Relocation Presentation

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Federal Relocation Generally

- Many government programs which are designed to benefit the public as a whole result in acquisition of private property, and in the displacement of people from their residences, businesses, nonprofit organizations, or farms.
- Example: federal highway projects
Federal Relocation Generally

• If Federal funds are used in any phase of a program or project involving acquisition and relocation, the following apply:
  – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, AND
  – the Uniform Relocation Assistance and Real Property Acquisition Regulations

• The law/regulations were created to provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally funded projects
Relocation & Superfund

• The Superfund law (CERCLA) authorizes EPA to undertake relocation at Superfund Sites, HOWEVER:
  – EPA's preference is to address the risks posed by contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses
  – Because of CERCLA's preference for cleanup, EPA does not routinely consider relocation as a component of a response
Relocation & Superfund

• The Superfund law (CERCLA) authorizes EPA to undertake two types of relocation at Superfund Sites:

1) Temporary relocation:
   – relocating people or businesses temporarily
   – DOES NOT involve the acquisition of real property

2) Permanent relocation:
   – relocating people or businesses permanently
   – DOES involve the acquisition of real property
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- When EPA determines that relocation is appropriate for a Superfund Site, EPA will select Site-specific criteria. Residents/businesses meeting the criteria are then relocated.

- Properties are not selected for relocation at the discretion of the owner.
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• EPA can acquire property when it has the statutory authority to do so. EPA has the authority to acquire property under CERCLA Section 104(j). Section 104(j) allows property acquisition for a remedial action where the state agrees to accept ownership of the property at the completion of the remedial action.

• A Superfund Site DOES NOT need to be listed on the National Priorities List (NPL) for a property acquisition to occur.
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• The Superfund law (CERCLA) authorizes EPA to undertake two types of response actions:
  – 1) Removal Actions
    • Emergency
    • Time-critical
    • Non-time-critical
  – 2) Remedial Actions
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• Removal: temporary relocation only

• Remedial: temporary or permanent relocation
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• If a relocation occurs at a Superfund Site, it is because it was part of a response selected for the Site.

• If EPA determines that a relocation is necessary, that determination is documented in:
  – Action Memorandum (removal) OR
  – Record of Decision (remedial)
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• Where EPA does consider relocation as a component of a response, EPA follows:
  – "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions" ("Permanent Relocation Guidance") (June 30, 1999)
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Temporary Relocation

• There are three primary reasons why a Region may select temporary relocation as part of a response action:
  
  – 1) Health threats
  – 2) Safety of residents
  – 3) Efficiency of the response action
Relocation & Superfund
Temporary Relocation

• 1) Health threats
  • The contamination may pose an unacceptable threat to human health
    – Particularly where there is an immediate (not chronic) risk posed by the contamination, and the likelihood of exposure is high.
  • implementation of the response action may pose an unacceptable health risk to residents
Relocation & Superfund
Temporary Relocation

• 2) Safety of residents
  • The response action itself may pose an unacceptable risk to residents
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Temporary Relocation

3) Efficiency of the response action
   - The response action can be implemented more quickly and at a lower cost if residents are not in the area
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Permanent Relocation

• there are two primary reasons why a Region may select permanent relocation as part of a response action:
  – 1) to address an immediate risk to human health
  – 2) where the structures are an impediment to implementing a protective cleanup.
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Permanent Relocation

• 1) to address an immediate risk to human health
  – where an engineering solution is not readily available
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Permanent Relocation

2) where the structures (e.g., homes or businesses) are an impediment to implementing a protective cleanup
   • EPA has determined that structures must be destroyed because they physically block or otherwise interfere with a cleanup and methods for lifting or moving the structures safely, or conducting cleanup around the structures are not implementable from an engineering perspective.
   • where EPA has determined that structures cannot be decontaminated to levels that are protective of human health for their intended use, thus the decontamination alternative may not be implementable
   • when EPA determines that potential treatment or other response options would require the imposition of unreasonable use restrictions to maintain protectiveness
   • when an alternative under evaluation includes a temporary relocation expected to last longer than one year
To date, the overwhelming majority of Superfund sites located in residential areas are being cleaned up without the need to relocate residents and businesses.
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Other Information

Large residential response actions with little/no relocation:

• EXAMPLES:
  – Glen Ridge Radium & Montclair/West Orange Radium sites in New Jersey
  – West Chicago/Kerr-McGee Site in Illinois
  – Evergreen Manor Ground Water Site in Illinois
Problems arising as a result of relocation can include:

- Personal disruption (particularly the elderly and handicapped)
- Social disruption
- Stress
- Some residents do not want to be relocated
- Insufficient temporary/permanent housing available in the vicinity of the Site
- Dissatisfaction with the appraisal process
- Inability to find a comparable home
- Increased taxes/utilities at new residences
- Decreased local tax base in area where relocation occurs
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Other Information

RESOURCES

• http://www.epa.gov/superfund/community/relocation/
Questions?