

UNITED STATES MARINE CORPS
Environmental Management Department
Marine Corps Base
Camp Lejeune, North Carolina 28542-5001

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30 May 90

From: Installation Restoration Program Manager, Environmental
Management Department
To: Assistant Chief of Staff, Environmental Management
Department

Subj: ADMINISTRATIVE RECORD

Encl: (1) Interim Guidance on Administrative Records for CERCLA
Response Actions

1. Enclosure (1) is a summary of the Interim Guidance on the
Administrative Record. EMD participation in this action is as
follows:

- provide an easily accessible reading room for the public
to visit and review AR
- provide a copier
- provide a sign in book for the visiting public
- provide a responsible and knowledgeable person to
maintain its security and completeness
- provide clerical support for the AR compilation.

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Interim Guidance on Administrative Records
for CERCLA Response Actions

Purpose and Scope of an Administrative Record (AR)

The AR serves two primary purposes:

1. The AR is the background information gathered and used in the remedial/response decision. These documents forming the AR become the sole source of judicial review in the event of a future investigation.
2. The AR is a means of involving the public's participation and review.

The AR should include all documents which aided in the response action decision. The AR should be continuously updated and amended as comments and responses are generated.

Judicial Review: The quality and completeness of the AR insures the limiting of investigation during judicial review to the AR.

Public Participation: Encouragement and responsive actions to public comments and concerns insure compliance with section 113(k)(2) of CERCLA. Public participation in the selection of a response action is insured by placing the AR in an appropriate location for public review, recording public comments and including these in the AR, and providing responses to the concerns of the public.

Procedures for Establishing an AR:

An Administrative Record Coordinator should be designated to maintain a current and orderly AR file. This coordinator will work closely with Regional Project Managers (RPMs), enforcement staff, regional counsel, community relations staff and Department of Justice.

Compilation:

The AR file should be compiled contemporaneously with the generation or receipt of documents. Examples of documents include: Remedial Investigation/Feasibility Study (RI/FS) workplan, summaries of quality assurance data, the RI/RF

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Enclosure (1) -

released for public comments, the proposed plan, and any public comments.

Draft documents need not be placed in the AR. Except where information from the draft copy is not included elsewhere in the AR and is used in the response decision.

All documents to be included in the AR should be entered in the record at the time the decision document is signed.

Documents relevant to the response selection but generated after such time will be included in a post document decision file (which may be added to the file in certain circumstances).

The AR index will include the following information for each enclosed document.

1. document number
2. document title
3. author-name
4. recipient-name
5. document date
6. document location

The index may be arranged in chronological or subject order.

Location:

Section 113(k)(i) of CERCLA requires the AR to be available to the public "at or near the facility at issue." Duplicates of the file will be maintained at other locations. The record file located at or near the site is usually placed in a library, town hall, or other similar public accessible place.

The AR should be available during reasonable hours (e.g. 9-4). It is preferred that the facility housing the AR also provide a reading area, access to a copier, a sign in book, and a responsible person to maintain its security.

Public Notice:

When the file is first made available for public inspection, the agency must publish notice of the AR's

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public access. This notice should be published in a major local newspaper and be distributed to persons on the community relations mailing list.

The notice should explain the purpose of the AR, its' location and availability, and how the public may participate in its' development.

Remedial Action:

When the RI/FS workplan is approved, the agency must place all relevant documents to date in the AR File. The documents generally include the following: preliminary assessment, the site investigation, the RI workplan, inspections reports, sampling data and the community relations plan. At this time, the following public participation actions should be undertaken:

Prepare a proposed plan indicating the preferred remedial action alternative.

Publish in the newspaper notice of availability and brief analysis of the RI/FS report and proposed plan.

Provide a formal comment period of not less than 30 calendar days.

Provide the opportunity for public meetings and public comment regarding RI/FS and proposed plan.

Keep a transcript of the public meeting and make such transcript available to the public by including it in the AR file.

Prepare a discussion of the significant changes to the proposed plan which occurred after the proposed plan was made available to the public. Responses to the public comments will be made available for review and will accompany the Record of Decision (ROD).

Publish in a newspaper the availability of the ROD, make the ROD available to the public before commencement of any remedial action.

Certification:

The Agency must certify the completeness of the AR when the record is filed in court. This certification should be signed by the Regional Administrators designee after consulting with ORC and Department of Justice. Any certification of the record should be made by program staff not legal staff.

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