

Public Record Requirement under CERCLA 128(a) Tribal Response Program (TRP)

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TRP Public Record Requirement

All 128a grantees must establish and maintain a public record system which include:

- 1) The name and location of sites where response actions **were completed** during the previous fiscal year
- 2) The name and location of sites at which response actions are **planned in the next year**;
- 3) Identify sites ready for unrestricted use or...
 - a) **For those not ready**, identify the Institutional Controls (ICs) relied on in the remedy.
 - b) The info on **who is responsible** for oversight, monitoring, and/or maintenance of the ICs and engineering controls;
 - c) **How** the responsible entity is **implementing those activities**.



TRP Public Record Requirement cont.

- ▶ Maintain and update all of these **at least annually** or as often as appropriate
- ▶ 128(a) funds may be used to maintain and make available a public record system that meets the requirements.
- ▶ Note: Assessments might also be included in the public record



“Survey and inventory” element of the “public record”

- ▶ Differences between “the Public Record” and the “Timely Survey and Inventory” Element:
 - ▶ **Public Record** addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year.
 - ▶ **Timely Survey and Inventory Element** refers to identifying brownfield sites regardless of planned or completed actions.



Vs.



Making the public record easily accessible

- ▶ 128(a) funding can be used to make Public Record Information available to the public via the internet or other avenues.
 - ▶ Funding can be used to include location information, such as address and/or lat/long, for each site (ex. GIS)
 - ▶ Affected communities need to have access to the public record either online or in-print at appropriate community gathering places.
- ▶ EPA encourages states and tribes to place their public record on the internet.
- ▶ Public records that are placed on the internet and maintain all the associated requirements meet EPA's public record reporting requirement.



Long-term maintenance of the public record

- ▶ Public Record information should be maintained on a long-term basis (more than one year)
 - ▶ This should include data on ICs for sites where response action were completed.
- ▶ Development and operation of systems that ensure long-term maintenance of the public record, including info on ICs, may be included your work plans.
 - ▶ This includes ensuring the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls is implementing those activities.

