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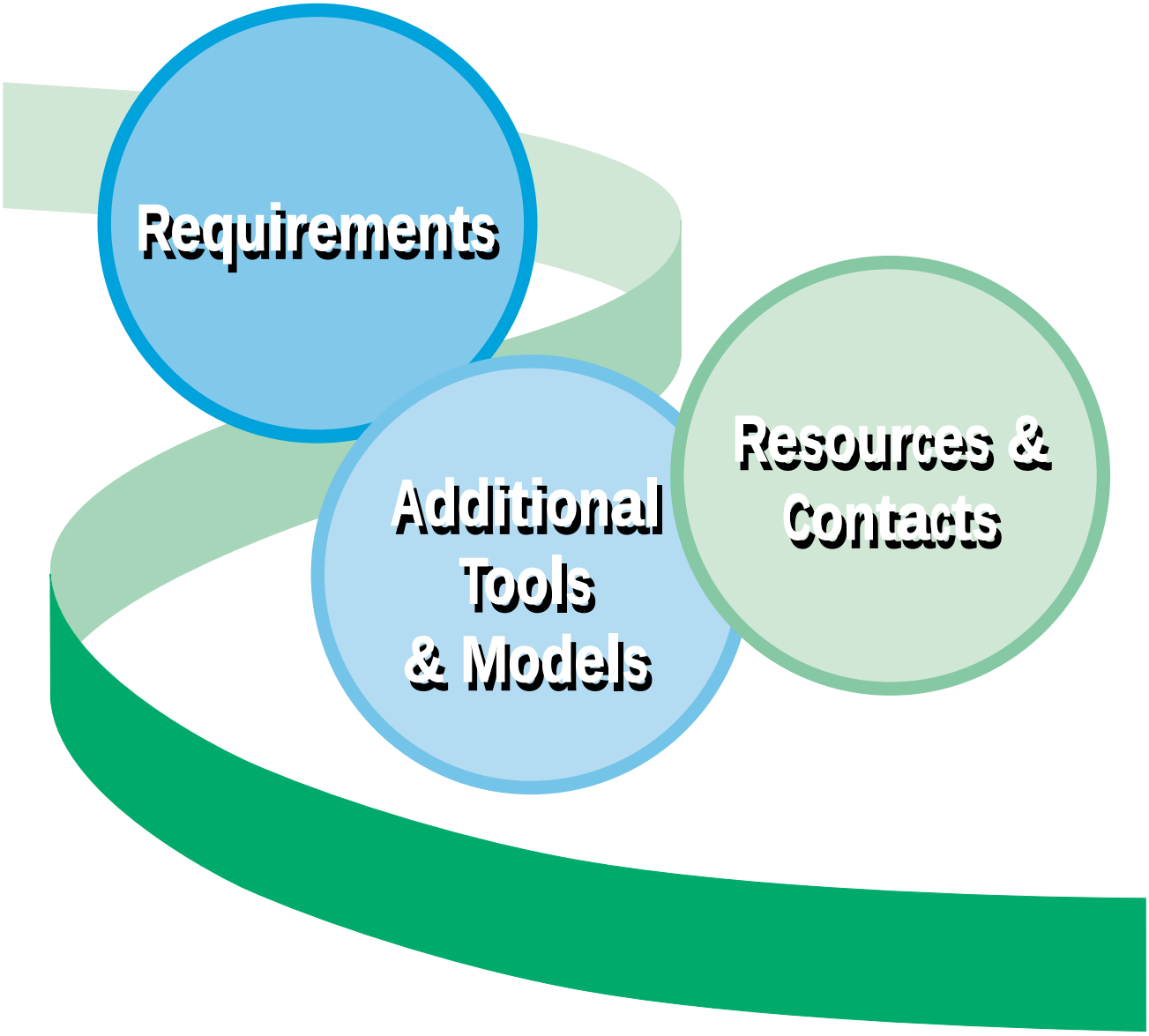
Public Involvement in Environmental Permits



A REFERENCE GUIDE

NOTICE

This document is a reference guide on public involvement requirements and effective strategies for states and tribes authorized to implement environmental permitting programs. It contains summaries of U.S. Environmental Protection Agency (EPA) statutory authorities, regulations, and guidance materials. This document does not substitute for any of these authorities or materials. In addition, this document is not an EPA regulation and therefore cannot impose legally binding requirements on EPA, States, or the regulated community. EPA may change this document in the future, as appropriate.

ACKNOWLEDGMENTS

This document was prepared under the direction of a cross-Agency workgroup, chaired by the Office of Solid Waste and Emergency Response as part of the Second Generation of Environmental Permitting Action Plan. Many valuable contributions were made from government and private organizations who reviewed this document. The workgroup would like to thank all the participants in the focus group sessions held in Washington DC, and Houston, Texas, for their important advice and input as well as those who provided comments through the reviews conducted by the National Environmental Justice Advisory Council and Environmental Council Of States.

SUGGESTED IMPROVEMENTS

This is the first edition of the Reference Guide and every effort was made to ensure its usefulness to state program staff, communities, and regulated facilities. However, additional improvements are always possible. Comments are welcome and should be directed to:

U.S. Environmental Protection Agency
OSWER/OPM/PARMS/mc 5103
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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Section 1 - Introduction

This *Reference Guide for Public Involvement in Environmental Permits (Reference Guide)* was developed by EPA to help make it easier for you and your agency to facilitate public participation in environmental permitting decisions for businesses and facilities under your authority. The *Reference Guide* provides basic information about public participation requirements and gives examples under several major permits issued by EPA's air, water, and waste programs. The *Reference Guide* details what public participation activities are required under these programs, as a minimum, as well as those suggested activities that serve to augment the regulatory requirements. While this document will be available to the public and to regulated entities, and their input will be sought, the primary audience for the *Reference Guide* is the regulating community. Thus, the public and permitted facilities are necessarily addressed as the secondary audience.

What Information Does this Reference Guide Contain?

This *Reference Guide* is divided into six sections to help you identify public participation activities required under federal regulations and how you and your agency can get the public involved. In addition, it provides useful tips, based on the experience of public participation practitioners, on how regulators, the public, and facility operators seeking permits can interact. The following is a summary of the information contained within each of the six *Reference Guide* sections.

Section 1: Introduction. This section provides a brief introduction to the purpose and scope of the *Reference Guide*, and provides information and referral to other sources for programs not covered in this document.

Section 2: Permit Processes Overview. This section provides a brief overview of several major permitting programs for which EPA has either direct responsibility or oversight authority. These programs are used to highlight public participation activities associated with permitting activities. The permitting programs outlined include: air programs under the Clean Air Act (CAA); water programs under the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA); and hazardous waste programs under the Resource Conservation and Recovery Act (RCRA). Each overview has a brief description of the statute, the associated permits, and the resulting permitting programs. Included is a list of public participation activities required by each permitting program, as well as regulatory citations that should be referred to for specific provisions.

Section 3: Required Public Involvement Activities in Environmental Permits. This section presents detailed information about public participation activities you, your agency, the EPA, the public, and facilities seeking permits are required to use during the permitting process.

These activities are broken down into two categories, namely: (1) disseminating information, and (2) gathering and exchanging

information. Required activities include public notices, fact sheets, notices of decision, public meetings, and public hearings.

Each public participation activity is presented in a similar format. The parts to the presentation for each public participation activity are as follows:

- a brief overview of the public participation activity;
- a summary of the federal regulatory requirements for using the activity in each permitting program;
- a detailed description of the activity; and
- a discussion that includes opportunities for participation and other tips.

Section 4: Additional Tools to Facilitate Public Involvement Activities in Environmental Permits. This section presents detailed information about additional public participation tools that you, your agency, the EPA, the public, and facilities seeking permits can use to better facilitate public participation during the permitting process. These activities are also broken down into (1) disseminating information and (2) gathering and exchanging information. Suggested public participation tools include, but are not limited to, the following: project newsletters, presentations, facility tours, citizens advisory groups, and dispute resolution.

These tools supplement, and should be used in conjunction with, the required public participation activities. These additional tools have been helpful in avoiding potential controversies or when an agency has gone through the required process (described in Section 3) and issues still remain surrounding the permitted activity.

Each public participation activity is presented in a similar format. The three parts for each activity are as follows:

- a brief overview of the public participation activity;
- a detailed description of the activity; and
- discussion that includes opportunities for participation and other tips.

Section 5: Resources and Contacts. This section presents information on a variety of resources that are available to help facilitate public participation activities. It includes telephone hotlines, information on the Internet, a list of RCRA public participation contacts at EPA and in selected states, and Internet links to EPA, tribal, and state home pages. This section also includes a two-page excerpt from a brochure produced by EPA for users of the RCRA Information Center (RIC) that describes the RIC, its purpose, and services.

Section 6: Acronyms and Glossary. This section presents a list of acronyms and a glossary of commonly used terms for each of the different programs.

Where Can I Find Additional Public Involvement Information?

Although this *Reference Guide* provides a list of resources, **it does not address every situation that requires a permit**. It is important to note that zoning and land use decisions are made at the local level; this *Reference Guide* will not address those issues. Consult your local authorities directly for any zoning questions. The following are several suggestions for places to look for related information:

- If you are trying to learn more about public participation in the Superfund program, refer to *Community Relations in Superfund: A Handbook*, (USEPA, EPA/540/R-92/009, OSWER Directive 9230.0-3C, January 1992). Order: http://www.epa.gov/ncepihom/Catalog/EPA540R92009.html

- If you are trying to learn more about siting hazardous waste management facilities before permitting, you will most likely need to contact your local or state environmental officials. Please refer to the information in Section 5 of this *Reference Guide* to find the right organization.

- Most states are authorized to carry out the National Pollutant Discharge Elimination System (NPDES), and RCRA hazardous waste program, and these states may choose to impose more stringent requirements than the federal program. If you want to learn about the public participation requirements for other states, you should contact state environmental officials. Internet links to individual state web sites are provided in Section 5 of this *Reference Guide*.

- If you are trying to learn about hazardous substances (other than wastes) stored by facilities or amounts of toxic substances released to the environment, you should find out more about the Emergency Planning and Community Right-to-Know Act (EPCRA) www.epa.gov/swercepp/crtk and the Toxics Release Inventory (TRI) www.epa.gov/tri. Call EPA Headquarters, your EPA Regional Office, or the RCRA/Superfund Hotline (see Section 5 of this *Reference Guide*) for more information.

There are other programs administered by EPA that have a direct bearing on permit programs, but are not covered in detail in this *Reference Guide*. All users of this *Reference Guide* should be sure to consider the impact of other programs and the public participation requirements associated with them.

For example, the State Implementation Plan (SIP) process under the Clean Air Act (CAA) includes at least two public comment periods and a public hearing. The emission limitations established by the SIP process often are some of the components of the CAA Title V operating permits. Details on how to participate in the determination of emissions limits for a source are provided in the CAA portion of Section 2.

The Freedom of Information Act (FOIA) is an additional program or authority through which the public may have access to permit information or any other information maintained by you, your agency, the EPA, or a facility. An explanation of this authority and the public's rights under its provisions is at 40 CFR Part 2. These regulations require the federal government to provide access to documents in its possession. Part 2 lists addresses for each EPA Region's FOIA office.

Most, if not all, states have laws similar to FOIA often known as Open Record Acts, and state information can similarly be accessed through these state provisions. The public may wish to contact your agency or other appropriate state agencies for more information on its particular information access requirements. Certain information in EPA and/or state files, however, is not available because it is claimed as Confidential Business Information (CBI) or as a Trade Secret. In addition, facilities have the right to claim some types of information as confidential, but under fairly narrow circumstances.

Be sure to know whether or not you, your agency, or the facilities under your authority possess confidential information. If such information exists, you may wish to further inquire whether your agency, the relevant state agency, or the EPA has formally determined the validity of any such claim of confidentiality. If this formal review has not been done, then under the federal requirements and under most State provisions the public is entitled to have such a review. If it is determined that the claim is incorrect or overly broad, the information may then be made available to the public.

Key Resources*

Siting Our Solid Waste: Making Public Involvement Work (EPA 530-SW-90-020, March 1990)

Social Aspects of Siting RCRA Facilities (EPA 530-K-00-005, April 2000)

NEJAC Model Plan for Public Participation (EPA 300-K-96-003, November 1996)

Section 2 - Permit Process Overview

How did the Current Permit Programs Develop?

Since 1970, EPA has continually strived to find the best ways to protect the environment. Among the most successful methods have been EPA's programs requiring industrial and municipal facilities to obtain permits to control their pollutant emissions to the air, land, and water. Various permitting programs under the Clean Air Act (CAA), such as the New Source Review (NSR) and Title V, for air emissions, the National Pollutant Discharge Elimination System (NPDES) for discharges of pollutants into surface water, and the Resource Conservation and Recovery Act (RCRA) for waste management have in many ways reduced the negative impacts of industrial and municipal facilities on human health and the environment.

Each permitting program implemented by EPA is based on legal requirements defined in the at (or statute) passed by Congress. The statute explains the legislative goals for the program, describes the major program components to achieve the goals, and provides EPA with authority to develop rules for implementing the program. Regulations developed by EPA contain details on how the program will be carried out. Regulations are found in the Code of Federal Regulations (CFR) and are detailed definitions, procedures, and requirements that indicate how the statute's broad directives will be implemented. In general, permit programs are defined in the regulations, versus in the statute, to ensure that the requirements of the statute are properly implemented.

What is EPA's Relationship with State, Tribal, and Local Environmental Agencies?

It is important to understand EPA's relationship with state, tribal, and local agencies within the context that permits are issued. Rather than issuing most permits itself, EPA generally has established programs to authorize state, tribal, and local permitting authorities to perform most permitting activities. Once EPA has delegated its authority for a permitting program to a state or tribe, they can then implement their own version of the permit program as long as it meets the minimum requirements stated in the governing statutes and regulations.

EPA has delegated authority to most states for implementing part or all of the major permit programs. Some states have enacted provisions that are more stringent than federal requirements, while other states have adopted the federal requirements without revision. Therefore, you should always make sure you are in compliance with any state-specific permitting and public participation requirements before undertaking permitting activities.

A list of EPA Headquarters and Regional contacts, as well as state and tribal environmental contacts including web site information, is provided in Section 5 as a reference.

Tribes are sovereign governments that have a special trust relationship with the federal

government based on treaties, statutes, executive orders, and history. There are currently about 560 federally-recognized tribes in the United States. Consistent with the federal trust responsibility and EPA's Indian Policy, EPA is committed to working with tribes on a government-to-government basis. EPA also recognizes tribes as primary parties for setting standards, making environmental policy decisions, and managing programs for reservations, consistent with EPA standards. In an effort to meet these standards, tribes are beginning to develop their own regulatory programs.

Tribal governments generally have the ability to acquire regulatory authority over environmental quality within Indian country. In general, states do not have jurisdiction in Indian country. EPA encourages tribes to assume regulatory and program management responsibilities for reservation lands. In the absence of an EPA-approved tribal program in Indian country, EPA will directly implement federal environmental statutes. For tribes to assume authority for implementing many of EPA's major grant or regulatory programs, they usually must meet criteria for "Treatment in the Same Manner as a State" (TAS). Generally, the TAS criteria require that the tribe must:

- be federally recognized;
- have or be able to exercise substantial governmental powers;
- have or have been delegated jurisdiction over the area in question; and
- be reasonably expected to have financial, physical, and human resource capability to effectively implement a program.

The EPA statutes that specifically allow for EPA authorization of tribal programs or a substantial role for tribes are:

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA);
- Safe Drinking Water Act (SDWA);
- Comprehensive Environmental Recovery, Compensation, and Liability Act (CERCLA);
- Clean Water Act (CWA); and
- Clean Air Act (CAA).

In addition, even though Congress has not specifically provided for tribal assumption of environmental programs in the Toxic Substances Control Act (TSCA) and the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA has exercised discretion to allow for tribal programs under these statutes.

Many tribes own or operate businesses or facilities. Therefore, in terms of public involvement in environmental permits, tribes may own facilities applying for permits or a tribe may wish to comment on a proposed permit for a facility located in or adjacent to tribal lands.

While EPA is generally not authorized to include local governments in permitting decisions and in the delegated programs, it is important to recognize the benefits of coordinating permit processes with all stakeholders. Building local capacity to participate in permitting processes can ensure that local officials become full

partners in protecting human health and the environment. Engaging local officials early in the process and sharing the resources listed in Section 5 of this *Reference Guide* can help build an effective relationship.

What are the Major Milestones in the Permitting Process?

While each permitting program is unique in its specific requirements, most follow a similar process for permit application submittal, agency review, and final decision. In general, there are four major milestones in the permitting process:

- The permitting authority receives and reviews the permit application (pre-application activities are included in this milestone);
- A draft permit or notice of intent to deny the permit is issued by the permitting authority;
- A public comment period of at least 30 days is *provided* to allow the public to comment on the draft permit; and
- The permitting authority *makes a final determination on the permit application.*[1]

Section 4 of this *Reference Guide* contains a model plan with additional steps (see part IV of the outline) that can supplement these milestones in the core permitting process.

After you, your agency or the EPA makes a decision, both the facility and the public have the opportunity to challenge the decision. While this manual does not address permit appeals, most permitting programs include procedures for administrative appeal by any person who files comments on the draft permit or participates in any public hearing. Once the administrative appeal process is exhausted, judicial appeals are generally available.

In addition, there are limited situations where an interested person may petition the permitting authority, usually for cause, to reopen and revisit a permit. (Please see individual statutes and EPA or state regulations for specific provisions.) Judicial challenge to final permit determinations are provided for by the environmental programs.

The following is an overview of the major air, water, and solid waste permitting programs implemented by EPA. Each overview begins with a brief description of the statute and resulting permitting programs, including regulatory citations that should be referred to if you are interested in complete regulatory requirements. In addition, there is a list of public involvement activities required by each permitting program. (See Section 3 of this *Reference Guide* for a detailed description of the public involvement requirements and a description of the activity.) If you have further questions about a particular permitting program, refer to the list of contacts and resources in Section 5.

[1] There is a different process in seeking coverage under general permits under NPDES.

Clean Air Act (CAA)

Public involvement requirements under CAA are found at: 40 CFR Part 51 Sec. 51.102, 51.161, 51.285, 51.368, 51.856, 51.112, 51.116, 51.118, 51.121, 51.152, 51.160, 51.164, 51.166, 51.230, 51.302-304, 51.306-309, 51.369, and 51.853; 40 CFR Part 52 Sec. 52.5 and 52.15; 40 CFR Part 60 Sec. 60.22, 60.23, and 60.210; 40 CFR Part 63.43; 40 CFR Part 71 Sec. 71.11 and 71.27; 40 CFR Part 72 Sec. 72.65-67; 40 CFR Part 85 Sec. 85.1807; 40 CFR Part 89 Sec. 89.512, 40 CFR Part 90 Sec. 90.512; 40 CFR Part 91 Sec. 91.512 and 91.513; 40 CFR Part 92 Sec. 92.709; and 40 CFR

The Clean Air Act (CAA) was passed to establish the basic air quality management system under which the EPA promulgates National Ambient Air Quality Standards (NAAQSs) and programs to meet air quality goals, and requires states to develop and adopt plans to implement them known as State Implementation Plans (SIPs). In addition, the CAA requires EPA to promulgate emission standards for hazardous air pollutants and also requires special regulation of new or modified sources of air pollution.

The CAA also establishes two different types of permits for air pollution sources — preconstruction permits for new and modified sources, and operating permits for existing sources. For the most part these programs are run by state and local agencies.

However, if the state or local program is not approved, EPA must run the program and issue the permits.

Air Pollution Permits for New and Modified Sources

- **What is the Purpose of the CAA's New Source Review Permit Programs?**

The purpose of the CAA's new source review permit programs for new or modified sources is to ensure that a new or modified source installs the appropriate control technologies, that they do not interfere with or violate the control strategy for meeting the NAAQSs, and that they do not contribute to new or existing air pollution problems, such as violations of the NAAQSs.

There are four different permit programs for new and modified air pollution sources:

- The New Source Review (NSR) program for major sources located in areas that are attaining the NAAQS for the particular pollutant being discharged is commonly referred to as the **Prevention of Significant Deterioration (PSD)** program. (A federal PSD program is in place in Indian Country and in those cases where an approved state or local PSD program does not exist.)
- The **New Source Review (NSR)** program is for major sources locating in areas designated as non-attainment for the particular pollutant.

- Minor source NSR programs are for non-major sources.

- Review of new and reconstructed sources of air toxics.

Since many major sources emit more than one pollutant, some sources are required to obtain both a PSD and a non-attainment NSR permit.

Some states have, and other states are moving toward combining their new source air pollution permit programs with the operating permit program under Title V of the Clean Air Act. Thus, a notice of a permit action might not specifically state that the permit is being issued under one of the new source programs, but that the source must meet all applicable new source requirements.

• What are the Key Components of the New Source Review Permit Programs?

In clean areas, or "attainment areas," the NSR program limits degradation of air quality. In these situations, the NSR program, commonly referred to as the PSD program, requires major new and modified sources located in areas that are attaining the NAAQSs to install equipment that represents the Best Available Control Technology (BACT); and ensure that the emissions from the new or modified source will not cause or contribute to a violation of the NAAQS; or will not deteriorate the air quality more than some prescribed increment.

The non-attainment NSR program requires major new or modified sources in areas not meeting NAAQS to install equipment representing the lowest achievable emission rate (LAER), to offset the remaining emissions by reducing existing emissions at the facility or at another facility in the non-attainment area, and to ensure that the emissions do not contribute to other air quality problems.

Many states have minor source NSR programs to cover sources not large enough to be subject to NSR regulations. Minor NSR programs may utilize different application and public notification procedures form those required for major source NSR programs.

In these cases, the states develop these programs as part of their air pollution control plans and submit them to EPA as part of the SIP. Once this program becomes part of an approved SIP, the minor source NSR programs become federally enforceable. In some cases, these minor source NSR programs are used to limit the hours of operations or other parameters at the source to keep the source below the applicability requirements of the non-attainment NSR programs. This type of permit action is called "establishing potential-to-emit (PTE) limits."

• What are the Opportunities for Public Involvement in the CAA's New Source Review Permit Programs?

There are many opportunities for interested parties to participate in the permitting of a new or modified source, depending on the type of permit being sought. Public involvement opportunities include public comment periods, public hearings and meetings, and appeals.

For example, state or local air pollution control

agencies have the responsibility for determining the emission limitation for the sources. This is done through several mechanisms. For new or modified sources agencies follow NSR procedures or the minor source NSR procedures. Public participation activities related to these programs are discussed in Section 3.

For existing sources or other sources not subject to the NSR requirements, the state or local agency follows a process defined for SIPs, referred to as the SIP process to develop emission limitations.

The agencies use information on both available technology and ambient conditions to establish an emission limitation for air pollution sources. In developing the emission limitations, the agencies are required to have public comment periods and public hearings. In addition, many agencies also have public meetings and provide other opportunities for the public to comment on the emission limitations.

In addition, all new source review permit programs require permitting authorities (EPA, state, tribal or local agency) to notify the public when a permit is issued. Generally notice is also published when the permitting authority proposes action on a permit, holds a public hearing, renews or reopens a permit, or makes a significant modification to a permit. Notices are published in a newspaper of general circulation in the area where the facility is located or in a state publication designed to give public notice, such as a state register.

The permitting agencies generally make the information submitted by the source and its evaluation of that material, including analysis of the data and air quality impact, available to the public in the area affected as well. This includes any draft permit or preliminary determination. Copies of the materials must be available in at least one location in the region where the source is located. The information is generally placed in the local offices of the agency or in a local library.

Once a final determination has been made, in addition to notifying the applicant in writing of that final determination, the permitting authority must make such notification available for public inspection at the same location where it made available the preconstruction material and the public comments.

EPA regulations do not require the permitting authority to notify the commenters concerning the final determination; however, some states mail copies of the permitting decision to those who request it.

And finally, decisions made regarding permitting activities may be appealed by the public. Permits issued under the federal PSD provisions may be appealed to the Environmental Appeals Board (EAB). Procedures for filing an appeal can be found in 40 CFR 124. Permits issued through a SIP program must be appealed to the state under state-specific procedures.

- ## When in the Permitting Process do These Opportunities Usually Occur?

Again, when developing the emission limitations, agencies are required to have public comment periods and public hearings.

Once a state adopts revised emission limitations or other changes, it submits the changes to EPA for approval as a revision to the SIP. The process that EPA follows to approve the revisions to the SIP also involves a public comment period. If the state fails to adopt and submit an adequate SIP, then EPA must promulgate a Federal Implementation Plan (FIP). When developing a FIP, EPA generally has a 60-day comment period and offers an opportunity for a public hearing.

Once the permitting authority has been established, public participation requirements are triggered when a permitting authority issues a draft permit, holds a public hearing, renews or reopens a permit, or makes a significant modification to a permit.

Before the permitting authority issues the permit, a public notice and comment period is provided, usually 30 days, to allow comments regarding the proposed permit, including source information and agency analyses.

When EPA is the issuing agency, it follows the 30-day notice and comment period requirements as well as a 30-day notice requirement for public hearings under the federal PSD program (such a program exists in Indian country or where no approved state or local PSD effort is in place). The notice must identify:

- the permitting authority;
- the name and address of the permittee;
- the location of the proposed facility;
- what activities are involved in the permit action;
- the emissions from the new activities;
- the location where the information submitted by the source and the agency's analysis can be inspected;
- the name, address, and telephone number of a person whom interested parties can contact for additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the permitting authority that are relevant to the permitting decision;
- the deadline for submitting comments; and
- procedures for requesting a public hearing.

In general, state and local agencies follow similar procedures. In some cases, a permit authority announces that a hearing will be held, if one is requested, at the same time as the authority announces the public comment period on the proposed permit.

And while state programs are not required to give a specific 30-day advance notice of public hearings, most do.

The public hearing provides a formal opportunity to present comments and oral testimony on a proposed permitting action. The notice that announces the public comment period for the draft permit will also mention that the public may request a public hearing. A public hearing will be held if the request is received before a deadline set in the notice.

Note that a pubic hearing is **not** the same as a public meeting, which is simply an informal forum for discussing issues and opening lines of communication. Comments made at a public meeting do not become part of the official administrative record as they do during a public

hearing. In addition, public hearings are generally recorded by a court reporter. As stated above, under federal guidelines (which most states have adopted), once the permitting agency decides to hold a public hearing, a 30-day, or more, advance notice of the hearing is provided. The notice will provide information on the time, date, and place.

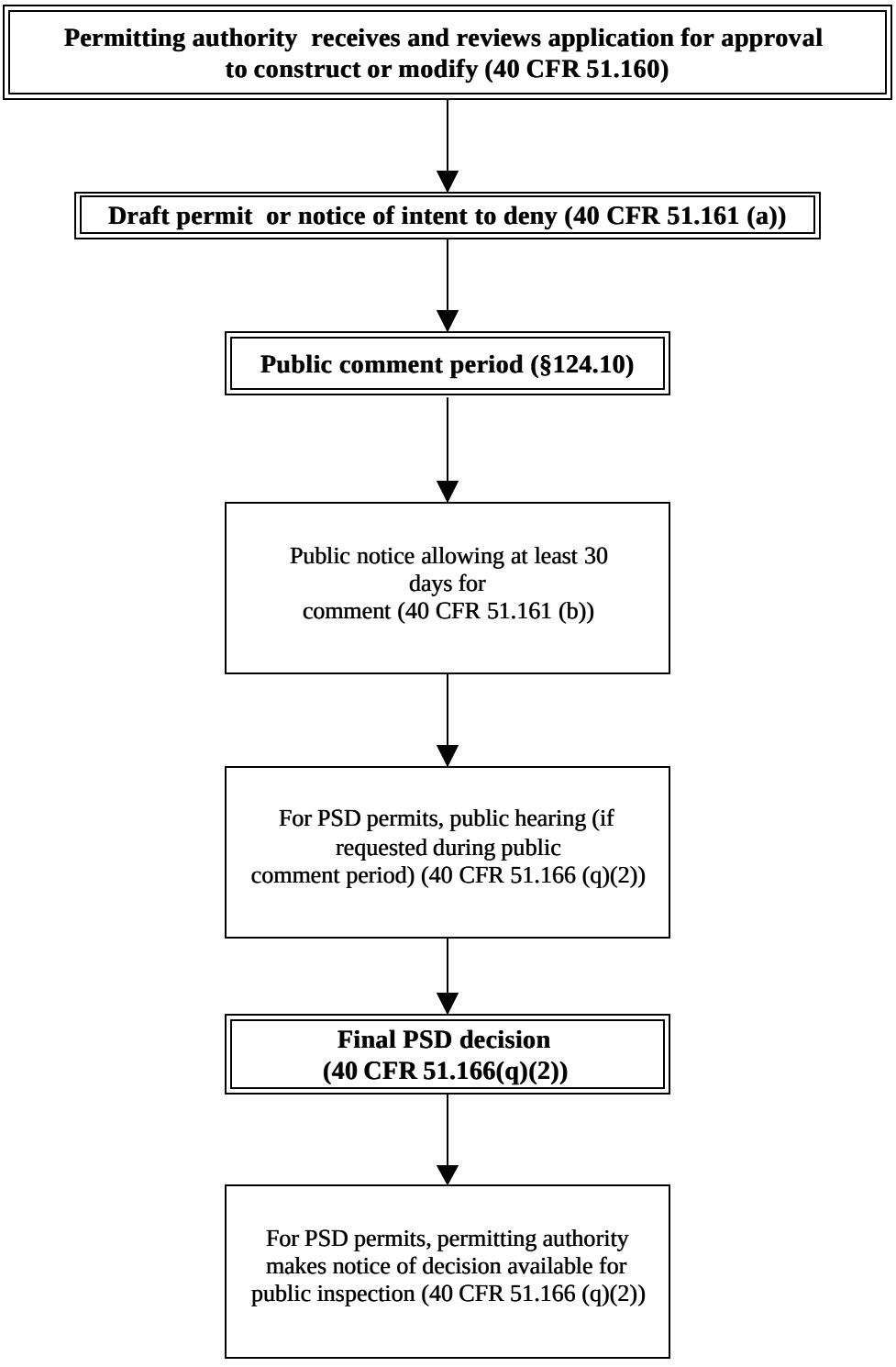
The permitting authority must keep a record of public comments and of issues raised during the public involvement process. All comments must be made available for public inspection at the same location where the permitting authority made available the preconstruction information related to the source. (40 CFR 51.166(q)(vi))

After a permit or modification has been issued, during a specified time frame, public citizens who commented on the proposed permit may appeal the agencies' decision. Procedures for filing a federal appeal can be found in 40 CFR 124.

State permits issued must be appealed following state guidelines.

Figure 1 (next page) presents an overview of the *Prevention of Significant Deterioration (PSD) Permit Process*.

Figure 1 - Prevention of Significant Deterioration (PSD) Permit Process



Title V Operating Permits

- **What is the Purpose of the CAA's Title V Operating Permits Program?**

Title V of the Clean Air Act requires permitting authorities to adopt permit programs (often called Part 70 programs) for all large sources of air pollution and many smaller sources of hazardous air pollutants in order to improve compliance with and enforcement of CAA requirements. All stationary sources are required by federal law to get operating permits that incorporate the rules that apply to the day-to-day operations at a facility. Generally these permits are issued by states, local governments, and tribes. A detailed set of federal regulations that sets standards for permitting programs is found at 40 CFR Part 70.

- **What are the Key Components of the CAA's Title V Operating Permits Program?**

The Title V program provides for the compliance and enforcement of CAA goals in several ways. First, the program enhances compliance and enforcement by including all of the CAA's requirements that apply to a facility in one document — the operating permit. For example, terms from the facility's preconstruction permit and requirements from the SIP that apply to the facility are included in the permit, along with all federal standards that apply.

Through the permit, the permitting agency has a record that describes exactly what rules apply to the facility.

The facility and the public also have a clear understanding of what the facility's obligations are. In this way, operating permits lead to better compliance, better oversight by the public, and more effective enforcement.

Second, although the operating permit generally does not create emissions limits, where necessary, the permit will add monitoring, record-keeping, and reporting requirements. The permit will require the facility to regularly provide the permitting agency with information that establishes whether or not the facility is in compliance with all of its applicable requirements. In other words, the facility must submit reports to you or your agency that contain the results of the facility's monitoring (e.g., monitoring the levels of pollutants emitted) or other required record-keeping at least semiannually.

In addition, when a permitted facility is not in compliance with all of its applicable requirements at the time it obtains its permit, the facility must submit annual progress reports to the permitting agency that document whether the facility is meeting its previously agreed to milestones for achieving compliance. All required reports, records, and notices are public information. The permit itself and the permit application (except confidential business information) are also public information.

Third, a responsible official at the facility must certify whether or not the facility is in compliance with all applicable requirements.

Also, a responsible official must certify whether the facility is in compliance with its permit each year after the permit is issued. These certifications are public information.

• What are the Opportunities For Public Involvement in the CAA's Operating Permits Program?

The public involvement requirements found in 40 CFR Part 70 (and adopted into state, local and tribal Part 70 programs) provide interested parties the opportunity to participate by:

1. commenting on a draft of the facility's operating permit (and significant changes or modifications to its permit) (40 CFR 70.7(h));

2. keeping track of whether the facility is meeting its emission limits and other requirements (by reviewing the reports that the facility submits) (40 CFR 70.6 (a)(3)(iii), 70.6(c)(4), 70.6(c)(5)); and

3. challenging the permit in court (or before a tribal review body) (40 CFR 70.4(b)(3)(x)).

Enforcement Actions may be brought against facilities that are not complying with their permits (using the citizen suit provisions of Section 304 of the CAA).

All Part 70 programs provide the following specific opportunities for public involvement:

- Public notice
- Public comment periods
- Response to comments
- Mailing lists
- Statements of Basis
- Contact persons
- Petitions to the EPA Administrator to object to the permit (discussed below)

A general description of these concepts (except petitions to EPA) as they apply to many federal programs is found in Section 3 of this *Reference Guide*.

• When in the Permitting Process do These Opportunities Usually Occur?

The permitting agency must provide a public notice and an opportunity to comment on a draft permit when:

- a facility applies for its first Title V permit;
- a Title V permit is renewed (5 years after issuance);
- the permit is reopened because there is a material mistake in the permit or to update the permit because of new requirements (review is limited to the part of the permit that is being revised); and
- the facility makes a significant change in its operations and applies for a revision to its permit (review is limited to the part of the permit that is being revised.

Public notice is required when a facility applies for its first permit, the permitting agency issues a draft permit, holds a public hearing, renews or reopens a permit, or makes a significant modification to a permit. The permitting authority may elect to reopen a permit if it

contains a material mistake or is otherwise not in compliance with applicable requirements of the Clean Air Act. The public can also request a reopening based on material mistake. This request may be made at any time.

Notices must be published in a newspaper of general circulation in the area where the facility is located or in a state publication designed to give general public notice, such as a state register. In addition, permitting agencies must send notices to persons who have indicated that they want to be on a mailing list for receiving notices of permitting actions.

Public notice must include at least the following:

- the identity of the permitting agency;
- the name and address of the permittee;
- the name and location of the facility;
- the activities involved in the permit action, including the change in emissions levels involved in any permit revision;
- the name, address, and telephone number of a person whom interested persons may contact for additional information such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the permitting authority that are relevant to the permitting decision;
- the date the public comment period ends; and
- instruction on how to request a public hearing.

Members of the public who feel that they need more than 30 days in which to review a draft permit may request that the permitting agency extend the time for public comment (but there is no requirement that you or your agency agree to the request). Therefore, it makes sense for you to involve interested citizens early in the process, so that the public has the opportunity to review the facility file and the Part 70 permit application well in advance of the comment period on the draft permit.

Members of the public may also want to look at a copy of the statement of basis for the permit, which describes the factual and legal justification for the permit.

Federal regulations do not require the permitting agency to provide a written response to comments, but state law may require such a response. The permitting authority must, however, keep a record of public comments and of issues raised during the public involvement process. The permitting agency must provide EPA and the public with a copy of this record if requested to do so.

A public hearing provides another opportunity for public participation. The notice that announces the public comment period for the draft permit will also mention that the public may request a public hearing. A public hearing may be held if the request is received before a deadline set in the notice.

As stated above, a public hearing provides a formal opportunity to present comments and oral testimony on a proposed permitting action.

Note that a public hearing is **not**, however, the same as a public meeting, which is simply an informal forum for discussing issues and opening lines of communication. Comments made at a public meeting do not become part of the official administrative record as they do during a public

hearing. In addition, public hearings are generally recorded by a court reporter. Under federal guidelines (which most states have adopted), once the permitting agency decides to hold a public hearing, it must provide a 30-day advance notice of the time, date, and place.

The decision of the permitting agency is public information, but Part 70 does not require that the permitting agency send out notice of the decision except to the permitted facility. Some states are required by state law to mail a copy of the permitting decision to persons who submitted comments.

The petition process of Title V gives the public an extra opportunity for involvement, compared to most permit programs. After the permitting agency has issued the draft permit and has taken into account any comments, it drafts a proposed permit, which it sends to the EPA. EPA has 45 days in which to review the permit.

EPA may object to the permit if there are grounds to do so. If EPA does not object, however, and a member of the public believes EPA should have objected to the permit, he or she can petition the EPA to change its decision. The petition (which can be a letter to the EPA) must be sent within 60 days after the end of EPA's 45-day review period.

It may be necessary for interested parties to contact you or your agency to learn the date on which the 45-day review period ends, so that date should be readily available.

If EPA reverses the decision, then the permit will not be issued, or if it has already been issued, it will become ineffective. If EPA does not reverse the decision, EPA's decision can be challenged in federal court.

Whether or not a petition to the EPA has been filed, members of the public may challenge a permit in state court or before a tribal review body (if the permit has been issued by an Indian tribe).

For areas of the country that are not covered by state Part 70 programs (such as Indian country), EPA administers the Federal Operating Permits Program. EPA will issue Title V permits for facilities in Indian country until tribal Part 70 programs are adopted and approved. The public involvement opportunities provided by the Federal Operating Permits Program are modeled on the Part 70 program and are described at 40 CFR Part 71.

- **How can I Assist Interested Parties in Learning More About CAA Permitting Processes and/or Facilities They are Concerned About?**

The permit application on file from the facility is a good source of information. Even a similar permit may help in assisting an interested party in learning more about the process.

Many state permitting agencies put their permits and draft permits on the Internet for easier access. In addition, files for specific facilities should contain background information on the facility, inspection and enforcement history, and

previously issued permits. This information is the best starting place for a person interested in a particular facility.

Other resources you can point interested parties to include:

- To gain a better understanding of the overall structure, purpose, and goals of EPA's regulations for state operating permit programs, interested persons can download EPA's "Air Pollution Operating Permit Program Update — Key Features and Benefits" at the following address: *http://www.epa.gov/oar/oaqps/permitupdate*.

- EPA's Operating Permits Group maintains a web site that provides general information about the program at the following address: *http://www.epa.gov/oar/oaqps/permits*.

- Text versions of policy memos, guidance, white papers, and preamble rule language for the Part 70 program and the Federal Operating Permits Program (Part 71) are found at the following address: *http://www.epa.gov/ttn/oarpg/t5main.html*

- The majority of major industrial groups that have significant emissions, such as power plants, steel mills, and refineries, are described in EPA's sector notebooks. For each industrial group, information is provided on the industrial process, the types of air pollutants released, and compliance/enforcement history for the group as a whole. The reports can be found at the following address: *http://es.epa.gov/oeca/sector/index.html*

- Information regarding health effects of hazardous air pollutants can be found at the following address: *http:///www.epa.gov/ttn/uatw/hapindex.html*

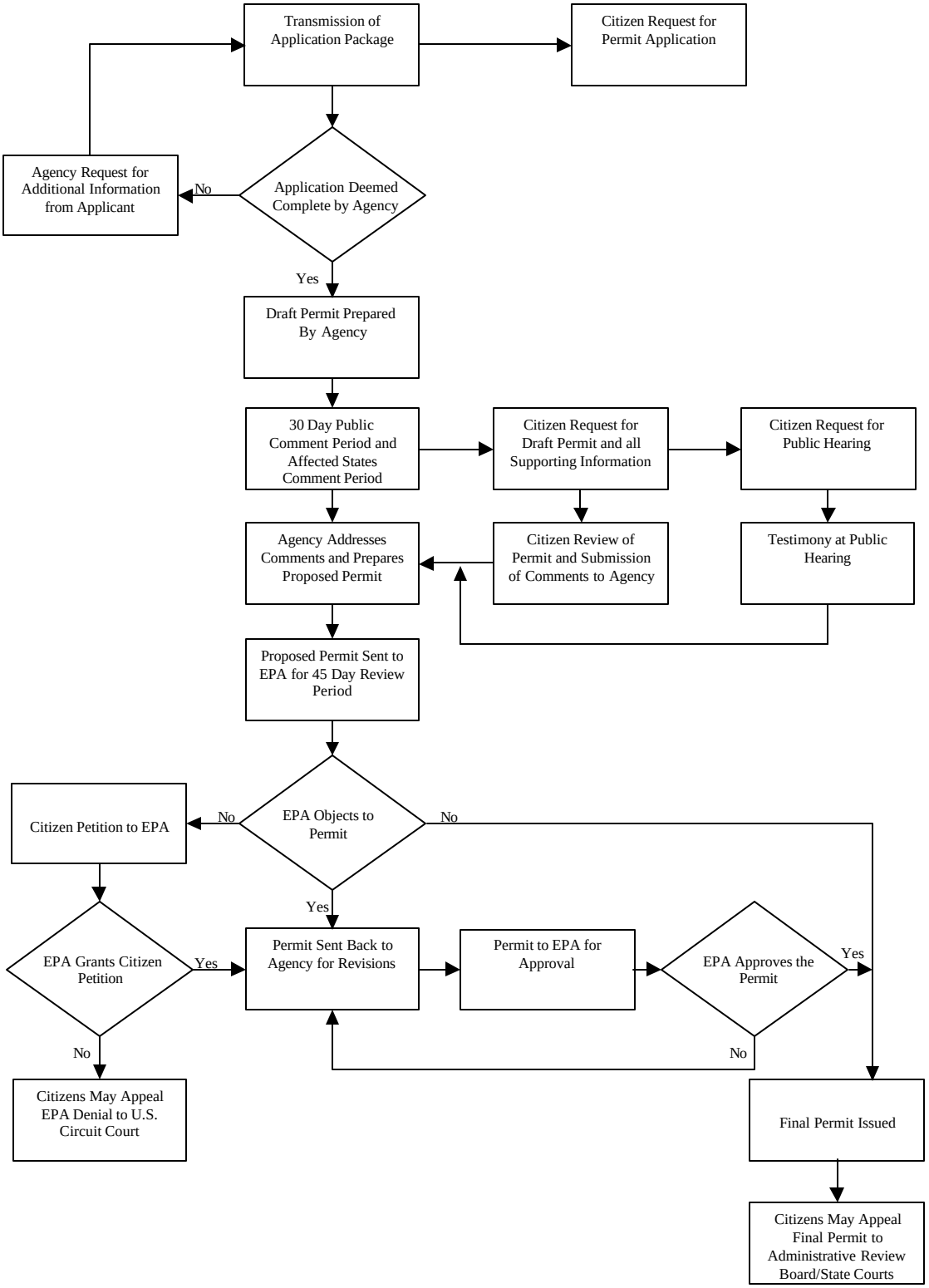
There are a number of sites within EPA's Envirofacts Warehouse that allow interested persons to identify specific facilities and their emissions.

- Interested parties can do a search of EPA's AIRS database for information on specific facilities or all facilities in a given geographic area, see: *http://www.epa.gov/enviro/html/airs_query_java.html.*

- To find information on the toxic chemicals and compounds released by specific facilities, see: *http://www.epa.gov/enviro/html/tris*.

Figure 2 (next page) presents an overview of the *Title V State Operating Permit Process*.

Figure 2 - Title V State Operating Permit Process



Safe Drinking Water Act (SDWA)

Public involvement requirements under SDWA are found at: 40 CFR Part 25 Sec. 25.3 through 25.13, 40 CFR Part 124 Sec. 124.10-14, 124.17, 124.19

The Safe Drinking Water Act (SDWA) provides for control of contaminants in public water systems and also provides authority to regulate underground injection wells. The SDWA uses **Underground Injection Control (UIC)** permits to regulate construction, operation, and closure of wells in order to protect public sources of drinking water.

• What is the Purpose of the SDWA's UIC Permit Program?

The **Underground Injection Control (UIC)** permit program regulates the underground injection of wastes or other fluids with the goal of protecting underground sources of drinking water (USDW) from endangerment. A USDW is defined as an aquifer capable of supplying a public water system now or in the future and containing water with a concentration of 10,000 mg/l of total dissolved solids or less.

Injection is prohibited unless it is authorized by permit or rule. No injection is allowed if it endangers underground sources of drinking water (i.e., if the presence of a contaminant in a USDW may result in a public drinking water system not complying with primary drinking water regulations or adversely affecting human health).

• What are the Key Components of the SDWA's UIC Permits Program?

The UIC program defines five classes of wells. For Class I-IV wells, all injection activities, including construction of an injection well, are prohibited until the owners or operators of these injection wells receive a permit. Most Class V wells are currently authorized by rule as long as they do not endanger underground sources of drinking water and the well owners submit basic inventory and assessment information (40 CFR 144.24). Existing Class II enhanced recovery wells and hydrocarbon storage wells are authorized by rule for the life of the field or project or until a permit is issued (40 CFR 144.22). Class IV wells, those that inject hazardous waste into or above USDWs, are prohibited unless they are part of an aquifer cleanup operation (40 CFR 144.13).

There are requirements for submitting information to EPA or the primacy state and requirements regarding how wells must be constructed, operated, monitored, and closed in a manner that protects underground sources of drinking water. There may be additional, more stringent requirements imposed by a state or tribe. EPA has recently adopted new regulatory requirements for two types of Class V wells (high risk): large cesspools and motor

vehicle waste disposal wells. Additional requirements are being developed for other high risk Class V wells, including certain industrial waste disposal wells.

Individual or single-family cesspools or septic systems are excluded from regulatory coverage under the federal UIC program. A full description of the regulatory requirements for the UIC permitting program can be found at 40 CFR Parts 144, 145, 146, 147, and 148.

• What are the Opportunities for Public Involvement in the UIC Permitting Process?

The UIC permitting program has several opportunities for public participation, which include:

- Public notice;
- Public comment periods;
- Public hearings;
- Response to Comments;
- Notices of decision; and
- Fact sheets or Statements of Basis.

See 40 CFR Part 124 for specific regulatory language defining the public participation requirements for the UIC permit program.

• When in the Permitting Process do These Opportunities Usually Occur?

Public notice and comment is required in the UIC permitting process after an applicant submits a permit application and the permitting agency either denies the permit or prepares a draft permit. Notice must also be provided of any scheduled public hearings, and when an appeal has been granted. While public notice and comment periods are required for major permit modifications, revocations, reissuances, and terminations, notice is not, however, required when a permit modification, revocation, reissuance or termination is denied.

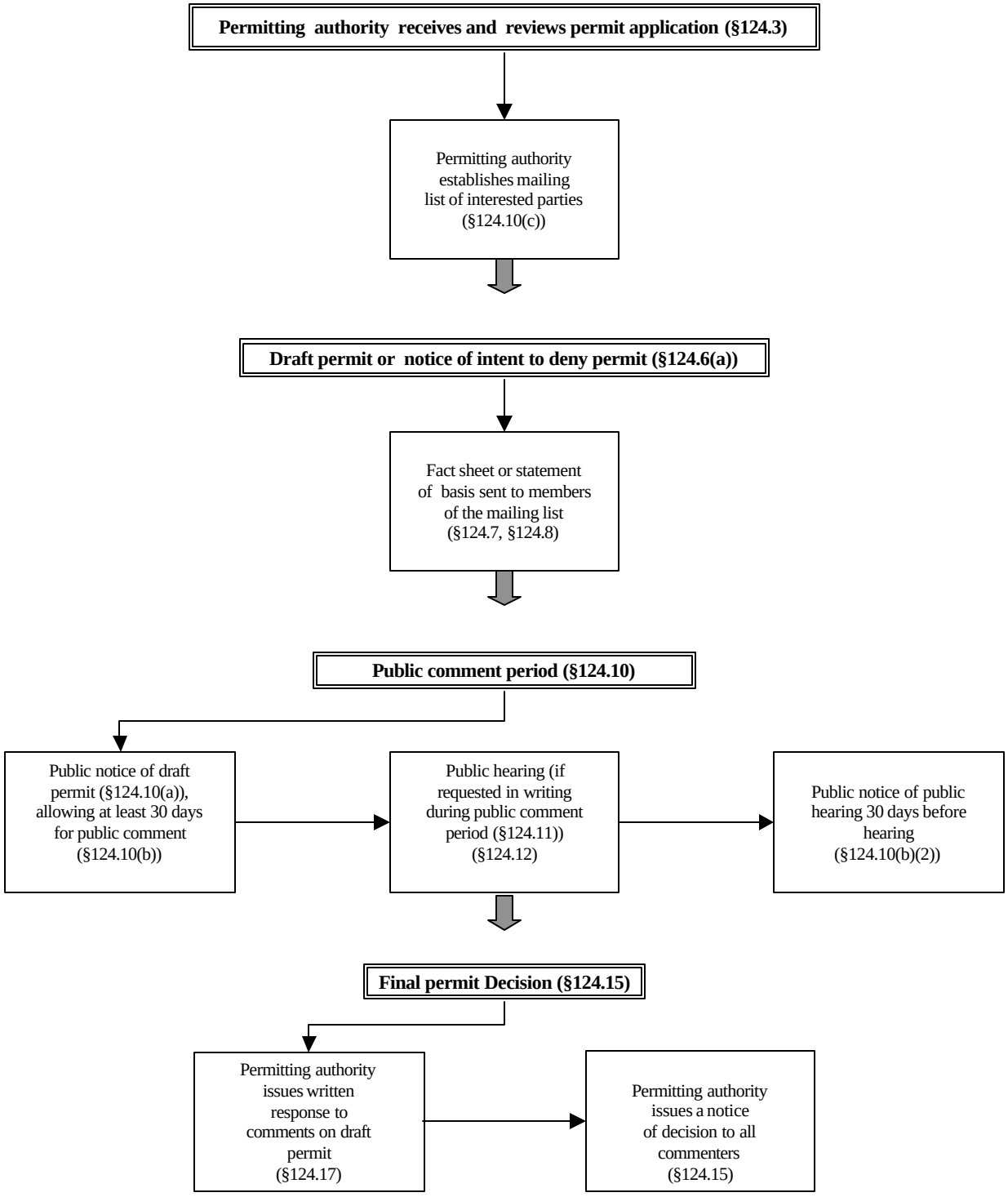
In addition to the general public notices required with permit application and modification processes, the permitting agency must publish, periodically, a notice informing interested parties of the opportunity to be put on a mailing list. Copies of fact sheets, the statement of basis (for EPA issued permits) must be distributed to the applicant and to members of the mailing list.

After the public comment period has taken place and any public hearing held, the agency must respond to the comments and ultimately send a Notice of Decision to the permit applicant as well as any person who requested notification.

Section 3 of this *Reference Guide* provides further description of the requirements and associated activities.

Figure 3 (next page) presents an overview of the *Underground Injection Control (UIC) Permit Process*.

Figure 3 - UIC Permit Process



Clean Water Act (CWA)

Public involvement requirements under CWA are found at: 40 CFR Part 25 Sec. 25.3 through 25.13, 40 CFR Part 124 Sec. 124.10-14, 124.17, 124.19, 124.56-57, 124.62, 124.64

The objective of the Clean Water Act (CWA) is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. EPA implements two permit programs under the CWA: **Section 404** permits, and **National Pollution Discharge Elimination System (NPDES)** permits.

Section 404 Permits

- **What is the Purpose of the CWA's Section 404 Permits Program?**

Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or fill materials into waters of the United States, including wetlands. Section 404 permits prohibit the discharge of dredged or fill material if there is a practicable alternative that is less damaging to the aquatic environment or if the discharge would result in significant degradation of waters of the United States.

Section 404 regulates a wide range of activities including discharges into waters associated with:

C residential and commercial development;

C water resource projects such as dams and levees;

C infrastructure development such as highways and airports; and

C conversion of wetlands to uplands for farming and forestry.

- **What are the Key Components of the CWA's Section 404 Permit Program?**

EPA and the U.S. Army Corps of Engineers (Corps) share responsibility for CWA Section 404 program development and implementation. The Corps is the federal agency administering the Section 404 permit program regulating discharges and analyzing permit applications. Under Section 404, EPA issues guidelines for dredging and filling operations. The Corps ensures that Section 404 discharges are in accordance with EPA guidelines.

Depending on the type of resource potentially affected by the proposed discharge, other federal agencies may be involved in Section 404 permitting, including the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

For most waters on which navigation does not occur, states and tribes are eligible to assume the Section 404 permitting program. As of January 2000, New Jersey and Michigan are the only states to have done so.

- **What are the Opportunities for Public Involvement in the Section 404 Permitting Process?**

Although EPA and the Corps share responsibility for implementing the Section 404 program, public involvement under federal guidelines is governed by the Corps regulations found at 33 CFR parts 325 and 327. EPA approves and oversees state assumption of the CWA Section 404 program, and public involvement requirements applicable to state 404 programs appear at 40 CFR 233.32-233.36. In addition, EPA's guidelines for analyzing permit applications can be found at 40 CFR 230.2, and EPA's regulations for addressing public participation for approval or revisions of state 404 programs can be found at 40 CFR 233.15 and 233.16.

Public participation requirements under state-assumed programs include:

- Public notice;
- Public comment periods;
- Public hearings;
- Contact persons;
- Response to comments;
- Mailing lists; and
- Determinations.

- **When in the Permitting Process do These Opportunities Usually Occur?**

Public notice is required when the permitting agency receives a permit application, prepares a draft permit, considers a major modification to a permit, schedules a public hearing or issues an emergency permit.

A copy of the public notices are mailed to the applicant, any agency with jurisdiction over the activity or disposal site, any adjoining property owners, any persons who have specifically requested notification, and any state whose waters may be affected by the activity. A permitting agency may update their mailing list periodically by requesting written notification of continued interest from those listed. You or your permitting agency may delete those individuals from the list who fail to respond.

After the close of the public comment period and any public hearings, the permitting agency must prepare a determination on each applicant outlining the decision and rational for such. The determination must be dated, signed, and included in the official record prior to any final action on the permit. The official record is open to the public.

The discussion in Section 3 of opportunities for public involvement in the CWA Section 404 program refers to state-assumed programs.

- **How can I Assist Interested Parties in Learning More About Section 404 Permitting Processes?**

Details on the roles of EPA and the Corps: *http://www.epa.gov/owow/wetlands/facts/fact10.html.*

A fact sheet on state/tribal program assumption: *http://www.epa.gov/owow/wetlands/facts/fact23.html.*

National Pollutant Discharge Elimination System (NPDES) Permits

- **What is the Purpose of the CWA's NPDES Permit Program?**

In order to protect public health and aquatic life, the Clean Water Act prohibits discharge of pollutants from any point source into waters of the United States unless the discharge is in compliance with a NPDES permit. Permits regulate discharges with the goals of (1) protecting public health and aquatic life, and (2) assuring that every regulated point source complies with applicable technology based effluent limits and at a minimum treats wastewater. To achieve these ends, permits may include the following terms and conditions:

- site-specific discharge (or effluent) limits;
- standard and site-specific compliance monitoring and reporting requirements; and
- enforcement provisions in cases where the regulated facilities fail to comply with the provisions of their permits.

A full description of the regulatory requirements for the NPDES permitting program can be found at 40 CFR 122, 123, and 124.

- **What are the Key Components of the CWA's NPDES Permit Program?**

NPDES permits establish effluent limits and may specify Best Management Practices (BMPs), as well as monitoring and reporting requirements. The scope of the NPDES program is broad.

Pollutants can enter waters through a variety of pathways from municipal, industrial, and agricultural sources. For regulatory purposes these sources are generally categorized as either "point sources" or "non-point sources." Typical point source discharges include discharges from publicly owned treatment works (POTWs), discharges of process waste water from industrial facilities, and discharges associated with urban storm water runoff.

Under the NPDES program, all facilities that discharge pollutants from any point source into waters of the United States are required to obtain a NPDES permit. The term "pollutant" is defined very broadly by the NPDES regulations and includes industrial, municipal, or agricultural waste discharged into water. Where such pollutants are discharged from a point source, that discharge is subject to NPDES regulation.

Provisions of the NPDES program also address certain specific types of agricultural activities referred to as concentrated animal feeding

operations (CAFOs). The majority of other agricultural facilities, however, are categorized as non-point sources and are exempt from NPDES regulation.

Pollutant contributions to waters of the United States may come from both direct and indirect sources, as well.

Direct sources discharge wastewater directly into the receiving water body, whereas indirect sources discharge wastewater to a POTW, which in turn discharges into the receiving water body.

Under the national program, NPDES permits are issued only to direct point source discharges. Industrial and commercial indirect discharges are controlled by the national pretreatment program. More than 200,000 sources are regulated by NPDES permits nationwide. Sources that discharge indirectly into United States waters (e.g., facilities that discharge wastewater through a POTW with a NPDES permit) must themselves be controlled by the POTW.

• What are the Opportunities for Public Involvement in the NPDES Permitting Process?

The NPDES permitting program has several opportunities for public involvement, which include:

- Public notice;
- Mailing lists;
- Notices of decision;
- Fact sheets or statements of basis;
- Response to comments;
- Public comment periods;
- Contact persons; and
- Public hearings.

See 40 CFR 124 for specific regulatory language defining the public participation requirements for the NPDES permit program.

• When in the Permitting Process do These Opportunities Usually Occur?

While public notice requirements may differ in each state, public notice and opportunity for comment is generally required when a permit application has been denied, a draft permit has been issued, a public hearing has been scheduled, an appeal granted, or a NPDES new source determination has been made. While many activities with respect to permit modification, revocation, reissuance and termination will require public notice, it is not required where such revisions or modifications are minor or administrative changes. For EPA-issued permits, public notice is not given until a draft Environmental Impact Statement (EIS), if necessary, has been issued.

Notice must be periodically published by the permitting authority informing the public of the opportunity to be placed on a mailing list. You or your permitting agency may remove people from the mailing list who do not respond to a request for indication of continued interest.

The permitting agency is required to distribute a fact sheet to the applicant and any interested parties who request information for several classes of permits. If the permit does not warrant a fact sheet, a statement of basis must be prepared.

Notice of decision must be sent to the permit applicant and any person who submitted written comments or requested notification. Notice of decision must also be published in a newspaper of general circulation within the affected area.

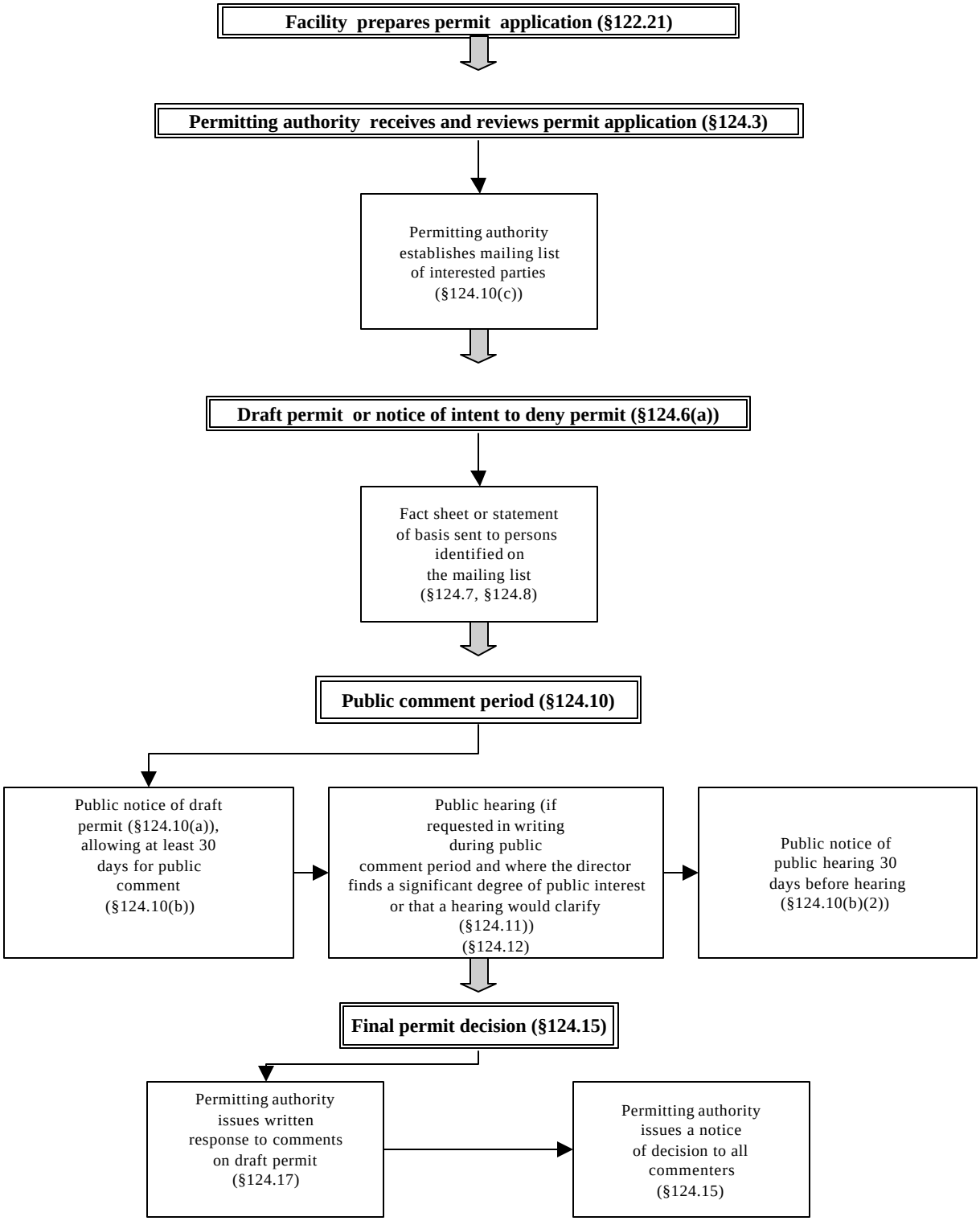
Once a final permit decision is issued, the permitting agency must issue a response to written comments. The response must be available to the public.

Since public notice requirements do differ depending on which state the facility is located in, the local permitting authority should be familiar with applicable state public participation requirements.

Section 3 of this *Reference Guide* provides further description of the requirements and associated activities.

Figure 4 (next page) provides an overview of the *NPDES Permit Process*.

Figure 4 - NPDES Permit Process



Resource Conservation and Recovery Act (RCRA)

Public participation requirements under RCRA are found at: 40 CFR Part 25 Sec. 25.3 through 25.13; 40 CFR Part 124 Sec. 124.8,10-14, 124.17, 124.19, 124.31, 124.32, and 124.33 Federal requirements for public participation are in Parts 270 270.30(m), 270.62(b)(6) and 270.66(d)(3). Part 271 contains requirements for state authority (eg.. 271.14, 271.17, and 271.20)

The Resource Conservation and Recovery Act (RCRA) was enacted to ensure safe disposal of the huge volumes of solid waste generated nationwide. The broad goals of RCRA are to protect human health and the environment, to conserve energy and natural resources and to reduce or eliminate the amount of waste generated, including hazardous waste. Subtitle C of RCRA, which establishes a "cradle to grave" system for controlling hazardous waste, requires **Operating Permits for Treatment, Storage and Disposal Facilities (TSDFs)**.

Several categories of permits are issued and regulatory standards for each category define operating requirements and various provisions specific to the permitting need. Categories include: operating permits, research, development, and demonstration permits; post-closure permits; emergency permits; permit-by-rule permits; combustion permits, land treatment demonstration permits, and remedial action plans.

Permits are required for most handlers of hazardous waste with few exceptions, such as small quantity generators who store waste on site for less than 180 days.

• What Is The Purpose of RCRA's TSDF Permit Program?

TSDFs are required to obtain permission, in the form of a permit, that establishes the administrative and technical conditions under which waste at the facility must be managed. Permits provide TSDF owners and operators with the legal authority to treat, store, or dispose of hazardous waste and detail how the facility must comply with the RCRA regulations. Compliance with the permit ensures that hazardous waste is handled in a controlled manner that is protective of human health and the environment. Permits also serve as an implementation mechanism, and as a means by which EPA can track waste management at facilities that choose to handle hazardous waste.

• What Are the Key Components of RCRA's TSDF Permit Program?

TSDF owners and operators must submit a comprehensive permit application that covers the full range of TSDF standards, including general facility provisions, unit-specific requirements, closure and financial assurance standards, and any applicable ground water monitoring and air emissions provisions.

The permit application must demonstrate that the methods of handling the waste are consistent with the level of protection of human health and the environment required by RCRA.

The permit application procedures under RCRA include an informal public meeting prior to application submission, a public notice when the application is submitted, and issuing a draft permit, which initiates a 45-day public review period during which interested parties may submit comments and/or request a hearing, and agency response to comments. Once the application procedures are met, the permitting agency either issues or denies the permit. The permit decision may be appealed administratively, and judicially once the administrative appeal process is exhausted.

Permits are limited to a maximum term of 10 years, but once issued, permits may be modified for a number of reasons, such as substantial alteration or additions to the facility, new information about the facility becoming available, or new statutory or regulatory requirements that affect the facility.

Permit modifications are categorized as:

- Class 1: routine changes and correction of errors;
- Class 2: common or frequently occurring changes needed to maintain a facility's capability to manage wastes safely or conform to new requirements; and
- Class 3: major changes that substantially alter the facility or its operations.

A full description of the regulatory requirements for the RCRA permitting program can be found at 40 CFR 270.

• What are the Opportunities for Public Involvement in RCRA's TSDF Permitting Process?

Each step in the RCRA permit decision process is accompanied by public involvement requirements. Public participation activities include:

- Public notice;
- Public meetings;
- Public comment periods;
- Contact persons;
- Information repositories;
- Mailing lists;
- Notices of decision;
- Fact sheets or statements of basis;
- Response to comments; and
- Public hearings.

• When in the Permitting Process do These Opportunities Usually Occur?

The public involvement provisions under RCRA's 1995 expanded public participation rule require prospective TSDF permit applicants to hold an informal public meeting before submitting their permit application. The permit applicant must provide notice of the pre-application meeting to the public in a manner that is likely to reach all members of the affected community.

Pre-application meeting requirements are defined in 40 CFR 124.31.

The 1995 RCRA expanded public participation rule imposed additional requirements throughout the permitting process, and the life of the permit, to promote EPA objectives for "early and often" public involvement. These additional requirements include: issuing a public notice when an application is received by the regulatory agency (Sec. 124.32); providing discretion to the director of a permitting agency to require a facility to set up and maintain an information repository, either during the permitting process (Sec. 124.33), or during the life of the permit (Sec. 270.30(m)), and requiring the director to provide public notice of upcoming trial burns at combustion facilities (Sec. 270.62 and 270.66).

Once an application is complete the permitting agency will issue a draft permit, or notice of intent to deny. In either case, a public comment period is opened and notice is given. The permitting agency also prepares a fact sheet or statement of basis regarding its decision. At this time the public may request, in writing, a formal hearing. The permitting agency must then respond to all significant comments and hold a public hearing if requested.

Once the application procedures are met and the public comment period closes, the permitting agency either issues or denies the permit. Notice of the decision must be sent to the facility and any person who submitted comments or requested notice.

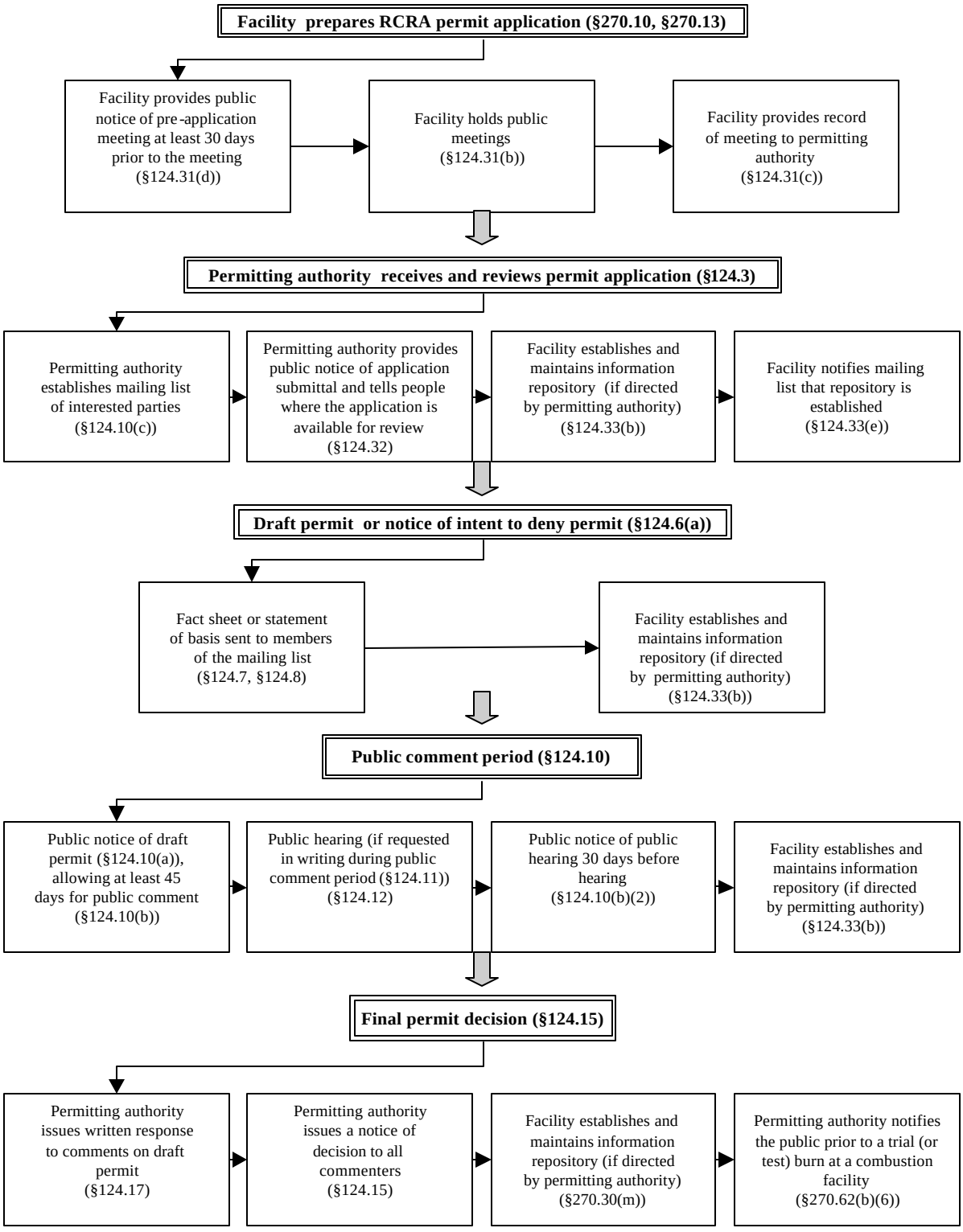
Any person who filed comments on the draft permit or participated in the public hearing may file an administrative appeal. The permitting agency's notice of the permit decision should identify the relevant procedures for filing an administrative appeal. Interested parties who did not comment or participate in the public hearing may also petition for administrative review, but that review extends only to the changes between the draft permit and final permit. The administrative appeal process must be exhausted before judicial review can be sought.

In addition, when a permit is modified, public involvement requirements are again triggered. These responsibilities and activities vary depending on who initiated the modification, but in general only the permit conditions subject to modification are reopened for public comment.

Section 3 of this *Reference Guide* provides further description of the requirements and associated activities.

Figure 5 (see next page) provides and overview of the *RCRA Operating Permit Process*.

Figure 5 - RCRA Operating Permit Process



Section 3 - Required Public Involvement Activities in Environmental Permits

The public involvement activities summarized in this section include required activities under regulation, as well as suggestions and best practices outlined in policy and guidance. The activities are divided into two categories: a) disseminating information and b) gathering and exchanging information.

Activities summarized under the *disseminating information* category are used by permitting authorities and owners or operators of facilities seeking permits to distribute information about the facility, permit, permit status, or other aspect of the permit process to members of the community. Activities summarized under the *gathering and exchanging information* category are typically used by permitting authorities as a way both to solicit the views and opinions of members of the community and to provide forums for discussions between members of the community and the permitting agency and facility about issues related to the permit application, the draft permit, and other aspects of the permit issuance process.

Additionally, there can be public participation in enforcement actions. Administrative assessments and civil penalties taken under RCRA, CWA, CAA, and SDWA include a *Federal Register* notice and comment period. Details on the public involvement role in the judicial area can be found at 28 CFR section 50.7.

Furthermore, some environmental statutes, such as CAA and CWA, have specific provisions that provide for public involvement in certain enforcement
actions.

Additional tools and suggested activities that you can use to augment the required processes are discussed in Section 4.

What are the Required Public Involvement Activities for Disseminating Information?

The following are required activities for disseminating information to the public:

1. Public notice;
2. Mailing lists;
3. Fact sheets/statement of basis; and
4. Response to comments.

What are the Required Public Involvement Activities for Gathering and Exchanging Information?

The following are required activities for gathering and exchanging information:

1. Public comment periods;
2. Contact persons; and
3. Public hearings.

Required Public Involvement Activities for Disseminating Information

1. Public Notices

Public notices are required at various points in the public involvement process for certain activities, conducted by the regulating agency and by facilities being regulated. Most notices contain essentially the same information, but differ in how and under what circumstances they are distributed.

• What are the Regulatory Requirements for Public Notices?

Below is a summary of public notice regulatory requirements for various permitting programs.

Clean Air Act (CAA) New Source Review (NSR)

Under NSR permitting requirements, a permitting official is required to give notice to the public of the opportunity to review a draft permit. The notice should provide information on the opportunities for public review and comment, and the opportunity for a public hearing. Public notices can be for the issuance or denial of more than one draft permit. No public notice is required when amendment, revision, revocation, reissuance, or termination has been denied. State and local programs usually publish such notice in a newspaper of general circulation.

CAA Title V Operating Permits

Public notices are required for permit issuance, renewal, reopenings, and all significant modifications of the permit. Notices must be published in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice. There is also an opportunity for citizen petition to the EPA Administrator.

Safe Drinking Water Act (SDWA) Underground Injection Control (UIC)

Public notice is required under four circumstances: (1) a permit application has been denied, (2) a draft permit has been prepared, (3) a hearing has been scheduled, and (4) an appeal has been granted. Public notice is not required when a request for permit modification, revocation, reissuance, or termination is denied. In addition to the general public notice, copies of fact sheets, the statement of basis (for EPA-issued permits), and the permit application (or draft) should be distributed to members of the mailing list.

State/Tribal Assumed Clean Water Act (CWA) Section 404 Permit Program

Public notice is required under five circumstances: (1) receipt of a permit application; (2) preparation of a draft general permit; (3) consideration of a major modification to an issued permit; (4) scheduling of a public hearing; or (5) issuance of an emergency permit.

CWA National Pollutant Discharge Elimination System (NPDES) Permits

Public notice is required under five circumstances: (1) the permitting agency receives a permit application from a perspective facility; (2) a permit application has been denied; (3) a draft permit has been prepared; (4) a hearing has been scheduled; (5) an appeal has been granted; or (6) an NPDES new source determination has been made. Public notice is not required when a request for permit modification, revocation, reissuance, or termination is denied. For EPA-issued permits involving new sources, public notice of a draft permit should not be given until a draft Environmental Impact Statement (EIS), if necessary, has been issued.
Since requirements in each state may differ, the permitting authority in the state where the facility is located should be consulted on their public notice requirements.

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Facility Permits

Public notice is required under several situations: (1) the permitting agency issues a draft permit, grants an appeal, or holds a public hearing; (2) a prospective permit applicant plans a pre-application meeting; (3) a facility owner/operator proposes permit modifications (level of effort varies depending on class of modification); (4) the permitting agency initiates a permit modification; (5) the permitting agency requires a facility to establish an information repository; or (6) a facility conducts a trial burn or undergoes closure or post-closure.

• What Information Should Typically Appear in a Public Notice?

Public notices provide an official announcement of proposed agency decisions or facility activities. Notices often provide the public with the opportunity to comment on a proposed action. Public notices usually contain the same types of information. However, it is always wise to consult the requirements of a specific permitting program if any doubt exists over whether additional information should be included. Listed below are several items that typically appear in a public notice:

- Name and address of the facility and the facility owner/operator;
- A brief description of the processes conducted at the facility;
- Name, address, and toll free telephone number of an individual at the permitting authority who can be contacted for further information on the facility;
- An overview of the public involvement process, including the comment procedures, and the date, time, and place of any hearing (Section 4 contains a model process that could be shared at this early stage);
- The opening and closing dates for comment periods;
- Description and contact information for all sources of state or EPA technial or legal assistance available to the public;

- The location of the administrative record and the times when it is open for public inspection;

- Any supporting information that will be considered when making a permit decision; and

- Relevant web site addresses for the facility, regulating authority (specific permitting division or other branch), and EPA.

Organizations should attempt to make sure that the date and time do not conflict with other public meetings, religious or nonreligious holidays, or other important community events.

Organizations should provide ample notice of the permitting activity. Most programs require 30 days notice be given for public hearings and public comment periods. For instance, the RCRA permitting requirements specify that at least 45 days must be allowed for public comment. Public notice of a public hearing must be given at least 30 days prior to the hearing.

• How Should Public Notices be Distributed?

Most notices contain essentially the same types of information. They differ in how the permitting agency and facility distribute them. Certain permitting programs require notices to be distributed to members of a mailing list, some require legal advertisements in the newspaper, and others require signs or radio advertisements. While some organizations will only conduct required activities, EPA encourages facilities and permitting agencies to make a good faith effort to reach all segments of the affected community with these notices.

Organizations often attempt to identify the information pathways that will be most effective in a particular community. Public interest groups, the facility, and the permitting agency frequently seek community input on this topic because the citizens of that community are the most qualified people to explain what methods will work best.

Organizations may conduct community interviews to learn more about how citizens communicate.

The list below identifies some of the most common ways public notice is conducted. Interested parties can generally find information regarding permitting activities in the following places:

- **Newspaper Advertisements**. Traditionally, public notices appear as legal advertisements in the classified section of a newspaper. In addition, public notices may be placed in display advertisements (located with other commercial advertisements).

- **Newspaper Inserts**.* Inserts stand out from other newspaper advertisements; they often come as a "loose" section of the newspaper (a format often used for glossy advertisements or other solicitations).

- **Free Publications and Existing Newsletters**.* Public notices in newsletters or bulletins sent by local

government agencies to their entire constituency. In addition, planning commissions, zoning boards, or utilities often distribute regular newsletters; they may include information about permitting activities. Newsletters distributed by civic, trade, agricultural, religious, or community organizations are also used to disseminate information.

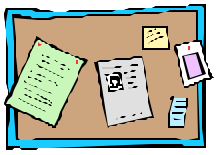
Some organizations may rely on a free local flyer, magazine, or independent or commercial newspaper to share information.

- **Public Service Announcements**. Radio and television stations often broadcast announcements on behalf of charities, government agencies, and community groups. In particular, they are likely to run announcements of public meetings, events, or other opportunities for the public to participate.

One drawback with public service announcements is that they may be aired at odd hours when the audience is relatively small.

- **Broadcast Announcements and Advertisements**.* A number of RCRA notices must be broadcast over radio or another medium. Notice is sometimes provided via a paid TV advertisement or over a local cable TV station. Some local access cable TV stations run a text-based community bulletin board.

- **Signs and Bulletin Boards**.* Some notice requirements include posting of a visible and accessible sign. Signs are frequently posted at an existing or planned facility. If few people are likely to pass by the site, a sign may be posted at the nearest major intersection.



Other areas where signs may be found include community bulletin boards in community centers, town halls, grocery stores, or on heavily traveled streets.

- **Telephone Networks or Phone Trees**.* This method provides an inexpensive, yet personal, manner of spreading information. The lead agency, facility, or organization calls the first list of people, who, in turn, are responsible for calling an additional number of interested people. As an alternative to calling the first tier, the lead agency, facility, or organization might distribute a short written notice.

* *These are more elaborate forms of public notice, perhaps where a state has requirements to go further than the minimum federal requirements.*

2. Mailing Lists

In general, requirements for mailing lists under different permitting programs are very similar. Variation occurs in whether the list

must contain only those who express an interest in being on the mailing list, or include all parties who may be affected by an agency activity. Some programs require specific agencies or organizations be contacted for public notices.

- **What are the Regulatory Requirements for Mailing Lists?**

Below is a summary of mailing list regulatory requirements for various programs.

CAA Title V Operating Permits

The permitting agency must develop and maintain a list of individuals or organizations that have an interest in any activity covered by the agency. The list should include both those who have expressed an interest in, and those that may be affected by, the activity.

SDWA UIC

Notice informing the public of the opportunity to be put on the mailing list must be published periodically in the public press and in such publications as regional- and state-funded newsletters, environmental bulletins, or state law journals. The director of a permitting agency may remove people from the mailing list who do not respond to a request for a written indication of continued interest.

State/Tribal Assumed CWA Section 404 Permit Program

A copy of the public notice is mailed to the following: (1) the applicant, (2) any agency with jurisdiction over the activity or disposal site, (3) adjoining property owners, (4) all persons who have specifically requested copies of public notices, and (5) any state whose waters may be affected by the activity.
The state director may update the mailing list from time to time by requesting written indication of continued interest from those listed. The director may delete from the list the name of any person who fails to respond to such a request.

CWA NPDES Permits

A notice informing the public of the opportunity to be put on the mailing list must periodically be published in the public press and in such publications as Regional- and state-funded newsletters, environmental bulletins, or state law journals.

The director of a permitting agency may remove people from the mailing list who do not respond to a request for a written indication of continued interest.

RCRA Hazardous Waste Facility Permits

The permitting agency must establish and maintain the facility mailing list. The agency must develop the list by: (1) including people who request in writing to be on the list, (2) soliciting persons for “area lists” from participants in past permit proceedings in that area, and (3) notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as

Regional- and state-funded newsletters, environmental bulletins, or state law journals.

• Why are Mailing Lists Created?

You, as well as facilities and other organizations involved in the permitting process, use mailing lists to inform all interested parties of developments as they occur during the permitting process.

Mailing lists are therefore an important means of communication, and are the principle method by which many of the parties involved in public participation activities obtain their information. Mailing lists are used to reach both broad and targeted audiences. The better the mailing list, the better the public outreach and delivery of information.

Mailing lists typically include concerned residents; elected officials; appropriate federal, state, and local government contacts; local media; organized environmental groups; civic, religious, and community organizations; facility employees; and local businesses.

• Who Should be Included on a Mailing List?

There are a number of ways for interested persons to be included on a mailing list. Include a contact for further information on the public notice of permitting activities so individuals can call this person and ask to be placed on the mailing list. In addition, you, or your agency, should work to solicit names, addresses, and phone numbers of individuals to be included on the list. In general, try to include the following individuals:

- People who put their names and addresses on the sign-in sheet at the preapplication meeting, if applicable;
- People interviewed during community interviews, as well as other names these people recommend;
- All nearby residents and owners of land adjacent to the facility;
- Representatives of organizations with a potential interest in an agency program or action (e.g., outdoor recreation organizations, commerce and business groups, professional or trade associations, environmental and community organizations, environmental justice (EJ) networks, health organizations, religious groups, civic and educational organizations, state organizations, universities, local development and planning boards, emergency planning committees and response personnel, facility employees);
- Any individual who attends a public meeting, workshop, or informal meeting related to the facility, or who contacts the agency regarding the facility;
- Media representatives;
- City and county officials;
- State and federal agencies with jurisdiction over wildlife resources;
- Key agency officials;
- Tribes (if appropriate);

- EJ Communities; and
- The facility owner/operator.

You or your agency should frequently send a letter or fact sheet to the preliminary mailing list developed. This letter or fact sheet informs potentially interested parties of activities and the status of upcoming permit applications or corrective actions. It may also ask whether an individual or organization wishes to receive further information about permitting activities at a particular facility.

Some permitting programs allow the director of an agency to remove from the mailing list any individual or organization who does not respond.

This also serves as an opportunity for interested parties to provide the permitting agency with accurate addresses and phone numbers for themselves and others who might be interested in the activity.

In general, mailing lists should be updated at least annually to ensure they contain correct contact information. You can update mailing lists by telephoning each individual on the list, or use local telephone and city directories as references. In addition, you can update your official mailing list from time to time by requesting written indication of continued interest from those listed.

3. Notices of Decision

Requirements for notices of decision during the public participation process are generally very similar. This type of public notice serves as a record of an agency's final decision regarding permit issuance, denial, or modification.

• What are the Regulatory Requirements for Notices of Decision?

Below is a summary of notice of decision regulatory requirements for various programs.

CAA NSR

A written notice of final determination must be given to the permit applicant, and made available for public inspection at the same location where the reviewing authority made available preconstruction information and public comments relating to the source (see 40 CFR 51.166(q)(2)(vii)).

CAA Title V Operating Permits

The permitting agency is not required by federal law to give final permit notice of decision to members of the public. However, state law may contain a notice requirement.

SDWA UIC

After the close of a public comment period, notice of decision must be sent to the permit applicant as well as any person who requested notification. The notice is required to contain instructions for appealing the agency decision.

State/Tribal Assumed CWA Section 404 Permit Program

The state program director shall prepare a written determination on each application outlining the decision and rationale for decision.

The determination shall be dated, signed, and included in the official record prior to final action on the permit. The official record shall be open to the public.

CWA NPDES Permits

Notice of decision must be sent to the permit applicant and any person who submitted written comments or requested notification. Notice of decision must also be published in a newspaper of general circulation within the affected area. The notice must include instructions for contesting the agency decision. Most NPDES permits have either a fact sheet or statement of basis that explains how the permit limits were derived.

RCRA Hazardous Waste Facility Permits

The permitting agency must send notices of decision to the permit applicant as well as any persons who submitted written comments or requested notice of the final permit decision. The notice of decision shall include instructions for appealing the agency decision.

- ### What Information is Included in a Notice of Decision?

A notice of decision presents the agency's decision regarding permit issuance, denial, or modification of the permit to incorporate changes such as the corrective action remedy. Notices of decision should provide a clear, concise public record of a permitting agency's decision regarding whether to grant or modify a permit. The notice of decision should also include procedures for appealing a decision.

In addition to the permit decision, agencies should draft a response to comment document that identifies any changes in the final permit from the draft permit. Time frames vary for the final permit decision. For instance, the agency's decision may be affected by the quantity and substance of comments received during the public comment period.

- ### How can Interested Parties Receive a Notice of Decision?

In addition to the permit applicant, a copy of the notice of decision should be sent to anyone who submitted written comments, requested notification of the decision, or is on the agency mailing list. Notices of decision are public records and should be made available at local document repositories.

4. Fact Sheets/Statements of Basis

Fact sheets and statements of basis are produced throughout the permitting process and inform the public about the regulatory process as well as technical issues surrounding a draft permit. They are helpful in establishing a general community understanding about a project.

- ### What are the Regulatory Requirements for Fact Sheets/Statements of Basis?

Fact sheet/statement of basis regulatory requirements for various programs are:

CAA NSR

The permitting agency is required to produce a statement of basis for all NSR/PSD draft

permits.

In addition to describing the principal facts and considerations, the fact sheet must explain the allowable increase of ambient concentrations of a pollutant, without exceeding the National Ambient Air Quality Standards (NAAQS), expected to result from the operation of the activity.

CAA Title V Operating Permits

Once the draft permit is complete, a statement of basis describing the legal and factual justification for the permit must be made publicly available.

SDWA UIC

A fact sheet describing the conditions and basis for the draft permit must be sent to the permit applicant and any interested persons.

State/Tribal Assumed CWA Section 404 Permit Program

There is no federal requirement for a fact sheet in state-assumed programs, although the state may require one.

CWA NPDES Permits

The permitting agency is required to distribute a fact sheet to the applicant as well as any person who requests a copy.

In addition to describing the facts and considerations surrounding the basis for the application, fact sheets for NPDES permits also must include any calculations or explanations relevant to the source of specific effluent limitations, as well as conditions or standards for sewage sludge use or disposal.

Fact sheets are required for:

- major facilities;
- permits incorporating a variance;
- permits incorporating sewage sludge land application plans;
- NPDES general permits; and
- permits subject to widespread public interest or ones raising major issues.

Permit writers must prepare a statement of basis for all permits that do not merit the detail of a fact sheet.

RCRA Hazardous Waste Facility Permits

The permitting agency is required to develop a fact sheet, or statement of basis when a fact sheet is not prepared, for every draft permit for major hazardous waste facilities or facilities raising significant public interest.

While fact sheets/statement of basis are required for draft permits, they can also be very helpful at other times throughout the permitting process by providing a summary of the status of a draft permit application. The fact sheet/statement of basis must be sent to the permit applicant as well as any other persons who request it. (see 40 CFR part 124.8 for more detailed information what should be included in a fact sheet or statement of basis.)

• What Information Should be Included in a Required Fact Sheet or Statement of Basis?

Fact sheets (generally 1 or 2 pages front and back), and statements of basis summarize the

current status of a permit application. This kind of fact sheet (or statement of basis) is probably different than the commonly used informational fact sheets that most people recognize. Fact sheets/statements of basis must explain the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

Permitting agencies should publish fact sheets and statements of basis frequently throughout the permitting process to summarize the status of a draft permit or permit application. Fact sheets are useful for informing all interested parties about the basis for the permitting agency's decision regarding a facility's permit activities. They ensure that information is distributed in a consistent fashion and that citizens understand the issues associated with permitting programs.

Fact sheets should contain the following information:

- A brief description of the type of facility or activity that is the subject of the draft permit;
- The type and quantity of wastes or activities covered by the permit;
- A brief summary of the basis for the draft permit conditions and the reasons why any variances or alternatives to the proposed standards do or do not appear justified;
- A description of the agency procedures for reaching a final decision;
- The beginning and ending dates of the public comment period and the address where individuals can send comments;
- Procedures for requesting a public hearing; and
- Name and telephone number of an agency contact for additional information.

Statements of basis are generally shorter than fact sheets and summarize the basis for a permitting agency's decision. Statements of basis are prepared the same way as fact sheets.

Both fact sheets and statements of basis should be presented in a simple, easy-to-follow format. Permitting agencies should avoid using bureaucratic jargon and technical language. This is particularly important in certain environmental justice communities where English is not the primary language.

While fact sheets and statements of basis are required for draft permits, they can also be found or used during other stages of the permitting process such as:

- during technical review of the permit application;
- at the beginning of a facility investigation;
- when findings of a facility investigation are available;
- before a meeting or hearing to provide background information;
- at the completion of the corrective action; and
- when the Notice of Decision is released.

- **Where can Interested Parties Receive Fact Sheets and Statement of Basis?**

Individuals on the facility mailing list should be sent fact sheets and statements of basis by mail. Extra copies should be made available at the information repository or at public meetings and hearings. Fact sheets and statements of basis should contain the name and telephone number of a person to contact for additional information, comments, or questions.

5. Response to Comments

Response to comment documents should identify and describe public involvement activities and summarize the public's significant comments. In addition, the document should provide specific responses to the comments, in terms of modifications to the permit, or explain why comments were not incorporated into the permit. Again, the language, terms, and tone of the response are important considerations based on who is submitting comments (e.g., bureaucratic and technical language should be avoided in most cases).

- **What are the Regulatory Requirements for Response to Comment Documents?**

Regulatory requirements for response to comment documents are:

CAA NSR

The permitting authority must consider all comments in making a final decision on approvability of an application. All comments are to be made available for public inspection.

CAA Title V Permits

The permitting agency must keep a record of public comments and issues raised during the public involvement process. These records help the EPA Administrator determine whether a citizen petition to object to a permit should be granted. Records must also be available to the public.

SDWA UIC

When a final permit decision is issued, the permitting agency must issue a response to comments. The response must be available to the public.

State/Tribal Assumed CWA Section 404 Permit Program

The State Program Director shall consider all comments received in response to a public notice or public hearing.

All comments, as well as the record of a public hearing, shall be made a part of the official record of the application.

CWA NPDES Permits

When a final permit decision is issued, the permitting agency must issue a response to written comments. The response must be available to the public.

RCRA Hazardous Waste Facility Permits

RCRA requires the permitting agency to prepare a response to comments when it issues a final

permit decision. The agency must also issue a response to all significant comments when making final decisions on requested Class 2 and Class 3 permit modifications and agency-initiated modifications.

• What Information is Provided in a Response to Comments Document?

A response to comments provides a clear record of community concerns. It provides the public with evidence that their input was considered in the decision process.

The summary also is an aid in evaluating past public involvement efforts and planning for subsequent activities. A response to comments identifies all provisions of the draft permit or modification that were changed as a result of public comments and the reasons for those changes. It should also briefly describe and respond to all significant comments received during the comment period.

The response to comments should be written in a clear and understandable style so that it is easy for the community to understand the reasons for the final decision and how public comments were considered.

• How are Response to Comment Documents Organized?

The response to comments should state clearly any points of conflict or ambiguity. While their forms differ, all response to comment documents should include the following:

Overview

- Describe of the number of meetings, mailings, public notices, and hearings at which the public was informed or consulted about the permitting activity;
- Describe the extent to which citizens' views were taken into account in decision-making;
- List a summary of commenters' major issues and concerns; and
- Identify the specific changes, if any, in the permit design or scope that occurred as a result of citizen input.

Detailed Response

- Answer specific legal and technical questions.

Comments may be difficult to respond to at times, such as when the public raises new issues, questions, or technical evidence during the public comment period. The permitting agency may have to develop new materials to respond to these questions.

• How can Interested Parties Obtain a Response to Comment Document?

Response to comment documents can take several forms. Some agencies will prepare formal "Responsiveness Summaries." At other times, such as publication of a final rule, responses appear in a *Federal Register* notice.

Response to comments documents should be sent to the facility owner/operator and to each person who submitted written comments or requested notice of the final permit decision.

6. Information Repositories

An information repository is a collection of documents related to a permitting activity. A repository provides local officials, citizens, and the media with easy access to accurate, detailed, and current data about the permitting activity.

• What are the Regulatory Requirements for Information Repositories?

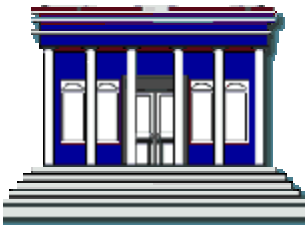
RCRA Hazardous Waste Facility Permits

Permitting agencies are authorized to require a facility to establish an information repository during the permitting process or during the active life of the facility.

• Are Information Repositories Required for Every Permitting Activity?

Information repositories are not mandatory activities in every situation. As mentioned above, RCRA regulations give the permitting agency the authority to require a facility to set up and maintain an information repository.

The agency does not have to require a repository for every permitting activity. Alternatively, a facility or an environmental group may voluntarily set up a repository to make it easier for people in the community to access information.



The information that actually goes in the repository can differ from case to case, depending on why the repository was established. The agency should suggest which documents and other information must be included in the repository, depending on the specifics of the permitting activity. For instance, multilingual fact sheets and other documents should be provided where there are many non-English speakers in the affected community.

Similarly, if the community needs assistance in understanding a very technical permitting situation, then the agency and the facility should provide fact sheets and other forms of information that are more accessible to the nontechnical reader.

Several factors affect the establishment of an information repository, including: the level of public interest, the type of facility, the presence of an existing repository, and the proximity to the nearest copy of the administrative record.

Any of these other factors may indicate that the community already has adequate access to information. Repositories are resource-intensive, and permitting agencies will require them to be established only in cases where the community has a significant need for additional access to information.

The permitting agency will try to gauge the public's interest in the permitting activity before making final decisions about an information repository.

For instance, the permitting agency will consider turnout at public meetings and responses during community interviews. Other factors include level of media attention, level of community involvement and/or controversy in previous facility and local environmental matters, and whether an existing repository can be augmented with materials to meet the information needs of the current permitting activity.

• Where are Information Repositories Generally Located?

The information repository should be convenient and accessible for people in the community. Community residents should suggest locations to the facility. Typical locations include local public libraries, town halls, or public health offices.

A facility may choose to set up the repository at its own offices. Before doing so, the facility owner or operator should discuss his or her intent with community representatives and/or the agency. Members of the community should be made comfortable about coming onto facility property. If members of the community feel uncomfortable at the facility, then the repository should be located in a suitable off-site location.

The public's access to the information repository is extremely important. It should be easily accessible by public transportation (if most people in the community rely on public transportation). The length of the trip should not be overly burdensome.

The location should have adequate access for disabled users, and should be open after normal working hours at least one night a week or on one weekend day. Repositories should be well lit and secure.

A facility also should ensure that someone in its company and someone at the repository location are identified as the information repository contacts—to make sure that the information is kept up to date, orderly, and accessible.

• What Information Should Be Included in the Repository?

The permitting agency will decide, on a case-by-case basis, what documents, reports, data, and information are necessary to help the repository fulfill its intended purposes and to ensure that people in the community are provided with adequate information. The agency will provide a list of the materials to the facility. The agency may also consult the public regarding what materials would be most useful to members of the surrounding community.

Such consultation is more important where the public has expressed significant interest or where site activities are viewed as, or are expected to be, controversial.

The following are examples of materials that may be included in the information repository:

- Background information on the company or facility;
- Fact sheets on the permitting or corrective action process;
- Summary from the preapplication meeting (if one was conducted);
- Public involvement plan (if developed);

- The draft permit;
- Reports prepared as part of the facility investigations;
- Fact sheets prepared on the draft permit or corrective action plan;
- Notice of decision;
- Response to comments;
- Copies of relevant guidance and regulations;
- A copy of the cooperative agreement, if the state is the lead agency for the project;
- Documentation of site sampling results;
- Brochures, fact sheets, and other information about the specific facility (including past enforcement history);
- Copies of news releases and clippings referring to the site;
- Names and phone numbers of a contact person at the facility and at the permitting agency who would be available to answer questions people may have on the materials in the repository; and
- Any other relevant material (e.g., published studies on the potential risks associated with specific chemicals that have been found stored at the facility).

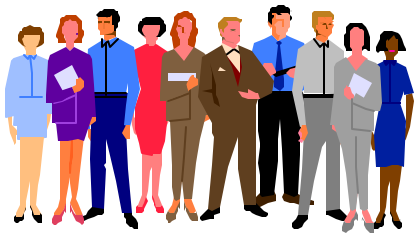
Documents should be organized in binders that are easy to use and convenient. For projects that involve a large number of documents, separate file boxes should be provided as a convenience to the repository host to ensure that the documents remain organized.

If the permitting activity is controversial or raises a lot of community interest, several copies of key documents should be provided so that community members can check them out for circulation. The facility shall maintain the repository by updating it with appropriate information throughout the specified time requested by the Director.

• How is the Public Notified That an Information Repository Exists?

Notice of the repository identifying its location and hours of availability should be sent to everyone on the facility mailing list. Other organizations that should be notified include local government officials, citizen groups, and the local media.

Articles or notices about the repository published in newsletters of local community organizations and church groups are another means of notifying the public.



Required Public Involvement Activities for Gathering and Exchanging Information

1. Public Comment Periods

Public comment periods are required after the issuance of a draft permit application. They allow citizens to comment on agency and facility proposals and have their comments incorporated into the formal public record.

• What are the Regulatory Requirements for Public Comment Periods?

Regulatory requirements for various permitting programs implemented by EPA are:

CAA NSR

Notice of the public comment period must be sent to the permit applicant, members of the mailing list, all other agencies required to issue NSR permits for the same facility or activity, all affected state and local air pollution control agencies, and any interested persons.

A minimum of 30 days is provided for submittal of public comments, beginning from the date of publication of the public notice (see 40 CFR 51.161(b)).

CAA Title V Operating Permits

Following the issuance of a draft permit, the permitting agency is required to give notice of the public comment period. From the date the notice is published, citizens have at least 30 days to submit written comments. During this time, any interested person may request a public hearing.

SDWA UIC

The public has 30 days from the date of notification of the public comment period to submit written comments on a draft permit. Notification of the public comment period must be sent to the permit applicant, all other agencies required to issue UIC permits for the same facility or activity, federal and state agencies (including Indian tribes) with jurisdiction over fish, shellfish, and wildlife resources and over coastal management plans, state and local oil and gas regulatory agencies, state agencies regulating mineral exploration and recovery, members of the mailing list, and any interested persons.

State/Tribal Assumed CWA Section 404 Permit Program

The public notice shall provide a reasonable period of time, normally at least 30 days, within which interested parties may express their views concerning the application.

The EPA Regional Administrator may approve a state program with a shorter public notice period if he determines sufficient public notice is provided for. Public notice of a public hearing shall be given at least 30 days before the hearing. The public comment period shall automatically be extended until the close of any public hearing.

CWA NPDES Permits

After the permitting agency gives public notice of the preparation of a draft permit (including the intent to deny a permit), the public must have at least 30 days to comment. Notification of public

comment periods must contain a brief description of the comment process, as well as a contact name and address where citizens should send their written comments. The name and address of the office processing the permit action and of the permittee, and the facility location are required. Brief descriptions of the business conducted at the facility, as well as the comment procedures, are required.

RCRA Hazardous Waste Facility Permits

The permitting agency is required to send notice of the public comment period to the permit applicant, members of the mailing list, and all other agencies required to issue permits for the same facility or activity. Citizens have 45 days to submit to the agency written comments on the draft permit or intent to deny a permit application. During this time, any interested person also may request a public hearing.

After the close of the public comment period, the permitting agency must send a notice of decision to the permit applicant and any persons who submitted written comments or requested notice of the decision.

- ### What is the Purpose of a Public Comment Period?

A public comment period is a designated time period in which citizens can formally review and comment on the agency's or facility's proposed course of action or decision.
Public comment periods are typically 30 to 45 days long. Public comment periods cannot begin until notice of the permitting activity is given. If written comments are submitted during the public comment period, the permitting agency is required to discuss them in the response to comments.

Commenters can request a public hearing during the public comment period. Public hearings provide an opportunity to give formal comments and oral testimony on proposed permitting activities.

- ### How is the Public Notified about Public Comment Periods?

Notice of a public comment period should be announced in a local newspaper of general circulation and in some cases, when the permitting activity is, or has the potential to be, controversial, on local radio stations. The notice should provide the beginning and ending dates of the public comment period and specify where the community members can send their written comments and/or requests for a public hearing.

As with all public notices, notification for public comment periods must contain a name and telephone number of the person to contact for additional information.

2. Contact Persons/Offices

A contact person assures that a permitting agency is actively listening to citizens' concerns and provides the community with consistent information from a reliable source.

In general, requirements are very similar for contact persons/offices under different permitting programs.

• What are the Regulatory Requirements for Contact Persons/Offices?

Below is a summary of contact person/office regulatory requirements for various programs.

CAA NSR

The permitting agency is required to include the name, address, and telephone number of a person to contact for additional information on all public notices, fact sheets, and statements of basis.

CAA Title V Operating Permits

The permitting agency is required to include the name, address, and telephone number of a person to contact for additional information on all public notices.

SDWA UIC

A contact name, address, and telephone number must be included on all public notices, fact sheets, and statements of basis.

State/Tribal Assumed CWA Section 404 Permit Program

The public notice shall contain the name, address, and phone number of a person to contact for further information.

CWA NPDES Permits

The permitting agency is required to include the name, address, and telephone number of a person to contact for additional information on all public notices, fact sheets, and statements of basis.

RCRA Hazardous Waste Facility Permits

The permitting agency is required to include the name, address, and telephone number of a person to contact for additional information on all public notices, fact sheets, and statements of basis.

• What is the Role of a Designated Contact Person?

Agencies should designate a staff member who will be responsible for responding to questions and inquiries from the public and the media. A contact person should be able to respond to any questions or concerns interested persons may have about the permitting process. The same person should remain the contact throughout the permitting process. If, however, the contact person changes, the agency should notify citizens and agencies as soon as possible.

The agency contact should also maintain a log book of all citizen requests and comments received during the process.

This ensures that all requests are handled in a timely and efficient manner.

• How can Interested Parties Locate the Contact Person?

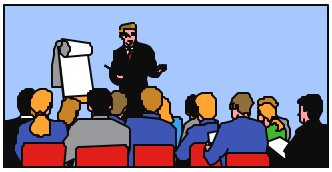
Organizations, such as community, local government, and citizen/environmental groups, should be encouraged to distribute lists of contact persons who are responsible for answering questions in certain topic areas. Announcement of the contact person should be distributed to all local newspapers, radio

stations, and television stations. The contact person's telephone number and mailing address should be included in all news releases, fact sheets, and mailings.

Permitting agencies should distribute self-mailers, which can be a separate flyer or a designated cutaway section of the fact sheet that is addressed to the contact person. This is a convenient way for interested parties to submit comments or request additional information at any point during the permitting process.

3. Public Meetings

A public meeting provides a forum where interested persons can ask questions and discuss issues outside of the formality of a public hearing. Public meetings are flexible tools that are open to everyone. Regulatory requirements for public meetings vary across different permitting programs.



- **What are the Regulatory Requirements for Public Meetings?**

To provide an example, below is a summary of public meeting regulatory requirements for the RCRA hazardous waste facility permits:

RCRA Hazardous Waste Facility Permits

The permit applicant is required to conduct a preapplication meeting prior to submitting a permit application. This type of public meeting must be announced at least 30 days prior to the event.

- **What is the Purpose of a Public Meeting?**

Public meetings allow all interested parties to ask questions and raise issues in an informal setting. A public meeting can provide a useful means of two-way communication at any significant stage during the permitting process.

- **What are the Differences Between Public Meetings and Public Hearings?**

Public meetings are not public hearings. *Public hearings* are required by regulations and provide a formal opportunity for the public to present comments and oral testimony on a proposed agency action. *Public meetings*, on the other hand, are less formal, anyone can attend, there are no formal time limits on statements, and the facility or the permitting agency usually answers questions. The purpose of the meeting is to share information and discuss issues, not to make decisions.
Due to their openness and flexibility, public meetings are preferable to hearings as a forum for discussing issues. Importantly, comments made during a public meeting do not become part of the official administrative record as they do during a hearing.

- **What Factors Should be Considered When Planning a Public Meeting?**

Public meetings can be arranged by the facility, the permitting agency or a citizens' or

community-based group. Agencies, interested citizens, or community-based groups should consider the following when coordinating a public meeting:

- **Community objectives, expectations, and desired results should be established**. If a community group decides to host a meeting, the group should decide prior to the event what it wants to accomplish and cover at the meeting.

- **A public meeting is an opportunity to exchange information, not make decisions.** As noted above and in Section 4, the public should understand the benefits and limitations of public meetings at the outset. If a more structured approach of obtaining advice/input from the community is sought, a Community Advisory Group (CAG) can be organized.

- **Use a meeting facilitator where controversy exists.** This can be a member of the community, an agency official, or a neutral third party. Where the situation is controversial or a history of mistrust between the parties exists, it can be helpful to utilize a person who is perceived as neutral by all parties.

- **Schedule a convenient location and time for the meeting**. The location of the public meeting should have seating, microphones, lighting, and recorders, as well as handicapped access. If the meeting is in conflict with other community events, you should be prepared to discuss an alternative time or location. The group should provide a translator for community residents who do not speak English.

- **The meeting should be announced 30 days in advance.** Citizens planning a meeting will need to provide notice of the meeting in local newspapers, broadcast media, signs, and mailings. Permitting agencies can assist by providing a mailing list. The name and telephone number of a contact person should appear on all notices and mailings.

If a portion of the community does not speak English, meeting coordinators should consider producing multilingual notices.

- **All documents relevant to the permitting activity should be made available for review at the information repository or on-site office prior to the meeting.** If interested persons have problems locating a document or do not have access to either the information repository or on-site office, the permitting agency should assist in providing copies.

- **Allow ample opportunity for citizens to submit written questions and comments prior to the meeting.** Public notices and mailings will give citizens the name, address, and telephone number of the contact person accepting questions and comments. Citizens who have specific questions or concerns for the permitting agency should send them to the agency contact

to ensure that they get answered in a timely fashion.

- **A sign-in sheet should be posted**. This allows attendees to voluntarily provide their names and addresses. The sign-in sheet can also be used by the permitting agency to update the mailing list.

Meeting organizers should keep in mind that some citizens may be reluctant to speak up at a public meeting. Agency contacts should set up an information table where people who may feel uneasy speaking during the meeting can ask questions and pick up project information.

• How can Interested Parties Obtain Information About Public Meetings?

They can get information from local newspapers, broadcast media, signs, and mailings at least 30 days prior to the meeting.
The permitting agency may send notice to those individuals on the agency mailing list.

4. Public Hearings

A public hearing provides a record of communication so citizens can be sure that their concerns and ideas reach the permitting agency.

Public hearings generally should not serve as the only forum for citizen input, since they usually occur at the end of the permitting process. As noted above, given that permittees are not typically formally involved, public *meetings* may provide the opportunity for a more open exchange of ideas between the various parties; consequently, having a public meeting prior to a public hearing can be beneficial. Generally, regulatory requirements for public hearings under different permitting programs are very similar.

• What are the Regulatory Requirements for Public Hearings?

Below is a summary of public hearing regulatory requirements for various permitting programs implemented by EPA. A state may opt to run the public comment period and request for hearing period simultaneously rather than concurrently.

In addition, while most states follow the 30-day advance notice requirement for public hearings, some do not.

CAA NSR

The permitting agency shall provide an opportunity for a public hearing to consider the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations (see 40 CFR 51.166(q)(2)).

CAA Title V Operating Permits

During the public comment period, anyone may make a request for a public hearing. Public notice of the hearing must be given at least 30 days in advance.

SDWA UIC

During the 30-day public comment period, anyone may submit a written request for a public hearing. The permitting agency may also call a

hearing if there is a high level of public interest or concern. Notification of the hearing must be given at least 30 days in advance. A tape recording or written transcript of the hearing must be made available to the public.

State/Tribal Assumed CWA Section 404 Permit Program

Any interested person may request a public hearing during the public comment period. The request shall be in writing and shall state the nature of the issues proposed to be raised at the hearing.

The State Tribal Program Director shall hold a hearing whenever it is determined there is significant public interest in the permit application or draft general permit. The director may also hold a hearing whenever a hearing may be useful in making a decision on the permit application.

CWA NPDES Permits

The permitting agency may hold a public hearing when there is significant public interest in the draft permit, to clarify a permit decision, or when requested in writing during the public comment period. Public notice of the hearing must be given at least 30 days prior to the event. A tape recording or written transcript of the hearing must be made available to the public.

RCRA Hazardous Waste Facility Permits

The permitting agency is required to conduct a public hearing if requested in writing during the 45-day public comment period.

The agency also will hold a hearing during the draft permit stage when there is a high level of public interest or when the agency feels that the hearing might clarify relevant issues. Notification of the hearing must be given at least 45 days in advance. A tape-recording or written transcript of the hearing proceedings must be made available.

• What is the Purpose of Public Hearings?

Public hearings provide an opportunity for the public to provide formal comments and oral testimony on proposed agency actions.

Occasionally the agency will present introductory information prior to receiving comments. All testimony received becomes part of the public record. Most hearings last between 2 and 5 hours; however, for very controversial topics, public hearings have been known to extend over a period of days.

Permittees and facility staff have no official role during a public hearing. Generally, a moderator will handle all the scheduling for the event, and ensure that the proceedings are conducted in an orderly fashion.

Public hearings are held:

- when requested by a member of the public during a public comment period;
- during the public comment period following the issuance of a draft permit, major permit modification, or at the selection of a proposed corrective measure; and
- when the level of community concern warrants a formal record of communication.

• How Should Permitting Agencies Prepare for Public Hearings?

Permitting agencies should prepare for public hearings as follows:

- **Anticipate the audience and the issues of concern.** The audience's objectives, expectations, and desired results are identified through community feedback, such as telephone interviews or written comments. The agency should arrange for a translator for community members who do not speak English.

- **Schedule a convenient location and time for the meeting.** The hearing room should have seating, microphones, lighting, and recorders, as well as handicapped access. Schedule the meeting during evening hours or on a weekend so that the meeting does not conflict with the working hours of likely community participants. If the meeting conflicts with other community events, propose/find an alternative time or location.

- **Arrange for a court reporter to record and prepare a transcript of the hearing.** Encourage citizens to bring extra copies of prepared comments to submit to the court reporter to be included in the public record.

- **Announce the public hearing at least 30 days before the event.** Notice should be given in local newspapers and mailed to interested parties.

- **Provide an opportunity for people to submit written comments.** The permitting agency should recognize that not all people will want to give oral testimony. Agencies should provide notification of where to send written comments.

- **Prepare a transcript of all oral and written comments.** Permitting agencies should announce when the transcript will be available for review.

Agencies should remind citizens that all comments made during the hearing will become part of the public record, so comments must usually be kept to 5 minutes or less.

Encourage citizens to submit more detailed comments in writing or make arrangements to speak with them individually after the hearing.

• How do Interested Parties Obtain Information About Public Hearings?

Interested parties can obtain information from local newspapers and mailings to interested citizens and members of the mailing list at least 30 days before the event.

STATUTORY AND REGULATORY AUTHORITY					
PUBLIC PARTICIPATION ACTIVITY Required Activities - Disseminating Information **L**	**Clean Air Act (CAA)**	**Safe Drinking Water Act (SDWA)**	**Clean Water Act (CWA)**		**Resource Conservation & Recovery Act (RCRA)**
	Air Permits	**UIC**	**404**	**NPDES**	**TSDF**
Public Notice	§124.10; §70.7(h)(1)	§124.10	§124.10**,** §231.3	§124.10, §124.57	§124.10, §124.19, §270.42
Mailing Lists	§124.10(c); §70.7(h)(1)	§124.10(c)	§124.10(c)	§124.10(c)	§124.10(c)
Notices of Decision	§124.15; §70.7(h)(5)	§124.15	§124.15**,** §231.6	§124.15	§124.15
Fact Sheets/ Statements of Basis	§124.7, §124.8; §70.7(a)(5)	§124.7, §124.8	§124.7, §124.8,	§124.7, §124.8	§124.7, §124.8
Response to Comments	§124.17; §70.7(h)(5)	§124.17	§124.17	§124.17	§124.17, §270.41, §270.4
Information Repositories					§124.33, §270.30(m)

NOTE: Citation (40 CFR) indicates that public participation activities are required. A blank box means that the activities, although suggested, are not required.

STATUTORY AND REGULATORY AUTHORITY					
PUBLIC PARTICIPATION ACTIVITY Required Activities - Gathering and Exchanging Information **L**	**Clean Air Act (CAA)**	**Safe Drinking Water Act (SDWA)**	**Clean Water Act (CWA)**		**Resource Conservation & Recovery Act (RCRA)**
	Air Permits	**UIC**	**404**	**NPDES**	**TSDF**
Public Comment Periods	§124.10(b)(1); §70.7(h)(4)	§124.10 (b)(1)	§124.10 (b)(1)	§124.10 (b)(1)	§124.10(b)(1)**,** §270.41, §270.42, §265.112(d)(4), §265.118(f)
Contact Persons	§124.10(d)(1)(iv); §70.7(h)(2)	§124.10(d) (1)(iv)	§124.10(d) (1)(iv)	§124.10(d) (1)(iv)	§124.10(d)(1)(iv), §270.41, §270.62(b), (d), §270.66(d)(3), (g)
Public Meetings					§124.31
Public Hearings	§124.12; §70.7(h)(2)	§124.12	§124.12, §231.4	§124.12	§124.12**,** §265.112(d)(4), §265.118(f), §270.41, §270.42(c)(6)

STATUTORY AND REGULATORY AUTHORITY					
PUBLIC PARTICIPATION ACTIVITY Non-Required Activities- Disseminating Information **L**	**Clean Air Act (CAA)**	**Safe Drinking Water Act (SDWA)**	**Clean Water Act (CWA)**		**Resource Conservation & Recovery Act (RCRA)**
	Air Permits	**UIC**	**404**	**NPDES**	**TSDF**
Introductory Notices					
Project Newsletter					
Exhibits					
Briefings					
Presentations					
Facility Tours					
Observation Decks					
News Releases & Press Kits					
News Conferences					

STATUTORY AND REGULATORY AUTHORITY					
PUBLIC PARTICIPATION ACTIVITY Non-Required Activities- Gathering and Exchanging Information **L**	**Clean Air Act (CAA)**	**Safe Drinking Water Act (SDWA)**	**Clean Water Act (CWA)**		**Resource Conservation & Recovery Act (RCRA)**
	Air Permits	**UIC**	**404**	**NPDES**	**TSDF**
Community Interviews					
Focus Groups					
Door-to-Door Canvassing					
Unsolicited Info./Office Visits					
Surveys/Telephone Polls					
Telephone Contacts					
Telephone Hotlines					
On-Scene Info. Offices					

STATUTORY AND REGULATORY AUTHORITY					
PUBLIC PARTICIPATION ACTIVITY Non-Required Activities- Gathering and Exchanging Information **L**	**Clean Air Act (CAA)**	**Safe Drinking Water Act (SDWA)**	**Clean Water Act (CWA)**		**Resource Conservation & Recovery Act (RCRA)**
	Air Permits	**UIC**	**404**	**NPDES**	**TSDF**
Q & A Sessions					
Information Tables					
Informal Mtgs. With Other Stakeholders					
Open Houses					
Workshops					
Attending Other Meetings					
Citizen Advisory Groups					

Section 4 - Additional Tools and a Guideline to Facilitate Public Involvement in Environmental Permits

This section summarizes additional tools to facilitate public involvement in environmental permits, which are not required by regulation. Similar to the required activities, they are divided into two categories: a) disseminating information; and b) gathering and exchanging information.

Tools summarized under the *disseminating information* category are used by permitting agencies and organizations seeking permits to distribute information about the facility, permit, or other aspects of the permit process to interested individuals and the affected community.

The tools summarized under the *gathering and exchanging information* category are typically used both (1) as a way to solicit the views and opinions from members of the community regarding the permit application and (2) to provide forums for discussions between members of the community, the permitting agency, and the facility about issues related to the permit application.

This section concludes with guidelines for developing a model plan for public involvement. It includes a sample annotated outline which can be adapted to different situations. This guideline, taken together with the additional tools listed in this section, is offered as some of the best practices for public involvement in environmental permitting.

What Are Examples of Additional Tools That Can Be Used for Disseminating Information?

1. Language translations
2. Project newsletters and reports
3. Introductory notices
4. Exhibits
5. Briefings
6. Presentations
7. Facility tours
8. Observation decks
9. News releases and press kits
10. News conferences
11. Independent technical experts
12. Information booklets/brochures

What Are Examples of Additional Tools That Can Be Used for Gathering and Exchanging Information?

1. Community interviews
2. Focus groups
3. Door-to-door canvassing
4. Surveys and telephone polls
5. Telephone contacts
6. Telephone hotlines

7. On-scene information offices
8. Question & answer sessions
9. Information tables
10. Informal meetings with other stakeholders
11. Attending stakeholder meetings and functions
12. Availability sessions/open houses
13. Citizen advisory groups
14. Workshops

Additional Tools That Can Be Used for Disseminating Information

1. Language Translations

There are currently no regulatory requirements for translations, although EPA strongly recommends using multilingual fact sheets, notices, and other resources to provide equal access to information. Oral translations are also suggested for public meetings, hearings, and news conferences when a large portion of the community does not speak English as their first language.

Translations provide written or oral information to communities where there is a significant number of residents who are non- English speaking. Translations ensure that all community members are informed of activities and have the opportunity to participate in the decision-making process.

- **What are the Advantages of Written and Oral Translations?**

Both written and oral translations provide the non-English speaking community a greater opportunity to be active in the public participation process. The need for translation is usually determined during the assessment of community needs, and through community interviews. When a large part of the community does not speak English as their first language, multilingual outreach materials, such as fact sheets, notices, newsletters and reports should be made available.

Oral translations are suitable for public meetings, hearings and news conferences, or when the agencies publicly need to reach out and communicate with the community.

2. Project Newsletters and Reports

Project newsletters and reports are excellent activities for sharing detailed or highly technical information with the affected members of the public. Project newsletters and reports are a means of communicating important information about a permit or applications to interested persons. Project newsletters use a more reader-friendly tone than reports. In addition to keeping citizens updated on permitting activities, newsletters provide brief summaries of technical reports or studies. Sending project newsletters directly to stakeholders and interested persons is an efficient way to distribute important information about detailed or highly technical projects.

- **What are the Advantages of Using Newsletters and Reports to Disseminate Information?**

Newsletters and reports are useful ways to disseminate information to stakeholders and interested persons in the community. They help keep citizens aware of activities and provide names of persons to contact to obtain additional information. To ensure that newsletters are distributed to all stakeholders and interested persons, it is important to maintain an updated mailing list.

Agencies should use availability sessions, open houses, or informal meetings to further explain the results of detailed reports and studies.

3. Introductory Notices

While there are no regulatory requirements for introductory notices, some agencies may provide them at the time a permit application is submitted to explain the permitting process and public participation opportunities.

- **When are Introductory Notices Used?**

Introductory notices are another way the permitting agency can build its mailing list. For instance, a return slip that the public can complete and return to be placed on a mailing list could be included with the notice. The return slip could also be used to ask questions about the process or the specific facility.

They are used when the permitting agency believes that the community knows little or nothing about the permitting process or when the permitting agency needs to notify the public of how they can become involved in the permitting process.

- **What Information is Provided in an Introductory Notice?**

An introductory notice can be presented as a public notice, a fact sheet or a flier distributed to the facility mailing list. It should explain, as clearly as possible, the permit application review or corrective action process. In addition, the permitting agency should try to avoid technical terms, jargon, and unexplained acronyms.

Introductory notices also should identify an agency contact who can answer additional questions about the permitting process either in general or pertaining to the specific permitting activity. It should provide the name, address, and phone number of a contact person who can be called with questions or for additional information about the facility.

4. Exhibits

Exhibits are very helpful in making technical information more understandable. Since they are generally visually appealing, exhibits tend to stimulate public interest in a project.

Exhibits are visual displays such as diagrams, photographs or computer displays accompanied by a brief description or introduction. They can provide a creative and informative way to explain technical projects.

- **What are the Advantages to Using an Exhibit?**

Exhibits tend to spark public interest and understanding. While public notices and fact sheets are useful, they may be glanced over quickly and easily forgotten. Exhibits have visual impact and can leave a lasting impression.

Exhibits work well with public meetings, hearings, and availability sessions/open houses. Agencies also can use surveys or comment cards at the display to encourage citizens to comment or request additional information.

When used in conjunction with other activities, exhibits help to enhance the overall understanding and interest in a program.

5. Briefings

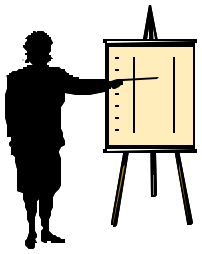
Briefings can be extremely useful for maintaining or initiating rapport with key stakeholders. Briefings are useful for sharing important information with key stakeholders prior to releasing the information to the media and general public. Briefing key stakeholders is particularly important if an upcoming action might result in political controversy.

- **What is the Purpose of Briefings?**

Briefings update key stakeholders on important information, such as a change in permit status or new technological research. They allow stakeholders the opportunity to ask agencies questions prior to the release of information to the public and media. By providing a "heads up," stakeholders are better prepared to answer questions from their constituents when the information becomes public. Since briefings are usually offered to small, select groups, they allow for the exchange of stakeholder information and concerns.

A permitting agency may hold a briefing to clear up visible stakeholder concerns before hosting a larger, more publicly visible event. Briefings generally precede news conferences, press releases, or meetings.

6. Presentations



Although there are no regulatory requirements for presentations, they can be helpful in reaching a large audience during any stage of the permitting process. Permitting agencies may schedule presentations (e.g., speeches, panel discussions, videotapes, or slide shows) for local clubs, civic or church organizations, school classes, or concerned groups of citizens. They provide a description of current permitting activities, while helping to improve public understanding of the issues associated with a permitting action. A community-based contact also may request that an agency contact arrange for a presentation.

- **When Should a Permitting Agency Schedule a Presentation?**

Presentations can be used:

- when there is moderate public interest in

a facility;

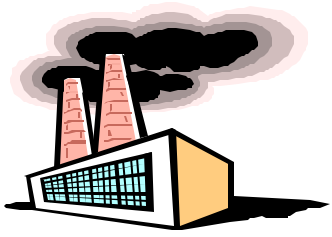
- when it is practical to integrate short presentations into meetings on other subjects; or
- when a major milestone in the permitting process is reached.

Citizens may request that the agency contact make a presentation during a regularly scheduled meeting.

The agency should provide an agenda or time frame for the presentation to allow ample time for group members to ask questions and voice their opinions at the conclusion of the delivery.

It is a good idea to use visual aids, such as slides and exhibits, during presentations to stimulate public interest and understanding. Handouts, such as fact sheets or news releases, should also be distributed so attendees have something to refer to after the presentation. At the conclusion of the presentation, the agency presenter should provide the name and telephone number of the person to contact for further information.

7. Facility Tours



Facility tours familiarize the media, local officials and citizens with the operations and the individuals involved at the facility. Facility tours are scheduled trips to the facility for media representatives, local officials, and citizens during which technical and public outreach staff answer questions. Facility tours increase understanding of the issues and operations at a facility and the permit process under way. Often, better understanding between stakeholders results because of facility tours.

Tours are usually arranged by the facility in conjunction with the permitting agency or a citizen's group. Tours are particularly helpful:

- when viewing activities at the facility can help increase public understanding or decrease public concern; and

- when it is practical and safe to have visitors on facility grounds.

• How Should Facility Tours be Organized?

Often a citizen's group assists in planning the facility tour. Facility tours require considerable time to arrange, prepare, and coordinate. Facilities are not required to conduct tours. Citizen's groups may be most successful in participating in tours when good relations have previously been established with the facility.

Facility safety guidelines cannot be violated during the tour. Insurance regulations for the facility and liability, safety, and injury considerations may make tours impossible. Citizen's groups should recognize this responsibility and not demand access to areas that are not safe for the general public. However, unwarranted secrecy may cause suspicion on the part of the community. The permitting agency may be able to help facilitate appropriate access during the tour.

The following should be considered when organizing a tour:

- Determine objectives/results of the tour;

- **Plan the tour ahead of time.** The facility, agency, and citizen's group should work together to arrange a tour that fairly presents appropriate information and provides the community an opportunity to learn about facility operations. Proper planning significantly improves the quality of the tour.

  Before the tour, facility personnel should determine tour routes and availability of facility personnel to answer questions and demonstrate technologies.

  If a facility cannot arrange a tour (e.g., the facility is under construction or not yet built), it may be possible to arrange a tour at one like it. Interested community members may benefit from touring a facility that has similar operations or where similar technologies have been applied and may get a clearer perception of what to expect at the local site.

- **Develop a list of individuals who might be interested in participating in a tour.** The facility tour should include:

  – individual citizens or nearby residents who have expressed concern about the site;

  – representatives of public interest or environmental groups that have expressed interest in the site;

  – interested local officials and regulators;

  – representatives of local citizen or service groups; and

  – representatives of local newspapers, TV and radio stations.

- **Identify the maximum number that can be taken through the facility safely.** The facility should determine a reasonable number.

  Keep the group small so that all who wish to ask questions may do so. Schedule additional tours as needed.

- **Be creative in involving tour participants.** A "hands-on" demonstration of how to read monitoring devices is one example.

- **Anticipate questions.** Have someone from the facility available to answer technical questions in nontechnical terms.

8. Observation Decks

An observation deck allows citizens and media representatives to observe site activities without hindering the activities. An observation deck is generally an elevated deck on the facility property near the area where the permitted activities are in progress. The deck enables the public and media to observe facility activities directly, thereby removing some of the unfamiliarity with the activities. In addition, citizens may have previously toured the facility, and are able to monitor the progress of permitting activities at their convenience from the observation deck.

- **When Should an Observation Deck be Used?**

An observation deck may be used when:

- community interest or concern is high;
- the community's understanding of facility operations will be enhanced by direct observation;
- there will be sufficient activity at the site to promote the community's interest;
- staff are available to supervise public use of the deck and answer questions; and
- it is physically possible to set up an observation deck in a place where there is no danger to the public.

Constructing and supervising an observation deck is expensive. Further, health and safety issues must be considered thoroughly so that visitors to the observation deck are not endangered by activities at the facility. Because of these constraints, and because there are no regulatory requirements for observation decks, facilities may be reluctant to construct one unless there is sufficient community interest.

Location of the observation deck will depend on:

- best location for viewing facility activities;
- public safety; and
- public access.

Hours of operation will vary, depending on availability of staff to supervise the observation deck and to answer questions from the public. The observation deck should be supplemented with an informational/interpretive program so that citizens understand what they see. Fact sheets or an informative exhibit placed near the deck could further aid in explaining facility activities.

Notice of the observation deck should appear in public notices, fact sheets, and in a mailing to the facility mailing list.

9. News Releases and Press Kits

News releases and press kits are communication tools used to disseminate important information about the permitting activity. They can be used by all participants in the permitting process, including citizens' groups, facilities, and permitting agencies.

News releases are statements sent to the news media (e.g., newspapers, television, radio), generally to publicize progress or key milestones in the permitting process. News releases, when carried by the media, can effectively and quickly disseminate information to large numbers of people. They also may be used to announce public meetings, report the results of public meetings or studies, and describe how citizen concerns were considered in the permit decision or corrective action.

Press kits consist of a packet of relevant information distributed to reporters summarizing key information about the permitting activity. Typically a press kit is a folder with pockets for short summaries of the permitting process, technical studies, newsletters, press releases, and

other background materials.

The press kit and the news release can be complementary activities, though either one can be issued separately. They can be issued by a facility, permitting agency community or citizen's group.

• When are News Releases and Press Kits Used?

Some of the occasions when news release or a press kit are used include:

- when significant findings are made at the site, during the process or after a study;
- when program milestones are reached or when schedules are delayed;
- in response to growing public or media interest or after a new policy stance has been adopted; and
- when there is a need to increase public interest in a facility.

A news release should not be issued at times when it may be difficult to get in touch with responsible officials (e.g., Friday afternoons or the day before a holiday).

• Who can Issue News Releases and Press Kits?

Facilities or permitting agencies can distribute news releases or press kits to citizens' groups or community-based committees to share information about the permitting activity. Groups that most likely will use them include organizations that sponsor community newsletters, bulletin boards, or other public information media.

Alternatively, citizens' groups may want to issue their own news releases or press kits if their organization has sponsored or conducted a study or event that directly relates to the permitting activity.
A news release to the local media can reach a large audience quickly and inexpensively.
Press kits allow reporters to put the issues in context. If a reporter is trying to meet a deadline and cannot contact the permitting agency, he or she can turn to the press kit as an authoritative source of information. If the name, address and phone number of a contact person are included, reporters can obtain answers to their questions about the information in the release.

Because news releases must be brief, they often exclude details in which the public may be interested. A news release should therefore be used in conjunction with other methods of communication that allow more detailed information. A news release is not an appropriate vehicle for transmitting sensitive information. Frequent use of news releases to announce smaller actions may reduce the impact of news releases concerning more significant activities.

• How are News Releases and Press Kits Prepared?

News releases and press kits are prepared as follows:

- **Consult a person who regularly works with the local media**, **such as a public affairs specialist**. The public affairs specialist will ensure adherence to

internal policies on media relations. The specialist can help draft the news release and provide other helpful suggestions about the release and the materials for the press kit.

If an organization does not have a public affairs specialist, make sure to receive approval from the director or other person with significant organizational responsibility.

- **Identify the relevant regional and local newspapers and broadcast media, and learn their deadlines.** Get to know the editor or environmental reporter who might cover the issue. Determine what sorts of information will be useful to them.

- **Contact related organizations to ensure coordination.** For instance, other groups may be working together on a citywide issue. Agencies should ensure that all facts are correct, and procedures are coordinated between groups before releasing any statement or other materials. Agencies may want to consider discussing the news release with interested stakeholders. Do not distribute to the public draft news releases—they are internal documents only.

- **Select the information to be communicated.** Press releases place the most important and newsworthy elements up front and present additional information in descending order of importance. Use supporting paragraphs to elaborate on other pertinent information. If presenting study findings or other technical information, present it in understandable terms along with any important qualifying information (e.g., reliability of numbers or risk factors).

The press kit should contain materials that elaborate on the information in the press release. Include basic information about the permitting agency, such as mission statement, goals, and organization activities. Background reports or studies may also be useful.

- **Keep the news release brief.** Limit it to essential facts and issues. One page.

- **Use simple language.** Avoid the use of professional jargon, overly technical words, and undefined acronyms.

- **Identify who is issuing the news release.** The letterhead or top of the sheet should include:

  – name and address of the organization;

  – release time ("For Immediate Release" or "Please Observe Embargo Until") and date;

  – name and phone number of the contact person for further information; and

  – a headline summarizing the information in the release.

- **In some cases, send copies of the release and the press kit to interested stakeholders at the same time that it is submitted to the news**

media. Coordinate with the public affairs specialist to determine the appropriateness.

10. News Conferences

News conferences provide a major public forum for announcing plans, findings, policies and other developments. They are an efficient way to reach a large audience in a short period of time.

While news conferences are information sessions or briefings held for representatives of the news media, they may also be open to the general public. News conferences provide all interested local media and members of the public with accurate information concerning important developments during the permitting process.

• When Should News Conferences be Used?

News conferences can be used:

- when time-sensitive information needs to reach media and the public, and a news release may not be able to address key issues for the community;
- when staff are well-prepared to answer questions; and
- during any phase of the permit application.

Agencies should coordinate news conferences through their public outreach staff. In addition to making logistical arrangements, the staff can help notify members of the local and regional media, and any interested local officials of the time, location, and topics of the conference.

During the conference, the agency should present a short, official statement, both written and spoken, about developments and findings, followed by a question and answer period. News conferences are often supplemented with fact sheets or news releases, so that citizens can refer to them for technical information after the conference.

11. Independent Technical Experts

Communities may mistrust the information provided by industry or permitting authorities. Under some circumstances the community may require impartial independent technical assistance to ensure unbiased, informed opinions and information. Many case studies report successes when grants are awarded to allow a community to hire independent technical consultants. Success is attributed to:

- creating the same degree of technical credibility as other stakeholders; and
- decreasing frustration levels, because consultants can "translate" community quality of life concerns into terms that are commonly used within the siting or permitting process.

12. Information Booklets/Brochures

Information booklets or brochures are other ways of obtaining information regarding how to choose possible locations for potential sites and

how to involve neighboring communities near those potential sites into the site selection and permitting process.

Some informational booklets discuss land composition, setback distances and other important factors that should be considered before selecting sites for hazardous waste management facilities. Other booklets address quality of life issues of concern to communities near potential or existing hazardous waste management facilities. Such informational booklets may serve as aids to industry and government agencies to help them find out the character of a community (cultural composition, concerns, lifestyles, etc.) and offer creative mechanisms on how to involve and effectively work with neighboring communities to address quality of life concerns before the permitting process begins.

These booklets may also discuss the incentives and benefits to industry of going the extra mile and doing more than what is required in the regulations, by establishing partnerships and promoting constructive dialogue with communities. Some sample EPA Reference documents include:

1. *Sensitive Environments and the Siting of Hazardous Waste Management Facilities*, (May 1997, EPA530-K-97-003)

2. *Social Aspects of Siting RCRA Hazardous Waste Facilities*, (April 2000, EPA530-K-00-005)

Additional Tools That Can Be Used for Gathering and Exchanging Information

1. Community Interviews

Community interviews are a valuable source of opinions, expectations and concerns regarding the permitting process and often provide insights and views that are not presented in the media. Community interviews are informal, face-to-face or telephone interviews held with local residents, elected officials, community groups, and other individuals, to acquire information on citizen concerns and attitudes about a permitting program. The interviews may be conducted by the facility, public interest groups, or a third-party representative, such as a contractor or community organization, as part of the community assessment.

Community interviews allow facilities and agencies to tailor activities to the needs of a community. Information obtained through these interviews is typically used to assess the community's concerns and information needs, and to prepare a public participation plan which outlines a community-specific strategy for responding to the concerns identified in the interview process.

• When Should Community Interviews be Conducted?

Community interviews are conducted at the beginning of the permitting process or before major permit modifications. Community interviews are not conducted in every community for every permitting activity. For instance, routine or noncontroversial activities may not require community interviews. They are more likely if a permitting process is controversial or receives high levels of public interest. Activities ranging between these situations may require some interviews beginning with a survey of community representatives and group leaders.

Community interviews should be conducted:

- to find out about community concerns at the **outset** of a major permitting activity; and

- before **revising** a public participation strategy because months or perhaps years may have elapsed since the first round of interviews and community concerns may have changed.

How many community interviews are conducted, and how in-depth they are depends on the level of community concern and involvement. If there has been a lot of interaction between the community and the facility, only a few informal discussions may need to be conducted either in person or by telephone with selected, informed individuals who clearly represent the community. This is to verify, update, or round out the information already available.

• Who Participates in Community Interviews?

Potential individuals or groups that may be interviewed include:

- local residents;
- elected officials;
- community groups; and
- any other individuals in the affected area.

Before the interview, the interviewer should provide a brief description of the permitting process as well as an explanation of the purpose of the interview. The interviewer should look for perceptions of past public participation activities conducted in the community. Comments received will help develop an appropriate public participation strategy.

The interviewer should gauge concerns to the following factors:

- *Threat to Health* - Does the citizen believe his/her health is or has been affected by activities at the facility?

- *Economic Concerns* - How does the public believe the facility affects the local economy and the economic well-being of community residents?

- *Agency/Facility/Interest Group Credibility* - Does the public have confidence in the capabilities of the facility or agency? What are the public's opinions of the facility owner/operator and involved environmental/public interest organizations?

- *Involvement* - What groups or organizations in the community have shown an interest in the facility? How have interested community groups worked with the agency in the past? Have community concerns been considered in the past?

- *Media* - Have events at the facility received substantial coverage by local, state, or national media? Do local residents believe that media coverage accurately reflects the nature and intensity of their concerns?

- *Number Affected* - How many households or businesses perceive themselves as affected by the facility (adversely or positively)?

At the beginning of the interview, the interviewer should explain the public participation process and ask the interviewee how he/she would like to be involved and informed of progress and future developments. The interviewer should ask the interviewee to recommend convenient locations for setting up an information repository or holding public meetings.

Finally, the interviewer should ask for the names and telephone numbers of other persons who may be interested in permitting activities.

All comments should remain confidential! The interviewer should explain how he/she will ensure anonymity of respondents.
If persons feel uncomfortable sharing concerns and issues one-on-one, the interviewer should recommend other means of expressing their viewpoints, such as anonymous surveys or focus groups.

2. Focus Groups

Focus groups provide an opportunity to gain in-depth public reaction to permitting issues. Focus groups are small discussion groups led by a facilitator who draws out participants' reactions to an issue. The group is selected either to be random or to approximate the demographics of the community. Some organizations use focus groups as a way of gathering information on community opinion.

• When do Facilities or Permitting Agencies Use Focus Groups?

Facilities or permitting agencies may use focus groups when there is a high degree of public interest in a permitting activity. Focus groups provide a quick means of feedback from a representative group and can be a good supplementary activity to community interviews, especially if such group discussions will make some members of the public feel more comfortable.

• How Should Agencies Prepare for Focus Groups?

Agencies should prepare for focus groups by:

- **Selecting focus groups.** Contact stakeholders and community leaders get input on who to include in the focus groups.

- **Using community interview techniques to get input from the focus group.**

- **Using the information obtained from the focus group in forming a public participation plan.**

3. Door-to-Door Canvassing

Door-to-door canvassing involves face-to-face contact, thereby ensuring that citizens' questions can be directly and individually answered. Canvassing demonstrates a commitment to public participation and is a very effective means of gathering accurate, detailed information while determining the level of public concern.

Door-to-door canvassing is used by facilities and sometimes permitting agencies to collect and distribute information by calling on community members individually and directly. During these interactions, canvassers should ask questions about the permitting activity, discuss concerns, and provide fact sheets or other materials.

Interested persons should be informed that they can find out more about the permitting activity by signing up for mailing lists or by attending an upcoming event.

• When Should Door-to-Door Canvassing be Used?

Door-to-door canvassing may be used:

- when there is a high level of concern about the site;
- when there is a need to notify citizens about an event or an upcoming permitting issue;
- when communication is needed between a specific group of people for a specific purpose, such as getting signatures to allow access to properties adjacent to the facility;
- when the community has a low literacy rate, rendering written materials ineffective;
- when the area consists of a population whose primary language is not English, but it is important to pass information to the area; and
- when there is an emergency situation that the community needs to know about.

Canvassers should generally try to inform residents (e.g., by distributing a flyer) when door-to-door calling will occur in their area.

The notice should inform the community of the time the canvassers will be in the neighborhood and explain the purpose of the canvassing program.

• What Types of Questions Should Door-to-door Canvassers be Trained to Answer?

Door-to-door canvassers should be trained to answer questions about what is happening at the facility and may provide general information about possible health effects associated with various activities.

Some questions, however, may need to be referred to technical staff (e.g., highly technical questions concerning hazardous waste or agency policies). If necessary, a translator should accompany the canvasser, and materials in languages other than English should be provided. In addition, the canvasser should tell citizens when and how they will next be contacted (i.e., by telephone, by letter, or in person).

All canvassers should have an official badge to identify themselves and should respect a citizen's right not to be contacted. Safety and security is crucial for citizens and canvassers. Do not conduct any door-to-door interview that endangers anyone.

4. Surveys and Telephone Polls

Surveys and questionnaires are useful for gathering general impressions about specific permitting activities or public participation events. Frequently, they are used when an anonymous method for submitting information is needed.

Public participation is a dialogue, and citizens need ways to provide feedback to facilities, public interest organizations and permitting agencies. Surveys and polls are designed to solicit specific types of feedback from a targeted audience, such as public opinion about a permitting activity, the effectiveness of public participation activities or what could be done to improve distributed materials.

Surveys can be either oral or written, used in person or by mail, and distributed either to the entire community or specific segments or representative samples of the community.

Facility owners can use surveys and polls during a community assessment to gauge public sentiment about constructing or expanding a facility or as a complement to direct community interviews. The permitting agency can use surveys and polls in a similar fashion especially during major projects and at facilities that raise controversy. The agency, public interest groups and the facility can use surveys and polls to find out if citizens are receiving enough information about the activity and are being reached by public notices or other outreach methods.

• When Should Surveys and Telephone Polls be Used?

Surveys and telephone polls are used:

- when specific information is sought from a targeted community or audience; or
- as a means of giving anonymous feedback during the permitting process is needed.

• How are Surveys and Telephone Polls Conducted?

Written surveys may be distributed in person or by mail. Alternatively, they may be distributed after a meeting or distributed by hand to community members' homes. Surveys can be distributed to a representative sample of the community. In some cases, surveyors may "blanket" a community, distributing the survey to all homes and businesses within a certain distance of the facility.

Telephone polls are generally conducted with a random sample, a representative sample or a targeted segment of the community.

Permitting agencies or facilities can contact community leaders and local officials to determine the demographics of the area.

Survey questions should not be biased. In other words, the wording of a question should not influence how the question is answered. If anyone in the community feels that the survey is biased, they should bring their concerns to the attention of the permitting agency contact or whomever is conducting the survey.

5. Telephone Contacts

Telephone contacts are a quick means of informing key persons about facility activities and for monitoring any shifts in community concerns. There are no regulatory requirements for telephone contacts.

Telephone contacts are used to gather information about the community or to provide updates of the status of permitting activities.

If individuals feel uncomfortable discussing their concerns or perceptions about the permitting activity over the phone, encourage them to find other means of expressing their viewpoint like attending public meetings or responding to notices.

• When are Telephone Contacts Used?

Telephone contacts are usually made to arrange or conduct community interviews, develop mailing lists and arrange for other public participation activities such as news briefings, informal meetings and presentations.

Permitting agencies should investigate using this method of obtaining information because it is a relatively inexpensive and expedient method of acquiring initial information about a community.

Telephone contacts can be used:

- in the early stages of the permitting process to identify key officials, citizens and other stakeholders who have a high interest in the activity;
- to gather information when face-to-face community interviews are not possible;
- when new and time-sensitive material becomes available; and
- when there is a high level of community interest in the activity and it is important to keep key players informed.

6. Telephone Hotlines

A hotline can provide interested persons with a relatively quick means of expressing their concerns directly to the permitting organization and obtaining answers to questions. A hotline is a toll-free or local telephone number people can call to ask questions and obtain information promptly about permitting activities. Some hotlines are set so that callers can order documents.

• When Should Permitting Agencies Use a Telephone Hotline?

A telephone hotline can be used:

- when community interest or concern is

moderate to high;

- when emergencies or unexpected events occur or when a situation is changing rapidly;
- when there is a high potential for complaints (e.g., about dust or noise);
- where literacy rates are low and written information must be supplemented; and
- where the community is isolated and has little opportunity for face-to-face contact with project staff (e.g., rural areas, areas far from regional offices).

• Who Operates the Telephone Hotline?

Telephone hotlines can either be installed as a semipermanent fixture, for use throughout the permitting process, or as a temporary measure at a time when major community feedback is desired.

The permitting agency should usually staff the hotline with at least one staff member. If no one is available to answer calls throughout the day, the agency might consider installing an answering machine directing citizens to leave their name, number, and brief statement of concern, and informing them that someone will return their call promptly.

A voice mail system could also be used to provide information on commonly requested information such as meeting dates and locations, and the permit status. Permitting agencies should check the answering machine for messages at least once a day. If the level of concern is high, consider checking for messages more frequently.

Notification of the availability of new telephone hotlines should be provided in news releases to local newspapers, radio stations and television stations as well as in permitting fact sheets, publications and public notices.

7. On-Scene Information Offices

An on-scene information office helps ensure that citizens are adequately informed about permitting activities and that their concerns are addressed immediately. An on-scene information office is typically a trailer, small building or office space. It will be located near the site or activity for which the permit is being sought or at a location that is most convenient and accessible to the community. Usually such an office is staffed by full-time or part-time personnel who respond to citizens' inquiries and prepare information releases. The on-scene staff can conduct meetings and question and answer sessions to inform citizens about the status of the permitting process and answer any questions or concerns. Working with the facility in question, the staff may also be able to arrange or conduct facility tours.

• When Should an On-Scene Information Office be Used?

An on-scene information office can be used when:

- community interest or concern is high;
- activities involve complex technologies

or processes;

- the community perceives a high level of risk to health;
- activities may disrupt the community (e.g., traffic patterns); and
- the area near the activity is densely populated.

Since expenses for operating an on-scene information office can be large, facilities generally establish them when community interest is high.

• What Kind of Services Should an On-Scene Information Office Provide?

The on-scene office should be established in a convenient and accessible location for the community. A telephone and answering machine should be installed to respond to citizen inquiries and information requests. Regular business hours should be established in addition to some weekend and evening hours.

The on-scene office should contain the same materials found in an information repository. If there is a high level of public interest, the agency may locate the information repository at the on-scene office.

A copy machine should be available for citizens to make copies of documents.

The address and telephone number of the on-scene office, as well as the hours of operation should be provided in a public notice in a local newspaper.

8. Question and Answer (Q&A) Sessions

Question and answer sessions provide direct communication between a permitting agency and citizens. They are a useful, easy, and inexpensive way of providing one-on-one explanations in an informal or formal setting. A Q&A session brings facility and agency staff and interested citizens together to discuss questions and concerns about the permitting process. Q&A sessions typically follow an event such as a presentation, briefing, or meeting.

Representatives should be available after the event to answer additional questions.

• When Should a Question and Answer Session be Used?

Question and answer sessions may be used:

- after an event when participants need more information;
- when citizens feel uncomfortable discussing their questions or concerns during a large event; and
- after an event to clarify any issues or conflicts that were skimmed over in order to maintain the flow of events.

Since Q&A sessions typically follow other activities, such as presentations, exhibits, or meetings, they are a convenient and effective way to answer citizens' questions regarding the permitting process in general. A facility or agency representative should announce that

someone will be available to answer questions at a designated area immediately following the presentation. The designated person should be knowledgeable about the specific permitting activity and the process in general. In general, the facility or agency should try to respond to unanswered questions as quickly as possible.

9. Information Tables

An information table is a convenient way for the facility or permitting agency to obtain community feedback on permitting activities. It provides a comfortable atmosphere for the public to approach project staff and ask questions.

An information table consists of a table or booth set up at a meeting, hearing, or other event (e.g., a community fair or civic gathering). It is staffed by at least one person who is available to answer questions about the permitting process. Pamphlets, fact sheets, and brochures are available on the table, along with a sign-up sheet for interested people to add their names to the mailing list. An information table is a simple public participation tool that can be used by staff to interact one-on-one with interested citizens.

• When Should an Information Table be Used?

An information table can be used when:

- facilities or permitting agencies want community feedback after a public event;
- the permitting activity has raised significant public interest or technical issues raise questions among the public; and
- names need to be compiled for the mailing list.

Tables are often made available at local events that will attract a significant portion of the community.

An information table is a convenient place for citizens to obtain information, fact sheets, newsletters, and project reports about permitting activities. A contact person from the facility or permitting agency should be present to respond to questions and concerns. Information tables are also a great place for citizens to sign up for mailing lists; answer questionnaires and surveys; and obtain the name and telephone number of the persons they can contact for additional information. Exhibits and diagrams may also be displayed at an information table to help explain the permitting process or specific technical issues.

Citizens should be encouraged to contact the facility or agency to set up an information table if they know of a public event that will be well attended by community members.

10. Informal Meetings with Stakeholders

Informal meetings offer citizens, permitting agency staff, and officials the opportunity to increase their familiarity with the permitting process, increase awareness of each other's viewpoints and actively promote public participation. Informal meetings can be held to discuss permitting activities by either the facility, the permitting agency or an interested community group. Informal meetings allow interested

citizens and local officials to discuss issues and concerns in an informal, comfortable setting such as a resident's home or a local meeting place.

Agency staff receive first-hand information from interested community members, special interest groups and elected officials while citizens have the opportunity to ask questions and explore topics of interest regarding the permitting process.

• What are the Benefits to Informal Meetings?

The primary benefit of informal meetings is that they allow two-way interaction between citizens, local officials, the facility and the permitting agency. Citizens will not only learn about developments, but also be able to voice their perceptions of the permitting activity. Informal meetings also add a personal dimension to what might otherwise be treated as a purely technical problem.

• When Should Informal Meetings be Held?

They are most commonly held when:

- there is a wide range of knowledge among community members;
- the level of tension is high and large meetings may not be appropriate;
- the facility or permitting agency wants to learn more about the community and their perceptions of the activity; and
- groups want to discuss specific issues in which the community as a whole is not interested.

• How Should Informal Meetings be Organized?

Informal meetings can be arranged by the facility, the permitting agency or a citizens' or community-based group. If a community group decides to host a meeting, they should speak with the facility and agency contacts prior to the event to discuss what they want to accomplish. Meeting organizers may wish to enlist a neutral, third party dispute resolution professional in order to facilitate the meeting.

To maximize effectiveness, informal meetings are generally kept small (e.g., 5 to 20 people). Schedule additional meetings if some people are unable to attend because of limited space available. These meetings usually occur in informal settings, such as a private home, public library meeting room, community center, or church hall.

They should be scheduled in convenient locations and should not conflict with other public meetings (e.g., town council meetings), holidays, or other special occasions.

The permitting agency should respond promptly to any unanswered questions. The meeting should open with a brief presentation of the permitting process and how the community can be involved in the decision-making. The opening remarks should be kept to a minimum to allow maximum opportunity for open discussion.

Possible discussion topics include the following:

- Extent of the activity;

- Safety, health, and environmental implications;
- Factors that might speed up or delay the regulatory and technical process; and
- How community concerns are considered in making decisions on permits actions.

Facility and agency contact persons, to whom interested citizens can direct further questions or voice new ideas or suggestions after the meeting, should be identified.

11. Attending Stakeholders' Meetings and Functions

Attending meetings or functions held by stakeholders can provide insight into other opinions and concerns. Facilities, local governments, environmental organizations, religious and civic groups may all hold meetings or other gatherings during the permitting process. Some may be required by regulation and others may be informational meetings or discussions of important issues. Permitting agencies can learn more about the views of other stakeholders by attending their meetings. Agency representatives can join important discussions and provide information. Some groups may invite permitting agencies to give a presentation or briefing.

• What Should Permitting Agencies do if They Decide to Attend Stakeholder Meetings?

Permitting agencies should inform the host organization if they decide to attend stakeholder meetings. If agency representatives choose to identify themselves at the meeting they should be prepared to answer questions.

Other groups or individuals may want to attend meetings sponsored by the permitting agency. Be clear about which meetings are open to others and which are not.

Agency representatives should provide advanced notice of their upcoming meetings and invite groups to make presentations.

12. Availability Sessions/Open Houses

The one-to-one conversations during an availability session/open house can help establish rapport between citizens and project staff.

The informal, neutral setting of availability sessions/open houses also keeps officials and citizens relaxed to help smooth the communication process.

Availability sessions/open houses are informal meetings in a public location where people can talk to involved officials on a one-to-one basis. The meetings allow citizens to ask questions and express concerns directly to project staff. This type of gathering is helpful in accommodating individual schedules.

Availability sessions and open houses can be set up to allow informal conversations between representatives of all interested organizations. Citizens can find out more about all sides of a permitting issue through conversations with agency officials, facility staff, and representatives of involved interest groups and civic

organizations.

- **When is an Availability Session/Open House Appropriate?**

An availability session/open house is most appropriate when:

- scheduling meetings is difficult because of community members' schedules;
- new information is available on several different technical or regulatory issues that would make explaining it in its entirety too long for a more formal meeting;
- community members have widely varying interests or levels of knowledge; and
- larger crowds will make it difficult for certain citizens to raise questions.

Availability sessions/open houses require significant preparation and are typically held only when community interest in the site is significant.

- **What Information is Available at Availability Sessions/Open Houses?**

Availability sessions/open houses are usually scheduled during the evening at a local public library, school, or meeting room. Knowledgeable facility staff should be present to respond to questions and concerns. Handouts and fact sheets containing the name and telephone number of the person interested citizens can contact for additional information after the event should be made available.

- **How can Interested Parties Find out About Availability Sessions/Open Houses?**

Agencies should notify everyone on the mailing list for the permitting activity, interested persons should receive an announcement for the availability session/open house at least 2 weeks prior to the event. In addition, agencies should include announcements in local newspapers, on television and radio stations, and in community newsletters.

13. Citizen Advisory Groups

Citizen advisory groups (CAGs) can increase active community participation in permit decision-making and provide a voice for affected community members and groups. They promote direct, two-way communication among the community, the facility and the permitting agency. *CAGs have traditionally been used in the Superfund program. In the context of environmental permitting, the Technical Outreach Services for Communities program would be an appropriate resource to consider: www.toscprogram.org.*

A CAG provides a public forum for representatives of diverse community interests to present and discuss their needs and concerns with government and/or the permitting agency. CAGs come in many different forms and have different responsibilities and roles. They are generally comprised of stakeholders that meet routinely to discuss issues involving a particular facility.

• When Should a CAG be Developed?

CAGs can be developed based on individual situations. Community organizations may create a CAG to provide an official voice for the community. Facility owner/operators may create a CAG of affected community members to provide informal or formal advice. A permitting agency may form a CAG that includes stakeholders from the facility, the community and the agency.

Size of CAGs will also vary. The size of a group can often have an impact on its effectiveness. For example, too large a group can inhibit how efficiently it can work and come to consensus on issues.

On the other hand, too small a group may not be adequate to represent diverse community concerns.

Forming a CAG does not necessarily mean that there will be universal agreement about permitting issues. Nor does having a CAG mean there will not be controversy during the process. In addition, it should be noted that community trust of CAGs can vary widely depending on their structure (i.e., who sponsors the hiring and selection of facilitators) and when in the process they are introduced. You, your agency, or the EPA may make a decision that differs from the stated preferences of a CAG. Agencies should offer an explanation of decisions that differ significantly.

• At What Point in the Permitting Process can a CAG be Formed?

A CAG can be formed at any point in the permitting process, but they are most effective when formed in the early stages. Generally, the earlier a CAG is formed, the more its members can participate in and impact decision-making.

CAGs can be very time-consuming and expensive. They may not be appropriate in every situation.

• What Factors Should be Considered When Forming a CAG?

Agencies should consider the following factors when forming a CAG:

- Level of community interest and concern about the permit or facility;
- Community interest in forming a CAG;
- Existence of groups with competing agendas in the community;
- Environmental justice issues or concerns regarding the agency;
- The history of community involvement with the agency or with environmental issues in general; and
- The working relationship between the facility, the community, and the permitting agency.

If a permitting agency forms a CAG, it may announce it at a public notice, at a public meeting, or by issuing a press release. Communities should investigate whether other successful groups addressing similar issues exist before forming a new one. If a group decides to organize a CAG, encourage them to coordinate with the facility and agency contacts. Contacts should be familiar with the process and helpful resources, such as EPA's *Guidance for Community Advisory Groups at Superfund Sites.*

14. Workshops

Workshops foster two-way communication between members of the community and the permitting agency. They have proven successful in familiarizing citizens with technical terms and concepts prior to a formal public meeting. Workshops are seminars or gatherings of small groups of people (usually between 10 and 30), typically led by one or two specialists with technical expertise in a specific area. Experts may be invited to explain the problems associated with releases of hazardous substances and possible remedies for these problems. Workshops may help to improve public understanding of permit conditions and may prevent or correct misconceptions. Workshops also help to identify citizen concerns and encourage public input.

• When Are Workshops Generally Conducted?

Workshops are generally conducted before formal public hearings or during public comment periods to help interested citizens develop and present testimony. A convenient location and time should be chosen for the workshop.

• When are Workshops Appropriate?

Workshops are appropriate when:

- the permitting process needs to be explained to community members interested in participating in the process;
- specific topics need to be discussed in detail, especially health, risk assessment issues or complex technical details; and
- technical material needs to be explained and feedback from the community is important to make sure that citizens understand the material.

• How is the Public Notified of Workshops?

In addition to sending notice of the time and location to members of the mailing list, posters should be distributed around the area well in advance of the event. Notification of the workshop should also be printed in a local newspaper.

Invitations and registration forms should be sent to concerned citizens of the community. Each form should provide for multiple registrations to accommodate friends and others who also might be interested in the workshop.

Guidelines for a Model Public Involvement Plan

What is a Public Involvement Plan?

The public involvement plan (plan) is a facility-specific set of actions to enable the regulating agency to work effectively with the affected community and the facility applying for a permit. The purpose of the plan is to identify the public concerns and then utilize the existing regulatory requirements as a framework for meaningful public input in the permitting decisions. The guideline below synthesizes some of the best practices EPA has observed and is intended to help state permitting program staff build an effective public involvement plan. These are solely intended as recommendations and do not constitute new requirements.

Two additional resources can supplement these guidelines and should be reviewed when developing a public involvement plan. Both have a focus wider than strictly permitting programs but may still be useful tools. The National Environmental Justice Action Council has developed a model plan for public participation which includes core values and a checklist (EPA-300-K-96-003) or at www.epa.gov/oeca/oej/nejac/pdf/modelbk.pdf. Second, EPA's 1981 Policy on Public Participation Policy is designed to provide guidance and direction to public officials who manage and conduct EPA programs on reasonable and effective means of involving the public in program decisions. This Policy will be updated in FY 2000 and can be found at www.epa.gov/stakeholders/intro.

- **Making it Work**

Preparation: Before starting to write the plan, do some basic research; interviews with local officials and community leaders can be an effective way of gathering information on what the plan needs to address and how it can be implemented effectively. Consult the LandView database that EPA and the Census Bureau developed at www.epa.gov/swercepp/ds-epds or check EnviroFacts at www.epa.gov/enviro. This will give you an idea of the demographics involved, including the potential need to have the plan or future outreach products translated for local residents. Investing in some research into local newspaper archives to find any past articles, editorials, or letters to the editor, might give some historical perspective on the facility.

- **Audience**

The plan can initially only focus on requirements that the facility needs to meet. However, you may wish to use the plan as a way of communicating and documenting the actions that all stakeholders may undertake. Therefore, it is advisable to write the plan so that it can be readily placed in an information repository for any interested citizen to read.

The plan should plainly be by, and from the agency, rather than some third party. It should be on Agency letterhead, with an Agency cover sheet, and it should state what the Agency *will* do, rather than offer advice on what the Agency *should* do. Identify the issues of concern for *that* community. It is possible for one facility to have multiple affected communities, each with different demographics, and concerns. In such cases, the plan must identify each community and address its issues independently. Public

involvement plans also gather more support with all stakeholders when specific deadlines are established.

Names, addresses, or phone numbers of private citizens consulted during the community interviews should not appear in the Plan. There should be no way to attribute any information or comments to any specific private citizen.

Local officials interviewed in their official capacity should be identified in the list of contacts, and their comments may be attributed. This is also true for any representatives of the facility interviewed in their official capacity. Leaders of local civic clubs, such as the Chamber of Commerce, are considered private citizens and should not be identified.

The annotated outline does not contain any average durations between steps in the process. Each state's requirements are unique, therefore placeholders are inserted in the outline and can be adapted to each situation.

Public Involvement Plan – Annotated Outline

I. Overview

A. Purpose of the Plan
B. Distinctive features of the Plan
C. Special characteristics of the community and the facility

Section I should only be a few paragraphs in length. *This is your opportunity to localize the generic goals of public participation in permitting by identifying facility-specific objectives and any special circumstances that this plan addresses.*

II. Capsule Facility Description

A. History
   1. Facility use
   2. Ownership

B. Technical details
   1. Agency fact sheet on the facility with description of process and control equipment and chemicals in use if possible
   2. Description of applicable emission standards for facility
   3. For combustion facilities; include plans for test burns
   4. Lead agency for issuing the permit

C. Geography
   1. Facility location
   2. Relationship to:
      a. Homes
      b. Businesses
      c. Schools
      d. Playgrounds/Parks
      e. Watersheds (i.e., lakes, streams)
   3. Site maps
      a. Location of facility within state
      b. Location of facility within community
      c. Proximity to elements of concern

Section II should also be relatively short. Its purpose is to set the stage and give the readers enough information to be generally familiar with the facility.

III. Community Background

A. Community profile developed from research in local press
B. Include any relevant data from LandView or other demographics
C. Chronology of public involvement
   1. Plans by regulating Agency and facility for educating the public
D. Key community concerns
   1. Analyze major public concerns
   2. Details on using the permitting process to address those concerns

Section III identifies the context and community perceptions of the events and problems of the facility, not the technical history of the facility or what EPA knows about the facility. *This section draws heavily from the community interviews. It can range from three to seven pages, or more as needed. It details the need for translation services during the permitting process, whether a second language for non-English speaking residents or signing for the hearing-impaired.*

IV. Public Involvement Activities and Timing

A. Activities to be conducted - see major milestones on page 2-3
   1. Required
   2. Supplemental activities
B. Sample time line for those activities:
   1. The permitting authority receives and reviews the permit application (including pre-application activities). Date scheduled: xx/xx/xx
   2. Schedule public meeting to explain the application, impacts, and participation/appeals processes (including available legal assistance) with copies of the complete application available at the meeting. Date scheduled: xx/xx/xx
   3. Draft permit or notice of intent to deny the permit is issued by the permitting authority. Date scheduled: xx/xx/xx
   4. The permitting agency should meet with the citizens to discuss the permit and assess any needs for technical assistance to citizens. Date scheduled: xx/xx/xx
   5. Public comment period of at least 30 days is established to allow the public to comment on the draft permit. Date scheduled: xx/xx/xx
   6. Response to comments to the public and if necessary schedule a meeting to discuss the comments. Date scheduled: xx/xx/xx
   7. The permitting agency issues a final permit decision through a public notice. Date scheduled: xx/xx/xx

This is the core of the plan – what will be done and when. It may be useful to present this timeline as a matrix (similar to the one at the end of Chapter 3 in the Reference Guide) relating the timing of community involvement activities to permitting process milestones. *The items listed above in section*

B are only suggestions, and blend both required and non-required activities together only to illustrate a logical sequence of events.

V. Appendix of Contacts: List of Key Community Leaders

A. Local elected officials
B. State elected officials
C. Federal elected officials
D. Environmental groups or other active citizens groups
E. EPA regional contacts
F. State environmental and health officials
G. Local environmental, health, and safety officials (police chief, fire chief, etc.)
H. Media contacts
   1. Local newspapers, including city desk and display advertising
   2. Local radio stations with popular newscasts
   3. Local broadcast TV stations with local news programming
   4. Local cable access TV stations
   5. Web sites and email groups
I. Local outlets, such as businesses and churches that have agreed to post notices or serve as a distribution point for notices and information

This section consolidates the contact information for all stakeholders to make it easier to share information.

VI. Appendix: Meeting Locations and Repositories

Locations for public meetings should be handicapped-accessible. Appropriate considerations include high school gyms and auditoriums, public library meeting rooms, town halls or other local government facilities, and local churches.

Information repositories also should be handicapped-accessible, and should be accessible to the general public at least a couple of evenings a week and, ideally, Saturdays.

This section should include the address of the facilities as well as name and phone number of the point of contact.

Section 5 - Resources

U.S. Environmental Protection Agency Regions

Region 1 (ME, NH, VT, MA, RI, CT)
Environmental Protection Agency
One Congress Street, Suite 1100
Boston, MA 02114-2023
Phone : (617) 918-1111
Fax : (617) 565-3660

Region 2 (NY, NJ, PR, VI)
Environmental Protection Agency
290 Broadway
New York, NY 10007-1866
Phone : (212) 637-3000
Fax : (212) 637-3526

Region 3 (PA, DE, DC, MD, VA, WV)
Environmental Protection Agency
1650 Arch St.
Philadelphia, PA 19013-2029
Phone : (215) 814-5000
Fax : (215 814-5103

Region 4 (KY, TN, NC, SC, MS, AL, GA, FL)
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
Phone: (404) 562-9900
Fax: (404) 562-8174

Region 5 (MN, WI, IL, MI, IN, OH)
Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3507
Phone : (312) 353-2000
Fax : (312) 353-4135

Region 6 (NM, TX, OK, AR, LA)
Environmental Protection Agency
Fountain Place 12th Floor, Suite 1200
1445 Ross Avenue
Dallas, TX 75202-2733
Phone : (214)665-2200
Fax : (214) 665-7113

Region 7 (NE, KS, IA, MO)
Environmental Protection Agency
901 North 5th Street
Kansas City, KS 66101
Phone : (913) 551-7003
Fax : (913) 551-7467

Region 8 (MT, ND, WY, SD, UT, CO)
Environmental Protection Agency
999 18th Street Suite 500
Denver, CO 80202-2466
Phone : (303) 312-6312
Fax : (303) 312-6339

Region 9 (CA, NV, AZ, HI)
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
Phone : (415) 744-1305
Fax : (415) 744-2499

Region 10 (WA, OR, ID, AK)
Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101
Phone : (206) 553-1200
Fax : (206) 553-0149

U.S. Environmental Protection Agency Regional Tribal Program Mangers/Coordinators

Region 1
Regional Indian Program Manager
EPA Region 1 (CSP)
1 Congress Street, Suite 1100
Boston, MA 02114
617-918-1672
Fax 617-918-1505

Region 2
Indian Coordinator
EPA Region 2 (2PM-E1)
290 Broadway
New York, NY 10007-1866
212-637-3564

Indigenous Subcommittee
212-637-3790/Fax 637-3772

Region 4
Indian Coordinator
EPA Region 4 (AMB)
61 Forsyth Street, SW
Atlanta, GA 30303-8930
404-562-9639/Fax 562-9598

Region 5
Indian Coordinator
EPA Region 5 (R 19J)
77 W. Jackson Boulevard
Chicago, IL 60604-3507
312-353-1394/Fax 353-1120

Region 6
Indian Coordinator
EPA Region 6 (6XA)
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202-2733
214-665-6778/Fax 665-2118

Lead Coordinator
EPA Region 6
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, TX 75202-2733
214-665-8110/Fax 665-2118

Region 7
Indian Coordinator
EPA Region 7
901 North Fifth Street
Kansas City, KS 66101
913-551-7539/Fax 551-7863

Region 8
Tribal Manager
EPA Region 8 (80EA)
999 18th Street, Suite 500
Denver, CO 80202-2466
303-312-6343/Fax 312-6741

Region 9
Tribal Program Manager
EPA Region 9 (E-4)
75 Hawthorne Street
San Francisco, CA 94105
415-744-1607/Fax 744-1604

Region 10
Tribal Office Director
EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101
206-553-6220/Fax 553-6647

American Indian Environmental Office

The American Indian Environmental Office (AIEO) coordinates the Agency-wide effort to strengthen public health and environmental protection in Indian country, with a special emphasis on building tribal capacity to administer their own environmental programs. AIEO oversees development and implementation of EPA's Indian Policy and strives to ensure that all EPA Headquarters and Regional Offices fulfill EPA's trust responsibility to protect tribal health and environments and work with tribes on a government-to-government basis. For more information and specific contacts, see AIEO's web page http://www.epa.gov/indian or call 202-260-7939.

The Office of Environmental Justice

The Office of Environmental Justice (OEJ) under EPA's Office of Enforcement and Compliance (OECA), oversees the integration of environmental justice into EPA's policies, programs, and activities throughout the Agency; serves as the point of contact for environmental justice outreach and educational activities; provides technical and financial assistance. The Office also serves as the lead on the Interagency Working Group of other federal agencies to incorporate environmental justice into all federal programs. See OEJ's web page http://www.epa.gov/oeca/main/ej/index.html or call 202-564-2606

Draft Guide on Consultation and Collaboration with Indian Tribal Governments And the Public Participation of Indigenous Groups and Tribal Citizens This document was created by the Indigenous Peoples Subcommittee (IPS) of the National Environmental Justice Advisory Council (NEJAC), a federal advisory council to the EPA. This document is intended to serve as a resource for a broad audience involved with environmental justice issues relating to federally recognized tribal governments**.** For more information contact:
IPS Designated Federal Official
OEJ (2201-A)
200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-2576

EPA Telephone Hotlines

Air Risk Information Support Center (RISC)
Hours of Service: Monday to Friday, 8:00 a.m. to 5:00 p.m. EST
Telephone: 919-541-0888 / 919-541-5742 to connect to Technology Transfer Network

The Air RISC provides technical assistance and information in areas of health, risk, and exposure assessment for toxic and criteria air pollutants. Services include: the hotline for direct access to EPA experts; detailed technical assistance for more in-depth evaluations or information; and general technical guidance in the form of documents, reports and training materials related to health, risk and exposure assessment. Air Risk documents are available on the Unified Air Toxic Website http://www.epa.gov/ttnuatw1/hapindex.html

The Air RISC was developed to assist state and local air pollution control agencies and EPA Regional offices with technical matters pertaining to health, exposure, and risk assessment of air pollutants. Services to others may be limited or provided on a cost reimbursable basis.

Clean Air Technology Center (CATC)
Hours of Service: Monday to Friday, 8:30 a.m. to 4:30 p.m. EST
Telephone: 919-541-0800
Website: http://www.epa.gov/ttn/catc/

The CATC provides technical support and assistance to state and local agencies and others in evaluating air pollution problems and pollution prevention and control technology applications at stationary air pollution sources. Services include: A telephone HOTLINE to provide rapid access to EPA expertise and information; short term engineering assistance to resolve source specific issues; technical guidance documents, case studies, and computer software tools; and an internet world wide web site (CATC Web), which provides around-the-clock access to CTC services and products.

The CATC includes EPA's RACT/BACT/LAER Clearinghouse (RBLC) and Federal Small Business Assistance Program (SBAP), and provides products developed by and access to the International Technical Information Center for Global Greenhouse Gases. The CTC also sponsors and operates the U.S. Mexico Border Information center on Air Pollution/Contro de Informacion Sobre Contaminecion deAire (CICA), a bilingual HOTLINE and WEBSITE that supports EPA's Mexican Border Initiative.

Hazardous Waste Ombudsman Program
Hours of Service: Monday to Friday, 8:00 a.m. to 5:30 p.m. EST
Telephone: 202-260-9361/ 800-262-7937

The hazardous waste programs managed by OSWER are some of the most complex developed by EPA. The Ombudsman assists the public and regulated community in resolving problems concerning any requirement under these hazardous waste programs. The Ombudsman Program, located principally within the Headquarters office, handles complaints from citizens and the regulated community, obtains facts, sorts information, substantiates policy, and engages in dispute resolution, shuttle diplomacy functions, and formal investigations.

Inspector General Hotline
Hours of Service: Monday to Friday, 10:00 a.m. to 3:00 p.m. EST
Telephone: 202-260-4977
1-888-546-8740
Website:
http://www.epa.gov/oigearth/hotline.htm

The Inspector General Hotline was established to receive and control complaints alleging fraud, waste, abuse, or mismanagement within the Environmental Protection Agency.

This information is provided to increase federal and public awareness and make available resources to report fraud, waste, abuse and mismanagement.

Resource Conservation and Recovery Act/Underground Storage Tank, Superfund and EPCRA Hotline

Hours of Service: Monday to Friday, 9:00 a.m. to 6:00 p.m. EST
Telephone: 800-424-9346, 703-412-9810 (within the Washington, DC area, or international calls); 800-53-7672 TDD line for the hearing-impaired
Website:
http://www.epa.gov/epaoswer/hotline/

This hotline provides information about the regulations, programs and related documents for the following environmental statutes (translation is available for Spanish-speaking callers):

Resource Conservation and Recovery Act (RCRA) - federal procurement of products that contain recycled material; hazardous waste generators and transporters; land disposal restrictions; municipal solid waste landfill criteria; solid and hazardous waste recycling; treatment, storage and disposal facilities; waste minimization and hazardous waste combustion; underground storage tanks.

Comprehensive Environmental Response Compensation and Liability Act (CERCLA, or Superfund) - applicable or relevant and appropriate requirements (ARARs); the National Contingency Plan (NPL); radiation site cleanup regulations; reportable quantities for hazardous substances.

Emergency Planning and Community Right-to-Know Act (EPCRA)/Superfund Amendments Reauthorization Act (SARA) Title III - emergency planning; hazardous chemical inventory reporting; public access to chemical information; toxic chemical release reporting and the Form R; the toxic release inventory (TRI) database.

Safe Drinking Water Hotline

Hours of Service: Monday to Friday, 9:00 a.m. to 5:30 p.m. EST, except federal holidays.
Telephone: 800-426-4791
E-mail:
hotline-sdwa@epamail.epa.gov
Website:
http://www.epa.gov/OGWDW/drinklink.html

The SDW Hotline provides information about EPA's drinking water regulations and other related drinking water and ground water topics to the regulated community, state and local officials, and the public.

The Hotline clarifies drinking water regulations, provides appropriate 40 CFR and *Federal Register* citations, explains EPA-provided policies and guidelines and gives update information on the status of regulations. The Hotline can also provide state and local contacts. The Hotline can take orders for EPA drinking water publications or (if the publication is not available from the Office of Water) refer callers to the appropriate ordering organization.

Inquiries on EPA's drinking water program, regulations, and standards are now accepted via email. For more information on email access to the hotline, contact Beth Hall at hall.beth@epamail.epa.gov. The Safe Drinking Water (SDW) Hotline assists both the regulated

community (public water systems) and the public with their understanding of the regulations and programs developed in response to the Safe Drinking Water Act Amendments of 1986.

Drinking Water publications (for example, fact sheets, pamphlets, health advisories, and so forth) may be requested through the Safe Drinking Water Hotline or may be ordered from EPA's Office of Water Resource Center at (202) 260-7786.

Small Business Ombudsman Clearinghouse/Hotline

Hours of Service: Message recorder is on 24 hours a day.
Telephone: 703-305-5938/
800-368-5888
Website: http://www.epa.gov/sbo/

The mission of the EPA Small Business Ombudsman Clearinghouse/Hotline is to provide information to private citizens, small communities, small business enterprises, and trade associations representing the small business sector regarding regulatory activities. Mailings are made to update the audience on recent regulatory actions. Special attention is directed to apprizing the trade associations representing small business interests with current regulatory developments. Technical questions are answered following appropriate contacts with program office staff members. Questions addressed cover all media program aspects within EPA. Inquiries are received by mail, telephone, and fax.

Stratospheric Ozone Information Hotline

Hours of Service: Monday to Friday, 10:00 a.m. to 4:00 p.m. EST
Telephone: 800-296-1996
Website:
http://www.epa.gov/ozone/index.html

The Stratospheric Ozone Information Hotline offers consultation on ozone protection regulations and requirements under Title VI of the Clean Air Act Amendments (CAAA) of 1990. Title VI covers the following key aspects of the production, use, and safe disposal of ozone-depleting chemicals: 1) production phaseout and controls; 2) servicing of motor vehicle air conditioners; 3) recycling and emission reduction; 4) technician and equipment certification; 5) approval of alternatives; 6) a ban of nonessential uses; 7) product labeling; and 8) federal procurement. The hotline is a distribution center and referral point for information on other general aspects of stratospheric ozone depletion and its protection. The hotline maintains a library of relevant policy and science documents, reports, articles, and contact lists.

The hotline was developed to assist and educate the regulated community on requirements under Title VI of the Clean Air Act Amendments of 1990.

Wetlands Information Hotline

Hours of Service: Monday to Friday, 9:00 a.m. to 5:30 p.m. EST
Telephone: 800-832-7828
Website:
http://www.epa.gov/OWOW/wetlands/wetline.html

The Environmental Protection Agency's Wetlands Protection Hotline responds to requests for information regarding the values and functions of wetlands and options for their protection. The Hotline acts as a central point of contact for the Wetlands Division of the Office of Wetlands, Oceans, and Watersheds to provide a wide range of information on wetlands protection efforts involving EPA and other organizations. In addition, the Hotline uses an extensive contact list to direct callers to additional sources of information or to appropriate regulatory agencies for assistance. The Hotline also provides information on the availability of wetlands related documents and accepts requests for certain wetlands publications.

RCRA Information Center (RIC)

This section contains reproductions of a brochure produced by EPA for users of the RCRA Information Center (RIC). This brochure describes the RIC, its purpose, and services. In addition, the brochure provides information about various hotlines and dockets related to solid and hazardous waste management and clean-up.

Other EPA information related to permitting and public participation can be found on the Internet at: http://www.epa.gov. Using the EPA Headquarters home page you can access the home pages for each of the ten EPA Regional Offices as well as policy and regulatory information. The RCRA information at the headquarters home page is available through the RCRA Hotline (see brochure below). Also, many businesses and facilities have information available on the Internet.

Congress passed the Resource Conservation and Recovery Act (RCRA) in 1976 to create a framework for the proper management of hazardous and nonhazardous solid waste. The Act is continuously evolving as Congress amends it to reflect the nation's changing solid waste needs.

For each modification to the Act, EPA develops regulations that spell out how the statue's broad policies are to be carried out. The RCRA

Information Center (RIC) was formed to house both documents used in writing these regulations as well as EPA publications produced for public guidance on solid waste issues.

The documents stored in the RIC are divided into two basic categories: (1) documents involved in various stages of rulemaking; and (2) general documents discussing the various aspects of recycling, treatment, and disposal of hazardous and solid waste.

What are the Main Sources of Rulemaking Dockets?

- Docket files generated from RCRA-related rulings. Each file is composed of two sections: (1) technical support documents that were used by EPA in the development of the particular rule; and (2) comments from companies, individuals, environmental organizations, and various levels of government.
- Reprints of Federal Registers containing RCRA-related issues.
- Administrative Records, which are rulemaking documents that have undergone litigation.

What are the Main Sources of General Documents/Collections?

- Catalog of Hazardous and Solid Waste Publications, which lists the RIC's most popular documents. The catalog is updated periodically.
- Guidance documents, which provide directions for implementing the regulations for disposal and treatment of hazardous and solid wastes.
- Brochures, booklets, and executive summaries of reports concerning waste reduction and disposal issues surrounding solid and hazardous wastes.
- A historical collection of Office of Solid Waste documents.
- Selected Office of Solid Waste correspondence written by EPA officials in response to questions from organizations and individuals concerning hazardous and solid waste regulations.
- Health and Environmental Effects Profiles (HEEPs) and Health and Environmental Effects Documents (HEEDs).

Hours and Location

- The RIC is open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday.
- The RIC is located at:

  Crystal Gateway 1, First Floor
  1235 Jefferson Davis Highway
  Arlington, VA
- It is recommended that visitors make an appointment so that the material they wish to view is ready when they arrive.
- Patrons may call for assistance at 703 603-9230, send a fax to 703 603-9234, or send an e-mail to rcra-docket@epamail.epa.gov.
- Patrons may write to the following address:

  RCRA Information Center (5305W)
  U.S. Environmental Protection Agency
  401 M Street, SW
  Washington, DC 20460
  (Please note that this address is for mailing purposes only.)

Photocopying and Microfilming

Many documents are available only in the original and, therefore, must be photocopied. Patrons are allowed 100 free photocopies Thereafter they are charged 15 cents per page. When necessary, an invoice stating how many copies were made, the cost of the order, and where to send a check will be issued to the patron.

Documents also are available on microfilm. The RIC staff help patrons locate needed documents and operate the microfilm machines. The billing fee for printing microfilm documents is the same as for photocopying documents.

Patrons who are outside of the metropolitan Washington, DC, area can request documents by telephone. The photocopying and microfilming fee is the same as for walk-in patrons. If an invoice is necessary, RIC staff can mail one with the order.

Additional EPA Sources of Hazardous and Solid Waste Information

OSW Methods Information Communication Exchange (MICE)
Hours of Service: Message recorder is on 24 hours a day.
Telephone: 703 821-4690
Website:
http://www.epa.gov/epaoswer/hazwaste/test/txmice.htm

A telephone service implemented by the EPA Office of Solid Waste to answer technical questions on test methods used on organic and inorganic chemicals. These tests are discussed in the EPA document Test Methods for Evaluat-ing Solid Waste: Physical/Chemical Methods (Document Number: SW-846). Patrons can call MICE 24 hours a day and are requested to leave a message stating their name, organization, telephone number, and an explanation of what they need. Questions are usually answered within one business day.

Underground Storage Tank Docket
Hours of Service: Monday to Friday, 9:00 a.m. to 4:00 p.m. EST
Telephone: 703 603-9231
Website:
http://www.epa.gov/swerust1/resource/docket.htm

Provides documents and regulatory information pertinent to RCRA's Subtitle I (the Underground Storage Tank program).

Superfund Docket
Hours of Service: Monday to Friday, 9:00 a.m. to 4:00 p.m. EST
Telephone: 703 603-9232
Website:
http://www.epa.gov/oerrpage/superfund/contacts/docket.htm

Provides rulemaking material pertinent to the Superfund Program and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Pollution Prevention Information Clearinghouse (PPIC)
Hours of Service: Monday to Friday, 8:30 a.m. - 4:00 p.m. EST
Telephone: 202 260-1023
Website:
http://www.epa.gov/opptintr/cbep/actlocal/ppic-17.htm

A center for dissemination of pollution prevention information. PPIC's services include document distribution, access to a circulating and periodicals collection, and outreach.

Headquarters Information/Resources Center
Hours of Service: Monday to Friday, 8:00 a.m. to 5:00 p.m. EST for phone calls,
Telephone: 202 260-5922
Fax: 202 260-5153
E-mail: library-hq@epa.gov

Provides general, nontechnical environmental information through its brochures, booklets, and pamphlets.

EPA Headquarters Library
Hours of Service: Monday to Friday, 9:00 a.m. to 5:00 p.m. EST for phone calls,
10:00 a.m. to 2:00 p.m. EST for walk-in visitors
Reference Desk: 202 260-5921
Interlibrary Loan Desk: 202 260-5933
Website:
http://www.epa.gov/natlibra/specsort.htm

The Headquarters Library is the reference library for the Agency.

It offers a broad range of sources of environmental information including reports from various EPA offices and trade and environmental journals. The collection also features departments such as the "Water Collection," the "Hazardous Waste Collection," and "Infoterra," which accommodates foreign patrons' requests.

Additional Website Resources

Ocean and Coastal Protection Division homepage is located at **http://www.epa.gov/owow/oceans/.**

Additional information regarding the 403 program (modified NPDES permits for discharges into the territorial seas) and 301(h) program (modifications of secondary treatment for POTWs NDPES permits) is located at **http://www.epa.gov/owow/oceans/regs/index.html**

Social Aspects of Siting RCRA Hazardous Waste Facilities **http://www.epa.gov/epaoswer/hazwaste/tsds/site/k00005.pdf**

Internet Links to EPA and State Homepages

The homepages listed below can provide a wealth of information and documents about permitting in air, water, and waste programs at EPA as well as in the states. Each state's environmental agency organization varies. For example, some states such as California, have air, water, and waste programs located in different agencies within the state government. Some states have very limited environmental agency functions. In addition, some states have limited information available on the internet. In nearly every case, however, there is a list of agency contacts that refer you to the appropriate person or office that manages air, water, or waste programs for the state.

EPA Headquarters http://www.epa.gov

EPA Region 1 http://www.epa.gov/region01/
Connecticut
http://dep.state.ct.us/
Maine
http://www.state.me.us/dep/mdephome.htm
Massachusetts
http://www.magnet.state.ma.us/dep/dephome.htm
New Hampshire
http://www.state.nh.us/des/descover.htm
Rhode Island
http://www.state.ri.us/dem/
Vermont
http://www.anr.state.vt.us/fguide/fguide4.htm

EPA Region 2 http://www.epa.gov/region02/
New Jersey
http://www.state.nj.us/dep/
New York
http://unix2.nysed.gov/ils/executive/encon/dec007.htm
Puerto Rico
Not Available
Virgin Islands
http://www.gov.vi/pnr/

EPA Region 3 http://www.epa.gov/region03/
Delaware
http://www.dnrec.state.de.us/
District of Columbia
Not Available
Maryland
http://www.mde.state.md.us/
Pennsylvania
http://www.dep.state.pa.us/dep/dep.html
Virginia
http://www.deq.state.va.us/
West Virginia
http://www.dep.state.wv.us/

EPA Region 4 http://www.epa.gov/region04/
Alabama
http://www.adem.state.al.us/
Florida
http://www.dep.state.fl.us/
Georgia
http://www.ganet.org/dnr/environ/
Kentucky
http://www.nr.state.ky.us/nrepc/dep/dep2.htm
Mississippi
http://www.deq.state.ms.us/
North Carolina
http://www.ehnr.state.nc.us/EHNR/
South Carolina
http://www.state.sc.us/dhec/eqc/
Tennessee
http://www.state.tn.us/environment/

EPA Region 5 http://www.epa.gov/region5/
Illinois
http://www.epa.state.il.us/
Indiana
http://www.ai.org/idem/index.html
Michigan
http://www.deq.state.mi.us/
Minnesota
http://www.pca.state.mn.us/netscape.shtml
Ohio
http://www.epa.ohio.gov/
Wisconsin
http://www.dnr.state.wi.us/

EPA Region 6 http://www.epa.gov/region06/
Arkansas
http://www.state.ar.us/
Louisiana
http://www.deq.state.la.us/
New Mexico
http://www.nmenv.state.nm.us/
Oklahoma
http://www.state.ok.us/osfdocs/envirhp.html
Texas
http://www.tnrcc.state.tx.us/

EPA Region 7 http://www.epa.gov/region07/
Iowa
http://www.state.ia.us/epd/
Kansas
http://www.ink.org/public/kdhe/environ.html
Missouri
http://www.dnr.state.mo.us/deq/homedeq.htm
Nebraska
http://www.deq.state.ne.us/

EPA Region 8 http://www.epa.gov/region08/
Colorado
http://www.cdphe.state.co.us/cdphehom.asp
Montana
http://www.deq.state.mt.us/
North Dakota
http://www.ehs.health.state.nd.us/ndhd/
South Dakota
http://www.state.sd.us/state/executive/denr/denr.html
Utah
http://www.eq.state.ut.us/
Wyoming
http://deq.state.wy.us/

EPA Region 9 http://www.epa.gov/region09/
Arizona
http://www.adeq.state.az.us/
California
http://www.ca.gov/s/environ/
Hawaii
http://www.hawaii.gov/health/
Nevada
http://www.state.nv.us/ndep/
American Samoa
Not Available
Guam
http://ns.gov.gu/government.html
Northern Marianas Islands
Not Available

EPA Region 10 http://www.epa.gov/region10/
Alaska
http://www.state.ak.us/local/akpages/ENV.CONSERV/home.htm#menu
Idaho
http://www.state.id.us/deq/
Oregon
http://www.deq.state.or.us/
Washington
http://www.wa.gov/ecology/

Tribal Links

EPA's American Indian Environmental Office
http://www.epa.gov/indian

Office of Air and Radiation Tribal Air Homepage
http://www.epa.gov/oar/tribal

Municipal Solid Waste Management in Indian Country
http://www.epa.gov/tribalmsw

Office of Enforcement and Compliance Assurance Tribal Program
http://es.epa.gov/oeca/tribal

Region 2 Indian Program
http://www.epa.gov/region2/nations/indian1.htm

Region 5 Tribal Homepage
http://www.epa.gov/reg5oopa/tribes

Region 6 Native American Office
http://www.epa.gov/earth1r6/6xa/tribal/tribal.htm

Region 8 Tribal Assistance Program
http://www.epa.gov/region8/coop/tribe/tap.html

Region 9 Indian Programs
http://www.epa.gov/region09/cross_pr/indian/index.html

Region 10 Tribal Office Homepage
http://epainotes1.rtpnc.epa.gov:7777/r10/tribal.NSF/webpage/tribal+office+homepage

Section 6 - Acronyms and Glossary

ACRONYMS

BDAT	Best Demonstrated Available Technology
BMP	Best Management Practice
BOD	Biological Oxygen Demand
BRS	Biennial Reporting System
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CMS	Corrective Measures Study
CSO	Combined Sewer Overflow
CWA	Clean Water Act
CZMP	Coastal Zone Management Plan
DEIS	Draft Environmental Impact Statement
DO	Dissolved Oxygen
DQO	Data Quality Objective
DU	Dobson Unit(s)
EA	Environmental Assessment
EID	Environmental Information Documents
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FACA	Federal Advisory Committee Act
FCCC	Framework Convention on Climate Change
FEIS	Final Environmental Impact Statement
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
FWPCA	Federal Water Pollution Control Act (now amended and commonly known as the CWA)
HAP	Hazardous Air Pollutants
HFCs	Hydrofluorocarbons
HHW	Household Hazardous Waste
HON	Hazardous Organic NESHAP
HSWA	Hazardous and Solid Waste Amendments
IPCC	Intergovernmental Panel on Climate Change
LAER	Lowest Achievable Emission Rates
MACT	Maximum Achievable Control Technology
MSW	Municipal Solid Waste
NESHAP	National Emission Standard for Hazardous Air Pollutants
NAAQS	National Ambient Air Quality Standard
NCAPS	National Corrective Action Prioritization System
NCPDI	National Coastal Pollutant Discharge Inventory
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOA	Notices of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notices of Intent
NPDES	National Pollutant Discharge Elimination System
NRC	National Research Council
NSPS	New Source Performance Standards
NSR	New Source Review
NTI	National Toxics Inventory
O_3	Ozone
OAR	Office of Air and Radiation
OEA	Office of External Affairs
ORD	Office of Research and Development
OSW	Office of Solid Waste
OSWER	Office of Solid Waste and Emergency Response
OUST	Office of Underground Storage Tanks
PAMS	Photochemical Assessment Monitoring Stations
PCB	Polychlorinated Biphenyl
PFCs	Perfluorinated Carbons
PM-10	Particulate Matter (diameter of 10 micrometers or less)
POTW	Publicly Owned Treatment Works
PSD	Prevention of Significant Deterioration
QAPP	Quality Assurance Project Plan
RACT	Reasonable Available Control Technology
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
ROD	Record of Decision
SDWA	Safe Drinking Water Act
SIC	Standard Industrial Classification
SIP	State Implementation Plan
TMDL	Total Maximum Daily Load
TRE	Toxicity Reduction Evaluation
TRI	Toxic Release Inventory
TSD	Treatment, Storage, and Disposal
TSDF	Treatment, Storage, and Disposal Facility
TSP	Total Suspended Particulates
UIC	Underground Injection Control
USDW	Underground Sources of Drinking Water
UST	Underground Storage Tank
VOC	Volatile Organic Compounds
WPA	Watershed Protection Approach
WQ	Water Quality
WQS	Water Quality Standard

Acronym Sources

1) Clean Water Act Section
403 Report to Congress
Phase II - Point Source Discharges Inside the Baseline
EPA Office of Water
EPA842-R-94-001

2) 1995 National Air Quality: Status and Trends
EPA Office of Air and Radiation
Air Quality Trends Analysis Group (AQTAG)
Research Triangle Park, NC 27711
(Published Annually)

3) Air Quality Trends - 1994 (ACRONYMS)
EPA-454/F-95-003
EPA Office of Air and Radiation (OAR)
Office of Air Quality Planning and Standards
Research Triangle Park, NC 27711

4) Office of Water, Ocean and Coastal Protection Division
Internet Home Page:
http://www.epa.gov/OWOW/OCPD/

5) 40 CFR Parts 6, 70, 71, 124, 233

GLOSSARY

Acid Deposition

Air pollution produced when acid chemicals are incorporated into rain, snow, fog, or mist. See also acidic pollution in the parks.

Adverse Impact

A determination that an air-quality related value is likely to be degraded within a Class I area. See also Clean Air Act.

Aerometric Information Retrieval System (AIRS)

A computer-based repository of US air pollution information administered by the EPA Office of Air Quality Planning and Standards.

Aerosol

A suspension of microscopic solid or liquid particles in air. See also haze, particulate matter.

Air Pollution

Degradation of air quality resulting from unwanted chemicals or other materials occurring in the air. See also air pollutant.

Air Quality (in context of the national parks)

The properties and degree of purity of air to which people and natural and heritage resources are exposed.

Air Pollution Control Permitting Process

Process by which facilities are permitted to emit specified types and quantities of air pollutants air quality related values (AQRVs): values including visibility, flora, fauna, cultural and historical resources, odor, soil, water, and virtually all resources that are dependent upon and affected by air quality. "These values include visibility and those scenic, cultural, biological, and recreation resources of an area that are affected by air quality" (43 Fed. Reg. 15016).

Air Pollutant

An unwanted chemical or other material found in the air. See also air pollution.

AIRWeb

Air Resources Web, a US National Park-focused air quality information retrieval system developed by the Air Resources Division of the National Park Service.

Ambient Air

Air that is accessible to the public.

Aquatic Ecosystem

Bodies of water, including wetlands, that serve as the habitat for interrelated and interacting communities and populations of plants and animals.

Aquatic Environment

The geochemical environment in which dredged material is submerged under water and remains water saturated after disposal is completed.

Attainment Area

A geographic area in which levels of a criteria air pollutant meet the health-based National Ambient Air Quality Standard for that specific pollutant.

Baseline

Belt of the seas measured from the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters (see Figure 1-1 in the main text).

Beneficial Uses

Placement or use of dredged material for some productive purpose. Beneficial uses may involve either the dredged material or the placement site as the integral component of the beneficial use.

Best Available Control Technology (BACT)

An emission limitation based on the maximum degree of reduction for each pollutant, that must be applied by sources subject to the Prevention of Significant Deterioration program.

Bioaccumulation

The accumulation of contaminants in the tissues of organisms through any route, including respiration, ingestion, or direct contact with contaminated water, sediment, or dredged material.

Biological Effects

Ecological studies to determine the nature or extent of air pollution injury to biological systems. See also biological effects pages.

By-Product Material

A material that is not one of the primary products of a production process. Examples of by-products are process residues such as slags or distillation column bottoms.

Camera

Device for recording visual range on film.

Capping

The controlled, accurate placement of contaminated material at an open-water site, followed by a covering or cap of clean isolating material.

Carbon Monoxide

A criteria air pollutant that is a colorless, odorless, poisonous gas produced by incomplete combustion; particularly, incomplete burning of carbon-based fuels e.g. gasoline, oil, and wood.

Categorical Exclusion (CATEX)

Categories of actions which normally do not individually or cumulatively have a significant effect on the human environment and for which, therefore, an EA or an EIS is not required.

CERCLA (Superfund)

Passed in 1980, the Comprehensive, Emergency Response, and Compensation and Liability Act (also known as Superfund) addresses immediate and long term threats to the public health and the environment from abandoned or active sites contaminated with hazardous or radioactive materials.

Class I

Areas of the country set aside under the Clean Air Act to receive the most stringent degree of air quality protection. See also class II.

Class II

Areas of the country protected under the Clean Air Act, but identified for somewhat less stringent protection from air pollution damage than class I, except in specified cases.

Class V UIC Rule

A rule under development covering wells not included in Class I, II, III or IV in which nonhazardous fluids are injected into or above underground sources of drinking water.

Clean Water Act (CWA)

CWA, formally referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, was passed to prohibit the discharge of any pollutant waters of the U.S. from a point source unless the discharge was authorized by a NPDES permit.

Clean Fuels

Low-pollution fuels that can replace ordinary gasoline, including gasohol, and natural and LP gas.

Clean Air Act

Originally passed in 1963, our current national air pollution control program is based on the 1970 version of the law. Substantial revisions were made by the 1990 Clean Air Act Amendments.

Coastal Zone

Includes coastal waters and the adjacent shorelands designated by a state as being included within its approved coastal zone

management program. The coastal zone may include open waters, estuaries, bays, inlets, lagoons, marshes, swamps, mangroves, beaches, dunes, bluffs, and coastal uplands. Coastal-zone uses can include housing, recreation, wildlife habitat, resource extraction, fishing, aquaculture, transportation, energy generation, commercial development, and waste disposal.

Commercial Chemical Product

A chemical substance that is manufactured or formulated for commercial or manufacturing use.

Community Water System

A public water system that serves at least 15 service connections used by year-round residents of the area served by the system or regularly serves at least 25 year-round residents.

Comprehensive State Ground Water Protection Program

The program consists of a set of six strategic activities which foster more efficient and effective ground water protection through more cooperative, consistent, and coordinated operation of all relevant federal, state and local programs within a state. The activities include establishing goals, setting priorities, defining authorities, implementing programs, coordinating information collection and management, and operating public education and participation activities.

Confined Disposal

Placement of dredged material within diked nearshore or upland confined disposal facilities (CDFs) that enclose the disposal area above any adjacent water surface, isolating the dredged material from adjacent waters during placement. Confined disposal does not refer to subaqueous capping or contained aquatic disposal.

Confined Disposal Facility (CDF)

An engineered structure for containment of dredged material consisting of dikes or other structures that enclose a disposal area above any adjacent water surface, isolating the dredged material from adjacent waters during placement. Other terms used for CDFs that appear in the literature include "confined disposal area," "confined disposal site," and "dredged material containment area."

Conservation Easements

Easements are an interest in land that entitles a person to use the land possessed by another (affirmative easement), or to restrict uses of the land subject to the easement (negative easement). A conservation easement restricts the owner to uses that are compatible with conservation environmental values. Easements are governed by state laws and thus there are variations among the states in how they are administered.

Contained Aquatic Disposal

A form of capping which includes the added provision of some form of lateral containment (for example, placement of the contaminated and capping materials in bottom depressions or behind subaqueous berms) to minimize spread of the materials on the bottom.

Container

Any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Contaminant

A chemical or biological substance in a form that can be incorporated into, onto, or be ingested by and that harms aquatic organisms, consumers of aquatic organisms, or users of the aquatic environment.

Contaminated Sediment or Contaminated Dredged Material

Contaminated sediments or contaminated dredged materials are defined as those that have been demonstrated to cause an unacceptable adverse effect on human health or the environment.

Contamination Source Inventory

The process of identifying and inventorying contaminant sources within delineated SWPAs through recording existing data, describing sources within the SWPA, targeting likely sources for further investigation, collecting and interpreting new information on existing or potential sources through surveys, and verifying accuracy and reliability of the information gathered.

Continuous Sampling Device

An air analyzer that measures air quality components continuously. See also monitoring, integrated sampling device.

Criteria Air Pollutant

A group of very common air pollutants regulated by EPA on the basis of criteria, and for which a National Ambient Air Quality Standard is established (SO2, NO2, PM10, Pb, CO, O3).

Criteria (in the context of criteria pollutants)

Information on health and/or environmental effects of pollution.

Cumulative Impact

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency, federal or non-federal, or what person undertakes the action.

Department of Energy (DOE)

This state agency's mission is to achieve efficiency in energy use, diversity in energy sources, a more productive and competitive economy, improved environmental quality, and a secure national defense. DOE was created on October 1, 1977 out of the Energy and Research and Development Agency as well as various aspects of non-nuclear federal energy policy and programs. The DOE complex which is located over 22 states with sites that range in size from small to very large produced and tested nuclear weapons.

Disposal Site or Area

A precise geographical area within which disposal of dredged material occurs.

Dose-response

The relationship between the dose of a pollutant and its effect on a biological system.

Emissions

Release of pollutants into the air from a source.

Dredged Material Discharge

The term dredged material discharge as used in this document means any addition of dredged material into waters of the United States or ocean waters. The term includes open- water discharges; discharges resulting from unconfined disposal operations (such as beach nourishment or other beneficial uses); discharges from confined disposal facilities that enter waters of the United States (such as effluent, surface runoff, or leachate); and overflow from dredge hoppers, scows, or other transport vessels.

Dredged Material

Material excavated from waters of the United States or ocean waters. The term dredged material refers to material which has been dredged from a water body, while the term sediment refers to material in a water body prior to the dredging process.

Drinking Water State Revolving Fund

The Fund provides capitalization grants to states to develop drinking water revolving load funds to help finance infrastructure improvements, source water protection, and other activities for public water systems.

Effluent

Water that is discharged from a confined disposal facility during and as a result of the filling or placement of dredged material.

Elementary Neutralization Unit

A tank, tank system, container, transport vehicle, or vessel (including ships) that is designed to contain and neutralize corrosive waste.

Emergency

In dredging operations, emergency is defined in 33 CFR Part 335.7 as a "situation which would result in an unacceptable hazard to life or navigation, a significant loss of property, or an immediate and unforeseen significant economic hardship if corrective action is not taken within a time period of less than the normal time needed under standard procedures."

Enforcement

Legal methods used by EPA, state, and local governments to make polluters obey the Clean Air Act. In the absence of enforcement, citizens can sue EPA or the states to obtain action, and can also sue violating sources apart from any action EPA or state or local governments have taken.

Environmental Protection Agency (EPA)

Created in 1970, the EPA is responsible for working with state and local governments to control and prevent pollution in areas of solid and hazardous waste, pesticides, water, air, drinking water, and toxic and radioactive substances.

Environmental Assessment (EA)

A concise public document that analyzes the environmental impacts of a proposed federal action and provides sufficient evidence to determine the level of significance of the impacts.

Environmental Impact Statement (EIS)

The "detailed statement" required by Section 102(2)(C) of NEPA which an agency prepares when its proposed action significantly affects the quality of the human environment.

Federal Facilities Compliance Act (FFCA or FFCAct)

An amendment to RCRA, the FFCA waives immunity for DOE and other federal agencies, allowing states and the EPA to impose penalties for non-compliance and requires DOE to develop plans for treating the hazardous components of radioactive wastes subject to RCRA requirements.

Federal Standard

The dredged material disposal alternative or alternatives identified by the U.S. Army Corps of Engineers that represent the least costly alternatives consistent with sound engineering practices and meet the environmental standards established by the 404(b)(1) evaluation process or ocean-dumping criteria (33 CFR 335.7).

Finding of No Significant Impact (FONSI)

A public document that briefly presents the reasons why an action will not have a significant impact on the quality of the human environment and therefore will not require preparation of an environmental impact statement.

Fine Particle

Particulate matter less than 2.5 microns in diameter.

Ground Water Disinfection Rule

Under Section 107 of the SDWA Amendments of 1996, the statute reads, "... the Administrator shall also promulgate national primary drinking water regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems, and, as necessary, ground water systems."

Gulf of Maine Oxidant Study (GOMOS)

A study to investigate the sources and transport of pollutants contributing to ozone formation.

Habitat

The specific area or environment in which a particular type of plant or animal lives. An organism's habitat provides all of the basic requirements for the maintenance of life. Typical coastal habitats include beaches, marshes, rocky shores, bottom sediments, mudflats, and the water itself.

Hazardous Air Pollutants (HAP)

Airborne chemicals that cause serious health and environmental effects.

Hazardous and Solid Waste Amendments (HWSA)

This 1984 Act amended RCRA and required phasing out land disposal of untreated hazardous waste by more stringent hazardous waste management standards (broken down into thirds with a time table for each third). Some of the other mandates of this law include increased enforcement authority for EPA and a program requiring corrective action.

Hazardous Waste

A subset of solid wastes that pose substantial or potential threats to public health or the environment.

Haze (Hazy)

A visual phenomenon resulting from scattering of light in a volume of aerosols. In the context of air pollution, haze is caused in large part by man-made air pollutants. See also regional haze and "Visibility on the Colorado Plateau."

Impairment

The degree to which a scenic view or distance of clear visibility is degraded by man-made pollutants.

IMPROVE

Interagency Monitoring of Protected Visual Environments, a collaborative monitoring program to establish present visibility levels and trends, and to identify sources of man-made impairment. See also IMPROVE Newsletter.

Integrated Sampling Device

An air sampling device that allows estimation of air quality components over a period of time (e.g. two weeks) through laboratory analysis of the sampler's medium.

Land Disposal Restrictions (LDR)

These restrictions were mandated by the 1984 HSWA amendments to RCRA. They prohibit the disposal of hazardous wastes into or on the land unless the waste meets treatability standards of lower toxicity.

Leachate

Water or any other liquid that may contain dissolved (leached) soluble materials, such as organic salts and mineral salts, derived from a solid material. For example, rainwater that percolates through a confined disposal facility and picks up dissolved contaminants is considered leachate.

Level Bottom Capping

A form of capping in which the contaminated material is placed on the bottom in a mounded configuration.

Local Sponsor

A public entity (e.g., port district) that sponsors state navigation projects. The sponsor seeks to acquire or hold permits and approvals for disposal of dredged material at a disposal site (USACE 1986).(1)

Major Source

A stationary facility that emits a regulated pollutant in an amount exceeding the threshold level (100 or 250 tons per year, depending on the type of facility).

Management Action

Those actions or measures that may be considered necessary to control or reduce the potential physical or chemical effects of dredged material disposal.

Maximum Contaminant Level(MCL)

In the SDWA, an MCL is defined as "the maximum permissible level of a contaminant in water which is delivered to any user of a public water system."

Mitigation

Defined in the Council on Environmental Quality's regulation 40 CFR 1508.20 (a-e).

Mobile Sources

Moving objects that release regulated air pollutants, e.g. cars, trucks, buses, planes, trains, motorcycles, and gas-powered lawn mowers. See also source; stationary source.

Monitoring

Measurement of air pollution. See also continuous sampling device, integrated sampling device.

National Pollutant Discharge Elimination System (NPDES)

The national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 301, 303, 307, 318, 402, 403, and 405 of the Clean Water Act.

National Ambient Air Quality Standards (NAAQS)

Permissible levels of criteria air pollutants established to protect public health and welfare. See also EPA's NAAQS page.

Nephelometer

An optical instrument that measures the scattering coefficient of ambient air.

Nitrogen Oxides

A criteria air pollutant, compounds NO, NO2, NO3, N2O5, alkyl nitrates, etc. See also NOx and NOy.

Non-Community Water System

A public water system that is not a community water system. There are two types of NCWSs : transient and non-transient.

Nonattainment Area

A geographic area in which the level of a criteria air pollutant is higher than the level allowed by the federal standards. See also EPA's nonattainment page.

North Atlantic Regional Experiment (NARE)

A study to assess the contribution of continental air pollution to the North Atlantic Ocean.

Nox

The sum of NO + NO2. See also nitrogen oxides, NOy.

NOy

The sum of all oxidized nitrogen species, i.e. NO, NO2, NO3, HNO3, N205, alkyl nitrates, PAN, etc. Does not include NH3 or N2O. See also nitrogen oxides, NOx.

Open-Water Disposal

Placement of dredged material in rivers, lakes, estuaries, or oceans via pipeline or surface release from hopper dredges or barges.

Operator Certification

Certification of operators of community and nontransient, noncommunity water systems as required by a state implementing an EPA approved Water Operator.

Organic Compounds

Chemicals that contain the element carbon.

Ozone

A gas similar to oxygen that is a criteria air pollutant and a major constituent of smog. See also reactive organic compounds; volatile organic compounds.

Particle Sampler

An instrument to measure particulate matter in ambient air.

Particulate Matter

Dust, soot, other tiny bits of solid materials that are released into and move around in the air. See also fine particle, PM10, Visibility Research Program pages.

Permitting Authority

EPA, or the state, tribal, or local governmental agency that receives delegation to carry out specified activity after meeting EPA's capability criteria.

PM10

A criteria air pollutant that is particulate matter in ambient air exceeding 10 microns in diameter.

Prevention of Significant Deterioration (PSD)

A program established by the Clean Air Act that limits the amount of additional air pollution that is allowed in Class I and Class II areas.

Primacy State

State that has the responsibility for ensuring a law is implemented, and has the authority to enforce the law and related regulations.

Primary Standard

A pollution standard based on human health effects. Primary standards are set for criteria air pollutants. See also secondary standard.

R-MAP

Resource Management Assessment Program.

Reactive Organic Compounds (in the context of photochemically produced air pollution)

Organic compounds that produce ozone in the presence of nitrogen oxides and sunlight. See also Volatile Organic Compounds.

Reclaimed Material

Material that is regenerated or processed to recover a usable product. Examples are the recovery of lead values for spent batteries and the regeneration of spent solvents.

Record of Decision (ROD)

A public document signed by the agency decision-maker at the time of a decision. The ROD states the decision, alternatives considered, the environmentally preferable alternative or alternatives, factors considered in the agency's decision, mitigation measures that will be implemented, and a description of any applicable enforcement and monitoring programs.

Recovered Material

A material or by-product that has been recovered or diverted from solid waste. Does not include materials or by-products generated from, and commonly used within, an original manufacturing process.

Recycled Material

A material that is used, reused, or reclaimed.

Reformulated Gasoline

Specially-refined gasoline with low levels of smog-forming volatile organic compounds and low levels of hazardous air pollutants.

Regional Round Tables for Source Water Protection

EPA's Regional office's meetings with stakeholders interested and involved in source water protection.

Regional Haze

A cloud of aerosols extending up to hundreds of miles across a region and promoting noticeably hazy conditions.

Resource, Conservation, and Recovery Act (RCRA)

RCRA gave EPA authority to control hazardous waste from "cradle-to-grave." This includes the minimization, generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. RCRA focuses only on active and future facilities and does not address abandoned or historical sites (see CERCLA).

Reused Material

A material that is employed as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product.

Runoff

The liquid fraction of dredged material or the surface flow caused by precipitation on upland or nearshore dredged material disposal sites.

Safe Drinking Water Act (SDWA)

A law passed by Congress in 1974 and amended in 1986 and 1996 to ensure that public water systems provide safe drinking water to consumers.

Secondary Standard

An air pollution limit based on environmental effects, e.g. damage to property, plants, visibility, etc. Secondary standards are set for criteria air pollutants. See also primary standard.

Sediment

Material, such as sand, silt, or clay, suspended in or settled on the bottom of a water body. Sediment input to a body of water comes from natural sources, such as erosion of soils and weathering of rock, or as the result of anthropogenic activities, such as forest or agricultural practices, or construction activities. The term dredged material refers to material which has been dredged from a water body, while the term sediment refers to material in a water body prior to the dredging process.

Sludge

Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

Smog

A mixture of air pollutants, principally ground-level ozone, produced by chemical reactions involving smog-forming chemicals. See also haze.

Sole Source Aquifer Designation

The surface area above a sole source aquifer and its recharge area.

Solid Waste

As defined under RCRA, any solid, semi-solid, liquid, or contained gaseous materials discarded from industrial, commercial, mining, or agricultural operations, and from community activities. Solid waste includes garbage, construction debris, commercial refuse, sludge from water supply or waste treatment plants, or air pollution control facilities, and other discarded materials. Solid waste does not include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Clean Water Act or source, special nuclear, or byproduct material as defined by the AEA.

Source Water Protection Area

The area delineated by the state for a PWS or including numerous PWSs, whether the source is ground water or surface water or both, as part of the State Source Water Assessment Program approved by EPA under Section 1453 of the SDWA.

Source

Any place or object from which air pollutants are released. Sources that are fixed in space are stationary sources; sources that move are mobile sources. See also major source.

Southern Oxidant Study (SOS)

A study to assess the sources and transport of air pollutants contributing to ozone formation.

Spent Material

Any material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced without first processing it.

State Source Water Petition Programs

A state program implemented in accordance with the statutory language at Section 1454 of the SDWA to establish local voluntary incentive-based partnerships for source water protection and remediation.

State Management Plan Program

A state management plan under FIFRA required by EPA to allow states (e.g. states, tribes and U.S. territories) the flexibility to design and implement approaches to manage the use of certain pesticides to protect ground water.

State Implementation Plan (SIP)

A collection of regulations used by the state to carry out its responsibilities under the Clean Air Act.

Stationary Source

A fixed source of regulated air pollutants (e.g. industrial facility). See also source; mobile sources.

Still Bottom

Residue or by-product of a distillation process such as solvent recycling.

Subwatershed

A topographic boundary that is the perimeter of the catchment area of a tributary of a stream.

Sulfur Dioxide (SO2)

A criteria air pollutant that is a gas produced by burning coal and some industrial processes. See also acid deposition, sulfur dioxide park topics.

SUM60

The daily sum of all valid hourly ozone concentrations equaling or exceeding 60 PPB for the day Statistic is computed for all days with valid hourly ozone concentrations equaling or exceeding 60 PPB during the year or growing season. Units are PPB-HR.

Surface Water Treatment Rule

The rule specified maximum contaminant level goals for Giardia lamblia, viruses and Legionella, and promulgated filtration and disinfection requirements for public water systems using surface water sources or by ground water sources under the direct influence of surface water. The regulations also specified water quality, treatment, and watershed protection criteria under which filtration may be avoided.

Suspended Solids

Organic or inorganic particles that are suspended in water. The term includes sand, silt, and clay particles as well as other solids, such as biological material, suspended in the water column.

Tank

A stationary device designed to contain an accumulation of hazardous waste that is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic).

Technology-Based Treatment Requirements

NPDES permit requirements based on the application of pollution treatment or control technologies including (under 40 CFR Part 125) BPT (best practicable technology), BCT (best conventional technology and secondary treatment for POTWs), BAT (best available technology economically achievable), and NSPS (new source performance standards).

Temperature Inversion

Weather condition in which warm air sits atop cooler air, promoting stagnation and increased concentrations of air pollutants.

Territorial Sea

The strip of water immediately adjacent to the coast of a nation measured from the baseline as determined in accordance with the Convention on the territorial sea and the contiguous zone (15 UST 1606; TIAS 5639), and extending a distance of 3 nmi from the baseline.

Total Suspended Particulates (TSP)

Total particulate matter in a sample of ambient air.

Totally Enclosed Treatment Facility

A facility for the treatment of hazardous waste that is directly connected to an industrial production process and that is constructed and operated so as to prevent the release of hazardous waste into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Toxic Pollutant

Pollutants, or combinations of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Administrator of the U.S. Environmental Protection Agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or physical deformations in such organisms or their offspring.

Toxic Air Pollutants

See hazardous air pollutants.

Toxicity Characteristic Leaching Procedure

A testing procedure used to determine whether a waste is hazardous. The procedure identifies waste that might leach hazardous constituents into groundwater if improperly managed.

Toxicity

Level of mortality or other end point demonstrated by a group of organisms that have been affected by the properties of a substance, such as contaminated water, sediment, or dredged material.

Transient/Non-Transient Water Systems

Water systems that are non-community systems: transient systems serve 25 of the same nonresident persons per day for more than six months per year; nontransient systems regularly serve at least 25 nonresident persons per day for more than six months per year.

Transmissometer

A device for assessing visibility conditions by measuring the amount of light received from a distant light source. See transmissometer exhibit.

Turbidity

An optical measure of the amount of material suspended in the water. Increasing the turbidity of the water decreases the amount of light that penetrates the water column. Very high levels of turbidity can be harmful to aquatic life (USACE 1986).

Underground Injection Control Program

The program is designed to prevent underground injection which endangers drinking water sources. The program applies to injection well owners and operators on federal facilities, Native American lands, and on all U.S. land and territories.

Upland Environment

The geochemical environment in which dredged material may become unsaturated, dried out, and oxidized.

Visual Range

An expression of visibility; the distance at which a large black object just disappears against the horizon.

Visual Air Quality

Air quality evaluated in terms of pollutant particles and gases that affect how well one can see through the atmosphere.

Volatile Organic Compounds (VOC)

Organic compounds that vaporize readily and contribute to the development of ozone. Many VOCs are also hazardous air pollutants. See also reactive organic compounds.

Vulnerability of Aquifer

Vulnerability is the relative ease with which a contaminant applied on or near a land surface can migrate to the aquifer under a given set of agronomic management practices, contaminant characteristics, and aquifer sensitivity conditions.

Vulnerability Assessments

An assessment of the vulnerability of a Public Water System to the sources of contamination found in the contamination source inventory (defined above). These assessments are key to determining how a state or other entities should address the contamination that is or could come from each source found in the inventory.

Wastewater Treatment Unit

A tank or tank system that is subject to regulation under either Section 402 or 307(b) of the Clean Water Act, and that treats and stores an influent wastewater that is hazardous waste, or that treats or stores a wastewater treatment sludge that is hazardous.

Water Quality-Based Toxics Control

An integrated strategy used in NPDES permitting to assess and control the discharge of toxic pollutants to surface waters: the whole-effluent approach involving the use of toxicity tests to measure discharge toxicity and the chemical-specific approach involving the use of water quality criteria or state standards to limit specific toxic pollutants directly.

Watershed Approach

A watershed approach is a coordinating framework for environmental management that focuses public and private sector efforts to address the highest priority problems within hydrologically-defined geographic areas, taking into consideration both ground and surface water flow.

Watershed Area

A topographic area that is within a line drawn connecting the highest points uphill of a drinking water intake, from which overland flow drains to the intake.

Watershed

A topographic boundary area that is the perimeter of the catchment area of a stream.

Wellhead Protection Area

The surface and subsurface area surrounding a well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

Wetlands Restoration

Involves either improving the condition of existing degraded wetlands so that the functions that they provide are of a higher quality or reestablishing wetlands where they formerly existed before they were drained or otherwise converted.

Wetlands

Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated-soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (40 CFR Part 230).

Zoning

To designate, by ordinances, areas of land reserved and regulated for specific land uses.

Glossary Sources

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EPA 530-K-95-001
U.S. EPA Office of Solid Waste and Emergency Response

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3) Drinking Water Infrastructure Needs Survey
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4) Framework for Dredged Material Management
November 1992
U.S. EPA Office of Wetlands, Oceans, and Watersheds

5) The National Environmental Policy Act: A Study of Its Effectiveness After Twenty-Five Years January 1997
Council on Environmental Quality
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6) Oregon Department of Environmental Quality Air Modeling Internet Home Page
NPS Glossary of Air Pollution Terms:
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