

US EPA ARCHIVE DOCUMENT

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Ms. Diane Barrett  
Community Involvement Coordinator  
Customer Service Branch  
Waste Management Division, EPA Region IV  
Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

Dear Ms. Barrett,

On behalf of the Clean Water Fund of NC, I want to thank you for the opportunity to comment on the 1981 EPA Public Participation Policy as a starting point for reworking the Agency's policy. We all have learned a great deal in the intervening years. There was much to build on from the 1981 policy and you personally have done much to facilitate communication between communities and remediation officials in Region IV. I have the feeling that you will understand the basis for several of my comments, as we have shared some of this "learning curve" in working with the fine folks of the Shiloh community at the Koppers site.

Best wishes for the New Year, for justice, clean water, healthy air and safe communities.

Yours truly,

Hope C. Taylor  
Executive Director

Clean Water Fund of NC  
Comments on 1981 EPA Public Participation Policy

**Comments Related to Question 1: What Changes need to be made to the 1981 Policy on Public Policy?**

1. EPA must be particularly attentive to incorporation of Environmental Justice considerations into this policy in a proactive manner. In particular, mechanisms for more equitable dispersal of meeting (or other “participation opportunities”) announcements and background information and facilitation of participation will be critical to enhancing this policy. In addition to mailings and electronic mailings to lists of interested parties, and newspaper ads, other methods of outreach to a diverse potential audience include postings at laundromats, churches, a public board prominent in local municipality, and flyers sent home from school with students. Each should include a map of the relevant site and a brief summary of issues and actions to date. The Principles of Environmental Justice should be posted, distributed or read as part of every public meeting.
2. Over the past decade, EPA has grown more skillful and respectful in its handling of public meetings, but they are still generally handled in a hierarchical manner, with RPM’s or other relevant staff dominating the program with background material for the first hour or more of the agenda. Facilitation, including participation in agenda development, by a skilled community leader or panel of local advisors (civic, religious, labor, public health, business, environmental, educational, agricultural) would build credibility for community participation during the meeting and any ensuing process and would help ensure that community input was assimilated substantively
3. While the agency should “set forth options and alternatives” at the beginning of a process, it must acknowledge that community input is likely to lead to creative approaches to a broader range of issues than just a single remediation, policy or permitting process. Therefore, rather than limit discussion to options presented, EPA staff should respectfully entertain other options and help in researching alternatives, including those that the agency may have preliminarily considered not feasible.
4. Compared to the overall costs for travel and EPA staff, building rental, etc., it would require a relatively modest amount of resources to aid meeting participants by providing: 1) mileage reimbursement for those travelling more than 20 miles, 2) child care on site, 3) reimbursement in order to support time off from work, 4) refreshments for folks coming straight from work to an evening meeting. Further, it would be important to trust participants not to abuse such support. Requiring folks to certify the inadequacy of their resources to attend in order to qualify for

reimbursement is an indignity which sacrifices the good will and enhanced participation that such services can offer.

5. At all stages of the process, EPA must respectfully acknowledge the role that public participation has played in the process. In 1995, as the SITE program was preparing for an on-site demonstration of thermal desorption and base-catalyzed dechlorination at the Morrisville Koppers site, EPA staff talked about the process which led to that demonstration of experimental technology without ever mentioning the community. Despite the fact that BCD was eventually abandoned for this site, it would never have been considered or demonstrated without persistent calls from the community for on-site, non-incineration methods to be tried. The goals of the community must be elicited early and often during policy development, remediation, permitting, etc.
6. If EPA wishes to promote public involvement in implementing environmental protection laws, it must help disseminate common-sense materials which enable communities to recognize real-life situations and connect with proper regulatory officials. The Citizen's Guide to Enforcement on EPA's web site is an excellent step in the right direction—it needs to be enhanced with graphics and a briefer version made available as a pamphlet. A system of training and “bounties” for citizen monitors should be implemented, along with dedicated contacts in the agency, in order to regain agency credibility in communities for substantive environmental protection.
7. Regional offices for Environmental Justice should be established and well enough staffed to serve as intervenors in policy development, permitting processes, program design and implementation, as well as direct citizen enquiries and complaints.
8. Staff of all document repository locations must receive annual training in storing and making public documents readily available to the concerned public. Even as a community technical advisor, knowing exactly what to look for, I have had difficulty finding staff at repositories who knew where the documents could be found or how they were organized. Certainly a citizen researching such documents for the first time would be very easily discouraged by such an experience!

**Comments relating to Question 2: How do we further engage the public in updating policy regarding public participation?**

1. Facilitated focus groups of 6-10 participants, each of whom is asked to invite someone who has recently had to access the environmental regulatory system for the first time, should be constituted for each state or subregion. Participants would be paid for their travel and time to participate, as well as review of relevant documents. Such groups tend to stimulate very specific examples of barriers to public participation and brainstorming for mechanisms for amelioration.

2. A broader response to Public Participation policy proposals could be elicited by outreach for solicitation of comments, including oral comments over a toll-free phone line or electronically submitted, using the same ideas proposed above for meeting announcements. Use of listserves, such as UNC-ERP's CHECCalert to solicit comments on a next draft will tend to select for white, on-line environmental professionals. Avoid large meeting format for presentation and discussion of this policy.