



DIRECTIVE NUMBER: 9230.1-02

TITLE: Technical Assistance Grants Program
activities prior to Issuance of the
Interim Final Rule

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 11 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
OSWER Directive 9230.1-02

MEMORANDUM

SUBJECT: Technical Assistance Grants Program Activities
Prior to the Issuance of the Interim Final Rule

FROM: *[Signature]*
J. Winston Porter
Assistant Administrator

TO: Regional Administrators

This memorandum sets forth activities you can initiate prior to the issuance of the Technical Assistance Grant (TAG) Interim Final Rule (IFR) in early 1988. Given the short time before the issuance of the IFR, the Regional effort should focus on sites where the Remedial Investigation/Feasibility Study (RI/FS) is underway and citizen groups have expressed interest in TAGs.

Since the TAG regulation is still under development, the Agency must be careful what information is disclosed. On the other hand, the Agency is interested in preventing delays in awarding TAGs. One of the key time consuming activities in the TAG process is group consolidation. We want to minimize cases where we are compelled to choose between competing applicants for the single grant available. Multiple grant applications cannot be processed as quickly as a single application. If consolidation can occur prior to the publication of the IFR, the grant award process can proceed expeditiously. Given the statutory limitation to issue "not more than one grant per site," the Agency believes that we would not compromise the rulemaking process by suggesting that groups consolidate.

Therefore, EPA Regional Offices may initiate certain activities pertaining to the technical assistance grants program with affected groups at sites where the RI/FS is underway. The groups can be advised that CERCLA section 117(e) specifically provides that a single technical assistance grant of up to \$50,000 may be made for each Superfund site, and that certain groups may be ineligible.

A fact sheet about the future availability of technical assistance grants and other relevant information is attached. The fact sheet announces the Agency's intent to award a grant to a qualified applicant that includes or represents a broad range of affected groups within the community. In reviewing an application, the Agency will evaluate the number and diversity of affected community organizations and individuals represented within an applicant group (e.g., site neighborhood group, citizens group concerned about the site, etc.)

Section 117(e) of CERCLA does not specifically exclude any groups from grant eligibility. In the Advance Notice of Rulemaking (ANRM), dated June 10, 1987 (52 Federal Register 22244), EPA questioned whether municipalities, potentially responsible parties, national and State associations with broad rather than local interests, and profit-making corporations, academic institutions, local government advisory groups or citizen groups should be ineligible. Consequently, the fact sheet cautions that certain groups may be ineligible.

If a Region decides to initiate TAG activities at a site, then the fact sheet should be broadly distributed to local community groups throughout the community/ies affected by the Superfund site to advise them of EPA's intent to award one grant per Superfund site and to suggest the importance of consolidation. In addition, the Region should distribute the fact sheet to State and local officials.

Not only do the citizens need to begin organizing prior to issuance of the IFR, but also the Regions should begin organizing if they have not already done so. The Regional Office may wish to determine which of its offices will have the lead on the technical assistance grants program. The Regional Office also could begin to identify potential problem areas and determine how best to avoid them so that the technical assistance grants evaluation and award process can proceed as smoothly as possible. In preparation for the technical assistance grants program, your staff could:

- (1) Identify the level of interest for the technical assistance grant program at NPL sites;
- (2) Identify the extent of knowledge ~~within~~ the community regarding conditions at its site;

- (3) Identify the extent of knowledge pertaining to EPA grant and procurement regulations within the community, based upon the level of sophistication of individual group members (e.g., will citizens be able to develop a comprehensive "Scope of Services");
- (4) Identify potential areas and groups for consolidation;
- (5) Identify potential areas and groups where consolidation is unlikely;
- (6) Identify States that may want to be involved in the program.

I encourage you to take a proactive role in identifying potential problem areas and seeking solutions as well as informing citizen groups at NPL sites that the technical assistance grants will be available soon and that they should begin coalition building if they wish to ensure that a single application for the site is submitted. The IFR contains a formal notification requirement where a public notice would be issued prior to the start of site work.

If you have any suggestions or need information on the Technical Assistance Grants Program, please call Daphne Gemmill (FTS 382-2460) or Peg Anthony (FTS 382-2449).

cc: Regional Waste Management Division Directors
TAG Workgroup

OSWER Directive Initiation Request		United States Environmental Protection Agency Washington, DC 20460	1. Directive Number 9230.1-02
2. Originator Information			
Name of Contact Person Daphne Gemmill		Mail Code OS-230	Office HSCD
		Telephone Code 382-2460	
3. Title Technical Assistance Grants Program Activities Prior to Issuance of Int. Final Rule			
4. Summary of Directive (include brief statement of purpose) Describes activities which can be initiated prior to issuance of TAG Grant Interim Final Rule in early 1988			
5. Keywords Superfund, CERCLA, SARA			
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This Request Meets OSWER Directives System Format Standards.	
9. Signature of Lead Office Directives Coordinator Richard L. Hyde	Date 1/11/88
10. Name and Title of Approving Official J. Winston Porter, AA/OSWER	Date 1/11/88

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Superfund Program Information Sheet



Update Superfund Technical Assistance Grants

December 1987

I. BACKGROUND

Section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), authorizes the President to make available technical assistance grants, up to \$50,000, to "any group of individuals which may be affected by a release or threatened release at any facility which is listed on the National Priorities List under the National Contingency Plan. Such grants may be used to obtain technical assistance in interpreting information with regard to the nature of the hazard, remedial investigation and feasibility study, record of decision, remedial design, selection and construction of remedial action, operation and maintenance, or removal action at such facility." Section 117(e) provides further that, "Not more than one grant may be made under this subsection with respect to a single facility" (emphasis added.)

II. STATUS OF GRANT PROGRAM

EPA will publish the Interim Final Rule (IFR) for the technical assistance grant program in early 1988. This rule will enable EPA to issue grants while receiving comments that will be considered in the development of the Final Rule. Thus, the IFR will allow EPA to establish the technical assistance grant program immediately and to begin accepting applications from citizen groups for financial assistance in hiring independent technical experts to assess site information. The Agency, however, is interested in preventing delays in awarding grants and is initiating certain activities prior to the publication of the IFR.

III. WHAT YOU CAN DO

Coalition Building:

Because CERCLA only allows for one grant per NPL site, the Agency's intent is to award a grant to a qualified applicant that includes or represents a broad range of affected citizens within the community. Competing applications for a single grant will require more time for review by EPA and, consequently, the award of the grant may be delayed. Therefore, affected groups may wish to consolidate for the purposes of submitting a single grant application.

The Advanced Notice of Rulemaking (ANRM) dated June 10, 1987 (52 Federal Register 22244), raised the possibility that municipalities, potentially responsible parties, national and State associations, profit-making corporations, academic institutions, and local government or citizen advisory groups might be ineligible for grants.

Notification:

Interested groups should informally notify their EPA Regional Office that they are interested in applying for a Superfund Technical Assistance Grant and identify the members of their citizen coalition.

IV. FURTHER INFORMATION

Groups or individuals interested in learning more about Technical Assistance Grants or who have questions regarding coalition building should contact their Regional EPA Office. Groups or individuals seeking background information should read the Advance Notice of Rulemaking, which describes the major issues to be covered under the Interim Final Rule. In addition, EPA's grant and procurement regulations (40 CFR Parts 30 and 33) will govern this program. The Code of Federal Regulations (CFR) is available in local libraries or on interlibrary loan.