

Section 4.0 – Opportunities for Public Participation

4.1 Scope and Application

The [INSERT NAME]Tribe’s Environmental Programs Office must build into its TRP mechanisms and resources for meaningful public participation, at the local level, including but not limited to:

- public access to documents and related materials that the Tribe is relying on to conduct site activities (including assessment and cleanup activities) or to make cleanup decisions;
- prior notice and an opportunity for meaningful public comment on site activities, cleanup plans, and re-use plans including input into the prioritization of sites; and
- a mechanism by which a person (who is, or may be, affected by a release or threatened release of a hazardous substance at a brownfields site) may request that a site assessment be conducted. An authorized Tribal official must consider this request and respond appropriately.

This section provides the procedures for the [insert name] tribal members, tribal officials, and tribal organizations for involvement in the decision-making process regarding the selection, assessment, cleanup planning, and redevelopment of properties designated as Brownfields by the EPO.

4.2 References

Funding Guidance for State and Tribal Response Programs Fiscal Year 2021. U.S. Environmental Protection Agency, 2020. EPA-5600F-20-001.
Brownfields Program Community Outreach Relations Plan, Revision 1. June 30, 2020.

4.3 Role and Responsibilities

- Advisory Group – Provides input into the public participation process with technical expertise and knowledge.
- Community Members – Provides input into the public participation process for non-Tribal lands.
- Tribal Members - Provides input into the public participation process.
- TRP Manager – Position is responsible for implementing all provisions of this section with TRP staff resources or consultants.

4.4 Procedures for Public Participation

4.4.1 Community Outreach

A key component of the TRP is the development and implementation of a community outreach plan to establish a framework for meaningful public outreach (e.g., through outreach events and public comment on rulemaking, cleanup goals, and redevelopment plans).

The TRP has a draft Brownfields Program Community Outreach Relations Plan. The Outreach Plan describes the methods by which the TRP will notify the community of environmental concerns. The Plan provides guidelines on how Tribal members, Tribal officials, and Tribal organizations and programs will be involved in the decision-making process regarding the selection, assessment, cleanup planning, and redevelopment of properties designated as Brownfields by the Tribe. The TRP program manager will update the Outreach Plan on an as-needed basis.

The Outreach Plan establishes and describes the processes in place 1) to provide public access to documents and related materials that the TRP may use to make cleanup decisions or conduct site activities, 2) to provide notice and opportunities for public comment on site prioritization, site activities, and site cleanup plans, and 3) for community members to report a concern or request site assessment.

4.4.2 Public Access to Site Documents

To maintain eligibility for section 128(a) STRP funding, states and tribes (including those with Memorandum of Agreement (MOAs) must establish and maintain a public record system to enable meaningful public participation. The USEPA has established a goal and encourages that public records and other information be easily accessible. In order to provide public access, to site documents and related materials pertinent to site assessment and cleanup decisions, the TRP will:

- Maintain a Brownfields webpage on the Tribe's website with the public record. This may include links to assessment and technical documents and photos of site-specific activities, as approved by the Tribal Council.
- Provide hard copies of site documents and materials at key locations that are easily accessible to the public (e.g., tribal headquarters, tribal meetings, libraries, etc.), if needed to supplement the public record and as approved by the Tribal Council.
- Maintain a public record system of all sites at which response actions have been completed in the previous year or are planned in the upcoming year (see Section 7).

4.4.3 Public Comment to Site Activities, Cleanup Plans, and Re-Use Plans

The participation of active and informed community members in assessment and reuse decisions is essential to ensure the health and longevity of the Tribe. Such participation guides decision making so that the cleanup and reuse of contaminated lands are in accordance with values expressed by the Tribal community members. In order to provide opportunities for meaningful public comment on site activities and cleanup plans, the TRP will:

- Convene the [insert name] Tribe Brownfields Advisory Group consisting of members from Departments, Programs, and entities such as the Tribe's Development Corporation, Natural Resources, Land Services, GIS, Public Works, and Education Departments.
- Hold public meetings to share information and solicit community input on site activities, cleanup plans, and re-use plans.
- Notify the public about community meetings and provide information and updates about TRP activities through the Tribe's Council Fires newspaper and other media.
- Develop fact sheets and posters for community events.
- Mechanisms for public notification and comment can also be established in the Tribe's TRP law (see Section 3.5).

4.4.5 Process to Request a Site Assessment or Report a Concern

The ability of tribal members to easily access information and respond timely is important for a successful TRP outreach. Community members require site information with relevant factors that a proposed actions has on the human health and the environment. The community members can then respond in a timely manner without intimidation or reservation. In order to provide a mechanism for the public to report a concern or for a community member or stakeholder to request a site assessment, the TRP will:

- Conduct outreach efforts to various Tribal Departments through the Tribe's Brownfields Advisory Group,
- Conduct outreach to the public through public meetings,
- Provide access to the public record on the Tribe's website and at the EPO, and
- Provide a local contact to report a concern or request a site assessment.

4.6 Reporting and Documentation (Reserved)

The Tribe must establish and maintain a public record system to enable meaningful public participation. The procedures for reporting are found in Section 8.0.