
Chapter 3 Community Relations

This Chapter discusses the purpose of an Information Repository, requirements to make the Administrative Record File (AR) available to the public, and requirements to make documents available for public review and comment. Various methods to provide the AR File are also discussed.

As the lead agency for Navy and Marine Corps Environmental Restoration cleanup work, NAVFAC is required to:

- Establish an Information Repository to house documents at all remedial action sites and any site where a removal action is likely to extend beyond 120 days
- Establish and maintain an AR File for Environmental Restoration Program response actions and to make a copy of the AR File available to the public at or near the cleanup site
- Make some AR File documents available for public review and comment

These requirements reflect a statutory emphasis on public participation. Participation by interested persons will ensure that the lead agency has considered the concerns of the public during the response selection process.

Information Repository

Information Repositories are established for the convenience of the public. Documents selected for inclusion are generally not technical but convey important information.

An Information Repository is a physical location which contains documents that relate to a nearby installation cleanup activities. NAVFAC requires an Information Repository to house documents at all remedial action sites and any site where a removal action is likely to extend beyond 120 days. **See 40 C.F.R. §§ 300.430(c)(2)(iii), 300.415(n)(3)(iii), 300.415(n)(4)(i).**

Information Repositories are typically located in a Library, town hall, or other publicly-accessible place. If there is no existing Information Repository, or if the repository does not have sufficient space or adequate equipment for viewing the AR File, NAVFAC may choose any other publicly accessible place near the site to house it. When a site is located at or near an Indian reservation, a copy of the AR File may be located at the tribal headquarters.

The documents in an Information Repository should not be a complete copy of the AR File. Generally, most items in an Information Repository are copies of documents in the AR File but other documents, not in the File, can be included.

See **Appendix E**, Community Relations, for a suggested list of documents for inclusion in the Information Repository.

Administrative Record File

For purposes of administrative and judicial review, the AR File contains documents that reflect public participation and the lead agency's consideration of the public's concerns.

Paper and PDF versions of AR File documents placed in an Information Repository or posted to an installation AR File public web page are duplicates of the paper documents in the official AR File.

DON elected to establish AR Files for all Navy and Marine Corps installations regardless of the type of cleanup action taking place.

DON elected to establish AR Files for installations listed on the National Priority List (NPL) as well as those not listed on the NPL.

Location and delivery of the AR File is dependent on the needs of the community. Some communities prefer a paper copy at their local repository, some prefer electronic copies on CDROMs or DVDs at their local repository, and some prefer delivery via installation public web pages. EPA defers to the lead agency, based on local needs and requirements, to determine the AR File format(s) they will provide to the public.

Project Managers determine the required number of copies needed for distribution of the paper or electronic version of the AR File to Information Repositories and other locations.

Consult with the appropriate Command personnel to determine distribution locations, addresses and points of contact.

Factors to Consider when Selecting Location, Media, and Delivery Method

Survey Libraries or other potential public locations to determine their ability and interest in housing paper or electronic versions of AR Files.

Libraries are under no legal obligation to house AR Files unless they are designated as a Federal Depository Library. Many Libraries no longer accept paper copies of the AR File because of limited space. Many Libraries have a policy prohibiting the use of CDROMs or DVDs on Library computers. The policy is intended to thwart the use of potentially harmful or virus-infected CDs or DVDs on Library computers.

The AR File, regardless of media, must be updated, at a minimum, on a quarterly basis.

Administrative Record File Index

Use these fields to create an AR File Index for Libraries and other public locations.

- Record Number = (i.e. N62578.AR.000001)
- Record Date
- Record Title
- Site, SWMU, UST, etc. Number
- Document Type
- Author Affiliation
- Number of Pages or Megabytes

When to Establish the Administrative Record File

Remedial Actions

The AR File for a remedial action must be established and available for public inspection when the remedial investigation begins. See Appendix B for a List of Typical Remedial Action Documents.

Time-Critical Removal Actions

The AR File for Time-Critical Removal Actions must be established and available for public inspection no later than 60 days after the initiation of on-site removal activity. If an on-site cleanup activity is initiated within hours of the verification of a release or threat of a release and on-site cleanup activities cease within 30 days (emergency actions), the AR File need only be available at a central location.

Non-Time-Critical Removal Actions

The AR File for a Non-Time-Critical Removal Action must be established and made available for public inspection when the engineering evaluation/cost analysis is made available for public comment.

Administrative Record Files on NAVFAC Public Web Pages

Providing the AR File to the public, via NAVFAC public web pages, is the preferred delivery method because web pages are the most cost effective and efficient method to provide installation AR Files, do Community Outreach, provide Site descriptions and

information, and Provide Restoration and installation history. The public expects information delivery via web pages.

NAVFAC page templates are available. It is not acceptable to deviate from the standard page structure. Once the web pages have page content, it must be approved by the Command Public Affairs Office.

Benefits of creating NAVFAC installation public web pages

- New documents added to the AR File are available within a very short time.
- Members of the public can search AR File documents by title, date, keywords, author affiliation, and site numbers.
- AR File search results can be sorted by all columns.
- Clicking on AR File document titles displays the PDF
- The AR File is continuously available
- Newly published documents which are of great public interest can be delivered to the public quickly
- Public notices of document availability can be quickly distributed
- NAVFAC is exceeding the requirement to make the AR File available to the public "at or near the facility".

If an installation has a NAVFAC public web page with the AR File available, and there is also a paper or CDROM/DVD version housed at a Library or public location, the AR File at the Library or public location be updated once a year unless there is a pressing need to update more frequently.

Click on the link below to access the NAVFAC Environmental Restoration Page and installation public web pages.

https://navfac.navy.mil/products_and_services/ev/products_and_services/env_restitution.html

Administrative Record File Documents Containing Sensitive Information

Documents which have sensitive information are fully protected (see **Appendix H**, Documents with Sensitive Information) and in lieu of the document, the user is directed contact the online Navy Freedom of Information Act Office to see the document.

If a document with sensitive information is requested via a FOIA, it must be reviewed by the FOIA Office or an attorney prior to release. The FOIA Office or attorney will determine if sensitive information is releasable or not

If directed by the FOIA Office or an attorney to protect sensitive information, use a NAVFAC approved slip sheet in lieu of sensitive information or redact sensitive information as directed. **See Appendix X**, Cover Pages and Slip Sheet Notifications.

How Long Should AR File Documents Remain Available

AR File documents housed in Libraries or public locations, regardless of media, should remain in the Repository for **five** years after

- All installation Records of Decision or Decision Documents have been published
- As long as there is public interest
- A shorter period of time if it is determined and agreed upon in writing that there is no public interest in maintaining the AR File at the Library or public location

Printing Administrative Record File Documents

If the AR File, in a paper format or on CDRoms or DVDs, is housed at a Library or other repository, members of the public are free to print copies of AR File documents.

If a member of the public does not have access to a printer and wants a paper copy of an online document, they are encouraged to contact the appropriate Public Affairs Office. Paper copies will be supplied to the requester by DON.

Documents Which Must be Made Available for Public Review and Public Review/Comments

Section 113(k)(2) of CERCLA requires that the public have the opportunity to participate in developing the AR File for response selection. Section 117 of CERCLA also includes provisions for public participation in the remedial action selection process.

Documents which are made available for public review and comment are usually the draft final version of a document. They are placed in the public Library or other public location for the duration of the public review and comment period and then removed. A list of documents that must be made available for public review or public review and comment can be found in **Appendix E**, Community Relations.

How Long Should Documents Remain Available for Public Review and Comments

NAVFAC is responsible for ensuring that documents are placed on the installation NAVFAC public web pages, in the Library/Information Repository or other public location before a document comment period begins and removing the document after the comment period ends.

If you use a Library or Information Repository, notify personnel that public review and comment periods are normally 30 days. Provide them with the approximate number of documents which will be placed in the Library or public repository per year.

Documents which have been made available for public review or public review and comment should be removed from public web pages or the Library or public location, unless otherwise directed, within 30 days of their placement on public web pages or at the Library or public location. None should be left indefinitely.

Put the appropriate 'drop off' date and the 'pull date' either in a letter or note accompanying documents placed in Libraries or other public locations so that staff will know when to remove the document from the shelves and when NAVFAC will pick up the document from the Library or other public location.

Alternatives

If a Library or public location declines to house paper documents which must be made available for public review/comment, an alternative is to offer the documents on CDROM or DVD if the Library or public location will accept them.

Documents may also be provided via the NAVFAC installation public web pages.

Public Comments

Documents made available for public review and comments are draft final versions. Do not add the draft final version of the document to the AR File. It does not matter whether public comments were received or not.

If significant public comments, relied on when making a response action decision, are received on the draft final version of a document other than the selected remedy documents, add the comments and the Navy response to the comments to the AR File.

If public comments are received on the selected remedy document, add the comments to the Site File.

Guidance

Federal Regulations on Information Repositories, Administrative Record Files, and Public Participation

40 CFR §300.415(n)(3)(iii) "...Establish at least one local information repository at or near the location of the response action. The information repository should contain items made available for public information. Further, an administrative record file established pursuant to subpart I for all removal actions shall be available for public inspection in at least one of the repositories."

40 CFR §300.430(c)(2)(iii) "Establishing at least one local information repository at or near the location of the response action. Each information repository should contain a copy of items made available to the public, including information that describes the technical assistance grants application process. The lead agency shall inform interested parties of the establishment of the information repository."

40 CFR §300.800(b) and 40 CFR §300.805(a) The establishment and location of the Administrative Record File.

40 CFR §300.800(b) "Administrative records for federal facilities (1) If a federal agency other than EPA is the lead agency for a federal facility, the federal agency shall compile and maintain the administrative record for the selection of the response action for that facility in accordance with this subpart. EPA may furnish documents which the federal agency shall place in the administrative record file to ensure that the administrative record includes all documents that form the basis for the selection of the response action..."

40 CFR §300.805 (a) "The lead agency shall establish a docket at an office of the lead agency or other central location at which documents included in the administrative record file shall be located and a copy of the documents included in the administrative record file shall also be made available for public inspection at or near the site at issue, except as provided below:..."

EPA OSWER DIRECTIVE 9833.3A-1, An Administrative Record File is "...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..."

EPA OSWER DIRECTIVE Update Memorandum, September 2010, updating the OSWER DIRECTIVE 9833.3A-1, December 1990