

US EPA ARCHIVE DOCUMENT

CONVENING REPORT
FOR THE
XL FOR COMMUNITIES (XLC) PROJECT IN COLUMBUS, OHIO

(Contract no. 68-99-010, Delivery Order No. 0020)

A. INTRODUCTION

Project XL is a program created by the U.S. Environmental Protection Agency ("EPA") to promote "Environmental Excellence and Leadership." It is designed to encourage companies, communities and state and local agencies, among others, to work together to develop cleaner, cheaper and smarter ways to protect the environment. Project XL for Communities (XLC) is the part of Project XL that focuses specifically on local communities. EPA will, after careful evaluation of both XL and XLC proposals, consider replacing or modifying regulatory requirements, policies or procedures if the proposed approach will produce superior environmental benefits and promote accountability to the public.

A critical part of an XL or XLC project is the "stakeholder involvement plan." EPA has defined "stakeholders" as " 'communities near the project, federal, state, tribal or local governments, businesses, environmental ... and other public interest groups or other similar entities.'"¹ The stakeholder involvement plan identifies the process by which various stakeholders will work together to create a "Final Project Agreement," (FPA). The FPA is the implementing agreement for an XL or XLC project that describes the regulatory or other flexibility needed for implementation in addition to outlining the tasks and time-lines necessary for meeting project goals.

¹See EPA Publication 100-F-99-001, *Project XLC Stakeholder Involvement: A Guide for Project Sponsors and Stakeholders*, p.2 (March 1999), available at EPA's Project XL website (<http://www.epa.gov/ProjectXL>).

The City of Columbus, Ohio operates a public water system which must comply with national primary drinking water regulations promulgated under the Safe Drinking Water Act. According to the Ohio Environmental Protection Agency (OEPA), the City has a good compliance history in the drinking water program. Columbus is currently effectively maintaining treatment for lead.

Columbus may make treatment changes and is concerned that they may temporarily exceed the lead action level (AL) as a result of these changes. Under the Lead and Copper Rule (LCR), should the City exceed the lead AL, it must begin sampling lead service lines (LSL) immediately and replacing those lines that contribute more than 15 g/L of lead.

Through this project, the EPA will allow the City a temporary suspension of the LSLR provisions for three years beginning if and when the City exceeds the lead action level. In exchange for this flexibility, the City Division of Water will contribute \$300,000 a year for 15 years to the Lead Safe Columbus Program (LSCP).

The LSCP provides free blood testing, public education, medical intervention for lead-poisoned children, and grants for lead abatement to residents of Columbus in high lead exposure risk areas. The LSCP targets an area consisting of twenty-five high risk census tracts within ten zip codes in older, predominantly low-income, minority neighborhoods in Columbus, where 84% of all elevated blood lead levels in the City were found.

EPA requested, under its contract with the Marasco Newton Group, Inc. [MNG] (Contract No. 68-99-010, Delivery Order No. 0020), the services of a neutral convener to (a) convene a stakeholder kick-off meeting, (b) facilitate two sessions of the kick-off stakeholder meeting on May 16, 2000 and, (c) prepare a convening report. MNG retained the services of Melinda Holland, at ENVision, Inc., who is a subcontractor to MNG, to serve as the neutral convener for this

project. Although time did not permit the convener to interview all potential participants, EPA asked the convener to interview as many as possible and to draft a convening report that would include a description of key issues revealed by the convening interviews and recommendations for the kick-off meeting process.

Pursuant to EPA's request, this convening report outlines key issues revealed by the convening interviews and recommendations for the Columbus XLC stakeholder kick-off meeting process.

B. METHODOLOGY FOR THIS REPORT

The convener reviewed several public documents including the Project XL Stakeholder Involvement Guide, in preparation for this report. This review included materials that describe Project XL and its stakeholder involvement process [including the September, 1998 Evaluation of Project XL Stakeholder Processes Final Report], which are available at the EPA Project XL website (<http://www.epa.gov/ProjectXL>).

The convener also reviewed the City of Columbus' project proposal and the March 2, 2000 project selection letter from Francis X. Lyons, Regional Administrator for EPA Region 5,. These and other documents are available at www.epa.gov/projectXL/columbus/index.htm

The convener met via conference calls with the EPA project lead, the project sponsor [City of Columbus], Ohio EPA, and the EPA Project Officer and DOPO to gain working knowledge of the City of Columbus' XLC project and the supporting XL process. The convener also reviewed with the sponsors and agencies the key features for a successful stakeholder kick-off meeting. She discussed substantive and procedural issues regarding the project, and defined potentially involved interests and parties. The convener facilitated subsequent conference calls between the sponsor, Ohio EPA and US EPA to discuss the first draft of the Final Project Agreement, and to outline roles and responsibilities for the kick-off stakeholder meeting. The

convener conducted weekly status meetings with the project sponsor and EPA. EPA and the project sponsor provided lists of potential local, state, regional and national stakeholders to be contacted about the stakeholder kickoff meeting. EPA Headquarters representatives offered to contact the national stakeholders.

In preparation for the May 16th stakeholder kickoff meeting, the convener telephoned affected interest groups and potential parties identified as stakeholders to:

- discuss the goals and purpose of the stakeholder involvement in the Columbus XL project,
- inquire about the technical, process, or substantive issues of concern to the stakeholders,
- evaluate the level of interest in attending the kickoff meeting and in becoming a direct participant in development of the FPA, and
- ask for referral to other potentially interested parties.

Based on the initial stakeholder interviews, the convener identified additional potential stakeholders beyond the names provided initially and expanded the contact list in consultation with the EPA DOPO and project sponsor. The convener's interviews were suspended for a period of time while contract extension issues were resolved with EPA.

Prior to being contacted by the convener, all parties listed in *Attachment 1* were provided with a two page fact sheet about the proposed project [see *Attachment 2*] and a cover memorandum [see *Attachment 3*] which explained the purpose of the convener's call and provided information about the May 16th stakeholder kickoff meeting. Telephone interviews were completed with 31 individuals listed in *Attachment 1*. Attempted but not completed interviews with 27 individuals or organizations are also identified in that attachment. Virtually all of the attempted interviewees were left a detailed voice mail message about the upcoming public meeting and the purpose of the call.

To maintain the confidentiality of the interviews, the information obtained in the convening interviews has been summarized without attribution in this report.

C. RESULTS OF THE CONVENING INTERVIEWS - CONCERNS AND RECOMMENDATIONS

The vast majority of those interviewed expressed an interest in participating in the stakeholder kickoff meeting on May 16th. A good number of interviewees had prior involvement or knowledge of the City's Lead Safe Columbus program or had supported the City's Project XL proposal. Those parties felt the XL Project would allow a more cost effective means of reducing lead poisoning in Columbus.

Many of the interviewees had little or no prior knowledge about the proposed XL project and did not have any concerns or issues or suggestions formulated as of the time of the interview. The vast majority were interested in the project and planned to attend the May 16th stakeholder meeting. The convener encouraged these individuals to read the materials, look at the information on EPA's Project XL web site, and contact the people listed in the project fact sheet for additional information. The convener also urged all interviewees to express any concerns or suggestions about the project at the May 16th meeting.

The convener asked interviewees if they were interested in becoming a Direct Participant and participating in some type of stakeholder group to work with the project sponsors and agencies to develop the FPA. Some responded that they were definitely interested, others that they may be interested depending on whether others request a stakeholder work group be formed. Other interviewees requested that they be treated as Commentors and be kept on the mailing list to receive copies of drafts of the FPA and other key documents and be given an opportunity to comment.

The convener also contacted the satellite communities which purchase water from the City of Columbus. Because the City of Columbus sells water to other adjoining systems (suburbs) any water treatment change made by Columbus which adversely affects the levels of lead in the Columbus system could also potentially affect the lead levels in the adjoining "consecutive" systems. At EPA's recommendation, the convener inquired whether these consecutive systems would be interested in the Columbus XL project because it will allow Columbus to exceed the drinking water lead action level for up to 3 years, which could also cause action level exceedances in the consecutive systems. This would mean that the consecutive (or satellite) systems would have to start testing and possibly replacing lead service lines.

All of the satellite water system representatives were sent the project fact sheet and a cover memo explaining the May 16th stakeholder kickoff meeting. Several of them received telephone interviews and the remainder were left voice mail messages. Of those interviewed, none had any problems or concerns with the proposed project and were not interested in attending the May 16th meeting. Most of these interviewees expressed support of the project as a cost effective method of dealing with lead poisoning problems.

Six environmental organizations were interviewed about this project. One expressed concerns about possible use of this project as a means to avoid replacing LSLs and improving the city's infrastructure. The remainder either had not formed an opinion about the project as of the interview date or expressed support for the project concept. Health care providers expressed a concern that the regulatory flexibility not result in an increase in lead levels in drinking water. They also expressed a desire to see adequate ongoing monitoring of lead levels in the city's drinking water.

Neighborhood, child health, housing, and community action groups contacted were generally very supportive of the project concept,

especially the Lead Safe Columbus portion. Many of them were interested in offering suggestions on how to improve the project's effectiveness in prevention of lead poisoning.

Some interviewees voiced concerns or interests that merit consideration as the negotiations on the FPA get underway. Two principal areas of concern surfaced in the telephone interviews. Those concerns are summarized below.

1. Continued safety of the drinking water supply:

Concern that adequate monitoring continue in all parts of the water supply system to track lead levels and to assure water customers of the continued safety of drinking water supplies.

Concern that a realistic evaluation be made of the lead contribution from existing lead service lines as contrasted with lead contribution from plumbing within residences to determine if/when LSLs should be replaced

Need for eventual replacement of lead service lines

A desire to see the eventual replacement of all LSLs in the city

A concern that the Project XL is a way of spending less money and avoiding the responsibility to remove LSLs

2. Suggestions on how to structure the Lead Safe Columbus program to maximize use of new funds for prevention of lead poisoning:

Suggestion that the LSC program put its major focus on prevention of exposure to lead starting with education of pregnant mothers, continuing with relocation of high risk pregnant mothers to safe housing or training in lead abatement and lead poisoning prevention techniques

Make primary prevention the main focus to prevent exposure before a body burden of lead is developed

Suggestions for increased public education and training using methods most effective for the highest risk communities

D. STAKEHOLDER INVOLVEMENT PROCESS RECOMMENDATIONS

1. Process recommendations for May 16th Stakeholder Kickoff Meeting

The May 16th kickoff meeting will begin with brief presentations on Project XL in general and the Columbus Community XL Project concept. A copy of the draft meeting agenda is found at *Attachment 4*. Question and answer and public comment will follow. The meeting will conclude with a discussion of stakeholder participation options and the preferences for involvement of the meeting attendees. This will include a discussion of the preferred means of communication and access to project information, decision making process options, additional data/information needs, the need for additional orientation/educational sessions, review of the XL project schedule, and an explanation of the XL stakeholder tiers [direct participant, commentor, general public]. There will be two sessions on May 16th, 3:00 PM and 7:00 PM, both with the same agenda. During the sign in process before the meeting starts, each person will be asked to indicate their interest in becoming a Direct Participant or a Commentor. At the end of each meeting, the facilitator will ask the participants what type of process they would prefer to allow stakeholder input into development of the FPA.

Because there are two sessions of the stakeholder kickoff meeting, the results of both must be analyzed before decisions may be made on the structure of the stakeholder involvement process. This may be done at the end of the second meeting or afterward. If participants wish to form a Direct Participant work group, that group will need its own kickoff meeting at a later date to allow the interested stakeholders from the 3:00 p.m. and 7:00 p.m. sessions to meet jointly.

The majority of the stakeholders interviewed were not able to determine at the time of the interview whether they wished to request that a Direct Participant work group be created and/or whether they wanted to participate on such a group. Two primary reasons emerged, one that people had not read or thought about the information provided in the fact sheet to a degree that they had formed a conclusion about

how they would like to participate in development of the FPA. The second reaction was that they were familiar enough with the project to support the concept but were not sure they needed the level of input offered by a Direct Participant's work group. A few stakeholders did state that they would like to participate on a stakeholder work group if one is formed.

2. Process Recommendations for Organization of a Direct Participants Work Group

If individuals or groups wish to work intensively with the project sponsors and agencies as part of an organized stakeholder group, EPA traditionally refers to them as "Direct Participants". Having a direct role in development of the FPA is likely to be time consuming, so it is important to be sure that participants are willing/able to invest the time needed within the overall schedule of FPA development. If Direct Participants wish to form a working group, the sponsors should, to the greatest extent possible, obtain balanced representation from the key stakeholder interests, both local and regional [and national, if appropriate] who are interested in participating and willing/able to dedicate the amount of time needed. Key stakeholder interests identified/contacted during the convening process include:

- Local and regional environmental organizations such as the Sierra Club [chose one from state chapter or Central Ohio Group], League of Women Voters [chose one from the state or local chapters], Priorities Partners, Ohio Environmental Council, Simply Living, American Lung Association of Ohio

- Local environmental health public interest groups such as the Environmental Health Watch, the Center for Community Action for Primary Prevention

- Child health, and development organizations such as Child Development Council Head Start offices, local, county, and state Health Department Lead Poisoning Prevention Programs, OSU School of Public Health

- Lead poisoning prevention/abatement focused organizations such

as the HELP Coalition [representing its member organizations] Community based or neighborhood organizations such as St. Stephens Community House, Neighborhood House, Central Community House, Gladden Community House, BREAD, Godman Guild, SouthSide Settlement House, Columbus Metropolitan Community Action Organization [CMCAO], a representative of the various Area Commissions and Community Councils, Legal Aid Society of Columbus

Housing focused organizations such as Columbus Apartment Association, Columbus Urban League, Columbus Board of Realtors, and a local representative of HUD.

Community development, municipal, or trade oriented organizations such as the Columbus Department of Trade and Development, Ohio Conference of Community Development, Ohio Municipal League,

It is advisable to keep the number of direct participants in a work group below 30 at a maximum, 15 to 20 is best for productive meetings. The number of direct participants may be kept at a minimum by asking people to represent and report back to broader constituencies or organizations. For example, there are several Community House organizations, health agencies, housing organizations, child care organizations, etc., which might be able to appoint one or two spokespersons to be members of the Direct Participants Stakeholder work group[s].

Prior to the first meeting of the Direct Participants, the members should receive additional information about the project to review before the meeting. Each members preferred method of receiving information should be utilized [e-mail attachment, web access, fax, or mail]. Some of the information needs of the group will be identified at the May 16th kickoff meeting. It would be advisable to provide the Direct Participants with a draft of the final project agreement prior to the direct participant stakeholder meeting as it will be the focus for their input into the project.

At the first meeting of the Direct Participants work group, it should adopt a charter which states the goals/mission of the group, the procedures it will use to operate [for example, what type of decision making process, leadership, facilitation, replacement of members, interactions with the project sponsors, etc.], its behavioral ground rules, etc. The facilitator may develop a draft for consideration by the members. Also, at the work group's initial meeting, it should discuss what additional information it needs, list key issues it wants to focus upon. The potential Direct Participants who were interviewed seem to have different aspects of the project that they are interested in - some focus primarily on risks of lead in drinking water, others on prevention of lead exposure from home environments or on abatement in that environment. Because of differences in focus/concern, the Direct Participants may want to have sub-committees to focus on developing recommendations around particular issues, or doing technical evaluations on aspects of the proposal. The work group should also map out future meeting dates and topics, as well as a schedule for completing its activities within the time frame outlined by the Sponsors and EPA.

Please refer to EPA's "Project XL Stakeholder Involvement: A Guide for Project Sponsors and Stakeholders" [here after referred to as the Stakeholder Involvement Guide] for an excellent overview on how to structure stakeholder involvement processes. This document is available on the web at: www.epa.gov/projectXL/032599.pdf The convener supports the EPA Project XL Stakeholder Involvement Guide's recommendations that the following stakeholder expectations be met for an effective process:

The process will be open and transparent

Everybody should know what the process will be, what's going on now, who's doing what, and what happens next.

Everybody will have access to information.

If it's going to feel like a partnership or team, everybody is going to need access to the same information. The sponsor may need to keep some information confidential if it is important to its competitive position. But other than that, the sponsor and the stakeholders need to go into the process expecting that all relevant information is on the table. At the same time, stakeholders should expect that while they will be provided full information related to the XL project, the sponsor is not expected to provide information unrelated to the Project XL proposal.

Everybody will be treated with mutual respect.

Stakeholders, sponsors, consultants, and regulators should all receive respect. Respect means that people are listened to and given serious consideration, and everyone is assumed to have a genuine concern for both the environment and the community. All are assumed to have a constructive interest in the outcome of the project.

Everybody will have a genuine opportunity to influence outcomes.

The payoff for people who participate is the sense that their participation has made a difference for the environment, the economy, and their community. This means that there must be genuine opportunities to influence the project's development. To make this happen, stakeholders need to be offered opportunities to participate before decisions are made by either the sponsor or the regulators. This opportunity to participate should be early enough that stakeholders' ideas can contribute to the decision.

Having "an influence" doesn't mean that everything must conform to your beliefs. But all participants need to leave the process feeling their ideas were given serious

attention.

Routine Meeting Facilitation

In its Stakeholder Involvement Guide, EPA strongly recommends that an XL Project have a neutral facilitator throughout the entire stakeholder process. A facilitator plays two roles: (1) an experienced facilitator has knowledge about how to help groups work together effectively and can help the sponsor plan and implement a stakeholder involvement process that will be effective; and (2) facilitators are trained meeting leaders who can help design and conduct good meetings.

Facilitators are effective both because they have training and experience in helping people work together but also because they are neutral about the contents of the proposal. Even if there are people in the sponsoring organization who have facilitation skills, stakeholders will react more positively to an outside facilitator because the facilitator does not have a stake in any particular result. Because neutrality is a matter of perception, sponsors may want to talk with people who could be direct participants about which facilitators would be acceptable.

Facilitation support may be funded through an EPA cooperative agreement with the Institute for Conservation Leadership. This cooperative agreement may be used by the stakeholder group as a whole to provide up to \$25,000 of technical and/ facilitation support for XL projects. The conditions for obtaining funds for facilitation or technical assistance are fairly rigorous and are outlined in the attached Institute for Conservation Leadership Technical Assistance Application [see *Attachment 5*]. This information should be presented to stakeholders who elect to become Direct Participants.

Technical Support

If Direct Participants express the desire for neutral technical assistance, EPA has a mechanism to provide it under the same cooperative agreement referred to above with the Institute for Conservation Leadership. This cooperative agreement may be used to provide up to \$25,000 of technical support to aid stakeholders in understanding technical issues, interpreting and evaluating technical information, and providing other professional expertise. See *Attachment 5* for the Technical Assistance Application form. Often, if stakeholders have access to independent, neutral, technical assistance, it will help them understand the technical issues and data and build trust in the technical assertions of the project sponsors.

3. Process Recommendations for Dealing with Stakeholders who want to be Commentors but not Direct Participants, and the General Public

Commentors have an interest in the project, but choose not to participate directly in an organized group. Commentors should be provided opportunities to affect the design and implementation of the FPA during its development. This may be accomplished by keeping a mailing list of all persons who are listed in the contacts list at *Attachment 1* or who indicate at the May 16th [or subsequent meetings or calls] that they would like to receive copies of future drafts of the FPA. As some stakeholders have communicated problems in copying or downloading documents off the EPA website, the convener recommends that hard copy be mailed to either the entire mailing list or allow participants to check off a preference for mail, fax, e-mail attachment, or website access.

The general public should also be provided easy access to the FPA development process and to information about the project and its results. This can be done by keeping copies of all relevant documents and drafts of the FPA in public reading rooms, and other logical repositories. The public should also be notified of public meetings and the availability of documents by mail, fax, e-mail or web site access. This may be accomplished by a mailing to all of the City's water

customers and/or by keeping a contacts list of all persons who express and interest or request information about the project. During public meetings and open meetings of the direct participants, some opportunity for public comment should be provided.

LIST OF ATTACHMENTS

- Attachment 1 - List of Stakeholders Contacted for the Columbus Project XL Convening
- Attachment 2 - Fact Sheet - City of Columbus Community XL Project
- Attachment 3 - Fax Memorandum from Melinda Holland, Facilitator to Stakeholders
- Attachment 4 - Draft Agenda - Initial Stakeholder Meeting for the City of Columbus Community SL Project, May 16, 2000
- Attachment 5 - Institute for Conservation Leadership's Technical Assistance Application