

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
POLICY OFFICE**

**DOCUMENT ID:** 012-0501-002

**TITLE:** Environmental Justice Public Participation Policy

**EFFECTIVE DATE:** Upon publication as Final in the *Pennsylvania Bulletin*

**AUTHORITY:** Air Pollution Control Act(35 P.S. §§4001, et seq.); Solid Waste Management Act (35 P.S. §§6018.101, et seq.); Clean Streams Law (35 P.S. §§691.1, et seq.); Storage Tank and Spill Prevent Act (35 P.S. §§6021.101, et seq.); Hazardous Sites Cleanup Act (35 §§6020.101, et seq.); Safe Drinking Water Act (35 P.S. §§721.1, et seq.); Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.1, et seq.); Infectious and Chemotherapeutic Waste Law (35 P.S. §§6019.1, et seq.); Surface Mining Conservation and Reclamation Act (52 P.S. §§1396.1, et seq.); Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§3301, et seq.); Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§1406.1, et seq.); Oil and Gas Act (58 P.S. §601.101, et seq.); Coal Refuse Disposal Act (52 P.S. §§30.52, et seq.); Pennsylvania Sewage Facilities Act (35 P.S. §§750.1, et seq.); Dam Safety and Encroachments Act (32 P.S. §§679.101, et seq.); Radiation Protection Act (35 P.S. §§7110.101, et seq.); Low-Level Radioactive Waste Disposal Act (35 P.S. §§7130.101, et seq.); Radon Certification Act (63 P.S. §§20001, et seq.)

**POLICY:** It is the Department of Environmental Protection’s (Department or DEP) policy to provide guidance on public participation opportunities for permitted activities in communities as described in this policy.  
Reference

**PURPOSE:** Historically, minority and low-income Pennsylvanians have not had equitable opportunities to participate in decisions that may adversely impact their environment. DEP seeks to ensure that all Pennsylvanians are equipped with the proper resources and opportunities to meaningfully participate in decision-making processes. Throughout the permitting process, DEP values input from individuals living in or near Environmental Justice Areas. This policy outlines opportunities for community involvement and public participation in the permit application process for permits in Environmental Justice Areas.

**APPLICABILITY:** This policy applies to DEP approvals, specifically to permits as described in this policy. This policy does not supersede the Permit Decision Guarantee policies/executive order.

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to supplement existing regulatory requirements. Nothing in the policies or procedures shall affect existing requirements.

The policies and procedures herein are not an adjudication or a regulation, and DEP does not intent to give this document that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP has the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 9 pages

## **I. General Information**

### **A. Definitions**

*Applicant* – Individuals, corporations, non-profit organizations, or others seeking a permit from DEP.

*Area of Concern* – Area around the proposed permit activity with potential impact to the environment or community.

*Census block group* – Geographical subdivisions within a census tract that generally maintain a population of 600-3,000 people and are the smallest geographical unit for which the Census Bureau publishes sample data.

*Census tract* – A small, relatively permanent statistical subdivision maintaining a population size between 1,200 – 8,000 people and are comprised of 1 – 9 census block groups.

*Community* – Residents and businesses located within an Environmental Justice Area or Area of Concern, which may be affected by a permitted activity.

*Community liaison* – An individual who volunteers to act as a conduit between DEP and a segment of the population of which they informally represent and whom also assists in sharing information between the public and DEP.

*Environmental Justice (EJ)* – The fair treatment and meaningful involvement of all people with the development, implementation, and enforcement of environmental policies, regulation, and laws; as well as with respect to the identification of environmental issues that affect the most vulnerable communities.

*Environmental Justice Advisory Board (EJAB)* – An advisory board that provides recommendations to DEP's Office of Environmental Justice and provides a forum for stakeholders to share environmental concerns in their communities.

*Environmental Justice Area* – Any census block group with a 30 percent or greater minority population or 20 percent or greater at or below the poverty level as defined by the US Census Bureau.

*Environmental Justice Areas Viewer* – An interactive environmental justice mapping tool that contains environmental and demographic indicators to better understand their relationships, patterns and trends.

*General permit* – A permit with specified standard conditions on a regional or statewide basis. If the permit application is complete and meets the specified standard conditions, a permit may be issued by DEP.

*Individual permit* – A permit with site-specific conditions for a proposed activity. DEP reviews each individual permit application based on the unique conditions of the permit application.

*Opt-in permit* – Permits that do not qualify as trigger permits, but DEP believes warrant special consideration and enhanced public participation based on: identified community concerns; present or anticipated environmental impacts; and reasonably anticipated significant adverse cumulative impacts.

*Public meetings* – Public participation events designed to provide the public with the information needed to get involved and effectively impact decision-making. These may include: an informal information session; meeting with audience interaction; or formal hearing which is hosted by DEP.

*Trigger permit* – Specific permits located in an Environmental Justice Area that may lead to significant public concern due to potential impacts on human health and the environment.

## **B. Background**

Environmental Justice is the principle that all people have the right to be protected from environmental hazards and to live in and enjoy a clean and healthy environment, regardless of race, color, national origin or income. Environmental justice promotes the fair treatment of all people and encourages meaningful involvement throughout the development, implementation, and enforcement of environmental policies, regulations, and laws. Fair treatment asserts that no person or community should bear a disproportionate share of negative environmental impacts. Historically, social and economic forces perpetuated environmental injustices for minority and low-income communities. Barriers preventing EJ communities from addressing such injustices include limited education levels, inadequate access to information and decision makers, and lack of financial resources. These constraints result in limited participation in decision-making processes and a hindered understanding of the environmental and community impacts of a permitted activity.

In 1999, the Pennsylvania Department of Environmental Protection created an Environmental Justice Work Group (EJWG) to assist the Department in meeting its environmental justice objectives. In 2001, the EJWG issued a report that made five program implementation recommendations to address environmental justice concerns: collaborate with other agencies to improve the condition of environmentally overburdened communities; reassess permitting processes; enhance monitoring and enforcement; consider a Department organizational change; and reevaluate the implementation of policies. DEP implemented these recommendations through the establishment of the Office of Environmental Justice, the Environmental Justice Advisory Board (EJAB) and other initiatives. This policy provides a framework for DEP to foster community engagement throughout permitting processes and to ensure disenfranchised communities are meaningfully involved in the decisions that affect their environment, health, and safety.

There may be varying experiences in the environmental permit review process among communities in Pennsylvania. The lack of easily obtained, understandable information is often cited as a major cause of these experiences. To address this disparity, minority and low-income communities should be given equitable access to information, consultation, and accommodation by DEP. Increasing meaningful public participation will mitigate adverse impacts in prominently minority and low-income communities.

Public participation affects how DEP provides information, elicits input, and communicates with individuals within minority and low-income communities before, during, and after permitting processes. This policy describes when to use this policy based on the type of permit application and the geographic location of the proposed permitted activity.

## **C. Office of Environmental Justice**

The Office of Environmental Justice (OEJ) fulfills a critical role within DEP, ensuring that Pennsylvanians at risk from pollution and other environmental impacts have a voice in decision-making processes. DEP's OEJ serves as a liaison between DEP, communities, and regulated entities. The OEJ Regional Coordinators serve as a contact point to aid in community outreach, understanding, and involvement in the environmental decision-making process and connecting the regulated industry to their neighbors.

## **D. Environmental Justice Advisory Board**

The Environmental Justice Advisory Board (EJAB) is comprised of fifteen individuals with personal and professional expertise in environmental justice issues. The EJAB meets quarterly to provide recommendations to DEP's Office of Environmental Justice and provide a forum for stakeholders to share environmental concerns in their communities. Additionally, EJAB reviews and provides recommendations on initiatives that impact the health and safety of environmental justice communities.

# **II. Permit Review Process**

## **A. Permits Covered**

### **1. Trigger Permits**

DEP reviews a multitude of environmental approvals. DEP's Trigger Permits (Appendix A) are identified as regulated activities that have traditionally led to significant public concern due to potential impacts to the environment, human health, and communities. Application reviews for these permits warrant heightened scrutiny by DEP and enhanced public participation. All trigger permits are Individual Permits and do not encompass General Permits.

### **2. Opt-In Permits**

All permits not specified as trigger permits, including but not limited to General Permits, renewals or revisions, may serve as Opt-In Permits if DEP believes they warrant special consideration. In making its determination for including Opt-in Permits, DEP should consider: 1) identified community concerns; 2) present or anticipated environmental impacts; and 3) reasonably anticipated significant adverse cumulative impacts. The applicant should not be required to provide information to DEP regarding neighboring facilities in order to determine whether the permit is an Opt-in Permit. DEP should initiate and perform this analysis based on information and tools at its disposal, including a review of information from the applicant's facility or project and an assessment through EJ Areas Viewer. The EJ Areas Viewer is an online mapping tool that shows Environmental Justice Areas, DEP permitted activities, EPA permitted activities, and various demographic and health data obtained from DEP and other agencies. The EJ Areas Viewer is connected to DEP's eFACTS database and provides up-to-date permitting, inspection, and compliance information on facilities permitted by DEP. EJ Areas Viewer should be used to assist in making informed decisions regarding all aspects of environmental justice. The Office of Environmental Justice, in consultation with the

appropriate Regional Director, Bureau Director, District Mining Manager, Program Manager, and/or Community Relations staff should decide whether an application should be an Opt-in permit.

## **B. Process for Permit Applicants and DEP**

### **1. Steps Prior to Submitting an Application**

- a) When completing the General Information Form (GIF) of a permit application, the applicant should determine the project's Area of Concern, as defined in the bullet points below.
  - Enter the proposed project's address into the EJ Areas Viewer mapping tool. The Area of Concern is identified by a radius of one-half mile from the center of a proposed permit activity or, where an activity is not centralized, an area extending one-half mile beyond the boundary of the proposed activity. The project's Area of Concern should also include:
    - any area of impact for which DEP is authorized to require analysis, such as traffic corridors, groundwater plumes and areas of significant air impact; and
    - other areas or communities that may experience reasonably anticipated impacts such as noise, subsidence, vibration or odor associated with the type of facility proposed.
- b) If there is any Environmental Justice Area, entirely or in part, that falls within the Area of Concern and the permit application is a trigger permit, then the policy should be enacted. An Environmental Justice Area is defined as any census block group with a 30 percent or greater minority population, and/or 20 percent or greater living at or below the poverty level as defined by the most recently available decennial or mid-decade US Census Bureau data. The public participation provisions of this policy apply to the area located within the Area of Concern and to the entire census block group.

If no such census block group exists within the Area of Concern, it is not considered a trigger permit and this policy may not apply. However, if the applicant and/or DEP determines the project warrants special consideration, the permit will be considered an Environmental Justice Opt-in permit, and this policy applies regardless of the Area of Concern.
- c) As part of the public participation strategy, DEP will strongly encourage potential applicants to meet with community stakeholders prior to submitting an application to DEP. DEP would, if invited, attend this meeting and address community concerns relating to the permit review process.
- d) If a pre-application meeting was not held, DEP Program staff should contact the Office of Environmental Justice upon receipt of an application for a trigger permit or potential opt-in permit located in an Environmental Justice Area. The notification should include the site location with latitude and longitude of the proposed activity. DEP Program staff should contact the permit applicant as soon as it is determined that the policy will be enacted.

- e) A public participation strategy should be developed between DEP's Office of Environmental Justice and appropriate regional or district office program and community relations staff for each application. This strategy should be designed to facilitate the participation of all residents within the Area of Concern and the census block group(s), and should consider the characteristics of the community, the Area of Concern, and the type of facility proposed. The public participation strategy should be developed within 30 days of determining that the policy will be enacted. If DEP sends correspondence to the applicant notifying the applicant that the application is administratively complete, the letter should indicate that the application is subject to enacts the EJ Public Participation Policy.
- f) The applicant will be encouraged to meet with DEP permitting personnel, local government officials, and other local stakeholders as deemed appropriate, to review the proposed permitted activity. DEP strongly encourages all applicants to fulfill the steps outlined in this policy. However, DEP should implement the steps in this policy if an applicant is unable or unwilling at any capacity.

## 2. Steps During Permit Review

### a) Notifications to Community

- i. A project summary of the application should be produced by the applicant that explains the project in terms understandable to a considerable majority of readers within an Environmental Justice Area. It should address the purpose and location of the proposed activity or facility, and anticipated impacts. The project summary should be reviewed by DEP for accuracy. These summaries may also be used in other aspects of public outreach.
- ii. The project summary should be placed in publications widely read by residents in those areas besides the legal notice section, and placed locally in areas of high visibility. Examples of effective vehicles for notification include, but are not limited to local newspapers, community newsletters, church bulletins, public service announcements, notices on local radio and television stations, notices posted in areas of high foot traffic, notices to local environmental groups, and notices to local community centers.
- iii. DEP should implement various methods of transmitting information on the proposed permit including electronic and physical distribution. Applicants are encouraged to communicate the appropriate information about the project to as many residents of an Environmental Justice Area as reasonably possible.
- iv. In areas where non-English is largely spoken, the information should be available in both English and the predominant language spoken in that community.
- v. DEP staff should notify the appropriate community with updates when substantive changes are made to the permit, including when a modification is made to the permit application.

## b) Document Availability

### i. Access to Materials

DEP should ensure access to information for members of an Environmental Justice Area by identifying convenient locations where the public can review applications; receive support on how to locate materials in a file; and access full copies of files at remote locations. Community liaisons may assist DEP in determining locations for hosting permit materials. These locations may include libraries, municipal offices or community organizations. DEP may also add permit materials to its website to promote remote access of permit materials.

### ii. Supporting Materials

Maps of the site, traffic analyses, cost/benefit analyses, and other supporting materials should be made available to the public. The anticipated permit process timeline will be developed and provided along with the other materials, and updated by DEP personnel, as necessary.

DEP should create a site-specific project website for trigger permits and opt-in permits on a case-by-case basis.

## c) DEP Availability

- i. DEP should be available by phone to the local community throughout the permitting process and provide physical presence on a case-by-case basis. DEP should provide residents with information and assistance, as needed, to understand content within the proposed permit application. DEP may identify community liaisons who assist with the distribution of information.

## d) Public Meetings

- i. DEP, in coordination with the applicant, should begin scheduling a public meeting within 30 days after accepting an application as administratively complete and technically adequate. The *Policy on Public Participation in the Permit Review Process* (Document # 012-0900-003) provides a review of the various forms of public participation the Department may use to share information and solicit feedback on a permit with the public. The purpose of the meeting is to inform the residents in the Environmental Justice Area of the scope and nature of the project in a timely, interactive manner. Meetings should be held in central and accessible locations and at dates and times that are convenient for a majority of the affected community. This meeting is in addition to any other currently required public participation.
- ii. Applicants are encouraged to fully participate in the meeting and take the lead in organizing and conducting the meeting. It is beneficial to all

stakeholders that the meeting takes place as early in the process as feasible.

- iii. Public meetings are intended to provide information to the community regarding the proposed permit application and assist residents in developing their official comments or provide a forum for residents to provide oral testimony that will be processed by DEP as official public comments. All permit applications undergoing this policy will have an open public comment period for at least 30 days. Providing comments during the public comment period is the opportunity for the public to provide input in the review of a permit application. All public comments should pertain to the proposed permit application and activity.

### **III. Community Impact During Permit Review Process**

The community within an Environmental Justice Area and Area of Concern may benefit from enhanced public participation and are given the opportunity to provide information that could, for example, impact the siting of a permitted activity or alter the permit requirements. Input from the community helps to ensure an equitable decision-making process.

#### **A. Impact Before DEP Permit Review**

1. Many of the decisions that affect a community's environment will be made at the local or municipal level prior to DEP receiving a permit application. It is important that community members understand the value of being involved at all phases in the decision-making process, which often begins before DEP receives a permit application. Moreover, some concerns a community may have regarding a proposed activity, such as zoning, may not be in DEP's jurisdiction.

#### **B. Impact During Permit Review**

1. The public participation process is intended to allow community members to: understand what is being proposed in the permit application; interface with the permit applicant and DEP to understand the impacts and ask questions; provide feedback to the permit applicant; and provide feedback to DEP through official public comments. The public comments received during public comment period provides the opportunity for anyone to provide comments to DEP on the proposed permit application.
2. The Department will consider all public comments prior to making a determination and will provide a substantive response to each comment once the formal public comment period has concluded. Responses will be provided through a Comment and Response document, a Record of Decision and other relevant documentation associated with the application decision. DEP will not make a final decision on a permit until all comments have been considered.

### **C. Impact Following a Permit Decision**

1. DEP staff should update community via notifications when a permit decision is rendered. The Comment-Response document will be made available to the public at the time the Department renders a decision on the permit application or earlier if appropriate.
2. DEP staff should provide the community with documents or upload to the website substantial post-permit decisions including, but not limited to: inspection reports, findings, notices of violations, and consent agreements.
3. DEP may update the community via notifications when substantive changes are made to the permit including when a permit renewal is applied for; or, a permit is transferred to another entity.
4. The public may request information of DEP informally via email, phone, file review, or by submitting a formal Right to Know request. Regional Directors, District Mining Directors, and other office staff in coordination with community liaisons may determine which method will be appropriate based on the characterization of the materials, the number of requests received, as well as other criteria.
5. A formal complaint may be made by calling the appropriate DEP Regional Office. DEP staff will follow up on the complaint. The Office of Environmental Justice may assist communities with reviewing inspection reports, enforcement documents and providing assistance when filing a complaint.

# Appendix A – Trigger Permits

---

---

Trigger Permits are for those DEP regulated activities that may lead to significant public concern due to potential impacts on human health and the environment. Application reviews for these permits warrant heightened scrutiny by DEP and an enhanced public participation process.

## 1. Water Permits

- A. NPDES Industrial wastewater facilities (discharge at or above 50,000 gallons per day)
- B. Major sewage facilities

## 2. Air Permits

- A. New major source of hazardous air pollutants or criteria pollutants
- B. Major modification of a major source (changes that could result in an increase in emissions or a facility expansion)

## 3. Waste Permits

- A. Landfills and other disposal facilities
- B. Transfer stations
- C. Commercial incinerators and other waste processing facilities
- D. Commercial hazardous waste treatment, storage and/or disposal facilities
- E. Municipal waste composting facilities
- F. Major modification of the above (changes that result in an increase in capacity or a facility expansion)

## 4. Mining Permits

- A. Bituminous underground mines
- B. Bituminous and anthracite surface mines
- C. Large industrial mineral surface mines
- D. Coal refuse disposal
- E. Large coal preparation facility
- F. Revision of the above permits (revisions that involve additional acreage for mineral removal)
- G. Using biosolids for reclamation

## 5. Land Application of Biosolids

- A. Individual permit

## 6. CAFO (Concentrated Animal Feeding Operation)

- A. New or expanded operation of greater than 1,000 Animal Equivalent Units (AEUs)
- B. Concentrated Animal Operation of greater than 300 AEUs in Special Protection Watershed
- C. Concentrated Animal Operation with direct discharge to surface waters.

## 7. Oil and Gas

- A. Underground injection disposal wells

## 8. Opt-in Permits

Permits not specified above, including renewals of the above permits, may serve as Trigger Permits if DEP believes they warrant special consideration. In making its determination for including Opt-in Permits, DEP should consider 1) identified community concerns; 2) present or anticipated environmental impacts; and 3) reasonably anticipated significant adverse cumulative impacts. The applicant should not be required to provide information to DEP regarding neighboring facilities in order to determine whether the permit is an opt-in Trigger Permit. DEP should initiate and perform this analysis based on information and tools at its disposal including information from the applicant's facility or project.

## Appendix A - Trigger Permits

| Program          | Permit Type     | Auth Type Code | Auth Type Description  | Appl Type | Facility Type                                  |
|------------------|-----------------|----------------|--|-----------|--|
| Waste Management | Hazardous Waste | CBIF           | Captive Boiler Industrial Furnace/Incinerator Permit                 | New/Modif | Boiler Industrial Furnce                       |
| Waste Management | Hazardous Waste | CD             | Captive Disposal Permit  | New/Modif | Disposal Facility                              |
| Waste Management | Hazardous Waste | CS             | Captive Storage Permit   | New/Modif | Storage Facility                               |
| Waste Management | Hazardous Waste | CT             | Captive Treatment Permit   | New/Modif | Treatment Facility                             |
| Waste Management | Hazardous Waste | COBIF          | Commercial Boiler Industrial Furnace/Incinerator Permit              | New/Modif | Boiler Industrial Furnce                       |
| Waste Management | Hazardous Waste | COD            | Commercial Disposal Permit   | New/Modif | Disposal Facility                              |
| Waste Management | Hazardous Waste | COS            | Commercial Storage Permit  | New/Modif | Storage Facility                               |
| Waste Management | Hazardous Waste | COT            | Commercial Treatment Permit  | New/Modif | Treatment Facility                             |
| Waste Management | Municipal Waste | CDL            | Construction/Demolition Landfill Permit                              | New/Modif | Landfill                                       |
| Waste Management | Municipal Waste | LAAU           | Land Application of Sewage Sludge Permit<br>Agricultural Utilization | New/Modif | Land Application                               |
| Waste Management | Municipal Waste | C              | Municipal Waste Composting Permit                                    | New/Modif | Composting                                     |
| Waste Management | Municipal Waste | L              | Municipal Landfill Permit  | New/Modif | Landfill                                       |
| Waste Management | Municipal Waste | RRO            | Resource Recovery and Other Processing Permit                        | New/Modif | Landfill Processing Facility Resource Recovery |
| Waste Management | Municipal Waste | TS             | Transfer Station Permit  | New/Modif | Transfer Station                               |
| Waste Management | Residual Waste  | RL3            | Commercial Landfill-Class I, II, or III Permit                       | New/Modif | Landfill                                       |

|                  |                                   |       |  |                 |                                 |
|------------------|-----------------------------------|-------|--|-----------------|---------------------------------|
| Waste Management | Residual Waste                    | DI2   | Disposal Impoundment-Class I, II, or III Permit                            | New/Modif       | Impoundment                     |
| Waste Management | Residual Waste                    | RLAAU | Land Application Permit  | New/Modif       | Land Application                |
| Waste Management | Residual Waste                    | RLALR | Land Application Permit Land Reclamation                                   | New/Modif       | Land Application                |
| Waste Management | Residual Waste                    | RL3A  | Landfill Class I, II, or III Permit  | New/Modif       | Landfill                        |
| Waste Management | Residual Waste                    | PI    | Processing and/or Incinerator Permit                                       | New/Modif       | Incinerator Processing Facility |
| Waste Management | Residual Waste                    | T     | Transfer Station Permit  | New/Modif       | Transfer Station                |
| Clean Water      | WPC NPDES                         | MAIW1 | Major IW Facility <250 MGD   | New/Major Amend | Discharge Point                 |
| Clean Water      | WPC NPDES                         | MAIW2 | Major IW Facility >250 MGD   | New/Major Amend | Discharge Point                 |
| Clean Water      | WPC NPDES                         | MASF1 | Major Sewage Facility > 1 MGD and < 5 MGD                                  | New/Modif       | Discharge Point                 |
| Clean Water      | WPC NPDES                         | MASF2 | Major Sewage Facility > 5 MGD  | New/Modif       | Discharge Point                 |
| Clean Water      | WPC NPDES                         | MASF3 | Major Sewage Facility with CSO   | New/Modif       | Discharge Point                 |
| Clean Water      | WPC NPDES                         | NIWMA | NPDES Permit for New and Existing Industrial Discharger Major              | New/Modif       | Discharge Point                 |
| Clean Water      | WPC NPDES                         | NSMMA | NPDES Permit for Sewage Discharges Municipal Major                         | New/Modif       | Discharge Point                 |
| Clean Water      | WPC State Water Pollution Control | PABIS | Individual Site Permit for Beneficial Use of Biosolids by Land Application | New/Modif       | Parcel                          |
| Clean Water      | WPC State Water Pollution Control | W2IWL | Water Quality Mgmt Part II, Industrial Waste, Land Application             | New/Modif       | Land Dischrge                   |
| Clean Water      | WPC State Water Pollution Control | W2CAF | Water Quality Mgmt Part II, Manure Storage Facility for CAFO               | New/Modif       | Storage Unit                    |

|             |                                    |       |  |           |  |
|-------------|------------------------------------|-------|--|-----------|--|
| Clean Water | WPC NPDES                          | NCAF  | Concentrated Animal Feed Operations<br>Individual NPDES Permit                                 | New/Amend | Discharge Point                        |
| Air Quality | Air Quality                        | MAAT  | Major Facility Plan Approval MACT Air<br>Toxics Part 63  | New/Modif | Air Pollution<br>Control Device        |
| Air Quality | Air Quality                        | MNSRP | Major Facility Plan Approval New Facility<br>Review Prevention of Significant<br>Deterioration | New/Modif | Air Pollution<br>Control Device        |
| Air Quality | Air Quality                        | MFSP  | Major Facility Plan Approval New Source<br>Performance Standard                                | New/Modif | Air Pollution<br>Control Device        |
| Air Quality | Air Quality                        | MNSRN | Major Facility Plan Approval New Source<br>Review non-Attainment                               | New/Modif | Air Pollution<br>Control Device        |
| Air Quality | Air Quality                        | MNSRD | Major Facility Plan Approval New Source<br>Review Non-Attainment De Minimis                    | New/Modif | Air Pollution<br>Control Device        |
| Air Quality | Air Quality                        | MFSR  | Major Facility Plan Approval State<br>Regulation   | New/Modif | Air Pollution<br>Control Device        |
| Mining      | Large Non-Coal                     | LSM   | Large Surface Mining   | New/Modif | Industrial Mineral<br>Mining Operation |
| Mining      | Industrial Minerals<br>Underground | NUM   | IM Underground Mining  | New/Modif | Industrial Mineral<br>Mining Operation |
| Mining      | Coal Prep Plant                    | P     | Preparation-Processing Plant   | New/Modif | Coal Mining<br>Operations              |
| Mining      | Coal Refuse<br>Disposal            | RD    | Refuse Disposal  | New/Modif | Coal Mining<br>Operations              |
| Mining      | Coal Refuse<br>Reprocessing        | RR    | Refuse Reprocessing  | New/Modif | Coal Mining<br>Operations              |
| Mining      | Coal Surface<br>Mining             | SM    | Surface Mining   | New/Modif | Coal Mining<br>Operations              |

|   |                         |       |  |           |                        |
|---|-------------------------|-------|--|-----------|------------------------|
| Mining  | Coal Underground Mining | UM    | Underground Mining                                     | New/Modif | Coal Mining Operations |
| Oil and Gas   | Disposal Well           | DOWDR | Drill & Operate Well Permit Disposal/Enhanced Recovery | New/Ren   | Disposal Well          |
| Oil and Gas   | Disposal Well           | DOWCU | Drill & Operate Well Permit Change in Use              | New       | Disposal Well          |
| <p><b>Opt-in Permits</b><br/> Permits not specified above, including renewals of the above permits, may serve as Trigger Permits if DEP believes they warrant special consideration. In making its determination for including Opt-in Permits, DEP should consider 1) identified community concerns; 2) present or anticipated environmental impacts; and 3) reasonably anticipated significant adverse cumulative impacts. DEP should initiate and perform this analysis based on information and tools at its disposal including EJ Areas Viewer and information from the permit application.</p> |                         |       |  |           |                        |

# Appendix B – Policy Flow Chart

