

BUREAU OF ENVIRONMENTAL REMEDIATION
POLICY and GUIDANCE
PUBLIC INFORMATION PROGRAM

BER POLICY # BER-002
DATE: 1993
Revised: August 2020
PAGES: 7

Assessment and Restoration
Section Chief:



Joe Dom

Date: 8-28-2020

Remedial Section Chief:



Randy Carlson

Date: 8/28/2020

Redevelopment Section Chief:



Jorge Jacobs

Date: 9/8/2020

Bureau Manager:



Bob Jurgens

Date: 9/8/2020

ORIGINATOR

Originator: Rachel Miller

Date: 1993

REVISIONS

Reviser: Robert Elder

Date of Revision: July 2010

Reviser: E. Jean Underwood

Date of Revision: May 2010

Reviser: Daniel Newman & Alex Richards

Date of Revision: August 2020

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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 State Cooperative Program, Voluntary Cleanup and Property Redevelopment Program, Dry Cleaning/Superfund Program, and Orphan Sites Program within KDHE-BER. 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 during the decision-making stage and, 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 than 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, particularly during the decision-making stage of the process. A PIP, or 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 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 January 2016) <https://semsub.epa.gov/work/HQ/100000070.pdf>.

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 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 Office of Communications.

PUBLIC INFORMATION PLAN DEVELOPMENT

For all other projects managed within the KDHE-BER State Cooperative, Voluntary Cleanup and Property Redevelopment Programs, Dry Cleaning/Superfund Program, and Orphan Sites Program, a PIP must be developed and followed. Please refer to Attachment A for a PIP template. Each PIP shall be project-specific, reflect program-specific nomenclature, and ensure consistency with any applicable statutes or regulations which govern public notification and participation within each program. The EPA handbook referenced above, as well as other community involvement resources available at <https://www.epa.gov/superfund/superfund-community-involvement>, should be consulted as necessary during PIP implementation.

PIPs that are presently part of the Administrative Record file are not required to be rewritten to accommodate this policy revision; however, if a PIP is outdated and a 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. If increased public/stakeholder interest is evident during the lifecycle of any project, the KDHE-BER project manager, in consultation with program management, may decide to prepare a CIP in lieu of a PIP.

GENERAL PROCEDURES

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. BER has a social media team that can post project and program-specific content to Facebook. Project managers will obtain approval from their unit and section management prior to forwarding content for posting to the social media team. Project managers may also announce public meeting on the local city Facebook or web pages in lieu of or in conjunction with announcements in traditional newspaper outlets. Project managers may also hold virtual public meetings on the internet when extenuating circumstances, such as a health pandemic, preclude holding public meetings in person.

Notice requirements for the start and duration of public comment periods, or the need for a public meeting during the public comment period, may be 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* at <https://www.kdheks.gov/ber/policies.htm>. Public participation is also described in the June 2011 *Voluntary Cleanup and Property Redevelopment Program Manual* available at http://www.kdheks.gov/redevelopment/vcp/download/VCPRPManual_2020.pdf.

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-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 or State-lead Program] [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) or Remedial Investigation/Feasibility Study (RI/FS))] and to develop and implement the [Process Type—Remedial Plan/Design and Action (e.g., Corrective Action Plan/Corrective Action (CAP/CA) or Remedial Design/Remedial Action (RD/RA))] for the Site.

3.0 Public Information Program Activities

A news release announcing initiation of [Acronym for Process Type (RI/FS or CI/CAS or RD/RA or CAP/CA)] activities may be published in the [Local/Regional Newspaper Name(s) and/or Internet Site]. 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] 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] 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 or Proposed Plan (PP)] 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) and/or Internet site]. The period allowed for oral and/or written public comment will be [#] days for a Draft [CAD or ADS or VC Plan or PP]. During the public comment period, KDHE may conduct an availability session to discuss the Draft [CAD or ADS or VC Plan or PP].

KDHE will prepare written responses to comments received during the public comment period as part of the Final [CAD or ADS or VC Plan or Record of Decision (ROD)]. The Final [CAD or ADS or VC Plan or ROD], 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 or ROD] may be published in the [Local/Regional Newspaper Name(s) and/or Internet site] and/or the *Kansas Register*.

A news release to announce the initiation of [Acronym for Process Type] activities may be published in the [Local/Regional Newspaper Name(s) and/or internet site]. As determined necessary, KDHE may arrange for additional availability sessions during [Acronym for Process Type] 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) and/or Internet site] 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 or PP], 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 or ROD] 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.