

Working Together to Protect the Environment

Public Participation Case Studies
from North Carolina and Georgia

February 1999

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John H. Hankinson, Jr., Regional Administrator, US EPA Region 4

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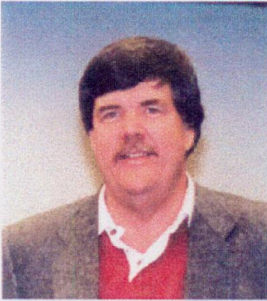
Jimmy Carter, North Carolina Department of Environment and Natural Resources

Harold Reheis, Director, Georgia Department of Natural Resources, Environmental Protection Division

David Word, Assistant Director for Programs, Georgia Department of Natural Resources,
Environmental Protection Division

Tom Nessmith, US EPA Region 4

Introduction



I congratulate the North Carolina Department of Environment and Natural Resources and the Georgia Department of Natural Resource's Environmental Protection Division for their earnest intent to work closely with their public in establishing stateside environmental priorities.

There is a growing awareness that consensus-building can produce stronger environmental protection strategies than those developed with little or no public involvement. There is also a growing awareness that involving the public in environmental decision-making is hard, and it is a fledgling art.

Working with the public increases the knowledge and experiences brought to bear on tough environmental problems. By working with those whom government actions affect we ensure that public values are a fundamental part of the decision process, which often results in more acceptable decisions. Public participation efforts can be time-consuming and difficult to manage effectively. However, arguing, litigating, redoing, or abandoning unpopular and infeasible decisions can be even more time-consuming and expensive.

Public participation can be a powerful tool when planned and implemented well. Case studies such as the two that follow can serve as invaluable resources to learn from those who have gone before us.

Georgia and North Carolina have taken big steps and have learned important lessons along the way. My hope is that these case studies will encourage others to take a big step and use public participation effectively to solve environmental problems.

John H. Hankinson, Jr.
Regional Administrator
United States Environmental Protection Agency
Region 4

Performance Partnership Agreements in North Carolina

Background

The Fiscal Year 1998 Performance Partnership Agreement (PPA) between the United States Environmental Protection Agency, Region 4 and the North Carolina Department of Environment and Natural Resources committed the State to writing future PPAs with involvement from affected stakeholders. The Agreement stated:

"EPA and DENR are committed to make the PPA an open process that includes involvement from all affected stakeholders. Early planning should include public notice, invitation for stakeholder involvement, fair distribution of stakeholders and consideration for stakeholder expense.

Stakeholders will be afforded equal participation in the PPA process. While EPA and the state must ensure that regulatory program core program requirements are met, the PPA should include concerns and issues of importance to the public.

This PPA will adopt the Model Plan for Public Participation developed by the Public Participation and Accountability Subcommittee of the National Environmental Justice Advisory Council (EPA 300-K-96-003)."

Performance Partnership Agreements

Performance Partnership Agreements are broad strategic documents. They describe priorities, goals, and commitments that are shared by the U.S. EPA and a State environmental or natural resources agency. Sometimes they are called "Environmental Performance Agreements." These agreements can support or even replace the traditional program work plan process.

These agreements help identify environmental priorities in each state and describe actions to address those priorities. Traditionally, agencies have paid a lot of attention to the number of permit reviews, inspections, and enforcement actions taken by a state. The real-world outcomes of those actions can get lost in the details. Alternative and innovative actions can also get lost.

Although Performance Partnership Agreements vary in length and scope, all are important tools for building a strong federal-state partnership to protect public health and the environment.

Process Design and Management

Staff from the North Carolina Department of Environment and Natural Resources formed a working group to help develop their Fiscal Year 1999 Performance Partnership Agreement. They designed the group to be a manageable size (no more than 15 non-agency stakeholders), provide a balanced representation for each stakeholder viewpoint, and to work on a range of environmental concerns in North Carolina.

Performance Partnership Agreements in Region 4

In EPA Region 4, a major purpose of Performance Partnership Agreements is to strengthen the working partnership between EPA and the states. This can be done in a variety of ways, such as:

- Agree on environmental conditions and probable causes of problems in a state. Find opportunities for environmental gains.
- Agree on the appropriate national and state-specific environmental goals, program performance indicators and multi-media activities, along with state commitments for specific deliverables and types of activities that address environmental and programmatic opportunities and/or weaknesses.
- Agree upon the allocation of federal resources to shared goals and priorities, the work to be done, and any disinvestments that are necessary due to limits on available resources.
- Agree on commitments for specific and more integrated federal technical assistance for targeted program elements that need improvement (e.g., training, IPAs, etc.).
- Agree on any joint ventures or shared enterprises to better accomplish environmental results that reflect regional, pollution prevention, or ecosystem goals.
- Discuss other activities the state or USEPA may be considering for the coming year, for example, state plans to undertake targeted compliance assistance programs for specific industrial sectors or anticipated EPA national enforcement cases.

The goal of this effort was to construct an agreement that would commit all involved parties to address issues agreed as important to environmental protection in North Carolina.

North Carolina used public notices in state newspapers and mailed invitations to a targeted group of stakeholders, inviting them to participate on the working group. Many people in the state expressed interest, and the working group was eventually formed with 15 stakeholders that could commit to a series of intense working meetings.

The final stakeholder group included representatives from:

- ▶ S&ME, Inc.
- ▶ DuPont
- ▶ the University of North Carolina
- ▶ Manufacturers & Chemical Industry Council
- ▶ the Research Triangle Institute
- ▶ Trigon Engineering Consultants

- ▶ CP&L
- ▶ Camp Lejeune
- ▶ the PCB/Landfill Workgroup
- ▶ Glaxo Wellcome
- ▶ the Institute of Government
- ▶ the Conservation Council of North Carolina
- ▶ the Concerned Citizens of Rutherford County
- ▶ Bladen Environmental
- ▶ the North Carolina Association of County Commissioners
- ▶ and the American Furniture Manufacturing Association.

Other interested groups received e-mails of meeting notes and working drafts to stay informed throughout the process.

The working group selected six issues that they would address in the 1999 Performance Partnership Agreement:

- ✓ ground water protection;
- ✓ nonpoint source pollution and sediment control;
- ✓ sustainable development;
- ✓ single permit improvement planning;
- ✓ capacity limits/sustainable agriculture;
- ✓ and community partnerships and environmental justice.

The stakeholder group broke into six Task Groups to work at the table with state and federal officials and draft the actual language of the 1999 Agreement. In total, the stakeholder group met three times between June and September 1998 to decide just what the State agency would include in the 1999 Agreement. Trained facilitators from DENR and EPA facilitated workgroup meetings. The project's leader, Mr. Jimmy Carter from the North Carolina Department of Environment and Natural Resources, compiled the work of the 6 Task Groups into a draft Performance Partnership Agreement for review by all participating stakeholders and approval by State and US Environmental Protection Agency officials.

Unique Aspects of the Project

This was the third year that US EPA Region 4 and the North Carolina Department of Environment and Natural Resources entered an agreement under the National Performance Partnership System. However, this was the first time that non-agency stakeholders actually wrote language that was used in the Performance Partnership Agreement document.

Outcomes of the Stakeholder Process

To evaluate stakeholder involvement processes, it is useful to use a range of indicators. *Process indicators* look at factors that improve the decision-making process. *Outcome indicators* represent specific, measurable results from stakeholder involvement. *Cost indicators* measure the direct and indirect costs of managing the process.

Process Indicators

North Carolina's efforts to involve stakeholders early and directly in the development of its Performance Partnership Agreement improved public *accessibility to the decision making process*.

The state worked to ensure *a diversity of views* were represented in the process while trying to maintain a manageable group size.

The working group had significant and direct *opportunity for participation*. Other interested stakeholders were kept informed throughout the process and had some opportunity to provide comments and suggestions. Stakeholders and agency officials identified common concerns.

The State appeared to have the most trouble with *information exchange*, especially in the beginning of the process. This was caused, in large part, by the State and federal jargon and processes that were not quickly obvious to the public. Communications improved over time.

Outcome Indicators

DENR and EPA Agency officials have reviewed and concurred with the Agreement developed in this process. It is not yet clear *how well the Agreement will be accepted* by other stakeholders not involved in the process. Diverse representation on the working group should improve the chances of wider acceptance.

In the short-term, *project efficiency* can be slowed by the time needed to educate stakeholders and for discussions and deliberations. The effort in North Carolina was not designed to be more efficient (i.e., faster). In fact, it took longer than expected. The target deadline for approval of the PPA was September 1, but the Agreement was not signed until December 8.

Stakeholders and agency officials worked together on an important project, enhancing *mutual learning and respect*.

Cost Indicators

There are *direct costs* to all participants in an effort like this one, including travel costs and time. For example, large groups of EPA staff traveled from Atlanta to Raleigh, North Carolina three times, and a delegation of State employees made a follow-up visit to Atlanta. Some other stakeholders found it difficult to attend all three meetings because they were paying their own expenses. DENR tried to find funds to help stakeholders that had to travel from other parts of the state for the final meeting. Because of the importance of the Agreement, all participants committed to bear these costs to make the process succeed.

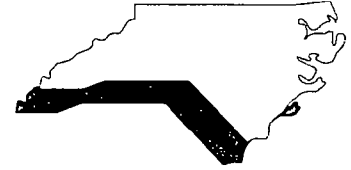
The process required a good deal of State agency staff time and effort, and a fair amount of stakeholder commitment during and between meetings. Because of the large effort and costs involved, DENR and EPA decided, in advance, to make this a two-year agreement.

It is difficult to gauge possible indirect costs, or lost opportunities to participate in other public activities. The State could have directed some resources toward other efforts to engage stakeholders in the Agreement, such as broader public meetings or workshops, going out to speak with existing groups and organizations that might be interested, or using the World Wide Web, for example, to reach a wider audience. Participants could have used some of the time and effort invested in this process to participate in other activities.

Lessons Learned

Spend Time Up-front Orienting Stakeholders

Stakeholders need some common foundation from which to work. The Project coordinator sent background information for participants to read, and even wrote an orientation in the first email to the group. Some stakeholders apparently failed to read or understand the information and were not completely prepared, nor did they all understand their role in the process. Spending a little more time at the first meeting on an overview of the Performance Partnership Agreement process might be helpful.



Working groups normally go through a forming-norming-storming-performing cycle of group dynamics. Trained facilitators helped the group focus on some important issues, keeping the group from getting “mired in process.” A secondary lesson might be: *Don’t even think about doing this without trained facilitators.*

Identify Resource Needs to Provide Follow-Through During & Between Meetings

There is much work to be done to prepare for meetings, and a lot to be done to communicate between meetings. One member of the State agency did a great deal of logistical work to make sure that the meetings happened. Other State agency staff made sure that the Task Groups were working during and between meetings and staying on track. The project leader took on the task of writing summaries of the meetings and coordinating and compiling the written recommendations of the Task Groups that would eventually end up in the PPA document. It takes people and time to follow through with the chores.

Think Hard About Scheduling Meetings

It was difficult to mobilize the group over time with three one-day meetings. Although the Project leader talked directly with each representative to ensure a personal commitment to the process, some stakeholders only came to one meeting. Many other stakeholders made a great effort to come to all three meetings. Getting stakeholders to commit to fewer, but longer, meetings (such as two two-day sessions) might help, although this might leave out people who cannot be away from work or home for an extended time. Also, leaving a month between meetings allowed time for participants to work between meetings. It allowed time for participants to deal with issues and questions, and resulted in universal approval by all participants by the end of the process.

Recognize That Stakeholders May Not Be Able, or Willing, to Commit to a "Full Partnership" With A Government Agency

The state agency wanted to include stakeholders as full partners in the process and tried to give them "ownership" of the process. The participants apparently wanted a continuing role as advisors, participants, and evaluators, but backed away from the commitment of a full partnership in the Performance Partnership Agreement. Stakeholders generally expect government agencies to administer and carry out such agreements as part of their missions. Members of the public may hesitate if they perceive that the agencies are trying to shift some of those responsibilities to the public

For More Information on North Carolina's Performance Partnership Agreement

Call:

Jimmy Carter (NCDENR)
919-733-4908, or
Tom Nessmith (US EPA Region 4)
404-562-8409

Read the Agreement On-Line at:

<http://www.epa.gov/region4/ppa/ncppa.htm>

Setting Environmental Priorities in Georgia

Background

The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources organized an Environmental Priorities Workshop in August 1998 to present its environmental priorities to interested stakeholders and get feedback on the State's choices and Georgia's draft 1999 Performance Partnership Agreement (PPA). The PPA contained work plans for most of the continuing program grants awarded by EPA. Thus, Georgia's PPA serves as an annual plan for carrying out Georgia's environmental priorities that relate to federally-authorized programs.

The State's environmental priorities included:

- ✓ ozone (non-attainment of standards)
- ✓ ground water depletion
- ✓ salt water intrusion into ground water
- ✓ interstate water negotiations
- ✓ nonpoint source water pollution
- ✓ cleanup of hazardous waste sites
- ✓ ground water contamination from municipal landfills
- ✓ and leaking underground storage tanks.

In particular, EPD's top three priorities were:

Improvement of Air Quality in the Metro Atlanta area

Improvement in water quality of streams impacted by nonpoint source pollution throughout Georgia

Meeting long-term water needs in areas where high use is threatening availability of water resources

Process Design and Management

The State Environmental Protection Division (EPD) issued notices about the August Environmental Priorities Workshop in several newspapers across the state. EPD also sent notices to about 4000 persons on its general mailing list. The U.S. Environmental Protection Agency Region 4 (EPA) published a notice of this meeting on the Internet. EPA also made the draft 1999 Performance Partnership Agreement available on the Internet.

In late August 1998, EPD began its Priorities Workshop with presentations from senior agency managers. Managers explained the proposed environmental priorities and why the State believed those issues should receive special attention. The Deputy Regional Administrator from the US EPA Region 4 gave brief introductory remarks in support of EPD's efforts. These presentations took approximately two hours. About 200 people attended the workshop.

The rest of the day was devoted to an informal open house for the public to talk directly, one-on-one, with senior agency decision makers from EPD and the US EPA. The public asked questions about the presentations, and expressed their concerns on those, or other, environmental problems. Stakeholders were able to present a range of ideas and concerns directly to the people who make the decisions. The open house format also provided a good opportunity for stakeholders to network with each other and exchange information. EPD later received a few letters with comments about the PPA.

The focus of this meeting was on the proposed environmental priorities, rather than the draft Performance Partnership Agreement. In fact, many stakeholders had not yet read the draft. Stakeholders were given copies of the draft Agreement at the open house, told about the Internet site, and were given the opportunity to give immediate feedback. State and federal officials told interested stakeholders that they could have a few weeks to review the draft and provide comments later.

Unique Aspects of the Project

Senior State agency and EPA program managers devoted a full day to speak informally, one-to-one with stakeholders. Stakeholders had an unusual opportunity to speak directly with environmental decision makers about the issues that concerned them.

Outcome of the Stakeholder Process

To evaluate stakeholder involvement processes, it is useful to use a range of indicators. *Process indicators* look at factors that improve the decision-making process. *Outcome indicators* represent specific, measurable results from stakeholder involvement. *Cost indicators* measure the direct and indirect costs of managing the process.

Process Indicators

Stakeholders that attended the August meeting had unusual access to decision-makers, with direct one-on-one dialogue with top State and federal agency officials. However, some stakeholders commented that they would like to have earlier *accessibility to the decision making process*.

Representatives from business and industry, citizen and environmental groups, and government, provided *a diversity of views* at the August priorities workshop.

The presence of top agency officials and the format of the open house session in August increased the *opportunity for participation*. However, this opportunity was generally limited to people who could come to Atlanta during working hours.

The August meeting allowed for formal and informal *information exchange* between government officials and stakeholders. Information ranged from broad, statewide priorities to specific, localized concerns of stakeholders.

Outcome Indicators

Although state and federal officials are in general agreement about Georgia's priorities and its Performance Partnership Agreement, it is not yet clear *how well the Agreement will be accepted* by other stakeholders. However, most of the comments from participating stakeholders have been incorporated into the final Performance Partnership Agreement.

In the short-term, *project efficiency* can be slowed by the time needed to educate stakeholders and for discussions and deliberations. Georgia's efforts were not designed to be more efficient (i.e., faster). In fact, the target deadline for completion of the PPA was September 1, but the Agreement has not yet been signed.

The August meeting has led to an increased level of *mutual learning and respect* between EPD officials and stakeholder groups. Both expressed a willingness to work together in the future, and a willingness to compromise to solve environmental problems.

Cost Indicators

Direct costs remained low. The August meeting required one-full day from all participants, with some preparation time for agency officials. Most of the participants came from, or near, Atlanta (although a few came from coastal Georgia), so there were minimal travel expenses. Other expenses were minimal.

There were no apparent lost opportunities to participate in other public activities, so *indirect costs* were low.

For More Information About this Project

Call:

David Word (GA EPD)
404-656-4713, or
Tom Nessmith (US EPA Region 4)
404-562-8409



Read the Performance Partnership Agreement On-Line: <http://www.epa.gov/region4/ppa/gappa.htm>

Some Suggested Resources for Public Participation

Bleiker and Bleiker. 1997. Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public (tenth ed.). (<http://www.ipmp-bleiker.com/>).

Canadian Standards Association. 1996. A Guide to Public Involvement. (Product Z764-96).

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U.S. EPA Office of Environmental Justice and the National Environmental Justice Advisory Council. 1996. The Model Plan for Public Participation. (EPA 300-K-96-003).

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