

**CHAPTER 24. MODEL PROCEDURE FOR MEANINGFUL
PUBLIC PARTICIPATION—STATEMENT OF POLICY**

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Source

The provisions of this Chapter 24 adopted February 2, 1990, effective February 3, 1990, 20 Pa.B. 519, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 269a.155 (relating to public participation).

§ 24.1. Goals.

(a) *Primary goals.* A meaningful public participation process has three primary goals. These goals are as follows:

(1) *Credibility.* By creating a visible decisionmaking process to which all participants have access, public involvement provides a means of making both the decisionmaking process and the resulting decisions credible and acceptable to groups or individuals with highly divergent viewpoints.

(2) *Identifying public concerns and values.* Because various parties may have fundamentally different points of view, evaluate any proposed action from different perspectives. Public involvement provides a mechanism by which developers can understand the problems, issues and develop possible solutions before the permit application is submitted.

(3) *Developing a consensus.* Consensus must be formed on an issue-by-issue basis incorporating public concerns and values. Public involvement provides a process by which a consensus can evolve through specific agreed-upon actions.

(b) *Scenarios.* Two possible scenarios can be envisioned: either the developer announces its intent to search for a site for the purpose of providing a facility to manage hazardous wastes or announces its intent to apply for a permit on a specific site which has already been selected. Clearly, the chances of success would appear to be heightened if the former scenario were the one being considered.

§ 24.2. Responsibilities of the developer.

The responsibilities of the developer are as follows:

(1) Announce an intent to search for a site by publishing a notice in a display ad in two local newspapers of general circulation in the search areas of the sites once a week for 2 successive weeks and issue a press release. The intent is to provide maximum public exposure.

- (2) Define the search area—county, multicounty, region or State.
- (3) Form a working committee of at least 15 members to be constituted of substantially equivalent proportions of the following four groups: private citizens, representatives of public interest groups, public officials, representatives of organizations or groups who have a substantial interest in hazardous waste and an academic scientist. Make a public announcement of the formation of the committee.
- (4) Solicit committee members through contacts with the entities in subparagraphs (i)—(xiii). A developer may find that its committee may have more credibility if it affords the municipal officials, or other independent group, the opportunity to select members of the committee.
 - (i) Public interest groups.
 - (ii) Municipal/county officials.
 - (iii) Environmental groups.
 - (iv) Civic organizations.
 - (v) Business/industry organizations.
 - (vi) Labor organizations.
 - (vii) Trade organizations.
 - (viii) Consumer organizations.
 - (ix) Agricultural groups.
 - (x) Academic interests.
 - (xi) Health professions.
 - (xii) Waste generators.
 - (xiii) Waste transporters.
- (5) Structure the committee members so that at least half reside in or represent interests in the search area or near the locale of the specific site being considered.
- (6) Be willing to adopt a full disclosure posture, to have meaningful public participation by the committee. This means that pertinent information about the characteristics of the proposed sites and processes, except that information which would meet Department standards for confidentiality, will be made available. The developer should also be prepared to provide vital information relative to the financial and management integrity of the company.
- (7) Pay out-of-pocket expenses of committee members who request them and expenses of public communications approved by the committee. If the committee requires the services of an independent recorder, these expenses will also be borne by the developer.
- (8) Maintain a local docket, accessible to the public, containing all information discussed by the committee including committee meetings and any other information pertinent to the decisionmaking process, except proprietary or business confidential information.
- (9) Develop a mailing list, with the assistance of the committee, to provide information about committee meetings.

(10) If the committee decides to employ an independent consultant, negotiate a reasonable cost for that service to be paid by the developer. The consultant will assist the committee in the evaluation of alternate sites or technologies, or both, for the hazardous waste facility or in other areas, such as the public involvement process.

§ 24.3. Committee responsibilities.

As a functioning committee, the following guidelines will prevail:

- (1) Committee meetings will be open to the public and subject to public notice.
- (2) The committee will decide the time and place of the meetings, elect a chairperson and develop the meeting agenda in consultation with the developer.
- (3) When the committee is considering the merits of a site search, the committee may recommend additional members to the developer to represent host communities as the search for a site narrows.
- (4) The committee will communicate regularly with the public through public announcements and a mailing list, and the expenses of this communication will be paid by the developer.

§ 24.4. Process.

- (a) The developer will do the following:
 - (1) Identify the search area or specific sites to the committee. For the purpose of blind evaluation, sites may be identified solely by characteristics rather than by name or specific location.
 - (2) Describe the process by which those search areas or sites were selected, including proposals to mitigate concerns relative to Phase II of the siting criteria.
 - (3) Describe the proposed technologies or alternative technologies, or both.
- (b) The committee will, at a minimum, do the following:
 - (1) Review and comment on the site selection process and the suitability of alternative sites in regard to the siting criteria.
 - (2) Review and comment on proposed mitigation measures to accommodate Phase II of the siting criteria.
 - (3) Review and comment on the proposed alternative technologies.
 - (4) Review and comment on the qualifications of the developer.
 - (5) Review and comment on the developer's proposal in terms of its conformance with Pennsylvania's Hazardous Waste Facilities Plan.
 - (6) Recommend and evaluate both appropriate incentives and cooperative agreements to meet local concerns.
 - (7) Review and comment on other relevant matters.
- (c) The developer, following committee deliberations, will do the following:
 - (1) Review with the committee the results of its review and comments, including modifications and mitigating measures.

- (2) Select the site and technology for the proposed facility.
- (3) Announce and publicize the selections.
- (d) The committee, augmented by local representatives from the host county and municipality for the selected sites, then reviews and comments on the conformance of the actual selections relative to the deliberations of the committee in reviewing the sites and alternate technologies.
- (e) The developer will then provide the following:
 - (1) Full public documentation of the site selection process, including an executive summary, to be made available in a local public building. The documents will include preliminary, broad-based assessments of the socio-economic and other aspects of the proposed facility.
 - (2) At least 45 days for public review and written comment to the committee.
- (f) The committee will then do the following:
 - (1) Receive the public comments and review them with the developer.
 - (2) After reviewing public comments, make appropriate additional recommendations regarding the site and technology selected, modification and mitigation measures or the selection process.
- (g) The developer will then do the following:
 - (1) Submit its permit application.
 - (2) Begin the public participation review process associated with the permit application process.

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