

US EPA ARCHIVE DOCUMENT

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Metropolitan Sewer District
Louisville Pretreatment XL Project
Convening Assessment

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I. Introduction

The Louisville and Jefferson Kentucky Metropolitan Sewer District (MSD) have requested support for a U.S. Environmental Protection Agency (EPA) XL pilot project. The goal of the project is to develop environmental performance measures that can be used as a basis for modifications to the MSD Pretreatment Program to improve water quality in the Chenoweth Run watershed. According to MSD's proposal to EPA, MSD intends to achieve this goal in three phases, which include the following: 1) data collection and development of performance measures; 2) program redevelopment; and 3) program implementation and evaluation.

MSD decided to conduct a convening assessment to solicit input on the issues concerning the project from involved and affected stakeholders. A convening assessment involves bringing in a neutral third party to conduct an independent review of the issues and views of key stakeholders. Meridian Institute, a neutral non-profit mediation and facilitation organization located in Dillon, Colorado, was selected and sponsored by MSD to conduct the convening assessment. Meridian facilitators initiated the assessment by conducting a series of confidential stakeholder interviews. Interview discussions provided Meridian with a stakeholder perspective on the goals and purposes of the stakeholder process. Results from the interview discussions summarized in this report are intended to provide both MSD and involved and/or affected stakeholders a neutral insight into the views and issues of concern expressed during the course of the assessment process. In addition, Meridian used the interview results to recommend a strategy for MSD to effectively and successfully utilize public participation in the stakeholder process of the project.

This report provides a description of the interview process, a summary of the results from the stakeholder interviews, and offers recommendations for a public participation strategy for this project.

II. Description of the Interview Process

During May and early June, 1999, Meridian Institute conducted 21 interviews with stakeholders interested in and affected by the pilot project. The purpose of the interviews was to gather preliminary information and stakeholder views of the project and how to most effectively integrate public participation. All of the interviews were conducted over the telephone. Individuals who attended one or both of the first two meetings held in December 1998 and April 1999, and stakeholders who were recommended by those in attendance at the meetings were interviewed. The interviewed stakeholders represented a cross-section of interests, including industry, real estate development, environmental and citizen groups, government representatives at the local, state and national level, and representatives from MSD (See Attachment A for a list of contacted stakeholders). More interviews may be needed in the future as additional key stakeholders are identified. Meridian informed the interviewed stakeholders that interview discussions were confidential and summaries of their comments would be presented in a non-attributed fashion. The interview discussions followed a standardized format of questions that encouraged the interviewed stakeholders to provide their input regarding MSD and the pilot project (See Attachment B for a list of Interview Questions).

The following sections summarize the interview results.

III. Interview Results

Stakeholder Comments Regarding MSD

Many of the interviewed stakeholders expressed positive opinions about MSD and its work with the pilot project. Individual stakeholders mentioned that MSD is a forward-looking business that takes a proactive approach toward pollution prevention. For example, MSD has conducted and participated in numerous pollution prevention projects, including involvement on the Kentucky Pollution Prevention Center's (KPPC) compliance hotline and conducting the current pilot project. In addition, several stakeholders noted that MSD has made a good effort to train people in erosion control and sedimentation prevention. Certain interviewed stakeholders commended MSD for their efforts in public outreach. These efforts included communicating well with the public by providing an informative MSD Website, responding to requests for information in a cooperative manner, and providing the opportunity for public input in decision-making. Some interviewed stakeholders mentioned that, although MSD is a competent operation, there is the tendency for MSD to become too technical when communicating with the public. Stakeholders also noted that MSD conducts business in a professional, open and honest manner.

Some interviewed stakeholders who participated in past MSD projects that involved public participation, noted that they became discouraged by the long duration of the projects and MSD's lack of attention to issues of concern to environmental parties. Some environmental parties expressed concern that MSD will favor industry interests over environmental interests. Interviewed individuals representing both industry and environmental parties emphasized the need for MSD to gain the trust of the public by putting forth a concerted effort to overcome some of the existing negative perspectives of MSD associated with past stakeholder processes.

Other interviewed stakeholders mentioned that an important challenge for MSD will be to maintain ongoing communication concerning the objectives of this particular project. One individual mentioned that the nature of the project itself will be a challenge because it will require a new perspective on the past and present functioning of the pretreatment program.

Stakeholder Comments Regarding the Project

There was a broad range of input provided about the project, including its benefits, challenges, and opportunities that extend beyond the scope of the current effort.

Benefits

Pretreatment – A cross-section of stakeholders emphasized that the project is innovative and requires creative ways to improve the efficiency of the pretreatment program administered by MSD. Contrary to the current pretreatment program that only monitors industry, various stakeholders highlighted the benefits of this project as: using a holistic watershed approach to monitor overall water quality; developing a watershed profile to focus and prioritize pollution prevention efforts; and changing the current pretreatment regulations.

Water quality - Several individuals commented that the project can benefit water quality by reducing the amount of environmental impact on Chenoweth Run. This will, consequently, add to the environmental quality of Jefferson County, ensure the longevity of the stream, and benefit the watershed as a whole.

Data collection – Some stakeholders stated that the project will produce needed data and background information on the pollution levels upstream and downstream of the plant. A few individuals mentioned that MSD's approach to data collection and assessment is thorough and technically sound, which will benefit the pilot project.

Resource efficiency – A few interviewed stakeholders noted that data results will help MSD move away from spending resources on inefficient monitoring and utilize resources more effectively and efficiently.

Public involvement – Other stakeholders noted that the project will benefit the public by providing an opportunity for greater understanding of the issues and concerns about water quality in the watershed. In addition, the associated public participation effort will provide an opportunity to find common ground on key issues.

Challenges

Trust - As noted in the previous section, industry and environmental parties mentioned that experiences with past MSD projects have caused some of them and other involved public interests to become cautious of MSD's intentions for the pilot project. Due to past experiences, a diverse set of stakeholders mentioned that there remains an important challenge for MSD in establishing a trusting stakeholder community that believes MSD will consider stakeholder input from all of the involved interests.

Resources – Some interviewed stakeholders mentioned that the project will be resource intensive and, consequently, will be challenging for MSD to allocate the large amount of staff time required to conduct the project.

Project Complexity – Some individuals noted that the project will not only be financially challenging, but technically challenging as well. One stakeholder indicated that once the data is assessed, MSD may very well discover additional impacts on the watershed than they currently manage. Another stakeholder mentioned that the substance of the project is very technical. This may make it difficult for participants to understand the project and to participate effectively. Some stakeholders noted that the public lacks understanding of the project and urged MSD to pursue greater public outreach.

Focus – Many individuals noted that the very diverse interest groups associated with this project will create a challenge for MSD to maintain the focus of the pilot effort. Several stakeholders present at one or both of the past two meetings mentioned that there is the potential for stakeholders to focus on their individual interests rather than to focus on the agenda topics directly related to this pilot project.

Implementing change – A few stakeholders noted that if the results of the project instigate regulatory changes in the pretreatment program, the challenge will lie in making a paradigm shift in how things are currently done by MSD. This challenge will be compounded by the need to explain this shift to outside stakeholders.

Other challenges – Other challenges recognized by interviewed stakeholders included, implementing changes to the pretreatment program after the data is evaluated.

Opportunities

Potential model to be implemented elsewhere – Several stakeholders highlighted the potential for EPA to use the results and conclusions from the pilot project as a model for their National Pretreatment Program. Depending on the findings, there is the potential to use the results of the project to revise and improve the national pretreatment program in the Clean Water Act.

Resources - By looking at the data results, some interviewed stakeholders noted that MSD will be able to determine the most effective way to allocate resources to monitor other sources of water pollution, such as non-point contributors, as well as industry. This could result in significant savings for MSD and currently regulated industries.

Non-point source pollution – Some stakeholders mentioned that the project could provide the opportunity to improve water quality through pretreatment measures by looking at non-point sources of pollution, such as storm water, agricultural and residential run-off, and real estate development.

Education – According to one stakeholder, the project will provide the opportunity for MSD to educate and communicate with the public about the sources of water pollution.

Watershed approach – Stakeholders commented that the project will also provide the opportunity for a whole watershed profile; could result in broadening the study to be a holistic approach toward watershed management; and, could provide the potential to improve overall water quality.

Other opportunities – Other opportunities of the project that were identified by the interviewed stakeholders include the opportunity for a win-win situation for all interested parties (MSD will have a more efficient pretreatment program, the public will benefit from improved water quality, and contributors to water pollution will be regulated fairly).

Stakeholder Comments Regarding a Stakeholder Process

During the interview discussions, stakeholders were asked to provide their input on key components of public involvement in the pilot project. Interviewed stakeholders provided suggestions regarding potential groundrules for the involvement process. They also commented on key participants, timing of stakeholder meetings, and effective methods for proceeding with a stakeholder process.

Groundrules

Some interviewed stakeholders emphasized the need to have clearly defined groundrules. One individual noted that an effective stakeholder process requires acceptance and consensus from all involved parties regarding the established groundrules.

Consensus - Several interviewed stakeholders considered consensus an important aspect of a stakeholder process. However, it was uncertain what level of consensus should be implemented at the meetings. Some individuals recommended against unanimous consensus, but rather, majority rule as an approach to prevent issues from becoming polarized and stalling the process. Others suggested that this particular project may not be appropriate for a consensus process. They believed that the process could explore whether consensus existed and could strive to move towards consensus. They felt that due to the nature of the pilot project, the role of stakeholders should be to individually raise issues of concern and to be available to react to issues raised by MSD and EPA since they are ultimately in the position to consider all sides and decide the best way to proceed. One stakeholder suggested that the notion of consensus should be discussed in more detail at the next meeting.

Open process – Interviewed government representatives noted that, according to regulations, stakeholder processes are required to be open to the public. Many interviewed stakeholders indicated that an open process was important because it provides an opportunity for public education and input, and to prevent the project from being criticized in the future. Several interviewed individuals expressed concern that open, public meetings often require additional meeting time to update people on the issues and, consequently, can disrupt the momentum of the project. In addition, one stakeholder mentioned that open processes have the potential to create an imbalance of interests represented at the meetings. Certain interviewed stakeholders recommended that MSD identify a core stakeholder group that could serve on an ongoing basis throughout the project. They suggested providing opportunities for the general public to be involved by either allocating time during each meeting for public comment, or designating public forums to provide general information on the project and for public input.

Additional Groundrules – In addition to the groundrules discussed above, stakeholders suggested several other groundrules they thought should be considered for upcoming meetings: begin and adjourn the meetings on time; allow a specific amount of time for each agenda topic; implement time limits for the person holding the floor; encourage common courtesy, such as no name calling; one person talk at a time; stay focused on the agenda; and discourse should remain private.

Participants

Those interviewed suggested additional parties to include in the stakeholder process. Some individuals felt there has been a good representation of stakeholders at the December and April meetings. Others expressed the need to add a more balanced set of interests, particularly those from a more diverse set of industries as well as other citizens interested in water quality issues. Several stakeholders emphasized the need for more industry representatives, namely from the large industrial park that borders Chenoweth Run, to more accurately represent the range of industrial activities impacting the watershed and to better balance the large number of environmental interests present at the previous meetings. Several stakeholders, including environmental interests, mentioned that the project will affect a lot of industries and the stakeholder process will benefit from having them at the table. The following interest groups

were also suggested as potential important participants in the stakeholder process: real estate development, such as the Homebuilders Association; small businesses; academics; city and county government representatives; non-point source contributors, including agriculture, residents and the South East Christian Church; and citizens who are not always involved in these types of processes.

Timing of Meetings

MSD is proposing to conduct stakeholder meetings on a quarterly basis. The majority of the interviewed stakeholders viewed this as appropriate. Some individuals mentioned that the number of meetings might need to increase later in the process depending on what needs to be accomplished. Others mentioned that in order to provide adequate guidance, quarterly meetings may not be enough. However, other individuals expressed concern that many of the people participating are already inundated with meetings and increasing the frequency of meetings to more than quarterly would become burdensome. Others noted that meetings should occur when MSD is prepared to present data results and conclusions and receive stakeholder input.

Stakeholder Recommendations for an Effective Stakeholder Process

Meeting Materials - During the interview discussions, many stakeholders recommended distributing materials to participants before each meeting. Suggestions regarding the timing of receiving materials varied from no longer than one week to six weeks before the meeting. Interviewed stakeholders suggested distributing the following materials prior to the stakeholder meetings: a meeting agenda that includes discussion topics, meeting date and location; minutes from the prior meeting; and relevant informational materials, including data results. In addition to sending materials prior to the meetings, some stakeholders recommended providing the same information at the meeting for participants who are involved on an irregular basis and are not part of a defined stakeholder group. It was also recommended that meeting minutes be distributed promptly after meetings.

Information - In order to have productive stakeholder meetings, certain stakeholders recommended that MSD should present the data they have gathered, give an assessment of the data and any conclusions that were drawn, and develop an agenda with supporting information. An environmental party mentioned that MSD should clarify how the project will improve the pretreatment program and what the environmental benefits will be if regulations are changed. Another individual recommended that MSD should provide scenarios of pollution prevention including the economic benefits for companies that have reduced pollution. Several individuals emphasized that MSD needs to provide brief and clear information; using terms that are not too technical and are on a level that everyone can understand. Some stakeholders noted that participants should have the option of receiving more detailed information.

Balanced process - Several interviewed stakeholders discussed the need for involving all affected parties in the process to improve the balance of stakeholder representation at the meetings. Several stakeholders representing every interest group expressed that the process would benefit from involving more industry and business representatives, from both point-source and non-point sources of pollution.

Public outreach - Interviewed stakeholders mentioned the need to conduct more public outreach. Stakeholders suggested utilizing MSD's web page and the media to better inform the public about the project.

Neutral facilitation - Several individuals suggested bringing in a neutral third-party facilitator to keep the meetings focused on issues pertinent to the project. They also felt a facilitator would help assure that everyone is heard and foster a team atmosphere. In addition, a few stakeholders suggested having a timekeeper and a minute-taker at the meetings.

Chairperson - One individual suggested designating a visionary chairperson to serve as a leader, to help expedite the decision-making process, and to make the stakeholder process more effective.

Education - Some individual noted that each participating stakeholder should have a clear understanding of the project, including its parameters, goals and potential outcomes. To achieve this, they mentioned that MSD should provide a variety of information, including: an overall training on how pretreatment works; a tour of the plant and service area; and an overall understanding of the 402 regulation and the overall flows within the watershed. It was suggested that MSD should conduct a separate meeting for those stakeholders who have not yet joined the process to provide an understanding of the project that is clear at the outset.

Groundrules - Various stakeholders emphasized the need to establish clear groundrules to keep the meeting focused. One individual suggested posting and reviewing the groundrules before each meeting.

Focus - One individual indicated that MSD should define the role of the stakeholders. This would help participants understand their role in the process and would, therefore, create a better focus on agenda topics during meetings. Another stakeholder noted the necessity to move the focus from discussing immediate activities (i.e., what is going to be done in the XL pilot project) to taking action on next steps for the MSD project. An environmental party expressed concern that action taken to remove pollutants will take a long time. For example, in 1992, phosphorous was targeted for removal and efforts to reduce phosphorous levels are only now beginning to take place.

Other Stakeholder Recommendations - Additional recommendations for conducting an effective stakeholder process included the following: hold some meetings in the evening; provide a break during the meeting to allow for casual interaction; air the concerns of the stakeholders

early in the process; determine the stakeholders direct role in the project; make sure the process is transparent by making all information available; and create a feeling of equality.

IV. Recommendations

Based on the results of the discussions with interviewed stakeholders, Meridian Institute recommends consideration of the following steps for this stakeholder process.

Stakeholder Involvement

Based on the interviews, Meridian recommends two levels of stakeholder participation in the pilot project. The first level of participation would be a relatively small set of defined stakeholders who would participate actively and on an ongoing basis. This defined stakeholder group, or task force, of approximately twenty individuals would provide a consistent, and well-informed, balance of stakeholder involvement and input throughout the project. The second level of participation would focus on informing and involving the general public who may be interested in learning about the project, following its progress, and providing input along the way, but who may not want to be as involved in the details as the task force might be (and as MSD may need).

Meridian's recommended approach to involving the general public is to make sure that each task force session is well-publicized, open to the public, and that the meeting agenda and design takes into account opportunities for public comment. This need not create any "disruption" to the project's momentum nor to the task force meeting. In addition, Meridian Institute recommends that MSD look for other opportunities to inform and solicit input from the general public. There are several potential strategies to accomplish this and we are confident that the task force will offer assistance in this regard. A few strategies for consideration include: make use of the MSD web site; offer public forums or other forms of public outreach, separate from the stakeholder meetings to give the general public the opportunity to keep informed and provide input; conduct interviews with the local media; provide speakers to local clubs and associations; ask stakeholders to publicize key information in their newsletters or web sites.

Meridian suggests that the stakeholder (task force) meetings be held at times convenient to the participants and that serious consideration be given to evening meetings if the meetings are to be

open to the public. We also suggest that the meetings be held on a quarterly basis unless project activities require a more intensive schedule.

In order to promote a truly effective stakeholder process, there needs to be a balanced set of interests represented at all meetings. If there is a defined core group of stakeholders, they should include representatives who are affected, or have the potential of being affected, by the current pretreatment program and/or the possible outcomes of this project. Those interests include the following: environmental and citizen groups; industry; government representatives at the local, state, and national level; businesses; academics and other experts; and non-point source contributors to pollution discharged into the stream, such as developers, agricultural users, and residents, for example. In order to identify the interested parties, MSD may need to conduct more public outreach through the media, MSD's Website, and adequately advertised public forums and meetings.

Project Clarification

Due to the highly technical material involved in this project, both MSD and the involved stakeholders would benefit from having a clear understanding of the project, including its goals, parameters, potential outcomes and opportunities, and roles of the stakeholders in the process. This could be achieved by providing clear and transparent information that is presented in terms that will relate to all affected interests. Information should be made available to all interested stakeholders and the general public through the use of the Internet, media, or other sources of public outreach. As several interviewed stakeholders suggested, giving a tour of the plant and treatment area would be helpful to provide a better understanding of the pretreatment process, as well as a sense of context.

Consensus

Based on the comments provided by the interviewed stakeholders, full consensus on issues may not be the appropriate and most effective approach for the stakeholder process. MSD might benefit most by utilizing the stakeholders for consultation and as a source of balanced information regarding the concerns of involved parties.

Facilitated Process

Due to the number of strong interests and the technical nature of the pilot project, it may be appropriate to have a neutral third-party facilitator to assist in effectively maintaining the focus and direction of the stakeholder process and individual meetings.

Information

Stakeholders should receive any information that is relevant to an upcoming meeting at least two weeks in advance. In addition to sending out materials before hand, the same information should be provided at the meeting and made available for the public through use of the Web site, media, or other effective and appropriate means. The materials should include an agenda with relevant topics that are agreed upon by the entire stakeholder group, and any additional information, such as data results and meeting minutes, that will provide stakeholders with

comprehensive knowledge and information for discussion at the meetings. Materials provided should be balanced and transparent, meaning that stakeholders should have access to information containing a broad range of perspectives. To assist in maintaining the focus of the meetings, meeting minutes should be recorded and meeting summaries distributed to the core stakeholder group and made available to the public promptly after meetings take place.

V. Conclusion

Given the complexity of the project, MSD would benefit from providing the public with a clear understanding of the project. In addition, MSD should conduct public outreach activities to help define a balanced group of core stakeholders and to educate and involve the general public. Information should be transparent and made available for all interested parties.

This assessment report is intended to provide a basic summary of the results from interviews conducted by Meridian Institute. It also offers recommendations for proceeding with an effective stakeholder process. Many details regarding individual backgrounds and history were not included in this report.

In conclusion, Meridian Institute would like to thank everyone who participated in the assessment. Any thoughts and/or comments are welcome and encouraged by contacting the following staff at Meridian:

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Attachment A

Interviewed Stakeholders ***Louisville and Jefferson County Metropolitan Sewer District*** ***Environmental Protection Agency XL Pilot Project*** **Convening Assessment Report**

Due to privacy concerns, individual stakeholder names are not available on this page. If you would like further information, please contact Melinda Greene at 404-562-9771 or via E-mail at mallard.melinda@epa.gov or Chad Carbone at 202-260-4296 or via E-mail at carbone.chad@epa.gov.

Attachment B

List of Questions for Interviewed Stakeholders
Louisville and Jefferson County Metropolitan Sewer District
Environmental Protection Agency XL Pilot Project
Convening Assessment Report

Background

- ◆ Why did you become involved with the MSD project?
- ◆ How would you like to be involved?
- ◆ How much involvement do you see yourself having?

Opinions

- ◆ What are some of your opinions about the project?
- ◆ What are your thoughts about the first two public meetings held thus far?
- ◆ What is your opinion of MSD? What are its strengths and/or challenges?

Stakeholder Process

- ◆ Who else should be a part of the process and why? (People with specialized knowledge or political influence, etc.)
- ◆ What do you think makes a stakeholder process effective and what is the best method of keeping the process as productive as possible?
- ◆ What kind of stakeholder process would you suggest for this effort?
- ◆ Have you been involved with similar stakeholder processes (particularly local) and, if so, what did you find effective and/or useful that could potentially be beneficial for this project as well?
- ◆ Are you comfortable with the timing and frequency of the meetings (quarterly meetings)?

Information Management and Dissemination

- ◆ How have you been informed so far?
- ◆ How would you like to be informed?
- ◆ What type of format would you like to receive information (Email, Website, Fax, Snailmail)?
- ◆ What type of information are you interested in receiving?

Other Questions

- ◆ Where do you see opportunities with this project?

