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Congress of the United States
Washington, DC 20515

EPA's SUPERFUND TAG GAME

A Report
on the
Implementation
of the
Superfund Technical Assistance Grant Program
by the
U.S. Environmental Protection Agency

MARCH 2, 1989

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The Honorable Edward J. Markey (D-MA)
The Honorable James J. Florio (D-NJ)
U.S. House of Representatives

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Summary

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or as it is more commonly known, Superfund), was enacted into law in 1980. In 1986, Congress reauthorized CERCLA through passage of the Superfund Amendments and Reauthorization Act (SARA) of 1986, legislation designed to improve the implementation of the nation's primary program to clean up hazardous waste sites.

In order to encourage public participation in the Superfund process, Congress established a program of technical assistance grants (TAGs) for use at National Priorities List sites. In accordance with Section 117(e) of SARA, TAGs are to be made available to "any group of individuals which may be affected by a release or threatened release" at any National Priorities List site and may be used "to obtain technical assistance in interpreting information" with regard to the site. Although the TAG program is discretionary, Congress clearly expressed its intent that it "be a regular part of the Superfund program." (Conference Report 99-962, see Appendix A). In keeping with its expressed support for routine use of the TAG program, Congress gave the President (or his designee) authority to waive both a suggested 20 percent cost-sharing requirement and a \$50,000 per grant limitation where necessary to facilitate the goal of increased public participation.

On March 24, 1988, the U.S. Environmental Protection Agency (EPA) issued an Interim Final Rule pursuant to Section 117(e). The final rule was criticized by potentially eligible TAG recipients, representatives of those groups and members of Congress, who argued that its heavy paperwork burdens, administrative complexity, 35 percent cost-sharing requirement and TAG use limitations would discourage the public from seeking assistance and severely restrict the number of TAGs that would actually be awarded. Despite the awarding of the first four TAG grants on September 30, 1988, concern with the TAG process has continued.

In an attempt to determine the actual impact of the March 24 Interim Final Rule on the public's perception and use of the TAG program, we conducted a survey of all groups that had contacted the EPA to express interest in the program as of September 30, 1988. Lists of those groups were obtained directly from each of the ten U.S. EPA Regional Offices. The survey (see Appendix C) asked questions about each group's experiences with the major steps in the TAG process, including initial information requests, the letter of intent expressing interest in the program, preparation of the application, and the response to that application. Because so few grants had been awarded at the time of the survey, no questions were asked about post-application experiences.

Findings: Based on the findings of our survey, it is evident that the complex and cumbersome nature of the application process established by the EPA is discouraging affected groups from participating in the TAG process. The decision to raise the Congressionally-recommended 20 percent cost-sharing to 35 percent and to waive that requirement only in "exceptional circumstances" raises obstacles to participation that will be insurmountable for many community groups. The financial and technical burdens created by the Interim Final Rule will deny to many groups across the nation their opportunity to participate fully in the Superfund process, an outcome which is clearly inconsistent with Congressional intent and counter to the goal of increasing the effectiveness of the Superfund program.

Despite the overwhelming dissatisfaction with EPA's implementation, it is evident from the survey that there is strong support for the TAG program, particularly among those community groups who will have no effective means of participation without assistance. The strong level of interest in applying for a grant can be seen from the fact that 92 percent of those groups which requested information about the program from EPA went on to send a letter of intent, the first step of the TAG process. It is particularly interesting that such a high percentage of groups followed through with a letter of intent even though 34 percent reported difficulty in learning about the program, primarily delays in receiving information, obtaining draft materials that were later revised, and the unavailability of necessary materials.

Despite this extremely high level of interest, only half of those who filed a letter of intent had actually continued with the process and submitted an application at the time of the survey. The responses show clearly that the reasons for the vast majority of the decisions not to apply for assistance relate to the complex and onerous requirements of the application process. The following reasons were cited as causes of the decision not to submit an application (groups were allowed to list more than one cause, so combined percentages exceed 100 percent).

Complexity and length of process	55%
Administrative requirements	50%
35% cost-share	35%
Procurement process	35%
Told ineligible	25%
Restrictions on fund use	20%
Discouraged by EPA	5%
Another group had applied	5%
Record of decision already filed	10%

For those groups which did file a TAG application, these problems were no less severe. Ninety-one percent experienced major problems with the application process and more than 9 out



of 10 (83 percent) reported difficulties with the manual, forms and administrative requirements. The specific problems encountered are as follows (again, combined percentages exceed 100 percent since groups were allowed to list more than one problem):

Complexity of manual	94%
Complexity of application form	78%
Administrative requirements	83%
Financial expertise needed	83%
Procurement requirements	67%
Incorporation requirement	50%
Difficulty receiving EPA aid	38%
Discrepancy in EPA advice	6%
Inappropriate materials	6%
Quality of forms	6%

The cumbersome nature of the process is also shown by the length of time groups spent in completing the application. Only 6 percent said that it took less than one week to prepare the application, while 78 percent spent 2 weeks or more to do so and 28 percent reported spending 6 weeks or more. Nearly 72 percent of those who applied for a TAG relied on the U.S. EPA for assistance in doing so, while 39 percent reported receiving no assistance at all.

Many groups reported continued difficulties with the TAG process once the application form had been submitted. While the majority of the applications were still pending at EPA at the time of the survey, 35 percent had already been returned because of errors (50 percent), insufficient information (34 percent), or problems with incorporation (17 percent). Again, the commitment to the program by the community groups seeking grants is revealed by the fact that all but one group had already resubmitted or planned to resubmit an amended application form.

Finally, a number of those groups which did apply reported serious concerns with the 35 percent cost-sharing requirement. While 33 percent of the respondents had already applied for a waiver of the match, 24 percent indicated that they would do so at a later date and 9.5 percent volunteered that they had been discouraged from doing so by EPA staff. Moreover, several of those respondents who indicated that they would meet the 35 percent match through in-kind contributions reported that the 15 percent cap on administrative costs and the restrictions on what services can be considered as in-kind contributions would make doing so extremely difficult if not impossible.

The results of this survey demonstrate clearly that the TAG program, as currently implemented by the U.S. EPA, discourages public participation. The administrative and cost-sharing burdens created by the EPA are roadblocks that will keep Superfund communities from participating in the

decisions that will affect their lives and their futures. The very people who Congress sought to involve in the Superfund process -- those families whose health and well-being hang in the balance -- are being denied the support that the TAG program, as envisioned by Congress, had promised. Eligible groups reported problems not just with the process itself but with the EPA's handling of the program. Although some respondents reported that EPA staff were helpful, many more commented that they were actively discouraged from applying or expressed the belief that the Agency could not be interested in making grants based on the cumbersome process it had established. This last point is particularly disturbing since almost three out of every four TAG applicants rely on EPA for assistance.

Recommendations: Although it is over two years since passage of SARA, the EPA has only recently begun implementation of the TAG program. Therefore, some of the criticisms reflected by the survey -- particularly the delays in obtaining material -- may reflect initial difficulties that will be resolved as EPA gains experience with the program.

However, the majority of the problems encountered by interested groups will not disappear over time. They are obstacles which are incorporated into the Interim Final Rule itself and not the result of inexperience in implementation of that rule. Therefore, in order to accomplish the goal of meaningful, substantive and regular public participation in the Superfund process, we recommend that:

- 1) EPA simplify its administrative requirements, at the same time revising the manual and application form to reduce paperwork burdens on community groups. While it is important that TAG applicants display basic managerial and financial capabilities, it was never the intent of Congress that applicants be subjected to requirements that one respondent equated with "a Pentagon contract." Not including the initial letter of intent, the EPA manual lists a dozen forms that groups have to prepare during and after the application process. Working with groups which have already gone through the application process and with regional EPA staff, EPA should streamline requirements in order to reduce redtape and encourage increased participation.

It is our belief that simplification of the application process is critical to the success of the TAG program. However, it must be recognized that this alone is not a sufficient cure. Few community groups have any experience in preparing grant proposals and most will continue to rely on the EPA for assistance in meeting TAG requirements. In consultation with community groups and their representatives, the EPA should establish assistance procedures that will provide needed guidance while ensuring that the affected communities maintain control over the grant.



2) EPA eliminate onerous procurement requirements, by granting a class deviation from 40 CFR Parts 30 and 33 for the TAG program, pursuant to 40 CFR Subpart J. The survey results show clearly that the procurement requirements are a major disincentive to participation and will substantially delay the ability of communities to begin their activities. EPA itself estimates that it will take groups 14 weeks to hire a technical adviser under the required procurement process, a projection which may be optimistic.

3) EPA lower the 35% cost-sharing requirement to 20%, as Congress recommended, and allow waivers whenever necessary to facilitate public participation. Additionally, EPA should expand both the types and dollar amounts of activities which qualify as in-kind contributions under the match. The Administration's use of its discretion to increase the cost-sharing requirement runs counter to the intent of Congress that this requirement not stand in the way of public participation.

4) EPA remove the prohibition on providing a cost-sharing waiver after a Record of Decision has been signed on the last operable unit at the site. The Agency seeks to justify this prohibition on the grounds that the public cannot participate in the selection of a remedial action after the ROD has been signed. Not only is this a narrow and, we believe, erroneous interpretation of Congressional intent; it ignores EPA's own statement that "(u)nder certain circumstances, the ROD may be reopened for public comment." ("The Citizens' Guidance Manual for the Technical Assistance Grant Program," EPA 540/G-88/001, June 1988, pg. 17) Moreover, RODs may not include selection of specific cleanup remedies, delaying decisions until a later date. This means that groups will be unable to receive a waiver even though critical decisions may be made after the ROD is signed. In light of the severity of the cost-sharing requirement, the inability to obtain a waiver will preclude some groups from reviewing remedial actions to determine whether cleanup plans are adequate.

5) EPA permit the use of TAG funds for split sampling where appropriate and respond to requests by TAG recipients for additional testing. While the development of new primary data is a costly undertaking, split sampling is likely to be affordable and may well serve to increase public confidence and participation in the Superfund process. It is also important to recognize that TAG recipients may disagree on the level and scope of contamination at the site; in fact, several survey respondents raised such disagreements in their comments. Therefore, to preserve limited TAG funds, EPA should develop a mechanism to respond to community requests for additional testing. Without a mechanism to ensure that the information developed by community groups is appropriately considered and acted upon by the EPA, the TAG program could become little more than window-dressing. Congress clearly intended that this



program provide affected groups with the wherewithal to obtain the technical expertise needed to participate in the Superfund cleanup process. But Congress also intended that the viewpoints developed with that assistance be taken seriously by those with program responsibilities and fully incorporated into the EPA review process.

While we believe that these changes will significantly improve the implementation of the TAG program, EPA must also expand its outreach activities to encourage greater public participation. ~~At the time of our survey,~~ fewer than ten percent of the communities living near Superfund sites had contacted the regional EPA offices for information on the TAG program. This is an unacceptably low percentage given the importance of restoring public credibility to the Superfund program. Although several regional offices have made particular efforts to publicize the TAG program, it appears that EPA staff in other regions at best have been inconsistent in their approach and at worst appear to have actively discouraged TAG applications. It is incumbent upon the U.S. EPA to ensure that all regional offices engage in adequate outreach activities and provide clear and consistent information to all groups interested in the TAG program.



History

On October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law (P.L. 99-499) in an effort to improve the cleanup of our nation's most dangerous toxic waste sites. As a result of Congressional concern about the dismal history of the early years of the Superfund program, the 1986 law requires the Environmental Protection Agency to comply with strict deadlines and standards in cleaning up the toxic waste sites on the National Priorities List. Those requirements represent a realization that the general guidelines provided under the original 1980 Superfund law were not being followed in a way that produced adequate cleanups as Superfund had intended. The strict deadlines and cleanup standards are one component of the improvements to Superfund that were enacted through the 1986 law.

Yet another and no less important component is the effort to ensure that those most affected by the cleanup of toxic waste sites -- the communities surrounding those sites -- are able to play a meaningful role in the decisions that affect their lives and their futures. This effort to further public participation in improving the surrounding environment is mirrored in a number of key provisions of SARA, including the Technical Assistance Grants program.

Public participation provisions relating to Superfund sites are contained in Title I, Section 117 of SARA. Those provisions require the EPA to notify the public of any remedial actions proposed for a site, to make publicly available copies of the proposed plans, to provide the public with the opportunity to submit oral and written comments, and to grant a public meeting in the community near each site to discuss the remedial efforts. Furthermore, these provisions require the EPA to respond to comments received during the public participation process and to provide the public with notification and justification of any subsequent changes to the original remedial action plans. In this way, those most affected by the continued contamination of a site in their community will have access to vital information concerning the cleanup effort at their site and input into the decisionmaking process. Congress has made it clear that the time of "sweetheart deals" between the EPA and polluters is over and that the cleanup effort is not one to be conducted behind closed doors. In sum, the community has both a right to know the specifics of efforts to clean up a site and a right to participate meaningfully in that effort.

Our report focuses attention on the Technical Assistance Grant Program (TAG), a critical part of the public participation provisions authorized under Section 117(e). Through this provision, Congress gave the EPA the authority to establish a grant program to provide funds 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." The TAG program recognizes that those most seriously affected may lack the resources necessary to make full use of participation opportunities without some level of assistance. Under Section 117(e), TAGs are made available so that affected groups can "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." Although the total amount available to each group is limited to \$50,000, the provision allows waivers of that limit where necessary. In addition, Congress suggested that each group be required to pay a match of 20 percent. However, waivers are authorized in cases of financial need in order to facilitate public participation.

The Technical Assistance Grant program is a recognition by the Congress of the important role the community can play in any cleanup effort. In addition, the provision underscores the need to ensure that the affected communities are kept informed about the cleanup effort. Because the types of data and reports normally generated in the remedial process are of a technical nature, Congress provided this tool so that communities will be able to hire the technical experts that are needed for them to be able to understand and participate in the process. If the community has concerns about a particular phase of the cleanup, with the help of a technical advisor, the community will be better able to articulate those concerns to the EPA and ensure that the cleanup effort is timely, effective and protective of human health and environment. Similar grants had been awarded by the EPA under the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to communities surrounding Lipari, New Jersey -- the number one site on the National Priorities List -- and Stringfellow, California. The positive contributions of technical advisers at these particular sites were a key factor in Congressional action to extend the availability of such a program to all NPL communities.

In the conference report accompanying P.L. 99-499, Congress expressed the sense that the Technical Assistance Grant program be a regular part of the Superfund program. Congress intends that the Superfund TAG program be used not only to facilitate the flow of information to the affected community, but also as a means to ensure that cleanups were taken in accordance with the requirements of SARA. In addition, the TAG program is seen by Congress as a useful tool in the effort to rebuild the credibility of the Superfund program in the eyes of those directly affected by the cleanup process. Finally, although the grants are not intended to be used to underwrite legal actions, any information developed through the grant assistance can be used in any legal action affecting the facility.

On March 24, 1988, after substantial delay, the U.S. Environmental Protection Agency (EPA) issued an Interim Final Rule pursuant to Section 117(e). The Interim Final Rule (IFR) includes a number of provisions that have sparked concern in the communities interested in participating in the TAG program. These provisions include a requirement that grant recipients first incorporate as non-profit organizations formed for the specific purpose of addressing the Superfund site for which a grant was being requested. The IFR limits the definition of an eligible group to "individuals who can demonstrate that they are threatened by the site from a health, economic, or environmental standpoint," thereby excluding municipalities, local chapters of state or national organizations, academic institutions or local government advisory groups or citizen advisory groups.

The IFR also severely restricts the types of activities that the TAG-funded technical advisor can engage in: reviewing site-related documents and meeting with the recipient group to explain the technical information; providing assistance to the recipient group to communicate the group's site-related concerns; disseminating the advisor's interpretations of the technical information to the community; participating in site visits when possible; and traveling to meetings and hearings directly related to the situation at the site. In other words, the IFR directs that the TAG funding be used to fund public relations, education and information review activities rather than to generate sampling data or develop new primary data. In addition, costs associated with disputes with the EPA or challenges to final EPA decisions such as the Record of Decision are not allowed.

With regards to waivers of the 35 percent matching funds requirement, the IFR states that waivers "will only be granted in exceptional circumstances," after the group has demonstrated a good faith effort at raising the funds and it has become apparent that "providing the 'match' would constitute an unusual financial hardship." Finally, waivers for the \$50,000 cap on the grant will also be granted only "in the most exceptional circumstances," and only where a single grant is addressing multiple sites.

Concerns have been expressed about the implementation of the TAG process by a number of potentially eligible TAG recipients, representatives of those groups, and members of Congress who feel that the burdensome administrative requirements, the 35 percent cost-sharing requirements and restrictive waiver provisions, as well as TAG use limitations will not only discourage the public from seeking assistance, but will also limit the number of TAGs actually be awarded. The constraints placed on the TAG program are also believed by many to be detrimental in the effort to foster public participation in the cleanup process.



Process and Methodology

In an effort to better assess the implementation of the TAG program and whether it is fostering Congressional goals, as well as to understand the experience of potential TAG applicants, we initiated a survey of all of the groups or individuals who had contacted the EPA to express interest in the TAG program or to receive further information. The list of groups and individuals was obtained from the ten EPA Regional offices. On October 19, 1988, we sent letters to 72 groups and individuals and requested that the recipients complete an enclosed survey describing any positive or negative experiences associated with the TAG process.

The survey sought to determine how many groups and individuals pursued the TAG process by filing a letter of intent with the EPA and later by filing an application. The survey also sought to determine the reasons for the decision by groups not to pursue the application process. For those groups that did apply for a TAG, the survey sought details on whether any problems with the process or the administrative requirements were encountered. Questions on the survey also requested information on whether cost-share or funding limitation waivers had been requested or reviewed by the EPA as well as information on the stage of the cleanup process at the site. Finally, the survey also requested specific recommendations from the groups on how to improve the TAG application process and program. A copy of our letter and the survey questions is included in the Appendix C of this report.

Based on the 56 percent response rate, we have drawn several important conclusions about the TAG program and the regulations issued by the EPA to administer the program. In addition to our findings, we are submitting through this report a set of recommendations for improvements in order to ensure that the TAG program fully fosters the public participation principles set forth in SARA.

Findings

The Technical Assistance Grant (TAG) program was created by Congress in order to encourage and facilitate community participation in the Superfund cleanup process. In doing so, Congress sought to increase the public's confidence in the nation's primary program to clean up hazardous waste sites and to improve the program's effectiveness by helping those most interested in obtaining quality cleanups participate in the process. Unfortunately, the results of this survey show that those goals will not be met without major changes in the TAG program as it is currently being implemented by the Environmental Protection Agency (EPA). To quote one respondent:

By no means, as the Program stands today, can it be looked upon as a citizens' process, although we recognize that this is the intent of Congress. Present Environmental Protection Agency (EPA) and Office of Management and Budget (OMB) requirements (i.e.: 35% matching contribution) place considerable financial hardships on citizens' groups, discouraging rather than encouraging their participation in the Program.

This characterization of the TAG program is borne out by the fact that, at the time of the survey, half of all respondents had failed to request funding because of significant administrative and financial obstacles in the TAG application process. Nine out of ten of those groups which did decide to apply reported major difficulties in meeting application requirements. Among the adjectives most used to describe the program were "frustrating," "difficult," "cumbersome," and "discouraging." The community groups' experience with the TAG program to date has been far from satisfactory and, should it continue, we believe that it will greatly jeopardize the TAG program's ability to meet the goals set forth by Congress.

Outreach: Before detailing some of the specific findings of the survey, we must point out that only 70 groups and individuals (representing less than 7 percent of current National Priorities List sites) had contacted EPA to express interest in the TAG program as of the fall of 1988 -- two years after the program was enacted into law and six months after the issuance of the interim final rule. We find this deeply disturbing. Since the majority of respondents indicated that they first heard about the TAG program through either U.S. EPA or regional EPA offices, this points out the importance of outreach in publicizing the availability of TAGs. While one respondent did compliment the EPA on the video put together by the Office of Emergency and Remedial Response, the survey found that outreach activities varied widely among regions.



Letter of Intent Stage: Among those groups which had heard about the program, the survey found strong support for the TAG process. Of those groups which requested information about the program, 92 percent went on to send a letter of intent to the EPA indicating that they were interested in applying for a grant. It is particularly interesting that such a high percentage followed through with a letter of intent even though 34 percent reported difficulty in getting information on the program -- primarily delays in receiving information, obtaining draft materials that were later revised, the unavailability of necessary materials and even the readability of the forms which were received. Any program is likely to experience similar problems in its initial stages; but it is disturbing that delays were reported by more than half of those reporting difficulties (54 percent). Given the length of the application process, the inability to obtain materials promptly could limit participation, particularly at sites where Superfund cleanup efforts are ongoing and technical assistance delayed may mean participation opportunities foregone.

Application process: Despite the extremely high percentage of groups which filed letters of intent, only half had actually submitted an application to EPA by the time of the survey. As one respondent wrote, "My initial opinion of the TAG program is that I will be surprised if anyone ever makes their way through the application, let alone receive the grant." While a number of groups did make their way through the application and a handful have received grants, that reaction was shared by those groups which did drop out of the process between the letter of intent and application stages and sends a clear signal that the application form itself is discouraging program participation. The following specific reasons were given as causes for the decision not to submit an application (groups were allowed to list more than one cause, so combined percentages exceed 100 percent):

Complexity and length of process	55%
Administrative requirements	50%
35% cost-share	35%
Procurement process	35%
Told ineligible	25%
Restrictions on fund use	20%
Record of decision already filed	10%
Discouraged by EPA	5%
Another group had applied	5%

Those groups which went on to file a TAG application reported similar problems. Nine out of ten applicants said that they faced major problems in preparing the application and 83 percent reported difficulties understanding or completing the manual, forms and administrative requirements. As one respondent wrote, "I do believe the application is much too complicated for most small community groups to understand and complete. It is like a Pentagon contract." Even the one



respondent who found no fault with the application process indicated that it would present problems for most groups. "I have worked on many proposals submitted by my company to the government. Therefore, the application process seemed straight forward for me when I compare it to some of those I've seen from the DOD and other governmental organizations. Had I polled the rest of our group, who are all quite talented people, I'm sure the response would have been different." Unfortunately, the TAG program should not be designed to be accessible to persons with years of experience with government contracting procedures. Rather, it should be designed for persons without that experience but who, because they live next to Superfund sites, need access to technical expertise in order to protect their families' health and well-being.

Those community groups which did file applications listed the following specific items as particular problems (again, combined percentages exceed 100 percent since groups were allowed to list more than one problem):

Complexity of manual	94%
Complexity of application form	78%
Administrative requirements	33%
Financial expertise needed	83%
Procurement requirements	67%
Incorporation requirement	50%
Difficulty receiving EPA aid	38%
Discrepancy in EPA advice	11%
Inappropriate materials	6%
Quality of forms	6%

Another indication of the difficulty presented by the cumbersome nature of the process is the length of time groups spent in completing the application. Only 6 percent of the respondents reported that it took them less than one week to prepare the application, while 78 percent spent two weeks or more to do so and 28 percent spent more than six weeks in this effort. Numerous groups criticized the application form for requiring detailed budget and programmatic information in advance of the grant. One respondent pointed to the "Catch-22" nature of the application: "As we tried to write a narrative describing technical advisor tasks, we realized that we could not be more specific. We needed a technical advisor in order to satisfy EPA in order to get a technical advisor."

Unfortunately, 39 percent of all respondents reported that they had received no help in preparing the application. No group had access to an outside attorney or accountant and only 17 percent indicated expertise was available within their own membership. On the other hand, 72 percent relied upon EPA staffed for assistance, again underlining the need for adequate staffing and outreach as well as consistent advice by EPA staff.



Post-application. As one respondent wrote, "I have been informed that the preparation of the TAG application will be considered 'a piece of cake' compared to what lies ahead." The first problem the survey identified related to EPA's consideration of the application itself. While the majority of the applications were still pending at the EPA at the time of the survey, over one-third (35 percent) had been returned because of errors (50 percent), insufficient information (34 percent), or problems with the incorporation requirement (17 percent). A number of respondents indicated that their application had been returned even when they had relied upon EPA staff for advice or that they were required to resubmit repeatedly because of inconsistent EPA rulings. According to one respondent, "I experienced 3 different opinions from 3 different EPA Grants Management staff....I was required to rewrite the TAG 4 (four) times due to misinformation from EPA. This whole procedure needs to be streamlined." Again, however, the strong commitment to the program evidenced by the community groups is revealed by the fact that all but one group had already resubmitted or planned to resubmit an amended application form.

The 35 percent cost-sharing requirement. Apart from the complexities of the application process itself, a majority of respondents criticized certain programmatic requirements of the TAG program. The most serious concern reported involved the 35 percent cost-sharing provision, which requires that community groups contribute at least 35 percent of grant costs through cash, in-kind contributions or a combination of the two. Over one-third (35 percent) of those who did not apply for a grant cited this requirement as a reason for their decision. Among those who did apply, 33 percent had already applied for a waiver of the match, 24 percent indicated that they would apply at a later date, and 10 percent volunteered that they had wanted to apply but had been discouraged from doing so by EPA staff.

Additionally, a number of respondents who indicated that they would meet the 35 percent match through in-kind contributions reported that the 15 percent cap on administrative costs and the restrictions on what services can be considered as in-kind contributions would greatly inhibit their ability to comply with this requirement. Commented one respondent, "The combination of the 35% match requirement and the 15% limit on administrative costs seems like a deliberate attempt to make sure that grass roots groups won't be able to participate in the TAG program." Other respondents pointed to EPA's decision to ignore Congressional intent -- increasing the recommended cost-share by 75 percent and providing waivers only in exceptional circumstances instead of whenever needed "to facilitate public participation" as stated in report language -- as signs that the Administration is not seriously interested in making the TAG program work.

Finally, several respondents criticized EPA's decision not to provide any waiver of the cost-sharing requirement once a Record of Decision (RODs) has been signed. For many groups, the TAG program represents their only access to technical expertise. Yet, because of delays in its implementation, the prohibition on post-ROD waivers will deny assistance at sites where cleanup activities are already underway. This is especially true since the EPA acknowledges that RODs can be reopened and since, in the past, EPA cleanup decisions have been modified based on new information. Moreover, RODs may not include selection of specific cleanup remedies, delaying decisions until a later date. Out of the 70 sites surveyed, 27 were at or past the ROD stage.

In criticizing EPA's 35 percent cost-sharing requirements, most groups echoed one respondent's comment that it would "place considerable financial hardships on citizens' groups, discouraging rather than encouraging their participation in the Program." But one respondent challenged the policy on grounds other than just financial hardship. "An ethical question has been raised by some of our members: Is it moral to require matching money of people whose homes have been devalued, whose land has been polluted, whose paychecks don't meet their medical bills? The matching percentage should be eliminated. Failing this, an easier waiver mechanism should be designed."

Additional requirements: Three additional provisions in the EPA's interim final regulations were criticized by the survey participants: prohibitions on providing TAGs to groups which were not formed solely for the purpose of monitoring a particular Superfund site, the granting off a waiver of the \$50,000 TAG limit only in exceptional circumstances, and restrictions on the uses for which TAG moneys can be spent.

Fifteen percent of all respondents expressed concerns that the prohibitions on which groups can receive TAGs are too restrictive. While recognizing the importance of providing assistance to affected individuals living near a site, members of groups which are connected to regional or national business or environmental organizations felt that they were being unduly discriminated against. Some of those local chapters, who have already spent years working on an individual site, argued that this restriction would prevent those persons with the most knowledge of the situation from receiving assistance.

One out of four respondents (26%) recommended that the EPA modify its restrictions on TAG moneys to allow independent analysis and sampling at the site. As one respondent wrote, "While it is true that sampling of wells and analyses of samples is expensive and could take a large chunk of the funds, it is also true that throughout these years, I have made contacts and friends with certain Universities and laboratories where such analyses could be obtained at minimal expense. This restriction should not be continued in the TAG program....I



also feel that should a Technical Advisor be as uncomfortable with accepting groundwater data from the owners of the site as I am, that grant moneys could and should be appropriately used to finance independent monitoring." Another respondent requested that funds be allowed to test areas adjacent to recognized sites. "The specific problem...is that the site encompassed a much larger area than that which is being addressed by E.P.A....We want these properties investigated also."

Finally, although only one TAG applicant has requested a waiver of the \$50,000 limit, several respondents indicated that they might request such as waiver at a later date and a number commented that the funding limits made the entire TAG application process unappealing. Wrote one respondent, "I have been looking at this application since June. Our coalition sorely needs funds for technical review and participation in the Superfund process. But, I doubt if the amount of assistance provided through the Federal program is worth the donation of time required to comply with the guidelines for the implementation of the award."



Recommendations

Although it is over two years since passage of SARA, the EPA has only recently begun implementation of the TAG program. Therefore, some of the criticisms reflected by the survey -- particularly the delays in obtaining material -- may reflect initial difficulties that will be resolved as EPA gains experience with the program.

However, the majority of the problems encountered by interested groups will not disappear over time. They are obstacles which are incorporated into the interim final rule itself and not the result of inexperience in implementation of that rule. The overwhelming number of complaints received from community groups which have already dealt with EPA is of serious concern to us. The comments received through our survey send a clear warning that unless major changes are made in the interim final regulations, more and more groups may avoid the TAG program altogether. As one respondent wrote, "The whole TAG process is probably more trouble than it is worth...We will be glad when this is over and pray that we never have to deal with the EPA again in our lifetimes."

In establishing the TAG program, Congress sought not only to facilitate community participation in the Superfund process but to restore already-damaged public confidence in EPA's handling of its cleanup responsibilities. Unfortunately, the survey results suggest that the public may view the TAG program as just more of the same -- a program theoretically designed to help local communities but which in reality presents more obstacles than opportunities.

Therefore, in order to accomplish the goal of increased public participation in the Superfund process, we recommend that:

- 1) EPA simplify its administrative requirements, at the same time revising the manual and application form to reduce paperwork burdens on community groups. While it is important that TAG applicants display basic managerial and financial capabilities, it was never the intent of Congress that applicants be subjected to requirements that one respondent equated with "a Pentagon contract." Not including the initial letter of intent, the EPA manual lists a dozen forms that groups have to prepare during and after the application process. Working with groups which have already gone through the application process and with regional EPA staff, EPA should streamline requirements in order to reduce redtape and encourage increased participation.

It is our belief that simplification of the application process is critical to the success of the TAG program. However, it must be recognized that this alone is not a sufficient cure. Few community groups have any experience in

preparing grant proposals and most will continue to rely on the EPA for assistance in meeting TAG requirements. In consultation with community groups and their representatives, EPA should establish assistance procedures that will provide needed guidance while ensuring that the affected communities maintain control over the grant.

2) EPA eliminate onerous procurement requirements, by granting a class deviation from 40 CFR Parts 30 and 33 for the TAG program, pursuant to 40 CFR Subpart J. The survey results show clearly that the procurement requirements are a major disincentive to participation and will substantially delay the ability of communities to begin their activities. EPA itself estimates that it will take groups 14 weeks to hire a technical adviser under the required procurement process, a projection which may be optimistic.

3) EPA lower the 35% cost-sharing requirement to 20%, as Congress recommended, and allow waivers whenever necessary to facilitate public participation. Additionally, EPA should expand both the types and dollar amounts of activities which qualify as in-kind contributions under the match. The Administration's use of its discretion to increase the cost-sharing requirement runs counter to the intent of Congress that this requirement not stand in the way of public participation.

4) EPA remove the prohibition on providing a cost-sharing waiver after a Record of Decision has been signed on the last operable unit at the site. The Agency seeks to justify this prohibition on the grounds that the public cannot participate in the selection of a remedial action after the ROD has been signed. Not only is this a narrow and, we believe, erroneous interpretation of Congressional intent; it ignores EPA's own statement that "(u)nder certain circumstances, the ROD may be reopened for public comment." (Manual, pg. 17) In light of the severity of the cost-sharing requirement, the inability to obtain a waiver will preclude some groups from reviewing remedial actions to determine whether cleanup plans are adequate.

5) EPA permit the use of TAG funds for split sampling where appropriate and respond to requests by TAG recipients for additional testing. While we are sensitive to the Agency's argument that the development of new primary data is a costly undertaking, split sampling is likely to be affordable and may well serve to increase public confidence and participation in the Superfund process. It is also important to recognize that TAG recipients may disagree on the level and scope of contamination at the site; in fact, several survey respondents raised such disagreements in their comments. Therefore, absent the ability to use funds for primary data generation, EPA should develop a mechanism to allow TAG recipients to request additional testing by the Superfund lead agency. Without a mechanism to ensure that the information developed by community



groups is appropriately considered and acted upon by the EPA, the TAG program could become little more than window-dressing. Congress clearly intended that this program provide affected groups with the wherewithal to obtain the technical expertise needed to participate in the Superfund cleanup process. But Congress also intended that the viewpoints developed with that assistance be taken seriously by those with program responsibilities and fully incorporated into the EPA review process.

While we believe that these changes will significantly improve the implementation of the TAG program, EPA must also expand its outreach activities to encourage greater public participation. At the time of our survey, fewer than seven percent of the communities living near Superfund sites had contacted the regional EPA offices for information on the TAG program. This is an unacceptably low percentage given the importance of restoring public credibility to the Superfund program. Although several regional offices have made particular efforts to publicize the TAG program, it appears that EPA staff in other regions have been inconsistent at best in their approach and at worst appear to have actively discouraged TAG applications. It is incumbent upon the U.S. EPA to ensure that all regional offices engage in adequate outreach activities and provide clear and consistent information to all groups interested in the TAG program.



SECTION 104. PUBLIC PARTICIPATION.

"(a) **PROPOSED PLAN.**—Before adoption of any plan for remedial action to be undertaken by the President, by a State, or by any other person, under section 104, 106, 120, or 122, the President or State, as appropriate, shall take both of the following actions:

"(1) Publish a notice and brief analysis of the proposed plan and make such plan available to the public.

"(2) Provide a reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility at issue regarding the proposed plan and regarding any proposed findings under section 121(d)(5) relating to cleanup standards. The President or the State shall keep a transcript of the meeting and make such transcript available to the public.

The notice and analysis published under paragraph (1) shall include sufficient information as may be necessary to provide a reasonable explanation of the proposed plan and alternative proposals considered.

"(b) **FINAL PLAN.**—Notice of the final remedial action plan adopted shall be published and the plan shall be made available to the public before commencement of any remedial action. Such final plan shall be accompanied by a discussion of any significant changes (and the reasons for such changes) in the proposed plan and a response to each of the significant comments, criticisms, and new data submitted in written or oral presentations under subsection 104.

"(c) **EXPLANATION OF DIFFERENCES.**—After adoption of a final remedial action plan—

"(1) if any remedial action is taken,

"(2) if any enforcement action under section 106 is taken, or

"(3) if any settlement or consent decree under section 106 or section 122 is entered into,

and if such action, settlement, or decree differs in any significant respects from the final plan, the President or the State shall publish an explanation of the significant differences and the reasons such changes were made.

"(d) **PUBLICATION.**—For the purposes of this section, publication shall include, at a minimum, publication in a major local newspaper of general circulation. In addition, each item developed, received, published, or made available to the public under this section shall be available for public inspection and copying at or near the facility at issue.

"(e) **GRANTS FOR TECHNICAL ASSISTANCE.**—

"(1) **AUTHORITY.**—Subject to such amounts as are provided in appropriations Acts and in accordance with rules promulgated by the President, the President may make grants available 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.

"(2) **AMOUNT.**—The amount of any grant under this subsection may not exceed \$50,000 for a single grant recipient. The President may waive the \$50,000 limitation in any case where such waiver is necessary to carry out the purposes of this subsection. Each grant recipient shall be required, as a condition of the grant, to contribute at least 20 percent of the total of costs of the technical assistance for which such grant is made. The President may waive the 20 percent contribution requirement if the grant recipient demonstrates financial need and such waiver is necessary to facilitate public participation in the selection of remedial action at the facility. Not more than one grant may be made under this subsection with respect to a single facility, but the grant may be renewed to facilitate public participation at all stages of remedial action."



Senate amendment—The Senate amendment requires that, before the United States or a State selects a remedial action or enters into a covenant not to sue or to forbear from suit or otherwise settle or dispose of a claim under the Act, several procedures must be followed to allow the public to participate prior to final selection or entry. The public must be given notice of such proposed action, opportunity for a public meeting in the affected area, and a reasonable opportunity to comment. Notice must be accompanied by a discussion and analysis sufficient to provide a reasonable explanation of the proposals considered.

The Senate provision also amends section 111(c) of CERCLA to include the costs of technical assistance grants under the purposes for which the President is authorized to use the money in the Fund. Payment of such costs is subject to amounts as are provided in appropriations acts and shall be in accordance with rules promulgated by the President. Such grants may be made to those potentially affected by a release or threatened release at any facility listed on the National Priorities List, and may not exceed \$75,000 per grant. These grants may be used to obtain technical assistance in interpreting information about 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 a facility.

House amendment—The House amendment requires either the Administrator or State, as appropriate, to take steps before adopting any remedial action plan. The first step is publishing a notice and brief analysis of the plan and making the plan available to the public. This notice and analysis must include sufficient information necessary to provide a reasonable explanation of the proposed plan. The second step is providing reasonable opportunity for submission of written and oral comments, and an opportunity for a public meeting at or near the facility in question, about the proposed plan and any waivers of requirements granted under section 121 of the House amendments relating to cleanup standards. The Administrator is required to keep a transcript of such a meeting and to make this transcript available to the public.

House amendment also requires that notice of the final remedial action plan be published and that the plan be made available to the public before commencing any remedial action. This final plan must be accompanied by a discussion of any significant changes in the proposed plan, and the reasons for such changes, as well as a response to each of the significant comments, criticisms, and new data submitted in oral or written presentations in accordance with the requirements described above.

After adoption of a final remedial action plan, if any remedial action is taken, if any section 106 enforcement action is taken, or if any settlement or consent decree under section 106 is entered into, and if such action, settlement or decree differs in any significant respects from the final plan, the Administrator is required to publish an explanation of the significant differences and the reasons such changes were made.



The term "publication" includes, at a minimum, publication in a major local newspaper of general circulation. In addition, the House amendment requires that each item developed, received, published, or made available to the public pursuant to this amendment must be available for public inspection and copying at or near the facility in question.

The House amendment authorizes the Administrator, in accordance with rules promulgated by the Administrator, to make technical assistance grants available to any group of persons that may be affected by a release or threatened release at any facility listed on the National Priorities List. The purpose of these grants is to enable the group to obtain technical assistance to review and assess data and information that has been prepared by the Administrator and that is required to be published under the previously described requirements of this amendment.

These grants may not exceed \$25,000 for a single recipient, unless the Administrator waives this limit. The Administrator may waive this dollar limit in any case where such a waiver is necessary to carry out the purposes of this subsection on grants.

Conference substitute—The conference substitute adopts the House amendment's provisions on public participation, with some modifications. One such modification is the explicit statement that a State or the President is required to keep a transcript of the public meeting pursuant to section 117(a)(2) and to publish the explanation of significant differences between the final plan and any remedial action, settlement, or decree as required by section 117(c). In the House amendment, only the Administrator was explicitly made subject to these requirements.

The conference substitute adopts a combination of the House and Senate provisions establishing a technical assistance grants program for use at National Priorities List sites. This program is to be a regular part of the Superfund program, and the President shall not refuse to fund the technical assistance grants program, or any specific application for a grant, on the ground that there has been no specific line item appropriation. The conference substitute adopts the Senate amendment's statement that the grants may be used for 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. Such grants are not intended to be used to underwrite legal actions. However, any information developed through grant assistance may be used in any legal action affecting the facility, including any legal action in a court of law.

The conference substitute states that the grant amount may not exceed \$50,000 for a single grant recipient. As in the House amendment, however, the President may waive this dollar limitation. The conference substitute states that as a condition of the grant, each recipient must contribute at least 20 percent of the total costs of technical assistance for which the grant is made. This condition may be waived by the President if the grant recipient demonstrates financial need and that the waiver is necessary to facilitate public participation in the selection of remedial action at the facility.



The conference substitute states that not more than one grant under section 117(e) may be made with respect to a single facility, but the grant may be renewed to facilitate public participation at all stages of remedial action. A recipient therefore is eligible for multiple grant awards and can seek additional grants at each stage of activity for which grants may be made, including, but not limited to, such stages as remedial investigation and feasibility study, remedial design, or other appropriate stages.

FLORIO AND MARKEY RELEASE SUPERFUND SURVEY.
CALL FOR COMMUNITY ASSISTANCE REFORM

For Release, Thursday, March 2, 1989
Contacts: John Steele (202) 225-6501
Cathy Hurwit (202) 225-2836

Congressman James Florio (D-NJ) and Edward Markey (D-MA) today released results of a survey showing that a key feature of Superfund aimed at improving public participation has become a bureaucratic nightmare. According to the report, EPA's Superfund TAG Game, "the administrative and cost-sharing burdens created by the Environmental Protection Agency are roadblocks that will keep Superfund communities from participating in the decisions that will affect their lives and their futures."

4-9/88
5 months

The survey asked community groups around the country about their experiences with the Technical Assistance Grant (TAG) program, created by Congress in 1986 to provide assistance to local residents living around Superfund sites. The TAG program provides up to \$50,000 per Superfund site so that local communities can hire technical advisers to assist them in analyzing cleanup plans.

"The results of the survey confirmed my worst fears," Florio said. "Plain and simple -- this program isn't working. Burdensome and unnecessary requirements make it far too difficult to qualify for help. Consequently, few Superfund sites are being cleaned up and peoples' health is endangered."

The survey found that more than 90 percent of the community groups encountered "major problems" with the application process. Nine out of ten applicants had difficulty completing the application and forms and one out of four spent more than six weeks filling out the application.

One of the major criticisms was EPA's requirement that communities come up with 35 percent of the technical assistance costs. EPA said it would waive that cost-sharing requirement only in exceptional circumstances. Congress had recommended only a 20 percent requirement, with waivers whenever needed to foster public participation.

"The TAG program was supposed to give families living around Superfund sites a voice in determining how to end the pollution that threatens them daily," said Markey. "But it is so hard to penetrate EPA's bureaucracy that you could line a Superfund

site with it and it wouldn't leak. Unless the new administration changes this program, very, very few communities will get the chance to speak out on their own behalf.

Among the recommendations Reps. Florio and Markey made to improve the TAG program are:

- Lowering the cost-sharing requirement to 20 percent and allowing waivers whenever necessary.
- Working with community groups to simplify administrative requirements and ease paperwork burdens.
- Eliminating burdensome procurement requirements that, according to EPA's own estimates will add at least 14 weeks to the grant process
- Expanding the types of activities that qualify for assistance

APPENDIX C -- QUESTIONNAIRE AND RESULTS

October 19, 1983

xx
xx
xx
xx

Dear :

We were pleased to learn of your interest in the Superfund Technical Assistance Grant (TAG) program. As members of the House Energy and Commerce Committee which authorized the TAG program, we are committed to ensuring that it meets the goal of providing full public participation to residents concerned about the cleanup of their community's Superfund site.

The TAG program is designed to provide funds to community groups so that they can hire the technical experts needed to assess the progress of the cleanup at their site and take the necessary steps to make sure that EPA complies with the standards established in the 1986 Superfund law.

In order to determine whether the TAG program is meeting its goals, we have put together the enclosed survey. We believe it is important to identify any problems with the TAG program as early as possible so that we can work to make sure that EPA improves their regulations. Therefore, we would appreciate your taking 15 minutes to complete the survey and return it to us in the self-addressed enclosed envelope. The survey requests information on your group's experience with the TAG program and any specific problems or strengths you may have encountered.

Your response will be treated confidentially and will not be shared with the EPA or any other agency. Instead, we will use aggregated data to assess how the program is working and to recommend any needed improvements.

We would appreciate your completing this survey by November 21. If you have any questions or concerns, please let us know by getting in touch with Cathy Hurwit (Mailey) at (202) 225-2836 or Stavroula Lambrakopoulos (Florino) at (202) 225-6501.

Thank you for your kind assistance.

Sincerely,

James C. Florino
Member of Congress

Edward J. Markey
Member of Congress



TECHNICAL ASSISTANCE GRANT (TAG) PROGRAM SURVEY

1. How did you hear about the TAG program?

☐ U.S. Environmental Protection Agency
☐ Regional Environmental Protection Agency
☐ State agency
☐ Environmental organization
☐ Trade association
☐ Press
☐ Other (please describe) _____

2. Did you request information from (please check as many as are appropriate)

☐ U.S. Environmental Protection Agency
☐ Regional Environmental Protection Agency
☐ State agency
☐ Environmental organization
☐ Trade association
☐ Other (please describe) _____

3. Did you have difficulty obtaining information?

☐ Yes ☐ No

If yes, please describe briefly the problems you encountered (i.e., length of time to receive materials, inappropriate materials sent, difficulty locating appropriate source of information, .

4. Have you filed a letter of intent with EPA indicating your interest in applying for a technical assistance grant?

☐ Yes ☐ No

If you answered no, please describe your reasons, (i.e., the program is inappropriate for your needs, the application process is too burdensome).

5. Have you submitted an application for a technical

assistance grant? ☐ Yes ☐ No If yes, please describe the application process.

6. Why did you decide not to apply for a technical assistance grant (please check all appropriate answers and skip to question #13)

☐ Decided did not need assistance
☐ Funds could not be used for desired purpose
☐ Application process too complex and time-consuming
☐ Couldn't meet 35% cost-share requirement
☐ Grant administration requirements too cumbersome
☐ Procurement system too cumbersome
☐ Unable or unwilling to incorporate
☐ Record of decision had already been filed
☐ Another group had already applied at same site
☐ Told you were ineligible for grant
☐ (Please briefly describe reason for ineligibility)
☐ Other (please describe) _____

7. Did you have any specific problems in preparing the TAG application?

☐ No
☐ Yes (please check appropriate boxes below)
☐ Difficulty obtaining information from EPA
☐ The instruction manual was difficult to understand
☐ The application form was difficult to understand
☐ Difficulty of grant administration requirements
☐ Complexity of procurement requirements
☐ Lack of financial expertise needed to complete budget requirements
☐ Difficulty with incorporation requirement
☐ Other (please describe) _____

8. How long did it take you to prepare the TAG application?

9. What kind of assistance, if any, did you receive in preparing the TAG application? (i.e., EPA staff, attorney, accountant, environmental group, trade association)

10. Has your application been returned by EPA? ☐ Yes ☐ No

If so, why?

- ☐ Ineligibility for the TAG program
- ☐ Incomplete information
- ☐ Insufficient budget information
- ☐ Error in filling out application
- ☐ Other (please describe) _____

Have you resubmitted your application? ☐ Yes ☐ No

If not, please describe why _____

11. EPA requires that a TAG recipient provide 35% of the total costs of the technical assistance project in cash and/or in-kind contributions, although that 35% cost-share can be waived.

Did you apply for a cost-share waiver?

If yes, how has EPA responded?

☐ Approved waiver ☐ Denied waiver ☐ Other _____

If no, how do you intend to meet the cost-share requirement?

☐ Cash

☐ In-kind services (please describe) _____

☐ Combination (please describe) _____

12. EPA limits technical assistance grants to \$50,000, although this ceiling can be waived in certain circumstances. Did you apply for a waiver of the ceiling? ☐ Yes ☐ No

If yes, how has EPA responded?

☐ Approved waiver

☐ Denied waiver

☐ Other (please describe) _____

If yes, please describe why you applied for a waiver (i.e., size or complexity of site, multiple sites, cost of experts). _____



(For questions 13-16, please continue description on additional pages if necessary. You may also want to attach additional information such as newsletters or articles which describe your activities.)

13. Briefly describe your group, including how long you have been in existence, the history of involvement with the site(s), and, if possible, a brief description of your membership.

14. Please describe the resources available to your group (i.e., annual budget, volunteer help, attorney or accountant on staff, access to environmental group or trade association staff).

15. Please describe the site(s) of interest to your group (i.e., current stage of cleanup, who has responsibility for cleanup, any specific health problems).

16. Do you have suggestions to improve the implementation of the technical assistance grant program?

SUPERFUND TAG SURVEY RESULTS

QUESTIONS

RESPONSES

1. How did you hear about the TAG program?

Environmental Organization	34%
U.S. EPA	29%
Regional EPA	29%
Press	13%
State Agency	8%
Congressional Office	5%
Other	5%
University	3%
Trade Association	0%

2. Did you request information from?:

Regional EPA	66%
U.S. EPA	61%
State Agency	18%
Environmental Organization	16%
Congressional Office	3%
Press	3%
Trade association	7%

3. Did you have difficulty obtaining information?

Yes	34%
No	61%

If yes, what problems were encountered?

Delay in receiving information	54%
Information in draft form or changed	54%
Trouble locating information source	31%
Inconsistent information provided	23%
Inappropriate materials sent	15%

4. Did you file a letter of intent?

Yes	92%
No	8%

If no, why not?

Didn't want to hire outside expert	33%
Ineligible	33%
Size and complexity of application	33%

5. Have you submitted a grant application?

Yes	50%
No	42%
No but planning to	8%
May submit at later date	6%

6. Why did you decide not to apply?

Application process too complex	55%
Administrative requirements	50%
35% cost-share requirement	35%
Procurement requirements	35%
Told ineligible	25%
Restrictions on fund use	20%
Incorporation requirement	10%
ROD already filed	10%
Cost of process	5%
Discouraged by EPA	5%
Another group had already applied	5%

7. If you applied, did you encounter any specific problems?

Yes	91%
No	9%

What problems were encountered?

Manual difficult or complex	94%
Administrative requirements	83%
Financial expertise requirement	83%
Difficulty of application form	78%
Procurement requirements	67%
Incorporation requirement	50%
Difficulty obtaining EPA information	38%
Discrepancy in EPA advice	11%
Inappropriate materials sent	6%
Quality of forms	6%

8. How long did it take to fill out the application?

Less than 10 hours	6%
40-59 hours	17%
80-99 hours	6%
100 hours or more	11%
2-3 weeks	28%
4-5 weeks	6%
6-7 weeks	6%
8 weeks or more	22%

9. What kind of assistance did you receive in filling out the application?

EPA Staff	72%
None	39%
Environmental Organization	17%
Internal	17%
State Agency	6%
Congressional Office	6%
Attorney/Legal Fund	6%
Grants Writer	6%

10. Was your application returned by EPA?

Yes	35%
No	65%

If so, why?

Errors	50%
Incomplete	34%
Auditing/accounting problems	17%
Incorporation	17%

Have you resubmitted your application?

Yes	67%
No	17%
No, but will at a later date	17%

11. Did you apply for a 35% cost-share waiver?

Yes	33%
No	29%
May at a later date	19%
Told by EPA not to	10%
Will but told not to at this time	5%
Undecided about doing so	5%

If yes, how has EPA responded?

No response as yet	86%
Approved	14%

How do you plan to meet the cost-share?

In-kind plus cash	58%
In-kind contribution only	33%
Cash payment only	8%

12. Did you apply for a waiver of the \$50,000 limit?

No	75%
May apply at a later date	15%
Yes	10%

13. Briefly describe your group.

Residential	62%
Mixed coalition	13%
Environmental	11%
Business	8%
Municipality	3%
League of Women Voters	2%

14. How many sites does your application cover?

1 site	69%
Multiple sites	26%

15. Do you have suggestions to improve the TAG program?

Ease administrative requirements	39%
Lower 35% cost-share	31%
Improve outreach and assistance	29%
Amend use restrictions	26%
Ease procurement requirements	18%
Make process less burdensome, lengthy	15%
Ease eligibility requirements	15%
Change 15% administrative cap	5%

