

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PUBLIC PARTICIPATION MANUAL: ADVANTAGES OF PUBLIC INVOLVEMENT

Introduction

The Environmental Protection Agency (EPA) is committed to involving the public in the development and implementation of the Agency's solid and hazardous waste environmental decision-making. One of EPA's central goals is to provide equal access to information and an equal opportunity for the public to participate in all levels of decision making. EPA regards public participation as an important activity that empowers communities to become involved in local RCRA-related activities.

Public involvement in the RCRA program presents unique challenges and opportunities. The Office of Resource Conservation and Recovery is seeking input on how to better integrate enhanced approaches to public participation into key areas of the RCRA Program. The *Draft RCRA Public Participation Manual, 2016 Edition* is intended as a "user's manual." It explains how public participation works in the RCRA permitting process (including corrective action), and how community members, regulators and industry can cooperate to make it more effective. The manual reviews regulatory requirements, and provides policy guidance to help implement the RCRA program. In addition, the updated manual describes a wide assortment of activities to enhance public participation, highlights the use of digital and social media, provides a guide to integrate public participation into the permit modification process, and incorporates lessons learned and best practices.

It is important that we receive input from the public about specific enhanced approaches, as well as innovative projects that will facilitate public participation and address the perception of diminishing public interest. Your input will assist EPA in updating the 1996 edition of the RCRA Public Participation Manual to make it relevant in today's climate.

We want to hear your thoughts!

- Please provide your input by Friday, September 9, 2016, by submitting your comments to RCRAPP@epa.gov.

Why should I care?

Public participation is everybody's responsibility! The manual provides detailed descriptions for dozens of public participation techniques--required and optional, formal and informal.

- *Regulators* - The manual provides specific details about public participation requirements and outlines EPA's current policies. It also explains activities to help you provide better information to the public, and to invite more public input into RCRA permitting work. The manual provides tips for opening up dialogue with other stakeholders, for assessing communities and being responsive to their concerns, and for planning public participation strategies.

- *Individual residents, Communities and Public Interest Groups (Public)* - The manual clearly describes the many public participation activities required by federal RCRA permitting regulations. It also points out steps that agencies, facility owners/operators and public interest groups may take to provide more public input into the permitting process. The manual includes useful tips for interacting with other stakeholders and conducting public involvement activities.
- *Hazardous Waste Facilities (TSDFs) and Corrective Action sites (regulated facilities)* - The manual describes when and how to conduct public participation events required by RCRA. It describes opportunities facility owner/operators can provide that go beyond the requirements, and provides insights into how to cooperate and communicate with other stakeholders.

Discussion and Questions

Public participation has many benefits. While there are numerous advantages associated with public participation in planning and decision-making processes, there are also disadvantages. Public participation can be time consuming and sometimes expensive. To do it effectively, organizations have to build capacity and train staff. If done poorly, public participation processes can result in, for example, loss of faith in the process and the organizations involved. A negative experience with the process may lead participants to have negative perceptions of the outcome and they may be less likely to participate in future processes. The updated manual seeks to address these concerns and emphasize the continued importance EPA places on improving cooperation and communication among all participants in the RCRA permitting process.

Using the questions below, EPA seeks to generate ideas that could become new features, updates or improvements to the draft document. As you review the document and prepare to submit comments, please keep the following questions in mind:

- **Permit Modifications**—Since the enactment of RCRA in 1976, both industry and government have learned the importance of developing and maintaining strong public involvement relations when renewing or modifying permits at existing facilities. EPA continues to broaden its approach to public participation. The Agency encourages RCRA stakeholders to actively and creatively engage communities in the RCRA permit and cleanup processes throughout all the RCRA public participation requirements. Public interest can diminish as facilities continue to operate for long periods.
 - How do you plan for public participation when there is little/no interest?
- **New and Traditional Media**—Until recently, the news media largely consisted of three channels: print, television and radio. Today, the media landscape is different as new technologies continue to change the ways in which people receive and share information. The rise of digital forms of communication—from websites and social media (e.g., Facebook, Twitter, Instagram and blogs), to text messaging, podcasts, videos and various mobile apps - means that many people rely less on traditional media and often turn to these “new” media as primary or supplemental sources of information.
 - How has social media influenced the environmental decision-making process in your community?
 - What is the role of traditional media, social media, and other web information channels/platforms when planning for public involvement?

- Are there any other types of social media that are effective in communicating and sharing information?
- **Innovative Projects to Facilitate Public Participation**—Many diverse communities that obtain information in different ways fall under RCRA. A rapidly changing world means that traditional approaches to public participation may be less effective today. Busy schedules mean that communities will appreciate convenient ways to stay abreast of environmental issues in their area. Technology offers new opportunities for quick and cost-effective ways to collaboratively communicate and share information. New variations on public meetings and other improved public participation outreach tools can allow a more thorough examination of the issues.
 - Please identify innovative and inspiring public participation projects that have resulted in a positive outcome for all stakeholders.

Contribute to the process!

- Please share your thoughts with us and provide input into the update of the manual.

Background

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

Despite these provisions, some community members and other groups have expressed concerns about barriers to involvement in RCRA permitting. Like many members of the public, EPA was also concerned that formal public participation began too late in the permitting process and RCRA permitting information was not always accessible. In response to these and other concerns, in December 1995, EPA expanded the RCRA public participation requirements by promulgating new regulations. These regulations, known as the [“RCRA Expanded Public Participation” Rule](#) (60 FR 63417, December 11, 1995), required public involvement earlier in the permitting process, expanded public notice for significant events, and enhanced the exchange of permitting information. These regulations underscored EPA’s support for strengthening the link between RCRA facilities and their host communities.

In addition to the expanded regulatory requirements, EPA developed the 1996 edition of the RCRA Public Participation Manual to provide guidance on the RCRA Expanded Public Participation Rule, and to broaden the scope of the 1993 edition of the manual to include members of the public and facility owner/operators.

In 2015, EPA began a process to revise the 1996 edition of the manual. The broader scope of the 2016 manual reflects EPA's belief that each stakeholder group - regulators, public interest organizations, community members, and regulated facilities - can take steps to increase participation and improve communication. Although federal and state agencies administer RCRA and its public participation activities, members of communities and owners/operators of hazardous waste management facilities are also integral to the process.