



Response to Comments Guidance Document

Following the collection of public comments at a public hearing or during a public comment period on a draft or proposed action, Ohio EPA prepares a document that responds to those comments. The *Response to Comments* provides the decision-maker with information about the views of the public and documents for the public how comments have been considered during the decision-making process by providing answers to all pertinent comments.

This guidance document will assist Agency staff members who prepare the *Response to Comments*. It includes a template for formatting each *Response to Comments*.

PIC recognizes that there are nuances to each *Response to Comments* and Agency decision. If the template does not fit your situation, please work with PIC to determine where and when alterations can be made.

Roles and Responsibilities for a Permitting or Non-Rule Action

Following a public hearing, each division should incorporate PIC into the review process according to the steps below. If no public hearing is conducted, please skip the Roles and Responsibilities section and follow the rest of the Guidance Document.

- The appropriate division(s) drafts the *Response to Comments* and sends through division sign-off. The division review is to ensure accuracy and consistency with Agency practice and policies. Divisions may consult PIC for assistance paraphrasing comments or organizing the document prior to the completion of division review.
- Follow the Permit *Response to Comments* Template.
 - It is in a paragraph format.
 - When multiple people make generally the same comment (even if the wording is slightly different, but the gist is the same and the response will be the same), summarize it and say it once.
 - There are cases when the exact language of the comment is needed (rule language, very specific technical comments). This is acceptable. Please use good judgment.

- If the hearing includes multi-media comments, PIC will assist each division in coordinating responses outside of their area.
- PIC reviews the draft *Response to Comments* (after division review is complete) and edits it for clarity, consistency and responsiveness.
- Give PIC as much of a “heads up” as possible, but please try to provide PIC at least two business days to review the draft *Response to Comments*. If providing two days is not possible, please work with PIC on an acceptable turn-around time. A quicker review is often possible if PIC knows in advance when to expect the document.
- Where language is disputed, the division gives deference to PIC recommendations on grammar and readability, but retains authority for the final document.
- Each division posts the *Response to Comments* on their Web page and provides the link to PIC for the news release and citizen advisory.
- After a final action is taken or when the *Response to Comments* is finalized, PIC will coordinate with the division to make sure the *Response to Comments* is distributed to everyone who submitted comments and who is on the interested parties list. PIC also may issue a citizen advisory and a news release that includes a Web link to the *Response to Comments*, saving postage and paper.

Roles and Responsibilities for Rules

For draft and proposed rules, PIC review of the *Response to Comments* is only necessary if there is significant public interest in the rule. PIC will coordinate with the division rule coordinator to identify these. If there is significant public interest in the rule, PIC will review the draft *Response to Comments* and edit it for clarity, consistency and responsiveness. If a PIC review is unnecessary, follow the guidelines below and use the Rules *Response to Comments* Template.

- The appropriate rules coordinator drafts the *Response to Comments*. Rules coordinators may consult PIC for assistance paraphrasing comments or organizing the document at this time.
- Follow the Rules *Response to Comments* Template. Use the same format for both the interested party and proposed phases.
 - It is in a paragraph format.
 - Identify the commenter by name with the comment they made (not listed in a table and identified by letter).

- When multiple people make generally the same comment (even if the wording is slightly different, but the gist is the same and the response will be the same), summarize it and say it once.
 - There are cases when the exact language of the comment is needed (rule language, very specific technical comments). This is acceptable. Please use good judgment.
 - At times, a rule and the comments received may be so extensive that exceptions to the format make sense. If an exception is desired, an alternate format may be used with the concurrence of the Agency rules coordinator in consultation with the director.
- Give PIC as much of a “heads up” as possible, but please try to provide PIC at least two business days to review the draft *Response to Comments*. If providing two days is not possible, please work with PIC on an acceptable turn-around time. A quicker review is often possible if PIC knows in advance when to expect the document.
 - Where language is disputed, the division gives deference to PIC recommendations on grammar and readability, but retains authority for the final document.
 - Each division posts the *Response to Comments* on their Web page and provides the link to PIC for the news release and citizen advisory, if necessary.
 - When the *Response to Comments* is finalized, PIC will coordinate with the division to make sure the *Response to Comments* is distributed to everyone who submitted comments and who is on the interested parties list. PIC also may issue a citizen advisory and a news release that includes a Web link to the *Response to Comments*, saving postage and paper.

Creating the *Response to Comments*

Be Clear

A 2005 customer survey indicated that Ohio EPA's *Response to Comments* could be very helpful to citizens in understanding Ohio EPA's role, authority and decision-making process. That same survey, however, revealed that many citizens feel questions are not always completely addressed or are written far too technically.

When drafting a *Response to Comments*, the writer should:

- Use layperson language as much as possible. In Microsoft Word, you can check the readability and grade level of the document. After running the spell check, a box will pop up with document statistics. Under readability, it outlines:
 - Percentage of passive sentences – Keep the passive voice to a minimum.
 - Flesch Reading Ease Level - Rates text on a 100-point scale; the higher the score, the easier it is to understand the document. For most standard documents, aim for a score of approximately 60 to 70.
 - Flesch-Kincaid Grade Level - Rates text on a U.S. school grade level. For example, a score of 8.0 means that an eighth grader can understand the document.
- Match the response language with the technical level of the commenter where it may be difficult to respond in layperson language. For example, if drafting a response to comments from the applicant or a consultant, technical terms may be used.
- If citing rules, laws or permit language verbatim, retain the actual wording and style.
- Avoid jargon and acronyms. If unavoidable, explain what they mean. For example, instead of writing NPDES permit, write 'National Pollutant Discharge Elimination System (NPDES) permit, which is a wastewater discharge permit.'
- When using an acronym, write it out the first time and use the acronym subsequently.
- Use headings to separate topics.

Simplified Language Examples

Instead of...	Write...
“Promulgate rules”	“Finalize rules”
“OAC 3745-1-7”	“State rules and regulations”
“60 mil geosynthetic separatory material”	“Plastic liner”
“Crustal material”	“Dirt”
National Pollutant Discharge Elimination System	“Wastewater discharge permit”
“Sinuous stream”	“Meandering or winding stream”

Be Responsive

- Answer the question that was asked.
- Remain consistent with the Agency’s position; do not offer a personal opinion.
- Refer to Ohio EPA authority, role and limitations. If you do need to cite the actual code number, provide the citation and include an explanation of the relevance of the rule. It is important to help people understand that our decisions are not random; they are based on rules, regulations and laws that govern the way we operate.
- Acknowledge the commenter’s concern, and then explain the rationale behind the Agency’s decision.
- When possible, refer to other agencies and provide contact information if someone asks about an issue outside Ohio EPA’s jurisdiction.
- It’s okay to state what the company is expected to do to protect the environment, but use neutral language; a citizen may interpret an overly positive response as Ohio EPA support for the applicant. For example, saying, “this regulated facility has the most technically advanced emission controls in the state”, is factual and should be noted. Saying, “This company provides much needed jobs and money for the state and has the best controls in the state....” is not appropriate.
- Do not use the *Response to Comments* as an opportunity to match emotion or defend a verbal attack. Look for the concern within the comment and respond to that from an Agency perspective.
- If the comment is not related to the action or an environmental concern/topic, you do not need to include the comment or response in the *Response to Comments*. If the comment is repeated or made by a number of commenters, include the comment and refer the commenter to the proper jurisdictional authority.

Be Brief

- Use short sentences and short paragraphs.
- Avoid gobbledeygook (bureaucratic language).
- Cut wordy phrases and redundancy.
- Don't list the name of each person who commented. At times it may be useful to identify the applicant's comments. If you choose to do this, please put those comments at the end of the *Response to Comments*. (See example in the Template.)
- Where practical, group similar comments together, summarize the concern or questions and respond once (see examples below).

Follow Style Guidelines

- Follow Ohio EPA's style manual at <http://www.epa.state.oh.us/Stylemanual2.pdf>.
- Format the *Response to Comments* using Ohio EPA's template.
- Provide contact name and information for the technical (division) contact and PIC's public involvement coordinator.

Summarizing Guidelines

- When multiple people make generally the same comment (even if the wording is slightly different, but the gist is the same and the response will be the same), summarize it and say it once.
- If the comment is somewhat incoherent or rambling (as can be the case in transcripts), determine the gist of what the commenter was asking or trying to say and summarize it.

Examples of Summarizing Citizen Comments

Comment 1: Also that I would like to criticize this Agency for also not adequately informing the public of this public hearing. You know that we have been engaged with Georgia-Pacific over a number of years in a lawsuit, that as a result of that settlement that the scientist, the two scientists that have been - - that we hired to act as a liaison between Georgia-Pacific, the Court, and the - - and the community were not informed. They were not informed formally at all.

Summarized Comment 1: Citizens expressed concern regarding Ohio EPA's efforts to notify local citizens and other interested parties about this hearing.

Comment 2: Also there is the bio pond, a lagoon in the back. You in your - - in the draft permit to install - - oh, no, in your preferred practice, you indicated that Georgia-Pacific would decommission, as recommended by our liaison, that they would decommission the lagoon; but you give no time frame in which the lagoon would be decommissioned. You say when Georgia-Pacific is through with it or through using it. Well, when is that? The public has no idea when that is going to end.

Summarized Comment 2: A commenter asked for a timeframe for the decommissioning (closing) of the bio-pond on Georgia Pacific's site.

Comment 3: We are also concerned about [the bio-pond] leeching [sic] - - into the shallow aquifer. There's no curve; but according to your records, (the time of travel is) in another five years. There are people who draw some water off of that shallow aquifer. I don't know. You don't give a time frame for anything that is leeching [sic] off the site to get into the deep aquifer. But that is where Columbus and I believe another community, Obetz, draws their - - their water from. So there would be something turning in to below drinking, but it's not water, you know. Whatever that material is, it's not water. Just like formaldehyde, it's not air.

Summarized Comment 3: Commenters are concerned about contamination from the bio-pond seeping into the shallow aquifer (ground water). They are also concerned that this contamination could make its way to the deep aquifer and threaten local drinking water.

Tips on Summarizing*

A summary is a concise restatement, in one's own words, of another, longer document.

When summarizing a commenter's testimony:

- It must maintain and communicate the meaning of the commenter.
- It must not contain your opinion, views, or bias on the commenter's testimony.
- It must stick strictly to what the commenter said.
- It must contain all the main points of the comment.
- Usually it will not contain the supporting points, unless one or more of them is of unusual importance.

Before you summarize a statement from a commenter, use the following questions to help you ensure that you capture the commenter's meaning, intent and ultimate question or concern:

- What is the main topic of the testimony?
- What problem or situation is the commenter talking/writing about?
- What are his/her main points and topics?
- What is the comment ultimately asking?

A few main points to note when writing a summary are:

- Read through the entire testimony to ensure you understand the whole picture the commenter is trying to communicate.
- Write down the main ideas of the testimony.
- Reread the testimony. While going through, underline or highlight phrases that help to express the main idea(s).
- Don't highlight supporting facts, **UNLESS** there is one or two that are very striking or otherwise important.
- Write the main points down in your own words
- Keep your opinion about the original completely out of the summary.
- Only express the conclusions and main points of the author.
- Make sure to cover all the main points discussed in the original.

*All of the information contained in the tips on summarizing is from *Texts and Contexts, A Contemporary Approach to College Writing* by William S. Robinson and Stephanie Tucker.