

# Relocation Presentation

Catherine Garypie – U.S. EPA

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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

# Relocation & Superfund

- 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.

# Relocation & Superfund

- 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.

# Relocation & Superfund

- 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



# Relocation & Superfund

- Removal: temporary relocation only
- Remedial: temporary or permanent relocation

# Relocation & Superfund

- 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)

# Relocation & Superfund

- Where EPA does consider relocation as a component of a response, EPA follows:
  - "Superfund Response Actions: Temporary Relocations Implementation Guidance" (April 12, 2002)
  - "Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions" ("Permanent Relocation Guidance")(June 30, 1999)

# Relocation & Superfund

## 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

# Relocation & Superfund

## 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

# Relocation & Superfund

## 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.



# Relocation & Superfund

## Permanent Relocation

- 1) to address an immediate risk to human health
  - where an engineering solution is not readily available

# Relocation & Superfund

## 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

# Relocation & Superfund

## Other Information

- To date, the overwhelming majority of Superfund sites located in residential areas are being cleaned up without the need to relocate residents and businesses

# Relocation & Superfund

## 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

# Relocation & Superfund

## Other Information

- 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

# Relocation & Superfund

## Other Information

### RESOURCES

- <http://www.epa.gov/superfund/community/relocation/>

Questions?