

North Dakota
L.U.S.T. Trust Fund Core Task 8

Public Participation Policy for L.U.S.T. Trust Activities

The scope and content of the public participation policy for LUST TRUST cleanup activities in North Dakota are taken from the publication, "LEAKING UNDERGROUND STORAGE TANKS; a Public Participation Guide for Region 8 States" (Attachment I). The policy procedures follow a four-step process as listed below:

1. Assessment of public involvement objectives;
2. Identification of required public involvement activities;
3. Identification of additional public involvement activities; and
4. Development of a public involvement work plan.

The public involvement activities for each LUST TRUST assessment/cleanup site will be identified through a work plan at the outset of a project, prior to any field activity. Public participation activities, however limited, will be conducted for every LUST TRUST site. The amount of effort needed to accomplish the objectives of this Public Participation Policy will vary by site and will be based on the following criteria:

Site Factors:

- a. Number of tanks;
- b. Location of the tanks (unpopulated rural area or urban center);
- c. Environmental damage the leak has caused (contaminated soil or contaminated aquifer); and
- d. Attitude of the responsible party (if a responsible party can be found).

Level of Community Concern:

Type of LUST TRUST Concerns:

- a. Threat to health (both self and family);
- b. Impact on economy (job loss?);
- c. Effect on property values;
- d. Odor from leak; and
- e. Aesthetics of cleanup.

The procedures of each of the four steps of the process are presented further in the discussion which follows:

1. The objectives of the public participation assessment are to identify (1) the major community concerns regarding the site, (2) the citizens, officials, and groups in the area who are especially interested in the site, and (3) the best means to provide information to the public for the purposes of obtaining public comment and input.

A contact list will be developed for each LUST TRUST project. The list will be used to identify those individuals who should be interviewed for information about the community, affected surrounding area and project site. The contact list will also be used to identify those individuals who should be kept informed of progress at the LUST TRUST site. A sample list of potential contacts is contained in Table 1.

Table 1. Sample Contact List.

Essential Contacts:	Local Health Unit Local Residents Local Businesses Local Police/Fire Department
Elected Officials:	Mayor/City Manager/County Commissioners Local State Legislative Representatives Local Congressperson Governor
Media:	Community Newsletter Community Weekly Paper City Daily Paper Radio/Television Stations
Organizations:	Environmental Groups Chamber of Commerce School Superintendent

Whenever possible a primary, local, government contact person (e.g., health, fire or city official) will be identified; community contact by the Department will begin with that person. Contact shall be made by mail, telephone or personal interview. Media contacts will follow established departmental procedures and policies (Attachment II). The contact list will be revised as new individuals who are interested in a specific site are identified.

2. When a corrective action plan is required for a LUST TRUST site and cleanup activities proceed beyond initial free product recovery, all public involvement activities will be conducted in accordance with the requirements specified in section 33-24-08-57 of chapter 33-24-08 (NDAC Article 33-24). As required by the above-referenced section, the Department will provide the following:
 - a. Public notice (e.g., local newspapers, block advertisements, public service announcements, letters to individual households, or personal contacts) to those members of the public directly affected by the release and the planned corrective action.
 - b. Public access to site release information and any decisions concerning the corrective action plan.

- c. Public meetings, when appropriate, to consider comments on the proposed corrective action plan. The meetings will be conducted prior to department approval of the plan.
 - d. Public notice if implementation of an approved corrective action plan does not achieve the established cleanup levels in the plan and termination of the plan is under consideration by the Department.
3. In addition to the necessary public involvement activities for releases requiring a corrective action plan, additional activities will be performed as dictated by the level of community concern about the LUST TRUST site. Depending on the specific needs of the community, additional public participation activities can include: fact sheets, press releases, public notices, news conferences, small group meetings, public meetings and telephone hotlines.

When appropriate, additional activities will be conducted at the following LUST TRUST site/project milestones:

- a. During the preliminary technical site assessment;
 - b. Upon submittal of the work plan for corrective action;
 - c. During cleanup of the LUST TRUST site; and
 - d. Upon completion of the LUST TRUST site cleanup.
4. Following the assessment of public involvement needs for each LUST TRUST site and the identification of any required and/or additional public participation activities, a public participation work plan will be developed. The work plan will be tailored to each site and will target activities distinctive to the needs of the community.

The work plan will identify the public involvement activities to be conducted at each site along with the scheduled times for each activity to be performed (Example 1). In addition, the work plan will include a brief narrative, providing information on such items as: site history, community background, etc. The narrative section will facilitate the preparation of fact sheets, press releases and public notices.

Example 1. Public Participation Work Plan Format.

NARRATIVE:

Brief description of historical, geographical and technical details of the site (e.g., site location, date of release, nature of threat, etc.).

CONTACTS:

Provide list of project contacts; append to work plan. Identify local contact person (e.g., local health official, fire inspector or city official) and those contacts who will receive reports, news releases, project summaries, etc.

PUBLIC INVOLVEMENT ACTIVITIES:

List activities (e.g., press releases, public notices, public meetings, etc.) and target completion dates.

DISTRIBUTION OF SITE ASSESSMENT/CORRECTIVE ACTION PLAN:

Identify locations where project documents will be available for review. List those contacts who will receive reports, plans, etc.

Further suggestions in handling public involvement matters and conducting public involvement activities can be found in Attachment I.