



# California Superfund Program

## PUBLIC PARTICIPATION IMPACTS

### Overview

On May 25, 1999, Governor Gray Davis signed into law Senate Bill 47 which reinstates the provisions of Chapter 6.8 of the Health and Safety Code (State Superfund). This bill codifies many of the Department of Toxic Substances Control's (DTSC) existing policies to ensure the public is actively involved in cleanup decisions, and significantly expands opportunities for public involvement at "listed" sites in California. The State Superfund requires DTSC to adopt criteria for the selection and priority ranking of hazardous substances release sites for removal or remedial action. This law requires DTSC or, if appropriate, a California Regional Water Quality Control Board (RWQCB), to prepare or approve Remedial Action Plans or Removal Action Workplans for each listed site, including military sites.



Among other things, the bill requires DTSC and the RWQCB to provide specified information to affected communities, develop a Public Participation Workplan and assist in the establishment of Community Advisory Groups. The bill allows the Community Advisory Groups to request from responsible parties a Technical Assistance Grant for a site. One new provision requires DTSC and the California State Water Resources Control Board to create two community service offices by July 1, 2000.

This fact sheet is developed to provide you with information regarding the public participation components of the State Superfund and provides you with a phone number and address if you would like more information.

California  
Environmental  
Protection Agency

DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL

*It is DTSC's mission  
to protect public  
health and the  
environment from  
harmful exposure  
to hazardous  
substances.*

## Early and Continuous Public Involvement



For the listed sites, DTSC or the RWQCB shall provide notification, upon request, of public meetings concerning the response actions proposed.

Based upon the results of the Baseline Community Survey, DTSC or the RWQCB shall provide opportunities for public involvement at **key stages** of the response action process, including the following stages:

- Health Risk Assessment;
- Preliminary Assessment;
- Site Inspection;
- Remedial Investigation; and
- Feasibility Study.

*(If a public meeting or other opportunity for public comment are not appropriate at any stage listed above, DTSC or the RWQCB shall provide notice of the decision to the affected community (25358.7(c)(5) .)*

## Public Meetings / Schedule of Activities

(25358.7(d))

DTSC or the RWQCB is responsible for:

- Notifying the public of any public meetings;
- Providing an opportunity for public input and attendance at the meetings;
- Incorporating or responding in writing to any advice from persons affected by the cleanup actions; and
- Providing the schedule of activities for each site.

## What is a Baseline Community Survey?

(25358.7(b))

DTSC or the RWQCB must conduct a Baseline Community Survey for all listed sites as soon as possible after taking an action to investigate or remediate a hazardous substance release.

The survey shall:

- Inform the public and persons living close to the site of DTSC's intentions to take a response action at the site;
- Determine the level of public interest and the desire for involvement; and
- Solicit and evaluate concerns of the community.

## How Does the Public Participation

Workplan Affect Me? (25358.7(b))

The survey shall be used to develop a Public Participation Workplan.



The workplan shall:

- Identify the appropriate level of communication and outreach measures;
- Identify the level of interest; and
- Be updated as necessary to reflect any significant changes in the degree of public interest as the site cleanup process progresses.

## What is a Fact Sheet? (25358.7(c)(2))

The DTSC or the RWQCB shall provide fact sheets, based on the expressed level of public interest.

The fact sheets shall:

- Contain relevant information regarding plans for major elements of the response actions, including site investigation;

- Be written in nontechnical language;
- Be detailed enough to provide a good understanding of the activities to take place; and
- Be written in English and other languages as appropriate.

## Public Involvement During the Draft Remedial Action Plan (25356.1(e))

A Remedial Action Plan (RAP) shall include the basis for the selection of the proposed cleanup alternative and an evaluation of each alternative considered and rejected.



DTSC or the RWQCB must:

- Circulate the draft RAP for a minimum of 30 days for public comment;
- Notify affected local and state agencies of the response actions proposed;
- Publish a notice in a newspaper of general circulation in the affected area;
- Post notices in the location where the response action will be taken;
- Notify, by direct mail, the owners of property contingent to the site;
- Hold one or more public meetings; and
- Consider comments and revise the RAP as appropriate.

## What are the Public Involvement Actions for a Removal Action Workplan (RAW)? (25356.1(h)(1))

If the cost of a removal action is less than \$1 million, DTSC may prepare a Removal Action Workplan (RAW) in lieu of a RAP.

DTSC or the RWQCB must:

- Develop or direct responsible parties to develop a community profile or survey to determine the level of interest;
- Make the community aware of the site and the RAW;
- Conduct appropriate public participation activities based on level of community interest;
- Keep the community informed of project activities and provide opportunity for public comment; and
- Conduct public meetings as necessary.

*If the project subsequently goes on to a Remedial Action Plan, follow the public participation requirements for a RAP.*

## How is a Community Advisory Group Formed? (25358.7.1(a))

At each site, a **Community Advisory Group (CAG)** may be established by the affected community to review any response action and comment on the response action to be conducted in that community.

DTSC shall assist in the formation of a CAG when:

- 50 or more affected residents sign a petition;
- The legislative body for a community adopts a resolution.

DTSC will communicate and confer as appropriate with the CAG.



*A Community Advisory Group may review and comment on any cleanup action to be conducted at a site within a community.*

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## What is the Makeup of the Community Advisory Group (CAG)?

To the extent possible, the membership of the **Community Advisory Group** shall reflect the composition and diversity of interests of the community and include:



- Residents (owners, renters, persons residing on property located near the site or in an adjacent community, or individuals directly affected by the response action);
- Members of the business community;
- Representatives of local political or government agencies; and
- Members of local citizen, civic, environmental, or public interest groups residing in the community.

Participants in the CAG that may provide information or technical expertise:

- DTSC/RWQCB;
- Local environmental regulatory agencies; and
- Responsible Parties.

**NOTE: Community Advisory Groups do not diminish any other public participation obligation of DTSC or the RWQCB.**

## How Will the Community Service Offices be Established? (25358.7.2(a))

On or before July 1, 2000, DTSC and the California State Water Resources Control Board shall establish two community service offices, one in Southern California, the other in Northern California.

Under the new law, the offices shall:

- Facilitate communication between DTSC or the RWQCB, responsible parties and the affected community; and
- Provide technical and logistical support to the Community Advisory Groups.



## Technical Assistance Grants (25358.8)

Community Advisory Groups may request in writing, and a potentially responsible party or parties may fund, a Technical Assistance Grant (TAG) for a site for the purpose of providing technical assistance to the Community Advisory Group.



*For more information, contact:*

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Public Participation Branch**  
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