

Technical Assistance Plan

Anchorage Terminal Reserve Anchorage, Alaska

Prepared by:

**The RETEC Group, Inc.
2409 Research Blvd., Suite 106
Fort Collins, Colorado 80526**

Prepared for:

**Alaska Railroad Corporation
327 Ship Creek Avenue
Anchorage, Alaska 99501**

August 31, 2005

Technical Assistance Plan

Anchorage Terminal Reserve Anchorage, Alaska

Prepared by:

The RETEC Group, Inc.
2409 Research Blvd., Suite 106
Fort Collins, Colorado 80526

Prepared for:

Alaska Railroad Corporation
327 Ship Creek Avenue
Anchorage, Alaska 99501

Prepared by:

Steve Nelson, Task Manager

Reviewed by:

Chris Cosentini

Chris Cosentini, Project Manager

August 31, 2005

Table of Contents

1	Introduction.....	1-1
1.1	Purpose.....	1-1
1.2	Background.....	1-1
1.3	Goal of this Document	1-2
1.4	Document Organization	1-2
2	Attributes of and Constraints on Prospective Technical Assistance Plan Applicants	2-1
2.1	Eligibility Requirements	2-1
2.2	Group Funding and Spending Restrictions	2-2
3	Technical Assistance Plan Application, Review, and Selection Process.....	3-1
3.1	Technical Assistance Plan Application by Community Groups.....	3-1
3.2	Technical Assistance Plan Application Review and Selection.....	3-2
4	Technical Assistance Plan Grant Performance Monitoring and Management.....	4-1
4.1	Administration and Control	4-1
4.2	Funding and Payment Procedures.....	4-2
4.3	Periodic Technical Progress Reporting.....	4-3
4.4	Reports from the Technical Advisor.....	4-3
5	References.....	5-1

1 Introduction

1.1 Purpose

This Technical Assistance Plan (TAP) is a requirement of the Administrative Order on Consent (AOC) (United States Environmental Protection Agency [U.S. EPA], 2004a) between U.S. EPA Region 10 and the Alaska Railroad Corporation (ARRC) under which ARRC is carrying out a CERCLA/RCRA investigation at its Anchorage Terminal Reserve (the Site). The TAP is intended to help facilitate meaningful public participation during the Site investigation process and the evaluation of potential remedial alternatives. Since meaningful public involvement depends on public understanding of the investigation process and its technical findings, a specific objective of this TAP is to make technical assistance available to communicate this information in an intelligible manner to the public.

1.2 Background

The AOC requires the TAP to comply with 40 CFR §35.4020, consistent with the AOC, and to be consistent with the 40 CFR Part 35 Subpart M regulations that are applicable to U.S. EPA-awarded technical assistance grants. This TAP has been designed to meet these requirements. ARRC will conduct the following key activities under this TAP:

- Select a qualified community group from among interested local parties for direct participation in technical document review and communication of technical information in an intelligible form to the group and local community
- Make available up to \$50,000 in funding to a qualified community group to carry out this technical review and public communication
- Develop with the selected community group an agreed scope of work, project schedule, budget, and criteria for selecting any external technical advisor
- Allocate the funding to cover the entire Remedial Investigation/Feasibility Study (RI/FS) implementation and other work under the AOC, including the development of a proposed plan regarding potential remedial action at the Site
- Monitor and oversee the technical and financial performance of the selected community group to ensure productive and effective use of funds for the program duration

1.3 Goal of this Document

The goal of this TAP is to outline the process whereby ARRC will solicit, select, fund, and monitor a qualified community group that will use its existing technical advisors or retain an external technical advisor to help interpret Site investigation findings, risk assessment data, and potential remediation options and communicate that information to the group and local community. This will help inform the group and the community at large regarding the Site findings and the investigative process and facilitate meaningful public involvement and comment during the RI/FS.

1.4 Document Organization

Section 2 of this TAP describes the ARRC selection criteria for the community group to ensure that it meets applicable requirements and will make effective use of available grant monies. Restrictions on use of those funds are also outlined. Section 3 presents the series of steps that will be completed to obtain a set of qualified applicants, and the process for selecting the community group. Section 4 summarizes management considerations for overall TAP implementation, as well as technical and budget performance reporting requirements. Section 5 provides references.

2 Attributes of and Constraints on Prospective Technical Assistance Plan Applicants

A core element of TAP implementation is the involvement of a qualified community group that broadly represents and can articulate the interests and concerns of the local community. The successful group will also be capable, using its existing technical advisors or an external technical advisor it may retain using ARRC funding, of communicating technical results from work at the Site back to its group members and the local community at large. This section describes attributes and constraints that will be used to identify appropriate community group candidates, who will be encouraged to apply for the TAP funding opportunity.

2.1 Eligibility Requirements

Eligibility requirements for TAP group involvement are established in §35.4020 and include the following primary criteria:

- The group must be composed of community members who may be affected (i.e., subject to an actual or potential health, economic or environmental threat) by releases or possible releases at the Site
- The group meets the minimum administrative and management capability requirements found in 40 CFR §30.21 by demonstrating existing, or soon-to-be-implemented, and reliable procedures for record keeping and financial accountability related to managing grant monies (these procedures must be in place before the group incurs any expenses)
- The group must be incorporated as a nonprofit organization, and must either have incorporated specifically for the purpose of participating in the CERCLA/RCRA process at the Site or have a history of involvement on matters affecting the Site

A community group will be considered ineligible for participation in the TAP if the group is:

- Potentially Responsible Party (PRP) with respect to the Site, receives money or services from a PRP, or represents a PRP
- Affiliated with a national organization

- An academic institution
- A political subdivision (for example, township or municipality)
- Established or presently sustained by any of the ineligible entities described above, or if any of these ineligible entities are represented in the group

A fundamental requirement for the successful candidate is demonstration of nonprofit status. Successful candidates must meet the following requirements:

- At the time of award, the group must demonstrate that it has incorporated as a nonprofit organization or filed the necessary documents for incorporation with the appropriate State agency
- At the time of the first request for reimbursement or advance payment, the group must submit proof that the State has incorporated the group as a nonprofit organization

2.2 Group Funding and Spending Restrictions

The successful community group will be required to contribute up to 20% of the total cost of the TAP project. Matching fund requirements may be satisfied with either cash or in-kind contributions. ARRC will consider reducing or waiving the 20% match requirement for the group it selects that otherwise provides the highest quality proposal, depending on ARRC's evaluation of the selected community group's ability to provide this match through funds or in-kind contributions.

ARRC will provide aggregate funding up to \$50,000 under this TAP. If more than one qualified community group expresses interest in a TAP, ARRC may encourage the interested groups to form one coalition to submit a single application. If any such coalition is formed, any applicant group will be directed to modify and resubmit its application.

A principal use of TAP funds can be for procurement of a technical advisor not affiliated with ARRC, the U.S. EPA or the Alaska Department of Environmental Conservation who will help explain the RI/FS process and interpret Site technical data and evaluations for the group and the local community. In the event a qualifying community group already has an appropriate technical expert, procurement of an external advisor may be unnecessary.

Examples of how technical advisors may support the process include the following:

- Reviewing Site investigation data

- Assisting the group in understanding technical information regarding the findings of the environmental investigation and risk assessments, potential remedies, and remedy implementation
- Visiting the Site vicinity periodically during the investigation process to observe the work and provide technical updates to the group

The selected community group may use TAP funds to retain technical advisors for interpretation of Site information related to public health, environmental protection, Site development issues, or implications with respect to ongoing railyard operations.

Technical advisors will be disqualified based on potential for conflict of interest if they currently conduct any work for the Federal Railroad Administration, ARRC, any current or past tenant at the Site, or any other PRP.

The selected community group may use a portion of the TAP award for the following activities:

- Fund a grant administrator who will help manage and administer the grant
- Purchase or rent office supplies
- Print and disseminate informational newsletters or fact sheets

Candidate community groups will be informed that the following activities cannot be funded with grant monies:

- Lawsuits or other legal actions, such as paying for attorney fees for advice tied to any kind of legal action, or for any activities that would result in an attorney / client relationship and associated attorney / client privilege for project documents
- Political activity and lobbying
- Social, ceremonial, entertainment and related costs
- Group member training or travel
- Generation of new primary data (e.g., additional soil or surface water data, or biomedical data)
- Contesting U.S. EPA decisions (e.g., the Record of Decision for any remedial actions that U.S. EPA may find are necessary)

- Resolving disputes with U.S. EPA
- Epidemiological or health studies (e.g., urine or blood testing)

3 Technical Assistance Plan Application, Review, and Selection Process

The process whereby prospective community groups apply and are selected for participation in the TAP will be managed by ARRC as outlined below. In accordance with U.S. EPA's Community Involvement Plan newsletter for the Site (U.S. EPA, 2004b), ARRC will announce the opportunity for community groups to apply for the TAP funding by placing a display ad in the Anchorage Daily News, as well as through posted information about the program on its website (<http://www.akrr.com>). As necessary and appropriate to reach interested community members, ARRC will also consider direct mailings to ARRC's community mailing list. Eligibility requirements for applicants and performance expectations for the selected group, as outlined in Section 2, will be included in the announcement. The target date for the published announcement is on or about September 1, 2005.

The overall process and timeline for application submittal, application review, and selection of the successful applicant is summarized below, with the goal of having a TAP awarded during implementation of the RI field work.

3.1 Technical Assistance Plan Application by Community Groups

- Within 30 days following the date of public notice, interested community groups will submit proposals that include a budget, scope of work, and information regarding their organizational structure and available resources. If multiple community groups appear interested, ARRC may encourage them to form a single coalition with a single application for TAP funding. Guidelines regarding budget and scope of work components are specified in §35.4130, §35.4135, and §35.4140, and at a "Frequently Asked Questions" portion of the U.S. EPA website for technical assistance grant funding (<http://www.epa.gov/superfund/tools/tag/faqs.htm>). Applicants also will be required to certify that they meet the eligibility requirements for TAP participation.
- In the subsequent 20 days, ARRC will evaluate proposals for completeness, contact applicants as needed for proposal clarification, and develop a short list of qualified applicants.

3.2 Technical Assistance Plan Application Review and Selection

ARRC's selection of the successful community group will be based on the eligibility requirements outlined above and an assessment of each applicant's capabilities and plan to:

- Effectively utilize the services of a technical advisor to interpret technical information regarding Site investigations, risk assessment evaluations, and potential remedial alternatives
- Effectively convey information provided by the technical advisor to the group members and the local community

Award of TAP funding to a specific community group is targeted for October 2005. Following notification of TAP award to the selected community group, ARRC will establish a contract agreement with the community group that incorporates key operating practices and expectations outlined in this TAP. The agreement will also include procedures for informal resolution of any disputes between ARRC and the selected community group. In the event that ARRC and the selected community group cannot reach resolution on a disputed matter concerning the use, administration, or payment of TAP funds, ARRC will notify EPA of the dispute and work with EPA to resolve it.

4 Technical Assistance Plan Grant Performance Monitoring and Management

4.1 Administration and Control

Respecting the independence of any advice or work product by any technical advisor retained by a community group with TAP funding, ARRC will monitor the successful community group's TAP technical and financial performance. ARRC will assign a TAP Administrator who will be responsible for distributing TAP funds and reviewing the group's progress reports, the work product of its technical advisor(s), and its financial records that document the project costs and how the TAP funds have been spent. The ARRC TAP Administrator has been tentatively identified as Mr. Dave Vralsted. Contact information for Mr. Vralsted is provided below.

Mr. Dave Vralsted
Alaska Railroad Corporation
327 Ship Creek Avenue
Anchorage, AK 99501
(907) 265-2478
vralstedd@akrr.com

The successful community group applicant will identify its own TAP Administrator, who will be the group's primary point of contact for administrative issues. This individual will have responsibility for the following tasks:

- Placing public notices
- Preparing contracts with any external technical advisor and grant administrator
- Preparing progress reports
- Tracking expenses
- Record keeping
- Cost accounting
- Taking meeting notes and distributing official meeting minutes

Administrative controls will be accomplished by requiring that the group submit to ARRC:

1. Quarterly progress reports within 45 days after the end of each calendar quarter
2. Annual financial status reports within 90 days after the anniversary of its TAP award from ARRC
3. Copies of final technical advisor work products within 10 days of distribution to the TAP group or the public
4. A final report containing the information specified at 40 CFR §35.4170(e) within 90 days after the ARRC TAP funding has been completed. In addition, ARRC will provide the selected group with specific criteria and procedures for contractor procurement that will support use of effective technical resources by the TAP group.

The successful community group also will be required to meet the guidelines set forth in 40 CFR §35.4170 through §35.4240) regarding the following:

- Periodic financial and technical progress reporting
- Financial and technical records management and retention
- Eligibility requirements for technical advisors and other contractors
- Solicitation, selection, and procurement guidelines for technical advisors and other contractors, including contract value bid guidelines and contract provisions

4.2 Funding and Payment Procedures

The successful community group will provide to ARRC a monthly request for funds disbursement, along with appropriate documentation that supports the request for disbursement. The community group will also describe in detail the scope of work and any deliverable generated for the associated scope of work. Requests for disbursement will be sent to the ARRC TAP Administrator for evaluation and approval. ARRC will provide funding on a cost reimbursement basis only, except that ARRC, at its discretion, may provide the selected group with advance funding up to \$5,000 for start-up costs, such as equipment and space rental.

Within 30 days of receipt of the request for disbursement, ARRC will issue payment for approved amounts, unless ARRC requests additional information

with notice of dispute regarding the request. ARRC reserves the right to review the request for disbursement, accompanying documentation, and generated deliverables in order to determine that payment is justified.

4.3 Periodic Technical Progress Reporting

The TAP community group will provide a quarterly progress report to ARRC and EPA within 45 days after the end of each calendar quarter, in narrative form, with a full description of:

- Schedule performance status
- Budget performance status
- Problems encountered
- Copies of technical documents, newsletters, fact sheets, or any other advisories or public notifications generated during the report period

4.4 Reports from the Technical Advisor

The TAP group will be required to send copies of final technical advisor work products to ADEC, U.S. EPA, and ARRC within 10 days of distribution to the TAP group or the public.

5 References

U.S. EPA, 2004a: Administrative Order on Consent, dated May 17, 2004;
EPA Docket No. CERCLA 10-2004-0065, 64 p.

U.S. EPA, 2004b: Community Involvement Plan for Anchorage Terminal
Reserve, dated November 2004, 5 p.