



Environmental Justice Overview & Draft Environmental Justice Policy

Oil and Gas Technical Advisory Board
April 25, 2022

Tom Wolf, Governor

Patrick McDonnell, Secretary

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.”

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**

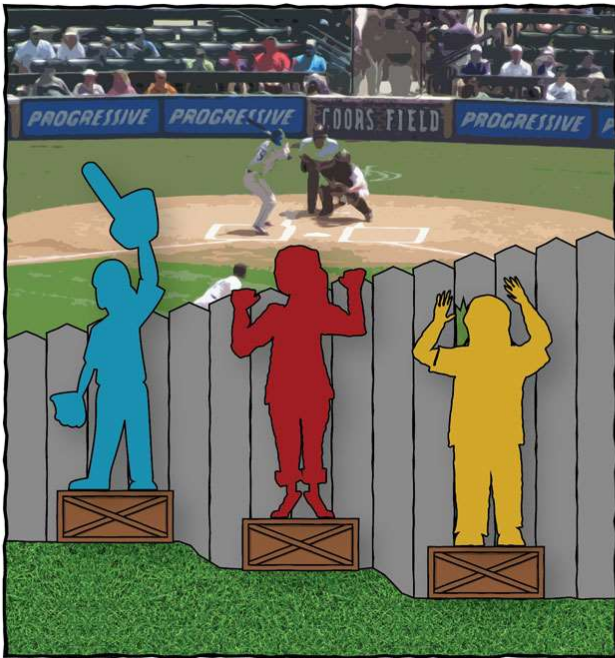
**Procedural
Justice**

**Corrective
Justice**

**Social
Justice**

**Structural
Justice**

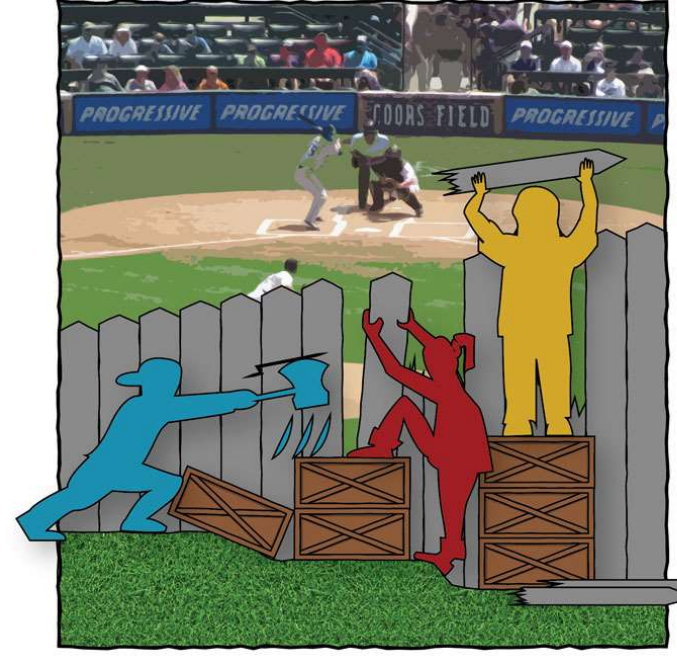
Equality, Equity, and Justice



EQUALITY



EQUITY

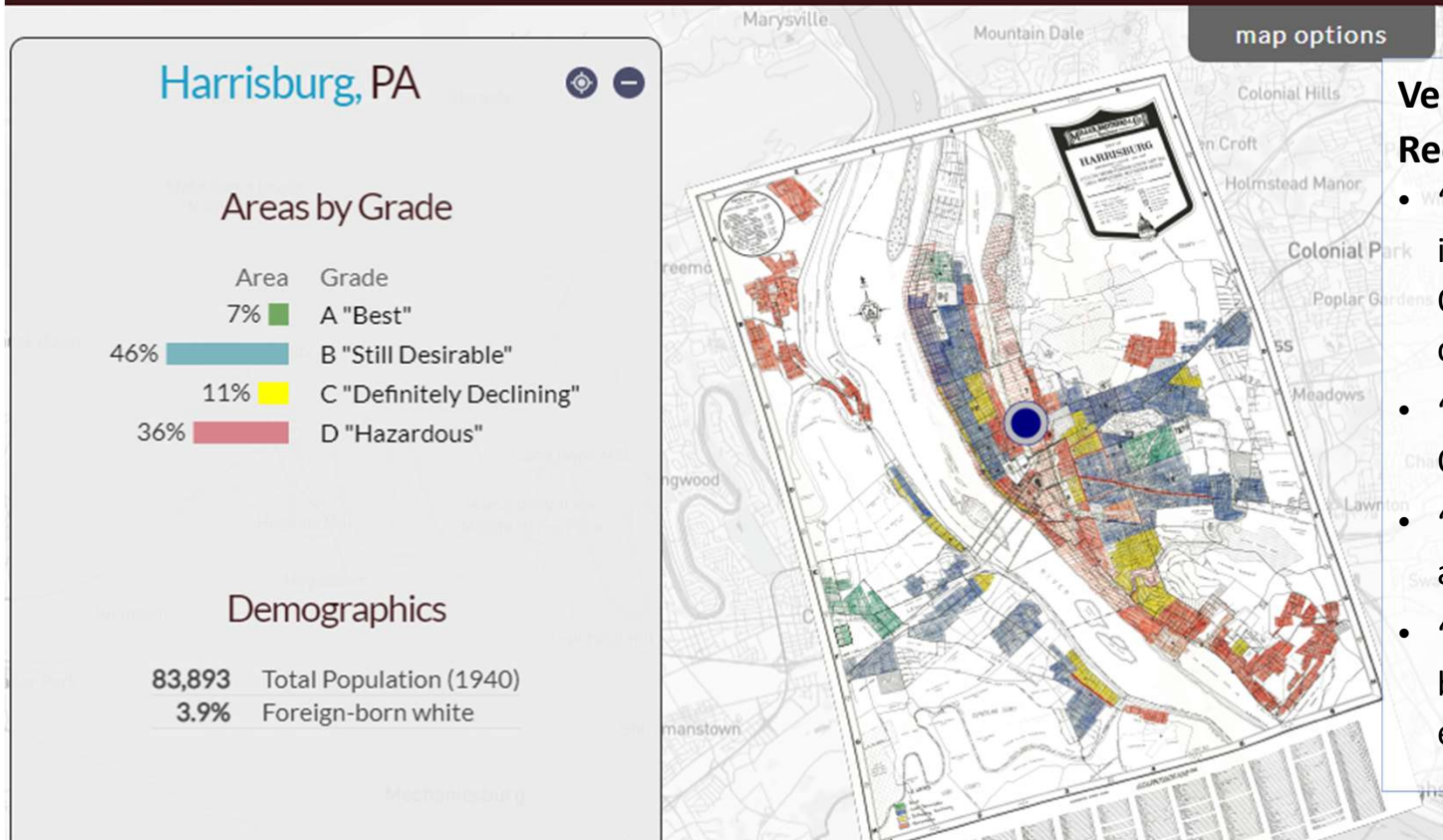


JUSTICE

Historical Legacy of EJ: Redlining & Structural Racism

Mapping Inequality Redlining in New Deal America

Introduction Downloads & Data



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 EJ



Warren County,
North Carolina (1982)



United Church of
Christ Study (1987)



First People of Color
Environmental
Leadership Summit
(1991)



Executive Order
12898 (1994)

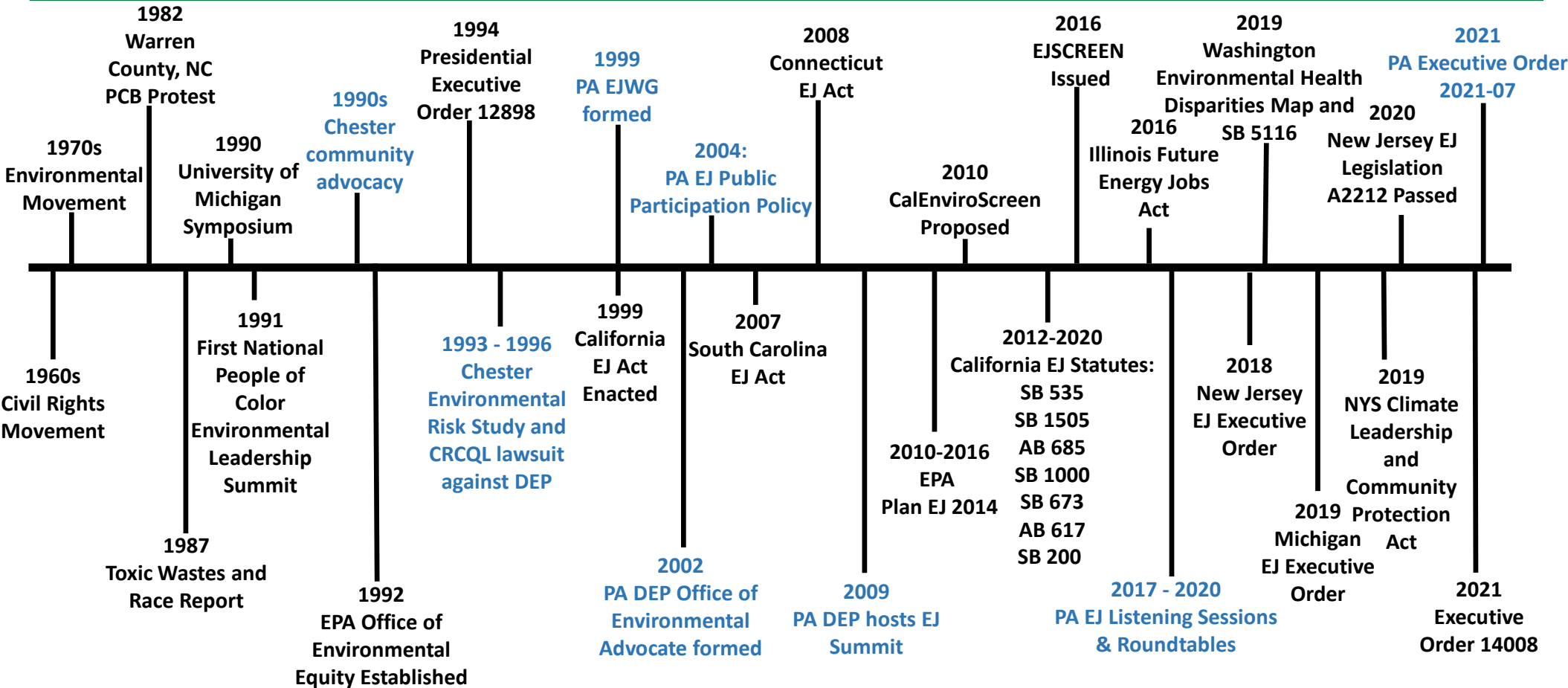
The EJ movement, started by people (primarily people of color) to address inequitable environmental protection and environmental services in their communities was grounded in civil rights and the environmental movement. The movement builds on the lived experience of disproportionately impacted communities. 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



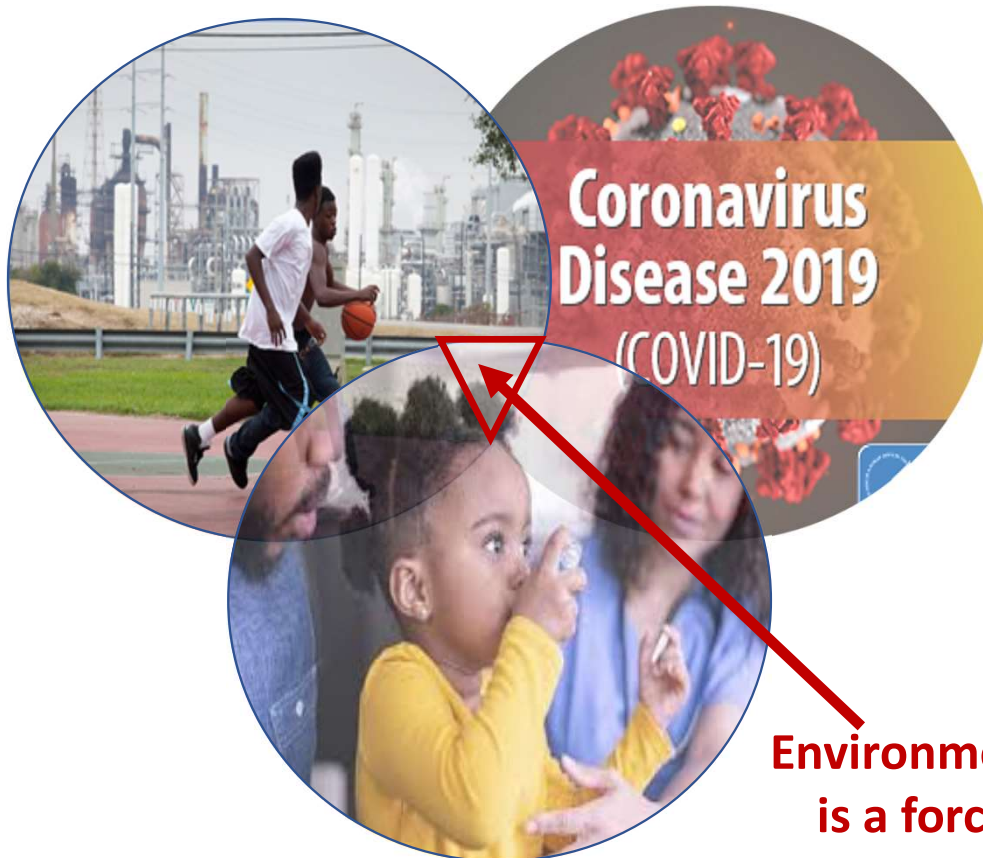
Timeline of Federal and State Government Response



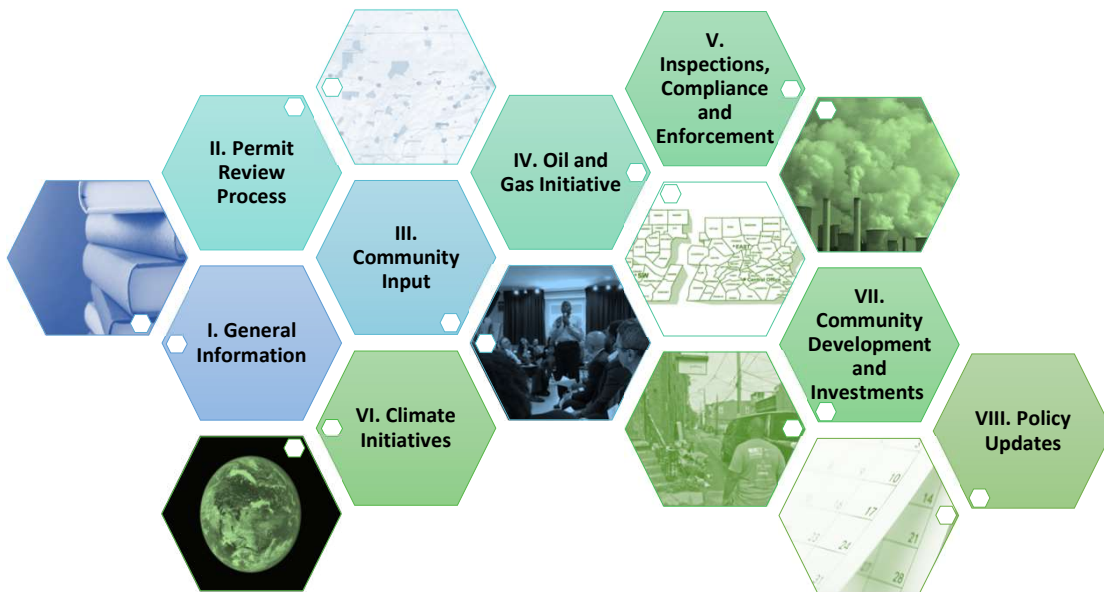
Science of Disproportionate Environmental Impacts

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)

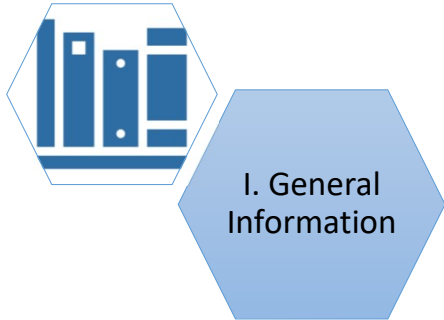


EJ Policy Components



- 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



- 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 on the existing 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 regarding the Opt-In permit process

Community Input

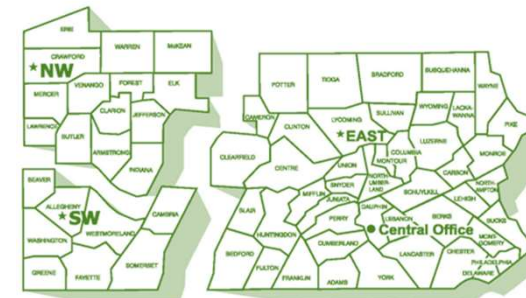
III. Community Input

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

Oil and Gas Initiatives

IV. Oil and Gas Initiative

- New community engagement 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.



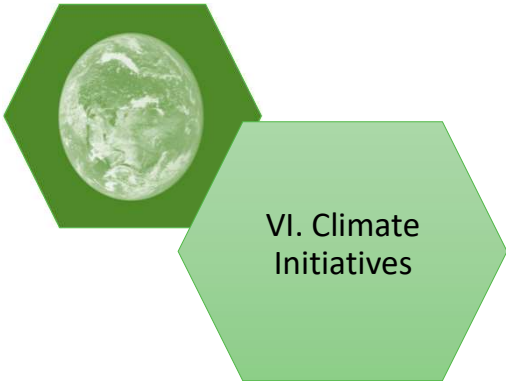
Inspection, Compliance and Enforcement



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



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

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

Policy overview with EJAB

Community Engagement



Office of Environmental Justice

General Comments & Questions

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Your Environment, Your Voice

The OEJ Newsletter