAG program and procedures need to be explained better.
- C When part of a community is being relocated, the entire community needs to be involved in the process, not just those residents who are being relocated. The entire community needs to approve of the relocation.

### **Relocation Management**

Participants offered responses to the fifth comment in the Relocation Management section of the Summary of Comments document and also offered general comments about relocation management. Their statements are provided after the italicized comment.

- 4) *EPA should not sole source relocation contracts to United States Army Corp of Engineers (USACE). Competition for the implementation contracts must be introduced into the process by using competitive bids to drive down costs and improve performance.*

- C There are a variety of precedents and existing federal mechanisms for using private sector companies for these relocation services. EPA should explore existing mechanisms for hiring relocation services other than the USACE.

*General Comments/Statements about Relocation Management*

- C An on-site presence (on a 24 hour/7 day basis) is absolutely needed for relocations. Such support needs to be available at all times, whether it is provided by EPA or other appropriate organizations. A funding mechanism is needed to provide 24/7 support.
- C Community organizations need to be involved in the relocation management process.

**OVERVIEW OF THE UNIFORM RELOCATION ACT**

Ron Fannin of the U.S. Department of Transportation (USDOT), Uniform Act Team presented an overview of the history and objectives of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as Amended (URA). These objectives include equitable treatment, flexibility within the URA, moving tenants to home ownership when possible, assessing and accounting for the availability of suitable new housing for relocated persons, the delivery of needed relocation services, and uniform land acquisition policies, among other objectives. Amendments to the URA in 1987 named USDOT as the Lead Agency for policy interpretation, management and implementation of the URA. The URA is applicable to all projects using federal funds.

Mr. Fannin said the key to any successful relocation of individuals, families and businesses under the URA is increased advisory services and the careful selection of comparable properties for those individuals and families being displaced. Mr. Reginald Bessmer, Chief Appraiser, USDOT/FHWA, recommended that EPA instruct appraisers to disregard contamination of the property, with a premium placed on top of the appraised value to cover other expenses.

Mr. Bessmer noted that measuring the locational value of property is not complicated, but asking appraisers to go beyond this evaluation can run afoul of the appraisal profession's standards and practices. Still, there should be no problem with instructing appraisers to perform outside of those standards and practices if they are reminded that the job falls under the profession's "jurisdictional exception." Mr. Bessmer said there is more flexibility in the services that appraisers can perform than is often recognized.

The issue of sharing appraisals was raised, especially with regard to the practices of the USACE at Superfund relocation sites. The URA allows the sharing of appraisals with property owners; however, some federal agencies (including the USACE), adhering to the advice of the U.S. Department of

Justice, do not always share the original appraisal documents with property owners. According to Ron Fannin, this can and often does lead to loss of trust and credibility problems for federal agencies. A recommendation was put forward that EPA should always share the original appraisal documents with property owners, explain the appraisal process, and use a standard form for all appraisals performed as part of a Superfund relocation. Property owners should receive a blank form at the outset of the process. In addition, comparable properties should be stipulated prior to appraisals. The process for determining pre-contamination value of a property was suggested as a break-out group topic for the next day's session. Larry Bone noted that Dow based its compensation strategy on where relocated persons were going, rather than where they had been. The issue should turn on what it would take to maintain the relocated person's standards in the new setting.

#### **PANEL DISCUSSION**

In the interest of time, the formal panel discussion on the original agenda became a general discussion led by the members of the panel. Each provided their views on important topics and sought input from the attendees. Pat Seppi, EPA Region 2, said she was surprised to hear the degree of dissatisfaction with EPA's relocation policies and efforts expressed at the meeting, since she rarely hears such feedback in her Region. She attributed the relative success of Region 2 in dealing with relocation to tight management of the process that keeps the focus on the needs of people being relocated. Direct services to people caught up in the relocation process is the key to success, and EPA must have experienced staff available "on the ground" to provide these services and address problems early before they get a chance to snowball.

Anna Gabalski, New York State Department of Health, agreed that an on-site presence is critical and added that too often community involvement activities begin too late in the process. Community involvement is most effective when it commences "as soon as the first article appears in the local paper" rather than later. Ms. Gabalski recommended a SWAT team approach for dealing with relocation swiftly and effectively. The approach also should be comprehensive, accounting for ancillary and psychological impacts on the community and addressing any special needs of particular community members, such as the elderly.

Margaret Williams, CATE, cited lack of communication and funding for on-site staff as major obstacles to the effective relocation of communities. Residents and other community members are not involved early enough in the process and the lack of advisory services can leave people without the information they need to place their trust in the process. The process for inspecting new housing for relocated persons is often faulty and should be subject to more careful standards. She added that too often

relocated people are steered toward particular neighborhoods and offered these as “take it or leave it” propositions.

Tim Carnahan, The Associates Relocation, said constant communication is the key to successful relocations. This includes the hand-holding that may be required to help people get to the other side of a very difficult transition. Often times, the highest need of people undergoing relocation is a sense that whoever they are dealing with cares about what is happening to them. He added that residents should receive copies of all appraisal documents as a matter of course and an appeal process should be in place that allows property owners to resolve any factual disputes they may wish to raise regarding the appraisal. Special consideration should extend to public and subsidized housing residents.

Larry Bone said advisory panels, when done right, can serve as the primary means of achieving successful relocations. He stated that the time required to cut a deal under the present system is simply too long, and expressed his belief that the guidance issued by EPA will help cut through many of the problems that delay arriving at a deal. Upfront, the stakeholders to a relocation need to identify a distinct process and a set of common goals to reach. The key questions are: where is the fence line? and what is ultimately to happen? Lawyers should be kept out of the process unless absolutely necessary, especially since mutual trust must be secured directly between the interested parties. For the policy, Mr. Bone suggested that EPA include criteria for triggering relocations and policy statements on comparability and the appraisal/valuation process. The policy also should cover federal PRP sites, orphan sites, and special needs populations.

## **FRIDAY, MARCH 3**

### **BREAK OUT SESSIONS**

The attendees agreed that the meeting should break into four smaller groups for discussion of the following topic areas: advisory services; valuation; the interim policy; and community involvement. The break out groups would report out any recommendations they had for EPA as it was developing the relocation policy.

### **BREAK OUT SESSION REPORTS**

#### **Break Out Group 1: Advisory Services**

##### Recommendations:

- C At each relocation site, develop an Advisory Services Team with interagency and community representation that provides on-going support to a community and individual families, identifies

available resources and training opportunities, and coordinates communication across federal, local, community, and neighborhood channels. Similar to the approach described in the TAG booklet, the policy should add a human element to the relocation process.

- C Provide appropriate funding and authorization for the Advisory Services Team.
- C Identify training resources for cultural sensitivity issues.
- C Ensure that URA provisions are fully explored, properly interpreted, and that additional supports and policies (in addition to the URA) are not ignored.
- C Secure housing for displaced public housing residents, renters, and others not covered in the statute.
- C The Advisory Services Team should connect people with special needs to resources within DOT, HUD, and other federal, state, tribal and local agencies.

### **Break Out Group 2: Valuation/Appraisals**

#### Recommendations:

- C The appraisal process should include an educational component (*e.g.*, workshops, booklets, and one-on-one counseling) where trained and qualified individuals describe:
  - S What will happen during the appraisal process.
  - S How an appraisal is conducted.
  - S What the resident could do (and cannot do) to positively affect the appraised value during relocation.
- C There should be one standardized appraisal form like the Uniform Residential Appraisal Report.
- C Families should be provided a blank of the chosen standard form.
- C Sharing appraisals (differing views were expressed)
  - S Homeowners should be provided with a copy of their appraisal. This gives the homeowner an opportunity to make changes and correct mistakes. It also ensures that the appraiser provides for a better and more thorough appraisal.

- S Homeowners should not be provided with a copy of the appraisal. This can cause the homeowner to focus on irrelevant items. Not providing the appraisal is consistent with DOJ guidelines.
- C EPA should adopt and use a universal set of appraiser instructions that meet EPA's needs and requirements. These include instructions for choosing comparable sales.
- C The policy must ensure compliance with government-wide requirements for decent, safe, and sanitary (DSS) housing. Example: URA states that DSS standards are the greater of the local housing maintenance codes or the standard set forth in the URA.
- C Local housing maintenance codes should be understood upfront.
- C The policy needs to clarify how EPA balances environmental justice concerns versus restrictions on undue enrichment.

### **Break Out Group 3: Interim Policy**

#### Recommendations:

- C Relocation should be equally considered as an option for risk reduction.
- C The initial assessment must evaluate removing people from harms way.
- C Define the Welfare Criteria and include:
  - o Flexibility based on quality of life
  - o Stress factors
  - o Community viability for those remaining
  - o Keep community whole
  - o Risk perception
  - o Security
  - o Property value/stigma

### **Break Out Group 4: Community Involvement**

#### Recommendations:

- C Involve the community immediately: during discovery, during the RI/FS stage, and throughout the remainder of the process.

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- C Build relationships by communicating openly, frequently, and honestly.
- C Use the media to communicate; take advantage of CAGs to get residents involved.
- C Encourage the affected community to be part of the site process.
- C Link residents with local governments and other resources.
- C Train project managers, EPA staff, and residents about community involvement.
- C Selectivity in staffing and training in cultural sensitivity.
- C Provide training via the Superfund Job Training Initiative.
- C Identify and select a community representative whose emphasis will be on relocation.
- C Provide TAG and other grants early enough into the process so that residents can get technical assistance early.

### **PLENARY SESSION: CHARACTERISTICS OF A GOOD RELOCATION**

The meeting concluded with a discussion of principles that should guide EPA in the development of its final policy on relocation and the identification of outstanding issues (gaps) that the policy should address. The group also shared ideas on how to further its involvement and the involvement of other stakeholders in the development of the relocation policy.

#### **Principles:**

- C Environmental justice should permeate the entire relocation process.
- C Health considerations need to come first. Keep people out of danger's way.
- C Make every attempt to keep communities whole.
- C Account for environmental, financial, and quality of life impacts.
- C All Superfund sites should be subject to the policy.
- C The Policy should account for the stress placed upon displaced families. There needs to be a human

element included in considerations.

- C The policy should consider length of stay in temporary housing and quality of life considerations. Six months should trigger consideration of permanent relocation.
- C Multiple temporary relocations should bring about the consideration of permanent relocation.
- C The policy should require a full cost assessment that includes:
  - o Cost of temporary housing
  - o Cost of subcontractors and consultants
  - o Condemnation costs
  - o Housing costs
  - o Costs associated with moving individuals/families
  - o Post-move financial impacts (taxes, utilities, etc)
  - o Assessment of relocation costs (administrative costs, etc)
- C A set of guiding principles for each relocation should be developed in partnership with the community and posted in the community information center.
- C Contact with the buyer needs to be sustained until the family is safely in a new home.
- C Once the relocation occurs, don't leave behind a Brownfields/Superfund site – what do you do with what's left?
- C The relocation process should account for and include community institutions whose members are relocated (such as churches, local businesses).
- C The community has the necessary resources (such as TAG funds) to look into relocation and other options in a timely manner.
- C A successful process always has a conveniently located community information/program center that operates 24 hours a day/7 days a week, and staffed by family relocation specialists and property acquisition specialists (service-oriented staff) as opposed to transaction focused individuals.
- C Relocations are used to revitalize other areas in the community as part of a comprehensive revitalization plan that the community has developed.
- C Relocations do not relocate residents into neighborhoods where they are worse off.
- C The relocation process encourages home ownership.

- C The relocation process identifies and utilizes all available resources (Community Development Block Grant funds, etc).
- C Local governments are integral partners with the community in the relocation process.
- C Resources provided to residents during the relocation process are not attachable and do not affect their eligibility for other funds/supports they receive.

**Outstanding Issues:**

- C The policy does not address monitoring or oversight when another government entity (*e.g.*, a city or municipality, the DOD, etc.) is the PRP.
- C The policy does not address relocation of properties on flood plains.
- C The URA does not account for or compensate for deferred maintenance: homeowners intentionally defer maintenance since they are going to relocate, but then are penalized by appraisers.
- C The URA does not address relocation differential payments for non-owner/occupied housing.
- C The government should consider criminal prosecution of property owners who sell contaminated properties without disclosure.
- C There is no provision for rent-loss compensation to private landlords.
- C Permanent relocation should be an option when temporary housing is not feasible due to housing shortages.
- C There is no consideration for the future commercial value of vacant lands.
- C There needs to be a mechanism for securing TAG funds for a relocation specialist (in addition to existing TAG funds).

**Suggestions for Further Involvement:**

- C For the EJ components, there needs to be clear communication – use the NEJAC (waste and facility sub-committee especially).

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- C Develop a global email list for updates.
- C Develop a “brain trust” from the current group to provide ongoing technical support.
- C Develop additional forums/advisory groups to discuss key issues raised in this forum.
- C Report back from interagency discussions to those involved in this forum regarding flexibility in the URA.
- C Reconvene a group again to discuss changes to the policy.
- C Develop a process for the rollout that explains the history and importance of EJ issues in the policy.
- C Develop complementary regional dialogues that summarize the results of this forum and create a supportive organizational culture (and ensure that folks from this dialogue participate in those dialogues to provide continuity along with regional government representatives).
- C Develop training and other supports for how staff work with communities.
- C EPA will develop a timeline showing when the pilot will be completed, when will other meetings take place, etc.
- C Work to develop the policy sooner rather than later (by 12/31/00).
- C Get more state and local involvement in ongoing dialogues.
- C Develop a special dialogue with USACE.

### **WRAP-UP**

Mr. Timothy Fields, EPA Assistant Administrator, Office of Solid Waste and Emergency Response, thanked everyone for their input during the meeting and said that all of the ideas and suggestions raised will help EPA formulate its policy on relocation. He acknowledged that EPA will have to go back to the drawing board and address issues identified as missing from the interim policy. EPA plans to take the lessons it has learned from the Escambia pilot and this and other outreach meetings and incorporate

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those lessons into the final policy. He added that while EPA is committed to getting the final policy right, and taking the time to get it right, EPA also is committed to addressing and resolving the individual concerns expressed as soon as possible, rather than waiting until the final policy is issued. EPA may issue short-term specific policy statements to cover concerns, such as instructions to appraisers, flood plains policy, etc.

Mr. Fields expressed his preference for the release of appraisals to property owners and said he would do what he could to resolve the issue quickly. He said the URA may contain much more flexibility than EPA had realized, and EPA will follow-up with DOT staff to take better advantage of this flexibility. EPA will release any findings from this follow-up in guidance form. He added that EPA has learned many lessons on how not to do relocations, and asked that the group find ways to continue providing feedback to EPA as the policy is developed. A recommendation that the group reconvene to review the next draft interim policy was made. A further recommendation was made that meetings similar to this one be convened in EPA's Regions, where the work is carried out, to translate what has happened here into effective action on the ground. Bill Perry, Louisiana DEQ and Cynthia Babich, supported this recommendation, and added that EPA Headquarters should be represented at these meetings by upper management. Cynthia Babich suggested that EPA put together a timeline with milestones for issuing the final policy. This timeline should cover the issues raised at the meeting. Mr. Fields agreed that EPA would issue such a timeline.

Mr. Fields again thanked everyone for their efforts at the meeting and expressed his appreciation for the way the group dealt with this very volatile issue and provided EPA with a solid foundation for developing the final policy on Superfund relocations.