

# **Tips for Preparing a Public Participation Plan Pursuant to the New York State Department of Environmental Conservation Commissioner Policy-29, Environmental Justice and Permitting**

Issued: December 4, 2003

Revised: February 1, 2006

The New York State Department of Environmental Conservation (DEC) issued *Commissioner Policy-29 Environmental Justice and Permitting* (CP-29), to address environmental justice concerns and ensure community participation in the DEC environmental permit review process. Among other things, CP-29 amends the DEC environmental permit review process by identifying potential environmental justice areas and establishing requirements for proposed projects affecting those communities.

CP-29 Section V.D. requires applicants for permits covered by CP-29 to actively seek public participation throughout the environmental permit review process. Public participation in the DEC environmental permit review process means a program of activities that provides opportunities for stakeholders to be informed about and involved in the review of a proposed action. Public participation, including open and effective dialogue with stakeholders, can build relationships, provide a forum to address concerns, and help develop and promote actions that minimize impacts on the surrounding community and the environment as a whole.

Specifically, CP-29 states that where a potential environmental justice area is identified by the preliminary screen, the applicant shall submit a written Public Participation Plan (plan) as part of its complete application. At a minimum, the plan must demonstrate that the applicant will:

- Identify stakeholders to the proposed action;
- Distribute and post written information on the proposed action and the environmental permit review process;
- Hold a public information meeting or meetings to keep the public informed about the proposed action and the permit review process;
- Establish an easily accessible document repository or repositories in or near the potential environmental justice area;
- Provide a report or reports which summarize all progress to-date in implementing the plan, all substantive concerns raised to-date, all resolved and outstanding issues, the components of the plan yet to be implemented and an expected time line for completion of the plan; and
- Upon completion of the plan, submit written certification that the applicant has complied with the plan and submit a final report detailing the activities that occurred pursuant to the plan.

**Please Note:** The DEC's Office of Environmental Justice is available to consult on Public Participation Plans. DEC Staff and the public may contact the office at; (518) 402-8556, [ej@gw.dec.state.ny.us](mailto:ej@gw.dec.state.ny.us) or toll free (within NYS) at 1-866-229-0497.

The following tips are intended to assist project sponsors in complying with the plan requirements as they apply to DEC permits subject to CP-29.

### **Permit Applicant/Project Sponsors**

- Should consult with the assigned DEC Project Manager in the Division of Environmental Permits for project-specific guidance when developing a Public Participation Plan. The DEC Project Manager is encouraged to consult with the Regional Citizen Participation Specialist and the Office of Environmental Justice.
- Will develop a plan that informs, encourages dialogue and solicits input from all stakeholders involved. Attention should be paid to public participation efforts in potential environmental justice areas, since these minority and low-income populations have been historically absent from the public participation process. For more information about potential environmental justice areas, please refer to CP-29 or consult with the Division of Environmental Permits analyst handling the application.
- Will develop a plan that includes: the identification of stakeholders; the distribution of written information about the proposed project and the permit review process; informational meeting(s) to inform the public of the proposed action, the permit review process, and the opportunities for public input; and the designation of a document repository or repositories. This plan must be submitted as part of the complete application and will be made available to the public.
- Are encouraged to develop and implement the plan or portions of it, prior to submission of the permit application.
- Are encouraged to develop the plan with input from the suggested groups/sources listed later in this document under the Identify Stakeholders and create a Contact List section.
- Will submit a progress report or periodic progress reports to the lead agency and DEC detailing: the current status of the plan's implementation; all substantive concerns raised to date; all resolved and outstanding issues; the components of the plan yet to be implemented, and an expected time line for completion of the plan. The plan and reports should be detailed and include among other things: copies of written information such as newspaper notices, flyers, and meeting invitations; methods used to engage the public and solicit outreach; a detailed description of issues; a detailed description of how the issues will be addressed; the time and date of public meetings; and the names of meeting attendees. The progress reports will become part of the application and will be made available to the public.
- Will submit a final progress report when the plan has been completed and will certify in writing that the applicant has complied with the plan. The certification will become part of the application and will be made available to the public.

## **Identify Stakeholders and Create a Contact List**

- Assemble a primary contact list consisting of the names, addresses, telephone numbers and e-mail addresses of individuals and organizations with a direct stake in the proposed action by reaching out to:
  - residents/neighborhood groups who are near or adjacent to the proposed project and that will be or potentially will be affected by the operation;
  - community boards, community leaders, local community, civic and recreational organizations, environmental and business groups. Ask these entities for their contact lists and other local resources to help identify stakeholders;
  - people who have expressed an interest in the proposed project by attending public meetings, writing or calling;
  - people who have expressed an interest in similar projects or in projects affecting the same neighborhood or community;
  - neighborhood religious establishments; and
  - elected officials who live in and/or represent the community of concern.
- Along with the primary contact list of actual stakeholders (above), a secondary contact list is recommended for those with overall project interests, such as:
  - elected officials who represent the greater municipal and state legislative areas (mayor, town supervisor, State Assembly or Senate member);
  - appropriate federal, state and local government personnel;
  - municipal clerks and public works department staff. Ask these entities for their sewer or water system user lists, municipal telephone directories, tax rolls and tax maps; and
  - local media.
- The contact list should be developed early in the application process and updated regularly to include new stakeholders.

## **Written Information**

- Should be used to present factual information, outline options, answer questions and invite stakeholders to participate in a meeting.
- Should be clear, concise, free of legal terminology, and tailored to the intended audience. When tailoring material for a general audience, keep in mind that many daily newspapers are written on a sixth-grade level.
- Should be provided in the English language and translated for the non-English speaking stakeholders.
- Should be distributed with important points highlighted.
- Should let the reader know where they can obtain further detailed information (i.e. website, repository location, DEC staff contact information).
- The following formats can be used to present written information: fact sheet; poster; responsiveness summary; invitation; flyer in a local newspaper, church bulletin, bulletin boards, community newsletter, or mailing; posting a billboard notice on the proposed site; newspaper advertisement or other.
- Suggestions to consider when preparing written material for distribution:
  - The material should be easily noticed by the public. Consider colorful, eye catching or bold text;
  - offer a wide distribution to various sources, such as local forums, public meetings, or a local radio station;
  - post information at highly visible points in the community (i.e. billboards or other signs where stakeholders are likely to see the information);
  - directly mail post cards, flyers or fact sheets to stakeholders on the contact list; and
  - distribute information door-to-door. This will enable the project sponsor to discuss the project with community residents.

## **Public Information Meetings**

- Should:
  - be scheduled after consulting with community leaders, local organizations, municipal and school officials, and other stakeholders in setting a meeting date. Meetings should be scheduled to avoid important meetings or events that are regularly held or already scheduled within the community;
  - be held at a time when working people can attend, and
  - not conflict with national or religious holidays or locally important observances.
  
- Should be held in a location that is familiar to residents (i.e. municipal hall, school, fire station or library), is easily accessible to people with disabilities and to public transportation, and has ample work space and parking. Community leaders, organizations, municipal and school officials, and other stakeholders will be able to help identify an appropriate location for the meeting.
  
- Publicize meeting logistics as early as possible to give stakeholders ample notification. Notify the community and other stakeholders at least three weeks before a meeting is to take place.
  
- At the beginning of the meeting, review the agenda and invite attendees to set and agree to meeting ground rules. Let the attendees know how they can participate and allow for comment/question periods both during and at the conclusion of the meeting as time allows. Also, let the attendees know where they can obtain answers to questions they may have after the meeting has concluded.
  
- Encourage dialogue during the meeting. Avoid one-sided meetings where either the project sponsor does all of the talking or where the stakeholders read a prepared statement with no feedback from the project sponsor. Explore a variety of meeting formats that incorporate small group discussions between the project sponsor's staff and stakeholders. The use of a neutral facilitator or meeting planner can help the project sponsor tailor the public meeting to best suit the circumstances. For more in-depth discussion of the project, consider meeting with individuals or small groups at their convenience.
  
- The notification for a public meeting should provide:
  - the name of the project sponsor;
  - the name and address of the proposed project;
  - the description of why the meeting is being held;
  - the time and place of the public meeting;
  - a short description of why the public should attend;
  - a short description about how the public can participate, the type of input sought, whether there will be a question and answer period;
  - a brief description about the information that will be discussed; and
  - contact information for any questions about meeting.
  
- A DEC hearing does not satisfy the requirement for a public meeting. A DEC hearing may be held in addition to a project sponsor's public meeting. The project sponsor's public meeting should be held prior to any DEC hearing or public comment period.

## **Document Repositories**

- Select a location close to the proposed project and easily accessible by stakeholders (i.e. public libraries or community organization offices).
- The repository should have evening and weekend hours, whenever possible.
- The repository should contain a copy of all information relevant to the proposed project and should be updated regularly. Repositories should also be checked regularly to ensure that no documents are missing. A list of contents will help keep the repository organized.
- The project sponsor may wish to maintain a second repository online via the Internet. While this may enable some stakeholders to access the documents, those without Internet capability will not be able to access the information.
- Where DEC offices are used as a repository, a second repository situated close to the proposed project and easily accessible by stakeholders should also be established.

**Please Note:** The DEC's Office of Environmental Justice is available to consult on Public Participation Plans. DEC Staff and the public may contact the office at (518) 402-8556, [ej@gw.dec.state.ny.us](mailto:ej@gw.dec.state.ny.us) or toll free (within NYS) at 1-866-229-0497.

## **NYS DEC Regional Citizen Participation Specialists Contact Information**

In addition to the guidance provided in this document, applicants should consult with the assigned DEC Project Manager in the Division of Environmental Permits for project-specific guidance when developing a public participation plan. The DEC Project Manager is encouraged to consult with the Regional Citizen Participation Specialist and the Office of Environmental Justice.

If a DEC Project Manager has not been assigned, general public participation guidance may be obtained from the appropriate Citizen Participation Specialist and the Office of Environmental Justice. Contact information follows:

Central Office - New York State Department of Environmental Conservation  
625 Broadway, Albany, NY 12233  
Citizen Participation Specialist (518) 402-8044

Region 1 - Suffolk and Nassau counties  
Regional Director  
Building 40, State University of New York, Stony Brook, New York 11790  
Phone: (631) 444-0345  
Fax: (631) 444-0349 / (631) 444-0345  
**Regional Citizen Participation Specialist**  
Phone: (631) 444-0350 / Fax: (631) 444-0349

Region 2 - Manhattan, Bronx, Queens, Brooklyn and Staten Island  
Regional Director  
1 Hunter's Point Plaza, 47-40 21st Street, Long Island City, NY 11101-5407  
Phone: (718) 482- 4949  
**Regional Citizen Participation Specialist**  
Phone: (718) 482- 4949 / Fax: (718) 482- 4954

Region 3 - Sullivan, Ulster, Orange, Dutchess, Putnam, Rockland and Westchester counties  
Regional Director  
21 South Putt Corners Road, New Paltz, NY 12561-1696  
Phone: (845) 256-3003 / Fax: (845) 255-3042  
**Regional Citizen Participation Specialist**  
Phone: (845) 256-3018 / Fax: (845) 255-0714

Region 4 - Montgomery, Otsego, Delaware, Schoharie, Schenectady, Albany, Greene, Rensselaer and Columbia counties  
Regional Director  
1150 N. Westcott Road, Schenectady, NY 12306-2014  
Phone: (518) 357-2068 / Fax: (518) 357-2087  
**Regional Citizen Participation Specialist**  
Phone: (518) 357-2075 / Fax: (518) 357-2438

- Region 5 - Franklin, Clinton, Essex, Hamilton, Warren, Fulton, Saratoga and Washington counties  
Regional Director  
Route 86, P.O. Box 296, Ray Brook, NY 12977-0296  
Phone: (518) 897-1211  
**Regional Citizen Participation Specialist**  
Phone: (518) 897-1211 / Fax: (518) 897-1394
- Region 6 - Jefferson, St. Lawrence, Lewis, Oneida and Herkimer counties  
Regional Director  
317 Washington St., Watertown, NY 13601  
Phone: (315) 785-2239 / Fax: (315) 785-2242  
**Regional Citizen Participation Specialist**  
Phone: (315) 785-2252 / Fax: (315) 785-2242
- Region 7 - Oswego, Cayuga, Onondaga, Madison, Tompkins, Cortland, Chenango, Tioga and Broome counties  
Regional Director  
615 Erie Blvd. West, Syracuse, NY 13204-2400  
Phone: (315) 426-7403 / Fax: (315) 426-7408  
**Regional Citizen Participation Specialist**  
Phone: (315) 426-7403 / Fax: (315) 426-7408
- Region 8 - Orleans, Monroe, Wayne, Genesee, Livingston, Ontario, Yates, Seneca, Steuben, Schuyler and Chemung counties  
Regional Director  
6274 E. Avon-Lima Road, Avon, NY 14414-9519  
Phone: (585) 226-5366  
**Regional Citizen Participation Specialist**  
Phone: (585) 226-5324 / Fax: (585) 226-2013
- Region 9 - Niagara, Erie, Wyoming, Chautauqua, Cattaraugus and Allegany counties  
Regional Director  
270 Michigan Avenue, Buffalo, NY 14203-2999  
Phone: (716) 851-7200  
**Regional Citizen Participation Specialist**  
Phone (716) 851- 7201