DEM

Stakeholder Workshop #1 on environ. equity in clean up + reuse of contaminated sites

12/19/06

Results of Nov. 1

Design of future stakeholder meetings

What do we expect, in practice, from each of the 5 mandates?

What tools/processes might we use from "environmental justice for states"?

The process of public participation: how do we make it work? what are the barriers?

Current regulatory framework for public participation in the clean up and use of contaminated sites

Existing DEM mandate for consideration of environmental equity

Environmental equity as DEM prototype...

for refining public participation process

electronically be able to post comments in real time

for creating a universal framework

a step toward transparency

Proposed for use with environmental equity

Policy statement

develop a prototype

6 months in length

Engage all interested parties in an open forum

Mandated standard operating procedure (SOP)

Major focus on process with some discussion on cumulative risk and potential disparate impacts

put diverse interests into this group

we are open to adding new interests and pts. of view into the group

Checklist of steps/ actions

small representative steering group meets 3 times

once per month

4 target stakeholder mtgs. ...

meetings are targeted but open forums

get more diverse thinking especially from those impacted

test the prototype against each of the stakeholders needs

the public do this 1st

environmental consultants

and fresh eyes to help us think differently

municipalities

business owners/ developers

may require more work because they usually deal w/ DEM via intermediaries

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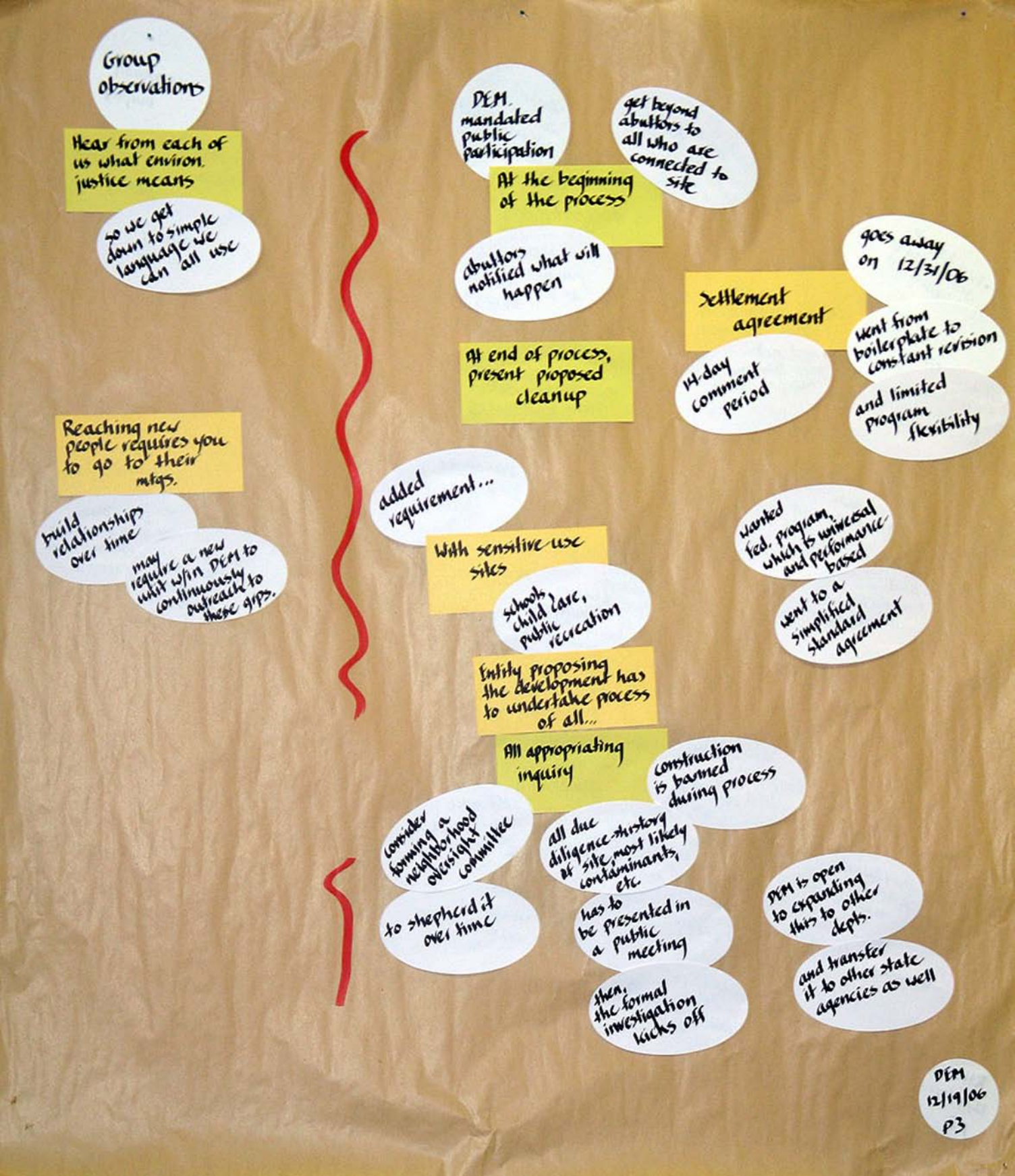
Group observations
Hear from each of us what environ. justice means
so we get down to simple language we can all use
DEM mandated public participation
get beyond abutters to all who are connected to site
At the beginning of the process
abutters notified what will happen
goes away on 12/31/06
settlement agreement
went from boilerplate to constant revision
14-day comment period
and limited program flexibility
At end of process, present proposed cleanup
Reaching new people requires you to go to their mtgs.
build relationships over time
may require a new unit w/in DEM to continuously outreach to these grps.
added requirement...
With sensitive use sites
schools, child care, public recreation
wanted fed. program, which is universal and performance based
went to a simplified standard agreement
Entity proposing the development has to undertake process of all...
All appropriating inquiry
construction is banned during process
consider forming a neighborhood oversight committee
to shepherd it over time
all due diligence-history of site, most likely contaminants, etc.
has to be presented in a public meeting
then, the formal investigation kicks off
DEM is open to expanding this to other depts.
and transfer it to other state agencies as well
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What tools/processes might we use from...

Environmental justice for states

Standards

Process for resolving contaminated sites:

Look at the 5 stages of increasing levels of public participation in the report

Complaint process: there are 7 steps in the report

Internal decision making: a way for DEM to be more transparent

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Existing mandates

1. Methods for insuring proper notice to abutting property owners and tenants

2. Processes and procedures for the public to petition DEM to assert jurisdiction over contm sites

3. Issues to consider and methods and standards to employ to ensure fair and consistent consideration of environmental equity issues when reviewing clean up plans for contaminated sites

4. Development and implementation of a community involvement process during the investigation and remediation of contaminated sites

5. Establishment of paper and/or electronic document repositories in impacted communities

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What do we expect, in practice, from each of the 5 mandates?

1

Standard due diligence procedures, necessary, but ineffective

NEIBERHOOD STEERING COMMITTEE. (NSC)
1. FUNDED BY RP (DEVELOPER)
2.

$5-10K for stipends

2 tracks:
- when to use NSC
- when not to

concept of scalability: start small, grow as needed

in terms of public participation and complexity of site

focus has to be on the resident, not just the owner

AFTER PHASE 1 - ENGAGE (NSC)

to get neighborhood history

Need to focus on creating a memorable impression

so people get engaged in the outreach

?

can the developer work in the community?

probably not

DEM AS ARBITRATOR NOT REGULATOR

Send a van; use h.s. students

create the give and take

and something specific enough to react to

what ends up on DEM's desk is a full and proper representation

WHAT CONSTITUTES DEVELOPED PROGRAM -

what are they presenting

how complete is that

CAN DEVELOPER INCORPORATE NSC COMMENTS & MAKE CHANGES

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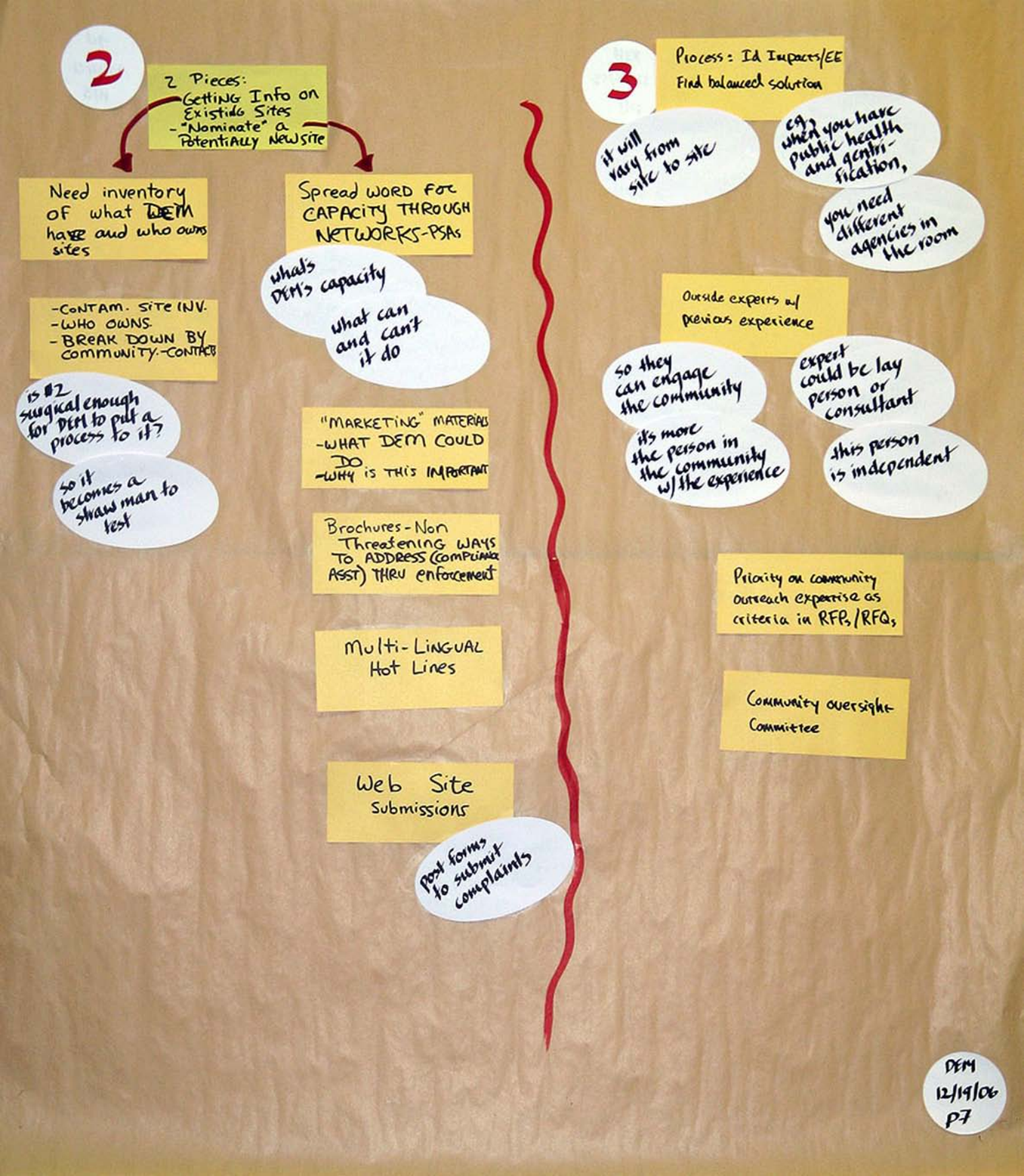
2
2 Pieces:
Getting Info on Existing Sites
- "Nominate" a Potentially New Site
Need inventory of what DEM has and who owns sites
-Contam. site INV.
-Who owns
-Break down by community.-Contacts
is #2 surgical enough for DEM to put a process to it?
so it becomes a straw man to test
Spread word for capacity through networks-PSAs
what's DEM's capacity
what can and can't it do
"Marketing" material
-what DEM could do
-why is this important
Brochures - Non Threatening ways to address (Compliance Asst) thru enforcement
Multi-Lingual Hot Lines
Web Site Submissions
post forms to submit complaints
3
Process: Id Impacts/EE
Find balanced solution
it will vary from site to site
eg, when you have public health and gentrification,
you need different agencies in the room
Outside experts w/ previous experience
so they can engage the community
its more the person in the community w/ the experience
expert could be lay person or consultant
this person is independent
Priority on community outreach expertise as criteria in RFPs/RFQs
Community oversight Committee
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In the neighborhood or municipality in general

could be stand alone or linked to other initiatives

Involvement must pre-cede development decisions

do this as good, local community planning

Zoning / Planning @ Contamin. Sites

around contaminated sites

this is done before development

apply zoning and planning law

just like all communities have to do an affordable housing plan

5

Multiple languages / 'Bi-lingual'

Think outside the BOX -> beyond Town Hall / Library / On-line

add schools, public health ctrs.

This is when development is about to happen

Public Involvemet Plan

Attach a "mechanism" to deeds of known contaminated sites

that can be released once the community plan is done

Community Educat.: Workshops to educate on science @ project

Community Impact Statement

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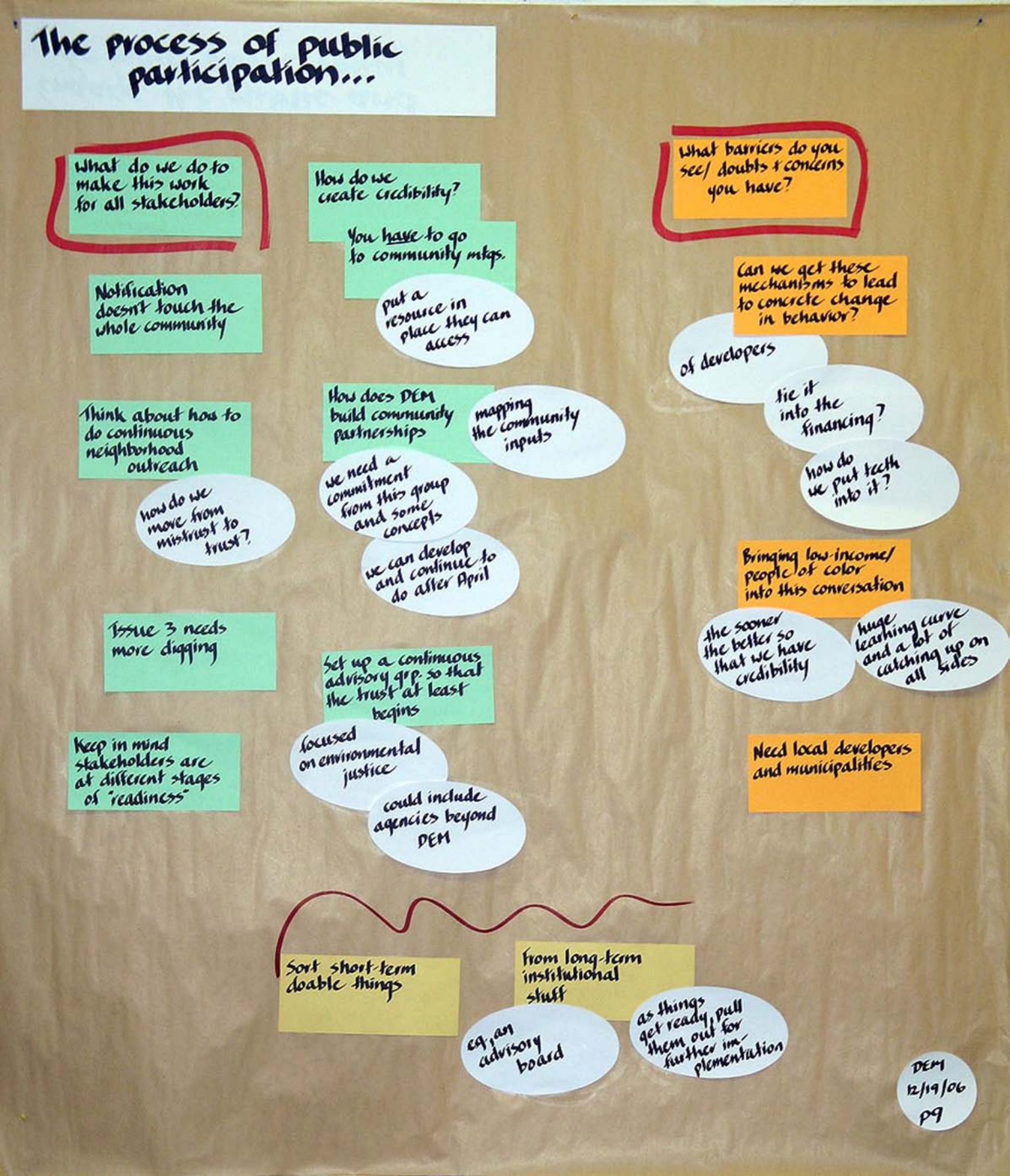
The process of public participation...
What do we do to make this work for all stakeholders?
How do we create credibility?
You have to go to community mtgs.
put a resource in place they can access
What barriers do you see/ doubts + concerns you have?
Notification doesn't touch the whole community
Can we get these mechanisms to lead to concrete change in behavior?
of developers
tie it into the financing?
how do we put teeth into it?
Think about how to do continuous neighborhood outreach
how do we move from mistrust to trust?
How does DEM build community partnerships
mapping the community inputs
we need a commitment from this group and some concepts
we can develop and continue to do after April
Bringing low-income/ people of color into this conversation
the sooner the better so that we have credibility
huge learning curve and a lot of catching up on all sides
Issue 3 needs more digging
Set up a continuous advisory grp. so that the trust at least begins
focused on environmental justice
could include agencies beyond DEM
Keep in mind stakeholders are at different stages of "readiness"
Need local developers and municipalities
Sort short-term doable things
from long-term institutional stuff
eg, an advisory board
as things get ready, pull them out for further implementation
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