



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Environmental Justice Overview & Draft Environmental Justice Policy

Citizens Advisory Council
April 19, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary

Comment on Policy Revision

- Comment by May 11 in writing or verbally at a hearing (both equal consideration)
- Virtual Hearings (must register 24 hrs in advance to comment)
 - Tuesday, April 5, 2022 at 5 p.m.
 - Tuesday, April 12, 2022 at 6 p.m.
 - Thursday, April 28, 2022 at 12 p.m.
 - Wednesday, May 4, 2022 at 6 p.m.
- Written comments may be submitted via any one of the following methods:
 - Submit on [online eComment tool](#)
 - E-mail to ecomment@pa.gov
 - Written comments may be mailed to:
 - Technical Guidance Coordinator
 - Department of Environmental Protection, Policy Office
 - Rachel Carson State Office Building
 - P.O. Box 2063
 - Harrisburg, PA 17105-2063

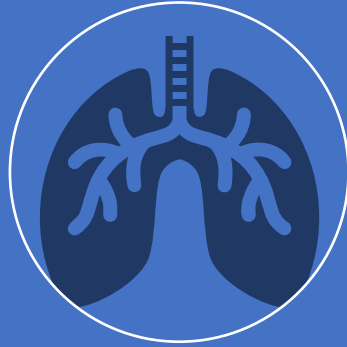
DEP Mission

"To protect Pennsylvania's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources."

DEP Deputates



Water



Waste, Air,
Radiation, and
Remediation



Active and
Abandoned
Mines

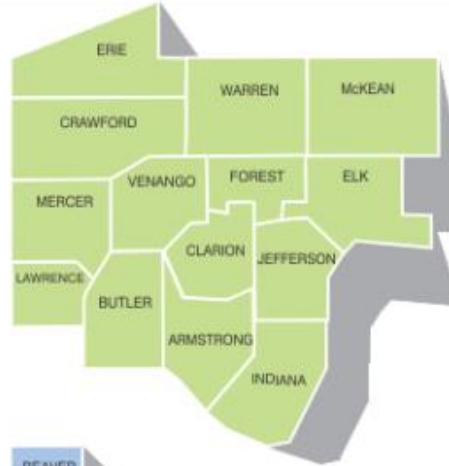


Oil and Gas

Regional Offices

DEP Regions

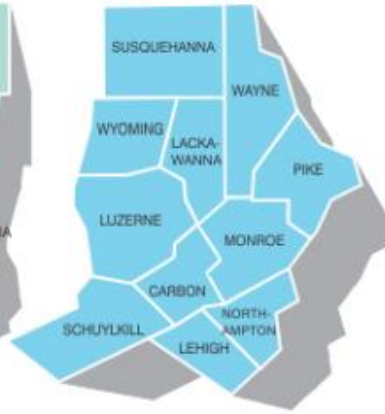
NORTHWEST
814-332-6945



NORTH-CENTRAL
570-327-3636



NORTHEAST
570-826-2511



SOUTHWEST
412-442-4000

SOUTH-CENTRAL
717-705-4700

SOUTHEAST
484-250-5900

Definitions of Environmental Justice

U.S. EPA

Fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, in the development, implementation and enforcement of environmental laws, regulations and policies.

Pennsylvania DEP

Environmental justice embodies the principle that communities and populations should not be disproportionately exposed to adverse environmental impacts.

First People of Color Environmental Leadership Summit

Seventeen
Principles of
Environmental
Justice.

**Distributive
Justice**

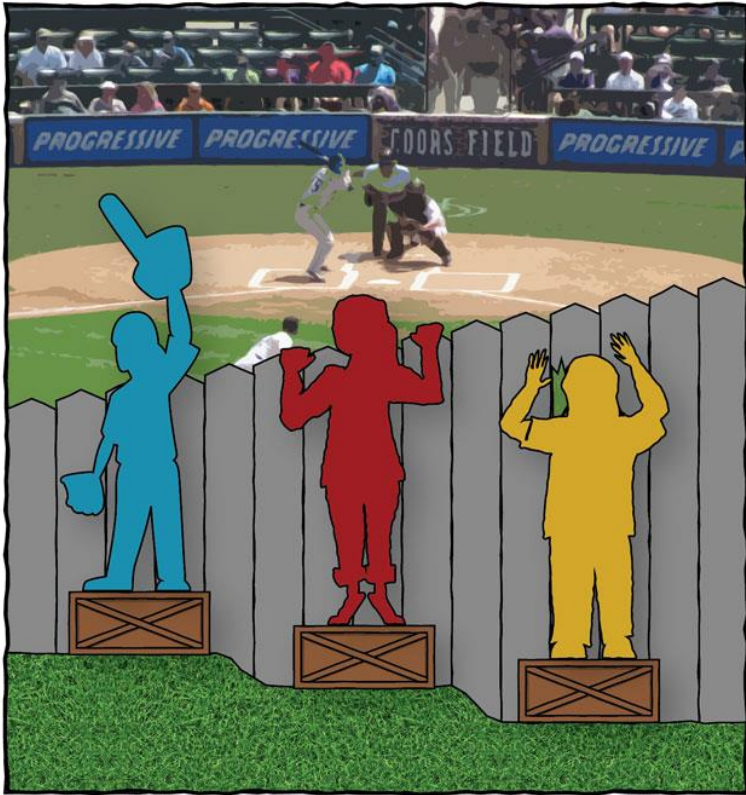
**Procedural
Justice**

**Corrective
Justice**

**Social
Justice**

**Structural
Justice**

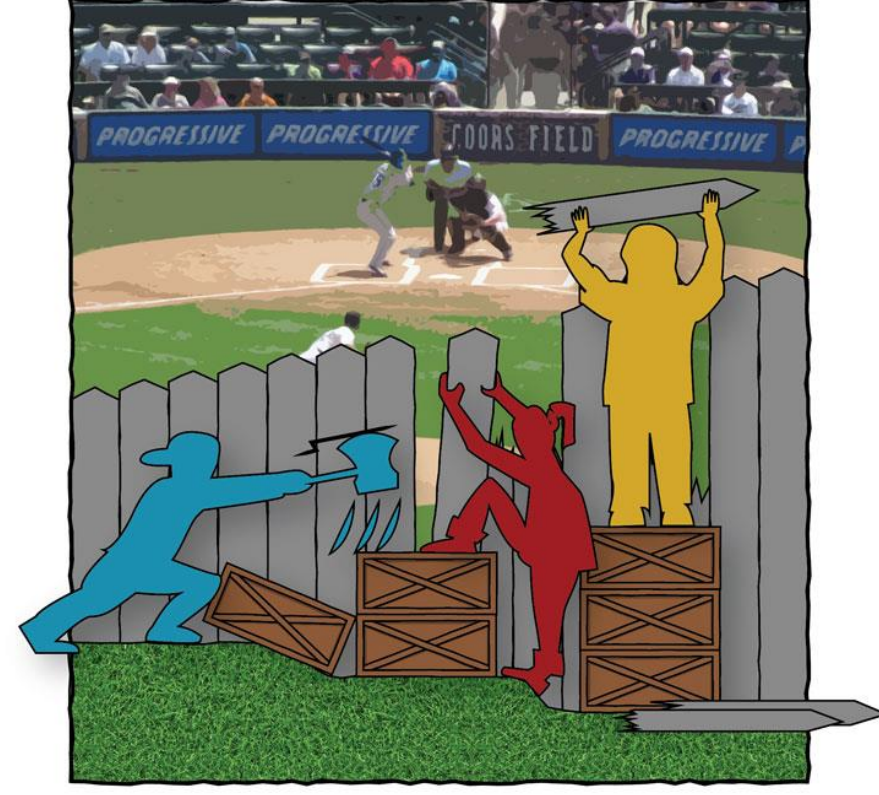
Equality, Equity, and Justice



EQUALITY



EQUITY



JUSTICE

Historical Legacy of EJ: Redlining & Structural Racism

Mapping Inequality Redlining in New Deal America

Introduction Downloads & Data About

York, PA

Areas by Grade

Area	Grade
20%	A "Best"
17%	B "Still Desirable"
45%	C "Definitely Declining"
18%	D "Hazardous"

Demographics

56,712 Total Population (1940)
1.7% Foreign-born white

Area Descriptions

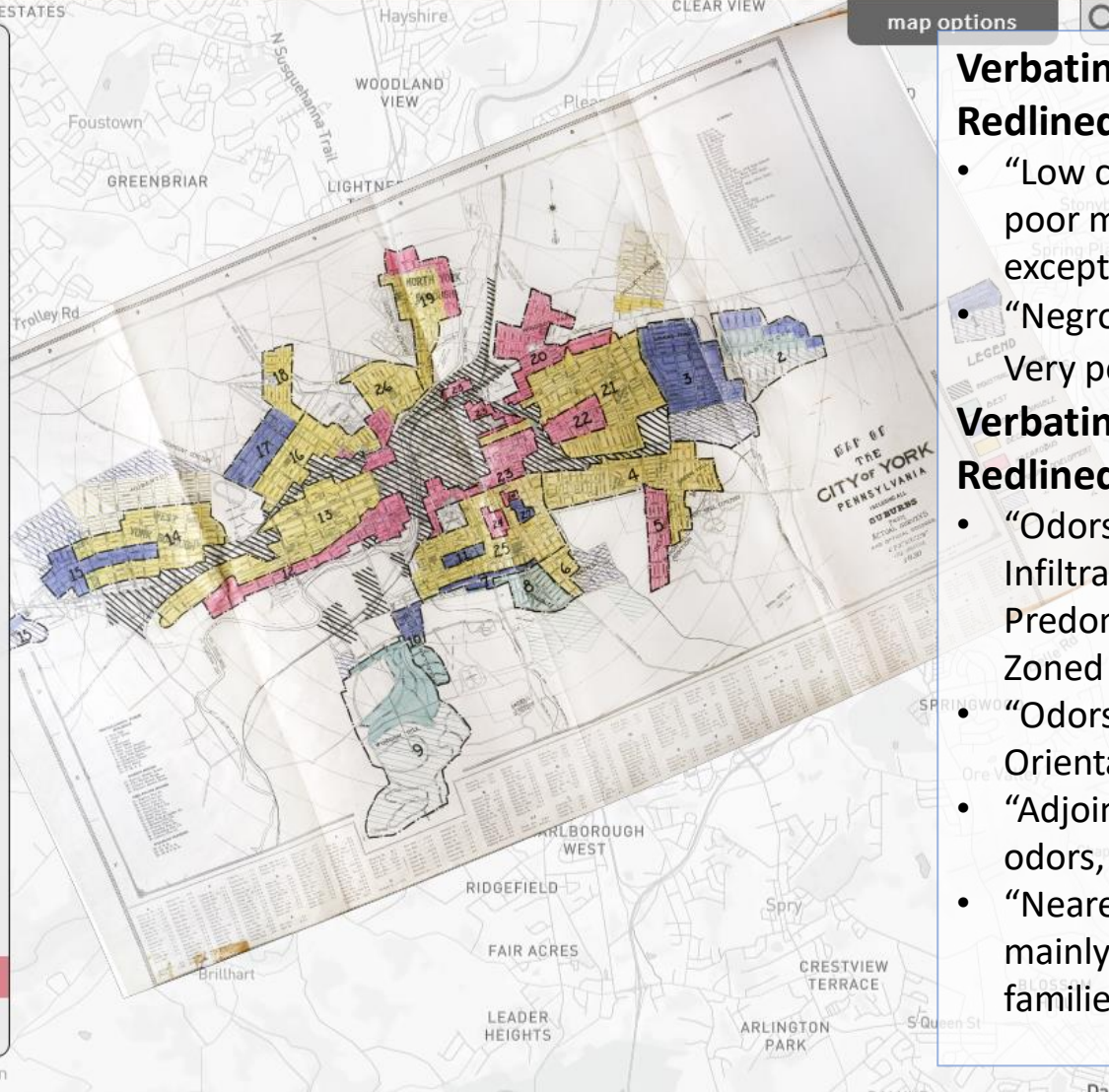
click to select

search

Selections from the Area Descriptions

D12

Low class whites and negroes live in poor moral



Verbatim Surveyor Description of Redlined Areas on the York Map:

- "Low class whites and negroes live in poor moral conditions. The area is exceptionally bad."
- "Negroes, foreigners, low class whites. Very poor residential section."

Verbatim Surveyor Descriptions of Redlined Areas during 1930s:

- "Odors and noises from local industries. Infiltration of colored and Orientals. Predominance of older, cheap cottages. Zoned for industry."
- "Odors from factories; infiltration of Orientals and colored."
- "Adjoining industrial area with attendant odors, smoke, etc."
- "Nearest to the industries, thereby being mainly occupied by wage earning families"

Relationship of EJ to Civil Rights

State programs receiving EPA financial assistance must comply with federal non-discrimination laws*:

- Title VI of the Civil Rights Act of 1964: recipients of federal financial assistance cannot discriminate on the basis of race, color, national origin (including limited-English proficiency)

“[C]ompliance with environmental laws does not ensure compliance with Title VI. ... [Recipients] are required to operate their programs in compliance with the non-discrimination requirements of Title VI and EPA’s implementing regulations.” EPA Title VI Public Involvement Guidance, 71 F.R. 14207, 14210



Other Non-discrimination Laws*

- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- Section 13 of Federal Water Pollution Control Act Amendments of 1972
- EPA’s nondiscrimination regulation, 40 C.F.R. Parts 5 and 7

Historical Roots of Environmental Justice



Historical Roots of Environmental Justice



Warren County,
North Carolina (1982)



United Church of
Christ Study (1987)



First People of Color
Environmental
Leadership Summit
(1991)



Executive Order
12898 (1994)

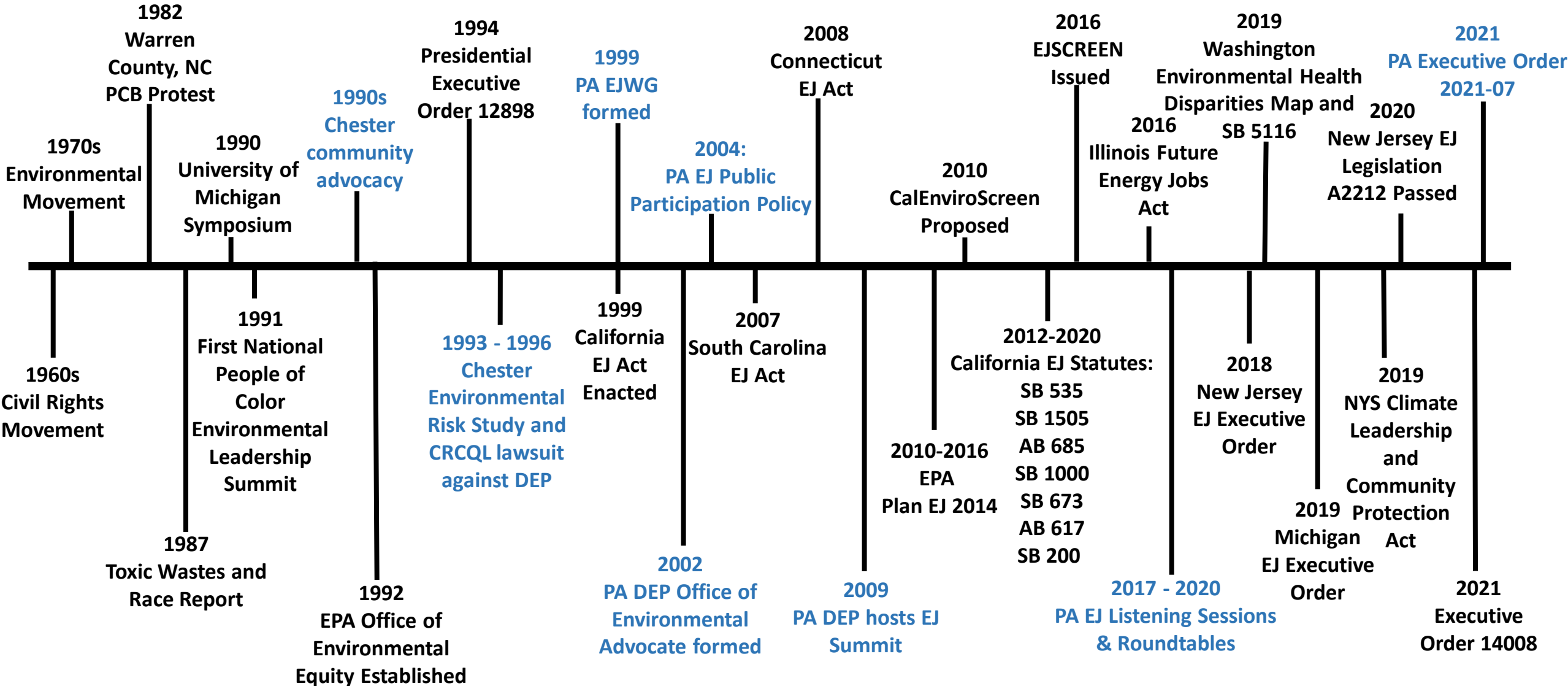
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities. The work of these early advocates paved the way for program development starting in the early 1990's, over the past 30 years, have resulted in significant progress at all levels of government.

Roots of EJ in Pennsylvania

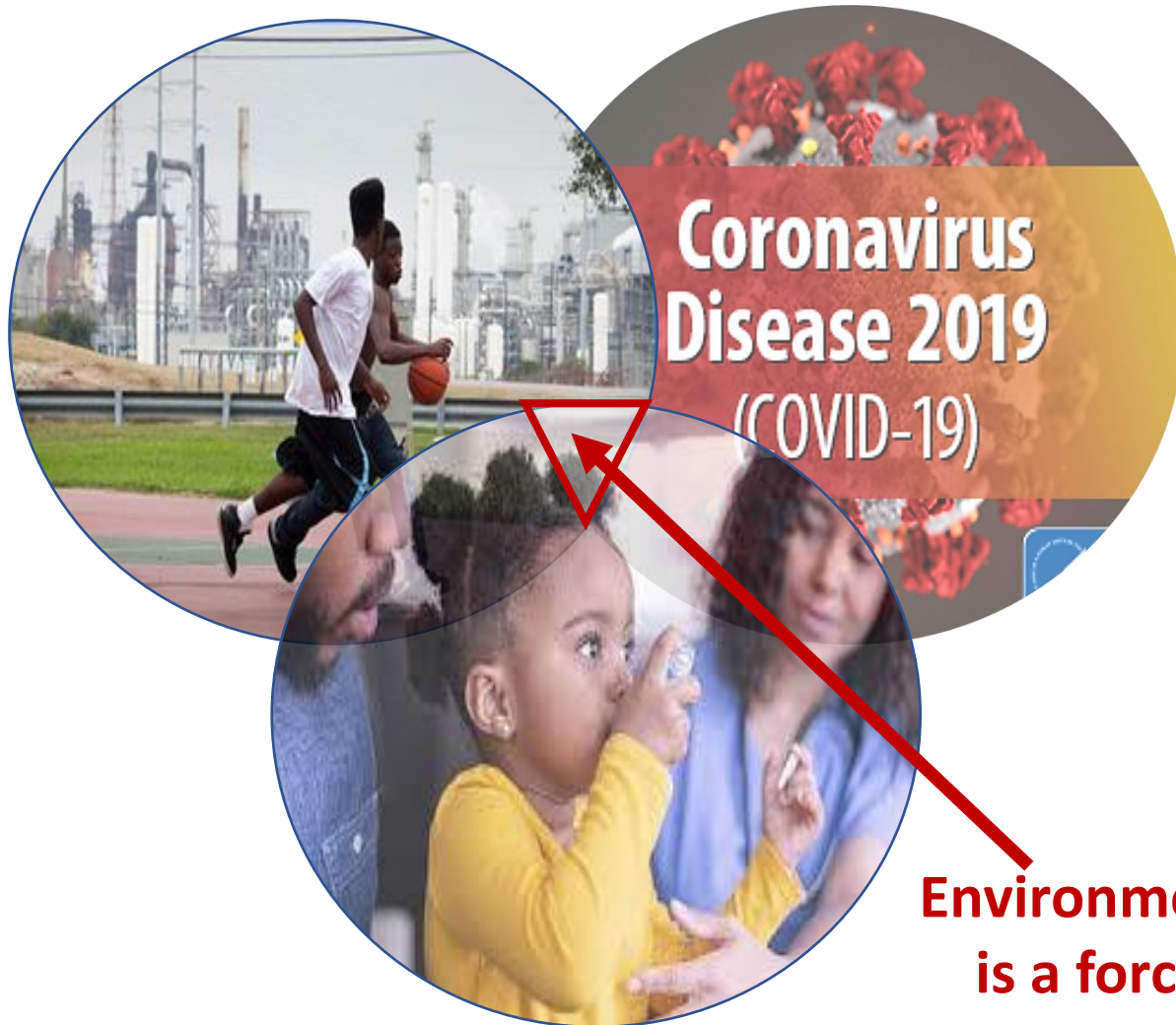
- Organizing of Chester in early 1990s
- Environmental Risk Study by EPA in conjunction with DER in 1993
- Chester residents (CRCQL) lawsuit against DEP in 1996
- DEP Environmental Justice Work Group (EJWG) created in 1999 Report and Recommendations released in 2001



Timeline of Federal and State Government Response



Science of Disproportionate Environmental Impacts



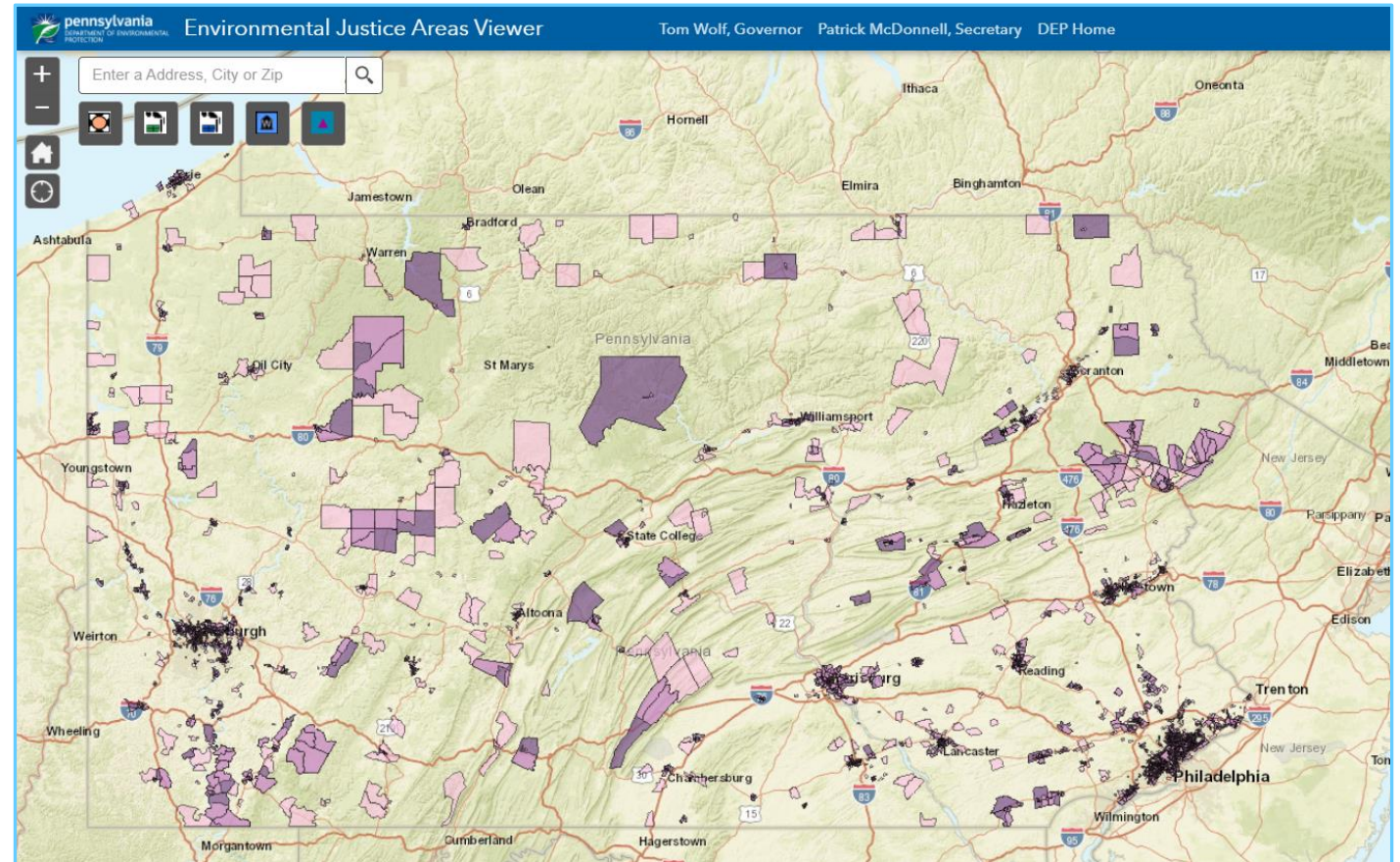
DRIVERS

- Built Environment: Proximity to pollution sources (e.g., stationary and mobile air emissions)
- Natural Environment: Disasters (e.g., wildfires, heat waves, pandemics)
- Social Environment: Health disparities (e.g., asthma, heart disease, hypertension, diabetes)

**Environmental injustice
is a force multiplier**

EJ Public Participation Policy

- Applies to Trigger Permits (and Opt-in Permits).
- In Environmental Justice Areas and Area of Concern.
 - EJ Areas – 30% People of Color and/or 20% Low-income
 - Area of Concern is 0.5-mile buffer.

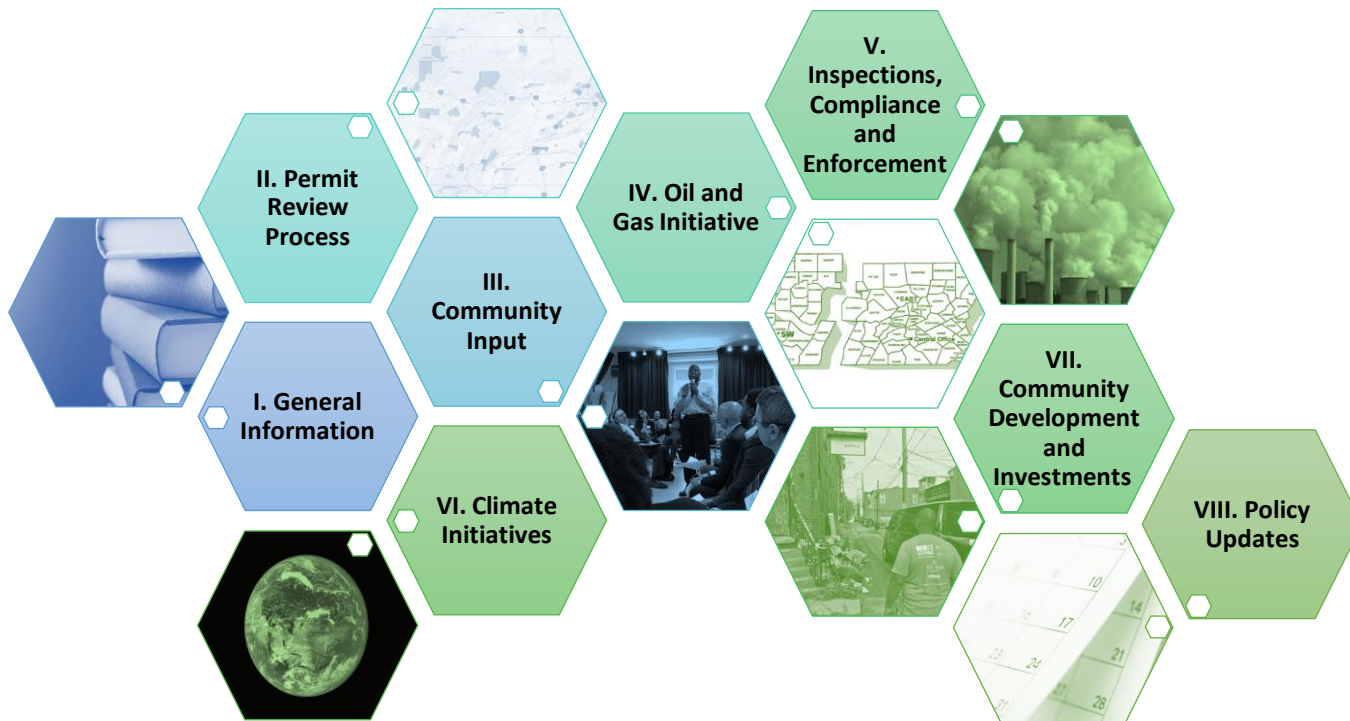


Purpose of EJ Policy Updates

- Withdrew a draft Policy because it solely focused on public engagement in the permitting process and did not address wider concerns.
- How can DEP address EJ in addition to public participation in the permit review process?
- Focused on incorporating a meaningful community engagement process to ensure inclusive community voice around its creation.
- Center this discussion on the voices of those who live in communities facing environmental burdens.



EJ Policy Components



- I. General Information
- II. Permit Review Process
- III. Community Input
- IV. Oil and Gas Engagement
- V. Inspections, Compliance and Enforcement
- VI. Climate Initiatives
- VII. Community Development and Investment
- VIII. Policy Updates

Definitions



I. General Information

- Robust definitions section defines terms ranging from applicant to public meeting.
- Assist in clarifying the document and ensuring that it is similarly interpreted by the public, DEP staff, and permit applicants.
- Enhances the overall readability and accessibility of the document.

OEJ and EJAB



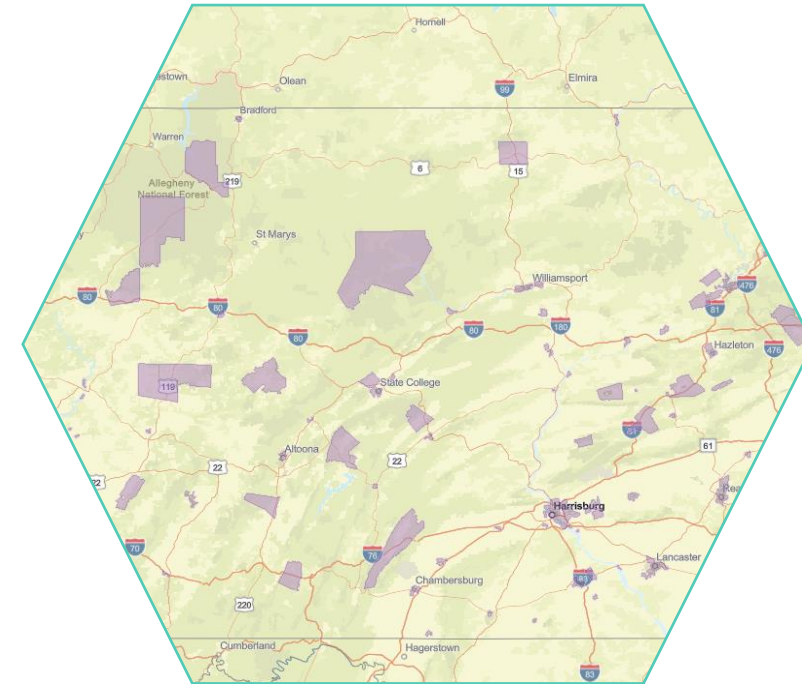
I. General Information

- Office of Environmental Justice
 - Define Role of the Office of Environmental Justice
 - Training
 - EJ Maps and Identification of Environmental Justice Areas
 - Annual Report
 - Language Access Services
 - EJ Strategic Plan
 - Environmental Justice Interagency Council
- Environmental Justice Advisory Board

Permit Review Process

II. Permit Review Process

- Builds from the current policy with improvements and updates
- Clarifies applicable permits
- Outlines the process for permit applicants
 - Pre-submission
 - Public Participation during application review
- Offers significantly more detail in the Opt-In permit process



Community Input

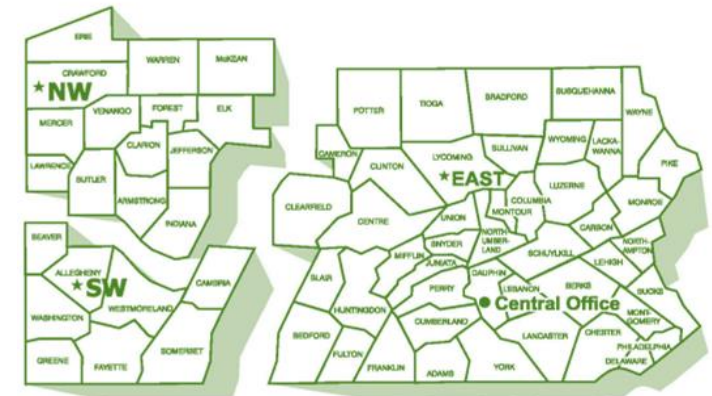
III. Community Input

- Describes the process for obtaining community input
 - Before permit review
 - During permit review
 - Following permit review
 - Complaint submission
- Indicates opportunities for outreach and engagement

Oil and Gas Initiatives

IV. Oil and Gas Initiative

- New section specific to unconventional gas drilling
- Community feedback requested inclusion of EJ considerations in the unconventional drilling permit process.
 - Public engagement & community meetings
- Legislatively mandated permit review timelines preclude these permits from the permit review process identified in sections II and III.



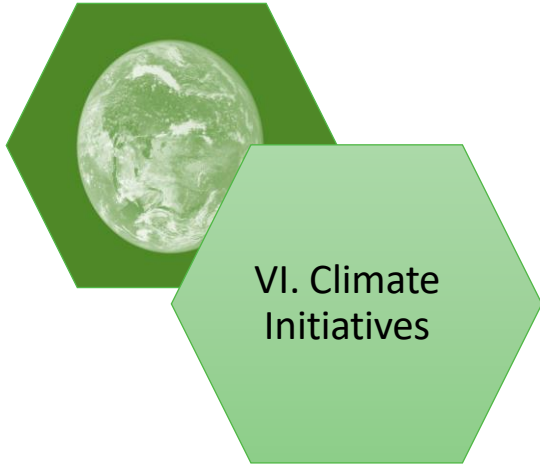
Inspection, Compliance and Enforcement



V. Inspections, Compliance and Enforcement

- Moving beyond public participation within DEP's existing regulatory authority
- Prioritizing inspection and compliance
- Civil Penalty Enhancements
- Community Environmental Projects

Climate Initiatives



- Climate Action Plan involvement
- Climate adaptation
- Integrates EJ considerations into climate investments
- Directs DEP to engage in public involvement that integrates the stated needs and concerns of EJ communities


Community Development and Investment

VII. Community Development and Investments

- Targeting grants
- Promoting brownfield redevelopment
- Partnering with higher education institutions



Policy Updates

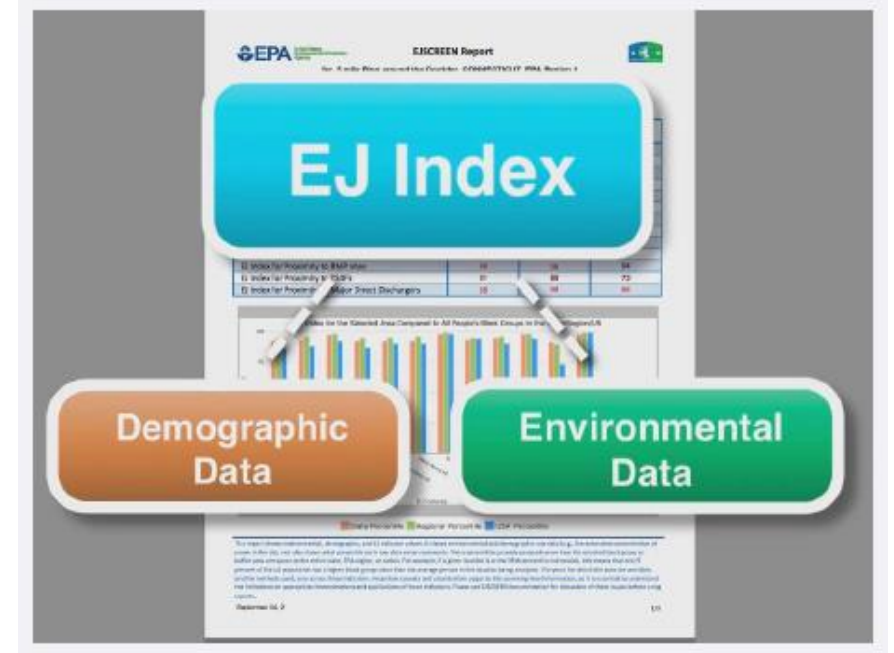


VIII. Policy Updates

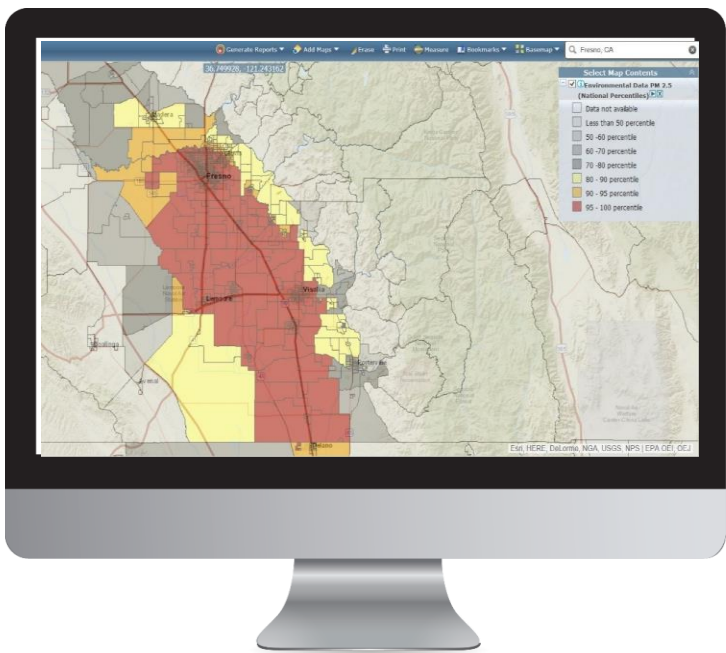
- Requires review of the EJ policy for updates every 4 years
- Update EJ area identification and mapping every 2 years, based on latest data

Tools: EPA EJSCREEN

- Mapping tool: epa.gov/ejscreen
- Includes demographic and environmental data
- Nationwide
- Can produce reports at the census tract level
- Working on training with other departments.



Tools: EPA EJSCREEN



EJSCREEN Training Videos

<https://www.epa.gov/ejscreen/ejscreen-videos>

Environmental Indicators

- PM 2.5
- Ozone
- NATA Diesel PM
- NATA Air Toxics Cancer Risk
- NATA Respiratory Hazard Index
- Lead Paint (pre-1960s Housing)
- Traffic Proximity
- Proximity-NPL Sites
- Proximity-RMP Facilities
- Proximity-TSD Facilities
- Proximity-Waste Water Dischargers

Demographic Indicators

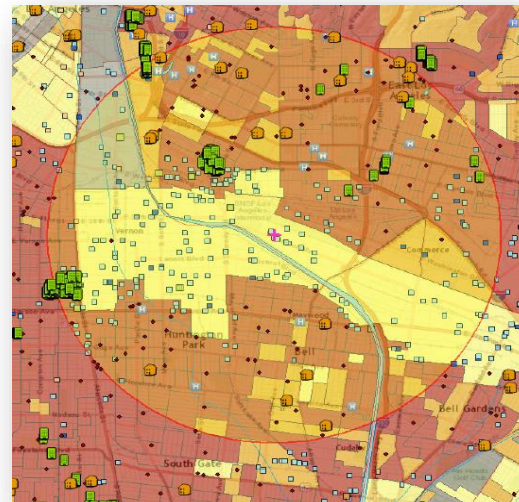
- Low-Income
- Minority
- Less than High School Education
- Linguistic Isolation
- Individuals under Age 5
- Individuals over Age 64

Index: Calculated as (Low income + minority) / 2

Describing-Quantifying-Mapping Disproportionate Impacts



Pollution Burden		Population Characteristics	
Exposures	Environmental Effects	Sensitive Populations	Socioeconomic Factors
<ul style="list-style-type: none"> Ozone PM2.5 Diesel Particulate Matter Toxic Releases from Facilities Pesticide Use Traffic 	<ul style="list-style-type: none"> Solid Waste Sites and Facilities Cleanup Sites Groundwater Threats Impaired Water Bodies Hazardous Waste Generators and Facilities 	<ul style="list-style-type: none"> Asthma Cardiovascular Disease Low Birth Weight Infants 	<ul style="list-style-type: none"> Educational Attainment Housing Burden Linguistic Isolation Poverty Unemployment



Disproportionate impacts is the consistent pattern of a combination of greater **pollution burden** and **population vulnerability** affecting the same communities, primarily minority, low-income, indigenous populations, as demonstrated by ample evidence.

Sources: CalEPA Office of Environmental Health Hazard Assessment and EPA EJSCREEN

Tools: CalEnviroScreen



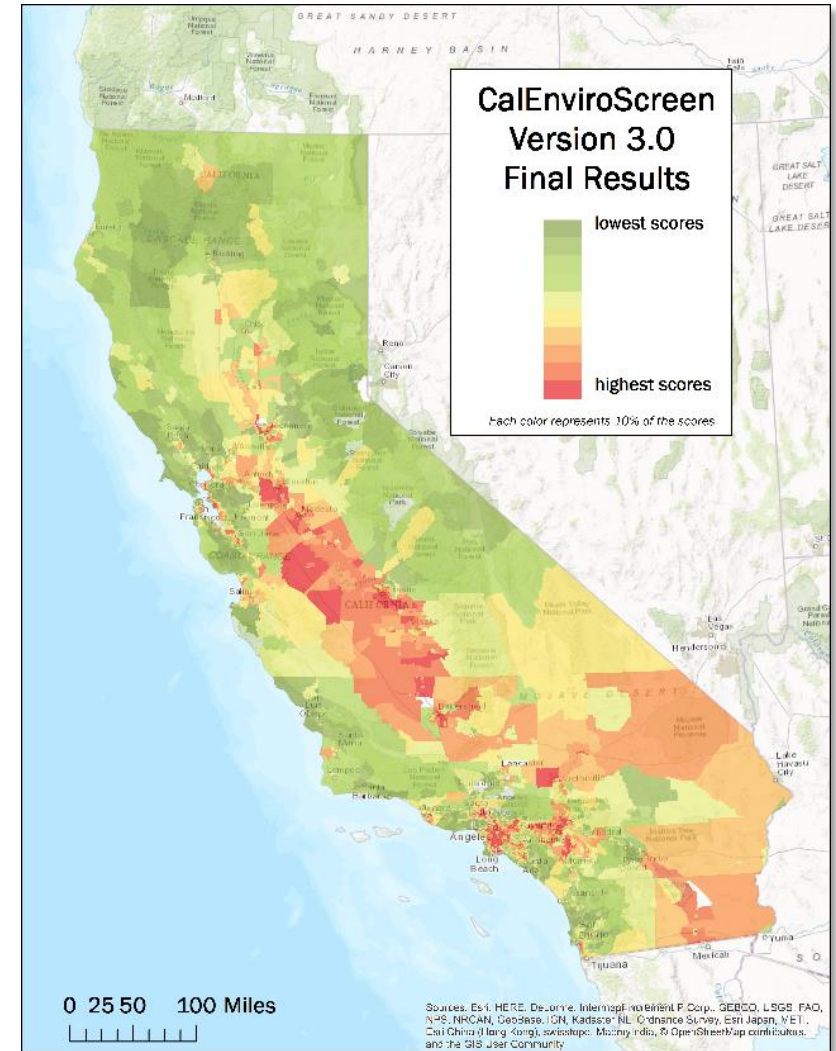
- Combines pollution burden and population characteristics
- Ranks communities according to combined scores for cumulative impacts
- Informed by significant and ongoing public input

Pollution Burden

Population Characteristics



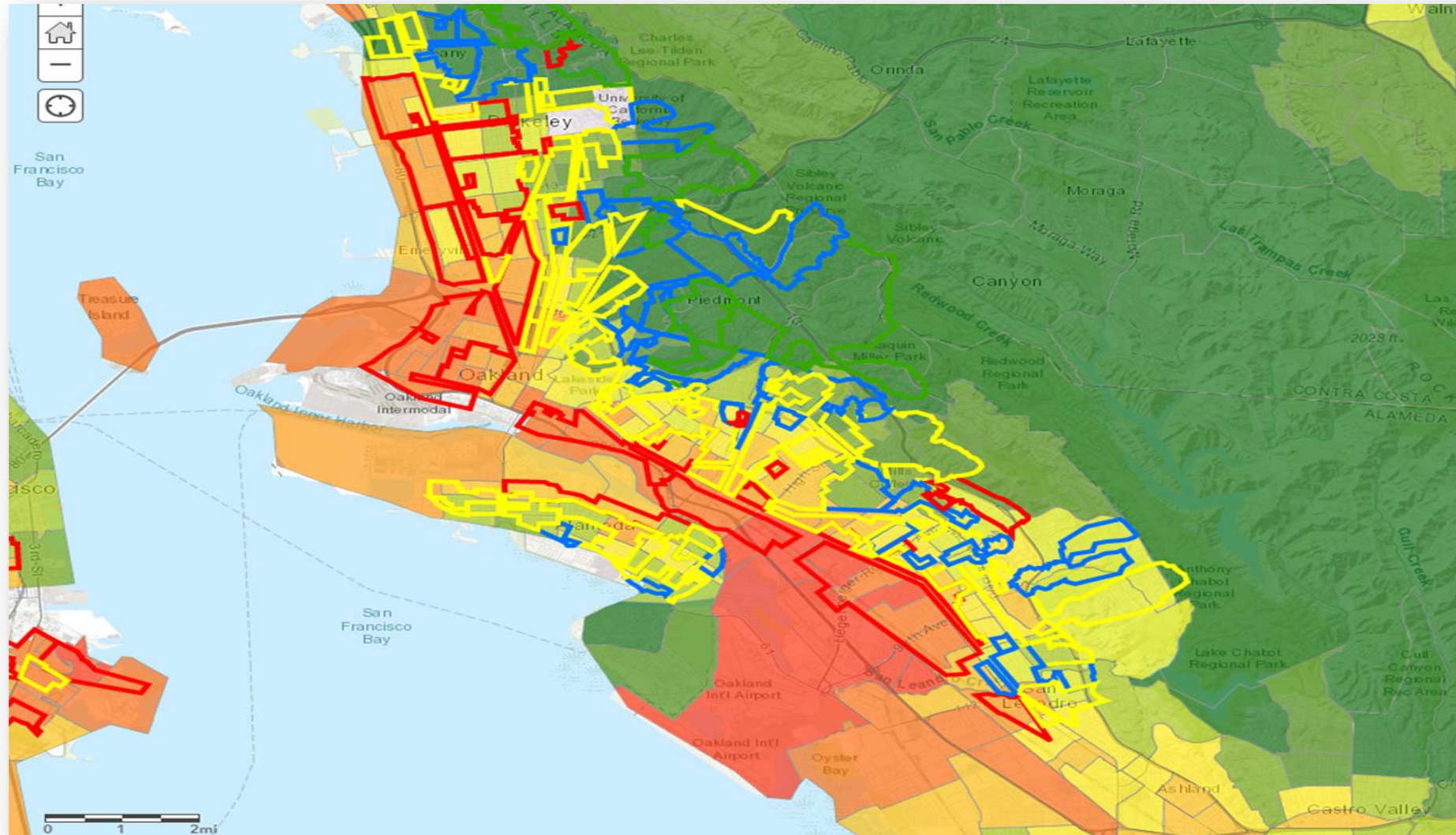
[Available as an interactive web map](#)



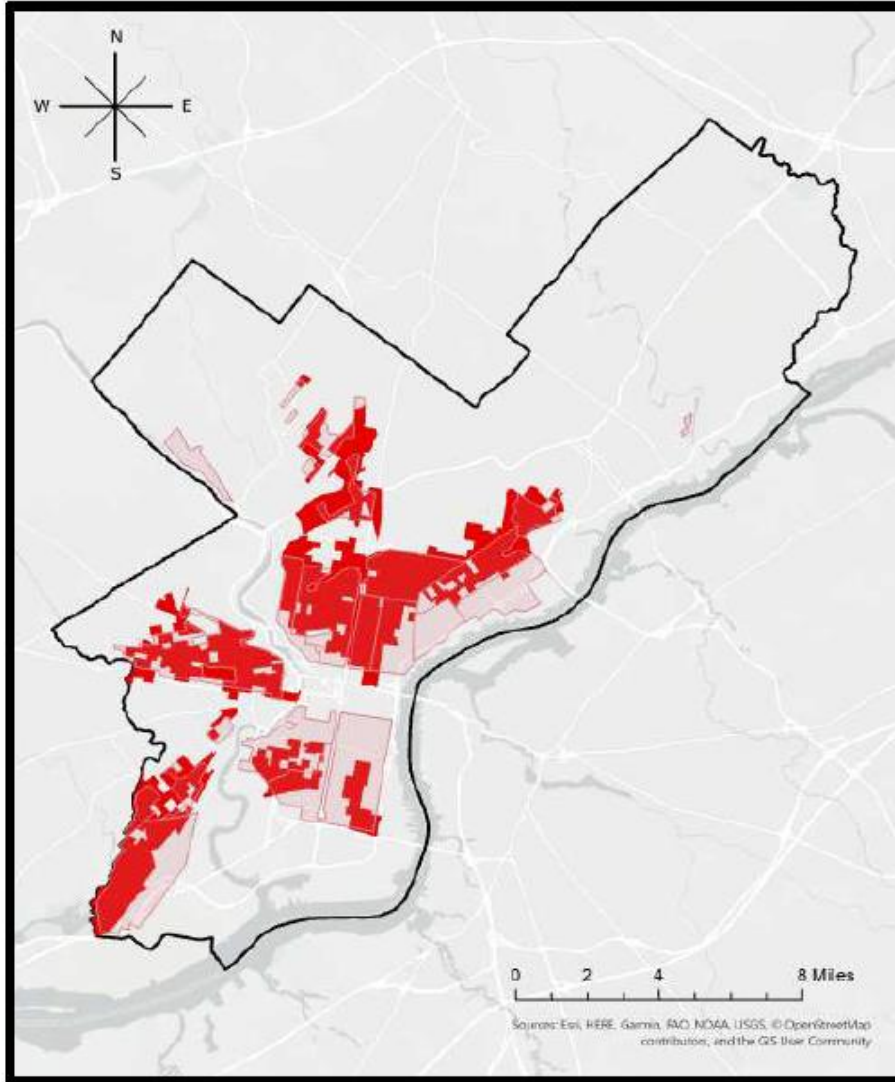
Historical Legacy of EJ: Redlining & Structural Racism



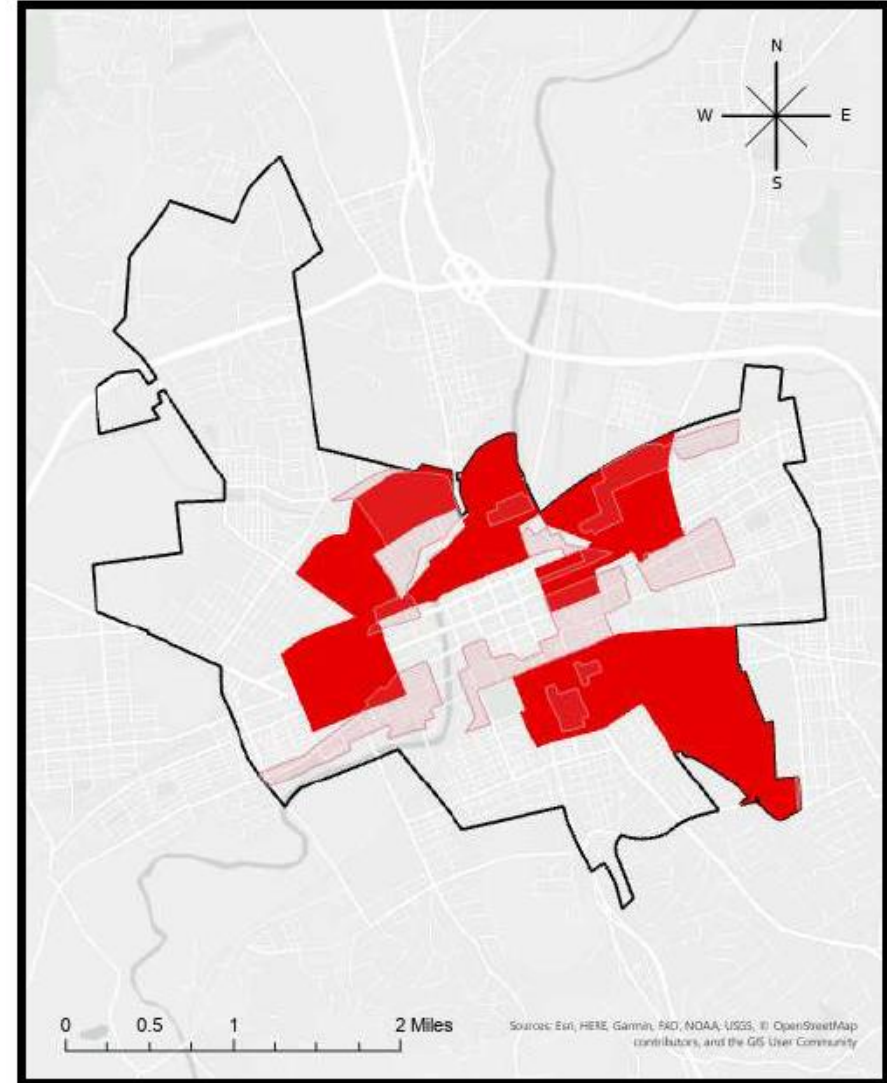
Oakland, California



Redlining in Pennsylvania



Philadelphia: Diesel Particulate Matter



York: Proximity to Hazardous Waste

EJ Policy Update - Timeline

Planning

Fall – Winter
2020

Outreach and Engagement

Fall 2020 –
Summer 2021

Drafting and Finalization

Spring 2021 –
Summer 2022

Implementation

Summer 2022

EJ Policy Update - Timeline

Planning

Fall – Winter 2020

Inform partners about withdrawal of policy and plan for EJ Policy development and implementation.

Draft plan and timetable for outreach and get initial feedback on outreach

Consider development of EJ Policy Advisory Group

Outreach and Engagement

Fall 2020 – Summer 2021

Identify internal (DEP and state agency) partners for feedback

Develop outreach questions, survey and strategy

EJAB, EJ Stakeholders and other external engagement

EJ Policy Update - Commenting

Drafting and Finalization

Spring 2021 – Summer 2022

Internal review and input

EJAB comments on Policy

Public comment – Spring 2022

Comment and response document preparation

Internal review

Finalize policy

Implementation

Summer 2022

Staff and state agency training on policy

EJAB overview of Policy

Community Engagement about Policy

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 - Harrisburg, PA 17105-2063

Outreach Efforts

Tools to share:

- [Press Release](#)
- [Webpage \(dep.pa.gov/EJPolicyRevision\)](http://dep.pa.gov/EJPolicyRevision)
- [Share kit](#) (evolving)
- [Recorded EJ Policy webinar](#) (3/28)

Ongoing:

- Four (4) virtual public hearings (April 5, 12, 28, & May 4)
- Press Events
- Seventeen (17) presentations scheduled
- [Video](#)
- Flier
- Social media

ENVIRONMENTAL JUSTICE



The PA Department of Environmental Protection's draft Environmental Justice Public Participation Policy (EJ Policy) strengthens language on how DEP oversees and participates in environmental justice priorities and reform with community partners.

Public comment period on the policy is open through Wednesday, May 11, 2022.

Learn more and participate:

 dep.pa.gov/EJPolicyRevision





Office of Environmental Justice

General Comments & Questions

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Justin Dula
Director &
Eastern Region
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The OEJ Newsletter