

# **Suggestions for Improving Public Participation in Community Involvement Activities**



**Missouri Department of Natural Resources  
Division of Environmental Quality  
Solid Waste Management Program**

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## **Introduction and Background**

Landfills continue to be a necessary component of integrated solid waste management. Even with the advancement of resource recovery and the use of incineration for energy recovery, there remain some wastes that are either difficult or unsafe to manage with these methods. For these materials, proper disposal in landfills remains an effective means of protecting public health, safety and the environment.

Historically, open dumps gained a reputation as water contamination sources and sources of odors and smoke, as they were often allowed to burn. While regulations and designs of landfills have advanced and these types of environmental impacts rarely occur at modern landfills, many citizens still remember the impacts from the old open dumps. These memories often weigh in as local citizens contemplate the potential construction of a new landfill, often making the proposed landfill a very controversial issue.

## **How we got here**

With the establishment of the Federal Subtitle D standards for landfill design and construction in the early 1990s, state regulations were also strengthened – to protect public health, safety and the environment – from leachate, methane gas, odors, wind-borne dust and blowing trash sometimes associated the disposal of solid waste.

Modern landfill facilities operating under today's regulations use new technologies and materials for designing their landfills as well as more efficient equipment and methods of operation than in years past. Unfortunately, much of the public is unaware of these technological advances and often hears only the negative aspects of landfill siting and operation.

Over the past two decades, local governments, community organizations and individuals have become more aware of their right to be heard on issues affecting their quality of life. Access to timely information sources such as television, the Internet and social media, such as Facebook, Twitter and YouTube provide concerned citizens better tools to use as they evaluate the pros and cons of landfill siting proposals in their neighborhoods.

## **Get together**

Somewhere in the mix of business interests, public service needs, regulatory investigations, neighborhood studies and the eventual permit approvals or denials there must be a middle ground. This is where public participation policies come into play.

Government staff has the responsibility of presenting state and federal regulatory policies to communities. How well the messages are delivered or received prompts more effective involvement of individuals and groups within a community.

With effective communication, it is possible to better understand citizen concerns. Citizen concerns can include:

- Impacts to drinking water supplies
- Air quality and odors
- Noise
- Litter and trash
- Increased truck traffic, traffic safety and road damage

- Decreased property values

Without adequate information for decision-making, we all struggle to find answers and to communicate effectively.

## **Living regulation**

In 1976, the federal government enacted the Resource Conservation and Recovery Act (RCRA) to address the huge and growing, nationwide problem of municipal and industrial waste management and disposal. Itself an amendment to the federal Solid Waste Disposal Act, RCRA has been amended several times over the years as Congress responds to changing national needs (most recently with the development of federal coal combustion residuals regulations). Most state governments have formed partnerships with the U.S. Environmental Protection Agency (EPA) to craft and implement state-level regulations and policies that support the goals of RCRA. The goals are:

- to protect human health and the environment
- to reduce waste and conserve energy and natural resources
- to reduce or eliminate the generation of hazardous waste as quickly as possible

## **Communicating is good business**

To achieve these mutual goals, people must work at improving communication and building partnerships. Partnerships among all stakeholders affected by landfill siting proposals often have the best chance of mutual benefit. Honest, open communication is a first step toward building those partnerships.

## **Take time to talk**

Even long-time members of a community can be unaware of all the characteristics of their hometown. All participants in the landfill siting process need to understand the expectations and concerns of each element in the siting and permitting process. Just having a meeting does not mean everyone will be heard or understood.

## **What is happening?**

Decision makers need to visit communities affected by their decisions. They need to take time to meet with community leaders, elected officials and anyone with an opinion on development plans. Missouri law requires a “Public Awareness” session that provides an opportunity for the department’s landfill regulators to explain landfill policies and the permitting process. This meeting will be early enough in the process to give the community plenty of time to react to what they learn.

Landfill developers may also participate in this early meeting although the new public participation law provides them with a “Community Involvement” session later in the process. In this session, the community may ask questions and can expect an answer from the landfill developers and their consultants within a defined time frame. Department staff will be on hand to answer regulatory-related questions.

In today’s economy, a landfill development and its operation is a multi-million dollar proposal. It is definitely worth the developers’ time to get to know the neighbors. Hiring a professional service to design a meeting or find individuals who will study the key characteristics of a community is one way of learning about the community. Such a community assessment may also be obtained informally with the help of local residents or staff people who live in the area.

## **Introduce the landfill**

Distributing a publication such as a fact sheet or pamphlet is one way to introduce a proposed landfill, but perhaps more effective is a full-page presentation in a local newspaper. Here the major players can be introduced, the concept outlined, the reasons for the landfill explained and then the community can be offered a clip-out response form that will allow them to give their own opinions about the project. Two-way communication is often more effective than an informative lecture.

In planning a meeting, traditional seating, traditional evening scheduling and traditional confrontations may be avoided by using an open house concept. Where Missouri law requires a defined public hearing, an open house may precede the formal session. As a result, the formal hearing may be shorter and less confrontational. The public awareness session or community involvement session would be considered less formal methods of obtaining public participation.

When a community seems sharply divided on an issue, such as a landfill siting, it may be effective to bring those strong feelings to a “planning workshop.” Such activity will usually encourage the building of partnerships while the issues are being addressed. At this stage, an impartial facilitator may play a key role in the development of constructive communication. Participants can represent all concerned parties, but the focus is on local interests. Developers and regulators participate as resource people.

## **Citizen input is important**

At present, local residents are being asked to take a more active role in the decision-making process and are being given the opportunity to affect the ultimate decision by contributing local insights and suggestions. Frustration results when all parties involved are not as open as they can be or as informed as possible regarding details of the process. The community may see their role as protecting the home turf. The landfill developers may see their role as providing a service for the general public. The regulators may see the process as a means of getting a job done in accordance with the law. Motivations may differ, but the development of informed consent may solve the problem.

## **Missouri’s Public Participation Law**

Briefly, we will outline the requirements of Missouri’s public participation law, included as part of 260.205 RSMo, and suggest some ways the benefits of the law might be attained. The benefits of following the public participation law include: saving state, corporate and community time and money; building partnerships rather than maintaining a legacy of anger and distrust; and making real progress toward meeting everyone’s solid waste management goals.

Missouri law requires the following:

- All preliminary site investigation requests received by the department will be subject to a public involvement activity as part of the permit application process - 260.205.3 RSMo.
- The applicant will notify the public of the approval of the preliminary site investigation within 30 days of obtaining the approval - 260.205.3(1) RSMo.
- Public notification will be by certified mail to the county or city government in which the proposed disposal area (landfill) is to be located and by certified mail to the solid waste management district where the proposed solid waste disposal area is to be located - 260.205.3(1).

- Within 90 days after the preliminary site investigation approval, the department will hold a **public awareness** session in the county where the proposed disposal area is to be located - 260.205.3(2).
- The department will notify the public at least 30 days before the meeting by both print and broadcast media serving the area where the disposal site is to be located. (Specific public notice requirements are detailed in the law.) The **public awareness** session is intended to provide general information to interested citizens on the design and operation of solid waste disposal areas - 260.205.3(2) RSMo. (In addition, information on other department services, disposal alternatives and other current solid waste management issues may be made available.)
- At least 60 days before the department receives a report on the results of a detailed site investigation, the permit applicant will hold a **community involvement** session in the county where the proposed disposal site is to be located - 260.205.3(3) RSMo. Department staff will be available at this session as well to answer immediate questions from the public.
- At least 30 days before a **community involvement** session, the permit applicant will provide public notice in print and broadcast media serving the county where the proposed disposal site is to be located - 260.205.3(3) RSMo. (Specific notice requirements are detailed in the law.)
- Public notices will include the addresses of the applicant, the department and information on the public comment period. The public comment period will begin on the day of the **community involvement** session and continue for at least 30 days after the session - 260.205.3(3) RSMo.
- The applicant will respond to all persons submitting comments during the public comment period no more than 30 days after they are received - 260.205.3(3) RSMo.
- If a proposed solid waste disposal area is to be located in a county or city that has local planning and zoning requirements, the applicant will not be required to hold a **community involvement** session, but the following conditions must be met - 260.205.3(4):
  1. The local planning and zoning requires a public meeting on the siting issue;
  2. The applicant notifies the department at least 30 days prior to such a meeting that this will be used in lieu of a community involvement meeting;
  3. The planning and zoning meeting provides public notice by print and broadcast media serving the area of the proposed disposal site at least 30 days before such a meeting;
  4. The planning and zoning meeting is held at least 30 days prior to the submission to the department of a report on the results of a detailed site investigation;
  5. The applicant submits a record of this meeting to the department;
  6. A public comment period begins on the day of the meeting and continues for at least 14 days after the meeting;
  7. The applicant responds to all persons submitting comments during the public comment period no more than 14 days after the comments are received.
- After an application for a (landfill) construction permit meets all statutory and regulatory requirements of issuance, a **public hearing** on the draft permit will be held

by the department in the county where the proposed solid waste disposal area is to be located.

- The department will notify the public with notices in both print and broadcast media serving the area affected by the proposed landfill development at least 30 days prior to the hearing.

## Public hearing still in process

Current law requires the *public hearing* to be held on the draft permit and the *public hearing* is held before a hearing examiner. The public is not given the opportunity to ask questions about the proposed site or details of the permit. Only statements are allowed and are usually recorded as an official documentation of the meeting.

## What is next?

Many readers of this guide may have attended or participated in a public hearing, public meeting, town meeting, convention session, workshop or brainstorming session. Through years of experience, presenters have learned what methods of meeting the public are productive and those which are, at best, a waste of time and resources for those involved.

On the other hand, crafting a meeting to meet the needs of the public will mean getting down to the details. Often this requires innovation. What we can provide here are suggestions.

In the current climate, Missouri law requires the above outlined public participation meetings in addition to a public hearing held on the draft permit. Early in the planning process, it must be decided what type of meeting is necessary to efficiently meet the intent of the law. Indications that a certain style of meeting is better than another can be based on the experience of the agency or business involved or may result from a careful assessment of community needs. If community members indicate they are concerned about a lack of information or rumors begin showing up in local media, facts may be needed and a carefully planned meeting may be necessary to provide this information.

## Build a public participation tool kit

The EPA provides several publications suggesting various forms of public meeting and public participation formats.

The first step in arranging for public participation is to determine the level of public interest in the proposed landfill siting. This can be accomplished by reviewing regulatory agency files on the applicant and similar facilities, talking to people who have experience working with members of the affected community or conducting personal or phone interviews with community leaders or others who have expressed an interest in the project.

Since the process of landfill siting may last for several years, it is suggested a mailing list be developed early and maintained to involve new residents and changes in community and local government leadership.

Preparing a **public notice** is a key element in the public participation process. The EPA recommends selecting print or electronic media with the largest readership or audience in the affected area. Coordinate publication and meeting dates so weekly publications get the notice in time to be useful. The actual notice should contain the following:

- Name and address of the facility owner/operator
- A brief description of the site location and business to be conducted at the facility
- Name, address and phone number of a person who can be contacted for further information
- A brief description of the comment procedures and the date, time and place of any meeting
- Any special considerations such as establishing an information center (in a local library or government building) or a public site tour schedule

The EPA says, “**Public notices** should never substitute for other activities that involve direct communication with the public.”

**Fact sheets** are an important tool to be used in mailings, for community assessments or at meetings. It is suggested they be considered for use as a written statement or to provide “bullet” facts. The EPA notes, “These documents allow the agency/applicant to communicate a consistent message to the public and the media. Produced throughout the permitting process, they serve to educate the public about the process and technical issues and can aid in creating a general community understanding of the project.

**Fact sheets** are a one-way communication tool so it is suggested that they always provide a name and telephone number of a contact person to encourage public reaction, comments and questions.”

## What type of meeting?

The traditional public meeting or town hall - type meeting may encourage a confrontational environment and presents a formal appearance that may discourage communication. However, the traditionally defined public meeting may also suggest stability and attention to community expectations in some cases. This type of meeting may be correct in some cases. It is important to know that there are alternatives.

The first alternative suggested is the **informal meeting**. This type of meeting can take two to three days to plan and conduct - three hours for scheduling and set up, five hours for preparation, four hours to conduct the meeting and four hours to follow up on issues raised during the meeting.

The EPA says, “**informal meetings** offer both citizens and officials a chance to increase their familiarity with how the process works, increase awareness of each other's point of view and actively promote public participation. **Informal meetings** also may diffuse any tension between the community and the agency (the department) or permit applicant.

Some opposition groups may perceive efforts to restrict the number of persons attending as a ‘divide and conquer’ tactic designed to limit the influence of large groups or exclude certain individuals or groups from participation. To prevent this, provide the opportunity for additional **informal meetings** with those who express a concern about being left out.

Irate groups or individuals may accuse staff of telling different stories to different people at these small meetings. Avoid this by inviting a cross-section of interest groups to each small meeting or wind up the series with a large public meeting. Staff can also keep detailed notes of the meeting proceedings and make these available to the public.”

A **Citizen Advisory Panel** (CAP) is a style of informal meeting that has emerged for public participation during regulatory negotiation and the permitting process, especially during

lengthy Superfund cleanup of hazardous waste sites. CAPs (also called Citizen Advisory Groups) are designed to provide community leaders with regular access to the process. Either the permit applicant or the department may organize a CAP. Suggested CAP members are representatives of local government, business and civic organizations, environmental action groups and staff from a variety of government agencies or departments with a stake in the process.

The CAP can be used to gauge community reactions and monitor developments early in the planning process. Later, the CAP can direct specific concerns to study groups or technical panels. They can become an ongoing oversight group working with both the permit applicant and the department to reflect community concerns regarding a landfill site. It is suggested if a CAP is used, it be organized early and meets regularly. How often the meetings occur is likely to depend on the stage of a project's development.

Another popular meeting type is the *availability session/open house*. This format allows presenters to erect displays, posters or slide shows to illustrate their message. In turn, it allows the public to meet one-on-one with the agency or business representatives best prepared to answer their specific questions. Refreshments are suggested to further enhance the informal atmosphere.

Late afternoon and early evening hours are suggested for the *availability session* because this allows the public to come in for information at their convenience. There should be plenty of advance notice and planning to make sure the session meets public expectations. It is suggested that one presenter or contact person be available for each 15 to 20 people expected at the session.

A rehearsal of potential questions is suggested so presenting participants are comfortable with their material and ready for meeting the public. A signup sheet at the door will allow contact between the presenters and public members at a later date. Fact sheets are helpful to the public as they form their questions and to have for later reference.

If public interest is considerable and the community is willing, a *workshop* may be effective. The *workshop*, or seminar, is a gathering of 10 to 30 people who are guided by a small group of specialists or technicians that can address specific concerns. Presenters can come from the hosting agency or business or they may be invited or paid to participate.

*Workshops* can be conducted before formal public hearings or during public comment periods to assist citizens in developing and presenting testimony. Fact sheets and exhibits can also be used at *workshops*.

*Workshops* have proven successful in familiarizing citizens with key technical terms and concepts before a formal public meeting. *Workshops* also allow two-way communication, making them particularly good for reaching opinion leaders, interest group leaders, and the affected public.

In addition to the various types of meetings to encourage public participation, it is important to keep in mind the communication between the local government officials, federal agencies, legal teams and others involved in the business of landfill siting. For this purpose, briefings and presentations can be developed to make sure everyone is still moving towards the same goal as the landfill permit process moves along.



## How does the public get involved?

A citizen member of one of Missouri's pro-environment action groups has offered the following suggestions:

- Citizens interested in following the process may be wise to form a citizen's group. The group can be loosely organized or be incorporated with the Missouri Secretary of State's Office. This provides an identity for the group by establishing a process for electing officers, setting meetings, voting on by-laws, filling out state forms and paying a fee. The group would establish a P.O. Box with its official name and create a checking account in their name.
- Interested citizens should become familiar with local elected officials, including addresses and phone numbers, and provide this information to other members of the community.
- Involve the community by publishing newspaper articles, printing flyers, setting up meetings, placing bulletin boards at local businesses, putting up yard signs and providing announcements to local church groups, schools or clubs. Officials of local organizations, such as subdivision presidents or block leaders, should be involved to help spread the word about siting activities.
- Learn about your local geological, hydrological and soil characteristics. MGS, in Rolla, has topographical and geological maps. The U.S. Geological Survey, in Rolla, has hydrological maps. The U.S. Army Corps of Engineers may have done studies of the above characteristics in the area affected by landfill plans. Soil information may be obtained from county extension agents or the Missouri Department of Agriculture. Local water districts can provide information on past, present and future conditions in the groundwater.
- Find out about the designs of landfills, closure procedures, post-closure requirements and financial assurance requirements for solid waste facilities. Find out what geo/hydrological conditions the state considers unsuitable or suitable for the construction of a landfill.
- Learn the exact location and size of the proposed landfill site. A copy of the permit application may be available through the department's SWMP or may be placed in a local library during the permit process.
- Find out who the owner of the proposed site is or will be. Obtain information on investors and officers of any corporation related to the siting issue. Information on these can be obtained from the county assessor's office or the Secretary of State's Office. Find out if the applicant has a record of noncompliance with environmental regulations.
- Obtain the state statutes on solid waste facilities from the Secretary of State's Office or from SWMP.
- Understand local compliance and local permitting rules. Check local planning and zoning, county solid waste or city solid waste ordinances.
- Obtain a division chart for MGS and SWMP staff who will be directly involved in the permitting process. List their addresses, phone numbers, fax numbers, e-mail addresses and websites so communication is improved.
- Prepare for public meetings and maintain contacts after the meeting. Keep in mind the department's purpose is to protect the public health and safety.

- Ask to review both MGS and SWMP files on the application on a regular basis. Each requires at least three days' notice before they may make files available to the public.
- Citizens with information on local geological, hydrological and soil conditions such as caves, sinkholes, underground streams, etc., should document this information and send it to the department.
- If the group plans to develop its own data, a registered hydrologist/geologist and environmental lawyer should be hired for this work.
- Get involved in recycling programs and work with your community to reuse or reduce waste generation. Learn about alternatives to landfills, such as recycling, composting or new technology.

An activist contributor said, "A common question citizens raise is, 'When do I vote on this issue?' You have to let them know they do not vote on whether they want a landfill in their community."

It is the unexpected questions that remind us of how careful our planning and preparations must be. An offhand remark or an ignored phone call can easily scrap a public participation plan.

## Bibliography

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To obtain these documents:

EPA publications: You can order waste or RCRA publications free of charge either on-line at <http://www.epa.gov/nscep> or from the National Service Center for Environmental Publications (NSCEP) by any of the following means:

By Mail:

U.S. EPA/NSCEP  
P.O. Box 42419  
Cincinnati, OH 45242-0419

By Fax:

Send your order via FAX, 24 hours a day, 7 days a week  
301-604-3408

By E-Mail: [nscep@lmsolas.com](mailto:nscep@lmsolas.com)

By Phone: Call 1-800-490-9198 (Speak to an operator Monday through Friday, 7:30 AM – 5:30 PM, E.S.T.) Leave an order 24 hours a day.

Publications are often available for computer downloading in full or in part. For example, the latest version of the RCRA Public Involvement Manual is available at <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=2000EDZX.txt>

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