§ 27-1331. Community participation.

1. To facilitate an inactive hazardous waste disposal site remedial program and enable community members to participate more fully in decisions that affect their community, the department shall provide opportunities for community involvement and shall consult with the public throughout that process, before the department forms or adopts final positions. The primary goals of the community participation program at sites are to facilitate two-way communication between the department and individuals, groups, and organizations that have expressed interest in or are affected by the site or the site's remedial program, with a special focus on sites in disadvantaged communities and to take into account the community's interests in the decision-making process associated with the remediation of sites.

2. All inactive hazardous waste disposal site remedial programs shall include community participation activities which, at a minimum, shall include, but are not limited to, the preparation of a community participation plan, establishment of a document repository, and public notice to interested individuals and groups with a prescribed comment period at select milestones.

3. The design of each community participation plan, including the level of community involvement and the tools utilized, shall take into account the scope and scale of the proposed inactive hazardous waste disposal site remedial program, local interest and history, location within a disadvantaged community, and other relevant factors. While retaining flexibility to tailor each plan to each site, community participation plans shall embody the following principles of meaningful community participation:

a. opportunities for community involvement should be provided as early as possible in the decision-making process prior to the selection of a preferred course of action by the department and/or the responsible person;

b. activities proposed in such plan should be as reflective of the

diversity of interests and perspective found within the community as possible, allowing the public the opportunity to have their views heard and considered, which may include opportunities for dialogue; and

c. full, timely, and accessible disclosure and sharing of information by the department shall be provided, including the provision of technical data and the assumptions upon which any analyses are based.

4. Each community participation plan shall include the following minimum elements:

a. an inactive hazardous waste disposal site remedial program site contact list;

b. the name and address of a document repository and proof of acceptance of this designation by the repository;

c. overview of the site's history and contamination issues, including the nature of threats to public health and the environment, once known;

d. identification of major issues of public concern related to the site and a description of any interim actions planned or taken to address the issues, if appropriate;

e. a description of the phases of the major elements of the inactive hazardous waste disposal site remedial program;

f. a description of community participation activities conducted or planned relative to the inactive hazardous waste disposal site; and

g. a description of any additional community participation activities needed to address public concerns.

5. All community participation plans will be subject to department review and approval. The citizen participation plan shall be updated during the implementation of the inactive hazardous waste disposal site remedial program.

6. Document repository. A document repository shall be established at a location accessible to the public where they can review the inactive hazardous waste disposal site remedial program documents, and an electronic repository shall also exist on the department's website.

a. Documents shall be placed in the repository, which are:
(i) approved by the department; or
(ii) otherwise designated by the department for inclusion.

b. The responsible person shall make available to the department all appropriate documents for inclusion in the repository.