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Title: Voluntary Remediation Program Community Relations Plan

Identification Number: WASTE-0049-NPD

Date Originally Adopted: April 20, 2001

Dates Revised: None

Other Policies Repealed or Amended: Amends the Community Relations Section (8.0) of the Remediation Work Plan Requirements found in the Voluntary Remediation Program's Resource Guide (July 1996) and supplements the Voluntary Remediation Program Chapter (4) of the Risk-Integrated System of Closure User's Guide (February 2001)

Brief Description of the Subject Matter: This document addresses community relations activities necessary for inclusion in and approval of a Voluntary Remediation Program Remediation Work Plan.

Citations Affected: IC 13-25-5-7; IC 13-25-5-11

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management ("IDEM") decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM thirty (30) days after the revised nonrule policy document is made available for public inspection and comment and is presented to the Solid Waste Management Board. IDEM will submit revisions to the Indiana Register for publication.

Policy Statement

The Voluntary Remediation Program ("VRP") requires the submittal of a proposed Remediation Work Plan for IDEM approval. This plan must include a Community Relations Plan as stated in IC 13-25-5-7. The requirements of the Community Relations Plan were previously issued as part of the Voluntary Remediation Program Resource Guide (latest update - July 1996). As part of the ongoing evaluation of IDEM's remediation programs, especially with respect to IDEM's upcoming risk based remediation policy, and public information concerns, the VRP's Community Relations Plan requirements are being revised. This revision will replace the Community Relations Plan requirements last addressed in the July 1996 Resource Guide and will supplement the Voluntary Remediation Program Chapter of the Risk-Integrated System of Closure User's Guide (February 2001). The new basic components take a more proactive approach to making sure that neighboring residents, businesses and institutions are informed of VRP site remediation activities.

Community Relations Plan Requirements

Community education and participation is a necessary component of all VRP projects. Therefore, the Remediation Work Plan is required to contain a Community Relations Plan. The minimum requirements of a Community Relations Plan are stipulated below. These requirements apply to all VRP applications approved after the effective date of this policy. Participants are also encouraged to inform the community about their project by utilizing communication methods beyond the minimum requirements listed in this document. For example, many VRP participants find that informal informational meetings and discussions are effective in preventing project complications sometimes caused by having an uninformed public. Such meetings are especially appropriate for neighbors and sensitive community institutions. Other effective means of community relations communication can include, but are not limited to, canvassing the neighborhoods door-to-door, and mass mailings. Regardless of the communication methods used, participants should formulate a Community Relations Plan in conjunction with their IDEM Voluntary Remediation Project Manager that best addresses the needs of the participant and the community.

Listed below are the basic components that a Community Relations Plan must include. The Community Relations Plan shall:

1. Identify all property owners and property occupants, which include property owners or occupants affected or likely to be affected by the contamination that is the subject of the proposed Voluntary Remediation Project and all owners or occupants of adjacent or closely proximate land.
2. Identify all known or registered neighborhood organizations serving the location of the Voluntary Remediation Project, if any.
3. Identify all known or reasonably apparent sensitive community institutions within two (2) miles, including, but not limited to schools, health care facilities, child care facilities, senior citizen residential or care facilities and the administrative office or owner of parks and playgrounds.
4. Include a sample of a written notice to be sent to the property owners and property occupants, neighborhood organizations, and sensitive community institutions, which shall include:
 - a. the following paragraph: "This notice is being provided to inform you of the presence of a site in your neighborhood that has been accepted into IDEM's Voluntary Remediation Program. This notice is a requirement of a Community Relations Plan which has been developed by the Applicant and is a component of the Remediation Work Plan that is available for review at the repository listed below. The Community Relations Plan includes provisions for notifying all neighboring property owners and occupants, neighborhood organizations and other local entities. In addition, the Community Relations Plan may require the applicant to post an informational sign at the subject property. For additional

information about the Community Relations Plan and the Remediation Work Plan please review the documents in the repository or contact the IDEM Project Manager at (317) 234-0973.”;

- b. a short description of the work to be performed;
 - c. information concerning the public comment period, including the time period and procedures for public comment, and the address to which comments are to be directed. (The sample need not include the dates of the public comment period, as they will not be known when the Remediation Work Plan is drafted; however, the actual notices that are sent out must include these dates.); and
 - d. the location of the record repository where the Remediation Work Plan has been placed.
5. Provide the name(s) and mailing address(es) of all affected local governmental units with jurisdiction within one (1) mile of the property affected by the proposed Remediation Work Plan.

IDEM will notify the affected local government units about the VRP Project and the anticipated remediation at the time IDEM signs the Voluntary Remediation Agreement. In addition, local government units that are affected by the proposed VRP Project will be notified by IDEM of the Remediation Work Plan and the beginning of the public comment period as soon as an internal review of the document has been completed. These local government units will include government units located in the county of the project as well as those within one (1) mile of the project but in another county. The Participant should also include a listing of any other governmental units that they wish to have notified of the project.

6. Provide the name(s) and mailing address(es) of the newspaper(s) or other appropriate circulars in which notice of the public comment period will be published.
7. Identify the location of the public library and other public repositories in which a copy of the proposed Remediation Work Plan will be placed. The proposed Remediation Work Plan must be placed in the public library closest to the site and in the county or counties affected by the project. If more than one repository is selected, the participant shall provide one additional copy of the proposed Voluntary Remediation Work Plan for each additional repository.
8. In addition, VRP Participants shall post a sign that:
- a. identifies the location as a Voluntary Remediation Program cleanup site;
 - b. gives the IDEM VRP site number, the VRP phone number and the VRP web site address;
 - c. shall meet the following criteria:
 - 1) be visible/readable from 20 feet;
 - 2) be in English and the language predominantly used in the neighborhood if other than English; and
 - 3) place one sign per site access point; and
 - d. shall be posted starting with the end of the public comment period for the Remediation Work Plan, before any work begins and remain posted until the Covenant Not To Sue has been issued.

The VRP Participant shall identify all posting locations and the text of the information to be included on the sign in the Community Relations Plan.

Exceptions to Section 8 (above) will be considered by IDEM on a site-specific basis if there is a compelling reason for not posting a sign and it is stated in the Remediation Work Plan.

Examples of potential exceptions are:

1. the site already meets targeted cleanup objectives;
2. no active remediation is occurring or the cleanup is of short duration;
3. The VRP participant has made a reasonable effort to notify affected parties in some other acceptable manner such as but not limited to, certified mail, door-to-door canvassing, or a well-publicized informational meeting open to the public;
4. public display of a sign would negatively impact a retail business by keeping customers/visitors away (this impact must be demonstrable);
5. The site is located in an area where passers by could not see the sign or the site is otherwise inaccessible;
6. there are no residents within one quarter (1/4) mile of the boundaries of the site;
7. soil at the site is not being disturbed, and pits and piles are not created; or
8. the site is secured (monitored, patrolled, adequately fenced) or operational at all hours of the day.

To implement the Community Relations Plan, IDEM will:

- a. place a copy of the Remediation Work Plan at the public library and any other repositories specified in the Community Relations Plan;
- b. notify the Affected Governments;
- c. publish a notice requesting comments; and
- d. set a public comment period of at least thirty (30) days.

Before the comment period begins, the Participant must mail, or otherwise provide in writing, the written notice as provided above, to all:

- a. property owners;
- b. property occupants;
- c. neighborhood organizations;
- d. sensitive community institutions; and
- e. others requesting notification.

The participant must confirm in the VRP Completion Report that all the property owners, property occupants, neighborhood organizations, sensitive community institutions, and those requesting notification were sent the written notice of the public comment period.

(Note: For definitions of the terms, facility, site and area please refer to the RISC Technical and User Guides)