United States
Environmental Protection Agency

Superfund Permanent Relocation Statement of Work Template and Users' Guide

Office of Superfund Remediation and Technology Innovation
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
Washington, DC

Office of Superfund Remediation
and Technology Innovation
OSWER 9230.0-108
August 2004

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Table of Contents

Part 1: Introduction 1
Purpose 1
Instructions for the SOW 1

Part 2: Property Acquisition and Permanent Relocation – Important Considerations 3
Working With the Community 3
Working with the USACE 5

Appendix A: Estimated Timeframes For Acquisitions and Permanent Relocations 7

Appendix B: Procedures for the Acquisition of Real Property 8

Appendix C: Superfund Permanent Relocation Statement of Work for Residential Real Estate Acquisition and Relocation Assistance 10
Purpose 10
Primary USACE Responsibilities 10
Task 1: Planning 12
Task 2: Coordination and Communication 14
Task 3: Advisory Services 16
Task 4: Appraisal and Acquisition 17
Task 5: Relocation 20
Task 6: Follow-up 21
Task 7: Appeals 21
Task 8: Reporting 22
Task 9: Project Management and Close-out 22
Attachment 1: Property Acquisition/Relocation Statistical Report Form 23
Attachment 2: Instructions for Property Acquisition/Permanent Relocation Statistical Report Form 24

Part 1: Introduction

Purpose

EPA typically works with the United States Army Corp of Engineers (USACE) to implement permanent relocation of businesses and residents that are chosen as part of a site remedy. The purpose of the EPA/USACE statement of Work (SOW) template is to provide the agencies and their contractors with instructions on how to implement successful permanent relocations. While this template suggests steps to follow regardless of the size or complexity of the relocation, it will need to be adapted for each site. For example, **additional requirements may be necessary if businesses will be relocated**. Part II of this Users' Guide is a summary of key issues regional staff should keep in mind in planning and implementing permanent relocations.

Instructions for the SOW

The SOW template (Appendix C) provides a general description for each of the eight tasks (planning, acquisition, relocation, advisory services, appeals, reporting requirements, project management and close out) that EPA and the USACE must perform when conducting a permanent relocation.

Throughout the template, reference boxes provide Remedial Project Managers (RPMs) with suggested information that should be given to the USACE to clarify the acquisition and relocation processes. The reference boxes emphasize important issues, define terms, and give examples of challenges Regions may face throughout the permanent relocation process. Reference boxes should be deleted before the site-specific SOW is finalized. The template is available as a WordPerfect or MS Word document so that RPMs can use and modify the SOW as needed.

The SOW template as well as other documents referenced throughout the SOW template can be found on EPA's Superfund website at http://www.epa.gov/superfund/tools/topics/relocation. Some of the key documents include:

- *Release of Appraisals for Real Property Acquisition at Superfund Sites Guidance*, OSWER Directive 9200.1-35P, November 2000;
- *Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions*, EPA 540-F-98-033, EPA Directive 9355.0-71P, June 1999;
- *Superfund Response Actions: Temporary Relocations Implementation Guidance*, OSWER Directive 9230.0-97, April 2002;
- *Process of Handling Appeals of Permanent Relocation Claim Decisions Memo*, OSWER Number 9355.0-88, February 2003; and
- *Superfund Permanent Relocation Statement of Work Template* (in MS Word and WordPerfect).

The U.S. Department of Transportation, Federal Highway Administration, the lead agency for implementing the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (URA) (49 CFR Part 24) is, as of the date of this document, leading a multi-Agency workgroup to update the URA regulations. Please contact your Headquarters Regional Coordinator and/or the Office of General Counsel (OGC) to learn the status of these revisions and for additional advice on implementing property acquisitions and relocations. The URA regulations provide specific rules for conducting permanent relocations. To ensure that relocations conducted by Potential Responsible Parties (PRPs) meet the same or similar standards as outlined in EPA policies, the relevant URA requirements should be incorporated into the Record of Decision (ROD) or Action Memorandum and other enforceable decision documents. The URA regulations can be accessed at http://www.fhwa.dot.gov/realestate/ua.htm.

Part 2: Property Acquisition and Permanent Relocation Important Considerations

EPA's close management of all aspects of a permanent relocation, including prompt, effective, and sustained communication with other Federal Agencies, community residents, and local authorities, is the key to a successful Superfund relocation. The items listed below are suggestions given by RPMs and Community Involvement Coordinators (CICs) who have successfully navigated the permanent relocation process. They are intended to help you successfully plan, manage, and implement a permanent relocation, while simultaneously providing some consistency on how to conduct EPA property acquisition and relocation activities across all the regions.

Historically, property acquisition and permanent relocations have consumed more of the RPM's time than anticipated. Headquarters strongly encourages RPMs to form a team to efficiently manage all aspects of the acquisitions and relocations. The team approach brings together people with a mix of technical, outreach and legal expertise to effectively support the affected community, while allowing the RPM to focus on implementing the cleanup. However, it is very important for the RPM to remain actively involved as a key member of the team even as he or she implements the cleanup.

Since property acquisitions and permanent relocation often take longer to complete than originally anticipated, Appendix A provides estimated timeframes for each major milestone in the process. Keep in mind that the actual timeframes will vary, depending on the number of properties to be acquired and the complexity of issues at the site. One of the milestones is obtaining approval for property acquisitions. The procedures of coordinating property acquisition requests through OGC is provided in Appendix B. Contact your Office of Regional Counsel (ORC) or your Headquarters Regional Coordinator for an example of the memorandum necessary to receive approval to acquire property. Expect Headquarters to take approximately 30 days to process the approval.

Working With the Community

- Expect questions about relocation whenever you are conducting a response action in or very near a residential community. Even if you don't anticipate that relocation (either temporary or permanent) will be necessary, you should be prepared to answer questions regarding EPA's consideration of whether or not residents should be relocated.

- Tell owners and tenants what you know and be honest about what you don't know. Don't tell them they will be offered relocation unless you know they can be relocated. Never suggest specific relocation benefits unless you are certain they are entitled to the benefits.

- Tell residents it is EPA's policy to implement remedies in such a way as to protect public health without the need for relocation (refer to OSWER Directive, 9355.0-71P, *Interim Policy on the Use of Permanent Relocations as Part of Superfund Remedial Actions*, which provides guidance on making property acquisition decisions).

- Prepare for a possible change of direction. Before starting, analyze the site to determine what factors could alter the remedy. Develop criteria for when a change would be indicated, and have a plan in place to gather data and re-evaluate the situation at key milestones so that a potential change of remedy will be flagged early. For example, your analysis of the site may reveal that homes in the area are not structurally sound enough to withstand the underpinning required to excavate under the homes. In that case, your criteria might limit excavation to a few feet from the houses. Your plan could include a strategy to use cut lines and cost-based confirmatory sampling and to identify a cost range that is acceptable; if data at critical milestones indicate the projected costs may exceed that range, or that excavation may be required under houses, you will be prepared to re-evaluate whether to acquire the property and relocate the residents.

- Be wary of the temporary relocation dragging on longer than anticipated. EPA policy is to consider property acquisition and/or relocation when a temporary relocation lasts longer than six months for tenants and one year for owners. It's easy for a temporary relocation, planned to last a few months, to stretch a few extra months, then a few more months, leading to a temporary relocation that lasts over a year, increasing costs and frustrating residents.

- Be aware that the URA provides very different and generally more limited benefits for non-residential relocations, (businesses, non-profit organizations and farms). Some non-residential relocations can be challenging to implement and require special knowledge to avoid costly mistakes. Be careful not to discuss these benefits until you are fully informed of the scope provided by the URA.

- Tell residents the types of situations where permanent relocation may be considered and what information is needed to make that decision. For example, if there is a chance that subsurface soil contamination may extend under a house, you may want to tell the residents that the only way to know for sure if their house can be saved is to start the excavation.

- Keep residents informed. Touch base with them even if you have no new information and give them a timeline that shows when you think you will know if their house can be saved.

- Make sure residents know there will be many opportunities to meet individually with the EPA and the USACE to discuss their concerns.

- Keep in mind that the community members left behind will also have questions and concerns about the relocation and its impact on the community. They will have questions about how the decisions were made to offer relocation, why some received offers and others did not, and what will happen to the properties EPA acquires. Keep them informed and engage them in the planning and implementation of the relocation.

- If translation services are needed, and money and time are of the essence, use community groups or students in college language programs to translate written materials and oral presentations. Be creative with your available translation services. Use them to develop site signs, maps, flyers, and public meeting notices. Provide a formatted English version to expedite your turnaround time. Take into consideration differences in dialects of the given

language. For instance, Mexican versus Puerto Rican Spanish, and make sure the message is clear to speakers of all dialects.

- Consider the use of American Sign Language interpreters or closed captioning, when communicating with the hearing impaired.

- Written material must be clear and concise as possible to avoid misunderstandings.

- Local community members can serve on the relocation team as consultants on critical issues. The local board of realtors, religious leaders, university officials, and community members are examples of potential consultants.

- It is important to understand that acquisition and relocation benefits are different calculations and should be explained separately. "Just Compensation" is the price an agency must pay to acquire real property. The price offered by the Agency is considered to be fair and equitable to both the property owner and the public and is based in part on the amount established in the approved appraisal report as the fair market value for the property. Property owners are entitled to "Just Compensation" even if they do not choose to acquire a new residence. Relocation benefits are determined separately and are based on the additional costs to the resident to acquire new property and move their belongings. The resident must actually incur the allowable expenses to be entitled to benefits.

- It is usually best to have one person explain the "Just Compensation" offer and another the relocation benefits. This conversation should take place at the same meeting so the residents understand the difference between the types of compensation but hear the Government's entire offer at once.

- Clearly define the roles of the USACE, EPA, and other team members to residents.

- Trust must be established with the residents. Consistency is important. The USACE may be the residents' first point of contact on acquisition and relocation questions, but residents may ask the RPM or CIC questions related to benefit. The team should coordinate answers to residents' questions to avoid confusion.

- Relocations involving Native Americans (Tribes) may pose unique issues. Be particularly sensitive to the history of the U.S. Government's relocation of Tribes and be aware that the term may generate deep emotions.

- For all decisions affecting Federally recognized Tribes, EPA is guided both by statute and policies. CERCLA section 126(b) states that if the Agency finds that "...the proper remedial action is the permanent relocation of Tribal members away from a contaminated site because it is cost effective and necessary to protect their health and welfare, such findings must be concurred on by the affected Tribal government before relocation occurs..." It is EPA policy that if Tribal members do not concur with the relocation decision, EPA should work with the Tribal government and community on a site-specific basis to address other cleanup options at these sites to protect people's health and welfare (OSWER Directive 9355.0-71P).

- Tribes may put a greater emphasis on verbal communication than written. You may want to plan extra time for additional individual and public meetings.

Working with the USACE

- An EPA team member should attend critical meetings with residents. (In order to minimize inconsistent communications with residents, the USACE Real Estate Project Manager (PM) should negotiate the acquisition and another person provide relocation assistance advice.)

- Be sure to stress that the USACE PM assigned to your site must be fully knowledgeable of the URA and EPA's policies and guidance. EPA's RPMs also should become familiar with the URA and EPA's policies and guidance.

- The USACE has real estate experts who can help to determine if relocation is possible, even before the action is started. For example, in a tight housing market, you may have trouble finding available comparable housing for residents. If housing is very limited, it may be best to try and avoid relocation by making changes to the response action. The USACE knows the URA and can help to evaluate the availability of suitable housing and help explain this process to property owners and tenants.

- Be aware that not all USACE District Offices are able to offer EPA the same level of support and expertise on acquisition and relocation. If you are dealing with a large, complex or politically sensitive site, or a site with a business relocation, you will need not only experts in the URA, but also experts in addressing the type of issues you are facing. In these cases, you may want to request a district office with the needed expertise even if it is not the one you normally work with. Contact your EPA Headquarters' Regional Coordinator for advice on getting the right USACE experts to your site.

- Never turn over the relocation to the USACE and disengage. EPA is ultimately responsible for the relocation and the RPM must stay involved. While many relocations are implemented with minimal problems, many are not. When relocations go wrong, they can stop projects, damage relationships with communities, garner negative media and congressional attention, and consume everyone's time. Since the RPM may have to make key decisions that affect residents' lives, the RPM needs to know the community and each resident well.

- The relocation team should be organized as early as possible to help the RPM determine if permanent relocation is a viable option. The size and composition of this team will depend on the scope and complexity of the relocation being considered. The relocation team should meet often and discuss conversations with residents. EPA should notify USACE of any relevant discussions to avoid inconsistent communication and an appearance that residents get a different answer depending on which person answers the question.

Appendix A
Estimated Timeframes For Acquisitions and Permanent Relocations

The estimated timeframes provided below are for approximately 10 residential properties. Because of contracting requirements, timeframes for a greater number of properties would be longer, while timeframes for only one or two properties would be shorter. Additional time may be necessary in working with tribal members and governments.

Preliminary Actions

Gathering of site data, owner/tenant information, and property information ..... 15-30 days

Preparation of Real Estate Planning Report (REPR) ..... 15 days

Preliminary Work: Contracting for and receiving maps/legal descriptions/ appraisals/title information ..... 90-120 days

Total time estimated for preliminary actions ..... 120-165 days

Headquarters Approval

Review and approval from OSRTI and OGC* ..... 30 days

Actions Following Receipt of the Real Estate Directive

Comparable housing search ..... Within 15 days

Present the Government's offer to buy and the relocation packages ..... Within 30 days

Closings (for Government acquisitions) ..... Within 90 days of the presentation of the offers

Total estimated timeframe for completion of the acquisition ..... 220-285 days

After closing, the owners must acquire replacement housing and move (if they have not already done so) from the property. Residents have up to one year to spend their replacement housing payment but most are able to acquire replacement property and move within 60 to 120 days.

* OSRTI approves the acquisition and OGC isues a real estate directive to USACE to acquire the property. The request for approval should be sent jointly to the Directors of OSRTI and OGC.

NOTE: Timeframes listed under "preliminary actions" are dependent upon the time of year that they are completed (i.e., anticipate longer timeframes if the work is to be completed near the end of the fiscal year). The timeframe for presentation of the Government's offer to buy and the relocation package is largely dependent upon the residents' availability. In the unlikely chance that condemnation is necessary, expect delays.

Appendix B
Procedures for the Acquisition of Real Property

An acquisition by any Federal agency of real property must comply with the following:

1. *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (42 USC §4601)(URA) and the implementing regulations at 49 CFR part 24;

2. *Restriction on Purchases of Land* (41 USC §14);

3. *Approval of Title Prior to Federal Land Purchases* (40 USC §255);

4. *Standards for Preparation of Title Evidence in Land Acquisitions by the United States,* U.S. Department of Justice (DOJ), 1970;

5. *Uniform Appraisal Standards for Federal Land Acquisitions*, Interagency Land Acquisition Conference, 1992; and

6. If applicable, *Condemnation of Realty for Sites and Other Uses*, (40 USC §§257, 258a, 258b). Also, FRCP 71A.

Additionally, an acquisition by EPA of real property in connection with a Superfund site must be authorized in accordance with the following:

1. CERCLA §104(j), Acquisition of Property, "property or any interest in real property ... needed to conduct a remedial action;"

2. EPA Delegation 14-30, CERCLA, Acquisition of Property [Office of Solid Waste and Emergency Response (OSWER) and Office of General Council (OGC) review and concurrence]; and

3. EPA Delegation 1-4-B, Real Property and Space [Facilities Management and Services Division (FMSD) approval and authorization].

Delegation 14-30 requires that when the acquisition of real property costs the Agency $25,000 or more:

(i) the Regional Administrator makes a determination that the real property is needed for the response action, and obtains a "state assurance" under §104j(2), and

(ii) OSWER approves the acquisition; and

(iii) OGC gives written concurrence for the acquisition; and

(iv) the Director of FMSD authorizes the acquisition of the property under the authority delegated in Delegation 1-4-B.

Through an internal redelegation, the Director of the OSRTI provides the OSWER approval. Additionally, through an internal redelegation, the Finance and Operations Law Office (FOLO) provides the OGC concurrence.

Under Delegation 14-30, OSWER approval is **not** needed for acquisition of real property valued at less than $25,000, however, OGC concurrence and FMSD authorization is still required.

- The approvals set forth above are accomplished by the Region submitting a memo jointly to OSRTI and FOLO, for acquisitions that cost $25,000 or more (to FOLO only for acquisitions costing less than $25,000). The memo serves a dual purpose: 1) it helps the Region address all relevant issues and plan the steps necessary to complete the acquisition, and 2) it sets forth the facts and legal issues for efficient HQ review. Sample memos are available from OSRTI and FOLO.

- 40 USC §255, *Approval of Title Prior to Federal Land Purchases* requires that USACE or DOJ legal staff prepare a title opinion. This legal opinion is based on a commitment for title insurance. After the closing, the title insurance company will issue an insurance policy to the United States.

- Review and approval of the property appraisal by DOJ or USACE is required under the URA. The appraisal must meet the *Uniform Appraisal Standards for Federal Land Acquisitions*, Interagency Land Acquisition Conference, 1992.

- Closing on the property (delivery and recordation of documents and payment to the property owner) is handled by ORC or USACE and the title insurance company.

NOTE: OSRTI and FOLO representatives are available to assist in coordinating these activities.

Appendix C
Superfund Permanent Relocation Statement of Work for Residential Real Estate Acquisition and Relocation Assistance At (Site Name) Superfund Site, (City), (State)

Information and Hints for Completing the SOW

It is impossible to develop one SOW for property acquisition and permanent relocation that is appropriate for all sites. It is expected that the Remedial Project Manager (RPM) will modify this model SOW to meet site specific requirements. The information boxes throughout this document are intended to provide the RPM additional information that may assist in modifying this model. Sources of additional information on this topic are available at http://www.fhwa.dot.gov/realestate/index.htm or http://www.epa.gov/superfund/tools/topics/relocation/index.htm or by contacting Headquarter's Regional Coordinator. This template is meant for residential relocations although business relocations are mentioned. Non-residential relocations are often much more complicated. The URA provides different, and generally much more limited, benefits for non-residential relocations (businesses, non-profit organizations and farms). The RPM should work with the Office of Regional Counsel (ORC), and when necessary, the Office of General Counsel (OGC) and the appropriate Headquarters Regional Coordinator for additional tasks that may be necessary. **The information boxes are not intended to be included in the actual SOW. These boxes will need to be deleted before the SOW is finalized and printed.** Both a WordPerfect and MS Word version of this template are available at the above EPA web page and can be downloaded and edited.

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Purpose

The U.S. Army Corps of Engineers (USACE) shall provide to the U.S. Environmental Protection Agency (EPA), real estate support which includes the acquisition of approximately (number) residential properties at the (site) in (city), (state) and relocation of displaced persons. Specifically, USACE will acquire homes, assist with the relocation of the occupants, secure and maintain unoccupied purchased homes and yards, and provide relocation assistance (advisory services) as needed. USACE may also acquire non-residential properties, secure and maintain unoccupied properties and provide relocation assistance as needed to the affected businesses, non-profit organizations or farms.

Primary USACE Responsibilities

EPA's authority to acquire an interest in real property is provided by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Sec. 104 (j). Acquisitions will be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, 42 U.S.C. § 4601 et seq., and any relevant regulations promulgated thereunder, and relevant EPA policies and guidance. The USACE Real Estate Project Manager (PM) must be fully knowledgeable and familiar with the URA and EPA

policies and guidance related to property acquisition and relocation. All documents furnished by USACE to residents and business owners affected by the relocation will be subject to prior EPA review and approval. The USACE will maintain the acquired property, unless otherwise directed by EPA, until advised of its disposition by EPA.

In carrying out these responsibilities, the USACE will make its highest priority providing good customer service to those being relocated. The USACE staff and its contractors will be well prepared to recognize the economic, psychological, and social impacts of the relocation.

USACE and its contractors should be well prepared to handle the property acquisition and relocation of displaced persons in a professional manner, always treating residents fairly, equitably and with respect. They will make every effort to communicate clearly the rights and options of those being relocated, and they will always strive to provide fair and timely settlements of claims for relocation assistance.
The USACE may acquire the services of a qualified contractor or other USACE Districts to assist their staff as well as that of EPA to deal with the fluctuations of needed resources and/or

Information and Hints for Completing the SOW

Relocations can be very time consuming. RPMs need to juggle time commitments to the cleanup activities, as well as the property acquisitions and relocation issues. Most RPMs with experience implementing relocations strongly recommend forming a relocation team to efficiently manage the relocation. This team approach brings together people with a mixture of technical, legal, and community involvement expertise, as well as an awareness of available local resources to effectively support the affected community. Roles of each team member should be clearly defined. Use of the team can allow the RPM to stay involved in the relocation and make the major decisions while other EPA and USACE relocation experts focus on the details. The team, or key members, should plan to meet regularly, especially at critical junctures in the acquisition and relocation process. These meetings will help USACE staff understand the broad scope of activities at the site, while providing EPA with an opportunity to become aware of any potential acquisition and relocation issues.

At first, team members generally include:

- A Remedial Project Manager (RPM);
- A Community Involvement Coordinator (CIC);
- An EPA Office of Regional Counsel(ORC) attorney; and
- USACE real estate experts.

If the permanent relocation being considered is large and complex, other team members may be added to the team to offer specific expertise. These members may include:

- Regional EPA external affairs/media relations staff;
- Regional EPA environmental justice office/program staff;
- Local government representatives;
- State or Tribal government representatives;
- Officials from local health and social service agencies; or
- Officials from the Agency for Toxic Substances and Disease Registry (ATSDR), the Department of Housing and Urban Development (HUD), and other Federal agencies.
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expertise, as well as increased media and/or Congressional interest in accordance with the URA and any EPA guidance and policy. To the extent possible, USACE should utilize local community resources, such as realtors, moving companies, security companies, inspectors, and appraisers. The USACE will consult with EPA in the selection of contractors, contract types and contract details. USACE shall provide in its contracts that contractors pay for liquidated damages for unacceptable delay in project completion.

The USACE shall participate as a member of the team, whose membership may include: EPA's RPM, EPA's Community Involvement Coordinator (CIC), an EPA attorney from the Office of Regional Counsel (ORC), and others as determined by the RPM.

Information and Hints for Completing the SOW

The sooner the USACE real estate experts are notified of a potential acquisition and or relocation, the more likely they will be able to provide the support requested and meet EPA's timeline. Consider involving USACE even before the decision is made to acquire property. USACE real estate experts may assist in gathering information necessary for EPA to determine if acquisition and relocation is a viable option. USACE real estate experts may also assist EPA as it makes its decisions regarding the duration and scope of easements that may need to be acquired. Even before the ROD is signed, USACE can provide the RPM with preliminary cost estimates for the proposed plan, initiate contracting actions for appraisals and title research and provide general information on housing availability. A preliminary InterAgency Agreement can be initiated to allow the USACE to get started on this work. This work may be considered similar to other work necessary to develop a proposed plan and be funded with pipeline funds.

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Following is a general description of the necessary tasks the USACE will perform, at a minimum.

Task 1: Planning

1. Attend a kick-off meeting with EPA (all team members including key supervisors should attend if possible) to discuss each Agency's role and responsibility, and other issues that may have a bearing on the successful completion of the project. It is important for each agency or organization to understand EPA's leadership role and to have its own role clearly defined at the beginning of the project. At this meeting several objectives must be met, including—but not limited to—the following:

   - EPA will reinforce the fact that EPA remains the lead for all aspects of the response;
   - EPA will stay involved in the implementation of the property acquisitions and relocations and discuss how EPA will participate;
   - EPA will provide USACE the site history;

- EPA will develop a draft timeline of all key milestones;
- EPA will provide the USACE with all known demographic information regarding the residents, such as the number of residences and businesses, children, pets, and if there are any cultural or special needs;
- EPA will discuss the current or anticipated interest from the media, elected representatives and community or activist groups; and
- EPA will answer any questions the USACE may have to help in developing the relevant cost and planning documents.

2. USACE shall become familiar with information provided by EPA at or before the kickoff meeting. That information may include:

   - The site history;
   - Work completed to date;
   - A timeline of key milestones in the cleanup that may impact the relocation;
   - The number of houses that need to be acquired and the number of residents (owners and tenants) that need to be relocated;
   - Residents with special needs such as the elderly, families with children, and residents with disabilities;
   - The number of non-English-speaking residents and the language they speak;
   - Information residents have about the relocation;
   - The number of businesses that will require relocation;
   - Whether mobile or manufactured residential homes must be acquired or moved;
   - Any outside groups working with the residents, e.g., an advocate;
   - The community members' willingness to relocate; and
   - Any particular local government, congressional or media attention on the site response or the relocation.

3. USACE will prepare a Real Estate Planning Report (REPR), or functional equivalent, for the necessary acquisitions outlining the work to be completed, the estimated cost, and the schedule for the work to be conducted and completed. The scope and depth of this document will be determined by EPA. USACE shall delineate in this report all the tasks which will be undertaken to ensure effective compliance with the URA and efficient implementation of

permanent relocation. The document shall indicate who will be involved in the property acquisition activities (title reviews, appraisals, negotiations, closing, etc.), and how these activities will be conducted (in-house vs. contract).

Information and Hints for Completing the SOW

The RPM should give clear directions regarding what information should be contained in the REPR, especially in terms of the scope of the report. REPR may not be necessary for small acquisitions such as easements. Most REPRs that involve permanent relocation of residents and/or nonresidential properties should include the following: background information on the site and the specific properties to be acquired (this information will most likely come from existing site documents and is helpful in documenting a need to acquire the properties); preliminary cost estimates including USACE's administrative costs as well as the costs expected to be incurred by the USACE or its contractors in acquiring the properties and relocating the residents and/or businesses; and a timeline of when the work may be completed.

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4. Discuss the role of each member of the relocation team including the role of the EPA RPM and CIC, and USACE Real Estate Project Manager (PM) when talking with residents.

5. Lay out the process of notifying EPA's RPM of meetings requiring his/her involvement.

6. If and when cost increases or schedule delays occur or are anticipated, USACE shall notify the EPA's RPM as soon as the cost increase or schedule delay is known or suspected. This action will be followed with the submission of an updated project cost estimate and/or time schedule.

7. The USACE Real Estate PM will delegate a point of contact (POC) for questions and inquiries made by residents regarding their relocation and their relocation benefits.

8. USACE will provide documents in the native language of the community.

9. USACE will provide translators, when necessary, including sign language translators, at public and private meetings.

Task 2: Coordination and Communication

Consistent and ongoing communication between USACE, EPA, and the community is critical.

1. USACE will be on site or otherwise available to meet with tenants and property owners. Expectations regarding the items listed below should be clearly communicated between the two agencies. The size and complexity of the relocation may be factors determining the need for on-site availability. There are critical points in the acquisition/relocation process when USACE availability will be essential, such as:

- All public meetings where relocation may be discussed;
- Most meetings with individual tenants and property owners;
- During and immediately after the release of appraisals;
- During and immediately after the release of comparable housing;
- During and immediately after the presentation of EPA's offer to acquire the property and the comparable housing and relocation benefits package;
- While residents are searching for replacement housing, especially in tight housing markets;
- On scheduled weeknights and weekends to meet with residents who work during the day;
- At the closing of property acquisitions; and
- Other times when residents may want a special meeting.

Information and Hints for Completing the SOW

EPA should decide which meetings between the USACE and the residents it wants to attend. USACE must provide EPA with advance notice of these meetings with residents, tenants, and other owners. The frequency may depend on the scope and complexity of the action and the interest or concerns of the action held by the community. Refer to Part II of the *Superfund Permanent Relocation Statement of Work and Users' Guide,* "Important Considerations" for additional tips on working with the USACE and the community.

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2. When USACE conducts scheduled meetings with residents such as those listed below, USACE will notify EPA in advance of:
   - Public meetings, including public availability sessions;
   - The release of appraisals; and
   - The discussions with each resident of EPA's offer to acquire their property and the relocation benefits.
3. USACE will provide the same attention to the questions and concerns of the community left behind after the relocation as it does for those being relocated.
4. The USACE should communicate any concerns these community members have to EPA.

5. All inquiries from the media or Members of Congress should be forwarded to EPA.

6. USACE will provide the name and phone number of the EPA and USACE point-of-contact to displaced persons.

Information and Hints for Completing the SOW

The team may determine that a toll-free phone number or a web page should be established to provide property owners quick access to the relocation specialists, information, or site updates. USACE may be tasked to respond to these information requests.

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Task 3: Advisory Services

1. USACE shall provide relocation services and assistance to the occupants (homeowners and tenants) of the residences pursuant to the requirements of the URA and any relevant regulations promulgated thereunder. Information on the acquisition and assistance should be provided verbally and in writing. These relocation services include, but are not limited to:

   - Explaining the government's offer to acquire their property, the housing differential, rental or downpayment assistance payments and how they will be calculated, as well as other financial assistance that may be provided;

   - Providing information on availability and costs of comparable replacement dwellings for the purposes of calculating relocation benefits;

   - At a minimum, contacting residents a few days after their appraisals and benefits are discussed and asking if they have any questions or concerns;

   - Explaining eligibility requirements;

   - Explaining procedures for obtaining assistance;

   - Supporting those residents who decide to locate housing on their own or with local real estate agents;

   - Coordinating between government agencies and services (Housing and Urban Development (HUD), Health and Human Services (HHS), USACE, EPA and local/county governments);

   - Explaining the appraisal process;

   - Working closely with individuals and families in identifying comparable homes to ensure their unique family needs are addressed;

- Explaining the relocation process (appraisals, benefits and the key milestones);
- Providing transportation, if needed, to displaced persons in order to inspect available housing;
- Providing advice and explanations of other programs and sources of assistance available to displaced persons;
- Providing assistance in planning for decisions that need to be made or actions that need to be taken by the individual being displaced;
- Helping residents prepare their applications for assistance and other related forms; and
- Explaining appeal rights and EPA's appeal process.

2. The USACE shall be responsible for the processing, assessment, and payment of all appropriate relocation assistance claims and appeals.

3. USACE will provide homeowners with a clear and detailed explanation of what potential expenses may or may not be compensated for under the URA. This will include a clear statement of what the differential payment is and how it will be calculated.

Task 4: Appraisal and Acquisition

Information and Hints for Completing the SOW

The URA has requirements for conducting appraisals. Information on how to conduct appraisals that meet the URA requirements is available at DOT/FHWA's web page, http://www.fhwa.dot.gov/realestate/apprais.htm. The RPM or other EPA member of the relocation team should, in most cases, attend meetings with the property owners when appraisals are released.

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1. USACE shall prepare a map identifying each property to be acquired and the owner of each property. The USACE also shall prepare a legal description and tract map, showing the location of each property (revision of existing documents is acceptable). If specifically requested by EPA or required for execution of the project, USACE also shall perform a boundary survey and establish markers as necessary for acquisition.

2. USACE shall provide EPA with title evidence of each property as required by the *Standards for the Preparation of Title Evidence in Land Acquisition* by the United States (1970) prepared by the U.S. Department of Justice. The form of the title evidence shall be *Certificates of Title or Policies of Title Insurance*. The USACE shall further provide a title opinion based on its delegation from the Department of Justice. The USACE shall provide a list of recorded easements and other actual and potential encumbrances which may be applicable to the subject property.

3. USACE shall ensure the expeditious completion and review of appraisal reports for each property element identified for acquisition. All appraisals shall be performed by a certified appraiser and in accordance with the *Uniform Appraisal Standards for Federal Land Acquisition* (1992) issued by the Interagency Land Acquisition Conference and *Procedural Guide for the Acquisition of Real Property by Government Agencies*, each of which shall be reviewed and approved by a USACE review appraiser.

Information and Hints for Completing the SOW

EPA should determine what additional instructions should be provided to appraisers. For example, it is EPA's policy to appraise properties as if they were not contaminated by the Superfund site hazardous substances.

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4. Prior to an appraiser contacting property owners, the USACE Real Estate PM and the appraiser shall meet with EPA to review and approve instructions to the appraiser. In conducting the appraisals, assume that the property is free of the hazardous substance that prompted the response action. USACE shall encourage each owner to participate in the appraisal of the property that he/she owns, and shall schedule the appraisal walk-through date based on the owner's availability. USACE Real Estate PM or an EPA representative shall participate in each appraisal walk-through. During each appraisal walk-through, the USACE or EPA representative shall ask the property owner which removable fixtures the owner intends to move and shall record whether each item of value will be moved or left on the premises. Attached to the appraisal shall be a page listing the salvage value of each item moved from the premises. If the property is contaminated and EPA will not decontaminate the property, or if the real property will be sold rather than demolished, the salvage values do not need to be determined.

5. Salvage of fixtures and/or real property features may be reserved by the owners upon approval from the USACE. The owners will be required to remove any such items on their own after the property has been acquired, or no less than (specify a time period or date) prior to initiation of demolition activities by EPA, whichever is first.

6. Make sure all residents sign a release of liability form before they enter property once it has been acquired.

7. With prior approval from EPA, an owner may obtain his/her own appraisal and be reimbursed for that expense. Owner initiated appraisals must meet the same standards and requirements as the appraisal secured by the USACE. See *Release of Appraisals for Real Property Acquisition at Superfund Sites Guidance*, OSWER Directive 9200.1-35P, November 2000. This document is available on-line at http://www.epa.gov/oerrpage/superfund/tools/topics/relocation.

8. The USACE shall present property appraisals to the property owners as stated in the OSWER Directive 9200.1-35P, *Release of Appraisals For Real Property Acquisition at Superfund Sites*, November 2000.

9. Based on the approved appraisal, USACE shall advise owners of the government's estimate of the fair market value of the property and conduct negotiations with each owner. The USACE Real Estate PM shall be on-site during (specify times) and during scheduled evening and weekend hours to accommodate residents not available during the day. EPA shall be informed of the dates of such scheduled negotiations sufficiently in advance for EPA to attend such negotiations, at the option of EPA.

10. The USACE shall prepare a negotiator's report (a written summary of the negotiations for each tract).

11. The USACE shall provide closing services for each property to be acquired. These services shall include:

    - Procurement of checks for the acquisition;
    - Preparation of deeds and other closing papers;
    - Conducting closings with EPA representatives present (at EPA's discretion); and
    - Performing all activities necessary to acquire title by direct purchase.

12. USACE shall coordinate with EPA on all procedures and standards to be used in closing on the properties. A USACE attorney shall attend all closings for government acquisitions. Title to all properties shall be in the name of the United States of America and its assigns. A final title assembly, including final title opinion, shall be prepared by USACE for each tract acquired.

13. In the unlikely event that condemnation of a property is necessary, the USACE will consult with EPA's Offices of Regional and General Counsel on the procedures to follow. After the decision to condemn is approved by EPA, the USACE shall prepare all necessary condemnation documents including a *Declaration of Taking* for execution by the Director of Facilities Management and Services Division, EPA Headquarters. EPA Headquarters will coordinate with the regional office and the USACE on the approval process for condemning the property. The USACE will cooperate with and assist EPA and the Department of Justice in prosecuting the condemnation through completion.
14. If condemnation becomes necessary, a new appraisal will be required and the contamination will be considered.

15. The USACE will maintain the purchased property, including items such as grass cutting, snow removal, security, etc., unless otherwise directed by EPA, until advised of its disposition by EPA in accordance with the executed *State Superfund Contract (SSC)* upon completion of the remedial actions. The acquisition and subsequent relocation will be in accordance with the URA.

Task 5: Relocation

1. The USACE shall review real estate for sale in the (city) area that is comparable to the properties to be acquired. The USACE shall meet with each owner/occupant and provide information on the most nearly comparable dwelling (as defined in the URA, Section 24.2 (d)), and shall additionally list other comparable real estate in the area. USACE shall submit to EPA a real estate package identifying the most comparable dwelling and other comparable dwellings within 48 hours of the negotiations meeting with the residents.

2. USACE will provide a property owner 30 days to review the government offer. Residents may request an extension of this deadline. The USACE, with EPA's concurrence, may grant a reasonable extension to allow owners time to review the information.

3. Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within monetary limits for owners or tenants as specified in § 24.401 or § 24.402, the USACE shall provide additional or alternative assistance under the provision of replacement housing of last resort. Any proposal for provision of last resort housing shall be coordinated with EPA's RPM before the offer is made to the residents.

Information and Hints for Completing the SOW

Tenants who have occupied their primary residence for at least 90 days are entitled to benefits as described in 49 CFR 24.402, including a rent differential (the rent differential is the difference between the rent they are currently paying and the rent of a comparable rental unit.). If the comparable rental unit rent is higher than the rent at the primary address, multiply the difference by 42 months. The difference is called the rent differential.

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4. USACE should determine rent differentials for all tenants as described in 49 CFR 24.402. It is EPA's policy that rent differentials greater than $10,000 should be made in installment payments rather than a lump sum payment. The number and timing of the installment payments should be determined by the team. If a tenant plans to use his or her rent differential as part of a down payment on the purchase of a new home, USACE should provide the lump sum payment at the time of closing on the new home.
5. In the case of last resort housing, including last resort housing for tenants, the USACE will provide detailed documentation to EPA on the extent of the housing search and the results of that search. USACE also should notify EPA if the most appropriate comparable housing includes features not available in the property to be acquired, for example, if the comparable has significantly more square footage than the housing to be acquired.

6. Since housing of last resort payments can be very high, it is critical that every effort be made to find comparable housing within a reasonable price range. If at least one comparable replacement house cannot be found, document the extent of the housing search conducted

and the justification for most appropriate comparable housing. The team should keep in mind that in some cases, more costly housing comes with higher property taxes and sometimes increased utility costs. The URA does not currently provide for these increased costs, and some residents may have trouble paying them or may not be able to afford them.

Information and Hints for Completing the SOW

There are several options available for moving resident's personal property. The best option may depend on the desire of the residents and scope and complexity of the move. All displaced owner-occupants or tenants are entitled to payment for their actual moving and related expenses as described in the regulations, §24.301. USACE may arrange for a moving company to pack and move personal property, or the residents may work directly with a moving company and seek reimbursement for actual, reasonable expenses. Residents also have the option to receive a fixed payment for moving expenses. This payment shall be determined according to the applicable schedule approved by the Federal Highway Administration found at http://www.fhwa.dot.gov/realestate/fixsch96.htm. The USACE should ensure that the moving company offers proper warranties for their work including replacement value for damaged property.

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7. USACE shall work with the relocation team and the residents to determine the best method of moving personal property. If it is determined that the government will make the moving arrangements, USACE will arrange (under contract as determined by USACE) for packing and moving of the residents' personal property to the replacement housing. If the residents are to make arrangements to have their personal property moved, USACE will provide instructions (2 or 3 bids from reputable moving companies who provide appropriate warranties are required) and reimbursement to the residents. Finally, USACE will provide a fixed payment to residents who prefer to use the move schedule (*Uniform Relocation Assistance and Real Property Acquisition Policies Act, Residential Moving Expense and Dislocation Allowance Payment Schedule*). The move schedule can be found at http://www.fhwa.dot.gov/realestate/fixsch96.htm. USACE should coordinate with property owners to assure they are available or have a representative available at the property when movers are working.

8. USACE will process and pay all relocation assistance claims deemed appropriate.

Task 6: Follow-up

After the relocation, USACE should arrange a follow-up meeting with each property owner and tenant to discuss any problems. The EPA RPM or other key team member should attend these meetings.

Task 7: Appeals

USACE should follow procedures documented in OSWER Directive 9355.0-88, *Process of*

Handling Appeals of Permanent Relocation Decisions, February 13, 2003.

Task 8: Reporting

1. During the project, USACE shall provide a monthly summary to EPA's RPM. The summary should be submitted within 15 calendar days of the completion of the reporting period and contain, at a minimum, the work performed by USACE during the reporting period: project costs to date; an estimate of remaining costs to project completion; status of contracts administered by the USACE; summaries of all contacts with representatives of public interest groups and state or local government; and summaries of all problems encountered.

2. The URA requires that the lead Agency, DOT/FHWA, report periodically on the real property acquisition and relocation activities under the URA. EPA will report annually to the lead Agency which will in turn report to Congress. To meet its reporting requirements, EPA developed a Property Acquisition/Relocation Statistical Report Form that captures the data DOT/FHWA may request. USACE shall complete the site-specific *Property Acquisition/Relocation Statistical Report Form*, attached here as Attachment 1 (Attachment 2 provides instructions for completing the form), soon after September 30, but no later than November 15, of every fiscal year. If a project ends within the fiscal year, the USACE may complete this form and submit it at that time. A copy of the form should be provided to the EPA RPM and a second copy should be sent to USEPA, the Regional Support Branch 1,2,6,9,10, Office of Superfund Remediation and Technology Innovation, mail code 5202G, 1200 Pennsylvania Ave. NW, Washington DC, 20460.

Task 9: Project Management and Close-out

Information and Hints for Completing the SOW

Some records must be retained with the Administrative Record, others are necessary to support cost recovery and any appeals or suits against the government brought by relocated residents. Other records may be less significant. Regions should work with ORC and their records management experts to determine which records should be retained and forwarded to EPA.

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After completion of the acquisition and relocation process and conveyance of all property interests to the State, all files, maps, and other documents related to the acquisition and relocation (including all originals) should be forwarded to EPA Headquarters Facilities Management Services Division within 180 days. The USACE also shall provide the RPM with a summary of the expenditures and the remaining balance in the IAG to be returned to EPA.

Attachment 1
Property Acquisition/Relocation Statistical Report Form

Federal Fiscal Year Ending Sept. 30, 20____.
Superfund Site: _____
City/County: _____ State: _____ Date of Report: _____

Part A. Real Property Acquisition under the Uniform Act	
1) Total Number of Parcels Acquired (Ownerships)	
2) Number of Parcels in Line 1 Acquired by Condemnation	
3) Number of Parcels in Line 1 Acquired by Administrative Settlement (Above initial offer –see 24.102 (l))	
4) Compensation – Total Costs (Including 24.106; Excluding appraisal costs, negotiator fees and other administrative expenses)	
Part B. Residential Relocation under the Uniform Act	
5) Total Number of Residential Displacements (Households)	
6) Residential Moving Payments – Total Costs	
7) Replacement Housing Payments – Total Costs	
8) Number of Last Resort Housing Displacements in Line 5 (Households)	
9) Number of Tenants Converted to Homeowners in Line 5 (Households using 24.402©))	
10) Total Costs for Residential Relocation Expenses and Payments (Sum of lines 6 and 7; excluding administrative costs)	
Part C. Nonresidential Relocation under the Uniform Act	
11) Total Number of Non-Residential Displacements	
12) Non-Residential Moving Payments – Total Costs (Including 24.305)	
13) Non-Residential Reestablishment Payments – Total Costs	
14) Total Costs for Nonresidential Relocation Expenses and Payments (Sum of lines 12 and 13; excluding EPA/USACE administrative costs)	
Part D. Relocation Appeals under the Uniform Act	
15) Total Number of Relocation Appeals (Residential & Non-Residential)	

Attachment 2
Instructions for Property Acquisition/Permanent Relocation Statistical Report Form

1. Report coverage. This report covers all relocation and real property acquisition activities conducted under the Comprehensive Environmental Response Compensation Liability Act (CERCLA) subject to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

2. Report period. Activities shall be reported on a Federal fiscal year basis, i.e., October 1 through September 30.

3. Where and when to submit report. Submit a copy of this report to EPA Headquarters, Attention OSRTI, Regional Support Branch 1,2,6,9,10, 5202G, 1200 Pennsylvania Ave. NW, (5202G), Washington DC, 20460 as soon as possible after September 30, but NOT LATER THAN NOVEMBER 1. Acquisitions and/or relocations that are completed during the fiscal year may be reported any time in that fiscal year. The information will be tabulated and forwarded to the DOT/FHWA who has the responsibility for reporting this information to Congress.

4. How to report relocation payments. The full amount of a relocation payment shall be reported as if disbursed in the year during which the claim was approved, regardless of whether the payment is to be paid in installments.

5. How to report dollar amounts. Round off to the nearest dollar all money entries in Parts A, B and C of this section.

6. Regulatory references. The references in Parts A, B, C and D of this section indicate the subpart of the regulations pertaining to the requested information

Part A. Real Property Acquisition Under the Uniform Act

Line 1. Report all parcels acquired during the report year where title or possession was vested during the reporting period. The parcel count reported should relate to ownerships and not to the number of parcels of different property interests (e.g., fee, perpetual easement, temporary easement, etc.) that may have been part of an acquisition from one owner. For example, an acquisition from a property that includes a fee simple parcel, a perpetual easement parcel, and a temporary easement parcel should be reported as 1 parcel not 3 parcels. (Include parcels acquired without Federal financial assistance, if there was or will be Federal financial assistance in other phases of the project or program.)

Line 2. Report the number of parcels reported on Line 1 that were acquired by condemnation. Include those parcels where compensation for the property was paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in EPA through condemnation authority.

Line 3. Report the number of parcels in Line 1 acquired through administrative settlement where the purchase price for the property exceeded the amount offered as "Just Compensation" and efforts to negotiate an agreement at that amount have failed.

Line 4. Report the total of the amounts paid, deposited in court, or otherwise made available to a property owner pursuant to applicable law in order to vest title or possession in the acquiring Agency in Line 1.

Part B. Residential Relocation Under the Uniform Relocation Act

Line 5. Report the number of households which were permanently displaced during the fiscal year by project or program activities and moved to their replacement dwelling. The term "households" includes all families and individuals. A family shall be reported as "one" household, not by the number of people in the family unit.

Line 6. Report the total amount paid for residential moving expenses (actual expense and fixed payment).

Line 7. Report the total amount paid for residential replacement housing payments including payments for replacement housing of last resort provided pursuant to § 24.404 of this part.

Line 8. Report the number of households in Line 5 who were permanently displaced during the fiscal year by project or program activities and moved to their replacement dwelling as part of last resort housing assistance.

Line 9. Report the number of tenant households in Line 5 who were permanently displaced during the fiscal year by project or program activities, and who purchased and moved to their replacement dwelling using a down payment assistance payment under this part.

Line 10. Report the total sum costs of residential relocation expenses and payments (excluding Agency administrative expenses) in Lines 6 and 7.

Part C. Nonresidential Relocation Under the Uniform Act

Line 11. Report the number of businesses, nonprofit organizations, and farms which were permanently displaced during the fiscal year by project or program activities and moved to their replacement location. This includes businesses, nonprofit organizations, and farms, that upon displacement, discontinued operations.

Line 12. Report the total amount paid for nonresidential moving expenses (actual expense and fixed payment.)

Line 13. Report the total amount paid for nonresidential reestablishment expenses.

Line 14. Report the total sum costs of nonresidential relocation expenses and payments (excluding Agency administrative expenses) in Lines 12 and 13.

Part D. Relocation Appeals

Line 15. Report the total number of relocation appeals filed during the fiscal year by aggrieved persons (residential and nonresidential).