

United States
Environmental Protection
Agency

Office of
Solid Waste and
Emergency Response



DIRECTIVE NUMBER: 9230.0-05

TITLE: Community Relations Requirements For
Operable Units

APPROVAL DATE: 10/02/85

EFFECTIVE DATE: 10/02/85

ORIGINATING OFFICE: OERR/HRSD

☒ **FINAL**

☐ **DRAFT**

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
E DIRECTIVE DIRECTIVE D

03/19/87 United States Environmental Protection Agency Washington, D.C. 20460		1. Directive Number 9230.0-05	
EPA OSWER Directive Initiation Request			
2. Originator Information			
Name of Contact Person GEMMILL	Mail Code	Office OERR/HRSD	Telephone Number 382-2460
3. Title <p style="text-align: center;">COMMUNITY RELATIONS REQUIREMENTS FOR OPERABLE UNITS</p>			
4. Summary of Directive (Include brief statement of purpose) Discusses impact on community relations efforts of the concept of dividing remedial activities at a site into "operable units" as defined in the amended NCP (50 FR 47911, 11/20/85). No major changes needed in the planning and implementation of Superfund community relations (10/02/85, 4 pp).			
5. Keywords <p style="text-align: center;">SUPERFUND, CERCLA, COMMUNITY RELATIONS</p>			
6a. Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> No What directive (number, title)			
b. Does it Supplement Previous Directives(s)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> No What directive (number, title)			
7. Draft Level <input type="checkbox"/> A - Signed by AA/DAA <input type="checkbox"/> B - Signed by Office Director <input type="checkbox"/> C - For Review & Comment <input type="checkbox"/> In Development			
This Request Meets OSWER Directives System Format			
8. Signature of Lead Office Directives Coordinator			Date
9. Name and Title of Approving Official HEDEMAN			Date 10/02/85

OSWER

OSWER

OSWER

DIRECTIVE

DIRECTIVE



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

OCT - 2 1985

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OSWER Directive 9230.0-5

MEMORANDUM

SUBJECT: Community Relations Requirements for Operable Units
FROM: William N. Hedeman, Jr. *William N. Hedeman, Jr.*
Director, Office of Emergency and Remedial Response
TO: Addressees

This memorandum presents community relations requirements and guidance for operable units of remedial actions. The first section discusses the concept of an "operable unit" as defined in the proposed revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), providing an example of how remedial activities at a site can be divided into operable units. The second section of the memorandum presents guidance and requirements. This guidance for operable units does not require major changes in the planning and implementation of community relations programs for Superfund remedial actions. All other community relations requirements remain unchanged.

BACKGROUND

The proposed revisions to the NCP (50 FR 29, February 12, 1985, pp. 5862-5932) define an "operable unit" as "a discrete response measure that is consistent with a permanent remedy, but is not the permanent remedy in and of itself." According to the preamble to the revised NCP, the proposed change "reflects EPA's practice of dividing complex response actions into operable units." Operable units can be conducted as removal actions, even though they are parts of remedial responses at NPL sites. Operable units are implemented prior to selection of a final remedial action, provided "such measures are cost effective and consistent with a permanent remedy" (Section 300.68(d)).

In practice, an operable unit is a flexible concept, applicable to a wide range of construction measures that result in measurable public health or environmental improvements at a given site. Operable units are not limited to short-term actions; the term should not be equated with "initial remedial measure." Instead, remedial response activities can be divided into any number of

-2-

operable units, depending on the complexity of the problems associated with the site. Each operable unit, however, must by itself serve to eliminate or mitigate a release or threat of a release. If more than one operable unit is conducted during remedial activities at a site, each operable unit may require a separate remedial investigation and feasibility study (RI/FS). The need for a separate RI/FS for each operable unit, however, is determined on a site-specific basis.

An example of how response actions at a site can be divided into operable units may help in understanding the operable units concept. Using a hypothetical remedial action, response activities at this particular site are divided into three operable units. The first operable unit involves the removal of drums and other hazardous materials located on the surface of the site. As the second operable unit, waste oil lagoons are drained and contaminated soil at the site is removed. The third operable unit involves activities to control groundwater contamination at the site; the extent of the groundwater contamination plume is assessed, and measures are taken to mitigate the contamination problem. Because each of these operable units involves separate response measures, it is possible that two or more of the operable units could be conducted concurrently. For example, the operable unit involving the removal of drums stored on site could be started at the same time as the operable unit involving the removal of waste oils on site. If appropriate, both of these operable units could be addressed in one RI/FS.

As the background discussion above suggests, the term "operable unit" has a specific technical meaning; however, the meaning is not likely to be clear at first to citizens. In public documents, therefore, operable units can be referred to as "segments" of the response action.

GUIDANCE AND REQUIREMENTS

The community relations requirements for operable units will enable the public to have meaningful opportunity to comment on all remedial measures before they are implemented. Specific requirements are expressed as answers to the questions below.

- 1) Is a three week public comment period required for each operable unit?

A three-week public comment period is required for each operable unit including removals, unless the operable unit is conducted as an emergency removal action. The operable unit will be initiated after the three-week public comment period.

If there has been a feasibility study explicitly addressing the operable unit, the basis for comment will be public review of the draft feasibility study report. If there has not been a feasibility study explicitly addressing the operable unit, a public comment period is still required; the basis for public comment will be the work plan for the operable unit, or an agency-prepared summary of the work plan.

- 2) If the draft feasibility study report proposes dividing response activities at a site into more than one operable unit, must a separate public comment period be held for each operable unit?

For each draft feasibility study, only one public comment period is necessary, regardless of how many operable units are proposed as part of the recommended remedial alternative. In effect, the comment periods for the operable units are combined; the public still has the opportunity to comment on each operable unit. No matter how many feasibility studies are conducted during the remedial response, however, there must be a three-week public comment period on each draft feasibility study report.

- 3) Does a community relations plan have to be prepared for each operable unit?

A community relations plan does not need to be prepared for each operable unit provided the plan covers all anticipated operable units. The community relations plan prepared prior to beginning the initial RI/FS should be revised, however, if unanticipated operable units are implemented, or if unanticipated RI/FS activities are initiated for subsequent operable units, during later stages in the response action.

Addressees

(See Attached List)

Addressees

Director
Waste Management Division
Region I

Director
Office of Emergency & Remedial Response
Region II

Director
Hazardous Waste Management Division
Region III

Director
Air and Waste Management Division
Region IV

Director
Waste Management Division
Region V

Director
Air and Waste Management Division
Region VI

Director
Air and Waste Management Division
Region VII

Director
Air and Waste Management Division
Region VIII

Director
Toxics and Waste Management Division
Region IX

Director
Hazardous Waste Division
Region X

Superfund Community Relations Coordinators, Regions I-X