

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY and GUIDANCE
PUBLIC INFORMATION PROGRAM**

BER POLICY # BER-RS-002

DATE: 1993

Revised: June 2010

PAGES: 7

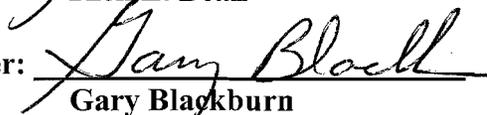
RS Section Chief:



Rick L. Bean

Date: 6-30-2010

Bureau Manager:



Gary Blackburn

Date: 6-30-2010

ORIGINATOR

Originator: Rachel Miller

Date: 1993

REVISIONS

Reviser: Robert Elder

Date of Revision: July 2010

Reviser: E. Jean Underwood

Date of Revision: May 2010

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY and GUIDANCE
BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY and GUIDANCE
PUBLIC INFORMATION PROGRAM**

**BER POLICY # BER-RS-002
DATE: 1993
Revised: May 2010
PAGES: 7**

PURPOSE

The purpose of the Kansas Department of Health and Environment-Bureau of Environmental Remediation (KDHE-BER) Public Information Program is to outline the mechanisms for informing and involving the public in activities and decisions throughout the “life-cycle” of those projects managed by the various programs within the KDHE-BER Remedial Section. The involvement of the public is critically important to the success of our projects. For each project, a plan is to be prepared which provides a framework to promote two-way communication between KDHE and other stakeholders; encourage meaningful community involvement in project activities; and, solicit input on proposed cleanup strategies. Through the Public Information Program, KDHE-BER will be best able to ensure that residents are informed on a routine basis and provide opportunities for interested parties to be involved, at a minimum during the decision-making stage but also, as necessary, throughout the investigation and cleanup process.

BACKGROUND

In 1980 and 1986, respectively, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Superfund Amendments and Reauthorization Act (SARA). Although both sets of legislation contemplated the need for public involvement as part of the overall Superfund process, minimum requirements for community relation activities at Superfund Sites were later identified in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 CFR 300.430(c). These requirements must be followed for state-lead Superfund Sites or where NCP consistency is requested by the implementing party through preparation and implementation of a Community Involvement Plan (CIP).

This policy also establishes procedures for development and implementation of a Public Information Plan (PIP) for all other state-lead projects. A PIP is intended to be more condensed/streamlined compared to a CIP. Whether conducted under the framework of a CIP or PIP, the overall goal is to develop and utilize a standardized approach to encourage public participation, in particular during the decision-making stage of the process. Minimally a PIP, or possibly a CIP if directed by program management, must be prepared and implemented for each project. KDHE-BER shall take the lead and responsibility in all cases to ensure PIP or CIP requirements are fully satisfied in cooperation with the implementing party.

COMMUNITY INVOLVEMENT PLAN DEVELOPMENT

For state-lead Superfund Sites or where NCP consistency is requested by the implementing party, the KDHE-BER project manager, or designee, must develop a CIP in the early stages of the project designed to keep the general public engaged, informed and involved throughout the process. The CIP must be developed consistent with available U.S. Environmental Protection Agency (EPA) guidance such as the *Superfund Community Involvement Handbook* (EPA 540-K-05-003; April 2005). Other useful community involvement resources and tools are available at <http://www.epa.gov/superfund/community>.

At a minimum, the CIP must contemplate community involvement activities from the investigation-phase, through the cleanup or remedy decision process, and during remedy implementation. The CIP should be robust enough to facilitate community involvement activities as part of any interim measure implementation. Although the goal is a fully comprehensive CIP that will be followed from start to finish, the CIP may be revised if determined necessary after consultation with program management.

Before initiating preparation of a project-specific CIP, the KDHE-BER project manager must obtain a current example from program management to serve as a model. The CIP must be tailored to best serve the community and project-specific needs. All CIPs must be routed for concurrence through the Unit Chief, Section Chief, Bureau Director and Director of the Office of Communications.

PUBLIC INFORMATION PLAN DEVELOPMENT

For all other projects managed within the KDHE-BER Remedial Section, a PIP must be developed and followed. Please refer to Attachment A of this policy for a relevant PIP example that is both comprehensive and streamlined. Each PIP will need to be project-specific, while reflecting program-specific nomenclature, and ensure consistency with any applicable statutes or regulations which govern public notification and participation within certain Remedial Section programs. The EPA handbook referenced above, as well as other community involvement resources available at <http://www.epa.gov/superfund/community>, should be consulted as necessary during PIP implementation.

If during the “life-cycle” of any project increased public/stakeholder interest is evident, the KDHE-BER project manager, in consultation with program management, may decide to prepare a CIP in lieu of a PIP. Also, note that where PIPs have previously been prepared and are part of the Administrative Record file for a given project, it is not intended that those PIPs be redone to accommodate this policy revision. However, if the PIP is out-of-date to such a degree to be of significant detriment to the community involvement process, the KDHE-BER project manager may consider revising the PIP after consulting with program management. PIPs may be reviewed by program management before inclusion in the Administrative Record file, but do not need to be routed for concurrence unless specifically requested otherwise.

GENERAL PROCEDURES

Consistent with the KDHE *Communications Handbook* available on our intranet at http://kdhenet/communications/download/coms_handbook_10_05.pdf, all press releases and public notice announcements must be coordinated through the KDHE Office of Communications with ample time allowed for their review and input. After soliciting input from program management, the Office of Communications should be consulted regarding project-specific website development, fact sheet content and format, etc.

Notice requirements for the start and duration of public comment periods, or the need for a public meeting during the public comment period, is program specific and should be determined in consultation with program management and/or in accordance with program-specific statutes and regulations. For the State Cooperative Program, please refer to the KDHE-BER Policy No. BER-RS-009 entitled *State Cooperative Program Decision Document Development* for more detail regarding the duration of public comment periods which is dependent upon the type of decision document being issued. Also, public participation is described in the May 2005 *Voluntary Cleanup and Property Redevelopment Program Manual* available at <http://www.kdheks.gov/remedial/vcp>.

ATTACHMENT A
EXAMPLE PUBLIC INFORMATION PLAN

Public Information Plan
[Project Name] – [City, County], Kansas

1.0 Introduction

The purpose of this Public Information Plan (PIP) is to establish a framework for planning, scheduling and implementing community involvement activities for the [Project Name] in [City, County], Kansas, consistent with KDHE-BER Policy No. BER-RS-002 entitled *Public Information Program*. The Kansas Department of Health and Environment (KDHE) in cooperation with [Implementing Party Name] will be responsible for implementation of the PIP.

2.0 Background

The [Project Name] is located near the intersection of [Street Names] in [City], Kansas as shown on the attached figure. The [Project Name] was used for [Brief Description of Current and Historical Operations/Uses of Property]. Contamination at the Site was initially identified [How/When]. Subsequent investigations have identified [Contaminant Name or General Contaminant Categories] at concentrations above respective threshold levels. The Site is being addressed under [Type/Date of Order or Agreement] with the [Implementing Party Name] for completion of a [Process Type—Investigation and Remedial Alternative Evaluation (e.g., Comprehensive Investigation/Corrective Action Study (CI/CAS))] and to develop and implement the [Process Type—Remedial Plan/Design and Action (e.g., Corrective Action Plan/Corrective Action (CAP/CA))] for the Site.

3.0 Public Information Program Activities

A news release announcing initiation of [Acronym for Process Type—Investigation and Remedial Alternative Evaluation] activities may be published in the [Local/Regional Newspaper Name(s)]. An availability session may be scheduled by KDHE prior to the initiation of field activities to describe past investigations at the Site and to describe the technical activities planned during the [Acronym for Process Type—Investigation and Remedial Alternative Evaluation] process. A news release to announce the times, date, place and purpose of the meeting will be developed by KDHE. As determined necessary, KDHE may arrange for additional periodic availability sessions during [Acronym for Process Type—Investigation and Remedial Alternative Evaluation] and/or Interim Measure (IM) implementation to keep the public informed of ongoing site-related activities.

KDHE will be responsible for providing a notice of availability of the [Draft Corrective Action Decision (CAD) or Agency Decision Statement (ADS) or Voluntary Cleanup (VC) Plan] document and other supporting documentation that serves as the basis for the recommended corrective action. The notice, which announces the public comment period, will be published in the [Local/Regional Newspaper Name(s)]. The period allowed for oral and/or written public comment will be [#] days for a Draft [CAD or ADS or VC Plan]. During the public comment period, KDHE may conduct an availability session to discuss the Draft [CAD or ADS or VC Plan].

KDHE will prepare written responses to comments received during the public comment period as part of the Final [CAD or ADS or VC Plan]. The Final [CAD or ADS or VC Plan], as well as other supporting documentation, is available for public inspection pursuant to the Kansas Open Records Act. A notice of the availability of the Final [CAD or ADS or VC Plan] may be published in the [Local/Regional Newspaper Name(s)] and/or the *Kansas Register*.

A news release to announce the initiation of [Acronym for Process Type—Remedial Plan/Design and Action] activities may be published in the [Local/Regional Newspaper Name(s)]. As determined necessary, KDHE may arrange for additional availability sessions during [Acronym for Process Type—Remedial Plan/Design and Action] implementation to keep the public informed of ongoing site-related activities.

A news release to announce the successful remediation of the [Project Name] may be published in the [Local/Regional Newspaper Name(s)] upon [KDHE approval of the Reclassification Plan or issuance of a No Further Action Determination].

4.0 Public Information Program Schedule

The following is a tentative PIP schedule for the [Project Name]. Specifically, upon completion of the Draft [CAD or ADS or VC Plan], KDHE will publish a public notice of availability for this draft decision document and solicit oral and/or written comments during the public comment period. If an availability session is to be held during the public comment period, KDHE will make announcement of such in this same public notice. Through this process, the general public and other interested parties are given the requisite opportunity to provide input on the proposed corrective action strategy for the Site before the [CAD or ADS or VC Plan] is finalized. As described in Section 3.0, the need for any additional news release(s) or availability session(s) related to this Site will be determined by KDHE. Depending on the level of interest related to the Site, KDHE may also prepare a fact sheet(s) for dissemination or develop a project-specific web page.