



The Information Repository

BACKGROUND:	EPA requires that an information repository be established at facilities undergoing response actions under Section 117(d) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A provision for establishing an information repository also exists under Part 270.36 of the recently proposed rule for corrective actions at permitted facilities (55 FR 30798-30844) pursuant to the Resource Conservation and Recovery Act (RCRA). This information brief provides answers to questions regarding the information repository requirements under CERCLA and under the proposed RCRA corrective action rulemaking.
STATUTES:	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendment and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9601, <i>et. seq.</i> Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments Act of 1984 (HSWA), 42 U.S.C. 6901, <i>et. seq.</i>
REGULATIONS:	40 CFR 270.36 (proposed RCRA Information Repository). 40 CFR 300.415 (Removal Actions), 300.430 (Remedial Investigation/Feasibility Study and Remedy Selection), and 300.800-300.825 (Subpart I - Administrative Record for Selection of Response Action).
REFERENCES:	1. Proposed corrective action rule at RCRA-permitted facilities: 55 FR 30798-30844, July 27, 1990. 2. EH-231 Guidance Manual, Subject: Public Participation for U.S. Department of Energy Environmental Restoration Activities, November 1991. 3. Community Relations in Superfund: A Handbook. OSWER Directive 9230.0-3B, June 1988.

What is an information repository?

Under the CERCLA program, an information repository (40 CFR 300.430) contains all the information on response activities that is available to the public. While the administrative record will contain only those documents that form the basis for selecting a response action, the information repository will contain a copy of all items made available to the public.

Similarly, under the proposed corrective action rule at RCRA-permitted facilities (55 FR 30798-30884), the information repository is the compilation of all documents relevant to public understanding of the corrective action activities at the facility that is available to the public.

What type of information is required in an information repository?

An information repository established under CERCLA should include all types of information about the site, the CERCLA program, and information describing the response action(s) at a facility. The materials contained in the information repository may overlap with the administrative record (see RCRA/CERCLA Information Brief *The Administrative Record, EH-231-010/1291*), though the information repository may contain additional

information, such as press releases, which is of interest to the public but which does not form the basis of the response selection (OSWER Directive 9230.0-3B). In addition to information describing the response action(s) at a facility, information repositories must also include information on public technical assistance grants (TAGs).

Other documents that may be included are:

- press releases and fact sheets generated about the response action(s);
- reports on site activities, such as the community relations plan, draft and final feasibility study report, remedial investigation/feasibility study work plan, remedial investigation report, remedial design work plan, federal facility agreement, responsiveness summary;
- documentation of site sampling results; and
- general information about the CERCLA program, a copy of RCRA, CERCLA, and the National Oil and Hazardous Substances Pollution Control Contingency Plan (NCP), and DOE's environmental restoration program documents (e.g., five-year and site-specific plans).

An information repository established under RCRA should contain all information essential to the

public understanding of corrective action activities at the facility. For example, copies of RCRA facility investigation and corrective measure study plans and reports, and background information such as copies of relevant RCRA regulations, and press releases would generally be included in the repository. As currently proposed, information repositories under RCRA need not contain the entire administrative record as is typical for CERCLA sites.

Who is responsible for establishing and maintaining the information repository?

Under CERCLA, the lead agency (DOE) is required to establish and maintain the information repository (40 CFR 300.430). Since DOE has lead responsibility for CERCLA response actions at its facilities pursuant to Executive Order 12580, DOE will maintain the information repository, unless otherwise specified in a site-specific interagency agreement or federal facility agreement.

Under CERCLA, the lead agency must establish at least one information repository at or near the facility where the response action is occurring. To ensure that the information repository is accessible by the public, the file must be located where security clearance is not required. Based on public interest, more than one information repository may be established. Typical locations for information repositories include, but are not limited to: public libraries, town halls, EPA regional offices, and the DOE facility itself.

As currently proposed in the RCRA corrective action rule, an information repository will only be required for RCRA-permitted facilities on a case-by-case basis by the EPA or authorized State depending on the extent of contamination and public interest. However, DOE is recommending that at least one information repository be established for RCRA corrective actions (EH-231 Guidance Manual). The information repository should be located at the facility itself, or in instances where this is not feasible due to the remote location of the facility, at a public location within a reasonable distance of the facility (55 FR 30798-30884).

When should an information repository be established?

For remedial investigations, the CERCLA information repository must be established before the remedial investigation field work begins (including interim remedial actions). For all types of removal actions requiring more than 120 days to complete, an information repository must be established by the end of the 120-day period. For non-time-critical removals (those that will commence 6 months from date of discovery), the information repository must be established prior to completion of the engineering evaluation/cost analysis. For RCRA corrective

actions, DOE is recommending that an information repository be established when the RCRA Facility Investigation work plan is completed (EH-231 Guidance Manual).

When the CERCLA information repository is first made available, DOE must publish a notice of its availability in a widely circulated local newspaper, at a minimum. The public should be notified in a similar manner when the information repository is established for RCRA corrective actions.

What are the information repository requirements for interim status RCRA facilities?

Although there are currently no regulatory public involvement requirements for interim status RCRA corrective actions (RCRA 3008(h)), the proposed rule for RCRA corrective actions at permitted facilities (55 FR 30798-30884) will provide guidelines for these types of corrective actions. For example, EPA expects that an order issued under Section 3008(h) should generally follow the substantive requirements of the proposed rule (e.g., remedy selection factors), as well as some procedural elements (e.g., action levels triggering a corrective measures study). Hence, EPA or an authorized State may require establishing an information repository for corrective actions occurring at interim status RCRA facilities.

Are there any provisions for documents containing privileged, confidential or classified information?

Yes. Confidential, privileged or classified documents will not be included in the CERCLA information repository. A provision to exclude confidential documents from the information repository also exists under the proposed RCRA corrective action rule.

While the exclusion of classified information from information repositories is not specifically addressed under the proposed RCRA corrective action rule, it is expected that classified information would be handled as under CERCLA since RCRA information repositories are patterned after those required under CERCLA.

Questions of policy or questions requiring policy decisions will not be dealt with in EH-231 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject material covered in this Information Brief to Jane Powers, RCRA/CERCLA Division, EH-231, FTS 896-7301.