



SUMMARY

A Review of Communications by DHEC with the Public Concerning Corporate Pollution



INTRODUCTION

Members of the General Assembly requested the Legislative Audit Council to conduct an audit of the Department of Health and Environmental Control (DHEC). The requesters' concern was DHEC's statutory duties and accountability to the public and local governments in cases of corporate pollution.

We reviewed:

- Communications to determine compliance with the law and agency policies and to evaluate the effectiveness of the communications.
- Public participation process to evaluate the effectiveness of the process.
- Other states' public participation processes to identify possible improvements for DHEC's communications.

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BACKGROUND

DHEC is the state's public health and environmental protection agency. The agency's duties are described in both federal and state statutes. This audit focused on the area of environmental quality control (EQC) which is responsible for the enforcement of federal and state environmental laws and regulations, and for the issuing of permits, licenses, and certifications for activities which may affect the environment. In its mission/vision/values statement, DHEC lists customer service as a core agency value. EQC fulfills this agency value generally through all staff people involving the public in EQC operations and specifically through its public participation coordinators and community liaisons. EQC's perspective on public participation is that the public is a partner in protecting the environment and that its mission of protecting public health and the environment will be improved through enhanced public involvement.

COMPLIANCE WITH LAWS AND POLICIES

We reviewed DHEC's compliance with both state and federal laws and regulations regarding community participation activities at hazardous waste cleanup sites. Hazardous waste site cleanups are conducted in accordance with federal laws, CERCLA (federal Superfund) and Resource Conservation and Recovery Act (RCRA), and state law, State Hazardous Waste Management Act (state Superfund). The Bureau of Land and Waste Management is responsible for operating these programs.

- We reviewed documentation of public participation activities for a sample of cleanup sites conducted under the state Superfund program. We found that the agency had generally complied with the public participation requirements. We did note that the documentation of activities was not consistent among the sites, the level of community involvement varied among similar sites, and the organization of documentation varied among sites.
- For the voluntary state Superfund sites, where a third party is involved in the cleanup, we found four of the eight site files reviewed had no documentation of any community involvement activities. For two of the site files, there was documentation of public participation activities, but the activities should have been performed earlier in the cleanup process.
- DHEC could also improve its documentation of public participation activities. It should formally document how it determines the level of community involvement activities, uniformly document the activities, and maintain all documentation in a separate file.

PUBLIC PARTICIPATION

We reviewed EQC's Environmental Community Health Division (ECH) and the Bureau of Land and Waste Management's public participation coordinators' responsibilities to determine how DHEC involves and informs the public and local governments and to evaluate the effectiveness of the process. The Office of Environmental Community Health employs community liaisons who communicate with stakeholders about EQC activities. The staff are the key contacts for citizens who have questions or concerns about activities in their communities with possible environmental and/or health effects.

FOR MORE INFORMATION

Our full report, including comments from relevant agencies, is published on the Internet. Copies can also be obtained by contacting our office.

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SOUTH CAROLINA GENERAL ASSEMBLY

Legislative Audit Council
Independence, Reliability, Integrity

Thomas J. Bardin, Jr.
Director

1331 Elmwood Ave., Suite 315
Columbia, SC 29201
803.253.7612 (voice)
803.253.7639 (fax)

- DHEC has not allocated sufficient staff to ECH. Currently, there is one statewide EQC Community Liaison, an Upstate Regional Community Liaison, a Lowcountry Regional Community Liaison, and a Community Program Coordinator. There is no coordinator for the Midlands region. When asked why there was not a third regional community liaison, agency officials offered two reasons: (1) insufficient funding, and (2) initially there were more environmental issues in the Upstate and Lowcountry requiring the attention of a community liaison.
- DHEC has not assigned sufficient staff positions in EQC's bureaus who are dedicated to public participation. In addition to the community liaisons located in ECH, the Bureaus of Air and Land and Waste Management each have a public participation coordinator. The Bureau of Water had a public participation coordinator who was reassigned due to budget cuts.
- ECH should develop a record management system so that current and future staff can easily determine what work has occurred within communities. We reviewed a sample of files to obtain evidence of the different methods ECH staff use to communicate with the public. We found that the files were not ordered in a consistent manner nor were they indexed or cataloged. There is no efficient way to review what has occurred within a particular community. Staff are also unable to identify best practices for addressing community issues by seeing what has been effective in previous situations.

OTHER STATES' PRACTICES

We reviewed how other states in the southeastern Region 4 of the Environmental Protection Agency and other states identified as having good public participation practices involve communities in their environmental agencies' cleanup activities to identify practices which could be followed in South Carolina.

- States such as California have detailed policies and procedures which describe how they will include the public in the cleanup process. By describing in detail how the public participation process works, the public has greater assurance that they will be informed and the agency staff knows what their responsibilities are.
- Other states have detailed information concerning public participation on their websites. By collecting this information in an easily accessible place, it is more likely to reach the public and encourage their involvement.
- In other states, the public participation efforts are focused more on the regional level rather than on a statewide basis. By focusing efforts at the regional area, relationships would already be established to identify who to contact and give a source to find out about potential problems.
- While not usually required by law, states have recommended that the public be involved early and frequently. By involving the public early in the process, the agency can more readily identify and address concerns. It also allows the agency to tailor its communications to answer those concerns and potentially focus the cleanup efforts to not only address the problem but also to alleviate the community's issues.