



Public Participation In The Construction Grants Program

905R80120

A Regional Assessment



PREFACE

"Determining estimates of total project costs...for inclusion in the fact sheet has been the cause for more arguments, meetings and ill feelings than any other element of the new public participation regulations. Many feel it serves absolutely no useful purpose and can cause more harm than good."

-State Program Manager

"Low attendance at meetings is not necessarily bad public participation. The dollar sign (\$) must be disclosed to get people out."

-Citizen

"According to the City Administrator, the results of the interaction process were not successful. The main reason was...that the cost-effective alternative will be selected regardless of the sentiment of the public. Therefore, the general feeling of the public was that they could not have a significant effect on the final outcome of the facilities plan."

-State Program Manager

"Due to public input, the proposed (sewer) routing was changed resulting in a savings of up to \$500,000."

-Grantee

"The facilities plan does not reflect public input because there was no significant public input to include....Questions raised by the audiences at public meetings were already being addressed...."

-Consulting Engineer

"The number of sites looked at was increased based on preliminary discussions and the first public meeting."

-Consulting Engineer

"Most members of the (advisory) group feel they haven't had any real influence on the facility planning process."

-Citizen

"A good working relationship exists between the city and consultants, however, township residents historically have not wanted to communicate or participate with the city to any degree. The CAC (Citizen's Advisory Committee) has aided in 'breaking the ice' and helped to develop a 'logical' line of communications between parties."

-Grantee

"The city tried to hide the meetings."

-Citizen

SUMMARY

Two years have elapsed since the U.S. Environmental Protection Agency promulgated regulations designed to increase public participation in the planning, design and construction of wastewater treatment systems. Opinions as to their degrees of success are widely divergent.

The purpose of this assessment was to identify very specific activities which are part of every public participation program, the degree of success of these activities, specific reasons for the activities' success or failure, and formulate recommendations for program improvement based upon the data gathered for the assessment. Of U.S. EPA's ten (10) regions, only Region V has attempted an assessment of the effectiveness of public participation. This region is comprised of the six midwestern states of Illinois, Indiana, Ohio, Wisconsin, Michigan and Minnesota.

The assessment sample, which consisted of 138 individuals evenly distributed among 12 communities holding Step I facilities planning grants for wastewater treatment studies, was nearly divided into thirds concerning the overall effectiveness of the public participation program.

Thirty percent (30%) of the total sample felt that they had no real influence in the decision-making process. An equal percentage expressed the opinion that they most certainly did exert substantial influence on the project. The remaining 40% of the sample did not express a strong conviction either way possibly because in some instances, the facilities plan had not reached the stage conducive to substantial public input such as reviewing and discussing identified alternatives.

Except for extremely small communities (pop. under 500), there did not seem to be any direct correlation between the effectiveness of the public participation program and the size of the community. Likewise, community size did not significantly alter the percentage of the grant monies spent on public participation.

The assessment succeeded in surfacing several problem areas which were previously not apparent. These areas included the inadequacy of project mailing lists, inadequacies of public participation workplans, inadequacies of public meetings/hearings, inadequacies of advisory groups, and some public conception of their inability to exercise any real influence on the

facilities planning process.

No one refuted the desirability of public participation in the facilities planning process, only the degree. The concept of whether or not public participation is even possible within the framework of the facilities planning regulations which stipulate that the most cost-effective alternative had to be selected was raised.

This graphically illustrates the public's confusion regarding "cost-effective" and "least cost" alternatives. Often, the public erroneously perceives these terms as being identical. They are not. While "least cost" means bottom line lowest dollar figure, "cost-effective" includes non-monetary considerations such as environmental effects, reliability and flexibility, implementation capability, resource use and energy consumption, and public acceptance.

Based upon the data which was gathered for this assessment, public participation has been beneficial to Region V's Construction Grants Program. The degree to which it has benefited the local people, the planners and the community officials is directly proportional to the willingness of the above individuals to approach the facilities planning process open-mindedly and to work together for the common good.

METHODOLOGY

The "sample" for this assessment consisted of 138 individuals (110 local citizens, 10 consulting engineers, 10 local officials, and 8 state program managers). With the exception of state program managers, the sample was divided evenly among twelve (12) communities who were recipients of a U.S. EPA Step 1 grant to study problems and solutions to their wastewater treatment requirements.

U.S. EPA's Construction Grants Program consists of three distinct stages beginning with Step 1, described above, Step 2, the design of wastewater treatment facilities, and ending with Step 3 the actual construction of the facilities. Only Step 1 grants require that a public participation program be implemented.

These twelve communities were selected as representative of Step 1, facilities planning grants in Region V. Small, rural communities (pop. 250) and large, metropolitan areas (pop. 134,000) were included. The majority of the selected communities were a mixture of rural/light industrial and had a population of approximately 3,500 people. More than half of Region V's Step 1 grants are awarded to similar communities.

Each of the six states which comprise Region V assisted in the development of the criteria which were applied against the twelve communities. The criteria were designed to identify, both quantitatively and qualitatively, specific public participation activities which were successful or unsuccessful and the reason why.

To insure that data on each community's public participation program was collected uniformly, a standardized format (site report) was devised based upon the criteria previously developed. State public participation coordinators in Region V's delegated states (Wisconsin, Illinois, Michigan and Minnesota) utilized this site report format during the data collection phase of the assessment. Data was collected via personal interviews or telephone contact with consulting engineers, community officials and local citizens in the twelve communities.

The completed site reports were forwarded to the Region V Water Division Public Participation Coordinator who prepared the draft assessment. Each state public participation coordinator reviewed the draft and offered additional comments upon it and the recommendations contained there-in.

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INTRODUCTION

On February 16, 1979, the U.S. Environmental Protection Agency published final regulations governing public participation in the Construction Grants Program under the Clean Water Act. It was intended that these regulations would lead to better decisions, more satisfactory opportunities for citizens to encourage economy in government, and greater public confidence in government because decisions would be made with participation by interested citizens. The regulations were also intended to encourage better relations among units of government which often find themselves in a dual role of participating in programs of other agencies as well as administering participation programs of their own.

To what extent have the public participation regulations affected the facility planning process?

To answer this question, the Water Division, U.S. EPA Region V, initiated an assessment of public participation in the Construction Grants program. The assessment focused on four major areas of public participation:

- o outreach (to include completing federal requirements);
- o interaction;
- o follow-up; and,
- o impact on decisions.

Region V, in conjunction with Wisconsin, Minnesota, Illinois and Michigan, developed criteria to measure effectiveness in each of the above areas.

Region V phased-in the new public participation regulations over a six month period. This gradual changeover provided all involved parties with the opportunity to develop specific guidelines regarding the program. The initial confusion as to what specifically was required of the grantee has been resolved. Some grants comprising this sample were awarded during the phasing-in period while others were awarded well after the regulations were in full effect in Region V. This explains wide variances found in the public participation workplans and budgets.

Preliminary data from this assessment were reviewed by a panel composed of Region V's Public Participation Coordinator, Water Division, and state Public Participation Coordinators responsible for monitoring the Construction Grants program within their State.

1. OUTREACH

"The public participation workplan represented a very sincere effort to not only meet the regulations but to do what community officials felt was best for their community."

-State Program Manager

"The (public participation) workplans...appeared to be more of a 'square-filling' process than a sincere effort."

-State Program Manager

Three specific areas were considered in assessing public participation outreach activities. These areas were:

- a) the generation of comprehensive mailing lists;
- b) the timeliness and quality of workplans and fact sheets; and,
- c) overall costs associated with the public participation program.

Mailing Lists: As might be expected, the size (number of addresses) of the mailing lists prepared by the grantees/consultants differed significantly. However, Region V expected that an average percentage of affected individuals living in the study area would exist on each mailing list. This was not the case.

Four of the twelve mailing lists reportedly contained 100% of the homes or businesses located in the planning area. These four communities had populations of 3,000, 2,400, 1,800 and 250. Assuming three individuals to a family, each mailing consisted of approximately 1,000, 800, 600 and 80 addresses. These mailing lists were developed by utilizing property tax rolls, water/sewer bills if applicable and, in one instance, by listing all the names in the phone book.

The second largest percentage of population on a mailing list was 1.6 percent. All others were less than one percent. Several examples are:

<u># on List</u>	<u>Area Population</u>	<u>%</u>
20	3,240	.6
53	14,300	.4
20	4,700	.4
14	3,600	.3
26	134,000	.02

These lists were developed in various ways. In some instances, the City Clerk and/or Chamber of Commerce drew up a list of potentially "interested" groups. For the last example above (0.02%), the consultant

chose the names of environmental groups while the city supplied the names of sanitary district officials and town officials.

Less than 25% of the samples utilized local Water Quality Management Planning Agency (208 Agency) mailing lists primarily because they "didn't know it existed." Public interest groups were reportedly represented on 60% of the mailing lists.

Workplans and Fact Sheets:

Main interests in this area were on the timeliness of public participation workplans; if the workplans were followed; and recurrent discrepancies in the workplans and fact sheets.

Sixty percent (60%) of the public participation workplans in the sample were not submitted within 45-days after grant acceptance as called for in the regulations. On the average, these workplans were submitted 90 days late. This combination of the "grace" period plus another 90 days meant that 4 1/2 months passed from the date the grant was accepted to the date a public participation workplan was received. Usually, no public participation activities took place until an approved workplan was generated. These approved workplans were executed in over 80% of the sample.

Generally, the public considered news releases and fact sheets very well prepared and informative, although in some areas, particularly in the identification of local contacts and estimated cost for each alternative, they were inadequate.

Usual discrepancies found in the workplans were:

1. inadequate schedule of public meetings and responsiveness summaries;
2. selection/approval of advisory group members; and,
3. budget not broken down by task.

Budgets To date, no specific guidelines have been issued pertaining to "appropriate" expenditures for public participation in Step I grants. Several U.S. EPA regions have settled upon 10-15% as adequate for effective public participation. However, there are instances of exorbitant budgets (25-50%) in each region. The majority of public participation budgets in Region V are composed of 8-12% of the Step I grant.

Listed on the following page are approximate populations, amounts and percentages of grant funds for public participation in light of the samples used for this assessment:

<u>Population</u>	<u>PP Budget</u>	<u>% of Step I</u>
10,000	\$19,000	22%
3,200	\$ 5,000	18%
4,700	\$11,600	14%
14,000	\$10,000	9%*
2,400	\$ 8,400	8%
3,600	\$ 3,000	7%*
1,800	\$ 1,700	5%
<u>134,000</u>	<u>\$ 6,000</u>	<u>4%</u>
173,700	(\$64,700)	10.2%

* identified by the State as low, and not indicative of average budget submitted.

2. INTERACTION

"The grantee felt that there wasn't two-way dialogue, rather the consultant just gave out information."

-State Program Manager

"The consultant placed newspaper articles and sent flyers to the mailing list (.02% of the study area) and the advisory group...additional interaction was not encouraged."

-State Program Manager

Public education and involvement along with the public's view of the results of the interaction process and the formation/utilization/effectiveness of citizen advisory groups form the basis of this section.

Public Education and Involvement:

Public meetings/hearings were the primary vehicles for educating and involving the public. Ninety percent of the sample have held at least two public meetings to date. Convenience (time and place) is a necessary item for effective meetings or hearings. Most of these meetings (70%) considered by the attendees as convenient were conducted in the early evening (approximately 7:30 P.M.) at the village/town hall or local school facility. Reasons why local citizens (20%) labeled meetings as inconvenient were distance of the facility from affected outlying areas and too small a facility.

An effective public meeting/hearing necessitates adequately notifying the intended audience. The notification requirements of 40 CFR 35 were met by each grantee in this assessment. Public turnout at a meeting/hearing is, in itself, not a valid indicator of public involvement. While there is a myriad of reasons why an individual may not become involved, the choice to do so must be afforded him/her.

A full 80% of the sample went beyond the minimal notification requirements of 30 days prior to a public meeting. Radio talk shows, local news articles, posters in high traffic areas and flyers mailed in conjunction with water bills were some of the additional actions taken by grantees to inform affected individuals about participatory opportunities. For every instance of additional notification efforts, the affected public was satisfied with the job done. The community identified earlier as having .02% (26 of over 130,000 individuals) of the affected population on the mailing list sent a notice of each meeting to those 26 individuals, but this procedure, according to one State program manager was "not effective since it didn't attract environmental groups, economic interest groups or the affected public." Of the approximately 15 individuals randomly queried in the community, none recalled seeing any advertisements of the public meetings.

Slide briefings were utilized extensively to present alternatives at public meetings/hearings. Fact sheets and news articles were also identified as major components of the public information/participation program.

Other mechanisms employed were presentations to civic groups, questionnaires, and tours of "problem areas." Workshops, as an involvement technique, were limited to 20% of the sample.

Local 208 Agencies, utilized by 50% of the grantees, , assisted in such areas as land use, delineating service areas and reviewing the draft facilities plan.

Interaction Results: Public opinion on the results of the interaction process differed significantly among the communities involved in the assessment. An equal percentage (30%) of the overall sample (general public and consultants) identified interaction as either very good or very poor. The remaining 40% were not far enough along in the facilities planning process to allow a determination to be made concerning the interaction activities. Interaction seemed more easily achievable in the smaller communities but was by no means guaranteed there.

In one community of approximately 14,700 people, the interaction process identified several additional problem areas for study and broadened the views of citizens who had thought only sewers would alleviate their wastewater problem.

While maintaining good dialogue is an integral part of the interaction process, 30% of the general public in the sample indicated that the flow of information was strictly one-way and that any feedback was discouraged or ignored by the grantees/consultants. Another grantee described the citizen advisory committee as a tremendous asset for interaction activity.

Advisory Groups. Advisory groups were utilized in 30% of the Step 1 grants which make up this assessment. The mayor or city manager selected the membership after soliciting representatives of local governments and specific interest groups. Media outlets such as newspapers and radio were utilized by only one grantee to inform citizens about the opportunity to participate on an advisory group. Membership was "closed" on some advisory groups in the sense that the city/consultant hand-picked members to the group. Whenever an advisory group is established, the membership must be approved by either the State or EPA program manager. He/she is required to validate that the membership meets the guidelines of 40 CFR 25. This validation was not accomplished for any advisory group in the sample. With one exception, the advisory groups received a minimum of one formal training session conducted by either the consultant or the State.

Two of the three advisory groups in the sample felt they were exerting a positive influence on the project. Actions by these advisory groups included such things as hiring an outside consultant to verify costs projected by the Step I planners, evaluating and then proposing specific sites for facilities, performing an independent growth analysis, and interfacing with the community to encourage additional involvement.

3. FOLLOW-UP

"...the consultant explained their role, but didn't give the public a chance to get involved."

-Citizen

"The public had the opportunity to participate, but few actually did."

-Consulting Engineer

The portion of the site report focusing on follow-up activities attempted to ascertain the spirit in which the prior activities of outreach and interaction were conducted by grantees, consultants and the general public. Much of the material contained in this section of the site reports reflects the public's impact on decision and is discussed in the next section.

Responsiveness Summaries and additional public meetings were the primary methods of following-up on citizen comments. However, the degree of effort put into these activities by all concerned differed significantly. Two individuals speaking about the "Question & Answer" portion of the public meeting they attended had very different views. One felt that the consultant was trying to take public concerns into account, within reason, while the other believed that the consultant "acted kind of disgusted" with the entire process.

It is probably safe to assume that a great deal of individual bias is involved in assessing effectiveness in this area. Those individuals approaching this process open-mindedly can make a much better value judgment than those supporting a specific solution. If an individual's preconceived solution matches the consultant's solution then the consultant has "utilized public input." If the solutions differ, then the consultant "is ignoring public input." It is impossible to determine objectivity of the individuals whose comments appear in the site reports.

Less than 10% of the grantees indicated that public participation activities would continue after the completion of Step 1 planning activity. The main reasons given for continuing these activities were the inconvenience of extensive construction activities within the community and the necessity of obtaining easements from all property owners.

4. IMPACT ON DECISIONS

"The public feels that the process (public participation) has been effective with respect to treatment plant site location. Cost reductions have been realized by not performing engineering studies and cost-effectiveness evaluations for several sites which would not be socially acceptable."

-Grantee

"It is the opinion of the City Administrator and the consultant that the facilities planning regulations inhibit the public's role in the decision-making process to such a degree that the public can only react to requirements of the program."

-State Program Manager

This portion of the assessment was designed to demonstrate specific decisions influenced wholly, or in part by public input generated through the public participation program. It is the "bottom line" of the entire process. As previously mentioned, individual objectivity is necessary to provide an accurate analysis of whatever impact has been identified. This section of the individual site reports contained several apparent contradictions. For instance, one site report indicated that the public had no effect on the decision-making process. That same site report later stated public input resulted in a \$500,000 savings by rerouting proposed sewer lines.

Most public impact on decisions was reflected in locating sites for proposed treatment facilities. Approximately 70% of the site reports indicated that the public, to some degree, had a direct influence on the facilities plan primarily in this area. Sites identified by local citizens as totally unacceptable were eliminated from any further consideration thus allowing additional time and resources for evaluating implementable alternatives. In several instances, additional alternatives for consideration were identified through public input.

While the majority of grantees and consultants felt that the people exerted some real influence on the facilities plan, that feeling was not shared by the people in 30% of the sample. An additional 10% (grantees/consultants) of the sample listed the non-controversial nature of the planning or public apathy as reasons for the lack of public input. One grantee questioned the entire public participation process. Since the law allows only the most cost-effective alternative to be funded, the grantee did not see how public participation could affect the process. This belief was not reflected elsewhere in the sample. The grantees realized that when the facilities plan was finalized, it has to be implementable in the community and that public input during the planning process would make this possible.

RECOMMENDATIONS

Based primarily upon data contained in this assessment and also upon personal experiences, public participation coordinators in Region V have identified several program areas where improvement is warranted. These are:

Mailing Lists

People residing in a project area have the right to be informed about the effect of the project upon them and their neighborhood. There is no guarantee that information sent to "representatives of grass roots organizations" is passed on to organization members in a timely or factual manner. Additionally, people and organizations placed unasked on a mailing list may discard information mailed to them. In either case, money is wasted.

Some form of overt action on the part of the individual/organization should be required when compiling a mailing list, thus insuring only truly interested parties are receiving project information. There are two simple methods of doing this:

a. Communities of less than 3,500 population. There would be approximately 1,000 addresses in this size community. Utilizing property records or voter registrations already available to local officials (or sewer/water bills if applicable) will identify 90% of these addresses. A fact sheet briefly outlining the project should initially be sent to everyone on the list. One portion of this fact sheet should contain a clip-out to be returned to the grantee/consultant if that individual wished to receive any further mailings about the project. This practice allows the vast majority of individuals in the planning area the opportunity of personally deciding whether or not they wished to receive project-related information. The project mailing list is then composed of only those individuals who responded to the initial fact sheet.

b. Communities over 3,500 population. The method used here is similar to the one described above except that the fact sheet (and clip-out portion) can appear as a large display ad (1/4 to 1/2 page) in the local newspaper. Individual readers return the clip-out if they wish future project information. This procedure has been used successfully in establishing mailing lists for environmental impact statements.

The success of both of the above methods depends to a great deal upon a well conceived and well designed mailer/display ad intended first, to get the reader's attention and second, to motivate him/her to become involved in the facilities planning

APPENDIX

Assessment Sample

(N = 138)

Consultants	7%	10
Grantees	7%	10
Local Citizens	80%	110
State Staffs	<u>6%</u>	<u>8</u>
	100%	138