

Overcoming EJ Challenges

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ECOS EJ Workgroup Meeting July 2023



Overview

Defining environmental justice

Defining meaningful participation

Challenges

EJ @ DNREC

Next steps

Environmental Justice

Environmental Justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies; and the equitable access to green spaces, public recreation opportunities and information and data on potential exposures to environmental hazards.



Executive order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

59 FR 7629; February 16, 1994

- Executive Order (E.O.) 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations - was issued by President William J. Clinton in 1994. Its purpose is to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.
- E.O. 12898 directs federal agencies to:
 - identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.
 - develop a strategy for implementing environmental justice.
 - promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.



Executive order 14096 – Revitalizing Our Nation’s Commitment to Environmental Justice for All

88 FR 25261; April 21, 2023

To fulfill our Nation's promises of justice, liberty, and equality, every person must have clean air to breathe; clean water to drink; safe and healthy foods to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure. Restoring and protecting a healthy environment--wherever people live, play, work, learn, grow, and worship--is a matter of justice and a fundamental duty that the Federal Government must uphold on behalf of all people.

- Early and meaningful involvement by communities with EJ concerns
- Recipients of Federal funds (including block grant funding) should develop internal mechanism
 - Create performance metrics and other means of accountability
 - Identify and dedicate staff, funding, and other resources
 - Provide appropriate professional development and training



Challenges

- Change is difficult
- Environmental Justice is multidisciplinary
- EJ communities have complex needs
- Trust has been eroded
- Building civic capacity takes time



Environmental Justice @ DNREC

Delaware.gov Agencies News Topics Contact

DIVISIONS ABOUT DNREC ADMIN. LAW DNREC NEWS CONTACT US

Environmental Justice at DNREC

[Listen](#)


Environmental justice seeks equity for minority and low-income communities that may be disproportionately exposed – and vulnerable – to adverse environmental impacts. Simply put, practicing environmental justice ensures that everyone has an equal seat at the table where decisions are made.

Help Us Make These Pages More Useful

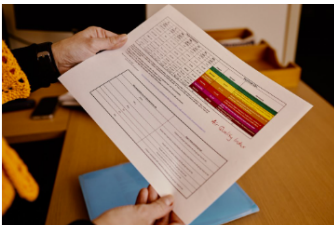
We want to provide information and links that are most useful to you. We want these pages to foster meaningful participation on environmental justice issues. Please, [share your thoughts with us](#).

This page is available [An Kreyòl Ayisyen](#) and [En Español](#) via [Google Translate](#) which can provide automated translations of web pages. Note that this is an external resource that is outside of DNREC's control.


Community Resources



Data and Information



Public Participation



Title VI and DNREC

It is the policy of the Delaware Department of Natural Resources and Environmental Control (DNREC) that: No person shall, on the ground of **race, color, national origin, sex, age or**

For additional information contact the



Waste, Water, and Air Permits



DIVISIONS ▾

ABOUT DNREC ▾

ADMIN. LAW ▾

DNREC NEWS ▾

CONTACT US



The Environmental Permitting Process

DNREC is an executive state agency with the responsibility to protect both the environment of Delaware and the health of our residents. When certain types of commercial or industrial facilities want to open or change their operations in Delaware, they must obtain a permit (or permits) from DNREC for potentially polluting activities.

DNREC provides a [guide to Delaware's environmental permitting process](#) as a web page and a two-page printable and sharable document [in English](#), [en Español](#) and [an Kreyòl Ayisyen](#). There is also a guide to Making Your Voice Heard (below, in these three languages), to help advocates craft meaningful input into the permitting process.

Though there are variations in some permitting programs — due to unique state and federal requirements — most environmental permitting processes follow the same general path.

It starts with local land-use approval (if needed) and flows through a DNREC advisory process (in some cases), submitting a permit application, public notice of the application and, if required, a public hearing. Public input comes once a notice has been issued and in any public hearing stage.

Public Notices

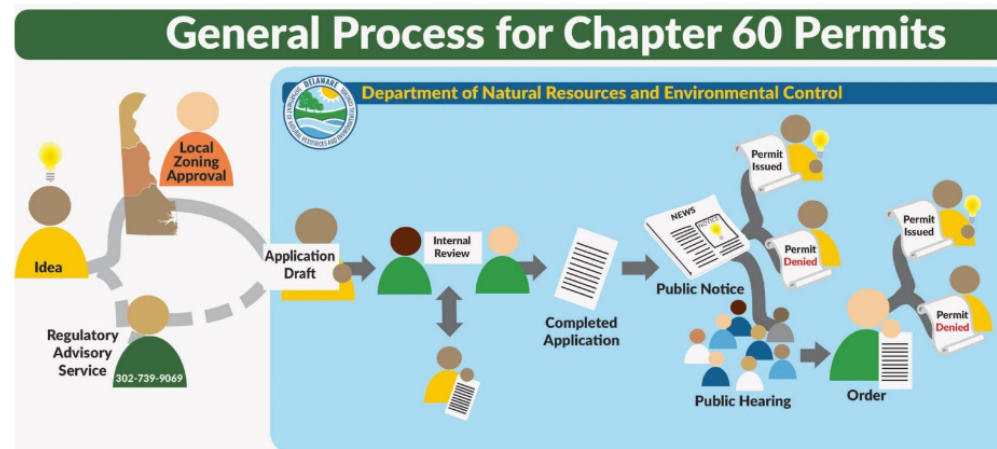
The Department of Natural Resources and Environmental Control publishes notices in Delaware newspapers to make the

Environmental Justice at DNREC

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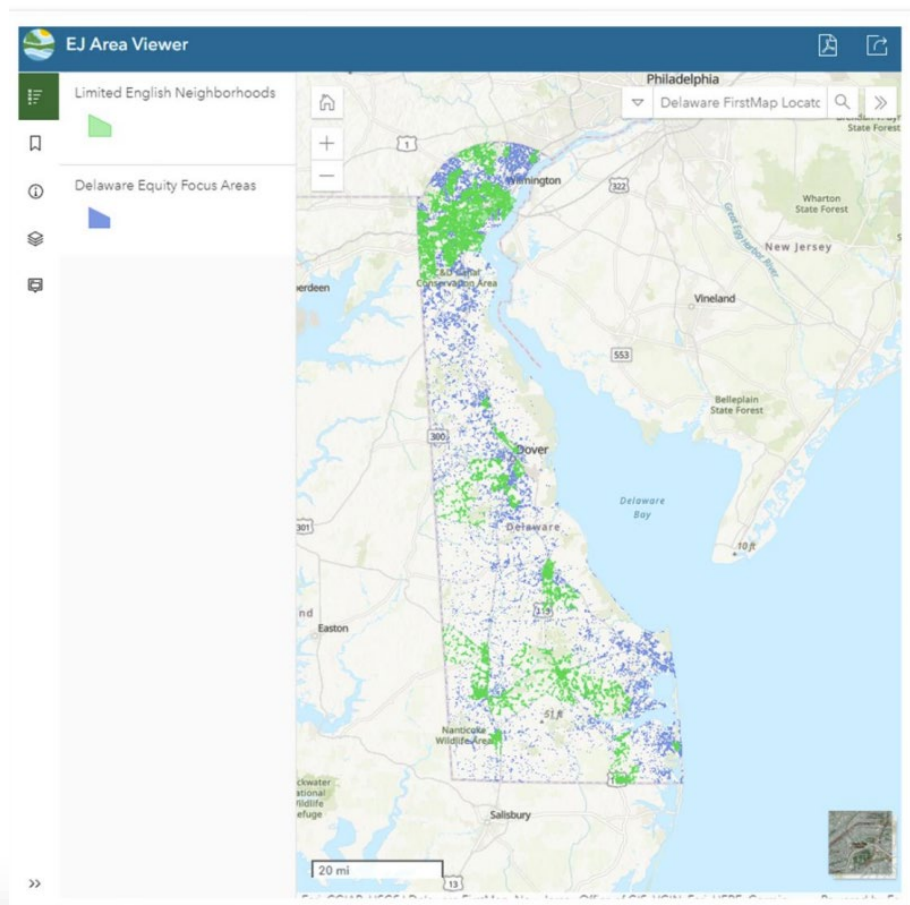


Defining EJ in Delaware

- DelDOT Equity Focus Areas (Moderate & Significant)
- % of population in Poverty > State Average + population of African Americans, Hispanics, Asians, or Native Americans > 2x or 3x the State Average, OR
- Combined population of minorities > 2x or 3x the State Average, OR
- % of population in poverty is greater than 2x or 3x the State Average, OR
- MHHI (family of four) \leq \$45,985 or \$28,070
- Limited English Neighborhoods
- Modified DelDOT Language Isolation Neighborhood (> 15%)
- 2017 Land Use Land Cover



DNREC EJ Viewer Mapping Tool



- Non-Public Wells
- Delaware Water Service Areas
- Wellhead Protection Areas
- Saltwater Tidal Buffer
- Biosolids and Residuals
- Large (wastewater) Systems
- Groundwater Management Zones
- Sussex County Landfills
- Certified Brownfields
- SIRS Site
- Underground Storage Tank
- Solid and Hazardous Waste
- Tax Ditches
- Air Monitoring Stations
- Irrigated Areas
- LUST
- FEMA Flood Maps
- EJ Screen 2002 Index

EJ Activities (current)



EJ POLICY



EJ INTRANET

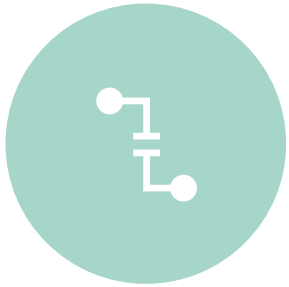


INTERNAL EJ
ADVISORY GROUP



DATA
COLLECTION

EJ Activities (pending)



Interagency
collaboration (in
progress)



Cumulative Impact
Mapping (in progress)



Public Involvement
Plan (in progress)



Procedural Safeguards
(in progress)

EJ Intranet

The screenshot shows the homepage of the Environmental Justice at DNREC intranet. At the top, there is a blue header with the text ".gov SharePoint" and a search bar labeled "Search this site". Below the header, the page title "Environmental Justice at DNREC" is displayed. A navigation menu includes links for "Home", "EJ FAQs", "Policies", "Tools and Dashboards", "Forms & Requests", "Education and Training", "Contacts", and "Edit". On the right side, there are icons for "Home" and "News". Below the navigation, there are links for "Page details" and "Analytics", and a "Published 3/1" indicator.

Environmental Justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies; and the equitable access to green spaces, public recreation opportunities and information and data on potential exposures to environmental hazards.

The main content area is a grid of six images:

- Top Left:** An illustration of a city street with colorful buildings, trees, and a yellow excavator.
- Top Middle:** A map titled "DNREC EJ Screening Tool" showing a river and various colored zones.
- Top Right:** A group of five diverse people standing together, titled "Policies and Expectations".
- Bottom Left:** A night scene of a truck on a road, titled "Forms & Requests".
- Bottom Middle:** A close-up of several hands stacked together, titled "Division Contacts".
- Bottom Right:** A close-up of several hands stacked together, titled "Division Contacts".



EJ Policy

Delaware.gov SharePoint

Search this site

Home EJ FAQs **Policies** Tools and Dashboards Forms & Requests Education and Training Contacts Edit

+ New Send to Promote Page details Analytics

Published 4/4/2023 Edit

Policies and Expectations

It is the policy ([EJ 002](#)) of the Delaware Department of Natural Resources and Environmental Control (DNREC) that:

No person shall, on the ground of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Rehabilitation Act of 1973, and all other related nondiscrimination laws and requirements.

- As a recipient of federal funding, DNREC is required to comply with the rules, laws and regulations of Title VI. Title VI also applies to recipients of federal financial assistance that passes through DNREC in the form of grants, contracts or subcontracts, as well as federal financial assistance that passes through another State agency to DNREC.
- DNREC's compliance with Title VI is contingent upon its employees' and contractors', sub-contractors' and sub-recipients' (of DNREC funded contracts and grants) adherence to Title VI and all applicable laws, regulations and rules.

To comply with these provisions, all DNREC staff shall use the [DNREC EJ Screening Tool \(EJ Area Viewer\)](#) to determine if additional actions are required prior to making any decisions including but not limited to public noticing, permitting, grant administration, and programming (not including **§ 6004 section (c) exemptions**). The tool allows you to search by address, parcel number, permit number, site ID, or site name. Instructions and tips can be found on the home page of the tool. If the activity has statewide implications (ie regulatory updates, transporter permits, advisories, etc.), submit the [Statewide Action Log](#).

Equity Focus Area

Additional outreach is required if a site falls within an Equity Focus Area. These outreach efforts may require nontraditional channels such as:

- Visit the area. Connect with a local community organization and identify the time of any standing/recurring meetings; ask to be added to the agenda.
- Identify local periodicals, hubs/third places such as local restaurants, and affiliated social media pages or email distribution lists; advertise any



EJ Resources

The screenshot shows a SharePoint page titled "Environmental Justice at DNREC" on the Delaware.gov domain. The page features a navigation bar with links for Home, EJ FAQs, Policies, Tools and Dashboards, Forms & Requests, Education and Training, Contacts, and Edit. A search bar is located in the top right. The main content area includes a left-hand navigation pane with icons for home, search, and document management. The page is published on 3/22/2023 and includes an "Edit" button. The content is organized into several resource tiles:

- EJ Resources:** Environmental Justice resources, including DNREC's EJ webpages, US EPA's EJ Learning Center and "EJ Best Practices for Local Government," and Delaware-specific academic resources.
- Community Engagement:** A variety of toolkits and videos designed to demonstrate community engagement best practices and increase public participation.
- 2021 Federal Framing:** A collection of videos to review the current administration's approach to advancing EJ initiatives, the EPA EJ strategic plan, and the Justice40 Initiative.
- EJ Case Studies:** A curated collection showcasing EJ history and concerns in communities across the United States.
- Let's Break to Educate:** DNREC's virtual training series held throughout 2022 to promote understanding of Environmental Justice and its role in embodying DNREC's vision, mission, values.



EJ Goals

Environmental
Justice Office

Rolodex

Social media
content

DNREC Brochure

Intradepartmental
collaboration

Advisory
Committee
outreach

All Hands On Deck

“Environmental Justice is not a task that when we are done, we put it back on the shelf. It is part of the thought process in everything we do. It is important that it is part of our DNA. And we all need to be part of the discussion.”

- Secretary Shawn M. Garvin



