



Technical Assistance Services for Communities
Contract No.: EP-W-07-059
TASC WA No.: To be assigned
Technical Directive No.: HQ-EJ-02

Technical Directive Work Plan

Site Name: Port of Huntington Tri-State
Site Locations: West Virginia State University, Institute, West Virginia
Dates: June 2, 2010
Time: 7:00-10:00pm EST

As part of the Port of Huntington Tri-State Collaborative Geographic Initiative (“Initiative”), the second of two Community Vision Meetings was held on June 2, 2010 at West Virginia State University in Institute, West Virginia. The Community Vision Meetings were held by U.S. Environmental Protection Agency (EPA) Region 3 staff to present the Initiative to community members in the Huntington tri-state area and the Kanawha Valley and to gather community feedback on the Initiative. In addition, these meetings served as an opportunity for EPA to solicit input from the attendees regarding local environmental issues and concerns. The community input will assist EPA in strengthening the effectiveness of the Initiative, engaging the community in the decision-making process, and building community capacity to ensure protection of the environment and public health.

The meeting agenda and sign-in sheets are attached to this summary report.

PARTICIPANTS

The participants of this meeting represented regulators (state government and city government), industry stakeholders and community stakeholders, and included:

- Representatives from the West Virginia Department of Environmental Protection (WVDEP).
- Representatives from industrial facilities.
- A representative from a community environmental organization.
- A representative from an environmental testing laboratory.
- A public health worker.
- Concerned citizens.

MEETING SUMMARY

Welcome and Introductions

The Technical Assistance Services for Communities (TASC) facilitator, Michael Lythcott, called the meeting to order at 7:10 p.m. at the Wilson University Union on the campus of West Virginia State University, West Virginia. As per the agenda (see attached Addendum 1), Matthew Lee, the Community Involvement Contact from U.S. EPA Region 3, thanked everyone for coming to

the meeting. The meeting facilitator, Mr. Lythcott, introduced himself and the following attendees from EPA:

- Makeba Morris, U.S. EPA Region 3, Compliance Assistance Coordinator.
- Kedesch Altidor, U.S. EPA Region 4, Environmental Scientist, Environmental Justice Program.
- Jessica Greathouse, U.S. EPA Region 3, State Liaison for WV.

Facilitator's Opening Remarks - Meeting Overview and Ground Rules

Mr. Lythcott briefly introduced the Initiative and gave an overview of the meeting agenda. He stressed the community dialogue portion of the meeting would assist EPA in understanding community concerns, and would enable EPA to adapt the Initiative according to the community stakeholders who are of primary importance. Mr. Lythcott also stressed that individuals could ask questions at any time during the presentation, or could make a note of their questions to ask during the time allotted following the presentation.

PowerPoint Presentation:

Port of Huntington TriState Collaborative Geographic Initiative

Matthew Lee presented information to the audience on the Initiative, with Makeba Morris presenting the compliance assistance portion of the presentation.

Mr. Lee started the presentation by reiterating that EPA's goals for the Community Vision Meetings are that:

- Community members fully understand the Initiative and feel meaningfully involved.
- EPA receives community feedback on the Initiative in order to know how to enhance the Initiative to better meet community needs.

Mr. Lee briefly introduced background on the Port of Huntington ("Port"), which is the largest inland port in the U.S. in terms of cargo (77 million tons are transported through the Port annually). The Port consists of 100 miles of the Ohio River, 90 miles of the Kanawha River and 9 miles of the Big Sandy River, and is located at the intersection of three states (Ohio, Kentucky and West Virginia) and three EPA regions (Regions 3, 4 and 5). The need for an Initiative stems from the fact that unlike other ports of its size, the Port has no central port authority to oversee its operations. In addition, there is increasing concern over public health and environmental issues for communities located within the Port's boundaries.

Mr. Lee outlined the goals of the Initiative, which are to:

- Assess the environmental impact of the Port's operations on surrounding communities.
- Reduce pollutant loading from facilities.
- Increase facilities' compliance with environmental regulations.
- Increase understanding of environmental requirements by regulated facilities.

- Increase human health benefits.
- Build the community's capacity to help ensure the protection of the environment and public health.

The Initiative's strategy is a three-pronged approach consisting of:

- Enforcement (inspections).
- Compliance assistance.
- Community involvement (environmental justice).

Mr. Lee gave an overview of data that EPA gathered during the reconnaissance portion of the Initiative. This data informed the Initiative's enforcement strategy, which involves two types of inspections to address large and small facilities:

- Process-based inspections at large facilities are inspections of all media (air, water and waste) that take about a week.
- Multi-media screening inspections with single media follow-up are inspections at small and medium sized facilities, which allow observation of approximately 10 facilities in a week.

Screening inspections were conducted in Nitro, West Virginia in November, 2009 by inspectors from EPA Regions 3, 4 and 5. Potential non-compliance was found at 10 of 11 facilities inspected. The benefits of inspections were highlighted by the fact that the one facility in compliance was inspected five years ago. Further screening inspections are scheduled for the tri-state area in the summer of 2010, and the process-based inspections are scheduled for 2010 and 2011.

Makeba Morris presented information on the Initiative's compliance assistance strategy, which consists of:

- A compliance assistance workshop (held May 2010).
- Compliance assistance mailings (first round sent to industrial facilities in September 2009, second round scheduled to be sent to hospitals and schools in summer 2010).

Mr. Lee presented the concept of environmental justice and outlined EPA's priority to ensure public participation in government decision-making. The Initiative's community involvement strategy involves:

- Community capacity building (potentially through workshops and information sessions).
- Partnership building with relevant stakeholders (e.g., local government, community organizations, trade associations, colleges/universities).
- Public outreach by:
 - The Huntington Initiative website, accessible at <http://www.epa.gov/region03/oecej/initiatives.html>.

- The Community Vision Meetings (held June 1 and 2, 2010).
- The Huntington Initiative factsheet (available at the meeting and online at the Huntington Initiative website).
- The Community Resource Bulletin, which includes basic background information on all the partners involved (EPA Regions 3, 4 and 5, and state agencies), how to submit a tip or complaint, contact information, and information on opportunities for environmental justice grants and brownfields grants.

The two questions Mr. Lee posed to the community in the presentation were:

- How can we best get information on the Initiative to you?
- What else do you think EPA should be doing?

Questions and Comments - A Facilitated Discussion on the Presentation

In the first portion of the discussion, Mr. Lythcott directed the audience to ask questions about the presentation that they wanted clarified and any other issues directly related to the Initiative. Questions included (answers/responses are in italics):

- How is the size of the Port determined? How are the 77 million tons of cargo defined?
 - *The Port is a geographic area, and the 77-million-ton statistic is based on the U.S. Department of Commerce estimate of cargo that is moved through the Port by waterways, railways and trucking. The Port is a linear port; the facilities are operating in the Port's boundaries.*
- An industry representative suggested it would be helpful for EPA to send a mailing with information on the issues that EPA will check during the inspections.
 - *There are checklists for the inspections and information to help keep facilities compliant. Resources are in the factsheets (in the back of the room) and online.*
 - *There may potentially be another opportunity to hold a compliance assistance workshop, where EPA inspectors come and present information to facility representatives.*
- What is potential non-compliance?
 - *Inspectors determine situations of potential non-compliance, but case developers make the determination of non-compliance. Non-compliance is a legal term and is determined by the case developers, not the inspectors.*
- If community members observe potential non-compliance, how are they supposed to know what they are seeing and how to report it? How will EPA get information out to the community, so that they know how to identify the hazards they may be seeing?
 - *Community education is one of the benefits of the Initiative. The outreach to schools involves education of children so that they know how to identify hazards and determine what is safe and unsafe.*

- *If community members do see potential hazards (even if they do not fully know what they are), they can still submit a tip or complaint that can then be investigated.*
- The community would like to see “actual enforcement” once environmental hazards are identified. At this point, from the community standpoint, it appears that there are no ramifications after a report has been made. This is the biggest reason why it is difficult to keep people engaged.

At this point the facilitator suggested that it might be helpful if individuals in the room stated their names and affiliations. Participants introduced themselves and although almost all the stakeholders reside in West Virginia (two participants were from Kentucky), regulators, industry stakeholders and community stakeholders were represented. The questions on the Initiative resumed as follows (answers/responses in italics):

- What is the breakdown on the different facilities sizes: small, medium, large.
 - *There is not a single definition marking the different sizes. The breakdown of facilities into size categories is based on the activities that can be accomplished during inspections.*
- What do the compliance assistance mailings contain?
 - *A cover letter and the factsheets/documents targeted to each sector, located in the back of the room.*
 - *The second round of mailings will be sent to hospitals and schools, i.e. colleges and universities will receive one factsheet, kindergarten through twelfth grade (K-12) schools will receive another factsheet and daycares will receive another factsheet. All factsheets are located in the back of the room, and will be available online.*

At this point in the discussion the facilitator asked the community to talk about the environmental issues of concern that they have as a parent or a home/property owner. A community member from an environmental organization expressed concern that the approach of using compliance assistance is not assisting as much as community members would like to see.

- *The Initiative is designed to pair “tangible, credible deterrents” as the enforcement part of the approach, with the compliance assistance strategy. EPA hopes that the combination of both approaches will have the largest impact and will balance limited resources with a credible deterrent.*

Community Feedback on the Initiative - Ways to Move Forward that Include and Ensure Community Input

As the next step in the discussion the facilitator asked the audience how EPA might direct efforts to improve turnout at community meetings. There was general consensus among the community member attendees that many people in the community do not utilize the internet. The participants recommended a number of methods to advertise upcoming meetings for improved outreach to sectors of the community without internet access:

- Mass mailings to local community members.
- Newspaper advertisements.
- Television notices.

The facilitator followed up by asking the community for recommendations on how EPA could gather addresses for the suggested mass mailing. One community member suggested that EPA use similar methods as political campaigns, such as obtaining information from the county clerk's office. The facilitator then followed up on the suggestion of using a newspaper advertisement by asking the community for input on the size of the advertisement needed in the Sunday newspaper. It was agreed by the community members that an eighth of a page was the minimum size needed to ensure the advertisement would be noticed. It was widely acknowledged by meeting attendees that using the radio for broadcasting such messages was difficult because broad band access is not continuous along the state.

Community attendees attributed the low turnout for the meeting to the timing of the meeting, which was close to a holiday (two days after Memorial Day). In addition, the meeting was held on a Wednesday night which is a church night for many members of the community.

The facilitator informed the community members on feedback from the Community Vision Meeting held in Huntington, West Virginia, the previous evening (June 1, 2010). At the Huntington Community Vision meeting it was suggested that the title of the meeting: "The Port of Huntington Tri-State Collaborative Geographic Initiative" was not interesting to the general homeowner. The facilitator asked the for community members' opinions, and asked for their input on a "catchy" phrase or title. There was consensus that a shorter, relevant and interesting title would be helpful for increasing participation. One community member suggested, "We can make a difference in our environment."

At this point in the discussion the facilitator asked the community about the environmental issues that were of most concern to them. The following paraphrased comments summarize community feedback (EPA responses are noted in *italics*):

- Citizens across the state observe the use of waivers and permits. Citizens do not see waivers as enforcing the law. To them it is a loophole within the law that allows waivers. Citizens want the law to exist.
 - *EPA staff asked the community whether an education piece on what waivers are and how they operate might be useful.* [There was little community response to this question.]
- Citizens want to feel good that there is a line that facilities cannot cross. They want to know who is looking out for them and asked that EPA "not keep moving the line." As citizens they want EPA to build a sense of confidence that there is someone out there working for them.
- The community believes that there are no real checks and balances.
- Certain air monitors exist that are designed to measure multiple substances released into the air by facilities. Who provides air monitors?

- *The state agencies provide the air monitors.*
- There are no monitors to check what is happening in this area.

The facilitator asked the community members how they would characterize the locations of the air monitors.

- WV DEP monitors toxic substance in air around Charleston, West Virginia. The air monitors cannot test all the hazardous pollutants that are manufactured in the Port area and the area around West Virginia State University.

Next Steps: How EPA will Communicate and Engage with the Community

At this point in the discussion EPA encouraged community members to enter their contact information on the sign-in sheet to ensure they are on the Initiative mailing list. As EPA staff update the Huntington Initiative website the community will be informed via e-mail. The facilitator directed the community to think about community-driven ideas that could help direct EPA in communicating Initiative findings to the community. Community members were concerned about those in their communities that do not use e-mail or utilize the internet.

The facilitator briefly explained Superfund site document repositories, where all the documents that are published for a particular Superfund site are located (e.g. at a library in the community). The facilitator asked EPA staff and community members whether setting up a document repository for the Initiative would be possible and useful. EPA staff thought it would be possible to set up a similar document repository. The community member attendees were enthusiastic to the suggestion of a document repository for the Initiative. The facilitator asked the community for their preferred location for such a repository. Community members suggested two locations for document repositories: the Kanawah County Public Library and the West Virginia State University campus.

The types of documents that could be stored at a repository for the Initiative were discussed, and included:

- Maps locating facilities inspected during the enforcement part of the Initiative.
- Information on the compliance assistance workshop.
- Copies of the compliance assistance mailings.

The facilitator asked community members if there was an industry association that would be helpful for establishing a communications link between industry and community members. Community members suggested the Huntington Waterways Association. The facilitator suggested that such a relationship between industry and “river keeper type organizations and people” would be beneficial by assisting with the compliance assistance portion of the Initiative.

Several community members brought up the fact that there are some communities that are saddled with many environmental issues and feel like no one is doing anything, so they lose hope and do not attend meetings. The biggest issue appeared to be the lack of a port authority for the

Port of Huntington, which resulted in a lack of oversight of environmental issues. There was consensus among meeting participants to make a recommendation to EPA to establish a formal port authority for the Port of Huntington.

An industry representative stated that it would be beneficial to have more compliance assistance workshops. EPA staff asked if a webinar or some other similar online training tool would be suitable. The industry representative responded that definitely a face-to-face meeting was preferable.

Wrap-Up and Final Comments

The facilitator thanked everyone for their participation and feedback on the Initiative, and for their input on general environmental concerns and community outreach.

The meeting adjourned at approximately 9:00 p.m. and attendees were invited to take factsheets and make sure their information was on the sign-in sheet.

Facilitator

Michael J. Lythcott TASC/E² Inc.

Notes

Joanne Scanlon TASC/E² Inc.

AGENDA

Port of Huntington Tri-State Collaborative Geographic Initiative

Community Vision/Engagement Meeting

Wilson University Union
West Virginia State University
Institute, W.Va. 25112

Wednesday, June 2nd, 2010

7:00 p.m. – 10:00 p.m.

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| 6:30 – 7:00 | Sign In |
| 7:00 – 7:15 | Welcome and Introductions
Matthew Lee, U.S. EPA Region 3, Community Involvement Contact |
| 7:15 – 7:30 | Facilitator's Opening Remarks - Meeting overview and ground rules
Michael J. Lythcott, Technical Assistance Services for Communities (TASC) Facilitator <ul style="list-style-type: none">a. Purpose, Goals and Objectives of the Meetingb. Development of Ground Rules |
| 7:30 – 8:15 | PowerPoint Presentation:
<i>Port of Huntington Collaborative Geographic Initiative</i>
Matthew Lee
Makeba Morris, U.S. EPA Region 3, Compliance Assistance Coordinator |
| 8:15 – 8:45 | Questions and Comments - A facilitated discussion on the presentation
Michael J. Lythcott |
| 8:45 – 9:30 | Community Feedback on the Initiative - Ways to move forward that include and ensure community input
Michael J. Lythcott |
| 9:30 – 9:45 | Next Steps: How EPA will communicate and engage with the community
Matthew Lee |
| 9:45 – 10:00 | Wrap-Up and Final Comments
Michael J. Lythcott |
| 10:00 | Adjourn |