



# Enhancing and Modernizing Public Outreach and Engagement Strategies

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## at the California Department of Toxic Substances Control (DTSC)

2016. Prepared for the California DTSC by the

University of California, Davis Extension Collaboration Center

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## **ABOUT THE UC DAVIS EXTENSION COLLABORATION CENTER**

Since 1990, the Collaboration Center (C2) has been working with community, university, government and private-sector leaders to improve collaborative decision making and create long-lasting solutions that serve the people and needs of California, and beyond.

To accomplish this work, C2 provides facilitation and consulting services, professional education and training, and informs community engagement efforts through research. C2's highly regarded services engage multi-stakeholder groups in decision-making processes focused on a wide variety of public policy topics, including environmental justice and health, hazardous waste, natural resource management and policy, water resources, watershed management, and land use.

C2 has helped a wide range of clients achieve successful solutions to a diverse range of issues in the public and private sector. Based at the University of California, Davis, our professional team is made up of recognized leaders in community engagement, facilitation, conflict resolution, and engaged research.

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## **LIST OF ABBREVIATIONS USED**

C2	Collaboration Center, UC Davis Extension
CAG	Community Advisory Group
CEQA	California Environmental Quality Act
DTSC	Department of Toxic Substances Control
EPA	Environmental Protection Agency
IR	Information Repository
IVAN	Identifying Violations Affecting Neighborhoods
LACEEN	Los Angeles Community Environmental Enforcement Network
RAP	Remedial Action Plan
RAW	Removal Action Workplan

## I. DIRECTOR'S PREFACE

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Public participation is a cornerstone of democracy. It is the opportunity for public voices to be expressed in decision-making at all levels of government. As scholars and practitioners have long demonstrated, robust public participation benefits society as a whole, improving projects and outcomes, empowering individuals, building communities, strengthening trust and confidence in government, and challenging existing inequities.

The same benefits are available to agencies such as the California Department of Toxic Substances Control (DTSC). Many who work for DTSC consider public engagement to be an essential part of a sound and sustainable decision-making process. But as experience shows, reaching out to stakeholders is not easy, and can expose – or even generate – tensions between the department and the public. This is especially true in environmental justice communities. At times, members and leaders of these communities feel that public engagement is used to steer the public away from key aspects of the decision-making process, often to protect private interests. Some argue that public engagement programs, however well-intentioned, ironically result in public *disengagement* and exclusion, with a high cost to those living and working in affected areas.

How can one square these very different perspectives about public engagement, and DTSC's activities in particular? How can such positive expectations be brought into closer line with actual practices and realities? These are some of the questions we set out to tackle in this report.

The chapters that follow document the results of a year-long study of the public engagement practices of DTSC, and of conditions in some of the environmental justice communities affected by the department's decisions. We began our study by asking a wide variety of stakeholders to consider what was working well with DTSC's public engagement practices, and what was not. To do this, we examined present and past experiences, and looked at the work of other agencies in California and beyond. But we also probed the future, asking people what they expect from DTSC's public participation practices, and how those expectations might be achieved.

The input and insights we received were extremely useful, including scores of detailed, constructive and innovative suggestions on how to improve DTSC's public outreach work. This input forms the basis for 17 recommendations which address four major objectives for public participation enhancements identified through the course of the project.

These impressive results remind us once again that this report is the result of a collective effort. Our work would not have been possible without the many people we talked to, listened to, and

emailed with, as well as those who reviewed our first draft report, filled out our survey questionnaires, participated in our conference calls, and attended our focus groups. We feel fortunate to have learned so much from numerous stakeholders across the state, all of whom are genuinely passionate about protecting California's communities from the harmful effects of toxic substances.

To all those who took the time to work with us: thank you for sharing your experiences and ideas. We hope we did justice to your input in these recommendations.

My hope is that this report will be shared widely. I hope it sparks conversations between different stakeholders, with different interests and points of view, about what is needed, what is missing, and what is possible. I believe that through this type of dialogue and cooperation, these recommendations can lead to measurable and timely change.

Finally, I hope that in the future, DTSC can work in partnership with impacted communities and become widely recognized and respected for doing outstanding public engagement work. DTSC needs this, and communities need this. But just as important, in a democratic experiment like ours, we all need it.

*Tara Zagofsky*

Director, UC Davis Extension Collaboration Center

## II. EXECUTIVE SUMMARY

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### A. BACKGROUND

In April 2015, the Department of Toxic Substances Control (DTSC) launched an effort to enhance and modernize its public outreach and community engagement practices. DTSC engaged the UC Davis Extension Collaboration Center (C2) to work with a range of stakeholders to help identify ways to achieve these goals.

In November 2015, C2 submitted an initial report to DTSC with 27 potential actions. This report was based on a first phase of interviews with over 35 stakeholders with a history of involvement with DTSC, as well as research into how other public agencies, both within and outside California, address similar public engagement challenges.

In February 2016, C2 launched a second phase of research to elicit feedback on the initial report's recommendations. This time, it sought additional input from focus groups, individuals, and organizations, conducted an online survey, and continued to study the outreach practices of other public agencies. In June and July 2016, C2 compiled and analyzed the results of its research, to produce this final report.

The recommendations are organized under four strategic objectives that emanated from stakeholder input, and which serve as foci for needed enhancements. The report introduces these objectives one by one, explaining their context and offering a rationale for why they should serve as strategic objectives for DTSC. Each one is accompanied by several specific and concrete recommendations for achieving these objectives. The report also outlines steps for successful implementation, based on stakeholder input and best practices from other government agencies.

Because regulatory guidelines for clean-up and permitting differ, our recommendations regarding permitting were developed separately from our more general recommendations, and are discussed in a separate section (Section VI). Nonetheless, all our recommendations pursue the same goal of seeking early, consistent and well-documented opportunities for meaningful public involvement.

DTSC has already begun implementing several elements of the recommendations included in the first and this final report draft. Moving forward, it is important to appreciate the staffing and budgetary limitations that DTSC faces as the agency considers the recommendations in this report. Some recommendations may be relatively low cost and implemented quickly using available resources. Other recommendations, if pursued, may require considerably longer time to implement and could entail significant additional staff resources. In addition, some of the recommendations could require regulatory and statutory changes, or additional collaboration with other agencies and partners.

## B. SUMMARY OF REPORT RECOMMENDATIONS

General recommendations for enhancing and modernizing DTSC's public participation practices include:

### **STRATEGIC OBJECTIVE 1**

**Establish a more direct and visible connection between public input and decisions made, demonstrating increased transparency and accountability.**

One major concern expressed by many stakeholders is that public engagement currently has little impact on DTSC decision-making processes, and thus has limited value. This lack of connection erodes stakeholder trust, and tends to cast public engagement efforts as disingenuous. This lack of trust in turn drives members of the public to carefully scrutinize every DTSC action and decision, looking for ways in which the department may not be achieving its mandate. Building a clearer and more visible feedback mechanism should thus positively impact the work of DTSC, encouraging constructive public engagement, while increasing transparency, accountability and effective communication between parties.

Recommendations to help achieve a higher degree of connectivity between public participation and DTSC decisions include:

- 1.1 *Establish an internal Project Decision Team which uses a public forum to discuss departmental decisions that directly impact stakeholders.*
- 1.2 *Use negotiated rulemaking, when feasible, to provide stakeholder input in rulemaking.*
- 1.3 *Establish a Community Advisory Council to provide DTSC leadership with input on community perspectives related to its public engagement work.*
- 1.4 *Convene community-sponsored workshops to develop a greater understanding of project activities and potential decisions early in the decision-making process.*

### **STRATEGIC OBJECTIVE 2**

**Engage in earlier, more systematic and sustained interaction with impacted communities.**

Stakeholders expressed concern about how communities are approached when DTSC is involved in permitting a facility or conducting a site clean-up. For example, they noted: long delays in informing the public of DTSC's involvement; gaps in communication that affected both



who received communications, and when those communications occurred; and the lack of a clear process for identifying which community residents should be informed. Specific to permitting, many feel that public participation tends to be too limited and takes place too late in the process.

Recommendations to enhance interactions with impacted communities include:

- 2.1 Establish benchmarks or “triggers” which initiate public engagement activities so the public knows when to expect early contact from DTSC concerning any facility or site involvement.*
- 2.2 Ensure that Public Participation Plans incorporate community input to develop a specific communications plan and timeline, as well as a community assessment.*
- 2.3 Develop a comprehensive Citizen’s Guide to Working with DTSC.*
- 2.4 Improve DTSC Website content and navigability, as well as other forms of electronic communication.*

### **STRATEGIC OBJECTIVE 3**

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#### **Build greater capacity for effective public engagement for both DTSC and stakeholders.**

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Stakeholders clearly identified cases in which they were satisfied with how DTSC conducted public engagement in their communities. At the same time, they pointed to instances where they felt that DTSC’s outreach was not adequate, or that it did not create sufficient or equal access for all interested stakeholders. DTSC staff as well as community members should benefit from additional capacity building that helps ensure more effective and responsive outreach initiatives. This, in turn, can help ensure stronger public interaction, build stronger, more trusting relationships between DTSC and members of the public, and boost the department’s transparency and accountability.

Recommendations to improve the capacity of DTSC staff and community members include:

- 3.1 Establish an internal leadership team to explore ways to reinforce an organizational culture that values effective public engagement at all staff levels.*
- 3.2 Create a separate Office of Public Participation (removed from the Office of Communications) or align it with the Environmental Justice office.*

- 3.3 *Ensure that public participation specialists are consistently involved with project managers in creating the public engagement budget for a given project, based on the level of effort required and the timeline included in the Public Participation Plan.*
- 3.4 *Establish regular, mandatory capacity-building activities for all staff who are involved with stakeholders and public meetings.*
- 3.5 *Expand ways to build community capacity to enable effective public participation in the work of DTSC.*
- 3.6 *Make community leaders aware early of the potential for establishing a Community Advisory Group (CAG), showing them how to do so, and ensuring that the composition of the CAG adequately represents the community residents.*

#### **STRATEGIC OBJECTIVE 4**

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##### **Increase access to data and information relevant to decision making.**

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Stakeholders commonly cited the need for better and more timely access to the information used by DTSC as the basis for making decisions. They also emphasized that such information be made accessible in languages other than English, based on the needs of impacted communities. Likewise, community members cited the need for assistance in understanding highly technical issues. Given the amount of technical expertise available to staff at permitted facilities and corporations involved in clean-up sites, such technical assistance would help create a more level “playing field,” enabling both informed and meaningful public participation.

Recommendations to increase accessibility to relevant information include:

- 4.1 *Make information which will be used as the basis for decisions available to the public, in a consistent, timely and understandable form.*
- 4.2 *Ensure that critical information is made available in the main language(s) used in communities.*
- 4.3 *Enhance support for community reporting platforms.*

## C. IMPLEMENTING RECOMMENDATIONS

The recommendations in this final report are all intended to be both implementable and impactful in the near future without the need for extensive “external” activities or approvals. Some recommendations will require a relatively modest allocation or reallocation of resources, while others will require a more significant commitment of resources. Some suggested measures involve refining existing practices, and others will require significant change from current practices including regulatory or statutory changes.

DTSC will presumably evaluate the measures proposed in this report, and make decisions about how to proceed based on its own timetable, resources and priorities, in such a way as to maximize this initiative’s positive impact. Accordingly, department leaders will need to consider the following questions:

1. Who will lead efforts to develop implementation plans and be responsible for implementing recommendations?
2. What resources will be needed to move forward?
3. How will community input be obtained?
4. What will the general timeline be for implementation?
5. What plan will there be for monitoring and evaluation?

Primarily, stakeholders are looking for greater impact from public participation on decision-making, and for improved outcomes from those decisions. They seek greater responsiveness to community and stakeholder needs, and a greater level of transparency and accountability on the part of DTSC. Stakeholders also expressed a desire to be part of the solution, playing a role in providing input that is useful and beneficial to communities.

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The recommendations proposed attempt to meet the needs and desires of both stakeholders and DTSC to enhance the department’s public participation practices and achieve measurable and long-lasting change.

### III. INTRODUCTION

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#### A. DTSC AND ITS MISSION

The Department of Toxic Substances Control (DTSC) is the state department with primary responsibility for dealing with hazardous or toxic materials in California. According to its mission statement, the role of DTSC is:

to protect California’s people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

DTSC sees its role as helping all Californians “enjoy a clean and healthy environment.” As it explains on its website, the department counts on the trust and engagement of the public such that:

- Communities are confident that [DTSC] protect[s] them from toxic harm.
- Businesses are confident that [DTSC] engage[s] them with consistency and integrity.
- Consumers are confident that [DTSC] stimulate[s] innovation in the development of safer products.

DTSC has significant opportunities and responsibilities for public engagement and participation to achieve these goals. For the most part, these are associated with clean-up activities at contaminated sites, the process of permitting hazardous waste facilities, the promulgation of regulations, and a range of other activities in which DTSC actions or decisions have an impact on communities and other stakeholders.

The following section offers some examples of DTSC’s current public outreach practices with regard to clean-up sites and permitting. This information provides the framework for assessing the potential value and effectiveness of the improvements recommended in this report.

#### B. EXISTING OUTREACH GUIDELINES

DTSC’s current public involvement practices associated with cleaning up contaminated sites are prescribed by the *California Health and Safety Code*. The guidelines include:

1. Conduct a Baseline Community Assessment
  - a. Provide a cover letter introducing the project specifics to the community (via US Postal Mail and via email to DTSC Mandatory Contacts).

- b. Distribute a survey which encourages and requests community input (via US Postal Mail and via email to DTSC Mandatory Contacts).
  - c. In the case of Remedial Action Plans (RAPs) and Removal Action Workplans (RAWs) of notably high public interest, community interviews are required as part of the Community Assessment Process.
- 2. Establish Community Information Repositories (IRs)
  - a. Local Repository – offer a local place for community members to review project materials.
  - b. Online Repository – offer an option for online access to review project materials.
  - c. Administrative Record at Regional Office – offer DTSC office as official storage/review location for project information, documents, and/or materials.
- 3. Establish Community Profile Document (for RAWs) or a Public Participation Plan document (for RAPs)
  - a. Community Profiles offer communities a summary or snap shot of the project and its surrounding community (e.g., demographic makeup, surrounding land uses, a brief background of project).
  - b. Public Participation Plans do the same, but also document community concerns and feedback more thoroughly (through community interviews), as well as denote how the community wants to be communicated with throughout a project.
- 4. Kickoff Public Comment Period
  - a. Issue Community Update (called a Fact Sheet in Health and Safety Code Law) announcing a comment period and inviting public engagement.
  - b. For RAPs, hold public meeting.
  - c. Receive, review, consider, and respond to public comments before issuing cleanup decisions.
- 5. Issue a Work Notice ahead of the implementation of Cleanup Work.

Throughout the above process, DTSC receives and responds to community calls, inquiries and questions as they arise at any point in the process. Also, any documents produced during the above processes are stored in local Information Repositories and placed online for community access and review.

Another major area for public engagement with DTSC is the hazardous waste permitting process, which is governed by Title 22 of the California Health and Safety Code.\*

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\*It should be noted that public participation specifically associated with the hazardous waste permitting process has been revisited through the Two-Year Permitting Enhancement Work Plan initiated by DTSC in 2014, and as part of the public engagement enhancement and modernization initiative discussed here. Recommendations specific to the hazardous waste permitting process are found in Section VI of this report.

The following outline summarizes the current opportunities for public participation in the permitting process:

1. The first opportunity for public input associated with permitting facilities is at the local level, where land use decisions are made, before DTSC becomes formally involved.
2. Once the decision is within DTSC's jurisdiction, the public can attend the pre-application public meeting, which is conducted by the facility (permit applicant). The facility is legally required to hold this public meeting to inform the public about the permit request and to provide project details.
3. DTSC then issues a public notice indicating it has received an application for a hazardous waste permit; members of the public are invited to inquire about the application; and when an inquiry is received, DTSC responds to and documents inquiries for the project record.
4. The next opportunity for public input is during the public comment period to review the Draft Permit, during which time a public hearing takes place. The public hearing cannot occur sooner than 30 days into the comment period in order to provide adequate time for public review and comment.
5. At the close of the public comment period, DTSC drafts and issues a Response to Comments, which is provided directly to those who submitted comments by mail; this is uploaded to the EnviroStor website, and placed in the IR and the administrative record.
6. Following the public comment period and the Response to Comments, DTSC issues a Final Notice of Decision to inform the community of the department's final determination to issue or deny the permit.

In addition, DTSC has a Public Participation Guidance Manual which provides direction on various aspects of public participation, including how to develop a Public Participation Plan for specific facilities or sites.

From the perspective of some stakeholders, however, current practices in several cases have not been sufficiently robust to engage communities effectively, understand community interests fully, or address community concerns adequately. For example, stakeholders expressed concerns about two aspects of this portion of the manual. First, there are concerns with the statement that the development of the Plan should begin "as soon as DTSC determines it is necessary." In the view of several stakeholders, a set period of time should be established for DTSC to engage the public once it becomes involved with a site to prevent delays in public participation. Second, stakeholders expressed concerns about the role of the contractor or Responsible Party in developing the Plan, and his/her capacity and commitment to engage in robust, meaningful public engagement. Other issues pertain to the consistency and rigor with which public engagement practices are applied across the department.

These issues, in combination with others, have recently led some stakeholders to express more general concern about the depth and consistency of DTSC's public outreach work. Generally, stakeholders expressed the desire for more robust and consistently applied public engagement practices, reflecting a deeper understanding of, concern for and response to community needs.

### **C. PUTTING NEW RECOMMENDATIONS IN CONTEXT**

In April 2015, DTSC embarked on an initiative to improve and modernize its public participation practices. In an effort to involve a wide range of stakeholders across the state in the process, DTSC engaged the UC Davis Extension Collaboration Center (C2). As part of this contract, C2 proposed a methodology and work plan for engaging community and other internal and external stakeholders familiar with DTSC's public participation efforts. We worked closely with these stakeholders to develop an initial Potential Actions report. Then, we reengaged many of these same stakeholders, as well as new ones, to review these initial findings and provide us with feedback. This led to the final recommendations in this report.

These recommendations should be read in the context of both DTSC's current public engagement practices, on which they seek to build, as well as the need for improvements identified by various stakeholders. In some instances, the focus of the recommendations is on enhancing existing practices. In other cases, new approaches are suggested to augment or replace current practices. Both are intended to improve and modernize DTSC's practices, while addressing concerns raised by stakeholders.

It is important to note that many stakeholders have cited significant improvements during the past two years under the current DTSC executive leadership. DTSC's leadership has demonstrated a heightened awareness of the need to address the concerns expressed by community members and other stakeholders. This includes creating the Assistant Directorship for Environmental Justice and Tribal Affairs, as well as hiring new staff who understand and have direct experience working in communities on environmental justice issues and concerns. One recent example, cited by environmental justice groups as a breakthrough for improved communication and engagement between community organizations and DTSC, was a mediated agreement to address shortcomings cited through a Civil Rights Act Title 6 complaint. And DTSC has already begun the process of enhancing other aspects of its public participation program as part of its efforts to become more responsive to community concerns.

Ultimately, the measure of success for many stakeholders will lie in DTSC's ability to provide improved linkages between public engagement and decision-making outcomes. Success will also be measured by evidence of a more robust, effective and respectful approach to public engagement that more consistently addresses community needs and concerns.

## D. A NOTE ON TERMS USED

It should be noted that several different terms are used throughout this report to describe public participation. Public participation, public engagement, public involvement and public input are all used somewhat interchangeably when referring to opportunities for stakeholders to interact with public agencies. While these terms may carry different connotations to different readers, they typically refer to the suite of processes that help identify stakeholder perspectives, and take those interests into account when developing agency activities and decisions. Such processes usually involve providing venues or forums that allow the public's voices be to be heard, and its interests taken seriously.

We would also like to draw attention to the terms “enhancements” and “modernization” used in this report. These are words that DTSC proposed in order to lend a specific focus to our study, and refer especially to new ways to improve the department's current practices. Enhancement and modernization may thus involve either updating or upgrading existing practices, or introducing new ways of approaching public engagement.



### A. GATHERING STAKEHOLDER INPUT

Working closely with DTSC, C2 designed the overall methodology used to develop the recommendations in this report. The goal was to engage a cross-section of community and stakeholder representatives to obtain their perspectives on DTSC's public engagement practices, offering a broad array of opportunities for providing input.

The work to obtain stakeholder feedback was conducted in two phases.

**Phase One.** The first phase of interviews involved two diverse groups. One group included *internal* stakeholders, including members of DTSC senior leadership, public participation staff, technical staff, advisors/consultants, and members of the California Environmental Protection Agency (EPA) leadership. The second group included a range of *external* stakeholders, especially people who live or work in impacted or environmental justice communities. This included representatives of communities, tribes, state and local environmental justice organizations and networks, non-profit organizations, as well as advisers to the state legislature, and private companies that interface with DTSC's permitting, enforcement, and clean-up programs. Some of these interviews were conducted in Spanish. In all, thirteen department and agency staff and 24 external stakeholders were interviewed from July through August 2015. (See Appendix A for a list of names of the people contacted and interviewed during this first phase of stakeholder input.)

The people and organizations interviewed were initially drawn from a list provided by DTSC's Office of Communications. This list came to comprise additional stakeholders who were identified during the course of the initial interviews, in order to broaden the range of perspectives incorporated into the analysis. The C2 team reached out by phone and email to all persons on the list at least three times. Some stakeholders explained that they had already conveyed their input to DTSC through other means. Others agreed to be interviewed either via phone or in person; interviews typically lasted from 30-60 minutes.

During this phase, members of the C2 team also attended and observed a number of DTSC public meetings and events. This included public meetings such as one on August 27, 2015 in Delano regarding PCE air contamination, in addition to webcasts of DTSC quarterly public meetings and recordings of community meetings posted on YouTube.

The C2 team also reviewed relevant reports and policy documents provided by DTSC staff. These included: documents produced by DTSC, including its 2001 Public Participation Manual, and 2 Year Permitting Enhancement Work Plan; documents produced for DTSC, such as the Permitting Process Review and Analysis Final Report produced by CPS HR Consulting; and

reports and letters written to DTSC and the state legislature on community engagement and related policies. The latter included correspondence from the People’s Senate and California Environmental Justice Coalition, both of which had developed a list of potential actions for improving DTSC’s public outreach and involvement practices. C2 also sought input from a variety of stakeholders to identify potential statutory, regulatory and policy revisions, thereby supplementing an internal analysis of such revisions already being conducted by DTSC.

Finally, the C2 team researched best practices at other agencies – both within and outside California – to identify approaches to public outreach that could be useful to DTSC. These data were initially collected through web searches, and later through interviews with individuals from outside agencies.

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At the end of phase one, the C2 team reviewed and compiled all data collected from the sources described above. This led to identifying a range of possible strategies for helping DTSC enhance its public participation policies and practices, especially in impacted communities. This information was gathered together in the form of a *Potential Actions Report*, which was submitted to DTSC in November, 2015.

**Phase Two.** Input during phase two was obtained primarily from focus groups and comments from individuals and organizations, using the *Potential Actions Report* as a starting point for discussions and feedback. An online survey (in Spanish and English) was also used in hopes of broadening the range of sources of public feedback.

From March to May 2016, six focus groups involving more than 50 participants were convened around the state. Some were conducted in Spanish. Two included statewide representatives associated with the California Environmental Justice Coalition, and the Identifying Violations Affecting Neighborhoods (IVAN) network; these were conducted via conference call. Four additional focus groups were held in the following sites:

- Delano (Central Valley), sponsored by the Center for Race, Poverty and the Environment, a statewide environmental justice organization;
- Richmond (San Francisco Bay area), sponsored by the Richmond Community Advisory Group;
- Brawley (Coachella Valley), sponsored by Comité Civico del Valle, a local community-based environmental justice organization; and
- Los Angeles (Southern California), sponsored by the Los Angeles Environmental Justice Network.

Through these mechanisms, well over 100 stakeholders representing a range of communities and organizations provided input that directly impacted the final recommendations outlined in this report.

## **B. DEVELOPING RECOMMENDATIONS AND IMPLEMENTATION STRATEGIES**

The next stage of work involved translating the feedback received from stakeholders into proposals for improving the work of DTSC. More specifically, the following steps were taken in developing recommendations:

### **1. Identifying strategic objectives for potential enhancements.**

The C2 team scanned all the comments and information obtained during the Phase Two feedback process for major themes, or areas for improvements, identified by multiple responders. This led to the identification of four major areas for potential improvement:

- a. Establish a more direct and visible connection between public input and decisions made, demonstrating increased transparency and accountability.
- b. Engage in earlier, more systematic and sustained interaction with impacted communities.
- c. Build greater capacity for effective public engagement for both DTSC and stakeholders.
- d. Increase access to data and information relevant to decision making.

### **2. Identifying specific recommendations to achieve the four strategic objectives.**

The next step was to look for specific ideas that could contribute to achieving the major objectives identified. This led to revising and refining the relevant initial potential actions identified, and inserting new ideas generated from the review process. The result is the list of 17 recommended actions proposed in this report, organized under four main areas, some of which offer multiple strategies for improvements.

### **3. Identifying guidelines for forming recommendations.**

Several guidelines were considered in developing recommendations, including:

- a. Placing a priority on actions which address the major objectives identified.
- b. Identifying as many actions as possible that can be implemented by DTSC executive leadership without the need for external action.
- c. Focusing on relatively short-term actions so progress can be measured sooner rather than later, reflecting the joint sense of urgency expressed by DTSC and many stakeholders (recognizing that some of the recommendations proposed will take longer than others to plan and resource).
- d. Being responsive to ideas proposed by numerous stakeholders across different communities and settings, while recognizing the potential value of ideas proposed by one person or few people.

#### 4. Identifying specific strategies for implementation.

The next task was to identify specific strategies to aid in the implementation of the recommendations. Many new ideas emerged during the second phase of the review process. Some are included alongside the descriptions of the recommendations in Section V. Appendix B, input from the stakeholder review process, also contains useful information on this point that may be helpful once the implementation phase is initiated.

### C. NOTES ON STAKEHOLDER INPUT

The process of addressing a diverse range of stakeholder comments in a manageable list of recommendations is complex. In developing these recommendations, C2 sought to capture the essence of most comments received, and incorporate stakeholder suggestions as to how these changes could be implemented. This was ultimately an iterative process, as we moved between listening to stakeholder feedback, and building clear categories and proposals. Phase Two feedback helped us revise and augment the recommendations contained in the *Potential Actions Report*, and clarify strategies for implementing them.

It is critical to note that stakeholders involved in this process were primarily community and environmental justice representatives. The following list summarizes some of the common concerns expressed by stakeholders in the course of our research.

1. General distrust and lack of transparency on how DTSC decisions are made.
2. Lack of sufficient opportunities for meaningful public input on DTSC decisions.
3. Significant lapses in DTSC's public engagement activity and communication in certain communities.
4. General lack of confidence by many community members in DTSC's public participation practices.
5. Insufficient resources allocated to public participation, especially at more complex sites.
6. Difficulty obtaining, or disagreement with, the information used as the basis for decision making.
7. Insufficient responses to serious concerns expressed by stakeholders.

The review process also served to generate a wide variety of suggestions improving the quality and effectiveness of DTSC's interactions with stakeholders, including:

1. Structural enhancements: potential changes to DTSC's organizational structure.
2. Policy modifications: potential revisions to and/or adoption of new internal policies.
3. Leadership and management practices: approaches to building institutional support.
4. Additional organizational resources: allocation of resources needed to undertake public engagement adequately.
5. Capacity building: providing DTSC staff with fresh approaches and best practices for engaging the public in various venues and settings.

6. Communications: refined communications protocols and practices with impacted stakeholders, including more user-friendly and comprehensive social media/online resources.
7. Community capacity building: working with impacted communities to build their capacity to effectively engage with DTSC.

Recommendations were derived from a combination of stakeholder input and research, and drew on the experience of C2, which has been working for many years with numerous local, state and federal agencies on public engagement programs. Some recommendations result from the input of many stakeholders, others result from the input of relatively few, but represent good opportunities for enhancement or modernization. From its inception, the stakeholder involvement process associated with this project was designed to be more qualitative than quantitative regarding how recommendations would be developed. Nonetheless, the project team made an effort to highlight areas with high numbers of responses. This helped us identify four strategic objectives for enhancements to DTSC's public outreach and engagement strategies, along with recommendations and specific actions to carry out their implementation.

In conclusion, we would like to note that not all suggestions and insights provided by stakeholders consulted for this report could be included. However, in order to include them in the record, a summary of the major comments received is included in Appendix B, as some may prove valuable further along in the process, as implementation strategies are developed.

On this same note, of the 27 potential actions identified in the initial *Potential Actions Report*, only four are not addressed in some fashion in the proposed recommendations. These are:

1. Create a statewide plan for hazardous waste reduction.
2. Enhance relationships with tribal governments.
3. Update the DTSC Public Participation Manual.
4. Pursue additional funding from the legislature, including funds earmarked for public participation.


Separate efforts are underway to address the first three, and the fourth is the subject of an ongoing effort that is incorporated into annual budget processes. While not addressed further in this report, progress on these is worth monitoring as each has an impact on effective public participation.

## V. STRATEGIC OBJECTIVES AND RECOMMENDATIONS

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The goal of public outreach is to establish greater transparency and accountability, and to ensure better, more informed decisions. Over the years, however, public engagement has often become relegated to a “necessity” imposed on government agencies. The underlying value of engaging the public is not always fully appreciated. This has sometimes led to less than robust efforts to engage the public in productive ways, resulting in mutual frustration, and in some cases even mutual animosity.

Community stakeholders have sought a more direct connection between productive public input, and better, more transparent decisions. If and when community members find that their interests are not fully taken into account, they have sought to understand the reasons for this omission. In short, community members – in California and beyond – have generally pushed for an enhanced level of accountability regarding how decisions are made, and what factors go into the process.



Community members – in California and beyond – have generally pushed for an enhanced level of accountability regarding how decisions are made, and what factors go into the process.

As agencies have come to value public participation more highly, and employed best practices in engaging the public, stronger relationships with their constituencies and better-informed decisions have ensued. This effort by the California DTSC to enhance its public involvement practices reflects its interest in realizing the benefits of more robust and responsive public participation efforts. Indeed, this report constitutes an important step toward building more effective and sustainable mechanisms for increasing active public participation in department decisions. The following recommendations reflect, and are delivered in, this same practical and constructive spirit.

Please note that some of the suggested actions for implementation will require a relatively modest allocation or reallocation of resources and others will require a more significant commitment of resources. Some suggested measures involve refining existing practices, and others will require significant change from current practices. Some measures can be accomplished in a relatively short period of time, and others will require more time to develop, resource and implement.

The following list includes four strategic objectives to guide DTSC in enhancing and modernizing its public outreach and engagement strategies. Each one is followed by specific recommendations aimed at implementation, for a total of 17 recommended measures.

## **STRATEGIC OBJECTIVE 1**

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### **Establish a more direct and visible connection between public input and decisions made, demonstrating increased transparency and accountability.**

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A major concern expressed by many stakeholders concerns the lack of connection between public participation and decision making by the department. The general sentiment expressed is that public input currently has little impact on decision making, and without having an impact, its value is limited at best. In addition to affecting perceived transparency and accountability, this lack of connection is seen as eroding trust, because public engagement efforts are then perceived by some as disingenuous. In the absence of trust, members of the public highly scrutinize every DTSC action and decision, looking for ways in which DTSC is not achieving its mandate. Improved transparency and accountability should thus positively impact both DTSC and the public it serves.

#### **RECOMMENDATION 1.1. Establish an internal Project Decision Team which uses a public forum to discuss departmental decisions that directly impact stakeholders.**

This action calls on DTSC to use public forums to engage community members and other stakeholders in or near impacted communities, in which decisions of major importance can be vetted. The intent is to increase transparency and accountability associated with decision making, especially when it impacts environmental justice communities, and in situations which warrant additional oversight due to the nature of potential concerns.

As envisioned, a Project Decision Team would be established for each major project. The team would be comprised of: 1) the appropriate Deputy Director; 2) the Project Manager; and 3) the primary Public Participation Specialist, depending on the project and its complexity. The Project Decision Team would be asked to:

- a. Convene a public meeting in the general vicinity of the site or facility in question, once a preliminary department decision is made. Use facilities that are easy for community members to access, and schedule meetings at times they can attend.
- b. Provide the rationale for this decision, describing how public input was factored into the decision, and providing additional opportunities for public interaction with and input into the preliminary decision.
- c. Ensure that public input is satisfactorily addressed during the process, and that responses are conveyed in a timely manner.
- d. Ensure that any final decision fully addresses any concerns raised during or as a result of the preliminary decision.

As applicable, the role of the Project Decision Team should be identified during the development of the Public Participation Plan, with a clear explanation of how public input will be incorporated into the decision-making process.

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<i>Intended Benefits:</i>	Provides increased visibility, transparency and accountability for major department decisions that impact communities, by creating a public venue for explaining decisions and obtaining input.
<i>Enhancements:</i>	This is a new approach to addressing many stakeholders' concerns about the need for greater transparency and public accountability associated with major department decisions.
<i>Implementation:</i>	This could be enacted by the department Director, potentially in the short term, with some time required for formalizing the process.

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**RECOMMENDATION 1.2. Use negotiated rulemaking, when feasible, to provide stakeholder input in rulemaking.**

The use of negotiated rulemaking represents an opportunity to involve stakeholders in establishing regulations, helping them better understand the perspectives of other parties, and offering them a chance for structured and meaningful participation.

Regulatory negotiation has been used at all levels of government for more than 20 years, and enjoys an excellent track record in achieving resolution with regard to complex regulations, in many cases, without resort to legal action. The US EPA, like many other agencies, has found it a useful approach for directly involving key stakeholders. Typically, an independent mediator is engaged to help design and convene the process. The sponsoring department acts as a participant to ensure its interests are met, along with those of other stakeholders, and establishes the appropriate boundaries to define the scope of the negotiation.

This action specifically suggests that the DTSC Director initiate a negotiated rulemaking process. This could start with the drafting of SB 673 regulations concerning hazardous waste. Passed in October 2015, SB 673 requires DTSC to adopt regulations establishing or updating criteria for the issuance of a new or modified permit, or the renewal of a permit, which may include criteria for the denial or suspension of a permit. This must be completed by January 1, 2018.

The idea of applying negotiated rulemaking to developing regulations was included in the *Potential Actions Report*. The idea of applying the process to SB 673 was suggested by a stakeholder during the review process. To be effective, this recommendation would need to be initiated in the near future, since DTSC has already commenced work to comply with SB 673 deadlines.



<i>Intended Benefits:</i>	Provides an opportunity for direct stakeholder involvement in regulatory/decision-making processes that will directly impact stakeholder interests.
<i>Enhancements:</i>	This represents a new tool for DTSC, one which has been successfully utilized by local, state and federal agencies for years.
<i>Implementation:</i>	Can be enacted by the DTSC Director, potentially in the short-term, to align with the early stages of the current rulemaking process around SB 673. Resources would be needed to plan and mediate the process.

**RECOMMENDATION 1.3. Establish a Community Advisory Council to provide DTSC leadership with input on community perspectives related to its public engagement program.**

This action invites the DTSC Director to establish a Community Advisory Council to serve as a source of feedback and a sounding board for ideas related to public engagement, environmental justice, and concerns brought forward to DTSC by stakeholders. This group could meet quarterly, and could also assess progress toward achieving DTSC’s goals related to enhanced public engagement. After one year, its utility could be evaluated and potentially revisited by the group as a whole to assess its role and potential contributions.

This group could also be used to support the department in meeting the other required goals of SB 673. For example, it could employ a Policy Dialogue approach to develop and implement programmatic reforms to the permitting process, find ways to strengthen environmental justice and health safeguards, and enhance public participation.

To implement this action, it would be helpful to:

- a. Solicit potential committee members from key stakeholder organizations and impacted communities.
- b. Work with Community Advisory Council members to develop a mission, charter and ground rules.
- c. Prepare agendas, meeting materials and speakers well in advance, making that information available on a specific part of the website devoted to council meetings.
- d. Advertise the meetings widely, making them open to the public, as well as webcasting and recording them, and making the recorded versions available to other stakeholders.
- e. Use an outside facilitator to help plan and facilitate meetings, at least in the beginning, to ensure trust in the impartiality of the process.
- f. Hold meetings at convenient times and locations around the state to connect to various communities.
- g. Use this an opportunity for mutual education, allowing DTSC to share with stakeholders what it does and how its legal requirements and processes work, while offering council members a chance to share lessons learned on how to engage and serve stakeholders.

<i>Intended Benefits:</i>	Provides another forum for DTSC to hear the perspectives of stakeholders as they shape policies and practices which directly impact them.
<i>Enhancements:</i>	This represents a new public engagement tool for DTSC that can offer access to new perspectives as policies and practices are shaped.
<i>Implementation:</i>	Could be enacted by the DTSC Director in the short term, with resources to plan the process.

**RECOMMENDATION 1.4. Convene community-sponsored workshops to develop a greater understanding of project activities and potential decisions early in the decision-making process.**

The intent of this action is to initiate DTSC-community interactions, associated with a site or facility, with a public workshop co-sponsored by local community leaders. The purpose of this initial workshop is to explain DTSC’s role and responsibilities, the limits of its role and responsibilities, how the community/public can engage with DTSC, and the potential impacts of public engagement.

This workshop would provide an overview of the issues associated with the site or facility, and would occur before public meetings associated with the technical aspects of the study. This recommendation can be implemented by including it as part of a revised template for preparing a Public Participation Plan and should be linked to other strategies for early involvement highlighted in subsequent recommendations.

In their comments for this report, stakeholders emphasized that these workshops should be organized in partnership with environmental organizations and environmental justice groups established in communities, providing a stipend or honorarium for their work.

To implement this plan, DTSC could:

- a. Create partnerships to help build trust and mutual understanding between DTSC and the community.
- b. Provide stipends, making it possible for environmental justice groups to invest the resources needed to host or co-host workshops or training.
- c. Utilize partnerships to help design needed materials and ensure that workshops are accessible to residents.
- d. Provide translation and interpretation services.
- e. Work with local partners to identify the best times and locations for meetings; include multiple offerings of workshops to ensure broad participation.

- f. Commit financial and staff resources to support the adequate planning, preparation and execution of workshops.

Focus group participants identified this recommendation as critical to helping connect public engagement with decision making, as well as helping community members gain a better understanding of how they can be involved, and how DTSC operates.

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<i>Intended Benefits:</i>	Creates an early opportunity for the public to gain a greater understanding of the decision-making process for a project, and how stakeholders can be involved.
<i>Enhancements:</i>	This represents an opportunity to create a consistent approach to engaging the public early in decision-making processes. This can help communities gain a better understanding of the procedures and policies that will be followed by DTSC, and what role community members can play during the course of the project.
<i>Implementation:</i>	Could be enacted by the DTSC Director, potentially in the short-term, given adequate resources to plan and implement the workshops; funding could possibly be drawn from public engagement budgets.

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## STRATEGIC OBJECTIVE 2

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### Engage in earlier, more systematic and sustained interaction with impacted communities.

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Another concern expressed by stakeholders is the way communities are approached, especially when DTSC is involved in a permitting a facility or conducting a site clean-up. Concerns were expressed about long delays in informing the public of DTSC's involvement, gaps in communication in terms of both who received communications and when those communications occurred, and the process for identifying which community residents should be informed. Overall, stakeholders expressed concern that public participation in the permitting process is too limited and takes place too late in the process.

#### **RECOMMENDATION 2.1. Establish benchmarks or "triggers" which initiate public engagement activities so the public knows when to expect early contact from DTSC concerning any facility or site involvement.**

This action starts with the idea of revising the template used for preparing Public Participation Plans, making it simpler, yet targeting the main interests of communities. It proposes creating benchmarks for initiating public participation with the expressed purpose of eliminating lengthy periods of time before communities are engaged in the decision-making process. This recommendation places a clear emphasis on early interaction, which will contribute to developing the Public Participation Plan earlier in the process. The intent is to increase DTSC's accountability with community members and other stakeholders.

The following steps are recommended:

- a. Develop guidelines for providing an early screening process through CalEnviroScreen, or similar cumulative impact screening tools, flagging all activities in identified impacted communities.
- b. Develop a policy for engaging with relevant government agencies on issues beyond DTSC's jurisdiction to help address community concerns which might lay outside DTSC's purview or areas of expertise, uploading results to EnviroStor.
- c. Utilize a common database so that technical staff and public participation staff can share information and develop a system for flagging issues of critical sensitivity or concerns as early as possible, while determining if an enhanced public process is needed.
- d. Establish an intake or "clearinghouse" function for each DTSC unit to ensure early coordination among DTSC team members.
- e. Use the community and environmental checklists contained in Appendix D as the basis for evaluating potential impacts and concerns.

Timelines should be developed with benchmarks or “triggers” for public participation, based on when DTSC is first engaged in a clean-up or permitting action, or resolves an enforcement action. The following timelines are offered for consideration:

- f. Within 30 days of an inquiry or onsite visit to explore a clean-up or permitting action or enforcement resolution, DTSC provide a public announcement indicating its potential involvement/action.
- g. Within 30 days of a decision to take action on a specific clean-up or permitting situation, the DTSC project manager and assigned public participation specialist meet with key local and community leaders to discuss DTSC’s involvement and how best to connect with the community(ies) related to the project.
- h. Within 30 days after the above meeting, community leaders review and provide input on the draft Public Participation Plan, and DTSC convenes a public meeting to explain the project, DTSC’s role, the Public Participation Plan, and other aspects of the project.
- i. Within 15 days after the above meeting, the Public Participation Plan is finalized based on input from the workshop and posted on its website and other online platforms.
- j. Each of these steps – highlighted in a finalized Public Participation Plan – should occur before any analyses of technical alternatives (solutions) begins, except in well-defined emergency situations.

Focus group participants emphasized the need to avoid long intervals of time without contact between DTSC and the public, and suggested creating specific time frames for engagement, reflected in Public Participation Plans.

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<i>Intended Benefits:</i>	Provides a clear “initiation date” when DTSC should be engaging the public on projects impacting communities.
<i>Enhancements:</i>	This enhances current practices by developing a clear and consistent system for early public engagement in response to concerns about frequent and significant time lapses.
<i>Implementation:</i>	Could be implemented by DTSC Public Participation leadership, potentially in the short-term, pending the development of “triggers,” with input from community members; funding could possibly come from public engagement budgets.

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**RECOMMENDATION 2.2. Ensure that Public Participation Plans incorporate community input to develop a specific communications plan and timeline, as well as a community assessment.**

Focus group participants clearly reinforced the call for better, earlier, more thorough and ongoing communications with community members. This recommendation responds to these concerns, focusing on engaging in more consistent in-depth communication with communities and their leaders.

To implement these ideas, DTSC might:

- a. Begin with the first community interaction, identifying the most effective ways to communicate with a specific community, working with well-known community organizations and local officials.
- b. Work with local leaders, identifying additional means of communicating, as appropriate to the community, including Facebook, blogs, cellphone-based communications, etc.
- c. Eliminate prescriptive public outreach requirements that may be ineffective or outdated, while incorporating safeguards to ensure DTSC works with local communities to identify the most effective methods and scope of outreach (some actions may require regulatory reform).
- d. Develop a catalogue to document the communication preferences of specific communities as a resource for DTSC, communities, and other stakeholders.
- e. Include in the Public Participation Plan a section on communication incorporating a timeline for regular, ongoing communications, as well as one-time types of communication opportunities (e.g., specific workshops).
- f. Work closely with community leaders on needed updates to the plan on a regular basis, conveying revisions to stakeholders.
- g. If there is not an environmental justice organization in the community, identify environmental justice organizations geographically close by to see if they have connections to the community or can provide insight into how to approach the community.
- h. Utilize networks, resources and systems that are trusted and in place (such as *promotoras* in some communities) to the extent possible.

Other suggested steps for enhancing communications include the following:

- i. Provide sufficient lead time before meetings (at least three weeks) offering interested stakeholders an opportunity to obtain and review data.
- j. Link norms for early and ongoing communications to “triggers” for initiating public engagement activities.
- k. Always prepare the community assessment and Public Participation Plan before any technical work on solutions begins.
- l. Work closely with community groups in establishing the distribution list for regular communications, and the geographic area to be included.

- m. Ensure public comments are responded to in a timely fashion early in public engagement processes to signal a commitment to good communication patterns throughout.
- n. Ensure all public comments receive feedback about one of three issues:
  1. how the comment resulted in impacting the decision-making process;
  2. why the comment did not impact the decision-making process (if it did not); or
  3. whether and how the comment has been taken under advisement and is the subject of further consideration, requiring an additional response once analyzed.

In addition, focus groups provided significant input on developing two checklists to help assess general community impacts and environmental justice and health concerns in communities. These checklists were developed as part of the public participation improvements to the permitting process, but they are equally valuable for preparing general Community Assessments and Public Participation Plans. They should be prepared with input from community members to ensure that local knowledge is thoroughly reflected in documents that will guide public participation and technical activities. The full checklists are included in Appendix D.

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<i>Intended Benefits:</i>	Provides the public with clear expectations about when, how and how often they will be engaged during a project or decision-making process; using the checklists can help ensure that the full range of community impacts are identified early in any permitting process or clean-up initiative.
<i>Enhancements:</i>	These measures enhance current practices by providing a clear timeline of activities, with a clear, consistent, ongoing communication plan for engaging the public throughout a project; using the checklists bolsters current practices by developing a more comprehensive understanding of potential community impacts early in any DTSC-related process; it improves communication and early engagement, providing for more effective planning of public engagement and technical studies.
<i>Implementation:</i>	Could be implemented by DTSC Public Participation leadership, potentially in the short-term, pending input from community members; funding could potentially come from public engagement budgets.

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### **RECOMMENDATION 2.3. Develop a comprehensive *Citizen’s Guide to Working with DTSC.***

This recommendation is intended to encourage greater transparency and accountability between DTSC and its stakeholders by improving public understanding of DTSC, and suggesting ways for the public to engage more effectively with the department. As part of the implementation strategy, it is recommended that DTSC use the Community Advisory Council (if and when established) or establish an Advisory Group to provide input on the content and format of this document.

The DTSC public participation and environmental justice leadership teams could initiate this process by identifying an internal development team to work with community representatives. The internal DTSC team could be comprised of, for example, a policy analyst, a public participation specialist and an environmental justice team member. Community representatives would then work with the DTSC team to develop an outline for the guide and review content as it is being drafted. The guide could include, among other topics: a description of DTSC’s various programs; key legal and regulatory guidelines; a diagram of the DTSC leadership structure; an overview of DTSC’s public engagement practices; and information about how stakeholders can appropriately engage in decision-making processes in each of the department’s program areas.

Our team found examples of other agencies with similar documents. Two notable examples are the California Water Resources Control Board’s *Citizen’s Guide to Working with the California Water Boards* ([www.swrcb.ca.gov/publications\\_forms/publications](http://www.swrcb.ca.gov/publications_forms/publications)) and Alabama’s Department of Environmental Management’s *Citizen Participation Guide* ([www.adem.alabama.gov/moreInfo/pubs/citizensguide.pdf](http://www.adem.alabama.gov/moreInfo/pubs/citizensguide.pdf)), which in turn is modeled on the Indiana Department of Environmental Management’s *Guide for Citizen Participation* ([http://www.in.gov/idem/files/citizens\\_guide.pdf](http://www.in.gov/idem/files/citizens_guide.pdf)).

Implementation strategies include:

- a. Identify community members to participate in developing the guide.
- b. Ensure public input on its development to make sure it is user-friendly and meets citizen needs.
- c. Prepare a Spanish-language version.
- d. Upon completion, make the guide available online in a searchable format.
- e. Initiate a marketing campaign to highlight its availability when completed.

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***Intended Benefits:*** Provides another means for stakeholders to gain a greater understanding of DTSC’s areas of responsibility, how department decisions are made, and how to interact with DTSC.

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***Enhancements:*** This is a new tool that can provide a clearer understanding of DTSC, and show how the public can engage with DTSC more effectively during the course of a project.

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*Implementation:* Could be enacted by the DTSC Director, potentially in the medium term; we recommend using an outside consultant to draft the guide with input from both DTSC staff and stakeholders; funding would be needed for consultant services.

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**RECOMMENDATION 2.4. Improve DTSC website content and navigability, as well as other forms of electronic communication.**

This suggested action explores ways in which electronic media can be used more effectively in engaging and interacting with communities and other stakeholders. Again, it is recommended that DTSC use the Community Advisory Council (if and when established) or a stakeholder Advisory Group to provide input on potential revisions to the current site, evaluating what information is presented, how information is presented, how to improve accessibility, how to develop an effective environmental justice page, etc.

Implementing this initiative could engage community members alongside DTSC staff and information technology experts to identify improvements, review drafts and make revisions that increase the value and accessibility of information on the site.

More specific recommendations include:

- a. Make the calendar of events more easily accessible so that stakeholders can track public meetings and workshops.
- b. Create a specific webpage on environmental justice to track activities pertaining to environmental justice initiatives.
- c. Refine the “Search” function to make it more effective.
- d. Post all public comments on the website, coding every topic that is commented on; then make sure each response is coded and every comment is responded to. If a response indicates that a change will be made in a permit (for example), make sure that it is clear that the change is being made pursuant to public input.
- e. Ensure that all comments receive a response within 30 days of receipt, unless the urgency of the situation requires a time-limited/immediate response.
- f. Contract with a communications firm to gain outside-user perspectives on organizing the website, to provide key and user-friendly information, and improve search functions.
- g. Establish guidelines for providing regular, timely updates.
- h. Enhance the website by making all or key parts available in Spanish.
- i. Include a link to the calendar on “quick links,” and provide access to this menu on all pages.
- j. Improve calendar’s readability and provide additional information including the event type, date, short description of the event, agenda, map, previous meeting minutes, etc.

- k. Explore other website calendars for ideas, such as the Alabama Department of Environmental Management’s calendar ([www.adem.alabama.gov/newsevents/calendar/default.aspx](http://www.adem.alabama.gov/newsevents/calendar/default.aspx)).
- l. Include a toxic substances portal, including key information for stakeholders such as: FAQs; public health statements; community environmental health education presentations; and summaries of health effects, exposure, and potential actions. One useful example to draw from is the portal of the Agency for Toxic Substances and Disease Registry ([www.atsdr.cdc.gov/substances/index.asp](http://www.atsdr.cdc.gov/substances/index.asp)).
- m. Enhance DTSC’s environmental justice commitment and activities by exploring other department sites for ideas, such as New Jersey’s Department of Environmental Protection’s Environmental Justice Program ([www.nj.gov/dep/ej/index.html](http://www.nj.gov/dep/ej/index.html)) and the US EPA’s Environmental Justice Program ([www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)).
- n. Explore the feasibility of emerging uses of mobile devices/cellphones, such as mSurvey ([www.msurvey.co/](http://www.msurvey.co/)) and other tools.

Before considering more technically sophisticated approaches, it would be useful to have a thorough, user-friendly permit and case database accessible. This would allow for greater interaction between DTSC and the public, and should include not just technical information, but also the Public Participation Plan, budget, meeting results, etc. Internally, tools such as a simple, accessible “Drop box” function would be helpful to allow staff members from different units to work together on documents, spreadsheets, outreach materials, presentation, announcements, etc.

Many digital public engagement tools, such as Crowdbrite, Tell Us Tool Kit, Citizen Town Hall, and others will likely have some utility in certain situations. However, each of them is still dependent on someone carefully using the tool to match the situation, making sure that all the key data, materials and findings are present; that the right stakeholders are identified and form part of the dialogue; and that stakeholder concerns are heard, understood and addressed. Basic public engagement best practices should undergird the use of any technological or modern tool.

Many such tools are designed to be used without extensive knowledge of electronic media, yet others require technical assistance. Some communities are becoming attuned to using such tools, whereas other communities still find the use of such tools to be a challenge.

Appendix C provides a full list of electronic tools available to support a range of goals associated with public engagement activities. So while these tools represent a new generation of approaches to public engagement, it will be essential to train DTSC staff as to the appropriate context for using these tools, and how to support their use.

Steps to consider in expanding the use of electronic tools include:

- o. Work with a technical consultant to gain a greater understanding of the appropriate uses, benefits and challenges of using these tools.
- p. Work with community members to develop communications protocols to identify tools that would be valuable and applicable to specific situations.
- q. Identify one or two communities to pilot the use of the tools, and use these experiences to develop a general strategy for when and how to implement selected tools.

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*Intended Benefits:* Modernizes and expands current electronic forms of communication.

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*Enhancements:* This action enhances current systems and provides an opportunity to modernize electronic communications.

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*Implementation:* Could be enacted by the DTSC Director or appropriate deputy director, potentially in the medium term; we recommend using an outside consultant for website improvements with input from DTSC and community members; funding will be needed for consultant services.

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## STRATEGIC OBJECTIVE 3

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### Build greater capacity for effective public engagement for both DTSC and stakeholders.

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Stakeholder input clearly identified that a major problem encountered by communities is consistency. In those instances where public participation has been considered inadequate or unfair in the views of some stakeholders, there is a sense that both DTSC staff as well as community members could benefit from additional capacity building. This would also serve to benefit the interactive nature of public engagement, where DTSC staff and community members enter into an ongoing set of interactions and relationships during the course of a project. These proposed measures also reinforce greater transparency and accountability, to help build trust between the department and the public.

#### **RECOMMENDATION 3.1. Establish an internal leadership team to explore ways to reinforce an organizational culture that values effective public engagement at all staff levels.**

Changing organizational culture can be challenging. Longstanding attitudes and practices can be difficult to change. As such, a sense of urgency is often needed to affect and reinforce change. Perseverance is key, as is a commitment of resources. This suggested action involves establishing an internal leadership team. Modeling a ‘facilitative’ style of leadership (leadership which empowers others to take responsibility for leading and effecting change) will assist in developing strategies for organization-wide change.

To accomplish this, it will be helpful to:

- a. Develop an organizational vision statement and core values related to the importance and place of public engagement in the organization.
- b. Convene a series of internal focus groups at various staff levels to identify ideas for affecting change and potential barriers.
- c. Based on input from focus groups, work with senior management to identify an internal leadership team (across staff levels) to help develop and convene workshops engaging staff on emerging organizational values and their impact on how the organization approaches public engagement.
- d. Identify performance benchmarks for reinforcing sound public engagement practices, and ensure that they are reflected in human resources policies governing raises and promotions.
- e. Integrate this with recommended capacity-building workshops for DTSC staff.
- f. Utilize tools such as “Change Action Plans” which help organizations move through the process of changing their organizational culture.

Other, related approaches to supporting organizational change involve the following:

- g. Identify DTSC staff across departments who have strong public communication skills (writing, speaking, presenting, responding to community concerns) and can participate effectively in community meetings, representing the broader interests of DTSC while understanding how to interface with a range of stakeholders; support these individuals with continued education in intermediate and advanced public communication skills; and continue to build a “roster” of experienced public presenters.
- h. Provide regular training for all staff on environmental justice and challenges from both the DTSC’s and communities’ perspectives on projects related to DTSC. Involve members of environmental justice communities and advocacy groups as trainers.
- i. Provide regular training on public involvement and conflict resolution best practices, making the training available to all staff engaging with stakeholders, including permitting and technical staff.
- j. Continue with improved/enhanced risk communication training, ensuring that all project staff have an opportunity to receive this training.
- k. Include language in all DTSC staff position duty statements on the need for public and risk communications skills.
- l. Link staff performance evaluations to a demonstration of increased awareness and implementation of public participation and environmental justice best practices.
- m. Provide an internal awards program for exemplary public outreach and communication, and also provide a tangible job incentive program for the same.
- n. Continue to hire public participation specialists with community-based and environmental justice experience.
- o. Incorporate performance measures related to communication with stakeholders, and link these to personnel performance evaluations to demonstrate accountability for good communication with the public and various stakeholders.

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*Intended Benefits:* Over time, these measures should improve the quality and efficiency of public engagement practices, building the capacity of DTSC to interact with the public at all levels, and reducing conflict associated with public interaction.

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*Enhancements:* This represents a new opportunity for DTSC to review current attitudes and practices across the department. It also builds new capacity for meaningful public participation, which will be reflected in staff performance reviews.

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*Implementation:* Could be enacted by the Director in the medium- to longer-term, pending the formation of an internal team to lead the project, and depending on the level of effort needed to include a broad cross-section of DTSC staff; this may also benefit from the use of external facilitators; funding would be needed for consultant services.

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**RECOMMENDATION 3.2. Create a separate Office of Public Participation (removed from the Office of Communications) or align it with the Environmental Justice office.**

The public engagement program at DTSC is currently housed within the department’s Office of Communications. This presents two major challenges. The Office of Communications is the unit within DTSC that responds publicly to issues which arise within the DTSC. It serves a public relations role for the department, as well as an advocacy role, both of which are significantly different roles from a public engagement role. Having all these functions housed in the same unit conflates their purposes, which can be counterproductive to the mission of seeking active public participation – at least from an external perspective.

The DTSC Public Participation Manual states: “DTSC’s public participation program is not a public relations tool in the sense that public relations is a one-way communication. It is DTSC’s policy to create dialogue with all stakeholders to ensure that their concerns and priorities are incorporated into each project.”

Creating a separate Office of Public Engagement at DTSC would mirror the approach taken by numerous other agencies.

Yet some stakeholders perceive DTSC Public Participation staff more as members of a public relations or public information unit, rather than as staff tasked with community engagement. This works counter to the goal noted in the DTSC Public Participation Manual. Carrying out this suggested action would also help clarify – at the organizational level – the significant difference between the skills of a public participation specialist and those of a public relations or media specialist.

Creating a separate Office of Public Participation at the DTSC would mirror the approach taken by numerous other agencies. For example, within the U.S. EPA, the Office of Public Engagement and Environmental Education falls under the Office of the Administrator. The Department of Interior has a separate Office of Collaborative Action and Dispute Resolution, which is under the Office of Policy, Management and Budget, led by an Assistant Secretary to the Department of Interior. Closer to home, California’s State Water Resources Control Board has an Office of Public Participation under the Executive Office, which is separate from the Office of Public Affairs.

This new structure will also move public engagement activities more closely into the purview of the DTSC Director, which would allow her/him to reinforce the importance of public participation and input throughout the department. Given the relatively frequent changes in executive leadership in recent years, some are concerned that organizational “fatigue” may affect the implementability of this potential action. However, this proposed change reinforces efforts to change the organizational culture related to public outreach, and should revitalize public participation practices.

<i>Intended Benefits:</i>	Reinforces the value of public participation, while clearly differentiating public engagement from public relations and organizational advocacy.
<i>Enhancements:</i>	This is a new approach for DTSC, and would align it with the organizational approach of numerous other state and federal agencies, reinforcing the value of effective public engagement as a critical element of projects.
<i>Implementation:</i>	Could be enacted by the DTSC Director, potentially in the short- to medium-term, requiring an organizational restructuring and staff realignment process.

**RECOMMENDATION 3.3. Ensure that public participation specialists are consistently involved with project managers in creating the public engagement budget for a given project, based on the level of effort required and the timeline included in the Public Participation Plan.**

Many stakeholders believe that DTSC is significantly underfunded, and is thus unable to effectively achieve its challenging and complex mission. More specifically, both internal and external reviewers sense that budgets for public engagement activities often do not allow for the appropriate level of public participation. This recommendation recognizes the need for a public engagement specialist to work closely with the project manager to ensure that the project budget is sufficient.

Meanwhile, it is important to ensure that Public Participation Plans are developed *before* project budgets are finalized. This is necessary, since the scope and scale of an effective public engagement program cannot be determined until the plan is completed, and the cost of the program must be based on the actual program, as envisioned in a properly detailed and comprehensive plan. Achieving this will require internal guidance on how to approach preparing project budgets, with due consideration for creating an adequate Public Participation Plan. Such measures should be taken before completing the project budget and conducting solution-oriented technical studies.

<i>Intended Benefits:</i>	Creates a more direct link between the relative complexity of public participation in a given community, and the budget process, allowing for a better match between the two. This allows the department to more effectively gauge – and potentially supply -- the resources needed to carry out an appropriate level of activity.
<i>Enhancements:</i>	Provides greater consistency, as well as assurances that the appropriate level of public participation will be planned and implemented.
<i>Implementation:</i>	Could be enacted by Public Participation leadership; envisioned as an enhancement that can be accomplished in the near term.

**RECOMMENDATION 3.4. Establish regular, mandatory capacity-building activities for all staff who are involved with stakeholders and public meetings.**

Enlisting the engagement of the public can be challenging. It requires working effectively and building trust with people from many different socio-economic and cultural backgrounds, and with a wide range of perspectives on government agencies, business and the environment. As a result, it is not surprising that some stakeholders cite concerns with DTSC’s public engagement planning and procedures. Recent unease has led some stakeholders to question the adequacy of DTSC staff preparation and guidelines in this arena. This makes it especially important to explore ways to improve and enhance the department’s public engagement training and practices.

Enlisting the engagement of the public can be challenging. It requires working effectively and building trust with people from many different socio-economic and cultural backgrounds, and with a wide range of perspectives on government agencies, business and the environment.

The following training workshops are suggested as a way to help DTSC more effectively and appropriately interact with the public, and specifically with environmental justice communities and challenging issues. We recommend these are offered multiple times in the first year and once or twice a year after that, based on staff assessments and needs.

- a. Training on public outreach and participation best practices for public participation specialists.
- b. Training on public engagement practices and presentation skills for project managers and technical staff who are likely to be making public presentations.
- c. Trainings on how to work with environmental justice communities more effectively for public participation specialists, project managers and technical staff.
- d. Trainings on how to design and facilitate public meetings for public participation specialists. More specifically, to enhance DTSC-sponsored public meetings, include these best practices in trainings and practice:
  - List specific meeting objectives on the agenda posted on the web site and distributed at the meeting.
  - State the specific objectives associated with each substantive agenda item.
  - Contact key community leaders and stakeholders to discuss the meeting, establish expectations and clarify objectives, especially if controversial or complex.
  - Use ground rules or meeting protocols for all major meetings, working with key community leaders to tailor them to the event.
  - Ensure timely follow-through after meetings, distributing meeting summaries in a timely manner, responding to information requests, providing referrals, etc.



Additional actions beyond training/workshops can support DTSC staff preparation, such as the following suggested actions:

- e. Establish a mentoring program, where more experienced public engagement specialists can work directly with newer, less experienced practitioners, even utilizing external mentors as needed or desired.
- f. Help staff to align their activities with potentially changing duty statements and evaluation criteria, which stress the importance of working effectively with the public and various stakeholders.
- g. Utilize the Community Advisory Council (if and when established) or a separate Advisory Group of community members to help design and conduct trainings related to environmental justice and community concerns.
- h. Adopt communication protocols to help clearly identify the primary purpose of meetings – awareness, education, feedback on a draft product, responses to a final product, etc. – and articulate the purpose and intended outcomes of all meetings well in advance, working with community leaders to achieve a realistic alignment of public expectations about their role and contribution to the intended outcomes.

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<i>Intended Benefits:</i>	Provides ongoing capacity building for all staff interacting with the public on a regular basis.
<i>Enhancements:</i>	This augments current practices, adding mentoring and other capacity-building opportunities, which are to be provided on a regular, planned basis.
<i>Implementation:</i>	Could be enacted by DTSC Public Participation leadership in the short- to medium-term to develop a multi-faceted capacity-building plan.

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### **RECOMMENDATION 3.5. Expand ways to build community capacity to enable effective public participation in the work of DTSC.**

Focus group participants spoke to the need and value of educational workshops which are developed and coordinated with community organizations and leaders, and which equip community members with appropriate skills. As one environmental justice advocate stated: “People in the community need to be empowered to participate effectively – if not, it is not environmental justice.”

Specific approaches to meeting these needs include:

- a. Convene community-sponsored workshops on how to engage DTSC effectively and how to play a role in overseeing activities at DTSC sites and facilities.
- b. Engage the Community Advisory Council (if and when established) or other community members to identify and help develop DTSC-sponsored workshops.

- c. Convene community-sponsored workshops on how community members can effectively engage with DTSC, using the recommended *Citizen’s Guide* (if and when completed).
- d. Create workshops which would provide technical training to community members on topics such as: sources of heavy metals/toxics; landfills and what linings are required; emission controls and what is allowed; and hazardous wastes and how to identify/verify potential violations. In sum, provide more detail on facilities and sites being operated, leading to more informed public input.
- e. Develop workshops to help community members become “community educators” so that people will be more engaged and better equipped for meaningful public participation.
- f. Develop workshops that provide training for community members to have a role in monitoring and other site-related activities.

Information from the U.S. EPA’s Office of Research and Development showcases the variety of topics that can be included in a regular workshop/webinar series, such as: air quality basics; air pollution monitoring; how to start a citizen science program; citizen science study design; how to obtain funding; what to look for in a sensor; sensor applications and performance goals; how to collect useful data using sensors; data management and quality; maintaining sensors; and interpreting and communicating data. These types of webinars teach interested citizens how to become more involved in protecting their local environment, and how to effect change in their community.

<i>Intended Benefits:</i>	Enhances the public’s understanding of technical issues, and provides potential roles in training, monitoring and other activities.
<i>Enhancements:</i>	This routinizes and expands current practices to help community members play a larger role in activities that could potentially impact their community.
<i>Implementation:</i>	Could be enacted by DTSC Public Participation leadership in the short- to medium-term, to plan for workshop content and format with input from community members; resources could potentially come from public engagement budgets.

**RECOMMENDATION 3.6. Make community leaders aware early of the potential for establishing a Community Advisory Group (CAG), showing them how to do so, and ensuring that the composition of the CAG adequately represents the community residents.**

This suggested action encourages DTSC to provide information to establish a CAG as a key part of the template for preparing a Public Participation Plan. Some communities have not been aware that they could form a CAG, or have not understood what a CAG can accomplish. Hence, a key aspect of this suggested action involves ensuring that communities are aware that they

can establish a CAG to help oversee activities, and how to do so. Furthermore, the guidelines for establishing a CAG should ensure that community residents are adequately represented. This may require a revision to current regulatory guidelines, depending on the extent to which communities believe current guidelines do not allow for a sufficient community voice.

To help implement this action, we recommend these measures:

- a. Ensure that CAG members are truly representative of the local community and represent different viewpoints, professions, and forms of expertise, if necessary modifying existing regulations.
- b. Maintain a listserv for CAG members to quickly access information and share data.
- c. Maintain a regularly updated webpage for each CAG, with full public-access for members to suggest additions, changes and updates, thereby making meeting notes, meeting announcements, critical materials and reports readily available.
- d. Work with each CAG to develop a mission, charter and ground rules following a standard template.
- e. Work with CAGs to prepare agendas, meeting materials and speakers well in advance, and have that information available on a special part of the DTSC website devoted to CAG meetings.
- f. Advertise the meetings widely, make them open to the public, record them (perhaps video) and make the recorded versions available to other stakeholders.
- g. Use facilitators when necessary to ensure that meetings are well organized and convened.
- h. Hold meetings at convenient times for and locations in impacted communities.
- i. Take advantage of opportunities for mutual education, sharing with the CAG and stakeholders what DTSC does and how its legal requirements and processes work, while learning from CAG members how better to engage and serve the community.

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*Intended Benefits:* Ensures that communities are aware of the potential benefits of creating a CAG.

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*Enhancements:* This addresses the issue that some communities have not been aware they can form a CAG, or do not understand its potential benefits.

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*Implementation:* Could be enacted by DTSC Public Participation leadership, in the short- to medium-term, and in such a way as to incorporate information in the template for Public Participation Plans; resources could potentially come from public engagement budgets.

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## STRATEGIC OBJECTIVE 4

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### Increase access to data and information relevant to decision making.

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Stakeholders commonly cited the need for better, timelier access to the information used as the basis for decision making. Not only is access an issue, but accessibility in languages common in the community impacted. Likewise, community members cited the need for technical assistance on more highly technical issues to create a more level “playing field” with the technical expertise available to permitted facilities and corporations involved with clean-up sites. These recommendations are intended to address these concerns.

#### **RECOMMENDATION 4.1. Make information which will be used as the basis for decisions available to the public, in a consistent, timely and understandable form.**

Access to information produced in a readily understandable form is a critical aspect of public engagement. Making information available that is used as the basis for decisions is critical to transparency, accountability and trust in public agencies. As such, ensuring the timely availability of information to stakeholders is the foundation of good public engagement practice.



Ensuring the timely availability of information to stakeholders is the foundation of good public engagement practice.

This recommendation builds on revising the template for developing a Public Participation Plan. It seeks to reinforce the value of identifying the primary documents, data and information (those known to be relevant at the time) which will be used in the decision-making process, and of making clear when they will be available and how they can be accessed. Since a significant amount of new information is collected or generated during the course of a project, community members need to be updated regularly as to which materials are available and when.

Implementing these actions requires the following steps:

- a. Clarify in the Public Participation Plan the primary documents, data and information known at the time which will be used in the decision-making process.
- b. Work with the community to identify possible sources of relevant information which may not be readily accessible to government agencies.
- c. Update this list as more documents, data and information of relevance are identified.
- d. Post this updated list on community reporting platforms and the DTSC website.
- e. Within two weeks of requests, either post the information or explain why there is a delay and when to expect the materials.
- f. Identify whom to contact for further information, and whom to contact in case of problems.

Other recommended steps include:

- g. Extend outreach to a wider array of local organizations and local governments to ensure all relevant data are identified and utilized.
- h. Send press releases (differentiated from public notices) to local news outlets as part of outreach.
- i. Ensure key information and data are made available and accessible in appropriate formats (e.g., written, electronic, video, etc.) attuned to community norms.

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*Intended Benefits:* Ensures stakeholders have the opportunity to examine and understand information, data and other factors impacting decisions during the course of a project.

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*Enhancements:* This enhances current practices by involving stakeholders in order to gain their insights into how to improve the timing and availability of information, as well as how to provide a streamlined approach to making information available.

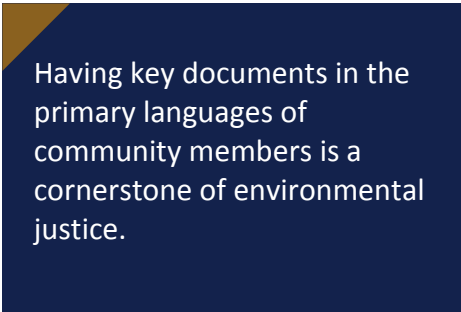
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*Implementation:* Could be implemented by DTSC Public Participation leadership with Project Manager input, potentially in the short-term, pending the development of protocols with input from community members.

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#### **RECOMMENDATION 4.2. Ensure that critical information is made available in the main language(s) used in communities.**

This suggested action reinforces existing practices. As highlighted by several stakeholders, it is also intended to meet the need for information on which DTSC decisions are based. This information should be made consistently available in the primary languages used in communities, and in a timely manner. Having key documents in the primary languages of community members is a cornerstone of environmental justice.



Having key documents in the primary languages of community members is a cornerstone of environmental justice.

For the sake of consistency, DTSC should:

- a. Work with local community leaders to identify and catalogue which language(s) are the primary languages used in various communities.
- b. Work with community leaders on a regular basis to identify which documents need to be translated as information becomes available during the course of a project.
- c. Work with community leaders to identify which documents may need to be summarized before or in place of being translated in case of lengthy or highly technical documents.

- d. Work with community leaders to establish timelines for making documents available in appropriate languages in a timely manner.
- e. Increase staff and/or enlist community teams who speak major languages used in impacted communities.
- f. Increase web and social media outreach in English, Spanish and other key languages.

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*Intended Benefits:* Ensures that interested stakeholders have an opportunity to access and understand key documents.

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*Enhancements:* These measures address cited inconsistencies in making critical information available in the main languages used in communities in a timely manner.

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*Implementation:* Could be implemented by DTSC Public Participation leadership, likely in the short term, pending input from community members on the types of documents which should typically be translated; funding would presumably be drawn from public engagement budgets.

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### **RECOMMENDATION 4.3. Enhance support for community reporting platforms.**

The Identifying Violations Affecting Neighborhoods (IVAN) (<http://ivanonline.org>) community monitoring and reporting system is a valuable tool for building community capacity to identify and address environmental hazards. The tool has enhanced collaboration between multiple local, regional, state and federal agencies, enabling them to tackle issues that cannot be always or easily addressed by a single agency or department. This suggested action simply reinforces the importance for DTSC to continue to participate in IVAN networks statewide, and to provide resources to help these networks succeed in the long term.

Among the steps that should be taken to implement this recommendation are:

- a. Ensure funding to sustain these programs.
- b. Work with community leaders to determine what types of information should be posted in order to be most useful to community members.
- c. Work with community leaders and IVAN representatives to identify how to make the platforms more accessible to community members.
- d. Continue DTSC staff involvement in monthly IVAN network meetings and provide support to address environmental hazards identified through the online platform.
- e. Provide financial resources to support community and DTSC problem-solvers in each network, to ensure the sustainability and growth of these/similar networks statewide.

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*Intended Benefits:* Helps strengthen and potentially expand community reporting networks.

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*Enhancements:* These measures can help showcase and strengthen platforms, underlining and supporting their utility and value to the public.

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*Implementation:* Could be implemented by DTSC Public Participation leadership; if additional funding or resources are sought, this could become a medium-term rather than a short-term action, pending the acquisition of resources and input from community reporting platform leaders and community members; the resources needed depend on the type and extent of enhancements sought.

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## VI. PERMITTING-SPECIFIC RECOMMENDATIONS

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As noted previously, along with this enhancement and modernization initiative, DTSC has been conducting a parallel effort to refine its permitting process. This includes not just the technical process and aspects of permitting, but the public participation associated with permitting as well.

Recommendations for public participation enhancements developed specifically for permitting are detailed below, linked to DTSC's "2 Year Plan: Permitting Enhancement Work Plan." Ideas for implementation are also suggested here, which can be used to supplement the general public engagement strategic objectives and recommendations outlined in the previous section of this report.

In common with the general recommendations, the proposed strategies developed for permitting are intended to address concerns identified by stakeholders. Specific issues raised about the permitting process are associated with the lack of stakeholder access to the process, and the resulting impacts on permitting decisions.

While there are certain advantages to having a consolidated permitting process, from a public engagement standpoint, as some stakeholders have indicated, it can be overwhelming, and can create an overload on public capacity. Stakeholders are also troubled by the fact that permitting and enforcement are carried out by the same agency. Others have suggested that DTSC should continue to conduct an independent review of California Environmental Quality Act (CEQA) documents to ensure that community input is adequately included.

During Phase Two of our review process, part of the focus group discussions sought feedback on draft recommendations specific to the permitting process. Stakeholders expressed general support for the expanded public engagement mechanisms proposed, which instruct those involved to:

- a. Use a community assessment tool (see Appendix D) to evaluate public engagement needs as a first step in the permitting process.
- b. Use a health and environmental screening tool for environmental justice communities to evaluate community needs and concerns early in the process.
- c. Add a public workshop prior to the "Technical Review" of the proposed permit to encourage public knowledge of the situation and insure that public concerns are incorporated into the review.
- d. Add a public workshop to provide an overview of the technical review results, and an opportunity for input into the Draft Permit preparation process.



More specifically, DTSC sought input on two elements associated with the permitting process emanating from the 2014 “2 Year Plan: Permitting Enhancement Work Plan.” These are:

- Goal 7, Action 3: Review the current process for consolidating community and stakeholder feedback. Develop recommendations for any necessary revisions to the process for communicating how public recommendations are reflected in the final decision.
- Goal 7, Action 4: Determine if a community workshop process is an effective communications and training tool to educate community members and other stakeholders about the permitting process.

In general, the value and benefit of achieving both of these goals were reinforced by most stakeholders during the review and comment processes carried out for this report. A range of more specific suggestions were offered, however, related to these two actions.

## **GOAL 7, ACTION 3**

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### **Consolidating stakeholder feedback and communicating how public recommendations are reflected in the final decision.**

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Proposed changes to the DTSC permitting process involve ways to improve input which could impact decisions, both in timing and content. The following ideas are intended to reinforce the more holistic changes being considered in overall improvements and enhancements to DTSC’s public engagement processes:

1. Strong support exists for achieving Goal 7, Action 3. The four new opportunities described for input early in the permitting process provide the foundation for a better understanding of community needs and concerns. They provide a stronger information base and context for decision making. This aligns with the overall public engagement goal of more robust and active early involvement from the community in any DTSC-affiliated process.
2. The following stakeholder feedback received from the review and comment process provide some general ideas for consideration:
  - a. Some stakeholders perceive that public input has little or no impact on decisions, therefore stronger links between public input/concerns and decision making, should be demonstrated.

- b. Stakeholders want DTSC to consider alternatives to the 10-year renewal period, such as two-year permit review periods triggering action if violations occur, including revoking or not renewing permits under certain conditions.
  - c. Stakeholders want an Emergency Response Plan ready at the inception of the project for typical problems potentially encountered in similar facilities.
  - d. Stakeholders would like progress towards environmental justice enhancements reported at each workshop/meeting.
3. All the “Category One” general public engagement enhancements from the *Potential Actions Report* are relevant to the permitting process as well. These include:
- a. Ensuring early outreach.
  - b. Ensuring that public engagement plans are in place before technical alternatives are developed.
  - c. Ensuring that communities have access to the relevant information on which decisions will be based.
  - d. Developing ongoing, community-tailored approaches to communication practices.
  - e. Continuing use of community reporting platforms (such as IVAN).
4. In addition to the draft concepts for the preliminary DTSC “Community Checklist,” the following questions and steps are recommended to ensure a thorough assessment:
- a. Is it an earthquake zone, and what is the assessment of vulnerability?
  - b. In general terms, provide a summary of the potential scope/impacts of the project.
  - c. Add landfills to the list of “other facilities.”
  - d. What other agencies have issued facility permits in the area, and for what type of facilities?
  - e. What are the pre-existing health conditions in the community?
  - f. Conduct an analysis of all permitted facilities (by DTSC and other agencies), including all complaints, violations and lawsuits.
5. In addition to the draft concepts for the “Environmental Justice/Health Impact Screening Checklist,” the following additions are recommended:
- a. Engage the community in completing the screening checklist.
  - b. Ensure all public activities are in full compliance with Title VI requirements.
  - c. Assess the risks associated with a facility; e.g. ask what the potential impacts of certain contaminants are, and whether certain groups are more vulnerable.
  - d. Identify how many people will potentially be impacted and who they are.
  - e. Identify the relationships between risks to community health and financial implications of the project.
  - f. Identify background and existing community health issues, such as Valley Fever, high levels of asthma, etc.

- g. Evaluate new projects in light of existing community impacts, including those from legal/nontoxic activities/facilities.
- h. Clarify the potential impacts of long-term exposure associated with the project.
- i. Breakdown questions of proximity to: adjacent, ¼ mile, ½ mile, 1 mile and >1 mile.
- j. Add synergistic and antagonistic effects to cumulative effects.
- k. Include respiratory, blood, neurological and physiological conditions in health profiles.
- l. Identify transportation corridors for children or others on bikes or on foot in relation to facilities.

These points have been incorporated into the revised checklists in Appendix D of this report. The two checklists should be used to characterize the conditions encountered in a given community; they can help shape both the Public Participation Plan, as well as an understanding of key considerations to be addressed by technical studies.

- 6. Once the permitting process is underway, develop approaches for conveying to the community how its input is impacting decisions, and ultimately the outcomes from the permitting process. Feedback should be provided at five stages of the permitting process:
  - a. Upon completing the community assessment and the environmental justice/health impact screening (see checklists in Appendix D), post the results and provide for a public feedback period to ensure thoroughness and credibility.
  - b. Upon completing the newly proposed public workshop which follows the “Administrative Completeness Letter,” post comments and responses to comments that occurred at the meeting, and allow for additional feedback for those who could not participate, then post those comments and responses as well.
  - c. Upon completing the “Technical Review” step of the permitting process, develop a summary report identifying how community input related to background and technical information was incorporated into the review, for presentation at the “new” workshop which precedes preparation of the Draft Permit.
  - d. Upon completing the second “new” workshop, follow the process suggested under (b) above.
  - e. Incorporate the previous ideas for public comment and response periods occurring in the later stages of the CEQA process.
  
- 7. Consider changing terminology to help convey change, such as “Community Input Period” versus “Public Comment Period.” Such changes are intended to reflect an interest in receiving “input” which might affect decisions, rather than “comments,” which are often considered to be “after the fact” and therefore have little impact. Currently, “Public Comment Period” conveys a legalistic, “check-the-box” approach to public input. Changes to terminology, however, will need to be accompanied by changed practices, or their value will be insignificant.

8. The key issue for most stakeholder reviewers lies in creating a more direct link between, and understanding of, how a given permit decision aligns with public input. Community members want to know what goes into decisions, and what impact the concerns and comments from the public have on them. There are several possible approaches to this.

The following measures could be considered:

- a. A public meeting should be held in the community where the facility in question resides to announce the permitting decision.
- b. A team of three DTSC leaders should be involved in presenting the outcome: the permit writer; the Deputy Director for Permitting and the lead public participation specialist. Between these three DTSC representatives, most of the questions raised should be able to be answered.
- c. The decision announcement should relay: how information was collected during the course of the permitting process; what information formed the basis for the decision; how public input factored into the decision; how the permit (if issued) addresses public interests; and, to the extent necessary, why some public input could not be fully addressed.

This approach allows for greater public understanding of what went into the decision-making process and how the decision relates to community concerns and feedback. It provides a greater level of transparency and a forum for community interaction.

## **GOAL 7, ACTION 4**

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### **Community workshops as a communications and training tool to educate stakeholders about the permitting process.**

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Many stakeholders involved in the review process stated that they think DTSC workshops can be useful under a variety of circumstances. But they stress that planning, logistics and the overall approach requires engaging community leaders and representatives early in the process to ensure greater participation and meeting effectiveness. Workshops place a high level of scrutiny on DTSC's motives, its awareness of the community and community concerns, its cultural competency, and its technical capability. As such, DTSC must put significant time and effort into preparing for workshops and public meetings.

The following include a variety of proposals to enhance the likelihood of effective workshops:

1. Replace the applicant-hosted “pre-application” meeting and notice with a DTSC-sponsored meeting. (It is understood that this is currently required for new Resource Conservation and Recovery Act (RCRA) permits or Class 3 permit modifications, and therefore would require legislative revision.) The meeting should include:
  - a. An overview of the proposed project.
  - b. A review of the community and health assessments for completeness and accuracy.
  - c. A history of the company and facilities it operates in other locations or in the current location, if the permit is an extension of an existing permit.
  - d. An overview of the entire permitting process with tasks and timelines.
  - e. An overview of opportunities for public engagement and their relationship to decision making.

One general observation expressed during the review process is that to have the applicants convene this early meeting is awkward at best. Given the importance of connecting with communities before convening a public meeting or workshop, a meeting that is held before engaging the community in a meaningful way runs counter to best practices and sets up a negative dynamic from the beginning.

2. At the first meeting associated with the permitting process, DTSC needs to explain: its mission; the scope of its responsibilities and authority; how the permitting process works; how community input will be received; and exactly what will be done with that input. If DTSC is not responsible for certain aspects of a project, then responsible agency(ies) or entity(ies) should be identified.
3. It is essential to get started early and in a positive way with communities; the timing and approach to the first interaction is critical and sets the tone for the future.
4. To achieve community-tailored approaches, DTSC should reach out to groups such as neighborhood associations, schools, Parent-Teacher Associations/Organizations, local radio/TV/newspaper (including community newspapers that operate without subscriptions), advocacy groups, local business organizations, etc. to determine the ways people receive and respond to information most effectively in that specific community.
5. The following general guidelines, or best practices, should be incorporated into planning and convening workshops:
  - a. Workshops need to be opportunities for two-way communication, not just for DTSC to provide information without an opportunity for public input.
  - b. DTSC should utilize community sponsors and partners — but should not put the workshop on their backs to organize.

- c. “User friendly” presentations are essential; technical presentations should be presented in a manner that demonstrates relevance to stakeholders and is not paternalistic or demeaning.
- d. Community members want to be able to understand/connect with the issues; this takes planning and effort on DTSC’s part, especially on issues with which most people are unfamiliar.
- e. DTSC should recognize both the art and science of providing information in a way that can be understood, yet encourage in-depth discussion.
- f. DTSC should also seek community input on format, location, time and overall design;
- g. Work with community organizations to facilitate the provision of child care, food and other potential incentives can help ensure active participation from community members.
- h. Information provided by DTSC at meetings should not just be “read” but explained in a way so that the relevance of the information is understood by the public.
- i. Most people have not seen an environmental report in underserved communities, so greater education is needed on how to understand these reports.
- j. DTSC should make information available in Spanish or other languages, as appropriate, based on the community.
- k. How information is presented is critical – at the correct level and making the connection to why it is important and how it connects to community concerns;
- l. The timing of events is critical; DTSC needs to consider other local events and seasonal and other impacts on work schedules.
- m. “Community representatives” should include residents, local businesses, workers and all interested persons connected to the local community on a regular basis.
- n. Use of elevated platforms and podiums sends the wrong message to the community about an openness to meaningful dialogue.
- o. DTSC should rely more heavily on the community to identify historic practices associated with facilities which may have been overlooked in reports or recent memory, but which have significant consequences.

Other workshops should be considered throughout the course of the permitting process and thereafter, based on active engagement with the community in order to understand its needs, interest and concerns.

## VII. CONCLUSION

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The UC Davis Extension Collaboration Center (C2) team has developed a series of strategic objectives and recommendations for enhancing and modernizing DTSC’s public participation practices. These proposals, summarized on the following page, attempt to respond to the range of concerns and ideas expressed by various DTSC stakeholders during the course of our research, including representatives from communities impacted by hazardous materials. The recommendations are built around four major objectives identified by stakeholders as critical for enhancing DTSC’s public involvement practices.

Primarily, stakeholders are looking for greater impact from public participation on decision-making, and for improved outcomes from those decisions. They are looking for greater responsiveness to community and stakeholder needs, and a greater level of transparency and accountability on the part of DTSC. Finally, stakeholders expressed a desire to be part of the solution, playing a role in providing input that is useful and beneficial to communities. As noted by one community leader, “DTSC needs to empower people on the ground – otherwise it is not environmental justice.”

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It is important to appreciate the staffing and budgetary limitations that DTSC faces as the agency considers the recommendations in this report. DTSC is already implementing elements of the recommendations that have been included. Some recommendations may be relatively low cost and implemented quickly using available resources. Other recommendations, if pursued, may require considerably longer time to implement, and could entail significant additional resources. In addition, some of the recommendations could require regulatory and statutory changes, or additional collaboration with other agencies and partners.

The key goal for implementing these recommendations is measurable change. Yet progress will likely rest in large part on DTSC’s willingness to invest in an organizational culture that values robust public participation and involvement. For lasting improvements to occur, DTSC’s internal practices need to be responsive not only to the public, but to its own mission and vision to help all Californians live in a clean and healthy environment.

## SUMMARY OF STRATEGIC OBJECTIVES AND RECOMMENDATIONS

4 STRATEGIC OBJECTIVES	17 RECOMMENDATIONS
<p>1. Establish a more direct and visible connection between public input and decisions made, demonstrating increased transparency and accountability.</p>	1.1 Establish an <b>internal Project Decision Team</b> which uses a <b>public forum</b> to discuss departmental decisions that directly impact stakeholders.
	1.2 Use <b>negotiated rulemaking</b> , when feasible, to provide stakeholder input in rulemaking.
	1.3 Establish a <b>Community Advisory Council</b> to provide DTSC leadership with input on community perspectives related to its public engagement work.
	1.5 Convene <b>community-sponsored workshops</b> to develop a greater understanding of project activities and potential decisions early in the decision-making process.
<p>2. Engage in earlier, more systematic and sustained interaction with impacted communities.</p>	2.1 Establish <b>benchmarks</b> or “triggers” which initiate public engagement activities so the public knows when to expect <b>early contact from DTSC</b> concerning any facility or site involvement.
	2.2 Ensure that <b>Public Participation Plans incorporate community input</b> to develop a specific communications plan and timeline, as well as a community assessment.
	2.3 Develop a comprehensive <b>Citizen’s Guide</b> to Working with DTSC.
	2.4 Improve DTSC <b>Website content and navigability</b> , as well as other forms of electronic communication.
<p>3. Build greater capacity for effective public engagement for both DTSC and stakeholders.</p>	3.1 Establish an <b>internal leadership team</b> to explore ways to reinforce an <b>organizational culture</b> that values effective public engagement at all staff levels.
	3.2 Create a separate <b>Office of Public Participation</b> (removed from the Office of Communications) or align it with the Environmental Justice office.
	3.3 Ensure that public participation specialists are consistently involved with project managers in creating the <b>public engagement budget</b> for a given project, based on the level of effort required and the timeline included in the Public Participation Plan.
	3.4 Establish regular, mandatory <b>capacity-building activities for all staff</b> who are involved with stakeholders and public meetings.
	3.5 Expand ways to build <b>community capacity</b> to enable effective public participation in the work of DTSC.
	3.6 Make community leaders aware early of the potential for establishing a <b>Community Advisory Group (CAG)</b> , showing them how to do so, and ensuring that the composition of the CAG adequately represents the community residents.
<p>4. Increase access to data and information relevant to decision making.</p>	4.1 Make <b>information</b> which will be used as the basis for decisions available to the public, in a <b>consistent, timely and understandable</b> form.
	4.2 Ensure that critical information is made <b>available in the main language(s)</b> used in communities.
	4.3 Enhance support for <b>community reporting platforms</b> .



## VIII. APPENDICES

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The following appendices provide additional background on the input used as the basis for this report's strategic objectives and recommendations.

**Appendix A** lists the names of the stakeholders who were interviewed during the first phase of stakeholder input.

**Appendix B** is a summary of the input obtained in Phase Two of stakeholder input – from focus groups, comments from individuals and representatives of organizations, and the online survey.

**Appendix C** is a list of possible tools to support the modernization of electronic communications.

**Appendix D** contains two checklists developed to assess general community impacts and potential public health/environmental justice impacts from a site or facility.

**Appendix E** is a list of the documents reviewed for background information and potential ideas in building our list of recommendations.

## **APPENDIX A.**

### **LIST OF PEOPLE INTERVIEWED IN PHASE ONE OF STAKEHOLDER INPUT, AND INTERVIEW QUESTIONS**

#### **1. List of People Interviewed**

The following individuals were interviewed during the first phase of the process. In some instances, the persons interviewed also shared input from colleagues whose names are not identified here.

Internal stakeholders interviewed:

1. Karen Baker, Project Manager, DTSC
2. Tim Chauvel, Public Participation Specialist, DTSC
3. Grant Cope, Deputy Secretary, California Environmental Protection Agency
4. Terri Hardy, Special Assistant to the Director, DTSC
5. Orchid Kwei, DTSC Staff Legal Counsel, DTSC
6. Wayne Lorentzen, Project Manager, DTSC
7. Ana Mascarenas, Assistant Director for Environmental Justice, DTSC
8. Arsenio Mataka, Assistant Secretary of Environmental Justice, California Environmental Protection Agency
9. Marina Perez, Public Participation Specialist, DTSC
10. Peter Ruttan, Project Manager, DTSC
11. Nathan Schumacher, Public Participation Specialist, DTSC
12. Marcus Simpson, Staff Services Manager, DTSC
13. Carolyn Yee, Tribal Liaison, DTSC

External stakeholders interviewed:

1. Bradley Angel, Executive Director, Greenaction
2. Colin Bailey, Executive Director, The Environmental Justice Coalition for Water
3. Ingrid Brostrom, Senior Attorney, Center for Race, Poverty & the Environment
4. Denise Duffield, Associate Director, Physicians for Social Responsibility
5. Bob Fredenburg, Chief Consultant, Assembly Environmental Safety and Toxic Materials Committee
6. Valerie Gorospe, Community Organizer, Center for Race, Poverty and the Environment
7. Dawn Hubbs, Hualapai Department of Cultural Resources
8. Bennett Jackson, Hualapai Department of Cultural Resources
9. Marylia Kelley, Executive Director, Tri-Valley Cares
10. Gladys Limón, Staff Attorney, Communities for a Better Environment
11. Bill Magavern, Co-Chair, DTSC External Advisory Group; Coalition for Clean Air
12. Maricela Mares-Alatorre, California Environmental Justice Coalition, and Greenaction

13. Lupe Martinez, Assistant Executive Director Delano, Center for Race, Poverty, and the Environment
14. Mary Sue Maurer, Councilmember, Calabasas City Council
15. Thomas McHenry, Co-Chair, DTSC External Advisory Group; Gibson, Dunn & Crutcher LLP
16. Isabelle Miranda, Delano Community Member
17. Marian Moe, Community Resident, Curtis Park, Sacramento
18. Markus Niebanck, Chair, DTSC Brownfields Restoration Advisory Group; EnviroFinance Group, LLC & Affiliated Companies
19. Kathryn Phillips, Sierra Club
20. LaVonne Stone, Founder, Fort Ord Environmental Justice Network
21. Robina Suwol, Executive Director, California Safe Schools
22. Sheila Tracy, Community Resident, Fort Bragg
23. Sean Tolnay, CJS Support Services
24. Rachel Wagoner, Chief Consultant, Senate Environmental Quality Committee

## 2. List of Interview Questions

A series of questions were developed to provide consistency during the data collection process. Nonetheless, information gained during the interviews varied depending on: whether the person was an internal or external stakeholder what their experience and background with DTSC initiatives was; and the amount of time they were available for the interview.

The starting point for *internal* interviews of key DTSC leaders included:

- a. What do you believe works well for engaging the public across the complex set of issues for which DTSC is responsible?
- b. Of current policies, programs, and practices, what do you think does not serve DTSC well?
- c. Of current policies, programs, and practices, what do you think does not serve the public well?
- d. What are some of your initial ideas on how to address the shortcomings you have identified?
- e. What challenges do think might/will be faced in implementing your ideas?

The starting point for questions for key *external* stakeholders included:

- a. What is your experience working with DTSC on issues of community concern?
- b. How do you understand the challenges DTSC faces based on its mission, and the “limitations” on how it can respond to certain community concerns?
- c. What is your assessment of DTSC’s community engagement practices, specifically with situations in which you have been involved? Do you have specific feedback on DTSCs public noticing requirement?

- d. What is your assessment of DTSC's understanding of community perspectives and its capacity to address community concerns?
- e. Have you participated in a Community Advisory Group (CAG) (related to DTSC)? If so, what was your experience? How do you think that a CAG, or CAGs in general, could be more effective?
- f. What potential actions would you offer to improve the effectiveness and responsiveness of DTSC's community involvement practices?
- g. Our UC Davis team will be organizing additional one-on-one and small-group interviews as well as public forums. Do you have any suggestions of who else we should engage (including monolingual Spanish speakers), and/or where we should hold the forums to further develop these potential actions?
- h. Do you feel you are hearing about hazardous waste permitting or environmental clean-up actions at facilities in your area? If not, how and through what venues would you like DTSC to communicate about hazardous waste permitting or environmental clean-up actions in your area?
- i. Do you think that DTSC is listening to your comments about hazardous waste facilities or environmental clean-up actions in your area and taking them seriously?
- j. How would you like to receive information and feedback from DTSC regarding hazardous waste facilities or environmental clean-up actions?
- k. How familiar are you with the hazardous waste permitting process? Would you attend a workshop or training to gain a better understanding of the Permitting process?
- l. Is there anything else you would like to add?

## APPENDIX B.

### INPUT FROM THE STAKEHOLDER REVIEW PROCESS

Here, we provide a summary of the information gained from three different sources during the second phase of our research: focus groups; the online survey; and comments received from individuals and organizations. This appendix also identifies stakeholder concerns associated with current DTSC public engagement activities, and is intended to provide additional insights and ideas for implementing reforms. Many of the ideas noted have been directly incorporated into the strategic objectives and the recommendations for implementing them. Some light editing has been conducted to convey the ideas of stakeholders as clearly as possible.

#### A. SUMMARY OF FOCUS GROUPS

A central aspect of the review process associated with the initial *Potential Actions Report* was convening focus groups. Six focus groups were convened involving more than 50 participants. Some were conducted in Spanish. Participants included:

1. Affiliates of the California Environmental Justice Coalition, via teleconference.
2. Community representatives in Delano, sponsored by the Center for Race, Poverty and the Environment.
3. Community representatives in Brawley, sponsored by Comite Civico del Valle.
4. Representatives of the Richmond Community Advisory Group.
5. Community representatives in Los Angeles, sponsored by the Los Angeles Environmental Justice Network.
6. Statewide IVAN representatives, via teleconference.

Focus groups discussed the *Potential Actions Report*, as well as the proposed revisions to DTSC's permitting processes, to increase opportunities for more meaningful public participation. Also, focus group participants were asked to identify additional ideas and strategies not contained in the report.

The general format of focus groups was to begin by asking participants to share their perspective on the overall importance of seeing DTSC improve its public engagement practices. Next, we sought: specific feedback on the nine potential actions identified for near-term action; less specific feedback on proposed short- and longer-term actions; proposed revisions to the public participation aspect of the permitting process; and finally, the identification of additional ideas not included in the initial report.

## **B. GENERAL COMMENTS RELATED TO THE PUBLIC ENGAGEMENT ENHANCEMENT INITIATIVE**

Participants also used the venue to share some of their frustrations and concerns, from which additional insights for improvements can be derived. These comments are drawn from all the focus groups. Although not all focus group participants would necessarily agree with each statement, the following statements attest to concerns raised by several community stakeholders:

- a. There is a critical need for better decision making within DTSC, tied to the needs of and impacts on environmental justice communities; if decisions are not improved in these respects, then improvements in public engagement practices are insignificant.
- b. The “Potential Actions” report did not sufficiently reflect community concerns with DTSC, its decision making and its handling of public engagement.
- c. Civil rights and related abuses, such as police and dogs intimidating people at meetings, Spanish speakers receiving less time at meetings than English speakers, and key documents (EIRs) not translated into Spanish, should have been highlighted in the initial report.
- d. Trust, transparency and competency are major issues with DTSC, as well as being too politically motivated.
- e. DTSC appears disinterested in protecting communities and is nonresponsive to the concerns expressed by community members, especially those living around facilities.
- f. DTSC needs to stand-up for those communities which are disproportionately impacted.
- g. Many DTSC public meetings are poorly planned and/or conducted.
- h. It seems like permits are never denied despite negative impacts to communities.
- i. This entire initiative seems like window dressing, and will be detrimental to DTSC, if it does not lead to substantive change.
- j. More enforcement actions are needed to protect the health of community members surrounded by facilities.
- k. There is often a sense that DTSC wants to speak to the community but is not really interested in genuinely engaging the public or learning from their perspective.
- l. DTSC seems to be industry friendly, sometimes sounding as an advocate for industry and not holding PRPs sufficiently accountable, while being dismissive and even hostile at times toward community members.
- m. DTSC needs to be a good neighbor and an advocate for communities, especially those disproportionately impacted.

Comments specific to the Delano focus group:

- n. Participants noted that the potential problems with polluted ground water and associated VOCs were first brought to DTSC's attention in 2008, but not until 2015 was a public meeting held by DTSC; in the interim, nothing was reported back to the community as a whole concerning what DTSC was doing to address the problem; public health issues were addressed with some businesses but the community as a whole was not given any indication of the extent of the problem or the potential impacts. Leaving the community "in the dark" for this period of time "put people at risk;" when DTSC did communicate with the community, the outreach was limited and many businesses and people in the community who should have been notified of activity were not contacted. One scheduled public meeting in 2014 was cancelled at the last minute because of meeting location limitations; all these dynamics raised issues of trust, transparency and competency of DTSC.

Comments specific to the Richmond focus group:

- o. The CAG used to have much more participation but people became discouraged. Many felt their input was "discouraged or blown off." Many people of color stopped participating. Others have stopped participating because they perceived a lack of respect from DTSC. The first three to four years, DTSC conducted a lot of outreach and would post notices to the public. When the public participation specialist left, however, those practices ended. Emails used to go to about 50 people, now about 20. No comprehensive clean-up has been developed, and the surrounding community was told by DTSC it was too expensive. The community has had to be vocal to make sure background information on the site is known. There was once a uranium operation on the site but this was not included in any report about the site provided to the public. Public input is then extremely important and should be given more attention.

A large majority of focus group participants conveyed their belief that improved participation is extremely important. Tied to that observation, however, is the sense that DTSC needs to become more responsive to public input, in both its decision making and in response to requests and information provided by community members. Otherwise, public engagement efforts are perceived as disingenuous, or even manipulative.

## C. STAKEHOLDER FEEDBACK ON IDENTIFIED IMMEDIATE/NEAR TERM POTENTIAL ACTIONS

### 1. Ensure Early Outreach

- a. It is essential to get started early and in a positive way with communities; the timing and approaches to the first interaction with local communities is critical and sets the tone for the future.
- b. Public meetings are often planned and conducted by DTSC without adequate input from communities about their concerns – to address this, DTSC should approach city or county officials early in the process to understand which groups might have an interest, and then ask those groups who else might have an interest as a means to ensuring all interested parties are contacted.
- c. Building on the list of interested parties identified, DTSC should work closely with local organizations/leaders to help organize meetings sponsored by DTSC early in the process.
- d. “It would feel more like DSTC is trying to be collaborative” if staff would help with meeting logistics, provide needed information and be responsive to community concerns.
- e. “It would be nice for DTSC to meet community members in more of an “open house” format” so DTSC could learn about the community and vice versa.
- f. The general public doesn’t get the connection between toxics & DTSC involvement so the role and responsibilities of DTSC need to be made clear.
- g. If there is not an environmental justice organization in the community, identify the closest environmental justice organization to see if they have connections to the community or can provide insight on how to approach the community.
- h. Engage local *promotoras* or a *promotoras* network such as *Visión y compromiso* to help identify best ways to connect with communities.
- i. Utilize networks, resources and systems that are in place, and trusted (such as *promotoras*), rather than trying to “reinvent the wheel.”
- j. “Early involvement” needs to be defined; if an emergency situation arises, community engagement needs to be immediate with some kind of 911-type system in place established early in the process.

### 2. Ensure Public Participation Plans Are Established before Alternatives Are Developed

- a. The investigation of a problem should act as a trigger to initiate public participation, starting the process of developing a public participation plan.
- b. DTSC public participation specialists should be given respect for planning and budgeting the public engagement process for any given project.



### **3. Ensure Communities have Access to Relevant Information on which Decisions will be Made**

- a. Information and needed data seem to be kept “secretive,” which contributes to lack of trust in DTSC; new approaches are needed to make information more readily available, especially information on which decisions are made.
- b. DTSC needs additional resources to properly meet their responsibilities to the public, especially so communities do not have to “compete” against each other as to which is going to receive attention before the other.
- c. Ways and resources to speed-up site clean-ups are needed, as well as studies on orphan sites.
- d. DTSC is often too “guarded” and not transparent with information, using terminology which is not understood by the public and “buries” information which makes it hard to find.
- e. GPS should be used more effectively to help visualize information.
- f. Language issues need to be addressed so information is accessible to all.
- g. Hearing that “Files have been shipped to Sacramento” is not acceptable when the public is seeking information relevant to the decision making process.
- h. More robust public health information is needed in many cases; door-to-door canvassing is often necessary to identify the range of maladies and illnesses affecting a community, and to correlate those with causes as much as possible.
- i. Public health baseline data are needed to better evaluate the potential impacts of new sources of toxic materials.

### **4. Enhance Public Participation in the Permitting Process**

- a. Currently it seems like public input has no impact and is pointless.
- b. Would like to see two-year permit renewal periods rather than 10 and if violations occur it should trigger specific action, including not renewing their permit under certain conditions; if not complaints or problems, then the two-year renewal occurs.
- c. The first workshop should review the community assessment for completeness and accuracy.
- d. At the first introductory meeting, provide a history of the company and the facilities it operates in other locations.
- e. Should have an Emergency Response Plan ready at the inception of the project for typical problems potentially encountered.
- f. At the first meeting DTSC needs to explain who they are, what they do, their mission – and what they are or are not responsible for; and if DTSC is not responsible who is.
- g. Environmental justice enhancements should be reported on at each meeting.

## 5. Develop Community-Tailored Approaches to Communication, and Clear and Transparent Policies for Ongoing Communication

- a. Outreach and communication efforts should be community-wide.
- b. To achieve community-tailored approaches, DTSC should reach out to groups such as neighborhood associations, schools, PTAs/PTOs, local radio/TV/newspaper (including community newspapers that operate without subscriptions), advocacy groups, local business organizations, etc. to determine the ways people receive and respond to information most effectively.
- c. A through communication plan should be incorporated into the public participation plans established early in the process of DTSC involvement.
- d. More two-way communication opportunities are needed.
- e. Need to move beyond the sense of being “tolerated” to actually listened to and responsive.
- f. Would like to see monthly reports on activities at sites, with sufficient specifics to know what is actually happening.
- g. Cannot assume internet availability or capability.
- h. Need to explain context for studies, with information on the issues people care about, such as public health concerns, risks.
- i. Need to provide definitions of technical terms or jargon.
- j. How a meeting is described makes all the difference; if the meeting is going to address risk, public health, environmental concerns, etc. that should be clearly reflected in the title and description of the meeting.
- k. A 911-like system should be put in place for situations in which the community needs to be aware of an immediate concern, but could also be used for other communications with who to call for more information.
- l. For an immediate alert system, it should be determined what percentage of population should be involved, and efforts should be made to ensure a certain minimum percentage of people remain involved.
- m. Identify where communities are using Facebook and blogs effectively as another means of effective communication.
- n. Explore using phone-based surveys to poll people about their knowledge of issues, concerns, effectiveness of outreach, etc.
- o. Identify existing ways of communication within communities and put resources into developing those further to accomplish objectives; for example, some communities have a Call 211 – information and referral service – with phone specialists to provide screening and information; this could work as a “reverse mechanism” for sending out notices; this is not used a lot but could be potential utilized; also could contract to do PSAs through this vehicle – comes from a local number which is positive; schools also have similar systems, as does the IVAN network.

## **6. Continue and Enhance Support for Community Reporting Platforms**

- a. In the past have asked for comment letters to be posted on EnviroStor but was told no; rather would like to see comment letters posted so CAGs could learn from one another.
- b. Credible outside consultants have submitted letters/comments but they were also rejected.
- c. Comment letters are typically very detailed and specific but if that point of view is “not allowed” then potentially important information never becomes part of the record; this policy needs to change.
- d. Would also like to see responses to comments on EnviroStor as well.
- e. IVAN is extremely important and should be supported.
- f. Documents which should be uploaded often cannot be found, and when inquiries are made community members have been told documents being sought don’t exist when the community knows such documents do exist; this relates as well to Action #3 concerning the availability of data or information on which decisions will be made.
- g. Need to list categories of information so people know where to go – should also include references to other department’s reports and documents.
- h. Documents need to be uploaded during the course of the project – not just after a decision has been made.
- i. If something like the Amber alert system is used it could trigger IVAN as well which can then become involved to support efforts.

## **7. Develop and Convene Community Trainings and Workshops**

- a. When going into a community DTSC should begin with a “listening session” to hear from the community about their concerns; an opportunity to “vent” concerns and frustrations is important as well as understand what DTSC does/is going to do.
- b. Recognize that there is both an art and science to providing information in a way that can be understood, yet encourage in-depth discussion.
- c. Workshops should be community not department-driven.
- d. Workshops need to be opportunities for two-way communication, but just DTSC providing information without an opportunity for public input.
- e. Needs community sponsors and partners — but should not put it on their backs to organize.
- f. “User friendly” presentations are essential; many technical presentations are ineffective because they are not presented in a manner that demonstrates relevance.
- g. Presentations should also not be paternalistic; straightforward without being demeaning (such as treating the public like fifth graders).
- h. Want people to be able to understand/connect; this takes planning and effort on DTSC’s part, especially on issues with which most people are unfamiliar.
- i. DTSC should work with community organizations to ask what workshops/training would be valuable; then they can really be useful.
- j. DTSC should also seek community input on format, location, time and overall design.

- k. Such forums can give recognition to a problem; they should be “learn and teach” oriented, where both DTSC and the community can learn.
- l. DTSC should send PowerPoint and other presentation materials to the community “co-sponsors” ahead of time for input and feedback.
- m. Providing child care, food and other incentives (e.g. a gift card) can help ensure active participation from community members.
- n. DTSC needs to support training local community members to be trainers, observers, inspectors and potentially other roles – this should involve certifying community members in various areas of expertise.
- o. Workshops need to provide technical training to community members on topics such as sources of heavy metals/toxics, landfills and what linings are required, emission controls and what is allowed, hazardous wastes and how to identify/verify potential violations – basically more detail on facilities and sites being operated; this will lead to more informed public input as well as on-the-ground involvement.
- p. Should be sure students involved as well.
- q. Need to empower people on the ground – if not it is not environmental justice.

## **8. Develop a *Citizen’s Guide* to Working with DTSC**

- a. The guide should include protocols with timelines for how projects should proceed.
- b. It should identify key policies and best practices governing public engagement and decision making.
- c. DTSC needs to be accountable to what is in the guide.
- d. It should address how citizens can be involved.
- e. The guide should identify related forms of oversight such as RCRA [Resource Conservation and Recovery Act].
- f. Should provide a description of various agencies who DTSC interacts with and who is responsible for what; should address the “disjointedness” between agencies.
- g. Should contain links for who should be contacted within DTSC for various kinds of inquiries.
- h. It is important to identify the mission, roles, responsibilities and organizational structure, etc. to better navigate the department – but a tutorial for DTSC on how to work with communities is also needed.

## **9. Create an Office of Public Participation and Environmental Justice**

- a. Public engagement and environmental justice should be more integrated within DTSC.
- b. This would help break people out of silos and encourage closer working relationships on projects, especially those with environmental justice communities.

## 10. Revise the Composition of Community Advisory Groups (CAG)

- a. DTSC currently doesn't seem to publicize that communities can establish a CAG.
- b. DTSC needs to let community members know they can establish a CAG, and how to go about it.
- c. The definition of "community member" needs to be clear.
- d. Perhaps a specific number of slots for different categories of representatives is needed.
- e. Criteria for participation should be identified.

## 11. Best Practices Related to Other Potential Actions

- a. Funding should be allocated for facilitation, data availability and interpretation, logistics and other support to ensure adequate public participation at meetings.
- b. Information provided by DTSC at meetings should not just be "read" but explained in a way so that the relevance of the information is understood by the public.
- c. "DTSC has stated publicly it is afraid to speak openly due to fear of being sued – this is very off-putting to the public."
- d. Need feedback on conveyance of information to responsible parties so there is some sense of whether comments and information have been received.
- e. It is important to get young people in the community involved so they have an understanding of what is going on in their community and how it impacts them.
- f. Most people have not seen an environmental report in underserved communities – so greater education is needed on how to understand these reports.
- g. Funds need to be allocated to make sure the public can get involved – if it is expected for people to be effectively involved – and for technical review/independent studies
- h. Make information available in Spanish.
- i. DTSC treats every clean-up site differently; there should be a more consistent process/approach/procedures.
- j. The way information is presented is critical – at the correct level and making the connection to why it is important, why people should care.
- k. The timing of events is critical – need to look at a local event calendar and also consider seasonal and other impacts on work schedules.
- l. If a community is going to be surveyed, allow sufficient time for collecting the information and make sure all impacted populations participate.
- m. "Community representatives" should include residents, local businesses, workers and everyone connected to the community on a regular basis.
- n. Set realistic expectations and boundaries on commitments and public statements – don't overstate what is realistic/possible; otherwise, breaks down trust when promises can't be met.
- o. Use of elevated platforms and podiums sends the wrong message to the community about an openness to meaningful dialogue.
- p. Risk communication training of DTSC staff should be required, not voluntary.

- q. There is big difference between dealing with a community for the first time and dealing with a community on an ongoing basis.
- r. Rely more heavily on the community to identify historic practices associated with facilities which may have been overlooked but which have significant consequences.
- s. DTSC staff need to develop cultural competency.
- t. When the involvement of other agencies is needed, establish a multi-agency committee with a community member co-chair to ensure the needs of the community are understood and addressed.

## **12. Community Checklist to Determine Level of Community Involvement**

- a. Is it an earthquake zone, and what is the assessment of vulnerability?
- b. Provide in general terms a summary of the potential scope of impact of the project.
- c. Add Landfills to the list of other facilities.
- d. What other agencies have issued facility permits in the area, and for what type of facilities?
- e. What is the level of pre-existing health conditions in the community?
- f. Should conduct an analysis of all permitted facilities (by DTSC and other agencies), including all complaints, violations and lawsuits.

## **13. Environmental Justice Enhance Review of Health Concerns**

- a. Who is going to fill-out the community checklist/survey - DTSC should engage community members in this activity?
- b. What is the risk-based knowledge of the situation; e.g. what are the potential impacts of certain contaminants and are certain groups more vulnerable?
- c. How many people will potentially be impacted and who [are they]?
- d. How are dollar values placed on risks to community health?
- e. What is the added risk to existing community health issues; e.g. Valley Fever or other local, background risks?
- f. Look at existing community impacts, including from legal/nontoxic activities/facilities as well.
- g. What are the potential impacts of long-term exposure associated with the project?
- h. Breakdown questions of proximity to: adjacent, ¼ mile, ½ mile, 1 mile, and >1 mile.
- i. Add synergistic and antagonistic effects to cumulative effects.
- j. Health concerns and profiles should include respiratory, blood, neurological and physiological conditions.
- k. Where are transportation corridors for children or others on bikes or walking in relation to facilities?

#### **14. Enhancing Support for Local Resources to Assist DTSC (Augments Ideas Related to Training)**

- a. Need to develop community-based educators, with ties to local events such as Earth Day and school events, and to other community organizations to broaden public engagement; funds are needed for training and support.
- b. Community resources should be identified early in the process as well as opportunities for community education/educators.
- c. Funds are needed for community education generally.
- d. Look at education programs and do public outreach through school-based programs – creating an understanding of how hazardous facilities relate to everyday life.

#### **15. Summary of Online Survey**

An online survey was also developed to provide another means for feedback during the second phase of the public review and input process. The online survey provided direct feedback on the *Potential Actions Report*, as well as an opportunity to provide additional ideas on ways for DTSC to enhance its public engagement processes. Of the 45 external stakeholders that completed the survey, 80 percent said they believe efforts to improve DTSC’s public engagement are important or very important, validating the effort by DTSC to enhance and modernize its public engagement practices.

Responses to identifying the “top five” most important actions were spread relatively evenly across the original 27 potential actions identified, with a few exceptions. Most notably, nearly half of all respondents identified the following two actions among their “top five:”

- Ensure early outreach to impacted communities. (47%)
- Establish a system of transparency and accountability similar to that at other state agencies. (42%)

One-third of respondents identified the following among their “top five:”

- Ensure communities have access to relevant decision-making information. (33%)
- Develop and implement clear and transparent policies for ongoing communications throughout the course of a project. (33%)

The survey findings align with the results of the focus groups and many of the individual comments as well, leading to their identification as key areas for recommendations. Many of the ideas offered but not incorporated into the 17 suggested actions still have merit and should be considered in the overall implementation strategies developed to improve DTSC public engagement programs.

## 16. Summary of Individual Comments

Numerous comments were offered by respondents to the online survey, in emails sent to DTSC or the Collaboration Center, and in individual interviews. The following provides an overview of the specific ideas for improvements providers. These are transcribed with little or no editing. Most are directly related to the recommendations offered, and provide additional ideas and detail for implementing them.

- a. Public participation practices need to be revamped to ensure civil rights are upheld and the appropriate atmosphere is established for meaningful public input that makes a difference in the decision-making process.
- b. Develop a mobile platform (an iPhone/Android app) for reporting to DTSC; further develop and expand online and social media presence to reach a wider audience (hire a social media studies/communications intern in order to better expand the DTSC's image); engage with community keystones for a volunteer base--> outreach with community colleges, colleges, universities, and churches to launch citizen surveys and crowd source data gathering through joint ventures.
- c. It's critical for any and all projects to have community buy in for projects to move forward. Plus, there needs to be communication with the locals (planning departments/Unified Programs/etc.) to show a unified approach when providing comment on projects that may have impact to surrounding communities.
- d. Provide professional moderation of meetings that is independent and for the purpose of improving the understanding of the affected public; put questions by the public at a higher level of importance than the moderators need to talk about themselves; this isn't about them, it's about the people affected; make meetings IN THE EVENING, and childcare area so parents can both attend and one be with the kid and be able to watch the hearing inside. Especially sites like Exide when the primary goal is finding vulnerable children -- with 10,000 homes being looked at, there should be more than 80 people showing up at a meeting; public outreach means reaching the people, not be notices to the group protecting the polluters; provide a Wi-Fi hot zone [they are portable] and links should be shown on screens around the room so that people can find the documents while they are there, on their phones/devices.
- e. There is not a one size fits all approach to public outreach and for sites where no one is interested, or there is no nearby community, public outreach is not always necessary; however, for sites where people are interested DTSC needs to spend TIME in the community getting to know people and developing relationships and trust; also, the science is very complicated so communities often need to be educated; finally 10 to the minus 6 means little to the average person - DTSC needs to use culturally relevant outreach techniques and as an agency that is to serve people needs to quit hiding behind science and if you feel a site has been cleaned up in a manner that is protective of public health and the environment then say it is safe!



- f. Most stakeholders, especially in low-income communities, don't know the impact adding a new facility will do; DTSC should present what is already on the community, the chemicals the facility will bring and the potential health effects those chemicals will bring.
- g. Start holding public meetings that are available via webcast to maximize the number of people who can attend, and make sure multiple meetings are held at different times of the day to fit everyone's work schedule.
- h. I suppose the guiding principle you should have is complete transparency in all your actions as an agency. The second would be staying true to your primary mission to protect the public health regardless of economic impact on offenders. The third would be to provide resources and funding to local non-profits engaged in community advocacy and education around environmental and social justice.
- i. DTSC needs modern multilingual outreach methods designed to reach communities most affected by pollution.
- j. Expansion and continuous annual funding of community-based monitoring like IVAN and LACEEN.org [Los Angeles Community Environmental Enforcement Network].
- k. Funding of test instruments for community based monitoring; due to high cost of some instruments they can be phased in regionally.
- l. Create public friendly status reports for toxic sites near EJ Communities. Public wants to know phase out, removal and remediation deadlines; no community wants a toxic site in their backyard forever.
- m. DTSC must create a regulation and/or sponsor legislation prohibiting the creation of hazardous waste or products. Everything must be safe, recyclable or biodegradable.
- n. DTSC must conduct classes for all new elected officials, hired staff and appointed officials/commissioners at the city, county, regional, state and federal levels. 99% have no experience on hazmat sites and stuff.
- o. Use news media, and/or contact lists, to inform communities of problems; and to supply information relevant to proposed meetings to discuss actions/solutions.
- p. Having community outreach thru PSA informing communities of workshops and public input, posting in targeted areas such as public bulletin boards, schools, town water departments, etc.
- q. Residents need an easy way to reach DTSC representatives. It's frustrating to call the hotline and hear an answering machine.
- r. Provide more guidance to regulated community on expectations needed in permit applications.
- s. When the public wants to research a toxic site they have the right to know every toxic and hazardous material not the top 5 or 6; each toxic item must describe in detail the public health and safety danger, short term, long term, physiological, neurological and socio-economic impacts; DTSC website should include public health research, reports, surveys and abstracts and updated quarterly.

- t. Public Participation Manual should include placing notices in local newspaper and media; LA Times may be a paper of general circulation but is not free so it is not in the top 3 read newspapers in an EJ Community; DTSC should write news articles and Op Eds for small local newspapers and media; small media resources publish for free.
- u. DTSC must also create a High School Education & Outreach Program where staff and organizations can go to local schools and conduct power point presentations.
- v. DTSC Notices need to be public friendly. There are no photos of community residents, children, danger signs etc. so the public pay attention.
- w. Changing the culture requires better communication of the most important priorities and more communication between regions and headquarters.
- x. Community Advisory Groups MUST be revised; otherwise, they should be removed and the department should take a leadership role in each project as lead department; allowing the polluters to lead the dialogue results in misinformation and downplaying of toxins that the department is supposed to be protecting the public from; ensure any CAG [Community Advisory Group] or CAB [Community Advisory Board] actually includes residents of affected communities who are not aligned with potential offenders or those whose monetary interest is even tangentially associated with DTSC's role; community members should receive a stipend to support their continuous participation. Industry stakeholders are paid to participate by their company of trade group.
- y. A matrix needs to be created that establishes budgets for public participation based on public health danger level, number of toxics chemicals, size of the toxic site and length of time site will be there; pursue additional funding from the Responsible Parties.
- z. DTSC should have RFP [Request for Proposal] for Community Based Research that is relevant to their community; some things are relatively simple such as creating a Public Health Bibliography for a specific concern; DTSC can fund Health Impact Assessments; many Community Organization already have universities partners.
- aa. Information should be distilled and presented in quarterly/annual reports (preferably using the CSR [Compressed Row Storage] formatting that companies use to break down complex ideas into manageable forms); info-graphics, charts, graphs, 30 second goal "snaps" with available appendices with more complex breakdowns.
- bb. Make an interactive training module online that anyone can have access to.
- cc. If multiple agencies are involved, then they should ALL be there (at public meetings) and explain their roles.
- dd. I look forward to seeing DTSC's improvements as this moves forward. Hopefully sooner, rather than later because we can no longer accept the status quo on these projects where the people are not given adequate information to defend their communities against these giant polluters that seem to have DTSC's back. That is the first thing that needs to change -- the tight relationship between polluter and regulator. It's unhealthy.
- ee. DTSC should pay for third party monitors when requested by communities and for high profile sites. Win Win!

## APPENDIX C.

### TOOLS FOR ENHANCING ELECTRONIC COMMUNICATIONS

The following electronic tools have been identified as potential means for modernizing the use of electronic media for engaging the public. This list was adapted from a prior publication by Caitlyn Horose of Community Matters ([www.communitymatters.org](http://www.communitymatters.org)). Community Matters is a program of the Orton Family Foundation, and works to equip cities and towns with the tools to empower people and improve decision-making.

A full understanding of the intended use of electronic tools is required before considering their application, building on a solid foundation of inter-personal community interaction and a strong grasp of community practices.

#### 1. Providing Input about Places via Mapping

These mapping tools enable participants to leave comments on maps, for example, suggesting bike-share locations or identifying community assets. They are typically set up by planners for use by community members.

- [Community Remarks](#) – map-based civic engagement tool for collaborative problem solving.
- [Crowdmap](#) – if you want to make a web map to tell a story, this is a tool for that.
- [Shareabouts](#) – choose a template (e.g. street safety, participatory budgeting) and have your map up and running, ready to collect public input, in minutes.
- [TellUs Toolkit](#) – a cloud-based decision support system to help you engage stakeholders in a range of location based problems.
- [Tidepools](#) – re-skinable custom apps, time-based maps, and data feeds. A collaborative, mobile mapping, and social hub.
- [Vivid Maps](#) – engage your community by providing a platform to map local assets, special places, or respond to place based surveys.

#### 2. Responding to Surveys and Providing Input in Other Ways

These tools provide a means for asking questions and receiving answers, and aim to reduce accessibility barriers which sometimes exist between planners/elected officials and residents.

- [All Our Ideas](#) – Wiki surveys + crowd-sourced data, backed by social data collection research.
- [Ask Them PPF](#) – a free & open-source website for questions and answers with public figures.
- [Cityzen](#) – facilitates social media and polling integration for your project.
- [Crowd Hall](#)- easily host interactive town halls with your audience.
- [mSurvey](#) – gather input and data from stakeholders through their cell phones.
- [Open Town Hall](#) – an online public comment platform for government.

- [Poll Everywhere](#) – ask your audiences questions and view the responses in real time.
- [Textizen](#) – send, receive, and analyze questions via text messages so you reach the people you serve, with the technology already in their pocket.

### 3. Setting Priorities and Budgets

These tools let participants identify their priorities in a planning process, and explore the implications for budgets. Typically set up by planners for use by community members.

- [Budget Simulator](#) – public consultation tool specifically focused on gathering insight about budgets.
- [CrowdGauge](#) – a framework to gauge the values, priorities, and preferences of the crowd with a game.
- [Citizen Budget](#) – online tool to involve residents in decision-making processes.
- [Wejit](#) – creates a page for collaboration and community building for any topic.

### 4. Navigating the Planning Process

These tools create a space for idea generation and meaningful discussion with community stakeholders. Use the feedback you collect to create potential actions which align with what the community wants.

- [Citizen Space](#) – organize and publish all your consultations easily.
- [Collabco](#) – collaborative wikis, open discussions, digital focus groups and more tools facilitate collaboration and communication with members of your community.
- [Community PlanIt](#) – play a game and simultaneously plan for your community in the process.
- [CoUrbanize](#) – a tool for developers to list projects and for residents to comment/leave feedback about these projects.
- [Crowdbrite](#) – a suite of tools for collaboration (e.g. online meetings), engagement (e.g. charrettes), and creation.
- [DialogueApp](#) – solve policy challenges with input from citizens.
- [EngagementHQ](#) – the complete community engagement toolkit.
- [EngagingPlans](#) – create websites for your planning projects, including a tool for discussions.
- [Granicus SpeakUp](#) – easy-to-use tools for citizen ideas and feedback.
- [MetroQuest](#) – educate the public about your project through a series of fun and visual screens (e.g. identifying and ranking priorities, rating scenarios/strategies, public comment).
- [MindMixer](#) – build better communities by involving people in the things they care about.
- [PlaceSpeak](#) – using geography, participants can find out about community consultations nearby and proponents can digitally connect and engage with people within specific boundaries.

- [Recovers](#) – Facilitates strategic, effective responses following local natural disasters.
- [Zilino](#) – host deliberative online forums and other types of well-designed, facilitated participatory processes.

## 5. Brainstorming Ideas to Reach Decisions

These tools help groups identify and develop ideas, and move them towards decisions.

- [Codigital](#) – a scalable, engaging way for large groups to generate and refine ideas.
- [e-deliberation](#) – convene multiple stakeholders to decide together on a common agenda for change.
- [Ethelo](#) – a dynamic, holistic framework for stakeholder engagement, conflict resolution, and collective determination.
- [Loomio](#) – free, open-source software for anyone, anywhere, to participate in decisions that affect them.
- [Neighborland](#) – a project ideation platform utilizing open-ended questions to catalyze public brainstorming.
- [Stickyworld](#) – a visual based forum platform.

## 6. Neighborhood Social Media

A Facebook-like discussion and updates tool, often private for neighbors to engage with each other; typically not specific to a planning project.

- [Civic Commons](#) – social media for stuff that matters. A place where people are sharing perspectives and working toward common solutions.
- [Front Porch Forum](#) – a private social forum for neighbors to connect.
- [i-Neighbors](#) – free community websites, email lists, and more.
- [NextDoor](#) – a private social network for your neighborhood.
- [Our Common Place](#) – use this platform to share and connect with others in your community.
- [Community Almanac](#) – a crowd-source wiki for people to share stories, local knowledge.
- [Neighborhow](#) – create how-to guides related to your community.

## APPENDIX D.

### CHECKLISTS TO ASSESS GENERAL IMPACTS AND POTENTIAL PUBLIC HEALTH/ENVIRONMENTAL JUSTICE IMPACTS FROM A SITE OR FACILITY

These checklists were developed with significant input from focus groups. They are intended to be part of developing Community Assessments and Public Participation Plans, and to be used in the early stages of the permitting process. They are also intended to be developed in concert with members of the community to ensure that local knowledge is incorporated into analyses, and to engage communities early on in any public participation process. All public engagement must be in full compliance with Title VI requirements.

#### Checklist A. Assessing General Community Impacts from a Facility

The following checklist is designed to help characterize the potential impacts from a facility, as well as the appropriate approach to and level of public participation:

1. Is this an application for a New Permit or an existing Permit Renewal?
2. Is the facility closed or active?
3. What is the type of facility?
  - a. Operating
  - b. Combustion
  - c. RCRA
  - d. Used Oil
  - e. Post-closure
4. What is the size of the facility?
5. What is the truck traffic in and out?
6. What are the current or anticipated levels of diesel emissions?
7. What volume of waste is generated/moved?
8. What type of waste does the facility handle and how hazardous is it?
9. What types of land uses are adjacent to or in proximity of the facility (e.g., urban, rural, residential or commercial)?
10. How close is the facility to school, hospital, daycare or other sensitive facilities?
11. How close is the facility to landfills, industrial, manufacturing or other similar facilities?
12. What is the prior history of the facility regarding adherence to permit conditions (enforcement issues, poor reputation)?
13. Is there any evidence of problems with performance of other facilities the owner operates?
14. Has the facility been identified as a potential concern by environmental justice organizations or other community groups?
15. What is the level of concern about the facility by local officials, environmental justice community members, local businesses, other stakeholders, and other agencies?
16. Is the facility in an earthquake zone, and what is the assessment of vulnerability?

17. What other agencies have issued facility permits in the area, and for what type of facilities?
18. What is the status of similar or other nearby facilities permitted by DTSC and other agencies, including all complaints, violations and lawsuits?

**Checklist B. Assessing Potential Public Health/Environmental Justice Impacts from a Facility**

As part of the permitting process in particular, DTSC will be conducting an enhanced Environmental Justice review to identify community health issues and concerns, and develop potential mitigation measures. Community members should be directly involved in providing and reviewing this background information. Primary community characteristics should be identified, using the following questions:

1. What are the key public health issues within the surrounding community? This should include respiratory, blood, neurological and physiological conditions?
2. What are the potential exposure pathways such as ground or surface waters, dust, odors or prevailing winds?
3. Are there other Hazardous Waste facilities within the general geographical area or which share exposure pathways?
4. How will new projects add to other existing community impacts, including from legal/nontoxic activities/facilities?
5. What are the potential cumulative impacts when considering other facilities in the area?
6. Along with cumulative impacts, what are potential synergistic or antagonistic effects?
7. What are the specific health concerns of the community related to this facility? Would you rate the concerns as low, moderate, or high?
8. Are you aware of data associated with the facilities operation, or other facilities in the area, that relate to the health concerns raised?
9. What background and/or existing community health issues exist, such as Valley Fever, high levels of asthma, etc.?
10. Has the community conveyed previous concerns about toxics or environmental issues in the area?
11. What are the risks associated with a facility; i.e. what are the potential impacts of certain contaminants and are certain groups more vulnerable?
12. What are the relationships between risks to community health and financial implications of the project?
13. Can you identify transportation corridors for children or others on bikes or on foot in relation to facilities?
14. How many people, and who specifically (elderly, children, etc.) will potentially be impacted?
15. How many people are in the following brackets of proximity: adjacent, ¼ mile, ½ mile, 1 mile, and >1 mile?
16. What are the potential impacts of long-term exposure associated with the project?

## APPENDIX E. LIST OF REVIEWED DOCUMENTS

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