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Office of
Solid Waste and
Emergency Response



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PERMITTING PROGRAM

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 14 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

OSWER Policy Directive No. 9500.00-1A

SUBJECT: Guidance Document on RCRA Public Involvement
FROM: *J. Winston Porter*
J. Winston Porter
Assistant Administrator
TO: Hazardous Waste Division Directors, Regions I - X

Enclosed you will find a final guidance document entitled "Guidance On Public Involvement in the RCRA Permitting Program". This document has been developed with extensive involvement by the Regions and States, and is intended to provide RCRA staff with a clear understanding of approaches and techniques which may be used in implementing the Agency's initiatives on expanded public involvement in the RCRA permit program. Also enclosed, for your information, is an analysis of the major comments which were received on the original draft of the guidance, and how those comments were incorporated into the final document.

As you know, expanded public involvement is a cornerstone of EPA's overall strategy for implementing the RCRA hazardous waste program. The Agency's strong commitment to this initiative is outlined in the National Permits Strategy and the FY86 RCRA Implementation Plan. This Office will continue to support Regional and State RCRA public involvement efforts with guidance, training and other support activities.

If you have any questions regarding this guidance, or other aspects of the RCRA permits public involvement program, please contact Vanessa Musgrave of the Office of Solid Waste at FTS 382-4751.

cc: Regional Hazardous Wastes Branch Chiefs
Regional Enforcement Branch Chiefs
Regional Public Involvement Coordinators
Regional Public Affairs Directors

GUIDANCE ON PUBLIC INVOLVEMENT IN THE
RCRA PERMITTING PROGRAM

Office of Solid Waste
U.S. Environmental Protection Agency

January 1986



United States Environmental Protection Agency
Washington, DC 20460

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Approved for Review

Signature of Office Director

Date

Title

Guidance on Public Involvement In the RCRA Permitting Program

Summary of Directive

Outlines a basic approach and possible techniques to involve local communities in decision-making on facility permits.

Type of Directive (Manual, Policy Directive, Announcement, etc.)

Guidance Manual

Status

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☒ Final

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Does this Directive Supersede Previous Directive(s)?

☐ Yes

☒ No

Does It Supplement Previous Directive(s)?

☒ Yes

☐ No

If "Yes" to Either Question, What Directive (number, title)

FY86 National Permit Strategy

FY86 RCRA Implementation Plan

Review Plan

☐ AA-OSWER

☐ OUST

☐ OECM

☐ Other (Specify)

☐ OERR

☐ OWPE

☐ OGC

☐ OSW

☐ Regions

☐ OPPE

This Request Meets OSWER Directives System Format

Signature of Lead Office Directives Officer

Date

John W. Allen

2-14-86

Signature of OSWER Directives Officer

Date

CONTENTS

<u>Chapter</u>	<u>Page</u>
1. Introduction.....	1
2. Policy and Guidelines for Public Involvement.....	2
3. Key Activities During the Permitting Process.....	12
4. Techniques for Conducting Public Involvement Activities.....	19
5. Special Issues.....	47
5.1 Public Involvement in Exposure Assessments [reserved]	
5.2 Public Involvement in Incinerator Certification [reserved]	
5.3 Public Involvement in Corrective Action [reserved]	
5.4 Public Involvement in Siting New Facilities [reserved]	
<hr/>	
Appendix A: Format for Public Involvement Work Plans	
Appendix B: Samples of Written Materials and Publications	

PREFACE

This guidance document was developed by the Office of Solid Waste with support from ICF Incorporated under Contract No. 68-01-6861. It is intended to assist the EPA regional offices and state agencies in expanding public involvement in RCRA permitting, as suggested in EPA's National Permits Strategy.

This guidance document incorporates strategies and techniques previously developed for and already used by EPA. It includes excerpts or adaptations from the following documents:

Community Relations in Superfund: A Handbook. Prepared by ICF Incorporated for the U.S. EPA. September 1983.

EPA and the Public: A Handbook on Public Participation Concepts and Skills. Barry Lawson Associates, Inc. 1981.

"Responsiveness Summary and Preamble on Public Participation Policy," Vol. 46, Federal Register, No. 12. 1981.

How to Write a Public Notice: A Collection of Examples. Barry H. Jordan. U.S. EPA Water Programs Operations. December 1979.

Implementation of the Resource Conservation and Recovery Act, U.S. EPA, No. EPA/530-SW-84-007. 1984.

Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public. Annemarie and Hans Bleiker. 1981.

1. INTRODUCTION

This guidance has been prepared for staff in U.S. Environmental Protection Agency (EPA) regional offices and in authorized states to facilitate public involvement in the permitting of hazardous waste management facilities under the Resource Conservation and Recovery Act (RCRA). It outlines a basic approach to involving the local community in decision-making on a facility's permit, and identifies a series of key activities that should be conducted during the permitting process. The emphasis is on explaining how to plan and organize public involvement efforts. Suggested techniques for issuing public notices, holding meetings, responding to comments, and performing similar activities are also explained.

This guidance reflects EPA policy as stated in the National Permits Strategy (August 1984). It incorporates public participation requirements in RCRA section 7004(b)(1) and in EPA regulations on procedures for decision-making in 40 CFR Part 124, Subpart A.

The organization of this guidance is as follows. Chapter 2 presents EPA's policy and general guidelines for public involvement in RCRA permitting. Chapter 3 suggests activities for particular points in the permitting process to aid in planning, designing, and organizing a public involvement effort for a facility. Chapter 4 is a "how to" presentation. It consists of discussions of typical public involvement activities, with explanations of techniques for preparing and conducting these activities in the context of hazardous waste management facility permitting. Chapter 5 (reserved) addresses special issues that may require particular attention in planning a public involvement effort. There are two appendices. Appendix A provides a format for the plans to be used to help prepare public involvement efforts, and Appendix B provides samples of materials for public distribution.

For further information on this guidance, contact Vanessa Musgrave in the Office of Solid Waste at (202) 382-4751.

2. POLICY AND GUIDELINES FOR PUBLIC INVOLVEMENT

Public involvement in the permitting of hazardous waste treatment, storage, and disposal facilities provides an opportunity for all potentially affected and interested parties to become informed about and involved in the permitting process. Whether the final determination is to issue or deny a permit, public involvement ensures that decision-makers are better informed. Early public involvement can provide decision-makers with advance notice of citizens' concerns. It can also provide valuable information and ideas for consideration in developing environmentally protective permit conditions. The result will be permits better matched to particular facilities and their respective communities, and which will ultimately serve more effectively as a basis for sound hazardous waste management practices. Indeed, an active and early public involvement program may reduce delays in the permit process by decreasing the likelihood of time-consuming and expensive litigation by parties whose concerns have not been heard or addressed.

Accordingly, EPA's National Permits Strategy assigns high priority to early and expanded public involvement in facility permitting under RCRA. This guidance has been developed by the Permits Branch of EPA's Office of Solid Waste to support the implementation of an early and expanded public involvement program. The guidelines it offers are presented pursuant to the National Permits Strategy and to the public participation provisions of RCRA section 7004 and EPA regulations in 40 CFR Part 124. It has been prepared for use both by the EPA regional offices and by states authorized to issue RCRA permits.

This chapter of the guidance document is a policy statement that outlines the objectives of public involvement in the permitting program and offers basic guidelines for ensuring opportunities for the public to participate. Chapter 3 explains how to integrate public involvement with decision-making on a facility permit.

2.1 OBJECTIVES AND RATIONALE

The objectives of encouraging public involvement in RCRA permitting are as follows:

- Create early and continuing opportunities for public participation in RCRA permitting activities.
- Ensure public understanding of the RCRA program and of the implications of not awarding a final RCRA permit to a facility.
- Obtain the public's input to assist in evaluating a permit's environmental soundness.

- Create equal and open access to the permitting process.
- Ensure agency understanding of and responsiveness to public concerns.
- Anticipate conflicts and provide early means for resolution.
- Foster trust and openness between EPA or the state and the public.
- Emphasize the responsibilities of agency and program management for promoting effective public involvement in decision-making.

2.2 SCOPE OF APPLICABILITY OF PUBLIC INVOLVEMENT PROGRAM

The National Permits Strategy establishes as a key priority of the RCRA program the focusing of permitting and enforcement resources on environmentally significant facilities. While some of these facilities may also be significant in terms of public interest and concern, others may not. Because resources for expanded public involvement activities should be concentrated on the facilities that generate the most public concern, all environmentally significant facilities should be seriously considered, but not automatically targetted, for expanded public involvement.

The National Permits Strategy specifies the following criteria, in summary, for an environmentally significant facility:

- The facility is a recipient of wastes from a Superfund site;
- The facility has caused environmental damage, violated environmental standards, or disregarded RCRA regulations;
- The facility is a suspected source of ground or surface water contamination; or
- The facility poses significant environmental risk, based on proximity to population centers or ground or surface water; size; amount, nature, or complexity of wastes; and age.

The highest-priority environmentally significant facilities for expanded public involvement -- which will be referred to as "**targetted facilities**" throughout this guidance manual -- are further clarified as the following:

- (1) All existing, environmentally significant, commercial hazardous waste treatment/storage/disposal/incineration facilities.

OSWER Policy Directive No. 9500.00-1A

- (2) All existing hazardous waste treatment/storage/disposal facilities about which significant public interest or concern has already been expressed, or about which significant public interest can reasonably be anticipated.

Predicting which facilities will generate significant public interest is not always possible. However, a number of factors have been shown to be typically associated with significant public interest or concern. In order to target facilities for public involvement efforts, an attempt should be made to discover if any of the following situations exist for a facility:

- The owner or operator lacks credibility with, or the trust of, the public or local officials;
- The permit allows the transportation of Superfund hazardous wastes to or from the facility;
- The public perceives that the facility poses major health risks;
- The type of technology proposed in the permit (e.g., incineration, underground injection, landfill, etc.) has a negative reputation in that particular area;
- Facility non-compliance or violations have been highly publicized or will be made known by the permit process (in general, the more serious the continuing non-compliance, the more public interest likely to be generated);
- The facility has been or will likely become an election issue; or
- Major hazardous substance releases or accidents have been recently publicized in the area.

Public involvement efforts are also very important in the siting of new facilities or the expansion of existing facilities. The local public may have special concerns about proposals for a new waste management facility in the community. Moreover, new incineration and treatment facilities offer alternatives to land disposal of hazardous wastes. Thus, a third type of targetted facility for public involvement efforts is the following:

- (3) All proposed (not yet sited, constructed, or permitted) treatment or incineration facilities, both at new sites and as additions to existing sites.

2.3 GUIDELINES

The following guidelines should be considered in planning for public involvement in the RCRA permitting program and in conducting the activities described in Section 2.6 and Chapter 3:

- Public involvement efforts should be tailored to the distinctive issues and individual features of the facility and the surrounding community.
- The applicant and other responsible government agencies should have a role in public involvement efforts, especially to help clarify or resolve issues that may be related to the permit but are not or cannot be appropriately addressed by the RCRA permit process.
- Small-scale, low-profile, informal communications techniques are preferred. Public meetings may be held in informal settings, before small audiences, without elaborate presentations (e.g., in living rooms). They need not be conducted by high-level staff.
- In general, public involvement actions should extend beyond providing information to the public; they should actively reach out to the public, encourage participation, and provide an opportunity for public input on permit decisions made by EPA or the state.

2.4 KEY AREAS OF PUBLIC INTEREST

Because of certain provisions in the 1984 RCRA amendments, and the debate over enactment of those amendments, public interest in the RCRA permitting program has broadened and public involvement in the program will become more complex. The following issues, in particular, are likely to be of special concern.

1. Groundwater protection. There have been reports of widespread failure to comply with RCRA's groundwater protection requirements. The removal of wastes from Superfund sites to RCRA facilities has intensified concern over the possibility of groundwater contamination and its effects on human health.

2. Protective standards and enforcement for operating units. Public interest is already strong on the question of whether RCRA's design standards and operating specifications (e.g., landfill liner requirements) are strong enough and are being met. Citizens may not be aware of new RCRA standards. They may also question the federal or state agency's ability to adequately monitor permit requirements.

3. Exposure assessments and ATSDR referrals. Section 247 of the 1984 RCRA amendments requires each final permit application for a landfill or

OSWER Policy Directive No. 9500.00-1A

surface impoundment to be accompanied by information on the potential for the public to be exposed to hazardous constituents through releases from the facility. There may be considerable local interest in this information. It is anticipated that referrals to the Agency for Toxic Substances and Disease Registry (ATSDR) will also be of concern to the public.

4. Corrective action. Significant public interest can be expected in all facets of corrective action requirements. Have releases occurred from a facility? Have any releases been cleaned up? Will corrective action be sufficient to prevent future releases? What kinds of investigations will be conducted to determine the need for corrective action?

5. Permit process itself. The length of time involved in issuing a permit as well as the adequacy of public involvement opportunities are examples of issues related to the permit process (as opposed to the contents of permits) that may be of public concern. When joint EPA/state RCRA permitting is conducted, the public may also have difficulty understanding the coordination process and the differences between federal and state requirements.

6. Transportation of hazardous wastes. Many times the public's strongest concern centers on hazardous wastes being transported to or from a facility. The common nature of traffic accidents and the proximity of transportation routes to homes and schools heighten the public's concern over releases during transportation. Often, though, the sheer volume of traffic and the associated noise and congestion are of even greater concern.

7. Evacuation plans. The very existence of evacuation plans implies that accidents can and will occur. Beyond the concern raised by that implication, the public has shown interest in the adequacy of evacuation plans. Who will be evacuated? How will they be notified? Who pays for alternative living arrangements?

8. Fire and explosion emergency plans. Like evacuation plans, these contingency plans acknowledge the potential for threats to the public's safety and undercut assurances that such occurrences are unlikely. The public is interested in the probability that fire and explosions will occur and the precautions being taken to prevent or reduce their danger. If local police and fire units are involved, the public may also be concerned over who pays for emergency responses, and whether or not local fire departments are adequately equipped or trained to respond.

9. Omnibus provision. Section 212 of the 1984 RCRA amendments states that "each permit...shall contain such terms and conditions as the Administrator (or the State) determines necessary to protect human health and the environment." The public may be inclined to read great flexibility into this provision.

10. Consequences of permit denial. Whether an operating permit is approved or denied, the consequences will be of interest to the public. Economic impacts on employment, property values, and the local tax base are

OSWER Policy Directive No. 9500.00-1A

all likely to generate concern. Denial may lead to special concerns because the public may not at first appreciate its environmental implications. Denying a permit for incineration, for example, might mean that the applicant has to continue to landfill wastes.

To derive full benefit from expanded public involvement, it is important to ensure the members of the community in which the facility is located the **opportunity to provide input on permit conditions as early as possible before the draft permit has been written.** For example, the local public should be enabled to comment on conditions requiring corrective action. If there is no opportunity for public input before the draft permit has been prepared, it may be impossible to provide the local public a meaningful voice in decision-making on the permit. While the public may comment on and provide input to the development of permit conditions, however, the final decision on permit conditions and on whether to issue or deny a permit rests with EPA or authorized states.

2.5 ROLES AND RESPONSIBILITIES

Each EPA regional office, and each state authorized to issue final permits, should designate someone on its staff as the RCRA permitting program public involvement coordinator. The coordinator will work with permit writers, enforcement personnel (both EPA and state), facility owner/operators, and other appropriate individuals or groups to implement public involvement activities, and will also serve as liaison to the Office of Solid Waste and the Administrator's office in the event of a permit appeal.

The RCRA public involvement effort should be viewed as a team effort. In certain instances, particularly during the field assessment (as explained in Sections 2.6 and 3.1) and development of the public involvement work plan for specific facilities, a contractor may also become part of the team.

It is anticipated that the roles and responsibilities of the various members of the public involvement team will vary depending on the region or state and individual permit circumstances. While it is not necessary that the following functions and activities be carried out in all cases by the individuals indicated, in general the responsibilities of each team member include (but are not necessarily limited to) the following:

Public Involvement Coordinator

- (a) Identify potentially affected, concerned, or interested members of the community, including local and state officials and the local media.
- (b) Develop public involvement plan and evaluate progress of public involvement activities. Update plan upon final determination of permit.
- (c) Initiate and maintain lines of communication between the agency and the public.
- (d) Identify the need for and develop educational and informational materials; take lead in other outreach activities regarding the RCRA permit process in general.

OSWER Policy Directive No. 9500.00-1A

- (e) Depending on the level of technical detail involved, lead or participate in dialogue activities regarding development of permit conditions to address citizen concerns.
- (f) Coordinate public involvement activities with other programs and agencies.
- (g) Provide feedback and reporting within the agency on public involvement.

Permit Writer and Other Technical Staff

- (a) Participate in or take the lead in dialogue activities with public and owner/operator, including detailed discussion or negotiations on specific permit conditions on facility operations.
- (b) Respond to, or provide the public involvement coordinator with information sufficient to respond to, the public's or owner/operator's specific technical questions related to the facility and its operation.
- (c) Establish and maintain close communication with the public involvement coordinator relative to all aspects of permit development to ensure coordinated and consistent communications with the public.

Enforcement Personnel

- (a) Participate in or take the lead in dialogue activities with the public and owner/operator regarding enforcement/compliance activities being developed for the facility.
- (b) Respond to, or provide the public involvement coordinator with information sufficient to respond to, public and owner/operator questions and concerns regarding the facility's past and present compliance record.
- (c) Establish and maintain close communications with the public involvement coordinator relative to all aspects of enforcement and compliance and corrective actions activities developed for the facility.

If a state is authorized or operates under a cooperative agreement with EPA, the above responsibilities can be assumed by state personnel. In unauthorized states, state agencies can still serve a supportive role by providing the regional public involvement coordinator with information, such as names for inclusion on a mailing list or background information on a facility's history and community attitudes towards the facility, and by coordinating state requirements on permits, public involvement, and administrative procedures. Regardless of the level of authorization, states should be encouraged to play an active role in expanded public involvement efforts.

During the same time that EPA or an authorized state is conducting public involvement activities at a facility, it is not uncommon for the owner/operator to initiate public outreach efforts of his own. Attempts by the owner/operator to inform and involve the public should be encouraged by

OSWER Policy Directive No. 9500.00-1A

the public involvement coordinator. For example, the owner operator could conduct facility tours or hold public meetings. Owners or operators who do not initiate public involvement activities should be made aware of their responsibility to inform the public.

It is appropriate, in some instances, for EPA or state staff to participate in activities in which the owner/operator has taken the lead. At a public meeting held by the owner/operator, for instance, EPA or state staff could deliver a presentation on design and operating standards for that type of facility. In so doing, however, it is essential to distinguish EPA's (or the state's) cooperation with owner/operator educational efforts from support for public relations efforts aimed at gaining community support for the facility's permit. The regulatory role of EPA (or the state) must be clearly defined for the public and distinguished from the owner/operator's interests, regardless of whether the agency's involvement in owner/operator activities is to observe, participate, mediate, or simply to receive a report.

There may also be instances in which the owner or operator may contribute to public involvement efforts conducted by EPA or the state (although state requirements may preclude owner/operator participation in some activities.) For example, the owner/operator could be invited to provide panelists for discussion forums or participate in dialogue activities sponsored by the agency. Care should be taken, however, to ensure that the owner/operator's participation is constructive, coordinated with EPA's efforts, and supportive of EPA's policy for the RCRA permitting program as much as possible. The public, as well as the owner/operator, should recognize that decisions on permitting a waste management facility are made by EPA (or authorized states) on the basis of RCRA's mandate to protect human health and the environment, not on the basis of the owner/operator's interests.

There will be times when the owner/operator conducts public involvement activities separately from EPA or the state. The public involvement coordinator will need to be cognizant of these activities, because they will provide the public with information that may influence opinions. Conversely, the public involvement coordinator should inform the owner/operator of the public involvement program that the agency intends to conduct during the facility's permit process. Optimally, the efforts of the owner/operator and EPA (or the state) should complement each other without compromising the integrity of the agency's regulatory role.

2.6 CRITICAL ELEMENTS

The specific suggestions for public involvement in the RCRA permitting program have been kept to a minimum to provide the flexibility to adjust public involvement efforts to the extent of public interest, the environmental significance of the facility, and the status of the permit application. Because the intended result of this policy is for public involvement to facilitate the ability of EPA or the state to process permit applications, the activities included in each specific public involvement effort should be tailored to the particular needs of the community and facility.

OSWER Policy Directive No. 9500.00-1A

The following, however, are three critical elements for public involvement in the RCRA permitting program for targetted facilities (as defined in Section 2.2 above).

(1) Field Assessment. A field assessment should be conducted for each targetted facility by the public involvement coordinator (or other appropriate EPA or state staff, or a contractor) for the following purposes:

- To identify major community concerns regarding the facility;
- To identify the citizens, officials, and groups in the area who are especially interested in the facility and should be kept apprised of developments;
- To identify the best means to provide information to the public and, in return, to obtain public comment and input.

As explained in Chapters 3 and 4 below, the field assessment consists primarily of interviews in the local community with key citizens, officials, and other interested parties.

(2) Public Involvement Plan. Based on the field assessment, a public involvement plan detailing appropriate public involvement activities keyed to milestones in the RCRA permit process should be developed. This plan indicates the actions EPA or the state will take to facilitate public involvement in the decision-making process for the permit based on the interests and concerns of the public and the best channels for communicating with the local public, as identified in the field assessment. The plan should be a concise document that identifies the distinctive features of a facility and a community relevant to public involvement efforts and the key public involvement activities that need to be undertaken.

(3) Public Involvement Activities. Public involvement activities will vary by facility and by the stage in the permitting process at which public involvement efforts are initiated. The following types of activities, however, will be necessary in each instance:

- (a) Outreach activities, such as informal informational briefings and meetings, including the public notice of the draft permit and attendant requirements under RCRA section 7004 and 40 CFR 124 Subpart A;
- (b) Dialogue and assimilation activities, such as work sessions, public meetings, and public hearings (if appropriate);
- (c) Response activities, including informal responses to questions, concerns, and requests from the public during the permit process as well as formal, final responsiveness summaries.

OSWER Policy Directive No. 9500.00-1A

The next chapter of this guidance document explains how such activities may be scheduled and integrated with technical milestones in the typical permitting process for a facility.

3. KEY ACTIVITIES DURING THE PERMITTING PROCESS

This chapter explains how to structure and schedule a public involvement effort for a typical targetted facility in accordance with the policy outlined in Chapter 2. It recommends key public involvement activities and indicates when, in relation to technical milestones in the permitting process, such activities could be conducted. Also discussed are the first two critical elements in the public involvement effort -- the field assessment and the preparation of a public involvement plan -- and the time at which these actions should be conducted.

It should be emphasized that public involvement efforts should be tailored to the specific circumstances of a facility and the specific needs of a community. Thus, the sequence of activities described here is solely illustrative. Public involvement coordinators have the flexibility to choose whichever activities are best in each instance, varying the sequence of activities outlined in this chapter, or adding other activities, depending on circumstances. If the draft permit has already been prepared, public involvement efforts will of necessity be more limited. Even when there is insufficient time to conduct a formal field assessment, however, an attempt should be made to identify key members of the community and their concerns through telephone calls or some other means.

It should also be noted, however, that some of the activities discussed in this chapter are regulatory requirements. These requirements are indicated in the text.

In general, preference should be given to small-scale, low-profile, informal activities rather than large-scale, formal activities. For example, face-to-face discussions with a small group of community members in someone's living room are preferred to a public meeting with presentations before a large audience. The more personal the activity, the greater the likelihood of mutual communication between government staff and the community.

The four subsequent sections of this chapter correspond to four milestones in the typical permitting process. Exhibit 3-1 summarizes these milestones and the activities recommended in the text.

3.1 PUBLIC INVOLVEMENT FOLLOWING SUBMISSION OF THE PERMIT APPLICATION

(a) One of the first actions to be taken to facilitate public involvement is to conduct a **field assessment**. If possible, in fact, the field assessment should be conducted prior to the submission of the permit application. The field assessment is a critical element under EPA's policy for public involvement in the RCRA permitting program. It consists of interviews by the public involvement coordinator (or other appropriate EPA or state staff, or a contractor) with several local citizens, members of community organizations, and officials for the following purposes:

OSWER Policy Directive No. 9500.00-1A

EXHIBIT 3-1

SUMMARY OF MILESTONES AND PUBLIC INVOLVEMENT ACTIVITIES

<u>Permit Milestone</u>	<u>Required Activities*</u>	<u>Suggested Activities</u>
Submission of permit application	<ul style="list-style-type: none">• Mailing list	<ul style="list-style-type: none">• Field assessment• Public involvement plan• Introductory notice• Repository• Informal meetings• Fact sheet on facility
Completion of draft permit (or intent to deny)	<ul style="list-style-type: none">• Fact sheet/statement of basis• Public notice• Public comment period• Public hearing (if requested)	<ul style="list-style-type: none">• Informal meetings
Permit issued (or denied)	<ul style="list-style-type: none">• Notice of decision• Response to comments	
Final determination of permit		<ul style="list-style-type: none">• Update public involvement plan• Update repository• Informal meetings• Publications as needed (fact sheets, press releases, etc.)

* Requirements under RCRA section 7004 and 40 CFR 124 Subpart A.

OSWER Policy Directive No. 9500.00-1A

- To identify major community concerns regarding the facility;
- To identify the citizens, community leaders, and officials in the area who are especially interested in the facility and should be kept apprised of developments;
- To identify the best means to provide information to the public and, in return, to obtain public comment and input.

The information collected during the field assessment is the basis for the public involvement work plan and enables the public involvement effort to be structured to meet the needs of a specific community.

The field assessment may involve one or two days of interviews in the community, as appropriate. Efficiency in the use of travel resources, as well as optimal timing considerations, may lead to the field assessment being conducted at the same time as the site visit made by permit writers and enforcement personnel, that is, within 90 days after the permit application request (unless the permit application has already been submitted). Even if the permit writer is well-acquainted with the facility, in most cases the field assessment will be necessary at targetted facilities to update and expand knowledge of the parties and issues involved and to make public involvement efforts visible and documentable.

(b) A public involvement plan is the second critical element of EPA's policy for targetted facilities. This plan indicates the actions EPA or the state will take to facilitate public involvement in the decision-making process for the permit. Public involvement plans are flexible documents that reflect the dynamic nature of the public involvement process. As the public involvement team becomes more involved in the community, and as the community learns more about the facility and the permitting process, new (and more effective) public involvement activities and additional concerns may suggest themselves. The initial plan should, therefore, be a brief document -- concise and to the point -- that:

- Identifies major community concerns and leaders;
- Outlines the minimum actions EPA or the state will use to facilitate public involvement; and
- Identifies the timing of these activities.

Public involvement plans prepared by states and regions should be retained in the facility files and repositories. These plans will be reviewed at the time of the mid-year and end-of-year reviews of the state, and during regional program reviews. Plans prepared by the regional offices will be appraised by EPA headquarters during annual reviews of the region's RCRA permitting program.

OSWER Policy Directive No. 9500.00-1A

(c) At the same time as this plan is prepared, EPA or the state should assemble a **mailing list** for the community in which the facility is located. The individuals or organizations identified during the field assessment can be the core for the mailing list. If a mailing list is already available, it should be updated based on the field assessment. Chapter 4 provides additional techniques for developing a comprehensive mailing list.

(d) An **introductory notice** should be provided to the community as soon as possible after the submission of the permit application. If enough is known about the community in advance to identify adequate means of providing the notice, the introductory notice may precede the field assessment. The purpose of this notice is to explain EPA's permit application review process and the opportunities for public involvement in that process. It should include some mechanism (e.g., a telephone number for a contact person, a return slip to request additional information) to allow the public to express its interest in opening and continuing dialogue with the agency.

The notice should take whatever form is most useful in a particular community. Options include a fact sheet or newsletter sent to residents on the mailing list, a radio or television public service announcement, or a newspaper advertisement.

(e) Regulations require that the administrative record for a RCRA draft permit, including the permit application, be placed into a file for public inspection. **Information repositories**, however, should contain more than the administrative record to aid the public's understanding of the facility and the permit under consideration. Non-technical descriptions of the facility and its operation, brochures explaining the permit process and public involvement, and generic fact sheets describing the meaning of exposure assessments are examples of materials that could be included in a repository. More examples are given in Chapter 4.

Selection of a repository site should take into account the convenience and ease of access for the general public. A location that does not allow access after normal work hours will have limited usefulness. More than one repository may be necessary.

(f) If public interest or response to the introductory notice is sufficiently great, in the judgment of the public involvement coordinator, an **informal meeting** (or series of meetings) may be held to review more fully the permitting process and to provide opportunities for public comment. Informal meetings at this stage allow the public to understand and to contribute information to the development of a draft permit, although state requirements prohibiting ex parte communication should be taken into consideration.

(g) In addition to generic fact sheets and brochures being developed by headquarters and in the regions, facility-specific **fact sheets** should be considered when a significant number of citizens appear to be interested or concerned about a facility's permit. This fact sheet should be sent to persons on the mailing list, included in repositories, and distributed by any

OSWER Policy Directive No. 9500.00-1A

other means suitable for the specific community. The fact sheet could include background information on the facility, provide a timeframe for permitting activities at the facility, identify opportunities for the public to provide information and input, address specific concerns of the public about the facility, and identify repository locations.

As explained in Chapter 2, for public involvement in the permitting process to be meaningful, the public must have access to the decision-making process early enough to understand and provide input to that process. In the case of permit issuance, the actions described above should be conducted as soon as possible following the submission of the permit application to enable the public to provide input to permit conditions before the draft permit is written. When an application has not yet been submitted for a facility, actions intended to anticipate and facilitate public involvement, such as the field assessment and the public involvement plan, can gain additional effectiveness by being completed **before submission of the permit application.**

Early public involvement can introduce the problem of contacting the public before having answers to facility-specific questions the public might raise. It will be necessary to explain clearly to the public the purpose of early contacts and the limits on the information available at early stages of the permitting process. A clear explanation can prevent false expectations from being formed and reduce any negative impact on the agency's credibility that could result from not being able to answer the public's questions.

Under the 1984 RCRA amendments, each land disposal facility owner/operator must provide EPA (or the state) information on the potential for exposure of the public to hazardous constituents through releases from the facility. The public may also contribute such exposure information. Since this information is expected to be of significant interest to the public, the exposure assessment should be considered an agenda item for any contact with the public, including public notices.

3.2 PUBLIC INVOLVEMENT UPON COMPLETION OF THE DRAFT PERMIT

Most public involvement actions to be taken at this point are required under 40 CFR Part 124.

(a) EPA or the state must provide **public notice** that a draft permit has been prepared. The public notice must be published in a major local newspaper and broadcast over local radio stations.

(b) At least 45 days must be allowed for **public comment** on the draft permit.

(c) If there is written notice of opposition to the draft permit, EPA or the state must hold an informal **public hearing** with 30 days prior notice. A written transcript or tape recording of the hearing must be made part of the repository's files.

OSWER Policy Directive No. 9500.00-1A

(d) A **fact sheet** must be prepared for every draft permit for a major hazardous waste management facility. The fact sheet must include the significant factual, legal, methodological, and policy questions considered in preparing the draft permit.

(e) Despite earlier public involvement efforts, some members of the public may not take an active interest in the permit process until a draft permit has been completed and announced. **Informal meetings** should be held with members of the public to discuss elements of the draft permit that are poorly understood or are of interest or concern to them. These opportunities for dialogue confirm to the public that the draft permit is indeed a draft and still open for additional modifications to address issues that might not have surfaced to that point.

3.3 PUBLIC INVOLVEMENT UPON A DECISION ON THE PERMIT

EPA regulations require two actions at this time.

(a) When a final decision is reached on whether to issue, deny, or modify a permit, **notice of the decision** must be given to each person who submitted written comments or who requested such notice.

(b) In addition, EPA or the state must issue a **response to comments**.

The response to comments should include a summary of significant comments received and an explanation of either how they were ~~incorporated or~~ addressed in permit conditions or why they were rejected. Comments that are referred to other agencies should also be indicated. The response document should be sent to those who submitted comments, attended the public hearing, or who requested to receive it. Any documents cited in the response to comments should be included in the administrative record for the final permit decision and placed in the information repositories.

3.4 PUBLIC INVOLVEMENT UPON FINAL DETERMINATION OF A PERMIT

Whether a facility is ultimately denied or granted a permit, public concern does not necessarily end at that stage of the permitting process. Continuing long-term issues of public interest may require additional public involvement efforts. Public involvement after a permit denial, for instance, could address the public's interest in these issues:

- Corrective actions;
- Release of ongoing monitoring data;
- Release of additional exposure information; or
- Closure plans.

If a permit is issued, continuing public involvement can address these same issues and also accomplish several other objectives, including:

OSWER Policy Directive No. 9500.00-1A

- Provide information to the public regarding changes in transportation or emergency evacuation plans;
- Receive information from the public on adherence to permit conditions (both construction and operation phases);
- Provide a mechanism to address new or continuing concerns resulting from facility operations;
- Facilitate permit appeals, renewals, and revisions; and
- Increase overall agency credibility.

The type and level of public involvement effort needed at this stage should be decided on a case-by-case basis. If, at the time of final determination, the level of interest or the types of concerns that the public has differ substantially from those described in the public involvement plan, or continuing public involvement activities are anticipated, the plan may need to be updated to coordinate continuing public involvement efforts. Updating the repository may also be necessary to keep the public informed as additional information is obtained, changes to the permit or facility are made, or subsequent agency actions are taken.

When significant issues will continue to be of concern or can be anticipated to arise after the final determination on a permit, additional informal meetings or publications may be necessary to accomplish the aforementioned objectives. Press releases, fact sheets, continuation of newsletters, and other types of written public information (as described in the next chapter) should be considered. Informal meetings with the public may also be needed when public concern continues to be substantial or the public desires to play a role in monitoring a facility to ensure adherence to permit conditions.

Chapter 4 of this manual explains how to conduct the activities noted in this chapter. Chapter 5 discusses certain issues and circumstances that merit special attention in designing and organizing a public involvement effort.

OSWER Policy Directive No. 9500.00-1A

4. TECHNIQUES FOR CONDUCTING PUBLIC INVOLVEMENT ACTIVITIES

The following discussions have been selected from various sources (see the preface) and are provided as a reference in planning and implementing a sensible and sensitive public involvement program. The discussion of each activity focuses on general techniques for conducting the activity; these are "how to" discussions.

As previously noted, the recommendations for this program have been kept to a minimum to allow for maximum flexibility for each facility-specific work plan and public involvement effort. It must be noted, however, that simple adherence to the recommendations will not, in most instances, produce a successful public involvement process, nor will it necessarily speed issuance of the permit.

A skillfully selected blend of both specifically recommended activities, and activities appropriately tailored to the needs and concerns of the community and the owner/operator, will produce far preferable results.

This chapter is divided into eight sections, as follows: 4.1 - Identifying Potential Participants and Building Mailing Lists; 4.2 - Field Assessment; 4.3 - Public Information Programs and Publications; 4.4 - Information Repositories; 4.5 - ~~Public Notices~~; 4.6 - Public Meetings; 4.7 - Public Hearings; and 4.8 - Responsiveness Summaries.

4.1 IDENTIFYING POTENTIAL PARTICIPANTS AND BUILDING MAILING LISTS

4.1.1 Focus

A mailing list is an important communications tool which allows an agency or organization to reach broad or targetted audiences with its messages. The better the mailing list, the better the public outreach and delivery of information. A well-developed mailing list will reach a group of potentially active participants -- people who want to be involved in an agency program or plan, or those who wish to be involved simply by staying informed. The process of developing a mailing list begins early in the public involvement effort.

The mailing list is used to send announcements of meetings, hearings, events, and available reports and documents to the public. In addition, it is used to identify members of the public who may be considered for work groups or attendance at meetings and briefings. A wide variety of approaches are available to collect names for the list. Several, but not all, of these approaches should be employed.

4.1.2 Techniques

- A. The names of people interviewed during the field assessment, as well as other names these people recommend, should be placed on the mailing list.
- B. All nearby residents and owners of land adjacent to the facility should be included on a mailing list.
- C. Seek out existing lists. Other EPA and federal programs, as well as state and local programs, may have developed mailing lists which can be used in whole or in part. Sometimes, lists are exchanged or traded among agencies. Prepared lists should be carefully scrutinized, however, to make sure they are applicable.

Borrowed lists may be out of date. Verify some of the names and addresses on the list to test its current validity.

- D. Organizations with a potential interest in an agency program or action may have mailing lists of members important to the agency, although some organizations may be reluctant to give these lists. Each agency or program with a mission must consider different types of groups. Representative groups include:
 - 1. Outdoor recreation organizations such as hiking associations, rod and gun clubs, cross country skiing groups, sports fisheries' associations, and recreational boaters and sailors.
 - 2. Commerce and business groups such as manufacturer associations, associated industries, Chambers of Commerce, and the Jaycees.
 - 3. Labor leaders and unions.
 - 4. Environmental leaders and groups.
 - 5. State and district farmers' associations, including the farm bureau, dairyman's cooperatives, conservation districts, and water districts.
 - 6. Health organizations such as the American Lung Association.
 - 7. University extension and county agricultural extension agents.
- E. Many civic and social organizations, such as the League of Women Voters or the Chambers of Commerce, have their own newsletters. For applicable groups consider requesting a copy of the group's newsletter mailing list, and ask if they would run notices in their paper.

OSWER Policy Directive No. 9500.00-1A

- F. Specialized directories of organizations and businesses can provide additional names and addresses of potential participants. Examples include state directories of manufacturers, environmental groups and chemical society members.

The business and reference section of the library is a good starting point for reviewing various directories.

- G. Any individual who attends a public meeting of the agency, or one with a related mission, or calls or writes to the agency seeking information, should be added to the mailing list. Careful attention to the affiliations of various individuals or groups attending meetings or corresponding with the agency can yield entire categories of people to be added to the list.
- H. The applicant should be included on the mailing list.
- I. According to Executive Order 12372, the state may designate a single point of contact (SPOC) or delegate intergovernmental review responsibility to an agency or organization for the purpose of reviewing proposed RCRA permit actions. At the very least, the SPOC or delegated entity should be sent a copy of the draft permit and notified of the public comment period.
- J. Local newspaper stories often contain substantial information of use to public involvement specialists, including the names of people with a potential interest in the agency.
- K. The names of local reporters and editors, and appropriate newsletter editors, should be added to the mailing list. If time permits, interview reporters and editors with knowledge of an area or subject. Placing their names on the mailing list is one way of assuring that these "gate keepers" have direct access and accurate information about a program.
- L. Elected and appointed officials with a potential interest (substantive or political interest) should be placed on the list.
- M. Consider placing the names of local educators (primary, secondary, high school, and college and university) on the list. Aside from their personal interest, these people can use project information to develop classroom learning packages and programs, and tell their students about the project and underlying issues. Often, children will communicate information and ideas on class projects and current events to their parents, thus affecting a secondary communication.
- N. State agency technical, enforcement, public affairs, and public staff should be contacted.
- O. Public notices for draft permits, public comment periods, and intended denials are required to be sent to state agencies that have authority

OSWER Policy Directive No. 9500.00-1A

under state law with respect to the construction or operation of a RCRA facility and to any unit of local government having jurisdiction over an area where a facility is located.

P. Secondary or miscellaneous sources of names for mailing lists include:

1. State revenue departments which maintain lists of non-profit organizations in the state.
2. For states, the Secretary of State or offices of the legislative leadership maintain lists of legal lobbyists. In Washington, lobbyists register with the Senate Office of Public Records and the House Office of Records and Registration.
3. Local, regional, and state League of Women Voters, environmental, planning commissions, and land use chairpeople may have lists of potential participants. The national League maintains other lists.
4. University scientists, senior administrators, and technical experts (such as soil scientists, hydrologists, and law and political science faculty who specialize in land use and environmental law) might be placed on mailing lists. They may recommend the names of others who should be added to the list.
5. The public affairs or environmental control directors of major industries might be consulted for additional names and addresses.
6. Local neighborhood associations -- formal and informal -- may prove helpful.
7. Churches and church organizations.
8. Telephone directories, especially the yellow pages, provide lists of associations. Zip code directories may be useful when trying to reach one small part of a city or state. Consider developing a list of all landowners within one mile of the facility in question.
9. Multi-service centers, community development corporations, community centers, and health centers might prove helpful in attempts to reach senior citizens organizations.
10. Local fire, police, and disaster agency officials should be located and listed.

4.1.3 Evaluation

- A. Is the mailing list comprehensive, encompassing all of the key categories or target publics?
- B. Is the mailing list updated regularly?
- C. Has an easy to access system been devised for adding and subtracting names easily and efficiently?
- D. Has the list been broken down by zip codes if bulk mailing is anticipated?
- E. Have adequate funds been allocated in the budget to cover the costs of maintaining the list and the cost of printing and postage?

4.2 FIELD ASSESSMENT

4.2.1 Focus

On-site interviews with local residents, government officials, community groups, and media representatives are extremely useful techniques to help gain an understanding of the facility's history, the community issues connected with the facility, the level of citizen concern, and the political climate. Community interviews are also useful to identify credible sources and disseminators of information.

4.2.2 Techniques

- A. Arranging the interviews:

At this stage of the permit process, the names and phone numbers of the people involved with the facility may already be known or have been obtained. Ideally, the meeting place should be at the interviewee's office or home, whichever may be most conducive to candid discussions. While government and media representatives are likely to prefer meeting in their offices during business hours, local residents and community groups may be available only after-hours.

- B. Planning the interviews:

Prior to or during the interview, time may be spent reviewing files at EPA, the state agency, or a local library or Chamber of Commerce that contain news clippings, documents, letters, and other sources of information relevant to the facility. Ideally, only people with a thorough understanding of the RCRA program, the facility itself, and interview techniques should conduct the interviews.

OSWER Policy Directive No. 9500.00-1A

C. Telephone interviews:

Some information may be efficiently obtained over the telephone. In telephone interviews, explain how the interviewee's name was acquired, the type of information needed, the reason the information is needed, and how it will be used. Be brief.

D. Interviewing residents and community groups:

Interviews involving local residents or community groups are likely to require more time. Be prepared with a set of questions in mind; questionnaires may seem too formal and are likely to elicit curt responses. Be sensitive to the residents' needs and concerns, but remind them that the purpose of the interview is to gather preliminary information to be used in planning an appropriate public involvement effort. In this way, unrealistic expectations are not raised.

In many cases, the interviewee will ask questions and express concerns about the facility. The field assessment, in some cases, can be a useful technique for providing interested citizens with timely information on the RCRA permitting process and on facility and Agency activities prior to development of the draft permit conditions. With adequate preparation, the interviewer can thus acquire information useful for later planning, as well as respond to initial citizen concern with accurate information and allay unwarranted concerns.

E. Interviewing government officials:

Interviews with government officials should include a brief introduction explaining why they are being interviewed and what kind of information is needed (facility history, government activity at the site, a political perspective on citizen's expectations, etc.).

F. Confidentiality:

At the beginning of each interview, explain that the field assessment will be used to prepare a public involvement work plan. If the interviewee would like to remain anonymous, explain that the information will be used to understand community concerns and that a record of the contact will be made, but EPA or the state will not attribute any specific statements or information to the interviewee.

G. Other possible contacts:

During the field assessment interviews, ask for names and phone numbers of persons who could provide additional information on the facility and community views and concerns.

OSWER Policy Directive No. 9500.00-1A

H. Information on public involvement activities:

Ask whether the interviewee would like to receive any fact sheets or other printed information as the permitting process continues. Also, for future reference, keep a list of persons interested in attending public meetings.

4.3 PUBLIC INFORMATION PROGRAMS AND PUBLICATIONS

4.3.1 Focus

The outreach activities which this guidance recommends should include the development of accurate and timely written information for distribution to the public, for example, fact sheets and newsletters.

Overall, such materials should promote understanding and highlight and summarize critical issues. The environmental consequences of potential actions, options, or decisions should be clearly stated in materials distributed to the public. The public should also have access to complete reports and documents in information repositories.

At a minimum, site-specific materials should include:

- Background information
- Legal justification for the action
- Timetable of proposed actions or planning phase
- Summaries of lengthy or technical material
- Delineation of issues
- Alternatives or tentative determinations made by the agency
- Ways to encourage public involvement
- Names of people to contact for further information
- Opportunities for public involvement

The public may also be provided with general descriptions of the RCRA permitting process, hazardous waste management techniques, or similar topics.

4.3.2 Techniques and Methods

The first step in developing an effective information program is to plan for a publication effort that is integrated with the overall public involvement plan for a facility. The public involvement plan must realistically balance the cost, timing, quality, scope, variety of publications, and identify target audiences for various publications. Using the plan for guidance, work can proceed on individual publications with knowledge of how each publication will contribute to the total public involvement effort.

Written communication should meet the five criteria embodied in the acronym ANSVA: ATTENTION, NEED, SATISFACTION, VISUALIZATION, ACTION

OSWER Policy Directive No. 9500.00-1A

- (a) Attention: Each information product should capture the attention of its intended audience by using a theme or issue important to that audience.
- (b) Need: Each publication should demonstrate that the reader has a need or problem.
- (c) Satisfaction: The written piece should show how the government's program can meet or satisfy the readers' need or problem.
- (d) Visualization: People often comprehend and retain complex ideas and material better if they can see the material visualized. Materials should make liberal use of charts, diagrams, illustrations, photographs, or mathematical displays. The adage "a picture is worth a thousand words" has proved true in many studies of reader/audience comprehension and retention rates.
- (e) Action: Each piece of public information should invite action. Attending a public meeting or placing a name on a mailing list are examples of action steps. Public information is effective only if it provides the basis for potential change. The action step reinforces learning.

4.3.3 General Guidelines for Developing Public Information Products

- A. Begin each writing project by developing a detailed outline of the purpose and content of the material to be covered. The audience for whom the material is intended should also be clearly stated.
- B. Every information program must operate on at least two levels -- the publics that are already interested and involved, and those that are not. The information directed toward the involved group may include more complex or detailed information or progress reports. Fact sheets and lengthy information pieces fall under this category. The information directed to the less involved group might be considered preliminary to participation. These materials should be attractive and brief, and appeal to the needs and concerns of laypeople.
- C. In headlines and initial paragraphs, attract attention and interest with thought-provoking statements or questions. Link problems and issues with the reader's life and experience. Personalize messages; demonstrate how the agency's programs affect people's lives.
- D. Early in the text introduce the content of the publication.
- E. Write clearly, simply, and directly, avoiding technical terminology, acronyms and professional jargon. Translate technical language into terms the public can understand, or define technical terms the first time they are used in a publication. Write general purpose materials at the same reading level as the local paper is written.

- F. Use short declarative sentences with active verbs to make key points. Avoid the use of long and complex sentences. Say it simply.
- G. Use conversational English. For example, use "do" for "accomplish" and "because" for "in view of the fact that."
- H. Consider using human scale comparisons, rather than technical terms, to communicate a point. For example, "the facility will generate noise approximately equal to that of a typical city street," or "the cost per family will be about \$100 per year."
- I. Limit the length of the material. Five double-spaced pages (about 1,500 words) is all the general interest citizen will typically take the time to read. If the material requires greater length, prepare a one-page summary for readers with limited time. Another approach is to design a longer piece so that someone with limited time can read highlights in five minutes, more in-depth material in 15 minutes, and complete the entire piece in 30 minutes. By telling the reader how a piece is structured on the first page, the reader can choose how much time to invest in the piece.
- J. Don't lose sight of broad perspectives and goals when developing materials. For example, in technical documents, provide a summary that stresses concepts, not just facts. Organize materials conceptually with facts and data, providing the foundation for basic themes.
- K. Each individual element in an information and education program should be easily linked to the overall program. The reader should easily see the relationship between a particular topic or product and the total project.
- L. Pre-test all public information products by asking several lay citizens or officials to read and evaluate drafts for clarity, order, comprehensiveness, and detail. This final review can help ensure high quality publications that meet their intended goals.
- M. Use graphics and illustrations to support the written content of a publication. Photographs, charts, and drawings can communicate ideas quickly, directly using few words. Using several type faces, such as a standard and an italic type, can lend emphasis and clarity. Capitalization and underlining add emphasis, too.
- N. Always make full reports and technical information available to the public for review, in addition to providing summaries. Materials should be available at easily accessible repositories. Let the public know where and when the materials are available.
- O. For general purpose publications, such as brochures and newsletters, distribute copies to people whose names are on the mailing list, including elected and appointed officials. Mail copies of

publications to media outlets in the project area. Make publications readily available to the general public at libraries, government buildings, shopping centers, and other public places. Include publications as a part of a project display.

4.3.4 Types/Uses of Specific Publications

A. Brochures

1. A general pamphlet or brochure is a useful tool to explain the background and mandate of a program, the role of the public in the planning process, and the expected outcomes of the project. A brochure should be an easy-to-read, quick summary of agency and program goals and objectives. It should provide answers to common questions.
2. A brochure should include a brief background on the program, the planning process, schedules for upcoming events, and the points where public involvement is most important.
3. The publication should give the reader a sense of the scope of the issue, how planning will proceed, possible alternatives, potential impacts on the area's growth and development, and possible effects on taxes and quality of life.
4. The brochure should be written with a long-term perspective in mind, so the publication remains timely throughout the process or is useful in a number of cases.
5. Distribute the brochure widely in the early stages of a project. Timing is important for establishing credibility and for informing the public early.

Mail copies of the brochure to all media outlets in the planning area, accompanied by a cover letter offering a name and address to contact for further information. The letter should explain why the project is important and how it might affect the community and region.

6. Include a pre-addressed mail-in form as a part of the brochure so that people with an interest in the program can be added to the mailing list. Let the public know that other materials will follow as the program develops (i.e., newsletters, report summaries, etc.).
7. Include a name, address, and phone number in the brochure for the public to contact for additional information.

B. Newsletters

1. Newsletters facilitate a regular flow of information to the primary audiences of a public involvement effort. They provide timely and useful information to citizens. They are an inexpensive way to regularly promote understanding, dialogue, and public involvement.
2. Newsletters should inform without bias. They should not be used as an advocacy tool. Newsletter editors must maintain credibility if the newsletter is to remain effective over time.
 - (a) Separate opinion from objective or historical material, and label it as such.
 - (b) Sometimes credibility can be enhanced by printing statements developed by representatives of opposing points of view.
3. Link key issues to subjects and ideas the general public can understand and appreciate.
4. Newsletters can provide timely information such as:
 - a. Articles on new developments.
 - b. Reports on public involvement activities, and how to join them.
 - c. People stories are particularly good for reader interest, but should not be over used. Describe the activities of citizens and officials working on various aspects of a project. Use people stories to encourage citizens to participate. Avoid long lists of names.
 - d. Feature articles on major issues in a project, the most common questions asked by the public, or the primary concerns of officials or other professionals. Also, consider reprinting relevant articles from other publications.
 - e. Calendar of upcoming meetings.
 - f. Summaries of meeting comments and responses. If used as an informal responsiveness summary, newsletters reach the most important audience with timely and useful information documenting the value, history, and impact of public involvement.
 - g. A regular column written by a citizen (an option). If stories are invited from guest authors, detail editing ground rules in advance.

- h. The names and addresses of people to contact for further information.
 - i. Maps and other forms of graphic information.
 - j. Lists of information and audio-visual materials available to the public, and the locations of resource material.
- 5. More than any other information tool, newsletters can be used imaginatively. Maps for citizens to evaluate, mark-up, and return, and attitude and opinion questionnaires are just a few unusual suggestions for newsletters. These techniques make newsletters an enjoyable and interesting experience for readers.
 - 6. Newsletters should be mailed to local and regional media representatives as another way of keeping them informed of progress.
 - 7. The editors of other newsletters with a potential interest in the subject of your newsletter should receive copies as well. They may find information of importance they would like to pass on to their readers.
 - 8. Many citizens will keep all issues of a newsletter as a historical record of their involvement in a project. Number and date all newsletters.

C. Fact Sheets

- 1. Fact sheets are an adjunct to newsletters and other publications. They are most useful for providing an in-depth analysis of specific, complex issues of public concern. They may be longer than newsletters and contain more detail.
- 2. Some fact sheet topics will be chosen in advance; others will evolve from questions and concerns raised during the public involvement process.
- 3. Fact sheets can be distributed as a part of a newsletter or as a separate publication. They can be mailed to the entire mailing list or to selected groups. They should be available to anyone for the asking.
- 4. They are most useful for presenting key information at crucial decision points in a project.
- 5. They provide excellent background for citizen activities at public meetings and conferences.
- 6. Fact sheets can be produced inexpensively, and are easily up-dated as projects mature and become more refined.

D. Length of time it usually takes to prepare a typical public information product

1. Scheduling adequate writing, review, and production time is an important element of information planning. Plenty of lead time is required to produce a high quality document. For example, for a state government to produce a twelve-page newspaper tabloid that serves as an executive summary and public hearing notice, the following time schedule is suggested (in person days):
 - a. Writing first draft 10 days
 - b. Typing the first draft 2 days
 - c. Agency staff reviews/citizen reviews
of first draft 5 days
 - d. Consolidation of reviews and rewrite 5 days
 - e. Retyping 2 days
 - f. Graphic design, typesetting, paste-up 3 days
(If portions are copied this time may be reduced)
 - g. Printing 4-7 days
 - h. Preparation for mailing (100-500 copies) 3 days
 - i. In the mails 5 days
 - j. Date in citizen's hands 14 days
before public meeting
or hearing

4.3.5 Evaluation

A. Information Planning

1. Have information needs been identified in the public involvement plan?
2. Do the program elements in the information plan work together to support one another?
3. Do information products precede public meetings and public hearings in the plan? Has the schedule been maintained?
4. Are the goals of the information program and each program element clearly stated?

5. Does each information piece have a definite goal and targeted audience?
6. What types of information products are anticipated? Are a variety of methods used to communicate with various target publics? From the list below check the information products anticipated in the public involvement plan.

Brochures
Fact Sheets
Direct Mail Letters
Flyers
Posters
Articles in Other Community or Agency newsletters
Issue Papers and Option Documents
Executive Summaries
Speakers Bureau
Weekly Newspapers
Daily Newspapers
Radio and Television Talk and Public Affairs Programs
Radio and Television News Programs
Slide Program
Slide Tape Program
Films
Other Media

B. Information Products

1. For each public information product, are the issues and alternatives defined in an accurate, realistic, and understandable manner? Are the decisions requiring public involvement clearly stated?
2. Are the environmental impacts and consequences clearly defined and stated for each alternative?
3. Do explanatory materials contain clear, concise, and factual information?
4. Are technical and professional terms and government acronyms defined and explained? Has a glossary of terms been prepared?
5. Have individual information products been pre-tested with citizens and officials prior to printing and distribution?
6. Are information products provided free of charge to the public? If there is a cost, is the cost nominal?
7. Do all information materials contain the name, address, and phone number of a contact person within the agency who can answer questions and provide information?

4.4 INFORMATION REPOSITORIES

4.4.1 Focus

Information repositories should allow free and convenient access to information either required or deemed useful to be made available to the public. An information repository is a central file where citizens can review all permit-related documents approved by EPA or a state for public disclosure. Information in the repositories should be updated as necessary.

4.4.2 Techniques

Select one or more locations early in the permit process. Locations should be easily accessible to members of the community, and should be open after work hours. Possible repository sites might include libraries, government buildings, and shopping centers. Contact individuals at the selected repository locations in order to:

- Identify special needs of the repositories to keep contents together (e.g., in a 3-ring binder).
- Discuss how additions will be handled.
- Learn where information will be located.
- Discuss possible special displays at the repositories to highlight information.
- Discuss methods to have a sign-up sheet for mailing list development.
- Receive approval from the repositories.

Select and deposit the materials to be included in the repository file. Potential materials for the file include:

- Permit application;
- Draft permit;
- News releases about the permit and facility;
- A facility description;
- Technical data concerning the facility and relevant permit issues;
- Non-technical descriptions of the facility and relevant permit issues;;
- RCRA fact sheets;

- Pertinent Federal Register notices;
- Copies of orders and decrees;
- Information concerning the RCRA permit process and opportunities for public involvement;
- Any reference materials relevant to the facility (e.g., maps, chemical references, etc.);
- Announcements of all public involvement activities;
- Transcript of public hearing, agendas, handouts;
- Responsiveness summary;
- A list of agency personnel (with addresses and telephone numbers) from whom further information can be requested;
- Any other documents that are part of the administrative record.

Combine these materials in a 3-ring binder or any similar format. Deliver to repositories with instructions on how to add future information. Display materials should also be developed and delivered as part of the repository. Publicize the existence of the repository. Notify local government officials, citizens groups, the local media, and individuals on the mailing list of the repository files' locations and hours of access.

4.4.3 Evaluation

- A. Have information repositories been established? In central locations? Are there convenient access hours?
- B. Are the appropriate documents available at the repositories?
- C. Are the files kept current?
- D. Have the existence and location of the repositories been adequately publicized?

4.5 PUBLIC NOTICES

4.5.1 Focus

Public notices are intended to stimulate interest in and increase attendance at upcoming meetings and hearings. Other communication devices, discussed in the public meeting and public information sections, should also be used. Just publishing a public notice in a local newspaper, however, does

not guarantee that the public will be adequately notified of public events. Direct mail and one-to-one telephone contact, for example, work effectively if the goal is to generate attendance at public meetings.

4.5.2 Techniques

- A. Public notices must be seen to be effective. They may be in the form of letters, newspaper advertisements, posters, or other graphic formats. They should entice readers so that they are read. Using eye-catching headlines or photographs, or personalizing issues, helps to do this. Notices should explain why it is important to attend the meeting or hearing and what influence or responsibility attendees will have. The notice should highlight issues to be covered at the event, decisions to be made, and the potential impact of decisions. Avoid the use of a strict legal notice format, such as those in the legal notices section of newspapers; these notices are rarely seen or read by the primary audiences of public involvement programs. Public notices should be distributed so that they are highly visible to the targetted audiences.
- B. Distribution should occur at least 30, but preferably 45, days in advance of the meeting or hearing. Respect the requirement for 45 days notice when a public hearing on a draft permit or tentative denial is to be held. This length of time allows busy people to schedule the event in their calendars, and to prepare comments and testimony. A reminder notice five to seven days in advance is also helpful.
- C. Keep public notices brief and to the point. Conceptualize issues from the public's point of view. Present the information in language familiar to lay people; avoid the use of jargon, government acronyms, and complex technical terms.
- D. Notices should highlight the environmental and health issues of concern, the implications of the issues, and the decisions to be made.
- E. The notice should indicate how participation in the event will relate to subsequent decisions and the resolution of issues.
- F. Where possible, use graphics to capture the attention of the audience, to tell a story, and to increase recall.
- G. If possible, have public information specialists and graphic designers prepare the notice. If this is not possible, have an information specialist review the notice.
- H. Whenever possible, pre-test public notices with the public before their distribution. Make sure the public receives the message intended by the agency.

- I. Distribute the notice through direct mail to organizations and individuals with a potential interest in the meeting or hearing.
 - 1. In one major survey of how people who attended meetings and hearings heard about the event, the largest number said they received something in the mail that told them about the gathering. The second most common response was that someone told them about the event. Word-of-mouth proved to be an effective communications channel. Less than five percent of those surveyed said they saw a notice in the newspaper or heard about it on radio or television.
 - 2. Consider the use of a telephone network to initiate the word-of-mouth communications system. This is especially effective in small communities and in neighborhood organizing.
- J. Distribute the notice widely to the print and broadcast media.
 - 1. Provide a camera ready copy to newspapers for placement as a display advertisement or as a free calendar announcement. "Run-of-paper" or display advertising rates are higher than classified rates applied to legal matters. Display advertising is generally more expensive, but is more visible and effective. If budgetary constraints make display ads prohibitively expensive, legal notices can be used.
 - 2. Provide a slide of the notice to television stations for them to use as a background image when announcing the event.
 - 3. For radio and television, include a public service spot announcement or press release, along with the notice, to increase the likelihood of the notice getting "air time."

4.5.3 Evaluation

- A. Was the public notice part of an overall plan of notification and information? Were the elements of the plan, such as the use of advertisements, public service spots, and public speaking events, well coordinated?
- B. Did the public notice appear 30-45 days before the event, allowing adequate time for the public to prepare?
- C. Was the public notice attractively designed? Did it capture the reader's eye, and quickly communicate the intent of the event?
- D. Was the method of distribution relevant to the community? Did it build upon existing communication channels?
- E. Did notices reach all of the potentially affected individuals and organizations? How was distribution coordinated? Were both opponents and proponents included in the distribution?

- F. Was the notice displayed prominently in the media and posted in visible locations at least 30-45 days in advance of the event?
- G. Did a press release accompany the notice? Were other media events organized, such as briefing reporters or preparing feature articles?
- H. Did the notice emphasize why the event was to be held? Did it identify the important decisions, issues, and program impacts?
- I. Did the notice stress the importance of citizen attendance and participation? Did it explain how participation would affect decisions and choices?
- J. Did the written notice include:
 - 1. An identification of issues under consideration?
 - 2. A description of alternative courses of action?
 - 3. A brief listing of applicable laws and regulations?
 - 4. An identification of locations where relevant documents were obtainable?
 - 5. The names of individuals to contact for additional information?

4.6 PUBLIC MEETINGS

4.6.1 Focus

Public meetings are one means of establishing a dialogue with a community. The goal in any form of dialogue, such as meetings and workshops, is to encourage an exchange of views and open exploration of issues, alternatives, and consequences.

Public meetings must be preceded by the timely distribution of information. They should occur sufficiently in advance of decision-making to make certain that the public's opinions are considered and to permit response to public views prior to agency actions.

Meetings should be held at times and places that encourage attendance and participation. Whenever possible, they should be held during non-work hours, such as evenings and weekends, and at locations accessible by public transportation.

4.6.2 Techniques

Public meetings are agency-sponsored gatherings, open to the general public, and held to inform or involve the public in planning and

decision-making. If a question-and-answer period is included, they allow for two-way communication, and generate interest and participation in a project. They should be used selectively, integrated with other public involvement techniques, and designed to meet specific objectives.

A. Planning

1. Identify the agency's objectives, expectations, and desired results for the meeting.
2. Identify the audience's objectives, expectations, and desired results.
3. Match the composition and size of the group invited to attend a meeting with agency objectives.
4. Decide on the level of participation and involvement expected, and choose the meeting structure and format that can best meet agency objectives for dialogue.

Then, choose the specific methods and techniques for discussion, planning, problem-solving, and decision-making.

5. Choose a meeting location, keeping in mind necessary room arrangements, equipment and supply requirements, and accessibility by public transportation.
6. Identify the roles and responsibilities of various staff members and of local officials or citizens who will participate in the meeting.
7. Make sure that everyone who wants to speak has an opportunity to do so.

B. When to Use

1. When the agency wants to inform people, clear up misunderstandings on agency actions or plans, or generate public discussion on proposals, plans, or recommendations.
2. When the agency wants to reach a large number of people at once, both directly (at the meeting) and indirectly through follow-up media coverage in local and regional newspapers, and on radio and television.
3. When the agency wants to encourage comment and debate among various groups interested in the facility's permit and to encourage more community dialogue.
4. When community interest on an issue is high.

5. When participants in a project feel the need to share information and ideas with the rest of the community.
6. When an agency seeks to communicate with an audience larger and more diverse than can be included in workshops.
7. If the sole purpose of conducting a public meeting is to educate the public, consider whether the public meeting is the most effective technique. The use of newsletters, fact sheets, slide programs, or sending public speakers to the regularly scheduled meetings of organized groups, may prove more successful.

4.6.3 Evaluation

- A. Did the staff or participants have a good reason for holding this meeting? What was the goal of the meeting? Was the goal clearly stated? Did the goal of the agency match that of the audience? Was the goal of the meeting attained?
- B. Did the meeting precede and relate to a key decision point? Was the audience aware of this fact?
- C. Was attendance at the meeting consistent with the meeting's goals?
- D. Did the staff provide written background material? What products were provided to attendees? Examples:
 - Executive Summary
 - Technical Summary
 - Fact Sheet
 - Newsletter
 - Technical Report
 - Maps and Graphs
 - Other
- E. How long was the program? Was the agenda followed closely? Was the program just right in length, too long, or too short? Did the audience remain attentive for the entire program?
- F. Were the moderator, speakers, and supporting staff appropriate for meeting the session's goals?
- G. Was the informational program well presented? Was the speaker(s) well informed? Did audio-visual materials contribute to the informational aspects of the program? Was the informational program well balanced, too technical, or not detailed enough?
- H. Did the sponsoring agency ask attendees to evaluate the meeting?
 1. If so, were the attendees representative of the affected community?

2. If so, did the attendees seem to understand the purpose of the meeting? Plan? Project? Timetable? The public's role? The timing of the key decision points? How the public's comments would influence decisions? The government agencies involved? Costs? The source of funds?
- I. Did the public receive complete answers to their questions?
- J. Did a staff member take notes at the meeting for use in permit development and in a responsiveness summary?
- K. Was formal public notice sent 30-45 days prior to the meeting? Did the notice clearly state: (check)
 - Purpose
 - Date and Place
 - Time
 - Directions to the meeting site
 - Parking, transportation, and other supporting information

4.7 PUBLIC HEARINGS

4.7.1 Focus

While hearings are the most familiar form of dialogue, they should not serve as the only forum for citizen input. When used, they should occur at the end of a process that has given the public earlier access to information and opportunities for involvement.

4.7.2 Techniques

A. Information

At the beginning of the hearing, the agency must inform the audience of:

- The issues involved in the decisions to be made;
- The considerations the agency will take into account under laws and regulations;
- The agency's tentative conclusions, if any; and
- The information the agency solicits from the public.

Certain regulations require the preparation of a formal hearing record, such as a verbatim transcript or an audio tape recording. Hearing records must be left open for at least 10 days to receive additional public comment, and be available for inspection and copying.

Public hearings provide highly structured opportunities for hearing and collecting public testimony on projects and issues. Public hearings are most likely to be held during the public comment period on the draft permit, at which time they often serve to encourage the preparation of written comments by the public.

Holding a public hearing does not mean that an agency has conducted a full public involvement program. Under normal circumstances, many other public participation events must occur prior to a hearing so that the public has had an opportunity to gain considerable knowledge and understanding of the issues in advance and thereby be able to offer informed comments at the hearing.

While public hearings are formal events, a variety of hearing formats exist. A format should be chosen that meets the needs and conditions of the project.

B. Procedures

1. Begin with an opening statement that includes a summary of major recommendations or conclusions, a description of the public involvement effort, and explanation of the hearing rules.
2. Consider having a question-and-answer period so that issues are clarified and proposals explained. Questions can be taken in the hearing room or in an adjacent room.
3. Accept public testimony scheduled in advance, but avoid giving one category of testimony the "best" time periods, which may alienate general citizens who may also want to speak. Set a time limit for oral testimony (such as five or ten minutes) and encourage participants to submit longer written testimony.
4. Have an additional period of testimony for those who did not schedule their remarks in advance. Consider taking them in the order in which they signed up at the hearing, or schedule blocks of time for particular points of view. When many people sign up at once, names can be drawn at random.
5. End with a closing statement in which the schedule for additional hearings, the length of the comment period, procedures for providing additional testimony, and a statement on how to view or obtain copies of the complete hearing record (if one has been prepared), are described.

Note: A public hearing is a type of public meeting. Consequently, much of the material in the preceding section on effective meetings applies here. Please see that section for further information.

6. Attempt to hold to a set schedule for those participants who have signed up in advance to speak at the hearing.
7. Have some type of registration card available at the hearing for people who wish to speak but did not pre-register.

4.7.3 Evaluation

- A. Was the purpose of the hearing stated to the public in attendance? Were the issues clearly stated to the public? Was the purpose of the hearing fulfilled?
- B. Were hearing notices sent out 30-45 days in advance? Did participants indicate that they were notified well in advance? Did they receive reminders a week or two before the hearing?
- C. Were notices sent to a cross section of the population? To whom?
 - Officials
 - Organized Groups
 - Affected Citizens
 - Others
- D. Were any significant groups omitted? If so, which ones?
- E. Were communication efforts beyond public notices used to reach people? Which techniques were used?
 - Direct mail letters
 - Posters in prominent places
 - Phone calls to opinion leaders
 - Media or publicity events
 - Other
- F. Were background information documents available to the public at least 30 days before the hearing? What was provided?
 - Executive summary
 - Fact sheets
 - Copies of full technical reports
 - Newsletters
 - Other
- G. Did participants at the hearing seem to have a sufficient knowledge of the issues discussed? Had the public read the educational materials prepared in advance of the hearing? According to the participants, were the materials helpful in clarifying issues or explaining proposals?
- H. How many hearings were conducted? Were some hearings held after working hours? Were hearings conducted at one location or at

several? Would hearing participants prefer to have hearings scheduled at a different time, place, or location, in the future?

- I. Was the hearing organized so that there was advance scheduling of speakers? Did all those who wished to speak have an opportunity to do so? Did the speakers seem to represent a balance of perspectives?
- J. Were the hearing examiners attentive to the various speakers throughout the length of the hearing? Did they just receive testimony silently, or did they respond to points raised by the various people presenting testimony? What was their appropriate role for this hearing?
- K. Was a hearing transcript prepared? Was it an accurate reflection of the hearing's events? Did citizens know in advance that their comments would be part of a formal hearing transcript?
- L. Was an "open record period" announced and explained to the public? Was additional testimony submitted to the agency during the open period?
- M. Was the hearing record made available to the public? Was a summary of the hearing record made available to the public? To the media? How did citizens and officials request copies of the transcript, if they desired one?
- N. Did the agency prepare a responsiveness summary following the hearing? Did the summary fairly reflect the points of view stated in written and oral testimony?

4.8 RESPONSIVENESS SUMMARIES

4.8.1 Focus

A responsiveness summary is a document that summarizes the comments made by the public and states specific agency responses to the comments. A responsiveness summary is used to inform citizens of how their comments affected agency decisions. It keeps the public informed about the status of the permitting process. It provides decision-makers and reviewers with an overview of public reaction and concern. It provides the public with a device to track the consequences of involvement.

Responsiveness summaries should be brief and concise documents summarizing the comments and responses of various publics and government agencies. Complex issues and comments should be broken down into component elements. Similar comments from several groups or individuals should be re-phrased into a single comment with a single response, unless this would obscure important variations. Comments should be rephrased where necessary for clarity or conciseness. Organize the responsiveness summary so that participants can

find their comments easily and logically. Do not avoid negative points of view; the responsiveness summary should contain an honest assessment of public comments.

Some of the benefits derived through preparing responsiveness summaries include the following:

- A. Responsiveness summaries aid in determining if program and public participation objectives are being met.
- B. They provide feedback to citizens on their comments and interpretation.
- C. They help to determine if public information products are being read, understood, and used in a timely and meaningful manner.
- D. They provide insight into the degree of success of public hearings and meetings.
- E. They provide a check on the ability of innovative participation and information techniques to inform and elicit meaningful comments.
- F. They can be used in a mid-course assessment of the public involvement effort; this review may suggest changes for the remaining phases.
- G. The final responsiveness summary gives the participating public a chance to provide the agency with an evaluation of the public involvement effort.
- H. They provide opportunities to organize the issues raised by the public and to view them from a new perspective.
- I. They help to document the decision-making process.

4.8.2 Techniques

- A. The responsiveness summary (or similar report) must explain the type of participation activity conducted, identify participants and their affiliation, describe matters on which the public was consulted, summarize viewpoints, comments, criticisms and suggestions, disclose the agency's process in reaching a decision, set forth the agency's specific responses in modifying proposed actions or rejecting public proposals, and the reasons for such actions.
- B. The final responsiveness summary should describe:

1. The number and effectiveness of meetings, mailings, public notices, and hearings at which the public was informed or consulted about the project.
2. The numbers and kinds of diverse interests which were involved in the project (e.g., What organizations and special interest groups provided advice?).
3. The extent to which citizen's views were taken into account in decision-making (e.g., Were comments used or rejected? Why?)
4. The specific changes, if any, in project design or scope (e.g., What changes in permit conditions occurred as a result of citizen input?)

4.8.3 Evaluation

- A. Did the responsiveness summary provide a reasonable description of the events, a summary of comments and points of view represented, and a summary of the responses of the agency?
- B. Did the responsiveness summary provide adequate depth to the comments and responses? Would someone not present at the event(s) have a clear idea of what transpired?
- C. Is there an indication that the public had an impact on the permit? If so, how is this impact expressed in the responsiveness summary?
- ~~D. Who are the organizations and individuals cited in the summary? Do they represent a good mix of community leaders, business interests, government agencies, potentially impacted neighbors, and the other major targetted publics? Are any key groups or individuals unrepresented, and if so, why?~~
- E. Do the comments suggest a strong and coordinated opinion from a particular perspective, such as abutters to a facility's site? Should these organized and vocal views receive more attention than some others?
- F. Did the comments suggest a sound understanding of the issues? Did the public education program contribute to a better understanding of the issues?
- G. Does the summary suggest that citizens and officials had ample opportunity to express their views and perspectives?

- H. Does the summary indicate that citizens and officials had adequate notice of meetings and hearings?
- I. Do the responses to comments seem complete and reasonable? Do they make a strong and convincing argument for decisions or directions taken? Are they responsive to the difficult issues raised by the public?
- J. Did the preparers of the summary use a design and format that makes it easy for the reader to find key issues, and differentiate between comments and responses?
- K. Did the preparers of the summary include aids such as an introductory description of the purpose of the summary, a brief description of the facility as a part of the introduction, and an outline of the organization of the summary?
- L. Did the summary include copies of sign-in sheets, notifications, handout material, agendas, and questionnaires and evaluations? Were they helpful, or just extraneous material in the summary? Would a brief description of the materials have proved more useful to the reader?
- M. How was the responsiveness summary distributed? Was it sent to affected decision-makers? To those people who made comments? To the people who attended hearings or meetings? To potentially impacted groups and individuals? To information repositories and libraries?
- N. Was notice of its availability sent to the news media and the editors of newsletters with a potential interest in the project?
- O. Was the length of the summary short enough so that people might, in fact, read it? On the other hand, did it seem like a long and weighty government report destined to be placed on a shelf and not read?

5. SPECIAL ISSUES

[Reserved]

- 5.1 PUBLIC INVOLVEMENT IN EXPOSURE ASSESSMENTS
- 5.2 PUBLIC INVOLVEMENT IN INCINERATOR CERTIFICATION
- 5.3 PUBLIC INVOLVEMENT IN CORRECTIVE ACTIONS
- 5.4 PUBLIC INVOLVEMENT IN SITING NEW FACILITIES

APPENDICES

Appendix A provides a suggested format for public involvement plans. While this format is intended to provide direction, strict adherence is not required. As is the case with public involvement in general, the format should be used flexibly, allowing for adaptation and creativity.

Appendix B contains samples of both required and suggested RCRA permit public involvement materials. Here again, the format and content of these samples is intended to be illustrative, not prescriptive. The reader may use any ideas or language contained within the samples, either verbatim or paraphrased. These samples have not, however, been reviewed for content, and are intended solely to familiarize the reader with these types of public involvement materials.

APPENDIX A

FORMAT FOR PUBLIC INVOLVEMENT PLANS

A. Overview of Public Involvement Plan

Purpose: This section should provide a general introduction to the document by briefly stating the purpose of the public involvement plan and the distinctive or central features of the public involvement effort planned for this specific facility. It should also note any special circumstances of the community and the facility that the plan has been designed to address. This statement should not be a repetition of general program goals (e.g., "Keep the community informed").

Length: One paragraph.

B. Capsule Facility Description

Purpose: This section should provide a reader unfamiliar with the facility with the historical, geographical, and technical details necessary to understand why the facility has been targetted for expanded public involvement.

Suggested topics: Facility location and proximity to other landmarks; history of facility use and ownership; date and type of any releases; public's perception of any threat to public health or environment posed by the facility; the permitting process to date; and responsibility for developing permit (e.g., state or federal).

Length: One page.

C. Community Background

Purpose: This section should provide an understanding of the community and its involvement with the facility. It should be divided into three parts:

1. Community Profile: a discussion of the economic and political structure of the community, and key community issues and interests.
2. Chronology of Community Involvement: a discussion of how the community has reacted to the facility and its owners or operators in the past, actions taken by citizens, and attitudes toward government roles and responsibilities.
3. Key Community Concerns: an analysis of the major concerns of the community regarding the perceived risks or problems posed by the facility.

In all three sections, but particularly in the last, the focus should be on the community's perceptions of the facility and its effects on the community.

Length: May vary between three to seven pages, depending on the history and level of community involvement and concern regarding the facility.

D. Highlights of Public Involvement Program for the Facility

Purpose: This section should provide concrete details on public involvement approaches to be taken at the facility. These approaches should follow directly and logically from Section C's discussion of the community and its perceptions of the problems posed by the facility. This section should not restate the goals or objectives of public involvement in RCRA permitting in general. Instead, it should develop a strategy for communicating with a specific community. The most effective avenues for communicating with the public that were identified in the field assessment should be emphasized.

Suggested topics:

- Resources to be used in the public involvement program (e.g., local organizations, meeting places);
- Key individuals or organizations which will play a role in public involvement activities;
- Areas of sensitivity that must be considered in conducting public involvement efforts.

E. Public Involvement Techniques and Timing

Purpose: This section should state what public involvement activities will be conducted at the facility, and when they should be implemented. This section should also suggest additional techniques that might be conducted at the facility, depending on circumstances as the permit process proceeds, and when in the process they are likely to be most effective.

Length: Two to three pages. Matrix format may be suitable for this section.

Appendices

- Mailing List of Interested Parties and Key Contacts
- Suggested Locations for Meetings and Information Repositories

APPENDIX B

SAMPLES OF WRITTEN MATERIALS AND PUBLICATIONS

Statement Of Basis

STATEMENT OF BASIS

Columbus Steel Drum Co.

OHD 000-723-676

This is a statement of basis for the Draft Hazardous Waste Permit for the subject facility. It briefly describes the derivation of the conditions of the draft permit and the reasons for them. Under 40 CFR 124.7 (Title 40 of the Code of Federal Regulations, Section 124.7), the Statement of Basis is sent to the applicant and to any other person who requests it.

A. FACILITY DESCRIPTION

1. RCRA Activities

Columbus Steel Drum is located in Blacklick, Ohio at 1385 Blatt Blvd. Columbus Steel Drum is primarily a reconditioner of used steel drums, but operates, as an extension of its business, a small hazardous waste storage facility. The hazardous waste that is stored originates either from (1) residues found at the bottoms of incoming "empty" drums, or (2) spent solvents used to clean out the drums. Hazardous waste storage occurs only in closed drums in a specially-designated drum storage area, or in one underground storage tank. The wastes involved are considered "hazardous" under Federal law because they are either "ignitable" (a regulatory term roughly meaning "very flammable") or because they contain lead and/or cadmium. Lead and cadmium are elements found in some of the paints used on the incoming barrels, and these elements can be toxic if ingested at sufficiently high concentrations. This draft permit includes all of the necessary Federal requirements to ensure that the wastes handled will pose no threat to public health or the environment. No burial, or disposal of wastes in any manner, occurs on-site.

2. Permit Actions Other Than RCRA

a. Water

Columbus Steel Drum does not require a National Pollutant Discharge Elimination System (NPDES) permit as all of their process and sanitary wastewater is discharged to the public sewer owned and operated by the City of Gahanna.

D. PROCEDURES FOR REACHING A FINAL DECISION

Under Section 7004(b) of RCRA and 40 CFR §124.10, the public is given forty-five days to review the application and comment on the draft permit conditions prior to EPA taking any final permitting action on the application for a hazardous waste management permit. The comment period will begin on the date of publication of the public notice in a major local newspaper of general circulation. When the Regional Administrator of the U.S. EPA makes his final permit decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final permit decision. If none of the comments received requested a change in the draft permit conditions, the permit will become effective immediately upon issuance of the permit. If comments received during comment period requested changes in the draft permit conditions, then the final permit will become effective thirty (30) days after service of notice of the decision or at a later date if review is under 40 CFR §124.19.

The issuance of a Hazardous Waste Permit will be coordinated by both U.S. EPA and the Ohio Environmental Protection Agency (OEPA). At this time, each Agency has regulations which require a permit to be issued for all facilities which treat, store, or dispose of hazardous waste. If the state receives final authorization for the hazardous waste program, the state will assume the administration of the Federal hazardous permitting program and this permit.

E. BRIEF SUMMARY OF THE PERMIT CONDITIONS

The attached Section provides a brief summary of the permit conditions in the draft permit. The column titled "Regulation" provides the regulatory authority for the permit condition specified in the column titled "Permit Condition."

<u>Permit Condition</u>	<u>Subject</u>	<u>Regulation (40 CFR)</u>
I.D.16.	Other Noncompliance	§270.30(1)(10)
I.D.17.	Other Information	§270.30(1)(11)
I.E.	Signatory Requirement	§270.11 & 270.30(k)
I.F.	Confidential Information	§270.12
I.G.	Not Used	
I.H.	Documents to be Maintained at Facility Site	§264.13(b), 264.16(d), §264.53(a), 264.122(a), §264.142(a), 264.73, §264.15(b)

<u>Permit Condition</u>	<u>Subject</u>	<u>Regulation (40 CFR)</u>
II.M.1.	Closure Performance Standard	§264.111
II.M.2.	Amendment to Closure Plan	§264.112(b)
II.M.3.	Notification of Closure	§264.112(c)
II.M.4.	Time Allowed for Closure	§264.113
II.M.5.	Disposal or Decontamination of Equipment	§264.114
II.M.6.	Certification of Closure	§264.115
II.N.	Closure Cost Estimate	§264.142
II.O.	Financial Assurance for Facility Closure	§264.143
II.P.	Liability Requirements	§264.147
II.Q.	Incapacity of Owners or Operators, Generators or Financial Institutions	§264.148

<u>Permit Condition</u>	<u>Subject</u>	<u>Regulation (40 CFR)</u>
IV.	STORAGE IN TANKS	
IV.A.	Waste Identification	§270.13(1)
IV.B.	Design of Tanks	§264.191
IV.C.	General Operating Requirements	§264.192
IV.D.	Special Requirements for Ignitable or Reactive Waste	§264.198
IV.E.	Special Requirements for Incompatible Waste	§264.199

Letter To Library To Set Up Repository

Ms. Ruth Berman
Head Librarian
New London Public Library
406 South Pearl Street
New London, Wisconsin 54961

OSWER Policy Directive No. 95

Dear Ms. Berman:

Per my telephone conversation on June 3, 1985, with Ms. Vicki Crznarich, the United States Environmental Protection Agency (U.S. EPA), Region V, will receive comments on the permit application and U.S. EPA's draft permit for Curwood, Incorporated which is located in New London. Please make the items listed below available for public review at the New London Public Library as soon as they are received. I am requesting that you complete the enclosed verification form in order for our Agency to be assured that these materials were received.

- A copy of the Curwood Incorporated permit application
- A copy of the U.S. EPA, Region V, draft permit for Curwood
- A copy of the U.S. EPA, Region V, Fact Sheet for Curwood
- A copy of the Public Notice to be published in the New London Star-Press and Appleton Post Crescent on June 27, 1985, advising the availability of these materials at the Library
- A copy of the U.S. EPA, Region V, pertinent Public Participation Regulations

Please retain the materials on file for public access until further notice. Enclosed are self-addressed, stamped labels and envelopes to be used for the return of these materials upon notice.

Thank you very much for your cooperation in assisting our effort to serve the public. Please contact me at (312) 886-3715, if you have any questions.

Sincerely,

Christine Klemme
Environmental Protection Assistant

Enclosures

Public Notice (Without Corrective Action)

NOTICE OF DRAFT PERMIT AND PUBLIC HEARING

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
6TH AND WALNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106

Date of this Notice: December 26, 1982 Public Notice No: RCRA 2002

The United States Environmental Protection Agency (EPA) proposes to issue a permit for the storage and incineration of hazardous waste to the Union Carbide Corporation for its facility which is located on 437 MacCorkle Avenue, SW, South Charleston, WV 25303. The EPA permit is to be issued under the authority of the Resource Conservation and Recovery Act. This facility has been assigned EPA identification Number WVD 98 055 4885.

A draft permit which contains conditions for the operation of a hazardous waste storage and incineration facility has been proposed by EPA. The permit conditions are proposed and are open to comment from the public.

Persons wishing to comment on the draft permit must submit such comments in writing or provide comments at the public hearing described below. Written comments must be sent to the Environmental Protection Agency, 6th & Walnut Streets, Philadelphia, PA 19106, Attention: Joan Henry (3AW32) and must be received by EPA on or before February 11, 1983.

This is to notify the public that a hearing to receive comments on the permit will be held by EPA on January 27, 1983 in the South Charleston High School located at 1 Eagle Way, South Charleston, WV at 7:00 p.m.

All comments should address the appropriateness of the decision to prepare a draft permit or the appropriateness of any condition of the draft permit. All comments must raise reasonably ascertainable issues and should be accompanied by all reasonably available arguments, factual grounds and supporting material. It is EPA's present intent to limit comments at the hearing to a maximum of five minutes per speaker so persons wishing to participate in the hearing are encouraged to prepare written material to be submitted along with any oral comments.

All written comments received by the above date and all comments received at the hearing will be considered in the formulation of final determination regarding the permit. After considering all comments and the requirements and policies in RCRA and its implementing regulations, the EPA Regional Administrator will make a decision regarding permit issuance.

Public Notice For Corrective Action

PUBLIC NOTICE REGARDING TENTATIVE DETERMINATION OF CONFORMITY WITH CORRECTIVE ACTION REQUIREMENTS AND AMENDMENT OF PART 8 APPLICATION

The United States Environmental Protection Agency (U.S. EPA) Region V, is hereby giving notice of its tentative determination that there have been NO uncorrected releases of hazardous waste or hazardous constituents to the environment, from any current or previous solid waste management units, at the site on which CECOS International, Incorporated Processing Center currently operates a storage and treatment facility at 4879 Spring Grove Avenue, Cincinnati, Ohio 45232.

This tentative determination is one of the steps U.S. EPA is undertaking to fulfill its obligations under the recently enacted (November 8, 1984) Hazardous and Solid Waste Amendments of 1984 (HSWA; the Amendments). Section 206 of the Amendments requires that all hazardous waste management permits issued after November 8, 1984, must require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage or disposal facility seeking a permit. It further requires that permits issued must contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to the issuance of the permit) and assurances of financial responsibility for completing such corrective action.

U.S. EPA gave notice to the public of a draft permit for CECOS International, Incorporated's Processing Center on August 31, 1984, and held a public hearing on the draft permit on October 2, 1985. The technical review of the permit application, coupled with the above public participation activities constituted the whole of the application review process prior to HSWA.

A final determination by U.S. EPA concerning any releases of hazardous waste or hazardous constituents to the environment will also decide whether or not an additional condition is placed in any final RCRA permit. Should U.S. EPA determine that such releases have occurred, any permit issued to CECOS International, Incorporated's Processing Center would require that corrective action be taken to address such releases, to prevent any threat to public health and the environment. Should U.S. EPA determine that such releases have not occurred, no such corrective action requirement would be necessary.

Today's tentative determination is based on a review of files and documents readily available to U.S. EPA. The review has not discovered any evident of any such releases to the environment.

Comments are hereby solicited from the public as to whether any such releases have ever occurred at this site. Comments must be in writing, and should provide factual information (type of release, location, date) which would cause U.S. EPA to modify today's tentative determination. Comments must be postmarked no later than September 30, 1985, and be addressed to Ms. Christine Klemme, Solid Waste Branch, 5 HS-JCK-13, 230 South Dearborn Street, Chicago, Illinois 60604.

This notice also serves to amend the Part 8 application. CECOS International, Incorporated's Processing Center will increase the capacities of the multi media filters to 22,500 gallons and the activated carbon absorbers to 15,000 gallons in the wastewater treatment system. This increase in capacities will enable CECOS to treat a maximum of 360,000 gallons of wastewater per day.

Joint EPA/West Virginia Public Notice

JOINT PUBLIC NOTICE OF PROPOSED ISSUANCE OF A PERMIT UNDER
RESOURCE CONSERVATION AND RECOVERY ACT

United States Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19107

in conjunction with the

West Virginia Department of Natural Resources
Division of Water Resources
Hazardous Waste/Groundwater Branch
1201 Greenbrier Street
Charleston, West Virginia 25311

Date of this Notice: June 28, 1985

The United States Environmental Protection Agency (EPA) and the West Virginia Department of Natural Resources (DNR) propose to issue a permit for storage and incineration of hazardous waste to Union Carbide Technical Center which is located at 3200 Kanawha Turnpike, South Charleston, WV, 25303. The EPA permit is to be issued under the authority of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) while the State permit is to be issued under authority of the West Virginia Code Chapter 20, Article 5E. The facility has been assigned EPA permit number WVD 06 068 2291.

The State of West Virginia is authorized to operate a hazardous waste management program in lieu of the Federal program for those portions of RCRA in effect at the time of the authorization which was prior to the enactment of HSWA.

HSWA imposes additional requirements on hazardous waste management facilities which will be administered and enforced by EPA until the State of West Virginia receives additional authorization for those requirements. Therefore, EPA, the Department of Natural Resources and Air Pollution Control Commission will determine whether to issue permits to Union Carbide. APCC announced its tentative determination to issue a permit to Union Carbide on May 16, 1985.

Facility Description

Union Carbide Corporation has applied to West Virginia for a permit to operate a hazardous waste incinerator, and two container storage areas at their South Charleston Technical Center. The incinerator is used to dispose of many small bottles of waste laboratory chemicals and drums of waste solvents generated by pilot plant washing operations. In addition, the incinerator is used to dispose of bags of experimental polyurethane foam which are non-hazardous waste.

The Union Carbide Corporation Technical Center incinerator is a Brule' Model FG4-T20 with three chambers. The incinerator is equipped with two auxiliary fuel burners and a liquid/gas burner. The auxiliary fuel burners

Public Participation

Persons wishing to comment on the draft permit, permit application or object to permit issuance must submit their comments in writing. Duplicate copies of comments should be sent to the:

Environmental Protection Agency
841 Chestnut Street
Philadelphia, PA 19107
Attention: Robin Cole (3HW31)

and

West Virginia Department of Natural Resources
Division of Water Resources
Hazardous Waste/Groundwater Branch
1201 Greenbrier Street
Charleston, WV 25311
Attention: Kim Fetty

All comments received within 45 days of this public notice will be considered in the formulation of the final determinations regarding the permits.

In the event the Regional Administrator (EPA) or the Chief (Division of Water Resources) receives written notice of opposition to the draft permit and a request for a public hearing within the comment period referenced above, a hearing shall be scheduled at a location convenient to the nearest population center to the proposed facility. Any person requesting a hearing must raise all reasonably ascertainable issues and must include all reasonable available arguments, factual grounds and supporting material. If a public hearing is required, public notice will be given at least 30 days before the hearing. Any requests for a public hearing should be addressed to the Regional Administrator, Environmental Protection Agency Region III, 841 Chestnut Street, Philadelphia, PA 19107 and/or the Chief, Division of Water Resources, West Virginia Department of Natural Resources, 1201 Greenbrier Street, Charleston, WV 25311.

The EPA administrative record, including the application, all data submitted by the applicant, the fact sheet, the draft permit, maps showing the exact facility location, and comments received, may be reviewed and copied at EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A copying machine will be provided for public use at a charge per page. Any person desiring further information, copies of portions of the administrative record, or an appointment to review the record should contact Joan Henry at the above address or call (215) 597-7259.

A copy of the State Administrative record, including the application, draft permit and fact sheet will be available for review at the West Virginia Department of Natural Resources, Division of Water Resources, Public Information Office, 1201 Greenbrier Street, Charleston, WV 25311. Any person desiring further information should contact Kim Fetty at the above address or call (304) 348-7861.

JOINT NOTICE OF PREPARATION OF A
HAZARDOUS WASTE STORAGE PERMIT
RESOURCE CONSERVATION AND RECOVERY ACT

United States Environmental Protection Agency
Region III
6th & Walnut Streets
Philadelphia, Pennsylvania 19106

in conjunction with the
Pennsylvania Department of Environmental Resources
Bureau of Solid Waste Management
90 E. Union Street
Wilkes-Barre, PA 18701

Date of this Notice: August 9, 1984

The United States Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Resources (DER) each has reviewed a permit application for storage of hazardous waste from Allied Corporation - Chemical Sector - Pottsville Plant, Pottsville, PA 17901. EPA has made a tentative determination to issue its permit. DER is still reviewing the application. Both EPA and DER will consider all public comments made at this time when deciding whether to grant or deny the permit. The EPA draft permit was prepared under the authority of the Resource Conservation and Recovery Act (RCRA), and the DER fact sheet was prepared under the authority of the Pennsylvania Solid Waste Management Act of 1980. The proposed facility has been assigned EPA draft Permit Number PAD 06 977 6185.

The Role of DER

The State of Pennsylvania is in the process of applying to EPA for Final Authorization of the State's hazardous waste management program. Until Final Authorization occurs, both DER and EPA will operate parallel programs, jointly review permit applications and issue permits, or deny permit applications jointly where possible. After that, all facilities will operate exclusively under State-issued permits.

Allied Corporation - Chemical Sector - Pottsville Plant Application

Allied Corporation - Chemical Sector - Pottsville Plant has applied for a RCRA hazardous waste permit to operate a container storage facility at Westwood Road in Pottsville, PA.

PERMIT APPLICATION FILES

EPA's administrative record, including the application, all data submitted by the applicant, the EPA draft permit and fact sheet and maps showing the exact facility location, and comments received, may be reviewed and copied at EPA, Region III, Sixth and Walnut Streets, 2nd Floor, Philadelphia, Pennsylvania 19106, between the hours of 8:30 AM and 4:30 PM Monday through Friday. A copying machine will be provided for public use at a charge per page. Any person desiring further information, copies of portions of the administrative record, or an appointment to review the record should contact Joan Henry at the above address or call (215) 597-8751.

Similar information will be available for review at the Pennsylvania Department of Environmental Resources, 90 E. Union St., Wilkes-Barre, Pennsylvania 18701 between the hours of 8:00 AM and 4:00 PM Monday through Friday. Any person desiring further information should call Mr. David Lamereaux, Regional Solid Waste Manager, Wilkes-Barre at (717) 826-2516.

Copies of the permit application are also available at the Schuylkill County Planning Commission Courthouse, Pottsville, PA and the Norwegian Township Board of Supervisors, Maple Avenue, Mar Lin, PA.

Any relevant comments received within 45 days of the date of this joint public notice will be considered in the formulation of final determinations regarding the permits. After consideration of all written comments and of the requirements and policies in RCRA and appropriate State regulations, EPA and DER will make their final decision to either issue, modify or deny the permit. At that time, EPA and DER will notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. The final EPA permit decision will become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review or appeal to the Administrator of EPA is requested under 40 CFR §124.19. If no comments requested a change in the draft permit, the final permit will become effective immediately upon issuance. The final DER permit action will be published in the Pennsylvania Bulletin and this action by the Department may be appealable to the Environmental Hearing Board, Third Floor, 221 North Second Street, Harrisburg, Pennsylvania 17101, (717) 787-3483, by any aggrieved person pursuant to Section 1921-A of the Administrative Code of 1929, 71 P.S. Section 510-21; and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A. Appeals must be filed with the Environmental Hearing Board within thirty (30) days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the regulations

*Public Service Announcement Cover Letter, Script,
And Verification Form*

Ref: 8AW-WM

KQIL Radio
P.O. Box 320
Grand Junction, CO 81502

Dear Linda Sparks

Enclosed please find a purchase order from the Environmental Protection Agency (EPA) to place a radio broadcast with your station. The announcement gives public notice regarding a period of review for a hazardous waste permit at the University of Colorado. The announcement should be aired on June 14 1984.

We have enclosed the announcement to be aired. Please return the enclosed verification form in the self-addressed envelope, in order to receive payment and to allow EPA to document the time and place of the radio advertisement.

If you need further information or find that the announcement must be changed in any way, please call Mrs. Pat Urquhart at (303)844-6258.

Thank you for your assistance.

Sincerely yours,



Al Broach
Purchasing Agent

Enclosures

COMMON POLICY SECTION 1

VERIFICATION OF BROADCAST

This is to verify that a Public Announcement on the Environmental Protection Agency's notice of denial of a hazardous waste storage permit for Gary Refining Company was broadcast on KQIL on the following dates:

Signature _____

Date _____



Public Notice Of Facility Closing

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
1860 LINCOLN STREET
DENVER, COLORADO 80295

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION VIII
PUBLIC NOTICE OF FACILITY CLOSURE
UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

Facility Closing

Name: Laramie Energy Technology Center, North Site (LETC)
EPA I.D. #: WY2890031874

Location: One mile North of Laramie on U.S. Highway 30
P.O. Box 3395 University Station
Laramie, Wyoming 82071

LETC operated a facility, which was identified on the RCRA Part A permit application, for storing hazardous waste in containers, with a proposed capacity of 500 gallons for 68 different hazardous wastes. The largest quantities of hazardous waste anticipated to be stored at the facility were benzene, toluene, and cyclohexane.

Public Comments

The Environmental Protection Agency (EPA) announces that until May 24, 1985, public comment will be accepted on the LETC closure plan, in accordance with hazardous waste regulations (40CFR 265.112 (d)). According to these regulations, the EPA Regional Administrator will approve, modify, or disapprove the plan. Comments, questions, and written communications should be directed to Lawrence Wapensky, U.S. EPA Region VIII, Waste Management Branch, 1860 Lincoln Street, Denver, Colorado, 80295, telephone number (303) 293-1662.

The closure plan and supporting documents are available for review during regular business hours (8:30 a.m. to 4:30 p.m.) at the U.S. EPA Library, 1860 Lincoln Street, Denver, Colorado, at the offices of the Department of Environmental Quality, Water Quality Division, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming, and the Albany County Public Library, 310 South 8th Street, Laramie, Wyoming.

Public Hearing Registration Forms



**U.S. Environmental Protection Agency
PUBLIC MEETING REGISTRATION FORM**

NAME _____

ADDRESS _____

CITY _____ ZIP _____

Do you represent a municipality, agency or group?

☐ Yes Which? _____

☐ No

Are you already on our mailing list?

☐ Yes

☐ No



**U.S. Environmental Protection Agency
PUBLIC MEETING REGISTRATION FORM**

NAME _____

ADDRESS _____

CITY _____ ZIP _____

Do you represent a municipality, agency or group?

☐ Yes Which? _____

☐ No

Do you want to submit
written comments?

☐ Yes

☐ No

Do you want to make
make verbal comments today?

☐ Yes

☐ No

RESPONSE TO COMMENTS ON THE DRAFT GUIDANCE ON PUBLIC INVOLVEMENT IN THE RCRA PERMITTING PROGRAM

A number of recurring issues and concerns emerged from the comments received from staff in EPA headquarters, regional offices, state agencies, and ASTSWMO. Most of these issues were able to be addressed in the guidance, although several were not. This Response to Comments discusses the most important issues and the manner in which they were handled.

1. "Recommended" vs. "Required"

Many reviewers emphasized the importance of allowing regional offices and states considerable flexibility in planning and implementing public involvement efforts. The initial drafts of the guidance evidently did not assert as clearly as possible that apart from regulatory requirements, decisions about when to conduct public involvement activities, and which activities to conduct, were at the discretion of the regional office or state, so long as the National Permit Strategy's general goal of earlier and expanded public involvement in RCRA permitting was being met. Several changes were made to the guidance in response to such comments:

- Language was added or modified throughout the guidance to emphasize discretion and flexibility and to encourage adaptation and creativity.
- The summary chart of possible activities to involve the local public in the permitting process (Exhibit 3-1) was altered so that activities required by regulations were listed in a separate column from those that are discretionary.
- In addition, the term "recommended" was changed to "suggested" throughout the guidance in referring to discretionary activities.

2. Owner/Operator's Role in Public Involvement

Many reviewers were uncomfortable with the draft guidance's initial depiction of the owner/operator as a member of the "public involvement team." While the general thrust of the guidance was to encourage the owner/operator to assist in public involvement activities and to coordinate actions with the agency's efforts, some reviewers thought this approach could foster an impression of collusion. One reviewer warned that some joint activities might be prevented by state prohibitions against ex parte communications. In response:

- The guidance no longer refers to the owner/operator as a "member of the team."

- The guidance still recognizes and encourages the owner/operator's responsibility to educate and involve himself in the community, but makes a clear distinction between the agency's statutory mission and the owner/operator's interests, i.e., the agency's role is to review a permit, not be an advocate for it.
- Two caveats were inserted regarding state requirements that may prevent owner/operator participation in certain public involvement activities.

3. Resources

The issue that received the most comment -- and the largest issue left unresolved in the guidance -- concerns the availability of adequate resources. One reviewer suggested that the suggestions in the guidance should be scaled back in light of resource constraints. Several requested guidance on how to tap into funds set aside for RCRA public involvement or otherwise secure funding. One reviewer brought into question staff capabilities, declaring that there was a lack of skilled interviewers to conduct field assessments.

The resources question is undeniably critical to the implementation of the public involvement effort. The purpose of the guidance, however, is to explain EPA policy and suggest procedures for translating that policy into action during the permitting process. Moreover, the guidance is intended for use by staff in every EPA regional office, as well as in the states, over a period of years. It was deemed inappropriate to discuss resource availability and procedures for obtaining resources in a document of this nature, except in a general fashion.

We did make additions to the guidance that may serve to answer some general questions relating to resources. For example, the guidance now notes the option of using contractors to conduct field assessments and prepare public involvement work plans. In addition, we have included a discussion of resource questions in the two-day training course on public involvement in RCRA permitting currently being delivered in the regional offices.

At the present time, there are vehicles within regional budgets that can be designated for public involvement, such as the RCRA program contract with A.T. Kearney and the Superfund REM contract. There is also one person-year (FTE) that has been given to each region for RCRA public involvement. In the meantime, headquarters is investigating additional resources that may be made available for public involvement implementation.

4. Timing of Public Involvement Activities

Several reviewers felt that it was impractical to undertake activities that were recommended in the guidance for the period before submission of the permit application. Thus, it was noted that all land disposal facilities are supposed to have submitted their applications by November, around the same

time the guidance would be released. In response, the suggested time for the field assessment, public involvement work plan, mailing list preparation, and introductory notice were shifted to the period after the submission of the permit application. The guidance explains, however, that the field assessment and public involvement plan could gain additional effectiveness if conducted prior to a permit application's submission.

5. Permit Denials and Post-Permit Activities

Many reviewers commented that the guidance was overly focused on the issuing of permits. Some reviewers argued that permit denials and facility closures would also necessitate public involvement efforts. Others suggested that, in general, the guidance should give attention to the need for public involvement after final determination on a permit. In response:

- A section was added, entitled "Public Involvement upon Final Determination of a Permit," which discusses public involvement in connection with corrective actions, the release of ongoing monitoring data, and closure plans. This new section also explains the advantages of continuing public involvement after a final determination on a permit.
- The guidance was revised throughout to acknowledge the possibility of other outcomes besides permit issuance.

6. Which Facilities Deserve Expanded Public Involvement?

Reviewers requested additional guidance on identifying which facilities should be the focus of expanded public involvement efforts, given that a full effort cannot be mounted for every facility applying for a permit. Some reviewers felt that the draft guidance's use of the National Permits Strategy's "environmentally significant facility" definition was inadequate, if not misleading, as a criterion for selecting facilities to be the focus of public involvement efforts because not all of those facilities would generate sufficient public concern to warrant expanded public involvement efforts. Moreover, their experience indicated that many environmentally "insignificant" facilities would be subjects of intense controversy. Other reviewers thought that the term "significant public interest" was also inadequate as a criterion for expanded public involvement. In response:

- The guidance now explains that environmentally significant facilities should be "seriously considered, but not automatically targeted, for expanded public involvement."
- We included in the guidance a list of seven factors typically found to be associated with significant public interest or concern. This list is based on substantial analysis conducted over the past several months.

- The list of potential sources of public interest was doubled to include such issues as enforcement, ATSDR referrals, transportation of hazardous wastes, and evacuation and emergency plans.

The approach taken in "targetting" facilities for expanded public involvement is also intended to address the concern of those reviewers who fear that expanded public involvement will call attention to and stir up opposition toward a facility's permit. It is not the goal of this program to create opposition where it does not exist. Targetting facilities that, in the region or state's opinion, are most likely to generate the highest level of interest or concern ensures that public involvement activities mitigate, rather than create, opposition. The guidance's emphasis on tailoring public involvement activities to a community's individual circumstances is also intended to recognize the need to take those actions, and only those actions, that will facilitate a community's constructive involvement with the RCRA permitting process.

7. State Participation in Public Involvement

Reviewers asked about the degree to which authorized states will be required to comply with the guidance and whether or not the regional offices will be required to conduct public involvement activities if states are unwilling. A number of reviewers pointed out that many states have public involvement requirements that either overlap or differ from EPA requirements, a potential source of confusion. In response:

- A paragraph was added to the section in Chapter 2 on "Roles and Responsibilities" outlining the contributions that states can make to public involvement regardless of their level of authorization.
- Language was added to give states responsibility for coordinating state requirements on permits, public involvement, and administrative procedures.
- References to "EPA" were expanded to include "states," where appropriate, or the neutral term "agency" was used, to acknowledge that some states will have primary responsibility for public involvement efforts.

Furthermore, it should be noted that the 1986 RCRA Implementation Plan (RIP) requires the public involvement program to be included in the annual work plan of each state and to be considered when state programs are evaluated by EPA.

8. Program Implementation

There appeared to be some confusion about the scope and purpose of two key elements of an expanded public involvement program: field assessments and public involvement plans. The guidance now specifies that a field assessment

generally involves one to two days of face-to-face interviews with community members, but acknowledged that some information may be efficiently obtained over the telephone. Although the guidance focuses on the field assessment as a technique to be used after a facility has been targetted for expanded public involvement, the type of information obtained from a field assessment could also be used to assess whether a facility deserves to be targetted in the first place. Regions and states are encouraged to conduct as many field assessments as possible to more accurately discriminate which facilities are likely to generate the most public concern.

Although the draft guidance described the public involvement plan as a brief and concise document, some reviewers are still unsure of how detailed the plan should be and requested further guidance and examples. The guidance does specify the general types of information to be included in a public involvement plan:

- A summary of citizen concerns and a list of community leaders;
- A list of public involvement actions to be taken; and
- The timing of these actions.

However, because a public involvement plan should be tailored to a community, flexibility must be maintained. Accordingly, the guidance now contains a model format for the public involvement plan (Appendix A) to provide direction, but states clearly that the format should be used flexibly, allowing for adaptation and creativity. In addition, Headquarters is working with Region VII to develop a model public involvement plan for an actual RCRA facility. This plan will be disseminated in the near future.

The guidance makes reference to the public involvement plan as an outline of the "minimum actions EPA or the state will use to facilitate public involvement." The reason, although not stated in the guidance, is that the public involvement plan is a public document that should be placed in information repositories and distributed upon request. As a public document, the community will likely come to view the plan as a minimum effort to which the agency will be held. Also, because the plan will stretch across, in some cases, several years and cover public involvement for both permit review and implementation stages, not all desirable activities will be foreseeable. Thus, the plan should leave room for additional activities as the permit process proceeds.

One reviewer stated that the guidance's suggestions to use display ads instead of legal notices was unrealistic in many cases because of the cost. While allowing maximum flexibility to regions and states, the guidance still encourages the use of display ads because of their greater effectiveness.

9. Reserved Chapters

Reviewers wanted to know when chapters held in reserve in the draft guidance would be completed. The latest version of the guidance includes (as appendices) a new discussion on the suggested format for public involvement work plans and samples of materials for public distribution, both of which were reserved in the draft guidance. At present, the only reserved chapter is the one on four "Special Issues" (i.e., public involvement in exposure assessments, incinerator certification, corrective action, and in siting new facilities). Although the order for development of these special issue sections is yet to be determined, it is likely that corrective action will be the first to be completed. In addition, two other special issues are being considered for inclusion in this chapter: dioxin and closure/post-closure.