

EPA Region 7 Did Not Effectively Engage with the Community Surrounding the Findett Corp. Superfund Site

April 17, 2024 | Report No. 24-E-0033



Report Contributors

Seth Gerhart
Patrick Gilbride
Jonathan Morrand
Julie Narimatsu
Nirvair Stein
Chip Triebwasser

Abbreviations

C.F.R.	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
OIG	Office of Inspector General

Cover Image

St. Charles City Well 5, which is near the Ameren substation, a source of groundwater contamination at the Findett Corp. Superfund Site. (EPA OIG image)

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At a Glance

EPA Region 7 Did Not Effectively Engage with the Community Surrounding the Findett Corp. Superfund Site

Why We Did This Evaluation

To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA adhered to federal laws, regulations, and EPA guidance pertaining to community engagement standards and practices at the Findett Corp. Superfund Site. Contamination of the groundwater at the Findett Corp. Superfund Site and the EPA's response to that contamination has long been an issue of concern in the St. Charles, Missouri community.

We initiated this evaluation based on an [OIG inquiry](#) into the EPA's response to contamination of the drinking water source in St. Charles, Missouri.

To support these EPA mission-related efforts:

- *Ensuring clean and safe water.*
- *Partnering with states and other stakeholders.*
- *Operating efficiently and effectively.*

To address these top EPA management challenges:

- *Integrating and leading environmental justice.*
- *Maximizing compliance with environmental laws and regulations.*

Address inquiries to our public affairs office at (202) 566-2391 or OIG.PublicAffairs@epa.gov.

[List of OIG reports.](#)

What We Found

EPA Region 7 did not effectively engage with the community affected by the Findett Corp. Superfund Site. The region's public-facing documents and presentations were too technical for the public to easily understand. The region also distributed information in newspapers with low circulation to reduce costs. As a result, members of the St. Charles, Missouri community, which is near the Findett Corp. Superfund Site, were unaware of opportunities for public participation and confused about the cleanup process. Further, after the discovery of an additional source of contamination, Region 7 did not promptly develop a new or updated community involvement plan for St. Charles. The 2021 plan that the region ultimately developed did not reflect changing site conditions or have the benefit of robust and diverse community feedback.

In addition, Region 7 did not effectively facilitate community involvement by providing timely technical assistance or other tools to the St. Charles community. It also did not use available mediation services in a timely manner to mitigate the contentious relationships among the Findett Corp. Superfund Site stakeholders. EPA guidance encourages staff to use these techniques to prevent, mitigate, and resolve environmental conflicts. Instead, Region 7 staff, the City of St. Charles, and the potentially responsible party, which is the party responsible for contamination at a site, engaged in months of worsening conflict. This conflict delayed the region's cleanup activities, including water sampling and the development of a water-pumping strategy. Region 7 and the city disagreed about the risks from the groundwater contamination, resulting in conflicting public messages and confusion among St. Charles residents. Had Region 7 used the EPA's available tools to enhance community involvement and stakeholder engagement at the Findett Corp. Superfund Site earlier, it may have minimized site cleanup delays and mitigated the community's mistrust in the EPA.

Without effective community engagement, the public may not know about remediation activities, and groundwater contamination cleanup may not occur in a timely manner.

Recommendations and Planned Agency Corrective Actions

We recommend that the regional administrator for Region 7 (1) assess the need for alternative dispute resolution services at the Findett Corp. Superfund Site, (2) implement a plan to regularly train Superfund staff on community involvement and plain language resources, (3) develop procedures to help Superfund site teams identify community needs for supplemental technical support, (4) establish regular opportunities for community involvement coordinators to better understand and provide recommendations on site and community activities, and (5) implement procedures for updating community involvement plans as site conditions change. The EPA agreed with all recommendations and provided corrective actions with estimated completion dates. Recommendation 1 was completed. Planned corrective actions for Recommendations 2 and 3 meet the intent of our recommendations, and these recommendations are resolved with corrective actions pending. Recommendations 4 and 5 remain unresolved.



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

April 17, 2024

MEMORANDUM

SUBJECT: EPA Region 7 Did Not Effectively Engage with the Community Surrounding the Findett Corp.
Superfund Site
Report No. 24-E-0033

FROM: Sean W. O'Donnell, Inspector General *Sean W O'Donnell*

TO: Meghan McCollister, Regional Administrator
EPA Region 7

This is our report on the subject evaluation conducted by the U.S. Environmental Protection Agency Office of Inspector General. The project number for this evaluation was [OSRE-FY23-0069](#). This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The Region 7 Superfund and Emergency Management Division and Office of Public Affairs are responsible for the issues discussed in this report.

In accordance with EPA Manual 2750, your office completed corrective actions for Recommendation 1. Your office also provided acceptable planned corrective actions and estimated milestone dates in response to Recommendations 2 and 3. These recommendations are resolved with corrective actions pending. A final response pertaining to these recommendations is not required; however, if you submit a response, it will be posted on the OIG's website, along with our memorandum commenting on your response.

Action Required

Recommendations 4 and 5 are unresolved. EPA Manual 2750 requires that recommendations be resolved promptly. Therefore, we request that the EPA provide us within 60 days its responses concerning specific actions in process or alternative corrective actions proposed on the recommendations. Your response will be posted on the OIG's website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification. The Inspector General Act of 1978, as amended, requires that we report in our semiannual reports to Congress on each audit or evaluation report for which we receive no Agency response within 60 calendar days.

We will post this report to our website at www.epaoig.gov.

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Chapter 1

Introduction

Purpose

The U.S. Environmental Protection Agency Office of Inspector General [initiated](#) this evaluation to determine whether the EPA adhered to federal laws, regulations, and EPA guidance pertaining to community engagement standards and practices at the Findett Corp. Superfund Site. We initiated this evaluation based on an [OIG inquiry](#) into the EPA's response to the contamination of the drinking water source in St. Charles, Missouri.

Top management challenges addressed

This evaluation addresses the following top management challenges for the Agency, as identified in [OIG Report No. 24-N-0008](#), *The EPA's Fiscal Year 2024 Top Management Challenges*, issued November 15, 2023:

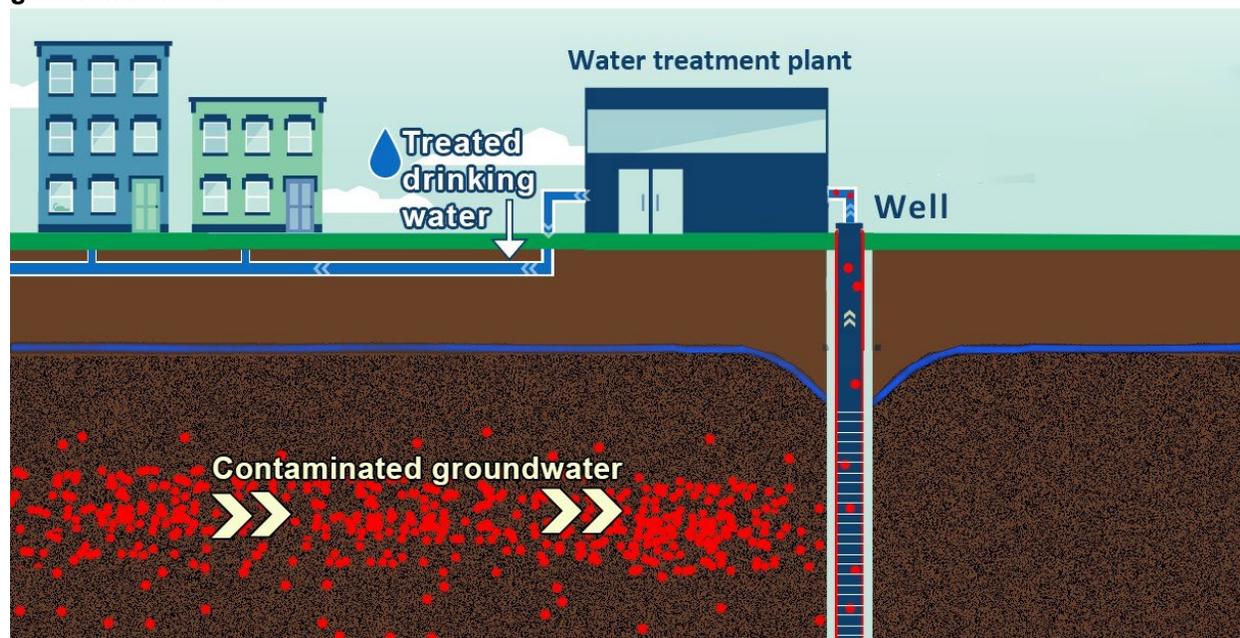
- Integrating and implementing environmental justice.
- Maximizing compliance with environmental laws and regulations.

Background

City of St. Charles Drinking Water Contamination

In January 2022, the City of St. Charles shut down one of its five active drinking water wells. It took this action after traces of cis-1,2-dichloroethene and vinyl chloride were found in the groundwater. As depicted in Figure 1, the chemicals were not found in the treated drinking water. Over the next 13 months, the city suspended the operation of three other wells. These actions left one well to serve the city's over 70,000 residents. The directors of the city's public water system independently decided to shut down the wells. Region 7 did not require the closures. Region 7 and the City of St. Charles maintain that the drinking water is safe to drink because the treated drinking water has never shown any contamination.

Figure 1: A public drinking water system providing clean drinking water from a contaminated groundwater source



Source: EPA OIG image.

EPA Region 7, which includes Missouri, determined that Ameren Missouri's, or Ameren's, active electrical distribution and transmission substation contaminated the City of St. Charles' groundwater at the Findett Corp. Superfund Site in St. Charles.¹ Ameren provides electric and gas service to 64 counties in Missouri, including those in the greater St. Louis area. The company's previous use of cleaning solvents at the substation are a primary source of the water contamination.² As a result, Region 7 identified Ameren as a potentially responsible party. A **potentially responsible party** is any person or company that is potentially responsible for or contributing to a spill or other contamination at a Superfund site. Contaminants of concern in the St. Charles groundwater include vinyl chloride; tetrachlorethylene; trichloroethylene; and cis-1,2-dichloroethylene. If consumed over an extended time, volatile organic compounds can cause negative health impacts, such as liver damage, neurological issues, cancer, and heart defects. The City of St. Charles has not detected the contaminants of concern in the city's treated drinking water.

The EPA Superfund Program

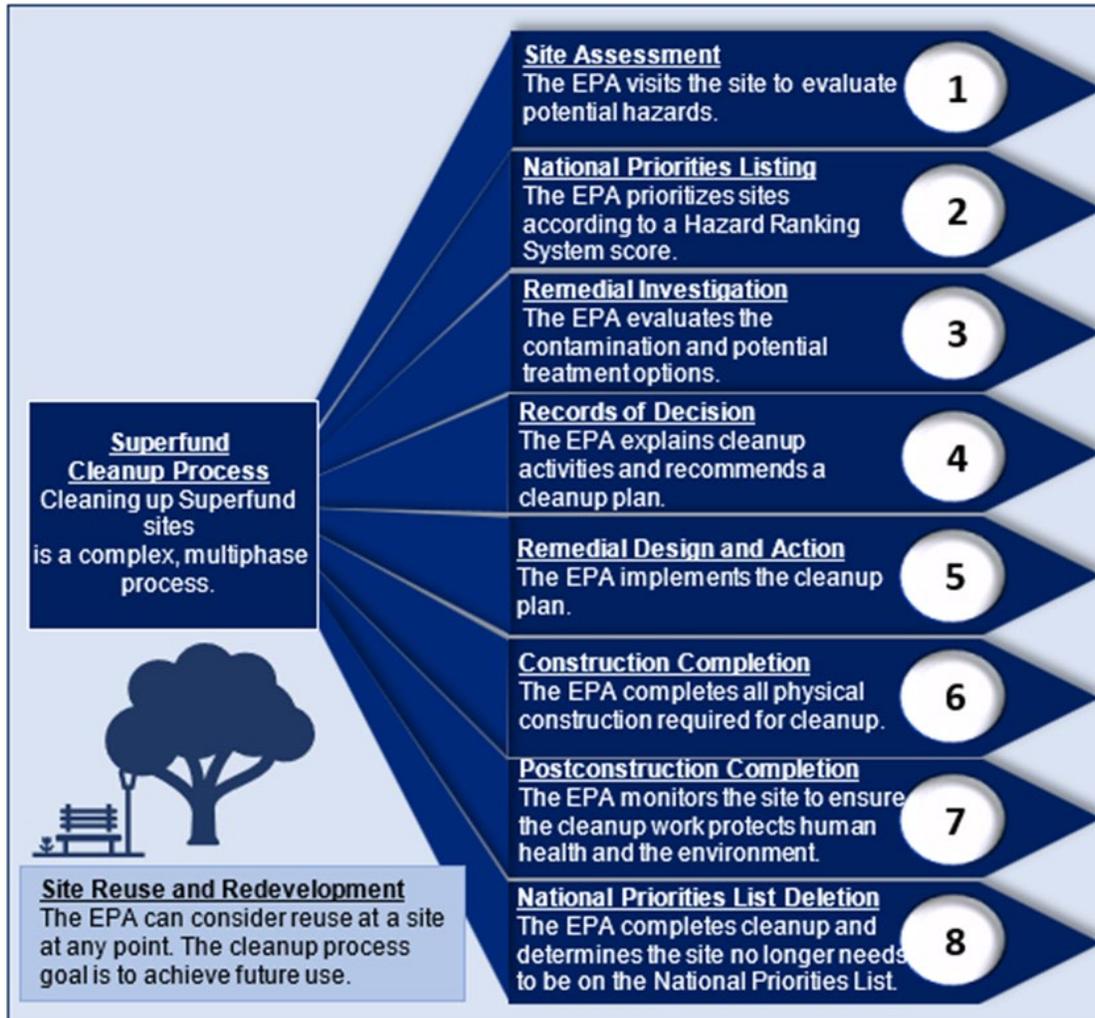
Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act in 1980. Informally called **Superfund**, the Act authorizes the EPA to clean up contaminated sites or to force responsible parties to perform the cleanup. To carry out this authority, the EPA established its Superfund program. The Superfund program cleans up some of the nation's most contaminated land

¹ Region 7 uses "Findett Corp." as a designation for this Superfund Site. This report primarily focuses on Region 7's community engagement related to the portion of the Findett Corp. Superfund site contamination caused by the Ameren substation.

² See the EPA's "FINDETT CORP. ST. CHARLES, MO, Cleanup Activities" [webpage](#).

and responds to environmental emergencies, oil spills, and natural disasters. The sites that the EPA identifies for cleanup are referred to as Superfund sites. The EPA maintains a list of Superfund sites that it has prioritized for action called the National Priorities List. The National Priorities List identifies the sites eligible for federal funding under the EPA Superfund program. Figure 2 provides additional details about the Superfund cleanup process.

Figure 2: The EPA Superfund cleanup process



Source: OIG summary of the EPA’s “Superfund Cleanup Process” [webpage](#). (EPA OIG image)

The EPA seeks to identify the potentially responsible party for contamination at a site to negotiate the party’s cleanup of the site with EPA oversight. In the absence of a potentially responsible party, the EPA takes responsibility for a Superfund site’s cleanup. During the cleanup process, the EPA sometimes divides Superfund sites into distinct subareas, called **operable units**. The EPA may organize operable units based on geography, specific site problems, or areas requiring specific action.

Each of the EPA’s ten regional offices has a Superfund and Emergency Management Division, which administers the Superfund program at sites within the region’s borders. Region 7’s remedial project

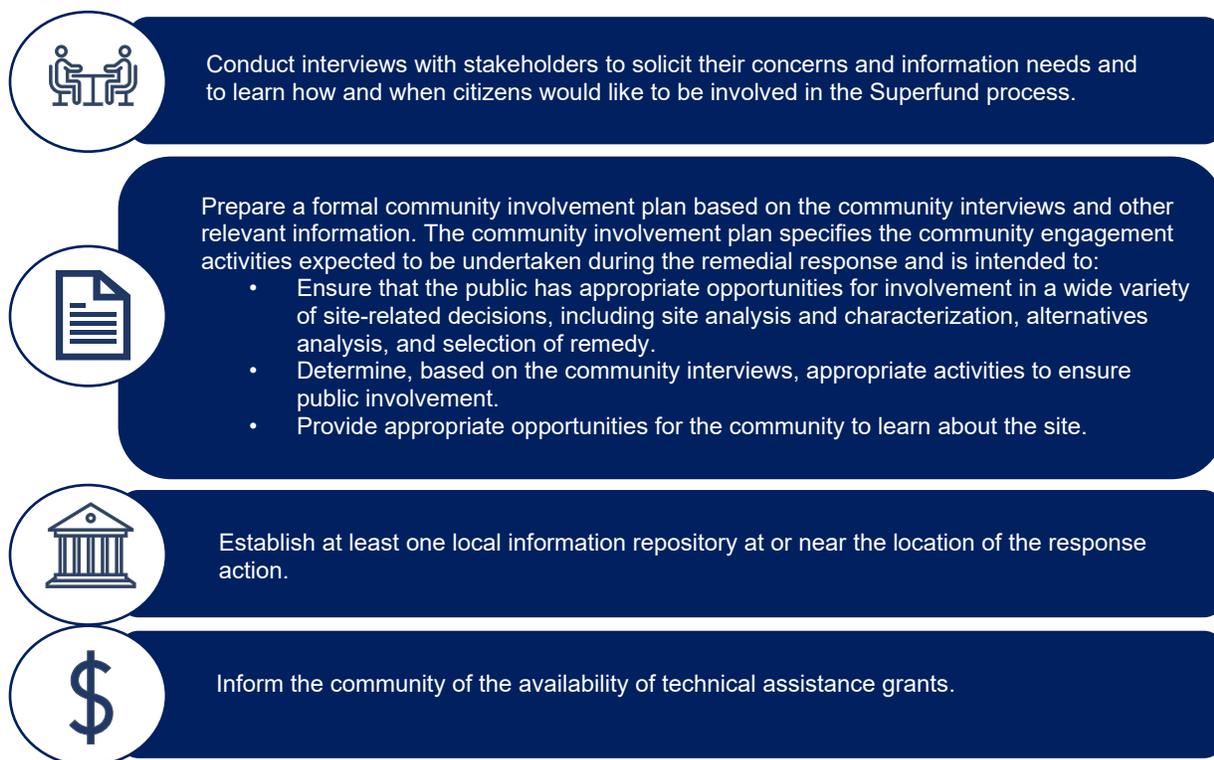
managers are typically responsible for managing cleanup activities at Superfund sites to ensure that all parties comply with the EPA's *National Oil and Hazardous Substances Pollution Contingency Plan*, hereafter referred to as the EPA's *National Contingency Plan*.³ The remedial project managers are also responsible for community outreach and involvement. The EPA site team for each Superfund site typically includes a community involvement coordinator. Community involvement coordinators work under each region's Office of Public Affairs and receive specialized training on EPA community involvement tools. Community involvement coordinators advise the remedial project managers and conduct community involvement and outreach activities. Community involvement staff can also coordinate with EPA headquarters staff to obtain contractor support to enhance community engagement at Superfund sites.

EPA Community Engagement During the Superfund Process

Congress established community involvement as an integral component of the Superfund process. Both the Comprehensive Environmental Response, Compensation, and Liability Act and the EPA's *National Contingency Plan* set forth minimum requirements for community involvement in the Superfund process. The EPA has supplemented these requirements with additional guidance, such as the *Superfund Community Involvement Handbook*, which is available on the "Superfund Community Involvement Tools and Resources" [webpage](#). The handbook, published in 2005 and updated in 2016 and 2020, advises EPA site teams to "conduct early, frequent, and meaningful community involvement." Before the EPA begins Superfund field work, the EPA's *National Contingency Plan* requires that the EPA, as the lead agency and to the extent practicable, fulfill the minimum community involvement requirements shown in Figure 3.

³ The EPA's *National Contingency Plan* outlines the organizational structure and process for preparing for and responding to discharges and releases of oil, hazardous substances, pollutants, and contaminants in the United States. The EPA developed the *National Contingency Plan* after Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act.

Figure 3: Minimum community involvement requirements at Superfund sites



Note: While the *National Contingency Plan* refers to a community relations plan, it is also known as a community involvement plan.

Source: OIG summary of the EPA's *National Contingency Plan*, 40 C.F.R. § 300.430(c)(2). (EPA OIG image)

To help Superfund site teams meet Congress's intent of informing communities and encouraging public participation throughout the Superfund process, the EPA also developed the *Superfund Community Involvement Toolkit*. Site teams can use the toolkit, in conjunction with the *Superfund Community Involvement Handbook*, to determine and implement an appropriate mix of community involvement activities on a site-specific basis. The handbook and the toolkit outline technical assistance resources that the EPA can offer communities to help them navigate and understand the complexities of Superfund site cleanups. For example, as detailed in Figure 4, the toolkit includes several mechanisms for meaningful community engagement.

Figure 4: EPA technical assistance tools for Superfund sites

Technical Assistance Services for Communities	These services provide supplemental, nonadvocacy technical assistance resources at no cost to communities. The EPA contracts with scientists, engineers, and other professionals to review and explain information to communities.
Technical Assistance Needs Assessments	These assessments identify additional support that a community may require to understand technical information and to participate meaningfully in the Superfund decision-making process.
Conflict Prevention and Resolution Center	This center helps prevent or manage conflicts by providing the EPA with expertise in consensus building, collaborative problem solving, alternative dispute resolution, and environmental conflict resolution. The center also has contracts to provide neutral third-party facilitators and training that can improve community involvement activities.
Technical Assistance Grants	These grants provide funds to qualified community groups to contract with independent technical advisors who will explain technical information, Superfund program plans, and site-specific documents to communities affected by National Priorities List sites.

Source: OIG summary of the EPA *Superfund Community Involvement Toolkit*. (EPA OIG image)

The EPA has national contracts to provide community engagement tools, including the Technical Assistance Services for Communities program and a Conflict Prevention and Resolution Center. Regional staff can use these resources to augment their capacity to conduct community involvement activities. For example, regions can use contractor assistance to develop community involvement plans, coordinate community interviews, and translate technical materials into easily digestible formats for communities.

In addition to the Comprehensive Environmental Response, Compensation, and Liability Act, other laws and guidance govern the EPA's communication with communities. For example, per the Plain Language Act of 2010, the EPA's communications with the public should be in language that is easy for the community to understand and use. EPA guidance, such as the *Superfund Community Involvement Handbook* and the *Superfund Community Involvement Toolkit*, emphasizes the importance of using plain language in Superfund community involvement activities. Specifically, the toolkit includes a [document](#) that describes how to create and distribute fact sheets that the community can easily understand. Additionally, the EPA's *National Contingency Plan* requires the Agency to publish certain information in major local newspapers of general circulation so that the information reaches as many community members as possible.

The Findett Corp. Superfund Site

The Findett Corp. Superfund Site, shown in the time-lapse map in Figure 5, consists of four operable units, three of which address groundwater contamination in the Elm Point Wellfield. Operable Units 1 and 2 address contaminated soil and groundwater within the neighboring properties owned by two affiliated companies. Operable Unit 3 addresses groundwater contamination that migrated off-site from Operable Units 1 and 2. Operable Unit 4 has a separate and distinct contaminated groundwater plume emanating from Ameren’s electrical substation. Although the Findett Corp. Superfund Site is not on the National Priorities List, the EPA manages the site like it would if the site were on the National Priorities List, using Superfund authority and following Superfund processes.⁴

Groundwater plume

Groundwater contamination moves slowly, so contaminants tend to remain concentrated in the form of a plume, which generally flows along the same path as the groundwater.

Figure 5: The Findett Corp. Superfund Site over time



Note: The image above is linked to a video. Click on the image or scan the QR code to view the video.

Source: OIG timeline summary of significant events at the Findett Corp. Superfund Site. (EPA OIG image)

⁴ The EPA proposed the site for the National Priorities List in 1984 but withdrew that proposal because of the potential overlapping jurisdiction with the Resource Conservation and Recovery Act. The EPA, however, has continued to manage the site using Superfund authorities because the Agency had already met significant administrative milestones, including filing a consent decree and record of decision.

Contamination of the St. Charles groundwater has long been an issue of concern at the Findett Corp. Superfund Site. As detailed in Table 1, Region 7 and the City of St. Charles had conflicting perspectives on the risk that St. Charles residents face from that contamination. Because the Findett Corp. Superfund Site involves contaminated groundwater that the community uses for drinking water, action on contaminants is generally based on maximum contaminant levels.

Maximum contaminant levels

The EPA determines maximum contaminant levels pursuant to the Safe Drinking Water Act. A **maximum contaminant level** is the highest level of a contaminant that is allowed in drinking water.

Table 1: Health-based standards used by Region 7 and the City of St. Charles

Government entity	Basis used for making health-based decisions	Actions taken
EPA Region 7	Exceedances of the maximum contaminant levels in the groundwater (pretreatment).	Require the potentially responsible party to restore the use of the groundwater by reducing contamination to the maximum contaminant levels.
EPA Region 7	Exceedances of the maximum contaminant levels in the drinking water distribution system (posttreatment).	Because there have not been any detections of contamination in the drinking water distribution system, no actions have been taken.
City of St. Charles	Detections of contamination in the drinking water wells (pretreatment).	Shutdown of the wells.
City of St. Charles	Possible threats to drinking water wells based on detections of contamination in nearby groundwater (pretreatment).	Shutdown of the wells.

Source: OIG summary of EPA policies, Region 7 documents, and the City of St. Charles website. (EPA OIG table)

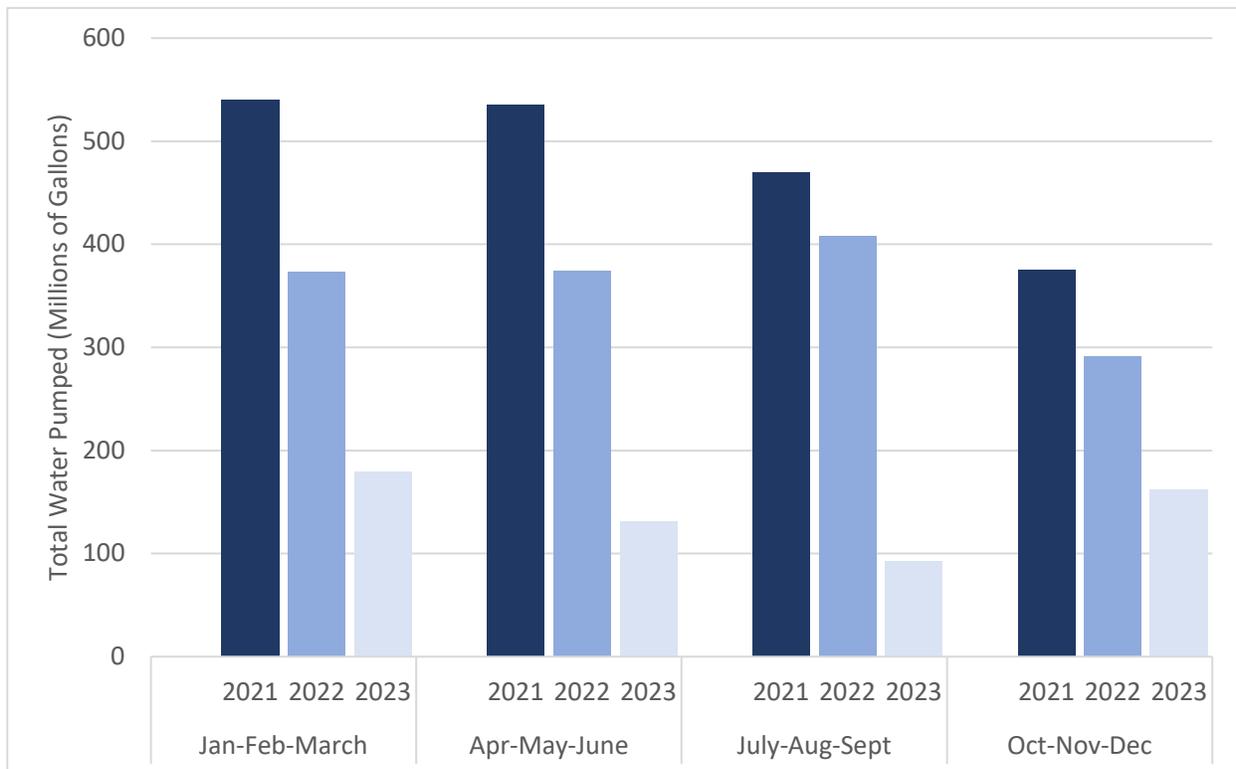
EPA Region 7 is bound by the Comprehensive Environmental Response, Compensation, and Liability Act to ensure that contaminated groundwater that is a source of drinking water is restored to beneficial use. **Beneficial use** describes the cleanup standard to which the EPA should clean up the site, such that the community has the best opportunity to productively use the site following the cleanup. Because the groundwater is contaminated at the Findett Corp. Superfund Site, Region 7 must take action to ensure the groundwater does not exceed the maximum contaminant levels. Region 7 cannot require potentially responsible parties, such as Ameren, to clean up the site beyond the point of beneficial use, which is the maximum contaminant levels. The City of St. Charles argues, however, that it cannot accept the risk regardless of whether the contamination is below the maximum contaminant levels. It contends that continuing to pump its wells after contamination is detected would worsen the problem, potentially exposing residents to harm.

Since 2005, the city suspended operation of six of its seven drinking water wells because of contaminants in the **wellfield**, which is an area surrounding a series of water wells. The most recent closure occurred in February 2023, as shown earlier in Figure 5. In 2012, EPA Region 7 issued an enforcement action memorandum to address a threat to the St. Charles drinking water supply, directing

the Findett Corp. Superfund Site’s potentially responsible parties to replace a portion of the public drinking water wells. However, Region 7 subsequently decided that replacing the wellfield was no longer necessary because it believed the plume was fully contained within the substation and that interim treatment measures were effective. The city’s interim director of public works disagreed and remained concerned about the long-term viability of the Elm Point Wellfield as a flexible, safe, and reliable source of drinking water.

As of September 2023, the city’s last remaining operational well was City Well 10. The city’s decisions to close city wells have decreased its capacity to pump enough water to meet the community’s needs. As shown in Figure 6, the city pumped less water in 2022 than in 2021 and less in 2023 than in 2022 because of the decreasing number of available wells. For example, in December 2022, the city shut down the well it typically relied on for most of its drinking water, City Well 9. This made the city increase its pumping of City Well 10 in 2023. Operating one well reduces the system’s resilience because there are no other wells to make up for any potential lost production if the remaining well needs maintenance or becomes contaminated. According to the city, it has made up for the decreased system production by buying water from the City of St. Louis. However, the City of St. Charles could not provide data on the total volume of water purchased. The city said it is more expensive to buy water from St. Louis than it would be to pump and treat water from its own wellfield.

Figure 6: Production from the St. Charles public water system from January 2021 through December 2023



Source: OIG analysis of St. Charles data. (EPA OIG image)

Both the City of St. Charles and Region 7 acknowledge that, although the groundwater in the wellfield is contaminated, the contaminants of concern have never been detected in the treated drinking water that people consume. City officials, including the director of public works, allege, however, that actions by Region 7 and the potentially responsible party have not and will not adequately protect public health.

Responsible Offices

The Region 7 Superfund and Emergency Management Division is responsible for cleaning up and restoring contaminated sites using its Superfund authorities. It manages approximately 100 Superfund sites with various long-term environmental and human health threats, including the Findett Corp. Superfund Site. From fiscal years 2019 through 2023, the Region 7 Superfund and Emergency Management Division's annual budget ranged from approximately \$41 million to \$197 million.⁵

The Region 7 Office of Public Affairs, which includes community involvement coordinators, is responsible for advising the site team on planning and conducting community involvement activities and producing some public-facing documents. From fiscal years 2019 through 2023, the Region 7 Office of Public Affairs' budget ranged from approximately \$1.3 million to \$1.8 million.

Scope and Methodology

We conducted this evaluation from April 2023 to December 2023 in accordance with the *Quality Standards for Inspection and Evaluation* published in December 2020 by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we perform the evaluation to obtain sufficient and appropriate evidence to support our findings.

We interviewed Region 7 Superfund and Emergency Management Division and Office of Public Affairs staff, Office of Land and Emergency Management staff at EPA headquarters, City of St. Charles officials and contractors, and members of the public. We also interviewed community involvement staff in two other regions to identify best practices in the use of the EPA's technical support services.

We analyzed Region 7 correspondence from 2012 through 2023, national data for EPA technical assistance at Superfund sites, and budgetary information from 2019 through 2023. We also analyzed Region 7-developed fact sheets and frequently-asked-question documents released in late 2022 and early 2023 to determine whether they complied with plain language requirements.

During our inquiry, which occurred before we initiated this evaluation, we conducted a site visit to the Elm Point Wellfield. We also interviewed Region 7 staff, Missouri Department of Natural Resources staff, St. Charles officials and staff, and met with St. Charles community members.

⁵ In fiscal year 2022, Region 7's Superfund and Emergency Management Division received approximately \$125 million in supplemental funding from the Infrastructure Investment and Jobs Act.

Prior Reports

The EPA OIG issued Report No. [21-P-0223](#), *EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites*, on September 9, 2021. The objective was to determine whether the EPA communicated sampling results or other indicators of human health risk in a manner that allowed impacted communities to make decisions about managing their risks of exposure to harmful contaminants or substances. The report covered eight contaminated sites. The OIG found that the EPA's Office of Land and Emergency Management did not consistently adhere to existing guidance on risk communication, including the Agency's *Seven Cardinal Rules of Risk Communication*. The OIG recommended that the Office of Land and Emergency Management implement internal controls to:

- (1) achieve OLEMwide [Office of Land and Emergency Management], nationally consistent risk communication to improve public awareness and understanding of risks;
- (2) monitor its risk communication efforts;
- and (3) provide community members with information to manage their risks when exposed to actual or potential environmental health hazards.

The EPA agreed with the OIG's recommendations and reported that it completed corrective actions as of September 30, 2022.

Chapter 2

Region 7 Did Not Effectively Engage with the Community

Region 7 did not effectively engage the City of St. Charles officials and community members about the Findett Corp. Superfund Site cleanup activities. Region 7's communications with the public could have better aligned with plain language mandates. Additionally, to reduce costs, the region did not always distribute information in major local newspapers of general circulation per the EPA's *National Contingency Plan* requirements. Key Region 7 staff were not familiar with guidance governing the accessibility of public-facing documents. As a result, the St. Charles community was unaware of opportunities for public participation and confused about the cleanup process.

Additionally, Region 7's 2021 community involvement plan was incomplete and did not reflect changing site conditions or incorporate diverse community feedback.⁶ Region 7 did not facilitate community involvement by providing technical assistance or other tools to the St. Charles community until November 2022 and only did so at the request of a community member. It also did not take advantage of available mediation services to mitigate the poor working relationships among Findett Corp. Superfund Site stakeholders. Remedial project managers in Region 7 were unaware of the availability of the EPA's technical assistance resources, even though they are available at no cost to EPA regional offices. Enhanced Region 7 community involvement and conflict mitigation could minimize cleanup delays and restore public trust in the Agency.

Region 7 Did Not Effectively Communicate with the Public

Region 7 did not effectively communicate with the St. Charles community about the Findett Corp. Superfund Site. The region's public-facing documents were too technical for the public to easily understand. The region also distributed information in poorly circulated local newspapers to reduce costs. The region's ineffective communication meant that the St. Charles community was unaware of opportunities for public participation and struggled to understand the EPA's site cleanup activities.

Some Region 7 Public Information Was Difficult to Understand or Access

Region 7's communications could have better complied with plain language requirements and EPA guidance for public-facing documents. The Plain Writing Act of 2010 is meant to enhance citizen access to government information and services by requiring federal agencies, such as the EPA, to use clear, concise, and well-organized writing when developing public documents. The associated *Federal Plain Language Guidelines* (March 2011; Revision 1, May 2011) comprises five major principles that federal agencies should generally follow.⁷ In addition to these five major principles, the EPA has a plain writing webpage, the *Superfund Community Involvement Toolkit's* "Fact Sheets" document, and a *Superfund Community Involvement Handbook* to help Agency staff meet the requirements of the Plain Writing Act.

⁶ The 2021 community involvement plan was updated in August 2023.

⁷ All subsequent references to the *Federal Plain Language Guidelines* refer to the Revision 1 version.

Despite generally being the lead personnel for communicating with the public, Region 7’s remedial project managers were unfamiliar with and not regularly trained on the available resources governing the accessibility of public documents.

Some Region 7 Publications Were Too Technical

Region 7 could have improved its use of plain language in the three fact sheets it developed for the St. Charles community in accordance with the Plain Writing Act of 2010 and plain language guidance. We compared these fact sheets against 17 plain language elements from the EPA and the *Federal Plain Language Guidelines*. The three Region 7 fact sheets, which discussed sampling technology and the likelihood of consuming contaminated water, did not meet approximately 81 percent of the 17 plain language elements, for an average compliance rate of 19 percent. For example, the *Federal Plain Language Guidelines* direct federal government staff to write public-facing documents at a readability level that the intended audience can understand. The EPA’s *Superfund Community Involvement Toolkit’s* “Fact Sheets” document recommends writing public-facing text at the eighth-grade level unless site demographics indicate the audience has a different educational background. In contrast, as shown in Table 2, Region 7 wrote public documents at the first- to second-year undergraduate level, despite nearly half of the St. Charles’ population not having a college degree.⁸

Region 7 also distributed fact sheets developed by the Office of Land and Emergency Management, an EPA headquarters program office. As also shown in Table 2, the two headquarters fact sheets that we reviewed complied with the 17 plain language elements about 75 percent of the time.

Table 2: OIG analysis of EPA public documents distributed for the Findett Corp. Superfund Site

Developed by	Document title	Compliance with plain language elements (%)	Flesch-Kincaid reading grade level equivalent
Region 7	<i>Findett Operable Unit 4 (Ameren Substation) FAQs</i>	18	2nd-year undergraduate reading grade level
Region 7	<i>Direct Push Technology Fact Sheet, Findett Corp. Superfund Site, St. Charles Missouri – EPA Region 7, February 2023</i>	21	1st-year undergraduate reading grade level
Region 7	<i>Findett Corp. Superfund Site Fact Sheet, St. Charles, Missouri – EPA Region 7, November 2022</i>	19	2nd-year undergraduate reading grade level
Average Region 7 compliance rate	—	19	—

⁸ We used the Flesch-Kincaid grade-level readability formula to analyze and rate text based on a U.S. grade school educational level. For example, a grade level score of 8.0 means that an eighth grader should be able to understand the text. The formula uses the average number of words per sentence and the average number of syllables per word to generate a readability level.

Developed by	Document title	Compliance with plain language elements (%)	Flesch-Kincaid reading grade level equivalent
EPA headquarters: Office of Land and Emergency Management	<i>Community Guide to Pump and Treat</i>	75	9th-grade high school reading grade level
EPA headquarters: Office of Land and Emergency Management	<i>Community Guide to Bioremediation</i>	75	10th-grade high school reading grade level
Average EPA headquarters compliance rate	—	75	—

Note: FAQs = Frequently Asked Questions.

Source: OIG analysis of Region 7 and EPA headquarters documents. (EPA OIG table)

We interviewed five St. Charles residents who were actively involved in learning about the Findett Corp. Superfund Site. Of the five residents, two said that Region 7’s information about the Findett Corp. Superfund Site is too technical and filled with government jargon. For example, on January 10, 2023, a community member requested that Region 7 explain its sampling method to the community, and the region sent a 111-page work plan to that community member. The resident responded with an additional request that Region 7 provide more digestible educational materials to the community. The EPA’s February through April 2023 *Technical Assistance Needs Assessment* for the Findett Corp. Superfund Site, which included interviews with 21 St. Charles community members and stakeholders, similarly found that Region 7’s site documents were difficult to access or understand. The *Technical Assistance Needs Assessment* recommended that Region 7 develop, as a top priority, plain language fact sheets to help the public interpret technical documents.

Key Region 7 Staff Are Not Regularly Trained on Plain Language Requirements and Superfund Communication Guidance

Region 7’s remedial project managers were unfamiliar with specific guidance governing the accessibility of public-facing documents. One remedial project manager stated that the project manager thought new employees received training on the topic but noted that the region does not require continuing education for plain language requirements and best practices. Following the community involvement coordinators’ creation of an outline, remedial project managers are responsible for the initial development of the public-facing products. The assigned editor assesses the public documents for plain language, but the editor does not use Superfund-specific plain language communication tools. Rather, according to a Region 7 public affairs manager and an editor, public affairs staff rely on experience to ensure documents are in plain language. In some cases, the editor must also balance technical and legal staff’s preferences for language that accurately describes science and laws in less simple terms. A Region 7 manager stated that regional staff updated the *Findett Operable Unit 4 (Ameren Substation) FAQs* [document](#) after community meetings indicated that residents were confused, but that update has not eliminated other plain language barriers, such as the unnecessary use of acronyms. Publications that are not in plain language could decrease public understanding of government communications, increase the need for the public to seek clarification from Agency staff, and result in the EPA needing to correct misinformation.

Region 7 Distributed Information via Obscure Media

Region 7 staff distributed information in media with low circulation to reduce costs. As shown in Figure 7, Region 7 is required to use major local newspapers of general circulation to publish public notices at certain junctures. The *National Contingency Plan* emphasizes the importance of placing public notices in widely circulated media because the notices help the EPA meet Congress's intent for communities surrounding Superfund sites to have appropriate opportunities to learn about the sites and be involved in a wide variety of decisions.

Figure 7: Superfund site activities that require public notices in major local newspapers



Source: OIG summary of the EPA's *Public Notices* [document](#) and 40 C.F.R. § 300.430 (c)(5)(ii). (EPA OIG image)

Between 2019 and 2023, Region 7 published at least six of eight public notices in two newspapers. A representative of one of those newspapers stated that the newspaper averages approximately 30,000 online views per month and 35,000 print distributions. Assuming each online view was a unique viewer and there was no overlap between print and online readership, a conservatively high estimate means that approximately 16 percent of St. Charles County residents would have received Region 7's notices. The City of St. Charles has a population of 70,493 as of the 2020 decennial census. Assuming the city readership matches the county readership, 11,279 city residents would have received Region 7's notices. While Region 7 evaluated the readership of this newspaper, it did not assess that of the other newspaper or of more frequently read newspapers.

Because Region 7 published public notices in newspapers with low circulation, two of the five community group members we interviewed, and a representative of the City of St. Charles stated that Region 7's selected newspapers were not widely read by the affected residents. If members of the public are not informed in a timely manner about site-related activities, they cannot easily provide input to the Agency or otherwise participate in the Superfund cleanup process. For example, from

November 6 through 9, 2022, three individuals emailed Region 7, noting that they were not informed in a timely fashion about a public comment period for a proposed consent decree for the Findett Corp. Superfund Site. The individuals sent the emails ranging from three to six days after the scheduled end date of the public comment period. Two of the five community members we interviewed recommended Region 7 publish public notices in more widely distributed news sources, such as a major local newspaper or local television news stations. According to the EPA's *Superfund Community Involvement Toolkit's* "Public Meetings" [document](#), a formal notice is usually not enough to stimulate attendance, and it advises that EPA staff should take additional steps, such as contacting the media, to grab the community's attention.

According to two community involvement coordinators involved in developing and issuing public notices, cost is a factor in how Region 7 chooses newspapers for information distribution; specifically, the region occasionally uses smaller newspapers because they cost less than major newspapers. The EPA's "Public Notices" and "Public Comment Periods" sections of the *Superfund Community Involvement Toolkit* provide guidance on ensuring public notifications reach the EPA's intended audience. According to the guidance in the toolkit, the EPA can identify major newspapers or other methods for obtaining information within the affected community by interviewing community members. Based on our review of the Agency's 2021 community involvement plan, which should include appropriate channels for reaching the community, such as the news media and other information mechanisms through which community members can obtain site-related information, we could not find evidence that Region 7 staff took this step to maximize the reach of their communications.

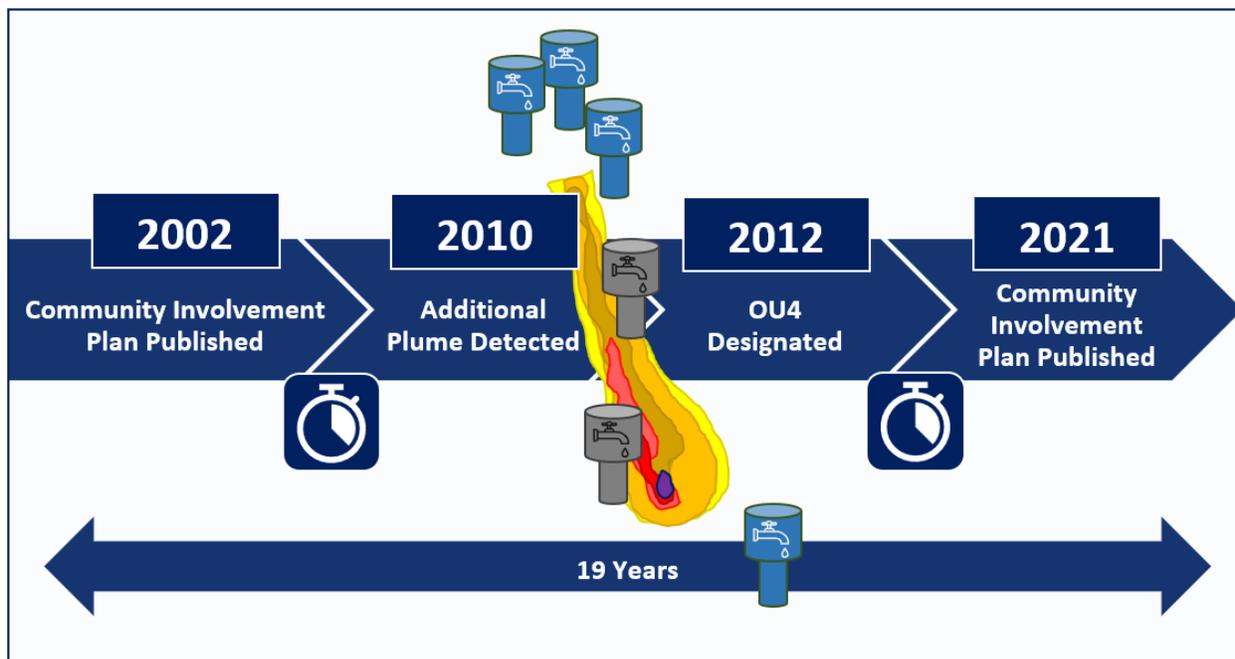
Region 7 Did Not Update Its Community Involvement Plan for the Findett Corp. Superfund Site

Region 7's July 2021 community involvement plan for the Findett Corp. Superfund Site, which should form the backbone of the site's community involvement program, as required by the EPA's *National Contingency Plan*, was neither timely nor robust. Because Region 7 did not update the community involvement plan as site conditions changed, Region 7 was not prepared to engage the community efficiently and effectively. Additionally, the region did not gather sufficient community perspectives during its development of the plan.

The EPA's *National Contingency Plan* requires the EPA to prepare a community involvement plan to enable appropriate community involvement throughout the Superfund cleanup process. Per the *National Contingency Plan*, the EPA must, to the extent practicable, conduct community interviews to inform the plan and to document the results in a formal community involvement plan. The EPA's *Community Involvement Handbook* states that a well-developed community involvement plan will enable community members affected by a Superfund site to understand the ways in which they can participate in decision-making throughout the cleanup process. The community involvement plan is intended to be a "living document" that is updated as conditions change, and all members of the site team should be involved in its development and implementation.

Region 7 developed a community involvement plan for the Findett Corp. Superfund Site in 2002.⁹ In 2010, quarterly monitoring detected an additional groundwater plume, which the Agency designated as Operable Unit 4 in 2012. Despite this significant change, Region 7 did not develop a new or update the existing community involvement plan until 2021, as shown in Figure 8. This gap between the 2002 community involvement plan, the Operable Unit 4 identification, and the 2021 community involvement plan meant that the information originally gathered in 2002 was out of date.

Figure 8: Community involvement plan updates were delayed



Note: OU4 = Operarable Unit 4.

Source: OIG summary of events at the Findett Corp. Superfund Site. (EPA OIG image)

Further, as shown in Table 3, the 2021 community involvement plan was less comprehensive when compared to the 2002 community involvement plan. For example, Region 7 did not conduct sufficient interviews for the 2021 community involvement plan. Office of Solid Waste and Emergency Response Directive No. 9230.0-20, *Innovative Methods to Increase Public Involvement in Superfund Community Relations*, recommends conducting interviews with at least 15 to 25 people when developing a community involvement plan, depending on the complexity of the site and the level of citizen interest.¹⁰ The guidance states that “increasing the number of interviews with citizens is one of the most effective methods to enhance citizen participation” and that significant up-front investment “helps ensure that the Region identifies and focuses attention on those issues that are most important to the community.” The 2002 community involvement plan, which did not specify the exact number of interviews conducted, referenced interviews with local officials, community groups, residents, and business

⁹ Region 7 used a contractor to develop the 2002 community involvement plan.

¹⁰ In 2015, the EPA changed the name of the Office of Solid Waste and Emergency Response to the Office of Land and Emergency Management.

owners. In contrast, in developing the 2021 community involvement plan, Region 7 emailed only eight staff members from the City of St. Charles to gather community views on the Superfund site. Region 7 received only one response from a city official who expressed dissatisfaction with the EPA's actions at the Findett Corp. Superfund Site. Because Region 7 only engaged city officials and collected only one response, it did not get a diverse community perspective on the remediation efforts.

Table 3: Analysis of Region 7’s 2002 and 2021 community involvement plans for the Findett Corp. Superfund Site

 The community involvement plan met the guidance
  The community involvement plan partially met the guidance
  The community involvement plan did not meet the guidance

Applicable guidance	2002 Community involvement plan	2021 Community involvement plan
The <i>National Contingency Plan</i> requires, to the extent practicable, at least one information repository be established at or near the location of the response action.*	✓	✗
The <i>Superfund Community Involvement Toolkit's</i> aid for community interviews recommends conducting interviews with a diverse group of stakeholders to gain the greatest variety of perspectives about the site.	✓	✗
The EPA headquarters template for community involvement plans recommends including water-related “issues of concern to residents” and “site-specific information” about contaminants of concern.	✓	
The EPA headquarters template for community involvement plans recognizes that key topics for community concern include community “perceptions and opinions of EPA and the cleanup process,” “whether there are other sources of pollution that affect the community,” and “whether there are past experiences of mistrust or any other concerns.”	✓	✗
The <i>Superfund Community Involvement Handbook</i> recognizes that “a key to evaluating short- or long-term community involvement efforts is identifying reasonable goals and objectives” and that it is a good idea to “identify key messages and appropriate communication methods.”	✓	
The <i>Superfund Community Involvement Handbook</i> recommends site teams consider identifying nongovernment locations to hold public meetings while the <i>Community Involvement Template</i> has space to “insert example meeting venues from interviews and information gathering.”	✓	✗

Note: The 2021 community involvement plan discusses polychlorinated biphenyls and volatile organic compounds, including benzene, and links to those chemicals’ respective fact sheets. The plan does not mention other specific volatile organic compounds that are contaminants of concern, which include: trichloroethylene; cis-1,2-dichloroethylene; and vinyl chloride. The 2021 community involvement plan also discusses objectives, but not goals, which the *Superfund Community Involvement Handbook* describes as distinct items.

Source: OIG analysis of Region 7 community involvement plans.

* Region 7 used the Kathryn Linnemann Branch of the St. Charles City-County Library system in the city of St. Charles as an online repository but did not list it in the 2021 community involvement plan. Rather, the community involvement plan listed the Middendorf-Kredell Branch, about 12 miles west of the city of St. Charles.

In its 2021 community involvement plan, Region 7 could have also included information about the nearby Weldon Superfund Site, which had a history of community activism, distrust, and frustration with the EPA. Awareness of frustrations at a nearby Superfund site could have provided Region 7 staff with important, early context regarding community feelings at the Findett Corp. Superfund Site. Region 7 could have also included a list of available meeting locations for hosting public meetings. A prepared list of potential meeting venues may have better prepared the region for the November 17, 2022 public meeting, which was not able to accommodate all those who wished to attend. Region 7 did not prioritize updating the community involvement plan because of the number of sites the community involvement coordinators were responsible for and a perception that the public was not interested in the Findett Corp. Superfund Site. However, these deficiencies contributed to Region 7's public communication challenges and its reduced capacity to foresee community concerns.

Region 7 Did Not Successfully Facilitate Community and City Involvement

Region 7 staff did not effectively facilitate community or city involvement at the Findett Corp. Superfund Site. The remedial project managers did not take advantage of available tools and staff expertise, such as the community involvement coordinators, to provide the technical assistance that the surrounding community needed. Also, the contentious relationship among Findett Corp. Superfund Site stakeholders delayed cleanup activities. Conflicting messages on the health risks from the groundwater contamination also caused confusion and additional mistrust by the St. Charles community. Although the EPA's *Superfund Community Involvement Handbook* states that additional community involvement efforts may be needed if there are increasing levels of community distrust, Region 7 did not use alternative dispute resolution services or other mediation tools as the relationship between the EPA and the community deteriorated.

Alternative dispute resolution

The EPA's Conflict Prevention and Resolution Center provides alternative dispute resolution services to the Agency. **Alternative dispute resolution** is any procedure used to resolve a controversial issue. Alternative dispute resolution involves a neutral third party that has no stake in the substantive outcome.

Technical Staff Led the Superfund Process, including Community Involvement, but Were Unaware of Available Tools and Resources

Between November 6, 2022, and February 23, 2023, the St. Charles community expressed frustration with and distrust of Region 7 staff on at least 37 occasions via emails and during Region 7's public briefings. Further, our interviews with five community leaders in St. Charles revealed that four distrusted the EPA. The leaders also indicated that others in the St. Charles community that they had spoken to were similarly distrustful. Figure 9 shows the public perceptions that were discovered during Region 7's February through April 2023 *Findett Corp. Superfund Site Technical Assistance Needs Assessment* interview of 21 community members and stakeholders.

Figure 9: Public perceptions of Region 7’s activities in the *Findett Corp. Superfund Site Technical Assistance Needs Assessment*



Source: OIG summary of the 2023 *Findett Corp. Superfund Site Technical Assistance Needs Assessment*. (EPA OIG image)

According to the EPA’s *Superfund Community Involvement Handbook*, EPA staff should interact with the community in ways that promote trust to ensure that the EPA’s community involvement is effective. The handbook also provides solutions for when a community has lost trust in the process. These solutions include seeking out the EPA’s Conflict Prevention and Resolution Center for mediation or facilitation services, providing the community with an opportunity to form a community advisory group, or providing technical assistance services to the community. However, Region 7 did not use the Technical Assistance Services for Communities program until November 2022 and only did so at the request of a community member.

Community advisory groups

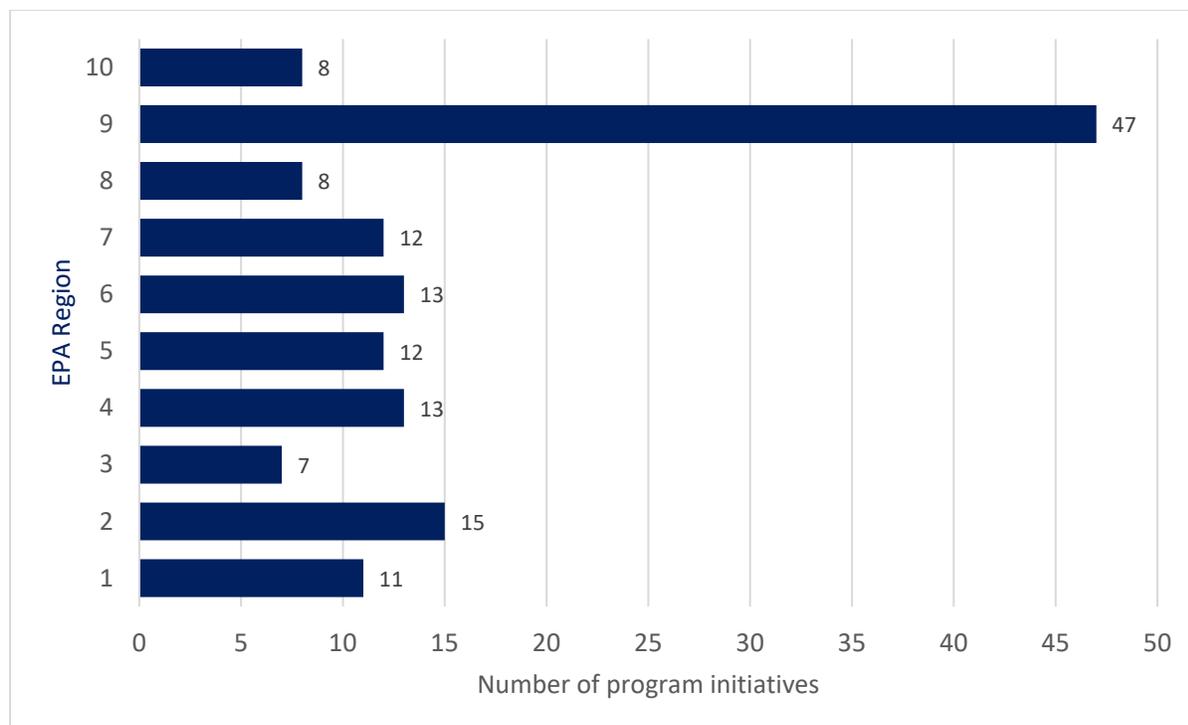
Community advisory groups serve as the focal point for the exchange of information among the local community and agencies involved in the cleanup of a Superfund site. The purpose of such groups is to provide a public forum for the community to present and discuss their needs and concerns related to the decision-making process, which can help the EPA make better decisions on how to clean up the site. According to EPA guidance on community advisory groups, the EPA should inform and educate the community about the purpose of a community advisory group and how to participate in one.

The remedial project manager is responsible for managing the community involvement activities for the Superfund site. However, the remedial project managers directly involved with the Findett Corp. Superfund Site did not have the necessary knowledge about tools for assessing or providing for the technical assistance needs in St. Charles. The remedial project managers stated that they rely on the expertise of the community involvement coordinators to identify opportunities to use tools such as a Technical Assistance Needs Assessment or the Technical Assistance Services for Communities program. Although the managers rely on the coordinators to identify these opportunities, the managers indicated that they typically only involve the coordinators in meetings in which they plan to discuss community involvement. Region 7 also does not require its remedial project managers to receive ongoing training

on technical assistance resources. According to Region 7 community involvement coordinators, these managers do not always attend community involvement trainings when offered, despite community involvement being a core component of their roles. The Technical Assistance for Communities program and the Conflict Prevention and Resolution Center are managed under national EPA contracts and are available to augment the regional capacity at no cost to the region.

Region 7 could improve its procedures by using a systematic approach for involving community involvement coordinators in meetings and prioritizing sites for technical assistance. In Region 9, for example, community involvement staff use a scoring system for prioritizing Superfund sites for technical assistance resources, which has helped the region leverage that support significantly more than any other region, as shown in Figure 10. A Region 1 community involvement coordinator told us that Region 1 uses Conflict Prevention and Resolution Center resources to help fill community involvement resource gaps.¹¹ Both regions use technical assistance resources for issuing effective plain language public communications and for developing community involvement plans. Using those resources in similar ways could help Region 7 improve the deficiencies in the areas discussed above.

Figure 10: EPA region use of the Technical Assistance Services for Communities program from 2006 through 2022



Source: EPA OIG analysis of EPA community involvement data. (EPA OIG image)

Improving remedial project managers’ knowledge of technical assistance tools, regularly including community involvement coordinators in site team meetings, and establishing a process for prioritizing

¹¹ We could not compare regional use of the Conflict Prevention and Resolution Center because EPA headquarters has not tracked those data for several years.

communities for technical assistance tools would help Region 7 better assess and meet the technical assistance needs of communities. Increasing the use of technical assistance tools could mitigate resource challenges in the regions and improve community involvement.

Region 7's Unsuccessful Engagement with the City Delayed Site Actions

The contentious relationship between the City of St. Charles and Region 7 delayed site actions and the development of a mitigation strategy at the Findett Corp. Superfund Site. Region 7 and Ameren were unable to promptly gain the access to city property that they needed to investigate contamination. The lack of access delayed any cleanup strategies or decisions. Further, Region 7 instructed the city and Ameren to work together to develop a well-pumping plan for the St. Charles public water system, even though Region 7 knew there was a hostile relationship between these entities. Region 7 did not take an active mediation role or seek independent dispute resolution services, even though the city's officials requested independent oversight of the Findett Corp. Superfund Site.

Water Sampling Was Delayed Because of Conflicts

The worsening relationship between city officials and Region 7 and the subsequent loss of trust caused a delay of site actions, such as water sampling and testing. As shown in Figure 11, in December 2021, contamination in a city drinking water well and nearby monitoring well increased without explanation. As a result, it was critical for Region 7 to identify the source of the contamination and to develop a plan to address it. Ameren intended to conduct this work in April 2022 but, according to Region 7 staff, the City of St. Charles placed locks on its wells. When, in October 2022, Region 7 claimed that the city had denied Ameren access, a representative for the city asserted that the region's account was "plainly false" and a "blatant mischaracterization of the facts." Then, to address city concerns regarding Ameren conducting the sampling work, Region 7 hired a contractor to conduct the groundwater sampling at various locations and depths in the wellfield. The city contends that Region 7 told the city on November 17, 2022, that the region would meet with the city to schedule the sampling. However, according to the city, there was no such meeting. Region 7 notified the city's contractor on November 29, 2022, that the region's contractor was going to begin sampling on Monday, December 5, 2022. However, on the afternoon of Friday, December 2, 2022, the city required the contractor to sign an access agreement that included minimum insurance requirements. Region 7's contractor could not meet those requirements by December 5 and, thus, did not access city property for sampling. The city's director of public works described the delay as "ridiculous" and showing "a lack of concern" for the situation. The director added that alleging that the city was at fault for the delay was "as preposterous as [the region's] selection of a company that fails to meet minimum requirements of a qualified contractor." The director also stated that "to blame the city for the delay is a blatant lie and reinforces our lack of confidence and trust in [the remedial project manager's] abilities to objectively perform [the remedial project manager's] job."

Figure 11. Timeline of events surrounding access issues for water sampling



Source: OIG summary of correspondence between Region 7 and the City of St. Charles. (EPA OIG figure)

Because of the poor working relationship between Region 7, the city, and Ameren, the water sampling was delayed for nine months, as neither Ameren nor Region 7 contractors were able to promptly gain access to city property. Although the poor working relationships between these key stakeholders tangibly impacted the progress of the Superfund process, Region 7 did not pursue available mediation services through the EPA's Conflict Prevention and Resolution Center until October 2023.

Region 7 Did Not Mediate Known Disagreements Between the City and the Potentially Responsible Party on Water-Pumping Strategies

Region 7 staff did not take an active role in the development of the city's well-pumping plan, which the city would follow to ensure that its well pumping does not introduce groundwater contamination into its

drinking water supply. The City of St. Charles owns and operates the drinking water wells. As such, it is the entity that would implement a well-pumping plan, choosing which wells to pump at any given time to try to meet the demand of its consumers and maintain the system. While Region 7 has not designated the well-pumping plan as an institutional control, the City of St. Charles could manage the pumping of its wells in a manner that could prevent contamination from spreading into the city's drinking water supply.

Institutional controls

Institutional controls are nonengineered instruments, such as administrative and legal measures, that help minimize the potential for human exposure to contamination. Institutional controls are important because they reduce exposure to contamination by limiting land or resource use and guiding human behavior.

In March 2023, Region 7 informed the public that the city's increased pumping rates at two wells likely shifted the groundwater plume, thereby causing the EPA's existing remediation strategy to fail. The EPA's guidance [document](#), *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, states that site managers should seek input from local governments and responsible parties to help the managers select the most appropriate response to contamination. It can be critical for the site manager to foster cooperation and coordination among stakeholders to ensure long-term protectiveness at the site.

Although unrestricted pumping could cause contamination to spread to the drinking water, Region 7 maintained a passive role during the development of the well-pumping plan, even after the city made it clear to the region that the city and Ameren did not agree on a strategy for safely operating the wells. In March 2023, Region 7 staff communicated to the City of St. Charles that the region expected the city to collaborate with Ameren to develop a well-pumping plan, even though Region 7 knew Ameren and the city's relationship was contentious. Region 7 encouraged Ameren to respond to city comments, but there was no other evidence that Region 7 actively mediated or facilitated the development of the well-pumping plan.

Region 7 did not actively engage with the city in the development of the well-pumping plan because, according to two Region 7 staff, the plan should be developed by the city. The region did not use the EPA's Conflict Prevention and Resolution Center to help mediate the conflicts and ensure that the well-pumping plan was developed in a timely manner. As of October 2023, the city and Ameren have not agreed on a well-pumping plan.

Conflicting Perspectives and Messages Caused Confusion in the Community

While Region 7 has maintained that there is no reason to believe there are any health risks to consuming the St. Charles drinking water, the City of St. Charles argues that Region 7's and Ameren's actions and inaction are a threat to public health. Because of their opposing views on cleanup plans and their poor working relationship, Region 7 and the City of St. Charles issued conflicting messages about the health risks of the groundwater contamination, which resulted in confusion in the St. Charles community. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, in cases in which contaminated groundwater is a current or future source of drinking water, the EPA is to restore

the site to the point of beneficial use. At the Findett Corp. Superfund Site, restoring the site to beneficial use means ensuring that the groundwater meets drinking water standards or, in other words, does not exceed maximum contaminant levels. According to one St. Charles resident, community members were surprised by the EPA's assertion at the November 2022 public meeting that the EPA did not recommend closing the wells and that the water was safe because they had heard on the news that the city had shut down the wells.

Region 7 Did Not Use Tools to Mitigate City Distrust

Despite worsening contamination from Operable Unit 4 in December 2021 and evidence of city discontent as early as 2014, Region 7 staff did not request help from the Technical Assistance Support for Communities program until a community member asked for it in November 2022. Region 7 also did not seek out Conflict Prevention and Resolution Center resources to improve its engagement efforts with the city until October 2023, even though Region 7 considered the meetings with the city to be contentious as early as March 2022. The EPA's *Superfund Community Involvement Handbook* states that Superfund site teams should be "prepared to anticipate and respond to the community's concerns, fears, and potential areas of misunderstanding or confusion" and that additional community involvement efforts may be needed when faced with elevated community distrust, particularly when the public interprets the EPA's preferred course of action as improper or inadequate. While stakeholders may disagree with Agency decisions, they are more likely to understand and accept them if there is trust in the EPA and belief that the process is fair, and their input considered. The EPA's Conflict Prevention and Resolution Center can also provide independent conflict resolution specialists to facilitate and mediate constructive discussions between interested parties.

By 2021, Region 7 staff were aware that the city's public works managers disagreed with the EPA's decision not to require the potentially responsible parties to replace a portion of city wells. Region 7 staff were also aware of at least one nearby Superfund site that had already bred community mistrust in the EPA. The already-deteriorating relationship, which worsened with conflicts related to the water sampling, culminated in the City of St. Charles issuing an official letter on December 13, 2022, denouncing Region 7's actions and recommendations as "woefully inadequate," "egregious," and "preposterous." In one letter, dated September 27, 2022, the mayor's office asserted an "imminent and substantial endangerment of the health and welfare of the citizens of St. Charles." The City of St. Charles also requested the EPA administrator establish headquarters oversight of EPA Region 7 regarding the Findett Corp. Superfund Site. While Region 7 does not believe that there are any risks from consuming or otherwise using the St. Charles drinking water because samples of treated drinking water show no contamination, the region had not attempted to resolve the city's fears by bringing in an impartial third party. It was not until October 2023 that Region 7 contacted the EPA's Conflict Prevention and Resolution Center for mediation services.

Conclusions

Region 7 could have improved its public communications with St. Charles community members and city officials, developed a more robust community involvement plan, and better facilitated community

involvement. Because the region did not use technical assistance tools and resources in a timely manner, the community was not able to fully participate or understand the cleanup process, which may have resulted in community distrust of Region 7. Region 7's unsuccessful engagement with the city resulted in conflicting messages from the city and the region about the public health risks of the groundwater contamination, cleanup delays, and public confusion. Procedural improvements, such as ensuring Superfund managers and staff receive training on technical assistance resources and implementing a systematic method to identify and prioritize community needs for technical assistance, could improve Region 7's Superfund community involvement. Clear, understandable, and accessible information from Region 7 may have overcome the conflicting messaging from the city and the region, but the combination of ineffective city engagement and ineffective public communications negatively impacted the community's confidence in Region 7's oversight. Despite the increasingly contentious relationships among the Superfund site stakeholders, Region 7 did not use available mediation tools to mitigate the situation until October 2023. Based on the procedural deficiencies identified at the Findett Corp. Superfund Site, Region 7 can broadly apply lessons learned to improve its community involvement processes at Superfund sites throughout the region.

Recommendations

We recommend that the regional administrator for Region 7:

1. In coordination with the Conflict Prevention and Resolution Center, assess the need for alternative dispute resolution services at the Findett Corp. Superfund Site.
2. Develop a plan, in collaboration with community involvement coordinators, to ensure remedial project managers and Superfund and Emergency Management Division supervisors receive regular and ongoing training on the availability of the EPA's community engagement resources and on the use of plain language in public-facing EPA documents intended for Superfund communities.
3. Implement a systematic method to help Region 7 Superfund site teams identify and prioritize community needs for technical support from the EPA's Conflict Prevention and Resolution Center and Technical Assistance Services for Communities program.
4. Establish regular opportunities for community involvement coordinators to develop an ongoing understanding of site and community activities and to provide recommendations for community engagement.
5. Implement procedures for updating community involvement plans as site conditions change. Procedures should include a process to ensure the community involvement plans follow relevant EPA community involvement guidelines and the circumstances under which the EPA's technical assistance programs will be used to support plan development.

Agency Response and OIG Assessment

Appendix A includes Region 7's response to our draft report. The region also provided technical comments, which we reviewed and used to make appropriate changes for the final report. Region 7 agreed with all recommendations and provided corrective actions with estimated completion dates. Based on the information provided and supporting documentation, we agree that the corrective action for Recommendation 1 was completed and that the planned corrective actions for Recommendations 2 and 3 meet the intent of our recommendations. Recommendations 2 and 3 are resolved with corrective actions pending. We do not agree with Region 7's planned corrective actions for Recommendations 4 and 5, and those recommendations are unresolved.

Region 7's corrective actions for Recommendation 4 included hiring additional community involvement coordinators, creating a site-specific electronic repository for tracking and documenting community needs, and adjusting the format of a weekly meeting to identify increases in community needs. These corrective actions do not ensure that community involvement coordinators, specifically, will have a meaningful opportunity to understand site and community activities and provide informed recommendations for community involvement. As noted in Chapter 2, community involvement coordinators do not regularly attend site team meetings at which they would recognize those opportunities. Assuring these community involvement coordinators can provide meaningful input at site team meetings will promote Region 7's ability to assess and meet the technical assistance needs of communities. This recommendation is unresolved pending Region 7 clarifying how it will meaningfully incorporate community involvement coordinators into site team meetings.

Region 7's corrective actions for Recommendation 5 involved new procedures for reviewing the community involvement plan when public interest or site conditions change and the addition of a checklist for use during annual community involvement plan reviews. These corrective actions do not include outlining the process to ensure that the community involvement plans follow the relevant EPA community involvement guidelines. Our analysis demonstrates that Region 7's 2021 community involvement plan was less comprehensive than the 2002 community involvement plan. These deficiencies contributed to Region 7's public communication challenges and its reduced capacity to foresee community concerns. Following the established guidance could help the region overcome these deficiencies in future community involvement plans. Recommendation 5 is unresolved pending Region 7's update to its corrective action to specify how it will assure future community involvement plans follow relevant guidance.

Status of Recommendations

Rec. No.	Page No.	Recommendation	Status*	Action Official	Planned Completion Date
1	26	In coordination with the Conflict Prevention and Resolution Center, assess the need for alternative dispute resolution services at the Findett Corp. Superfund Site.	C	Regional Administrator for Region 7	10/24/23
2	26	Develop a plan, in collaboration with community involvement coordinators, to ensure remedial project managers and Superfund and Emergency Management Division supervisors receive regular and ongoing training on the availability of the EPA's community engagement resources and on the use of plain language in public-facing EPA documents intended for Superfund communities.	R	Regional Administrator for Region 7	12/31/24
3	26	Implement a systematic method to help Region 7 Superfund site teams identify and prioritize community needs for technical support from the EPA's Conflict Prevention and Resolution Center and Technical Assistance Services for Communities program.	R	Regional Administrator for Region 7	12/31/24
4	26	Establish regular opportunities for community involvement coordinators to develop an ongoing understanding of site and community activities and to provide recommendations for community engagement.	U	Regional Administrator for Region 7	
5	26	Implement procedures for updating community involvement plans as site conditions change. Procedures should include a process to ensure the community involvement plans follow relevant EPA community involvement guidelines and the circumstances under which the EPA's technical assistance programs will be used to support plan development.	U	Regional Administrator for Region 7	

* C = Corrective action completed.

R = Recommendation resolved with corrective action pending.

U = Recommendation unresolved with resolution efforts in progress.

Agency Response



REGION 7 ADMINISTRATOR

LENEXA, KS 66219

March 6, 2024

MEMORANDUM

SUBJECT: Response to the Office of Inspector General Draft Report, Project No. OSRE-FY23-0069, "EPA Region 7 Did Not Engage with the Community Surrounding the Findett Corp. Superfund Site," dated February 6, 2024

FROM: Meghan A. McCollister **MEGHAN MCCOLLISTER** Digitally signed by MEGHAN MCCOLLISTER
Date: 2024.03.06 14:56:56 -06'00'

TO: Patrick Gilbride, Director
Implementation, Execution, and Enforcement Directorate
Office of Special Review and Evaluation

Thank you for the opportunity to respond to the issues and recommendations in the subject draft audit report. The following is a summary of the U.S. Environmental Protection Agency's overall position, and its position on each of the report's recommendations. We have provided high-level corrective actions and estimated completion dates.

AGENCY'S OVERALL POSITION

The agency concurs with all the recommendations, and notes that Region 7 has already begun implementation of some of these recommendations. The EPA met all statutory requirements for community involvement outlined in the Comprehensive Environmental Response, Compensation, and Liability Act and the National Contingency Plan and will continue to meet them. The EPA continued developing and implementing communication and coordination measures to identify and prioritize community needs during the timeframe when the OIG was performing its evaluation. The measures align well with much of what the OIG is recommending. Attached is a technical comments document that provides clarification and explains the agency's position on several report statements and findings.

AGENCY’S RESPONSE TO DRAFT AUDIT RECOMMENDATIONS

Agreements

No.	Recommendation	High-Level Corrective Action	Est. Completion Date
1	In coordination with the Conflict Prevention and Resolution Center, assess the need for alternative dispute resolution services at the Findett Corp. Superfund Site.	<p>In Fall 2023, Region 7 assessed the need for alternative dispute resolution at the Findett Corp. Superfund Site before receiving the OIG recommendations.</p> <p>As a result of Region 7’s assessment, the agency proposed to the city of St. Charles that the group bring on a neutral party to facilitate discussions. In coordination with the city and the Conflict Prevention and Resolution Center, Region 7 interviewed and selected a facilitator to enable more productive technical consultations between the agency and the city.</p>	Completed
2	Develop a plan, in collaboration with community involvement coordinators, to ensure remedial project managers and Superfund and Emergency Management Division supervisors receive regular and ongoing training on the availability of the EPA’s community engagement resources and on the use of plain language in public-facing EPA documents intended for Superfund communities.	<p>EPA Region 7 agrees that awareness of community engagement resources and the effective use of plain language writing in public products are essential building blocks of a thriving community involvement program.</p> <p>Region 7 remedial project managers attend annual regional training that includes a module on community involvement taught by a Region 7 senior community involvement coordinator. The learning objectives include increasing knowledge of the CERCLA community involvement process and the EPA’s extensive engagement resources. The training also addresses the requirement to use plain language in public products. The region trains and coaches CICs so they can advise RPMs on what resources are available and how to employ plain language effectively.</p> <p>Region 7 utilizes most of the engagement resources outlined on the EPA’s web page: https://www.epa.gov/superfund/superfundcommunity-involvement-tools-and-resources.</p> <p>We have completed numerous efforts for the St. Charles site to involve and engage the community in the Superfund process. Community involvement is always a dynamic process, ever-evolving as new needs and interests are identified or come to the fore. Some of the resources and tools we’ve utilized for the Findett Corp. Site include a site profile web page, Technical Assistance Needs Assessment, Community Advisory Group, Technical Assistance Services for Communities’ resources, community interviews, Community Involvement Plans, public fact sheets, public notices, CAG</p>	<ol style="list-style-type: none"> 1. Assess Site Profile pages using the CDC Clear Communication Index: Completed 2. Integrate CDC’s Clear Communication Index: Due – December 31, 2024 3. Training Plans: Due – December 31, 2024 4. Assess Training Modules: Due – December 31, 2024

		<p>meetings, EPA public meetings and public availability sessions, frequently asked questions, information repository, mailing and email engagement and lists, media engagement, social media and live streaming events, congressional and intergovernmental engagements, and more.</p> <p>Region 7 RPMs integrate CICs on their site teams and include them in team meetings.</p> <p>Region 7 has a well-defined procedure for reviewing and approving all community involvement public products, including the Region's Review Official and the Public Affairs Director or deputy.</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. The Public Affairs Director instructed Region 7 CICs to conduct an assessment of selected Superfund site profile web pages using the Centers for Disease Control Clear Communication Index https://www.cdc.gov/ccindex/index.html. The team completed the assessment and is now developing a training module for RPMs, CICs, the Review Official, and others in the review chain for Superfund public products. 2. Region 7 will complete the project to integrate the CDC's Clear Communication Index in its development, review and approval process for public products and train staff. 3. Region 7 will prioritize community involvement as part of the RPMs' annual training plans. 4. Region 7 will assess its community involvement and plain language training modules provided to new RPMs and CICs and adjust the training as needed. 	
3	<p>Implement a systematic method to help Region 7 Superfund site teams identify and prioritize community needs for technical support from the EPA's Conflict Prevention and Resolution Center and Technical Assistance Services for Communities program.</p>	<p>Region 7 utilizes the Community Involvement Plan process as the systematic method for Superfund site teams to identify and prioritize community needs for technical support. The process includes reviewing whether EPA's Conflict Prevention and Resolution Center assets or the Technical Assistance Services for Communities Program capabilities are applicable to meeting the needs of the community and EPA.</p> <p>Region 7's senior CICs are experts in their field, with the knowledge and skills to advise RPMs on when to apply these capabilities. Beyond the CIP development process, which includes formal community interviews and informal discussions with community members and local leaders, the CICs and RPMs are expected to monitor community needs for technical assistance and other tools available through EPA's multiple engagement resources, including CPRC and TASC.</p>	<p>1. Due: December 31, 2024</p>

		<p>We've found that the level of community interest and thus needs at different sites and even over time at the same site can vary.</p> <p>Beyond meeting the statutory requirements for community involvement, the Region strives to adapt and surge capacity to meet a community's changing needs and interests, which occurred in this instance. The Region adjusted its time and attention to better involve and engage stakeholders and community members as their interests and needs changed.</p> <p>In Fall 2022, the EPA saw increased community interest in the site. The RPMs, CICs, and Office of Public Affairs managers and staff worked to promptly take action and increase engagement with the community, including:</p> <ul style="list-style-type: none"> • Increased e-mail correspondence with individual community members and stakeholders, • Established a new weekly e-mail update to a local group of community members and stakeholders, • Issued several news releases, including six in 2023, • Made proactive calls to news reporters, • Published two fact sheets (a site-specific update and a Direct Push Technology information fact sheet), • Secured technical assistance resources through the EPA's Technical Assistance Services Contract program, • Conducted a Technical Assistance Needs Assessment, <ul style="list-style-type: none"> ○ A TASC technical advisor was assigned to the site in 2023 to assist the community as needed. ○ As part of the TANA process, the EPA's TASC contractor presented information in 2023 on the additional technical resources available to the community during a community meeting. • Secured assistance through the EPA's Conflict Prevention and Resolution Center, <ul style="list-style-type: none"> ○ Secured a facilitator for the weekly technical meetings between the EPA and the city • Assisted the community in establishing a Community Advisory Group. Region 7 continues coordinating with EPA Headquarters to ensure the community can access additional technical assistance services. <p>Action:</p> <ol style="list-style-type: none"> 1. Region 7 utilizes the Community Involvement Plan process to systematically review, identify and prioritize community needs for technical support. To augment 	
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		<p>issue-focused reviews of community involvement needs at a site, Region 7 will establish a new annual requirement for site teams (CICs and RPMs) to determine if an *active site’s CIP should be updated. To support this annual review, Region 7 will develop a checklist that includes assessing if CPRC and TASC tools are recommended.</p> <p><i>*Definition of “active sites:” An active site is one with planned actions for a fiscal year. Active sites are identified in the Region 7 Fiscal Year Superfund Comprehensive Accomplishment Plan (SCAP).</i></p>	
4	<p>Establish regular opportunities for community involvement coordinators to develop an ongoing understanding of site and community activities and to provide recommendations for community engagement.</p>	<p>Region 7 agrees that continued and even greater integration of the practices and principles of successful community involvement into site team planning is warranted. CICs are already key members of the site teams led by the RPMs. Community involvement and engagement are topics site teams discuss with advice from the CICs that go beyond meeting the statutory requirements for community involvement. For some communities, this has included the need for the team to engage state and county health department experts on public health efforts, such as free childhood blood lead testing. The identification and planning for these supplemental efforts can begin anytime throughout the CERCLA process, including at sites that have entered the five-year review phase in the lifecycle of a Superfund site.</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Region 7 has recruited four additional CICs in the past 12 months, more than tripled the number of CICs (from 2 to 7) on board in 2022. The additional capacity will facilitate increased awareness and ability to act more quickly in surging resources to meet changing community involvement needs. 2. SEMD’s Remedial Branch has established new site-specific folder structures in a Microsoft Teams channel to better track and document changes in community needs and facilitate increased situational awareness. 3. The Office of Public Affairs changed the weekly community involvement meetings approach to an agenda-driven focused “report and discuss” model that increases situational awareness of changing needs at sites. The meetings now integrate an agenda topic discussion to identify any increases in external attention and engagement needs at sites. OPA's 	<p>1. Completed 2. Completed 3. Completed</p>

		Superfund and Emergency Response press officer participates in the meetings for this purpose.	
5	Implement procedures for updating community involvement plans as site conditions change. Procedures should include a process to ensure the community involvement plans follow relevant guidelines outlined in the EPA’s Community Involvement Plan Tool and the circumstances under which the EPA’s Technical Services for Communities program will be used to support plan development.	<p>The EPA Region 7 complies with community involvement requirements outlined in the National Contingency Plan. The Community Involvement Plan process serves as the systematic method for Superfund site teams to identify and prioritize community needs for technical support from the EPA’s Conflict Prevention and Resolution Center and Technical Assistance Services for Communities Program. As professionals and subject matter experts, CICs monitor community technical assistance needs continuously. Levels of community interest vary at sites and even over time at the same site. The EPA adjusts its level of engagement to be appropriate for the level of community interest identified by the agency and the availability of resources. Technical assistance resources are limited and, therefore, are tailored to site-specific engagement requirements and community needs. Region 7 and the city started holding weekly meetings on March 1, 2023, to discuss technical aspects of the site and increase communications between the two parties. Additionally, Region 7 created a SharePoint site to share documents and information and to encourage collaboration between the EPA, the Potentially Responsible Party for Operable Unit 4, and the City of St. Charles. Region 7 also provides documents, such as work plans and other technical documents, to the city for review and to seek comments.</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Region 7 reviews community involvement plans when public interest increases at a site and when there are changes in site conditions or cleanup actions. We have integrated new procedures that will regularly be used to formally discuss if either site conditions or a community’s needs are changing, which triggers a review of the CIP. Please see Action # 3 under Recommendation #4 above and Action #2 immediately below. 2. See the EPA Action item in response to the OIG Recommendation # 3 above. Region 7 CICs and RPMs will conduct annual reviews of CIPs for “active sites.” The CICs will develop and use a new checklist to assess whether the CIPs for these “active sites” should be revised. <i>Definition of active sites: An active site is one that has planned actions for a fiscal year.</i> 	<p>1. Completed 2. Due: December 31, 2024</p>

If you have any questions regarding this response, please contact the Region 7 Audit Follow-Up Coordinator, Kathy Finazzo, at Finazzo.Kathy@epa.gov or (913) 551-7833.

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