New York State Department of Environmental Conservation

Prepared by
Division of Environmental Remediation

Citizen Participation Support Materials

for

DER-23 / Citizen Participation Handbook for Remedial Programs

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The most current version of these materials is available at http://www.dec.ny.gov/regulations/2393.html

(Page inserted for printing purposes)

Citizen Participation Support Materials
for
DER-23 / Citizen Participation Handbook for Remedial Programs

DER-23 / Citizen Participation Handbook for Remedial Programs is a Program Policy that identifies CP requirements for remedial programs managed by DER, including the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program. The following support materials provide additional guidance and information to assist DER Project Managers and remedial parties to plan and implement site-specific citizen participation plans and activities.

Note to DER Project Managers and DEC Citizen Participation Specialists: The Division of Environmental Remediation (DER) provides a citizen participation resources page within its internal web site. The resources page provides links to DER citizen participation policy documents, citizen participation plan and fact sheet templates, and other resources. Click here to access DER's citizen participation internal web page: https://nysemail.sharepoint.com/sites/DECInSite-DER/SitePages/CP.aspx .

Note to Remedial Parties and Contractors: The templates and instructions to develop fact sheets and site-specific citizen participation plans discussed in these materials can be obtained electronically from the appropriate DER site Project Manager.

Contents

(Page inserted for printing purposes)

1.

Planning and Conducting a Site Citizen Participation Program

Introduction

The term “citizen participation program” may evoke images of a public meeting, a citizen participation plan, or a fact sheet. However, a vision limited to particular outreach activities forms an incomplete perception of the concept.

Successful implementation of a citizen participation (CP) program and its related activities requires planning and strategy. The following discussion describes an overall strategy to effectively plan and conduct a CP program for a site.

A site CP program integrates with the site’s remedial program and contains several steps:

Step 1. *Plan* CP activities for effectiveness.
Step 2. *Conduct* CP activities to promote meaningful participation by citizens.
Step 3. *Incorporate* results of CP into decision making as appropriate.
Step 4. *Evaluate* CP activities for effectiveness and adjust the CP program as appropriate.

Step 1: Plan a Site Citizen Participation Program

Start Early. Plan for what you will do and how you will do it. Discussions between Division of Environmental Remediation (DER) staff and the remedial party about the site’s CP program should take place by the time the order, agreement, or State assistance contract is executed. DER and the remedial party can review their respective responsibilities to plan and implement CP activities, as well as how those CP activities integrate with the site’s remedial program.

Planning for the site CP program should not be confined to a single “starting” point, however. It is most effective as an ongoing process for several important reasons:

- Issues of public concern and the stakeholders who raise them can change.
- Information that project staff may need from the public at key decision points can change.
- Significant elements of the site’s remedial program can change substantially from those contemplated at an earlier time.

Identify Project Staff Who Will Participate in the Site CP Program. The site's DER Project Manager has overall responsibility to coordinate with the remedial party as appropriate to ensure the coordination, planning, and implementation of the CP program. This is because CP is integrated with the overall site remedial program.

However, the DER Project Manager is a member of the project team that often includes:

- other DER staff;
- staff from other DEC Divisions;
- DEC Citizen Participation Specialist (CPS);
- New York State Department of Health (DOH) staff;
- the remedial party and its contractors;
- the affected and interested community.

> **A note about the Citizen Participation Specialist (CPS):** A DEC CPS brings public involvement training and experience to the site's CP program. The CPS can provide valuable assistance to identify individuals and organizations interested or affected by a site, issues of public concern, and public information needs. The CPS also can help to design and implement an effective site CP program, helping to tailor activities to encourage two-way dialogue, effective participation, and to overcome potential cultural obstacles that may hamper the ability of the community to effectively participate.

Staff should provide reasonable notice to a CPS when requesting assistance with a site CP program. Such assistance may include developing an appropriate site contact list, writing or reviewing a fact sheet, planning or facilitating a public meeting, assisting with a mailing, helping to identify and arrange for a public meeting location, and other activities associated with a site's CP program.

Identify Roles and Responsibilities of Involved Staff. To effectively plan and conduct a site CP program, the DER Project Manager, in cooperation with the remedial party, needs to determine which project staff should be involved with the planning and performance of CP activities, and who may simply need to be kept informed about the general nature and status of the CP program. This is important for several reasons:

Different staff may be involved with separate aspects of site investigation and remediation. Many of these staff will play an important role in related CP activities because they are decision makers, experts, or those most qualified to provide information to the public and address the public's questions and concerns. For example, DOH staff often are involved during a site's remedial program, and are most knowledgeable of health issues and concerns important to the public.

Coordination among project staff will help to identify the information that needs to be exchanged with the public. These information needs also will help to determine what CP activities need to be conducted, and which staff should manage them.

Project staff should share information throughout the remedial process that could affect how the site CP program is conducted or evaluated. This information can relate to changes in the project, citizen input and feedback, newly emerging issues of public concern, and CP activities that are working well or poorly.

Ongoing coordination among project staff also helps to ensure that they understand their roles and responsibilities, and those of their colleagues, in the site's CP effort. Project staff should know *what* CP activities are being planned, *when* they will be conducted and *why*. They should understand how the planned CP activities relate to the technical, remedial and legal activities for the site. This will help to ensure that the CP program is conducted efficiently and effectively, avoiding duplication of efforts and ensuring wise use of limited resources.

Identify Required Citizen Activities. Determine what CP activities are required to be conducted within the appropriate time frame of the specific remedial program. The DER CP policy document *DER-23: Citizen Participation Handbook for Remedial Programs* offers several convenient ways to identify the CP requirements. Section 1 includes a summary chart of the CP requirements for each of DER's remedial programs. Many of the CP activities align with remedial milestones.

Sections 2 through 4 of the Handbook provide detailed information about the CP requirements for the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program, respectively. Click here to access the Citizen Participation Handbook for Remedial Programs to help plan and implement a site CP program: http://www.dec.ny.gov/regulations/2393.html .

Determine Nature and Intent of Each CP Requirement.

Is the CP requirement ongoing in nature? For example, a project document repository requires regular maintenance over the life of the remedial project. Is the activity a "one-time" event? A fact sheet and public meeting are examples of CP requirements that are planned and implemented within a limited time frame.

What are the primary purposes of the CP requirement? A CP requirement may be intended to accomplish one or more of the following objectives:

- Increase public understanding of the remedial process and how decisions are made; or the history or current status of site contamination; or the results of investigation or cleanup activities;

- Provide a process for the affected and interested public to effectively participate in the decision-making process for remedial actions;

- Identify issues of public concern regarding the site, its impacts or the remedial process;

- Gather information from the public about site history, contamination or current status;

- Provide opportunity for the public to review and comment on alternatives for action or proposed decisions.

Scope Audiences and Issues, and Identify Information to Be Exchanged. To effectively plan and conduct CP activities, project staff need to identify the individuals and organizations with whom they need to communicate, as well as the information needs of project staff and the identified audience.

An initial site contact list must include, at a minimum, certain local officials, adjacent property owners and residents, public water supplier, and administrators of nearby schools and day care facilities.

However, do not assume at any given site that these will be the only interested or affected stakeholders. The site contact list always should be developed to effectively serve the needs of the interested/affected public and DER. Develop a contact list that includes all interested parties, to the extent practicable. Also, consider other ways of reaching the interested/affected public. See the Site Contact List module within these materials to help develop a site contact list.

The public that is affected by, is concerned that it may be affected by, or is interested in a site, is not a homogeneous, undefined mass. Some people may live near the site. Others may have been born near the site, or worked at the site, or represent constituencies affected by the site. Many people may have an important stake in the site's investigation and remediation -- the site may be, or is perceived to be, affecting their health, their jobs, their property values.

Members of the affected and interested public may be concerned with a single issue, or many issues; they may get involved at a single point in the remedial process, or stay involved from start to finish. To some extent, the circumstances will vary at every site.

DER has prepared a "Scoping Sheet for Major Issues of Public Concern" (Scoping Sheet) that can help to identify issues and information needs and their related stakeholders. It is strongly recommended that you prepare the Scoping Sheet at the time you begin planning for the site's CP program. Information developed with the aid of the Scoping Sheet will help with preparation of the site contact list and site CP Plan. Revisit and update the Scoping Sheet periodically during the remedial program to help evaluate the CP effort and make changes as needed. See the Scoping Sheet and instructions module within these materials to help identify major issues of public concern and the individuals and organizations associated with them.

Determine if the Program of Required CP Activities is Effective. Preparing the Scoping Sheet discussed above helps to identify issues and information needs of the public and project staff. With this information in hand, project staff can more effectively evaluate the adequacy of the CP activities required to be conducted.

Evaluation should consider the following points:

- Will the required CP activities be sufficient to effectively meet staff and public information and participation needs identified for this particular site?

- Will the required CP activities promote the goal of effective remediation and two-way exchange of information?

If the answer to either question is “No”, consider identifying one or more additional CP activities to supplement the requirements. Carefully define the purposes of these additional CP activities, and how they would complement the CP requirements. Additional CP activities under consideration should also be evaluated based on the time, funds, and staff resources available to effectively plan and implement them.

Consider Potential Environmental Justice (EJ) Issues. A particular community may possess unique attributes/qualities that need to be recognized and addressed to ensure that citizen participation efforts are undertaken to provide for an open and accessible decision-making process. For example:

- An EJ community may be disproportionately impacted by pollutants and other forms of contamination. Lack of participation or silence in the past should not be interpreted as lack of concern or interest in these issues.

- EJ communities may not trust or, in some cases, may fear the government because of perceived or unintended experiences of injustices or diverse cultural backgrounds.

- Additional collaborative efforts with EJ communities may be needed to help them participate more effectively in the remedial process, including additional technical assistance provided directly by DER staff and by help obtained through technical assistance grants and EJ grants.

- In communities where English is not the primary language, materials may need to be developed in the applicable language. Local community leaders may be willing to help in identifying the appropriate language. Alternately, DEC’s Office of Environmental Justice may be able to provide recommendations. The development of materials in a language other than English also may be appropriate in areas outside of EJ communities.

The Scoping Sheet for Major Issues of Public Concern discussed above can assist in identifying significant issues related to EJ communities. In addition, DEC’s Office of Environmental Justice can provide environmental justice consultation regarding a potential EJ community in order to effectively plan and conduct citizen participation activities.

Click here for more information about DEC’s Office of Environmental Justice and related resources: https://www.dec.ny.gov/public/333.html

Develop a Site Citizen Participation Plan. Within 20 days of the effective date of an order, agreement, or State assistance contract, the remedial party is required to submit a written Citizen Participation Plan to DER for review and approval. A written CP Plan helps project staff to administer the CP program, create accountability with the affected public, and track implementation. Important sections of the CP Plan include:

- updated contact list of the affected/interested public;

- major issues of community concern;

- CP requirements and any additional, optional CP activities to be conducted during the remedial process, with general time frames for their implementation, if known.

The remedial party may draft the site CP Plan and submit it to the DER Project Manager for review and approval. The DER Project Manager should provide the draft to others as appropriate, for example, the assigned citizen participation specialist, for review and comment. For State-lead projects, the DER Project Manager drafts the site CP Plan, with similar input.

Click here to access CP Plan templates on the DER internal web site for the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program: https://nysemail.sharepoint.com/sites/DECInSite-DER/SitePages/CP.aspx . Follow the correct program link. DER Project Managers can provide remedial parties with the templates in electronic format.

Project staff should maintain and annotate an internal working copy of the site CP Plan or attach the following information for internal reference during planning and implementation:

Schedule - All CP activities require lead time to plan and conduct. Sometimes preparation time can be significant. A schedule of CP activities should "front load" adequate preparation time for each CP activity as part of an overall implementation schedule.

Staff Responsibilities - Break down CP activities into specific planning and implementation steps, and identify the project staff responsible for their completion.

Audiences, Purposes and Information to be Exchanged - When planning CP activities, it is critical to identify the intended audiences, define in concrete terms the goals and objectives of the activities, and specify the information to be exchanged.

Resources - Effective planning includes estimating the staff, time, budget and other resources needed to plan and conduct CP activities.

Step 2: Implement a Site Citizen Participation Program

To help to conduct CP activities effectively, project staff periodically should ask: *Why* are we conducting these CP activities, and in these particular ways? *What* are we trying to accomplish? Answers to these questions should help to identify issues and information important to the public and to DER staff at that particular stage in the remedial program, and the internal and external audiences involved with those issues and information needs.

The program of required CP activities is the same for all sites in a particular remedial program. However, project staff should resist the temptation to treat the CP program as a generic, "boilerplate" exercise at each site. Issues about site contamination and remediation vary from site to site, as do the public's and DER's information needs, and the public's desire for input into the remedial process. To effectively meet goals and objectives, the same CP activity may need to be conducted differently from one site to the next.

Build Flexibility Into Communication and Outreach Efforts. CP activities usually are conducted at specific milestones in the remedial process. As a result, DER staff and the remedial party generally have important information for the public about site findings or tentative decisions, and may seek public input about them. But staff should try to be aware of, and responsive to, issues of public interest or concern that may fall outside a rather "focused" remedial agenda.

Project staff may provide the affected community with all the information in the world, but it won't matter a bit if citizens feel that project staff are not addressing their issues or taking their concerns seriously.

To be responsive, acknowledge the public's issues or concerns openly. Where feasible, address these issues through outreach activities such as letters, fact sheets, public meetings, or other contact. By hearing and acknowledging the public's issues and concerns, project staff can help to improve the effectiveness of the site CP program and maintain credibility with the community.

Step 3: Incorporate the Results of Citizen Participation

The remedial process contains formal milestones at which the public is asked for input (for example, DER always conducts a comment period about the proposal to remediate a site). In addition, the public is encouraged to offer input throughout the remedial process as they participate in other outreach activities, as well as through letters, e-mail, telephone calls and other direct contact.

Public input is an important part of the overall CP effort for a site. While the input may relate to what stakeholders think about a particular proposal or report, it may also express the extent to which they did – or did not – understand your message.

From the community's perspective, two guidelines should govern the actions project staff take to address public input:

- Project staff should demonstrate to the public that its input was received and understood;

- The public needs to know that its input was evaluated, and the extent to which it may have been incorporated into the site's remedial decision-making process.

Document and Respond to Public Input. Project staff can demonstrate how public input was received and considered through responsiveness summaries, letters, e-mail, telephone calls, door-to-door visits, fact sheets, additions or changes to meeting agendas, public notices, newspaper "op-ed" pieces, or any of a number of other activities.

Step 4: Evaluate and Adjust a Site Citizen Participation Program

Project staff need to determine if the site CP program is effective, or if they need to make modifications. Evaluation achieves best results when performed as an ongoing part of the planning and implementation of the site's CP program.

Project staff may find it difficult to determine if a site CP program is effectively promoting two-way communication and creating meaningful opportunities for public input. For example, is a site CP program successful or deficient if:

- few members of the public participate or request information? (Stakeholders may be involved in other important community activities that compete for their time; *or* They don't care; *or* They may feel well informed through fact sheets and other public contact and choose not to participate at meetings, ask questions, etc.);

or

- many people show up at public meetings, write letters or ring project staff phones off the hook? (Stakeholders may be familiar with the channels of communication and are comfortable communicating with project staff; *or* They may be troubled by a process that they perceive is unresponsive or irrelevant to their concerns.)

A site CP program once deemed successful can become less effective over time. Project staff plan CP activities at discrete stages of the remedial process, usually prompted by upcoming remedial milestones. However, the site remedial process may change in unexpected, significant ways. The site CP program can only address issues and information needs known or reasonably anticipated at the time in which it was planned.

Make Evaluation an Ongoing Process. Project staff can effectively meet this challenge by using the following CP evaluation checklist:

- Periodically review the goals and objectives of the site's CP program--What are DER's needs? The public's? The remedial party's? What information needs to be exchanged to improve the CP and remedial program?

- What kind of feedback are citizens providing about the site CP program?

- Have elements of the site investigation or remediation program changed significantly? Is the program of CP activities fashioned by project staff still relevant to the changing remedial program?

- Regardless of changes in the remedial program, have issues and concerns important to the community changed significantly? Have the stakeholders associated with these issues changed? The Scoping Sheet discussed earlier offers an effective way to periodically revisit issues and information important to staff and public.

Add additional CP activities as appropriate and as resources allow to account for changes, and/or execute "course corrections" in the manner in which the existing CP program is being implemented.

Evaluation of Public Input. DER believes, fundamentally, that citizens have valuable information that can benefit a site remedial program. This can include information about site history and impacts, the short- and long-term effects of remedial alternatives, possible future site uses, and other issues.

Project staff may note that the CP program for a particular site fails to generate significant input from the affected public regarding site issues, or proposed investigation or remediation activities. While the amount and quality of public input will vary based on the particular site and the affected public, project staff should determine if everything is reasonably being done to facilitate that input.

If a site's CP program seems to fall short on encouraging the public's participation and input, project staff should consider several questions to evaluate the public's opportunities to provide that input:

- Has an adequate foundation of information related to the site and remedial program been provided for the community to become informed and involved?

- Has the kind of information project staff need from the public been identified, as well as when it is needed during the remedial process?

- Which stakeholders are likely to have this information or input?

- Have these individuals and organizations been engaged at times and in ways that maximize the likelihood that they will feel their input is wanted and valued?

- Do project staff demonstrate that they understand the public input they receive, and that they are giving the input appropriate consideration in the context of remedial decision making?

- Are cultural and economic differences within the affected/interested community creating roadblocks that are impeding effective participation?

Based on the answers to these questions, the site's CP Plan should be amended, as appropriate, to take appropriate action.

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Citizen Participation Activities

The following materials provide detailed “how to” recommendations for planning and implementing citizen participation activities. These activities include:

- Site Contact List
- Document Repository
- Scoping Sheet for Major Issues of Public Concern
- Citizen Participation Plan
- Fact Sheet
- Certification of Mailing
- Public Meeting
- Availability Session

The discussion about each CP activity includes the following information:

Description – Summarizes what the CP activity is and what it does.

Required Activity? - States whether the activity is required or optional.

When to Use - Identifies when the activity is required to be implemented. Suggests additional instances when the activity may be used effectively.

How to Do - Recommends how to successfully develop and implement the activity.

Benefits and Limitations - Describes specific benefits the activity can help to achieve, and potential issues and circumstances which could reduce its effectiveness.

Site Contact List

Description: Names, addresses, email addresses, telephone numbers, group affiliations or titles, and other appropriate contact information of individuals and organizations with interest or involvement in a site's remedial program. They may be affected by or interested in the site, or have information that DER staff and the remedial party need to make effective remedial decisions.

Required Activity? Yes, for all remedial programs.

The site contact list is an important communications tool upon which other outreach activities depend. In many ways, a site CP program will only be as effective as its contact list; that is, *who* receives project information and invitations to participate and provide input. The contact list should be updated and revised as appropriate throughout the site's remedial program.

Note: The checklist at the end of this discussion will help to identify who may need to be included in a particular site's contact list.

When to Use: DER and/or the remedial party use the site contact list to distribute the first required fact sheet developed during a site's remedial process. *DER-23: Citizen Participation Handbook for Remedial Programs* identifies the requirements to distribute notices and fact sheets for each remedial program. Click here to access the CP Handbook: http://www.dec.ny.gov/regulations/2393.html .

- **External distribution:** DER uses DEC's electronic listserv service, DEC Delivers, to distribute notices and fact sheets by email to the interested and affected community. DER also ensures distribution of notices and fact sheets by paper mail in specific circumstances:
    - DER's Site Control Section distributes the notices it generates to a specific public contact list defined by law and regulation.
    - DER expands, as appropriate, the Site Control public contact list at the start of a site's remedial investigation and ensures that the initial site remedial fact sheet is mailed to this contact list with instructions to sign up with DEC Delivers to continue to receive site information.
    - DER will ensure that fact sheets are mailed to individuals who notify DER that they cannot receive notices through DEC Delivers.
    - DER will ensure that fact sheets are mailed to individuals based on Environmental Justice criteria.

- **Internal distribution:** DEC and DOH staff always should receive electronic copies of fact sheets and other materials being distributed to the public, whether DEC staff are managing the distribution or the distribution is being managed by the remedial party or a contractor. Hard copies should not be distributed internally. DEC staff should provide the remedial party or contractor with appropriate DEC and DOH email addresses when the remedial party or contractor is managing the distribution.

The site contact list also facilitates distribution of optional notices and fact sheets at other times during the remedial process for purposes that include:

- providing project status during a lengthy time between milestones;
- announcing a public meeting or availability session;
- sending a response to public questions and comments;
- transmitting a request to the public for information needed by DER or the remedial party;
- sending summaries of information exchanged at public meetings, forums, availability sessions and other public gatherings.

How to Do:

Note: If a site contact list is developed or updated by a remedial party, the list should be submitted to the DER site Project Manager for review and approval. Whether the contact list is developed by DER or a remedial party, the DER Project Manager may provide the appropriate DEC Citizen Participation Specialist, and other DEC staff as appropriate, a copy of the draft site contact list and an opportunity to review and provide comments within the required timeframe.

The site contact list must be submitted as a component of the draft site CP Plan, but may be developed earlier if needed to facilitate CP activities.

1. Include specific categories of stakeholders in every site contact list. "Site contact list" means a list of persons, government agencies, groups, and organizations, including, *but not limited to*:

- the chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which serves the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for the purposes of posting and/or dissemination at the facility; and
- the local document repository selected for the remedial project.

Note: Where the site or adjacent real property contains multiple dwelling units, the remedial party, in cooperation with DER, may propose an alternative method for providing such notice in lieu of mailing to each individual.

2. Add additional stakeholders as appropriate. Individuals, groups, and organizations beyond those required above may need to be added to the site contact list on a site-specific basis. These stakeholders may include:

- residents/property owners/commercial establishments near the site and others directly affected;
- local environmental justice groups and organizations;
- local officials (such as council members, clerk, municipal attorney, public works, schools);
- local emergency services officials;
- local media;
- business, civic, and environmental organizations;
- others as appropriate.

See the **Checklist for Site Contact List** at the end of this discussion for a comprehensive list of potential stakeholders.

Apply criteria to determine if additional individuals, groups, and organizations should be added to the required "core" site contact list. They can be added to the contact list whenever appropriate during the remedial process. Consider the following questions about the site to determine if the site contact list is complete:

- Who has been – or currently is – potentially affected by contamination related to the site, or the site's remedial program?

- Who *perceives* that he/she has been – or currently is – affected by site contamination or the site's remedial program?

- Who is likely to be affected or interested as the remedial program progresses?

- Who has demonstrated past interest – or currently is showing interest – in the site or the remedial program?

- Who may need information about site contamination or the remedial program?

- Who may have information that DER needs?

3. Prepare the Scoping Sheet for Major Issues of Public Concern (Scoping Sheet). The Scoping Sheet should be prepared early in the remedial process and can be revisited at any point. Preparing the Scoping Sheet helps to identify and assess affected/interested community members and important issues of public concern. Any individual or organization associated with a significant issue identified by completing the Scoping Sheet should be added to the site contact list. See the Scoping Sheet module within these materials for the template and instructions.

Note: Preparing the Scoping Sheet is especially useful when developing and revising a site contact list and the site CP Plan.

4. Include people who have shown interest. Review project files to identify people who, historically, have demonstrated interest in the site. Review sign-in sheets from public meetings and availability sessions; include people who have written letters or emails about the site to DER or another agency, or who have called project staff.

5. Ask other staff. Other DER staff and staff from other DEC divisions and other agencies may have had contact with individuals, groups and organizations affected by or interested in the site.

6. Find names for the site contact list by consulting resource people and published lists. Ask municipal clerks and public works department staff (sewer or water system user lists); consult telephone or municipal directories, tax rolls and tax maps.

7. Ask the involved public with whom you are already communicating about the site to identify other individuals and organizations you should include. Use fact sheets, notices and other contact for this purpose.

8. Monitor media accounts, including newspaper, radio and television reports about the site, which often identify individuals, groups, and organizations interested in the site.

9. Organize the site contact list into categories. This is particularly useful when a contact list is extensive. You may need to target specific sub-groups for communication (for example, adjacent residents or local officials). Groups may be categorized based on geography (proximity to site, political boundaries); by affiliation (unit of government, adjacent residents, environmental, civic or business group) or by interest (e.g. remedial alternatives; future site use; off-site impacts, etc.).

10. Maintain "key" contacts. Consider creating a short list of individuals and organizations likely to play a particularly significant participation role, or who need to be notified of project developments on short notice. *It is especially important to keep this list current and accurate.* These can include local officials, media, environmental justice and community groups, Technical Assistance Grant recipient, and others as appropriate.

11. Manage and update. Review and update the site contact list as appropriate to reflect changes, additions and deletions generated by the steps outlined above. Individuals, groups, and organizations may gain or lose interest or change roles in the program at different remedial stages. The need for information from certain stakeholders at different stages also may change.

The contact list should be updated at the following points:

- before distributing fact sheets, meeting notices, and other project information;
- after reviewing sign-in sheets from public meetings and availability sessions;
- after receiving letters, emails, and telephone calls from the public;
- after election cycles;
- after preparing or revising the Scoping Sheet for Major Issues of Public Concern;
- after preparing or revising the site Citizen Participation Plan.

Benefits and Limitations:

- A site contact list helps to identify the affected and interested public, and their affiliations, locations, and levels of interest.

- When categorized, a site contact list helps project staff to deliver specific information to particular affected and interested individuals, groups and organizations and to plan specific communication activities (such as door-to-door visits).

- Helps to make written and telephone contact with the public systematic and efficient. Gives project staff confidence that the affected/interested public is receiving important site information.

- Helps to inform public directly, without media and others "filtering" the information.

- A site contact list, particularly a large one, requires staff time to create, update and maintain in useful form. *An outdated or deficient site contact list can make effective communication difficult, and may erode the effectiveness of the site's CP program.*

Checklist for Site Contact List

Required

- ❑ Chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- ❑ Residents, owners, and occupants of the site and properties adjacent to the site;
- ❑ Public water supplier which serves the area in which the site is located;
- ❑ Any person who has requested to be placed on the site contact list;
- ❑ Administrator of any school or day care facility located on or near the site for posting and/or dissemination at the facility;
- ❑ The site document repository

Optional (As Appropriate, Add Any Time During the Remedial Process)

Nearby Parties:

- ❑ Residents/property owners/commercial establishments
- ❑ Neighborhood associations
- ❑ Environmental Justice groups and organizations
- ❑ Residents/property owners affected by remedial activity (truck routes, water line extensions, etc.)
- ❑ Indian Nation
- ❑ Owners of rights-of-way (utilities, etc.)

Local Officials, Committees, and Boards:

- ❑ City council/town board members
- ❑ Municipal clerk
- ❑ School administrators, school boards, PTAs
- ❑ Municipal engineer/public works official
- ❑ Municipal attorney
- ❑ Police/fire/emergency services officials
- ❑ Conservation Advisory Committee
- ❑ Brownfield Opportunity Area Steering Committee (if site in a BOA)

County/Regional Officials, Boards and Organizations:

- ❑ County Administrator
- ❑ County Legislator(s) for site's district
- ❑ County clerk
- ❑ County Health Department
- ❑ Environmental Management Council
- ❑ Soil and Water Conservation District
- ❑ Cooperative Extension
- ❑ Farm Bureau

State Officials and Agencies:

- ❑ State Senator and Assembly Member
- ❑ Other NYSDEC staff
- ❑ DEC Environmental Justice Office
- ❑ NYS Dept. of Health
- ❑ NYS Dept. of Law
- ❑ NYS Dept. of State
- ❑ NYS Dept. of Transportation
- ❑ Governor's office

Federal Officials and Agencies:

- ❑ U.S. Senators, U.S. Representative
- ❑ Environmental Protection Agency
- ❑ Occupational Safety and Health Adm.
- ❑ Office of Technology Assessment
- ❑ Department of Defense
- ❑ Department of Energy

Civic/Environmental/Recreational Groups:

- ❑ TAG Recipient (SSF and BCP programs)
- ❑ Outdoor/recreational groups (rod & gun clubs, hiking, biking, boating, birding)
- ❑ Local/regional citizens groups
- ❑ Rotary/VFW/American Legion/Lion's Club
- ❑ League of Women Voters
- ❑ NYPIRG, Audubon, Scenic Hudson, Trout Unlimited, Nature Conservancy, etc.

Economic Interests:

- ❑ Financial institutions/lenders
- ❑ Real estate developers/agencies
- ❑ Chamber of commerce
- ❑ Local economic development board

Local/Regional Media:

- ❑ Newspapers (daily, weeklies)
- ❑ Web-based news sources
- ❑ Local radio and television stations

Document Repository and DECinfo Locator

Description: The document repository provides the community with convenient access to site remedial program documents approved by DER or released for public comment. The document repository is located in a convenient public facility near the site so that interested members of the public can easily access and review the information.

Required Activity? Yes. Draft Citizen Participation (CP) Plans for all remedial programs must identify the location of a local document repository. In the Brownfield Cleanup Program (BCP), the site document repository is first identified by a Requestor in its BCP Application. Unless specified otherwise by DER, the document repository is maintained by the remedial party during the remedial process.

- **Electronic Access to Documents:** DECinfo Locator: The DECinfo Locator is an interactive application that provides the public with electronic access to documents and public data about sites in DER's remedial programs. The DECinfo Locator will complement the site's physical document repository(ies). DER will make available through the DECinfo Locator significant documents generated about a site during the remedial process, including documents about which DER requests public comments.

The web link to the site's documents in the DECinfo Locator will be provided in the site's CP Plan and in all notices and fact sheets about the site distributed to the public.

When to Use: Use a site document repository and DECinfo Locator to provide the community with convenient access to project documents and information that include:

- complete applications;
- draft remedial documents about which DER is seeking public comment;
- final versions of draft remedial documents;
- studies, reports, data and other information;
- the site's CP Plan;
- required and any additional notices and fact sheets distributed to the site contact list, at public meetings, and at other venues;
- complete versions of documents summarized in fact sheets, meeting presentations or media releases.

How to Do:

1. Evaluate potential locations. The document repository should be located near the site and accessible to the affected and interested community. ADEC Citizen Participation Specialist (CPS), residents, municipal clerk, local officials and school officials often can help identify a suitable location.

If possible, choose a location that can accommodate community members who work during normal business hours. In addition, consider the availability of public transportation in locations where parking or automobile travel is inconvenient. Determine access for people with disabilities and the availability of photocopying.

A local public library usually is a suitable location. Alternatives include municipal offices, public health offices, and schools.

2. Contact the potential document repository. The remedial party or DER staff must contact the potential document repository *before* identifying it in the site's CP Plan, announcing it to the public, or sending documents for the first time.

Most librarians and municipal clerks are willing to help make documents available to the public. Explain that DER and the remedial party would like site documents maintained in an accessible spot for public review and copying. Because space may be limited, the librarian or clerk may ask for an estimate of the total volume of documents they will receive and how long the documents will need to be maintained. You should be prepared to provide general estimates.

Follow up with a letter confirming the agreed-upon terms and conditions for the document repository. Be sure to restate understanding of who the repository contact person will be, and where the documents will be maintained. A remedial party must provide DER with proof of acceptance of this designation by the proposed repository.

3. Deposit documents and other information. As required and appropriate, send draft and/or final studies, reports, notices, fact sheets and other materials to the document repository. Consider providing several copies of documents that will likely be of significant public interest.

Many libraries and other locations maintain computers for the public's use. At these locations, it may be appropriate to provide some or all of the site documents on data disks, especially lengthy documents that can take up a great deal of shelf space.

Note: Give special consideration to time-sensitive documents. Some documents are placed in a repository for public review during a prescribed comment period. *Be sure to allow enough lead time to ensure that documents for public comment are in the repository and in the DECinfo Locator when the comment period starts.*

At a minimum, the site document repository and the DECinfo Locator should include:

- the site's CP Plan;
- all notices, fact sheets, and meeting announcements sent to the site contact list, and media releases;
- proposed and final investigation work plans;
- investigation reports;
- proposed and final remedial work plans;
- decision documents and any significant changes or amendments;
- design documents;
- final engineering report;
- notice of certificate of completion or other similar site closure document.

It may be appropriate to place some or all of the following materials in the document repository depending on individual site circumstances. Project staff should make this determination and work with the remedial party as appropriate:

- previous site assessment, investigation, and remediation documents;
- classification or reclassification documents;
- documentation of sampling results;
- generic materials about the applicable remedial program.

4. Make the job of the document repository host easier. A document placed in the repository should include a cover sheet or letter that describes what the document is, and when and why it was produced. This will help the host to maintain an ordered file and help the public to locate documents of interest. Is the document subject to public comment? If so, provide information about how the public is to comment: comment period dates, name and address of who should receive comments, and other pertinent information.

5. Publicize the document repository and DECinfo Locator and their contents. Take advantage of the public contact tools used during the public outreach program. Use fact sheets, media releases, public meetings, availability sessions, door-to-door visits, letters and telephone contact to tell the community about the document repository, its contents, and why the public's review is important. Provide the document repository's location, days and hours of operation and contact information. Provide the link to the site's DECinfo Locator page.

A document repository can be an effective way to provide site information to the interested public. But success depends on:

- telling the public *where* the document repository is and *why* it was created;
- publicizing the document repository in written communication with the public, and at public meetings, availability sessions and other gatherings;
- notifying the public when important draft and final documents are put in the repository for its review and information.

6. Maintain/update the document repository. Send materials as soon as is practicable after they are developed. Remove/replace outdated materials. Provide revised and finalized versions of documents. Check the contents of the repository on occasion to be sure it has the documents you claim it has.

Note: The amount of time a document repository should be maintained will vary from site to site. For sites in which site management involves significant site activity, the repository should be maintained until the activities are completed. In all cases, repository contents may be pared down at some point to those documents that retain relevance to the site activities. The DER Project Manager is encouraged to make such decisions following appropriate consultation with the appropriate DEC CPS and others, as appropriate.

7. Consider providing additional copies of documents. Consider providing copies of appropriate documents to local officials, involved organizations and others who may express a keen interest in the site and its remedial program. An example of such an organization is a Technical Assistance Grant recipient.

Benefits and Limitations:

- A document repository makes detailed, timely information available to residents, officials and others in the community affected by or interested in the site and its remedial program. This helps to meet the information needs of community members interested in additional details beyond summaries provided in fact sheets and public meeting presentations.

- A document repository must be maintained to ensure timely availability of current information. It should be checked occasionally to verify that materials are available.

- Even when a document repository is established to improve access to project information, most people do not read complete documents. This is an important reason for providing effective summaries in fact sheets and by other means.

- A document repository supports -- but cannot substitute for -- two-way communication between project staff and the community.

Remedial Programs
Scoping Sheet for Major Issues of Public Concern

Description: The Remedial Programs Scoping Sheet for Major Issues of Public Concern (Scoping Sheet) develops information to help with the preparation and revision of a site Citizen Participation (CP) Plan. The Scoping Sheet:

- identifies issues and information important to DER and the community and information that needs to be exchanged;
- summarizes information about land use, population, demographics, economics and other aspects of the community around the site which can influence issues and ways to communicate effectively;
- identifies affected/interested categories of community members;
- highlights community issues that are unique or significant from an environmental justice standpoint.

The Scoping Sheet process helps to take the "guess work" out of knowing who is interested or affected by the site or the remedial process, as well as the issues which are important to the affected community. Scoping will also help to clarify the kind of information project staff may need from the community at a given point in the site's remedial process.

Required Activity: Strongly recommended for all remedial programs.

When to Use: The Scoping Sheet should be prepared early in a site's remedial process. The information developed by completing the Scoping Sheet can help to prepare and update the site's contact list. It can also be useful in completing the "Major Issues of Public Concern" section of the required site CP Plan. Completing the Scoping Sheet can also help to plan and conduct required CP activities and help to determine if additional, optional CP activities are appropriate.

Project staff are encouraged to revisit the Scoping Sheet during the remedial process to help to revise the CP program as appropriate and to more effectively implement required and optional CP activities for the particular site.

How to Do:

Note: If a Scoping Sheet is developed or updated by a remedial party, it should be submitted to the DER site Project Manager for review and approval. Whether the Scoping Sheet is developed by DER or a remedial party, the DER Project Manager may provide the appropriate DEC Citizen Participation Specialist, and other DEC staff as appropriate, a copy of the Scoping Sheet and an opportunity to review and provide comments within the required timeframe.

1. Evaluate Audiences. There are several ways to determine who may be affected by or interested in the site or its remedial program:

- Interested citizens or groups indicate their interest by attending a meeting, e-mailing, writing a letter, or telephoning DER staff or the remedial party;

- Project staff identify interested citizens, organizations and businesses from previous contacts and through sources that include:

  - DEC CPS
  - DEC's Environmental Justice (EJ) Office and local EJ organizations
  - local and regional officials
  - tax maps of adjacent and nearby property owners
  - topographic maps
  - political jurisdictions and boundaries
  - "windshield surveys" of areas around the site
  - door-to-door visits
  - neighborhood associations, environmental, business, and civic organizations in the area
  - proposals for the future use of the site and/or nearby properties
  - newspaper, radio and television accounts of the site and the site's remedial program
  - discussions with other agencies, municipalities and responsible parties

- Interested individuals, organizations and officials identify others who may be affected by the site or the site's remedial program.

2. Issues and Information Needs of the Public. The scoping process helps project staff to identify and document issues and concerns that may be important to the public, and information the public needs to understand and participate in the remedial process. Many of the methods used to identify audiences also yield valuable information about issues of public concern, and information that the public needs or wants about the site and the site's remedial process. These methods include:

- Written and telephone correspondence with citizens, project staff, elected officials, the remedial party and others;

- Statements and testimony provided at public meetings, during resident visits, and in other forums;

- Newspaper, radio, television, and web accounts;

- Questions, issues and concerns received by elected officials from their constituents and passed on to DER staff or the Applicant to address or resolve; and

- Inquiries or resolutions submitted or adopted by elected officials or governmental bodies such as municipal and county boards and councils.

3. Information Needs of Project Staff. The interested/affected public may have information that can contribute to better decisions and a more effective remedial program. This can include information about the site's history and impacts, community characteristics, effects of remedial alternatives and future site use. Project staff should identify their information needs and those of staff involved with the project from other DEC Divisions, New York State Department of Health, and other agencies. All project staff should be encouraged to share among themselves what they learn about issues and information important *to* the public, and information they may need *from* the public to make effective decisions.

The Scoping Sheet for Major Issues of Public Concern and instructions follow this discussion.

4. Environmental Justice (EJ) Considerations. DER and others responsible for implementing citizen participation during the site remedial process need to evaluate a community on an individual basis. A particular community may possess unique attributes/qualities that need to be recognized and addressed to ensure that citizen participation efforts are undertaken to provide for an open and accessible decision-making process.

The Scoping Sheet for Major Issues of Public Concern can assist in identifying issues that are significant to EJ communities. In addition, DEC's Office of Environmental Justice can provide environmental justice consultation regarding a potential EJ community in order to effectively plan and conduct citizen participation activities. For example, the EJ Office can provide community information about:

- potential EJ areas
- population size
- racial/ethnic makeup
- languages other than English spoken by a significant part of the community
- age structure of the population
- household income
- household size
- owner/renter occupancy of housing
- age of housing stock
- local community organizations

Click here for more information about DEC's Office of Environmental Justice and related resources: http://www.dec.ny.gov/public/333.html

Benefits and Limitations:

- The Scoping Sheet provides a structured method to identify the affected/interested public for the particular site. It can help to define major issues and information needs regarding the site, and the potential impacts of the site's contamination and cleanup that are important to DER, other involved parties, and/or the affected/interested community.

- The Scoping Sheet can be prepared early in a site's remedial process, providing useful information to plan a site's CP program. It can also be revisited and updated throughout the remedial process as needed.

- The Scoping Sheet can provide information to help to effectively conduct the CP requirements and any additional activities that may be chosen for a particular site.

- The amount of time and effort to prepare the Scoping Sheet will vary from site to site. However, the time invested should yield useful information to help make planning and implementation of the site's CP program more productive and effective.

Remedial Programs

Scoping Sheet for Major Issues of Public Concern

Instructions

This Scoping Sheet assesses: major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public, if applicable.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Include the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g. Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g. Can our children play outside? Can we garden? Must we avoid certain areas? Can we continue to recreate (fish, hunt, hike, etc. on/around the site?)
- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g. who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed *From* the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby properties, natural resources, etc.?

- Are there activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Do the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated *to* the Community.

- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.

- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.

- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public. Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues. It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help in the selection and conduct of appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups

Division of Environmental Remediation

Remedial Programs
Scoping Sheet for Major Issues of Public Concern (see instructions)

Remedial Party:

Site Name:

Site Number:

Site County:

Note: For Parts 1. - 3., the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

How were these issues and/or information identified?

Part 2. List important information needed **from** the community, if applicable. Identify groups, organizations, businesses and/or units of government related to the needed information.

How were these information needs identified?

Part 3. List major issues and information that need to be communicated **to** the community. Identify groups, organizations, businesses and/or units of government related to the issues(s) and/or information.

How were these issues and/or information identified?

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning around site:

☐ Residential ☐ Agricultural ☐ Recreational ☐ Commercial ☐ Industrial

b. Residential type around site: ☐ Urban ☐ Suburban ☐ Rural

c. Population density around site: ☐ High ☐ Medium ☐ Low

d. Community economic status: ☐ High ☐ Medium ☐ Low

e. Water supply of nearby residences: ☐ Public ☐ Private Wells ☐ Mixed

f. Other environmental issues significantly impacting affected community? (Yes/No)

Explain if "Yes"

g. Special considerations: ☐ Language ☐ Age ☐ Transportation ☐ Other

Explain marked categories in **g.**:

Part 5. The site contact list must include, at a minimum, the individuals, groups and organizations identified in the instructions for **Part 5.** Are other individuals, groups and organizations affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

☐ Non-Adjacent Residents/Property Owners:

☐ Local Officials:

☐ Media:

☐ Business/Commercial Interests:

☐ Labor Group(s)/Employees:

☐ Indian Nation:

☐ Citizens/Community Group(s):

☐ Environmental Justice Group(s):

☐ Environmental Group(s):

☐ Civic Group(s):

☐ Recreational Group(s):

☐ Other(s):

Date Completed: Prepared By: Reviewed By:

Site Citizen Participation Plan

Description: A document that describes the citizen participation (CP) activities that will be conducted during a site's remedial process. A CP Plan also provides information about the site and its contamination history, as well as major issues of public concern. It is developed as a management tool to help the DER Project Manager, other DEC staff, and the remedial party plan and implement CP activities for the site. It also tells the affected and interested community how DEC will provide information about the site and related remedial activities, and how it will encourage the community to participate in the remedial process.

Required Activity? Yes, for the State Superfund Program, Environmental Restoration Program, and Brownfield Cleanup Program.

When to Use: The site CP Plan is used by DEC staff and the remedial party throughout the remedial process to help to plan and conduct CP activities. The CP Plan also documents for the public how it will be informed and involved during the remedial process.

How to Do: Within 20 days of the effective date of the order, agreement, or State assistance contract, the remedial party must draft and submit a written site CP Plan, in electronic format, to the DER Project Manager for review and approval. The DER Project Manager should provide the appropriate DEC Citizen Participation Specialist (CPS), and other DEC staff as appropriate, a copy of the draft CP Plan and an opportunity to review and provide comments within the required time frame.

For a State-lead State Superfund Program site, the DER Project Manager develops the site's CP Plan with assistance from the DEC CPS and others as appropriate. DER reserves the ability to prepare the site CP Plan in other cases.

Use Program-Specific Template: The remedial party or DER Project Manager prepares the site CP Plan by completing an electronic CP Plan template. A template and instructions to prepare a CP Plan for a site within each of the three remedial programs can be downloaded and completed in Microsoft Word format from the DER internal web site at: https://nysemail.sharepoint.com/sites/DECInSite-DER/SitePages/CP.aspx . Follow the correct program link. DER Project Managers can provide remedial parties with the appropriate templates in electronic format.

The CP Plan template includes specific places where it is customized with site-specific information. The CP Plan includes the following major elements:

- Definition of the specific remedial program (State Superfund Program, Brownfield Cleanup Program, or Environmental Restoration Program)
- Citizen Participation Activities
- Major Issues of Public Concern
- Site Information
- Investigation and Cleanup Process

- Project Contacts and Locations of Reports and Information, including Document Repository and DECinfo Locator
- Site Contact List, including description of DEC Delivers, DEC's electronic email listserv and how to sign up to receive project information
- Site Location Map

Following approval, the DER Project Manager will direct the remedial party to place the site CP Plan in the site document repository.

Use Appropriate Tools to Help Prepare the Site CP Plan: The single most effective action to aid in preparing the site CP Plan is to prepare the *Scoping Sheet for Major Issues of Public Concern*. The Scoping Sheet:

- identifies issues and information important to DER and the community and information that needs to be exchanged;
- summarizes information about land use, population, demographics, economics and other aspects of the community around the site which can influence issues and ways to communicate effectively;
- identifies affected/interested categories of community members;
- highlights community issues that are unique or significant from an environmental justice standpoint.

The Scoping Sheet process helps to take the "guess work" out of knowing who is interested or affected by the site or the remedial process, as well as the issues which are important to the affected community. Scoping will also help to clarify the kind of information project staff may need from the community at a given point in the site's remedial process.

See the Scoping Sheet module within these materials for the template and instructions.

Project staff should maintain and annotate an internal working copy of the site CP Plan or attach the following information for internal reference during planning and implementation:

Schedule - All CP activities require lead time to plan and conduct. Sometimes preparation time can be significant. A schedule of CP activities should "front load" adequate preparation time for each CP activity as part of an overall implementation schedule.

Staff Responsibilities - Break down CP activities into specific planning and implementation steps, and identify the project staff responsible for their completion.

Audiences, Purposes and Information to be Exchanged - When planning CP activities, it is critical to identify the intended audiences, define in concrete terms the goals and objectives of the activities, and specify the information to be exchanged.

Resources - Effective planning includes estimating the staff, time, budget and other resources needed to plan and conduct CP activities.

Update the Site CP Plan as Appropriate: The site CP Plan should be reviewed from time to time during the site's remedial program and revised as appropriate so that it continues to serve as a useful planning and accounting tool. This determination will be made by the DER Project Manager, after consultation with other DEC staff, the remedial party, and others as appropriate.

The Scoping Sheet discussed above that aided in the initial drafting of the site CP Plan can be revisited as needed to help revise the site CP Plan.

Benefits and Limitations:

- The exercise of preparing the site CP Plan helps DER staff and/or the remedial party to identify the CP activities that must be conducted, their timing and intended audiences, and aids in their planning and implementation. A substantive site CP Plan serves as a useful tool to administer the site CP program, track implementation, and create accountability with the public.

- To draft a site CP Plan that is a meaningful planning and implementation tool, preparers identify audiences and issues related to the site and the site's remedial program, as well as information to be exchanged. This helps to determine who is affected or interested in the site. This also helps to determine the most effective ways to tailor required CP activities, and if additional, optional CP activities should be conducted.

- Audiences and major issues of public concern can change throughout a site's remedial program. A site CP Plan can only reasonably identify audiences and issues at the time it is prepared. The site CP Plan should be revisited from time to time as needed, and updated as appropriate, in order to maintain it as an effective planning and accounting tool.

Fact Sheet

Description: A written discussion about part or all of a site's remedial process prepared and distributed to the public by the remedial party under review and approval by DER, or by DER at its discretion. A fact sheet may focus on a particular element of the site's remedial program, opportunities for public involvement, availability of a report or other information, or an upcoming public meeting or comment period.

In addition, all fact sheets include these elements:

- Location of the site
- Definition of the applicable remedial program
- Next Steps in the remedial process
- Background about the site
- Location of the site document repository(ies)
- Link to site documents in the DECinfo Locator
- Who to contact for more information
- Site location map

A fact sheet is distributed to a site contact list by the following means:

- paper mail (particularly Site Control notices and initial site fact sheets)
- DEC Delivers (DEC's electronic email listserv, which distributes all notices, fact sheets and other site information to subscribers by county)
- distributed at meetings
- placed in a document repository
- placed online in the DECinfo Locator

Required Activity? Yes. Fact sheets are required to be developed and distributed to the site contact list at significant points during a site's remedial process within the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program.

When to Use: At a minimum, a DER-approved fact sheet is distributed to the site contact list/DEC Delivers at the following points in the site remedial process:

State Superfund Program

- Before start of Remedial Investigation
- When DER Approves Remedial Investigation Report
- When DER issues Proposed Remedial Action Plan
- When DER issues Record of Decision
- Before start of Remedial Action
- If remediation is complete at one or more operable units but more remediation likely will be needed

- When DER issues Final Engineering Report and Certificate of Completion and Reclassifies or Proposes to Delist the Site

Brownfield Cleanup Program
- Before DER approves Remedial Investigation Work Plan
- Before DER approves Remedial Investigation Report
- When DER makes the site's significant threat determination (usually announced as part of another fact sheet)
- Before DER approves Remedial Work Plan
- Before Applicant starts Remedial Action
- Before DER approves Final Engineering Report
- When DER issues Certificate of Completion

Environmental Restoration Program
- Before start of Remedial Investigation/Alternatives Analysis
- If municipality does not proceed with remediation
- When DER approves Proposed Remedial Investigation Report
- When DER releases Proposed Remedial Action Plan
- When DER issues Record of Decision
- Before municipality starts Remedial Action
- When DER issues Certificate of Completion

For additional information about the timing and contents of fact sheets distributed for each remedial program, refer to *DER-23: Citizen Participation Handbook for Remedial Programs*.

A fact sheet can also be developed during the remedial process for the following reasons:

- describe a major change in the remedial program (for example, project schedule, recommended remedy, new contaminants and affected media discovered);
- announce an upcoming interim remedial measure (IRM) and/or the results of an IRM;
- provide a "status report" if significant time passes between remedial milestones;
- announce an upcoming public meeting or availability session;
- supplement or follow up door-to-door visits;
- complement staff presentations at a public meeting;
- discuss significant ongoing site management activities;

How to Do:

1. Preparation: Fact sheets required to be developed during the site remedial process are drafted by DER or the remedial party, reviewed and approved by DER, and subsequently distributed by the remedial party or DER. The exception is for State-lead sites, for which DER drafts the fact sheets.

Note: Fact sheets are reviewed by DER management, DEC Executive and the Press Office before final approval and distribution. Verify the internal review and approval process currently in place.

All fact sheets should be written in clear, understandable and accessible language for the general public, using non-technical terms and explanations to describe the site and site process. See the related instructions that accompany the fact sheet templates.

Use Program-Specific Fact Sheet Templates: The remedial party or DER Project Manager prepares a fact sheet by customizing the appropriate electronic fact sheet template. The templates and instructions to prepare the appropriate fact sheets within each of the three remedial programs can be downloaded and completed in Microsoft Word format from the DER internal web site at: https://nysemail.sharepoint.com/sites/DECInSite-DER/SitePages/CP.aspx . Follow the correct program link. DER Project Managers can provide remedial parties with the appropriate templates in electronic format.

Important note to remedial parties: Before drafting and/or distributing any fact sheet, you must discuss the timing and nature of the fact sheet development process with the DER Project Manager and other DER and/or DEC staff as appropriate. The DER Project Manager generally will provide you with information about the appropriate fact sheet to draft, its timing, and the method(s) of distribution.

Important note to DER Project Managers: You must ensure that a remedial party drafts the correct templates at the appropriate points in the site remedial process. To do so, DER staff should carefully review the template summary charts at the end of this discussion or on the DER CP internal web page. This is important because information contained in the templates varies for different phases of the remedial process and to accommodate site-specific circumstances.

The remedial party should submit each draft fact sheet to the DER Project Manager for review and approval. Whether the fact sheet is drafted by the remedial party or DER, the DER Project Manager should provide the appropriate DEC Citizen Participation Specialist a copy of the draft fact sheet for the opportunity to review and provide comments within the time frames set for approval.

Note: It is important to always download the template from the DER internal web site when drafting a fact sheet. This will ensure that you are using the latest version of the template that may incorporate program changes. **Do not cut and paste new material into old, existing fact sheets.**

Decide who needs to participate in fact sheet development. While it is generally best to designate a "point person" with overall responsibility for the fact sheet, determine during planning who else needs to participate in writing, review, or distribution. As appropriate, be sure all involved staff are informed and brought into the fact sheet development process in a timely way.

Note: Staff who contributed information to the fact sheet, or who wrote portions of the fact sheet, or whose program responsibilities are described in the fact sheet, should be encouraged to review the draft before it is finalized. Build sufficient time into the development schedule to provide these staff with adequate time to review and comment, and to incorporate their significant comments.

It helps to have someone not familiar with the site remedial program read the draft fact sheet for clarity and understanding. Staff who are close to the remedial program sometimes find it difficult to assess a draft written for a general audience. An "outsider" can provide a fresh perspective.

2. Distribution: When DER approves a fact sheet, it will distribute or direct the remedial party to distribute the fact sheet to the site contact list. This is done for the first site fact sheet through the postal service and through DEC Delivers email listserv. Subsequent fact sheets are distributed solely through DEC Delivers, except for those who have specifically requested to receive paper mailings, or for Environmental Justice or other reasons.

DER or the remedial party also will place the fact sheet in the document repository. DER will make the fact sheet available through the DECinfo Locator.

Timely distribution: A fact sheet that announces an upcoming public meeting or availability session should be posted and mailed at least two weeks before the event. This allows interested people to "clear their calendars" and avoid conflicts with other events.

Fact sheets that identify public comment periods must be posted and mailed so that they are received by the site contact list before the comment periods begin.

Note: Where the site or adjacent real property contains multiple dwelling units (for example an apartment building or trailer park), the remedial party will work with DER to develop an alternative method for providing such notice in lieu of mailing to each individual.

Before distribution: Is the site contact list up to date? Were email addresses provided by participants at public meetings and availability sessions uploaded to the DEC Delivers email listserv? Did elected officials change after the last election?

After distribution: If the remedial party mails a fact sheet, it must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet, on a form supplied by DER. See the Certification of Mailing module within these materials.

Benefits and Limitations:

- A fact sheet can effectively summarize important facts about a site's remedial program. It can also invite the public's participation in the site's decision-making process. A fact sheet often can be developed relatively quickly and distributed to a specific audience.

- You can provide information directly to your audience without having to rely on coverage by local news media. Though local media should always be included in your intended readership, they may use some, all or none of the information contained in the fact sheet.

- A fact sheet can supplement or re-emphasize information you provide the public at meetings and other forums, or can be used as a follow up to other activities.

- When sent to the affected community throughout a site's remedial process, fact sheets can help a community stay informed and involved, maintain DER credibility with the community, and demonstrate DER's commitment to public involvement.

- Sometimes a fact sheet can take significant time to plan and develop. It often requires careful coordination among staff.

- A poorly written fact sheet may mislead and confuse rather than increase public understanding. Unless the fact sheet's message is clear and immediately apparent, you may quickly lose reader interest.

- If the fact sheet does not acknowledge issues which are important to the community, readers may dismiss your information as irrelevant.

- You may find it difficult to determine, short of polling your audience, how many of them read the fact sheet, and how much information they retained. Your fact sheet must compete with volumes of other information that compete for your audience's time.

Note: Tables that identify electronic fact sheet templates in Microsoft Word for the State Superfund Program, Brownfield Cleanup Program, and Environmental Restoration Program follow on the next three pages. Access the templates on the DER internal web site at: https://nysemail.sharepoint.com/sites/DECInSite-DER/SitePages/CP.aspx.

SSF Templates for Fact Sheets by Project Phase

Project Phase/Fact Sheet Title	Main Message(s)
Fact Sheet Template #1: Before Start of Remedial Investigation	Describes the upcoming Remedial Investigation and announces an optional public meeting or availability session if scheduled.
Fact Sheet Template #2: When DER Approves Remedial Investigation Report (Only Needed if Cleanup Recommended) – (if No Action or No Further Action, skip to #3)	Describes the results of the Remedial Investigation and need for site remediation.
Fact Sheet Template #3: When DER Issues No Action or No Further Action Proposed Remedial Action Plan - (if PRAP calls for cleanup, skip to #4.)	Explains the proposal for no action or no further action. Identifies dates for the 30-day public comment period and public meeting.
Fact Sheet Template #4: When DER Issues Proposed Remedial Action Plan	Describes key elements of the proposal for remedial action. Identifies dates for the 30-day public comment period and public meeting.
Fact Sheet Template #5: When DER Issues Record of Decision – (if no significant changes to remedy)	Announces that DER has formalized the cleanup remedy for the State Superfund site. Describes key elements of the selected remedy.
Fact Sheet Template #6: Before Start of Remedial Action	Announces that cleanup action to begin at site. Describes key elements of the upcoming cleanup activities. Identifies date and purpose of optional public meeting or availability session.
Fact Sheet Template #7: Remedial Action Complete; Construction Completion Report Issued (optional) – (use for interim OUs)	Announces that cleanup action is complete at one or more OUs at site. Identifies highlights of the cleanup action.
Fact Sheet Template #8: When DER Issues a Final Engineering Report - use for final OU	Announces that cleanup action completed at site. Certifies that cleanup requirements have been or will be achieved. Final Engineering Report issued. Announces if Certificate of Completion has been issued. Announces if site has been reclassed to class 4 or 5 or will be delisted. If delist proposed, identifies dates for the 30-day public comment period.
Fact Sheet Template #9: Interim Remedial Measure is Proposed or Announced	Identifies key elements of the proposed or upcoming IRM. If IRM is likely to be a significant part of site remedy, identifies dates for the 30-day public comment period and (optional) public meeting.
Fact Sheet Template #10: Project Update	Describes ongoing investigation or cleanup activities. Announces date and purpose of a public meeting or availability session if scheduled.

BCP Templates for Fact Sheets by Project Phase

Project Phase/Fact Sheet Title	Main Message(s)
Fact Sheet Template #1: Before DER Approves Remedial Investigation Work Plan	Identifies the objectives of the site investigation and the dates for the 30-day public comment period for the draft RIWP.
Fact Sheet Template #2: Before DER Approves Remedial Investigation Report; Cleanup Recommended – (if NA or NFA, skip to #3.)	Describes results of the Remedial Investigation and the need for site remediation.
Fact Sheet Template #3: Before DER Approves Remedial Investigation Report and RIR calls for NA or NFA and Track 1 - (if report calls for cleanup, skip to #4.)	RIR recommends NA or NFA at the Brownfield site. Explains the proposal for NA or NFA. Identifies dates for the 45-day public comment period and (optional) public meeting.
Fact Sheet Template #4: Before DER Approves the Remedial Work Plan	Identifies key elements of the proposal for remedial action. Identifies dates for the 45-day public comment period and (optional) public meeting.
Fact Sheet Template #5: Before Applicant Starts Remedial Action	Announces that cleanup action will begin at site. Identifies key elements of the upcoming cleanup activities.
Fact Sheet Template #6: Cleanup Action Completed - (before Final Engineering Report is Approved)	Announces that cleanup action is complete at site. DER is reviewing the Final Engineering Report.
Fact Sheet Template #7: When DER Issues Certificate of Completion	Announces that DER certifies cleanup requirements achieved at the site; that it has approved the Final Engineering Report, and a Certificate of Completion has been issued.
Fact Sheet Template #8: Interim Remedial Measure is Proposed or Announced	Identifies key elements of the proposed or upcoming IRM. If IRM is likely to be a significant part of site remedy, identifies dates for the 30-day public comment period and (optional) public meeting.

ERP Templates for Fact Sheets by Project Phase

Project Phase/Fact Sheet Title	Main Message(s)
Fact Sheet Template #1: Before Start of Remedial Investigation	Describes the upcoming Remedial Investigation and announces an optional public meeting or availability session if scheduled.
Fact Sheet Template #2: When DER Approves Remedial Investigation Report (Only Needed if Cleanup Recommended) – (if No Action or No Further Action, skip to #3)	Describes the results of the Remedial Investigation and need for site remediation.
Fact Sheet Template #3: When DER Issues No Action or No Further Action Proposed Remedial Action Plan - (if PRAP calls for cleanup, skip to #4.)	Explains the proposal for no action or no further action. Identifies dates for the 30-day public comment period and public meeting.
Fact Sheet Template #4: When DER Issues Proposed Remedial Action Plan	Describes key elements of the proposal for remedial action. Identifies dates for the 45-day public comment period and public meeting.
Fact Sheet Template #5: When DER Issues Record of Decision – (if no significant changes to remedy)	Announces that DER has formalized the cleanup remedy for the State Superfund site. Describes key elements of the selected remedy.
Fact Sheet Template #6: Before Start of Remedial Action	Announces that cleanup action to begin at site. Describes key elements of the upcoming cleanup activities. Identifies date and purpose of optional public meeting or availability session.
Fact Sheet Template #7: Remedial Action Complete	Cleanup Action completed at Municipal Brownfield site. DEC certifies that cleanup requirements have been or will be achieved. Final Engineering Report issued. Certificate of Completion has been issued.
Fact Sheet Template #8: Interim Remedial Measure is Proposed or Announced	Identifies key elements of the proposed or upcoming IRM. If IRM is likely to be a significant part of site remedy, identifies dates for the 30-day public comment period and optional public meeting.
Fact Sheet Template #9: Project Update	Describes ongoing investigation or cleanup activities. Announces date and purpose of a public meeting or availability session if scheduled.

Certification of Mailing

Description: The Certification of Mailing is a document a remedial party prepares and sends to the DER Project Manager. It states that the remedial party mailed a required fact sheet to a site's contact list as directed by DER. The remedial party must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet. The certification does <u>not</u> require that the fact sheet be sent to the site contact list by Certified mail, but that the remedial party certify to DER, on a form supplied by DER, that the fact sheet was mailed by Regular First Class mail.

Required Activity? Yes, for all remedial programs in which a remedial party is involved in the distribution of fact sheets to a site contact list.

Note: The Certification of Mailing form is at the end of this discussion.

When to Use: The remedial party must complete and provide the Certification of Mailing to the DER Project Manager within five days of mailing a fact sheet to a site contact list.

How to Do: The remedial party completes the certification by filling in information such as site name, date of mailing, and place of mailing, and by attaching a copy of the fact sheet to the Certification of Mailing.

Benefits and Limitations:

- The Certification of Mailing provides DER assurance that fact sheets are distributed by a remedial party as required and in a timely manner.

SITE NAME [insert]
SITE NO. [insert]

CERTIFICATION OF MAILING

I certify that I mailed on **[insert date]** a copy of the attached **[identify purpose of fact sheet and attach]** fact sheet by first class mail to the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at **[insert street address]** in the **[insert Village, Town, or City]** of **[insert name of municipality]**, New York, which box is under the exclusive care and custody of the United States Post Office Department:

Signature Date

________________________________ _____________

Attachment(s)

Public Meeting

Description: A gathering of staff from the Division of Environmental Remediation (DER) with the affected/interested public. Staff from the NYS Department of Health (DOH), the remedial party, and contractors may also help to plan and participate in the public meeting. Staff generally present information about a site remedial program and answer questions. The community is encouraged to ask questions and provide comments.

Note: Optionally, DER may conduct a public meeting virtually by way of the internet in lieu of conducting an in-person meeting. Consult the latest DER and DEC guidance.

Required Activity? Yes, for a Proposed Remedial Action Plan (PRAP) under the State Superfund Program (SSF) and Environmental Restoration Program (ERP). Yes, for a proposed Remedial Action Work Plan (RAWP) under the Brownfield Cleanup Program (BCP) if the site is determined to be a significant threat and requested by the community.

When to Use: DER will conduct a public meeting during the prescribed 30- or 45-day comment period about the PRAP for the SSF and ERP, respectively; and during the 45-day public comment period about the proposed RAWP in the BCP.

Optionally, a public meeting may also be held at any point during the site remedial process. A public meeting usually is held at a milestone in a site's remedial program, or to describe progress during a lengthy remedial stage. The meeting should have a well-defined structure and a formal agenda. DER usually provides information through presentations made by project staff. Specific time periods generally are identified for presentations, questions and answers, and public comment.

A public meeting can accomplish the following:

- describe a specific DER proposal or item such as a site work plan or report, answer questions, and gather public comment;
- ensure that important information about a site's remedial program is delivered in a consistent way to a large audience;
- provide an opportunity for public input and two way communication, and for DER staff to ask the public to identify issues and concerns that are important to them;
- ask the community for information about site history and conditions before beginning major investigation activities;

- assist an emotionally charged community by addressing site-related concerns, hearsay and rumors with facts, information and a demonstration that environmental officials are accessible and accountable. In such a case, a public meeting could be supplemented by meeting beforehand informally with citizens and community groups within the community to encourage trust and work through issues of concern. **Note:** A meeting should not be held simply to encourage the public to "vent".

How to Do:

Note: A checklist that summarizes major steps to plan and conduct a public meeting is at the end of this discussion.

1. Define the need to conduct a public meeting.

- Define the status of the site's overall remedial and decision making process;

- Identify, in specific terms, the information and involvement needs of DER, the remedial party, and the community. How do those needs relate to the site's overall remedial process? Define objectives to meet those needs.

- Why are you considering a public meeting? Is a public meeting required at this point in the site's remedial process? Are you considering a public meeting as an optional activity to supplement the public outreach effort? Is the affected community requesting a meeting?

- Have you reviewed other kinds of outreach activities to determine if any of them could more effectively accomplish the objectives of an optional public meeting?

If a public meeting is required or appropriate at this time, proceed with these steps:

2. Develop meeting goals and objectives; scope the information to be exchanged; identify staff participants. Public meetings may be conducted because of a remedial milestone (such as issuance of a proposed Remedial Work Plan) or to report progress during a lengthy remedial stage. Answers to questions such as the following will help you to define the goals and objectives of your meeting:

- Essentially, what do you want to accomplish at the meeting, and how will you do it?

- What important information do you need to provide to and/or gather from meeting attendees? Ideally, who should these attendees be?

- Do you want attendees to provide feedback, such as comments about a draft document or a range of options?

- What issues, questions and concerns are attendees likely to raise, whether or not related to the issues and information DER will discuss?

- Identify project staff who have appropriate expertise and knowledge to provide the information identified and to address public comments and questions. At a minimum, staff should participate who have the program responsibilities for the remedial activities which will be the focus of the meeting.

3. Identify the information you wish to exchange at the meeting; define the framework for achieving this exchange (agenda); determine the form in which the information will be provided. Project staff should develop meeting objectives and an agenda to accomplish them. Identify presentations staff will make to the audience, the major points they will contain and who will conduct them. Determine the type of handout materials and other support materials needed to assist the effort. At a minimum, these should include a meeting agenda and a fact sheet or summary of the main points being discussed at the meeting.

Many other kinds of support materials are potentially useful. They include: electronic presentations, slides and overheads (transparencies), maps and charts, “cutaway” sketches, blueprints, photographs, tools and instruments, samples of liner material, and other materials.

Be sure participating staff understand the particular items for which they are responsible, as well as the schedule for their development, if appropriate.

Some tips for developing and using audio/visual materials: Electronic presentations and other audio/visual aids are useful tools to enhance your presentation. But they should not take over or overwhelm the presentation. A few suggestions:

- It is bad practice to read your slides to the audience. The slides should summarize your talk, not provide the complete transcript.

- Use only as many slides as necessary. An “AV extravaganza” usually detracts from your message -- the audience can be worn out, confused or overwhelmed by a myriad of charts, graphs and tables.

- Focus the message. Each slide should deal with *one* idea or concept. Use key words, phrases, illustrations. Avoid or define acronyms and “techno slang.” Resist the temptation to pull an entire page of text or an elaborate chart of sampling results from a technical report and throw it onto a screen. “More” usually is *not* better. The audience wastes its time (or gives up) trying to digest columns and columns of numbers or text. And there probably are only one or two significant statistics in the entire table. Take a few minutes to extract them and create a simple slide that supports your presentation and communicates a meaningful fact to your audience.

  Remember, when the audience is wading through a detailed slide, it is not listening to you.

- Use large size type. People in the back of the room need to be able to read the material.

- Consider providing attendees with paper copies of your slides, so they can follow along and take notes.

4. Determine the kind of input you seek from meeting attendees, and how best to obtain it. Will you request information from the public:

- during a specific point during the meeting set aside for comment?
- during or between presentations?

Do you want the public to:

- comment about a proposal by DER or a remedial party?
- identify issues and concerns important to them?
- provide information about site history, conditions, or on-site/off-site impacts?

The meeting agenda should describe how public input will be gathered during the session, with time set aside for audience discussion. Be sure your audience understands how its input will be collected.

5. Estimate and plan for the number of attendees. Consider the history of public involvement related to the site. How many people are affected by or interested in the issues you will discuss at the meeting? How many people have turned out for previous sessions? If this is the site's first public meeting, you can try to gauge public interest through other means such as: media coverage, letters and phone calls to project staff, and political interest at the local or regional level. Are emotions running high about the site? This often can increase turnout.

6. Select a date, time and place for the public meeting. Choose a location, date and time that encourage attendance. For most people, this means holding a meeting in the evening, Monday through Thursday, after 6:30 PM. **Suggestion:** Check with the municipal clerk and school officials first to be sure your public meeting does not conflict with municipal and school board, PTA and other local or neighborhood meetings that could draw the community away from your meeting.

The location should be familiar and easily accessible to the community, such as a municipal hall, school, fire station, or library. Community members and officials usually can suggest an appropriate meeting location. These locations can vary greatly in size, so it is important to try to estimate attendance. If in doubt, it is better to overestimate.

The facility should be accessible to people with disabilities. If you expect that most attendees will drive to the public meeting, the venue or surrounding area should provide adequate parking.

If the public meeting is being held in a large urban area, the facility should be convenient to public transportation.

Verify whether a staff member from the facility will be available when you set up to assist with lighting, access and use of microphones, projectors, and other devices.

Follow up on the arrangements made with a letter to the facility contact person, confirming the date and time of the meeting, the subject of the session, and any equipment or setup requirements you may have discussed.

7. Publicize the upcoming public meeting. You should provide notice to the community at least two weeks before you conduct the public meeting. This allows interested people to “clear their calendars” and avoid conflicts with other events.

You can publicize the public meeting in many ways. Examples include:

- Post a **fact sheet/meeting notification** to the DEC Delivers email listserv. Summarize the meeting agenda and highlight the issues or proposal to be discussed. *This is important because, even if people do not attend, it provides them with significant information you want them to know.*

- Send a **fact sheet/meeting notification** and/or a **media release** to local newspapers and radio stations.

- Post information about the upcoming public meeting and comment period on the **DEC Events Calendar** located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

- **Telephone** or **e-mail** key individuals, organizations and officials.

- Post a **notice** at highly visible points in the community.

- Announce the upcoming public meeting at **another forum**, such as a town council or school board meeting.

Regardless of the methods you choose, be sure to describe your *reasons* for holding the meeting, the *subject* and *focus* (e.g. the agenda), and why it is important for the *public to participate.*

8. Coordinate with participating staff before the public meeting to ensure that everyone understands the information to be discussed, the meeting agenda, and the role of each participating staff person. Be sure that participating staff have developed their presentations and support materials. Ensure review as appropriate. Staff should try to rehearse their presentations ahead of time. Even the most polished speakers can benefit from a constructive critique about content and style. It is also useful to “brainstorm” questions and comments you are likely to hear from the public at the meeting. Which staff are most qualified to address a particular question or issue? Is there sufficient information for a response and what will it be? Is there internal staff disagreement? Don't forget to consider questions you may want to ask the public.

9. Pack up and head out. Remember to bring the materials you will need for the meeting, including:

- agendas, fact sheets, paper copies of electronic presentations, and other handouts as appropriate
- sign-in materials
- directional signs
- tape, pens, markers
- support materials (e.g. DVDs, flash drives, overheads, maps, charts, blueprints, etc.)
- equipment (e.g. laptop, electronic projector, projection screen, tape recorder, flip chart stand and pad)
- extension cords (nearest outlet may be 50 feet away)
- extra projector bulb (Murphy's Law)

10. Arrive well ahead of time to prepare the meeting location. As appropriate:

- Place directional signs.

- Establish a table for sign-in sheets and handout materials. Be sure that people sign in as they arrive. Collect email addresses and upload to the DEC Delivers email listserv later.

- Set up and test electronic equipment, such as laptop and projector.

- Set up other equipment, such as projector screen, flipchart, maps, tape recorder and other items.

- If the room is large, check to be sure the PA system is functioning and that you know how to use it.

- Set up location for staff making presentations; move chairs and tables for presenters and audience as appropriate.

Try to greet people as they arrive for the meeting, and introduce yourself and other staff participants. A few pleasant words of greeting can help to set people at ease who may be uncomfortable in a public forum. It can also help establish a climate in which you and attendees have connected informally and which improves the atmosphere for constructive communication.

11. Take notes. A staff person who is not making a presentation should be selected ahead of time to take notes of the meeting. Other staff should take notes as time and their responsibilities allow. Good notes help staff to keep track of the public's questions and comments, items for follow-up and other important information, and shows the public that you are seriously considering their input.

Consider tasking a DER or other DEC staff person to serve as an assigned "scribe" who will write down abbreviated notes on a flip chart while each member of the public is making a statement or asking a question. This shows people the agency staff are listening and allows them to see how you are summarizing their comments. This is a simple, graphic demonstration that you have accurately heard and recorded what the audience has said.

12. Interacting with the media. Local news media (television, radio, newspapers) may arrive and leave at any time during the meeting. Media may want to interview participating staff during the meeting, and are likely to say that they are on a deadline. When there is a break in their meeting responsibilities, staff can interact with the media outside the meeting room. Before committing to an interview, however, be sure you understand DEC's policy regarding interaction with the media. Does DEC want media inquiries referred to the Central office or appropriate regional office? May project staff answer media questions directly?

13. Begin the meeting by welcoming your audience. Thank them for taking the time to attend. Tell them about the purpose of the meeting and why it is important. Introduce staff from DER and others from DEC, other agencies and the remedial party. Recognize local officials and others as appropriate.

Is there a comment period associated with a report or proposal you are discussing? Be sure to review how to submit comments, deadlines, and where to view the complete document.

Walk the audience through the agenda (be sure everyone has a copy). State the meeting ground rules in simple terms. For example:

> "We'd like to have John Smith of the Division of Environmental Remediation go through his presentation about the proposed Remedial Work Plan DER currently is assessing. His discussion will last about 15 minutes. Please hold your questions until he's finished. At that time we'll take 15 minutes of questions about John's talk. Since this is a large audience, we'd like to limit to one question apiece, with one follow-up. Then Jane Jones of the New York State Department of Health will make her presentation about the community health study, which will take about 15 minutes. When she finishes, we'll open the floor for questions about her talk. Then we will ask you for any additional questions and comments you may have. We'll end the meeting by outlining what comes next in the process. And we will be available for a while after the meeting if you'd like to speak with us privately. Do these guidelines seem fair?"

(**Suggestion:** Don't start the meeting until you have discussed the ground rules and received agreement from the audience. Consider adopting reasonable changes the audience may suggest if they do not alter the basic purpose of the meeting.)

14. Present the information to the audience. Try to keep presentations as short as is practicable to cover your major agenda items. This allows plenty of time for audience participation and Q & A. Be sure everyone can see your slides. Encourage people to move closer if they cannot.

15. Encourage audience feedback. Based on the meeting ground rules, facilitate public comments and questions during, between or after presentations. Take notes and also put down summaries of each statement on a flip chart. Be sure to ask if anyone has written comments. Be sure that everyone who wants to has a chance to speak.

Some tips for working effectively with the audience. A public meeting can be effective or ineffective. The line dividing these outcomes can be narrow. Two dynamics function at a public meeting: the issues/information to be exchanged; and the staff/audience relationship brought to the meeting, or created at the meeting. The quality of the relationship often rules the day. It won't matter how well-crafted your presentations are, or how important the information is that you want to share if:

- your historical relationship with the affected public has been rocky, non-productive or non-existent;

- the public does not trust you, your motives or your sincerity;

- the public brings a different agenda to the meeting;

- the public does not believe you are willing or able to address the issues which concern them, or that you simply don't care about their issues and concerns;

- attendees have provided you with input in the past, but never have seen their input change DER's activities or proposals (what's going to change this time?);

- the public comes to the meeting – not to participate in "your" process – but to try to stop you, obstruct you, or veto actions with which they disagree.

It is impossible to remedy a dysfunctional relationship within the confines of a public meeting. However, there are a few steps you can take to increase public trust and improve communication:

- As discussed above, record the public's questions and comments on a flip chart during the meeting. Post these sheets for the audience to see. Verify with the audience that you have accurately captured and summarized a question or comment.

- During Q & A, be sure to restate each speaker's question or comment for the entire audience. This shows the speaker that you understand his/her comment or question, and ensures that everyone at the meeting understands what you will respond to.

- Tell the audience in clear and simple terms how their comments and input will be considered and how their overall involvement fits within the site decision making process.

- If you find that someone in the audience is monopolizing the Q & A or comment period to the exclusion of others, gently but firmly remind the audience of the ground rules everyone agreed to. If the person persists, sound out the audience. Are they comfortable with this situation? Sometimes audiences "police" themselves.

- If the meeting becomes heated or emotional, you may feel you are becoming a target for the anger or are being attacked personally. *You aren't!* But you *are* a handy symbol. People sometimes feel the need to vent and "speak their piece." After all, they may have been dealing with uncertainty and concern about this site for years. This may be their first contact with an agency or a process they perceive to be slow, uncaring or mysterious. Don't respond to anger or emotion with a statement such as: "I can understand how you feel." This probably isn't true. Most of us are not affected by contaminated sites, or think that our health or our economic well-being has been affected. We probably do not live in a community that has a significant history of environmental or environmental justice issues. Acknowledge and demonstrate that you have heard what the person has said and wait for their validation.

- Even if you can't immediately address or solve the person's problem, show that their issue is valid. You may be able to connect him or her with someone else in government or elsewhere who can help.

- If you don't know the answer to a question -- *say so.* Plainly and simply. Tell the speaker you will obtain the answer and get back to him or her. (Be sure you do!)

- Always tell the audience where the site remedial process is headed. What are the next steps? When and how will they hear from you again and what will you be telling them about? Will the public have another formal opportunity to provide input?

- If the audience is not asking questions or providing comments about the information you have provided or the proposal you've outlined, you should have several questions at hand that *you* can ask the audience. The questions should be designed to "break the ice" and stimulate useful discussion.

- Encourage attendees to contact staff whenever they have questions, concerns or ideas. Provide agency contacts, telephone numbers and addresses.

16. Stay after the meeting. Allow some time after the meeting to speak informally with people who needed detailed answers to questions, or who prefer to discuss their issues privately.

17. Debrief and follow up. Review with other participating staff the substance of the public meeting. Follow up on the public's questions and requests for information, as well as any commitments you made. Share information with staff involved with the project who did not attend. Consider following up with another fact sheet or a responsiveness summary. Send it to the entire site contact list, not just to those who attended the meeting. Use the sign-in sheets to update the site's contact list.

Benefits and Limitations:

- Public meetings help to ensure that DER and, as appropriate, the remedial party provide important site information and proposals to the affected and interested public.

- Public meetings encourage direct contact and communication between the public and project decision makers.

- Public meetings help to gather information about issues important to the public, or feedback or comment DER wants about the site, the surrounding community, or the site's remedial program and proposals.

- Public meetings usually require extensive preparation time, staff and resources. Presentations and supporting materials need to be prepared. Logistics for planning, conducting and following-up a large meeting can be comprehensive and time-consuming.

- Some staff are uncomfortable making presentations before large audiences. Training and rehearsal can help to increase staff confidence and effectiveness.

- Staff occasionally may be tempted to treat a public meeting as the site's entire CP program. A public meeting should complement other CP activities which, taken as a whole, comprise the site's outreach and information program.

- Limited personal interaction can take place at a large public meeting. The setting often is formal and impersonal. Some people are not comfortable speaking out at public meetings, so you may not be able to gather a broad spectrum of public opinion.

- You may have difficulty distinguishing the positions which attendees take from their real or underlying interests. Sometimes attendees feel compelled to take firm stands, or to "posture" for their constituents, peers or the media.

- When staff determine that they need to "do citizen participation," they often decide to conduct a formal public meeting. But many public outreach and information objectives can be achieved more effectively through activities other than large group meetings. Availability sessions, meetings targeted to specific groups or interests, and fact sheets often are effective ways to provide information or encourage public input.

Public Meeting Checklist

Site Name:

Meeting Preparation

- ☐ Meeting purpose(s) and subject(s):
- ☐ Meeting date and time:
- ☐ Meeting location:
  - Contact person/phone # at facility:
  - Rental fee?
  - Seating capacity?
- ☐ Accessibility of meeting location
  - To people with disabilities **and**
  - Adequate parking **and/or**
  - Convenient to public transportation
- ☐ Confirm arrangements w/ follow-up letter to facility contact person
- ☐ Identify staff to participate in meeting
  - DER staff; other NYSDEC staff, NYSDOH staff; remedial party; contractors
  - Moderator/facilitator:
- ☐ Identify/prepare information to be presented
  - Oral presentations
  - Visual presentation materials (e.g. electronic presentations or overheads)
  - Written materials (e.g. agenda, fact sheets)

Equipment for Meeting

- ☐ Identify equipment needed
  - Laptop computers
  - Electronic projector
  - Overhead projector
  - Projection screen
  - Tape recorder
  - Flip chart stand and pad
  - Extension cords
  - Extra projector bulb

Announce Meeting

- ☐ Prepare/distribute fact sheet to DEC Delivers listserv **and**
  - Post details to DEC Calendar of Events **and**
  - Send fact sheet and/or media release to local media **and/or**
  - Telephone/email key individuals, organizations, officials **and/or**
  - Post notices in the community **and/or**
  - Announce upcoming meeting at another forum
- ☐ Send materials to document repositories and post to the DECinfo Locator
- ☐ Hold staff pre-meeting to finalize content and coordination

Meeting Room Arrangements

- ☐ Room set-up: who does it?
  - You?
  - Facility owner?
- ☐ Set-up time:
- ☐ Must vacate by time:
- ☐ Type of set-up:
  - For presenters:
  - For audience:
  - For sign-in and materials:
- ☐ Lectern needed/available?
- ☐ Microphones/PA system needed/available?
- ☐ Location for electronic and/or overhead projectors and screen if needed

Support Materials and Supplies for Meeting

- ☐ Identify materials/supplies needed
  - Copies of agendas, fact sheets, paper copies of electronic presentations, and other handouts
  - Sign-in materials
  - Directional signs
  - Tape, pens, markers
  - DVDs, flash drives, overheads, maps, charts, blueprints

Meeting Follow-up

- ☐ Participating staff should debrief
- ☐ Follow-up public questions/comments
- ☐ Update DEC Delivers and contact list with sign-in sheets
- ☐ Consider additional follow-up (e.g. responsiveness summary, additional fact sheet)

Availability Session

Description: An availability session is a scheduled gathering of staff from the Division of Environmental Remediation (DER) with the affected/interested public. Staff from the NYS Department of Health (DOH), the remedial party, and contractors may participate.

The session is held in a casual setting, without a formal agenda and presentation. DER generally conducts an availability session about a specific aspect of a site's remedial program, which it publicizes ahead of time. The format promotes detailed individual or small group discussion between staff and public.

Required Activity? No.

Reasons to Use:

- Provide information and address concerns and questions the affected community has about specific, well-defined aspects of the site's remedial program. For example, if remedial action is about to begin, staff may wish to discuss with community members the general remedial action schedule; specific on-site activities; effects of remedial activity on the locality such as road closures, truck traffic, dust and noise, etc.;

- DER may not have adequate time or resources to plan and conduct a formal, large group public meeting;

- Supplement a formal public meeting or other outreach activity by providing interested members of the public additional opportunity for individual, detailed discussions about the site's remedial program.

How to Do:

Note: A checklist that summarizes major steps to plan and conduct an availability session is at the end of this discussion.

1. Determine the subject of the session. Define the specific focus of the availability session. What is the essential information you need to communicate? What questions and concerns are attendees likely to raise? Identify project staff who have information needed to prepare for the availability session. Determine which project staff should participate in the session. At a minimum, project staff should attend who have the program responsibilities for the remedial activities which will be the focus of the session.

An availability session often requires fewer project staff than a formal public meeting. At a minimum, however, at least two project staff should participate at the availability session. To help determine the appropriate number of staff participants, consider the kind of information you and the public are likely to discuss, the estimated number of public attendees, and available staff resources.

2. Estimate and plan for the number of attendees. Depending on the number of people expected, you may wish to hold two sessions: one in the afternoon and one in the evening; or extend the evening hours; or bring additional staff. The availability session is designed to foster individual and small group discussion. Therefore, try to ensure that attendees will not experience long waits to talk with staff, and that you will not be forced to talk to large crowds.

3. Select a date, time and location for the availability session. Choose a location, date and time that encourage attendance. An evening session will accommodate people who work during normal business hours. Check with the municipal clerk and school officials to be sure your session does not conflict with municipal and school board, PTA and other meetings that could draw the community away from your session.

The location should be in an easily accessible building familiar to residents, such as a library, municipal hall, school, fire hall or local meeting room. Local residents and officials usually can suggest an appropriate meeting location. Because an availability session generally involves a small number of people, you will have more flexibility to choose a location than for a large, formal public meeting.

The facility should be accessible to people with disabilities. If you expect that most attendees will drive to the availability session, the venue or surrounding area should provide adequate parking. If the availability session is being held in an urban area, the facility should be convenient to public transportation.

Follow up on the arrangements made with a letter to the facility contact person, confirming the date and time of the availability session, and the subject of the session.

4. Prepare support materials to aid discussion. Many kinds of materials may be suitable to support your discussion with the public at an availability session. Materials can include: maps, schematic drawings, "cutaway" sketches, blueprints, photographs of the pertinent remedial technology, tools and instruments, documents, sampling results – even samples of synthetic liner material or filter fabric. All can potentially be used to help answer the public's questions and to focus discussion.

It is generally appropriate to develop a fact sheet for distribution at the availability session which covers the essential points of the focused discussion you will have with the public.

5. Publicize the upcoming availability session. A good rule is to provide notice to the community at least two weeks before you conduct the availability session. This allows interested people to "clear their calendars" and avoid conflicts with other events.

You can publicize the availability session in many ways. Examples include:

- Post a **fact sheet/meeting notification** to the DEC Delivers email listserv.

- Send a **fact sheet/meeting notification** and/or a **media release** to local newspapers and radio stations.

- Post the information about the upcoming availability session on the **DEC Events Calendar** located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

- **Telephone** or **email** key individuals, organizations and officials.

- Post a **notice** at highly visible points in the community.

- Announce the upcoming availability session at **another forum**, such as a town council or school board meeting.

Regardless of the methods you choose, be sure to describe *what* an availability session is, *why* you are conducting it, what the *subject* and f*ocus* will be, and why it is important for the *public to participate*. Explain the format of an availability session, and how it differs from a public meeting:

- Project staff will be available for a specific time period to speak with the public individually or in small groups to answer questions, address concerns and discuss a particular aspect of the site's remedial program.

- There are no formal presentations or agenda.

- The public can drop by anytime during the availability session.

6. Coordinate with involved staff before the availability session to ensure that everyone understands the information to be discussed, how the session will be conducted, and that all appropriate support materials have been developed and reviewed.

7. Conduct the availability session. Arrive well ahead of time to prepare the meeting location. As appropriate:

- place directional signs;
- establish a place for sign-in sheets and handout materials;
- set up support materials such as maps, foamboard charts, etc.

Try to greet people as they arrive, and introduce yourself and other staff participants. A few pleasant words of greeting can help to set people at ease who may be uncomfortable or reserved in a public forum.

Work to connect people who have particular questions or comments with project staff who have the appropriate program information. Record the names and addresses of attendees. Note comments and questions that will require follow-up by you or other staff.

8. Debrief and follow up. Review with other participating staff the discussions that occurred during the session. Follow up on the public's questions, comments, and requests for information. Share information with staff involved with the project who did not attend. Consider following up the availability session with another fact sheet or a responsiveness summary. Do not limit the mailing to just those who attended the session. Use the sign-in sheets to update the site contact list.

Benefits and Limitations:

- An availability session encourages an exchange of information with individuals and small groups directly affected by site contamination, investigation activities, or remedial action. The individual and small-group dialogue can help build mutual trust and credibility between the affected community and program staff that is more difficult to achieve in other settings.

- Availability sessions stretch limited program resources. They do not require formal presentations and are significantly faster, easier and less resource intensive to plan and conduct than formal public meetings.

- Quicker and easier planning and implementation create flexibility to conduct an availability session in locations and for reasons that other public outreach activities could not accommodate.

- An availability session often attracts a small audience. However, attendees usually bring intense rather than casual interest in a site's remedial program. This heightened interest and modest attendance serves to enhance direct dialogue between community members and program staff.

- When held within a day or two of a formal public meeting, an availability session can offer the public a welcome, additional forum to interact with program staff. As a result, people attending the formal public meeting may not feel pressed to compete for limited opportunities for input in a forum which must accommodate formal presentations, a large audience, and many levels of interest and understanding.

- An availability session encourages people to talk with you who might be intimidated or uncomfortable in a large group setting.

- After you conduct the availability session, you may need to perform follow up activities that can require widely varying amounts of time and resources.

- Some community members may express suspicion that availability sessions are designed to "divide and conquer" the affected public, and prevent the community from demonstrating unity and resolve. In such circumstances, consider using an availability session to supplement other outreach activities that promote interaction with the affected community.

Availability Session Checklist

Site Name:

Availability Session Preparation

- ☐ Availability session purpose(s) and subject(s):
- ☐ Availability session date and time:
- ☐ Availability session location:
  - Contact person/phone # at facility:
  - Rental fee?
  - Seating capacity?
- ☐ Accessibility of availability session location
  - To people with disabilities **and**
  - Adequate parking **and/or**
  - Convenient to public transportation
- ☐ Confirm arrangements w/ follow-up letter to facility contact person
- ☐ Identify staff to participate in availability session
  - DER staff; other NYSDEC staff, NYSDOH staff; remedial party; contractors
- ☐ Identify/prepare information to aid discussion with attendees
  - Draft/final reports and summaries
  - Remedial program status, schedule, results
  - Visual materials (e.g. electronic presentations or overheads)
  - Written materials (e.g. fact sheets, summaries)

Equipment for Availability Session

- ☐ Identify equipment needed
  - Laptop computers
  - Electronic projector
  - Overhead projector
  - Projection screen
  - Flip chart stand and pad
  - Extension cords
  - Extra projector bulb

Announce Availability Session

- ☐ Prepare/distribute fact sheet to DEC Delivers listserv **and**
  - Post details to DEC Calendar of Events **and**
  - Send fact sheet and/or media release to local media **and/or**
  - Telephone/email key individuals, organizations, officials **and/or**
  - Post notices in the community **and/or**
  - Announce upcoming session at another forum
- ☐ Send materials to document repositories and post to the DECinfo Locator
- ☐ Hold staff pre-meeting to finalize content and coordination

Availability Session Room Arrangements

- ☐ Room set-up: who does it?
  - You?
  - Facility owner?
- ☐ Set-up time:
- ☐ Must vacate by time:
- ☐ Type of set-up:
  - For staff and attendees:
  - For sign-in and materials:
- ☐ Lectern needed/available?
- ☐ Microphones/PA system needed/available?
- ☐ Location for electronic and/or overhead projectors and screen if needed

Support Materials and Supplies for Availability Session

- ☐ Identify materials/supplies needed
  - Copies of fact sheets
  - Site-related reports and other documents
  - Sign-in materials
  - Directional signs
  - Tape, pens, markers
  - DVDs, flash drives, overheads, maps, charts, blueprints

Availability Session Follow-up

- ☐ Participating staff should debrief
- ☐ Follow-up public questions/comments
- ☐ Update contact list with sign-in sheets
- ☐ Consider additional follow-up (e.g. responsiveness summary, additional fact sheet)