



Department of Environmental Protection

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MCP Q & A: Public Involvement - Subpart N (310 CMR 40.1400)

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What is a Public Involvement Plan (PIP)?

A Public Involvement Plan is an agreement between the person conducting response actions and the public about how they will share information, and how the public will be able to comment on plans for assessment and cleanup. Plans are tailored to the specific conditions presented by individual sites. A site may be designated a Public Involvement Plan (PIP) site once it has been Tier Classified as a Tier I or Tier II site. 310 CMR 40.1405 of the MCP states that once a site is designated a PIP site through the submittal of a petition, a Public Involvement Plan must be developed. While DEP requires that certain activities be conducted at all PIP sites, the specific activities at each site must reflect the needs of the particular site community. The party responsible for conducting response actions at a site is also responsible for conducting public involvement activities at the site and carrying out the activities listed in the Public Involvement Plan during the site cleanup process.

Is there current guidance for developing a Public Involvement Plan?

Interim Policy [WSC-91-800, Public Involvement Plan Interim Guidance For Waiver Sites](#) , is the only policy that provides guidance for developing a Public Involvement Plan, and must be used to ensure that the Plan meets the MCP requirements. Since the policy was written under the old MCP for Waiver sites, it needs adjusting for the Public Involvement Plan to comply with current regulations. These adjustments include:

- noting the name, address and telephone number of the Licensed Site Professional (LSP) and the Potentially Responsible Party (PRP) on the cover page;
- revising the introduction to include the concept of privatization and LSPs;
- correcting the citation for the public involvement section of the MCP to 40.1400;
- eliminating references to Waiver sites and documents;

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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- correcting the names of preliminary response actions and the phases of assessment and cleanup;
- revising 4.3 Notification of Major Milestones and Events to include notification triggers listed in 40.1403 of the MCP;

For tips on revising the PIP policy to reflect current regulations, contact the DEP Regional Public Involvement Coordinator (contact the DEP Regional Service Centers for the name and telephone number of the Regional Public Involvement Coordinator). DEP plans to update the PIP policy, incorporating input received from the overall program evaluation, over the next few months.

When should PIP interviews be conducted and who should be interviewed?

Before developing a Draft Public Involvement Plan, interviews must be conducted to identify community concerns and to obtain information and feedback from community members on topics such as:

- What information they would like to receive and in what format (e.g. fact sheets, public meetings, direct mailings, electronic mailings)
- What are the most useful sources of information about the site? (e.g. individuals, groups, media sources).
- What would be the most convenient and accessible location for a site information repository?

Community concerns are then summarized and listed in the Draft PIP according to the following categories.

- Nature and extent of contamination
- Neighborhood health issues
- Routes of exposure
- The site remediation process
- Opportunities for public involvement during the remedial response action process
- Other Concerns

Where and when in the site cleanup process these concerns will be addressed must be noted in the Public Involvement Plan, Section 3.0 Addressing Public Concerns.

At a minimum, the key petitioner, Chief Municipal Officer, Board of Health Chairman and Conservation Commission Chairman of the community in which the site is located must be interviewed. Other people or organizations who may be contacted for interviews include: other petitioners; site abutters; neighborhood representatives including school, business, and local residents; community organizations; local Department of Public Works; hazardous waste coordinator; fire chief; and local environmental organizations.

How many public meetings are required for sites designated as Public Involvement Plan sites?

At a minimum, the PRP must conduct a public meeting to present the Draft Public Involvement Plan and solicit comments on it. Public meetings should also be held prior to the start of a public comment period to allow for questions and discussion on the document and to better prepare the public for providing comments. The community may request additional public meetings at any point in the process.

If a site related document is available for comment at the same time that the Draft Public Involvement Plan is available, then one public meeting may be held to present both documents. Public meetings on MCP documents should not be combined with meetings or hearings on documents or permits for other regulatory programs

How far in advance of the public meeting for the Draft Public Involvement Plan must a legal notice be issued?

A legal notice must be published at least 14 days prior to the public meeting to present the Draft Public Involvement Plan. The legal notice must be published in a form that has been established by the Department, Form #7 found in the Public Notices of Response Action Status Instructions and Forms package available at the Regional Service Centers. In general, the public should be notified 14 days in advance of public meeting to discuss site activities.

When is a press release required?

A press release is required at least 14 days before the public meeting to present the Draft Public Involvement Plan. Press releases may also be used when significant findings are discovered at the site, when program milestones are reached, or when schedules are delayed.

Once a PIP is developed, is the content locked in stone?

The Plan may be revised as necessary during the course of the assessment and cleanup process to ensure that it continues to reflect the needs and interests of the community. If revisions are proposed, the party conducting response actions must place copies of any proposed changes in the local information repository, and send a notice of the availability of recommended changes to the mailing list. The party conducting response actions must hold a twenty-day public comment period on the proposed revised Plan. At the close of the comment period, the party conducting response actions must review any comments received and revise the Plan as appropriate. The final revised Plan is placed in the information repository. Examples of some plan revisions are changing the location or number of information repositories; frequency of public meetings; names on the notification list; and means of communicating information.

Does initiating the PIP process stop assessment or cleanup activities at a site?

No. The PIP process is designed to compliment the cleanup process by allowing opportunities for public input, which often improves the success of cleanup efforts. Once a site is designated a Public Involvement Plan site, the plans and reports describing results and recommendations for next steps in the assessment and cleanup process are made available for public comment. Documents typically made available for public comment are: Draft Public Involvement Plan; Phase II Scope of Work; Phase II Report; Phase II Risk Assessment Scope of Work; Phase III Remedial Action Plan; Phase IV Remedy Implementation Plan; Immediate Response Action (IRA) or Release Abatement Measures (RAM) plans; and the Permanent or Temporary Solution. All comments must be submitted to the party conducting response actions. Comment periods for these documents are 20 days and are not expected to

significantly delay assessment and cleanup activities. DEP's public involvement process is designed to address concerns regarding the investigation and clean up of sites regulated under the MCP.

How should disputes about the public involvement process be handled?

If citizens are concerned that the Public Involvement Plan is not being implemented properly, then they should provide the party conducting response actions with specific information on the failure to implement specific sections of the Plan. If the conflict can not be resolved, then the DEP Public Involvement Coordinator for the region in which the site is located should be contacted. The Public Involvement Coordinator will assess the specific complaints, and take whatever action the Department deems appropriate.