THE FACILITY SITING

C R E D O :

G U I D E L I N E S

FOR AN EFFECTIVE FACILITY SITING PROCESS

P R E F A C E

Why a Facility Siting Credo ?

This Facility Siting Credo addresses the problem of siting facilities that are viewed as beneficial by a region as a whole but perceived to be noxious by the community or state asked to host them. Prisons, AIDS hospices, solid and hazardous waste treatment plants, landfills, housing for low income families, power plants, transmission lines, sewage treatment facilities — are all "Locally Unwanted Land Uses" (LULUs) in somebody's eyes. Indeed, LULUs are almost always opposed by individuals or groups who perceive the facility as a "loss" (e.g. possible reduction in property value or threats to air and water quality). Those who stand to "gain" on the other hand, are fearful that the opposition will be successful, resulting in lost job opportunities and tax revenues. They are angered by a challenge to the rights of property owners to use their land as they like, and annoyed at what they see as a tendency to put environmental concerns above immediate human needs and economic progress.

Government officials are under pressure from both gainers and losers to "do something" about the siting of LULUs. While it is often clear that there is a need for many of these facilities, the process of making and implementing facility siting decisions is often perceived as unfair and unproductive. Many of the affected groups are not given a meaningful opportunity to get involved until it is too late to affect the outcome. Technical considerations are sometimes downplayed so that political priorities can be met. Some neighborhoods are occasionally asked to accept far more than their "fair share" of LULUs, while promises regarding the mitigation of adverse impacts are not always kept. Financial constraints and scheduling deadlines are often used to cut off public debate.

What is the Facility Siting Credo?

The Facility Siting Credo is a set of principles which local and regional governments might incorporate into their own approaches. It is not intended to constitute either a panacea for dealing with the siting of noxious facilities or an operational manual.

The Facility Siting Credo was developed from a National Workshop on Facility Siting held in 1990 and sponsored by the MIT Hazardous Substances Management Program, the MIT-Harvard Public Disputes Program, and the Wharton Risk and Decision Processes Center. This workshop brought together a group of academic researchers and officials from the public and private sectors who have examined and participated in a number of diverse siting problems. There is evidence from around the nation that applying some of these principles leads to successful outcomes of siting initiatives (see examples after each objective) .

If public officials, citizen activists, industry leaders, and technical experts adopt this Credo, we might—as a nation—be able to engender trust among the affected groups by dealing with our differences in a fashion that produces fairer, wiser, and more efficient siting results than is currently the norm.

THE FACILITY SITING CREDO

When planning and building Locally Unwanted Land Uses (LULUs), every effort ought to be made to meet the following objectives:

INSTITUTE A BROAD BASED PARTICIPATORY PROCESS

Representatives of all affected groups should be invited to participate in and be assisted at each stage of the siting process. This involvement can come through interviews or surveys of key stakeholders, or through broadly representative task forces or advisory committees given the resources needed for effective participation. All those affected by the siting decision should have a chance to review the criteria for site selection.

Groups with different points of view should have a chance to criticize the recommendations of facility proponents and the analyses upon which their proposals are based. A joint fact-finding process should be used so that all stakeholders can play a role in specifying the information about risks, costs and benefits that they need to make informed decisions. Sometimes a neutral body can play a clearinghouse role to ensure that information is shared effectively.

EXAMPLE: ***In Maricopa County, Arizona, a five year siting process was initiated by a small community that was interested in replacing its existing landfill. Extensive public outreach and participation is credited with the successful siting of a regional solid waste landfill which will serve the region for 50 years. The process has served as a model for other landfill sitings in the region.***

ACHIEVE AGREEMENT THAT THE *STATUS QUO* IS UNACCEPTABLE

A siting process must begin with agreement that a facility is needed. The relevant stakeholders need to understand the consequences of doing nothing — not just now, but in the future as well. Those who advocate building new facilities ought to be precise about the nature and scope of the problem that will result if the facility is NOT built.

EXAMPLE: ***Through extensive public education and outreach efforts, residents of Indianapolis, IN came to understand that not having a facility to handle solid waste (in other words, maintaining the status quo) would "violate the community's responsibility to guarantee a healthy environment for its citizens."***

SEEK CONSENSUS

A serious attempt should be made to involve all the relevant stakeholders to address their values, concerns, potential needs and wants. In a consensus building process, expertise should be augmented by local knowledge, and subjected to vigorous public debate. Differences can be addressed by searching for new ways of framing questions or different ways of packaging trade-offs. An established commitment to seek consensus will also help to dispel charges of unfairness.

EXAMPLE: ***After two decades of attempting to site the Presidential highway from downtown Atlanta, to the eastern edge of the city (past the Carter center) , the conflict was resolved by using mediation that focused on seeking consensus. In a two stage mediation process, all concerned parties were brought to the table and a planning document and written agreement were produced that successfully addressed the major concerns of all stakeholders.***

WORK TO DEVELOP TRUST

Lack of trust is perhaps the most important barrier to reaching consensus. Those attempting to site a facility must recognize potential sources of mistrust, including lack of local support for the project, previous negative experiences, and suspicions toward government and other institutions. A major source of mistrust is the assumption that affected communities must accept siting decisions if the technical justification is sufficient and procedural requirements have been met. One way to re-establish trust is to admit past mistakes and avoid exaggerated claims and promises that cannot be fulfilled. Demonstrations of responsible facility management elsewhere may be the most effective way to build trust.

EXAMPLE: ***In Gilliam County, Oregon, Waste Management, Inc. (WMI) recently began operating a landfill. Little opposition was voiced. One of the critical reasons cited was that WMI had earned the county's confidence by operating a clean, hazardous waste landfill less than two miles away.***

CHOOSE THE SOLUTION THAT BEST ADDRESSES THE PROBLEM

Problems must be addressed with a facility design and a solution that stakeholders can agree is appropriate. A comprehensive list of alternative approaches and their long- and short-term implications — including the option of taking no action — should be made public in non-technical language. Communities or states are more likely to volunteer to be a host if they perceive their area to be the most appropriate choice based on technical and risk considerations. The choice of technology should be based on input from community residents who may well know more about the problem "on the ground" than many of the experts.

EXAMPLE: ***In Minneapolis, MN, a solid waste plan proposed incineration as the best means of addressing the long term waste needs for the county. The plan was communicated widely to the public, discussed in public forums and approved by a county board. As a result of these actions, a survey indicated that 93% of those polled supported the government's plans for an incinerator.***

GUARANTEE THAT STRINGENT SAFETY STANDARDS WILL BE MET

No community should be asked to compromise its basic health or safety so that a facility can be built. Preventive measures for reducing the hazard should be encouraged and the proposed facility must meet all health, safety and environmental standards. Interested parties should also have an opportunity to specify any additional standards that could be met through mitigation, such as changes in facility design, substitute technologies, operational modifications and training of operators. Monitoring and control procedures involving the host community are important in minimizing risks and maintaining standards.

EXAMPLE: ***In Leominster, MA. a polystyrene recycling facility was sited successfully after the manufacturer negotiated with the community. Together with the community, the firm decided to eliminate features of the original facility plan in order to meet stringent safety standards acceptable to the host community.***

FULLY ADDRESS ALL NEGATIVE ASPECTS OF THE FACILITY

When impacts cannot be prevented or mitigated to the satisfaction of the affected parties, various forms of compensation — specified by the stakeholders involved — can be negotiated. These agreements may include property value guarantees, creation of equivalent habitats when loss is unavoidable, and the guarantee of service (such as water supplies) if contamination occurs. A negotiated schedule of contingent compensation payments for any harmful effects should be described in a written siting agreement.

EXAMPLE: ***Before siting a paper sludge landfill in Hamilton, Ohio, Champion International implemented a program to protect owners of property within two miles of the facility from any loss in resale value. Each property was appraised by two independent appraisers, one chosen by the owner and the other by Champion.***

MAKE THE HOST COMMUNITY BETTER OFF

If facilities respond to real needs, the magnitude of benefits should be large enough for transfer payments to be made to the host community. A package of benefits should be put together by the applicant so that the proposed host community feels that it is better off with the facility than without it. These benefits could be commitments to make long-sought-after neighborhood improvements, property tax reductions and/or promises not to site other LULUs in the same area.

EXAMPLE: ***In Charles City, Virginia, the developer of a landfill — Chambers Development,Inc. — provides a tipping fee of $5 per ton totalling $1 million per year. This has lowered property taxes and allowed for the rebuilding of the city's ailing school system. In addition, the operator collects the county's garbage free of charge and pays for environmental monitoring at the landfill.***

USE CONTINGENT AGREEMENTS

Some concerns about the management of facilities can be resolved by specifying contingent agreements that spell out (preferably in writing) what will be done in case of accidents, interruptions of service, changes in standards, or the emergence of new scientific information about risks or impacts. Such agreements should specify the conditions under which the facility must be shut down temporarily or permanently. They should also describe the triggers for action, responsibilities for taking action, and provide means of guaranteeing that contingent promises will be met at no cost to those likely to be adversely affected.

XAMPLE: ***In Idaho, Wes-Con, Inc. was able to convert two abandoned Titan missile silos into small waste-disposal facilities because the state was given the power to shut down the operation if the risks proved too high.***

SEEK ACCEPTABLE SITES THROUGH A VOLUNTEER PROCESS

Encourage communities, regions or states to volunteer sites indicating that this is not an irreversible commitment and that there are potential benefits packages (e.g. new revenues, employment, tax reductions) that come with the facility. Charges that such incentives are essentially "bribes" can be avoided if the search for volunteers is preceded by 1) an open process establishing the need for the facility and specifying its likely impacts; 2) a public guarantee that the site selected will meet basic technical and environmental requirements; and 3) a public promise that incentives will benefit everyone in the community, not just a few individuals. Subjecting the final decision to accept a facility to a binding referendum may also help to establish its legitimacy.

XAMPLE: ***Browning Ferris Industries (BFI), through its Community Partnership program, mailed a package of material to local jurisdictions in New York state offering each of them the opportunity to host a solid waste landfill. Within the first few weeks of the announcement, 19 communities volunteered to explore the possibility with BFI. This number has increased to over sixty and BFI is in serious discussion with several communities about hosting facilities.***

CONSIDER A COMPETITIVE SITING PROCESS

Assuming that multiple acceptable volunteer sites are found, facility sponsors should consider a competitive process of site selection. If the level of benefits seems high enough to potential volunteers, they will compete to host a facility. Potential host communities should have a chance to propose benefit or incentive packages for later negotiation with sponsors. The advantage of having more than one site compete for the facility is that no particular community feels it has been singled out to host a facility that no other community will accept.

XAMPLE: ***In the Canadian province of Alberta, communities were offered a opportunity to host a hazardous waste facility. At one stage in the process, over six communities expressed interest in hosting a facility. In the local community that "won" the bidding, 79% voted in favor of the facility, and the community celebrated the decision. One of the communities not selected placed a newspaper advertisement expressing the sentiment that they should have won.***

WORK FOR GEOGRAPHIC FAIRNESS

It is inappropriate to locate too many noxious facilities in a single locale even if a community is willing to accept them. Geographic fairness ought to be a siting goal unto itself for purposes of equity. The principle of geographic fairness argues for siting several smaller facilities to distribute impacts more evenly rather than building a single large facility.

XAMPLE: ***New York City recently approved new criteria for the location of city facilities ("Fair Share Criteria") that emphasize geographic distribution of sites. These criteria enlist community support from the beginning and require the sponsoring agency to address geographic fairness considerations. These criteria are now being used in the siting of homeless shelters and sewage sludge facilities.***

SET REALISTIC TIMETABLES

It is appropriate and helpful to set and enforce realistic deadlines. However, a good siting process allows all parties adequate time to consider the full range of options and weigh technical evidence as it is gathered. Opponents have any number of administrative and legal means of slowing, even halting, siting processes that they feel have excluded them. It may be necessary to "go slowly in order to go fast".

EXAMPLE: ***In Harmon County, NJ (Camden), a deadline of eight weeks was issued by a judge to resolve the siting of a regional sewage facility through mediation. Realizing that this was not enough time to gain agreement from all parties, a realistic extension was granted and 39 communities came to an agreement with which they were satisfied.***

KEEP MULTIPLE OPTIONS OPEN AT ALL TIMES

It is never a good idea to have just one possible site for a LULU even at the final stage of the process. Potential host communities may feel discriminated against if they are the only place being considered. Negotiations regarding possible incentive packages are more likely to produce reasonable results if a facility sponsor does not feel "held hostage" by the only possible site.

EXAMPLE: ***In the process of siting a toxic waste landfill in Blainville, Quebec (Canada), the developer requested permits in two localities at the same time, which prevented the citizens from feeling "singled out". This approach facilitated acceptance of the proposal.***

We recently surveyed stakeholders in siting controversies throughout the United States. They shared a great many concerns. The principles contained in this Facility Siting Credo respond to the issues that they raised. If you have any comments and/or suggestions or would like a more detailed summary of our survey findings, please write to:

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