



# 2002 Annual Report to The Environmental Justice Work Group

Mark Schweiker, Governor  
Commonwealth of Pennsylvania  
David E. Hess, Secretary  
Dept. of Environmental Protection



“Environmental Justice is the fair treatment and meaningful involvement of all people with respect to the identification of environmental issues, and the development, implementation, and enforcement of environmental policies, regulations, and laws.”



Members of DEP's Environmental Justice External Workgroup. Front Row (left to right): Troy Greiss, East Penn Manufacturing Company; Diana Dakey, Millersburg, Pa.; DEP Director of Environmental Advocacy Alisa Harris; DEP Secretary David E. Hess. Second Row: Edward Thomas, assistant director, Environmental Resource Center, University City Science Center, Philadelphia; Alice Wright, former deputy executive director of the Governor's Advisory Commission on African American Affairs, DEP Southeast Regional Advocate; Beverly Braverman, executive director of the Mountain Watershed Association; Hilton Brown, alternate for the Philadelphia Area Project on Occupational Safety and Health. Third Row: Terry Bossert Esq., Stevens & Lee; Hershel Richman Esq., Dechert; John Waffenschmidt, director of Environmental Affairs, American Ref-Fuel; Susan Wilson, DEP Citizen's Advisory Council; H. Alfred Ryan, assistant general counsel to PECO Energy Company; Gregory Smith,

## A Message from the Secretary



DEP Director of Environmental Advocacy Alisa Harris; Alternate Marjorie Hughes, special assistant to the Deputy Secretary for Air, Recycling and Radiation Protection; and DEP Secretary David E. Hess.

The Environmental Justice Work Group was formed in 1999 as a result of a growing awareness of two prominent movements -- civil rights and environmental protection.

The work group's objective was to identify any causes of environmental inequities in Pennsylvania; determine whether DEP's current decision-making processes can adequately address appropriate issues such as cumulative impact and nuisance issues; improve DEP's permitting program so that it is clear and understandable while still satisfying legal and administrative requirements; improve public participation in DEP's decision-making process to address any inequities; and improve public outreach, beyond the permitting process, by enhancing long-term environmental education, communication and compliance assistance programs.

The work group consisted of 18 individuals representing diverse backgrounds, communities, special interests, organizations and points of view. The work group issued a final report in June 2001, after two years of debate about the direction Pennsylvania should take with respect to environmental justice. The group developed a number of recommendations; several of which have already been implemented and others that

are well on their way to dramatically improve the ability of all communities to participate in DEP's permit review and policy setting process.

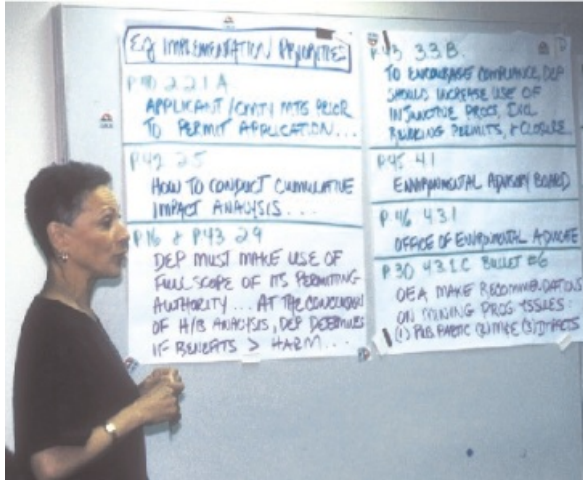
I would like to take this opportunity to thank the work group as well as everyone across the state who attended numerous meetings and forums to demonstrate their commitment towards equal environmental protection.

This annual report gives us as a department a chance to show everyone involved in the process, whether through participation during community forums or by serving directly on the work group that we have, and will continue to adopt the recommendations outlined in the four major sections of the report.

A handwritten signature in blue ink, appearing to read "David E. Hess". The signature is fluid and cursive, with a prominent initial "D" and "H".

David E. Hess  
Secretary, Department of Environmental Protection  
DavidHess@state.pa.us

# Organizational Change within DEP



DEP Southeast Regional Advocate Alice Wright-Bailey, Environmental Justice Workgroup member and former deputy executive director of the Governor's Advisory Commission on African American Affairs, makes a presentation of findings.

The work group wanted the department's organizational structure to support the recommendations in the final report. In an effort to improve effective relationships between DEP, communities and other important partners, the work group wanted to create a system that could address current environmental justice concerns and prevent similar issues from arising in the future. The work group provided very specific suggestions on how the department could improve its community outreach and education efforts, improve staff communication with diverse populations and create a continuous forum to attend to important environmental issues facing minority and low-income communities.

## In the works:

In December, the Office of Environmental Advocate (OEA) staff will attend a week-long train-the-trainee course to develop an environmental justice training course for department staff. Prior to finalizing the course, we will seek input from communities.

OEA will coordinate with DEP's Environmental Educator to develop age-appropriate environmental education dealing with environmental justice related issues.

DEP will continue to measure and evaluate the implementation of existing and new programs. We will seek input from the Environmental Justice Advisory Board throughout the process.

## Report Recommendations

DEP has implemented the following initiatives in an effort to create change within the department:

The Secretary created the Office of Environmental Advocate (OEA), which includes a director and three regional advocates in the southern tier of the state. The Director is headquartered in Harrisburg and covers any environmental issues in the Northern regions. The primary function of the OEA is to act as a resource to regional staff to improve community outreach.

The OEA will also be in charge of a state wide toll-free number for residents, the coordination of translation services and providing guidance on federal, state and local civil rights and environmental protection laws. The number is 1-888-723-3721.

DEP also has formed the Environmental Justice Advisory Committee with members of grassroots organizations, community advocates, industry, academia, local government, labor, legal, and community health agencies. The board has already agreed to focus its attention on developing protocols and procedures that will further protect low-income and minority communities.



Environmental Justice Workgroup members present their findings to DEP Secretary David E. Hess.

## Improving the conditions of environmentally burdened Minority and low-income communities



Secretary David Hess joins students from the West Philadelphia High School racing team at the Tour de Sol event on the Benjamin Franklin Parkway.

One of the major recommendations the work group had for the department was to improve the environmental conditions in many of the low-income and minority communities throughout the state. To accomplish this goal, the work group suggested that the department look into its existing programs both internally and externally to set benchmarks to improve both the communities negatively impacted as well as the programs within DEP that could aid in the restoration of those communities. The group also suggested that new policies, procedures, and programs be implemented to ensure that these burdened areas are provided the attention they deserve.



# Report Recommendations

DEP has implemented the following initiatives on behalf of environmentally burdened minority and low-income communities:

To improve the conditions in these communities, DEP has worked with the Department of Health (DOH), the Environmental Protection Agency (EPA), PennDOT and local health departments.

DEP's new Environmental Futures Planning Process data reflect current environmental conditions and allows priorities to change by setting benchmarks for improving those conditions throughout the state. The special conditions of environmentally burdened communities were considered throughout this process and a major goal of the process is to engage all Pennsylvanians as active and informed stewards of the environment. Another goal involves the reduction and elimination of harmful effects from environmental contaminants. This process will drive the allocation of resources and improvement plans for communities that are exposed to multiple environmental hazards.

DEP has examined data from the DOH's State Health Improvement Plan's Special Report on the Health Status of Minority's in Pennsylvania.

DEP, Environmental Alliance for Senior Involvement, North American Coalition on Religion and Ecology and Mercy Wellness Center have forged a co-operative agreement in Southwest Philadelphia. The Caring for Creation Senior Environmental Corps is building on volunteers from the faith-based community foundation to educate and motivate volunteers to work on local environmental issues that benefit the wider community.

Partnering with the city of Philadelphia and EPA, DEP is also involved in another program which cracks down on illegal salvage yards in several low-income and minority communities in the north Philadelphia and Germantown areas. DEP representatives have taken part in surveillance operations, and will handle enforcement issues that demand immediate action.

# Improving the Permitting Process

## 10-Step Process

1. Identify Area of Concern
2. Focus on public participation
3. Determine compliance status
4. Determine if impacts minimized
5. Identify all potential impacts
6. Determine if disparity exists
7. Examine opportunities for additional mitigation
8. Analyze environmental harms
9. Determine benefits vs. harms
10. Make Decision

The work group focused on evaluating and improving the permitting process so it is clear, understandable and fair. The group discussed developing methods to determine the demographics of a community, encourage early and repeated public involvement as well as implement a revised permitting process. The 10-Step permitting process, under certain circumstances, could include a disparate, cumulative impact, and benefits versus harms analysis. In the event of unresolved issues, the work group suggested the increased use of alternative dispute resolution, which is currently available within the department.

## In the Works:

Mobile offices have not been dispatched to date, however, DEP has used temporary offices for permit file reviews.

While DEP has expanded our community outreach efforts, we have not formally provided residents with case-specific details about monitoring, enforcement and other opportunities for community involvement after the permit issuance.

To date, DEP has not identified a need to extend office hours for permit reviews or alternative dispute resolution. OEA, in coordination with other DEP staff, are reviewing our statutes and regulations to determine existing authority and policy gaps with the intent to minimize impacts and potential risks.

# Report Recommendations

DEP has implemented the following initiatives in an effort to improve the permitting process:

DEP has developed a screening tool, which determines whether a proposed facility will impact a minority or low-income community. This information will be useful when determining the best methods to communicate with and involve the potentially impacted community. Permitting staff and potential applicants have used the results of this analysis and DEP is currently revising its environmental information system to include this information as an additional data layer.

Because the work group recognized that the exchange of information is vital, DEP has taken steps to encourage open, inclusive public participation before, during and after the permit review process: in May 2000, DEP and a company conducted a pre-application meeting. This meeting resulted in a better understanding of the company's current operation, future goals and plans, DEP's permit review process, and the communities concerns and special interests.

DEP launched the e-Notice system, which allows citizens to track permit applications proposed in their communities from any computer. This system has already been upgraded to include notifications regarding proposed rulemaking that could impact activities in communities across the state.

Most recent permitting actions in minority and low-income communities have included the creation of plain language summaries that explain the nature and scope of a proposed activity, specific fact sheets concerning the proposed activity, enhanced public notification strategies, and expanding the number of locations that residents the permit application.



DEP Secretary David Hess discusses environmental issues with Cheyney University faculty -- Doctors Anderson and Gooden.

# Evaluating and Improving Monitoring and Enforcement



Members of Center in the Park (CIP) Pa. Senior Environmental Corp conduct water testing near Wissahickon Creek.

The work group believed that the department should increase its monitoring efforts and equally enforce its regulations. Many of the suggestions were crafted with one objective in mind, including the community in the surveillance of regulated facilities. The work group also recommended that the department examine and revise its enforcement procedures to ensure equal treatment and beyond that, look to encourage positive industry practices to reduce environmental risk. In assessing penalties, DEP should consider opportunities for communities to benefit more directly from money received as a result of violations through community environmental projects and exercise other enforcement options that would deter continual non-compliance.

## In the Works:

OEA is in the process of developing fact sheets concerning monitoring and compliance issues for the general public.

## Report Recommendations

DEP has implemented the following initiatives to improve monitoring and enforcement actions within the department:

Based on the work group's recommendations, DEP has actively engaged minority and low-income communities in its monitoring and enforcement efforts. In one case, DEP partnered with state legislators, religious leaders, block captains, local activists and city officials in an attempt to resolve an illegal operation. The input from a community meeting resulted in an agreement that included compliance guidelines, a schedule, penalties and a local compliance tracking system.

Alternative enforcement options, such as the approval of Community Environmental Projects in lieu of assessing penalties, allows the impacted community to benefit more directly from violations. Some recent community environmental projects have included lead prevention programs, a children's asthma management program and purchase of emergency response equipment.

The Corridor Inspector attends public meetings in the Delaware River Corridor. The Corridor Inspector acts as a liaison between the citizens, city government and the industries in the corridor. The inspector meets with industries that are not in compliance and helps them in technical matters. The inspector also provides information on the permitting process to companies that do not have permits and assist them in attaining permits.

The director of the Office of Environmental Advocate was recently selected to participate on the National Environmental Justice Advisory Counsel Subcommittee. This subcommittee will focus on the development and delivery of compliance assistance tools for state agencies and communities.



Students from the Fulton Elementary School in Philadelphia explore "bugs" from the Wissahickon Creek with the CIP Senior Environmental Corp.

## Developing an Implementation Plan



DEP routinely conducts education programs like this one at French Creek State Park, underscoring to all age groups the importance of recycling.

While the department has acted on many of the work groups recommendations, it recognizes that an implementation plan would clearly identify the appropriate strategies and schedule. In addition, the advisory board will periodically review DEP programs to ensure equal environmental protection for all Pennsylvania residents. A preliminary plan has been developed and will be discussed with the original Environmental Justice Work Group as well as the Environmental Justice Advisory Board.

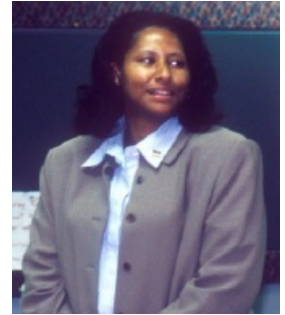
## Office of Environmental Advocate

For additional information on Environmental Justice in Pennsylvania

Visit the DEP website at [www.dep.state.pa.us](http://www.dep.state.pa.us) directLINK "environmental justice"

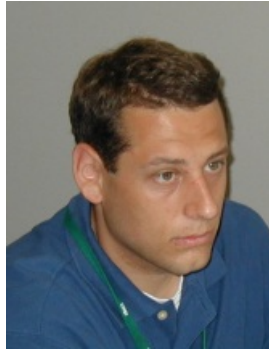
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## Get Involved!

Sign up for eNotice at [www.dep.state.pa.us](http://www.dep.state.pa.us)



Write to us:  
Office of Environmental Advocate  
Pennsylvania Department of  
Environmental Protection  
PO Box 2063  
Harrisburg, PA 17105-2063

Other useful links:

- <http://www.epa.gov/>
- <http://www.state.pa.us> and look for the special report on the health status of minorities in Pennsylvania









This and related environmental information are available electronically via Internet. For more information, visit us through the PA PowerPort at [www.state.pa.us](http://www.state.pa.us) or visit DEP directly at [www.dep.state.pa.us](http://www.dep.state.pa.us) (directLINK "environmental justice").



[www.GreenWorks.tv](http://www.GreenWorks.tv) - A web space dedicated to helping you learn how to protect and improve the environment. The site features the largest collection of environmental videos available on the Internet and is produced by the nonprofit Environmental Fund for

Pennsylvania, with financial support from the Pennsylvania Department of Environmental Protection, 877-PA-GREEN.