

DER-23 / Citizen Participation Handbook for Remedial Programs

New York State Department of Environmental Conservation

DEC Program Policy

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I. Summary:

This Program Policy provides guidance to the New York State Department of Environmental Conservation (DEC) Division of Environmental Remediation (DER) staff and the public on how to fulfill citizen participation (CP) requirements according to 6 NYCRR Part 375, *Environmental Remediation Programs*. This policy is applicable to DEC's remedial programs consisting of the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program, SSF); the Brownfield Cleanup Program (BCP); the Environmental Restoration Program (ERP); and the Voluntary Cleanup Program (VCP). It also identifies who is responsible for planning and conducting CP programs and activities; explains the common objectives of CP programs and how they integrate with the remedial programs; and outlines opportunities and recommended methods for effective CP.

II. Policy:

Refer to attached *Citizen Participation Handbook for Remedial Programs*.

III. Purpose and Background:

The purpose of this Program Policy is to identify CP requirements for remedial programs managed by DER, including the SSF, BCP, ERP, and VCP. It provides guidance to DER staff and the public on how to plan and conduct required CP activities for each remedial program according to 6 NYCRR Part 375, and to determine if additional CP activities should be conducted for a particular contaminated site, with guidance to plan and conduct these additional CP activities. It also outlines opportunities and recommended methods for effective CP.

This Program Policy replaces the June 1998 DER guidance document *Citizen Participation in New York's Hazardous Waste Site Remediation Program: A Guidebook*.

IV. Responsibility:

Responsibility for maintaining this Program Policy lies with the Policy and Planning Section, Bureau of Program Management, DER. Primary responsibility for implementing this Program Policy is assigned to DER Remedial Bureau Directors and DER Regional Managers. Remedial parties and their contractors are encouraged to consult and work with DER's project managers during the planning and implementation of CP programs.

V. Procedure:

Follow the attached guidance document to identify, plan, and conduct CP requirements for remedial programs.

VI. Related References:

- Article 27, Title 13 of the Environmental Conservation Law (ECL)
- Article 27, Title 14 of the ECL
- Article 56, Title 5 of the ECL
- 6 NYCRR Part 375, *Environmental Remediation Programs*, December 14, 2006
- Program Policy DER-14, *Technical Assistance Grant (TAG) Guidance Handbook*, March 2006



New York State Department of Environmental Conservation
Division of Environmental Remediation

Citizen Participation Handbook

for

Remedial Programs

January 2010

The most current version of this publication
is available at
<http://www.dec.ny.gov/regulations/2393.html>

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Section 1

Introduction: Citizen Participation for Remedial Programs

The Citizen Participation Handbook for Remedial Programs (Handbook) is designed to assist New York State Department of Environmental Conservation (DEC) staff, responsible parties, applicants, municipalities, volunteers, and contractors to plan and implement citizen participation (CP) during the investigation and remediation of sites within remedial programs administered by DEC's Division of Environmental Remediation (DER). The Handbook also helps citizens to understand DER's CP program and how to effectively participate in the remedial process.

The remedial programs addressed in this Handbook are the Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program), Brownfield Cleanup Program, Environmental Restoration Program, and Voluntary Cleanup Program. This Handbook identifies and describes applicable CP requirements contained in the Environmental Conservation Law, 6 NYCRR Part 375 regulations, and DER policies that set forth procedures for conducting CP.

1.1 How to Use This Handbook

This Handbook describes the CP program and how it integrates with DER's remedial programs. It outlines opportunities and recommended methods for effective CP. It provides guidance to plan and conduct required CP activities for each remedial program, and to determine if additional CP activities should be conducted for a particular contaminated site, with guidance to plan and conduct these additional CP activities.

To use this Handbook, begin by reviewing Section 1 to become acquainted with the goals, objectives, and structure of DER's CP program. These characteristics apply consistently to each of the remedial programs addressed in the Handbook. Section 1 identifies web-based CP resources, as well as the sources in statute, regulation and policy that establish the CP requirements. It also includes a summary chart of the CP requirements.

After reading Section 1, select the appropriate section of the Handbook for details about the CP requirements for the remedial program in which a particular site is being addressed:

- Section 2 – Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program)
- Section 3 – Brownfield Cleanup Program
- Section 4 – Environmental Restoration Program
- Section 5 – Voluntary Cleanup Program

1.2 Goals and Objectives of the Citizen Participation Program

To facilitate the remedial process and enable citizens to participate in decisions that affect their health, environment, and social well being, opportunities for citizen involvement should be provided and early two-way communication with citizens should be encouraged before decision makers form or adopt final positions.

DER defines CP in relation to its remedial programs as:

A program of activities that provides opportunities for citizens to participate early and in an ongoing way in the decision-making process for the remediation of contaminated sites. The CP program promotes communication among people affected by or interested in contaminated sites, DEC, and parties responsible for their investigation and remediation.

DER's CP program includes the following goals:

- Promote the development of timely, effective site remedial programs that protect public health and the environment.
- Enhance the public's access to, and understanding of, issues and information related to a site and that site's remedial process.
- Provide citizens with early and continuing opportunities to participate in DER's site remedial process and timely notice of such opportunities.
- Ensure that DER staff make site remedial decisions after considering the input and concerns of the affected and interested community.

To accomplish these goals, DER plans and conducts CP activities to achieve the following objectives:

- Provide a process for the affected and interested public to become well informed about site issues and information and to effectively participate in the decision making process for site remedial actions.
- Foster meaningful public participation that reflects the diversity of interests and perspectives found within the community.
- Solicit public comments at formal milestones, and encourage public input at any time during the site remedial process.
- Encourage dialogue to promote the exchange of information among the affected and interested public, governmental agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.
- Provide timely and courteous responses to citizen requests and concerns.

- Inform the public, gather informed public input, and minimize needless delays caused by uncertainty or lack of information.

1.3 Structure of the Citizen Participation Program

Successful implementation of a CP program and its related activities requires planning and strategy. A site CP program integrates with the site's remedial program and contains several steps:

- Plan CP activities for effectiveness.
- Conduct CP activities to promote meaningful participation by citizens.
- Incorporate results of CP into decision making as appropriate.
- Evaluate CP activities for effectiveness and adjust the CP program as appropriate.

DER recommends an overall strategy to effectively plan and conduct a CP program for a site being addressed under one of its remedial programs. View resources on the DER web site about planning and conducting a site CP program.

1. Citizen Participation Requirements. DER administers a CP program that, at a minimum, consists of CP requirements conducted during milestones in a site's remedial process. DER staff work in cooperation with other DEC staff, other agencies, parties, and citizens, as appropriate, to plan and implement these CP efforts. As a result, a site CP program must begin early in a site's remedial process, with CP requirements being applied consistently from site to site within programs.

These CP requirements include the development and maintenance of:

- a. a site contact list and document repository,
- b. a site CP Plan and fact sheets, and
- c. public comment periods.

State statutes and DEC regulations establish these tasks as the minimum requirements for citizen participation. Conducting this baseline level of required CP activities is important because it helps to ensure that DER staff and other involved parties inform and involve the public at major stages of a site's remedial process.

The DER Project Manager has overall responsibility for ensuring the coordination, planning, and implementation of DER's CP program. This is because the CP activities are an integral part of the overall site remedial program. However, the DER Project Manager must closely coordinate the site CP program with others who may include:

- DEC Citizen Participation Specialists;
- other DER and DEC staff;
- project staff from the New York State Department of Health;
- the remedial party investigating and/or cleaning up the site;
- the remedial party's contractors; and
- the affected/interested community.

2. Citizen Participation Options and Flexibility. At many sites, the program of required CP activities meets the needs of all parties. At other sites, CP activities beyond the minimum requirements are necessary and appropriate because of the nature of the site and/or community interest or concern. This variation raises several questions:

- How do staff who plan and implement CP for a particular site determine if the program of required CP activities is sufficient, or if more should be done?
- How are additional CP activities selected for a particular site remedial program?
- How can the required CP activities and any additional CP activities be implemented most effectively?

These questions can be addressed by preparing the site's required CP Plan and keeping it current. The CP Plan is the main tool that identifies CP needs and activities for a particular site. Because the site CP Plan is developed at the start of remedial investigation activities, it provides an early opportunity to assess the nature and level of community concerns. This assessment is documented in a section of the site CP Plan that identifies major issues of public concern.

DER has developed a planning tool called a "Scoping Sheet for Major Issues of Public Concern" (Scoping Sheet) that can help to identify issues and information needs of stakeholders. The Scoping Sheet should be used for all sites during the initial project phases to develop information that will help to prepare the site's CP Plan. The Scoping Sheet can also be used or updated at any time during the site's remedial process to help staff to plan and conduct the CP program. Access the Scoping Sheet and related instructions on DER's web site.

The Scoping Sheet can help staff with the following tasks:

- Identify the affected/interested public and their particular issues and information needs for the particular site.
- Define major issues and information needs regarding the site, and the potential impacts of the site's contamination and cleanup that are important to DER, other involved parties, and the affected/interested community.
- Determine if a site warrants CP efforts beyond the required "baseline" program, or if the required CP program is sufficient.
- Update the CP Plan and the site contact list as needed during the site's remedial process.

A basic understanding of community issues of concern and information needs helps to effectively address the CP requirements and any additional activities that may be chosen for a particular site.

1.4 Environmental Justice and the Site Remedial Process

DER's CP program is consistent with and complements the goals and objectives of DEC's Environmental Justice (EJ) policy. DEC's EJ efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities. The CP program also complies with DEC policy regarding contact, cooperation, and consultation with Indian Nations, which formally recognizes that relations between DEC and Indian Nations will be conducted on a government-to-government basis, and include critical program areas such as site remediation.

For the purposes of this Handbook, EJ means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the implementation and enforcement of DER's remedial programs.

Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from contaminated sites or the execution of DER's remedial programs and policies consistent with applicable environmental laws and regulations.

DER seeks to integrate EJ principles into its site remedial programs. The goal is for all people to enjoy the same degree of protection from environmental and health hazards and equal access to information and participation in the decision-making process to have a healthy environment in which to live, learn, and work.

DER and others responsible for implementing CP during the site remedial process need to evaluate potential EJ communities on an individual basis. A particular community may possess unique attributes/qualities that need to be recognized and addressed to ensure that CP efforts are undertaken to provide for an open and accessible decision-making process. For example:

- An EJ community may be disproportionately impacted by pollutants and other forms of contamination. Lack of participation or silence in the past should not be interpreted as lack of concern or interest in these issues.
- EJ communities may not trust or, in some cases, may fear the government because of perceived or unintended experiences of injustices or diverse cultural backgrounds.
- Additional collaborative efforts with EJ communities may be needed to help them to participate more effectively in the remedial process, including additional technical assistance provided directly by DER staff and by help obtained through technical assistance grants and EJ grants.
- In communities where English is not the primary language, materials may need to be developed in the applicable language. Local community leaders may be willing to help in identifying the appropriate language. Alternately, DEC's Office of Environmental Justice may be able to provide recommendations and assist in the translation of materials to the appropriate language. The development of materials in a language other than English also may be appropriate in areas outside of EJ communities.

The Scoping Sheet for Major Issues of Public Concern discussed at **1.3** above can assist in identifying significant issues related to EJ communities. In addition, DEC's Office of Environmental Justice can provide EJ consultation about important issues of public concern that affect a potential EJ community.

There may be unique ways that EJ communities can best participate in the site remedial process, but general recommendations for planning and conducting an effective CP program apply. These efforts can help to achieve the following objectives:

- Potentially affected community residents have an appropriate opportunity to participate in decisions made about a contaminated site that could affect their environment and/or health.
- The public's contributions can influence DER's decisions.
- The concerns of all participants involved are considered in the decision-making process.
- Decision makers seek out and facilitate the involvement of those potentially affected.
- DER conveys issues in ways that can be tailored (for example, translation, timing, location) to each community and that seek to bridge cultural and economic differences that may hamper participation.

DEC's EJ policies and resources are addressed in detail on the DEC web site at: <http://www.dec.ny.gov/public/333.html> .

1.5 Links to Citizen Participation Support Materials on the Web

This Handbook cross-references CP resources on the DER web site. These resources include templates to create fact sheets and a CP Plan, as well as guidance and recommendations to plan and conduct CP programs and specific CP activities. View these resources on the DER web site at: <http://www.dec.ny.gov/regulations/2393.html> . (Check this link regularly as the CP resources will be added to and modified over time.)

The statutory, regulatory and policy sources for the CP requirements of the remedial programs are listed below.

Statute: Environmental Conservation Law (ECL)

- Inactive Hazardous Waste Disposal Sites Remedial Program (Article 27):
 - Title 13, Section 27-1305. Reports by the Department; registry of sites.
 - Title 13, Section 27-1316. Citizen technical assistance grants.
- Brownfield Cleanup Program (Article 27):
 - Title 14, Section 27-1407. Request for participation.
 - Title 14, Section 27-1409. Brownfield site cleanup agreement.
 - Title 14, Section 27-1417. Citizen participation.

- Environmental Restoration Program (Article 56):
 - Title 5, Section 56-0503. Environmental restoration projects; state assistance.

View the ECL on the DEC web site at: <http://www.dec.ny.gov/regulations/40195.html>

Note: The Voluntary Cleanup Program (VCP) is an administrative program; therefore, it is not referenced under the ECL statutes. Applications are no longer being accepted for participation in the VCP. However, a number of sites remain in the VCP at different stages in the remedial process.

Regulations: 6 NYCRR Part 375 Environmental Remediation Programs

Subpart 375-1: General Remedial Program Requirements

Subpart 375-2: Inactive Hazardous Waste Disposal Site Remedial Program

Subpart 375-3: Brownfield Cleanup Program

Subpart 375-4: Environmental Restoration Program

- Part 375 regulations <http://www.dec.ny.gov/regs/2491.html>

DER Policy:

- DER-14 / Technical Assistance Grant (TAG) Guidance Handbook
<http://www.dec.ny.gov/regulations/2393.html>

1.6 Summary of Citizen Participation Requirements in DER's Remedial Programs

The chart on the following page identifies the CP requirements for the State Superfund Program, Brownfield Cleanup Program, Environmental Restoration Program, and Voluntary Cleanup Program.

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DER Remedial Programs Citizen Participation Requirements

State Superfund Program	Brownfield Cleanup Program	Environmental Restoration Program	Voluntary Cleanup Program
<p>Site Listing and Reclassification:</p> <ul style="list-style-type: none"> • Mail notice to site contact list about final decisions concerning an initial site listing, classification, or reclassification. If contact list not developed: • Publish notice in local newspaper, and • Mail notice to adjacent property owners and others <p>Before Start of Remedial Investigation (RI):</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation Plan • Mail fact sheet to site contact list about availability of RI Work Plan and upcoming RI field work <p>When DER Approves Remedial Investigation (RI) Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about RI results <p>When DER Releases Proposed Remedial Action Plan (PRAP):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about PRAP, 30-day public comment period, and public meeting • Conduct 30-day public comment period about PRAP • Hold public meeting during PRAP comment period <p>When DER Issues Record of Decision (ROD):</p> <ul style="list-style-type: none"> • Mail notice to site contact list about availability of ROD. ROD includes responsiveness summary of significant comments about PRAP <p>Before Start of Remedial Action (RA):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about upcoming RA <p>When DER Issues Certificate of Completion (COC) or Other Similar Site Closure Document:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about issuance of COC or other similar site closure document <p>Proposed Site Delisting:</p> <ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing proposal to delist and 30-day public comment period • Publish ENB notice content in local newspaper • Mail notice to site contact list about proposal to delist and 30-day public comment period. If contact list not developed, provide notice to adjacent property owners, chief executive officer of the municipality, and public water supplier, if applicable. • Conduct 30-day public comment period about proposed delist • Prepare responsiveness summary and make publicly available <p>NOTES:</p> <p>Technical Assistance Grants (TAGs):</p> <ul style="list-style-type: none"> • Available for Class 1 and 2 sites <p>Interim Remedial Measure (IRM):</p> <p>If IRM represents all or significant part of remedy:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about IRM Work Plan • Conduct 30-day public comment period about IRM Work Plan • Hold public meeting during public comment period 	<p>Application Process:</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Publish notice in Environmental Notice Bulletin about receipt of complete Application and 30-day public comment period • Publish notice in local newspaper (same content) • Mail notice to site contact list (same content) • Conduct 30-day public comment period about complete Application <p>If Application Includes a Remedial Investigation Work Plan, Investigation Report and/or Remedial Work Plan:</p> <ul style="list-style-type: none"> • Perform activities above for all appropriate documents <p>After Execution of Brownfield Cleanup Agreement:</p> <ul style="list-style-type: none"> • Prepare Citizen Participation Plan <p>Before DER Approves Proposed Remedial Investigation (RI) Work Plan:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about proposed RI Work Plan and 30-day public comment period • Conduct 30-day public comment period about proposed RI Work Plan <p>Before DER Approves Remedial Investigation (RI) Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about RI results <p>Significant Threat Determination:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about significant threat determination. Announce in another fact sheet if appropriate <p>Before DER Approves Remedial Work Plan (RWP):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about draft RWP and 45-day public comment period • Conduct 45-day public comment period about draft RWP • Hold public meeting during public comment period if significant threat site and requested by community <p>Before Applicant Starts Remedial Action (RA):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about upcoming RA <p>Before DER Approves Final Engineering Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about report <p>When DER Issues Certificate of Completion (COC):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about issuance of COC <p>NOTES:</p> <p>Technical Assistance Grants (TAGs):</p> <ul style="list-style-type: none"> • Available for significant threat BCP sites <p>Interim Remedial Measure (IRM):</p> <p>If IRM represents all or significant part of remedy:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about IRM Work Plan • Conduct 30-day public comment period about IRM Work Plan • Hold public meeting during public comment period (if significant threat site and requested by community) 	<p>Before Start of Remedial Investigation/Alternatives Analysis (RI/AA):</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation Plan • Mail fact sheet to site contact list about availability of RI/AA Work Plan and upcoming RI field work <p>When DER Approves Remedial Investigation (RI) Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about RI results <p>If Municipality Does Not Proceed With Remediation:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about RI results • Conduct 30-day public comment period • Prepare responsiveness summary of significant comments • File notice of RI results with county clerk or register <p>When DER Releases Proposed Remedial Action Plan (PRAP):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about PRAP, 45-day public comment period, and public meeting • Conduct 45-day public comment period about PRAP • Hold public meeting during PRAP comment period <p>When DER Issues Record of Decision (ROD):</p> <ul style="list-style-type: none"> • Mail notice to site contact list about availability of ROD. ROD includes responsiveness summary of significant comments about PRAP <p>Before Municipality Starts Remedial Action (RA):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about upcoming RA <p>When DER Issues Certificate of Completion (COC):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about issuance of COC <p>NOTE:</p> <p>Interim Remedial Measure (IRM):</p> <p>If IRM represents all or significant part of remedy:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about IRM Work Plan • Conduct 30-day public comment period about IRM Work Plan • Hold public meeting during public comment period 	<p>Before Start of Remedial Investigation (RI):</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation Plan • Mail fact sheet to site contact list about availability of RI Work Plan and upcoming RI field work <p>When DER Approves Remedial Investigation (RI) Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about RI results <p>Before DER Approves Remedial Action Work Plan (RAWP):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about draft RAWP and 30-day public comment period • Conduct 30-day public comment period about draft RAWP • Hold public meeting during public comment period if public raises significant, substantive issues about draft RAWP <p>Before Volunteer Starts Remedial Action (RA):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about upcoming RA <p>When DER Issues Closure Letter:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about issuance of Closure Letter <p>NOTE:</p> <p>Interim Remedial Measure (IRM):</p> <p>If IRM represents all or significant part of remedy:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list about IRM Work Plan • Conduct 30-day public comment period about IRM Work Plan • Hold public meeting during public comment period if public raises significant, substantive issues about IRM Work Plan

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Section 2

Inactive Hazardous Waste Disposal Site Remedial Program (State Superfund Program) Citizen Participation Requirements

Introduction

This section identifies the citizen participation (CP) activities that are required to be conducted during the remedial process for a site in the State Superfund Program (SSF). These CP activities are conducted either by DER or the responsible party under DER oversight. CP requirements are incorporated into site classification decisions, as well as important parts of the site remedial process. The CP requirements are described in the order in which they would occur in a remedial process that flows from investigation and remedy selection through remedial action and issuance of a Certificate of Completion or similar site closure document.

DER may determine that additional CP activities must be conducted for a particular site to supplement the minimum CP program requirements. In making this determination, DER may consider factors that include: the actual or potential impact of the site on the community; the level and nature of public interest in the site or the remedial program; public input; the nature (including duration and complexity) of the site's remedial program; and available resources. If DER determines that additional CP activities need to be performed, the DER Project Manager will ensure that the CP activities are implemented. See discussion at **1.3 Structure of the Citizen Participation Program** for guidance about planning and conducting CP requirements and options.

2.1 Summary of State Superfund Program Citizen Participation Requirements

The table on the next page identifies the CP requirements of the State Superfund Program and how they integrate with the remedial process for a State Superfund site project. Additional details to plan and conduct each CP requirement follow the table.

As noted earlier, at some sites CP activities beyond the minimum requirements are necessary and appropriate because of the nature of the site and community interest or concern. Refer to Section 1 of this Handbook for guidance.

Successful implementation of a CP program and its related activities requires planning and strategy. An overall strategy to effectively plan and conduct a CP program is discussed on DER's website.

State Superfund Program (SSF) Citizen Participation Requirements

SSF Citizen Participation Requirements	Timing of CP Requirement(s)
Site Listing and Reclassification:	
<ul style="list-style-type: none"> • Mail notice to site contact list. If contact list not developed, publish notice in local newspaper and mail notice to adjacent property owners, chief executive officer of the municipality, and public water supplier, if applicable. 	When final decisions about a site listing or reclassification are made. A class 1 or 2 SSFsite on the Registry is eligible for a Technical Assistance Grant.
Before Start of Remedial Investigation (RI):	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved RI Work Plan in document repository • Mail fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work. Note: All mailings require certification of mailing to DER within 5 days 	Before start of RI. Note: Draft CP Plan must be submitted to DER within 20 days of effective date of Consent Order. CP Plan must be approved by DER before distribution.
When DER Approves Remedial Investigation Report:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	When DER approves RI Report.
When DER Releases Proposed Remedial Action Plan (PRAP):	
<ul style="list-style-type: none"> • Place PRAP in document repository • Mail fact sheet to site contact list that describes PRAP and announces 30-day comment period and public meeting • Conduct 30-day public comment period • Hold public meeting about PRAP 	When DER releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.
When DER Issues Record of Decision (ROD):	
<ul style="list-style-type: none"> • Place ROD in document repository • Mail notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP 	When DER issues ROD.
Before Start of Remedial Action (RA):	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming RA 	Before the start of RA at the site.
When DER Issues Certificate of Completion (COC) or Other Similar Site Closure Document:	
<ul style="list-style-type: none"> • Place COC in document repository • Mail fact sheet to site contact list that announces issuance of COC 	Within 10 days after DER issues COC or other similar site closure document.
Proposed Site Delisting:	
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing proposed site delisting and 30-day public comment period • Publish ENB notice content in local newspaper • Mail notice to site contact list. If contact list not developed, provide notice to adjacent property owners, chief executive officer of the municipality, and public water supplier, if applicable. • Conduct 30-day public comment period • Prepare responsiveness summary and make publicly available 	At least 60 days before proposed site delisting.

2.2 Important Information About the SSF Citizen Participation Requirements

1. Fact Sheet Preparation and Distribution. Many of the CP requirements discussed in this section involve preparing and distributing fact sheets to the site contact list. All required fact sheets share the following protocols, whether drafted by a responsible party or DEC staff.

Preparation: Use electronic fact sheet templates available from DER to prepare the draft fact sheets. The templates and instructions for preparing the fact sheets are available on the DER web site.

The templates should be customized using plain, understandable language so that issues are explained in clear terms to readers who do not have specialized environmental and technical knowledge.

The responsible party should submit each draft fact sheet, in electronic format, to the DER Project Manager for review and approval. The DER Project Manager should provide the appropriate DEC Citizen Participation Specialist (CPS), and others as appropriate, an opportunity to review a draft fact sheet and provide comments within the required time frame. DER may elect to prepare fact sheets for responsible party lead sites in place of having the responsible party do so.

For State-lead sites (sites where DEC is conducting the remedial activities), the DER Project Manager drafts the fact sheets, with assistance from the DEC CPS and others as appropriate.

Distribution: A fact sheet will be distributed to the site contact list when DER approves the document and determines that it should be distributed. DER will determine who will distribute the document. The responsible party also will place the fact sheet in the document repository. DER always performs the distribution for State-lead sites and places the fact sheet in the repository. The fact sheet that announces the public comment period for the Proposed Remedial Action Plan must be sent so that it is received by the site contact list before the comment period begins. Other fact sheets that describe upcoming field work should be sent so that they are received before significant site activities take place.

- *Email and paper mail distribution:* To improve efficiency and help reduce waste, DER is transitioning to the electronic distribution of fact sheets and other site information. DER encourages the distribution of fact sheets, meeting notices, and other project information by email. For purposes of this Handbook, “distribution” and “mail” can consist of some combination of distribution of paper versions of facts sheets through the postal service and other means, as well as electronic distribution through email. **Note:** DEC and New York State Department of Health (DOH) staff always will only receive electronic copies of fact sheets. In all cases, everyone on a site contact list must receive project information in a timely way.

If a responsible party distributes a fact sheet to the site contact list, it must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet. The responsible party must certify to DER, on a form supplied by DER, that the fact sheet was mailed by Regular First Class mail. A similar certification must be provided for email distribution. The certification forms can be accessed on the DER web site.

Note: Where the site or adjacent real property contains multiple dwelling units (for example an apartment building or trailer park), an alternative method for providing such notice in lieu of mailing to each individual may be developed. Such alternative method for notice must be approved by the DER Project Manager.

2. Public Comment Period. DER conducts a 30-day public comment period about the Proposed Remedial Action Plan. DER will consider a request in writing by letter or email to extend the comment period, provided that the request is received within five days of the identified end of the comment period. The maximum time allotted for an extension will be 30 days.

3. Interim Remedial Measures (IRMs). CP activities are required if the scope of the IRM is likely to represent all or a significant portion of the remedy for the site. In this case, the review and approval of the IRM work plan will be completed using the same procedures as for a Proposed Remedial Action Plan, including CP. See discussion at **2.6 When DER Releases Proposed Remedial Action Plan.**

Note: In the instance of an IRM that does **not** represent all or a significant part of the remedy for the site, DER should determine if it is appropriate to conduct CP activities. This should be decided on a site-specific basis, considering the nature of the IRM, level of citizen interest and concern, and other factors.

2.3 Site Listing and Reclassification

1. Notice to Site Contact List. When DER lists or reclassifies a site on the Registry of Inactive Hazardous Waste Disposal Sites (Registry), it must mail a notice to the site contact list. The notice describes the listing or reclassification action.

Alternately, if a site contact list has not been developed for the site, DER must implement activities **2.** and **3.** below:

2. Newspaper Notice. DER must publish a notice about the listing or reclassification action in a local newspaper of general circulation servicing the area that includes the site.

3. Notice to Adjacent Property Owners and Others. DER must mail the same notice published in the newspaper to adjacent property owners, the chief executive officer of the city, town, or village, and the public water supplier, if any, in which the site is located.

2.4 Before Start of Remedial Investigation

1. Site Contact List (Component of Site Citizen Participation Plan). The responsible party or DER must prepare a site contact list consisting of, at a minimum:

- the chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which serves the area in which the site is located;
- any person who has requested to be placed on the site contact list;

- the administrator of any school or day care facility located on or near the site for the purposes of posting and/or dissemination at the facility; and
- the document repository selected for the project.

If a responsible party submits a site contact list, the DER Project Manager reviews it for adequacy as part of the site's CP Plan. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame. For a State-lead site, the DER Project Manager develops the site contact list with assistance from the CPS and others as appropriate.

Distribution to the contact list should be evaluated periodically to help ensure that additional individuals, groups, and organizations are included. These stakeholders would include those who are affected or potentially affected by the site, who have expressed an interest in the investigation, remediation, or redevelopment of the site, who have attended a public meeting, and others as appropriate.

Email addresses: Email addresses should be solicited when developing a site contact list. Fact sheets, project updates and public meeting announcements about the investigation and remediation of sites can be distributed to the public by email.

DER maintains the confidentiality of the names and addresses of homeowners and residents included in site contact lists. In addition, email addresses included in site contact lists will not be shared or traded. DER excludes this information from CP Plans placed in document repositories and otherwise made available to the public. View resources on the DER web site about developing and updating a site contact list.

2. Document Repository (Component of Site Citizen Participation Plan). The document repository provides the community with convenient access to project information about the site and the investigation and remediation efforts. The document repository also serves as a place for people to review draft project documents that will be subject to public comment, as well as the final versions of these documents.

The repository should be located in a publicly accessible building near the site, and should be convenient to the affected/interested community by providing evening and, if possible, weekend hours. This is important so that people who work during the day can access the information. A local public library is usually a suitable location. If a local library is not available or suitable, alternatives include municipal offices, public health offices, and schools.

Electronic Access to Documents: DER advocates maximizing the electronic sharing and distribution of documents through use of email distribution and electronic repositories. At DER's discretion, an online, web-based repository may be used to supplement the public's access to important site documents provided by the local document repository. There may also be special cases when it is more appropriate and convenient for the public to access site documents through an electronic repository alone. This decision will be made by the DER Project Manager, considering: 1) the ability to effectively reach all affected citizens and, 2) the ability to maintain a complete and updated repository.

If a responsible party proposes the location of a project document repository, the DER Project Manager reviews the recommendation for adequacy. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame. For a State-lead site, the DER Project Manager selects the document repository with similar input.

Note: The responsible party or DEC staff must contact the potential document repository *before* beginning to send documents and before formally identifying it in the site's CP Plan. The responsible party must submit proof of acceptance of this designation by the document repository.

The responsible party will ensure that all appropriate documents are in the repository for responsible party lead sites, except where specified otherwise in the guidance.

Documents subject to public review and comment must be placed in the repository so that they are available when the relevant comment periods begin.

The site's CP Plan and the fact sheets developed during the site's remedial process are useful tools to inform the public about the document repository, its location, and days and hours of operation.

The amount of time a document repository should be maintained will vary from site to site. For sites in which site management involves significant site activity, the repository should be maintained until the activities are completed. In all cases, repository contents may be pared down at some point to those documents that retain relevance to the site activities. The DER Project Manager is encouraged to make such decisions following appropriate consultation with the appropriate DEC CPS. View resources on the DER web site about setting up and maintaining a document repository.

3. Citizen Participation Plan. Within 20 days of the effective date of an Administrative Order requiring a responsible party to conduct remedial activities, the responsible party is required to submit a written CP Plan, in electronic format, to DER for review and approval. The DER Project Manager should provide the appropriate DEC CPS a copy of the draft CP Plan and an opportunity to review and provide comments within the required time frame. For a State-lead site, the Project Manager develops the site's CP Plan with assistance from the CPS and others as appropriate.

Note: The Remedial Investigation Work Plan will not be approved until the CP Plan has been approved.

Preparation: The responsible party or DER Project Manager should use an electronic CP plan template available from DER to prepare the CP Plan. The template and instructions to prepare the CP Plan are available on the DER web site.

At a minimum, the CP Plan includes the following content:

- list of the names, mailing addresses, and email addresses of the interested public (site contact list);
- name and address of the document repository;

- overview of the site's history and contamination issues;
- the major elements of the site's remedial program;
- major issues of public concern related to the site; and
- description of CP activities already conducted and planned for the site.

Distribution: The responsible party or DER Project Manager will place the approved document in the site's document repository.

4. Remedial Investigation (RI) Work Plan in Repository. When DER approves the RI Work Plan, the responsible party will place the document in the document repository. For a State-lead site, the DER Project Manager is responsible for placing the document in the repository. Place the document in the repository before the mailing of the notice and fact sheet discussed below.

5. Notice and Fact Sheet to Site Contact List. The responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that announces the availability of the RI Work Plan and describes the upcoming investigation. For a State-lead site, the DER Project Manager develops the fact sheet with assistance from the appropriate DEC CPS and others as appropriate. The template and instructions to prepare the RI Work Plan fact sheet are available on the DER web site.

2.5 When DER Approves Remedial Investigation Report

1. Remedial Investigation (RI) Report in Repository. The responsible party will place the approved RI Report in the document repository. For a State-lead site, the DER Project Manager is responsible for placing the document in the repository. The RI Report shall be placed in the repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the RI Report. For a State-lead site, the DER Project Manager develops the fact sheet with assistance from the appropriate DEC CPS and others as appropriate. The template and instructions to prepare the RI Report fact sheet are available on the DER web site.

2.6 When DER Releases Proposed Remedial Action Plan

1. Proposed Remedial Action Plan (PRAP) in Repository. The DER Project Manager will place the PRAP in the document repository. The PRAP should be placed in the repository before the mailing of the notice and fact sheet and before the start of the 30-day public comment period discussed below.

2. Notice and Fact Sheet to Site Contact List. The responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the PRAP and announces a 30-day public comment period and a public meeting. For a State-lead site, the DER Project Manager develops the fact sheet with assistance from the appropriate DEC CPS and others as

appropriate. The template and instructions to prepare the PRAP fact sheet are available on the DER web site.

Note: The information about the upcoming public meeting and comment period also should be posted on the DEC Events Calendar located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

3. 30-Day Public Comment Period. DER conducts a 30-day public comment period about the PRAP before issuing the Record of Decision (see discussion at **2.7** below).

4. Public Meeting. DER conducts a public meeting about the PRAP within the 30-day public comment period. It is recommended that the public meeting be held near the midpoint of the public comment period to afford the public sufficient time to submit comments. The meeting should be structured to provide the public with adequate time to present comments and ask questions. The public will be advised about the meeting through the PRAP fact sheet discussed at **2.6.2** above. View resources on the DER web site about planning and conducting a public meeting.

2.7 When DER Issues Record of Decision

1. Record of Decision (ROD) in Repository. The DER Project Manager will place the ROD in the document repository. The ROD should be placed in the repository before the mailing of the notice discussed below. The ROD includes a responsiveness summary of significant public comments received about the PRAP.

2. Notice to Site Contact List. The responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice announces the availability of the ROD and how the public can access the document. For a State-lead site, the DER Project Manager develops the notice. The template and instructions to prepare the ROD notice are available on the DER web site.

2.8 Changes to Selected Remedies

After DER issues the ROD, it may determine that a change or changes to the selected remedy are needed. CP is required for this process if the changes are “significant” or “fundamental.”

1. Significant change. A significant change has an impact on an essential part of the remedy. DER will issue an Explanation of Significant Differences (ESD), which is a notice that a change has occurred. A fact sheet announcing the ESD will be sent to the site contact list and to the document repository.

2. Fundamental change. A fundamental change involves a new approach to the remedy or it may add/subtract significant components of the remedy. DER will prepare an Amendment to the ROD, which discusses the proposed changes to the selected remedy. All other aspects of the ROD process are followed, including release of a proposed ROD Amendment, a public meeting, public comment period, responsiveness summary, and issuance of a revised ROD.

2.9 Before Start of Remedial Action

1. Notice and Fact Sheet to Site Contact List. Before field work begins at the site to implement the remedy, the responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the upcoming field work. For a State-lead site, the DER Project Manager develops the fact sheet with assistance from the appropriate DEC CPS and others as appropriate. The template and instructions to prepare the fact sheet about upcoming Remedial Action are available on the DER web site.

2.10 When DER Issues Certificate of Completion or Other Similar Site Closure Document

1. Certificate of Completion (COC) or Similar Site Closure Document in Repository. The responsible party will place the COC or similar site closure document in the document repository. For a State-lead site, the DER Project Manager is responsible for placing the COC or similar site closure document in the repository. The COC or similar site closure document shall be placed in the document in the repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. Within 10 days after DER issues a COC or other similar site closure document, the responsible party will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. For a State-lead site, the DER Project Manager develops the fact sheet with assistance from the appropriate DEC CPS and others as appropriate. This requirement applies to all sites that receive a COC or other similar site closure document, including those without institutional and/or engineering controls incorporated into the remedy. The notice includes a fact sheet that describes the COC or other similar site closure document and controls as applicable. The template and instructions to prepare the COC fact sheet are available on the DER web site.

2.11 Proposed Site Delisting

DER will not delist a site from the Registry without commencing the following activities at least 60 days before the proposed delisting:

1. Environmental Notice Bulletin (ENB) Notice. DER must publish a notice in DEC's ENB that describes the proposed delisting action, and announces a 30-day public comment period.

2. Newspaper Notice. DER must publish the above-described ENB notice content in a local newspaper of general circulation in the county where the site is located.

3. Notice to Site Contact List. DER provides notice of the above-described ENB notice content to the site contact list. If a site contact list has not been developed for the site, DER must provide written notice to adjacent property owners, the chief executive officer of the city, town, or village, and the public water supplier, if any, in which the site is located.

4. 30-Day Public Comment Period. DER conducts a 30-day public comment period about the proposed site delisting action. The 30-day public comment period is held during the 60-day notification period. DER may hold a public meeting in those cases where site issues are complex and there is great public interest in the delisting of a site.

5. Summary of Comments. DER will summarize any comments received. A summary of responses to the comments will be made available to the public in the regional office in which the site is located, or in the local site document repository if one had been set up during the project.

2.12 Technical Assistance Grant Information

A qualifying community group may apply for a Technical Assistance Grant (TAG) for a Class 1 or Class 2 inactive hazardous waste disposal site on the Registry. The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development and implementation of a remedy.

An eligible community group must certify the following: that it is a not-for-profit corporation as described in Section 501(c)(3) of the Internal Revenue Code; that its membership represents the interests of the community affected by the site; and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

View resources about TAGs on the DER web site at:
<http://www.dec.ny.gov/regulations/2590.html> .

Section 3

Brownfield Cleanup Program Citizen Participation Requirements

Introduction

This section identifies the citizen participation (CP) activities that are required to be conducted during the remedial process for a site in the Brownfield Cleanup Program (BCP). CP requirements begin when an Applicant applies as a “Requestor” to participate in the Brownfield Cleanup Program. The CP requirements are described in the order in which they would occur in a remedial process that flows from investigation and remedy selection through remedial action and issuance of a Certificate of Completion (COC).

Many of the CP requirements are implemented by the Requestor/Applicant, with review and approval by DER. For example, fact sheets required to be developed during the brownfield site remedial process are drafted by the Applicant, and reviewed and approved by DER before distribution. DER staff and the Applicant are encouraged to begin consultation and planning early in the remedial process to help to ensure successful implementation of a brownfield site CP program.

DER may determine that additional CP activities must be conducted for a particular site to supplement the minimum CP program requirements. In making this determination, DER may consider factors that include: the actual or potential impact of the site on the community; the level and nature of public interest in the brownfield site or the remedial program; public input; Applicant input; the nature (including duration and complexity) of the brownfield site’s remedial program; and available resources. If DER determines that additional CP activities need to be performed, the DER Project Manager will ensure that the CP activities are implemented. See discussion at **1.3 Structure of the Citizen Participation Program** for guidance about planning and conducting CP requirements and options.

3.1 Summary of Brownfield Cleanup Program Citizen Participation Requirements

The table on the next page identifies the CP requirements of the BCP and how they integrate with the remedial process for a BCP project. Additional details to plan and conduct each CP requirement follow the table.

As noted earlier, at some sites CP activities beyond the minimum requirements are necessary and appropriate because of the nature of the site and community interest or concern. Refer to Section 1 of this Handbook for guidance.

Successful implementation of a CP program and its related activities requires planning and strategy. An overall strategy to effectively plan and conduct a CP program is discussed on DER’s website.

Brownfield Cleanup Program (BCP) Citizen Participation Requirements

BCP Citizen Participation Requirements	Timing of CP Requirement(s)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository 	When Requestor prepares Application to participate in BCP.
<ul style="list-style-type: none"> • Place complete Application in document repository • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of Application and 30-day comment period • Publish notice in local newspaper • Mail notice to site contact list (all mailings require certification of mailing sent to DER within 5 days) • Conduct 30-day public comment period on the complete Application 	When DER determines that Application is complete. Comment period begins on publication date of ENB notice. End date is as stated in ENB notice. ENB, newspaper, and site contact list notices should be provided at the same time. Notice should request comments on all appropriate documents included in Application package (RI Work Plan, RI Report and/or RWP).
After Execution of Brownfield Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare Citizen Participation (CP) Plan 	Draft CP Plan must be submitted to DER within 20 days of execution of BCA. CP Plan must be approved by DER before distribution.
Before DER Approves Proposed Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Place proposed RI Work Plan in document repository • Mail fact sheet to site contact list about proposed RI Work Plan and 30-day public comment period • Conduct 30-day public comment period on the proposed RI Work Plan 	Before DER approves RI Work Plan. If RI Work Plan is submitted with application, comment periods will be combined and public notice will include fact sheet. Comment period begins/ends as per dates identified in fact sheet.
<ul style="list-style-type: none"> • Place approved RI Work Plan in document repository 	When DER approves RI Work Plan.
Before DER Approves Remedial Investigation Report:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes RI results 	Before DER approves RI Report.
<ul style="list-style-type: none"> • Place approved RI Report in document repository 	When DER approves RI Report.
Significant Threat Determination:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that discusses significant threat determination. Combine notice with another fact sheet where appropriate 	Determination may be made any time during remedial process but no later than 20 days after DER approves RI Report. A significant threat site is eligible for a Technical Assistance Grant.
Before DER Approves Remedial Work Plan (RWP):	
<ul style="list-style-type: none"> • Place draft RWP in document repository • Mail fact sheet to site contact list that describes draft RWP and announces 45-day comment period • Conduct 45-day public comment period about draft RWP • Hold public meeting about draft RWP if site a significant threat and requested by community. 	Before DER approves RWP. Comment period begins/ends as per dates identified in fact sheet. Public meeting would be held during the comment period.
<ul style="list-style-type: none"> • Place approved RWP and final Decision Document in document repository 	When DER approves RWP and finalizes Decision Document.
Before Applicant Starts Remedial Action (RA):	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming RA 	Before the start of RA at the site.
Before DER Approves Final Engineering Report:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes report, and any proposed institutional/ engineering controls 	Before DER approves Final Engineering Report.
<ul style="list-style-type: none"> • Place final Engineering Report in document repository 	When DER approves Final Engineering Report.

(continued)

BCP Citizen Participation Requirements	Timing of CP Requirement(s)		
<p style="text-align: center;">When DER Issues Certificate of Completion (COC):</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> • Place Notice of COC in document repository • Mail fact sheet to site contact list that announces issuance of COC </td> <td style="width: 50%; vertical-align: top;"> <p>Within 10 days after DER issues COC.</p> </td> </tr> </table>		<ul style="list-style-type: none"> • Place Notice of COC in document repository • Mail fact sheet to site contact list that announces issuance of COC 	<p>Within 10 days after DER issues COC.</p>
<ul style="list-style-type: none"> • Place Notice of COC in document repository • Mail fact sheet to site contact list that announces issuance of COC 	<p>Within 10 days after DER issues COC.</p>		

3.2 Important Information About the BCP Citizen Participation Requirements

1. Fact Sheet Preparation and Distribution. Many of the CP requirements discussed in this section involve preparing and distributing fact sheets to the site contact list. All required fact sheets share the following protocols.

Preparation: The Applicant should use electronic fact sheet templates available from DER to prepare the draft fact sheets. The templates and instructions for preparing the fact sheets are available on the DER web site.

The templates should be customized using plain, understandable language so that issues are explained in clear terms to readers who do not have specialized environmental and technical training (knowledge).

The Applicant should submit each draft fact sheet, in electronic format, to the DER Project Manager for review and approval. The DER Project Manager should provide the appropriate DEC Citizen Participation Specialist (CPS), and others as appropriate, an opportunity to review a draft fact sheet and provide comments within the required time frame. DER may elect to prepare fact sheets in place of having the Applicant do so.

Distribution: A fact sheet will be distributed to the site contact list when DER approves the document and determines that it should be released. DER will determine who will distribute the fact sheet. The Applicant must also place the fact sheet in the document repository. Fact sheets that announce public comment periods must be sent so that they would be received by the site contact list before the comment periods begin. Other fact sheets that describe upcoming field work should be sent so that they would be received before significant site activities take place.

- *Email and paper mail distribution:* To improve efficiency and help reduce waste, DER is transitioning to the electronic distribution of fact sheets and other site information. DER encourages the distribution of fact sheets, meeting notices, and other project information by email. For purposes of this Handbook, “distribution” and “mail” can consist of some combination of distribution of paper versions of facts sheets through the postal service and other means, as well as electronic distribution through email. **Note:** DEC and New York State Department of Health (DOH) staff always will only receive electronic copies of fact sheets. In all cases, everyone on a site contact list must receive project information in a timely way.

If the Applicant distributes a fact sheet to the site contact list, it must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet. The Applicant

must certify to DER, on a form supplied by DER, that the fact sheet was mailed by Regular First Class mail. A similar certification must be provided for email distribution. The certification forms can be accessed on the DER web site.

Note: Where the site or adjacent real property contains multiple dwelling units (for example an apartment building or trailer park), the Applicant shall work with the DER Project Manager to develop an alternative method for providing such notice in lieu of mailing to each individual.

2. Significant threat determination and fact sheets. DER may determine at any time in the remedial process whether the brownfield site constitutes a significant threat to public health or the environment, but must make such determination no later than 20 days after it approves the Remedial Investigation Report. The Applicant will work in cooperation with DER to develop a fact sheet about the significant threat determination that will be provided to the site contact list.

The DER Project Manager should work with the Applicant to be sure the appropriate fact sheet includes the significant threat determination once made.

3. Combining Citizen Participation Activities. There are instances when CP requirements may be combined during the remedial program. For some projects, DER may encourage Applicants to submit certain reports and work plans simultaneously. This will allow for a more integrated approach to review the documents. This symbol (*) in the text that follows alerts the reader to opportunities to combine CP activities.

4. Public Comment Periods. DER requires several public comment periods about draft remedial documents during the remedial process. DER will consider a request in writing by letter or email to extend a comment period provided that the request is received within five days of the identified end of the comment period. The maximum time allotted for extensions will be 30 days.

5. Interim Remedial Measures (IRMs). For IRMs, CP activities are required if the scope of the IRM is likely to represent all or a significant portion of the remedy for the site. In this case, the review and approval of the IRM work plan will be completed using the same procedures as for a Remedial Work Plan, including CP. For such IRMs, the public comment period is 30 days. See discussion at **3.9 Before DER Approves Remedial Work Plan**.

Note: In the instance of an IRM that does **not** represent all or a significant part of the remedy for the site, DER should determine if it is appropriate to conduct CP activities. This will be decided on a site-specific basis, considering the nature of the IRM, level of citizen interest and concern, and other factors.

3.3 Application Process

1. Site Contact List. The Requestor must prepare and submit with its BCP Application a site contact list consisting of, at a minimum:

- the chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;

- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which serves the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for the purposes of posting and/or dissemination at the facility; and
- the document repository selected for the brownfield project.

DER reviews the site contact list as part of the process of determining if the Application is complete. The site contact list facilitates the mailing of notices and fact sheets about the brownfield site throughout the investigation and remediation process. The site contact list becomes part of the site's CP Plan which must be developed within 20 days of the effective date of the Brownfield Cleanup Agreement. See discussion at **3.4.1. Citizen Participation Plan**.

Distribution to the contact list should be evaluated periodically to help ensure that additional individuals, groups, and organizations are included. These stakeholders would include those who are affected or potentially affected by the site, who have expressed an interest in the investigation, remediation, or redevelopment of the site, who have attended a public meeting, and others as appropriate.

Email addresses: Email addresses should be solicited when developing a site contact list. Fact sheets, project updates and public meeting announcements about the investigation and remediation of sites can be distributed to the public by email.

DER maintains the confidentiality of the names and addresses of homeowners and residents included in site contact lists. In addition, email addresses included in site contact lists will not be shared or traded. DER excludes this information from CP Plans placed in document repositories and otherwise made available to the public. View resources on the DER web site about developing and updating a site contact list.

2. Document Repository. The Requestor must identify in its BCP Application the location of a document repository for the project. The document repository provides the community with convenient access to project information about the brownfield site and the investigation and remediation efforts. The document repository also serves as a place for people to review draft project documents that will be subject to public comment, as well as the final versions of these documents.

The repository should be located in a publicly accessible building near the brownfield site, and should be convenient to the affected/interested community by providing evening and, if possible, weekend hours. This is important so that people who work during the day can access the information. A local public library usually is a suitable location. If a local library is not available or suitable, alternatives include municipal offices, public health offices, and schools.

Electronic Access to Documents: DER advocates maximizing the electronic sharing and distribution of documents through use of email distribution and electronic repositories. At DER's discretion, an online, web-based repository may be used to supplement the public's access to important site documents provided by the local document repository. There may also be special cases when it is more appropriate and convenient for the public to access site

documents through an electronic repository alone. This decision will be made by the DER Project Manager, considering: 1) the ability to effectively reach all affected citizens and, 2) the ability to maintain a complete and updated repository.

Note: The Requestor must contact the potential document repository *before* sending documents to it for the first time and before formally identifying it in its Application. The Application requires that the Requestor submit proof of acceptance of this designation by the document repository.

The Requestor (designated the Applicant after DER accepts its application) will ensure that all appropriate documents are in the repository, except where specified otherwise in the guidance.

Documents subject to public review and comment must be placed in the repository so that they are available when the relevant comment periods begin.

The amount of time a document repository should be maintained will vary from site to site. For sites in which site management involves significant site activity, the repository should be maintained until the activities are completed. In all cases, repository contents may be pared down at some point to those documents that retain relevance to the site activities. The DER Project Manager is encouraged to make such decisions following appropriate consultation with the appropriate DEC CPS, the document repository contact, and the community.

As discussed below, the newspaper and Environmental Notice Bulletin notices, as well as the initial notice mailed to the site contact list, are useful tools to inform the public about the newly established repository, its location, and days and hours of operation. View resources on the DER web site about setting up and maintaining a document repository.

3. Application in Repository. The Requestor must place a copy of the complete Application in the document repository. The document must be placed in the repository before the start of the 30-day public comment period discussed at **3.3.7.** below.

4. Environmental Notice Bulletin (ENB) Notice. DER publishes the notice of complete Application in DEC's ENB. The date when the Application completeness determination is made and the publishing cycle and deadlines for the ENB assist DER to set the start and end dates for the required 30-day public comment period about the Application.

5. Newspaper Notice. DER sends a letter to the Requestor when it determines that the Requestor's Application is complete. DER prepares and attaches to this completeness letter a notice which the Requestor must provide, without modification, to a local newspaper of general circulation servicing the area, including the brownfield site, for publication no later than the date specified in DER's letter.

The notice is required to be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

The newspaper notice: defines the Brownfield Cleanup Program; identifies the Requestor and states that the Requestor has applied to participate in the BCP, and that DEC has determined

that the Application is complete. The newspaper notice also identifies the location of the property being proposed; the proposed future site use; the start and end dates of the public comment period for the Application; the site's document repository; and who to contact at DEC to offer comments and refer questions.

The Requestor must forward to DER proof of publication provided by the newspaper within five days of receipt of the document.

6. Notice to Site Contact List. DER instructs the Requestor in its completeness letter that the Requestor must mail the same notice published in the newspaper to the site contact list. The mailing must take place so that it would be received before the start of the 30-day public comment period about the Application.

The Requestor must complete and submit to DER a certificate of mailing provided by DER within five days of the mailing.

7. 30-Day Public Comment Period. After DER determines that the Application is complete, it will conduct a 30-day public comment period. The public is notified about the 30-day public comment period through the ENB notice, newspaper notice and notice to site contact list described above.

Note: If the required newspaper notice or notice to the site contact list is not made in a timely manner, the 30-day period is extended to the latest date necessary to provide a full 30-day public comment period.

*** Combining CP requirements:** An Application may also include a proposed Remedial Investigation Work Plan, final Remedial Investigation Report, or draft Remedial Work Plan. In this case, the ENB notice, newspaper notice, and notice to the site contact list should solicit comments about both the Application and the other documents. The pertinent documents should be placed in the document repository before the start of the public comment period. The public comment period will be extended to 45 days in the event the draft Remedial Work Plan is subject to the public comment period.

DER approves or denies the application following the public comment period. After its application to participate in the Brownfield Cleanup Program is approved, the Requestor is referred to as the "Applicant" (whether as a "volunteer" or "participant" under the law). DEC and the Applicant then execute a Brownfield Cleanup Agreement, which commits the Applicant to undertake certain remedial activities under DEC's oversight.

3.4 After Execution of Brownfield Cleanup Agreement

1. Citizen Participation Plan. Within 20 days of the effective date of the Brownfield Cleanup Agreement, the Applicant is required to submit a written CP Plan, in electronic format, to DER for review and approval.

Note: The Remedial Investigation Work Plan will not be approved until the CP Plan has been approved.

Preparation: The Applicant should use an electronic CP plan template available from DER to prepare the CP Plan. The template and instructions to prepare the CP Plan are available on the DER web site.

At a minimum, the CP Plan includes the following content:

- updated list of the names, mailing addresses, and email addresses of the interested public set forth in the site contact list provided with the Application (note that the DEC CPS can provide experience and resources for the site contact list development process);
- name and address of the document repository;
- overview of the brownfield site's history and contamination issues;
- the major elements of the brownfield site's remedial program;
- major issues of public concern related to the brownfield site; and
- description of CP activities already conducted and planned for the brownfield site.

The DER Project Manager should provide the appropriate DEC CPS a copy of the draft CP Plan and an opportunity to review and provide comments within the required time frame.

Distribution: The Applicant will place the approved document in the brownfield site's document repository.

3.5 Before DER Approves Proposed Remedial Investigation Work Plan

1. Proposed Remedial Investigation (RI) Work Plan in Repository. The Applicant will place the document in the document repository before the mailing of the notice and fact sheet and before the start of the 30-day public comment period discussed below.

2. Notice and Fact Sheet to Site Contact List. The Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the proposed RI Work Plan and announces a 30-day public comment period. The template and instructions to prepare the RI Work Plan fact sheet are available on the DER web site.

3. 30-Day Public Comment Period. DER conducts a 30-day public comment period about the proposed RI Work Plan before approving the document.

4. Approved RI Work Plan in Repository. The Applicant will place the approved document in the document repository.

3.6 Before DER Approves Remedial Investigation Report

1. Notice and Fact Sheet to Site Contact List. The Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the draft RI Report. Depending on timing, this fact sheet also can inform the public about DER's determination of whether the site constitutes a significant threat to public health or the environment. See the discussion about the significant threat determination at **3.7** below. The template and instructions to prepare the RI Report fact sheet are available on the DER web site.

2. Approved RI Report in Repository. The Applicant will place the approved document in the document repository.

- * Combining CP Requirements.** DER encourages Applicants to submit the final RI Report and the draft Remedial Work Plan simultaneously. This will allow for a more integrated approach to review the documents. If this is done, the notices and fact sheets to the site contact list about the final RI Report and the draft Remedial Work Plan will be combined. The single notice and fact sheet also will announce the 45-day public comment period about the draft Remedial Work Plan and public meeting (if held).

3.7 Significant Threat Determination

No later than 20 days after approval of the RI Report, DER will determine if the site constitutes a significant threat to public health or the environment. If DER makes the significant threat determination at the time it approves the RI Report, it may be appropriate to use the RI Report fact sheet discussed at **3.6.1.** above, to inform the site contact list. Otherwise, the Applicant will work in cooperation with DER to develop a separate notice and fact sheet that will be sent to the site contact list.

Note: For CP purposes, a brownfield site that is determined to constitute a significant threat is eligible for a Technical Assistance Grant.

3.8 Technical Assistance Grant Information

If DER determines that the brownfield site poses a “significant threat,” a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying community group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the brownfield site and the development and implementation of a remedy.

An eligible community group must certify the following: that it is a not-for-profit corporation as described in Section 501(c)(3) of the Internal Revenue Code; that its membership represents the interest of the community affected by the site; and that its members’ health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the eligible site.

View resources about TAGs on the DER web site at:

<http://www.dec.ny.gov/regulations/2590.html> .

3.9 Before DER Approves Remedial Work Plan

When the RI is completed, DER will determine if the brownfield site needs to be remediated, or if no action is required. If remediation is necessary, the Applicant may elect to continue under the BCP, and will work with DER to develop an acceptable Remedial Work Plan. The BCP requires public notice and a 45-day public comment period before DER approves a Remedial Work Plan.

1. Draft Remedial Work Plan (RWP) in Repository. The Applicant will place the draft RWP in the document repository before the mailing of the notice and fact sheet and before the start of the 45-day public comment period discussed below.

2. Notice and Fact Sheet to Site Contact List. The Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the draft RWP. It also announces a 45-day public comment period and, if criteria are met, a public meeting discussed at **3.9.4.** below. The template and instructions to prepare the draft RWP fact sheet are available on the DER web site.

Note: If a public meeting is scheduled, the information about the upcoming public meeting and comment period also should be posted on the DEC Events Calendar located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

3. 45-Day Public Comment Period. DER conducts a 45-day public comment period about the draft RWP.

4. Public Meeting (If criteria are met): If the brownfield site has been determined to pose a significant threat to public health or the environment, and if requested by the community, DER conducts a public meeting about the draft RWP. The affected community may request a public meeting for a brownfield site that does not constitute a significant threat.

The public meeting must be held within the 45-day public comment period. It is recommended that the public meeting be held near the midpoint of the public comment period to afford the public sufficient time to submit comments. The meeting should be structured to provide the public with adequate time to present comments and ask questions. The public will be advised about the meeting through the RWP fact sheet sent to the site contact list. View resources on the DER web site about planning and conducting a public meeting.

5. Approved Remedial Work Plan and Decision Document in Repository. When DER approves the draft RWP, and when DER finalizes the Decision Document, the documents will be placed in the document repository. Generally, the Applicant will place the documents in the document repository unless otherwise determined by DER.

3.10 Changes to Selected Remedies

After DER approves the RWP, it may determine that a change or changes to the selected remedy are needed. CP is required for this process if the changes are “significant” or “fundamental.”

1. Significant change. A significant change has an impact on an essential part of the remedy. DER will issue an Explanation of Significant Differences (ESD), which is a notice that a change has occurred. A fact sheet announcing the ESD will be sent to the site contact list and to the document repository.

2. Fundamental change. A fundamental change involves a new approach to the remedy or it may add/subtract significant components of the remedy. DER will prepare an Amendment to

the RWP, which discusses the proposed changes to the selected remedy. All other aspects of the RWP process are followed, including release of a proposed RWP Amendment, a public meeting if criteria are met, public comment period, responsiveness summary, and issuance of a revised RWP.

3.11 Before Applicant Starts Remedial Action

1. Notice and Fact Sheet to Site Contact List. Before field work begins at the brownfield site to implement the remedy, the Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the upcoming field work. The template and instructions to prepare the Remedial Action fact sheet are available on the DER web site.

3.12 Before DER Approves Final Engineering Report

1. Notice and Fact Sheet to Site Contact List. The Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the draft final Engineering Report. The template and instructions to prepare the final Engineering Report fact sheet are available on the DER web site.

2. Final Engineering Report in Repository. The Applicant will place the approved document in the document repository.

3.13 When DER Issues Certificate of Completion

1. Notice of Certificate of Completion (COC) in Repository. The Applicant will place the COC in the document repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The Applicant will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository within 10 days after DER issues a COC. This requirement applies to all sites, including those without institutional and/or engineering controls incorporated into the remedy. The notice includes a fact sheet that describes the COC and controls as applicable. The template and instructions to prepare the COC fact sheet are available on the DER web site.

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Environmental Restoration Program Citizen Participation Requirements

Introduction

This section identifies the citizen participation (CP) activities that are required to be conducted during the remedial process for a site in the Environmental Restoration Program (ERP). The CP requirements are described in the order in which they would occur in a remedial process that flows from investigation and remedy selection through remedial action and issuance of a Certificate of Completion (COC).

Many of the CP requirements are implemented by the municipality, with review and approval by DER. For example, fact sheets required to be developed during the site remedial process are drafted by the municipality, and reviewed and approved by DER before distribution. DER staff and the municipality are encouraged to begin consultation and planning early in the remedial process to help to ensure successful implementation of an ERP site CP program.

DER may determine that additional CP activities must be conducted for a particular site to supplement the CP program requirements. In making this determination, DER may consider factors that include: the actual or potential impact of the site on the community; the level and nature of public interest in the site or the remedial program; public input; municipality input; the nature (including duration and complexity) of the ERP site's remedial program; and available resources. If DER determines that additional CP activities need to be performed, the DER Project Manager will ensure that the CP activities are implemented. See discussion at **1.3 Structure of the Citizen Participation Program** for guidance about planning and conducting CP requirements and options.

4.1 Summary of Environmental Restoration Program Citizen Participation Requirements

The table on the next page identifies the CP requirements of the ERP and how they integrate with the remedial process for an ERP project. Additional details to plan and conduct each CP requirement follow the table.

As noted earlier, at some sites CP activities beyond the minimum requirements are necessary and appropriate because of the nature of the site and community interest or concern. Refer to Section 1 of this Handbook for guidance.

Successful implementation of a CP program and its related activities requires planning and strategy. An overall strategy to effectively plan and conduct a CP program is discussed on DER's website.

Environmental Restoration Program (ERP) Citizen Participation Requirements

ERP Citizen Participation Requirements	Timing of CP Requirement(s)
<p style="text-align: center;">Before Start of Remedial Investigation/Alternatives Analysis (RI/AA):</p> <ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved RI/AA Work Plan in document repository • Mail fact sheet to site contact list that announces availability of RI/AA Work Plan and describes upcoming RI field work. Note: All mailings require certification of mailing to DER within 5 days 	<p>Before the start of RI field work. Note: Draft CP Plan must be submitted to DER within 20 days of effective date of the State Assistance Contract. CP Plan must be approved by DER before distribution.</p>
<p style="text-align: center;">When DER Approves Remedial Investigation (RI) Report:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes RI results • Place approved RI Report in document repository 	<p>When DER approves RI Report.</p>
<p style="text-align: center;">If Municipality Does Not Proceed With Remediation:</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes RI results • Conduct 30-day public comment period • Prepare responsiveness summary of significant comments received • File notice of RI results with county clerk or register 	<p>When RI results are complete.</p>
<p style="text-align: center;">When DER Releases Proposed Remedial Action Plan (PRAP):</p> <ul style="list-style-type: none"> • Place PRAP in document repository • Mail fact sheet to site contact list that describes PRAP and announces 45-day comment period and public meeting • Conduct 45-day public comment period about PRAP • Hold public meeting about PRAP 	<p>When DER releases PRAP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.</p>
<p style="text-align: center;">When DER Issues Record of Decision (ROD):</p> <ul style="list-style-type: none"> • Place ROD in document repository • Mail notice to site contact list that announces availability of ROD. ROD includes responsiveness summary of significant comments about PRAP 	<p>When DER issues ROD.</p>
<p style="text-align: center;">Before Municipality Starts Remedial Action (RA):</p> <ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming RA 	<p>Before the start of RA at the site.</p>
<p style="text-align: center;">When DER Issues Certificate of Completion (COC):</p> <ul style="list-style-type: none"> • Place COC in document repository • Mail fact sheet to site contact list that announces issuance of COC 	<p>Within 10 days after DER issues COC.</p>

4.2 Important Information About the ERP Citizen Participation Requirements

1. Fact Sheet Preparation and Distribution. Many of the CP requirements discussed in this section involve preparing and distributing fact sheets to the site contact list. All required fact sheets share the following protocols.

Preparation: The municipality should use electronic fact sheet templates available from DER to prepare the draft fact sheets. The templates and instructions for preparing the fact sheets are available on the DER web site.

The templates should be customized using plain, understandable language so that issues are explained in clear terms to readers who do not have specialized environmental and technical knowledge.

The municipality should submit each draft fact sheet, in electronic format, to the DER Project Manager for review and approval. The DER Project Manager should provide the appropriate DEC Citizen Participation Specialist (CPS), and others as appropriate, an opportunity to review a draft fact sheet and provide comments within the required time frame. DER may elect to prepare fact sheets in place of having the municipality do so.

Distribution: A fact sheet will be distributed to the site contact list when DER approves the document and determines that it should be released. DER will determine who will distribute the fact sheet. The municipality also will place the fact sheet in the document repository. The fact sheet that announces the public comment period for the Proposed Remedial Action Plan (PRAP) must be sent so that it would be received by the site contact list before the comment period begins. Other fact sheets that describe upcoming field work should be sent so that they would be received before significant site activities take place.

- *Email and paper mail distribution:* To improve efficiency and help reduce waste, DER is transitioning to the electronic distribution of fact sheets and other site information. DER encourages the distribution of fact sheets, meeting notices, and other project information by email. For purposes of this Handbook, “distribution” and “mail” can consist of some combination of distribution of paper versions of facts sheets through the postal service and other means, as well as electronic distribution through email. **Note:** DEC and New York State Department of Health (DOH) staff always will only receive electronic copies of fact sheets. In all cases, everyone on a site contact list must receive project information in a timely way.

If a municipality distributes a fact sheet to the site contact list, it must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet. The municipality must certify to DER, on a form supplied by DER, that the fact sheet was mailed by Regular First Class mail. A similar certification must be provided for email distribution. The certification forms can be accessed on the DER web site.

Note: Where the site or adjacent real property contains multiple dwelling units (for example an apartment building or trailer park), the municipality shall work with the DER Project Manager to develop an alternative method for providing such notice in lieu of mailing to each individual.

2. Public Comment Period. DER conducts a 45-day public comment period about the PRAP. DER will consider a request in writing by letter or email to extend a comment period provided that the request is received within five days of the identified end of the comment period. The maximum time allotted for an extension will be 30 days.

3. Interim Remedial Measures (IRMs): For IRMs, CP activities are required if the scope of the IRM is likely to represent all or a significant portion of the remedy for the site. In this case, the review and approval of the IRM work plan will be completed using the same procedures as for a PRAP, including CP. For such IRMs, the public comment period is 30 days. See discussion at **4.6 When DER Releases Proposed Remedial Action Plan.**

Note: In the instance of an IRM that does **not** represent all or a significant part of the remedy for the site, DER should determine if it is appropriate to conduct CP activities. This should be decided on a site-specific basis, considering the nature of the IRM, level of citizen interest and concern, and other factors.

4.3 Before Start of Remedial Investigation/Alternatives Analysis

1. Site Contact List (Component of Site Citizen Participation Plan). The municipality must prepare a site contact list consisting of, at a minimum:

- the chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which serves the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for the purposes of posting and/or dissemination at the facility; and
- the document repository selected for the project.

The DER Project Manager reviews the site contact list for adequacy as part of the site's CP Plan. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame.

Distribution to the contact list should be evaluated periodically to help ensure that additional individuals, groups, and organizations are included. These stakeholders would include those who are affected or potentially affected by the site, who have expressed an interest in the investigation, remediation, or redevelopment of the site, who have attended a public meeting, and others as appropriate.

Email addresses: Email addresses should be solicited when developing a site contact list. Fact sheets, project updates and public meeting announcements about the investigation and remediation of sites can be distributed to the public by email.

DER maintains the confidentiality of the names and addresses of homeowners and residents included in site contact lists. In addition, email addresses included in site contact lists will not be shared or traded. DER excludes this information from CP Plans placed in document repositories and otherwise made available to the public. View resources on the DER web site about developing and updating a site contact list.

2. Document Repository (Component of Site Citizen Participation Plan). The document repository provides the community with convenient access to project information about the site and the investigation and remediation efforts. The document repository also serves as a place for people to review draft project documents that will be subject to public comment, as well as the final versions of these documents.

The repository should be located in a publicly accessible building near the site, and should be convenient to the affected/interested community by providing evening and, if possible, weekend hours. This is important so that people who work during the day can access the information. A local public library usually is a suitable location. If a local library is not available or suitable, alternatives include municipal offices, public health offices, and schools.

Electronic Access to Documents: DER advocates maximizing the electronic sharing and distribution of documents through use of email distribution and electronic repositories. At DER's discretion, an online, web-based repository may be used to supplement the public's access to important site documents provided by the local document repository. There may also be special cases when it is more appropriate and convenient for the public to access site documents through an electronic repository alone. This decision will be made by the DER Project Manager, considering: 1) the ability to effectively reach all affected citizens and, 2) the ability to maintain a complete and updated repository.

The municipality must propose the location of a project document repository. The DER Project Manager reviews the recommendation for adequacy. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame.

Note: The municipality must contact the potential document repository *before* sending documents to it for the first time and before formally identifying it in the site's CP Plan. The municipality must submit proof of acceptance of this designation by the document repository.

The municipality will ensure that all appropriate documents are in the repository, except where specified otherwise in the guidance.

Documents subject to public review and comment must be placed in the repository so that they are available when the relevant comment periods begin.

The amount of time a document repository should be maintained will vary from site to site. For sites in which site management involves significant site activity, the repository should be maintained until the activities are completed. In all cases, repository contents may be pared down at some point to those documents that retain relevance to the site activities. The DER project manager is encouraged to make such decisions following appropriate consultation with the appropriate DEC CPS, the document repository contact, and the community.

The site's CP Plan and the fact sheets developed during the site's remedial process are useful tools to inform the public about the document repository, its location, and days and hours of operation. View resources on the DER web site about setting up and maintaining a document repository.

3. Citizen Participation Plan. Within 20 days of the effective date of the State Assistance Contract, the municipality is required to submit a written CP Plan, in electronic format, to DER for review and approval. The DER Project Manager should provide the appropriate DEC CPS a copy of the draft CP Plan and an opportunity to review and provide comments within the required time frame.

Note: The Remedial Investigation/Alternatives Analysis Work Plan will not be approved until the CP Plan has been approved.

Preparation: The municipality should use an electronic CP plan template available from DER to prepare the CP Plan. The template and instructions to prepare the CP Plan are available on the DER web site.

At a minimum, the CP Plan includes the following content:

- list of the names, mailing addresses, and email addresses of the interested public (site contact list);
- name and address of the document repository;
- overview of the site's history and contamination issues;
- the major elements of the site's remedial program;
- major issues of public concern related to the site; and
- description of CP activities already conducted and planned for the site.

Distribution: The municipality will place the approved document in the site's document repository.

4. Remedial Investigation/Alternatives Analysis (RI/AA) Work Plan in Repository. The municipality will place the approved document in the document repository before the mailing of the notice and fact sheet discussed below.

5. Notice and Fact Sheet to Site Contact List. The municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that announces the availability of the RI/AA Work Plan and describes the upcoming investigation. The template and instructions to prepare the RI/AA Work Plan fact sheet are available on the DER web site.

4.4 When DER Approves Remedial Investigation Report

1. Remedial Investigation (RI) Report in Repository. The municipality will place the approved document in the document repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the RI Report. The template and instructions to prepare the RI Report fact sheet are available on the DER web site.

4.5 If Municipality Does Not Proceed With Remediation

1. Notice and Fact Sheet to Site Contact List. In those cases where the municipality does not intend to proceed with remediation of the site, the municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the results of the site investigation, and announces a 30-day public comment period. The template and instructions to prepare the site investigation results fact sheet are available on the DER web site.

2. 30-Day Public Comment Period. DER conducts a 30-day public comment period about the remedial investigation results.

3. Responsiveness Summary. The municipality will prepare a responsiveness summary of significant public comments about the RI results. When DER approves the responsiveness summary, the municipality will place the document in the document repository.

4. File Notice of RI Results. The municipality will file a notice of the results of the site remedial investigation with the county clerk or register.

4.6 When DER Releases Proposed Remedial Action Plan

1. Proposed Remedial Action Plan (PRAP) in Repository. Place the document in the document repository before the mailing of the notice and fact sheet and before the start of the 45-day public comment period discussed below. Generally, the municipality will place the document in the document repository unless otherwise determined by DER.

2. Notice and Fact Sheet to Site Contact List. The municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the PRAP, and announces a 45-day public comment period and a public meeting. The template and instructions to prepare the PRAP fact sheet are available on the DER web site.

Note: The information about the upcoming public meeting and comment period also should be posted on the DEC Events Calendar located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

3. 45-Day Public Comment Period. DER conducts a 45-day public comment period about the PRAP before issuing the Record of Decision (see discussion at 4.7 below).

4. Public Meeting. DER conducts a public meeting about the PRAP within the 45-day public comment period. It is recommended that the public meeting be held near the midpoint of the public comment period to afford the public sufficient time to submit comments. The public meeting should be structured to provide the public with adequate time to present comments and ask questions. The public will be advised about the meeting through the PRAP fact sheet discussed at 4.6.2. above. View resources on the DER web site about planning and conducting a public meeting.

4.7 When DER Issues Record of Decision

1. Record of Decision (ROD) in Repository. Place the document in the document repository before the mailing of the notice discussed below. Generally, the municipality will place the document in the document repository unless otherwise determined by DER. The ROD includes a responsiveness summary of significant public comments received about the PRAP.

2. Notice to Site Contact List. The municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice announces the availability of the ROD and how the public can access the document. The template and instructions to prepare the ROD notice are available on the DER web site.

4.8 Changes to Selected Remedies

After DER issues the ROD, it may determine that a change or changes to the selected remedy are needed. Citizen participation is required for this process if the changes are “significant” or “fundamental.”

1. Significant change. A significant change has an impact on an essential part of the remedy. DER will issue an Explanation of Significant Differences (ESD), which is a notice that a change has occurred. A fact sheet announcing the ESD will be sent to the site contact list.

2. Fundamental change. A fundamental change involves a new approach to the remedy or it may add/subtract significant components of the remedy. DER will prepare an Amendment to the ROD, which discusses the proposed changes to the selected remedy. All other aspects of the ROD process are followed, including release of a proposed ROD Amendment, a public meeting if criteria are met, public comment period, responsiveness summary, and issuance of a revised ROD.

4.9 Before Municipality Starts Remedial Action

1. Notice and Fact Sheet to Site Contact List. Before field work begins at the site to implement the remedy, the municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the upcoming field work. The template and instructions to prepare the fact sheet for the upcoming Remedial Action are available on the DER web site.

4.10 When DER Issues Certificate of Completion

1. Certificate of Completion (COC) in Repository. The municipality will place the COC in the document repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The municipality will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository within 10 days after DER issues a COC. This requirement applies to all sites that receive a COC, including those without institutional and/or engineering controls incorporated into the remedy. The notice includes a fact sheet that describes the COC and

controls as applicable. The template and instructions to prepare the COC fact sheet are available on the DER web site.

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Section 5

Voluntary Cleanup Program Citizen Participation Requirements

Introduction

This section identifies the citizen participation (CP) activities that are required to be conducted during the remedial process for a site in the Voluntary Cleanup Program (VCP). The CP requirements are described in the order in which they would occur in a remedial process that flows from investigation and remedy selection through remedial action and issuance of a Closure Letter.

Many of the CP requirements are implemented by the volunteer, with review and approval by DER. For example, fact sheets required to be developed during the site remedial process are drafted by the volunteer, and are reviewed and approved by DER before distribution. DER staff and the volunteer are encouraged to begin consultation and planning early in the remedial process to help to ensure successful implementation of a VCP site CP program.

DER may determine that additional CP activities must be conducted for a particular site to supplement the CP program requirements. In making this determination, DER may consider factors that include: the actual or potential impact of the site on the community; the level and nature of public interest in the site or the remedial program; public input; volunteer input; the nature (including duration and complexity) of the VCP site's remedial program; and available resources. If DER determines that additional CP activities need to be performed, the DER Project Manager will ensure that the CP activities are implemented. See discussion at **1.3 Structure of the Citizen Participation Program** for guidance about planning and conducting CP requirements and options.

5.1 Summary of Voluntary Cleanup Program Citizen Participation Requirements

The table on the next page identifies the CP requirements of the Voluntary Cleanup Program and how they integrate with the remedial process for a VCP project. Additional details to plan and conduct each CP requirement follow the table.

As noted earlier, at some sites CP activities beyond the requirements are necessary and appropriate because of the nature of the site and community interest or concern. Refer to Section 1 of this Handbook for guidance.

Note: Applications are no longer being accepted for participation in the VCP. However, a number of sites remain in the VCP at different stages in the remedial process. The Handbook amends the existing program of CP requirements for VCP sites. These additional CP requirements should only be implemented for a VCP site if that site has not yet entered that phase of the remedial process. For example, volunteers and DER Project Managers need not retroactively develop fact sheets for phases of the remedial process that have already taken place. Prudence will help to decide whether or not a site CP Plan should be developed for a

given VCP site. If the site is early in the remedial process, i.e. before remedial decisions have been made, a CP Plan should be developed. If most remedial activities have been completed, a CP Plan need not be developed. Completing the Scoping Sheet discussed at **1.3.2 Citizen Participation Options and Flexibility** will help to make this decision.

Successful implementation of a CP program and its related activities requires planning and strategy. An overall strategy to effectively plan and conduct a CP program is discussed on DER's website.

Voluntary Cleanup Program (VCP) Citizen Participation Requirements

VCP Citizen Participation Requirements	Timing of CP Requirement(s)
Before Start of Remedial Investigation (RI):	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repository • Prepare Citizen Participation (CP) Plan • Place approved Remedial Investigation (RI) Work Plan in document repository • Mail fact sheet to site contact list that announces availability of RI Work Plan and describes upcoming RI field work. Note: All mailings require certification of mailing to DER within 5 days 	Before the start of RI field work. Note: Draft CP Plan must be submitted to DER within 20 days of effective date of the Voluntary Cleanup Agreement. CP Plan must be approved by DER before distribution.
When DER Approves Remedial Investigation Report:	
<ul style="list-style-type: none"> • Place approved RI Report in document repository • Mail fact sheet to site contact list that describes RI results 	When DER approves RI Report.
Before DER Approves Remedial Action Work Plan (RAWP):	
<ul style="list-style-type: none"> • Place draft RAWP in document repository • Mail fact sheet to site contact list that describes draft RAWP and announces 30-day comment period • Conduct 30-day public comment period about draft RAWP • Hold public meeting about draft RAWP if public raises significant, substantive issues about RAWP 	Before DER approves draft RAWP. Comment period begins/ends as per dates identified in fact sheet. Public meeting is held during the comment period.
<ul style="list-style-type: none"> • Place approved RAWP and final Decision Document in document repository 	When DER approves RAWP and finalizes Decision Document.
Before Volunteer Starts Remedial Action (RA):	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that describes upcoming RA 	Before the start of RA at the site.
When DER Issues Closure Letter:	
<ul style="list-style-type: none"> • Mail fact sheet to site contact list that announces issuance of DER Closure Letter 	Within 10 days after DER issues Closure Letter.

5.2 Important Information About the VCP Citizen Participation Requirements

1. Fact Sheet Preparation and Distribution. Many of the CP requirements discussed in this section involve preparing and distributing fact sheets to the site contact list. All required fact sheets share the following protocols.

Preparation: The volunteer should use electronic fact sheet templates available from DER to prepare the draft fact sheets. The templates and instructions for preparing the fact sheets are available on the DER web site.

The templates should be customized using plain, understandable language so that issues are explained in clear terms to readers who do not have specialized environmental and technical knowledge.

The volunteer should submit each draft fact sheet, in electronic format, to the DER Project Manager for review and approval. The DER Project Manager should provide the appropriate DEC Citizen Participation Specialist (CPS), and others as appropriate, an opportunity to review a draft fact sheet and provide comments within the required time frame. DER may elect to prepare fact sheets in place of having the volunteer do so.

Distribution: A fact sheet will be distributed to the site contact list when DER approves the document and determines that it should be released. DER will determine who will distribute the fact sheet. The volunteer also will place the fact sheet in the document repository. The fact sheet that announces the public comment period for the draft Remedial Action Work Plan (RAWP) must be sent so that it is received by the site contact list before the comment period begins. Other fact sheets that describe upcoming field work should be sent so that they are received before significant site activities take place.

- *Email and paper mail distribution:* To improve efficiency and help reduce waste, DER is transitioning to the electronic distribution of fact sheets and other site information. DER encourages the distribution of fact sheets, meeting notices, and other project information by email. For purposes of this Handbook, “distribution” and “mail” can consist of some combination of distribution of paper versions of facts sheets through the postal service and other means, as well as electronic distribution through email. **Note:** DEC and New York State Department of Health (DOH) staff always will only receive electronic copies of fact sheets. In all cases, everyone on a site contact list must receive project information in a timely way.

If a volunteer distributes a fact sheet to the site contact list, it must provide a certification of mailing to the DER Project Manager within five days of mailing each fact sheet. The volunteer must certify to DER, on a form supplied by DER, that the fact sheet was mailed by Regular First Class mail. A similar certification must be provided for email distribution. The certification forms can be accessed on the DER web site.

Note: Where the site or adjacent real property contains multiple dwelling units (for example an apartment building or trailer park), the volunteer shall work with the DER Project Manager to develop an alternative method for providing such notice in lieu of mailing to each individual.

2. Public Comment Period. DER conducts a 30-day public comment period about the proposed RAWP. DER will consider a request in writing by letter or email to extend a comment period provided that the request is received within five days of the identified end of the comment period. The maximum time allotted for an extension will be 30 days.

3. Interim Remedial Measures (IRMs). For IRMs, CP activities are required if the scope of the IRM is likely to represent all or a significant portion of the remedy for the site. In this case, the review and approval of the IRM work plan will be completed using the same procedures as for a RAWP, including CP. See discussion at: **5.5 Before DER Approves Remedial Action Work Plan.**

Note: In the instance of an IRM that does **not** represent all or a significant part of the remedy for the site, DER should determine if it is appropriate to conduct citizen participation activities. This should be decided on a site-specific basis, considering the nature of the IRM, level of citizen interest and concern, and other factors.

5.3 Before Start of Remedial Investigation

1. Site Contact List (Component of Site Citizen Participation Plan). The volunteer must prepare a site contact list consisting of, at a minimum:

- the chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which serves the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for the purposes of posting and/or dissemination at the facility; and
- the document repository selected for the project.

The DER Project Manager reviews the site contact list for adequacy as part of the site's CP Plan. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame.

Distribution to the contact list should be evaluated periodically to help ensure that additional individuals, groups, and organizations are included. These stakeholders would include those who are affected or potentially affected by the site, who have expressed an interest in the investigation, remediation, or redevelopment of the site, who have attended a public meeting, and others as appropriate.

Email addresses: Email addresses should be solicited when developing a site contact list. Fact sheets, project updates and public meeting announcements about the investigation and remediation of sites can be distributed to the public by email.

DER maintains the confidentiality of the names and addresses of homeowners and residents included in site contact lists. In addition, email addresses included in site contact lists will not be shared or traded. DER excludes this information from CP Plans placed in document repositories and otherwise made available to the public. View resources on the DER web site about developing and updating a site contact list.

2. Document Repository (Component of Site Citizen Participation Plan). The document repository provides the community with convenient access to project information about the site and the investigation and remediation efforts. The document repository also serves as a place for people to review draft project documents that will be subject to public comment, as well as the final versions of these documents.

The repository should be located in a publicly accessible building near the site, and should be convenient to the affected/interested community by providing evening and, if possible, weekend hours. This is important so that people who work during the day can access the information. A local public library usually is a suitable location. If a local library is not available or suitable, alternatives include municipal offices, public health offices, and schools.

Electronic Access to Documents: DER advocates maximizing the electronic sharing and distribution of documents through use of email distribution and electronic repositories. At DER's discretion, an online, web-based repository may be used to supplement the public's access to important site documents provided by the local document repository. There may also be special cases when it is more appropriate and convenient for the public to access site documents through an electronic repository alone. This decision will be made by the DER Project Manager, considering: 1) the ability to effectively reach all affected citizens and, 2) the ability to maintain a complete and updated repository.

The volunteer must propose the location of a project document repository. The DER Project Manager reviews the recommendation for adequacy. The DER Project Manager should provide the appropriate DEC CPS an opportunity to review and provide comments within the required time frame.

Note: The volunteer must contact the potential document repository *before* sending documents to it for the first time and before formally identifying it in the site's CP Plan. The volunteer must submit proof of acceptance of this designation by the document repository.

The volunteer will ensure that all appropriate documents are in the repository, except where specified otherwise in the guidance.

Documents subject to public review and comment must be placed in the repository so that they are available when the relevant comment periods begin.

The amount of time a document repository should be maintained will vary from site to site. For sites in which site management involves significant site activity, the repository should be maintained until the activities are completed. In all cases, repository contents may be pared down at some point to those documents that retain relevance to the site activities. The DER project manager is encouraged to make such decisions following appropriate consultation with the appropriate DEC CPS, the document repository contact, and the community.

The site's CP Plan and the fact sheets developed during the site's remedial process are useful tools to inform the public about the document repository, its location, and days and hours of operation. View resources on the DER web site about setting up and maintaining a document repository.

3. Citizen Participation Plan. Within 20 days of the effective date of the Voluntary Cleanup Agreement, the volunteer is required to submit a written CP Plan, in electronic format, to DER for review and approval. The DER Project Manager should provide the appropriate DEC CPS a copy of the draft CP Plan and an opportunity to review and provide comments within the required time frame.

Note: The Remedial Investigation Work Plan will not be approved until the CP Plan has been approved.

Preparation: The volunteer should use an electronic CP plan template available from DER to prepare the CP Plan. The template and instructions to prepare the CP Plan are available on the DER web site.

At a minimum, the CP Plan includes the following content:

- list of the names, mailing addresses, and email addresses of the interested public (site contact list);
- name and address of the document repository;
- overview of the site's history and contamination issues;
- the major elements of the site's remedial program;
- major issues of public concern related to the site; and
- description of CP activities already conducted and planned for the site.

Distribution: The volunteer will place the approved document in the site's document repository.

4. Remedial Investigation (RI) Work Plan in Repository. The volunteer will place the approved document in the document repository before the mailing of the notice and fact sheet discussed below.

5. Notice and Fact Sheet to Site Contact List. The volunteer will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that announces the availability of the RI Work Plan and describes the upcoming investigation. The template and instructions to prepare the RI Work Plan fact sheet are available on the DER web site.

5.4 When DER Approves Remedial Investigation Report

1. Remedial Investigation (RI) Report in Repository. The volunteer will place the approved document in the document repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The volunteer will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the RI Report. The template and instructions to prepare the RI Report fact sheet are available on the DER web site.

5.5 Before DER Approves Remedial Action Work Plan

When the RI is completed, DER will determine if the site needs to be remediated, or if no action is required. If remediation is necessary, the volunteer may elect to continue under the VCP, and will work with DER to develop an acceptable Remedial Action Work Plan. The VCP requires public notice and a 30-day public comment period before DER approves a Remedial Action Work Plan.

1. Draft Remedial Action Work Plan (RAWP) in Repository. The volunteer will place the draft RAWP in the document repository before the mailing of the notice and fact sheet and before the start of the 30-day public comment period discussed below.

2. Notice and Fact Sheet to Site Contact List. The volunteer will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the draft RAWP. It also announces a 30-day public comment period and, if criteria are met, a public meeting discussed at 5.5.4. below. The template and instructions to prepare the draft RAWP fact sheet are available on the DER web site.

Note: If a public meeting is scheduled, the information about the upcoming public meeting and comment period also should be posted on the DEC Events Calendar located on the DEC public web site. DER staff should contact the Policy and Planning Section for information about posting the details.

3. 30-Day Public Comment Period. DER conducts a 30-day public comment period about the draft RAWP.

4. Public Meeting (If criteria are met): DER conducts a public meeting about the draft RAWP if the public raises significant, substantive issues about the draft RAWP. The public meeting must be held within the 30-day public comment period. It is recommended that the public meeting be held near the midpoint of the public comment period to afford the public adequate time to submit comments. The meeting should be structured to provide the public with adequate time to present comments and ask questions. The public will be advised about the meeting through the RAWP fact sheet sent to the site contact list. View resources on the DER web site about planning and conducting a public meeting.

5. Approved Remedial Action Work Plan and Decision Document in Repository. When DER approves the draft RAWP, and when DER approves the Decision Document, the documents will be placed in the document repository. Generally, the volunteer will place the documents in the document repository unless otherwise determined by DER.

5.6 Changes to Selected Remedies

After DER approves the RAWP, it may determine that a change or changes to the selected remedy are needed. Citizen participation is required for this process if the changes are “significant” or “fundamental.”

1. Significant change. A significant change has an impact on an essential part of the remedy. DER will issue an Explanation of Significant Differences (ESD), which is a notice that a

change has occurred. A fact sheet announcing the ESD will be sent to the site contact list and to the document repository.

2. Fundamental change. A fundamental change involves a new approach to the remedy or may add/subtract significant components of the remedy. DER will prepare an Amendment to the RAWP, which discusses the proposed changes to the selected remedy. All other aspects of the RAWP process are followed, including release of a proposed RAWP Amendment, a public meeting if criteria are met, public comment period, responsiveness summary, and issuance of a revised RAWP.

5.7 Before Volunteer Starts Remedial Action

1. Notice and Fact Sheet to Site Contact List. Before field work begins at the site to implement the remedy, the volunteer will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository. The notice includes a fact sheet that describes the upcoming field work. The template and instructions to prepare the Remedial Action fact sheet are available on the DER web site.

5.8 When DER Issues Closure Letter

1. Closure Letter in Repository. The volunteer will place the Closure letter in the document repository before the mailing of the notice and fact sheet discussed below.

2. Notice and Fact Sheet to Site Contact List. The volunteer will work in cooperation with DER to develop the notice that will be sent to all parties on the site contact list and to the document repository within 10 days after DER issues a Closure Letter. This requirement applies to all sites that receive a Closure Letter, including those without institutional and/or engineering controls incorporated into the remedy. The notice includes a fact sheet that describes the Closure Letter and controls as applicable. The template and instructions to prepare the Closure Letter fact sheet are available on the DER web site.

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