

Meeting Notes

Brownfields Working Group

Meeting #4-May 18, 2001

On Friday May 18, 2001 at 8:00 AM, the Brownfields Working Group met for fourth time. This subcommittee was established as part of a larger effort to streamline the site remediation regulatory processes.

The meeting agenda focused on a discussion of interactions with the public and public participation on Brownfields projects, in addition to following up on issues from previous meetings. The following points were discussed at the meeting:

An amended draft program mission statement was distributed and discussed. The group reiterated its belief that the mission statement should be geared towards both external (stakeholders) and internal (staff) audiences. The wording of the draft mission statement was discussed and a final draft was developed (see attached).

The group also followed up on the Model Settlement Agreement. DEM reported that an amended model was being developed to address many of the points raised by the group. That model was also done and would be subject to internal review within DEM. It was expected that the model would be distributed in time for discussion at the next meeting.

The public notice requirements in the site remediation process were discussed. The two requirements for notice on the typical site remediation project were:

- 1) at the time when a responsible party initiates and investigation at a site, and,
- 2) when the investigation is completed and a remedy is proposed.

Additionally, if a Brownfields Settlement Agreement is entered, there is the fourteen day public notice period associated with that document.

With respect to the first requirement for notice at the time of initiation of an investigation, most consultants interpreted that as being applicable in cases where the DEM had compelled the investigation through a letter, notice or order. However, the investigation is typically initiated at a time when there is no information that makes the site jurisdictional under the site remediation program and therefore, this requirement does not yet apply. The apparent consensus was that public notification at this stage of a project was rarely done.

The second notification, occurring at the time of completion of the investigation and when the remedy is proposed, needs to happen in all cases. However, notice is only required to abutters to the project site. It was suggested, and generally agreed, that this notice should also include all tenants at abutting properties and notification to the municipal government where the project was. It was also recognized that it was important to distinguish between public discussion on the environmental issues related to the project and other issues, such as concerns over the overall development plans (end use of the site, traffic issues, etc.).

Finally, there was a brief discussion on the notice related to the Settlement Agreement. That notice is published in the legal notices of the newspaper by the performing party. It was suspected that this method rarely reached the public effectively.

It was suggested that notification of site activities in urban neighborhoods should be directed to church groups and that the RI Council of Churches could help organize a process. In some cases, this may go beyond what a responsible party will do voluntarily. In these cases, it may be necessary to amend the regulations or for DEM to take the lead on facilitating more public involvement.

Some people asked whether there was currently a real problem with the current public notification and participation process. No one could identify anything specific and DEM staff indicated that they did get calls asking for information on sites as a result of the notifications. The key question in those interactions is usually related to how the project impacts their property.

The group committed to continue to think about areas that may need expanded or more focused outreach.

The meeting adjourned at 9:30 AM.