

## **CHAPTER FOUR PARTICIPATION IN THE REMEDIAL ACTION PLAN PROCESS**

The public has numerous opportunities to participate in the Remedial Action Plan process and the activities necessary to achieve restoration of the impaired beneficial uses. Individuals may attend public meetings, comment on public documents such as the Environmental Performance Partnership Agreement, draft permits, and rulemakings. Many ongoing activities provide the public with opportunities to participate in decisions that will affect the restoration, protection, and uses of the river in the years to come. Thousands of area residents are committing their time and energy to restore the Grand Calumet River and the Area of Concern. The people of Northwest Indiana must be involved to a greater extent to ensure input in changes in progress or plans for the river and surrounding area. The public must be given every chance to express its opinion about those changes and to influence the decisions affecting it.

Success in addressing pollution and contamination issues serves as a catalyst to engage not-for-profit groups, the general public, industry, municipalities, academia, and regulatory agencies in ecosystem restoration. IDEM recognizes that multi-stakeholder involvement is critical to attaining the goals of the Remedial Action Plan. The history of involvement by multiple stakeholders is an important link from the beginning of the Remedial Action Plan process to current actions supporting the Remedial Action Plan, and also in future actions necessary to restore the impaired beneficial uses.

### **I. The Remedial Action Plan and its Origins**

By the 1950's, the Grand Calumet River had become severely degraded due to decades of industrial and municipal discharges. Citizens, environmental groups, and government agencies concerned with the impact of the river on the health of the community and on the health of Lake Michigan began seeking ways to bring attention to the problems and potential of the river. The first major effort to clean up the pollution in the area was the Calumet Enforcement Conference, mandated by the Federal Water Pollution Control Act of 1965. The law called for enforcement conferences for major water bodies to help achieve water quality standards. In addition to a Lake Michigan Enforcement Conference, a special Calumet conference was created because most of the lake's pollution came from the concentration of industry at its southern tip.

In 1981, the Lake Michigan Federation organized local residents and formed the Grand Calumet Task Force and obtained funding to work with residents to develop a master plan for restoring the Grand Calumet River. These actions first drew the support of the U.S. EPA. Subsequently, these two undertakings provided the International Joint Commission with the idea of requesting Remedial Action Plans for places where the objectives of the Great Lakes Water Quality Agreement between the United States and Canada were not being achieved. These areas

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were eventually designated as Areas of Concern.

The International Joint Commission recognized that restoring each Area of Concern would require the involvement of local residents, industries, and regulatory bodies. In 1987, the International Joint Commission amended the Agreement to require Remedial Action Plans in all 43 Areas of Concern in the Great Lakes Basin. It also set specific requirements for Remedial Action Plans. A primary goal of these requirements is public support and input in development and implementation of Remedial Action Plans.

## **II. Current Activities Supporting the Remedial Action Plan**

Widespread participation and support is critical to the success of this Remedial Action Plan. Public participation has two components: multi-stakeholder involvement and community involvement. Multi-stakeholder involvement will help identify which issues stakeholders find most critical. Community participation occurs primarily in two settings: multi-stakeholder discussions and public meetings. Multi-stakeholder discussions are usually formal groups with representatives from different interest groups or stakeholders (i.e., business, government, environmental groups, neighborhood and civic organizations, members of the general public) who meet on a regular basis to discuss specific topics. The CARE Committee is a multi-stakeholder group that meets monthly to discuss the Remedial Action Plan. Other multi-stakeholder groups involved in issues that may affect the Remedial Action Plan include the Grand Calumet Area Partnership, the Northwest Indiana Brownfield Redevelopment Project, the Sustainable Development Task Force of the Northwest Indiana Regional Planning Commission and the Grand Calumet River Corridor Planning Project.

### **A. Natural Resource Protection Efforts**

The long history of local efforts to preserve the native landscape and conserve natural resources in the southern Lake Michigan region is well documented in J. Ronald Engel's book "Sacred Sands." Attempts at designing a comprehensive conservation plan for the area date back to 1912. The first publicly owned land in the dune region was Lake Front Park in Gary, now known as Marquette Park. The land was donated by U.S. Steel Corporation to the City of Gary to preserve a section of the lakeshore for public use (Engels 83). However, until recently, systematic conservation and preservation have not been integrated into land use patterns in the Area of Concern.

In 1976 most of the Miller Woods Unit of the Indiana Dunes National Lakeshore was included in the authorized boundaries of the Indiana Dunes National Park. At about the same time, the first attempt to develop a Coastal Zone Management Plan for Indiana produced a list of high quality natural areas in Lake County. The Coastal Zone Management study, which developed a growing awareness of the value of Northwest Indiana's biological heritage, led to

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the purchase and dedication of a handful of these sites as nature preserves. Prior to that time, these tracts were areas that had escaped urban industrial development only by chance. The protection of Gibson Woods, Toleston Ridges, Clark & Pine, and Ivanhoe Dune and Swale was accomplished through the work of local citizens, The Nature Conservancy, IDNR Division of Nature Preserves and Lake County Parks and Recreation Department. The inclusion of Miller Woods into the National Lakeshore and the dedication of these nature preserves was the first successful effort at systematic conservation of natural resources in the Area of Concern.

Clark and Pine East is a 253 acre tract the state acquired in the negotiated amendment to the MIDCO Superfund consent decree. Despite questions of contamination, state and federal agencies were able to develop an agreement that protected this critical habitat. The preservation of this site is a model for the kind of creativity and cooperation among government agencies necessary for natural resource protection in the Area of Concern.

The Shirley Hienze Environmental Fund (SHEF) is a local land trust dedicated to preserving natural areas in the dunes region. As of 1997, SHEF purchased several lots in the area south of Ivanhoe Dune and Swale Nature Preserve that includes approximately 70 acres of remnant ridge and swale. SHEF also purchased approximately 40 acres of remnant ridge and swale adjacent to the Grand Calumet River in Hammond.

Stewardship of private lands is a crucial issue facing preservation of biological diversity in the Area of Concern. Less than half of the native landscape that remains in the central ridge and swale area is formally preserved and managed for habitat value. The Nature Conservancy is working with DuPont to develop and implement a management plan for the 170 acres of remnant ridge and swale that are a part of their corporate land holdings in East Chicago. Northern Indiana Public Service Company is working with The Nature Conservancy, IDNR, the Indiana Dunes National Lakeshore and U.S. Fish and Wildlife Service to manage selected properties as productive habitat.

The Save the Dunes Council of Northwest Indiana, one of the oldest grassroots conservation organizations in the country, was founded in 1952. The objectives of the Save the Dunes Council Inc. are to maintain and restore the integrity and quality of the natural environment of the Indiana Dunes country. The prime concern of the Council is the vitality and use of the Indiana Dunes National Lakeshore, and adjacent or nearby ecosystems of similar natural worth, located near the Indiana shore of Lake Michigan. The hard work of Save the Dunes Council members led to the establishment of the Indiana Dunes National Lakeshore in 1966. The group continues to work on a wide variety of issues concerning the Dunes and the environmental quality of the area. The efforts of the Save the Dunes Council are supported entirely by membership dues, donations and volunteer time.

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## **B. Business and Industry Participation**

Northwest Indiana's leading companies are committed to environmental stewardship and proactive environmental performance and make significant investments in environmental programs and pollution control. Business and industry leaders recognize that environmental stewardship can be a strategic advantage. During the last decade, corporate commitment to the environment has expanded from compliance-focused programs to integrated systems that manage costs, reduce risk and produce superior environmental results. Corporate mission statements include commitments to environmental protection. These mission statements also elevate environmental responsibility to a high priority. Environmental management is a critical factor in maintaining responsible and constructive corporate development. A number of companies have established citizens advisory committees to provide feedback on environmental issues and programs.

Business and industry are pursuing innovative solutions beyond mandated programs through corporate teamwork and community, governmental, and business partnerships. Voluntary and innovative programs allow companies to creatively address environmental concerns outside the realm of mandated programs. Partnerships with government agencies, businesses, and environmental organizations extend the scope of individual corporate environmental commitment.

## **C. Public Meetings**

Special public meetings are often held to discuss issues of concern to particular communities. For example, IDEM and the U.S. EPA often hold public meetings on proposed permits. Meetings may also be sponsored by several different stakeholder groups, such as the U.S. Steel and the Grand Calumet Task Force sponsored meetings in conjunction with the environmental agencies to inform the public about proposed plans to dredge the river and ship canal. There are also many smaller organizational meetings that occur regularly throughout the region: school and church groups, neighborhood and block clubs, business and trade groups, fraternal societies, the Dunes-Calumet Audubon Society and the Friends of Gibson Woods.

## **D. Participation Within Agency Processes**

IDEM and other regulatory agencies continue to encourage the public to identify potential problems and to call them to the attention of local, state or federal officials. The toll free IDEM telephone number is 1(800)451-6027. IDEM also encourages public participation throughout many of its decision making processes. Opportunities for public participation are built into IDEM programs. For example, permits proposed by IDEM are public noticed for comments. The public notice is published in the newspaper with the largest circulation in the area. Notice is also mailed to a list of people who request information on particular types of permits issued. During



this public notice period, all interested parties may comment on the legal and technical validity of the permit and its conditions and requirements. When IDEM issues a final permit, the public may appeal the issuance.

Additionally, all rule promulgation is published in the Indiana Register and voted upon by air, water, or waste citizen boards in open public hearings. During a rule promulgation, the public has the opportunity to submit comments to a point of contact within the Agency, and also may participate in the Board Hearings. IDEM must respond in the Indiana Register to comments made during the official comment periods and during the public hearings. For more significant rulemakings, IDEM forms advisory groups to receive input from all interested parties throughout the rulemaking process, both before and after the rule has been drafted.

A wide range of advisory groups have also been established to assist various IDEM programs. The Office of Air Management enlists advisory group help in developing rules and programs to implement the provisions of the Clean Air Act Amendments of 1990. A Clean Air Act Advisory Committee has been formed with several subcommittees established to focus on key issues in Northwest Indiana. During the Great Lakes Initiative rulemaking, IDEM exceeded federal requirements for public participation by forming an advisory workgroup and holding public meetings throughout the state, including several in Northwest Indiana. In these workgroups, the involved parties, including members of industry, environmental groups, and citizens at large, discussed specific issues which related to the rules being promulgated.

Although the public participation process is evolving, improvement is needed. The public is encouraged to participate in regulatory processes early. Many public meetings are held in Northwest Indiana, including some which are not required by law. Further, IDEM's Compliance and Technical Assistance Program (CTAP) assists Indiana businesses in achieving compliance and to promote cooperation between IDEM and the regulated community. CTAP includes several offices within IDEM and is principally operated out of the Office of Pollution Prevention and Technical Assistance. The Office of Air Management works with CTAP to provide education and outreach on new air rules and programs such as Title V and the National Emission Standards for Hazardous Air Pollutants.

Additionally, through the development of a computer-based Geographic Information System (GIS), public information on activities and projects in the Area of Concern will be more readily available.

#### **E. Interagency Participation Processes**

In October 1997 IDEM and the U.S. EPA finalized their second Environmental Performance Partnership Agreement. This Agreement mandates that IDEM coordinate its activities across its own programs as well as with other state and federal agencies, industry and

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the public. During the agreement period, IDEM and U.S. EPA will coordinate activities to avoid overlap and duplication in addressing new issues and concerns as they arise. This coordination will allow a greater exchange of information with the public and the regulated community.

IDEM also coordinates with other regulatory partners through other mechanisms. For example, IDEM is a natural resource trustee. In this capacity, IDEM works with the IDNR and the U.S. Department of Interior to promote the protection and restoration of critical habitat in the Area of Concern.

### **III. Conclusion**

Each Remedial Action Plan Stage II is required by the International Joint Commission to include specific Remedial Action Plan goals and quantifiable objectives, and their relationship to use impairments. The Remedial Action Plan's goal of restoring the fourteen beneficial uses includes public participation, interagency participation, and business and industry participation.

Public participation is an important component of the Remedial Action Plan process. Citizens, environmental groups and government agencies, concerned about the impact of the polluted Grand Calumet River, sought ways to bring attention to the problems of the Grand Calumet River. This concern led to the formation of the Grand Calumet Task Force. The Remedial Action Plan was formed through the creation of the Task Force. Until recently, little attention was paid to conservation in land use planning in the Area of Concern. A combined effort between the public, state and local agencies has led to the purchase and dedication of land as nature preserves. IDEM and other regulatory agencies continue to encourage the public to identify potential problems and to call them to the attention of local, state or federal officials.

Participation is also encouraged through many of IDEM's decision processes. This participation and support is critical for the success of the Remedial Action Plan. There are two components within public participation: multi-stakeholder involvement and community involvement. Multi-stakeholders help identify issues that stakeholders find important. Community involvement occurs through multi-stakeholder discussions and public meetings.

IDEM also coordinates with other regulatory partners through the Environmental Performance Partnership Agreement. Since IDEM is a natural resource trustee, it works with IDNR to promote the protection and restoration of critical habitat in the Area of Concern. IDEM recognizes that the active participation and commitment of other agencies, community groups, environmental organizations and industry are critical to attaining the goals of the Remedial Action Plan. In return, business and industry are recognizing that environmental management is advantageous. Environmental management is among the highest corporate priorities and is a critical factor in maintaining responsible and constructive corporate development.