

US EPA ARCHIVE DOCUMENT

# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF PLANNING AND PUBLIC AFFAIRS

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December 23, 1999

Deborah Dalton  
EPA  
Mail Stop 2136  
401 M Street SW  
Washington DC 20460

Dear Ms. Dalton,

Thank you for the opportunity to comment on EPA's public participation process. As a community relations coordinator at the Utah State Department of Environmental Quality, I have had the opportunity to witness both the strengths and the weaknesses of this process. My experience has been primarily with Superfund, but I have also worked on Air, Water, and Community Based issues.

I have reviewed your policy document and would like to submit the following recommendations for your consideration:

1. Make sure your policy formally recognizes the role of the State in the process - Here in Utah, public participation seems to work best when the State and EPA jointly work together to reach out to the public. This has not always meant that we go to the public in agreement on an issue, but has meant that we jointly agreed on an approach and respect the other's role in the process. States often know the constituencies better, have a related regulatory interest, and may be left to manage a new program or policy once EPA takes a less visible role. That, coupled with the fact that people don't often differentiate between the various levels of government, has made a partnership approach extremely effective. The times where public participation has turned into a nightmare have been when EPA has "jumped over" the State and gone directly to the public or where the State has been treated as "just another player." This has inevitably created a power struggle, minimizing the focus on the "public" and the real issue. In the end, everyone lost.

If the relationship is not spelled out in your policy, it is left open to interpretation. Despite best intentions, we have seen that interpretation range from "the State as a partner" to "the State as an enemy" when it is left to the staff level to decide what it means.

2. We periodically hear concerns from people who are a little less sophisticated but who are directly impacted by a policy or a decision (such as on a cleanup or a permit issue). They feel their voice is not given the consideration that a more polished, but less impacted group receives. We have tried to be sensitive to this by such moves as allowing the locals to speak first at a public hearing and by making a little extra effort to "help" them in their involvement. Perhaps comments from those with a direct involvement should be given more consideration - to avoid heavy weighting by outside, special interest groups who have the sophistication (and access to resources) to make an impact.

3. Publicize public comment periods in a way that your intended target(s) will hear about it - The average person does not read the Federal Register. Most people do not see legal notices. When true public participation is sought, the agency needs to find ways to effectively reach audiences who are not a special interest group. Sometimes people don't speak just because they don't know.

As an example, the way this policy was distributed was good. The Region drew it to our attention and we, in turn, passed it onto others within an interested. Wherever possible, ask states and local agencies to help get the word out - and allow enough time for an effective comment period, since this process is a little slower.

4. We have found it helpful to get documents out for public comment up to a week before the public comment actually begins. It is also helpful to hold a public hearing early in the comment period, particularly if part of the focus of the hearing is educational. This way, the public has an opportunity to better understand an issue and is not rushed in making a response.

5. We have found local depositories to be helpful. The issues we run into, however, are that there is often not enough room in a local library to house volumes of materials. Over time, materials end up lost. Also, librarians don't always understand what is expected of them as a repository. The most ideal situation is make this requirement a little more flexible and allow for a combination of approaches. This is an issue we are looking at with our region. We have considered the possibility of having an abbreviated repository with hard copies of key documents (including an index) at the closest location, then working out a way where the official, expanded record is at another location and documents can be "sent" out as requested. We are also looking at making use of the Internet or a CD ROM for the entire record, since most libraries and public buildings have computers. In some cases, this may mean helping with the purchase of a computer. Making this requirement a little flexible would allow the intent to be met in the most practical way possible, given the local circumstances.

6. Continuing in the flexibility mode, we feel it is important to allow flexibility in the "how" of a public participation plan. Specifying what is expected from the process is important. Allowing flexibility on how it is achieved allows the delivery to be tailored to the audience.

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7. Although it wasn't mentioned in your policy document, we understand there are initiatives under way requiring public documents to be written in "plain English" (or when translated, to be written so the audience can understand them). We applaud this effort and would like to see it stressed even more than it is now.

8. It would be helpful to make the rules clear on assistance grants - who gets them and what they can and cannot be used for - so that everyone understands. We recently ran into a situation where there were three different interpretations being given to a citizen group by three different EPA people - a project manager, a CR specialist, and a TAG representative. It was difficult to find "the" answer, particularly since the grant was for new pilot program.

9. Clarify internal expectation of staff members with regard to public participation - then train the "techies" on how to do it. Make sure they have the support they need to do it. Even with budget cuts coming, a portion of major projects should always be set aside so public participation is not a victim. If people are going to be impacted, they have a right to be involved.

10. It would be helpful to establish a network where people could share effective approaches and for lessons learned. Perhaps a "toolbox" could be developed and accessed via your webpage for those of us doing public participation on environmental issues.

Thank you for this opportunity to comment. Please contact me at (801) 536-4478 or by e-mail at randers@deq.state.ut.us if I be further assistance.

Sincerely,

Renette Anderson,  
UDEQ Community Relations