



# TDEC Environmental Justice Update ECOS EJ Workgroup

October 18, 2023

# Brief Background on TDEC's EJ Work...

January 2019

## Governor Lee's First Executive Order

- An Order Requiring a Statement of Rural Impact and Recommendations for Better Serving Rural Tennesseans from All Executive Branch Departments
- Focus on disadvantaged and at-risk counties as defined through the Appalachian Regional Commission (ARC)

January 2021

## Biden Administration Priorities

- Federal EJ initiatives, including Justice40 and a focus on overlaps between EJ and Title VI/Civil Rights Compliance

May 2021

## Civil Rights Complaint with EPA

- Regarding the Byhalia pipeline
- Project was cancelled but EPA accepted the Title VI complaint; TDEC is engaging in the informal resolution agreement process

January 2023

## Environmental Justice Working Group (EJWG)

- TDEC formed an internal Environmental Justice Working Group, consisting of representation from across the entire Department

# Office of Policy and Planning

- TDEC is made up of three bureaus: Bureau of Environment, Bureau of Parks and Conservation, and Bureau of Operations, Strategy and Engagement (BOSE).
- TDEC's Office of Policy and Planning (OPP) sits within BOSE and partners with Bureau of Environment and Bureau of Parks & Conservation divisions to:
  - Provide research, analysis, and recommendations relating to federal, state, and local environmental policy;
  - Develop and implement departmental strategic initiatives and identify innovative, cost-effective opportunities for state government to enhance the quality of life for Tennessee citizens and natural environments; and
  - Ensure TDEC, its contractors, and sub-recipients are aware of the provisions of and responsibilities associated with Title VI of the Civil Rights Act of 1964.






# Environmental Justice


- OPP leads TDEC's efforts to support Environmental Justice across the department:
  - TDEC considers EJ in its daily operations, with the intent that all people receive fair treatment, equal environmental protection, and the opportunity for meaningful involvement in decisions that will affect their environment.
  - OPP hosts regular trainings with Bureau of Environment technical staff on EJScreen and other Environmental Justice mapping tools, and provides frequent policy briefings to TDEC leadership on EJ initiatives at the federal and state level.



# Case Study: Considering Disadvantaged Communities in American Rescue Plan Funding Opportunities

- Ability to Pay Index – assesses a communities ability to pay for loans, grants, and other decision making purposes
- 2023 ATPI includes multi-year trends on the following:
  - **Census Data** – Population trends, median household income, and food stamp dependence
  - **Economic Data** – Unemployment rates, poverty rates
  - **Financial Index** – revenues, debts, income, and expenditures
- ATPI used to determine ARP co-funding amounts
  - ATPI 50 or below – 15% - considered disadvantaged
  - ATPI 60 -70 – 25%
  - ATPI 80-100 – 35%

Select County →	Jackson	Tennessee	Relative Trend	Tennessee
Change in Population (2010-2019)	1.7%	7.6%	Growth below state average	
Poverty Level (2019)	14.0%	11.1%	Above state average	
Unemployment Rate (2020)	7.5%	6.4%	Somewhat above state average	
Food Stamps (2019)	18.1%	13.6%	Above average reliance	
Adjusted Median Household Income (2019)	\$36,588	\$55,411	Very low MHI	
Jackson	2010	2019	<b>Ability to Pay Index</b>	
Population	11,491	11,682	30	
Adjusted Median Household Income	\$38,520	\$36,588		



# Case Study: TDEC's Environmental Justice Working Group

- Formed in January 2023 in response to an identified need for discussion of consistent practices related to Environmental Justice across the Department
- Representation from all TDEC Bureaus (Bureau of Environment, Bureau of Conservation, Bureau of Operations, Strategy, and Engagement, and Office of General Counsel)
- Meet bi-monthly over CY23 to address various EJ topics:
  - Defining disadvantaged communities
  - EJ mapping tools
  - Environmental permitting
  - Funding and grants
  - Public participation
  - Agency discretionary decisions

# Title VI Compliance Program

- OPP leads TDEC's Environmental Justice and Title VI Compliance Program
- Title VI Compliance includes:

## Administering Annual Training

- Full-time and Part-time employees, subrecipients

## Ensuring Subrecipient Compliance

- Entities receiving pass-through federal financial assistance

## Developing LEP Resources

- Meaningful access to participate in TDEC programs and activities, including translation or interpretation services.

# EJ and Title VI: Current Actions

## Documenting best practices

- Interest in developing consistency across divisions

## Developing suggestions for guidance and training

- Including EJ mapping tools and federal grants

## Title VI Procedural Safeguards

- New policies and procedures, both internal and external



# Division of Stakeholder Engagement

Merger of three TDEC programs/offices

- Office of External Affairs (OEA)
- Office of Sustainable Practices (OSP)
- Small Business Environmental Assistance Program (SBEAP)

# Office of External Affairs

- The Office of External Affairs supports statewide efforts by the department to provide outreach and communication to department stakeholders, including local government, other government agencies, the regulated community, public interest groups and citizens.
- The Office of External Affairs oversees Public Participation efforts for TDEC including public hearings, public meetings and public outreach.
- The Office of External Affairs is often involved in high profile situations and events.

# Back to Meaningful Involvement...

1. The Office of External Affairs is a resource for Divisions to implement best practices when developing and executing a public participation event
2. The Department uses a variety of methods and strategies to facilitate meaningful public engagement
3. Methods and strategies may include:
  - Public Outreach
  - Public Comment
  - Stakeholder Meetings and Informational Sessions
  - Public Hearings

# Community Assessments

- TDEC has a responsibility to ensure all stakeholders have the necessary information regarding a potential TDEC decision that might impact their community and an opportunity to be involved in the public participation process.
- The purpose of a community assessment is to develop a plan for providing information to community stakeholders regarding a specific TDEC event. A well-developed plan will help in achieving the goal of ensuring that all stakeholders have the necessary information and an opportunity to be involved in the public participation process.