

CITIZENS ADVISORY COUNCIL REPORT:

PUBLIC PARTICIPATION REFORM

Introduction

Formulating public policy in democratic societies has always posed problems because full and fair opportunities for direct participation by the interested public create a predestined duel between effectiveness and efficiency. These problems center on accomplishing a task within a reasonable period and agreement by all parties that at some point a final decision must occur—a decision that rarely, if ever, will fully satisfy all interests. Another complication is the unfortunate tendency of many to equate public participation with a public veto. Finally, *as noted by one commenter (5), improving public participation is not easy, given the disparities in power among the various stakeholders.* Clearly, public participation works well only if all acknowledge from the outset that the process, by its very nature, will likely leave participants less than fully pleased.

Despite the challenges, involving the public is worth the effort. *One commenter (9) states that "Public participation is painful and expensive to the bureaucracies, but democracies depend upon it."* If done properly, the result is a better decision, one less likely to be controversial, requiring less outreach, education and defense, and one more easily implemented.

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Secretary Seif asked the Citizens Advisory Council[†] (Council) for assistance in assessing and possibly overhauling DER/DEP's public participation processes to promote greater and earlier public involvement in decision making. Council has heard from many who are skeptical about the agency's interest and commitment to outside input. Rather than dwell on past perceptions and occurrences, this document addresses the task of devising improved and publicly acceptable processes for external participation in future agency decision making. Council defines DEP's publics both collectively and individually: any and all who are affected by DEP decisions and activities—including individual citizens, interest groups, local governments as well as business and industry—should be welcomed and aided in coming to the table.

As a first step, we compiled information on advisory committees and roundtables (see Appendix A; both DEP and DCNR groups are listed as recommendations may be applicable to both departments). We also reviewed current public participation processes to strengthen the best parts and to fix the areas that clearly don't work. We held discussions with a variety of groups and individuals, received comments and input from others, and will continue to do so as we pursue related topics. Comments received are reflected in relevant sections and summarized in Appendix B.

^{*} Italics reflect commenter statements and not necessarily the positions of Council.

[†] The CAC is a legislatively created group of 18 appointed citizen volunteers charged with reviewing the work of what is now the Department of Environmental Protection and making recommendations for improvements, studying major environmental issues facing Pennsylvania, and promoting sound environmental legislation.

Because of the broad scope of this project, this report only addresses discrete portions of the overall issue. It focuses on targets for and elements of effective public participation and strategies for incorporating these elements. Where appropriate, we recommend specific actions, while reserving other areas for further study.

Targets for and Elements of Effective Public Participation

- ⇒ Building trust between DEP and its publics.
- ⇒ Building understanding among diverse interests.
- ⇒ Improving environmental decisions.
- ⇒ Achieving early "buy-in."
- ⇒ Striving for balance and inclusivity.
- ⇒ Validating commenters' right to a response.

In Council's earlier draft, we identified six goals that underlie "valid public participation." We now list these as "targets" and "elements" of effective public participation, or as one member suggested, "touchstones" for measuring valid participation. *They were generally supported by commenters except for two (3,4) who thought them overly idealistic. They argued that economic interests provide incentive to engage in projects, that "environmental" arguments are "no growth" and anti-economic development, and that many "environmentalists" don't believe in compromise, so industry cannot address their concerns, which ultimately guarantees continuing disagreement and misunderstanding.* (Conversely, it should be noted that many in the environmental community feel that industry is concerned only with economic development and similarly unwilling to compromise.)

Our intent is to create a partnership that eases misunderstandings and dismantles barriers.

Council has never wavered from its belief that economic development and environmental protection can and must proceed hand in hand. The stereotypical views reflected above serve only to keep us locked within a mythical war of them vs. us, economy vs. environment, regulation vs. free enterprise. Our intent is to create an agency/citizen partnership that eases misunderstandings and dismantles unnecessary barriers. We continue to strive for the fullest and fairest public participation that can be devised.

Building trust between the Department and its publics. General distrust of government seems at an all-time high. In debates about environmental regulation, the public increasingly fears that economic interests are taking first priority rather than being considered equally with environmental protection. This fear fuels existing distrust of DEP. *One commenter (8) stated that DEP's request for help in reforming public participation is merely to divert those involved from the real issues of what is being done to environmental protection; DEP's attitude, especially under this administration, is "the public slows us down, the public be damned, keep the public out." DEP needs to fundamentally change its attitude.*

As the decision maker, the agency must first accept public involvement as integral to sound decision-making. It must then be the initiator in building credibility and public trust through openness, outreach, consistency and results. One of the first steps must be a clear message from the top down that DEP wants public input and that staff should deal with and serve the public. Agency personnel must be confident that their interactions will be supported by those above them.

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Building understanding among the diverse interests involved in and affected by environmental decisions. Distrust and fear across the public extends beyond government: citizens distrust industry motives; industry assumes the public wants to stop its plans. Wide public dialog can clarify the goals and expectations of all those at the table, leading to more mutually acceptable solutions.

Two commenters (3,4) thought that the emotional basis for many environmental arguments should not be factors in technical decisions. While DEP decisions are based on technical data, the criteria are premised on protecting human health and safety, which are the ultimate missions of DEP. Emotional pleas are valid especially when the public has insufficient information and doesn't trust the information it does have. Better public education on environmental issues will encourage more factual input as opposed to emotional reactions particularly in permit reviews and decisions.

Improving decisions. Public participation allows DEP to tap a much broader range of expertise, experience and perspectives than available in-house. The process clarifies and balances expectations of all sides, resulting in more informed, practical, workable and acceptable solutions.

Achieving early "buy-in." People ultimately will be more willing to accept a compromise if they are satisfied that the process has been open and that their views have been considered, even if not entirely accepted. Upfront public participation takes more time and effort but results in a better decision, one less controversial, requiring less outreach, education and defense, and one more easily implemented.

Striving for balance and inclusivity. Ideally, environmental solutions require participation by all sectors of society. Even twenty-five years ago, the General Assembly recognized that environmental regulations would be particularly contentious, and therefore created the EQB to encourage broad participation.

One commenter (5) thought tangible participation by non-economic stakeholders in any government-sponsored advisory committee is very "chancy." Another (8) felt that everyone should be at the table when environmental decisions are being made: no one has the right to negotiate for others unless they have been elected; when we negotiate regulations, we eliminate everyone except the chosen negotiators, and therefore exclude public participation. We all should have a say in environmental decisions, but realistically, a representative system of participation is the closest practical solution for retaining efficiency and effectiveness. The same holds true for the negotiation process.

Since not all can or will participate, striving for *balance* among participants in DEP's decision-making process is critical to developing proposals that will receive support through implementation. Of course, balance means different things to different people:

- The Conservation Network's definition: "...those who have economic interests in the outcome or have the potential to pollute should be represented but should not have more seats than public interests (i.e., environmental, sportsmen, good government, neighborhood organizations,...)."
- Another definition discussed is that "no affected interest has enough representation to independently affect the decisions to be made."

- Council views balance as a membership or participation arrangement that strives for diversity and avoids dominance by any single faction.

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Inclusivity requires the opportunity to participate in the process, but also entails actively encouraging the affected public to come to the table. For example, in Chester, local opponents of an incinerator proposal in their community believe they were excluded from involvement in permit decisions.

Validating commenters' right to a response. Outside participants worry that their comments, often representing significant time and effort to prepare, are ignored; that the public participation process merely serves as an avenue to allow them to vent rather than participate; and that their views are dismissed as invalid because they are not paid "experts." *One commenter (8) noted that the public is often excluded because bureaucrats, many without certification or registration themselves, demand that individual members of the public show certain expertise.* Anyone should have standing to provide comments, not just those with "expertise" and not just environmental groups with significant staffs. All commenters deserve to know that their comments were considered, and should receive a substantive and timely response, not just an acknowledgment. *One commenter (8) recommended that this be required by law.*

Administrative Strategies for Achieving Effective Public Participation

- ⇒ Provide early access to information.
- ⇒ Inform and educate the public.
- ⇒ Develop effective outreach.
- ⇒ Provide multiple opportunities for participation.
- ⇒ Clarify and designate appropriate lines of communication.
- ⇒ Devote rigorous attention to timeliness.
- ⇒ Exercise flexibility.
- ⇒ Establish accountability mechanisms.
- ⇒ Protect participants from retaliation.

Provide Early Access to Information. DER/DEP, often perceived as secretive in decision development, typically uses an internal "develop and defend" approach, strikingly parallel to the command and control method already recognized as passé. For the most part, internal decisions become "public" only after substantially complete, requiring extensive effort to defend the product. Open (and low cost) public access to existing information such as permits, regulations, policies, procedures and non-proprietary data, as well as early notice and outreach on upcoming decision areas eliminates the perception of secrecy and are important first steps in building trust between decision maker and the "outside world".

DEP should provide wider access to existing documents such as policies and regulations including appropriate clarifications and interpretations. "Public information" should be made easily available to those interested. Beyond availability in DEP offices, up-to-date copies should be available electronically, hard copies kept in county libraries or conservation district offices, and obviously mailed on request at reasonable cost. *One commenter (8) stated that in all cases, information should be in public places, and where*

possible, should be generated by the agency; too many functions that DEP should be accountable for are being done by the proponents/applicants.

DEP should also provide earlier access and outreach on upcoming decisions and issues by finding more effective public notification procedures to replace current, ineffective requirements. For example, a monthly list of expected actions/decisions mailed by both regional offices and central office to individuals and groups (e.g. local governments) who have already indicated or who are expected to have an interest in DEP activities; when major policy changes are being contemplated, DEP should identify and solicit input on an outline of alternatives under consideration. Either is more efficient than trying to develop a list of alternatives with an amorphous group, or having the public react to an already established approach after alternatives have been internally discarded. Earlier access will generally encourage more productive debate rather than defense of an already established position.

Because of DEP's wide responsibilities, the magnitude of information that could be made available may overwhelm the public's ability to track it much less respond. We also recognize that most are not going to participate unless they are directly affected. Making the information available, however, will provide the opportunity and allow those interested to choose where best to participate.

Inform and Educate the Public. We cannot expect the general public to deal with the complexities of environmental decision making without a basic knowledge of the issues or without information on specific actions and opportunities. *As indicated by one commenter (3), people don't know who to believe anymore. Media involvement complicates matters; the tabloid approach generates interest, but does not give enough information (nor do most readers want all the boring details) to make informed decisions. Making the media a stakeholder in the process may make them more responsible.*

Education on environmental issues would help the public weed out information presented in sensationalized press stories and would lead to greater factual input by the public as opposed to emotional reactions. It should be DEP's responsibility to both educate and promote education of the public in environmental issues as well as its decision making processes. In particular, DEP should itself develop proactive public education programs, providing the connection between environmental issues and the agency's related programs and options.

It should also promote environmental education using networks of outside organizations such as environmental groups, local government organizations, and neighborhood associations. These groups have established mechanisms to distribute information, educate constituents, and could solicit input as well. Existing networks will reach individuals who are already active, if not necessarily expert, and could be helpful in screening issues and identifying those of concern in their particular area.

In addition, DEP must keep the public informed of its activities, alert them to problems, work with them in devising solutions, and encourage applicants to do the same. Affected parties need current and timely information on upcoming actions, issues, opportunities and where to go for information in order to participate at the appropriate time. As indicated by both commenter (1) and the Council, *DEP and DCNR*

should distribute information on the new organizations (phone numbers, organizational charts, deputates and their programs, program missions, and who to contact for help or more information). A Council suggestion is to provide an 800 number rather than a long distance number to call for information and referrals.

Develop Effective Outreach. Traditional public notices are ineffective, as they are either in publications or sections not generally read by the public (e.g., the *Pa. Bulletin* or newspapers' legal notice section) and/or are not highly visible. Notification efforts should be required to effectively reach the public of concern:

- Public notices must be designed to attract attention and displayed in the most widely read sections of widely read publications.
- Examples of non-traditional outreach should be considered when appropriate, e.g., deliver meeting and information fliers directly to affected homes and businesses, door-to-door outreach, display ads.

In many instances, these modifications may require legislative amendments to replace existing requirements with more effective mechanisms.

One alternative is to establish regional communication networks to notify the "outside world" of intended decisions, and ask for outside input in reviewing alternatives. These networks will likely vary by region; DEP will need to identify the most effective form of communication with the affected public in each area.

One commenter (2) suggested use of PEC's Environmental Advisory Council (EAC) Network project as a mechanism to distribute information and solicit input on DEP issues. This will reach EAC's, which as local municipal advisory bodies can help keep local government officials and the community aware of environmental issues. These groups could be helpful in screening issues and identifying those of concern to their particular area.

Another piece of the network should be electronic access, as proposed by DEP. *One commenter (6) agreed that the Internet is a good way to solicit input for those who are computer literate and won't attend public meetings. He recommended DEP establish a newsgroup that carries environmental postings and solicits input as needed. He cautioned that electronic media should be only one of several avenues of communication. It should also include e-mail access to DEP to foster direct electronic "conversations."*

The network must also provide opportunities for those who are not currently being included. One suggestion is to use cable TV to provide information on local and regional activities and issues. Another forum is quarterly "town meetings" in each region, possibly organized through the regional roundtables, to provide informal discussions and identify issues of local concern.

Most direct communication is limited to a relatively few staff designated to deal with the public on site-specific complaints. As a result, the public perceives DEP as a faceless bureaucracy rather than an organization of individuals charged with protecting the environment and public health. More staff need training to enhance skills in direct communication with the public. Continued efforts to improve direct communication should focus on eliminating attitudes which prevent effective participation.

Provide Multiple Opportunities for Participation. No one mechanism will allow all who may be interested to participate: not all are able to attend advisory committee meetings, public meetings and hearings, etc.; similarly, not all have access to electronic media. Additional opportunities for individual comment and candid dialog and discussion of proposals and comments received are also essential. Existing advisory committees serve as forums for discussion of broad-reaching policies and issues; site specific workgroups and the regional roundtables could be similarly used for permit and local issues.

DER/DEP uses a public hearing and/or comment period followed by a "comment/response" document as one of its primary means of receiving and addressing public comments. This allows a single exchange (with a significant time lag) rather than a clarifying dialog, but can provide an effective means for at least communicating how and why the Department has made certain decisions. Comment/response documents must, however, clearly indicate that comments have been given real consideration, even if they come from a "non-expert," and the decisions made must be clearly and defensibly explained.

Clarify and Designate Appropriate Lines of Communication. Public input requires a line of communication to the appropriate level of decision makers, at the appropriate times (i.e., when input and review can be most useful and productive). EQB and some advisory committees deal directly with Deputy Secretaries or the Secretary; others deal primarily with program staff. While these staff may benefit from the discussions, much of the tone and tenor can be lost by the time it makes its way to the decision makers. Staff may also oppose certain recommendations which then never reach decision makers without bias. Demonstrated interest and support by top level staff is critical to every aspect of the public participation process.

Devote Rigorous Attention to Timeliness. Current public input occurs primarily at the end of the process: advisory committees often comment on drafts ready to go to the EQB; the EQB votes on regulations ready to be published; the public comments on regulations after publication. This flow automatically sets up a "develop and defend" posture rather than a consensus approach.

An inherent tug-of-war is established when designing regulations to implement mandates: mandates typically come with deadlines, and federal mandates often come with sanctions for non-compliance. These deadlines are often blamed for controversies on timing and content; at times DER/DEP defends rushed rulemakings as necessary to meet deadlines or avoid sanctions, even though these deadlines were clear and public participation could have been provided for with proper planning. For example, during the last four years, this has occurred with numerous air and solid waste regulatory packages. More recently, the Joint Subcommittee on Cleanup Standards was asked to help DEP in developing the guidance and procedures necessary to implement Act 2 but found itself reviewing essentially finished products already approved by senior staff.

In other cases, DER/DEP uses federal requirements to bypass Pennsylvania specific recommendations that might be more effective. For example, despite repeated advice to implement public education on the Clean Air Act as a public health law, DER chose

to claim it was meeting federal requirements, with the result that major air programs were discarded last year because the public did not recognize any need for action.

Required deadlines can be used positively to plan for public participation, or negatively to avoid comments. In most cases, adequate planning could accommodate public participation; when the opportunity is not afforded, one assumes that its absence is intentional. DEP should inform the public of its plans and deadlines for reviewing or developing regulations and programs far in advance so that both sides can plan for public participation.

Exercise Flexibility. All sides need to be flexible and responsive. *Two commenters (3,4) warned against strategies that obstruct timeliness and flexibility; increased public input, if not closely controlled, will be an easy scapegoat for indecision within DEP.* DEP should not be allowed to avoid public participation by delaying or rushing the process, while the public must also be responsive to DEP requirements and not use "public participation" as a form of filibuster to delay decisions.

Establish Accountability Mechanisms. Currently, the public has few mechanisms to hold DEP accountable and require it to consider comments received. Any public participation reforms should enhance DEP's accountability.

Several commenters (9,11,12,13,14,15,16) supported the creation of an Office of Citizen Advocate (OCA) as a means of ensuring rational and equitable representation of the citizen viewpoint in environmental decision making. Some support an office independent from DEP (e.g., in the Attorney General's office) while others support a program within DEP. An OCA could increase DEP accountability by requiring information be available on a timely basis, and ensure better balance. The Office could help to level the playing field among economic interests and the general public in environmental decision making. We are exploring several potential models, including the Office of Consumer Advocate.

Protect Participants from Retaliation. Public participants should be safe from retaliatory action either from DEP or those affected by its decisions. Citizens raising reasonable and legitimate concerns should not be subject to threats and lawsuits from permit applicants; volunteer advisors should not feel constrained to "rubber stamp" DEP for fear their committee's activities will be curtailed or their reappointment held up; and participants from the regulated community should be protected from even a hint of retaliation from DEP. DEP should support legislation that discourages retaliation by the regulated community and adopt a top-down policy that retaliation by DEP will not be tolerated.

The key to effective advisory groups is for DEP to actually use them to reach more fully informed decisions.

Advisory Committees

One commenter (5) stated that "advisory committees are nothing but public relations ploys designed to give the false impression that the public has genuine input into DEP decision making when, in reality, the actual function is to rubber-stamp the department's activities." Another (10) said the agency must be sincerely interested in learning from the committee, by asking questions and developing dialogue that builds on ideas that the committee raises, thus using the

committee in a partnership capacity. Council agrees the key to effective citizen advisory groups is for DEP to actually use them to reach more fully informed decisions.

We examined the current mix of advisory committees, their fit into the new structure of DEP operations, their utility, and possible changes to coordinate their activities and enhance their effectiveness. Preliminary recommendations for specific committees are in Appendix C; general recommendations are summarized below:

- DEP should encourage those committees that have not already done so to adopt by-laws or rules of procedure, publish meeting notices, maintain mailing lists, and elect a chair from outside of the Department.
- Many advisory committees are broad in their makeup, either through legislative requirements or because of diverse appointing authorities. Others may need to have more "balance" provided in their design.
- Contrary to Council's earlier recommendation that committee chairs should share at least an equal role with DEP in setting agendas and schedules, at times DER/DEP has actually controlled committee agendas and schedules. This limits openness and perpetuates distrust of DEP and should be addressed.
- DEP should reimburse all committee and roundtable members for travel and official committee-related business to encourage greater involvement. Distance and time for some members (and potential members) could be significant. Another solution is to rotate meeting locales throughout the region.
- If committees are going to play a significant role in developing policy, they need adequate clerical and technical staff, which some have indicated they do not consistently have. Conversely, others have indicated very inefficient use of staff at meetings—some committee meetings are attended by many staff but not always including key staff responsible for the committee's follow up activities.
- All advisory committees should officially meet Sunshine Law (1986-84) requirements by amending their by-laws or rules of procedure to allow public comments from guests. Many already do allow such input, but establishing a procedure gives the committee clear control of its agenda.
- Advisory committees should participate in departmental initiatives such as Process Improvement Teams/Task Forces, etc.
- Advisory committees should submit their own "report" to EQB (even if it is a standardized check-off), clearly indicating any action taken.
- The committees and roundtables should inform their "constituencies" on issues being considered and solicit outside. One avenue is the DEP/DCNR *Update* which is published weekly and widely distributed. Another suggestion is for a Council newsletter announcing activities and participation opportunities for all advisory committees and roundtables. The two initiatives could be integrated with a monthly "advisory committee" section in the *Update* co-written by the agencies and CAC.
- As suggested by advisory group representatives, it is the CAC's intent to convene annual meetings of all the advisory committee and regional roundtable chairs to share information, operational improvements, and current activities.
- The composition of many advisory groups is at the Secretary's sole discretion; others have multiple appointing authorities. We encourage the Secretary to bear in mind our comments on balance and inclusivity in considering appointments.
- Council requested comments on term limits for advisory committee members. *Long service for many committee members provides continuity but some argue that it generates*

stale and/or limited advice. They suggest that term limits would cycle fresh ideas along with the new faces into the process, and that continuity can be maintained merely by staggered terms. Others said too much turnover makes it difficult to maintain historical consistency; because of the complexity and background needed on most environmental issues, it takes time to "educate" new members. Council did not take either side but notes that the Secretary's authority over membership of many of the advisory committees could be used to address this concern when necessary.

Expanded Advisory Committee Role. One alternative we recommend is to expand the advisory committees' role from only advising directly to one of coordinating and collecting public input and incorporating it into their advise. DEP should notify the committees of its long term schedule of upcoming initiatives, make supporting information available and allow input at the definition and development stages. Committee members then share the information with their networks for review and comment. After initial review, including discussion of outside comments, the committee recommends the extent of any further public participation for each item.

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In many cases a committee may recommend that extensive public participation is not needed, depending on the scope and magnitude of the issues. If issues are significant, however, a committee could coordinate further public participation or designate an appropriate subcommittee, roundtable or an ad hoc group to do so. The designated group would, in conjunction with DEP, develop alternative approaches to addressing the issue, discuss and respond to outside comments as well as their own viewpoints; and work to reach consensus on as many issues as possible. Consensus points are then referred to DEP for action. Non-consensus items are referred for further deliberation along with rationales, concerns and options.

Tasks for Further Council Consideration

- ⇒ Alternative public participation mechanisms.
- ⇒ Advisory committee makeup, mission and mix.
- ⇒ Regional roundtable recommendations.
- ⇒ Permitting process.
- ⇒ Miscellaneous comments received.
- ⇒ DEP questions not yet considered.

Alternative Public Participation Mechanisms—Council is exploring potential models for an Office of Citizen Advocate, including Pennsylvania's Office of Consumer Advocate within the Attorney General's Office. We will monitor related legislative activity and make future recommendations as appropriate. We will also review several other aspects of public participation, including the reg-neg process now being used for the Special Protection Waters Program and how other states carry out public participation.

Advisory Committee Makeup, Mission and Mix—As suggested by one commenter (7), each committee should have a mission statement. A careful review of mission statements would identify duplication, overlap or omissions in the committees' purposes. He also suggested developing a brochure to aid the public in understanding the advisory groups and missions; the

publication should include a list of the groups, their mission statements, meeting schedules and locations and telephone numbers for general questions. Council agrees with both suggestions and strongly urges all advisory committees to develop or update clear mission statements. Council plans to then work with DEP to review these statements alongside relevant mandates to answer the following questions:

- Do advisory committees address appropriate issues?
- Should some be eliminated or combined? Should others be added?
- Do they have a clear understanding of their roles and responsibilities?
- Is their membership appropriate?

Regional Roundtable Recommendations—The existing regional roundtables vary significantly in activity level, mission, and impact. DEP and several roundtables requested assistance in developing suggested "guidelines" or a pattern for roundtables and a manual to direct input to DEP. In addition, DEP has never identified any clear expectations or role for the roundtables. Comments received from the Southcentral Citizens Roundtable (1) are listed as a starting point:

- *Make clear to regional roundtables what DEP expects from them— they have long suffered a lack of identity because most have never had a clearly defined role.*
- *Give roundtables a real advisory capacity; they are good forums to bring different interests together with decision makers, to discuss and educate each other.*
- *Roundtable meetings should be attended by decision makers key to the issue at hand.*
- *Improve communication between the CAC and the roundtables:*
 - ◊ *More CAC members should attend their region's roundtable*
 - ◊ *CAC should add roundtable executive committees to mailing list*
 - ◊ *CAC should help arrange an annual regional roundtable meeting*
 - ◊ *Roundtables should add CAC office to their mailing list*
 - ◊ *Roundtables need to advertise their meetings better, to reach out to a broader base of individuals and groups.*

Council will explore with the roundtables possible alternatives and improvements based on our experience with advisory committees as well as the experience of those roundtables who are actively involved in the activities of their regional office. We are also working to improve our communication with the roundtables through mailings and more direct participation.

Permitting Process—DEP asked us how it could best encourage public participation in the permit review process. Council has not yet discussed this issue in depth but lists comments received as a starting point for our future deliberation:

- *DEP needs to stop acting as the front for the regulated. It is and should only be accountable to the public and to the environment (8). DEP should consider requiring permit applicants to initiate public participation and hold public meetings; DEP could then be an observer, not a defender of the application and applicant.*
- *Permit information is not always available in the permit area—it's in the regional office, which may be quite a distance from the affected area (1).*
- *Don't always know if the publicly accessible file is complete; staff may be working with pieces, or may not have included items not required legally (e.g. letters/comments, etc.) (1).*
- *Permit hearings are perceived to be a sham, as there is little evidence that citizens opposed to a permit are given real consideration (5).*

- *Public input to new and pending permit applications should not lengthen the regulatory approval process. It should quickly identify public concerns and expedite the existing review process (7). However, speeding up the permitting process also reduces the amount of time available for public input; DEP must provide more timely information to protect the window of opportunity for public participation.*
- *Public participation for permit applications is not only prescribed by law but much different than the opportunity provided for regulations and policy statements (4).*
- *It is rare that DEP defends a permit application at a public meeting or public hearing; the review process is not completed, if even begun, at the time the hearing is held. One of the missed opportunities is the educational aspect; if DEP briefed the public regarding the proposed project, technical factors and compliance requirements before accepting testimony, many situations would be defused (4).*
- *All costs attached to an applicant's request should be borne by the applicant, but administered by DEP and embodied in the cost of the application (8).*
- *Public hearings are to hear the public, not for propagandizing by the applicant. Give and take between the public, the regulators and the applicant should occur at meetings prior to and separate from hearings run by DEP (8).*
- *The timing, location and placement of notice for public hearings should be for the convenience of the tax paying public and not for the applicant. They should be held at night and not on Fridays. They should not be scheduled near major holidays. Notices should appear throughout impacted air and water sheds. They should be held in places near the site of the area to be impacted (8).*
- *The onus should be on the applicant to prove that their proposal is not harmful, not on the public to prove that it is (8).*

Miscellaneous Comments Received by Council.

- *All DEP documents should have dates on them (1).*
- *All public input processes should be clearly defined so that DEP can identify the positions and interests of the public, industry and other parties (7).*
- *Public participation, issues and business should always be done publicly (8).*
- *Until DEP can come to the table to represent the environment and no other agenda it will have no credibility (8).*
- *Will EQB be retained or changed as public participation is revamped (9)?*
- *Some the changes Council has recommended should first be tried as pilot projects (9).*
- *Public participation reform should be applied to DCNR as well (9).*
- *Regulations need to be written in user friendly language, and should include examples in accompanying documents showing how the regulation might typically work (16).*

DEP Questions Not Yet Considered:

- *What should the role of nonconfrontational techniques for developing rules and alternative dispute resolution be in DEP? Reg-neg? Facilitated public meetings and information workshops? Resolving differences on individual permits?*
- *How should DEP improve the process for petitioning for rulemaking changes to make it more open?*
- *How can the public participation elements of the SPW program be improved? (NOTE: the reg-neg group is reportedly looking at public involvement changes to include "stakeholders" in the earliest stages of the designation process.)*

Appendix A: ADVISORY GROUPS TO DEP & DCNR

11-2-95

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
DEPARTMENT-WIDE						
Citizens Advisory Council Sue Wilson 717-787-4527	Required by Act 275 of 1971 and Act 95 of 1992 (APCA). Review the work of DEP and make recommendations for its improvement; study environmental issues facing the Commonwealth; promote sound environmental legislation; provide advice on implementation of the CAA and APCA.	19 members; 6 each appointed by Gov., House and Senate, and Sec. of EP. Balanced by diversity of appointing authorities. 3 year terms.	Yes Yes	10/yr. \$2459/mtg. Yes	300/Month (2FTE) 210/Mtg.	Independent staff; sets own agenda, but also responsive to Dept. requests. Good communication; DEP responsive. Need to network more with other AC & RT.
AIR AND WASTE MANAGEMENT						
Citizen's Waste Roundtable Pat Pelkofer 412-683-8918	Discretionary, since 1980. Discuss concerns/exchange information with DEP regarding waste management issues, both policy and permit-specific.	Indet. number of members; none appointed.		5/yr. \$0 No	?	Early access to info often during development. Steering Committee shares resp. for ag. Good communication; DEP responsive.
Low-Level Radioactive Waste Advisory Committee (LLWAC) Len Hess 412-639-3711	Radioactive Waste Disposal Act, 1988, Section 317. Review draft LLW regulations, review/comment on operator, advise DEP on issues, policies and regulations.	23 members: 2 by House, 2 by Senate, rest by Secretary. Makeup specified.	Yes Yes	>4/yr., has been 5-6 \$1497/mtg. (+ \$4214/mtg. for consultant) Yes	73 10 254 Staffing adequate.	Usually have good access, but not always early enough. React to drafts. DEP sets schedule & agenda; chair can request add'ns. Good communication. Participants must commit to making process work, including staff.
Air and Water Quality Technical Advisory Committee (AWQTA)* Paul Hess 717-534-5061	Established by Secretary's Directive, 1977; designated under Act 95 of 1992 (APCA) Section 7.6(b). Advise DEP on technical and economic effects of proposed air and water regulations; assist in developing CAA program; assist in reviewing air/H ₂ O impacts of solid waste regulations.	22 appointed by Secretary. Balance: mostly industry, 6 academic & environmental/Interest groups. APCA requires ≥ 11 with air pollution control background.	Yes Yes	6/yr. \$1167/mtg. Yes	55 7 220 plus travel time. Need more staff support.	Some early involvement, but sometimes react only to final verbiage. Need more chair control over agenda. Usually good communication. DEP not always responsive.

* Also advises Water Management.

** Advises PDE.

*** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
Small Business Assistance Compliance Advisory Committee Glen Heilman 412-353-2700	Act 1992-95 (APCA) Section 7.8. Provide guidance to and oversight of the Small Business Assistance Program.	11 members: 4 by Gov., 2 by House and 2 by Senate, DEP, Commerce and Small Business Advocate. 4 year terms.	Yes 7	4/yr. \$725/mtg. Yes	32 4 77/mtg. Staffing adequate.	Early access: initial thru final dev; agendas & schedule mutually set; good communication in past with DEP. Recommend annual meeting of AC chairs to share information.
Solid Waste Advisory Committee (SWAC) Ron Buchanan 302-992-5972	PA Solid Waste Management Act (1980-97), requires a Hazardous Waste Facilities Advisory Committee (Sections 104 & 507). Make recommendations to Secretary on adoption/amendment/repair of rules/regs/procedures for implementation of Act 97; recommend changes to Pa. HWFP.	22 appointed by Secretary. Makeup specified. 1 year terms. Need to add PROP member. 1 year term too short.	Yes Yes	6-7/yr. \$1400/mtg. Yes	106 12 260/mtg. Staffing ok; could be more timely follow up.	Need access at conceptual level and follow through w/detailed review of drafts. Usually react, but sometimes at development level. DEP dev. agenda w/some input; could be better. Good communication but if mind made up proceed regardless of input. Follow up could be more timely.
Recycling Fund Advisory Committee Joyce Hatala (PROP) 717-963-6868	Act 1988-101. Review progress in meeting recycling goals, recommend priorities on fund expenditures, advise Sec. on activities associated with administration of the fund.	(SWAC plus) 27 members: 2 by House, 2 by Senate, remainder by Secretary. Makeup specified.	No ?	Annually \$1200/mtg. Yes	195 10 338/mtg.	Early access to info, both during development and reacting to drafts. Need more formal recycling input than 1 time/year. Shares resp. for agenda. Good communication.
Sewage Advisory Committee Sam D'Allesandro 717-421-1550	Required by the PA Sewage Facilities Act, 1965-537. Review existing and proposed rules/regs/stds/proc regarding Sewage Facilities Act. Recommends to Secretary.	26 members: Secretary appoints orgs; orgs appoint members. A lot of industry & government (State & local).	Yes Yes	>2/yr. \$1040- 2600/mtg. 7	11 7 144/mtg. Staffing adequate.	Early access to info, involved during development. Chair shares resp. for ag. and schedule. Good communication; DEP responsive. No participation from non-members.
Cleanup Standards Scientific Advisory Board Kathy St. Hilaire	Land Recycling and Environmental Remediation Standards Act (1995-2). Assist DEP and EQB in developing statewide health standards, determining the appropriate statistically and scientifically valid procedures, appropriate risk factors and providing other technical and scientific advice as needed to implement Act 2.					Just starting.

- * Also advises Water Management.
- ** Advises PDE.
- *** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
WATER MANAGEMENT						
Storage Tank Advisory Committee Alan Gutman 412-483-3333	Storage Tank and Spill Prevention Act. Advise DEP on formulating and drafting regs under the Storage Tank and Spill Prev. Act.	17 members: Secretary appoints orgs; 4 local gov't; 6 regulated community; 1 PE; 1 hydrologist; 4 public; 1 commercial farmer.	Yes Yes	>4/yr. \$400 - 1000/mtg. Yes	69 47 105/mtg.	Pending.
Technical Assistance Center for Small Water Systems Teresa Rissmiller 717-367-0749	Small Water Systems Assistance Act (1992-5). Advise DEP Technical Assistance Center for Small Water Systems.	18 members: Secretary appoints orgs. Makeup specified.	Yes Yes	4/yr. \$283/mtg. ?	57 5 108/mtg.	No response.
Agricultural Advisory Board Gordon Miller 717-234-5001	DEP Agricultural Advisory Board Act (1993-11). Ensure that ag. impacts of policies, rules and regs receive due consideration, and that the ag. community has an opportunity to comment on policies, rules and regs.	22 members: Governor appoints 9; 5 appointed by member organizations; 8 non-voting ex-officio members. Makeup specified.	Rotation Yes	6/yr. \$750/mtg. Yes	39 2 352/mtg. Adequate staffing.	Satisfactory access, involved in policy & reg development & reacting to enforcement efforts to improve compliance. Jointly set agenda & schedule. Communication could be better - poor staff mindset. Need higher level staff involvement.
Coastal Zone Advisory Committee Jim Tabor*** 717-787-2529	Federal Coastal Zone Management Act; Exec. Order 1980-20. Ensure that projects/activities proposed for funding under CZM program are compatible with other state agency activities; review CZM program; responsible for state/local coordination.	19 appointed by Secretary. State agencies.	No ?	2 in 93 1 in 95 ?	44 3	Advisory Committees are important but need to ensure there is not a duplication of efforts. Committee is always open to and welcomes public input; however, input needs to be responsible and timely.
Nutrient Management Advisory Board George Robinson 717-374-8148	Nutrient Mgmt. Act (1993-6). Review and comment on all regulations under the Act and interim criteria developed to implement the Act.	15 appointed by Secretary with 2/3 of State Conservation Commission concurrence. Makeup specified. 3 year terms.	Yes Yes	12/yr. (will decrease) \$733/mtg. Yes	515 (will decrease significantly) 8 255 Staffing ok - could be faster.	Good access now but not at first. Involved during development, react to drafts. Share resp. for agenda and schedule. Good communication. <u>AS</u> should have more input on legislation.

* Also advises Water Management.

** Advises PDE.

*** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
Chesapeake Bay Program Advisory Committee to the State Conservation Commission Lamonte Garber 717-234-5550	Created by Secretary. Advise State Cons. Commission on program matters related to Ches. Bay Ag. Nutrient Management Program.	Indat. (currently 28) appointed by Secretary. Makeup specified.	Yes Yes	>=4/yr. \$164/mtg. No	21 5 168	Reacts to Dept. approved drafts. Staffing limits work on "weighty-issues." Main strength in providing info. Would like to see more input regarding policy. Lack of reimbursement limits citizen participation.
MINERAL RESOURCES MANAGEMENT						
Oil and Gas Technical Advisory Board Bob Watson 814-865-0531	Oil & Gas Management Act of 1984 (section 216). Consult in development of all technical regs under Act 223 prior to submission to EQB.	5 appointed by Governor. Makeup specified.	Yes ?	> 2/yr.; as needed \$500 ?	80/mtg. (avg.) 75/mtg.	Involved in dev. of regs. and react to drafts. Share resp. for agenda and schedule. No line of communication above bureau. DEP usually responsive. Have to do own tests and technical analysis, w/o DEP \$.
Mining and Reclamation Advisory Board (MRAB) Andrew Drebitko 814-342-5500	Required by Act 181 of 1984, as amended by 1992-173. Assist Secretary in expending funds for purposes of SMCRA and advise Secretary on all matters pertaining to mining and reclamation.	14: 2 General Assembly, 4 CAC and 1 State Conservation Comm.; remainder appointed by Secretary.	Yes Yes	4/yr. \$1,250 Yes	165 Varies 112 Needs better admin support.	Balance okay. Overall effectiveness is so-so; little progress made. Communication good; exec staff are present in force.
Bituminous Mine Safety Advisory Committee T. J. Ward*** 717-787-1376	Discretionary under Bituminous Coal Mine Act (Act 339). Provide Deep Mine Safety Bureau with technical assistance on issues pertaining to bituminous mining.	Secretary approves indiv rec'd by org; 2 mine labor orgs., 2 coal mining assoc., 1 U.S. Bur. of Mines, 1 U.S. DOL. Membership can't until resignation.	DEP chairs. Yes	1-5/yr. (Hasn't met this year) \$50 No	57/mtg. 5 7 dep. on issue Adequate staffing	Have open access to information, but not early access; committee both reacts and develops Department policy and regulations. Good lines of communication with Department, but more senior staff involvement is desired. Generally welcomes any and all input from interested parties.

- * Also advises Water Management.
- ** Advises PDE.
- *** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
REGIONAL Meadville Citizens Roundtable Bruce C. Dickson 814-755-3560	Discretionary. Foster communication among sectors interested in the environment.	All volunteers accepted; try to balance. Currently 38 members. Repts. from gov't, industry, land-owners, business and env. groups.	Yes Yes	4/yr. 7 No	7	Believe meetings are not adequately advertised. Very good communication with DEP. Would like to see Handbook to direct input to DEP.
Northcentral Regional Citizens Environmental Roundtable David Unger 717-672-3254	Discretionary. Receive input from interested parties and citizens served by DEP; discuss DEP issues/proposed policies; provide a forum for DEP in the region.	Open to anyone interested.	Yes 7	4/yr. 7 No	7 2 (CRC & Reg. Dir.) Staffing adequate.	Good access to info; react to drafts; steering committee sets agenda; good communication; responsive.
Northeast Regional Roundtable						Inactive.
Southeast Regional Roundtable Margaret Spanier 610-847-8244	Discretionary.		Yes Yes	Monthly 7 No	7 1 (CRC) 7	Chair controls agenda. Access to info varies; in too many cases RT & AC get short shrift. Try for balance and feel it is as good as can be expected for volunteers. Meetings not adequately advertised. Communication used to be good, now it is so-so. RT members should be reimbursed.
Southcentral Regional Roundtable Susan Weaver 717-225-4711 Ext. 2241	Discretionary. Uncertain role.		Yes Yes	7 0- No	7 CRC 7	Roles and responsibilities not clear; communication is poor. Does not become involved in policy and regulatory issues. RT is balanced - citizens, consultants, industry, environmental groups. Share responsibility for agenda, meeting advertisement is improving. Staffing inadequate but improving.

* Also advises Water Management.

** Advises PDE.

*** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
Southwest Regional Roundtable Pat Pelkofer 412-683-8918	Discretionary.		? ?	0 -0- No	? CRC ?	Role not clearly defined; not involved in DEP operations. Group is inclusive. Steering committee shares respon. for setting agenda but advertised agendas are sketchy, limiting potential interest. Advertise meetings but outreach inadequate to identify new, active interests. Floundering as a RT; has been replaced by a "Forum" for DEP to showcase new programs. Forums are good but don't allow for discussion and exchange. Used to meet throughout the region with good attendance; now only in Pittsburgh with poor attendance.
DCNR PA Recreational Trails Advisory Board	Symms National Recreational Trails Act.	10 appointed by Secretary.	Yes	4/yr. (has not met since '93)	?	No response.
PA Rivers Resources Advisory Council Elam Herr 717-763-0930	Discretionary. Provide guidance and assistance in carrying out the Scenic Rivers Act, Key 93 and the Federal Wild and Scenic Rivers Act.	Indet. (currently 39); Org.'s pick members.	Yes Yes	?	Staff efficient ?	(Replaces Scenic Rivers Task Force.) Still in transition stage. SRTF reacted to drafts. Shared resp. for ag. and schedule. Communication depends on interest of senior staff; immediate staff is responsive; higher levels need to be pushed.
Citizens Recreation Advisory Committee (CRAC)	Fulfills requirements of Federal Land & Water Conservation Act. Provides citizen involvement in preparing 5-year statewide recreation plan.	68 named by Secretary, at request of organization.	No No	?	?	None available.
Statewide Recreation Planning Advisory Committee (SRPAC)	Land and Water Conservation Act. State and Federal ag Input into 5-year statewide recreation plan.	39 named by Secretary. Government agencies.	No No	?	?	None available.

* Also advises Water Management.
** Advises PDE.
*** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
Environmental Education Advisory Council** Patty Vathis*** 717-783-6994	Environmental Education Act (1993-24). Advise Secretaries of Ed & ER in carrying out EE activities including distribution of available grant monies.	13 members: Secretaries of DEP, PDE & Ag; 3 each by DEP, PDE; 2 by Commerce; 1 by SSHE, 1 by Agriculture. 5 year terms.	No No	As needed; only 1X to date. ?	7	(Not housed in DEP or DCNR.)
Presque Isle State Park Advisory Committee Robert Mazza 814-725-8695	Discretionary. Advise the Secretary on matters related to the Park. Help develop master plan for park.	15 named by Secretary: 9 public interest, 4 gov't., 2 business.	Yes Yes	4/yr. ?	Staffing adequate and professional	Have access to information, but prefer it earlier; there are times when the Department formulates its position prior to involving the committee. Provide a public forum section in agenda to solicit public input and listen to what they have to say.
Delaware Canal State Park Advisory Committee William Mitchell 215-348-6114	Discretionary. Advise DEP on future development of recreational facilities, canal protection, encroachment, safety, park needs. Help develop park master plan.	29 members; Secretary appoints public interest members; local governments name own representation.	Yes ?	>4/yr. ?	Staffing adequate	Early access; react to drafts; chair sets agenda, good communication. Add public comment time to agenda.
White Clay Creek Preserve BI-State Advisory Council	Act 1981-51, HR 250 of 1984, HB 720 of 1984 & SR 140 of 1984. Advise Del. Div. of Parks and Rivers and Pa. Bureau of State Parks on matters related to the preserve.	Secretary appoints 6 Pa. members.	Yes (Joint agreement)	4/yr. ?	7	No response.
Pine Creek Trail Advisory Committee	Act 1990-129. Advise on trail development.	? Local gov't. 15 members.	Selected	2/yr. ?	7	No response.
PA Forest Stewardship Steering Committee Scott Kurtzman 717-225-4711	1990 Farm Bill, Cooperative Forestry Assis Act of 1978. Provide guidance/advise on implementation of Forest Stewardship Program and Stewardship Incentives Program.	24 members named by State Forester	Yes ?	2/yr. ?	?	Has the opportunity to offer input early. Very good communication with Depart. Encourage public participation but meetings are not public.
Forest Resource Conservation Education Committee	USDA Forest Service. Formed to advise on a \$10,000 grant from USFS.	BOF. 20 members.	DEP	4/yr. ?	7	No response.

* Also advises Water Management.

** Advises PDE.

*** Staff contact.

Committee Contact/Phone	Authority/Mandate	Member Selection	Chair Elected? Bylaws?	# Meetings Budget Reimburse?	Staff Hours #Staff Vol. Hours	Comments
Snowmobile Trail Advisory Committee Bill Slippy***	Act 1991-26. Review regs/stds/proc for snowmobile trail acquisition/constr/de/maintenance; make recommendations on same.	14 appointed by Secretary. Makeup specified.	? ?	Will meet as needed; only met once so far.	?	No response.
PA Appalachian Trail Committee Edward Kanna 215-343-1695	Required by the PA Appalachian Trail Act, 1978-41. Advise DEP on matters related to development/maintenance/management of Appalachian Trail in Pa.	9 appointed by Secretary. Makeup specified: 2/3 w/maintaining clubs and rest from KTA.	Yes Yes	6/yr. \$0 No	?	Role not clearly defined. Early access, during development. Chair prepares agenda. Good communication.
PA Urban and Community Forestry Council Susan Phillips	1990 Farm Bill.	27 named by "The Board."	Yes ?	?	?	No response.
Geologic Mapping Advisory Committee Jan Inners*** 717-787-6029	National Geologic Mapping Act of 1992. Recommend priorities for mapping, scope of work for contracting to private vendors, assist in reviewing approved geologic mapping projects funded through the procedures of NGMA.	11 named by State Geologist.	Yes ?	As needed.	?	No response.
Roosevelt State Park Advisory Committee	Discretionary.		?	?	?	No response.

** Also advises Water Management.

.. Advises PDE.

... Staff contact.

**Appendix B:
Summary of Comments Received
on Public Participation Paper**

1.) Southcentral Regional Roundtable:

- Permit information is not always available in the permit area—in the regional office, which may be quite a distance from the affected area.
- Don't always know if the file that the public has access to is complete; staff may have removed letters/documents to work with, or may not include all items if not required legally (e.g. letters/comments, etc.)
- All Department documents should have dates on them – can't always tell how old fact sheets, etc. are.
- Should give a real advisory capacity to the regional roundtables, not allow them to flounder without purpose/identity. They are also a good forum to get different interests and decision makers together, to discuss and educate each other.
- Roundtable meetings should be attended by decision makers key to the issue at hand.
- We need better communication between the CAC and the roundtables:
 - ◊ CAC members should attend the roundtable meetings in their region
 - ◊ CAC should add roundtable executive committee to mailing list
 - ◊ CAC should help arrange an annual meeting of all 6 regional roundtables (could be in conjunction with the Environmental Congress)
 - ◊ Roundtables should add CAC office to their mailing list
 - ◊ Need help in defining themselves—CAC needs to work on some general guidelines as a start, and work with roundtables and DEP to help each define some basic expectations, roles, etc.
 - ◊ Roundtables need to advertise their meetings better, to reach out to a broader base of individuals and groups.
- DEP and DCNR need to get some basic information out on the new organization-like phone numbers, who's who (organizational chart), which programs are retained by DEP (used to have a real short flier that defined the basic mission of each major program, and who to contact for help or more information)

2.) Dan Trotzer, Pa. Environmental Council:

- Use PEC's Environmental Advisory Council (EAC) Network project as another mechanism to distribute information and solicit input on DEP issues. This will reach EAC's, which as local municipal advisory bodies, can help keep local government officials aware of environmental issues as well as the general community. These groups are already environmentally concerned, if not necessarily expert, and could be helpful in screening issues and identifying those of concern to their particular area. This may also help to get more EAC's organized.

3.) Buddy Beach, Consolidated Coal:

- Increased public input, if not closely controlled, will be an easy scapegoat for indecision within DEP. Governmental agencies are empowered to make decisions and must do so without the emotionalism that is so often part of public input.
- The goals in the CAC paper are overly idealistic. For example, economic interests drive the effort and provide the incentive to engage in the project. Many environmental arguments are simply "no growth" and cannot coexist with economic development. Many environmentalists do not believe in compromise, so industry cannot address their concerns.
- DEP decisions are based on technical data, which are difficult to balance against emotional pleas.
- People don't know who to believe anymore.
- Media involvement complicates matters; the tabloid approach generates interest, but does not give enough information (nor do most readers want all the boring details) to make informed decisions. CAC may want to consider making the media a stakeholder in the process, which may make them more responsible.
- It will be hard to provide greater public input unless agency personnel are confident that their decisions will be supported by those above them, irrespective of public concern or outcry.

4.) Tony Ercole, Pennsylvania Coal Association:

- Beware of strategies that obstruct timeliness, flexibility and technical decision-making.
- The technical factors which are the basis of DEP decisions are rarely the focus of discussion between industry, the public and DEP; usually such discussions focus on emotional concerns. In addition, environmental groups and NIMBY groups are intent on stopping projects, not finding mutually acceptable solutions.
- Public participation for permit applications is not only prescribed by law but is much different than the opportunity provided for regulations and policy statements.
- The public needs to be educated on environmental issues so they need not depend on sensationalized press stories. Education would also lead to factual input as opposed to local emotional reactions especially in the review and decision-making process for project approval/disapproval.
- It is rare that DEP defends a permit application at a public meeting or public hearing; the review process is not completed, if even begun, at the time the hearing is held. One of the missed opportunities is the educational aspect; if DEP briefed the public regarding the proposed project, technical factors and compliance requirements before accepting testimony, many situations would be defused.

5.) Gilbert Black (package from several):

- Permit hearings are perceived to be a sham, as there is little evidence that citizens opposed to a permit are given real consideration.

- Real participation by non-economic stakeholders in any government-sponsored advisory committee is very chancy.
- Improving public participation is not easy, given the disparities in power among the various stakeholders.
- Advisory committees are nothing but public relations ploys designed to give the false impression that the public has genuine input into the department's decision making when, in reality, the actual function is to rubber-stamp DEP's activities.

6.) Phil Pfeiffer:

- Internet is a good way to solicit input for those who spend a lot of time around computers and can't make (or are uninterested in attending) public meetings. DEP should establish a newsgroup that carries postings on environmental issues, and then solicits input as needed. Electronic media should be only one of several avenues of communication.

7.) Sandra May, PECO:

- Public input to new and pending permit applications should not lengthen the regulatory approval process. It should quickly identify public concerns and expedite the existing review process.
- All public input processes should be clearly defined so that DEP can identify the positions and interests of the public, industry and other parties.
- When finalized, the public participation procedures may well serve as the foundation for a mission statement that could be adopted by each of the advisory groups. A careful review of the mission statements should be performed to identify duplication, overlap or omissions in the purpose of the various groups. Corrections should be made accordingly.
- To aid the public in understanding the advisory groups and missions, a brochure could be developed and published, including a list of each group and corresponding mission statement, meeting schedules and locations, and telephone numbers for general questions.

8.) Tina Daly, Citizens Waste Roundtable:

- DEP's request for help in reforming public participation is merely to divert those involved from the real issues of what is being done to environmental protection.
- Everyone should be at the table when decisions are being made re: permits, laws, regulations and standards. No one has the right to negotiate for others unless they have been elected. For example, the environmental community is very diverse, and no group or individual speaks for all. When we negotiate regulations, we eliminate everyone except the chosen negotiators. Public participation is the opposite of selecting stakeholders and negotiators; we all breathe air, etc., so we all are stakeholders.

- Public participation, issues and business should always be done in public; not behind closed doors.
- DEP needs to stop acting as the front for the regulated. It is and should only be accountable to the public and to the environment.
- Public participation needs to be on an informed basis. The public needs honesty, timely information, and time to react.
- Information should be in public places, and generated by the agency; too many functions that DEP should be accountable for are being done by the proponents/applicants.
- All costs attached to an applicant's request should be borne by the applicant, but administered by DEP and embodied in the cost of the application.
- Public hearings are to hear the public, not for propagandizing by the applicant. Give and take between the public, the regulators and the applicant should occur at meetings prior to and separate from hearings run by DEP.
- The timing, location and placement of notice for public hearings should be for the convenience of the tax paying public and not for the applicant. They should be held at night and not on Fridays. They should not be scheduled near major holidays. Notices should appear throughout impacted air and water sheds. They should be held in places near the site of the area to be impacted.
- The onus should be on the applicant to prove that their proposal is not harmful, not on the public to prove that it is.
- DEP's current attitude, especially under this administration, is that the public slows us down, the public be damned, keep the public out.
- The public is often excluded from participation because bureaucrats, many without certification or registration themselves, demand that individual members of the public show certain expertise.
- Every commenter should, by law, receive a written substantive, timely response.
- When the public is involved in decision making, records should be kept, minutes taken and approved, and all should be available without prior request.
- DEP needs to fundamentally change its attitude towards those whose ideas are different from their own.
- Pa. needs a law that prevents SLAPP suits and that also prevents punitive actions against those who speak out.
- Until DEP can come to the table to represent the environment and no other agenda it will have no credibility.
- Anyone should have standing to provide comments, not just those with credentials after their names, and not just environmental groups with significant staffs.
- Advisory committees are not balanced.

9.) Pat Pelkoper, Citizens Waste Roundtable and Southwest Regional Roundtable:

- Concerned over the future of the EQB—will it be retained or changed in format and purpose as public participation is revamped.
- Some of the interim changes Council has recommended should be tried in pilot projects prior to formal and widespread adoption.
- Public participation reform should be applied to DCNR as well.

- Public participation is painful and expensive to the bureaucracies, but democracies depend upon it.
- Should the EQB be disbanded in the future, the Office of Citizen Advocate should be advanced

10.) John Dembach:

- The key to citizen advisory groups is that the agency must actually use them to inform its decisions. The agency must be sincerely interested in learning from the committee, to ask questions and develop dialogue that builds on ideas that the committee begins to raise, and to use the committee in a kind of partnership capacity. Computer generated input alone can't do this.

11.) Bernard McGurl, Lackawanna River corridor Association:

- Using the OCA as a model, a similar program in DEP would greatly facilitate a rational equitable representation of community and municipal interests in regulatory matters before the Department and its various agencies.
- Encourage the Secretary and Governor to advance this proposal as a means to insure that citizens have the same recourse as other parties to the protections and rights guaranteed under Article 27, Section I of the Constitution of Pennsylvania.

12.) David Byman, Pa. Chapter of the Sierra Club:

- Endorses the creation of an Office of Citizen Advocate, but does not endorse any specific legislation currently under review. Creation of an OCA would allow the public to have early intervention, would make DEP more accountable to the public, and would afford equal access to environmental information for all citizens of Pennsylvania. It should be modeled after the Office of Consumer Advocate in the Attorney General's Office.

13.) Edward Zygmunt, Pa. Federation of Sportsmen's Clubs, NE Division:

- Supports establishment of an Office of Citizens Advocate to help present the average citizen's viewpoint on the environmental rules, regulations and procedures which are proposed, created and enforced by DEP. More importantly, it would help protect the citizen's rights under Article 27, Section I of the Pa. Constitution.
- To ensure the proper balance between economic and environmental interests, we would recommend that the OCA be placed under the jurisdiction of the Pa. Attorney General's office and be modeled after the Office of Consumer Advocate.

14.) Edward P. Flanagan, Citizens Alert Regarding the Environment:

- It has become increasingly clearer that citizens of PA need a strong Citizens Advocate Office set up to monitor the DEP. Such an office would assure equal and prompt access to environmental information, give access to legal counsel, and level the field with industry to some degree. It would also make DEP more accountable to the public.
- This is not a choice between jobs and the environment, but an opportunity for citizens to participate with government and industry to develop safe, enforceable standards and to demonstrate that a clean environment attracts more jobs.

15.) Paul Ferraro, Wayne/Susquehanna RESCUE:

- Supports the CAC Issue Paper. In particular, strongly support the creation of an Office of Citizen Advocate.

16.) Miscellaneous Comment (mostly verbal, from various sources):

- Support opening up DEP processes to public participation, influence and even control. The average, ordinary citizens are virtually shut out of the development of any regulatory process or product of government, not just environmental. The public knows nothing about government policy and decisions that will drastically affect them until it makes headlines in local media, which is much too late to have an effect. CAC should insist in developing new models based on communication with ordinary citizens, not just presumed "stakeholders", bureaucrats and elitist special interests like we have now on most advisory boards.
- Regulations need to be written in user friendly language. If possible, they should include examples in accompanying documents showing how the regulation might typically work.
- As we move toward speeding up permitting, we also reduce the amount of time available to the public to understand and comment on proposed facilities. We need to recognize this, and ensure that we provide sufficient information in a more timely manner so that this faster process does not eliminate the window of opportunity for public participation.
- Received both support and opposition to term limits on advisory committee members. Supporters felt that continuity can be maintained by staggering the terms. Those in opposition felt that too much turnover makes it difficult to maintain consistency. Because of the complexity of most environmental issues, it takes a fair amount of time to "educate" new members so they can provide informed advice.

October 30, 1995

Appendix C INITIAL RECOMMENDATIONS FOR SPECIFIC ADVISORY GROUPS

11-2-95

Committee Contact/Phone	Recommended Changes
DEPARTMENT-WIDE	
Citizens Advisory Council Lue Wilson 17-787-4527	
AIR AND WASTE MANAGEMENT	
Citizen's Waste Management Roundtable Pat Pelkofer 12-683-8918	<ul style="list-style-type: none"> • Members should be reimbursed for travel and committee-related business.
Low-Level Radioactive Waste Advisory Committee (LLWAC) Ken Hess 12-639-3711	<ul style="list-style-type: none"> • DEP should use to advise in making decisions, rather than as a forum to announce decisions. • DEP needs to relinquish at least some control over agendas and meeting schedules. • Participants, including staff, must commit to making process work.
Air and Water Quality Technical Advisory Committee (AWQTAC)* Paul Hess 17-534-5061	<ul style="list-style-type: none"> • Need more chair control over agenda. • Need more staff support.
Small Business Assistance Compliance Advisory Committee Lien Heilman 12-353-2700	<ul style="list-style-type: none"> • Should establish bylaws if don't currently have.
Solid Waste Advisory Committee (SWAC) Don Buchanan 02-992-5972	<ul style="list-style-type: none"> • 1 year term too short. • Should add a PROP representative.
Recycling Fund Advisory Committee Joyce Hatala (PROP) 17-963-6868	<ul style="list-style-type: none"> • Bylaws?
Sewage Advisory Committee Sam D'Allesandro 17-421-1550	<ul style="list-style-type: none"> • Should allow input from non-members. • Members reimbursed?

Committee Contact/Phone	Recommended Changes
Cleanup Standards Scientific Advisory Board Kathy St. Hilaire	
WATER MANAGEMENT	
Storage Tank Advisory Committee Alan Guttman 412-483-3533	
Technical Assistance Center for Small Water Systems Teresa Rissmiller 717-367-0749	<ul style="list-style-type: none"> • Members reimbursed?
Agricultural Advisory Board Gordon Hiller 717-234-5001	<ul style="list-style-type: none"> • Need involvement of higher level staff.
Coastal Zone Advisory Committee Jim Tabor*** 717-787-2529	
Nutrient Management Advisory Board George Robinson 717-374-8148	<ul style="list-style-type: none"> • Members should be reimbursed for travel and committee-related business.
Chesapeake Bay Program Advisory Committee to the State Conservation Commission Lamonte Garber 717-234-5550	<ul style="list-style-type: none"> • Members should be reimbursed for travel and committee-related business.
MINERAL RESOURCES MANAGEMENT	
Oil and Gas Technical Advisory Board Bob Watson 814-865-0531	<ul style="list-style-type: none"> • Members reimbursed? • Should provide funds; have to do own tests and technical analysis.
Mining and Reclamation Advisory Board (MRAB) Andrew Drebitko 814-342-5500	<ul style="list-style-type: none"> • Needs better administrative support. • DEP should involve Board at an earlier stage.

Committee Contact/Phone	Recommended Changes
Bituminous Mine Safety Advisory Committee T. J. Ward*** 717-787-1376	<ul style="list-style-type: none"> Members should be reimbursed for travel and committee-related business.
REGIONAL	
Meadville Citizens Roundtable Bruce C. Dickson 814-755-3560	<ul style="list-style-type: none"> Want a handbook to direct input to DEP. Members should be reimbursed for travel and committee-related business. Rotate meetings throughout region.
Northcentral Regional Citizens Environmental Roundtable David Unger 717-672-3254	<ul style="list-style-type: none"> Members should be reimbursed for travel and committee-related business. Rotate meetings throughout region.
Northeast Regional Roundtable	<ul style="list-style-type: none"> Inactive - need to organize after guidelines are developed with other roundtables.
Southeast Regional Roundtable Margaret Spanier 610-847-8244	<ul style="list-style-type: none"> Meetings need to be better advertised. Members should be reimbursed for travel and committee-related business. Rotate meetings throughout region.
Southcentral Regional Roundtable Susan Weaver 717-225-4711 Ext. 2241	<ul style="list-style-type: none"> Need better staffing. Need better DEP involvement. Meetings need to be better advertised. Need help in identifying role. Members should be reimbursed for travel and committee-related business. Rotate meetings throughout region.
Southwest Regional Roundtable Pat Pelkofer 412-683-8918	<ul style="list-style-type: none"> Need help in identifying role. Meetings need to be better advertised. DEP needs to help, not hinder. Members should be reimbursed for travel and committee-related business. Rotate meetings throughout region.
DCNR	
PA Recreational Trails Advisory Board	<ul style="list-style-type: none"> Reimbursed?
PA Rivers Resources Advisory Council Elam Herr 717-763-0930	<ul style="list-style-type: none"> Need higher level staff involvement. Reimbursed?
Citizens Recreation Advisory Committee (CRAC)	
Statewide Recreation Planning Advisory Committee (SRPAC)	

Committee Contact/Phone	Recommended Changes
Environmental Education Advisory Council** Patty Vathis*** 717-783-6994	<ul style="list-style-type: none"> • DEP and DCNR should have a closer tie to EEAC.
Presque Isle State Park Advisory Committee Robert Mazza 814-725-8695	<ul style="list-style-type: none"> • Reimbursed? • Need to allow for outside input at meetings.
Delaware Canal State Park Advisory Committee William Mitchell 215-348-6114	<ul style="list-style-type: none"> • Reimbursed? • Need to allow for outside input at meetings.
White Clay Creek Preserve Bi-State Advisory Council	
Pine Creek Trail Advisory Committee	
PA Forest Stewardship Steering Committee Scott Kurtzman 717-225-4711	
Forest Resource Conservation Education Committee	
Snowmobile Trail Advisory Committee Bill Slippey***	
PA Appalachian Trail Committee Edward Kenna 215-343-1695	<ul style="list-style-type: none"> • Members <u>not</u> reimbursed.
PA Urban and Community Forestry Council Susan Phillips	Reimbursed?
Geologic Mapping Advisory Committee Jon Inners*** 717-787-6029	
Roosevelt State Park Advisory Committee	