

Contaminated Sediments Conference Environmental Law Education Center

Managing Risks and Moving Forward

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innovation

Managing Risks and Moving Forward

- How do we make sure that human health is being protected before and during cleanup?
- How do we protect communities from increased public health impacts during cleanup?
- Considerations:
 - EPA Principles for Greener Cleanup (OLEM – 2009)
 - Consideration of Greener Cleanup Activities in the Superfund Cleanup Process (OSRTI, FFRRO, OSRE, FFEO – August 2016)
 - Community Health and Safety Plans (Hudson River – 2004/2009; Lower Passaic River Study Area – 2011; Lower Duwamish Waterway – 2012)

Principles for Greener Cleanup (2009)

- In doing cleanups, recognize that that process in and of itself has an environmental footprint that can be optimized for environmental performance and risk reduction to potentially impacted communities
- “These Principles for Greener Cleanup are intended to improve the decision-making process for cleanup activities in a way that ensures the protection of human health and the environment and reduces the environmental impacts on communities.”
- Five Elements of a green cleanup assessment that may assist evaluation/implementation
 - 1) Total Energy Use and Renewable Energy Use
 - 2) Air Pollutants and Greenhouse Gas Emissions
 - 3) Water Use and Impacts to Water Resources
 - 4) Materials Management and Waste Reduction
 - 5) Land Management and Ecosystem Protection

Principles (cont.)

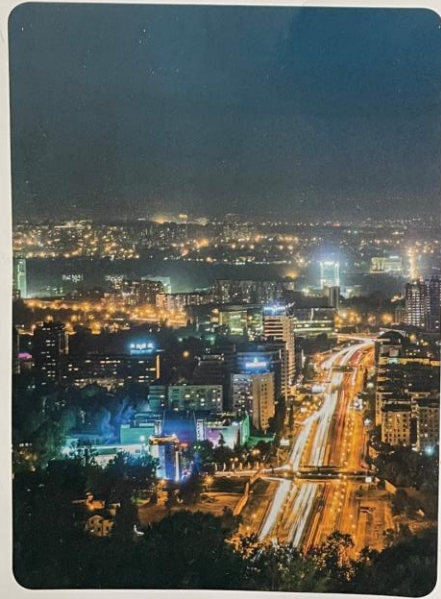
- The nature of greener cleanup assessments can vary with complexity of the site....
- Assessment activities should be performed in transparent manner involving the community and other stakeholders...
- Greener cleanup approaches, therefore, may vary site-to-sites and program-to-program and will continue to evolve..

Consideration of Greener Cleanup Activities in the Superfund Cleanup Process (Aug. 2016)

- Recommendations

- 1) Apply greener cleanup approach throughout the entire SF process
- 2) Conduct a Best Practice or Footprint Analysis to determine how to minimize a projects environmental footprint, while balancing the need to implement remedies versus technologies, media scenarios, water and energy usage, emissions and waste generation and other activities that also impact a community.
- 3) Document decisions to the extent practicable
- 4) Incorporate, as necessary, in enforcement mechanisms.

Light Pollution Wastes Energy and Money



INTERNATIONAL DARK-SKY ASSOCIATION

Light Pollution Can Put Your Health at Risk



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Develop a Community Health and Safety Plan

- See Hudson River (2009), Lower Passaic River Study Area (2011) & Lower Duwamish (2012) CHSP
- Basic Elements/Outline:
 - 1) Project Summary/description
 - 2) Project Schedule
 - 3) Hazard Assessments and Controls
 - 4) Mitigation Measures & Monitoring
 - 5) Community Quality of Life Considerations
 - 6) Public Engagement Activities
 - 7) Emergency Preparedness and Response Planning

Community Quality of Life Elements

- Sometimes difficult to define and subject to numerous localized physical, cultural and socio-economic factors – could be nuisance or disruptive to community or pose HHE risk
- Potential Elements/Outline:
 - 1) Air Quality
 - 2) Water Quality
 - 3) Odor
 - 4) Lighting
 - 5) Navigation/Vessel Management
 - 6) Traffic Control Plan
 - 7) Other potential elements
 - 1) Pollution Prevention/Green Remediation/Spills
 - 2) Recycling
 - 3) Sustainable Material
 - 4) Wildlife (e.g., birds, fish, fauna)
 - 5) Fire
 - 6) Flooding
 - 7) Infrastructure Damage – ex. - Bridges, Utilities, Stormwater Management
 - 8) Security/Project Property & Equipment

Community Quality of Life Elements (cont.)

Basic Structure for each element

- Hazard/Issue Identification – i.e., what falls under a given element – include potential sources
 - NAAQS
 - Water Quality Standards
- Performance Standards
 - Levels
 - Timeframes (e.g., Short term – incident, hourly (max hourly average), 24 hour// daytime, nighttime, operations)
- Monitoring (Where, what, when, how)
- Mitigation Measures (what is the plan for reducing/eliminating...)
- Process for “corrective actions”
- Communication Plan (e.g., real time/post on web site vs w/in 24 or 48 hrs)

Developing CH&SP... (cont.)

- If not underway should be started imminently as it affects final RDs (see page 25 in SOW of updated Model RD/RA CD & SOW (2021) aka Community Impact Mitigation Plan)
- Critical element for seamless transition from RD to RA
- Collaboration needed but consensus may not be obtainable – be clear how getting inputs and reconciling various perspectives
- Need a plan for entire site, but need to recognize local differences
- Basic goals – protect HH&E; reduce burdens on overburdened communities; consider cumulative impacts – not just this project; address community “quality of life” concerns as described in 2017 ROD and subsequent interactions
- Challenge to balance community input vs. technical/construction requirements
- EPA, State, City, County, Tribes and other federal/state/tribal agencies as appropriate should develop initial CHSP
 - Perform outreach to communities and to PRPs for initial inputs
 - Integrate these inputs in a draft/interim plan

Developing CH&SP (cont.)

- Provide overall framework – with some baselines that will be site-wide
- Allow for flexibilities – for example Cathedral Park different than Gasco than River Mile 11E than Swan Island Lagoon
- Go through public process on the CH&SP
- Much like a ROD final should provide explanation of changes, rationale for changes, etc.
- Incorporate in enforcement documents