

US EPA ARCHIVE DOCUMENT

ENVIRONMENTAL PROTECTION AGENCY

Responsiveness Summary and Preamble on Public Participation Policy

AGENCY: Environmental Protection Agency

ACTION: Policy

SUMMARY: This Policy is designed to provide guidance and direction to public officials who manage and conduct EPA programs on reasonable and effective means of involving the public in program decisions. The Policy applies to programs under the Clean Air Act (Pub. L. 95-95), Quiet Communities Act (Pub. L. 95-609) Resource Conservation and Recovery Act (Pub. L. 94-580), Toxic Substances Control Act (Pub. L. 94-469), Federal Insecticide, Fungicide and Rodenticide Act (Pub. L. 95-396) Safe Drinking Water Act (Pub. L. 95-190), and the Clean Water Act (Pub. L. 95-217).

The Policy establishes the objectives of public participation in EPA programs, outlines essential elements that must be incorporated in any public participation effort, discusses a number of public participation mechanisms with ground rules for their effective use, and assigns responsibility for planning, managing, funding, and carrying out public participation activities to EPA managers. The intent of the Policy is to ensure that managers plan in advance needed public involvement in their programs, that they consult with the public on issues where public comment can be truly helpful, that they use methods of consultation that will be effective both for program purposes and for the members of the public who take part, and finally that they are able to apply what they have learned from the public in their final program decisions.

The Policy provides a uniform set of guidelines and requirements applicable to all EPA programs, thus assuring a consistent base level of effort. The Policy applies to all EPA activities as well as to State and local activities funded or delegated by EPA. EPA will develop work plans as part of the annual budget development cycle, and amend program regulations as needed to incorporate the Policy. Affected programs are listed in the Appendix to the Policy.

DATES: The Policy is effective on January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Sharon F. Francis, Special Assistant for Public Participation, Office of the Administrator (A-100). Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, telephone 202/245-3066.

SUPPLEMENTARY INFORMATION: The Policy which takes effect with this publication is the result of long and careful consideration on the part of EPA, State and local agencies, and the diverse

public that are actively concerned with EPA programs. EPA already enjoys a substantial amount of involvement from an active and interested public. Indeed, to that public goes substantial credit for progress made in cleaning up environmental pollution over the last 10 years. There has been recognition, however, both inside and outside the Agency, that new steps need to be taken to ensure that members of the public affected by EPA programs are given an earlier and better opportunity to be heard in EPA decision making.

EPA has received a significant volume of thoughtful criticism of its performance in implementing its legally mandated public participation activities and its more general responsibility to involve the public in governmental decisions. The desire of the public to have a stronger role in shaping government programs which affect their lives, businesses, and communities, and also the growing need for governmental units at all levels to participate in the programs of other governmental entities has stimulated this criticism. Government decision-makers have become increasingly aware of the capability of the public to make constructive use of opportunities for involvement. This new awareness has been accompanied by increased practical experience in using a variety of techniques to facilitate public involvement.

For these reasons, EPA has recognized the need to improve public involvement in governmental decisions by clarifying the rights and responsibilities of potential participants and those responsible for administering public participation programs. This will lead to better decisions, more satisfactory opportunities for the public to pursue their goals through government, and greater public confidence in government because decisions will be made with participation by interested and affected members of the public.

Both EPA and members of the public have more demands on their scarce time and resources than can be filled, and need to use them where the results can be most effective. This Policy's common objectives, procedures and emphasis on results will benefit the entire Agency, and will give the public new confirmation that EPA intends to be as responsive as possible to public questions, concerns and preferences.

This Policy is the result of analysis and reforms instituted at the Administrator's direction by the Agency Task Force on Public Participation. The Policy was initially proposed in the Federal Register on April 30, 1980. In order to ensure that the proposed Policy received attention from the various sectors of the public active in EPA's programs, the Agency mailed copies of the proposal to a nationwide mailing list that included business and industry, labor organizations, professional and trade associations, news media, consumer and women's organizations, environmental and public interest groups, Black, Hispanic, and Native American organizations, scientific, public health, legal and planning societies, and State-agencies.

Additionally, each of EPA's ten regional offices received copies of the Policy for distribution to their constituent lists at the regional, State and local level. A number of regional offices wrote and distributed summaries of the proposed Policy, as well as held meetings to give members of the public opportunity to raise questions and express their views. Public meetings were held in Boston, Chicago, Columbus, Minneapolis, Denver, Seattle, Portland, Boise, Anchorage, and Washington. As a result of these outreach efforts, close to 500 members of the public took part in discussions and offered comment on the proposal.

The following analysis of the comments received, in terms of the affiliation of the person commenting, provides insight on the expectations and needs of various sectors of the public.

Written comments were received from people in forty-two States, with the largest number of comments coming from States where EPA's regional offices had also stimulated public meetings, namely Massachusetts, Connecticut, Minnesota, Ohio and Washington.

Written comments were in almost every case substantive and extensive, often running many pages in length. In almost all cases, the people who wrote had been involved with EPA programs either as public participants or program managers, and their comments reflected this reservoir of practical experience.

The largest section of the public who commented were public interest groups, including environmental, consumer, and local civic groups. They provided 30% of the comments received and were closely followed by economic interests, including industries, business, and trade association with 27%. Additionally, 15% of comments came from State agencies, 10% from citizens-at-large, 10% from local officials, 6% from other federal agencies, and 2% from academic institutions.

Over 420 issues were addressed, and of these, the ones that drew the greatest amount of discussion were the following: the composition of advisory groups; whether to provide financial assistance to the participating public, and under what criteria; whether to apply the Policy to State agencies carrying out EPA programs; and the content and use of Responsiveness Summaries.

Eighty-five percent of those who commented supported a final Policy as strong as or stronger than the one the Agency proposed in late April, and this support came from all sectors of the public. In the case of State agencies, for example, only 7 of the 44 who commented were negative about EPA's emphasis and public participation or wanted to see it weakened. The other 37 agencies all wanted a Policy and wanted it even stronger than EPA proposed. Economic interests expressed opinions on both sides of the issue, but 20% wanted it stronger and 50% supported the Policy as proposed.

Those who opposed the proposed Policy said that EPA should not be in the business of

stimulating participation. People who are really concerned, they said, will come forth and participate on their own. This assumes, however, that people on their own will know that environmental decisions are about to be made, that these decisions will affect them, and that they will have enough background information to be able to contribute to what is usually a technical and complex discussion.

The Agency agrees that public participation must not be a contrived exercise, nor should it be undertaken with the purpose of manipulating the public into agreement with a governmental position. EPA recognized its responsibility to give affected sectors of the public a fair opportunity to know of forthcoming governmental decisions and to be heard when those decisions are made. Clear requirements will make public involvement more cost-effective, both for EPA management and for the various sectors of the public.

It is clear from widespread support for an effective policy that EPA's emphasis on public participation struck a responsive chord in all sectors of the public. The public's thoughtfully reasoned statements for amplifying or strengthening aspects of the Proposed Policy have convinced us of the merit of a number of changes. EPA recognizes the commitment it is now making to more open and effective consultation with the public. This policy will provide a strong and practical framework to guide our interactions in the months and years ahead.

Summary of Response to Public Comment

The following sections respond to major points raised in comments made by the public.

1. *Objectives of EPA's Policy:* There was support from all sectors for the objectives stated in the proposed Policy, but a number of people called for additions as well. These include the role of the public in identifying and selecting among alternatives, the importance of early and continuing involvement, the significant opportunity that public participation affords for anticipating and reducing conflicts, and the need to create equal access to the regulatory process. Commenters also pointed out that objectives need to be comprehensive since they provide the yardstick for evaluation. All of these suggestions have merit and EPA has added them to the final Policy.

2. *Application of the Policy to EPA Programs Under State Administration:* Most of the laws EPA administered by EPA designate certain programs which can be administered by a State, instead of by EPA, if the State Program meets statutory and regulatory criteria. The proposed Policy required EPA to provide for public participation in the process of deciding to approve such State programs. It also provided that, after approval, the State would assume responsibility for meeting the public participation requirements.

In the preamble to the proposed Policy, EPA drew attention to this matter, and specifically asked for comment on whether the Agency should apply the Policy to EPA programs when conducted

by States. A major proportion of commenters from all categories preferred the option as proposed, on the grounds that participation is needed and beneficial to program decisions regardless of who administers the program. A much smaller number of commenters favored permitting States to achieve substantially equivalent results to EPA's Policy; however, none responded to EPA's request for "specific suggestions for wording and evaluation criteria" since "substantially equivalent provisions have a history of being easy to espouse but difficult to demonstrate." After reading all the comments, EPA concluded that the Policy, as proposed, has sufficient flexibility within a context of practical requirements that it will be beneficial to State program administration.

Two years ago, when EPA proposed its regulation for public participation in Clean Water, Drinking Water and Solid Waste programs (40 CFR Part 25), the question of apply the requirements to States was intensely controversial. Now, with more than a year of experience in those programs, the worst apprehensions have not materialized and public participation has begun to prove its constructive role. Most State agencies, therefore, were not troubled by the proposal. In view of the comments received and the discussion above, EPA finds no need to alter this aspect of the Policy.

3. Consistency with Part 25 Regulations for Public Participation in Water and Waste Management Programs: In Proposing the Policy, EPA made conscious effort to ensure compatibility between its provision and those of the earlier Part 25 regulation for programs under the Clean Water Act, Safe Drinking Water Act, and Resource Conservation and Recovery Act. Two additions that EPA is now make to the Policy will further remove the differences between the two documents and bring the Policy into closer alignment with Part 25. One change is the requirement that EPA review and require further efforts as needed to achieve the balanced membership requirement for advisory groups. The other change is that EPA may require corrective action on the part of State program grantees to ensure compliance with the Policy. While differences in wording remain between the two documents, EPA holds that 40 CFR Part 25 fulfills the intent and requirements of the Policy in the procedural areas (Section D. of Policy) of common subject matter. If differences remain between part 25 and the Policy, Part 25 will control. The sections of the Policy on work plan, assistance to the public, and authority and responsibility augment the requirements contained in 40 CFR Part 25, and apply to all programs of the Agency.

4. How to Identify the Public Who Should Participate: Many of those who commented on the Identification section of the Policy liked our emphasis on developing a contact list of interested or affected members of the public at the outset of a participation opportunity. Several pointed out, however, that contact lists need frequent updating, especially on lengthy projects. This change we are incorporating. A number of those who commented on this section requested that the Policy indicate the uses of a contact list, and we have revised the Policy to do so.

5. *Ways to Inform and Reach the Public*: The majority of comments asked for amplification of the Outreach section. Commenters sent many valuable suggestions, many of which the final Policy incorporates. Some general areas of concern with which we agree, and have responded to in the final Policy, include the following: (1) public access to information is critical to successful public participate programs; (2) information must be translated from “technical” language into language understandable to the lay public; (3) outreach activities should be emphasized as ongoing activities so the public can be kept up to date on matters of concern; and (4) the uninterested but impacted the publics’ views need to be solicited in some manner.

Specific comments addressed each of the major sections of Outreach. Under *Methods*, commenters suggested further use of a variety of techniques, many of which we have added to the final version. Under *Content*, it was suggested that materials be prepared in clear, concise language to inform the public of triggering events which initiate a proposed action, and provide details on supporting research analysis and methodology. These suggestions, along with the availability of Environmental Impact Statements, were included in the final Policy. Under *Notification*, the major concerns were that notices should inform the public about the initiation of a decision-making process and that we should describe the type of media notice required. In the *Depositories* section, commenters suggested public and university libraries as appropriate locations, and that consideration ought to be given to accessibility, travel time, parking, and availability during off-work hours. We agreed with these suggestions and included them in the final Policy.

6. *Public Notification of Financial Assistance Awards*: We received complaints from the public that often they never hear about EPA funded projects that provide participation opportunities in programs of State, substate, and local governments. They suggested that we incorporate some type of requirement that notice be given either at the time EPA receives applications, or after award acceptances. After careful consideration, and with a conscious effort to keep the Policy consistent with 40 CFR Part 25 regulations, we have added a section under *Timing* that the recipient give public notice within 45 days of award acceptance.

7. *Methods to Improve Communication Between EPA and the Public*: Many commenters were dissatisfied with the *Dialogue and Hearing* section. They felt we placed too much emphasis on describing hearing requirements, and did not give enough attention to other methods of ensuring communication between EPA and the public. We responded to these concerns by amplifying the *Dialogue* section to include these suggestions and listing other methods of soliciting and using public input. These methods include review groups, workshops, conferences, personal correspondence and conversations, meetings, and citizen panels.

8. *Suggestions for Improvement of Hearing Format*: All sectors of the public responding felt that hearing procedures needed to move away from rigid rituals and be more attuned to listening

and responding to the public's views. We agree that public hearings can be more successful if they are conducted in a non-intimidating manner, and if the public has been informed of the issues and has access to pertinent information prior to the hearing. Those who commented on the *Content of Notice* section stressed the importance of early and clear discussion of the issues and alternatives the public is asked to comment upon. Under *Conduct of Hearing*, many commenters asked for more informality and opportunity for questions and answers in the hearing. People also commented that hearings are often located too far from the affected area. We have revised the Policy to incorporate these ideas.

9. *45-Day Notice Prior to Hearings*: Although some commenters felt that a 45-day notice prior to the date of a hearing was a needless delay of time and would slow down the process, others felt that 45 days was much too short a time to expect individuals or groups to prepare adequately for hearing, and some said that a 60 or 90-day notice would be more appropriate for proper preparation. Approximately 30% of the respondents favored a 30-day or less notice period, with the remaining 70% favoring a 45-day or longer period. However, the bulk of the comments favored keeping the hearing notice requirement at 45 days. The major reasons for the 45-day notice period include: (1) there is little control over mail deliveries, and often the interested public receives information too late to prepare effectively for hearings; (2) many groups meet once a month and need time to meet and discuss the notice to decide on a course of action; (3) travel time over long distances is often involved to acquire and review material; and (4) the review material is often complex and requires time for research.

Additionally, we received comments concerning the discretion given to Assistant Administrators and Regional Administrators to waive the 45-day requirement to 30 days or less in emergency situations, or if the issues are not complex or controversial. Some commenters objected to the waiver saying it gives the Assistant Administrators and Regional Administrators too much discretionary power, and feared they may use the waiver more often than necessary. We feel some flexibility must be maintained here, and that the Assistant Administrators and Regional Administrators would be able to make exceptions they feel are warranted. However, we have stated that those objecting to a waiver may appeal to the Administrator of EPA.

10. *Composition of Advisory Groups*: One of the subjects most widely discussed in the proposed Policy has been the composition of advisory groups. Almost all who commented on this subject believed EPA was fair and used good judgment to prescribe a balance of backgrounds among advisory group members; however, a great many commenters believed certain categories sympathetic to their own viewpoints should be given added weight, or others of contrasting views should be prohibited.

Overall, commenters favored EPA's proposal balance of categories two-to-one, and we intend to retain this provision, with two important additions: tribal officials have been added as another category of public official, and we have made clear that elected public official should not be from the

decision-making body the group is advising. Several people wanted “citizens with economic interests” and “organizations with economic interests” as two separate categories, but we do not agree with this proposal. We prefer to leave the citizen-at-large category unencumbered so appointing official can have room to select a variety of individuals with potentially worthwhile contributions.

11. *Proof of Effort to Achieve Advisory Group Composition:* A number of those who commented were concerned that the balanced membership of advisory groups could be manipulated if there is not some degree of oversight by EPA. They also pointed out that the 40 CFR Part 25 regulation has a section calling for demonstration of “proof of effort,” and this section had given valuable oversight to agencies with advisory groups. We agree that federal guidance may be valuable in this area and consequently have added a section that requires advice, assistance, review, and approval by EPA.

12. *Use of Advisory Group Recommendations:* A number of people experienced with advisory groups reported their frustration with instances when the group felt their recommendations were being suppressed by the agencies they advised. Since a major purpose of this Policy is to improve openness on the part of governmental entities, we have added a short section to the Policy which makes it clear that advisory group recommendations should be publicly available.

13. *The Frequency and Use of Responsiveness Summaries:* The great majority of those who commented on the subject of Responsiveness Summaries supported EPA’s requirement, and thought these summaries would provide an important addition to decision-making. A few people pointed out, however, that our emphasis should not be on documenting public views as much as it should be on using them. We agree with these comments and have added some language to reflect this emphasis. Additionally, there was a certain amount of misunderstanding that Responsiveness Summaries would be required after every hearing or meeting. This is not our intent, but rather it is that Responsiveness Summaries be prepared at “key decision points.” These will be identified in public participation work plans, as well as in program regulations where they are being revised to incorporate provisions of this Policy.

14. *How Much Feedback Should Be Provided to the Public on the Results of its Participation?:* EPA’s proposal that feedback be provided received strong support from all sectors of the public. A number of commenters wanted to see feedback provided within a time limit, such as 60 days, though others recognized the burden that such acknowledgments would place on the Agency’s staff. Throughout the comments on this section was the desire on the part of participants to know substantively why their suggestions were or were not accepted. EPA does not have the staff resources to be able to commit itself to interim replies of a substantive nature, especially when the number of comments on may issues run into the thousands. We do, however, recognize a serious commitment to providing feedback and thus are revising the policy to state that all “participants in a particular activity (must) receive feedback,” not just “have access” to it as stated in our earlier proposal.

15. *The Use of Work Plans:* In EPA's initial proposal, public participation work plans were contemplated for two reasons: first, good public participation needs to be carefully planned, and second, the resource outlays needed for public participation should be built into program operating budgets. Many members of the public, as well as State and substate officials who commented on the Policy, supported EPA's emphasis upon work plans. In fact, several said work plans should be discussed earlier in the Policy, a suggestion we have taken. Additionally, we have added some clarifying and strengthening language on the content of work plans and the timing of their preparation. Work plans will be developed at both the program and project levels, and EPA will provide guidance on the content of these documents.

16. *The Use of Public Funds to Assist the Participating Public:* To a large extent the debate over financial assistance to members of the public or public organizations focused on the use of such funds in regulatory or adjudicatory proceedings. The debate was rendered moot by Congress in its action on EPA's 1981 appropriation which prohibited use of EPA funds for that purpose. The final Policy reflects the removal of this controversial aspect. Other types of public participation funding (e.g. travel expenses for witnesses at public hearings on hazardous waste disposal siting) proved uncontroversial and occasioned little comment. It is the Agency's intention to continue to fund such non-regulatory, non-adjudicatory participation.

17. *The Responsibility of EPA Officials for Implementing the Policy:* Many people who commented on the Policy liked the Agency's proposal which outlined the authority and responsibility of various Agency officials for ensuring the Policy's implementation. Several pointed out, however, that the language was confusing and duplicative. Therefore, we have rewritten that section with separate duties identified for Regional Administrators, Associate Administrators, the Director of the Office of Public Awareness, and the Administrator. These sections should clarify the previous ambiguities.

18. *Ensuring Compliance with the Policy:* A large proportion of commenters wanted reassurance that this Policy is more than a collection of good intentions, and that EPA will stand behind its provisions and enforce them. They were particularly concerned with State and substate assistance recipients, and urged EPA to develop enforcement sanctions. While we hope that sanctions will not be necessary, we have amended the Policy with a section on sanctions that gives greater emphasis to Policy enforcement.

19. *Relationship Between Public Participation Policy and Environmental Impact Statement (EIS) Process:* Several people noted that the proposed Policy was silent on how the Policy fits with the Agency's EIS procedures. EIS's are undertaken primarily for grants for wastewater treatment plans, new source National Pollutant Discharge Elimination System (NPDES) permits, and certain major regulations. Many of the goals of this public participation Policy and EPA's EIS programs are similar. The requirements of the new Policy will serve to reinforce, and in some cases,

supplement existing EIS procedures. In revising the Policy, we have added a number of references to EIS's to emphasize this relationship.

20. *Overall Evaluation of Effectiveness:* Several commenters from Federal or State government agencies, as well as several citizens with years of experience as active participants, drew attention to the importance of evaluating the Policy. They said this should be done both to oversee how well its provisions are being followed and to identify, where possible, the results of improved public involvement on Agency decisions and program implementation.

EPA is committed to evaluating this Policy within three years from the date of publication. This will be done under the direction of the Administrator's Special Assistant for Public Participation. This evaluation will include such matters as effectiveness of requirements, enforceability, resource expenditures, alternative public participation methods, public reaction, and reporting requirements.

Conclusion

EPA has made a number of additions and improvements to the proposed Policy on the basis of what it learned from the public during the comment period. Indeed, the revised Policy itself is a good example of how public involvement augments the Agency's work. The overwhelming proportion of statements came from people with long experience in public policy. All reflected a similar outlook: they, like EPA, want to make the system work better. Among many interesting statements, a few examples indicate the challenge of the public's expectations.

A planning board chairman from a small New England town spoke of the resentment that the public has come to feel toward the work of bureaucrats. From his experience in marshaling talent to address local problems, he suggested that EPA consider recruiting broad based citizen task forces or advisory groups to develop all the Agency's regulations and other major policy items. They should be given a deadline, and only if they failed to produce, should EPA step in and do the work. "That would be real participation," he said.

A major national chemical manufacturer opened its statement by saying the Policy is not needed, since the company believes it duplicates existing procedures. The company continued, however, to urge substantial reform of EPA practices in order to give the public a much earlier opportunity for participation before the bureaucratic momentum becomes too great to accept any changes. They also advocated genuine responsiveness to the public, not just a "superficial consideration of comments."

A citizen group that has been working for years to reduce adverse environmental consequences from two oil refineries cited a series of disappointing interactions with EPA; delays in obtaining

requested material for review prior to hearings; difficulties in seeing pertinent material even when they visited State offices; the high costs of reproducing documents; and a feeling that government agencies were giving substantial amount of time and assistance to industrial applicants, but were not even willing to answer the questions of opponents, let alone assist them more substantially. The group also had the impression that EPA had its mind made up at the time of a public hearing, and the citizens felt their own efforts were wasted.

Statements such as these reveal the frustration that many members of the public have experienced when trying to work with the Agency, and they also point to the motivation and high hopes that the public continues to hold about participating in environmental protection issues. Public participation lies at the heart of the Agency's credibility with the public. It affords the best tested recipe for citizens to influence the governmental decisions that affect their lives and pocketbooks. This Policy takes an important step in defining when EPA will undertake public participation, and in saying that when we do it, we intend to do it right.

Members of the public who wish to obtain the background Compilation of Issues with their disposition and List of Commenters on this Policy may do so by contacting: Sharon F. Francis, Special Assistant for Public Participation, Office of the Administrator (A-100), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, telephone 202/245-3066. Dated: January 13, 1981.

Douglas M. Costle,
Administrator.

Final E.P.A. Policy on Public Participation

This Policy addresses participation by the public in decision-making, rulemaking, and program implementation by the Environmental Protection Agency (EPA), and other governmental entities carrying out EPA programs. The term, "the public" as it is used here, means the people as a whole, the general population. There are a number of identifiable "segments of the public" who may have a particular interest or who may be affected one way or another by a given program or decision. In addition to private citizens, "the public" includes, among others, representatives or consumer, environmental, and minority groups; the business and industrial communities; trade, industrial, agricultural, and labor organizations; public health, scientific, and professional societies; civic associations; universities, educational, and governmental associations; and public officials, both elected and appointed.

"Public participation" is that part of the agency's decision-making process that provides opportunity and encouragement for the public to express their views to the agency, and assures that the agency will give due consideration to public concerns, values, and preferences when decisions are

made.

A. Scope

The requirements and procedures contained in this Policy apply to the Environmental Protection Agency and other governmental entities carrying out EPA programs (referred to herein as “agency”). The activities covered by this Policy are:

EPA rulemaking, when regulations are classified as significant, (under terms of Executive Order 12044);

The administration of permit programs as delineated in applicable permit program regulations;

Program activities supported by EPA financial assistance (grants and cooperative agreements) to State and substate governments;

--The process leading to a determination of approval of State administration of a program in lieu of Federal administration;

--Major policy decisions, as determined by the Administrator, appropriate Associate Administrator, Regional Administrator, or Deputy Assistant Administrator, in view of EPA’s responsibility to involve the public in important decisions.

When covered activities are governed by EPA regulations or program guidance, the provisions of the Policy shall be included at appropriate points in these documents. Before those changes are made, the provisions of the existing regulations or program guidance shall govern.

B. Purpose

The purpose of this Policy is to strengthen EPA’s commitment to public participation and establish uniform procedures for participation by the public in EPA’s decision-making process. A strong policy and consistent procedures will make it easier for the public to become involved and affect the outcome of the agency’s decisions.

This in turn will assist EPA in carrying out its mission, by giving a better understanding of the public’s viewpoints, concerns, and preferences. It should also make the agency’s decisions more acceptable to those who are most concerned and affected by them.

Agency officials will provide for, encourage, and assist participation by the public. Officials should strive to communicate with and listen to all sectors of the public. Where appropriate, this will require them to give extra encouragement and assistance to some sectors, such as minorities, that may

have fewer opportunities or resources.

The Policy identifies those actions which are required and others that are discretionary, on the part of agency managers. The Policy assumes, however, that agency employees will strive to do more than the minimum required, and is not intended to create barriers to more substantial or more significant participation. The Policy recognizes the agency's need to set priorities for its use of resources, and emphasizes participation by the public in decisions where options are available and alternatives must be weighed, or where substantial agreement is needed from the public if a program is to be carried out.

Public participation must begin early in the decision-making process and continue throughout the process as necessary. The agency must set forth options and alternatives beforehand, and seek the public's opinion on them. Merely conferring with the public after a decision is made does not achieve this purpose.

Agency officials must avoid advocacy and precommitment to any particular alternative prior to decision-making. The role of agency officials is to plan and conduct public participation activities that provide equal opportunity for all individuals and groups to be heard. Officials should actively seek to facilitate resolution of issues among disagreeing interests whenever possible.

Decision makers are aware that issues which are not resolved to the satisfaction of the concerned public may ultimately face time-consuming review. If the objectives of EPA's public participation program are achieved, delays to accommodate litigation should be reduced.

C. Objectives

In establishing a policy on public participation, EPA has the following objectives:

- To use all feasible means to create early and continuing opportunity for public participation in agency decisions;
- To promote the public's involvement in implementing environmental protection laws;
- To make sure that the public understands official programs and the implications of potential alternative courses of action;
- To solicit assistance from the public in identifying alternatives to be studied. And in selecting among alternatives considered;
- To keep the public informed about significant issues and changes in proposed programs or projects, as they arise;

- To create an equal and open access for the interested and affected parties to the regulatory process;
- To make sure that the government understands public goals and concerns, and is responsive to them;
- To demonstrate that the agency consults with interested or affected segments of the public and takes public viewpoints into consideration when decisions are made;
- To anticipate conflicts and encourage early discussions of differences among affected parties;
- To foster a spirit of mutual trust, confidence, and openness between public agencies and the public.

D. General Procedures for All Programs

Each Assistant Administrator, Office Director, or Regional Administrator shall determine forthcoming decisions or activities to which this Policy should be applied, and take the steps needed to assure that adequate public participation measures are developed and implemented.

To ensure effective public participation in any decision or activity, the agency must carry out five basic functions: Identification, Outreach, Dialogue, Assimilation, and Feedback.

1. *Identification.* It is necessary to identify groups or members of the public who may be interested in, or affected by, a forthcoming action. This may be done by a variety of means: developing a contact list of person and organization who may have expressed an interest in, may by the nature of their purposes or activities be affected by or have an interest in forthcoming activity; requesting from others in the agency or from key public groups, the names of interested and affected individuals to include; using questionnaires or surveys to find out levels of awareness; or by other means. If EPA is required to file an Environmental Impact Statement (EIS), the scoping process can be used to identify interested parties.

The responsible official(s) shall develop a contact list for each program or projects, and add to the list whenever members of the public request it. The list should be updated frequently, and it will be most useful if subdivided by category of interest or geographic area.

The contact list shall be used to send announcements of participation opportunities, notices of meetings, hearings, field trips and other events, notices of available reports and documents, and for identifying members of the public who may be considered for advisory group membership and other

activities.

2. *Outreach.* The public can contribute effectively to agency programs only if it is provided with accurate, understandable, pertinent and timely information on issues and decisions. The agency shall make sure that adequate, timely information concerning forthcoming action or decision reaches the public. The agency shall provide policy, program, and technical information at the earliest practical times, and at places easily accessible to interested and affected persons and organizations, so they can make informed and constructive contributions to decision-making. Information and educational programs shall be developed so that all levels of government and the public have an opportunity to become familiar with the issues and the technical data from which they emerge. Informational materials shall highlight significant issues that will be the subject of decision-making. Special efforts shall be made to summarize complex technical materials for the public.

a. *Methods.* The objective of the agency's public outreach program is to insure that the public understands the significance of the technical data so that rational public choices can be made. Outreach programs require the use of appropriate communication tools, and should be tailored to start at the public's level of familiarity with the subject.

The following, among other approaches, may be used for this purpose:

- (1) publications, fact sheets, technical summaries, bibliographies;
- (2) questionnaires, surveys, interviews;
- (3) public service announcements, and news releases;
- (4) educational activities carried out by public organizations.

b. *Content.* Outreach materials must include background information (e.g. statutory basis, rationale, or the triggering event of the action); a timetable of proposed actions; summaries of lengthy documents or technical material where relevant; a delineation of issues; alternative courses of action or tentative determination which the agency may have made; whether an EIS is, or will be, available; specific encouragement to stimulate active participation by the public; and the name of an individual to contact for further information.

Whenever possible, the social, economic, and environmental consequences of proposed decision and alternative should be clearly stated in outreach material. Technical evidence and research methodology should be explained. Summaries of technical documents should be footnoted to refer to the original data. Fact sheets, news releases, summaries, and similar publications may be used to provide

notice of availability of materials and to facilitate public understanding of more complex documents, but should not be a substitute for public access to the complete documents.

c. *Notification.* The agency must notify all parties on the contact list and the media of opportunities to participate and provide appropriate information. As described in the first paragraph of Section 2.b. above. Printed legal notices are often required by program regulations, but do not substitute for the broader notice of the media and contact list required by this section.

d. *Timing.* Notification (above) must take place well enough in advance of the agency's action to permit the public to respond. Generally, it should take place not less than 30 days before the proposed action, or 45 days in the case of public hearings (exceptions in the case of public hearings are discussed under Dialogue, below).

Where complex issues or lengthy documents are presented for public comment, the comment period should allow enough time for interested parties to conduct their review. This period generally should be no less than 60 days. Where participation opportunities are to be provide in programs of State, substate, and local governments supported by EPA financial assistance, notice shall be given by the recipient to the public within 45 days after award acceptance.

e. *Fees for Copying.* Whenever possible, the agency should provide copies of relevant documents, free of charge. Free copies may be reserved for private citizens and public interest organizations with limited funds. Any charges must be consistent with requirements under the Freedom of Information Act as set forth in 40 CFR Part 2.

f. *Depositories.* The agency shall provide one or more central collections of documents, reports, studies, plans, etc. relating to controversial issues or significant decisions in a location or locations convenient to the public. Depository arrangements should be made when possible with public libraries and university libraries. Consideration must be given to accessibility, travel time, parking, transit, and to availability during off-work hours. Copying facilities, at reasonable charges, should be available at depositories.

3. *Dialogue.* There must be dialogue between officials responsible for the forthcoming action or decision and the interested and affected members of the public. This involves exchange of views and open exploration of issues, alternatives, and consequences.

Public consultation must be preceded by timely distribution of information and must occur sufficiently in advance of decision-making to make sure that the public's options are not foreclosed, and to permit response to public views prior to agency action. Opportunities for dialogue shall be provided at times and places which, to the maximum extent feasible. Facilitate attendance or participation by the

public. Whenever possible, public meetings should be held during non-work hours, such as evenings or weekends, and at locations accessible to public transportation.

Dialogue may take a variety of forms, depending upon the issues to be addressed and the public whose involvement is sought. Public hearings are the most familiar forum for dialogue and often are legally required, but their use should not serve as the only forum for citizen input. When used, hearings should be at the end of a process that has given the public earlier opportunity for becoming informed and involved. Often other techniques may serve a broader purpose:

- Review groups or ad hoc committees* may confer on the development of a policy or written materials;

- Workshops* may be used to discuss the consequences of various alternatives, or to negotiate differences among diverse parties;

- Conferences* provide an important way to develop consensus for changing a program or the momentum to undertake new directions;

- Task forces* can give concentrated and experienced attention to an issue;

- Personal conversations and personal correspondence* gives the individualized attention that some issues require;

- Meetings* offer a good opportunity for diverse individuals and groups to express their questions or preferences;

- A series of meetings* may be the best way to address a long and complex agenda of topics;

- Toll-free lines* can aid dialogue, especially when many questions can be anticipated or time is short;

- A hearing panel* compiled of persons from representative public groups may be used in non-adjudicatory hearings to listen to presentations and review the hearing summary.

This list is not exhaustive, but it indicated the importance for program managers in being flexible and choosing the right techniques for the right occasions.

a. *Requirements for public hearings.*

(1) Timing of Notice. Notices must be well publicized and mailed to all interested and affected

parties on the contact list (see 1. above) and to the media at least 45 days prior to the date of the hearing. However, when the Assistant Administrator or Regional Administrator find that no review of substantial documents is necessary for effective participation and there are no complex or controversial matters to be addressed, the notice requirement may be reduced to no less than 30 days in advance of the hearing. Additionally, in permit programs, notice requirements will be governed by permit regulations and will be no less than 30 days. Notice for EIS's are covered by EIS regulation which calls for a 45-day review period, with an optional 15-day extension. Notice of the EIS hearing is generally contained in the Draft EIS. Hearings on EIS's are usually held before the end of the EIS review period, but no earlier than 30 days after the EIS notice. Assistant Administrators or Regional Administrators may further reduce or waive the requirements for advance notice of a hearing in emergency situations where there is imminent danger to public health and safety or in situations where there is a legally mandated timetable. Assistant Administrators may also reduce this requirement if they determine that all affected parties would benefit from a shorter time period.

Members of the public who object to a waiver may appeal to the Administrator, stating their reasons in detail.

(2) Content of Notice. The notice must identify the matters to be discussed at the hearing and must include or be accompanied by: (a) a discussion of alternatives the public is being asked to comment upon and the agency's tentative conclusions on major issues (if any); (b) information on the availability of an EIS and bibliography of other relevant materials (if appropriate), (c) procedures and contact for obtaining further information; and (d) information which the agency particularly solicits from the public.

(3) Provision of Information. All reports, EIS's and other documents and data relevant to the discussions at the public hearings must be available to the public on request after the notice, as soon as they become available to agency staff. Background information should be provided no later than 30 days prior to the hearing.

(4) Conduct of Hearing. The agency conducting the hearing must inform the audience of the issues involved in the decision to be made, the considerations the agency will take into account under law and regulations, the agency's tentative conclusions (if any), and the information which the agency particularly solicits from the public. Whenever possible, the hearing room should be set up informally. The agency should allocate time for presentations, questions and answers, as well as formal commentary on the record. When needed, a pre-hearing meeting to discuss the issues should be held. Procedures must not inhibit free expression of views. When the subject of a hearing addresses conditions in a specific geographic area, the hearing itself should be held in that general area.

(5) Record of Hearing. The hearing record must be left open for at least ten days to receive

additional comment, including any from those unable to attend in person, and may be kept open longer, at the discretion of the hearing officer. The agency must prepare a transcript or record of the hearing itself and add additional comments to the complete record of the proceeding. This must be available for public inspection and copying at cost at convenient locations. Alternatively, copies shall be provided free. If tapes are used, they should be available for use and copying on conventional equipment. When a Responsiveness Summary (see Assimilation below) is prepared after a hearing, it must be provided to those who testified at or attended the hearing, as well as anyone who requests it.

b. *Requirements for advisory groups.* Formation of an advisory group is one of the methods that can be chosen to gain sustained advice from a representative group of citizens.

The primary function of an advisory group is to assist elected or appointed officials by making recommendations to them on issues which the decision making body and the advisory group consider relevant. These issues may include policy development, project alternatives, financial assistance applications, work plans, major contracts, interagency agreements, budget submissions, among others. Advisory groups can provide a forum for addressing issues, promote constructive dialogue among the various interests represented on the group, and enhance community understanding of the agency's action.

(1) Requirements for Federal EPA Advisory Committees: When EPA establishes an advisory group, provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and General Service Administration (GSA) Regulations on Federal Advisory Committee Management must be followed.

(2) Requirements for State and Substate and Local Advisory Committees: (Explanatory Note: The following guidelines do not apply to advisory committees, as defined by the Federal Advisory Committee Act, which are established or utilized by EPA.) In instances where regulations, program guidance, or the public participation work plans of State, substate, or local agencies, call for advisory groups, the following special requirements will apply:

(A) Composition of Advisory Groups. Agencies must try to constitute advisory groups so that the membership includes the major affected parties, reflects a balance of interests, and consists of substantially equivalent proportions of the following groups:

- Private citizens. This portion of the advisory group would not include anyone who is likely to incur a financial gain or loss greater than that of an average homeowner, taxpayer, or consumer as a result of any action that is likely to be taken by the managing agency;

- Individual citizens or representatives of organizations that have substantial economic interests in the plan or project;

- Federal, State, local, and tribal officials. These may be both elected and policy-level appointed officials, so long as the elected officials do not come from the decision-making body the group is advising;

- Representatives of public interest groups. A “public interest group” is an organization which has a general civic, social, recreational, environmental, or public health perspective in the area, and which does not directly reflect the economic interests of its membership.

Generally, where an activity has a particular geographic focus, the advisory group should be composed of persons from that geographic area, unless issues involved are of wider application.

Where problems in meeting the membership composition arise, the agency should request advice and assistance from EPA or the State in the case of a delegated program. EPA shall review the agency’s efforts to comply, and approve the advisory group composition, or, if the agency’s efforts were inadequate, require additional actions.

(b) Resources for Advisory Groups. To the extent possible, agencies shall identify professional and clerical staff time which the advisory group may depend upon for assistance, and provide the advisory group with an operating budget which may be used for mailing, duplicating, technical assistance, and other purposes the advisory group and the agency have agreed upon. The agency should establish a system for reimbursing advisory group members for reasonable out-of-pocket expenses that relate to their participation on the advisory group.

(3) Advisory Group Recommendations: Recommendations, including minority reports and the minutes of all meetings of an advisory group, are matters of public information. As soon as these become available to agency staff, the agency must provide them to the public on request and distribute them to relevant public agencies. Advisory groups may communicate with EPA or the public as needed, or request EPA to perform an evaluation of the assisted agency’s compliance with the requirements of this part.

4. *Assimilation.* The heart of public participation lies in the degree to which it informs and influences final agency decisions.

Assimilating public viewpoints and preferences into final conclusions involves examining and analyzing public comments, considering how to incorporate them into final program decisions, and making or modifying decisions according to carefully considered public views. The agency must then demonstrate, in its decisions and actions, that it has understood and fully considered public concerns. Assimilation of public views must include the following three elements:

a. *Documentation.* The agency must briefly and clearly document consideration of the public's views in Responsiveness Summaries, regulatory preambles, EIS's or other appropriate forms. This should be done at key decision points specified in program guidance or in work for public participation.

b. *Content.* Each Responsiveness Summary (or similar document) must:

- explain briefly the type of public participation activity that was conducted;
- identify or summarize those who participated and their affiliation;
- describe the matters on which the public was consulted;
- summarize the public's views, important comments, criticisms and suggestions;
- disclose the agency's logic in developing decisions; and
- set forth the agency's specific responses, in terms of modifying the proposed action, or explaining why the agency rejected proposals made by the public.

c. *Use.* The agency must use Responsiveness Summaries in its decision-making.

In addition, final Responsiveness Summaries that are prepared by an agency receiving financial assistance from EPA must also include that agency's (and where applicable, its advisory group's) evaluation of its public participation program.

5. *Feedback.* The agency must provide feedback to participants and interested parties concerning the outcome of the public's involvement. Feedback may be in the form of personal letters or phone calls, if the number of participants is small. Alternatively, the agency may mail a Responsiveness Summary to those on the contact list, or may publish it.

a. *Content.* The feedback that the agency gives must include a statement of the action that was taken, and must indicate the effect the public's comments had on that action.

b. *Availability.* Agency officials must take the initiative in giving appropriate feedback, and must assure that all public participants in a particular activity are provided that feedback. As Responsiveness Summaries are prepared, their availability should be announced to the public. When regulations are developed, reprints of Preambles and final regulations must be provided to all who commented.

E. Work Plans

A work plan is a written document used for planning a public participation program. It may be an element of regulatory development plans or program plans. Each work plan should include the following elements: objectives, schedules, techniques, audiences and resources requirements. Work plans should be completed on both a program and project level or for each activity identified under Scope of the Policy.

Public participation work plans, undertaken by EPA or by applicants for EPA financial assistance, shall set forth, at a minimum:

1. Key decisions subject to public participation;
2. Staff contacts and budget resources to be allocated to public participation;
3. Segments of the public targeted for involvement;
4. Proposed schedule for public participation activities to impact program decisions;
5. Mechanism to apply the five basic functions - Identification, Outreach, Dialogue, Assimilation, and Feedback-outlined in Section D of this Policy.

Reasonable costs of public participation incurred by assisted agencies, including advisory group expenses, and identified in an approved public participation work plan, will be eligible for financial assistance, subject to statutory or regulatory limitations.

Assistant Administrators and Regional Administrators will ensure that program work plans are developed in a timely manner for use in the annual budget planning process. Work plans will be reviewed by the Special Assistant for Public Participation, who will work with program and regional managers to ensure that work plans adequately carry out this Policy. Work plans may be used as public information documents.

F. Assistance to the Public

EPA recognizes that responsible participation by the various elements of the public in some of the highly technical and complex issues addressed by the agency requires substantial commitments of time, study, research analysis, and discussion. While the Agency needs the perspectives and ideas that citizens bring, it cannot always expect the public to contribute its efforts on a voluntary basis.

Assistant Administrators, office Directors, and Regional Administrators can provide funds to

outside organizations and individuals for public participation activities which they, as EPA managers, deem appropriate and essential for achieving program goals, and which clearly do not involve rulemaking or adjudicative activities.

Participation funding Criteria-Any financial assistance awarded by the Agency for non-regulatory or non-adjudicatory participation should be based on the following criteria:

- (1) whether the activity proposed will further the objectives of this Policy:
 - (2) whether the activity proposed will result in the participation of interests not adequately represented;
 - (3) whether the applicant does not otherwise have adequate resources to participate; and
 - (4) whether the applicant is qualified to accomplish the work.
- These are the primary tests for public participation financial assistance. From among those who meet these tests, the Agency will make special efforts to provide assistance to groups who may have had fewer opportunities or insufficient resources to participate.

G. Authority and Responsibility

Public participation has an integral part in the accomplishment of any program. It should routinely be included in decision-making and not be treated as an independent function. Managers shall assure that personnel are properly trained, and that funding needs are incorporated in their specific budgets.

Responsibility and accountability for the adequacy of public participation programs belong primarily to the Regional Administrators and the Assistant Administrators, under the overall direction of the Administrator.

1. *The Administrator* maintains overall direction and responsibility for the Agency's public participation activities. Specifically, the Administrator, aided by the Special Assistant for Public Participation, will:

- (a) establish policy direction and guidance for all EPA public participation programs;
- (b) review public participation program work plans, including resource allocation;
- (c) coordinate public participation funding to outside groups to ensure the most economical

expenditures;

(d) provide technical advice and assistance as appropriate;

(e) develop guidance and training needed to ensure that program personnel are equipped to implement the Policy;

(f) provide incentives to agency personnel to ensure commitment and competence; and

(g) evaluate at least annually the adequacy of public participation activities conducted under this Policy, and the appropriateness and results of public participation expenditures.

2. *Assistant Administrators* have the following responsibilities:

(a) identify and address those activities where application of this Policy is require;

(b) identify and address those forthcoming major policy decisions where the Policy should be applied;

(c) ensure that program work plans are developed annually to provide for adequate public participation in the above decisions and activities;

(d) implement approved work plans for public information and public participation activities;

(e) ensure that, as regulations for the programs cited in the Appendix of the Policy are amended, they incorporate the Policy's provisions;

(f) evaluate the appropriateness of public participation expenditures and activities under their jurisdiction, revising and improving them as necessary;

(g) encourage coordination of public participation activities;

(h) provide guidance and assistance to support regional office activities;

(i) seek public participation in decisions to modify or develop major national policies, at their discretion;

(j) consider funding authorized pilot and/or innovative demonstration projects;

(k) consider measures to ensure Policy implementation in appropriate managers' performance standards;

(l) provide financial assistance, as appropriate and available, for authorized public participation activities at the national level.

3. Regional Administrators have the following responsibilities:

(a) identify and address those EPA and EPA-assisted activities where application of this Policy is required;

(b) identify and address those forthcoming EPA and EPA-assisted major policy decisions where the Policy should be applied;

(c) ensure that work plans are developed annually by the programs and recipients to provide for adequate public participation in the above decisions and activities;

(d) implement approved work plans for public information and public participation activities;

(e) ensure that public participation is included by applicants in the development of program funding applications to EPA, and in other decisions as identified by this Policy;

(f) provide guidance and technical assistance to recipients on the conduct of public participation activities;

(g) evaluate annually public participation activities of State, substate, or local entities revising and improving them as necessary;

(h) encourage coordination of public participation activities;

(i) support and assist the public participation activities of Headquarters;

(j) ensure that Regional staff are trained, and resources allocated for public participation program;

(k) incorporate measures to ensure Policy implementation in managers' performance standards;

(l) provide small grants to representative public groups for needed public participation work;

(m) evaluate the appropriateness of public participation expenditures and activities, revising and improving them as necessary.

4. *The Director, Office of Public Awareness* has an important role in the development and support of Agency public participation activities. The Director will:

(a) assist Headquarters and regional programs in identifying interested and affected members of the public in compiling project contacts lists;

(b) support Headquarters and regional program in development and distribution of outreach materials to inform and educate the public about environmental programs and issues, and participation opportunities;

(c) develop annual public awareness/participation support plans to complement public participation work plans and identify resources requirements.

H. Compliance

Assistant Administrator, Office Directors, and Regional Administrators are responsible for making certain that, for the activities under their jurisdiction, all those concerned comply with the public participation requirements set forth in this Policy.

Regional Administrators will evaluate compliance with public participation requirements in appropriate State and substate programs supported by EPA financial assistance. This will be done during the annual review of the States' program(s) which is required by grant provisions, and during any other program audit or review.

If the Regional Administrator is not satisfied that this Policy is being carried out, he or she should defer the grant award until these conditions can be met where that course is legally permissible. A Regional Administrator may grant a waiver from specific requirements in this Policy upon a showing by the agency that proposed action will result in substantially *greater* public participation that would be provided by the Policy.

The Administrator of EPA has final authority and responsibility for ensuring compliance. Citizens with information concerning apparent failures to comply with these public participation requirements should first notify the *appropriate* Regional Administrator or Assistant Administrator, and then if necessary, the Administrator. The Regional Administrator, Assistant Administrator, or Administrator will make certain that instances of alleged noncompliance are promptly investigated and

that corrective action is taken where necessary.

Appendix-List of Citations Covering Program Grants, Delegations, or Permits to States and Substate Governments

The Public Participation Policy will be incorporated in program regulations that cover financial assistance or delegations of authority to State or substate governments or approval of State programs. Where consolidated awards exist under these provisions, they also will be covered. Programs under the Clean Water Act, Safe Drinking Water Act, and the Resource Conservation Recovery Act are already covered by this Policy insofar as they have been amended, or will be amended, to incorporate 40 CFR, Part, 25. Consolidated permit programs are covered by 40 CFR Parts 122, 123, and 124. Regulations that refer to existing programs now covered by the Policy will have to be amended to incorporate its provisions. Where programs regulations are not yet written, the Policy shall be incorporated.

Clean Air Act (Pub. I 95-95)

Air Pollution Control Program Grants

Sec. 105-Grants to State and local air pollution control agencies for support of air pollution planning and control programs. (Catalogue of Federal Domestic Assistance No.66001.)

Sec. 106-Grants to interstate air quality agencies and commissions to develop implementation plans for interstate air quality agencies and commissions to develop implementation plans for interstate air quality control regions. [When funded].

Urban Mass Transportation Technical Studies Grants (DOT)

Sec. 175-Grants to organizations of local elected officials with transportation or air quality maintenance responsibilities for air quality maintenance planning. (CFDA No. 20.505)

Sec. 210-Grants to State agencies for developing and maintaining effective vehicle emission devices and systems inspection and emission testing and control programs. [When funded].

Quiet Communities Act (Pub. L. 95-609)

Quiet Communities--State and Local Capacity Building Assistance

Sec. 14(c)-Grants to State and substate governments and regional planning agencies for planning, developing, evaluating, and demonstrating techniques for quiet communities. (CFDA No. 66.031.)

Toxic Substances Control Act (Pub. L. 94-469)

State Toxic Substance Control Projects

Sec. 28-Grants to State for establishing and operating programs to complete EPA efforts in preventing or eliminating risks to health or environment from chemicals. (CFDA No. 66.800.)

Federal Insecticide, Fungicide and Rodenticide Act (Publ. L. 95-398)

Pesticides Enforcement Program Grant

Sec. 23(a)-Funding to States/Indian tribes through cooperative agreements for enforcement and applicator training and certification. (CFDA No. 66-700.)

Resource Conservation and Recovery Act (Pub. L. 94-580)

Sec. 3005(a)-Issuance of permits for treatment, storage and disposal of hazardous waste.

Sec. 3006-Delegation of authority to administer and enforce hazardous waste program.

Sec. 4002-State Planning Guidelines. Solid and Hazardous Waste Management Program Support Grants

Sec. 4007-Approval for State, local, and regional authorities to implement State or Regional Solid Waste Plans and be eligible for Federal assistance. (CFDA No. 66.451)

Sec 4008-Grants to State and substate agencies for solid waste management, resource recovery and conservation, and hazardous waste management. (CFDA No. 66.451.)

Sec. 4009-Grants to States for rural areas solid waste management facilities. (CFDA No. 66.451.)

Solid Waste Management Demonstration Grants

Sec. 8006-Grants to State, municipal, interstate or intermunicipal agency for resource recovery systems or improved solid waste disposal facilities. (CFDA No. 66.452.)

Solid Waste Management Training Grants

Section 7007-Grants or contracts for States, interstate agency, municipality and other organizations for training personnel in occupations related to solid waste management and resource recovery. (CFDA No 66.453.)

Safe Drinking Water Act (Pub. L. 95-190)

Sec. 1421(b)-Issuance of permits for underground injection control programs.

State Public Water System Supervision Program Grants

Sec. 1443(a)-Grants to States for public water system supervision. (CFDA 66.432.)

State Underground Water Source Protection-Program Grants

Sec. 1443(b)-Grants to States for underground water source protection programs. (CFDA 66.433.)

Clean Water Act (Pub. L. 95-217)

Construction Grants for Wastewater Treatment Works

Sec. 201-Grants to State, municipality, or intermunicipal agencies for construction of wastewater treatment works. (CFDA 66.418.)

Water Pollution Control-State and Interstate Program Grants

Sec. 106-Grants to State and Interstate agencies for water pollution control administration. (CFDA 66.419.)

Water Pollution Control-State and Areawide Water Quality Management Planning Agency

Sec. 205(g)-Delegation of management of construction grants programs to State designated

agency(ies). (CFDA 66.438.)

Sec. 208-Grants for State and areawide waste treatment management planning. (CFDA 66.426.)

Water Pollution Control-Lake Restoration Demonstration Grants

Sec. 314-Clean Lakes Program.

Sec. 402(a)-Issuance of permits under National Pollutant Discharge Elimination System.

Sec. 404-Issuance of permits for disposal of dredge and fill materials.

Pub. L. 94-580, Sections 3005 & 3006;

Pub. L. 95-190, Sections 1421-1423;

Pub. L. 95-217, Section 402;

Pub. L. 95-217, Section 404;

Pub. L. 95-95, Section 165;

Proposed consolidated permit regulations, covering; Hazardous Waste Program under RCRA; UIC Program under SDWA. NPDES and Section 404 of the Clean Water Act, and the PSD Program under the Clean Air Act.

Billing Code 6500-36-M