



Georgia Industry Environmental Coalition

TO: HSRA Workgroup
cc: K. Macfarlane
Steering Committee
L. Neal

FROM: Debbie Phillips, Executive Director

DATE: November 12, 1999

SUBJECT: "Lead Rule" Effective Date and Further Dialogue with EPD

This memorandum is being written for the purpose of keeping you apprised of events regarding the recent amendment (Lead Rule) to the Georgia's Hazardous Site Response Act (HSRA).

The August 30, 1999 Lead Rule, which was adopted by the DNR Board during its October 27th meeting, becomes effective on November 23, 1999. Summarizing, the Rule provides for (L. Neal to provide summary here)

As you know, as a condition of GIEC's support to the August 30th Rule, GIEC and EPD agreed to continue to discuss remaining issues regarding the Lead Rule through a neutral facilitator. GIEC and EPD jointly developed and agreed to the following proposal.

EPD and GIEC will jointly request Gail Cowie of the University of Georgia, Fanning Institute, to be the neutral facilitator. While EPD will pay for her services, the neutral facilitator will be jointly engaged by EPD and GIEC and directed to maintain a strictly non-partisan role regarding the substantive issues being considered. The neutral facilitator's initial assignment includes numbers 1, 2, and 3 below:

1. **Interview selected individuals** initially identified by EPD and GIEC to gain a fundamental understanding of the issues, interests, concerns and opportunities for consensus building in further revision of the HSRA rules pertaining to lead clean-up criteria. The interviews will be conducted in a confidential manner and specific views will not be attributed by name, position or organization. In-person interviews are preferred, although telephone interviews may be used by mutual agreement of the interviewees and facilitator. The interviews will be conducted using an interview protocol and questionnaire designed by the neutral. Additional interview candidates may also be offered during the interviews.
2. **Write a report** that organizes and presents the facilitator's findings from the interviews without making judgements. The purpose of this findings report is to reflect the breadth of issues, interests, concerns and expectations of the interviewees. Each interviewee will be given an opportunity to review and confidentially comment on the draft report before it is finalized by the facilitator.

Since 1 and 2 may generate more issues than GIEC and EPD wish to pursue at this time, GIEC and EPD will meet to jointly select the issues for a facilitated process.

3. **Draft recommendations for a facilitated process** to build EPD and stakeholders consensus on the issues selected by GIEC and EPD. The recommendations would include: stakeholder groups to be represented; a timeline; tentative meeting agendas and suggested ground rules for the consensus group to use. Each interviewee will be given an opportunity to comment on the draft before it is finalized by the facilitator.
4. Once they have reviewed the draft findings report, together **EPD and GIEC will meet with the facilitator** to (a) receive from her an overview of the report; (b) have the opportunity to ask clarifying questions and offer additional comment; and (c) agree on what will be presented to the Hazardous Waste Trust Fund Advisory Committee.

EPD and GIEC will present the findings report and the recommendations for a consensus process to the Hazardous Waste Trust Fund Advisory Committee. After Committee input, it is expected that EPD, GIEC and other participating parties will act in good faith and follow the recommended consensus-building process.

Contact with Ms. Cowie has been made; and will begin the first phase of the project shortly. **If you would like to be identified as one of the GIEC members to be interviewed by Ms. Cowie as described in Step 1 above, please let Debbie Phillips (formerly Debbie Ryan) know by Friday, November 26th.** In the interim, if you are interested in learning more about Ms. Cowie or the Fanning Institute, you can reach their web site at www.fanning.uga.edu.