

# Resource Conservation and Recovery Act Public Participation Manual

**Public Comment Period  
Draft – August 9, 2016**

United States Environmental Protection Agency  
Office of Land and Emergency Management  
5305P  
Washington, DC 20460

# NOTICE

---

## Notice

This manual reviews regulatory requirements and provides policy guidance to help implement the Resource Conservation and Recovery Act (RCRA) program. The policies set forth in the attached manual are not final Agency action. They are intended solely as guidance. They are not intended, nor can they be relied on, to create any rights enforceable by any party in litigation with the U.S. Environmental Protection Agency. Officials may decide to follow the guidance provided in this document, or to act at variance with the guidance, based on an analysis of site or facility circumstances. The Agency reserves the right to change this guidance at any time without public notice.

This manual replaces and supersedes the 1996 RCRA Public Participation Manual (EPA 530-R-96-007). It is designed for use by Agency staff, public interest organizations, community members, and owners/operators of hazardous waste management facilities.

# TABLE OF CONTENTS

<b>NOTICE.....</b>	<b>I</b>
<b>TABLE OF CONTENTS.....</b>	<b>II</b>
<b>ACRONYMS AND ABBREVIATIONS .....</b>	<b>VII</b>
<b>PREFACE.....</b>	<b>VIII</b>
Audience for the RCRA Public Participation Manual .....	viii
2016 Version.....	ix
How to Use the RCRA Public Participation Manual .....	ix
Other Resources.....	x
<b>CHAPTER 1: INTRODUCTION .....</b>	<b>1</b>
Goals of RCRA Public Participation.....	1
RCRA and its 1984 Amendments.....	3
Evolution of RCRA Public Participation .....	4
Addressing Environmental Justice in Public Participation.....	5
The EPA’s Agency-wide Public Involvement Policy .....	6
<b>CHAPTER 2: BUILDING A FOUNDATION FOR SUCCESSFUL PUBLIC PARTICIPATION.....</b>	<b>8</b>
Definition and Description of Public Participation .....	8
Planning for Successful Public Participation .....	11
The Community Member’s Role .....	13
Key Considerations When Planning Public Participation .....	15
COMMUNICATING RISK EFFECTIVELY .....	16
ASSESSING AND ADDRESSING ENVIRONMENTAL JUSTICE AND TRIBAL CONCERNS .....	18
SUPPORTING COMMUNITY-BASED ENVIRONMENTAL PROTECTION .....	20
RESOURCES FOR ASSESSING AND RESPONDING TO TECHNICAL ASSISTANCE NEEDS .....	22
COORDINATING AND COLLABORATING WITH OTHER EPA PROGRAMS .....	25
USING TRADITIONAL AND NEW MEDIA EFFECTIVELY .....	26
PLANNING FOR PUBLIC PARTICIPATION WHEN RESOURCES ARE LIMITED.....	28
EVALUATING PUBLIC PARTICIPATION ACTIVITIES .....	28
<b>CHAPTER 3: PUBLIC PARTICIPATION DURING THE RCRA PERMITTING PROCESS.....</b>	<b>31</b>

Introduction .....	31
Overview of Public Participation in the Permitting Process .....	31
Public Participation Roles during the Permitting Process .....	34
STEP ONE: PRE- APPLICATION STAGE.....	34
STEP TWO: APPLICATION STAGE .....	37
STEP THREE: PREPARATION OF DRAFT PERMIT STAGE.....	39
STEP FOUR: FINAL PERMIT DESIGN STAGE .....	41
Public Participation during the Life of a Permit.....	42
PERMIT MODIFICATIONS.....	42
CLOSURE AND POST-CLOSURE AT PERMITTED FACILITIES .....	47
Public Participation at Interim Status Facilities .....	48
INTERIM STATUS FACILITY OPERATION.....	48
CLOSURE AND POST-CLOSURE AT INTERIM STATUS FACILITIES .....	49
<b>CHAPTER 4: PUBLIC PARTICIPATION IN RCRA CORRECTIVE ACTION UNDER PERMITS AND § 3008(H) ORDERS.....</b>	<b>51</b>
Introduction .....	51
Overview of Public Participation in Corrective Action.....	52
Special Considerations for Public Participation Activities Under § 3008(h) Orders.....	53
Public Participation Roles during RCRA Corrective Action .....	54
RCRA FACILITY ASSESSMENT (RFA) – INITIAL SITE ASSESSMENT .....	55
RCRA FACILITY INVESTIGATION (RFI) – SITE CHARACTERIZATION .....	57
INTERIM MEASURES .....	59
CORRECTIVE MEASURES STUDY (CMS) - EVALUATION OF REMEDIAL ALTERNATIVES .....	60
REMEDY SELECTION .....	61
(CMI) - REMEDY IMPLEMENTATION.....	62
COMPLETION OF THE REMEDY .....	63
<b>CHAPTER 5: RCRA PUBLIC PARTICIPATION ACTIVITIES .....</b>	<b>65</b>
Introduction .....	65
Public Participation Plans .....	65
ASSESSING THE COMMUNITY .....	66
PLANNING FOR PARTICIPATION.....	67

Other Required and Optional Public Participation Activities.....	68
<b>APPENDICES .....</b>	<b>84</b>
<b>Appendix A: Environmental Justice Public Participation Checklist.....</b>	<b>85</b>
<b>Appendix B: Checklists for Public Participation Activities.....</b>	<b>849</b>
Public Participation Plans .....	90
Public Notices.....	93
Introductory Notices .....	98
Mailing Lists.....	100
Contact Persons/Offices .....	103
Fact Sheets/Statements of Basis.....	105
Public Meetings .....	108
Public Hearings .....	112
Public Comment Periods .....	117
Response to Comments.....	119
Notices of Decision.....	122
Information Repositories .....	124
Community Interviews.....	127
Community Advisory Groups .....	132
Telephone Calls with Specified Stakeholders .....	134
Informal Meetings with Other Stakeholders.....	136
Focus Groups.....	140
Facility Tours.....	142
Observation Decks .....	145
On-Scene Information Offices.....	147
Briefings.....	149
Translations .....	151
Project Newsletters and Reports .....	153
Presentations .....	155
Exhibits .....	157
Information Tables .....	159
Workshops .....	161

## Table of Contents

---

Availability Sessions/Open Houses .....	164
Question & Answer Sessions .....	167
Telephone Hotlines and Web-Based Forums .....	169
Door-to-Door Canvassing .....	171
Surveys and Polls .....	174
Attending Other Stakeholder Meetings and Functions .....	177
Unsolicited Information and Office Visits .....	178

---

## ACRONYMS AND ABBREVIATIONS

---

ADR	Alternative Dispute Resolution
Agency	Permitting agency - may be EPA or authorized state agency
ANPR	Advance Notice of Proposed Rulemaking
ATSDR	Agency for Toxic Substances and Disease Registry
CAG	Community Advisory Group
CBEP	Community Based Environmental Protection
CDC	Centers for Disease Control and Prevention
CEI	Community Engagement Initiative
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CMI	Corrective Measures Implementation
CMS	Corrective Measures Study
EJ	Environmental Justice
EPA	Environmental Protection Agency
FR	Federal Register
HSWA	Hazardous and Solid Waste Amendments
NEJAC	National Environmental Justice Advisory Council
NOD	Notice of Deficiency
OLEM	Office of Land and Emergency Management (renamed from OSWER to OLEM in 2015)
OSWER	Office of Solid Waste and Emergency Response (renamed OLEM in 2015)
PTAP	Partners in Technical Assistance Program
RCRA	Resource Conservation and Recovery Act
RFA	RCRA Facility Assessment
RFI	RCRA Facility Investigation
SWDA	Solid Waste Disposal Act
SWMU	Solid Waste Management Unit
TANA	Technical Assistance Needs Assessment
TSD	Treatment, Storage, and Disposal Facility

## PREFACE

---

The RCRA program, which is implemented by EPA and its partner states, and local governments, protects our communities and the environment from the threats of solid and hazardous waste, cleans up land and water, conserves resources, and empowers community members by delivering information and opportunities that enable communities to participate in decision-making processes. Since Congress enacted the RCRA program in 1976, it has achieved remarkable improvements in the protection of human health and the environment. This is a result of more effective management of hazardous and solid wastes.

The purpose of the RCRA Public Participation manual is to provide a user's manual that explains how to implement public participation activities throughout the Resource Conservation and Recovery Act (RCRA) permitting and corrective action processes. In the same way that a user's manual explains how a car or an appliance works, this manual explains how RCRA public participation works and how community members, regulators, and industry can cooperate to make it better.

The manual emphasizes the importance of cooperation and communication and highlights the public's role in providing valuable input during the permitting and corrective action processes. It also furthers EPA's commitments to early and meaningful involvement for communities, open access to information, and the important role of public participation in addressing environmental justice concerns.

Note that this manual is designed to help promote consistent national policy on these issues. The manual does not substitute for the requirements stipulated through RCRA, nor is it a regulation itself. Thus, it does not impose legally binding requirements on EPA, states or the regulated community and may not apply to a particular situation based upon the circumstances. Thus, EPA, state, tribal, and local decision-makers retain the discretion to adopt approaches on a case-by-case basis that differ from the guidance in this manual where appropriate. Any decisions regarding a particular site will be made based on the applicable statutes and regulations.

### **Audience for the RCRA Public Participation Manual**

EPA wrote this manual to help all stakeholders involved in the RCRA permitting or corrective action processes.

#### ***If you are a community member:***

This manual describes the many public participation activities that are required by federal regulations. It also points out steps that agencies, companies, and public interest groups can take to provide additional public input into the process. Additionally, it contains links to other resources to learn more about RCRA and community organizing.

#### ***If you are a government regulator:***

This manual provides specific details about public participation requirements and outlines EPA's current policies. It also explains activities that will provide better information to the public and encourages increased public input into RCRA decision-making. This manual provides excellent information on how to open a dialogue with other stakeholders, assess communities and be sensitive to their concerns, plan for public participation, fulfill all the regulatory requirements, and go beyond the requirements.



***If you are a member of a public interest or environmental group:***

This manual makes it easy to learn about the federal requirements for public participation. It explains how organizations can get involved and provides useful tips for working with other stakeholders. The manual bases these tips on the experience of people who practice public participation. It also explains how to conduct public participation activities and provides links to resources for more information.

***If you own or operate a hazardous waste management facility:***

This manual describes when and how to conduct public participation activities. It lays out the responsibilities and activities of the owner/operator and identifies how the permitting agency will conduct other activities. The manual helps the reader to learn how to more effectively interact with the community around the facility, be sensitive to their concerns, and cooperate and communicate with all stakeholders. Additionally, it describes public participation opportunities that go beyond the requirements.

## **2016 Version**

This 2016 version of the RCRA Public Participation Manual replaces the version, which EPA published in 1996. The updates and revisions to the document reflect current regulations, policies, and practices. It presents new information about technical assistance, environmental justice, social media, and other topics that have come to the forefront since the 1996 edition.

For many years since the publication of the 1996 edition of the manual, RCRA permitting programs have primarily focused on issuing permits. More recently, however, the majority of hazardous waste management facilities are already permitted. Permit maintenance and modifications now account for most of the permitting activity today. Thus, the 2016 manual includes updated and expanded information about permit modifications and best practices for site-specific public participation.

## **How to Use the RCRA Public Participation Manual**

This manual provides general guidance about how to conduct public participation activities at RCRA facilities. While the document may be read in its entirety, each chapter is a handy resource and may be referenced independently. The manual is organized as follows:

- **Chapter 1: Introduction** provides an overview of the history of RCRA public participation and the evolution of EPA's approach to RCRA public participation from its beginnings in the late 1970s to the present day.
- **Chapter 2: Building a Foundation for Successful Public Participation** explains some of the basic principles that often lead to successful public participation at RCRA facilities.
- **Chapter 3: Public Participation during the RCRA Permitting Process** discusses the basic steps in the RCRA permitting process and the public participation activities that accompany those steps. After reviewing the requirements, the chapter provides a list of additional participation activities to supplement the requirements.
- **Chapter 4: Public Participation in RCRA Corrective Action under Permits and § 3008(H) Orders** details EPA's public participation guidelines for the corrective action program. This

chapter reflects the current EPA position on these issues as the corrective action program continues to evolve.

- **Chapter 5: RCRA Public Participation Activities** provides detailed descriptions of dozens of public participation techniques – required and optional, formal and informal. The chapter explains all of the public participation methods mentioned in the previous chapters and provides information on additional methods.
- **Appendix A** is a checklist for environmental justice public participation activities. Although the checklist was initially developed in the context of environmental justice, it reflects principles that apply to public participation for all communities.
- **Appendix B is a reference to** detailed checklists outlining how to conduct a broad range of public participation activities. This appendix is intended to supplement the summary information provided in Chapter 5.

## Other Resources

Readers are encouraged to consult the relevant statutes and guidance in [40 CFR part 25](#) and [40 CFR 124 subpart A](#) as well as visit the [RCRA Public Participation and Citizen Action website](#). Additional resources are highlighted throughout the text.

# CHAPTER 1: INTRODUCTION

This manual is a guide to improving cooperation and communication among all participants in the Resource Conservation and Recovery Act (RCRA) permitting and corrective action processes. The scope of the manual reflects EPA's belief that all stakeholders – including permitting agencies, public interest organizations, community members, and regulated facilities – can take steps to increase public participation and encourage meaningful communication. Of course, federal and state agencies still administer RCRA and its public participation activities, but the Environmental Protection Agency (EPA) believes that members of communities and owners/operators of hazardous waste management facilities also play an integral role in the RCRA processes. Such participation supports the overall goal of RCRA – to address risk and minimize or eliminate negative human health and environmental impacts to communities. This manual provides guidance for all RCRA stakeholders who seek to improve public participation and communication. EPA changed the name of office that produces the manual from the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM) in April 2015. Both names are used in the manual as appropriate.

This manual covers federal public participation requirements. States may have additional requirements.

## Goals of RCRA Public Participation

RCRA brings government, private industry, public interest groups, and communities together to make important decisions about hazardous waste management facilities. Public participation plays an integral role in this decision-making. EPA uses the term “public participation” to mean the activities where permitting agencies and permittees encourage public input and feedback, have a conversation with the public, provide access to decision-makers, incorporate public viewpoints and preferences, and demonstrate that those viewpoints and preferences have been considered by the decision-makers (see 40 Code of Federal Regulations (CFR) 25.3(b)). “The public” in this case refers not only to private community members but also representatives of consumer, environmental, faith, and minority associations; trade, industrial, agricultural and labor organizations; public health, scientific and professional societies; civic associations; public officials; and governmental and educational associations (see 40 CFR 25.3(a)). When one considers “the public” in this broad sense, public participation can mean any stakeholder engagement activity carried out to increase the public's ability to understand and influence the RCRA permitting and corrective action processes.

There are many reasons why agencies, facilities, and interest groups should provide for RCRA public participation. Equally, there are many reasons why community members should fully participate in RCRA decision-making:

- Community members are more likely to accept and support RCRA actions when they have had an active role in shaping the decision. Demonstrating to community members that the regulatory agency or the facility is willing to listen to community concerns will establish the foundation for

improved understanding, even if members of the community do not always agree with the outcome of the process.

- Facilities and permitting agencies are required to conduct public participation activities under RCRA and its implementing regulations. Additional public participation activities can complement the required activities.
- Public input can help agencies reach better technical solutions and make better policy decisions. Public input can also help permittees or prospective applicants make better business and technical decisions. With public input, technical staff can better account for local circumstances in permitting and corrective action decisions, thus mitigating risk more effectively.
- Permitting agencies are responsible for making many controversial decisions. While these decisions rely on technical expertise, public participation in decision-making is an essential element of the “good government” philosophy. Community members have a right to express their opinions, and for government agencies to be open and responsive to questions or concerns which are expressed by the community.

Both the community and permitting agency benefit from well-designed and executed RCRA public participation. Communities affected by RCRA facilities can benefit from:

- a better understanding of the RCRA implementation process;
- opportunities to influence the decision-making process;
- involvement in a process that builds cohesion and promotes inclusiveness within the community; and
- a corrective action approach that considers the needs and concerns of community members and that minimizes risks and negative impacts to the community.

The permitting agency benefits from:

- improved access to local and historical information that may lead to a more accurate characterization of exposure pathways due to human behavior, identification of unique ways in which the community uses local resources, and development of appropriate exposure scenarios for reasonably anticipated land uses;
- better understanding of community needs and concerns, values, culture(s), habits, and demographic characteristics of the community;
- increased awareness of whether certain segments of the community may bear a disproportionate burden of exposure or environmental health effects of the release or potential release of hazardous waste;
- an understanding of the community resources such as community-based and government organizations and leaders that serve, interact with, and have established trust within the community;
- a strong partnership with the community based on trust and respect;

- collaboration and cooperation between the community and the agency, which minimizes potential conflicts that result in costly and unnecessary delays;
- improved quality of decisions, resulting in time and cost savings, thereby achieving corrective action goals more quickly and efficiently;
- opportunities to engage responsible stewards who may ensure the property is managed appropriately into the future and might even support the implementation, enforcement or maintenance of institutional controls (ICs) and other operation and maintenance elements; and
- improved community acceptance and support of agency decisions.

### RCRA and its 1984 Amendments

Congress enacted RCRA, an amendment to the Solid Waste Disposal Act (SWDA), in 1976 to address how to safely manage and dispose of the huge volumes of municipal and industrial solid waste generated nationwide. The goals set by RCRA were to:

- protect human health and the environment from the potential hazards of waste disposal;
- conserve energy and natural resources;
- reduce the amount of waste generated; and
- ensure the environmentally sound management of wastes.

RCRA continues to evolve as Congress amends it to reflect changing needs. Amendments to RCRA have occurred several times since 1976, most significantly in 1984. The 1984 amendments, called the Hazardous and Solid Waste Amendments (HSWA), significantly expanded the scope and requirements of RCRA.

Subtitle C of RCRA establishes a program to manage hazardous waste from cradle to grave. The objective of the Subtitle C program is to ensure that the management of hazardous waste is conducted in a manner that protects human health and the environment. To this end, EPA established regulations under Subtitle C regarding the generation, transportation, treatment, storage, and disposal of hazardous waste; see [Title 40 of the CFR](#), parts 261-267 and parts 268-270, for these regulations.<sup>1</sup> State authorization is a rulemaking process through which EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states in lieu of EPA.

This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules. Currently, 50 states and territories have been granted authority to implement the base, or initial, program. In addition, many states are also authorized to implement additional parts of the RCRA program that EPA has since promulgated, such as

#### RCRA GOALS

- To protect human health and the environment.
- To conserve energy and natural resources.
- To reduce waste.
- To ensure wastes are managed in an environmentally sound manner.

---

<sup>1</sup> The CFR contains all the general and permanent rules published by the executive departments and agencies of the federal government.

Corrective Action. State RCRA programs must be at least as stringent as the federal requirements, but states can adopt requirements that are more stringent as well.

The Subtitle C program is a comprehensive regulatory program that first identifies which solid wastes are “hazardous” and then establishes various administrative requirements for the three categories of hazardous waste handlers: (1) generators; (2) transporters; and (3) owners/operators of treatment, storage, and disposal (TSD) facilities. This manual applies only to TSD facilities, and the term “facilities” in this manual refers only to TSD facilities. The Subtitle C regulations set technical standards for the design and safe operation of hazardous waste facilities. These standards are designed to minimize the release of hazardous waste into the environment. Furthermore, the regulations for RCRA facilities serve as the basis for developing and issuing (or denying) permits to each facility. Issuing permits is essential to the Subtitle C regulatory program because it is through the permitting process that the regulatory agency applies the technical standards to facilities.

For information on many aspects of RCRA implementation, visit EPA’s web area. Detailed information on specific RCRA topics (for example, Corrective Action, Permits and Interim Status, and Modifications) is available through [a series of training modules](#).

RCRA also requires owners/operators of RCRA facilities to clean up contamination resulting from present and past practices, including practices of previous owners/operators of the facility. Such cleanup activities are referred to as “corrective action.” HSWA significantly expanded EPA’s authority to initiate corrective action at RCRA facilities.

Section 3005(c)(3) of RCRA (codified at 40 CFR 270.32(b)(2)) requires that each hazardous waste facility permit contain the terms and conditions necessary to protect human health and the environment. This provision is commonly referred to as the “omnibus authority” or “omnibus provision.” This authority is the means by which additional site-specific permit conditions may be incorporated into RCRA permits should such conditions be necessary to protect human health and the environment. Communities can leverage this omnibus authority through public participation to influence needed community protections.

### Evolution of RCRA Public Participation

Section 7004(b) of RCRA and EPA’s permitting regulations, found at 40 CFR parts 124 and 270, form the foundation for mandatory public participation activities during the RCRA permitting process. The following chapters explain in more detail that EPA’s RCRA regulations provide for public participation at all hazardous waste management facilities throughout the RCRA process—from before permit application, through the permitting process, and during the life of the permit.

Despite these provisions, some community members and other groups expressed concerns about barriers to involvement in RCRA permitting. EPA was also concerned – as were many members of the public – that formal public participation began too late in the permitting process and that RCRA permitting information was not always accessible. In response to these and other concerns, in December 1995 EPA expanded the RCRA public participation requirements by creating new regulations. The new regulations, known as the [“RCRA Expanded Public Participation” Rule](#), required public involvement earlier in the permitting process, expanded public notice for significant events, and enhanced the exchange of

permitting information. These regulations highlight EPA's support for strengthening the link between RCRA facilities and their host communities.

In addition to the expanded regulatory requirements, EPA took steps to ensure fair public participation in the RCRA permitting process. In December 1995, EPA OSWER Assistant Administrator Elliot Laws issued a memorandum to EPA Regional Administrators stating the Agency's policy to ensure equal access to permitting information and provide an equal opportunity for all community members to be involved in the RCRA permitting process. This manual strongly encourages facilities to meet the same standard of equitable public participation.

### **Addressing Environmental Justice in Public Participation**

EPA's approach to public participation continued to evolve to incorporate guidance on addressing environmental justice (EJ) concerns. In 1993, the National Environmental Justice Advisory Council (NEJAC) was established by charter to provide independent advice and recommendations to EPA Administrator on EJ issues. In 1994, EPA implemented Executive Order 12898, [\*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations\*](#). Section 1-101 of Executive Order 12898 directed each federal agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Section 1-103 of Executive Order 12898 directed each federal agency to "develop an agency-wide environmental justice strategy."

To implement Executive Order 12898, EPA issued a memorandum in 1994 entitled "[\*Integration of Environmental Justice into OSWER Policy, Guidance, and Regulatory Development\*](#)." This memorandum stated that, "to the extent practicable, staff should evaluate the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities." It also emphasized that "at all critical stages of development, there should be meaningful input from stakeholders, including members of the environmental justice community and members of the regulated community."

In 1996 NEJAC published [\*The Model Plan for Public Participation\*](#). The 2013 update to the model plan, [\*Model Guidelines for Public Participation\*](#), recognizes barriers, and challenges common to communities with EJ concerns, such as:

- availability of resources (specifically, availability of and access to funding and staff to conduct the needed activities over the long term);
- poor or little coordination among and between various federal, state, tribal, and local government agencies and other entities;
- language and cultural differences;
- identification of and coalition building among local leadership within a community;
- lack of cultural competency among agencies trying to cultivate community engagement;
- lack of recognition among communities and individuals of their stakeholder status in EJ issues; and



- lack of trust between community members, regulatory agencies, and regulated industries.

In *Model Guidelines for Public Participation*, the NEJAC concludes that conducting effective public participation in an EJ context requires an approach that is “tailored to the specific, unique needs of the particular community where activities are currently in the process of implementation.” Section 3 of the document offers detailed recommendations for ways that EPA can work with stakeholders with EJ issues and concerns to develop an effective community engagement approach. Appendix C of that document includes a 34-step *Environmental Justice Public Participation Checklist for Government Agencies*, which is also included as Appendix A of this manual.

In 2000, EPA’s Office of General Counsel issued a memorandum titled “EPA Statutory and Regulatory Authorities under Which Environmental Justice Issues May Be Addressed in Permitting,” which analyzed opportunities for addressing EJ issues under a range of EPA permitting processes, including RCRA. In this memorandum, EPA voices its commitment to addressing EJ concerns and points to specific legal provisions through which the agency could do so in the RCRA permitting processes.

### The EPA’s Agency-wide Public Involvement Policy

In 2003, EPA adopted a Public Involvement Policy that affirmed the agency’s approach to involving communities in actions that affect them. The policy outlines seven steps:

Public input can help the agency and the permittee make better technical decisions.

1. **Plan and budget:** Planning community engagement activities and adequately budgeting resources (time, money, and in-kind efforts) can help ensure an effective public involvement process. Early planning typically helps get these activities and processes moving in an orderly way, both within EPA and with the public.
2. **Identify whom to involve:** Identifying the interested and affected public early generally is the cornerstone of public involvement processes. This step is designed to enable EPA to have direct exchanges of information, feedback, and involvement with communities affected by agency decisions.
3. **Consider providing technical or financial assistance:** Providing technical and financial assistance helps communities navigate complex scientific issues, data, and documents. Many individual stakeholders cannot effectively take part in a dialogue about difficult environmental decisions because they do not have enough suitable and timely technical or financial assistance or personal time to research the issues, understand the effects and results of possible decisions, and feel comfortable expressing their opinions in a public forum.
4. **Provide information and conduct outreach:** Offering information and outreach opportunities early, often, and in accessible places, including online normally helps enable communities to contribute effectively to EPA decision-making processes.
5. **Consult with and involve the public early and often:** Giving the public an opportunity to communicate their concerns, problems, and alternatives can improve the Agency’s decisions and environmental outcomes. A public participation practitioner should seek every opportunity to expand and diversify public consultation and involvement processes.



6. **Review and use public input and provide feedback:** Reviewing and using comments from the public and providing feedback generally supports the process and confirms EPA’s constructive use of feedback to those who contributed ideas.

**Evaluate public participation activities:** Getting feedback from the public on how well a specific public participation activity or overall process (e.g., meetings, notice of action, rulemaking) worked can help the agency modify those processes and activities to make them better. EPA incorporates into the revised RCRA Public Participation manual the many valuable lessons and practices learned through EPA's long-term commitment to community engagement and public participation, including the *Model Guidelines for Public Participation*, the *Community Engagement Initiative*, and onsite experience.

#### Faith-based and Neighborhood Partnership Initiative

EPA joined the Faith-based and Neighborhood Partnership Initiative, established by Executive Order 13498, to help promote interfaith dialogues and strengthen the role of community organizations. Through partnerships with organizations, EPA aims to connect similar faith-based and neighborhood organizations working on environmental projects with one another and build a network of communities in support of environmental literacy and stewardship. For example, in November 2015, EPA co-sponsored the Food Recovery Summit in South Carolina. The national goal announced by EPA and U.S. Department of Agriculture to cut wasted food in half by 2030, inspired this meeting. Partners from all facets of the food system were included. Faith leaders were among the participants, working side by side with recycling and disposal organizations, federal agencies, universities, non-profits and other key stakeholders. This dialogue resulted in a “national call to action by stakeholders,” which identifies areas of focus, opportunities, and demonstrated practices to meet this national goal.

## CHAPTER 2: BUILDING A FOUNDATION FOR SUCCESSFUL PUBLIC PARTICIPATION

The Resource Conservation and Recovery Act (RCRA) brings together numerous stakeholders, including government regulators, private industry, public interest groups, communities, and individuals, to make important decisions about hazardous waste management facilities. As stakeholders, these groups and individuals will communicate and interact throughout the permitting process and possibly throughout the life of the facility. A successful approach to public participation involves:

- developing a clear definition of public participation, along with a set of guiding principles that promote trust, constructive dialogue, and exceptional teamwork;
- carefully planning public participation activities; and
- addressing several key considerations, including:
  - (1) communicating risk effectively, (2) assessing and addressing environmental justice (EJ) and tribal concerns, (3) supporting community-based environmental protection, (4) assessing and responding to technical assistance needs, (5) coordinating and collaborating with other EPA programs, (6) using traditional and new media (e.g., social media, websites) effectively, (7) planning for public participation when resources are limited, and (8) evaluating public participation activities.

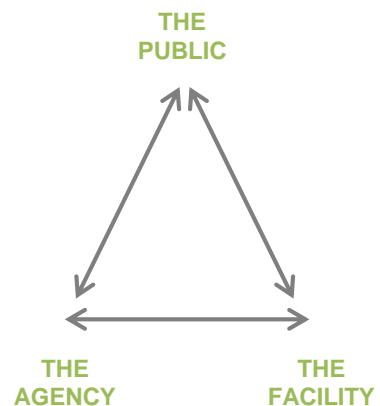
The following sections discuss these topics in detail.

### Definition and Description of Public Participation

Public participation plays an integral role in RCRA permitting and corrective action. As noted in Chapter 1, “the public” refers not only to individual community members, but also to representatives of consumer, faith, environmental and minority associations; trade, industrial, agricultural and labor organizations; public health, scientific and professional societies; civic associations; public officials; and governmental and educational associations. “Public participation” is any activity intended to increase the public’s ability to understand and influence the RCRA permitting and corrective action processes.

The relationships between these stakeholders can be represented as a triangle, with the agency, the facility owner/operator, and the interested public each forming a corner. Each of these stakeholders is connected to the others through a line of communication. In the best-case scenario, the stakeholders interact well with each other, the lines of communication are strong between all parties, and information flows in both directions around the

Exhibit 2-1. The Public Participation Triangle



triangle. Exhibit 2-1 provides a graphical illustration of how information should flow back and forth among parties involved in the RCRA process. A good public participation program will create an inclusive dialogue, allowing agency staff, facility personnel, and community members to talk openly and

### COMMUNITY OUTREACH

The permitting agency and RCRA facility should investigate the best ways to communicate with community members. In particular, consider asking:

- **Which communication methods are most effective?** Sometimes community members may not have consistent access to electronic methods of communication. As a result, hard copy and telephone communication may be critical to successful dissemination of information.
- **How do they receive local news?** Sources of local news could include, among others: newspapers, radio stations, social media, direct mailings to homes, flyers in key public spaces like a community business, or communication through clergy or community organizations.

frankly with one another about RCRA-related issues and search for mutually agreeable solutions to differences.

The following key principles can serve as a guide to the participation process:

- **Be inclusive.** All interested stakeholders should be identified and invited to participate in RCRA processes. In particular, it is important to consider if there are “hard to reach” people in the community, such as people who may speak languages other than English or community members who may not trust the government because of legal status or other concerns. If the facility is located in a community that is likely to have EJ concerns, additional efforts should be made to involve segments of the community that are not effectively reached by conventional approaches. If a facility affects tribal lands or any tribal members, tribal consultation is essential.<sup>2</sup>
- **Promote open and frequent communication, and practice active listening.** Public participation must be grounded in a constructive dialogue between stakeholders. Agencies and facility owner/operators should take the time to learn about the community’s need for information and their preferred communication styles and methods. It is usually best to ask open-ended questions that encourage people to share information and express their concerns. Active two-way communication will create feedback loops that enable the agency and the facility to monitor public interest or concern, adjust public participation activities, and respond quickly and effectively to changing needs.

---

<sup>2</sup> It is important to note the difference between how “meaningful involvement” with indigenous populations is used in the EJ context and as discussed in the [EPA’s Policy on Consultation and Coordination with Indian Tribes, May 4, 2011](#). The federal government has a unique government-to-government relationship with federally recognized tribes, which arises from Indian treaties, statutes, Executive Orders, and the historical relations between the United States and Indian Nations. The federal government has a trust responsibility to federally recognized tribes. Part of this responsibility includes consulting with tribes and considering their interests when taking action that may affect them or their resources.

- **Be honest, open, and transparent.** Being honest and open is the best way to promote trust and credibility between stakeholders. By readily sharing information with community members and creating open and reliable lines of communication, the permitting agency and facility can create relationships of trust and cooperation that allow the public debate to focus on issues of environmental and economic impacts, rather than on misunderstandings or breaches of trust between stakeholders.
- **Be available, accessible, and responsive.** The permitting agency and facility should be prepared to anticipate and respond to the community's concerns, fears, and points of confusion. By being accessible, the agency and facility can help community members become more familiar with RCRA and EPA. Whenever possible, the agency and facility should strive to respond to questions and concerns quickly. This generally helps to build the community's trust and confidence in EPA. If time is required to respond to a community member's request, explain when an answer will be provided and always follow up as promised.
- **Promote understanding and interaction between stakeholders.** While each stakeholder shares the responsibility for providing open and two-way communication, stakeholders' backgrounds, concerns, and roles in the RCRA process differ substantially. All participants should acknowledge and account for these differences as they approach the RCRA process. In particular, participants should strive to understand that their fellow stakeholders might differ in their level of familiarity with RCRA processes, time and resource constraints, and priorities and values.
- **Help the community understand and participate meaningfully in RCRA processes.** The community will best be able to participate in the RCRA process if they understand the process itself, are informed on environmental issues, health issues and the proposed facility changes. They will be able to participate more fully if they are familiar with the participation tools available to them, and have equal access to those tools. Ensuring this may require planning additional outreach activities, enabling community access to an independent facilitator or mediator to help resolve differences within a community or between the agency and a community, or providing technical assistance services to help the community better understand the process and interpret complex technical information. [RCRAInfo](#) is a data tool available to EPA employees, as well as state, tribal, and territorial environmental agencies that may be beneficial in educating the public on RCRA facilities. The public can find data on RCRA facilities through EPA's [Envirofacts Data Warehouse](#).
- **Start public participation early.** A good public participation effort involves the public early in the process and addresses public concerns before initial decisions. Early activity can set the tone for the permitting process and the entire life of the facility, so it is important to ensure that the beginning of a RCRA process is characterized by cooperation between stakeholders. Early public participation will likely contribute to a smoother permitting or corrective action process in the end. Not only does early communication give stakeholders time to develop suggestions and concerns, but it also helps to bring issues to the surface at the beginning of the RCRA process, when it may be more feasible to address them.

Public participation should encourage “feedback loops,” or active, two-way communication.

- **Tailor public participation approaches and activities to meet community needs.** It is worthwhile to understand community needs before planning community involvement and outreach activities. Whenever possible, agencies and facilities should be creative when designing or implementing effective activities to ensure that the community's needs are met.
- **Encourage community members to be active and informed.** Individuals who wish to be involved in the RCRA process should make early contact with designated contact persons at the permitting agency. They should conduct background research on the process and facility, join relevant mailing lists, advise the permitting agency and facility on the public participation methods that best suit the community, submit written comments, participate in public hearings and meetings, or otherwise follow the RCRA process closely. The best ways for the public to participate in RCRA processes will be different in every situation, so interested individuals should contact other concerned persons, community organizations, and environmental groups to determine how best to participate.

### Alternative Dispute Resolution

**Agency Sponsored Program:** The [Alternative Dispute Resolution Office](#), which is part of EPA's Office of General Counsel, is responsible for providing legal advice and counsel regarding the use of alternative dispute resolutions (ADR). In instances where negotiations are not progressing, mediation can often help the parties reach a mutually agreeable outcome. The mediator is neutral, has no decision-making authority, and helps parties clarify issues, explore settlement options, and evaluate how best to advance their respective interests.

## Planning for Successful Public Participation

EPA strongly recommends the creation of public participation plans for RCRA facilities, although they are not required. The permitting agency typically creates these plans. The public participation plan outlines a community-specific framework for public participation throughout a RCRA permitting or corrective action process. Depending on the type of permitting activity, the level of public interest, and the location of the facility, public participation plans can range from a two-page schedule of activities to a comprehensive study of the population, an itinerary of permitting activities, and an analysis of community concerns. The time needed to design and develop a public participation plan can range from several days to several weeks. A public participation plan begins by assessing the level of community interest and the types and prevalence of community concerns in RCRA facilities. The permitting agency should base the plan on a variety of sources, possibly including community interviews, file searches, reviews of past media coverage, and community assessments completed by third parties. Based on this information, the agency can propose specific activities for involving the community in the RCRA process. A public participation plan typically includes:

Successful public participation requires careful planning and consideration.

- an introduction;
- a brief description of the facility;
- technical and regulatory history and past community involvement;
- discussion of community concerns;
- objectives of the plan; and
- a description of and schedule for the public participation activities to be conducted.

In creating the public participation plan, the permitting agency should seek input from other stakeholders by discussing planned activities with the facility owner/operator and working with community representatives to determine the types of activities and information channels that best suit the area.

### **STEPS IN GATHERING INFORMATION, PLANNING, AND EVALUATING FACILITIES**

#### **Step 1: Review the RCRA action.**

- Determine whether the action is likely to be controversial (e.g., developing or modifying a permit for a commercial waste management facility).

#### **Step 2: Talk to colleagues who have worked in the community about their interactions with members of the public.**

- Example questions: “Has there been a large degree of public interest or concern about other projects?” or “Have members of the public shown confidence in the regulatory agency?”

#### **Step 3: Review the agency’s and other sources’ files on the facility.**

- Note if there are a number of inquiries from members of the public or organized groups and what level of concern they convey. Research media coverage and community discussions in newspapers, blogs, websites, social media, etc.

#### **Step 4: Formulate preliminary impression of the community based on the above information.**

#### **Step 5: Talk with several key community leaders to confirm impression.**

#### **Step 6: Determine the anticipated level of community interest based on the above information.**

Low interest: Go to Step 7.

Moderate interest: Conduct additional community interviews with at least one member of each community subgroup.

High interest: Conduct a full set of community assessment interviews. (See Appendix B for more information).

#### **Step 7: Write a summary of any major concerns or issues.**

It is recommended that the permitting agency prepare the public participation plan at the beginning of the RCRA process; however, these plans should be treated as “evolving” documents. Public participation plans should be revised after significant changes in community concerns or activities at the facility and at least every two years for longer-term activities. These revisions should incorporate new information, reflect changes in community concerns, and evaluate whether or not public participation activities to date have been effective. By creating a strong plan for public participation, the permitting agency can demonstrate a commitment to active community involvement and a workable framework for future outreach.

## **The Community Member’s Role**

Community members are encouraged to take an active role in the RCRA public participation process via formal and informal activities so that they may learn about and provide input on hazardous waste activities in their communities. For example, individuals in the community may want to assess the permitting situation, the agency (or agencies) involved, and the facility owner/operator. Conducting this type of assessment can be achieved through a variety of methods including obtaining background information on a permitting issue by talking to local officials, contacting research or industrial organizations, reading materials from the permitting agency, and interacting with interested groups in the community.

Individual community members can take part in the community assessment process by providing comments on the proposed decision, or in some instances through interviews, focus groups, or other methods. This manual provides an overview of the RCRA permitting process, which will be helpful to individual community members. A list of specific actions that members of the public can take to learn about permit activities in their area are identified later in this section.

In addition, members of the community can contact the permitting agency or the facility – outside of any formal activity – to give early input and to share their concerns. Community members should suggest public participation activities, meeting locations, or means of communication that will work well in their community. This sort of informal communication, via telephone call, e-mail, or interview, can be very helpful, especially in terms of establishing a public participation plan. EPA also recognizes that valuable public interaction takes place outside of formal RCRA processes. Individuals may choose to contact other groups in the community that have an interest in the RCRA activity. Environmental, public interest, and civic organizations often play a role in the RCRA permitting and corrective action processes. These groups can provide interested individuals the opportunity to participate in efforts to influence the process through collective action.



Alternatively, community members may decide to create new organizations to discuss issues related to the process or to provide input into the process. The following are some steps that community members can take to be active and informed participants in RCRA processes:

- **Contact the permitting agency early.** Identify the designated contact person for the project. The name of the contact person should be listed on fact sheets and notices or available by calling the agency.
- **Perform an assessment.** Request background information from the permitting agency, local officials, and the facility

owners/operators. Ask about day-to-day activities, the decision-making structure, and current policies and procedures; inquire about how the proposed activity fits into larger political issues, local planning, and the facility's business plans. Request information that may open up additional solutions, including pollution prevention approaches that may reduce the amount of waste managed in the facility.

- **Sign up** for the facility mailing list for notices, fact sheets and other documents maintained by the agency. Join mailing lists maintained by involved environmental, public interest, tribal, and civic organizations.
- **Visit online resources** such as [EnviroFacts](#), [MyEnvironment](#), or [EJSCREEN](#) to learn more about environmental health in the local community.

### Meaningful Community Involvement in South Carolina

South Carolina's Department of Health and Environmental Control (SC DHEC), a rural community, and an out-of-state company wishing to build a facility in the small town worked together to create a winning situation.

The company planned to build on a beautiful piece of property in a rural South Carolina community that included an old house and a small grove of old pecan trees. SC DHEC's staff spoke with the community residents and conveyed to the company that the community was not happy about the company coming to town or the loss of their beloved trees, which held a lot of value, memories, and identity for the dwindling rural community.

SC DEH and the company jointly hosted two public meetings and met with individual community members to discuss concerns. After hearing and understanding the community concerns, the company decided to make a few minor changes to the design and layout of the facility to preserve the pecan trees where they stood.

Public participation has paid off for all. SC DHEC's public participation staff and permitting staff worked in parallel processes to address the community's concerns without delaying construction of the facility. The company understood the value of addressing the community's concerns beyond the regulatory requirements, and the community felt valued throughout the permitting process. This dialogue continues beyond the permitting process. During pecan season, the company hosts a community open house to connect, learn about the manufacturing process, and of course, gather pecans.



- **Look** for zoning signs or other announcements in the newspaper or other media.
- **Communicate** to the permitting agency, the facility owner/operator, and other involved groups what types of public participation activities will be most useful for the community. Inform them about the most consulted communication channels in your area (e.g., which social media sites are most popular, which newspapers people read most, which radio stations are popular), the best locations for information repositories and public meetings, and other information needs in the community (e.g., multilingual publications).
- **Submit written comments** that are clear, concise, and well documented. Remember that, by law, permitting agencies must consider all significant written comments submitted during a formal comment period.
- **Participate in public hearings and other meetings**, and provide oral testimony that supports your position. Remember that a public hearing is not required unless someone specifically requests one in writing.
- **Request an informational meeting with the permitting agency or the appropriate organization, such as the RCRA Hazardous Waste program.** If any material needs further explanation, or if details about the facility need clarification, or if there are specific concerns about the process.
- **Follow the process closely.** Watch for agency decisions and review its responses to public comments. Be aware that individuals have an opportunity to appeal agency decisions.
- **Remember that community member interest and input are important to the agency and other concerned stakeholders.**

The community can contribute in numerous ways during the planning stage. Community members can decide how interested they are in a particular activity by discussing issues with other stakeholders, accessing relevant documents, reviewing online materials, and calling hotlines or other experts. Those who would like to participate in the formal process can use this time to raise questions or develop their ideas. Some individuals may want to submit comments to the agency on the public participation plan. EPA encourages interested individuals to meet together to discuss the potential impact of RCRA actions on their communities. Community groups may want to invite experts from the facility, the permitting agency, engineers, environmental contractors, scientists, health experts, or attorneys to speak at their meetings.

## Key Considerations When Planning Public Participation

The permitting agency and facility should keep overarching themes in mind when planning and conducting public participation activities and outreach. These themes include:

- communicating risk effectively;
- assessing and addressing EJ, cultural and tribal concerns;
- supporting community-based environmental protection;
- assessing and responding to technical assistance needs;

- coordinating and collaborating with other EPA programs;
- using traditional and new media effectively;
- planning for public participation when resources are limited; and
- evaluating public participation activities.

### **Speaking the Language of the Community**

The University of Minnesota embarked on a project to upgrade their boilers that supply heat to the campus by converting from coals to natural gas. They also combined heat and power to add electricity generation to the function of the boilers. The neighborhoods surrounding the University are very diverse. It includes housing from luxury condominiums to public housing. A high percentage of the populations consist of non-native English speakers, recent immigrants, people of low-income communities and other minorities.

The Minnesota Pollution Control Agency (MPCA) took steps to identify and address barriers to meaningful public participation in the permitting process for this diverse and densely populated area. The MPCA used EPA's EJ View tool to improve their understanding of community characteristics, and held the public meeting in a public housing complex near the facility. They provided written translation of project summaries into Somali and Oromo, two of the most commonly spoken non-English languages in the community. They also translated the public meeting announcement into Spanish. At the public meetings, MPCA provided simultaneous oral translation and interpretation.

## **COMMUNICATING RISK EFFECTIVELY**

Public participation activities usually involve risk communication in some form. The agency and facility should strive to ensure that they take the principles of effective risk communication into consideration in everything they do. Risk communication generally involves a conversation between the agency or facility and the community—an interactive information exchange about the nature of risk and other concerns. This conversation should be a genuine and sincere exchange that conveys important information, responds to public concerns, and identifies mutual solutions. Importantly, public input often provides technical staff with information that they can use to better account for local circumstances in permitting and corrective action decisions. The RCRA requirements for public participation are designed to help lessen risk more effectively by ensuring a meaningful exchange of information between all stakeholders. Through these requirements, EPA strives to include all interested stakeholders in the

process and to gather and consider all materials, ideas, and concerns from these stakeholders that is relevant to the process.

Risk communication is a key part of public participation. Effectively communicating risk in a way that all stakeholders can understand aids the agency, facility, community, and public in providing relevant information and addressing concerns, and therefore lessening risk. All stakeholders usually are involved in various aspects of the risk communication efforts. Effective risk communication is designed to:

- Help community members learn more about and understand the agency's risk assessment and risk management processes and decisions.
- Help the agency understand the community's concerns and the factors that affect their perception of risk related to the site.
- Increase mutual trust and credibility in a way that provides community members an opportunity to participate meaningfully in decision-making about how risk should be managed in their community.

Effectively communicating information on site-related hazards and risks is a multi-step process that usually includes:

- identifying and understanding the audience;
- developing clear and informative messages with an understanding of, and respect for, the audience's concerns and perception of site-related risks;
- selecting appropriate communication methods to deliver those messages; and
- understanding that an effective risk communication process enables mutual understanding of risk-related concerns but does not guarantee consensus.

### **CONSIDERING MULTIPLE AND CUMULATIVE EFFECTS**

Some communities may suffer from numerous environmental quality issues, including issues not associated with the RCRA facility. These communities may also suffer inequalities in health conditions compared to other communities. For example, communities may face environmental challenges associated with soil or air- and water-related contamination from other sources in addition to the RCRA facility. Public participation is particularly important when engaging with communities that are experiencing cumulative environmental and health impacts.

### Kettleman Hills Chemical Waste Management Site, Kettleman City, California

#### Kettleman City, California

In 2008, the Kettleman City community in the California Central Valley raised concerns that wind-blown polychlorinated biphenyls (PCB) particles from Chemical Waste Management (CWM) facility operations could either be deposited off-site and taken up into the food chain or migrate as air emissions and adversely impact the community. In response to those concerns, EPA requested and CWM completed a specialized PCB study to assess possible off-site impacts that PCB disposal operations at the CWM facility may present to human health or the environment. This was the first time a scientific study of this magnitude had been conducted at a Toxic Substances Control Act (TSCA) regulated PCB storage and disposal facility as part of a permitting process. The results of the study were translated into Spanish and were presented to the community both in written format and at public hearings and workshops.

## ASSESSING AND ADDRESSING ENVIRONMENTAL JUSTICE AND TRIBAL CONCERNS

EPA is committed to equal protection in the implementation and enforcement of the nation's environmental laws. Moreover, providing EJ for all U.S. communities is a major priority for EPA. EPA defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”<sup>3</sup>

- **Fair treatment** means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.<sup>4</sup>
- **Meaningful involvement** means that (1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected. In the agency's implementation of EJ, EPA has expanded the concept of fair treatment to include not only the consideration of how burdens are distributed across all populations but also how benefits are distributed.<sup>5</sup>

---

<sup>3</sup> U.S. EPA. [Plan EJ 2014](#), Office of Environmental Justice, September 2011, p. 3.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

To integrate EPA's definition of environmental justice into practice, the Agency has identified a few "best practices":

- **Identifying communities with potential environmental justice concerns:** Some communities affected by RCRA facilities are lower income, higher minority or indigenous, or more burdened by other environmental stressors compared to the general population. Agencies should assess whether EJ concerns are present at a site because this may provide important information for cleanup and for public participation purposes. EPA's [\*Guidance on Considering Environmental Justice during the Development of a Regulatory Action\*](#), released in May 2015, outlines several factors to help assess whether a community might have EJ concerns. The factors are: (1) proximity to environmental hazards; (2) susceptible populations; (3) unique exposure pathways; (4) multiple and cumulative effects; (5) ability to participate in the decision-making process; and (6) physical infrastructure.

Agencies should consider using EPA's EJSCREEN as a screening tool to provide an overview of places where EJ may warrant greater consideration. Agencies should then consider collecting relevant data to help identify communities with potential EJ concerns. Relevant data may include demographic data (e.g., ethnicity/race, education, languages spoken, income), relevant health information (e.g., asthma rates, nutrition status), and information about additional environmental burdens (e.g., toxic release facilities, air pollution) in affected populations.

RCRA permitting and corrective action decisions should take into account sensitive sub-populations as well as unique exposure pathways from site contamination. For this reason, it is important for the facility and the agency to share in a timely manner, demographic information, and information about potential environmental factors that affect the community. This will help

### USING EPA'S EJSCREEN TOOL

[EJSCREEN](#) is an environmental justice screening tool that EPA uses to highlight places that may warrant further review, analysis, or outreach for environmental justice concerns. The EJSCREEN tool offers a variety of powerful mapping capabilities that make it easy for users to access environmental and demographic information. EPA developed EJSCREEN to assist in meeting environmental justice goals consistent with [Executive Order 12898](#) and the goals of [Plan EJ 2014](#).

EJSCREEN can help agencies identify areas with potential EJ concerns by showing demographics and information on a variety of environmental factors that contribute to a community's environmental burden. Agencies are encouraged to use EJSCREEN to help identify and graphically represent information that could indicate potential environmental justice concerns. Agencies should also consider information from other sources. For example, health information related to asthma and cancer incidents may need to be derived from other sources and imported into EJSCREEN. As is true for any screening-level analysis, use of EJSCREEN is only a first step and cannot be the basis of agency decision-making. Local knowledge and information will always be essential for an accurate assessment of a location or community.

ensure that these factors may be considered, as applicable, during risk assessment or other site analyses or decisions.

- **Planning and implementing enhanced public participation opportunities:** Relevant information about potential EJ concerns should be considered when planning and conducting specific public participation activities. For sites that affect indigenous peoples, the agency must consult with tribal leaders and environmental officials to discuss sacred sites, cultural significance, and other concerns.

The agency should also consider tailoring public participation approaches to reach out more effectively to specific populations. Some examples include: using translation or interpretation services; providing multilingual fact sheets and other information; partnering with local community groups or community leaders; employing non-traditional media outlets for outreach; identifying non-government locations to hold public meetings; scheduling public participation activities at times other than during subsistence fishing, hunting, or agricultural seasons; and continuing to distribute paper copies of outreach materials when members of the community lack access to electronic forms of communication.

### **POLICY ON TRIBAL ENVIRONMENTAL JUSTICE AND TRIBAL CONSULTATION**

It is important to note the difference between meaningful involvement with indigenous peoples and government-to-government consultation with tribes. [EPA's Policy for Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#) discusses meaningful involvement of indigenous peoples throughout the United States and others living in Indian country.

[EPA's Policy on Consultation and Coordination with Indian Tribes](#) discusses EPA's responsibilities to work government-to-government with federally recognized tribes. The federal government has a unique government-to-government relationship with federally recognized tribes, which arises from Indian treaties, statutes, executive orders, and the historical relations between the U.S. and Indian Nations. The federal government has a trust responsibility to federally recognized tribes. Part of this responsibility includes consulting with tribes and considering their interests when taking actions that may affect them or their resources.

Visit EPA's Environmental Protection in Indian Country web area for important information related to working with tribes and tribal consultation.

Agencies also are encouraged to consult with their [Regional Environmental Justice Coordinators](#) and [EPA Tribal Program Managers](#), and to work with state, local, and tribal governments to determine whether those governments can offer assistance or insights into how to meet the special needs of a community with EJ concerns.

### **SUPPORTING COMMUNITY-BASED ENVIRONMENTAL PROTECTION**

In 1995, EPA's OSWER released an Action Plan that endorsed community-based environmental protection (CBEP). CBEP is a method of solving environmental problems in the context of the community in which they occur. This plan points to CBEP as a method that "brings the government

closer to the people it is meant to serve.” It also heralds CBEP as “a new way of accomplishing traditional tasks in a more effective, more responsive manner.”

Stakeholder involvement is one of the keys to CBEP. This plan points to CBEP efforts as ones that “must empower and equip the community to participate in environmental decisions, taking into account not only the human but also the ecological and socioeconomic health of a place.” In this way, involvement and cooperation of the community, facility owners/operators, and agency personnel in the permitting process will fuel CBEP efforts. Increased access to information and opportunities for participation in the permitting and corrective action processes (like those in the RCRA Expanded Public Participation Rule) will empower communities and enable them to practice CBEP.

### FMC Plant, Pocatello, Idaho

**Closure and Post-Closure Development of RCRA Facilities:** Community participation is also important during the closure and post-closure periods of facilities. The FMC plant, which produced elemental phosphorus, closed in 2001. Through the Idaho Optimum Initiative Task Force and a memorandum of understanding that was developed between EPA and the Shoshone-Bannock Tribes, a robust process was created for sharing information and communicating news on redevelopment of the site.

EPA encourages permitting agencies, facility owners/operators, public interest groups, and members of the community to carry out the spirit of this manual. The previous section, “Assessing and Addressing Environmental Justice and Tribal Concerns,” emphasizes that the best solutions to many environmental challenges are available at the local community level. Cooperation, communication, and equal opportunities for participation of all community members can help community-based programs reach their potential for solving environmental problems.

EPA encourages permitting agencies to promote a CBEP approach by discussing RCRA issues in coordination with other environmental concerns in a given area. Program distinctions between water, air, waste, and toxics are less important to stakeholders outside of the agency. Agency staff should be prepared to address RCRA concerns in the context of air and water issues that may reach beyond a particular facility. Many companies are particularly interested in finding opportunities to reduce process wastes through pollution prevention and recycling; the impacts of these types of reductions could affect air, water, or waste. Several states are embarking on “whole facility” approaches to permitting to take advantage of this approach. Permitting agencies should consider using fact sheets and availability sessions to explain RCRA’s relationship to other programs. Combining public meetings across program lines could also make the entire environmental picture clearer to stakeholders.



## **RESOURCES FOR ASSESSING AND RESPONDING TO TECHNICAL ASSISTANCE NEEDS**

Understanding the volume of technical information related to hazardous wastes can be a daunting task for anyone. By offering technical assistance to communities, facility owners/operators and EPA can help community members better understand technical issues of RCRA permitting and corrective action. This can help them to articulate their concerns and preferences during the decision-making process.

Because EPA has limited resources for RCRA technical assistance, agencies should consider whether there are other EPA programs or resources (or non-EPA resources, such as from non-governmental or other federal agencies) that can be offered to a community, especially if the community has EJ concerns. Facilitation, mediation or other assistance available through the [Conflict Prevention and Resolution Center](#) may also be helpful in some situations. If any of these programs may be appropriate for a given facility, the permitting agency should consider meeting with the appropriate EPA contacts to discuss opportunities to provide assistance and to coordinate outreach and public participation opportunities.

A variety of technical assistance services may be available to help communities with the following:

- Reviewing, interpreting and explaining RCRA decision documents.
- Reviewing, interpreting, and explaining other technical and scientific reports.
- Providing information about basic science, environmental policy, and related resources.
- Providing assistance to help communities understand health risks.
- Helping the community identify reasonably anticipated future land uses to inform corrective actions and understand how land use can influence remedies.
- Enhancing community and stakeholder involvement.
- Preparing outreach materials.
- Presenting educational programs on technical issues or subjects.
- Helping to resolve conflicts among stakeholders.

These technical assistance services can be provided by facility owners/operators, external partners, or the permitting agency. Importantly, because EPA has limited resources for technical assistance, communities should prioritize seeking support from facility owners/operators.



### FMC's Middleport Facility, Middleport, New York

**Technical assistance for community members:** As with many RCRA sites, the Middleport site, a former pesticide formulation and packaging plant, created a community advisory group to encourage communication between government agencies and community members. The Middleport Community Input Group also benefited from access to an environmental scientist hired to review technical documents and explain complex issues to the group. Funding for the scientist was made available through EPA's Technical Assistance Services for Communities Program.

### *Conducting a Technical Assistance Needs Assessment*

For most sites, the informal technical assistance provided directly by the facility or the agency as part of the overall public participation effort will be sufficient to address the community's needs. However, whenever a community has unmet needs for technical assistance, the agency may wish to consider conducting a Technical Assistance Needs Assessment (TANA). A TANA is a site-specific assessment to determine whether a community might benefit from additional support from EPA to help community members understand technical information. Because EPA has limited resources for technical assistance, such assistance is generally provided through facility owners/operators or an external partner such as a university or nonprofit organization. The TANA process offers a recommended blueprint for designing a coordinated effort to meet the community's needs for additional technical assistance while minimizing overlap in the services provided by the agency, facility, and external partners.

The TANA process usually involves:

1. Interviewing community members to obtain their views on the ways in which the community is receiving technical information about a site and whether community members can readily understand the information.
2. Assessing whether additional forms of technical assistance may be appropriate to enable the community to understand and comment on facility-related technical information.
3. Identifying organizations in the community that are interested or involved in facility-related issues and that might provide an appropriate conduit for technical assistance services to the affected community.

#### MANAGING COMMUNITY EXPECTATIONS FOR TECHNICAL ASSISTANCE RESOURCES

Preface any discussion of potential technical assistance or other resources with an explanation that availability of those services is contingent upon funding, and often also upon eligibility or other factors.

A TANA may be conducted at any time, but the best time to do so is early in the process, ideally concurrently with community interviews conducted for the development of a public participation plan. A

TANA can be conducted later if the technical assistance needs of the community cannot be adequately defined at that time, or whenever it appears that the community may need additional technical assistance.

### ***Using the TANA to Identify Technical Assistance Services and Programs for Communities***

Although EPA has not developed TANA guidance specific to RCRA, the [Superfund TANA Tool](#) includes detailed information about conducting interviews for the TANA and the types of technical assistance services that may be offered to a community that may be helpful for RCRA facilities and permitting agencies. Technical assistance is often provided to the community informally by the agency or facility, usually as part of the overall public participation effort. Informal technical assistance includes fact sheets,

#### **COORDINATING WITH OTHER FEDERAL AGENCIES: ATSDR**

The Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) have a strong partnership with EPA and the RCRA program. ATSDR provides information on the health effects of hazardous waste release at RCRA sites and conducts public health assessments when a site has been found to pose a significant potential health risk.

These public health assessments may be requested by EPA, states, or individuals. RCRA section 3019 allows individuals to petition ATSDR to conduct a health assessment by providing information that people have been exposed to a hazardous substance from a RCRA facility.

ATSDR, CDC and EPA created and jointly sponsor a website called [Community Action for Environmental Public Health](#), which contains tools, links, media and more to assist communities in answering environmental health questions.

availability sessions, workshops, and similar resources. In some cases, EPA offers more formal technical assistance, which is usually provided by an independent technical expert (and sometimes, a mediator or facilitator) working with a community organization. This includes a variety of programs that:

- offer communities access to independent experts;
- provide neutral facilitation, mediation, and dispute resolution services through EPA Conflict Prevention and Resolution Services contract;
- collaborate with universities, colleges, and nonprofit organizations to offer voluntary support to communities through EPA's new Partners in Technical Assistance Program (PTAP); and
- provide a source of medical information and advice on environmental conditions that influence children's health through the Pediatric Environmental Health Specialty Units, a network of specialists who respond to questions from public health professionals, clinicians, policy makers and the public about children's environmental health concerns.

### ***Other Resources for Communities***

It is a good idea to be familiar with other resources and information sources of potential interest to members of the community. For example, EPA hosts a [website of community resources, the Superfund](#)

[Community Involvement Handbook](#), published in 2016, as well as a website on [RCRA public participation](#) that may be helpful.

## COORDINATING AND COLLABORATING WITH OTHER EPA PROGRAMS

Permitting agencies benefit from acting as “One EPA” in communities. As described above in the context of CBEP approaches, program distinctions between water, air, waste, and toxics are less important to stakeholders outside of the agency. It may be helpful for the RCRA permitting agency to work with other EPA programs to ensure coordination and to communicate consistently about community goals and messages. Cross-program coordination can help EPA better address community needs and goals, and more effectively communicate the environmental and public health benefits of EPA’s work to affected communities.

Close coordination between EPA programs and other federal programs can also enable communities to leverage all available resources that might benefit them. Through increased internal coordination, EPA can often help communities access a range of EPA resources, including relevant grant opportunities, technical assistance, and useful data. These efforts can help facilitate community dialogue and engagement, while empowering communities to take an active role in the RCRA process, as well as in addressing other environmental issues that affect them.

In January 2016, EPA released the [Superfund Community Involvement Handbook](#) (CI Handbook). The Agency designed the CI Handbook as guidance for members of EPA Superfund site teams on how EPA typically plans and implements community involvement activities at Superfund sites. The Handbook provides valuable information for other stakeholders about agency public participation priorities. It is intended to help promote consistent implementation of community involvement regulations, policies, and practices. The Handbook underwent a thorough review by EPA HQ offices, EPA regional offices, and external partners.

Similarly, other governmental, tribal, or non-governmental programs may be able to provide funding or support to affected communities if the goals of the RCRA action align with those of the program.

### Former industrial site with underground storage tanks, Kewa Pueblo, New

**Coordination with other federal programs:** The cleanup and revitalization of Kewa Pueblo is an example of how cross-program coordination can help revitalize an area. With the help of EPA Region 6, the tribe identified potential funding sources from the National Park Service, the Indian Health Service, the U.S. Department of Housing and Urban Development, the Economic Development Administration, and the U.S. Department of Agriculture to redevelop the site into a mass transit stop on the New Mexico Rail Runner Express commuter line.

EPA also benefits from cross-program coordination. For example, individual programs and regions can learn from each other by sharing best practices, success stories, and useful contacts. They can also share new tools, such as [GeoPlatform](#) and Region 1’s Community Action Tracker, which is a mapping,

tracking, and reporting system held up as a model across EPA. Coordination can also sometimes lead to the development of new, innovative, multimedia strategies.

Regardless of whether a site has EJ issues, the agency should be aware of other regulated hazardous waste facilities or environmental programs in the community that are administered by EPA or other federal, state or tribal agencies. It also is useful to know about any other ongoing EPA, federal, state, or tribal enforcement actions nearby that might affect community attitudes toward regulatory agencies.

### **USING TRADITIONAL AND NEW MEDIA EFFECTIVELY**

Today, the media landscape is different, as new technologies continue to change the ways people receive and share information. The rise of digital forms of communication—from websites and social media (e.g., Facebook, Twitter, Instagram and blogs), to text messaging, podcasts, videos and various mobile phone apps—means that many people rely less on traditional media and often turn to these “new” media as primary or supplemental sources of information.

For RCRA facilities and permitting agencies, this means that although working with traditional media remains important, using new media will be part of an effective approach for reaching people affected by RCRA facilities. The importance of using diverse channels of communication is reflected throughout this manual, with references made to providing information electronically (e.g., e-mail and websites such as [this posting by the Washington State Department of Ecology about the Boeing Auburn Fabrication Site in Auburn, WA](#)). However, the use of social media may have the greatest effect on the success of public participation efforts at RCRA sites. Regardless of whether the agency or the facility chooses to use social media as part of its public participation approach, the reality is that social media is an important communication mechanism within communities. It may be a good idea to monitor local Facebook, Twitter and other social media sites to understand what is happening in the community, to stay abreast of facility-related community attitudes, and to become aware of misinformation, rumors and inaccurate community reactions that could mislead the public regarding the agency’s actions. It may also useful to develop a policy to engage social media in the event that unclear information or misinformation exists in communities.

#### ***Working with Traditional Media***

Almost every RCRA facility generates interest in the local news media at some point in the process, and EPA often turns to local news media for help disseminating information about site issues and activities. As a result, it is important to understand how the media works and carefully consider the role of the news media in public participation efforts.

The Agency encourages permitting agencies and facility owners/operators to learn about how traditional media outlets gather and present news. Agencies and owners/operators should also understand the

### **UTILIZING IN THE MOMENT VIDEOS**

“In the Moment” videos are timely video clips of EPA events that are captured as they happen. Video characteristics include:

- Videos are shared via social media.
- Clips are less than 60 seconds.
- Videos are self-explanatory so viewers do not need background information to understand the message.

An example video is [here](#).

different needs of traditional radio, television, and print media, as well as how new media (including online media outlets and social media) work. News releases should contain well-crafted messages tailored to each medium and their specific audiences.

In general, agencies and facilities usually work with the media when the agency or facility requests that the media disseminate information to the public, and when the media covers a story that directly or indirectly relates to the facility. Information about a local RCRA facility must be immediate in nature and relevant to the local audience attract news and media coverage. The facility is more likely to attract media coverage if the agency or owner/operator develops relationships with local reporters and editors, issues timely news releases and media advisories with well-crafted messages, makes staff members available to the media when events or issues may be newsworthy, and earns the media's trust. In addition, the agency and facility should try to anticipate and respond to questions from members of the media in a timely fashion with reliable, up-to-date information.

### ***Working with Social Media***

EPA uses the term “social media” to refer to Web-based and mobile technologies that people use to share information and ideas online. Generally, it is EPA's policy to use social media where appropriate in order to meet its mission of protecting human health and the environment. However, as EPA social media policy evolves, new tools and technologies appear at an increasing rate. In addition, policy on the use of social media varies according to EPA region. While EPA does not endorse any particular social media site or technique, information about tools such as Facebook, Twitter, blogs and discussion forums, YouTube, Flickr, and many other applications are available on EPA's social media website.

Permitting agencies and facility owners/operators should consider applying appropriate social media technologies to public participation work whenever possible, in accordance with under regional policies. However, it is important to keep the “digital divide” in mind: not everyone has easy access to a computer with broadband access, and not everyone with a computer or cell phone uses social media. More importantly, access to the Internet, smartphones, and other devices that deliver social media is not universal. This is particularly important to consider when the affected community has EJ concerns and many community members have lower incomes or might lack access to new technologies.

When considering using social media, it is a good idea to research and identify the best social media mechanism to reach the community members with whom you want to communicate. Local government and community organizations generally know which social media outreach tools they have used successfully to disseminate information within the community. It also is important to remember that social media should not be used *instead of* channels that are more traditional; its use should be ***in addition to*** traditional communication channels. Use of social media sometimes represents an added opportunity for engagement with a growing audience of people expecting more transparency, faster communication, and more access to information than ever before. In many cases, social media may be more effective at reaching communities with EJ concerns. Always explore both traditional and new media when planning an outreach strategy. There are a number of examples of social media use at RCRA sites, such as the [Facebook page for the Pompton Lakes DuPont RCRA site](#). Please note that you must be logged in to Facebook to access this example page.

Many factors should be considered before an agency or facility decides to make best use of social media. Effective use of social media is based on a good understanding of how each type of tool works and what it can and cannot accomplish. This usually means thinking carefully about what the agency or facility wants to accomplish by using social media, knowing the intended audience, and understanding the nature of social media communication. While traditional news media primarily reflects a one-way process of disseminating information to an audience, social media is more like a conversation between participants. Social media is immediate and interactive, which allows for two-way conversations, though this means that its use often requires a commitment to monitoring the conversation over time, acknowledging and responding quickly to comments and questions, and providing accurate information in real time. Google analytics and other software analytics programs help to evaluate the effectiveness and reach of your communication efforts.

### **PLANNING FOR PUBLIC PARTICIPATION WHEN RESOURCES ARE LIMITED**

When planning public participation activities, permitting agencies should carefully consider the time and resources available to them. In recent years, government budgets have been cut and the availability of funds for site travel has continued to decline. This trend is likely to continue. At the same time, EPA's commitment to effective RCRA public participation remains strong. To meet this commitment, permitting agencies are finding creative ways to build and maintain relationships with affected communities and share information.

For example, the use of collaborative technologies such as webinars, virtual meetings and hearings, and cloud-file-sharing, along with the ability to collaborate through discussion forums, newsfeeds, and by other means provide many options for effective communication. All of these tools can apply to public participation work, enabling permitting agencies to interact with community members when face-to-face meetings are not feasible. Using collaborative technologies to conduct virtual public meetings can take significant planning and preparation; however, using these technologies can be a viable alternative when face-to-face interactions are not an option. It also may be possible to plan conference calls or "availability sessions" and to make presentations to small groups via technology. In general, agencies should think creatively, use the tools and technologies available, and make the best possible use of travel dollars when site trips are possible.

### **EVALUATING PUBLIC PARTICIPATION ACTIVITIES**

Without concrete feedback, it can be difficult for the permitting agency and facility to determine whether their public participation activities are reaching their intended audience and working as intended. For this reason, it may be useful to solicit feedback and gather information that will help the agency and facility assess how well each approach or activity is meeting its intended objective.

#### **QUICK RESPONSE CODES**

Utilizing Quick Response, also known as QR, codes on signs, posters, and other printed materials is a quick method to drive traffic to a website. Members of the community who have an app on their smartphone can scan the code and go directly to the relevant information.





In general, a key to evaluating a short- or long-term public participation effort is identifying reasonable goals and objectives for the overall public participation approach, as well as defining objectives for each activity. Example questions to consider include:

- What do you want to accomplish?
- Who is your target audience?
- What knowledge do you want members of the community to acquire?
- What actions do you want community members to take because of the outreach or public participation activity?

Once the goals are set, the next step generally includes developing measures of success, identifying and collecting measurement data, analyzing the data, and adjusting the public participation activities, if appropriate.

If possible, evaluation should be done formally and informally throughout the entire RCRA process. Informal feedback may be obtained through one-on-one conversations after a community meeting, e-mails, or phone calls from community members regarding outreach efforts. Evaluations that are more formal are conducted through interviews, surveys, and evaluation forms (paper or digital). However, the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) applies whenever federal agencies request identical information from ten or more public respondents.

The results of this evaluation should be used to adjust specific activities or the overall approach, if necessary. Informal feedback can be used to make mid-course corrections to address any issues or shortcomings as they arise. Constant and consistent evaluation of public participation efforts can help the agency and facility improve outreach and continuously improve its public participation approach. Exhibit 2-2 provides a guide for determining whether public interest in a facility is likely to be low, medium, or high. Chapter 5 talks more about this.

**Exhibit 2-2. Determining the Likely Level of Public Interest in a RCRA Facility**

LEVEL OF PUBLIC INTEREST	TYPE OF RCRA ACTION	COMMUNITY'S RELATIONSHIP WITH FACILITY / AGENCY	LARGER CONTEXT
Low	<ul style="list-style-type: none"> <li>• The RCRA activity is unlikely to be controversial (e.g., a routine permit modification).</li> <li>• There is no contamination at the facility that could come into direct contact with the public.</li> </ul>	<ul style="list-style-type: none"> <li>• People do not live near the facility.</li> <li>• There is a history of good relations between the facility and members of the community.</li> <li>• Members of the community have expressed confidence in the agency and/or facility.</li> </ul>	<ul style="list-style-type: none"> <li>• The facility receives very little media attention and is not a political issue.</li> <li>• Community members have not shown any past interest in hazardous waste issues.</li> <li>• Public meetings on the permit modifications have not been attended.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• The RCRA action may involve activities, such as § 3008(h) corrective action activities, that contribute to a public perception that the</li> </ul>	<ul style="list-style-type: none"> <li>• A relatively large number of people live near the facility.</li> <li>• There is a history of mediocre relations between the facility and members of the</li> </ul>	<ul style="list-style-type: none"> <li>• Community members have shown concern about hazardous waste issues in the past.</li> <li>• The facility receives some</li> </ul>

LEVEL OF PUBLIC INTEREST	TYPE OF RCRA ACTION	COMMUNITY'S RELATIONSHIP WITH FACILITY / AGENCY	LARGER CONTEXT
	<p>facility is not operating safely.</p> <ul style="list-style-type: none"> <li>Examples may include permits for storage and on-site activities or routine corrective actions.</li> <li>Highly toxic and/or carcinogenic waste may be involved (e.g., dioxins).</li> </ul>	<p>community.</p> <ul style="list-style-type: none"> <li>The facility is important to the community economically, and the action may affect facility operations.</li> <li>Members of the community have had little or poor contact with the agency.</li> <li>Local elected officials have expressed concern about the facility.</li> </ul>	<p>media attention, and there are organized environmental groups interested in the action.</p> <ul style="list-style-type: none"> <li>There are other RCRA facilities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites in the area that have raised interest or concern.</li> </ul>
High	<ul style="list-style-type: none"> <li>The RCRA action includes a controversial technology or is high profile for other reasons (e.g., media attention).</li> <li>Highly toxic and/or highly carcinogenic waste is involved (e.g., dioxins).</li> <li>There is potential for release of hazardous substances or constituents that pose potential harm to the community and the environment.</li> <li>There is direct or potential community contact with contamination from the facility (e.g., contaminated drinking water wells or recreational lake).</li> </ul>	<ul style="list-style-type: none"> <li>The nearest community population is within a one-mile radius.</li> <li>A relatively large number of people live near the facility.</li> <li>There is a history of poor relations between the facility and the community.</li> <li>The facility has violated regulations and community members have little confidence in the agency to prevent future violations.</li> <li>There is organized community opposition to the facility's hazardous waste management practices or to the action.</li> <li>Outside groups, such as national environmental organizations, or state or federal elected officials have expressed concern about the facility or action.</li> <li>The economy of the area is tied to the facility's operations.</li> </ul>	<ul style="list-style-type: none"> <li>Community members have shown concern about hazardous waste issues in the past.</li> <li>Facility activities are covered widely in the media.</li> <li>There is interest in the facility as a political issue, at the local, state, or federal level (e.g., statewide or national environmental groups are interested in the regulatory action).</li> <li>There are other issues of importance to members of the community that could affect the RCRA action (e.g., concern over a cancer cluster near an area where a facility is applying for a permit to operate an incinerator).</li> <li>There are other RCRA facilities or CERCLA sites nearby that have been controversial.</li> </ul>



## CHAPTER 3: PUBLIC PARTICIPATION DURING THE RCRA PERMITTING PROCESS

---

### Introduction

This chapter describes the Resource Conservation and Recovery Act (RCRA) permitting process and outlines specific public participation activities that EPA requires or recommends during each phase, beginning before submission of the permit application and continuing through the life of the RCRA permit.

Addressing community concerns at the start of a project can prevent misunderstanding and opposition in the long run.

All facilities that treat, store or dispose of hazardous waste must obtain a RCRA permit, which is a legally binding document laying out the waste management activities that a facility can conduct and the conditions under which it can conduct them. New hazardous waste facilities must obtain a RCRA permit before beginning construction, and operating facilities must submit new permit applications six months before their existing permits expire.

The permit decision process is composed of a number of steps, each of which is accompanied by public participation requirements. For the sake of simplicity, this manual divides the permit decision process into four steps:

- pre-application;
- application, including application submittal, agency notice, and review;
- preparation of draft permit, including preparation of the draft, the public comment period and the public hearing; and
- final permit design, including response to public comments and the final permit decision.

After permits have been issued, facilities will often need modifications or renewals, each of which includes opportunities for public participation. In recent years, much of the RCRA permitting work has shifted from permit issuance to permit renewals and modifications. For more information on the RCRA permitting process, see [The Hazardous Waste Permitting Process: A Citizen's Guide](#).

### Overview of Public Participation in the Permitting Process

Section 7004(b) of RCRA and the Environmental Protection Agency's (EPA) permitting regulations, found at parts 124 and 270 of Title 40 of the Code of Federal Regulations (CFR), form the foundation for mandatory public participation activities during the permitting process for both operating and post-closure permits. The corrective action schedule of compliance and other corrective action provisions are typically part of the RCRA permit under 40 CFR part 270 (unless carried out under an enforcement order). Changes to these sections of the permit must follow the permit modifications procedures of 40 CFR part 270.41 or 270.42. See Chapter 4 of this manual to see public participation procedures for corrective action in more detail.

RCRA permitting regulations require an array of public participation procedures during the permitting process and the life of the permit. However, situations often occur in which the facility and the agency may need to go beyond these requirements to provide for meaningful and equitable public participation. In particular, regulators, facility staff, or community groups may want to consider expanded public participation activities at controversial facilities or at facilities where the affected community has a particular need for greater involvement or access to information. Participants in the process should seek input from other stakeholders to determine if the public participation activities are adequate.

Stakeholders should keep in mind that the permit decision process is lengthy and can be complex and confusing. Keeping the lines of communication open during the process takes effort on the part of all participants. This effort is especially critical during the long periods of time when the agency is reviewing the permit or the facility may be responding to a Notice of Deficiency (NOD) described later in this chapter. The agency, the applicant, and other interested groups should take steps to keep the community involved and informed during these “down” times.

### Ash Grove Cement, Chanute, Kansas

**RCRA Permitting Decision Process:** The Ash Grove facility is located within a 30-mile radius of three similar facilities, which made public health a major concern for area community members. The facility’s initial RCRA permit request in 1996 prompted EPA to fund a grant by the University of Kansas Medical Center to study air pollution, cancer, and respiratory health in Southeast Kansas. The Kansas Department of Health and Environment (KDHE) and EPA also extended the public comment period and held a public hearing regarding the permit application. As a result of public interest, EPA and KDHE formed a Chanute project team consisting of managers and counsel, as well as technical and regulatory experts in RCRA, air and watering monitoring, and compliance to expand community engagement through additional town meetings and other communication methods. The project team also created a distribution system to get immediate feedback and time-sensitive communications both to and from the community.

The permit decision process and the required public participation activities can be divided into four key steps, as described below and shown in Exhibit 3-1 on the next page.

#### 1. The Pre-Application Stage

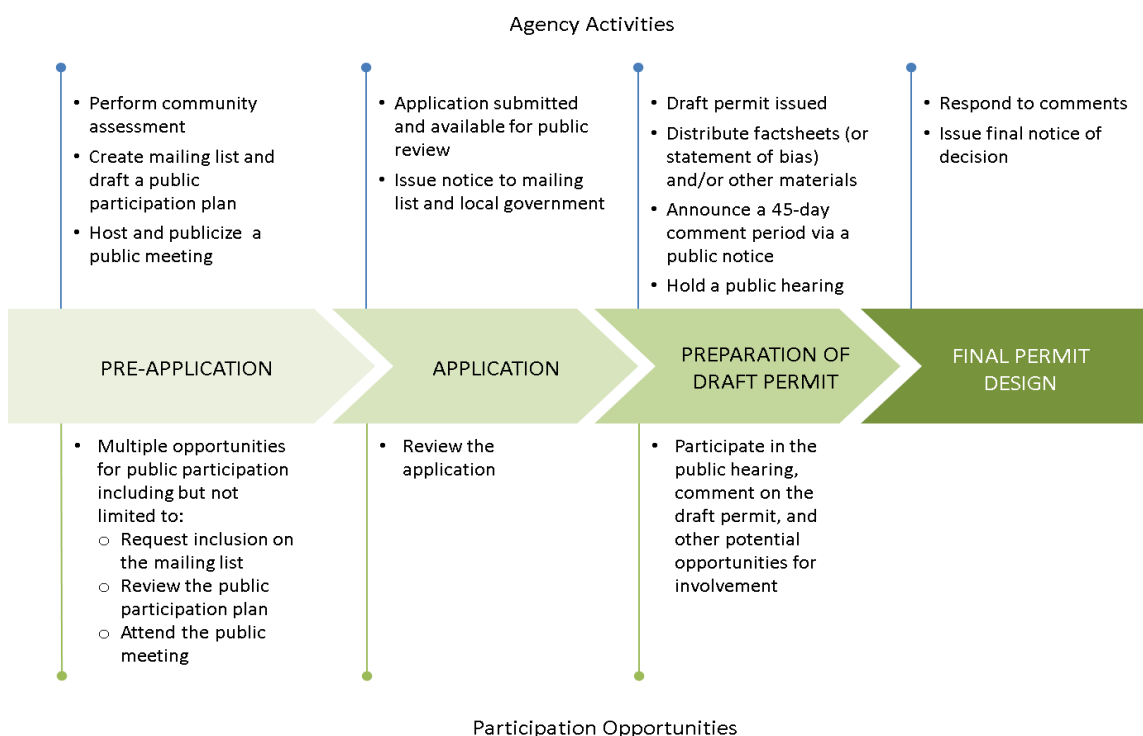
- Facility gives public notice and holds an informal public meeting.
- Additional activities may include community assessments, public participation plans, information repositories, fact sheets, and a social media presence.

#### 2. Application Submittal, Notice, and Review

- Agency issues a notice to the facility mailing list and state and local governments.
- Agency makes application available for public review.

- Additional activities may include observation decks, facility tours, community tours, workshops, forums, facilitated discussions, and news conferences.
3. Preparation of Draft Permit, Public Comment Period and Public Hearing
    - Agency issues public notice of draft permit (or intent to deny).
    - Agency prepares a fact sheet or statement of basis.
    - Agency announces a 45-day public comment period via mailing list, newspaper, and radio.
    - Agency holds a public hearing, if requested or at the agency's discretion, with 30-day advance notice.
    - Additional activities may include information sessions, workshops, news releases, and fact sheets, which may be disseminated either through print or online media.
  4. Response to Public Comments and Final Permit Decision
    - Agency responds to all significant comments raised during the public comment period, or during public hearings.
    - Agency issues notice of final permit decision.
    - The regulatory agency can initiate a permit modification under 40 CFR 270.41 following the full permitting procedures of 40 CFR part 124. A facility may also initiate a Class 1, 2, or 3 permit modification under 40 CFR 270.42.

**Exhibit 3-1. General Timeline of Public Participation in the RCRA Permitting Process**



## Public Participation Roles during the Permitting Process

The next segment of this chapter outlines the public participation activities associated with the RCRA permitting process. Each section of this chapter introduces one of the four stages of the permitting process, followed by a discussion of public participation activities during that stage. The text describes public participation activities currently required under federal regulations and policies, as well as additional activities that EPA recommends for each stage.

State permitting agencies may have processes and requirements that differ from the federal requirements. [Contact your state agency](#) for more details.

### STEP ONE: PRE- APPLICATION STAGE

Early public input can improve the quality of any permitting activity; the public can contribute information and recommendations that will be helpful to agencies as they make permitting decisions and to facilities as they develop their applications and proposals. Input gathered from the community during the initial stages of the RCRA permitting process is often quite useful during the draft permit stage. Incorporating early community input can help the draft permit be more responsive to the needs and concerns of the community, and the community may be more likely to accept the permit conditions if it sees that its concerns have been heard.

During the pre-application stage, the following public participation activities are required:

- The permit applicant must host a pre-application meeting.
- The permitting agency must create a representative facility mailing list.

#### South Carolina Department of Health and Environmental Control (SC DHEC)

**Early and meaningful public engagement:** SC DHEC recognized the need to go beyond what was required in the RCRA regulations by engaging the community early in the process, building trust, and working with industry representatives to encourage them to do more than what is strictly required by regulation. Lessons learned through examining the agency's practices include the importance of focusing on early communication with the community – often before a permit application is submitted or a corrective action plan is drafted. SC DHEC notes that even if all the information is not yet available, it is advisable to be honest and upfront about what is known at the time and let the public know when more information is expected to be available.

### *The Pre-Application Meeting*

The RCRA Expanded Public Participation rule requires a new permit applicant (or a facility that is applying to renew a permit while making changes) to hold a public meeting prior to submitting the Part B RCRA permit application. This meeting is the earliest formal step in the RCRA permitting process. The

pre-application meeting will open the dialogue between the permit applicant and the community, providing an open, flexible, and informal occasion for the applicant and the public to discuss various aspects of a hazardous waste management facility's operations.

The pre-application meeting initiates a dialogue between the applicant and the public.

While a formal meeting style (e.g., a public hearing) may suit some permitting situations, EPA realizes that it will not suit all cases. Thus, EPA has written the regulations to allow flexibility in the type of "meeting" held by the permit applicant. For instance, an applicant may decide to hold an availability session or open house (see Chapter 5) in place of a traditional meeting. As long as the approach meets the requirements and the spirit of § 124.31, EPA will not preclude applicants from tailoring meeting styles to fit particular situations.

The permit applicant must provide notice of the pre-application meeting: (1) through a display advertisement in a newspaper of general circulation in the community, (2) with a visible and accessible sign at or near the facility or proposed facility site, and (3) through a broadcast media announcement played at least once on at least one local radio or television station. EPA encourages facilities to pick a mixture of public notice tools that meet the regulations and allow the affected community to receive equitable, timely, and effective notice of the pre-application meeting. This may include supplementing the required notice tools with other methods, such as posting announcements to relevant websites or social media. In addition, the applicant must send a copy of the notice to the permitting agency; EPA recommends that the applicant also send it to the facility mailing list, if such a list exists. The facility is required to keep, but not submit, proof of the public notice, perhaps in the form of a receipt for a radio broadcast, a photograph of the sign, or a photocopy of a newspaper advertisement.

The notice must contain several pieces of information: (1) the date, time, and location of the meeting; (2) a brief description of the purpose of the meeting; (3) a brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location; (4) a statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and (5) the name, address, and telephone number of a contact person for the applicant. At the meeting, permit applicants should address the following topics:

- The type of facility the company will operate.
- The location of the facility.
- The processes involved and the types of wastes to be generated and managed at the facility.
- The extent to which waste minimization and pollution prevention may supplement or replace waste treatment needs.
- The transportation routes to be used by waste transporters.
- Planned procedures and equipment for preventing or responding to accidents or releases.

### TIPS FOR INTERESTED COMMUNITY MEMBERS

Public comments and suggestions are easier for the facility to address earlier rather than later in the process, so public input can have a greater impact at this stage. The interested public is encouraged to attend meetings at this stage to begin their involvement with the RCRA process. Before attending, contact the facility or other stakeholders to learn more about the facility's history and operations.

The applicant must post a sign-up sheet, or a similar mechanism, to allow participants to volunteer their names and addresses for inclusion on the facility mailing list (see § 124.31(b)). This sign-up sheet should always be voluntary, and the applicant should make clear that people can contact the permitting agency directly to add their names to the facility mailing list at any time. The applicant must then submit this list of attendees, along with a summary of the pre-application meeting, as a component of the Part B permit application. While this summary need not be a word-for-word record of the meeting, it should make a good faith effort to provide an accurate account.

Applicants should also provide fact sheets, information packets, or other materials (see Chapter 5) that explain the proposed operations, company policies, waste minimization proposals, or other information that is relevant to the proposed facility. In addition, some applicants may want to consider inviting a moderator to conduct the pre-application meeting or combining it with a state siting meeting. If meetings are combined, the applicant must run the portion of the meeting that is dedicated to the RCRA facility permit. The regulatory agency must give the applicant the floor for a sufficient period of time, and the applicant must make clear that the RCRA portion of the meeting is separate from the general siting discussion when notifying the public of the meeting under § 124.31(d). Please see the entries under “Public Meetings” in Chapter 5 and [Appendix B](#) for more detail on how to conduct the pre-application meeting.

### ***The Facility Mailing List***

The permitting agency is responsible for developing a representative mailing list for public notices under § 124.10. While the agency is not required to create the mailing list at a particular time in the permitting process, EPA recommends developing a thorough mailing list in the pre-application stage. If the mailing list allows the agency to keep important groups and individuals in the community updated on activities at a facility, then the agency and the facility will be able to better gauge community sentiment throughout the permitting process.

Gear public participation activities to the potential level of community interest.

EPA anticipates that the meeting attendee list required under § 124.31(c) will help the agency generate the mailing list by identifying people or organizations who demonstrate an interest in the facility and the permitting process. Besides including the names identified by the permit applicant, permitting agencies should include all commenters on permitting documents, attendees at any public meetings, and persons using information repositories. Permitting agencies should also contact a wide range of civic organizations, religious groups, elected officials, and other stakeholder groups to invite their members to join the mailing list. Importantly, the permitting agency should create a mechanism for members of the community to request to have their names added to or removed from the mailing list. The mailing list needs to be maintained for any permit renewals or permit modifications that occur over the life of the permit. There are likely to be more interested parties for permit issuance than for routine modifications. See Chapter 5 and [Appendix B](#) for more detail on how to create a facility mailing list.

### ***Additional Public Participation Activities***

The level of public participation activities should correspond to the potential level of community interest in the permitting process. To determine the need for additional activities, participants should consider conducting a community assessment (see Chapter 5). If the level of interest is high, participants will want



to do a more thorough needs assessment and prepare a formal public participation plan (see Chapters 2 and 5).

Information on the permitting process and facility activities can be technical and complex, and members of the public and other stakeholders may find it difficult to understand. The permitting agency and facility owner/operator should consider engaging in additional public participation activities in the pre-application stage to help make that information accessible to the public early in the RCRA process.

In particular, EPA encourages applicants to make fact sheets, information packets, or other materials (see Chapter 5) available at the pre-application meeting; the permitting agency should also consider creating fact sheets about the RCRA permitting process. To ensure that notice of the pre-application meeting reaches as much of the local community as possible, EPA recommends that permit applicants use notice methods that go beyond the requirements. Some of these methods, such as public service announcements, existing newsletters and publications, social media and other online platforms, and newspaper inserts, are described in Chapter 5 and [Appendix B](#) under “Public Notices.”

In addition to working to make the pre-application meeting as informative as possible, the agency and facility should consider hosting supplemental workshops or availability sessions to explain technical information. For more information on these activities, see Chapter 5 and [Appendix B](#). Some individuals or community groups may want to consult with other sources, including the permitting agency, local colleges and universities, and environmental and civic organizations, for help in interpreting technical

Finally, the permitting agency has the right to require the facility owner/operator to establish an information repository at any point in the permitting process or during the life of a facility, and may wish to do so during the pre-application stage. The agency should assess the need for the repository by considering a variety of factors, including: the level of public interest; the type of facility; the presence of an existing repository; and proximity to the nearest copy of the administrative record. The information repository can serve as a public access point for information on the facility and the RCRA process. In some cases, making notes from non-public meetings available through an information repository may increase public trust in the agency or the process. See Chapter 5 and [Appendix B](#) for more information on how to create an information repository.

### **STEP TWO: APPLICATION STAGE**

After the applicant has met with the public and considered recommendations and input from the community, the applicant may choose to continue pursuing a RCRA permit by submitting a RCRA Part B permit application to the permitting agency. During this period, it is important to keep the public informed about the status of a facility’s permit application.

The agency must notify the applicant in writing once it has reviewed the permit application. If the application is incomplete, the agency may issue a Notice of Deficiency (NOD) to the applicant, requesting that the applicant submit the missing information. The agency may issue several NODs before the application is complete. The period during which the agency reviews the application can therefore be lengthy, taking anywhere from one to five years depending on the facility type and level of facility owner/operator cooperation.

During application submittal and review, the following public participation activities are required:

- The permitting agency must make the application and supporting materials available to the public.
- The permitting agency must issue a public notice to the facility mailing list and appropriate units of government announcing receipt of the permit application.

### ***Making the Application Available to the Public***

Upon receiving the permit application, the permitting agency must make it and any supporting materials publicly available by placing the materials somewhere near the facility or at the agency office. To save community time and resources, the agency should place the application somewhere that is publicly accessible and has copying facilities (e.g., a public library or community center), as well as in the information repository if one exists. The permitting agency's headquarters or satellite office may also be an appropriate location for the materials. In addition, the agency may want to make a short summary of the permit application available to the affected community; it may also be useful to post materials online. Please see the "Information Repositories" sections of Chapter 5 and [Appendix B](#) for relevant information on how to identify a suitable public location.

### ***Public Notice Announcing Receipt of Application***

Upon receiving the permit application, the permitting agency must, under § 124.32, issue a public notice to the facility mailing list and appropriate units of state, local, and tribal government.

The notice must contain the following information:

- The name and telephone number of the applicant's contact person.
- The name and telephone number of the permitting agency's contact office and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process.
- An address to which people can write to be added to the facility mailing list.
- The location where copies of the permit application and any supporting documents can be viewed and copied.
- A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location on the front page of the notice.
- The date that the application was submitted.

See Chapter 5 and [Appendix B](#) for more information on how to create and distribute public notices.

### ***Additional Public Participation Activities***

EPA encourages agencies and facilities to plan activities to maintain a steady flow of information. First, permitting agencies can keep the process open by sharing all NOD information with the public, whether through the administrative record, an information repository, or another activity, such as a workshop or online updates. If the details of the NOD are too arcane or technical to present directly to the public, the agency can provide a short fact sheet. More broadly, holding workshops, conducting informal meetings,



and providing periodic fact sheets or press releases (including via online and social media) about the facility, opportunities for pollution prevention, and the RCRA permit process can help spread information and keep the community involved. Identifying a contact person to accept comments and answer questions will also enhance communication. A toll-free telephone hotline with recorded status reports can reduce the potential for rumors. Regular updates on the facility website or various social media platforms may also be helpful. Please see Chapter 5 or [Appendix B](#) for more information on how to conduct these activities.

In addition, EPA encourages permitting agencies to respond (e.g., in writing, by e-mail, by phone, by holding a meeting) to comments and requests from the public during the application review process. Agencies should make good faith efforts to address all public concerns and issues.

### **STEP THREE: PREPARATION OF DRAFT PERMIT STAGE**

Once the permitting agency determines that an application is complete, it will make a decision to either issue or deny the permit. If the agency decides to issue the permit, it issues a draft permit outlining the conditions under which the facility can operate if the permit is ultimately approved. Otherwise, the permitting agency tentatively denies the permit and issues a notice of intent to deny the permit application. The permitting agency must announce this decision to the public, beginning a period dedicated to public input on the draft permit or notice of intent to deny. More public participation is required during this stage than any other time during the permitting process.

The following public participation activities are required during the draft permit stage:

- The permitting agency must issue a public notice when issuing a draft permit or a notice of intent to deny the permit application.
- The permitting agency must prepare a fact sheet or a statement of basis to accompany the draft permit.
- A 45-day public comment period begins following issuance of the draft permit decision.
- The permitting agency must host a public hearing if requested by the public. Even if no hearing is requested, the agency may choose to hold one at its own discretion.

#### ***Public Notice of Draft Permit Decision***

Whether the permitting agency decides to issue a draft permit or a notice of intent to deny the permit application, the agency must notify the public of the decision and the start of the 45-day (or longer) public comment period. The agency must print the notice in a local newspaper, broadcast it over a local radio station, and send a copy to the facility mailing list, relevant agencies, and applicable state, local, and tribal government bodies. EPA encourages agencies to attempt to reach all segments of the affected community, within reasonable means, when issuing the notice of the draft permit decision. Additional methods of reaching the public include using websites, social media, blogs, or flyers in community centers. Although the agency is not required to retain documentation of the notice, EPA recommends keeping a simple file with proof of the notices. See Chapter 5 and [Appendix B](#) for more information on how to create and distribute public notices.

### ***Fact Sheet or Statement of Basis***

The permitting agency must prepare a fact sheet or a statement of basis to accompany every draft permit. This fact sheet or statement of basis is required by regulation and differs from commonly used informational fact sheets. This fact sheet must explain the principal facts and the significant factual, legal, methodological and policy questions considered when preparing the draft permit. The fact sheet must also include the following, as applicable:

- a brief description of the type of facility or activity that is the subject of the draft permit;
- the type and quantity of wastes that are proposed to be handled at the facility;
- a brief summary of the basis for the draft permit conditions;
- reasons that any requested variances or alternatives to required standards do or do not appear justified;
- description of the procedures for reaching a final decision on the draft permit, including (1) the beginning and ending dates of the comment period and an address to which comments can be sent, (2) procedures for requesting a hearing and the nature of the hearing, and (3) any other public participation procedures before the final permit decision; and
- the name and telephone number of a person to contact for additional information.

EPA recommends that the permitting agency include the fact sheet or statement of basis with the notice of the draft permit and make it available to all interested parties. See Chapter 5 and [Appendix B](#) for more information on how to create fact sheets and statements of basis.

### ***Public Comment Period and Public Hearings***

Once the permitting agency issues the notice and fact sheet or statement of basis on the draft permit decision, the public has 45 days to comment on the decision. During this period, anyone may submit concerns or suggestions to the agency in writing, and the agency must later consider all comments in its final permit decision. EPA encourages stakeholders to submit comments during this period.

Any person may request a public hearing during the public comment period. The agency must hold a public hearing if someone submits a written notice of opposition to a draft permit and a request for a hearing, or if the number of requests for a public hearing demonstrates a significant degree of public interest in the draft permit. The agency also may hold public hearings at its discretion. The agency must notify the public about any hearings at least 30 days in advance; the agency may choose to combine this notice with the draft permit notice. Like all comments submitted during the public comment period, the agency will be required to later describe and respond to all significant comments raised during the public hearing. See Chapter 5 and [Appendix B](#) for more information on holding public comment periods and public hearings.

### ***Additional Public Participation Activities***

Since the draft permit stage is a period with extensive public involvement, EPA strongly recommends that permitting agencies prepare public participation plans to keep track of activities during this stage, even for the least controversial facilities. See Chapter 5 and [Appendix B](#) for more information on how to create public participation plans. It is also crucial to ensure that the public stays informed of the schedule of

these public participation activities, so the permitting agency should consider using communication methods that go beyond the required public notice. For example, the permitting agency may want to provide a news release when issuing the draft permit or notice of intent to deny. Telephone hotlines, voice-mail recordings, website updates, and social media posts can also help keep the community informed of the dates and locations of public participation events.

Since the draft permit stage provides so many opportunities for the public to express concerns about a RCRA facility, it is important to ensure that community members have ample resources to develop an accurate understanding of the facility and the RCRA process. The agency, facility, or a public interest group may want to organize an availability session, facility tours, or some other activity during or prior to the comment period so that the public can be better informed about the facility. Sometimes permitting agencies hold public meetings prior to a public hearing to provide a better forum to discuss issues. In situations where a community wants more information on potential operations at a facility and the health and environmental risks of those operations, community members or the agency can work with the facility to set up facility tours or observation decks (safety permitting) during the public comment period. These activities may be particularly useful for new facilities; when facilities propose new or different technologies; or for explaining pollution prevention accomplishments and opportunities. However, these types of on-site activities can be a challenge, given that facilities are not typically constructed until after the permit is issued.

While regulations require the use of public hearings when requested or necessary, interested stakeholders could also provide informal meeting opportunities during this period. For example, the public or other stakeholders could request one-on-one or small-group informal meetings with the permitting agency, the permit applicant, or community groups, and stakeholder groups could improve their communication by meeting together in an informal forum. These informal meetings might improve cooperation between stakeholders by providing a less confrontational setting than that of a public hearing.

### USING E-RESOURCES

If on-site facility tours or observation decks are not feasible, the facility could post an online “virtual tour,” where viewers are guided through graphics and videos of the facility. Similarly, the facility owner/operator could help familiarize the public with the facility by posting e-resources like Google Earth KMZ files or similar maps.

## STEP FOUR: FINAL PERMIT DESIGN STAGE

After the public comment period closes, the agency reviews and evaluates all written and oral comments and reconsiders its initial decision on the draft permit. After responding to all public comments, the agency makes a final decision to issue or deny the final permit.

The following public participation activities are required during the final permit design stage:

- The permitting agency must issue a notice of decision on the permit application.
- The permitting agency must prepare a response to comments document addressing all comments raised during the public comment period.

The agency must send a notice of decision (not to be confused with a NOD) to the facility owner/operator and any persons who submitted public comments or requested notice of the final permit decision. The

agency must also prepare a written response to comments that includes a summary of all significant comments submitted during the public comment period and an explanation of how the agency addressed or rejected the comments in making the final permit decision. The purpose of the response to comments is to show the community that the agency considered the community's concerns when making the final permit decision. The agency must make the response to comments document available as part of the administrative record. See Chapter 5 and [Appendix B](#) for more detail on how to prepare a notice of decision and response to comments document.

### ***Additional Public Participation Activities***

If the level of public interest during the comment period was high, the agency or facility may want to issue a news release or fact sheet when the decision is finalized to inform a wide audience of the decision. The permitting agency may choose to update and release the fact sheet required in § 124.8. It may be helpful to post the fact sheet or other information online or to announce the decision via the agency's or facility's website or social media account.

### **Public Participation during the Life of a Permit**

The life of a RCRA permit encompasses all stages of facility operation, from construction to closure and post-closure care. However, over the life of a permit, more time is typically spent updating the permit through permit renewals and permit modifications than on permit issuance. Many of these permit renewals and modifications also include required and recommended public participation activities; these activities are discussed in the following section. Additionally, facilities that leave waste in place when they close must obtain a post-closure permit; the specific requirements for public participation associated with closure and post-closure care are also discussed below.

### **PERMIT MODIFICATIONS**

Over time, facilities undergo changes that trigger the need to modify their permits. Just as public participation is a component of the initial permitting process; it is also a part of the permit modification process. This section discusses different kinds of permit modifications and their corresponding public participation requirements.

There are many reasons to modify a permit, and public participation responsibilities and activities vary depending on who initiated the modification (i.e., the agency or the facility owner/operator), as well as the degree to which the modification would change substantive provisions of the permit. Regardless of who initiates the modification or when a modification is proposed, only those permit conditions subject to modification are reopened for public comment.

In some cases, the agency may initiate a permit modification under 40 CFR 270.41 to: (1) make alterations or additions to the permitted facility or activity; (2) incorporate new information received by the agency; (3) incorporate new standards, regulations or judicial decisions affecting the human health or environmental basis of a facility permit; or (4) modify a compliance schedule for corrective action in the permit. Modifications initiated by the regulatory agency are subject to the full public participation requirements outlined in 40 CFR part 124, as described earlier in this chapter. The agency-initiated process is relatively uncommon.

More often, the facility owner/operator requests a permit modification to improve facility operations or make changes in response to new standards. Facility-initiated modifications are categorized under 40 CFR 270.42 as Class 1, 2 or 3 according to how substantively they change the original permit.<sup>6</sup>

- **Class 1 modifications** do not substantially alter the conditions in the initial permit or reduce the facility's ability to protect human health and the environment. Most Class 1 modifications require prior approval by EPA or the authorized state permitting agency. Some types do not require prior approval (as specified in the regulations).
- **Class 2 modifications** address common, facility-initiated changes needed to maintain safety or regulatory compliance at the facility. In particular, Class 2 modifications enable facility owners/operators to respond to variations in the types and quantities of waste managed by the facility, technological advancements, and new regulatory requirements. Class 2 modifications do not substantially alter the facility's design or waste management practices as outlined in the initial permit. Moreover, Class 2 modifications do not reduce, and in most cases should enhance, the facility's ability to protect human health and the environment.

### Public Participation in Recycling Arena

Recyclers of hazardous materials may operate under one of the *variances* or *non-waste determinations* listed in 40 CFR 260.30, including the new **verified recycler variance** promulgated in January 2015 as part of the revised Definition of Solid Waste rule. The goal of the verified recycler variance is to provide communities strong protection against the potential for mismanagement of hazardous materials intended for recycling, while encouraging legitimate recycling activities to continue. The process for granting this variance is similar to that for granting a permit, and includes public notification and the opportunity for a public hearing. The same public participation guidance that applies to permitting should also be considered during the solid waste variance and non-waste determination process.

- **Class 3 modifications** cover major changes that substantially alter the facility or its operations. For example, changes to waste management practices to accommodate new types of waste, substantial increases in storage capacity, or changes to the facility's ground water monitoring program would require a Class 3 modification.

Exhibit 3-2 provides additional examples of the types of changes covered by each modification classification. Exhibit 3-3 illustrates a process flowchart for each modification type. The process for modifying a permit and the accompanying requirements for public participation differ depending on the classification of the modification. For Class 2 and 3 modifications, the modification process follows a series of defined steps similar to the initial permit application process. In contrast, the administrative requirements for Class 1 modifications are comparatively minor.

The public participation requirements are described in more detail in Exhibit 3-4. As shown in the exhibit, Class 2 and 3 modifications require the facility to involve the public in many steps throughout the process, but Class 1 modifications require only the distribution of a public notice. In general, the facility

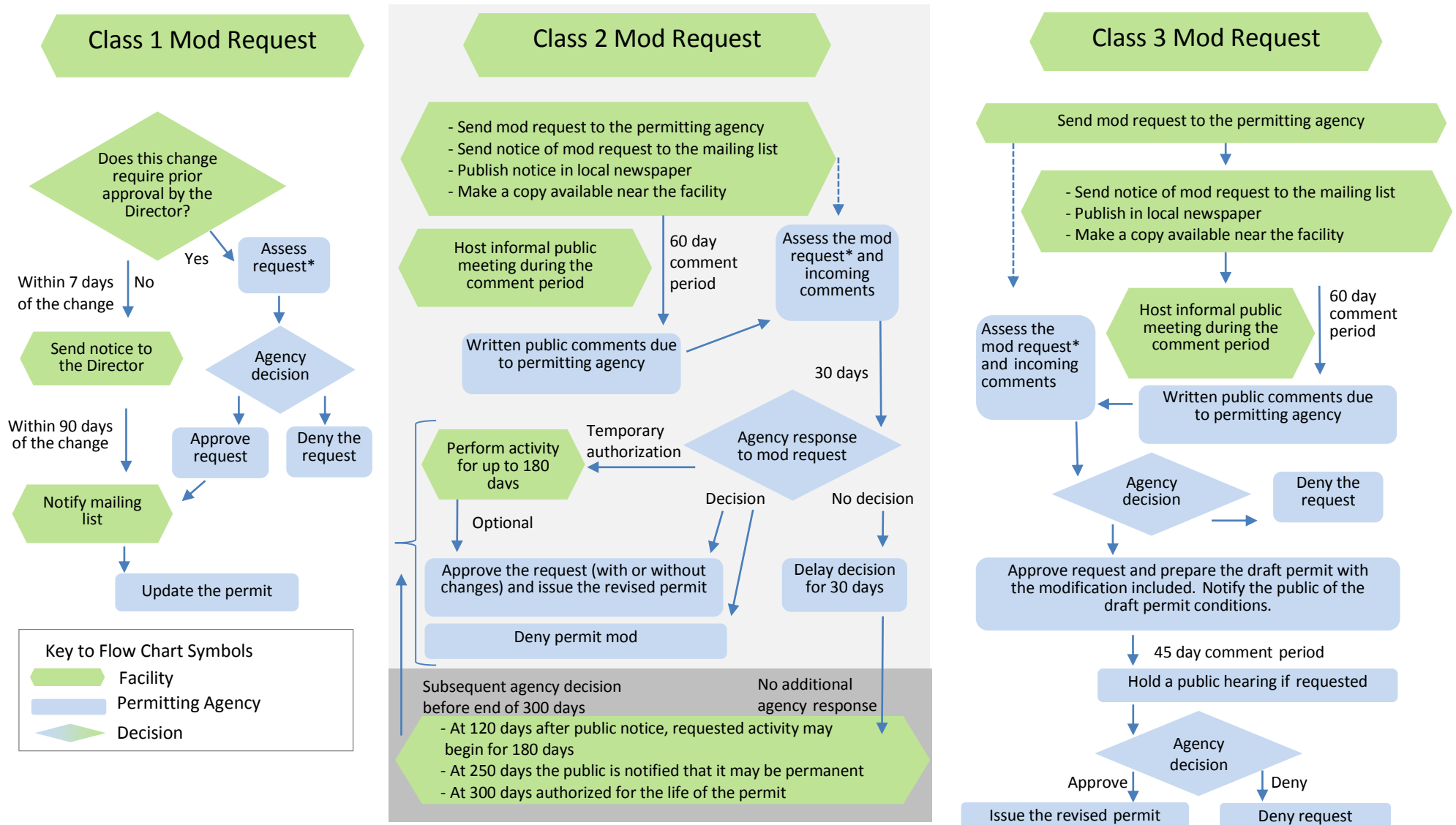
<sup>6</sup> As of 2015, six states (Alabama, Florida, Maine, Minnesota, Ohio, and South Carolina) have not adopted the revisions to the permit modification procedures that were promulgated in 1987, which introduced these three classes. These states therefore have retained the original "major" or "minor" permit modification designations that were in effect prior to the 1987 rule.

owner/operator is responsible for conducting much of the public participation for modifications he or she initiates, particularly for Class 2 and 3 permit modifications. The facility, rather than the agency, bears much of the burden of explaining and defending its actions to the public, although the agency does provide additional explanations to the public for Class 3 modifications. (In particular, maintaining an updated mailing list has become an integral part of the permitting process as the RCRA program has matured. Federal regulations specify that the permitting agency maintains the mailing list, although some state regulations delegate this responsibility to facilities.) To ensure that the facility's public participation efforts are successful, staff from the facility and the agency should discuss how to conduct the required activities, and the agency should provide guidance and assistance where necessary. Moreover, EPA encourages facilities to consult with communities to determine what activities will best promote public participation.

**Exhibit 3-2. Examples of Permit Modification Classifications**

CLASS 1	CLASS 2	CLASS 3
Administrative and informational changes	Changes in frequency or content of inspection schedules	Addition of corrective action program
Correction of typographical errors	Changes to corrective action program	Creation of a new landfill as part of closure
Changes in names, addresses and phone numbers of emergency coordinators	Extensions of post-closure care period	Addition of compliance monitoring to ground water monitoring program
Changes to waste sampling and analysis methods to comply with new regulations	Changes to facility training plan that affect the type or amount of employee training	Reduction in post-closure care period
Changes to analytical quality assurance and quality control plan to comply with new regulations	Changes in number, location, depth or design of ground water monitoring wells	Addition of temporary incinerator for closure activities
Note: Permit modifications are classified in more detail in Appendix I to 40 CFR § 270.42.		

**Exhibit 3-3. Process for Class 1, 2, and 3 Permit Modifications (Mods)**



See [40 CFR 270.42](#) for the full federal regulations for permittee mod requests. State regulations may vary. Several states have not adopted the regulations for the three class structure, and use the preexisting Major and Minor Mod structure.\* The permitting Agency may need additional information from the facility in order to make a decision and these interactions can be lengthy. The Permitting Agency may also determine that the class should be higher or lower (or deciding if a Class 1 needs prior approval) based on the change being made. The separate temporary authorization process can be used for Class 2 or 3 as appropriate (although not referenced in the Class 3 process above).



**Exhibit 3-4. Public Participation Requirements for Class 1, 2, and 3 Permit Modifications**

MODIFICATION CLASS	TYPES OF CHANGES COVERED	FACILITY REQUIREMENTS AND TIMING FOR PUBLIC PARTICIPATION ACTIVITIES	AGENCY REQUIREMENTS AND TIMING FOR PUBLIC PARTICIPATION ACTIVITIES
Class 1 – no prior approval required	Routine and administrative changes	<ul style="list-style-type: none"> <li>• <b>Within 7 days:</b> Inform agency.</li> <li>• <b>Within 90 days of implementing the change:</b> Notify mailing list.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the maintained mailing list to facility.</li> </ul>
Class 1 - prior approval required	More involved administrative changes (such as change of ownership), changes in procedures, and specific facility modifications	<ul style="list-style-type: none"> <li>• <b>Day 1:</b> Submit modification request to agency.</li> <li>• <b>Within 90 days of agency approval:</b> Notify mailing list.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the maintained mailing list to facility.</li> </ul>
Class 2	Improvements in technology and management techniques	<ul style="list-style-type: none"> <li>• <b>Day 1:</b> Submit modification request to agency.</li> <li>• <b>Within 7 days:</b> Publish newspaper notice, notify mailing list, and place copy of permit modification request and supporting documents in accessible location in the vicinity of facility. Newspaper notice marks start of 60-day public comment period.</li> <li>• <b>Between days 15-45:</b> Hold public meeting.</li> <li>• If agency does not act <b>within 250 days</b> of the modification request, notify mailing list that automatic authorization will become permanent in 50 days.</li> <li>• <b>Day 300:</b> If agency has not responded, activity is permanently authorized.</li> <li>• <b>If requesting a temporary authorization, within 7 days of request:</b> Notify public.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the maintained mailing list to facility.</li> <li>• <b>Day 60:</b> Public comments on the modification request due to agency.</li> <li>• <b>Day 90:</b> Response to modification request due, including response to all written and significant comments. Deadline may be extended 30 days.</li> <li>• Issue notice to the mailing list <b>within 10 days</b> of any decision to grant or deny modification request.</li> <li>• Issue notice to the mailing list <b>within 10 days</b> after automatic authorization goes into effect.</li> </ul>



MODIFICATION CLASS	TYPES OF CHANGES COVERED	FACILITY REQUIREMENTS AND TIMING FOR PUBLIC PARTICIPATION ACTIVITIES	AGENCY REQUIREMENTS AND TIMING FOR PUBLIC PARTICIPATION ACTIVITIES
Class 3	Major changes to a facility and its operations	<ul style="list-style-type: none"> <li>• <b>Day 1:</b> Submit modification request to agency.</li> <li>• <b>Within 7 days:</b> Publish newspaper notice, notify mailing list, and place copy of permit modification request and supporting documents in accessible location in the vicinity of facility. Newspaper notice marks start of 60-day public comment period.</li> <li>• <b>Between days 15-45:</b> Hold public meeting.</li> <li>• <b>If requesting a temporary authorization, within 7 days of request:</b> Notify public.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the maintained mailing list to facility.</li> <li>• <b>Day 60:</b> Public comments on the modification request due to agency.</li> <li>• <b>After conclusion of 60-day comment period:</b> Grant or deny the modification request according to permit modification procedures of 40 CFR part 124: <ul style="list-style-type: none"> <li>- Issue public notice of draft modification or intent to deny modification.</li> <li>- Prepare a fact sheet or statement of basis.</li> <li>- Announce 45-day public comment period on draft permit decision.</li> <li>- Hold public hearing, if requested or at agency's discretion, with 30-day advance notice.</li> <li>- Consider and respond to all significant written comments received during 60-day comment period.</li> <li>- Respond to written and oral comments from 45-day comment period.</li> </ul> </li> </ul>

## CLOSURE AND POST-CLOSURE AT PERMITTED FACILITIES

Facilities may discontinue operations at one or more solid waste management units (SWMUs) for a number of reasons. For example, the units may have reached capacity, the facility owner/operator may no longer wish to accept waste, or the facility may have lost interim status (see following section) and be required to close by the permitting agency. During closure, facility owners/operators complete treatment, storage, and disposal operations; apply final covers or caps to landfills; and dispose of or decontaminate equipment, structures, and soil. Post-closure, which applies only to land disposal facilities that do not “clean close” (i.e., remove all contaminants from the unit), is normally a 30-year period after closure during which owners/operators conduct monitoring and maintenance activities to preserve the integrity of the disposal system.

The public may be concerned about the thoroughness of cleanup and post-closure monitoring at facilities.

EPA regulations (40 CFR 264.112 and 264.118) require facilities seeking operating permits to submit closure and post-closure plans (if appropriate) with their Part B applications in accordance with 40 CFR 270.14(b)(13). Furthermore, land disposal facilities that leave waste in place when they close must

obtain a post-closure permit, which specifies the requirements for proper post-closure care. Thus, the public has the opportunity to comment on a facility's closure and post-closure plans and any amendments made to the plans as part of the permitting and permit modification processes, as described earlier in this chapter.

Facilities seeking permits for post-closure are exempt from hosting the pre-application meeting required under § 124.31 in the RCRA Expanded Public Participation rule. However, the facility, permitting agency, or a community group may decide to hold some type of meeting prior to issuance of the post-closure permit. Refer to Chapter 5 and [Appendix B](#) for information on various meeting formats, including public meetings, availability sessions, and workshops.

The permitting agency and other involved organizations should be aware of particular concerns that the public may have around facility closure, including:

- reservations about how “clean” the facility will be after it closes;
- concern that the facility owner/operator will not have the will or financial resources to uphold his or her obligations to monitor post-closure operations at the facility, particularly if he or she leaves the facility or community; and
- concerns about corrective action, if the facility closes before all necessary corrective actions are completed and thus is subject to a schedule of compliance for corrective action.

Public interest groups, the permitting agency, or the facility should try to address these concerns by providing fact sheets and online resources or by conducting educational workshops and informational meetings about the closure plan and the conditions at the facility. See Chapter 5 and [Appendix B](#) for more information on these public participation activities, and see Chapter 4 for additional information on corrective action activities.

### Public Participation at Interim Status Facilities

When writing RCRA, Congress granted special status to facilities that existed when the statute went into effect and for facilities that would be brought under RCRA by new regulations. EPA refers to these facilities as having “interim status.” As of 2015, there are fewer than 20 facilities operating under interim status, although many more are in closure or post-closure stages. According to RCRA, interim status facilities do not need a permit to operate; instead, while they are seeking permits, they follow a category of regulations created specifically for them by EPA. When EPA or a state issues a RCRA operating permit to one of these facilities, the facility loses its interim status.

#### INTERIM STATUS FACILITY OPERATION

Because interim status facilities can operate without a permit, many people are concerned that some of these facilities are not as safe as permitted facilities. Additionally, because of not being permitted, interim status facilities are not required to follow standardized public participation procedures. Interim status facilities therefore often pose public participation challenges, even though many of them have been operating for years.

A good facility-community relationship during interim status will make for a more cooperative permitting process.

Regulatory agencies may need to use innovative techniques to communicate with and provide information to communities around interim status facilities. If the public shows interest in an interim status facility, the permitting agency and facility owner/operator should consider taking the following steps to encourage public participation:

- The agency could host a workshop or availability session to explain the special situation of interim status facilities to the public and to provide information on operations at that facility.
- The facility could set up an on-site information booth, website, or information repository to provide background materials to the public.
- The facility or agency could establish a contact person, make his or her name, and contact information (e.g., mailing address, phone number, e-mail address) available to the public to improve communication between the facility/agency and community.

Chapter 5 and [Appendix B](#) provide more detailed information on how to conduct these activities.

Importantly, if an interim status facility begins to attract public interest, the agency should consider moving the facility towards getting a permit and undergoing the public participation steps required by the permitting process. The permitting process will give community members an opportunity to air concerns and to encourage the facility to make important changes. As an interim status facility begins the permitting process, it can start to involve the community by making a draft Part B application available to the public before submitting it to the permitting agency.

### **CLOSURE AND POST-CLOSURE AT INTERIM STATUS FACILITIES**

Facilities may also close under interim status, often under enforcement orders. Facilities that are closing under interim status must submit closure and post-closure plans (if appropriate) under 40 CFR 265.112 and 265.118. Public participation activities for interim status facilities during the closure and post-closure processes are specified in 40 CFR 265.112(d)(4) and 265.118(f).

In some cases, the facility, public, or permitting agency may need to modify these closure or post-closure plans. For example, the public can petition the agency to extend or reduce the post-closure care period a given interim status facility or land disposal unit, and the agency can then initiate modifications to the plans. An interim status facility may amend its closure plan at any time prior to the notification of partial or final closure and its post-closure plan any time during the active life of the facility or during the post-closure care period. To do so, a facility owner/operator with an approved closure or post-closure plan may submit a written request to the agency to authorize a change. The exhibit below summarizes requirements for public participation during issuance and revision of closure and post-closure plans.

**Exhibit 3-5. Public Participation Requirements for Issuance and Revision of Closure and Post-Closure Plans**

TYPE OF ACTION	REGULATORY REQUIREMENTS FOR PUBLIC PARTICIPATION
Creation of Closure or Post-Closure Plan	<ul style="list-style-type: none"> <li>• The agency must issue a public notice in the newspaper announcing that the public and facility can submit written comments and request modifications to the closure and post-closure plans within no more than 30 days.</li> <li>• In response to a request or at its own discretion, the agency may hold a public hearing on the plan(s), if such a hearing might clarify one or more of the issues concerning the plan(s). The agency must provide public notice at least 30 days before the hearing.</li> <li>• The agency must approve, modify, or disapprove the plan(s) within 90 days of their receipt.</li> </ul>
Public Petition on Post-Closure Plan	<ul style="list-style-type: none"> <li>• The public can petition the agency to extend or reduce the post-closure care period applicable to an interim status facility or land disposal unit.</li> <li>• Whenever the agency is considering a petition on a post-closure plan, it must issue a public notice in the newspaper announcing that the public and facility can submit written comments within no more than 30 days.</li> <li>• In response to a request or at its own discretion, the agency may hold a public hearing on the post-closure plan, if such a hearing might clarify one or more of the issues concerning the plan. The agency must provide public notice at least 30 days before the hearing.</li> <li>• If the agency tentatively decides to modify the post-closure plan, under 40 CFR 265.118(g)(2) it must issue a public notice in the newspaper announcing that the public and facility can submit written comments and request a public hearing within no more than 30 days.</li> <li>• After considering the comments, the agency issues a final decision.</li> </ul>
Facility- or Agency-Initiated Modification to Closure or Post-Closure Plan	<ul style="list-style-type: none"> <li>• If an amendment to the closure plan would be a Class 2 or 3 permit modification according to the criteria specified in 40 CFR 270.42, then it is subject to the public participation procedures in 40 CFR 265.112(d)(4) (see requirements under “Creation of Closure or Post-Closure Plan”).</li> <li>• If an amendment to the post-closure plan would be a Class 2 or 3 permit modification according to the criteria specified in 40 CFR 270.42, then it is subject to the public participation procedures in 40 CFR 265.118(f) (see requirements under “Creation of Closure or Post-Closure Plan”).</li> </ul>

## CHAPTER 4: PUBLIC PARTICIPATION IN RCRA CORRECTIVE ACTION UNDER PERMITS AND § 3008(H) ORDERS

### Introduction

This chapter describes the Resource Conservation and Recovery Act (RCRA) corrective actions and identifies steps to ensure that these actions incorporate early and widespread public participation.

Corrective actions occur when RCRA requires owners/operators of hazardous waste management facilities to clean up contamination resulting from current and past practices. Because these cleanups involve investigation of releases and potential releases of hazardous waste, the community is likely to treat them with particular interest.

Individuals should check with their state environmental agency for information on public participation opportunities.

As with the rest of the RCRA program, the Environmental Protection Agency (EPA) may authorize state environmental agencies to implement the corrective action program; provided that the state's corrective action requirements are at least as stringent as the federal requirements. Where states implement the program, EPA plays an oversight role. At the federal level, corrective actions may take place under a RCRA permit or as an enforcement order under § 3008 of RCRA. Where RCRA permits are modified to incorporate corrective actions, these changes must follow the permit modification procedures in Part 270.41 or 270.42 of Title 40 Code of Federal Regulation (CFR). In authorized states, corrective action may take place under a state-issued RCRA permit, a state cleanup order, a state voluntary cleanup program, or another state cleanup authority. Because authorized states may use a variety or combination of state authorities to compel or oversee corrective actions, EPA encourages interested individuals to check with their state agency to gather information on the available corrective action sites in the area.

#### U.S. Navy's Atlantic Fleet Weapons Training Facility, Vieques Island, Puerto Rico

**RCRA corrective action:** Starting in 2003, community members were involved in a number of activities related to corrective action at the Navy facility. Selected activities included development of a Community Involvement Plan; participation on a Restoration Advisory Board; involvement in public forums; and creation and distribution of fact sheets, newsletters and other public materials in both Spanish and English.

Corrective actions usually involve the following key stages:

- Initial Site Assessment (RCRA Facility Assessment, or RFA).
- Site Characterization (RCRA Facility Investigation, or RFI).
- Interim Actions.
- Evaluation of Remedial Alternatives (Corrective Measures Study, or CMS).
- Remedy Selection.
- Remedy Implementation (Corrective Measures Implementation, or CMI).
- Completion of the Remedy.

While these elements compose the typical approach to facility cleanup, alternative approaches may be used if they achieve the goals of full, fair, and equitable public participation. The degree of cleanups necessary to protect human health and the environment varies significantly across RCRA facilities, so few cleanups will follow exactly the same course.

### Overview of Public Participation in Corrective Action

There are several key considerations to keep in mind while planning public participation for RCRA corrective action:

- **Public participation during corrective action derives from a combination of regulations and EPA guidance.** Although regulations under Parts 124 and 270 of Title 40 of the Code of Federal Regulations (CFR) outline the required public participation activities for corrective actions beginning with permit issuance or modification, there are no regulatory requirements for public participation in corrective actions under § 3008(h) orders. EPA guidelines advise additional public participation activities in both cases, suggesting supplementary provisions that the permitting agency may include in the permit for corrective actions and recommending that corrective action processes under § 3008(h) orders include the same provisions for public participation that accompany corrective action under a permit. This system is designed to promote flexibility to match the wide range of RCRA corrective action processes: where regulations do not specify public participation during corrective action, these guidelines are meant to help overseeing agencies and facility owners/operators develop site-specific public participation strategies that provide for full, fair, and equitable public participation. One example of such guidance for corrective action activities is the “1996 Advance Notice of Proposed Rulemaking (ANPR) for corrective action for releases from solid waste management units also known as SWMUs at RCRA facilities.”
- **Public participation in RCRA corrective actions should be consistent with Superfund procedures:** A significant portion of the RCRA corrective action process is analogous to the Superfund process. Due to this similarity, EPA encourages permitting agencies and facilities to make public participation activities under the RCRA system consistent with the activities required under Superfund. For example, RCRA interim actions should provide opportunities for participation that are similar to Superfund public participation for removal actions, and corrective measures implementation should provide opportunities for participation that are similar to those

required under a Superfund remedial action.

- **Stakeholders must share responsibility for public participation activities in corrective actions.** Since certain cleanup steps in a corrective action process may be implemented by different stakeholders - primarily the overseeing agency or the facility owner/operator - these stakeholders should consider how best to share responsibilities for public participation. Public participation activities will often be more useful to the public if the individuals that conducted the most recent cleanup step conduct these activities. For instance, if the facility owner/operator performs a facility investigation, it would likely be more appropriate for the facility owner/operator to run the following public meeting, rather than the permitting agency.

## Special Considerations for Public Participation Activities Under § 3008(h) Orders

As noted above, corrective action activities can be conducted according to an order issued under RCRA section § 3008(h). These orders may be used to begin corrective action in advance of facility permitting. They may also be used when an interim status facility is closing. Unlike corrective actions under permits, there are no regulatory requirements for public participation activities for corrective actions under § 3008(h) orders. As a matter of EPA policy, the substantive corrective action requirements and public participation requirements imposed under an order should generally be the same as those that would occur if corrective action were taking place under a permit (61 FR 19432, May 1, 1996). This concept is reflected in two directives issued by EPA on corrective actions under § 3008(h) orders, summarized on Page 54. While there are no requirements for public participation under orders, EPA strongly suggests undertaking the activities discussed in this chapter, and therefore presents these activities under the “Required Activities” headings for each corrective action element.

Though corrective actions under § 3008(h) orders should offer roughly the same public participation activities as those under permits, there are several special considerations involved in corrective actions under orders:

- **Consent vs. Unilateral Orders:** RCRA § 3008(h) orders may be issued either on consent or unilaterally. A “consent order” is issued when the facility and the regulatory agency agree about the corrective action; in contrast, a “unilateral order” is issued when the regulatory agency and the facility have been unable to agree about the need for, or the scope of, corrective action. Public participation will likely proceed differently depending on whether corrective action is proceeding under a consent or unilateral order. First, when corrective action will take place under a consent order, the permitting agency should take care to explain to the community that corrective action orders on consent are not traditional enforcement actions. Specifically, they are not typically issued in response to a violation at the facility, but are instead simply a means to expedite initiation of corrective action activities. Next, responsibility for public participation activities will depend on whether corrective action is proceeding under a consent or unilateral order. If the agency is issuing a consent order, the agency should consider negotiating with the facility to have it write a public participation plan (if community interest in the facility is high), or at least conduct some activities as terms of the order. If the agency is issuing a unilateral order, circumstances may be such that it is necessary and/or appropriate for the agency to assume all or most public participation responsibilities.



- **Limitations on Releasing Information:** When the agency is negotiating an order with the facility, some information must be kept confidential. The aim of these negotiations is to encourage frank discussion of all issues and to resolve differences, thereby allowing the agency to issue an order on consent rather than unilaterally. Public disclosure of some information may be in violation of state and federal statutes and could jeopardize the success of the negotiations, so agency staff must be sure to coordinate any public notices with enforcement staff before releasing information. Not being able to disclose information to the public can pose problems, particularly in a community where interest is high and individuals are requesting information. If interest in the facility is high, the project manager, project staff, and the Public Involvement Coordinator should discuss how to address an individual's concerns without breaching confidentiality. At the very least, the public deserves to know why these limitations are necessary and, when and if they will be lifted.

## Public Participation Roles during RCRA Corrective Action

The rest of this chapter outlines the public participation activities associated with the corrective action process under both permits and § 3008(h) orders. The text follows the sequence of elements outlined in the first part of this chapter, although these elements may not occur in the same order (or at all) at every facility. Each section of this chapter introduces one of these elements, followed by a discussion of public participation activities during that phase. It describes public participation activities currently required under federal regulations and policies, as well as additional activities that EPA recommends. The stages of the RCRA corrective active process and corresponding opportunities for public participation are summarized in Exhibit 4-1 on the next page.

Because corrective actions often proceed under modifications of RCRA permits, and because public participation for corrective actions under orders should

### DIRECTIVES FOR PUBLIC PARTICIPATION UNDER § 3008(H) ORDERS

EPA recommends that the substantive corrective action requirements and public participation requirements imposed under an order should be generally the same as those that would occur if corrective action were taking place under a permit. OSWER has issued two directives addressing public participation in § 3008(h) orders: Directive 9901.3, Guidance for Public Involvement in RCRA Section § 3008(h) Actions (May 5, 1987) and Directive 9902.6, RCRA Corrective Action Decision Documents: The Statement of Basis and Response to Comments (April 29, 1991). These directives suggest public participation activities in orders, even though such activities are not required by statute. The directives suggest the following activities after a proposed remedy has been selected:

- writing a statement of basis discussing the proposed remedy;
- providing public notice that a proposed remedy has been selected and the statement of basis is available;
- providing a public comment period (30-45 days) on the proposed remedy;
- holding a public hearing if requested; and
- writing a final decision and response to comments.



mirror public participation for corrective actions under permits, Chapter 3 contains a largely complete description of public participation in RCRA corrective actions. Thus, this chapter is intentionally brief. Please see the relevant portions of Chapter 3 for more detailed descriptions of public participation in RCRA corrective actions, and see Chapter 5 and [Appendix B](#) for detailed descriptions of how to conduct the activities described in this chapter.

**Exhibit 4-1. Elements of Corrective Action and Opportunities for Public Participation**

CORRECTIVE ACTION ELEMENT	OPPORTUNITIES FOR PUBLIC PARTICIPATION
RCRA Facility Assessment (RFA) (Initial Site Assessment)	<ul style="list-style-type: none"> <li>• Permit is available for public comment.</li> <li>• For enforcement orders, administrative record is available for public review.</li> <li>• Additional activities: mailing list, public participation plan, fact sheets, open house, workshop.</li> </ul>
RCRA Facility Investigation (RFI) (Site Characterization)	<ul style="list-style-type: none"> <li>• Permit is available for public comment.</li> <li>• For enforcement orders, planned RFI is available for public comment.</li> <li>• Information repository is established, if required.</li> <li>• Additional activities: mailing list, public participation plan, fact sheets, summary of RFI report, notifications for discovery of contamination, informal meetings, workshops.</li> </ul>
Interim Measures	<ul style="list-style-type: none"> <li>• Permit is available for public comment.</li> <li>• Additional activities: interim action plan, contact person, fact sheets, informal meetings.</li> </ul>
Corrective Measures Study (CMS) (Evaluation of Remedial Alternatives)	<ul style="list-style-type: none"> <li>• Permit or permit modification is available for public comment.</li> <li>• Additional activities: preferred remedy presentation, informal meetings, availability sessions, workshops, fact sheets, contact person, hotline, Web-based forums for public feedback.</li> </ul>
Remedy Selection	<ul style="list-style-type: none"> <li>• Tentatively selected remedy is available for public comment as part of permit modification.</li> <li>• Fact sheet or statement of basis published; public comment period and associated public hearing or public meeting held; response to comments published; final remedy decision and supporting information published.</li> <li>• Additional activities: informal meetings, workshops.</li> </ul>
Corrective Measures Implementation (CMI) (Remedy Implementation)	<ul style="list-style-type: none"> <li>• Permit modification is available for public comment.</li> <li>• Additional activities: CMI plans and specifications, fact sheets or other periodic updates, open houses, availability sessions.</li> </ul>
Completion of the Remedy	<ul style="list-style-type: none"> <li>• Permit modification is available for public comment.</li> <li>• Additional activities: notation of remaining hazardous waste recorded in deed to property.</li> </ul>

### RCRA FACILITY ASSESSMENT (RFA) – INITIAL SITE ASSESSMENT

The corrective action process usually begins with an initial site assessment, called a RCRA Facility Assessment (RFA). The RFA is conducted either by the overseeing agency or by the facility with subsequent agency approval. The purpose of an RFA is to gather data about a site, including data on releases and potential releases of hazardous waste and hazardous constituents, to determine whether a cleanup may be necessary. RFAs usually include: (1) a file review of available information on the facility; (2) a visual site inspection to confirm available information on SWMUs at the facility and to note

any visual evidence of releases; and (3) in some cases, a sampling visit to confirm or disprove suspected releases.

The results of an RFA are recorded in an RFA report. The RFA report will describe the facility and the waste management units present at the facility and note any releases or potential releases. It will also describe releases and potential releases from other, non-waste-management-associated sources (e.g., a spill from a product storage tank). Interested individuals may request copies of RFA reports from the appropriate EPA regional office or state agency.

In addition to the information recorded in RFA reports, if corrective action is taking place in the context of a RCRA permit, the permit application will also describe the physical condition of the facility, including its subsurface geology, the waste management units present at the facility, and any releases and potential releases.

The RFA report usually serves as the basis for future corrective actions at a facility. If, after completion of the RFA, it appears likely that a release exists, then the overseeing agency will typically develop facility-specific corrective action requirements in a schedule of compliance, which will be included in the facility's permit or in a RCRA section § 3008(h) corrective action order.

### ***Required Activities***

In the case of corrective action implemented through a permit, the public may comment on the schedule of compliance for corrective action during permit issuance and subsequent permit modification. See Chapter 3 for more information on the permitting process and permit modifications.

When corrective action is implemented through a § 3008(h) order, the public should be given an opportunity to comment on the schedule of compliance when the order is issued; however, it may take many months of discussions between the facility owner/operator and the overseeing agency before an order is issued. On the day the order is issued, the administrative record must be made available for inspection by the public. The administrative record contains all information considered by the agency in developing the order. The agency may want to place a copy of the administrative record at a local library close to the facility.

#### **E.I. DuPont de Nemours & Company (DuPont), Pompton Lakes, New Jersey**

**Use of social media:** Community engagement was a particularly high priority at this site due to public health concerns raised by ongoing remedial investigations and actions. In addition to the typical communication methods of a Community Advisory Group, public meetings, and website updates, this site also had a Community Involvement Coordinator who maintained a Facebook page dedicated to the site. The page featured photographs, information on public and recent news, and community discussions, providing another forum for information sharing.

### ***Additional Activities***

During the period of discussions between the facility owner/operator and the overseeing agency before a § 3008(h) order is issued, which can take months to years, the facility owner/operator may develop a

mailing list (which may include e-mail addresses in addition to physical addresses) and a public participation plan.

Next, the overseeing agency or facility owner/operator should consider creating a fact sheet with details of the order and the corrective action process. If there is a high level of interest in the facility, the agency or facility owner/operator should also consider holding an open house or workshop. Wherever possible, the overseeing agency or facility owner/operator should provide similar information online (e.g., publishing fact sheets to its website, uploading video recordings of workshops, posting updates to social media)

### **RCRA FACILITY INVESTIGATION (RFI) – SITE CHARACTERIZATION**

A RCRA Facility Investigation, or RFI, is necessary when a release or potential release has been identified but additional information is required to determine the nature and scope of possible corrective actions. The purpose of an RFI is to characterize the nature and extent of contamination at the facility and to support selection and implementation of a remedy or, if necessary, interim measures.

#### ***Required Activities***

If corrective action is being conducted in the context of a RCRA permit, the public has the opportunity to review and comment on the scope of the RFI, and RFI schedules and conditions, during permit issuance. The RFI is usually conducted by following an agency-approved RFI plan. If the RFI plan is incorporated into a permit by a permit modification, then the public will have an opportunity to comment on the scope and schedule of the RFI during the modification process. Chapter 3 provides more information on public participation during the permit modification process.

If corrective action is being conducted under a § 3008(h) order, the public should be given the opportunity to review and comment on the scope of the RFI and RFI conditions when the order is issued or when the RFI work plan is approved.

RFIs can often involve numerous rounds of field investigation and can take months or even years to complete. During the RFI process, it may be necessary to change the RFI requirements or modify the RFI schedule to react to new information. When corrective action is being conducted in the context of a RCRA permit, the public has an opportunity to comment on changes to RFI conditions and schedules during the permit modification process. Significant changes to the scope of RFI requirements are typically considered Class 3 permit modifications, while changes to RFI schedules or investigatory details (e.g., a change in the number of samples to be collected in a given sampling area) are typically considered either Class 1 or Class 2 modifications, depending on their significance. When corrective action is being conducted under an order, the public's opportunities to review changes to RFI conditions and schedules should be consistent with the opportunities that are available under a permit. The facility mailing list, which ideally is developed during the initial stages of the permitting process or preparation of the corrective action order, should be used and updated throughout the corrective action process in order to keep members of the community informed. (See Chapter 5 and [Appendix B](#) for more information on facility mailing lists.) In addition to use of the physical mailing list, the overseeing agency or facility owner/operator may want to consider providing similar information online through its website or social media.

In some cases, (e.g., where there is a high level of public interest in corrective action activities), the overseeing agency will determine that an information repository is needed to ensure adequate public involvement. When corrective action is being conducted under a RCRA permit, the agency can require the facility to establish a repository under § 270.30(m). A repository at the RFI stage will provide access to information from an early stage in the process, though the agency has the discretion to use this provision at any stage in the permitting or corrective action process. If the agency decides to require a repository, it will direct the facility to notify the public of the existence of the repository, including the name and phone number of a contact person. The facility should consider supplementing all required notifications with Web-based information, such as social media posts or notifications on its website.

### Romic Environmental Technologies Corporation, East Palo Alto, California

**Use of creative communication methods:** This former hazardous waste management facility was demolished and was undergoing RCRA correction action. Creative community outreach methods included sponsoring a display booth at the local Cinco de Mayo festival and creating two videos about the site's cleanup that were aired on local news broadcasts.

### *Additional Activities*

The start of the RFI usually marks the beginning of highly visible, ongoing corrective action activities at a facility. Because RFI activities are so visible and many of the important decisions regarding the scope of potential corrective actions may be made during the RFI, it will generally be appropriate to reevaluate community concerns and the level of public participation, and to revise the public participation plan accordingly (see Chapter 5), when RFIs begin. Undertaking such efforts early in the process before community concerns and issues become overwhelming will be beneficial in the end.

One way to keep in touch with the community is to develop and distribute fact sheets throughout the RFI process. It is a good idea to issue a fact sheet before the RFI begins to explain the investigation's purpose and scope. Another fact sheet should be issued after the RFI is completed to report the investigation results. These fact sheets may also be made available online and through social media.

EPA encourages all facilities to make the results of the RFI readily available to interested stakeholders. This information could be distributed by sending a summary of the RFI report to the facility mailing list or through a fact sheet, project newsletter, social media, or website. The full report should be made available for review in an information repository, if one exists, or through some other method that is convenient for the interested public. The facility owner/operator should also provide notice to all adjacent landowners and other persons who may have been affected by releases of contamination via air or ground water from the facility. EPA recommends that the owner/operator follow the provisions in the 1990 proposal (proposed § 264.560(a) and (b)) for notifications for discoveries of contamination (see 55 FR 30882).

Informal meetings or workshops held by the facility, the permitting agency, or public interest groups can also provide valuable forums for discussing community concerns.

## INTERIM MEASURES

Interim actions are activities used to control or abate ongoing risks to human health or the environment at a facility in advance of final remedy selection. For example, interim actions may be required in situations where contamination poses an immediate threat to human health or the environment. They also may be required to prevent further environmental degradation or contaminant migration prior to implementing the final remedy. Interim actions may occur at any point in the corrective action process; however, they are often implemented during the RFI or CMS. In recent years, EPA has increasingly emphasized the importance of interim measures and site stabilization in the corrective action program. In the [1996 ANPR](#) for corrective action for SWMUs, EPA notes that an overriding goal in the management of the corrective action program is to help reduce risks by emphasizing early use of interim actions (while staying consistent with the environmental objectives at the facility).

### *Required Activities*

When corrective action is proceeding under a RCRA permit, the permit may identify specific interim measures or stabilization measures (if they are known at the time of permit issuance) or may have general conditions that govern when interim measures might be required during the course of the corrective action. In either case, the public can comment on the interim measures strategy in the draft permit as part of the permitting process.

When corrective action is proceeding under a § 3008(h) order, the public should have the opportunity to comment on specific interim measures or general interim measure conditions when the order is issued, or otherwise in a manner that is consistent with the opportunities available when corrective action takes place under a permit.

### *Additional Activities*

If a facility owner/operator or the permitting agency anticipates that an early interim action will be the only cleanup step taken over a significant period, then the facility or agency should inform the public of its plan. They should then receive feedback (e.g., via public meetings, written comments, a website, or social media), unless the immediacy of the situation does not allow for feedback. The facility and the agency should both announce a contact person to provide information and respond to inquiries about the action. Agencies and facilities may find Superfund guidance on removal actions useful in the RCRA context (see *Superfund Community Involvement Handbook*, Chapter 4).

It is a good idea to keep the public informed of such actions by issuing fact sheets, holding informal meetings, or posting updates online and to social media. Because interim measures can be conducted at any stage in the corrective action process, the facility may need to incorporate these activities into all stages of its public involvement program.

## **CORRECTIVE MEASURES STUDY (CMS) - EVALUATION OF REMEDIAL ALTERNATIVES**

When the need for corrective measures is verified, the facility may be required to perform a CMS to identify and evaluate potential remedial alternatives. In cases where the agency is using performance standards or a similar approach or where the preferred remedial alternative is obvious (e.g., where EPA has issued a presumptive remedy that is appropriate to site-specific conditions), submission of a formal CMS may not be necessary.

### ***Required Activities***

When corrective action is proceeding under a permit, the permit schedule of compliance may already include conditions that specify when a CMS is warranted; the public can comment on these draft permit conditions at the time of permit issuance. However, because the RFI and CMS phases may last several years depending on the complexity of the facility, the community may be frustrated by the length of time involved and the lack of information on results or findings. Significant changes to the scope of CMS requirements as specified in the permit may be considered Class 3 permit modifications requiring significant public involvement. Changes to the CMS schedule or CMS details are typically considered either Class 1 or 2 permit modifications.

Public participation during corrective action under a § 3008(h) order should be consistent with public participation under a permit. The public should have the opportunity to review and comment on the scope of the CMS and CMS conditions when the order is issued or when the CMS work plan is approved.

### ***Additional Activities***

In the [1996 ANPR](#) for corrective action for SWMUs, EPA emphasizes that it expects facility owners/operators to recommend a preferred remedy as part of the CMS. While there is no formal requirement for public participation at this time, EPA strongly encourages the facility to present its preferred remedy to the community before formally submitting it to the agency. The facility should seek community input through an informal meeting, availability session, social media, or another method that encourages dialogue. This early input is likely to improve many preferred remedies and make them more agreeable to communities. Moreover, it will make the facility and the overseeing agency aware of community concerns and ways to address them.

Holding workshops and informal public meetings about the CMS process, the remedies being considered, and the activities being conducted at the facility will keep the community involved and informed. Fact sheets distributed at significant milestones during the CMS can keep the community abreast of the progress that has been made. These fact sheets may also be made available online or through social media.

The agency and the facility should provide the name and telephone number of a contact person. A contact person will accept comments and answer questions from the community, disseminate information, demonstrate agency and facility willingness to talk with the community, and give the facility or the agency an opportunity to respond to public concerns. The agency or the facility may even consider establishing a dedicated hotline, website, or social media account to answer frequently asked questions.



The mailing list, local newspapers, and social media are good ways to advertise availability of the new hotline or Web-based forum.

### REMEDY SELECTION

Following receipt of a recommendation for a preferred remedy from the facility owner/operator, the overseeing agency will review the preferred remedy and other remedial alternatives and decide to tentatively approve the preferred remedy, tentatively select a different remedy, or require additional analysis of remedial alternatives. The tentatively selected remedy will then undergo public review and comment, usually in the form of a proposed modification to the facility's permit or corrective action order. Following public review, the agency will respond to public comments and then modify the facility permit or corrective action order to incorporate the remedy.

#### Delfasco Forge Facility, Grand Prairie, Texas

**Principles such as honesty, inclusion, and trust:** Trichloroethylene (TCE) from this facility contaminated the groundwater, and vapors migrated through the soil and into numerous homes. Much of the community engagement involved door-to-door visits with translators on weekends and at night to reach community members working multiple jobs. Through frequent contact EPA formed a strong relationship with the community, and staff members were even asked to stay for dinner at the homes of community members on occasion.

### Required Activities

When corrective action is proceeding under a permit, public review and comment on the tentatively selected remedy are generally conducted using the procedures of 40 CFR 270.41 for agency-initiated permit modifications. For such a modification, 40 CFR 270.41 requires the same level of public participation as is required for a draft permit. The agency must release the proposed modification for public review and issue a public notice announcing that release. The agency must publish this notice in a major local newspaper, broadcast it over local radio stations, and send it to all persons on the mailing list.

In addition, agency staff must prepare a fact sheet or statement of basis to explain the proposed modification and the significant factual and legal reasons for proposing the remedy. The statement of basis describes the proposed remedy, but does not select the final remedy for a facility. This approach allows for consideration of additional information during the public comment period. Following the comment period, public comment or additional data may result in changes to the remedy or in another choice of remedy. After the agency has considered all comments from the public, the final decision – selecting the remedy or determining the need to develop another option – is documented in the response to comments.

A 45-day public comment period on the draft permit modification follows publication of the public notice. The comment period provides the public with an opportunity to comment in writing on conditions contained in the draft permit modification. If information submitted during the initial comment period

appears to raise substantial new questions concerning the draft permit modification, the agency must re-open or extend the comment period.

The members of the public may request a public hearing on the draft permit modification. If a hearing is requested, the agency must give a 30-day advance notice to the community, stating the time and place of the hearing. The agency director has the discretion to schedule a public meeting or hearing even if the community does not request one. In some cases, scheduling a public hearing before the public requests one may save valuable time in the modification process and demonstrate a willingness to meet with the community to hear its questions and concerns.

After the public comment period closes, the agency must review and evaluate all written and oral comments and issue a final decision on the permit modification. Then the agency must send a notice of decision to the facility owner/operator and any persons who submitted public comments or requested notice of the final decision. The agency must also prepare a written response to comments. This document must include a summary of all significant comments received during the public comment period and an explanation of how they were addressed in the final permit modification or why they were rejected. The response to comments must be made available through the administrative record and the information repository. If one was established and must be sent to the facility and all persons who submitted comments or requested a copy of the response.

When corrective action is proceeding under a § 3008(h) order, EPA's longstanding policy is that the public's opportunity to review and comment on tentatively-selected remedies should be consistent with the opportunity that would be available if the corrective action were conducted under a permit. At a minimum, this opportunity should include: publishing a notice and a brief analysis of the tentatively-selected remedy (typically referred to as a statement of basis) and making supporting information available; providing a reasonable opportunity for submission of written comments; holding a public hearing or public meeting, if requested by the public or determined to be necessary by the overseeing agency; preparing and publishing responses to comments; and publishing the final remedy decision and making supporting information available. Additional guidance is available in [OSWER Directives 9901.3, Guidance for Public Involvement in RCRA Section § 3008\(h\) Actions \(May 5, 1987\)](#).

### ***Additional Activities***

The agency, public interest groups, or the facility should consider holding workshops or informal meetings during the public comment period to inform the public about the proposed remedy. These discussion sessions can be especially useful when information about corrective measures in a draft permit modification is complex or technical, or when the level of community concern is high.

### **(CMI) - REMEDY IMPLEMENTATION**

Once the overseeing agency modifies the permit or corrective action order to include the selected remedy, the facility must begin to implement the remedy. Remedy implementation typically involves detailed remedy design, remedy construction, and remedy operation and maintenance. It is referred to as Corrective Measures Implementation, or CMI. CMI is generally conducted in accordance with a CMI plan that has been approved by the overseeing agency.



### ***Required Activities***

When corrective action is proceeding under a permit, the public will have an opportunity to comment on CMI conditions and schedules during the permit modification for remedy selection or when the permit is modified to incorporate the CMI plan. Significant changes to the scope of CMI may be considered Class 3 permit modifications. Changes to the CMI schedule are typically considered either Class 1 or Class 2 permit modifications.

When corrective action is proceeding under a § 3008(h) order, the public's opportunity to comment on CMI conditions and schedules should be consistent with the opportunities that would be available if corrective action were taking place under a permit.

### ***Additional Activities***

Remedy implementation will often involve highly visible activities, such as the construction of new on-site treatment and containment systems or the staging and transportation of large volumes of materials. These activities may result in increased levels of public interest, which may already be high due to the public's participation in remedy selection.

EPA recommends that the facility notify all individuals on the facility mailing list when the construction plans and specifications are available for public review. If the facility has established an information repository, then the plans should go in the repository; otherwise, the facility should place the plans in a convenient location with public access. In addition, the facility should consider posting these plans online.

Because the corrective action process can take years to complete, additional public participation activities may be appropriate during CMI to inform the community of the progress of the remedial action, especially if the public shows concern over the pace or scope of the cleanup operations. In particular, it may be useful to release periodic fact sheets to the community that report on progress of the cleanup operations. It may be useful for the facility to establish a website, blog, or social media account where these updates may be posted. It may also be helpful to hold an availability session or open house near or at the facility to demonstrate or explain the activities involved in the remedy. To supplement these activities, or when onsite sessions are not feasible, the facility may also post photos or videos online to demonstrate progress at the site.

## **COMPLETION OF THE REMEDY**

Once corrective measures are complete, the overseeing agency will either terminate the corrective action order or modify the permit to remove the corrective action schedule of compliance. Decisions regarding completion of corrective measures can be made for an entire facility, for a portion of a facility, or for a specified unit or release. EPA policy is for the public to be given an opportunity to review and comment on all proposals to complete corrective action.

### ***Required Activities***

When corrective action is proceeding under a permit, proposals to complete corrective measures should follow the procedures for Class 3 permit modifications. See the section on Class 3 modifications in Chapter 3 for details.

When corrective action is proceeding under a § 3008(h) order and a proposal to complete corrective measures is issued, the public should have notice and comment opportunities that are consistent with the opportunities available under the Class 3 permit modification procedures.

### *Additional Activities*

In some cases, hazardous wastes or hazardous constituents will remain in or on the land after completion of corrective measures. When this occurs, the overseeing agency may require the facility to record a notation in the deed to the facility property regarding the types, concentrations, and locations of such waste or constituents.

#### **Pharmacia and Upjohn Company (now owned by Pfizer), New Haven,**

**Involving community members in redevelopment plans:** Pfizer worked closely with the community and implemented a stakeholder-driven reuse planning process that resulted in agreement to create an ecological preserve for the future site. Close collaboration with the Quinnipiac River Watershed Association, North Haven Land Trust, Yale University, and others resulted in numerous public meetings and two open houses at the site.

## CHAPTER 5: RCRA PUBLIC PARTICIPATION ACTIVITIES

### Introduction

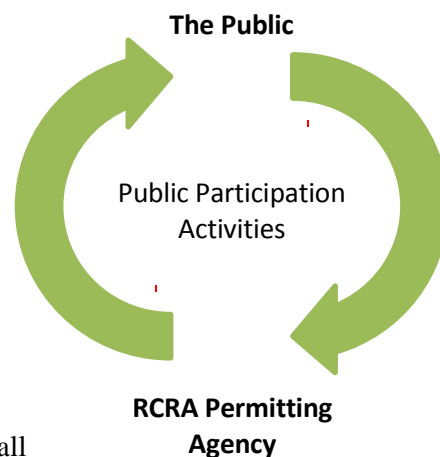
This chapter provides an overview of how to conduct a broad range of activities that permitting agencies, public interest groups, and facility owners/operators can use to promote public participation in Resource Conservation and Recovery Act (RCRA) processes. The discussion covers both public participation activities required by law, like public hearings and notices of decision, and optional supplementary activities, like exhibits, scheduled facility tours, and Web-based outreach. The variety of activities covered in this chapter should provide options for public participation to fit any community and RCRA process.

While many of these activities will be led by the permitting agency, all stakeholders can learn more about the different kinds of activities by reviewing this chapter. Moreover, the Environmental Protection Agency (EPA) would like to emphasize that this list is not exhaustive. Stakeholders should consult with each other to determine which of these, or any other public participation activities, best suit a particular situation.

This chapter begins with a discussion of public participation plans, which, while not required, can form the backbone for public participation activities throughout the RCRA process. Next, the chapter presents a series of tables that outline required and optional activities to facilitate public participation. For each activity, the exhibit describes the activity, notes the RCRA processes when the activity is most likely to be used, summarizes its required and/or recommended use, provides legal citations where applicable, and identifies additional resources. Please see Chapters 3 and 4 for more detailed discussion of the regulatory requirements. Refer to [Appendix B](#) for more detailed instructions on conducting each activity.

### Public Participation Plans

As described in Chapter 2, EPA strongly recommends the creation of public participation plans for RCRA facilities, although such plans are not required. Public participation plans, which are typically created by the permitting agency, serve as the agency's schedule and strategy for public participation during the initial permitting process, significant corrective actions, and other permitting activities at facilities receiving high levels of public interest. A public participation plan begins by assessing the level of community interest and the types and prevalence of community concerns regarding a RCRA facility. This assessment should be based on a variety of sources, possibly including community interviews, file searches, reviews of past media coverage, and community assessments completed by third parties. Based on this information, the plan then proposes specific activities to involve the community in the RCRA process.



For permitting activities and corrective actions that do not raise a high level of public interest in the community, the public participation plan may be a simple document outlining the regulatory requirements. Major permitting activities and other high-interest activities will require a more detailed plan with participation opportunities that exceed the requirements. The following sections describe the steps involved in creating a public participation plan in more detail.

### ASSESSING THE COMMUNITY

Before designing a public participation plan, the permitting agency should perform an extensive community assessment. Each community is different and has its own way of spreading information to interested people. Important institutions and groups will also vary from place to place, as will socioeconomic status, culture and traditions, political and religious activity, and values. Understanding these community characteristics is essential to facilitating successful public participation. Thus, community assessments should help agencies, facility owners/operators, and public interest groups identify public participation activities that are useful and meaningful for particular communities.

Public participation activities should fit the diversity, character, and culture of the affected community.

While community assessments are particularly important when creating public participation plans, they can also be useful at other points in the RCRA permitting and corrective action processes. Assessments are essential tools for facility owners/operators who are applying for RCRA permits (including interim status facilities), seeking major permit modifications, or undertaking significant corrective actions. Additionally, assessments may be appropriate at any stage during the life of a facility, especially in situations where the level of public interest seems to be changing. In some cases, permitting agencies and facility owners/operators have cooperated to conduct joint outreach activities. While the agency presence may make members of the community more comfortable than with representatives of the facility alone, EPA does not recommend such cooperation as a rule because other stakeholders could perceive that the agency is “taking sides.” Permitting agencies should use their discretion and maintain the agency’s proper role during any such activities.

In general, the permitting agency or facility should use community assessments to determine the level of public interest in a facility and the makeup and scope of the community segment most affected by the facility.

- **Determining the level of public interest:** While some RCRA processes do not generate much interest or concern among community members, others evoke strong interest and require a much greater public participation effort. This level of interest typically depends on factors like: (1) the type of RCRA action and its implications for public health and welfare; (2) the current relationships between the community, facility, regulatory agency, and other stakeholders; and (3) the larger economic and social context in which the RCRA action is taking place. By helping characterize the level of public interest in a RCRA action, the community assessment can help determine the appropriate level of public participation for the process. Exhibit 2-2 at the end of Chapter 2 provides a guide for determining whether public interest in a facility is likely to be low, medium, or high. Note, however, that while the guidelines in that exhibit can be useful as an early planning tool, agencies and facility owners/operators should be flexible and prepared for rapid changes in the level of public interest in a RCRA action.

- **Identifying the “affected” community:** Given practical limits to time and funding, public participation activities should focus first on people with a direct interest in a RCRA facility. It is often impossible to identify everyone who is directly affected by a RCRA action. However, they will typically live in the general vicinity of the facility, have the potential to be affected by releases to ground water, air, surface water or the local environment (e.g., through game, livestock or agriculture, or damage to natural areas), or live on or near roads that will have increased traffic from vehicles carrying hazardous waste. People residing a significant distance from the facility may have legitimate and important concerns, but EPA thinks it is reasonable to focus limited public participation resources on communities with direct interests. Community assessment activities can be crucial to identifying those segments of the community that will be most affected by a RCRA action.

### METHODS OF COMMUNITY ASSESSMENT

EPA recommends the following steps for gathering information about the community:

- Review newspaper articles and community publications (including Web-based publications) that relate to the RCRA action.
- Speak with colleagues or anyone who has worked with the community in the past.
- Contact local companies, universities, government agencies, civic groups, and public interest organizations.
- Research community websites.
- If there seems to be a high level of interest in the facility, conduct a broad range of community interviews including the facility’s immediate neighbors, members of community organizations, and any individuals who have expressed interest.

### PLANNING FOR PARTICIPATION

After identifying the major community concerns and pertinent community characteristics during the community assessment, the agency should draft the public participation plan. In general, this plan should fulfill the following elements of a public participation framework:

- Communicating with community members through mailing lists, interviews, online media, etc.
- Communicating with the media.
- Communicating with elected officials.
- Planning and conducting public participation events.
- Coordinating public participation with other stakeholder groups and community events.
- Preparing and distributing additional resources such as fact sheets, public notices, news releases, meeting handouts, presentations, and online or social media updates.

After identifying activities to fulfill each of these public participation duties, the agency should construct a strategy and schedule for implementing them. Creating a detailed schedule of planned public participation activities will both help staff ensure that they stay on track with public participation and let the public know what type of activities to expect throughout the RCRA process. The timeline for these activities should correspond to the completion of major steps in the RCRA process (e.g., application submittal, draft permit issuance, completion of the RCRA Facility Investigation (RFI)). These are the times community members are most likely to have new questions or concerns.

Although the permitting agency should take the lead in writing and revising the public participation plan, it should include input from other stakeholders. In particular, it may be useful for the agency to work with other stakeholders during plan development to find opportunities for future cooperation in public engagement activities. Such cooperation can be an effective way to implement public participation events on a limited budget.

Start early and plan ahead: public interest in a facility can grow rapidly and unexpectedly.

Whether or not the public is involved in creating the initial drafts of a public participation plan, the final plan should be made available to the public for comment. Encouraging this input will help get the public involved early in the RCRA process. The public's input may be a useful source for practical tips on how to tailor public participation events and communication methods to the community.

For more information on creating a public participation plan, see the "Public Participation Plans" section of [Appendix B](#).

### Other Required and Optional Public Participation Activities

The following exhibits describe a range of required and optional activities to facilitate public participation in RCRA processes. Exhibit 5-1 focuses on public notices, which serve as official announcements of proposed agency decisions or facility activities and are required at many points in the RCRA process. These notices should provide the public with an opportunity to comment on a proposed action and should represent a good faith effort to reach all segments of the affected community. Examples of public notices include: newspaper advertisements, newspaper inserts, notices in free publications or existing newsletters, public service announcements, broadcast announcements and advertisements, signs and bulletin boards, phone trees, and social media. Exhibit 5-2 describes other required public participation activities, and Exhibit 5-3 describes optional activities. For each activity, the exhibit describes the activity, outlines its required or recommended use, provides a legal citation if applicable, and identifies additional resources. [Appendix B](#) contains additional information on each of these activities.

Although the agency and facility should always seek to provide many opportunities for public participation, members of the public will sometimes offer unsolicited information via phone calls, letters, e-mail, social media posts, or office visits. While this type of information is not always asked for, it can be helpful. In particular, being attentive and receptive to unsolicited information can help improve the facility's outreach program and can in turn increase credibility. The "Unsolicited Information and Office Visits" section of [Appendix B](#) offers tips for how to respond effectively to unsolicited information.

### HOW TO CONSTRUCT A PUBLIC PARTICIPATION PLAN

EPA recommends that the public participation plan contain the following sections:

- Executive summary.
- Introduction/overview.
- Facility history.
- Description of the RCRA action.
- Summary of community interviews and concerns.
- Description of any early consultation (e.g., interviews with group leaders) that informed the plan.
- A list of the major issues likely to emerge during the RCRA process.
- An estimation of the level of public interest likely to be generated by the RCRA process.
- Public participation activities and schedule.
- A list of the agencies, groups, and key individuals most likely to be interested in the process.
- A list of key contacts.
- Information on meeting and repository locations, if applicable.



**Exhibit 5-1. Requirements and Recommendations for Public Notices**

STAKEHOLDER	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
Permitting agency	Permit issuance  Permit modification  Corrective action  Closure and post-closure of interim status facilities  Permitted and interim status combustion facilities	<p>The permitting agency must give official public notice:</p> <ul style="list-style-type: none"> <li>When issuing a draft permit, holding a public hearing, or granting an appeal, as a notice to all relevant units of federal and local government, the applicant, and facility mailing list, as local radio broadcast, and as a publication in a local newspaper (§ 124.10, § 124.12, § 124.19).</li> <li>If a modification request is granted or denied (§ 270.30).               <ul style="list-style-type: none"> <li>Class 1: as a notification to facility mailing list.</li> <li>Class 2 or 3 (including automatic Class 2): as a notification to facility mailing list and notice to all relevant units of state and local government.</li> </ul> </li> <li>During the trial burn stage at permitted and interim status combustion facilities (§ 270.62(b) and (d), § 270.66(d)(3) and (g)).</li> <li>When an interim status facility undergoes closure or post-closure (§ 265.112(d)(4), § 265.118(f)).</li> </ul>	<ul style="list-style-type: none"> <li>EPA recommends seeking community input to determine which information pathways will be most effective for giving public notice.</li> <li>The permitting agency may also want to use public notices when it is establishing mailing lists or at other points throughout RCRA processes.</li> <li>In addition to required public notices, the agency or facility owner/operator may want to issue notices online (e.g., via email, websites, or social media).</li> </ul>	<a href="#">Public notice description from Superfund toolkit</a>  <a href="#">Sample public notice of permit issuance</a>  <a href="#">Sample public comment notice</a>  <a href="#">Sample RCRA public notices from EPA Region 3</a>  <a href="#">Sample RCRA public notices from EPA Region 4</a>  “Public Notices” and “Introductory Notices” sections of <a href="#">Appendix B</a>
Prospective permit applicant	Permit issuance	<p>A prospective permit applicant must issue a public notice (§ 124.31):</p> <ul style="list-style-type: none"> <li>To announce the pre-application meeting, as a display advertisement in a general circulation newspaper, a sign near the facility, and as a broadcast media announcement.</li> </ul>		

STAKEHOLDER	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
Facility owner/operator	Permit modification  Corrective action	<p>The owner/operator of a facility must issue a public notice:</p> <ul style="list-style-type: none"> <li>• For permit modifications (§ 270.42): <ul style="list-style-type: none"> <li>- Class 1: as a notification to facility mailing list.</li> <li>- Class 2: as a notification to facility mailing list and a newspaper notice.</li> <li>- Class 3: as a notification to facility mailing list and a newspaper notice.</li> </ul> </li> <li>• As specified by the permitting agency if the facility is required to create an information repository (§ 124.33).</li> </ul>		

**Exhibit 5-2. Required Public Participation Activities**

ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<p>Mailing Lists</p> <p><i>Mailing lists can serve as important databases and tools for communication with the public.</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>The permitting agency must establish and maintain the facility mailing list (§ 124.10(c)(1)(ix)).</li> <li>The agency must develop the list by (§ 124.10(c)(1)(ix)):               <ol style="list-style-type: none"> <li>Including people who request in writing to be on the list.</li> <li>Soliciting persons for “area lists” from participants in past permit proceedings in that area.</li> <li>Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional- and state-funded newsletters, environmental bulletins, or state law journals.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>The permitting agency should develop the mailing list as soon as possible during the pre-application stage.</li> <li>The mailing list should be updated at the beginning of corrective action and permit modification procedures.</li> <li>The mailing list should include concerned community members; elected officials; appropriate federal, state, and local government contacts; local media; environmental groups; civic, religious, and community organizations; facility employees; and local businesses.</li> <li>Anytime information is distributed to the mailing list, it may also be useful to post the information online or distribute via social media.</li> </ul>	<p><a href="#">Mailing list description from Superfund toolkit</a></p> <p>“Mailing Lists” section of <a href="#">Appendix B</a></p>
<p>Contact Persons/ Offices</p> <p><i>The contact person or office is responsible for responding to inquiries from the public and the media.</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p> <p>Permitted and interim status combustion facilities</p>	<ul style="list-style-type: none"> <li>The permitting agency must designate a contact office for the agency and a facility contact in most public notices, including:               <ul style="list-style-type: none"> <li>For draft permits (§ 124.10(d)).</li> <li>For notices of intent to deny a permit (§ 124.10(d)).</li> <li>For modifications initiated by the permitting agency (§ 270.41).</li> <li>For notices of application submittal (§ 124.32(b)).</li> <li>During the trial burn stage at permitted and interim status combustion facilities (§ 270.62(b) and (d); 270.66(d)(3) and (g)).</li> </ul> </li> <li>A permit applicant must provide a contact person for the facility in the public notice for the pre-application meeting (§ 124.31).</li> <li>The facility must provide public notice that includes a contact at both the agency and facility when requesting a Class 2 or 3 permit modification (§ 270.42(b) and (c)).</li> </ul>	<ul style="list-style-type: none"> <li>While the permitting agency is only required to designate a contact office, specifying a contact person and maintaining that person throughout the entire process may create more public trust.</li> <li>Organizations should consider distributing lists of contact persons who are responsible for answering questions on certain topics.</li> <li>The contact person should also consider creating forums to receive inquiries online or via social media (e.g., e-mail address, website, social media account).</li> </ul>	<p><a href="#">Guidance on the use of a spokesperson/ contact person from Superfund toolkit</a></p> <p>“Contact Persons/ Offices” section of <a href="#">Appendix B</a></p>

ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<p>Fact Sheets / Statements of Basis</p> <p><i>Fact sheets and statements of basis summarize the status of a permit application or corrective action, explaining the relevant factual, legal, methodological, and policy concern (§ 124.8).</i></p> <p><i>Statements of basis are typically shorter than fact sheets and summarize the basis for a decision by the agency, particularly in the corrective action program (§ 124.7).</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>The permitting agency is required to develop a fact sheet or a statement of basis (§ 124.8): <ul style="list-style-type: none"> <li>To accompany a draft permit.</li> <li>For draft decisions on Class 3 modifications and agency-initiated permit modifications.</li> <li>For any major hazardous waste management facility, or facility that raises significant public interest.</li> </ul> </li> <li>RCRA permit fact sheets must contain (§ 124.8): <ul style="list-style-type: none"> <li>A description of the type of facility or activity that is the subject of the draft permit.</li> <li>The type and quantity of wastes covered by the permit.</li> <li>A summary of the basis for the draft permit conditions and reasons that alternatives to the proposed standards are or are not justified.</li> <li>A description of the procedures for reaching a final decision, including start and end dates for the public comment period, an address where comments can be sent, and procedures for requesting a public hearing.</li> <li>Contact information for additional information.</li> </ul> </li> <li>The permitting agency must create a statement of basis for every draft permit for which a fact sheet is not prepared (§ 124.7).</li> </ul>	<ul style="list-style-type: none"> <li>While not required, fact sheets and statements of basis can be helpful: <ul style="list-style-type: none"> <li>a) During technical review of the permit application.</li> <li>b) At the beginning of the RFI.</li> <li>c) When RFI findings are available.</li> <li>d) When corrective action is completed.</li> <li>e) When the notice of decision is released.</li> </ul> </li> <li>It is particularly useful to distribute fact sheets prior to a public meeting or public hearing.</li> <li>The permitting agency may also develop informal fact sheets that explain complicated aspects of the permitting process or provide technical information in simple language.</li> <li>Statements of basis for corrective actions should: <ul style="list-style-type: none"> <li>a) Reference the RFI and CMS reports.</li> <li>b) Summarize the environmental conditions at the facility as determined during the RFI.</li> <li>c) Identify the proposed corrective action.</li> <li>d) Describe the remedial alternatives evaluated and give a brief analysis that supports the proposed remedy.</li> </ul> </li> </ul>	<p><a href="#">Guidance on fact sheets from Superfund toolkit</a></p> <p><a href="#">“RCRA Corrective Action: Statement of Basis and Response to Comments Decision Documents” from U.S. Department of Energy Office of Environmental Policy and Guidance</a></p> <p><a href="#">Sample permit modification fact sheet</a></p> <p><a href="#">Sample fact sheets from EPA Region 3</a></p> <p><a href="#">Sample statements of basis from EPA region 3</a></p> <p>“Fact Sheets/ Statements of Basis” section of <a href="#">Appendix B</a></p>

ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<p>Public Meetings</p> <p><i>Public meetings are opportunities for informal, two-way communication between the public and the permitting agency or facility. Unlike public hearings, public meetings can be attended by anyone, have no formal time limits on statements, and usually allow the permitting agency and/or facility to answer questions.</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>• Permit applicants are required to conduct a pre-application meeting, which can take the form of a public meeting (§ 124.31). Refer to the discussion in Chapter 3 for more information on alternative formats for this meeting.</li> <li>• Permit holders must hold public meetings when requesting a Class 2 or 3 permit modification (§ 270.42(b) and (c)).</li> </ul>	<ul style="list-style-type: none"> <li>• Public meetings can sometimes complement public hearings, particularly by allowing informal discussion before a public hearing.</li> <li>• While the permitting agency or facility typically calls the public meeting, civic, environmental, and community organizations can do the same.</li> </ul>	<p><a href="#">Guidance on public meetings from Superfund toolkit</a></p> <p>“Public Meetings” section of <a href="#">Appendix B</a></p>

ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<b>Public Hearings</b> <i>Public hearings are opportunities for the public to provide formal comments and oral testimony on proposed agency actions, occasionally prefaced by introductory information from the permitting agency. All testimony becomes part of the public record.</i>	Permit issuance Permit modification Corrective action Closure and post-closure of interim status facilities	<ul style="list-style-type: none"> <li>Public hearings are required if requested by the public or if it might clarify relevant issues during:               <ul style="list-style-type: none"> <li>The draft permit stage (§ 124.11, § 124.12).</li> <li>An agency-initiated modification (§ 270.41).</li> <li>A Class 3 permit modification (§ 270.42(c)(6)).</li> <li>Closure or post-closure of interim status facilities (§ 265.112(d)(4) and § 265.118(f)).</li> </ul> </li> <li>Hearings must have at least 30-day advance notice.</li> </ul>	<ul style="list-style-type: none"> <li>Public hearings may also be appropriate and useful at other times, particularly if there is a high level of community concern.</li> <li>Consider informing the community of the hearing by posting a notice online or on social media.</li> </ul>	“Public Hearings” section of <a href="#">Appendix B</a>
<b>Public Comment Periods</b> <i>Public comment periods are designated periods in which individuals can formally review and comment on the agency’s or facility’s proposed action or decision.</i>	Permit issuance Permit modification Corrective action Closure and post-closure of interim status facilities	<ul style="list-style-type: none"> <li>Public comment periods are required:               <ol style="list-style-type: none"> <li>Whenever the permitting agency issues a draft permit or an intent to deny a permit, with a duration of at least 45 days (§ 124.10).</li> <li>For requests for Class 2 and 3 permit modifications, with a duration of at least 60 days (§ 270.42).</li> <li>For agency-initiated permit modifications, with a duration of at least 45 days (§ 270.41, § 124.10).</li> <li>During closure and post-closure for interim status facilities, with a duration of 30 days (§ 265.112(d)(4), § 265.118(f)).</li> </ol> </li> <li>Comment periods cannot begin until public notice is given. These notices should include the comment period’s start and end dates and information on where interested parties should send comments and/or requests for a public hearing (§ 124.10).</li> </ul>	<ul style="list-style-type: none"> <li>EPA recommends that the permitting agency announce the public comment period in a local newspaper of general circulation and on local radio stations; websites, blogs, social media, and other online resources may be useful as supplemental means of notification.</li> </ul>	<a href="#">Guidance on public comment periods from Superfund toolkit</a> “Public Comment Periods” section of <a href="#">Appendix B</a>

ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<p>Response to Comments</p> <p><i>A response to comments document briefly describes and responds to all significant comments on the draft permit that were received during the public comment period, as well as identifying all provisions of the draft permit or modification that were changed and the reasons for those changes (§ 124.17).</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>The permitting agency must prepare a response to comments: <ul style="list-style-type: none"> <li>When it issues a final permit decision (§ 124.17).</li> <li>When making final decisions on requested Class 2 and 3 permit modifications and agency-initiated permit modifications (§ 270.41, § 270.42).</li> </ul> </li> <li>Response to comments documents must be sent to the facility owner/operator and each person who submitted written comments or requested notice of the final permit decision (§ 124.17).</li> <li>All documents cited and new points raised in the response to comments must be included in the administrative record for the final permit decision (§ 124.17).</li> </ul>	<ul style="list-style-type: none"> <li>The response to comments should also include a summary of public participation in the project and of the extent to which community members' views informed decisions and project design.</li> </ul>	<p><a href="#">“RCRA Corrective Action: Statement of Basis and Response to Comments Decision Documents” from U.S. Department of Energy Office of Environmental Policy and Guidance</a></p> <p>“Response to Comments” section of <a href="#">Appendix B</a></p>
<p>Notices of Decision</p> <p><i>A notice of decision presents the permitting agency’s decision regarding permit issuance, denial, or modification to include corrective action.</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>The permitting agency must issue a notice of decision to accompany a final permit decision for a facility, a Class 3 modification decision, and a corrective action final remedy selection (§ 124.15).</li> <li>The agency should send this notice to (§ 124.15): <ul style="list-style-type: none"> <li>a) The facility owner/operator (permit applicant).</li> <li>b) Any person who submitted written comments or requested notice of the final permit decision.</li> </ul> </li> <li>The notice must include a summary of the procedures for appealing the decision (§ 124.15).</li> </ul>	<ul style="list-style-type: none"> <li>Consider announcing the availability of the notice online or through social media, if appropriate.</li> </ul>	<p>“Notices of Decision” section of <a href="#">Appendix B</a></p>



ACTIVITY	RELEVANT RCRA PROCESSES	REGULATORY REQUIREMENTS	OTHER RECOMMENDATIONS FOR USE	ADDITIONAL RESOURCES
<p>Information Repositories</p> <p><i>An information repository is a collection of documents related to a permitting activity or corrective action that is accessible to the public.</i></p>	<p>Permit issuance</p> <p>Permit modification</p> <p>Corrective action</p>	<ul style="list-style-type: none"> <li>While information repositories are not universally required of facilities, EPA regulations authorize the permitting agency to require a facility to create a repository during the permitting process (§ 124.33) or during the active life of the facility (§ 270.30).</li> </ul>	<ul style="list-style-type: none"> <li>The permitting agency should assess the need for a repository based on the level of public interest, the type of facility, and the presence of an existing repository.</li> <li>The permit applicant or permittee may select the location for the repository, as long as it is accessible to the public. The permitting agency will determine which documents the facility should include in the repository.</li> <li>The applicant may find it useful to post the information in the repository online.</li> </ul>	<p><a href="#">Guidance on information repositories from Superfund toolkit</a></p> <p>“Information Repositories” section of <a href="#">Appendix B</a></p>

**Exhibit 5-3. Optional Public Participation Activities for Use at Various Stages of the RCRA Process**

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<p>Community Interviews</p> <p><i>Community interviews are informal, face-to-face or telephone interviews held with local community members, elected officials, community groups and other individuals to acquire information on their concerns and attitudes about a facility.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of community interviews as part of the community assessment, which usually takes place at the beginning of the permitting process, before major modifications, and before significant corrective actions.</li> <li>Interviews allow agencies, facility owners/operators, and public interest groups to tailor regulatory requirements and additional activities to fit the needs of particular communities.</li> <li>It is particularly important to use community interviews if a facility or action is controversial or has the potential to receive high levels of public interest.</li> <li>Interviewees could include state and local agency staff and elected officials, representatives of community groups, area community members, local business representatives, local civic groups, neighborhood associations, educational and religious organizations, or nearby landowners and businesses.</li> <li>Consider notifying interviewees when the public participation plan is available online.</li> </ul>	<p><a href="#">Guidance on community interviews from Superfund toolkit</a></p> <p>“Community Interviews” section of <a href="#">Appendix B</a></p>
<p>Community Advisory Groups (CAG)</p> <p><i>A CAG is a board of stakeholders that meets routinely to discuss issues involving a particular facility. CAGs typically advise the facility owner/operator or the permitting agency on RCRA activities.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of CAGs to promote direct, two-way communication among the community, the permitting agency, and the facility, and in particular to provide a voice for affected community members and groups.</li> <li>A CAG can be formed at any point in the permitting or corrective action process, but may be most effective in the early stages.</li> <li>CAGs may or may not be appropriate in every situation, depending on the following factors:               <ol style="list-style-type: none"> <li>The level of community interest and concern about the facility.</li> <li>Community interest in forming a CAG.</li> <li>The existence of groups with competing agendas in the community.</li> <li>EJ issues or concerns.</li> <li>The history of community involvement with the facility, or with environmental issues in general.</li> <li>The working relationship between the facility, the community, and the permitting agency.</li> </ol> </li> <li>While RCRA regulations do not require the use of advisory groups, 40 CFR 25.7 outlines standards for advisory groups if they are used.</li> </ul>	<p><a href="#">Guidance on Community Advisory Groups from Superfund toolkit</a></p> <p>“Community Advisory Groups” section of <a href="#">Appendix B</a></p>
<p>Telephone Calls with Specified Stakeholders</p> <p><i>Telephone calls can be used to gather information about the community and to update state and local</i></p>	<ul style="list-style-type: none"> <li>Telephone calls may be useful:               <ol style="list-style-type: none"> <li>In the early stages of the RCRA actions to identify key officials, community members, and other stakeholders who have a high interest in the facility.</li> <li>To gather information when face-to-face community interviews are not possible.</li> <li>When new and time-sensitive material becomes available.</li> </ol> </li> </ul>	<p>“Telephone Calls with Specified Stakeholders” section of <a href="#">Appendix B</a></p>

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<i>officials and other interested parties on the status of permitting or corrective action activities.</i>	d) When there is a high level of community interest in the facility and it is important to keep key players informed.	
<p>Informal Meetings with Other Stakeholders</p> <p><i>Informal meetings are meetings with individual stakeholder groups that have particular interest in a permitting activity. They are held in an informal setting, like a community member's home or a local meeting place.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends informal meetings with stakeholders as a way to discuss community issues and concerns first-hand and to give community members the opportunity to ask questions in a comfortable setting.</li> <li>Informal meetings are particularly useful: <ul style="list-style-type: none"> <li>a) When the level of knowledge about particular issues varies widely among community members.</li> <li>b) When the level of tension is high, and large meetings may not be appropriate.</li> <li>c) When the community needs more personal contact to establish trust in the organization or in the process.</li> <li>d) When groups want to discuss specific issues in which the community as a whole is not interested.</li> </ul> </li> </ul>	<p><a href="#">Guidance on informal activities from Superfund toolkit</a></p> <p>“Informal Meetings with Other Stakeholders” section of <a href="#">Appendix B</a></p>
<p>Focus Groups</p> <p><i>Focus groups are small discussion groups selected either to be random or to approximate the demographics of the community. The groups are typically led by a trained moderator who draws out people's reactions to a RCRA process.</i></p>	<ul style="list-style-type: none"> <li>Facility owners/operators may want to use focus groups as a complement to interviews during the community assessment or at the time of other important activities during the life of the facility.</li> <li>The permitting agency should consider using focus groups to gauge public opinion before permitting activities or corrective action.</li> </ul>	<p><a href="#">Guidance on focus groups from Superfund toolkit</a></p> <p>“Focus Groups” section of <a href="#">Appendix B</a></p>
<p>Facility Tours</p> <p><i>Facility tours are scheduled trips to the facility for media representatives, local officials and community members during which technical and public outreach staff can answer questions.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of facility tours to help familiarize the media, local officials, and community members with the issues and operations at a facility and the RCRA-regulated process underway.</li> <li>Facility tours should only be hosted when it is practical and safe to have people on facility grounds. Tours must comply with facility safety regulations. When such a tour is not practical, virtual tours or videos showing activity and operations at the facility may be posted online.</li> </ul>	<p><a href="#">Guidance on on-site activities from Superfund toolkit</a></p> <p>“Facility Tours” section of <a href="#">Appendix B</a></p>
<p>Observation Decks</p> <p><i>An observation deck is an elevated deck on the facility property that allows viewers to observe facility activities or corrective actions directly.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the construction of observation decks when: <ul style="list-style-type: none"> <li>a) The level of community interest or concern in the facility is high.</li> <li>b) The community's understanding of facility operations will be enhanced by direct observation.</li> <li>c) It is physically possible to construct a deck in a safe and suitable location.</li> <li>d) Staff is available to supervise public use of the deck and answer questions.</li> </ul> </li> <li>If it is not feasible to construct an observation deck, consider posting photos or videos of the facility to a publicly accessible website.</li> </ul>	<p><a href="#">Guidance on on-site activities from Superfund toolkit</a></p> <p>“Observation Decks” section of <a href="#">Appendix B</a></p>

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<p><b>On-Scene Information Offices</b></p> <p><i>An on-scene information office is a trailer, small building, or office on or near the facility. Someone capable of responding to inquiries and preparing information releases should always staff this office.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of an on-scene information office: <ul style="list-style-type: none"> <li>a) When there is moderate to high community interest in the site.</li> <li>b) During corrective actions.</li> <li>c) When cleanup involves complex technologies.</li> <li>d) When the community perceives a high level of health risk.</li> <li>e) When activities may disrupt the area surrounding the facility (e.g. traffic patterns).</li> <li>f) When the area around the facility is densely populated.</li> </ul> </li> <li>The on-scene staff person should support the telephone hotline or Web-based forum and serve as the primary liaison between the public and the RCRA process.</li> </ul>	<p>“On-Scene Information Offices” section of <a href="#">Appendix B</a></p>
<p><b>Briefings</b></p> <p><i>Briefings are in-person informational sessions with key stakeholders, such as elected officials and members of public interest or environmental groups that have been involved in the process.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of briefings: <ul style="list-style-type: none"> <li>a) To inform key stakeholders about the status of a permit application or corrective action.</li> <li>b) To provide stakeholders with materials like technical studies, results of technical and community assessments, and engineering designs.</li> </ul> </li> <li>Briefing key stakeholders is particularly important if an upcoming action might be controversial.</li> </ul>	<p>“Briefings” section of <a href="#">Appendix B</a></p>
<p><b>Translations</b></p> <p><i>Translations provide written or oral information in a foreign language to a community with a significant number of community members who are not proficient in English.</i></p>	<ul style="list-style-type: none"> <li>EPA strongly recommends using multilingual fact sheets, notices and other information as appropriate to provide equal access to information throughout the RCRA process.</li> <li>Translations should also be used for information posted to websites and social media.</li> </ul>	<p><a href="#">Guidance on translation services from Superfund toolkit</a></p> <p><a href="#">Guidance on cross-cultural communication from Superfund toolkit</a></p> <p>“Translations” section of <a href="#">Appendix B</a></p>
<p><b>Project Newsletters and Reports</b></p> <p><i>Project newsletters and reports can keep interested people informed about corrective action and permitting activities at a level of detail that is not available from the news media.</i></p>	<ul style="list-style-type: none"> <li>Newsletters should provide regular updates on the RCRA process and actions taking place at the facility in a reader-friendly, news-based format.</li> <li>Project reports may include official technical reports or other environmental studies related to a facility.</li> <li>These documents should be sent directly an updated mailing list of interested stakeholders, as well as posted online or on social media.</li> </ul>	<p><a href="#">Sample project newsletter</a></p> <p>“Project Newsletters and Reports” section of <a href="#">Appendix B</a></p>
<p><b>Presentations</b></p> <p><i>Presentations are speeches, panel discussions, videos or slide shows held for local clubs, civic or religious organizations, school classes, or</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of presentations at any time during the RCRA process. EPA particularly recommends this when a major milestone in the process is reached.</li> <li>Presenters should use visual aids and should provide sufficient time for questions and</li> </ul>	<p><a href="#">Guidance on presentations from Superfund toolkit</a></p>

## Chapter 5: RCRA Public Participation Activities

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<i>concerned community groups to provide a description of current RCRA activities.</i>	<p>answers following the presentation.</p> <ul style="list-style-type: none"> <li>• Presentations may be posted on relevant websites or social media accounts to promote the public's knowledge of the project.</li> </ul>	<p><a href="#">Guidance on videos from Superfund toolkit</a></p> <p>"Presentations" section of <a href="#">Appendix B</a></p>
<p>Exhibits</p> <p><i>Exhibits are visual displays like maps, charts, diagrams, photographs, or computer displays that explain topics such as RCRA processes, hazardous waste health risks, or proposed corrective actions, among others.</i></p>	<ul style="list-style-type: none"> <li>• EPA recommends the use of exhibits to present information in an accessible and understandable way. Exhibits can be particularly useful when the information can be conveyed visually, when a display can enhance other forms of information being presented, or when staff time is limited and the audience is large.</li> <li>• Because of their visual nature, exhibits are also well suited for posting online or distributing through social media.</li> </ul>	<p><a href="#">Guidance on exhibits from Superfund toolkit</a></p> <p>"Exhibits" section of <a href="#">Appendix B</a></p>
<p>Information Tables</p> <p><i>An information table is a table or booth set up at a meeting, hearing, or other event that is staffed by at least one person who is prepared to answer questions.</i></p>	<ul style="list-style-type: none"> <li>• Information tables should be stocked with pamphlets, fact sheets, brochures, or other materials, along with a sign-up sheet for interested people to add their names to the facility mailing list. Exhibits are also helpful additions to information tables.</li> <li>• Information tables are most useful at local events that will attract a significant portion of the community.</li> </ul>	<p>"Information Tables" section of <a href="#">Appendix B</a></p>
<p>Workshops</p> <p><i>Workshops are seminars or gatherings of small groups of people (usually between 10 and 30), led by a small number of specialists. In workshops, community members have an opportunity to comment on and ask questions about RCRA processes and hazardous waste issues.</i></p>	<ul style="list-style-type: none"> <li>• EPA recommends the use of workshops to improve public understanding of permit conditions or hazardous waste problems and to identify primary community member concerns.</li> <li>• Workshops are particularly useful when the RCRA process involves technically challenging material.</li> <li>• Workshops may be useful before formal public hearings or during public comment periods.</li> <li>• Information from the workshop (e.g., videos of presentations, fact sheets) should be posted online or on social media.</li> </ul>	<p><a href="#">Guidance on workshops from Superfund toolkit</a></p> <p>"Workshops" section of <a href="#">Appendix B</a></p>
<p>Availability Sessions/Open Houses</p> <p><i>Availability sessions and open houses are informal meetings in a public location where people can talk to involved officials one-on-one.</i></p>	<ul style="list-style-type: none"> <li>• In some cases, availability sessions and open houses can fulfill the pre-application requirements in § 124.31.</li> <li>• EPA recommends the use of availability sessions and open houses:               <ol style="list-style-type: none"> <li>a) When community members' schedules make it difficult to schedule meetings.</li> <li>b) When community members have widely varying interests or levels of knowledge.</li> <li>c) When an informal setting would enhance credibility with the community.</li> <li>d) When large crowds will make it difficult for some community members to raise questions.</li> </ol> </li> <li>• The availability session, or open house, can involve representatives from all interested organizations (e.g., agency officials, facility staff, and leaders of civic organizations) and should be well stocked with exhibits and other explanatory materials.</li> </ul>	<p><a href="#">Guidance on public availability/poster sessions from Superfund toolkit</a></p> <p>"Availability Sessions/ Open Houses" section of Appendix B</p>

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<p>Question and Answer Sessions</p> <p><i>Question and answer sessions give stakeholders an opportunity to discuss RCRA actions with knowledgeable staff.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends the use of question and answer sessions to accompany presentations, briefings, or meetings.</li> <li>Be sure to follow up by phone, e-mail, or letter for any questions that staff was not able to answer during the session.</li> </ul>	<p>“Question and Answer Sessions” section of <a href="#">Appendix B</a></p>
<p>Telephone Hotlines and Web-Based Forums</p> <p><i>A telephone hotline is a toll-free or local number that people can call to ask questions and obtain information on RCRA activities. Web-based forums may include websites or social media accounts that are similarly dedicated to receiving and answering questions from the public.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends establishing a dedicated telephone hotline, website, or social media account when there is moderate or high community interest in the RCRA process, when literacy rates are low and written information must be supplemented, or when the community is isolated has little opportunity for face-to-face contact with project staff.</li> <li>The resource could be semi-permanent (i.e., available throughout the permit review or corrective action process) or temporary, for a single period of major community feedback.</li> <li>Announce the resource in news releases to local newspapers, radio stations, and television stations, and in fact sheets, public notices, websites, social media posts, etc.</li> </ul>	<p><a href="#">Guidance on telephone use from Superfund toolkit</a></p> <p>“Telephone Hotlines and Web-Based Forums” section of <a href="#">Appendix B</a></p>
<p>Door-to-Door Canvassing</p> <p><i>Door-to-door canvassing is a way to collect and distribute information by calling on community members individually.</i></p>	<ul style="list-style-type: none"> <li>EPA recommends going door-to-door when there is a high level of concern about the site, when scheduling group events is difficult, when the community has a low literacy rate or primarily speaks a language other than English, or when there is an emergency situation.</li> <li>While going door-to-door, canvassers should provide fact sheets or other materials.</li> <li>Be sure to canvass at a time when community members are likely to be at home, and bring a translator if a significant proportion of the population does not speak English.</li> </ul>	<p><a href="#">Guidance on going door-to-door from Superfund toolkit</a></p> <p>“Door-to-Door Canvassing” section of Appendix B</p>
<p>Surveys and Polls</p> <p><i>Surveys and polls are designed to solicit specific types of feedback from a targeted audience. Surveys can be either oral or written, and they can be distributed either to specific segments of the community or to representative samples.</i></p>	<ul style="list-style-type: none"> <li>Facility owners/operators and the permitting agency may want to use surveys and polls to: <ul style="list-style-type: none"> <li>a) Gauge public sentiment about constructing or expanding a facility, particularly at facilities that may be controversial.</li> <li>b) As a complement to direct community interviews.</li> <li>c) To determine if community members are receiving enough information about the RCRA activity.</li> </ul> </li> <li>Note that federal agencies are limited in their use of surveys by the Paperwork Reduction Act. Similar constraints may exist at the state level.</li> <li>Social media and other websites can also be used to conduct the survey or poll.</li> </ul>	<p>“Surveys and Polls” section of <a href="#">Appendix B</a></p>

ACTIVITY	RECOMMENDED USE	ADDITIONAL RESOURCES
<p>News Releases and Press Kits</p> <p><i>News releases are statements sent to the news media to make announcements regarding RCRA facilities. Press kits are packets of information distributed to news media by an organization.</i></p>	<ul style="list-style-type: none"> <li>• EPA recommends the use of news releases to disseminate information to large groups of people quickly.</li> <li>• News releases can be used to announce significant program milestones or delays, to increase public interest in a facility, to announce the subject, time, and place of a public meeting, or in response to growing public or media interest, for example.</li> <li>• News releases should also be posted online or distributed via social media.</li> <li>• Press kits can take many forms, including a physical folder of information, an e-mail with files attached, or a Web link, for example.</li> </ul>	<p><a href="#">Guidance on media from Superfund toolkit</a></p> <p>“News Releases and Press Kits” section of <a href="#">Appendix B</a></p>
<p>News Conferences</p> <p><i>News conferences are information sessions or briefings held for representatives of the news media or the public.</i></p>	<ul style="list-style-type: none"> <li>• EPA recommends the use of news conferences as a way to provide all interested local media and members of the public with accurate information concerning important developments during a RCRA-regulated process.</li> <li>• News conferences are particularly useful as a way to disseminate time-sensitive information. They are also useful when staff are well prepared to answer questions.</li> <li>• To maximize information sharing, information and video clips from the conference may be posted online or shared via social media.</li> </ul>	<p><a href="#">Guidance on media from Superfund toolkit</a></p> <p>“News Conferences” section of <a href="#">Appendix B</a></p>
<p>Attending Other Stakeholder Meetings and Functions</p> <p><i>Permitting agencies, facilities, local governments, environmental organizations, and religious and civic groups may all hold meetings during RCRA processes. Involved stakeholders can make an effort to attend other groups’ meetings.</i></p>	<ul style="list-style-type: none"> <li>• EPA encourages all stakeholders in RCRA processes to attend meetings held by other stakeholders, which can help provide useful insight into others’ opinions and concerns.</li> <li>• Confirm that meetings are open to visitors and inform the host organization of expected attendance. Consider bringing fact sheets or other information to provide upon request.</li> </ul>	<p><a href="#">Guidance on partnering from Superfund toolkit</a></p> <p><a href="#">Guidance on local resources from Superfund toolkit</a></p> <p>“Attending Other Stakeholder Meetings and Functions” section of <a href="#">Appendix B</a></p>



## APPENDICES

---

### **Appendix A: Environmental Justice Public Participation Checklist**

### **Appendix B: Checklists for Public Participation Activities**

## APPENDIX A: ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST FOR GOVERNMENT AGENCIES

---

The following checklist was developed by federal agencies for use by government agencies. It serves as an example process to be followed and does not include regulatory requirements. Please contact the Environmental Protection Agency, Office of Environmental Justice for more information about the public participation process within the regulatory framework.

- 1) Ensure that the Agency's public participation policies comply with the requirements of the Freedom of Information Act; Emergency Planning and Community Right to Know Act; National Environmental Policy Act; Administrative Procedures Act; Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; Toxic Substances Control Act; Federal Insecticide, Fungicide, and Rodenticide Act.
- 2) Obtain the support of senior management to ensure that the Agency's policies and activities are modified for early, effective, and meaningful public participation, especially with regard to environmental justice stakeholders. Identify internal stakeholders and establish partnering relationships.
- 3) Use the following Guiding Principles in setting up all activities in the community engagement process:
  - ☐ Maintain honesty and integrity, and show empathy throughout the public process.
  - ☐ Recognize community and indigenous knowledge.
  - ☐ Encourage active community participation.
  - ☐ Use cross-cultural formats and exchanges.
  - ☐ Clearly present information in a way that avoids misunderstandings.
  - ☐ Identify key individuals who can represent various stakeholder interests. Learn as much as possible about the stakeholders and their specific concerns through personal consultation, and phone and written contact. Ensure that information-gathering techniques include modifications for minority and low-income communities, for example, consider language and cultural barriers, technical background, literacy, access to respondents, privacy issues, and preferred types of communications.
- 4) Solicit stakeholder engagement early in the policy-making process, beginning in the planning and development stages and continuing through implementation and oversight.
- 5) Develop co-sponsoring/co-planning relationships with community organizations and provide resources for their needs.
- 6) Establish a central point of contact within the federal agency to assist in information dissemination, resolve problems, and serve as a visible and accessible advocate of the public's right to know about issues that affect their health or the environment.
- 7) Regionalize materials to ensure cultural sensitivity and relevance. Make information readily

accessible (for example, access for the handicapped and sight- and hearing-impaired) and understandable and keep acronyms to a minimum. Unabridged documents should be placed in repositories. Executive summaries/fact sheets should be prepared in non-technical language. Whenever practical and appropriate, translate targeted documents for persons with limited English proficiency.

- 8) Make information available in a timely manner. Environmental justice stakeholders should be viewed as full partners and agency customers. They should be provided with information at the same time it is submitted for formal review to state, tribal, and/or federal regulatory agencies.
- 9) Ensure that personnel at all levels in the agency clearly understand policies for transmitting information to environmental justice stakeholders in a timely, accessible, and understandable fashion.
- 10) Schedule meetings and/or public hearings to make them accessible and user-friendly for environmental justice stakeholders. Consider times that do not conflict with work schedules, rush hours, dinner hours and other community commitments that may decrease attendance. Consider locations and facilities that are local, convenient and represent neutral turf. Ensure that the facility meets American with Disabilities Act statements about equal access. Provide assistance for hearing-impaired individuals. Whenever practical and appropriate, provide translators for persons with limited English proficiency. Advertise the meeting and its proposed agenda in a timely manner in print and electronic media. Provide a phone number and/or address for communities to find out about pending meetings or issues, express their concerns, seek participation or alter meeting agendas.
- 11) In addition to meetings, consider other communication vehicles to increase participation of environmental justice stakeholders, including:
  - ☐ Posters and exhibits.
  - ☐ Participation in civic and community activities.
  - ☐ Public database and bulletin boards.
  - ☐ Surveys.
  - ☐ Telephone hotlines.
  - ☐ Training and education programs.
  - ☐ Workshops and materials.
- 12) Hire trainers with a good understanding of the subject matter, both technical and administrative. The trainers should be ambassadors of the community engagement process.
- 13) Consider diversity in the workplace: whenever practical, be sure that those individuals that are the decision makers reflect the intent of Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations) and come from diverse backgrounds, especially those of a community that will have extensive interaction with the agency.
- 14) After holding a public forum in a community, establish a procedure to follow up with concrete action to address the community's concerns. This will help to establish the agency's credibility in the community as a representative of the federal government.
- 15) Establish interagency working groups (at all levels) to address and coordinate issues of environmental justice.

- 16) Promote interagency coordination to ensure that the most far-reaching aspects of environmental justice are sufficiently evaluated and addressed in a timely manner. Cross media and interdepartmental coordination is important because environmental problems do not occur along departmental lines. Solutions, therefore, require many agencies and other stakeholders to work together efficiently and effectively.
- 17) Educate stakeholders about all aspects of environmental justice (functions, roles, jurisdiction, structure, and enforcement). The engagement of a steering committee from the beginning of an undertaking would allow for the evaluation of the education level of the community in the environmental justice issues that affect them.
- 18) Ensure that research projects identify environmental justice issues and needs in communities, and how to meet those needs through the responsible agencies.
- 19) Provide information to communities about the government's role as it pertains to short-term and long-term economic and environmental needs and health effects.
- 20) Train staff to support inter-and intra-agency coordination, and make them aware of the resources needed for such coordination.
- 21) Provide Agency staff members that are trained in cultural, linguistic, and community outreach techniques.
- 22) Hold workshops, seminars, and other meetings to develop partnerships between agencies, workers, and community groups. (Ensure mechanisms are in place so that effective partnerships can be implemented via cooperative agreements, etc.)
- 23) Provide effective outreach, education, and communications. Findings should be shared with community members, with an emphasis on being sensitive and respectful to race, ethnicity, gender, language, and culture.
- 24) Design and implement educational efforts tailored to specific communities and problems. Increase the engagement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of environmental justice issues.
- 25) Ensure active participation of affected communities in the decision-making process for outreach, education, training, and community programs – including representation on advisory councils and review committees (see Recommendation 9 in Model Guidelines).
- 26) Encourage federal and state governments to "reinvent government" – overhaul bureaucracy in favor of community responsiveness.
- 27) Link environmental issues to local economic issues to increase level of interest.
- 28) Use local businesses for environmental cleanup or other related activities.
- 29) Use, as appropriate, historically Black Colleges and Universities and Minority Institutes, Hispanic Serving Colleges and Universities, and Indian Centers to network and form community links.
- 30) Use, as appropriate, local expertise for technical and science reviews.
- 31) Prior to conducting the first agency meeting, form an agenda with the assistance of community and agency representatives.

- 32) Provide various options for community members to ask questions and identify issues of concern (for example, “open mic” format at meetings).
- 33) Provide funding to hire retired engineers, teachers, lawyers, doctors, dentists, and other professionals to support the development of policies and projects in environmental justice communities.
- 34) Require that any policy or project funded by EPA or other agencies requiring EPA approval include Community Mitigation and climate adaptation measures.

## APPENDIX B: CHECKLISTS FOR PUBLIC PARTICIPATION ACTIVITIES

---

This appendix presents detailed information on each public participation activity referenced in Chapter 5. For each activity, the appendix:

- summarizes the regulatory requirements;
- describes the activity;
- estimates the associated level of effort;
- provides instructions for how to conduct the activity, including when to conduct the activity and other related activities to consider conducting at the same time; and
- summarizes the advantages and limitations of the activity.

The appendix then provides a summary checklist that can be used when conducting the activity.

Although the activities described in the appendix can be highly effective tools for encouraging public participation, it is important to note that poorly presented information can be misleading or lead to confusion. For example, information that is not presented in an objective style may be perceived as being too “persuasive” or considered “propaganda” by mistrusting communities. Well-designed materials, on the other hand, emphasize that the permitting agency and the facility take their public participation efforts seriously. In addition, the Environmental Protection Agency (EPA) would like to emphasize that the list of activities in this appendix is not exhaustive. Stakeholders should consult with each other to determine which of these, or any other public participation activities, best suit a particular situation.

## Public Participation Plans

**Regulatory Requirements:** None, although the Environmental Protection Agency (EPA) strongly recommends developing a public participation plan.

**Description of Activity:** Public participation plans provide a plan for interacting with the community regarding the permitting or corrective action activities taking place at a Resource Conservation and Recovery Act (RCRA) facility. The plan, typically prepared by the permitting agency, assesses the level of community interest as well as the types of concerns identified through a variety of sources (e.g., community interviews) and, based on this information, recommends specific activities for involving the community in the RCRA process.

Depending on the situation, public participation plans can range from a two-page schedule of activities to a comprehensive study of the population, an itinerary of permitting activities, and an analysis of community concerns.

**Level of Effort:** A public participation plan can take from several days to several weeks to complete. Revision of the plan could take a few days to a week. The level of effort depends in large part on the level of public interest in the facility and the complexity of the activities performed at that site.

### HOW TO CONDUCT THE ACTIVITY

A public participation plan should be based on information collected during community interviews (if conducted) and information obtained from other sources, such as file searches, reviews of past media coverage, and community assessments completed by third parties (see the section entitled “Public Participation Plans” in Chapter 5). This information is analyzed and organized into a community-specific plan. Typical sections of a public participation plan are:

- **Introduction:** several paragraphs clearly explaining the purpose of the document.
- **Facility history:** several paragraphs to several pages providing an overview of the facility, its technical and regulatory history, and a history of past community concerns and involvement in activities at the facility. To save time, consider attaching the facility fact sheet if one already exists.
- **Community concerns:** several paragraphs to several pages summarizing the concerns identified during community interviews.
- **Objectives of the plan:** several paragraphs to several pages providing a narrative of the major objectives of the plan. Objectives typically relate to the specific concerns outlined in the previous section. The length of this section will depend on the number and complexity of the objectives.
- **Public participation activities:** several paragraphs to several pages describing the specific activities (e.g., meetings, fact sheets, briefings for local officials) that will be conducted to meet the objectives outlined in the previous section. This section should also provide a schedule for conducting these activities. The length of this section will depend on the number and extent of planned activities.
- **Appendices:** Appendices can be added to ensure that all relevant information is included in a single document. For example, useful Appendices may include the mailing list, media contact



information, the location of the information repository (if one exists), and the location and timing of any scheduled public meetings.

The activities in a public participation plan should be tailored to address community concerns and needs. The plan should include the types of activities that are discussed later in this appendix.

The plan should be presented in a public document that demonstrates to the community that the agency (and public interest groups and the facility owner/operator, if involved) listened to community concerns and developed a specific program around those concerns. EPA encourages permitting agencies to seek input from other stakeholders, such as the facility owner/operator and community representatives, during development of the plan to determine the types of activities and information channels that best suit the area.

A public participation plan should be treated as an “evolving” document and should be revised periodically in order to incorporate new information, reflect changes in community concerns, evaluate which activities have been effective, and adjust planned activities as necessary. Revision ensures that the plan remains sensitive to individuals’ concerns through the final phases of a permit determination or corrective action.

### **When to Use:**

Public participation plans should be prepared:

- at the beginning of the RCRA process (e.g., for facilities seeking a permit or facilities beginning corrective action) to schedule activities and assign responsibilities;
- after community interviews (if conducted); and
- when the level of public interest in a facility is high.

Public participation plans should be revised:

- when there has been a significant change in community concerns or facility (e.g., after a remedy is selected or the facility proposes a significant permit modification);
- if the current plan is proving to be ineffective; and
- at least every two years for longer-term projects.

**Accompanying Activities:** Community interviews can be helpful when developing a public participation plan. The plan typically includes the facility mailing list and provides the locations of the information repository and any scheduled public meetings.

### **Advantages and Limitations:**

- Public participation plans are community-specific. They ensure that the community gets the information they need in a useful manner. Public participation plans also assist project staff in making the most efficient use of their time when interacting with the public.
- However, the plan represents the agency’s commitment to dedicate significant resources to the specified activities; thus, agency staff should make certain that resources are available to implement all activities identified in the plan. The plan should not schedule activities that the agency will not be able to conduct.

- In addition, the plan should be seen as an “evolving” document, requiring periodic re-evaluation and revision. Community concerns can change significantly over time, thus changing the types or amount of public outreach that is appropriate. The agency may need to conduct new community interviews each time the plan is re-evaluated. Minor changes could include adding names or updating contact information on the mailing list.

### CHECKLIST FOR PUBLIC PARTICIPATION PLANS

- ☐ Review background files and other information on the facility.
- ☐ Review comments gathered during community interviews (if conducted).
- ☐ Coordinate with key stakeholders to discuss the proposed plan.
- ☐ Write draft plan.
  - Introduction: Explains the purpose of the document.
  - Project history: Provides an overview of the project, its technical and regulatory history and a history of past community concerns and involvement in the project (if available).
  - Community concerns: Summarizes the concerns identified during the community interviews.
  - Objectives of the plan: Explains the major objectives relating to specific concerns outlined in the previous section of the document.
  - Public participation activities: Describes the specific activities to be conducted to meet the objectives of the plan and schedule.
  - Appendices: Provides information on key contacts, local media, location of the information repository (if one exists), and any scheduled public meetings.
- ☐ Coordinate internal review of plan.
- ☐ Solicit community input on the plan.
- ☐ Prepare final plan based on comments.
- ☐ Distribute plan to the information repository (if one exists) or otherwise make the plan available to the public in a convenient place.

## Public Notices

**Exhibit 5-4. Regulatory Requirements:** Public notices are required at many points during the Resource Conservation and Recovery Act (RCRA) process, as summarized in the exhibit below.

STAKEHOLDER	REGULATORY REQUIREMENTS
Permitting agency	<p>The permitting agency must give official public notice:</p> <ul style="list-style-type: none"> <li>When issuing a draft permit (§ 124.10 (c)), holding a public hearing (§ 124.12), or granting an appeal (§ 124.19). The notice must be: <ul style="list-style-type: none"> <li>sent to all relevant units of federal and local government, the applicant, and the facility mailing list;</li> <li>broadcasted over local radio; and</li> <li>published in a major local newspaper with daily or weekly general circulation.</li> </ul> </li> <li>When a modification request is granted or denied (§ 270.30). <ul style="list-style-type: none"> <li>Class 1: as a notification to facility mailing list.</li> <li>Class 2 or 3 (including automatic Class 2, under § 270.42(b)(6)(iii) or (v)): as a notification to facility mailing list and notice to all relevant units of state and local government.</li> </ul> </li> <li>During the trial burn stage at permitted and interim status combustion facilities (§ 270.62(b) and (d), § 270.66(d)(3) and (g)).</li> </ul> <p>When an interim status facility undergoes closure or post-closure (§ 265.112(d)(4), § 265.118(f)).</p>
Prospective permit applicant	<p>A prospective permit applicant must issue a public notice:</p> <ul style="list-style-type: none"> <li>To announce the pre-application meeting, being sure to include the name, address, and telephone number of a contact person (§ 124.31). The notice must be: <ul style="list-style-type: none"> <li>sent to the permitting agency and all relevant units of local government;</li> <li>published in a local newspaper of general circulation; and</li> <li>posted as a sign at or near the facility.</li> </ul> </li> </ul> <p>Broadcasted over local media.</p>
Facility owner/operator	<p>The owner/operator of a facility must issue a public notice:</p> <ul style="list-style-type: none"> <li>For permit modifications, including modifications to incorporate corrective action provisions (§ 270.42) <ul style="list-style-type: none"> <li>Class 1: as a notification to facility mailing list.</li> <li>Class 2: as a notification to facility mailing list and a newspaper notice.</li> <li>Class 3: as a notification to facility mailing list and a newspaper notice.</li> </ul> </li> </ul> <p>As specified by the permitting agency if the facility is required to create an information repository (§ 124.33 or § 270.30(m)).</p>

**Description of Activity:** Public notices provide an official announcement of proposed agency decisions or facility activities and often provide the public with the opportunity to comment on the proposed action. Most RCRA notices contain the same types of information but differ in how they are distributed (e.g., mailings to the mailing list, newspaper advertisements, signs, radio advertisements). In all cases, the Environmental Protection Agency (EPA) encourages facilities and permitting agencies to make a good faith effort to reach all segments of the affected community with these notices. The information included in notices should be limited to sharing facts, such as the time, date, and location of a public meeting, to avoid the perception that the agency is “taking sides.”

Public interest groups, the facility, and the permitting agency should seek community input to determine which information pathways will be most effective in a particular community. The following are the most common ways to give public notice:

- **Newspaper Advertisements:** Public notices can appear as legal advertisements in the classified section of a newspaper or as display advertisements, which are located with other commercial advertisements. Display advertisements are likely to reach a broader audience.
- **Newspaper Inserts:** Inserts stand out from other newspaper advertisements because they are printed as a separate section.
- **Free Publications and Existing Newsletters:** Placing a notice in a newsletter or other free publication distributed by a local government or community organization is generally an inexpensive way to target a specific segment of the community. Some publications may not be appropriate for communicating information from a permitting agency or facility, however. Avoid publishing information through a group that has a specific political interest or bias. Consider some of the following options for free publications and existing newsletters:
  - **Newsletters or bulletins.** Local governments often distributes newsletters that are sent out to planning commissions, zoning boards, utilities, or civic, trade, agricultural, religious or community organizations. Sometimes they distribute the newsletter to the entire population in the locality.
  - **Public service announcements.** Radio and television stations often broadcast, without charge, announcements of public meetings or other public events on behalf of charities, government agencies, and community groups. However, there is no guarantee that the announcement will be aired, or that it will be aired at a time when many people are listening.
  - **Broadcast advertisements.** In many cases, RCRA notices are required to be broadcast over local radio. To supplement these requirements, consider providing notice via a paid television advertisement. Note that paid advertisements can be expensive.
  - **Signs and bulletin boards.** The notice requirements for the pre-application meeting (§124.31) include posting a visible and accessible sign. Signs should be large enough for people to read as they pass by, either on foot or in a vehicle. If few people are likely to pass by the facility, consider posting the sign at the nearest major intersection. Alternatively, consider placing posters or flyers on community bulletin boards at highly visible locations, such as community centers, town halls, grocery stores, or heavily travelled streets.
  - **Phone trees.** Phone trees - in which the lead agency, facility, or organization calls an initial list of people, and those people in turn call others - provide an inexpensive, yet personal, manner of spreading information.
  - **Online notices.** In addition to required hard copy distributions, public notices can be posted to relevant websites or social media accounts, published in an e-newsletter, or aired on local Internet-based television or radio stations.

**Level of Effort:** Preparing a public notice and arranging for its publication takes one to two days, depending on the need for review. Producing a television or radio advertisement or constructing a sign will take longer.

### HOW TO CONDUCT THE ACTIVITY

- **Identify major media contacts.** While there may be many daily newspapers (or broadcast media, online publications, etc.) serving a particular area, notices should generally be published in the newspaper with the widest circulation and greatest visibility. It may be useful to publish the notice in multiple media to ensure that the notice reaches specific target audiences.
- **Consider publication schedules.** Many local newspapers publish on a weekly or bi-weekly basis. This may make it difficult to coordinate the publication of the notice with the event. Publications that are more frequent may not reach all segments of the affected community. In that case, supplement the required newspaper notice with other means of notice (e.g., signs, broadcast or online media).
- **Prepare the notice.**
  - Format the notice so that it is visually interesting—in particular, consider using a logo or graphics.
  - Announce dates, times and locations of public hearings or meetings clearly in the public notice.
  - Be sure to include in the notice: the name and address of the facility owner/operator; the name of the permitting agency and contact information; a description of facility operations and the RCRA activity that is the subject of the notice; a description of public comment procedures; and the location of the administrative record and times when it is open for public inspection.
- **Provide ample notice.** Public notice of a public hearing must be given at least 30 days prior to the hearing. For RCRA permit issuance and modification, the public notice must allow at least 45 days for public comment. Be sure to state the opening and closing dates for comment periods in the notice.
- **Review.** Review content and formatting of the notice before publication to ensure accuracy.
- **Keep proof of the notice.** Newspapers can often provide “tear sheets” as a record of the notice. Similar proofs are available from radio or television stations. Consider keeping photographs of posted signs.

**When to Use:** See the exhibit above for information on the timing of mandatory public notices. Agency personnel or other organizations involved in the RCRA process can use informal public notices to announce other milestones in the process. In particular, agencies may want to provide notice when they are establishing mailing lists.

**Accompanying Activities:** Public notices are used to announce public comment periods and public hearings. They can also be used to announce other meetings and milestones, opportunities to join the mailing list, and the availability of an information repository, fact sheets, or other information.

**Advantages and Limitations:** Public notices can be more effective, and provide better opportunities for active, two-way communication, when they are combined with a means of gathering information from the public. Every notice should identify a contact person so that the public can direct comments or questions to the agency, the facility, or other stakeholder groups.

### CHECKLIST FOR PUBLIC NOTICES

#### PREPARE NOTICE

- ☐ Compile information to be included in the public notice:
  - Name of agency overseeing the permit or corrective action.
  - Name, address, and phone number of contact person.
  - Facility owner/operator and description of facility activities.
  - Purpose of public notice.
  - Date, time, and location of any scheduled public hearings or meetings.
  - Description of public comment procedures or other public participation steps.
- ☐ Draft the public notice, announcement, or advertisement.
- ☐ Coordinate review of the draft public notice.
- ☐ Prepare final public notice.
- ☐ Coordinate placement of the public notice in local newspapers, distribution to the facility mailing list, submission to radio or television stations, or other publication (as applicable).

#### PUBLISH IN LOCAL NEWSPAPERS

- ☐ Prepare procurement request or advertising voucher for public notice publication.
- ☐ Obtain price quotes (i.e., cost per column inch).
- ☐ Determine size of public notice.
- ☐ Obtain appropriate funding mechanism.
- ☐ Determine deadlines for publication of the public notice.
- ☐ Submit for publication.
- ☐ Request proof of publication, and save proof in facility file.

#### DISTRIBUTE TO MAILING LIST

- ☐ Update facility mailing list if necessary.
- ☐ Produce mailing labels and distribute to mailing list.

**CHECKLIST FOR PUBLIC NOTICES (CONTINUED)**

**BROADCAST ON LOCAL RADIO/TELEVISION**

- ☐ Verify media list.
- ☐ Prepare procurement request or advertising voucher for public notice spots.
- ☐ Obtain price quotes.
- ☐ Distribute to stations.
- ☐ Request proof of airing, and save proof in facility file.

**PUBLISH ONLINE**

☐ To supplement required distributions or to reach specific target audiences, consider using additional means of notice:

- Posts on the agency's or facility's website or social media accounts.
- Advertisements in e-newsletters.
- Broadcasts on local Internet-based television or radio.



## Introductory Notices

**Regulatory Requirements:** There is no specific requirement to write and disseminate introductory notices, although § 124.32 provides for an agency notice at the time of application submittal. This can be done in addition to the requirements set out in § 124.32.

**Description of Activity:** An introductory notice explains the relevant agency process (e.g., the permit application review process, corrective action process) and associated opportunities for public participation.

**Level of Effort:**

- If prepared as a public notice: Allow one to two days for writing, review, and placement in relevant media.
- If prepared as a fact sheet or flyer: Allow several days to one week to write and review, depending on the layout and graphics used. Additional time will be required for printing.

## HOW TO CONDUCT THE ACTIVITY

- **Format:** Decide which format would be most useful for explaining the Resource Conservation and Recovery Act (RCRA) process (e.g., public notice, fact sheet, flyer distributed to the mailing list).
- **Preparation and distribution:** Prepare the notice with input from relevant project staff, being careful to avoid using technical terms and jargon. Distribute as appropriate, based on the format selected. Consider supplementing the hard copy distribution by posting the notice to the project website or social media account.
- **Contact information:** Provide the name, phone number, and e-mail address for a designated person who the public can contact if they have questions or need additional information about the facility. Also, consider including instructions for how stakeholders can add themselves to the mailing list.

**When to Use:** Introductory notices are useful when the public knows little about the RCRA process or the opportunities for public participation.

**Accompanying Activities:** It may be useful to conduct informal meetings, availability sessions/open houses, or workshops after the release of the introductory notice.

**Advantages and Limitations:** Introductory notices can be a useful way to inform the public about the RCRA process and how they can be involved in the process. However, introductory notices do not necessarily allow for two-way communication. To remedy this, a contact person should be identified in the notice in case stakeholders have questions.

### CHECKLIST FOR INTRODUCTORY NOTICES

- ☐ Decide on primary means of distribution:
  - public notice in newspaper;
  - fact sheet or flyer sent to the mailing list; and
  - **communicate information via web and/or social media.**
- ☐ Prepare the introductory notice, being careful to avoid jargon.
- ☐ Include name, phone number, and e-mail address of a contact person.
- ☐ Coordinate internal review of the introductory notice by technical staff, and update the draft notice based on this review.
- ☐ Distribute introductory notice to stakeholders on the mailing list. Verify that the mailing list is up to date before doing so.
- ☐ To supplement, consider posting notice on relevant agency websites or social media accounts.

## Mailing Lists

**Regulatory Requirements:** Mailing lists are required under § 124.10(c)(1)(ix).

**Description of Activity:** Mailing lists can serve as important databases and tools for communication with the public. Mailing lists typically include concerned community members; elected officials; appropriate federal, state, local, and tribal government contacts; local media; organized environmental groups; civic, religious and community organizations; facility employees; and local businesses. In addition to the required traditional mailing list, consider whether an e-mail list (e.g., listserv) could be a useful way to disseminate information.

**Level of Effort:** The time commitment to input and update mailing lists varies greatly depending on the size of the list and the software used.

### HOW TO CONDUCT THE ACTIVITY

- **Search for people:** Solicit names, addresses, and phone numbers and e-mail addresses, if creating a supplemental listserv of individuals to be included on the list. This should include individuals who sign in at the pre-application meeting, if applicable. Telephone numbers and e-mail addresses can be useful for contacting individuals for community interviews and for quickly maintaining the list.
- **Review background files:** Review background files to ensure all interested individuals are included.
- **Create a database:** To easily categorize, sort, and print on mailing labels.
- **Develop letter or fact sheet:** Send a letter or fact sheet to the members of the mailing list.
- **Conduct periodic updates:** Update the mailing list at least once per year to ensure accuracy. Mailing lists can be updated by contacting each individual on the list and by using local telephone and city directories as references. The permitting agency can also request written indication of continued interest from those on the list; consider creating a mechanism (e.g., website) for people to add or remove themselves from the mailing list.

**When to Use:** Develop a mailing list as soon as possible during the pre-application phase or when the need for a RCRA Facility Investigation is identified. The mailing list should be updated regularly, in particular at the beginning of corrective action and permit modification procedures.

**Accompanying Activities:** Mailing lists are useful tools for identifying participants for community interviews. Public notices and sign-up sheets can help build mailing lists.

In addition, consider developing an internal distribution list at the same time as preparing the external mailing list. The distribution list for permitting agencies should include all technical project staff, public involvement staff, legal staff, and staff from other affected programs (e.g., Environmental Protection Agency (EPA) Office of Water), as appropriate. This list will help ensure that all project staff receive the

same information about the project. Facilities and community organizations should follow similar procedures to keep their staff and member informed.

**Advantages and Limitations:** Mailing lists provide the names of individuals and groups interested in activities at RCRA facilities. However, lists can be expensive and time consuming to develop and require continual maintenance.

### CHECKLIST FOR MAILING LISTS

#### PREPARE THE LIST

- ☐ Verify list format (e.g., name, title, company, e-mail address, mailing address, phone number).
- ☐ Decide on mailing list software.
- ☐ Identify people to include, such as:
  - The facility owner/operator and facility employees.
  - Attendees of the pre-application meeting.
  - Elected officials (United States (U.S.) Senators; U.S. Representatives; city, county, state, and tribal officials).
  - Government employees and appointees (e.g., administrators, planning directors, committees, health departments, environment departments).
  - Federal agency officials (EPA, Fish and Wildlife Service).
  - State Fish and Wildlife Agencies.
  - Community members living adjacent to facility.
  - Other interested community members.
  - Local media.
  - Local business associations.
  - Businesses possibly affected by the facility (e.g., located down-wind of the facility).
  - Consultants working on the project or related projects.
  - Local environmental groups.
  - Other civic, religious, community, and educational groups (e.g., League of Women Voters, government associations, churches, homeowners, and renters associations).
- ☐ Prepare the mailing list using information from sign-up sheets, background files, telephone directories, city directories, online searches, or other methods, as appropriate.

**CHECKLIST FOR MAILING LISTS (CONTINUED)**

**MAINTAIN THE LIST**

- ☐ Verify names and contact information using telephone directories, city directories, online searches, or individual outreach, as necessary.
- ☐ Consider issuing a notice asking for written indication of continued interest (§ 124.10(c)(1)(ix)(C)) or creating another mechanism (e.g., website) for individuals to add or remove themselves from the mailing list.
- ☐ Update the list.

## Contact Persons/Offices

**Regulatory Requirements:** EPA regulations require the permitting agency to designate a contact office in most public notices (See Chapter 5 for details on when to do this).

**Description of Activity:** The contact person or office is responsible for responding to inquiries from the public and the media. Some organizations may want to consider distributing lists of contact persons who are responsible for answering questions in certain topic areas.

**Level of Effort:** A contact person may spend a few hours a day responding to public inquiries if there is high or moderate community interest in the facility's Resource Conservation and Recovery Act (RCRA) activities. If interest is low, the contact person will spend less time.

## HOW TO CONDUCT THE ACTIVITY

For each permit or corrective action, designate a contact who will respond to requests for information, answer their questions, and address their concerns on any aspect of the permit or cleanup process. Although permitting agencies are only required to designate a contact office, specifying a person and keeping the same person as the contact throughout the process may engender more public trust and confidence.

When a contact person is assigned:

- Send out a news release announcing the contact person to all local newspapers, radio stations, and television stations. Consider posting the information online or on social media. Include the contact person's telephone number, mailing address, and e-mail address in all news releases, fact sheets, and mailings. Include in publications a self-mailer, which can be a separate flyer or a designated cut-a-way section of the fact sheet that is addressed to the contact person and leaves room for interested people to request more information or write their comments.
- Give the name, address, and phone number and e-mail address of the contact person to all involved staff in your organization and other stakeholders. Let staff members know that the contact person may be approached for information and that staff should coordinate the release of information with the contact person. Inform other stakeholders that the contact person will be available for questions and information sharing.
- Keep a record of all requests and comments received by the contact person, and how each comment was handled. This will help to assure that incoming requests are not filed and forgotten. This record also provides another record of issues and concerns.

**When to Use:** A contact person should be designated for every facility at the outset of the RCRA process.

**Accompanying Activities:** Designation of the contact person should be announced in news releases and fact sheets, and public notices. The contact person also should be responsible for making sure that the facility's information repository, if required, is kept updated.

**Advantages and Limitations:** A contact person can assure individuals that an organization is actively listening to their concerns and can provide the community with consistent information from a reliable source.

The contact person may not have the authority to resolve all of the concerns raised by the public and other stakeholders; his or her role may be limited to providing information and facilitating communication between organization staff, the public, and other stakeholders. If, for any reason, the identity of the contact person changes, it is important to inform the community, media contacts, and other stakeholders about this change quickly. A replacement should be designated as soon as possible.

### **CHECKLIST FOR CONTACT PERSONS/OFFICES**

- ☐ Designate a contact person for the facility.
- ☐ Notify media of the name, mailing address, phone number, and e-mail of the contact person.
- ☐ Inform staff and other stakeholders who are involved with the facility.
- ☐ Have the contact person maintain a record of all stakeholder requests and comments received.



## Fact Sheets/Statements of Basis

**Regulatory Requirements:** The permitting agency is required to develop a fact sheet or a statement of basis to accompany the draft permit. A fact sheet is required for any major hazardous waste management facility or facility that raises significant public interest (§ 124.8). A statement of basis is required for all other draft permits for which fact sheets are not prepared (§ 124.7). A fact sheet or statement of basis is also required for Class 3 and agency-initiated modifications, which must follow the part 124 procedures (described below under “How to Conduct the Activity.”)

**Description of Activity:** Fact sheets and statements of basis summarize the current status of a permit application or corrective action, explaining the relevant factual, legal, methodological, and policy concern. Fact sheets and statements of basis are useful for informing all interested parties in a consistent manner about the basis for the permitting agency's decision regarding a facility permit or corrective action.

Fact sheets must explain the principal facts and significant factual, legal, methodological and policy questions considered in preparing the draft permit. They can vary in length and complexity from simple two-page documents to twelve-page documents complete with graphic illustrations and glossaries. The agency may also develop separate, less formal fact sheets at various stages in the public participation process.

Statements of basis are typically shorter than fact sheets and summarize the basis for a decision by the agency. Statements of basis are commonly used in the corrective action program to summarize information in the RFI and CMS reports and the administrative record. They are designed to facilitate public participation in the remedy selection process by:

- identifying and explaining the reasons for the proposed corrective action remedy at a facility;
- describing other remedies that were considered in more detail in the RCRA Facility Investigation (RFI) and Corrective Measure Study (CMS) reports;
- soliciting public comment on all possible remedies, including those considered in the RFI and CMS reports; and
- providing information on how the public can be involved in the remedy selection process.

The statement of basis should emphasize that the proposed remedy/remedies are only an initial recommendation, and should clearly state that changes to the remedy/remedies may be made if public comments or additional data indicate that another option would be more appropriate.

**Level of Effort:** May take two days to two weeks, depending on the length and complexity of the documents. Allow time for several rounds of revisions and for document printing. To save time, consider using templates with graphics that have already been developed at the permitting agency.

## HOW TO CONDUCT THE ACTIVITY

- **Fact sheet:** EPA regulations require that fact sheets include the following information:
  - A brief description of the type of facility or activity that is the subject of the draft permit.
  - The type and quantity of wastes covered by the permit.

- A brief summary of the basis for the draft permit conditions and the reasons why any variances or alternatives to the proposed standards do or do not appear justified.
  - A description of the procedures for reaching a final decision, including start and end dates for the public comment period and procedures for submitting comments or requesting a public hearing.
  - Name and telephone number (and, if appropriate, an e-mail address) of a person to contact for additional information.
- **Statement of basis:** Statements of basis for corrective actions should:
  - summarize the environmental conditions at the facility as determined during the RFI;
  - identify the proposed remedy/remedies;
  - describe the remedial alternatives evaluated;
  - provide a brief analysis that supports the proposed remedy/remedies, discussed in terms of the evaluation criteria; and
  - reference the RFI and CMS reports.
- **Presentation:** Use a simple format with clear and informative graphics to present information in an easy-to-read and interesting manner. A well-designed document suggests that the permitting agency takes its public participation program seriously.
- **Writing style:** Avoid using jargon, acronyms, or technical language in the text, and be concise.
- **Staff review:** Technical staff should review the fact sheet or statement of basis to ensure that the information is accurate and complete. Outreach staff should review the document to ensure that communication goals are met.
- **Distribution:** Make the document available by sending it to the mailing list, distributing copies at public meetings and hearings, and, if appropriate, posting it online.

**When to Use:** Fact sheets or statements of basis are required for draft permits. They can also be helpful at other times, such as:

- Prior to a public meeting or public hearing, to provide stakeholders with background information.
- During technical review of the permit application.
- At the beginning of an RFI.
- When findings of the RFI are available.
- When a corrective action is completed.
- When a notice of decision is released.

- When facility inspections, emergency actions, or other facility activities require explanation.

**Accompanying Activities:** Fact sheets and statements of basis are generally used in conjunction with the mailing list, public notices, public comment periods, and public meetings and hearings. However, as stated above, they can also be helpful at almost any stage in the permitting or corrective action processes.

**Advantages and Limitations:**

- Fact sheets and statements of basis, which can be produced throughout the Resource Conservation and Recovery Act (RCRA) process, serve to inform the public about the regulatory process as well as technical RCRA issues and can help improve the community's understanding of a project. They are relatively inexpensive to produce and can be tailored to meet specific informational needs identified during community assessments. They can also be distributed easily and directly to the mailing list.
- However, as with other written materials, poorly written fact sheets and statements of basis can be misleading or lead to confusion. These documents are also a relatively one-sided communication tool, so they should always include the name and contact information of a contact person to encourage comments and questions.

### CHECKLIST FOR FACT SHEETS / STATEMENTS OF BASIS

- ☐ Determine purpose and focus of fact sheet or statement of basis.
- ☐ Draft the fact sheet or statement of basis:
  - Prepare an outline to organize contents in a logical manner.
  - Translate documents where appropriate.
  - Determine appropriate graphics.
  - Draft text, graphics, and layout of the document.
  - Coordinate with technical staff for review, and incorporate their revisions.
  - Proofread.
- ☐ Coordinate with a printing company if needed.
- ☐ Distribute fact sheet or statement of basis to the mailing list.
- ☐ Consider posting fact sheet or statement of basis on the agency website or social media accounts.

## Public Meetings

**Regulatory Requirements** The pre-application meeting that a permit applicant is required to conduct under § 124.31 is a type of public meeting, though it need not be restricted to the type of meetings described in this section. In some cases, different meeting formats will fulfill the requirements (see “The Pre-Application Meeting” in Chapter 3). Permit holders are also required to hold public meetings when requesting a class 2 or 3 permit modification under § 270.42(b) or (c).

**Description of Activity:** Public meetings are opportunities for informal, two-way communication between the public and the permitting agency or facility. Unlike public hearings, public meetings can be attended by anyone, have no formal time limits on statements, and usually allow the permitting agency and/or facility to answer questions. The meetings are designed to share information and discuss issues, rather than to make decisions. *Public meetings are different from the more formal public hearings.* Due to their openness and flexibility, public meetings are preferable to hearings as a forum for discussing complex or detailed issues. Public meetings can be especially useful for allowing discussion before a public hearing and can be scheduled immediately before the hearing (workshops, discussed later in this appendix, can also fulfill this need).

Comments made during a public meeting do not become part of the official administrative record as they do during a hearing. While public meetings are usually called and conducted by the permitting agency (e.g., before public hearings) or the facility (e.g., during permit modification procedures), it is common for civic, environmental, and community organizations to hold public meetings where ideas can be discussed freely.

**Level of Effort:** While a public meeting should require less planning than a public hearing, it may take several days to a week to arrange the location and logistics. See the “Public Notice” section above in this appendix to determine the resources needed to announce the meeting. Other activities include preparing and copying materials for distribution. It may be possible to distribute some of the same materials at the meeting and the public hearing (if applicable).

### HOW TO CONDUCT THE ACTIVITY

It may be appropriate to follow many of the same steps as for a public hearing:

- **Audience:** Anticipate the audience and the issues of concern. Identify the audience’s objectives, expectations, and desired results. This will inform what topics to spend time on and what materials and exhibits to provide. If a part of the audience does not speak English, arrange for a translator.
- **Location and time:** The applicant should schedule the meeting at a time when the community is most likely to be available. Many communities, for instance, may prefer a meeting held after normal business hours. Meeting schedulers should avoid holding the meeting at a time that will conflict with important community activities (e.g., social, religious, or political events, other meetings, school activities, or local occasions). The meeting should also be held in a location with easy access for everyone, including handicapped individuals. It may be best to use webinars in addition to a live meeting to ensure equitable and widespread access. Ensure the availability of sufficient seating, microphones, lighting, and recorders for live meetings.
- **Announcement:** Announce the meeting at least 30 days before the meeting date. Provide notice of the hearing in local newspapers, broadcast media, signs, and mailings to interested community

members (requirements for pre-application meetings are in § 124.31(d)). Choose communication methods that will give all segments of the community an equal opportunity to participate. Use multilingual notices where appropriate. Make follow-up phone calls to interested parties to ensure that the notice has been received. Provide the name of a contact person.

- **Moderator:** Some applicants may want to consider inviting or hiring a moderator to conduct a pre-application meeting or other public meeting. The moderator should be a neutral third party (e.g., a civic organization, non-profit community group, or a consultant) that is not a stakeholder in the permitting decision process. A moderator can lend objectivity to the proceedings and help to keep the discussions fair, under control, and on track.
- **Documents:** Make relevant documents available for public review at the meeting, and consider making them available prior to the meeting. Facilities requesting a class 2 or 3 permit modification must place a copy of the modification request and supporting documents in a location that is publicly accessible and in the vicinity of the facility (see § 270.42(b)(3) and (c)(3)). Announce the location in the public notice for the meeting. In addition, it may be useful to provide fact sheets and other resources at the meeting. At a pre-application meeting, the permitting agency may choose to make permitting and pollution prevention fact sheets available.
- **Written comments and questions:** Provide an opportunity for people to submit written questions and comments. Not all individuals will want, or be able, to attend the meeting. Announce in public notices and mailings that written comments and questions can be submitted to the contact person. Consider raise some of these written comments and questions at the public meeting.
- **Sign-up sheet:** Post a sign-up sheet so that attendees can voluntarily provide their names and addresses. Permit applicants holding a pre-application meeting under § 124.31 can use this sheet to produce and submit an attendee list as part of the Part B application (as required under § 124.31(c) and § 270.14(b)(22)). The permitting agency will use the attendee list to help generate the facility mailing list.
- **Note-taking:** Take notes about the major issues of concern and prepare a summary of all oral and written comments. A permit applicant holding a pre-application meeting under § 124.31 must submit a summary of the meeting as part of the Part B permit application (as required under § 124.31(c) and § 270.14(b)(22)). For other public meetings, make a summary available for public review and announce where it is available.

**When to Use:** A public meeting can provide a useful means of two-way communication at any significant stage during the permitting or corrective action process before a public hearing on the subject. Some permitting agencies have had success in holding public meetings prior to a public hearing. This is because public hearings are often “staged” events with little opportunity for new input or discussion. Some participants have criticized them as opportunities for grandstanding. Public meetings, on the other hand, allow interested parties to ask questions and raise issues in an informal setting.

**Accompanying Activities:** Provide public notice of the meeting and designate a contact person. Fact sheets and exhibits can inform people about permitting issues at public meetings. Also, consider establishing an information table where people who may feel uneasy speaking during the meeting can ask questions and pick up materials. Alternatively, consider making staff available after the meeting, in the

same manner as an availability session or an open house. Information repositories can complement the meeting by making important documents available for public review.

### Advantages and Limitations:

- A public meeting provides a forum where interested people can ask questions and discuss issues outside of the formality of a public hearing. They are flexible tools that are open to everyone.
- Some community members may be reluctant to speak up at public meetings. To address this concern, provide one-on-one access to organization staff via an information table or an open house, or by scheduling informal meetings. Like public hearings, public meetings could become adversarial.

### CHECKLIST FOR PUBLIC MEETINGS

#### LOGISTICS

- ☐ Determine location for public meeting.
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
  - Phone number: \_\_\_\_\_
  - Occupancy size: \_\_\_\_\_
  - Handicap accessibility: \_\_\_\_\_
  - Features (restrooms, security, adequate parking/accessible by public transportation, etc.): \_\_\_\_\_
- ☐ Determine date and time of public meeting.
- ☐ Confirm location (if location is not available, determine new location or new date).

#### MEETING PLANNING AND NOTIFICATION

- ☐ Announce the public meeting.
- ☐ Contact local officials.
- ☐ Notify key agencies and other stakeholder groups.
- ☐ Provide an opportunity, in the notice, for people to submit written comments.
- ☐ Determine whether a translator is needed.



### **CHECKLIST FOR PUBLIC MEETINGS (CONTINUED)**

#### **DETERMINE PUBLIC MEETING REQUIREMENTS**

- ☐ Consider if the following are necessary and/or provided:
  - Electrical outlets and extension cords
  - Accessible lighting control panel
  - Wireless Internet access
  - Podium or stage
  - Table(s) and chairs for panel, table for projection equipment, table skirts
  - Sign-up sheet for the mailing list
  - Registration table and cards
  - Water pitcher and glasses
- ☐ Audio/visual equipment:
  - Functioning sound system with available technicians if needed
  - Microphones (stand, tabletop)
  - Projector, screen, and computer with presentation files
- ☐ Table for meeting recorder (who will produce a meeting transcript or summary)
- ☐ Signs and visual aids
- ☐ Security personnel (if necessary)
- ☐ Miscellaneous supplies (pens, scissors, tape, markers, and thumbtacks)

#### **FINALIZE DETAILS**

- ☐ Gather public information materials (e.g., fact sheets).
- ☐ Prepare meeting agenda.
- ☐ Arrange contingency planning. Decide what to do if:
  - More people show up than capacity,
  - Equipment malfunctions
- ☐ Prepare the meeting summary/transcript and make it available to the public.

## Public Hearings

**Regulatory Requirements:** Public hearings are required if requested (§ 124.11) by the public during the draft permit stage, during an agency-initiated modification under § 270.41, or a Class 3 permit modification under § 270.42(c)(6). The agency will also hold a public hearing at the draft permit stage when there is a high level of public interest (based on requests), or when the agency thinks that the hearing might clarify relevant issues (§ 124.12). The agency will also hold a hearing if these conditions apply during closure or post-closure at interim status facilities (§§ 265.112(d)(4) and 265.118(f)). Hearings must have at least 30-day advance notice.

**Description of Activity:** Public hearings are opportunities for the public to provide formal comments and oral testimony on proposed agency actions, occasionally prefaced by introductory information from the permitting agency. All testimony becomes part of the public record. These contrast with public meetings (see above in this appendix), which are much less formal.

**Level of Effort:** Several days to a week may be required to arrange for a public hearing, including the location selection, logistics, and agenda preparation. Other activities include preparing the notice for the hearing, conducting a dry run of the hearing, and preparing and copying materials.

### HOW TO CONDUCT THE ACTIVITY

- **Anticipate the audience and the issues of concern.** Identify the audience's objectives, expectations, and desired results. Use this to consider whether the hearing is likely to be confrontational, or if the audience will need more detailed information about a permit or corrective action. Arrange for a translator if needed.
- **Schedule** the hearing location and time so that the majority of individuals (particularly handicapped individuals) have easy access. Identify and follow any procedures established by the local and state governments for public hearings. Make sure that the date and time do not conflict with other public meetings, religious or nonreligious holidays, or other important community events. Ensure the availability of sufficient seating, microphones, lighting, and technological support.
- **Arrange for a court reporter** to record and prepare a transcript of the hearing.
- **Announce** the public hearing at least 30 days before the hearing date. Provide notice of the hearing in the local newspaper(s) and mailings to interested individuals. § 124.10(b), allows organizations to combine the hearing notice with the draft permit notice. Consider making follow-up phone calls to interested parties to ensure that the notice has been received.
- **Written comments.** As not all individuals will want to provide oral testimony, provide an opportunity to submit written comments. Publicize where written comments can be submitted and how they will be reviewed.
- **Transcript.** Prepare a transcript of all oral and written comments. Announce where the transcript will be available for public review.

Other general tips on conducting public hearings:

- **Be clear and up front with meeting format and logistics.** Public hearings are very limited in the amount of information that is exchanged and the extent to which responses are given. Participants



should not expect the question and answer format found in public meetings.

- **Establish meeting format.** Public hearings should be managed by a hearings officer or moderator, whose responsibility it is to ensure that all comments are taken for the public record.
- **Speakers list.** The moderator should develop a list of speakers from the list of respondents to public notices (e.g., those responding to a notice saying, “those wishing to be placed on the list of commenters should contact ...”) and/or by asking those wishing to speak to identify themselves on a sign-up list as they enter the hearing. Organizers should bear in mind the perceived benefits and drawbacks of limiting commenters to a pre-developed list. A list can serve as valuable management tool in bringing forward commenters in an orderly and expeditious manner, however there may be more people who want to speak than are on the list.
- **Establish time limits for commenters.** A moderator should establish a set time limit for an individual to make comments. Typically, the limit is five minutes or less. Those wishing to make more detailed comments should be encouraged to submit their comments in writing.
- **Time limits.** Consider establishing time limits (if any) for the hearing. Based on the speakers list, and assuming a limited speaking time for individual commenters, the moderator may establish a time limit. Most hearings last between two and five hours. However, for very controversial topics, public hearings have been known to extend over a period of days.
- **Interacting with commenters.** Because comments become part of the public record, the moderator should ask all commenters to give their names and addresses. If there is doubt about spelling, the moderator should ask the commenters to spell names or street names. In cases where there may be litigation, it is common practice to further request that anyone legally representing any party as part of the permit process or decision identify that fact. When giving the floor to a commenter, the moderator should also note the person’s name, so that he/she can thank the commenters by name at the conclusion of the comment.
- **Speakers from the permitting agency.** There are no set rules for who should participate or speak at a public hearing. In the spirit of the law, the participants from the agency should be those who will be most involved with making the actual decision – that is, the permit writer and senior staff who will weigh all information, including these public comments, prior to reaching a final decision. Speakers from the agency should be limited to explaining briefly the decision being made (e.g., “We are here to discuss a proposed modification to the facilities permit to conduct the following activities...”).

### When to Use:

- When requested by a member of the public during a public comment period on a permit, closure, or corrective action. Once requested, hearings require a minimum 30-day advance notice.
- Public hearings are usually conducted during the public comment period following the issuance of a draft permit, major permit modification, or at the selection of a proposed corrective measure.
- Public hearings may be appropriate at other times during the process, especially if the level of community concern warrants a formal record of communication.

**Accompanying Activities:** Public notices distributed to the mailing list and published in local newspapers are used to announce hearings to the public. Consider informing the community of the public meeting by posting a notice online or on social media. If a hearing is held to solicit comments on either a draft permit decision or proposed corrective measure, the agency must prepare a response to comments. The response to comments documents all submitted public comments and includes the agency's responses. An educational workshop or public meeting may be useful shortly before the public hearing to explain key issues of the proposed decision or corrective measure and respond to public concerns.

**Advantages and Limitations:**

- A hearing provides a record of communication so community members can be sure that their concerns and ideas reach the permitting agency.
- However, public hearings generally should not serve as the only forum for community member input. They occur at the end of a process that should have provided earlier public access to information and opportunities for involvement. Earlier opportunities should answer most questions and arguments that are based on curiosity, emotion, sensationalism, or a lack of knowledge about the situation, thereby freeing the hearing for factually-based questions. These questions and needs should be met with techniques such as fact sheets, small-group meetings, and one-on-one briefings. Similarly, public hearings can easily become adversarial if confrontational questions are not discussed earlier.
- In addition, the formality of a public hearing may create an atmosphere of "us versus them." There may be little opportunity for interaction between agency staff and interested community members. Informal gatherings (as discussed in this appendix) may be a more effective way to engage with the community.

## CHECKLIST FOR PUBLIC HEARINGS

### LOGISTICS

- ☐ Determine location(s) for meeting (complete for each available facility).
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
  - Phone number: \_\_\_\_\_
  - Occupancy size: \_\_\_\_\_
  - Handicap accessibility: \_\_\_\_\_
  - Features (restrooms, security, adequate parking/accessible by public transportation, etc.): \_\_\_\_\_
- ☐ Determine date and time of public hearing.

### NOTIFY PUBLIC OF HEARING

- ☐ Announce the public hearing through a public notice in at least one newspaper 30 days prior to the hearing.
- ☐ Contact local officials and notify key agencies.
- ☐ Consider announcing the hearing online or on social media.

### DETERMINE PRESENTATION REQUIREMENTS

- ☐ Consider if the following are necessary and/or provided:
  - Electrical outlets and extension cords
  - Accessible lighting control panel
  - Wireless Internet access
  - Podium or stage
  - Table(s) and chairs for panel, table skirt, table for projection equipment
  - Tables for the court reporter and registration
  - Water pitcher and glasses
- ☐ Audio/visual equipment:
  - Functioning sound system with available technicians if needed
  - Microphones (stand, tabletop)
  - Projector, screen, and computer with presentation files

**CHECKLIST FOR PUBLIC HEARINGS (CONTINUED)**

- ☐ Security personnel (if necessary)
- ☐ Signs to direct attendees to the appropriate room
- ☐ Miscellaneous supplies (pens, scissors, tape, thumbtacks)

**FINALIZE DETAILS**

- ☐ Gather public information materials (fact sheets, registration cards, visual aids, etc.).
- ☐ Prepare meeting agenda.
- ☐ Determine hearing participants/speakers.

---

---

---

---

- ☐ Prepare opening comments for hearing officer.
- ☐ Arrange contingency planning. Decide what to do if:
  - More people show up than capacity.
  - Equipment malfunctions.
- ☐ Coordinate with public involvement coordinator on notification of the media.
- ☐ Set date and time for debriefing following the hearing.

## Public Comment Periods

**Regulatory Requirements:** Public comment periods are required for several of actions and permit types for different amounts of time (see Chapter 5 for more detail). Comment periods are also mandatory on requests for Class 2 and 3 permit modifications under § 270.42, for agency-initiated modifications under §270.41, and during closure and post-closure for interim status facilities under §§ 265.112(d)(4) and 265.118(f).

**Description of Activity:** A public comment period is a designated time period in which individuals can formally review and comment on the agency's or facility's proposed course of action or decision. Comment periods for Resource Conservation and Recovery Act (RCRA) permits must be at least 45 days.

**Level of Effort:** There is no specific level of effort for a public comment period. Estimates of the time required to conduct activities associated with the public comment period (public notice, public hearing, etc.) are found elsewhere in this appendix and in Chapter 5. The time required to receive, organize, and determine how to respond to comments will vary depending on the number of comments received and the complexity of the proposed action (see the section on "Response to Comments" earlier in this appendix).

## HOW TO CONDUCT THE ACTIVITY

Announce the public comment period in a local newspaper of general circulation, on local radio stations, and on agency websites or social media. Public notices must provide the beginning and ending dates of the public comment period and specify where interested parties should send their comments and/or requests for a public hearing. Refer to the "Public Notices" section earlier in this chapter for further information.

**When to Use:** A minimum 45-day public comment period is required for RCRA permits, including modifications to permits initiated by the agency, as well as Class 2 and 3 modifications requested by the facility.

**Accompanying Activities:** Public comment periods cannot begin until notice of the permitting activity is given. RCRA requires that the agency conduct a public hearing if requested by a member of the public during the public comment period. Announce the hearing through a public notice and through a fact sheet, if one is prepared in advance. Comments received during the public comment period must be discussed in a written response to comments.

### Advantages and Limitations:

- Public comment periods allow community members to comment on agency and facility proposals and to have their comments incorporated into the formal public record.
- However, public comment periods provide only indirect communication between community members and agency officials because, in some cases, the formal responses to the comments may not be prepared for some time. Also, in some cases, the agency may not individually respond to every comment. A public participation program should provide other activities that allow dialogue between agency officials and the community.

**CHECKLIST FOR PUBLIC COMMENT PERIODS**

- ☐ Determine dates of public comment period (minimum of 45 days).
- ☐ Determine contact person within the agency who will answer community members questions regarding the public comment period.
- ☐ Announce public comment period through a public notice.
- ☐ If requested by a member of the public during the comment period, schedule a public hearing.
- ☐ Document with a memo to the file any comments that were not received in written form.

## Response to Comments

**Regulatory Requirements:** According to § 124.17, the permitting agency must prepare a response to comments when it issues a final permit decision. The agency will also issue a response to comments when making final decisions on requested Class 2 and 3 permit modifications under § 270.42 and agency-initiated modifications under § 270.41.

**Description of Activity:** A response to comments document briefly describes and responds to all significant comments on the draft permit that were received during the public comment period. It also identifies all provisions of the draft permit or modification that were changed and the reasons for those changes. The response to comments document should be written in a clear and understandable style so that it is easy for the community to understand the reasons for the final decision and how public comments were considered.

**Level of Effort:** Preparing response to comments documents can take from several days for low-interest facilities to several weeks for high-interest facilities because of the large amount of organization, coordination, and review needed. On average, allow several hours per comment for completion; some questions may take only a few minutes to answer while others may involve in-depth technical and legal responses.

## HOW TO CONDUCT THE ACTIVITY

- **Two-part approach:** There is no required format for preparing response to comments documents; however, a common two-part approach adopted by several Environmental Protection Agency (EPA) regions is as follows:
  - Part I is a summary of commenters' major issues and concerns, along with brief responses to those issues. Part I should be organized by subject area and should be written in a clear, concise, easy-to-understand manner suitable for the public.
  - Part II provides detailed responses to all significant and other comments. It includes the specific legal and technical questions and, if necessary, will elaborate with technical detail on answers covered in Part I. It should also be organized by subject area.
  - Part I can be thought of as a fact sheet for the detailed responses provided in Part II. Because both parts deal with similar or overlapping issues, the response to comments should state clearly that any points of conflict or ambiguity between the two parts shall be resolved in favor of the detailed technical and legal presentation in Part II.
- **Technical and legal review:** Closely coordinate the preparation of responses with appropriate legal and technical staff.
- **Comment tracking:** Develop a system to ensure that all comments are addressed. A system of numbering all comments as they are received and referring to these numbers in all internal drafts of the response document may be useful. Spreadsheets or computer databases can also be helpful for tracking and arranging the comments.
- **Summary:** The response to comments document should also include a summary that discusses the following:
  - The number of meetings, mailings, public notices, and hearings at which the public was

informed or consulted about the project.

- The extent to which community members' views were taken into account in decision-making.
- The specific changes, if any, in project design or scope that occurred because of community member input.
- **Recipients:** Response to comments documents must be sent to the facility owner/operator and each person who submitted written comments or requested notice of the final permit decision.

**When to Use:** A response to comments document is required for all final permit decisions and decisions on Class 2 and 3 permit modifications.

**Accompanying Activities:** A response to comments document usually accompanies the notice of decision.

**Advantages and Limitations:**

- A response to comments document provides a clear record of community concerns. It provides the public with evidence that their input was considered in the decision-making process. The summary also helps agencies to evaluate public participation efforts.
- However, responding to some comments may be difficult. The permitting agency may need to develop new materials to respond to specific issues or new technical evidence.



### CHECKLIST FOR RESPONSE TO COMMENTS

- ☐ Track and review all comments.
- ☐ Determine organization of document.
  - Sort comments into groups and subgroups as necessary.
- ☐ Paraphrase and summarize comments (or groups of comments) as appropriate.
- ☐ Write a response for each comment (or group of comments).
- ☐ Prepare an introductory statement including:
  - A summary of the number and effectiveness of meetings, mailings, public notices, and hearings at which the public was informed or consulted about the project.
  - The numbers and kinds of diverse interests that were involved in the project.
- ☐ Prepare a summary statement including:
  - An explanation of the extent to which community members views were taken into account in decision-making.
  - A list of the specific changes, if any, in project design or scope that occurred because of community member input.
- ☐ Coordinate internal review of the response to comments with all necessary departments (public affairs, technical, legal).
- ☐ Prepare final response to comments document.
- ☐ Distribute document to:
  - Information repository (if one exists).
  - Facility owner/operator.
  - Each individual who made written or oral comments.
  - Individuals who asked to receive the response to comments.
  - Appropriate agency officials.
  - Administrative record.

## Notices of Decision

**Regulatory Requirements:** RCRA requires the permitting agency to issue a notice of decision to accompany the final permit decision (under § 124.15 procedures). Class 3 modifications and corrective action final remedy selection also follow § 124.15 procedures and therefore require a notice of decision. Notices must be sent to the permit applicant and to any person who submitted written comments or requested notice of the final permit decision.

**Description of Activity:** A notice of decision presents the permitting agency's decision regarding permit issuance, denial, or modification to include changes such as corrective action procedures.

**Level of Effort:** May take several days to write and review. Writers should allow time for several rounds of revisions and for developing graphics such as site maps.

## HOW TO CONDUCT THE ACTIVITY

The notice of decision should briefly specify the agency's final decision, the basis for the decision, and procedures for appealing the decision. The agency should send the notice of decision to the permit applicant (facility owner/operator) and to each person who submitted written comments or requested notice of the final permit decision. The agency should also consider sending the notice of decision to other interested parties. Final permits generally become effective 30 days after distribution of the notice of decision.

**When to Use:** Develop a notice of decision when either: (1) a permit decision has been finalized following the 45-day public comment period, or (2) the permitting agency makes its final decision regarding a permit modification.

**Accompanying Activities:** A response to comments document must be issued at the same time as the final permit decision and notice of decision.

**Advantages and Limitations:** The notice of decision provides a clear, concise public record of the decision. However, it should not substitute for other public participation activities that allow for direct, two-way communication with the public.

### CHECKLIST FOR NOTICES OF DECISION

- ☐ Develop draft notice of decision, being sure to include:
  - Decision made.
  - Basis for the decision.
  - Information on appeal procedures.
- ☐ Coordinate internal review of notice of decision.
  - Coordinate with technical staff to ensure that notice is technically accurate.
  - Coordinate with legal staff to ensure that notice satisfies statutory requirements.
- ☐ Ensure that the notice provides the public with all necessary information in a clear and concise manner.
- ☐ Prepare final notice of decision.
- ☐ Notify relevant entities:
  - The facility owner/operator.
  - Anyone who submitted written comments.
  - Anyone who requested notice of the final decision.
  - Other interested parties.
- ☐ Place a copy of the notice of decision in the administrative record and information repository (if one exists).

## Information Repositories

**Regulatory Requirements:** The Environmental Protection Agency (EPA) regulations authorize the permitting agency to require a facility to establish an information repository during the permitting process (§ 124.33) or during the active life of a facility (§ 270.30). Repositories are not universally required.

**Description of Activity:** An information repository is a publicly-accessible collection of documents related to a permitting activity or corrective action. A repository can make information readily available to people who are interested in staying informed about RCRA activities in or near their community.

Information repositories are not mandatory activities in every situation. The permitting agency does not have to require a repository in every case and should use its discretion in determining whether one is necessary. Additionally, a facility or an environmental group may voluntarily set up a repository to make it easier for people in the community to access information.

**Level of Effort:** Depending on the amount of available documentation, a physical information repository may take up to one week to establish, including compiling and indexing documents and coordinating placement in a public library or other location. Updating the repository with new information may take one to two days every quarter. A public notice announcing the availability of the information repository may take approximately one day to write, review, and distribute to the public.

### HOW TO CONDUCT THE ACTIVITY

- **Assess need:** When assessing the need for an information repository, the permitting agency should consider factors such as the level of public interest, the type of facility, the presence of an existing repository, and the ease of access to the nearest copy of the administrative record. Because repositories can be resource-intensive, agencies should require repositories only when the community has a true need for additional access to information.
- **Determine location:** For repositories established under §§ 124.33 or 270.30, the initial choice of location is made by the facility. If the agency decides that the facility-proposed location is not suitable, then the agency will suggest another location.
  - Whether required or established voluntarily, the repository should be convenient and accessible for people in the community. Whoever establishes the repository should consider asking community members for location suggestions. Typical locations include local public libraries, town halls, or public health offices. The location should have adequate access for disabled users, be accessible to users of public transportation (where applicable), and should be open after normal working hours at least one night per week or on one weekend day. Repositories should be well lit and secure.
  - A facility may choose to set up the repository at its own offices. Before doing so, the facility owner/operator should discuss his or her intent with community representatives and the agency. If members of the community feel uncomfortable attending meetings or functions at the facility, then agencies should make all efforts to establish the repository at a suitable off-site location.
  - The facility should also ensure that a facility employee and someone at the repository location are identified as the information repository contacts. These contacts will ensure that the information is kept updated, orderly, and accessible.

- Depending on the level of community concern, or the location of the facility relative to the surrounding communities, consider establishing multiple repositories. For example, if a county seat is located several miles from the facility and county officials have expressed a strong interest in the facility, two repositories may be advisable: one in the community closest to the facility, and the other in the county seat.
- **Determine materials to include:** For repositories established under EPA's regulations, the permitting agency will decide, on a case-by-case basis, what documents, reports, data, and information are necessary to ensure that the community is provided with adequate information. The agency will provide a list of the materials to the facility. The agency has the discretion to limit the contents of repositories established under §§ 124.33 and 270.30. The following types of information may be included:
  - Background information on the company or facility.
  - Brochures, fact sheets, and other information about the specific facility or RCRA process.
  - Meeting summary from the pre-application meeting (if one was conducted).
  - Public participation plan (if developed).
  - Draft permit.
  - Reports prepared as part of the corrective action investigations, including the RCRA Facility Assessment (RFA), RCRA Facility Investigation (RFI), and Corrective Measure Study (CMS).
  - Notice of decision.
  - Response to comments.
  - Copies of relevant RCRA guidance and regulations.
  - Copies of news releases and clippings referring to the site.
  - Names and phone numbers of contact person(s) at the facility and permitting agency who are available to answer questions on the materials in the repository.
  - Any other relevant material (e.g., site sampling results, studies on the potential risks associated with chemicals that are stored at the facility).
- **Consider informal information repositories:** Facilities, permitting agencies, and public interest groups may decide to establish repositories aside from those required by regulation. Whoever establishes a repository should consult the public regarding what materials would be most useful to members of the surrounding community.

**When to Use:** The agency may require the facility to establish an information repository. Repositories may also be established informally when interest in the facility is high or the public needs convenient access to relevant documents.

**Accompanying Activities:** The contact person(s) should be responsible for ensuring that all relevant materials are filed in the repository. Agencies may also want to consider scheduling specific times when representatives from the facility and/or agency are available at an information table to answer questions from repository visitors. The information table could be available regularly (for example, once a month) or at key milestones in the permitting or corrective action process (for example, after a draft permit decision or completion of the RFI). Also, consider including translations of the information in the repository when there are many community members who are not proficient in English.

### **Advantages and Limitations:**

- An information repository provides local officials, community members, and the media with easy access to accurate, detailed, and current data about the facility. It demonstrates that the organization is responsive to community members' needs for comprehensive information on the facility.
- However, an information repository is a one-way communication tool and does not allow for interaction between community members and the organization (unless used in conjunction with an information table). The information repository may also include technical documents, which may be difficult for community members to understand.

### **CHECKLIST FOR INFORMATION REPOSITORIES\***

- ☐ Determine location of repository, and confirm with agency.
- ☐ Establish contact with the director of the selected location.
- ☐ After agency sends list of required documents for the repository, collect and compile the documents.
  - Number documents sequentially for ease of use, and prepare an index.
  - Placing documents in notebooks.
- ☐ Deliver documents to repository location.
- ☐ Make sure materials are visible and accessible at repository location.
- ☐ Have location director sign a letter or memo acknowledging receipt of the documents.
- ☐ Send a notice to the mailing list announcing the availability of the repository. Provide additional means of notice (e.g., newspaper, broadcast media, website, and social media) as appropriate.
- ☐ Update the repository as public documents become available and at key technical milestones.

*\* This checklist contains steps for information repositories required under §§ 124.33 and 270.30. Establishing an informal information repository will require similar steps; see discussion in this section for guidance.*

## Community Interviews

**Regulatory Requirements:** None.

**Description of Activity:** Community interviews are informal, face-to-face or telephone interviews held with local community members, elected officials, community groups, and other individuals to acquire information on community member concerns and attitudes about a facility. The interviews can play an important role in the community assessment phase of a project. These interviews can be conducted by facility staff, the permitting agency, or public interest groups as part of the community assessment. Chapter 5 provides more information on community assessments in the section titled “Assessing the Community.”

Community interviews will not be necessary in a community if the situation is routine or non-controversial. However, if a facility is controversial or has the potential to receive high levels of public interest, then the Environmental Protection Agency (EPA) recommends a broad range of community interviews. If the situation is somewhere in between the proceeding situations, it may be helpful to begin with a survey of community representatives and group leaders.

Information obtained through interviews is typically used to assess the community’s concerns and information needs and to prepare a public participation plan, which outlines a community-specific strategy for responding to the concerns identified in the interview process.

**Level of Effort:** Community interviews are time-intensive because of the large amount of organization and time needed. While level of effort will vary, interviewers should schedule at least one hour per interview for research and preparation, the interview itself, and follow-up activities. If time and/or resources are limited, interviewers may want to conduct interviews by phone and focus on community leaders.

### HOW TO CONDUCT THE ACTIVITY

Permitting agencies, facility owners, and public interest groups who plan to conduct community interviews should follow the steps below, adjusting them as necessary to suit the situation at hand:

- **Identify interview subjects.** If a mailing list is not available, begin by reviewing available files and other documents (e.g., newspaper articles) to identify stakeholders that have been involved with or expressed concern about the facility. Agency staff or other groups in the community (e.g., existing facility owners and operators, public interest organizations, civic groups, local government agencies) may also be able to suggest individuals or groups to interview. Develop a list of individuals and groups that provides the greatest variety of perspectives. Make sure to include individuals who tend to be less vocal to balance the views of those who are more outspoken.
- **Determine how many interviews to conduct.** Conduct interviews with the goal of obtaining a broad range of perspectives for developing an effective public participation plan. However, the actual number of interviews is likely to depend on available time and resources as well as the community’s level of interest and concern about the facility.
- **Prepare.** Before conducting the interviews, learn as much as possible about the community and community concerns regarding the facility. To do so, review available news clippings, letters, social media postings, and other sources of information on the facility. Determine whether the community has any particular language, geographic, or economic characteristics that should be

accommodated in the interview process. Prepare a list of questions that can serve as a general interview guide. These should stimulate discussion on the following.

- What information the community has received about the facility and what level of involvement the community has had with the facility.
- Specific concerns about the technical and regulatory aspects of the activities, and what types of information would be most appropriate to address these concerns.
- Which communication tools are likely to be most effective for community outreach (e.g., mailings, meetings, broadcast media, e-mails, websites, and social media) and what public participation events could best serve the community. Learn about special information needs that the community may have (e.g., the level of literacy, the percentage of non-English speakers).
- The best public meeting facilities, most relied-upon media outlets, and the best times to schedule activities.
- Other groups or individuals to contact for more information.
- **Arrange the interviews.** Contact prospective interviewees, arrange a convenient time, and place to meet. Ideally, the meeting place should promote candid discussions. While government and media representatives are likely to prefer meeting in their offices during business hours, local community members, and community groups may be available only in non-business hours. Meetings at their homes may be most convenient. In-person interviews are preferred, but telephone interviews are also acceptable.

During the interviews, interviewers should do the following:

- **Provide background information.** Briefly describe the permitting activity or corrective action at hand.
- **Assure confidentiality.** Assure interviewees that their specific comments will remain confidential. To do so, at the beginning of each interview, explain the purpose of the interviews – to gather information to assess community concerns and develop an appropriate public participation strategy. Explain that while the public participation plan will be part of the administrative record, the plan will not attribute specific statements or information to any individual. Ask interviewees if they would like their names and contact information on the mailing list.
- **Consider third-party interviewers.** If community members are uncomfortable in their interview due to discomfort with interviewers from the facility or agency, they may not be entirely forthcoming with their concerns or issues. If this is a concern, and sufficient resources are available, consider hiring a contractor to perform interviews. Some civic or community organizations may be willing to help in the interview process. If these options are not available, then consider distributing anonymous surveys or convening focus groups, where a number of community members can give their input together.
- **Identify other potential contacts.** During the discussions, ask for names and contact information of other persons who are interested in activities at the facility.



- **Gather information on past community member participation activities.** Determine the interviewee's perceptions of past outreach activities by your organization.
- **Identify community member concerns.** Identify community members' concerns about the facility, including:
  - Threat to health – Do community members believe their health is or has been affected by activities at the facility?
  - Economic concerns – How does the facility affect the local economy and the economic well-being of community members?
  - Agency/Facility/Interest Group credibility – Does the public have confidence in the capabilities of the agency? What are the public's opinions of the facility owner/operator and involved environmental/public interest organizations.
  - Involvement – What groups or organizations in the community have shown an interest in the facility? Is there a leader who has gained substantial local following? How have interested groups worked with the agency or facility in the past? Have community concerns been considered in the past?
  - Media – Have events at the facility received substantial coverage by local, state, or national media? Do local community members believe that media coverage accurately reflects the nature and intensity of their concerns?
  - Number affected – How many households or businesses perceive themselves as affected by the facility (adversely or positively)?
- **Assess future community member involvement.** Assess how community members would like to be involved in the RCRA permitting or corrective action process. Briefly explain the RCRA public participation process and ask the interviewees how they would like to be involved and informed of progress made and future developments at the facility. Ask them their preferred method of communication for future updates and keep a list of those who wish to be kept informed. Ask the interviewee to recommend convenient locations for setting up the information repository or holding public meetings.

**When to Use:** Community interviews should be conducted:

- as part of a community assessment by facility owners who are applying for a permit, seeking a major permit modification, or beginning significant corrective action;
- by the permitting agency to find out about community concerns at the outset of a major permitting or corrective action process;
- if a facility or action is controversial or has the potential to receive high levels of public interest; and

- before revising a public participation strategy, as months or years may have elapsed since the first round of interviews, and community concerns may have changed, consider the level of community concern in determining how extensive to make the interview process.

**Accompanying Activities:** Community interviews are conducted to gather information to develop an appropriate public participation plan for the facility. If a mailing list is in place, it can be used to identify interviewees. If it is not, interviews can help to identify people to put on the mailing list.

**Advantages and Limitations:**

- Community interviews can be a valuable source of opinions, expectations, and concerns regarding RCRA facilities and often provide insights and views that are not presented in the media. In addition, these interviews may lead to additional information sources. The one-on-one dialogue that takes place during community interviews provides the basis for building a good working relationship, based on mutual trust, between the community and other stakeholders. Therefore, although its primary purpose is to gather information, the community interview also serves as an important public outreach technique.
- However, community interviews may be time-consuming and resource-intensive, could cause unnecessary fear of the situation among the public, and are not useful if they do not target the right people, especially ones who are less vocal and may not have been identified.

### **CHECKLIST FOR COMMUNITY INTERVIEWS**

#### **PREPARE AND CONDUCT INTERVIEWS**

- ☐ Identify individuals to interview:
  - Review facility background files for names of people who have expressed interest.
  - Identify community leaders to contact.
  - Identify city/state/county officials to contact.
- ☐ Determine dates for interviews.
- ☐ Identify team to conduct interviews.
- ☐ Prepare interview questions.
- ☐ Review background information available about the facility and community.
- ☐ Set up interviews.
- ☐ Confirm interviews by mail, phone, or e-mail.
- ☐ Conduct interviews.

#### **FOLLOW-UP**

- ☐ Send a thank you note.
- ☐ Notify the interviewee when the public participation strategy is available in the repository (if one exists) or available online.

## Community Advisory Groups

**Regulatory Requirements:** None.

The Resource Conservation and Recovery Act (RCRA) regulations do not require the use of advisory groups; however, EPA regulations contain standards for advisory groups if EPA decides to require them under the Code of Federal Regulations (CFR) at Part 40. These standards are located in 40 CFR 25.7. Although these standards may not apply to all types of advisory groups used in conjunction with RCRA permitting, they provide useful guidance for agencies, facilities, and public interest groups who may want to use advisory groups. A copy of the part 25 regulations is available Appendix A.

**Description of Activity:** A Community Advisory Group (CAG) is a board of stakeholders that meets routinely to discuss issues involving a particular facility. CAGs typically are forums where concerns and information are exchanged between the community members, facility owner/operator, or the permitting agency on RCRA activities. This public forum allows for representatives of diverse community interests to present and discuss their needs and concerns with government and/or the facility.

CAGs can be a good way to increase active community participation in environmental decision-making and provide a voice for affected community members and groups. They promote direct, two-way communication among the community, the permitting agency, and the facility.

The best setup for a CAG to use will depend on the situation. For instance, a community organization may create a CAG of affected community members to provide an official voice from the community. Facility owner/operators may create a CAG of affected community members to provide informal or formal advice. A permitting agency may form a CAG that includes stakeholders from the facility, the community, and the agency.

In establishing a CAG, it is important to bear in mind that the size of a group can often have an impact on its effectiveness – for example, too large of a group can inhibit how efficiently it can work and come to consensus on issues, and too small of a group may not be adequate to represent diverse community concerns. Although CAGs are a useful tool in many situations, they may not always be appropriate. See the “When to Use” section below for a list of factors to consider before forming a CAG.

Forming a CAG does not necessarily mean that there will be universal agreement about permitting or corrective action issues. Nor does having a CAG mean there will be no controversy during the process. However, when decisions made by the facility or the permitting agency differ from the stated preferences of a CAG, the facility or the agency should accept the responsibility of explaining its decision to CAG members.

EPA’s Office of Superfund Remediation and Technology Innovation issued [guidance on the use of CAGs at Superfund sites](#). Although there are many differences between the Superfund and RCRA programs (most notably that Superfund often deals with abandoned sites while RCRA typically deals with existing or potential facilities), a large part of the Superfund CAG guidance discusses CAG development, membership, and training that may be applicable to some RCRA CAGs.

**Level of Effort:** CAGs can be a time-consuming and expensive endeavor. Membership selection, meeting preparation and follow-up, information dissemination, and training all take resources. Unlike the Superfund program, agencies that implement RCRA cannot provide Technical Assistance Grants (TAGs) to help defray the costs of CAGs.

### HOW TO CONDUCT THE ACTIVITY

See the [Superfund CAG website](#), EPA's [Guidance for Community Advisory Groups at Superfund Sites](#) and 40 CFR § 25.7 (Appendix A) for information on how to set up CAGs. Keep in mind that CAGs under the RCRA program will differ from CAGs under Superfund, as they are two different programs.

**When to Use:** A CAG can be formed at any point in the permitting or corrective action process, and may be most effective in the early stages. Generally, the earlier a CAG is formed, the more members can participate in and influence decision-making. However, when considering whether a CAG is appropriate for the situation, consider the following factors:

- The level of community interest and concern.
- Community interest in forming a CAG.
- The existence of groups with competing agendas in the community.
- Environmental justice issues or concerns regarding the facility; the history of community involvement with the facility, or with environmental issues in general.
- The working relationship between the facility, the community, and the permitting agency.

**Accompanying Activities:** Depending on the composition and the purpose of the CAG, it may be helpful to provide public notice, hold a public meeting, and issue a news release before forming the CAG. The CAG may choose to provide public participation activities (such as meetings, newsletters, website updates, or availability sessions) as part of its mission.

#### **Advantages and Limitations:**

- CAGs can increase active community participation in environmental decision-making and provide a voice for affected community members and groups. They promote direct, two-way communication among the community, the permitting agency, and the facility and can highlight an organization's commitment to inclusive stakeholder input.
- However, CAGs can be time- and resource-intensive. If they do not accurately reflect or account for public concerns, they may lose support in the community. In addition, uncertainty about the group's charter may cause conflict and hard feelings. When using a CAG, the mission and responsibilities of the CAG must be made clear from the start. Finally, CAGs can spend so much time agreeing on procedures that they drive away people who are concerned with substance. This problem can be sharply reduced if an advisory group agrees to work on a consensus basis rather than by majority vote.

## Telephone Calls with Specified Stakeholders

**Regulatory Requirements:** None.

**Description of Activity:** Telephone calls can be used to gather information about the community and to update state and local officials and other interested parties on the status of permitting or corrective action activities. See the section on “Surveys and Telephone Polls” earlier in this chapter for related activities.

**Level of Effort:** Telephone calls can be a time-intensive activity depending on the nature, duration, and number of calls.

### HOW TO CONDUCT THE ACTIVITY

- **Information:** Know exactly what information to request or give out. Plan carefully what the caller will say and what information the caller will plan to obtain. Refer to the section on “Community Interviews” earlier in this chapter for information on how to conduct these interviews.
- **Notes:** Take notes to keep on file when conducting telephone calls.

**When to Use:** Telephone calls may be used:

- in the early stages of the Resource Conservation and Recovery Act (RCRA) actions to identify key officials, community members, and other stakeholders who have a high interest in the facility;
- to gather information when face-to-face community interviews are not possible;
- when new and time-sensitive material becomes available; and
- When there is a high level of community interest in the facility and it is important to keep key players informed.

**Accompanying Activities:** Telephone calls are usually made to arrange or conduct community interviews, develop mailing lists and arrange for other public participation activities such as news briefings, informal meetings, and presentations.

### Advantages and Limitations:

- Telephone calls can be an inexpensive and expedient method of acquiring initial information about the facility. Once the initial information has been gathered, telephone calls are a quick means of informing key people about facility activities and for monitoring any shifts in community concerns.
- Community members initially may feel uncomfortable discussing their concerns and perceptions over the telephone with a stranger. Once community members have met your staff in person, however, they may be more open and willing to discuss their concerns during follow-up telephone calls.

### CHECKLIST FOR TELEPHONE CALLS WITH SPECIFIED STAKEHOLDERS

#### INITIAL TELEPHONE CALLS

- ☐ Identify individuals to call:
  - State officials.
  - Local officials.
  - Regulatory agency officials.
  - Concerned individuals.
  - Media.
  - Environmental groups, civic organizations, or public interest groups.
- ☐ Prepare information to discuss on the call.
- ☐ Prepare questions for individuals to answer.
- ☐ Prepare information to give to individuals.
- ☐ Keep a logbook of information received and given.

#### ONGOING ACTIONS

- ☐ Maintain updated telephone contact list.
- ☐ Prepare information to discuss before each set of calls.

## Informal Meetings with Other Stakeholders

**Regulatory Requirements:** None. (This type of informal meeting is distinct from the pre-application meeting required under § 124.31 discussed under “Public Meetings” in this appendix, which the Environmental Protection Agency (EPA) has stated should be an informal discussion open to the public.)

**Description of Activity:** Informal meetings are meetings with individual stakeholder groups that have particular interest in a permitting activity. They are held in an informal setting, like a community member’s home or a local meeting place. Facility staff can receive first-hand information from interested community members, special interest groups, and elected officials, while individuals have the opportunity to ask questions and explore topics of interest regarding the facility in question.

**Level of Effort:** An informal meeting generally takes two to three days to plan and conduct. This includes roughly three hours to set up and schedule the meeting, five hours for preparation, four hours to conduct the meeting, and four hours to follow up on any issues raised during the meeting.

### HOW TO CONDUCT THE ACTIVITY

- **Identify interested community members and officials.** Contact each group and local agency that is directly affected by the facility, or contact individuals who have expressed concern regarding the facility. Interested community/public interest groups may also want to contact the agency or the facility to set up a meeting. Offer to discuss the permit or corrective action plans at a convenient time, taking into consideration the following elements that will affect levels of community interest and concern:
  - For facilities at which emergency actions are required, schedule the meeting after the agency has accurate information to share with the participants.
  - For a corrective action, determine first when community concerns may be highest and schedule meetings accordingly. For instance, it may be appropriate to hold an informal meeting when the risk assessment report is released.
  - Holding informal meetings early in the permit process can help prevent potentially volatile situations from developing by providing community members with one-on-one attention.
- **Limit attendance.** To increase effectiveness, restrict attendance to between five and 20 individuals or specify attendance by invitation only. Larger groups are less likely to encourage some people to express their concerns. If a greater number of stakeholders are interested, you should schedule additional small meetings. If a greater number of participants appear than are expected at an informal meeting, divide the group into smaller groups to allow more one-on-one discussion to take place.
- **Select time and place.** Select a meeting date, time, and place convenient to attendants. The meeting place should have chairs that can be arranged into a circle, or some other informal setting conducive to two-way communication. A private home, public library meeting room, community center, or church hall may be more likely to promote an exchange of ideas than a large or formal public hall. When scheduling the meeting, make sure that the date and time do not conflict with other public meetings that community members may want to attend, such as town council meetings, or with holidays or other special occasions. Permitting agencies should be sure that the meeting location does not conflict with state “sunshine laws.” In selecting a public meeting place,



be attentive to the special needs of handicapped individuals (e.g., access ramps or elevators). Be aware that meetings will frequently have to be scheduled during evening hours to accommodate work schedules.

- **Begin the meeting with a brief overview.** This short presentation should include a summary of the permit review schedule and how stakeholders can be involved in the decision. These opening remarks should be kept brief and informal (no more than a few minutes) to allow maximum opportunity for open discussion with meeting attendees. Cover whatever topics the public is interested in discussing; these may include:
  - extent of the activity;
  - safety and health implications;
  - factors that might speed up or delay the regulatory and technical process; and
  - how community concerns are considered in making decisions on permits and corrective actions.
- **Identify regulatory decision-makers.** Identify the regulatory decision-makers (major agencies and individuals responsible for enacting and enforcing RCRA regulations) so that community members and other stakeholders can direct further questions or voice new ideas or suggestions to them.
- **Adapt the discussion to the audience.** Consider how familiarity the community members are with the technical aspects of the activities discussed.
- **Listen and take notes.** Find out what the meeting attendees want done. Some concerns may be addressed by making minor changes in a proposed action. Discuss the possibility for accommodating these concerns or explain the reasons why community member requests appear to be unworkable or conflict with program or legal requirements.
- **Promptly follow up on any major concerns.** Stay in touch with the groups and contact any new groups that have formed, so that new or increasing concerns can be dealt with before problems develop.
- **Write up brief minutes for future reference.**

### When to Use:

- When there is widely varying level of knowledge among community members.
- When the level of tension is high and large meetings may not be appropriate.
- When the community needs more personal contact to have trust in the organization or the process.
- When groups want to discuss specific issues for which the larger community is not interested.

**Accompanying Activities:** Community interviews or phone calls to contacts usually precede these meetings, as these are a way to identify concerned individuals who could participate in meetings. Possible

meeting locations also can be identified during the community interviews. Distributing fact sheets at these meetings also may be appropriate, depending on when they are held.

### **Advantages and Limitations:**

- Informal meetings allow two-way interaction between individuals, local officials, the permitting agency, and the facility. Not only will community members be informed about the developments, but the facility owner/operator and officials responsible for the site can learn how community members view the site. Informal meetings also add a personal dimension to what might otherwise be treated as a purely technical situation. Informal meetings offer individuals, facility staff, and officials a chance to increase their familiarity with how the process works, increase awareness of each other's point of view, and actively promote public participation. Informal meetings also may diffuse any tension between stakeholders.
- However, some groups may perceive efforts to restrict the number of attendees as a “divide and conquer” tactic to prevent large groups from exerting influence on potential actions and to exclude certain individuals or groups. One way to prevent this perception is to hold informal meetings with those organizations who express concern about being left out of the process.
- Irate groups or individuals also may accuse agency staff of telling different stories to different groups at these small meetings. To avoid this criticism, invite a cross-section of interests to each small meeting or have a large public meeting instead. Alternatively, an organization can keep a written record of the informal discussions and make it available upon request or include it in the information repository. A record of discussions is required for any legally-required meetings held during the public comment period.

### CHECKLIST FOR INFORMAL MEETINGS WITH OTHER STAKEHOLDERS

#### PLAN THE MEETING

- ☐ Determine purpose of meeting.
- ☐ Determine number of attendees.
- ☐ Determine location(s) for meeting (complete for each available facility).
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
  - Phone number: \_\_\_\_\_
  - Occupancy size: \_\_\_\_\_
  - Handicap accessibility: \_\_\_\_\_
  - Features (restrooms, security, adequate parking/accessible by public transportation, etc.): \_\_\_\_\_
- ☐ Determine date, time of public meeting: \_\_\_\_\_
- ☐ Identify interested community members and officials.
- ☐ Contact community groups to invite representatives to the meeting.
- ☐ Prepare meeting agenda, including:
  - Overview of project.
  - Identification of decision-makers.
  - Time for discussion.

#### AFTER THE MEETING

- ☐ Follow up with participants as necessary.

## Focus Groups

**Regulatory Requirements:** None.

**Description of Activity:** Focus groups are small discussion groups (usually 6-12 people) selected either to be random or to approximate the demographics of the community. The groups are typically led by a trained moderator who draws out people's reactions to a Resource Conservation and Recovery (RCRA) process.

**Level of Effort:** Focus groups can be resource-intensive, depending on the number of groups that are convened and if a moderator, meeting space, and/or transportation need to be provided.

### HOW TO CONDUCT THE ACTIVITY

- **Determine whether or not a focus group can help the process.** Consider whether gathering members of the community together would provide more comfort than individual interviews, and whether this would be a more effective means of gauging public opinion.
- **Select participants.** Contact other stakeholders and community leaders to get input on whom to include in the focus groups.
- **Techniques.** Use similar techniques to those for community interviews to get input from the focus group. Readers can follow the guidance in "Community Interviews" above in this appendix to learn about the types of questions to ask.
- **Use of information.** Use the information to form a public participation plan.

**When to Use:** Focus groups provide a relatively quick means of feedback from a representative group and can be a good supplementary activity, especially if such group discussions will make some members of the public feel more comfortable as compared to one on one interviews.

**Accompanying Activities:** Focus groups can be a complement or alternative to community interviews. Consider holding a presentation or provide the groups with information such as fact sheets.

### Advantages and Limitations:

Focus groups can provide an in-depth reaction to permitting issues. They can help to outline a public participation plan and give an indication of how the public will react to certain issues.

The reactions of a focus group cannot, in all cases, be counted on to represent the greater community. Some people may perceive focus groups as an effort to manipulate the public.

### **CHECKLIST FOR FOCUS GROUPS**

#### **PLAN THE FOCUS GROUP**

- ☐ Determine the number of focus groups to be conducted.
- ☐ Determine dates for focus groups.
- ☐ Identify moderator to conduct focus groups:
- ☐ Identify individuals for focus groups.
  - Review facility background files for names of people who have expressed interest.
  - Identify community leaders to contact.
  - Identify city/state/county officials to contact.
- ☐ Prepare discussion questions.
- ☐ Review background information available about the facility and community.
- ☐ Set up focus groups.
  - Confirm participation by mail, phone, or e-mail.

#### **CONDUCT THE FOCUS GROUP**

- ☐ Conduct focus groups.
- ☐ Gather and analyze information learned during the focus groups.

#### **FOLLOW-UP**

- ☐ Send thank-you notes as a follow-up to participants.
- ☐ Notify the group members when the public participation plan is available.

## Facility Tours

**Regulatory Requirements:** None, although all tours must comply with facility safety plans.

**Description of Activity:** Facility tours are scheduled trips to the facility for media representatives, local officials, and individuals during which technical and public affairs staff can answer questions. Facility tours increase understanding of the issues and operations at a facility and the Resource Conservation and Recovery Act (RCRA) RCRA-regulated process underway. If it is not feasible or safe to provide an onsite facility tour, virtual tours or videos showing activity and operations at the facility may be posted online.

**Level of Effort:** Facility tours generally take one day to plan and conduct.

### HOW TO CONDUCT THE ACTIVITY

- **Planning:** The facility owner/operator or the agency may decide to conduct a tour of the facility. If agency staff plan to lead the tour, they should coordinate with the facility owner/operator. Community groups should arrange tours with the facility owner/operator. If there is a community advisory group (CAG) associated with the facility, CAG members could lead or participate in tours. Before the tour, the organizer should:
  - determine tour routes;
  - check on availability of facility personnel, if needed; and
  - ensure that the tour complies with the safety plan for the site.

If it is not possible to arrange tours at the facility (e.g., the facility is under construction or not yet built), consider arranging a tour at a similar facility. Interested community members may benefit from touring a facility that has similar operations or where similar technologies have been applied. Touring a RCRA-regulated facility can give community members a clearer perception of what to expect at their own site. Alternatively, virtual tours could be made available online if onsite tours are not safe or feasible.

- **List of individuals:** Develop of a list of stakeholders who may be interested in participating in a tour, including:
  - individual community members or nearby community members who have expressed concern about the site;
  - representatives of public interest or environmental groups that have expressed interest in the site;
  - interested local officials and regulators;
  - representatives of local community or service groups; and
  - representatives of local newspapers, TV, and radio stations.
- **Tour group size:** Determine the maximum number of people that can be taken through the facility safely. Keep the group small so that all who wish to ask questions may do so. Schedule additional tours as needed.
- **Participant involvement:** Think of ways to involve tour participants – for example, consider a “hands-on” demonstration of how to read monitoring devices.

- **Questions:** Anticipate questions, and have someone available to answer technical questions in non-technical terms.

**When to Use:** Tours may be conducted:

- When there is moderate to high interest in the facility, especially among elected officials.
- When it is useful to show activities at the facility to increase public understanding or decrease public concern.
- When it is practical and safe to have people on facility grounds.
- During the remedial phase of corrective action.

**Accompanying Activities:** Fact sheets, exhibits, and presentations can complement facility tours. An observation deck near the facility would allow stakeholders to watch the progress of activities on their own. An on-scene information office would allow for an agency official to answer questions or provide less formal tours of the facility. Videos and photos showing activity and operations at the facility, or a virtual tour of the proposed facility, could be helpful when onsite tours cannot be conducted.

**Advantages and Limitations:**

- Facility tours familiarize the media, local officials, and community members with the operations and individuals involved in permitting or corrective action. Facility tours may help to dispel unreasonable fears about the risks of the facility. Tours often result in better understanding between stakeholders.
- However, facility tours require considerable staff time to arrange, prepare, and coordinate. Staff may have difficulty gaining site access for non-agency individuals. Insurance regulations for the facility and liability, safety and injury considerations may make tours impossible.

### **CHECKLIST FOR FACILITY TOURS**

#### **PLAN THE TOURS**

- ☐ Determine need for facility tours.
- ☐ Coordinate tours with the facility.
  - Establish tour routes.
  - Check availability of facility personnel, if needed.
  - Schedule tour dates.
  - Ensure compliance with health and safety regulations.
- ☐ Determine maximum number of people that can be taken on the tour.
- ☐ Notify interested community members of facility tours.
  - Contact interested community members and people on the facility mailing list.
  - Have community members respond to reserve space on a tour.
- ☐ Assign facility or agency staff to conduct tours.
- ☐ Prepare responses to anticipated questions.

#### **CONDUCT THE TOURS**

- ☐ Conduct tours.
- ☐ Consider posting virtual tours online as a supplement or if onsite tours are not feasible.
- ☐ Follow up with any requested information from interested community members.



## Observation Decks

**Regulatory Requirements:** None.

**Description of Activity:** An observation deck is an elevated deck on the facility property near the area where corrective action or Resource Conservation and Recovery Act (RCRA) RCRA-regulated activities are in progress. The deck allows interested Community members to observe facility activities directly to remove some of the unfamiliarity and fear surrounding RCRA activities. If it is not feasible to construct an observation deck, consider posting photos or videos of the facility to a publicly accessible website.

**Level of Effort:** Maintaining an observation deck can be time-intensive if staff need to supervise the deck 40 hours per week. Consider hiring a contractor to staff the deck or limiting hours when the deck is open.

### HOW TO CONDUCT THE ACTIVITY

The agency and facility owner/operator should work together to do the following:

- **Need for deck:** Decide whether or not an observation deck is needed or desirable, based on community interest and suitability of the site. Alternatively, virtual tours (e.g., graphics and videos of the facility) could be made available online if an observation deck is not feasible.
- **Deck construction:** Determine the best location for the observation deck, keeping in mind safety and public access issues.
- **Staffing:** Determine the hours of operation for the observation deck. Identify staff to supervise the observation deck, and prepare staff to answer questions from the public
- **Notify the public:** Notify the community that the deck is available through public notices, fact sheets, a mailing to the facility mailing list, and online postings.

**When to Use:** An observation deck can be useful when:

- the level of community interest in the facility is high;
- staff are available to supervise public use of the deck and answer questions;
- it is physically possible to construct a deck in a safe and suitable location; and
- there are significant opportunities to educate the public using the deck (for example, if a corrective action is being implemented, or when a new technology is being tested or implemented).

**Accompanying Activities:** An observation deck could complement facility tours or an on-scene information office. Fact sheets or an informative exhibit placed near the deck also could further aid in explaining facility activities.

### Advantages and Limitations:

- An observation deck allows community members and media representatives to observe site activities unobtrusively.
- However, constructing and staffing an observation deck is expensive, and decks need to be supplemented with additional information so that community members understand what they see. Furthermore, deck managers must ensure that the health and safety of visitors is protected.

### CHECKLIST FOR OBSERVATION DECKS

- ☐ Coordinate with the facility to determine need for and suitability of an observation deck.
- ☐ Identify staff available to supervise the deck and answer questions from interested Community members.
- ☐ Coordinate deck construction.
- ☐ Set hours of operation for the observation deck.
- ☐ Notify interested Community members of the availability of the observation deck.
  - Public notice.
  - Fact sheet.
  - Mailing to facility mailing list.
  - Postings to relevant websites or social media accounts.
- ☐ Maintain observation deck.
- ☐ Consider posting virtual tours online as a supplement or if an observation deck is not feasible.

## On-Scene Information Offices

**Regulatory Requirements:** None.

**Description of Activity:** An on-scene information office is a trailer, small building, or office space on or near the facility site, depending on what is more convenient and accessible for the affected community. This office should always be staffed by someone capable of responding to inquiries and preparing information releases.

**Level of Effort:** An on-scene information office is a time-intensive activity, and may require keeping staff in the office up to 40 hours a week. Consider hiring as short cut a contractor to staff the office; however, always ensure that a representative is there for some specified period during the week.

### HOW TO CONDUCT THE ACTIVITY

- **Establish the office.** This may include renting a trailer (and arranging with the facility owner to designate space), or renting office space in a town. If establishing the office off-site, find an area near the facility or in the nearest town. Install a telephone with voice-mail to respond to inquiries. Publicize the number in local newspapers and in public participation publications. Internet access and a computer should be available for the staffer to respond to online requests.
- **Staffing.** Assign someone to staff the office, and establish regular hours, including some during the weekend and weekday evenings. Publicize the information office's hours and services.
- **Materials.** Equip the office with the same materials normally contained in an information repository, if possible. At a minimum, include key documents and summaries of other documents that are not available. Provide a copy machine so that the public can make copies of documents in the information repository.

**When to Use:** An on-scene information office may be used:

- when community interest or concern is high;
- during corrective actions;
- when cleanup involves complex technologies or processes;
- when the community perceives a high level of risk to health;
- when activities may disrupt the area surrounding the facility (e.g., traffic patterns); and
- when the area near the facility is densely populated.

**Accompanying Activities:** The on-scene staff person can conduct meetings and question and answer sessions to inform community members about the status of the corrective actions or other facility operations. Staff may also prepare and distribute fact sheets and newsletters to local community members, conduct facility tours, and support the telephone hotline (if one is set up). With the telephone contacts they make, they can add to and update mailing lists and revise public participation plans. An on scene information office may also be a good location for the information repository.

Individuals staffing an on-scene information office for an extended period of time will necessarily have a special role in the community. Involvement in other public participation activities may represent a large part of their function. On-site staff may also be responsible for maintaining databases of community members' addresses, the status of access to property, and a daily log of inquiries. On-site staff should monitor public perceptions and concerns daily and can often make useful recommendations regarding stakeholder concerns. Finally, and perhaps most importantly, on-site staff frequently serve as a liaison with the public.

### **Advantages and Limitations:**

- An on-scene information office can be an effective activity for ensuring that other stakeholders are adequately informed about permitting activities and that their concerns are addressed immediately.
- An information office can be very expensive since it requires extensive staff time and maintenance of office space. Therefore, it should be used only when community concerns are currently high or may be high in the future.

### **CHECKLIST FOR ON-SCENE INFORMATION OFFICES**

- ☐ Determine need for an on-scene information office.
- ☐ Identify staff to work in the office.
- ☐ Rent a trailer or office space for the information office.
- ☐ Equip the office with a telephone, Internet, office equipment (i.e., copier, computer), and all materials contained in an information repository.
- ☐ Notify interested people of availability of an on-scene information office via a public notice, fact sheet, mailing to the facility mailing list, or update on the project website or social media, as applicable.
- ☐ Maintain on-scene information office. Have staff conduct the following:
  - Maintain the mailing list.
  - Review media coverage.
  - Respond to calls and online questions from community members and stakeholder groups.

## Briefings

**Regulatory Requirements:** None.

**Description of Activity:** Briefings are in-person informational sessions with key stakeholders, such as elected officials and members of public interest or environmental groups that have been involved in the process. Briefings usually precede the release of information to the media or public meetings.

**Level of Effort:** One day to plan and conduct.

### HOW TO CONDUCT THE ACTIVITY

- **Inform audience** well in advance of the date of the briefing. It is usually best to hold the initial briefing in a small public room, such as a hotel meeting room, conference room, or at the stakeholders' offices. Where relationships might be antagonistic, it may be best to hold the briefing in a neutral location.
- **Present a short, official statement** explaining the information in the context of the Resource Conservation and Recovery Act (RCRA) process and announcing future steps in the process.
- **Answer questions about the statement.** Anticipate questions and be prepared to answer them simply and directly. If the briefing has been requested, find out in advance what information the stakeholders are interested in, and prepare to answer those and related questions.

**When to Use:** Briefings are particularly useful:

- when key stakeholders have expressed a moderate-to-high level of concern about the facility or the process;
- before the release of new information to the media and the public;
- when unexpected events or delays in the RCRA process occur; and
- at other points during the permit or corrective action processes when an upcoming action is or might be controversial.

**Accompanying Activities:** Briefings usually precede news conferences, news releases, informal meetings, or public meetings.

### Advantages and Limitations:

- Briefings allow key stakeholders to learn more details and directly share concerns about an action prior to public release of information regarding that action.
- However, because briefings are typically conducted with a small, select group of stakeholders (e.g., state and local officials, community leaders, involved regulators), they are not considered public information dissemination. As a result, they always should be complemented by activities to inform the general public, such as informal meetings with small groups, public meetings, or news conferences. In addition, be careful not to exclude people key to the public participation process from the briefing; avoid the perception that you are trying to bury facts or favor special interest groups.

### CHECKLIST FOR BRIEFINGS

- ☐ Determine the date, time, and location of the briefing.
  - Date: \_\_\_\_\_
  - Time: \_\_\_\_\_
  - Location: \_\_\_\_\_
- ☐ Notify key state and local officials, Community members, and other interested parties of the briefing.
- ☐ Prepare presentation, including responses to anticipated questions.
- ☐ Prepare any handout materials.
- ☐ Conduct briefing.
- ☐ Follow-up on any unanswered questions.

## Translations

**Regulatory Requirements:** None; however, the Environmental Protection Agency (EPA) strongly recommends using multilingual communications as appropriate to provide equal access to information throughout the Resource Conservation and Recovery Act (RCRA) process.

**Description of Activity:** Translations provide written or oral information in a foreign language to a community with a significant number of community members who are not proficient in English. Translations can be provided for text (online and print) as well as oral communications, through an interpreter.

**Level of Effort:** Depends on length of materials translated.

### HOW TO CONDUCT THE ACTIVITY

- **Evaluate need:** Are there are stakeholders that may not be able to participate in the decision-making process due to a lack of English proficiency?
- **Dialects:** Ensure that translators speak the same dialect as community members.
- **Technical concepts and tone.** Contract with translators and interpreters who have a demonstrated the ability to convey technical concepts and nuanced scientific results (e.g., chemical names, statistical findings). For written work, ensure quality control of how technical concepts, scientific results, and tone are conveyed. Avoid using technical jargon.
- **Simultaneous translation:** Quality assurance is more difficult during simultaneous translation, as there is no time for review. For simultaneous translation, have at least the technical aspects of the subject translated in advance. Practice speeches beforehand with the translator. A staff member should also review all the relevant RCRA jargon with the translator beforehand. Consider whether translations should be simultaneous, or whether the translator should speak afterwards.

**When to Use:** Translations may be necessary when a significant portion of the community is not proficient in English. If stakeholders are illiterate, ensure that oral translations are provided at public events. Oral translations are also recommended where there is considerable concern over the facility, extreme hostility, or suspicion of the agency's efforts to communicate with the public.

**Accompanying Activities:** The need for translations is often determined during the community assessment and community interviews. Translations are generally used for fact sheets, online content, public notices, presentations, public meetings, public hearings, and news conferences.

#### Advantages and Limitations:

- Written translations and use of translators at events ensure that a greater number of community members can participate effectively in the RCRA process. This effort assures the community of the organization's sincerity in providing opportunity for public participation.
- However, translations are very costly, especially simultaneous translations of public meetings. Sentence-by-sentence oral translations frequently double the length of public meetings, and may make information more difficult to present effectively and smoothly. In addition, very few translators are familiar with the RCRA permitting and corrective action processes.

### CHECKLIST FOR TRANSLATIONS

- ☐ Determine need for translations.
- ☐ Identify translation service or staff capable of translating in the relevant languages.
- ☐ Prepare list of technical and RCRA terms that will need to be translated.
- ☐ Translate text materials, including materials posted to websites and social media.
- ☐ For meetings, determine if translation will be simultaneous (using audio equipment) or if translations will occur following statements. If simultaneous, provide the appropriate audio equipment.
- ☐ For meetings, prepare responses to expected questions in advance with the translator.



## Project Newsletters and Reports

**Regulatory Requirements:** None.

**Description of Activity:** Project newsletters and reports can keep interested people informed about corrective action and permitting activities at a level of detail that is not available from the news media. A project newsletter uses a reader-friendly, news-based format to provide regular updates on Resource Conservation and Recovery Act (RCRA) activities. Project reports may include official technical reports or other documents and studies related to a particular facility. Posting these documents online and sending them directly to key stakeholders can spread information more effectively than simply placing the documents in an information repository.

**Level of Effort:** Newsletters can require significant time and resources to develop, while disseminating existing reports can be relatively simple. The time and cost to distribute the information varies based on how the reports are disseminated (e.g., posted online, printed, and mailed).

### HOW TO CONDUCT THE ACTIVITY

- **Staff:** Assign a staff person to produce the newsletter or report. Instruct project staff to direct relevant information to this person.
- **Resources:** Evaluate the resources available for the newsletter and decide what type of newsletter you will produce.
- **Writing style:** Avoid bureaucratic or technical jargon. The newsletter should contain real news that is useful to people. Since people who are not familiar with the project may pick up the newsletter, write it so that first-time readers can understand it.
- **Presentation:** A visually attractive newsletter with graphics and simple language is more likely to be read by the community.
- **Review:** In order to demonstrate that newsletters are credible, consider sending the newsletters to external groups for review. For example, consider asking a community advisory group (CAG), a consultant, or a non-partisan civic group (e.g., the League of Women Voters) to review the document. In some cases, where credibility is a particular concern, it may be beneficial for the CAG or other neutral group to produce the newsletter.
- **Summaries of detailed reports:** For technical reports, consider including a summary, or include the report's findings in the newsletter with a link to the full report.
- **Distribution:** Ensure that mailing lists are updated before sending reports or newsletters. In addition, because newsletters may continue to be distributed for a number of years, consider adding a prompt in the newsletter once a year that asks readers to confirm that their addresses are still valid and that they still want to receive the newsletter. When appropriate, newsletters and reports can also be posted online or to social media.

**When to Use:** Project newsletters and reports may be most useful when:

- there is a high level of public interest in a facility;
- it is difficult for many community members to access the information repository, or a repository

has not been established;

- the agency would like to maintain project visibility during extended technical studies;; and
- the results of detailed studies need to be presented to the public.

**Accompanying Activities:** Send newsletters or reports to the project mailing list. Consider holding availability sessions, open houses, or informal meetings to explain the results of detailed reports and studies. Always include a contact person in the newsletter or report.

**Advantages and Limitations:**

- Newsletters and project reports are useful ways to disseminate important information to stakeholders. Making reports widely available (e.g., online) can enhance their credibility.
- Newsletters may require significant amounts of staff time and resources to develop. Direct distribution of technical reports can lead to confusion if the report is not accompanied by a summary.

### CHECKLIST FOR PROJECT NEWSLETTERS AND REPORTS

- ☐ Assign a staff person to be in charge of producing the newsletter or report, and direct the project staff (e.g., through a memo or e-mail) to forward all relevant project information to that person.
- ☐ For newsletters, decide on format, style, and frequency of distribution.
- ☐ Review the newsletter for content, style, simple language, and visual appeal.
- ☐ If credibility is a concern, send the newsletter to a neutral party for review.
- ☐ For detailed project studies or reports, write a summary in simple language and attach to the report, or include the summary in the newsletter.
- ☐ Distribute the newsletter or report to the mailing list.
- ☐ If appropriate, post the newsletter or report online or to social media.

## **Presentations**

**Regulatory Requirements:** None.

**Description of Activity:** Presentations are speeches, panel discussions, videos or slide shows held for local clubs, civic or religious organizations, school classes, or concerned community groups to help improve public understanding of current Resource Conservation and Recovery Act (RCRA) activities. Presentations can be broadcasted online via a webinar or posted to agency or facility websites or social media accounts.

**Level of Effort:** Allow one to two days to set up, schedule and prepare the presentation, and follow up on any issues raised. Be sure to allow additional time to arrange audiovisual equipment.

### **HOW TO CONDUCT THE ACTIVITY**

- **Initial Outreach:** Contact groups that may be interested in learning about the project to the determine focus of the presentation.
- **Scheduling:** Be sure to schedule the presentation at a time that is convenient for most members of the target audience. For example, if stakeholders are unable to attend during business hours, the presentation could be scheduled for an evening or weekend. Presentations can also occur as part of a regular meeting of another stakeholder group. Consult with the target audience to find an appropriate time.
- **Announce event:** Announce the presentation through the media (e.g., newspapers, radio, websites, and social media) and in the agency's publications.
- **Format:** Select a format for the presentation, being sure to adjust the tone and technical complexity of the material to suit the audience's needs. A standard presentation format is as follows:
  - Introduce the speaker, the organization, the RCRA permitting or corrective action process, and the facility.
  - Describe the issues likely to affect the audience.
  - Discuss what actions are currently being taken.
  - Discuss how individuals can participate in the decision-making process.
- **Time:** Set a time limit of approximately 20 minutes for the presentation. Consider having several staff present short segments of the presentation. Allow time for a question-and-answer session following the presentation.
- **Supporting materials:** Select supporting materials (e.g., graphics, exhibits) that will hold the audience's attention but not distract from the speaker's message. Rehearse as much as possible, and conduct a trial run in front of colleagues.
- **Further information:** If substantive issues or technical details cannot be addressed in the time allotted for the presentation, identify a contact person who can provide further information.

**When to Use:** Presentations are particularly useful when there is moderate to high interest in a facility or when the project reaches a major milestone in the RCRA process. In addition, consider using presentations when short descriptions of RCRA information can be integrated into meetings on other subjects.

**Accompanying Activities:** Fact sheets or other handouts should be distributed for participants to refer to after the presentation. Incorporating exhibits into a presentation will hold the audience's attention and aid in their understanding of the material. Question and answer (Q&A) sessions will help clarify information from the presentation and allow the speaker to address complex issues in more detail.

**Advantages and Limitations:**

- Because presentations are delivered in person, the audience has an opportunity to ask questions and the presenter can gauge individuals' concerns. Presentations also provide information to many people at one time, reducing the number of individual inquiries to the agency and facility. Making project staff available for presentations helps to signal the organization's interest in the community.
- However, presentations require substantial effort to be effective. A poorly planned presentation can distort community members' views of the situation. Because the presentation is rehearsed, accommodating unanticipated audience concerns can be difficult. Address these concerns during a Q&A session after the presentation.

### CHECKLIST FOR PRESENTATIONS

- ☐ Contact stakeholder groups regarding presentation topics in which they may be interested.
- ☐ Determine message(s) to be presented based on stated community interests and concerns.
- ☐ Prepare presentation, including:
  - ☐ Handout materials.
  - ☐ Exhibits or other visual materials.
- ☐ Determine which staff will give the presentation or attend the question-and-answer session.
- ☐ Schedule presentation.
  - Consider organizing a webinar for stakeholders who cannot attend in person.
- ☐ Conduct rehearsals.
- ☐ Conduct presentation and question-and-answer session.
- ☐ Following the presentation, respond to any questions that the presenter was unable to answer.
- ☐ Consider posting the presentation to relevant websites or social media accounts.

## Exhibits

**Regulatory Requirements:** None.

**Description of Activity:** Exhibits are visual displays like maps, charts, diagrams, photographs, or computer displays that explain topics such as the Resource Conservation and Recovery Act (RCRA) processes, hazardous waste health risks, or proposed corrective actions, among others. The goal of exhibits is to make technical information more accessible to the public.

**Level of Effort:** Exhibits may take anywhere from a couple of hours to one week to write, design and produce depending on the complexity of the exhibit. Allow additional time for review of the exhibit's design and concept.

### HOW TO CONDUCT THE ACTIVITY

- **Identify target audience.** This could include the general public, concerned individuals, environmental and public interest groups, media representatives, or public officials.
- **Determine exhibit's subject.** Exhibits may focus on the RCRA program or the permitting or corrective action process, the facility's historical background, an explanation of public participation activities, corrective action or waste management technologies, or health and safety issues associated with the facility, among others.
- **Determine location.** If the general public is the target audience, display the exhibit in a highly visible location, such as a public library, convention hall, or a shopping center. If concerned individuals are the target audience, set up a temporary exhibit at a public meeting, availability session/open house, or an informal meeting. An exhibit can be as simple as a bulletin board displayed at the facility. Consider also posting the exhibit online in a format that is easy to share, download, and display.
- **Design and message.** Design the exhibit and its scale according to the message to be transmitted. Include photos or illustrations and use text sparingly.

**When to Use:** Exhibits can be used:

- when level of interest in the facility is moderate to high;
- when information can be conveyed visually;
- when staff time is limited and the audience is large;
- when a display can enhance other information being presented or distributed; and
- when displays will be useful over long periods of time and at different facilities (e.g., generic posters focused on the RCRA process).

**Accompanying Activities:** Exhibits are useful at public meetings, public hearings, and availability sessions/open houses. If an observation deck is installed at a site, a nearby exhibit could explain corrective action or compliance activities under way. Exhibits can also be posted online and shared through social media.

**Advantages and Limitations:**

- Exhibits tend to stimulate public interest and understanding and can leave a lasting impression. Exhibits can also convey information to a large number of people with a relatively low level of effort. Of note, computer touch screens and other new technologies can be used to facilitate user engagement with exhibits.
- However, exhibits are generally one-way communication tools. One method of encouraging two-way communication is to ask viewers to comment or submit inquiries related to the exhibit by e-mailing, calling, or mailing the agency. Another approach is to include on the exhibit the phone number or e-mail address of a contact person who can answer questions during working hours. If these inquiries are not answered, however, community members may perceive the agency as unresponsive to their concerns.

**CHECKLIST FOR EXHIBITS**

**DETERMINE PURPOSE**

- ☐ Identify the audience.
- ☐ Clarify the message.
- ☐ Determine where and how the exhibit will be displayed (e.g., free-standing, table-top display, wall poster or bulletin board, online or social media).
  - Ensure that exhibit can be transported easily, if needed.
- ☐ Coordinate design and construction with relevant public participation staff and contractors.

**PRODUCE EXHIBIT**

- ☐ Develop draft layout.
- ☐ Draft text.
- ☐ Determine graphics.
- ☐ Coordinate review of the design, text, and graphics.
- ☐ Complete the exhibit based on review comments.
- ☐ Print or construct exhibit.

## Information Tables

**Regulatory Requirements:** None.

**Description of Activity:** An information table consists of a table or booth set up at a meeting, hearing, or other event (e.g., a community fair or civic gathering). It is staffed by at least one member of the organization who is prepared to answer questions. Pamphlets, fact sheets, and/or brochures are often available on the table, along with a sign-up sheet for interested people to add their names to the facility mailing list.

**Level of Effort:** This activity is time-intensive, with at least one staff person staying at the table during the entire event. The information table is less of a drain on other resources since the materials should already be available.

### HOW TO CONDUCT THE ACTIVITY

- **Identify local events.** Learn from community interviews which local events are most frequented by community members.
- **Set up the table.** Include important fact sheets, answers to common questions, general descriptions of the RCRA program, and contact names. Allow people to sign up for the facility mailing list. Use exhibits if appropriate.

**When to Use:** Use information tables when:

- The organization needs to provide an opportunity for active, two-way communication after a public event;
- The Resource Conservation and Recovery Act (RCRA) activity has raised significant public interest or technical issues may raise many questions among the public;
- An agency is gathering names for the facility mailing list;
- Information tables are most useful at local events that will attract a significant portion of the community.

**Accompanying Activities:** Information tables may be useful in connection with a public hearing or meeting. EPA recommends using information tables as part of availability sessions and open houses. Fact sheets, newsletters, project reports and other information should be available at the table. People who come to the table should have the opportunity to sign up for the mailing list. Exhibits and diagrams can be helpful for explaining the process or technical issues. Provide the name of a contact person (or a list of contact people) for interested people to take with them. Information tables provide a good opportunity to distribute questionnaires and surveys.

### Advantages and Limitations:

- An information table can complement other events in the permitting process. Information tables at availability sessions and open houses can provide a comfortable way for people to approach project staff and ask questions. At county fairs or other events, they allow project staff to interact with the community and spread information about important permitting activities.

- People who approach the information table may ask questions that staff cannot answer. To avoid any negative reactions, staff should record the question and contact the person with an answer by a certain date. Also, keep in mind that an information table may not be effective in highly-charged environments.

### CHECKLIST FOR INFORMATION TABLES

#### LOGISTICS

- ☐ Determine a location for the information table.
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
- ☐ Confirm availability of location for information table.
- ☐ Discuss guidelines for information tables with the event planner.
- ☐ Assign staff to cover the information table.

#### MATERIALS

- ☐ Gather and prepare materials:
  - Fact sheets, reports, pamphlets, and other reference documents for distribution.
  - Exhibits, timelines, surveys.
  - Business cards with the name of an organization contact person.
  - A sign identifying the organization.
  - Name tags for staff.
- ☐ Table, chairs, and table skirt
- ☐ Mailing list sign-up sheet
- ☐ Pens and notepads
- ☐ Keep a record of comments and questions for organization files



## Workshops

**Regulatory Requirements:** None.

**Description of Activity:** Workshops are seminars or gatherings of small groups of people (usually between 10 and 30), led by a small number of specialists with technical expertise in a specific area. In workshops, community members typically comment on proposed response actions and receive information on the technical issues associated with hazardous waste, the permitting process, and the Resource Conservation and Recovery Act (RCRA) program in general. Experts may be invited to explain the problems associated with releases of hazardous substances and possible remedies for these problems. Workshops may help to improve public understanding of permit conditions or hazardous waste problems at a facility and to prevent or correct misconceptions. Workshops also may identify community member concerns and encourage public input.

**Level of Effort:** A one-day workshop may take about three days to a week to plan and execute. Another day will probably be required to follow up on any issues that arise during the workshop.

### HOW TO CONDUCT THE ACTIVITY

- **Scope.** Decide what topic(s) will be covered in either one or more workshops. Suggested topics include purpose of RCRA; description of the permit process or corrective action program; proposed remedies; risk assessment; identified health or environmental problems; and/or method and format for receiving community member comments on the proposed or ongoing actions. Determine what staff will be needed at each workshop and whether any outside experts will be needed.
- **Planning.** Decide ahead of time on a minimum and maximum number of participants. If there are too few, consider holding an informal meeting and postpone the workshop until additional interest develops. Identify a convenient location and time for the workshop, and set a date that does not conflict with other important meetings or interests (for example, town council meetings, high school sporting events, etc.).
- **Announcement.** Publicize the workshop by publishing a notice at least three weeks in advance in the local newspaper(s). Send a notice of workshops with mailings to all community members on the facility mailing list and distribute posters around town. Announce the workshop on the organization website and on social media, as applicable. Send out invitations and registration forms to concerned community members. Provide multiple registrations on each form to accommodate friends who also might be interested in the workshop. Emphasize that the number of participants is limited, and provide a deadline for registration.

#### When to Use:

- When the RCRA process needs to be explained to community members interested in participating in the process;
- When specific topics need to be discussed in detail, especially health or risk assessment issues; and

- When technical material needs to be explained and feedback from the community is important to make sure that community members understand the material.

**Accompanying Activities:** Workshops can be conducted before formal public hearings or during public comment periods to give community members some ideas on developing and presenting testimony. Fact sheets and exhibits can complement the workshop.

### **Advantages and Limitations:**

- Workshops provide more information to the public than is possible through fact sheets or other written materials. Workshops have proven successful in familiarizing community members with key technical terms and concepts before a formal public meeting. Workshops also allow two-way communication, making them particularly good for reaching opinion leaders, interest group leaders, and the affected public.

If only a limited number are held, workshops can reach only a small segment of the affected population. To avoid this, make sure that the event is announced in local newspapers, to help ensure that it will be well attended. In addition, it may be helpful to invite all community members who have expressed an interest in the site.

### **CHECKLIST FOR WORKSHOPS**

#### **PLAN THE WORKSHOP**

- ☐ Determine purpose of workshop.
- ☐ Determine number of attendees (minimum/maximum).
- ☐ Identify topics to be presented.
- ☐ Identify agency officials to present topics and handle registration.
- ☐ Prepare handouts or other informational materials.

#### **LOGISTICS**

- ☐ Determine the date and time of workshop.
- ☐ Determine location(s) for workshop (complete for each available facility).
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
  - Phone number: \_\_\_\_\_
  - Occupancy size: \_\_\_\_\_
  - Handicap accessibility: \_\_\_\_\_
  - Features (restrooms, security, adequate parking/accessible by public transportation, etc.): \_\_\_\_\_

### **CHECKLIST FOR WORKSHOPS (CONTINUED)**

#### **PREPARE ANNOUNCEMENT**

- ☐ Draft notice announcing workshop (public notice, flyer, online).
- ☐ Coordinate internal review of notice and prepare final notice.

#### **NOTIFY COMMUNITY MEMBERS OF WORKSHOP**

- ☐ Verify that mailing list is updated and print labels.
- ☐ Send the workshop announcement to the facility mailing and e-mail lists.
- ☐ Publish public notice in local newspaper(s).
- ☐ Post details of event on agency website or social media, as applicable.

#### **DETERMINE WORKSHOP REQUIREMENTS**

- ☐ Consider if the following are necessary and/or provided:
  - Electrical outlets and extension cords
  - Accessible lighting control panel and window covers
  - Wireless Internet access
  - Podium, table(s) and chairs for panel, registration table, and table for projection equipment
  - Water pitcher and glasses
- ☐ Audio/visual equipment:
  - Projector, screen and computer
  - Functioning sound system with available technicians if needed
  - Microphones (stand, tabletop, collar mic)
- ☐ Signs to direct participants to the appropriate room
- ☐ Miscellaneous supplies (pens, scissors, tape, markers, and thumbtacks)
- ☐ Public information materials and visual aids (fact sheets, registration cards, etc.)

#### **TEST RUN**

- ☐ Arrange and conduct at least one rehearsal.
- ☐ Arrive early to set up.

## Availability Sessions/Open Houses

**Regulatory Requirements:** None. (In some cases, an availability session or an open house may fulfill the pre-application meeting requirement under § 124.31, as long as the meeting achieves the standards of that section. See “The Pre-Application Meeting” in Chapter 3 for more detail.)

**Description of Activity:** Availability sessions/open houses are informal meetings in a public location where people can ask talk to involved officials one-on-one. This enables members of the public to direct questions and concerns directly to agency officials and/or facility staff.

**Level of Effort:** An availability session/open house typically takes several days to plan and conduct. Allow sufficient time to select a date, time, and location for the meeting, plan for the session, prepare supporting materials, and brief staff who will attend the meeting. Plan about five hours for the actual session.

### HOW TO CONDUCT THE ACTIVITY

- **Time, date, and location:** Select a date, time, and location for the availability session/open house that encourages attendance. Evening hours usually are preferable. The location should be in an easily accessible building familiar to community members (such as a public library, school, or local meeting room).
- **Number of attendees:** If large numbers of people are expected, consider holding two availability sessions/open houses to enable staff to meet and talk with each attendee. Alternatively, consider increasing the number of staff or the length of the availability session/open house. As a general rule, planning for one staff member per 15-20 attendees should foster an informal atmosphere for conversation, and thereby avoid the situation where a staff member has to speak to a “crowd.”
- **Materials:** Develop or gather together appropriate explanatory materials. These materials may include poster boards, handouts, or fact sheets among others.
- **Publicity:** Publicize the availability session/open house at least two weeks ahead of time, if possible. Send announcements to newspapers, television and radio stations, post on applicable websites and social media accounts, send an announcement to the mailing list, and reach out to any interested community organizations.
- **Staffing:** Ensure that the staff responsible for facility activities are in attendance. The staff present should be able to answer both technical and policy questions.
- **Rehearsal:** Brief staff and rehearse for the session. Anticipate questions that may be asked during the session and prepare answers.

**When to Use:** An availability session/open house is most appropriate:

- when scheduling of meetings is difficult because of community members’ schedules;
- when new information is available on several different technical or regulatory issues that would make explaining it in its entirety too long for a more formal meeting;
- when community members have widely varying interests or levels of knowledge;

- when an informal setting is appropriate to enhance your credibility with the community;
- when large crowds will make it difficult for certain members of the public to raise questions; and
- in some cases, to fulfill the pre-application meeting requirements in § 124.31 (see “Regulatory Requirements” above in this section).

**Accompanying Activities:** Exhibits and fact sheets can provide background information that enables community members to ask more informed questions about the facility.

**Advantages and Limitations:**

- The one-to-one conversations during an availability session/open house can help build trust and establish a rapport between community members and project staff. An informal, neutral setting will keep officials and the public relaxed and make communications smoother. Community members can find out more about all viewpoints concerning a permitting action if public interest groups, civic organizations, agency officials, and facility staff are present at the session.
- Planning and conducting an availability session/open house can require a significant amount of staff time. Therefore, it is important to confirm that community interest is sufficient to justify the effort before planning it.

### **CHECKLIST FOR AVAILABILITY SESSION / OPEN HOUSE**

#### **PLAN THE AVAILABILITY SESSION / OPEN HOUSE**

- ☐ Determine what officials will attend availability session/open house.
- ☐ Prepare handouts, other informational material for availability session/open house.

#### **LOGISTICS**

- ☐ Determine location(s) for meeting (complete for each available facility).
  - Facility name/location: \_\_\_\_\_
  - Contact person at facility: \_\_\_\_\_
  - Phone number: \_\_\_\_\_
  - Occupancy size: \_\_\_\_\_
  - Handicap accessibility: \_\_\_\_\_
  - Features (restrooms, security, adequate parking/accessible by public transportation, etc.): \_\_\_\_\_
- ☐ Determine the date and time of workshop.

#### **PREPARE ANNOUNCEMENT**

- ☐ Prepare draft notice (public notice, flyer, online).
- ☐ Coordinate internal review of notice.
- ☐ Prepare final notice.

#### **NOTIFY PUBLIC OF AVAILABILITY SESSION / OPEN HOUSE**

- ☐ If applicable, coordinate with other organizations that will be available at the session.
- ☐ Publish public notice in the local newspaper(s).
- ☐ Verify that mailing list is updated and print labels.
- ☐ Send the notice to the facility mailing and e-mail lists.
- ☐ Post details of event on websites and social media, as applicable.

## Questions & Answer Sessions

**Regulatory Requirements:** None.

**Description of Activity:** Question & Answer (Q&A) sessions give stakeholders an opportunity to discuss Resource Conservation and Recovery Act (RCRA) actions with knowledgeable staff. These sessions typically accompany a presentation, briefing, or meeting. Anyone at the event who needs more information will have the opportunity to speak with officials after the event. These sessions can be informal or formal.

**Level of Effort:** Answering questions will add a small amount of staff time to other public participation activities.

### HOW TO CONDUCT THE ACTIVITY

When conducting a question and answer session after an event, consider the following:

- **Announcement.** Announce that someone will be available for questions after the event.
- **Tone and responsiveness.** Be responsive, candid, and clear. Ensure that all questions are answered. If staff cannot answer the question on the spot, they should not be afraid to say, “I don’t know” and offer to answer the question after getting more information. The staffer should write down the question, discuss it with other staff, and respond as soon as possible by phone, letter, or e-mail. Try to avoid using jargon that people will not understand.
- **Brainstorming.** Consider brainstorming ahead of time to develop potential questions and to prepare responses.

**When to Use:** Question and answer sessions are appropriate whenever people at an event need more information or the presenting organization needs more feedback. These sessions are also appropriate when people may feel more comfortable asking questions in a one-on-one situation. If a particular issue – raised by one person at a meeting – is preventing other issues from taking the floor at a meeting, it may be useful to offer to discuss the issue one-on-one after the meeting.

**Accompanying Activities:** Hold question and answer sessions after exhibits, presentations, meetings, facility tours, or on observation decks. Some events, such as open houses, have built-in question and answer sessions. In responding to inquiries, organizations may want to provide written information, such as fact sheets, or refer the questioner to a contact person.

### Advantages and Limitations:

- Question and answer sessions provide direct communication between the organization and community members. They are a useful, easy, and inexpensive way of providing one-on-one explanations in an informal setting. One-on-one discussions may attract people who are intimidated from raising issues during a meeting. Such interactions may also increase public comfort and trust in your organization.
- However, community members may be upset if the speaker cannot answer a question on the spot, or if the response is slow. Be sure to respond to all unanswered questions as soon as possible.

**CHECKLIST FOR QUESTION AND ANSWER SESSIONS**

- ☐ Brainstorm potential questions and prepare responses.
- ☐ If the Q&A session is after a meeting or other event, let people know where it will be held by mentioning it during the meeting.
- ☐ Have speakers be candid and avoid jargon in their answers.
- ☐ If speakers cannot answer a question, take the questioner's phone number or address and respond to the question as soon as possible after the session.



## Telephone Hotlines and Web-Based Forums

**Regulatory Requirements:** None.

**Description of Activity:** A telephone hotline is a toll-free or local number that people can call to ask questions and obtain information on the Resource Conservation and Recovery Act (RCRA) activities. Web-based forums may include websites, an e-mail address, or other online tool that are similarly dedicated to receiving and answering questions from the public.

**Level of Effort:** Hotlines and web-based forums may require several hours a day responding to inquiries if there is high or moderate interest in the facility's RCRA activities.

### HOW TO CONDUCT THE ACTIVITY

A telephone hotline or web-based forum can be used either as a semi-permanent fixture (available throughout the permit review or corrective action process) or as a temporary measure (installed at the time of major community feedback, such as the public comment period). Consider the following:

- **Staffing.** Assign one or more staff members to handle hotline calls and respond to web-based inquiries. For the hotline, if staff are not available throughout the day, use voice-mail directing people to leave their name, number, and brief statement of concern, and informing them that someone in your organization will return their call promptly. Consider using an automated phone program to provide information on commonly requested information such as meeting dates and locations and the permit status. Check the voice-mail and web-based forum at least once a day for inquiries. If the level of concern is high, check for messages and inquiries more frequently.
- **Publicizing.** Announce the telephone hotline and web-based forum in news releases to local newspapers, radio stations, and television stations, and in fact sheets, publications, and public notices. Consider placing the phone number online and on social media and referencing the web forum on the automated phone recording (if applicable).
- **Records.** For the telephone line, keep a record of each question, when it was received, from whom, and how and when it was answered. All questions and inquiries should be responded to promptly (within 24 hours) if an answer cannot be given immediately. Be diligent in following up requests for information and tracking down accurate, direct responses.

**When to Use:** A telephone hotline and/or web-based forum may be used:

- When community interest or concern is moderate or high.
- When emergencies or unexpected events occur, or when a situation is changing rapidly.
- When there is a high potential for complaints (e.g., about dust or noise).
- Where literacy rates are low and written information must be supplemented.
- Where the community is isolated and has little opportunity for face-to-face contact with project staff (e.g., rural areas, areas far from Regional offices, areas lacking broadband internet access).

**Accompanying Activities:** The hotline and/or web-based forum can supplement all other public participation activities.

**Advantages and Limitations:**

- A hotline or web-based forum can provide interested people with a relatively quick means of expressing their concerns directly to the organization and getting their questions answered. This quick response can help reassure callers that their concerns are heard. They can also help monitor community concerns. For example, a sudden increase in calls or inquiries could indicate that additional public participation efforts may be warranted.
- An organization must respond quickly to questions or concerns; otherwise callers and posters may become frustrated. If the number of calls or inquiries is large, responding quickly to each inquiry could prove burdensome to staff. Furthermore, calling a hotline number and receiving a recorded message could irritate or alienate some members of the public. Remember that online forums will only capture inquiries from members of the public with Internet access.

**CHECKLIST FOR TELEPHONE HOTLINES AND WEB-BASED FORUMS**

- ☐ Determine need for telephone hotline and/or Web-based forum.
- ☐ Identify staff responsible for answering calls and responding to inquiries.
- ☐ Install telephone hotlines and voice-mail; set up Web-based forum.
- ☐ Notify interested people about the hotline and/or Web-based forum, using:
  - Public notice
  - Fact sheet
  - Mailing to facility mailing list
  - Website and/or social media, as applicable
- ☐ Coordinate staffing of hotline and/or web-based forum.
- ☐ Have staff maintain a log of all calls and responses.
- ☐ Follow up on calls to hotline and posts to the forum as needed.

## Door-to-Door Canvassing

**Regulatory Requirements:** None.

**Description of Activity:** Door-to-door canvassing is a way to collect and distribute information by calling on community members individually.

**Level of Effort:** Door-to-door canvassing is a very time-intensive activity due to the large staffing need, although this depends on the size of the area to be canvassed. Canvassers should travel in pairs in areas where there may be a lot of contention or in high crime areas. Planning for the door-to-door canvassing will require at least a day. This includes identifying the area to be canvassed, determining the amount of staff needed, and notifying area community members.

### HOW TO CONDUCT THE ACTIVITY

A door-to-door canvass involves training staff to gather information, answer questions, and to communicate with a possibly irate or suspicious public. Procedures to follow in preparing a door-to-door canvass include:

- **Areas for canvassing.** Identify the area for special information to be given or collected. This area may range from just a few streets to several neighborhoods. Determine if there is a need for a translator or materials in languages other than English. Also determine when it is likely that people will be at home; the canvassing may have to be conducted in the evening.
- **Notify community members.** If time permits, notify community members of the upcoming activity (e.g., by distributing a flyer, posting online) that lays out the scope, time, and purpose of the canvassing program. Advance notice will reduce the suspicions of community members and encourage their cooperation. Also, notify local officials so they are aware of the door-to-door canvassing.
- **Information for canvassers.** Provide canvassers with the information they will need to respond to questions. If appropriate, distinguish between questions that a canvasser can answer (e.g., logistical questions), and questions that should be referred to a technical staff member (e.g., highly technical questions concerning hazardous waste or agency policies). Provide canvassers with fact sheets or other written materials for distribution. Anticipate that community members will want to know what is happening at the facility and may have questions about possible health effects associated with various activities.
- **Canvass the designated area.** Note the name, address, telephone number, and e-mail address of community members requesting more information. Note also the names of those who were especially helpful in giving information. Be prepared to tell community members when they will next be contacted and how (i.e., by telephone, by letter, by e-mail, or in person). All canvassers should have an official badge to identify themselves to community members.
- **Send a thank-you letter** after the canvass to all community members in the canvassed area. If possible, provide information concerning recent developments and any results or pertinent information gathered by the canvass. Respond to special requests for information in the thank-you letter, either by telephone, or by e-mail.

**When to Use:**

- when there is a high level of concern about the site, but meetings cannot be scheduled;
- when there is a need to notify community members about a certain event or an upcoming permitting issue;
- when you need to reach a specific group of people for a specific purpose, such as getting signatures to allow access to properties adjacent to the facility;
- when the community has a low literacy rate and written materials are not useful;
- when the area has a significant population that is not proficient in English; and
- when there is an emergency situation that the community needs to know about.

**Accompanying Activities:** Telephone contacts and community interviews may help to identify appropriate areas for canvassing efforts. Canvassers should add the names of individuals who either requested additional information or provided particularly useful information to the mailing list.

**Advantages and Limitations:**

This activity involves face-to-face contact, thereby ensuring that community members' questions can be directly and individually answered. Canvassing demonstrates a commitment to public participation, and is a very effective means of gathering accurate, detailed information, while determining the level of public concern.

However, this tool is very time-consuming and costly, even in a small area and trained people that can answer questions at the necessary level of detail are often not available for this activity. Therefore, this activity is not recommended for the dissemination of information except in an emergency. Lastly this high level of direct contact can raise more concerns rather than allay them.

The safety and security of the canvassers also should be taken into account when planning this activity. Additional staff may be need so that people can work in teams to two or three; in extreme situations, security staff may be necessary.

### **CHECKLIST FOR DOOR-TO-DOOR CANVASSING**

#### **PREPARATION**

- ☐ Identify area where canvassing will be conducted.
  - Prepare maps for each team of canvassers.
  - Send a letter to community members announcing canvassing.
  - Prepare mailing list using the city directory (section listing residences by street address).
  - Prepare letter; coordinate internal review, mail letter to affected community members.
- ☐ Determine security needs of canvassing team.
- ☐ Prepare any information (i.e., fact sheets) that canvassing team may provide to interested community members.
- ☐ Identify staff to conduct canvassing and ensure they have official badges to identify them.

#### **BRIEF STAFF**

- ☐ Provide staff with a copy of letter sent to community members.
- ☐ Tell staff what kinds of questions they may answer and provide them with information (i.e., questions concerning the schedule of activity).
- ☐ Tell staff what kinds of questions they should refer to a specialist (i.e., technical questions).
- ☐ Provide staff with prepared maps and materials for distribution.

#### **CANVASS THE AREA**

- ☐ Note the name, address, and telephone number of community members requesting more information.
- ☐ Send thank-you letter to all community members in the canvassed area.

## Surveys and Polls

**Regulatory Requirements:** None.

### Description of Activity:

Surveys and polls are designed to solicit specific types of feedback from a targeted audience, such as public opinion about a permitting activity, the effectiveness of public participation activities, or what could be done to improve distributed materials. Surveys may be oral or written; used in person, by mail, or online; and distributed either to specific segments of the community or to representative samples.

**Level of Effort:** The level of effort varies greatly depending on the number of surveys, the number of questions, types of questions and the analysis of the answers. A brief telephone or online survey to a small number of people will take much less time to plan and execute than a complex survey with a skip pattern that is administered in person.

## HOW TO CONDUCT THE ACTIVITY

- **Specify information to gather.** Construct specific questions to include in the survey or poll. For written surveys, consider which questions should be multiple choice or “check one box.” Ensure that oral questions are not too long or confusing and be wary of the factors that can bias your surveying method (e.g., the wording of the question). Survey questions do not have to be highly detailed in every case. Surveys may be used to allow people to submit general impressions after a meeting or a hearing.
- **Design the survey or poll.** For written surveys, leave plenty of room for people to write. Give clear instructions and explain how you will be using the information. Always include the name and number of a contact person. Provide multi-lingual surveys where appropriate. Follow these same guidelines for oral surveys and polls. For oral surveys, you may want to provide a business card to the interviewee when your discussion is over. Come up with a plan for how to categorize and analyze the results.
- **Distribute the surveys and questionnaires.** Written surveys could be distributed in person to people’s homes, via mail, or be left for people to pick up after a meeting. If people will need to mail the survey, consider including pre-stamped, preaddressed envelopes. Online surveys could be distributed via a website or social media account or through more traditional means that direct people to a link for the actual survey.
- **Distribution strategy.** Consider distributing the surveys to a representative sample of the community if the survey is intended to get certain information. Similarly consider doing a “blanket” distribution to all homes and businesses within a certain distance of the facility. For an oral survey, follow the information in the section on “Community Interviews” earlier in this appendix. For telephone polls, decide whom to call and whether you will address the poll to a random sample, a representative sample, or a targeted segment of the community. For the latter two options, consider contacting community leaders and local officials to determine the demographics of the area.

**When to Use:** Surveys and polls are useful when:

- the organization is seeking specific information from a targeted community or audience; or
- the organization is trying to provide people with a means of giving anonymous feedback during the permitting process.

**Accompanying Activities:** Always include the name and contact information of a contact person on a survey or a questionnaire. Surveys and questionnaires can be useful for gathering general impressions about specific permitting activities or public participation events, such as availability sessions or public hearings. They may also complement community interviews by allowing people, who may have been uncomfortable or pressured during the interview, to submit anonymous thoughts and comments.

**Advantages and Limitations:**

Written surveys and questionnaires – especially surveys using existing online software – are relatively inexpensive and simple ways to solicit information depending on the scale of the survey. They can provide feedback loops for many permitting activities and some people may be more comfortable with the anonymity that written surveys can ensure. Oral surveys and polls allow you to interact directly with members of the public and to solicit their immediate feedback on permitting issues.

Surveys conducted in-person can be very time-consuming and expensive. Written surveys may not present viewpoints that are representative of the community because people who fill out the surveys tend to have stronger feelings in favor, or against, the proposed activity. Surveys conducted by mail have the additional weaknesses of undependable response rates and questionable response quality. Note that federal agencies are limited in their use of surveys by the Paperwork Reduction Act. Similar constraints may exist at the state level.

### **CHECKLIST FOR SURVEYS AND TELEPHONE POLLS**

- ☐ Determine what type of information is needed.
- ☐ Determine what format will work best for gathering the information.

#### **WRITTEN AND ONLINE SURVEYS**

- ☐ Determine if the survey needs to be in a multilingual format or other special communication needs in the community (e.g., persons who are illiterate) will need to be accommodated.
- ☐ Prepare interview questions.
- ☐ Design the survey sheet; for paper surveys leave adequate writing room; and make sure the instructions are clear and easy to understand.
- ☐ Provide the name of a contact person on the survey.
- ☐ Decide on a distribution method for the survey, based on the public participation plan, community interviews, and background information on the facility and the community.

#### **TELEPHONE POLLS OR ORAL SURVEYS**

- ☐ Identify a team to conduct the survey or the telephone poll.
- ☐ Identify how to target the polling group.
- ☐ Consult a polling firm or a consultant if the survey is being conducted for a representative sample.
- ☐ Determine if a multilingual poll or survey and or other special communication accommodations in the community (e.g., persons who are hearing impaired) are needed.
- ☐ Prepare the questions for the poll or survey.
- ☐ Write a script to give background information to people before the questions.
- ☐ When conducting the survey, provide the name of a contact person.



## Attending Other Stakeholder Meetings and Functions

**Regulatory Requirements:** None. (The permitting agency may need to attend public meetings held by the permittee under § 270.42 in order to respond to public comments on the modification request. Agencies may also want to attend the applicant’s pre-application meeting held under § 124.31. See the section on the “Pre-Application meeting” in Chapter 3 for more detail.)

**Description of Activity:** Permitting agencies, facilities, local governments, environmental organizations, and religious and civic groups may all hold meetings during RCRA processes. Some may be required by regulation where others may be informational meetings or discussions of important issues. As an involved stakeholder, an agency or facility official can learn more about the views of other stakeholders by attending and participating in their meetings. Some groups may invite an agency or facility to give a presentation or a briefing (see the Presentations section of this appendix for more detail).

**Level of Effort:** The time committed to attending other stakeholder meetings or functions will depend on a person’s level participation. Meetings can vary in length. A person’s resource commitment will be more substantial if they agree to give a briefing or a presentation.

### HOW TO CONDUCT THE ACTIVITY

Consider informing the host organization before attending the meeting. If an agency or facility staff chooses to identify his or herself at the meeting, he or she should be prepared to answer questions. Consider bringing fact sheets or other information that could be provided upon request. In any case, be prepared to listen to the discussion and prepare notes for personal use.

**When to Use:** Consider attending other stakeholders’ meetings when the meetings are open and it would be helpful learn more about the views held by other stakeholders. In some cases, a group may invite an organization to attend a meeting to provide input or answer questions.

**Accompanying Activities:** If appropriate, consider making fact sheets available upon request at the meeting. Provide the name of a contact person. Representatives of the permitting agency should let participants know about how to put their names on the facility mailing list.

### Advantages and Limitations:

- Attending meetings or functions held by other stakeholders can provide useful insight to other opinions and concerns, which can help agencies and facilities plan other public participation events and complement data gathered from community interviews.
- This activity should not be used in place of informal meetings or other activities that may be more appropriate. Make sure to contact the host before the meeting to confirm that attendance will not cause unforeseen problems

## Unsolicited Information and Office Visits

**Regulatory Requirements:** None.

**Description of Activity:** Community members or stakeholders from other groups may want to visit the agency's office or the facility. In this situation, the visiting stakeholders will want to meet with the person who works most directly with their concerns. At other times, unsolicited information may arrive in the form of phone calls, letters, e-mails, social media posts, and meetings. The Environmental Protection Agency (EPA) encourages permitting agencies, public interest groups, and facility owners/operators to seek input from interested community members and other stakeholders in informal settings such as this. While this type of information is not always asked for, it can be helpful.

**Level of Effort:** Depends entirely on the type of unsolicited information provided by the public. Office visits will also command varying amounts of time.

### HOW TO CONDUCT THE ACTIVITY

- Members of the public will come to the agency, the facility, or another organization with information and requests. Public affairs personnel should be available for discussion and information when visitors come.
- Unsolicited information can be very helpful. First, it can provide an idea of the level of public concern over a facility. Second, members of the public often provide information that is essential to making good technical, economic, and policy decisions. Local community members often have the most knowledge and insight about the conditions of the land and the people surrounding a facility.
- If interested people come to the office, they should be received by a staff member who can relate well with the public and knows the overall mission of the organization. If feasible, the staff member should introduce the visitors to members of the staff who can discuss specific issues. Staff should listen to the community members' concerns and provide feedback where possible. They should be candid when they do not know the answer to a question. They should also be cordial, avoid jargon and overly technical language, and try to solve the visitor's problem. (See the section on "Informal Meetings with Other Stakeholders" in this appendix for more information). If community members send a letter or call by phone, the receiving organization should respond as soon as possible. If the response will be delayed, a representative of the organization should write a letter or call to explain.
- The receiving organization should consider all relevant comments as informal input into the permitting process and let community members know how they can submit formal comments.

**When to Use:** Unsolicited information is a constant in community participation. Organizations can improve (or maintain) the credibility of their organization by giving due weight to community members' concerns and by replying promptly to community member input.

**Accompanying Activities:** Fact sheets, project reports, and other mailings or online postings can answer questions or reply to community member inquiries. Offer to put concerned community members on the mailing list. Consider holding an availability session, open house, or informal meetings if a high level of public interest is detected.

**Advantages and Limitations:** Unsolicited information can highlight issues of high public concern and allow identification of involved groups in the community. Visitors to an organization can get to know the staff, while the staff gains a better understanding of the visitors' concerns. Being attentive and receptive to unsolicited information can help create a good outreach program, which can increase an organization's credibility.

Unsolicited information should only be seen as a supplement to more formal information gathering. It may be misleading since it does not always reflect the overall level of public concern. Good communication and cooperation within an organization is required to handle unsolicited information.

### CHECKLIST FOR UNSOLICITED INFORMATION AND OFFICE VISITS

For office visits:

- appoint a staff member to act as a liaison for public visits;
- the liaison should answer questions and introduce stakeholders to members of the organization who are involved in the issue;
- invite visitors to put their names on the mailing list; and
- follow up quickly on any questions that could not be answered during the visit.

For phone calls, written requests, and e-mails:

- keep a log of calls, letters, and e-mails from other stakeholders; and
- respond quickly to questions; inform the questioner if your response will not be timely.