



EJSCREEN Training – Day 2

For Permit Writers

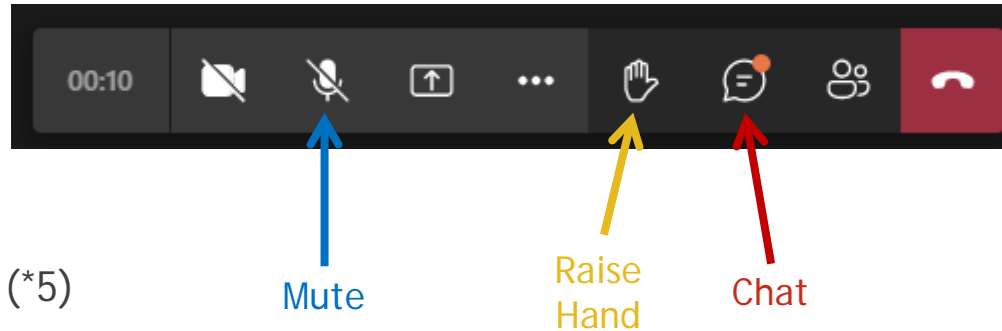
Agenda

- ▶ Housekeeping
- ▶ Case Studies
 - ▶ Region 9 Air Permits Office—EJ and Outreach Part 1
 - ▶ Arizona DEQ—Boral Materials, LLC Pozzolan Mine and Processing Facility—Kirkland, Arizona
 - ▶ South Coast AQMD—Environmental Justice and Permitting Outreach
 - ▶ Nevada DEP—Outreach Case Study
 - ▶ Region 9 Enforcement and Compliance Assurance Division—Oasis Mobile Home Park Community Engagement
 - ▶ Region 9 Air Permits Office—EJ and Outreach Part 2
- ▶ Questions

Housekeeping

- ▶ Please mute yourselves (*6)
- ▶ There will be time for Q&A
 - ▶ We will be monitoring the chat
 - ▶ There is a raise/lower hand feature (*5)
- ▶ Slides will be available

Browser Version



Teams Desktop App

Training Objectives

Day 1

- ▶ How to use EJSCREEN

Day 2

- ▶ Case studies

Purpose:

- Introduction to EJSCREEN and how it can be used as a tool in the air permitting process.
- Provide ideas and examples on ways to improve engagement with communities.

EJ and Outreach—Part 1

EPA Region 9: Air Permits Office

U.S. Environmental Protection Agency, Region 9
Air and Radiation Division, Permits Office
EJSCREEN Training, January 2022



Environmental Justice and Outreach in Permitting

Lisa Beckham, Environmental Engineer

EPA Region 9, Air Permits Office

January 26, 2022

Overview

Part 1

- Assessing your outreach enthusiasm
- Region 9 Enhanced Outreach Pilot Project
- How are we using EJSCREEN now?

Part 2

- Informing permit decisions
- EPA's oversight role
- Final thoughts

Do you have symptoms of the outreach blues?

- Thinking this is just extra work
- Thinking a project is not significant; community really should not be this concerned
- Asking yourself “what’s the point, they will be upset no matter the outcome”
- Thinking you do not have the authority to fix this problem and they really need to be talking to _____.



Friendly Reminders...



Public participation is required by law

We have an obligation to the communities we serve to make public participation meaningful.



How are we deciding whether a community is interested in a project?

Number of comments received using minimum public notification requirements is not the best indicator



Do we always provide information in a format the public can understand?

Our work is extremely complicated and only understood by a tiny fraction of the public

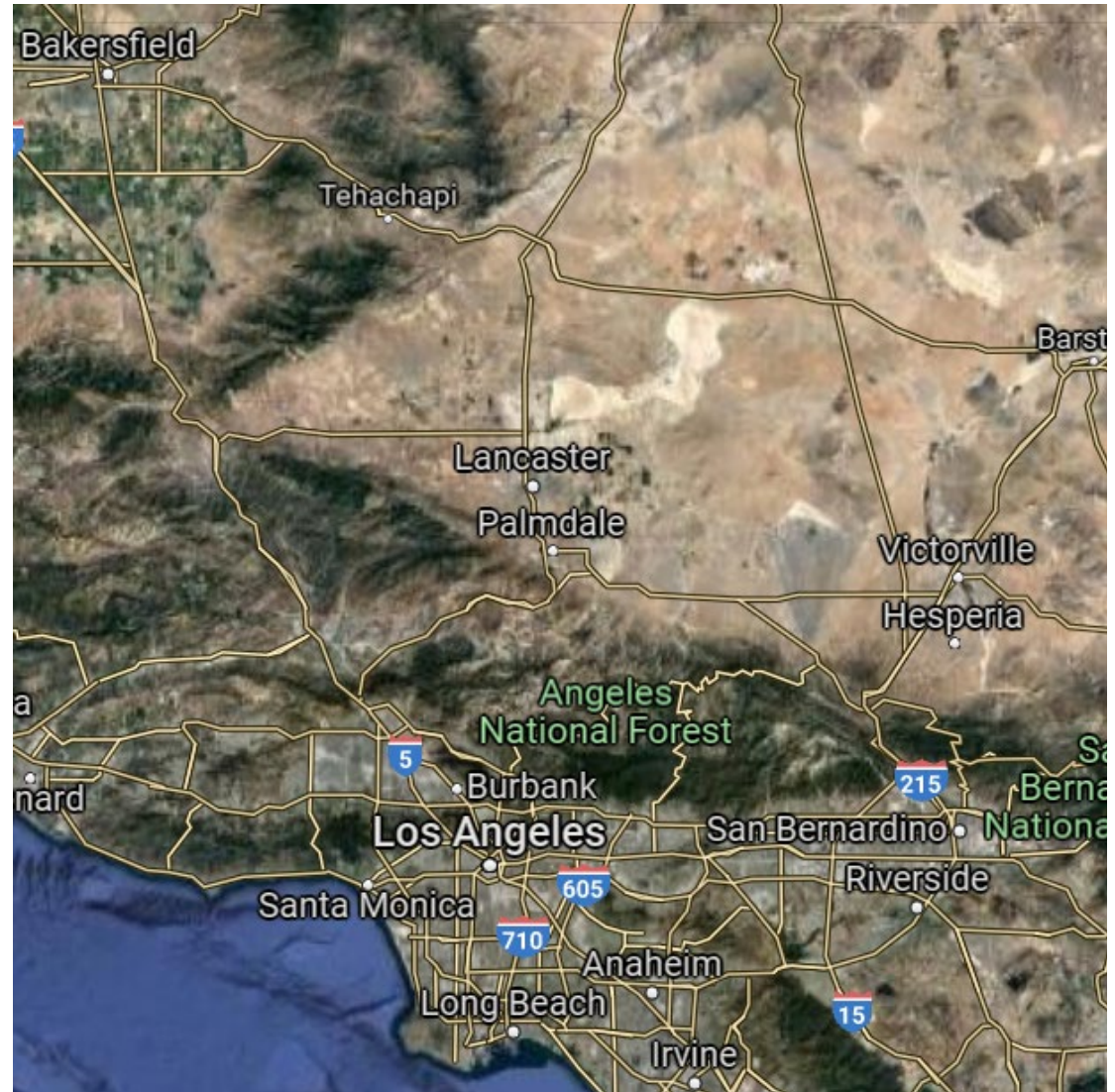


Pilot Project for Enhanced Outreach (2017)

Part of EPA's EJ2014 Plan

Palmdale Energy Project

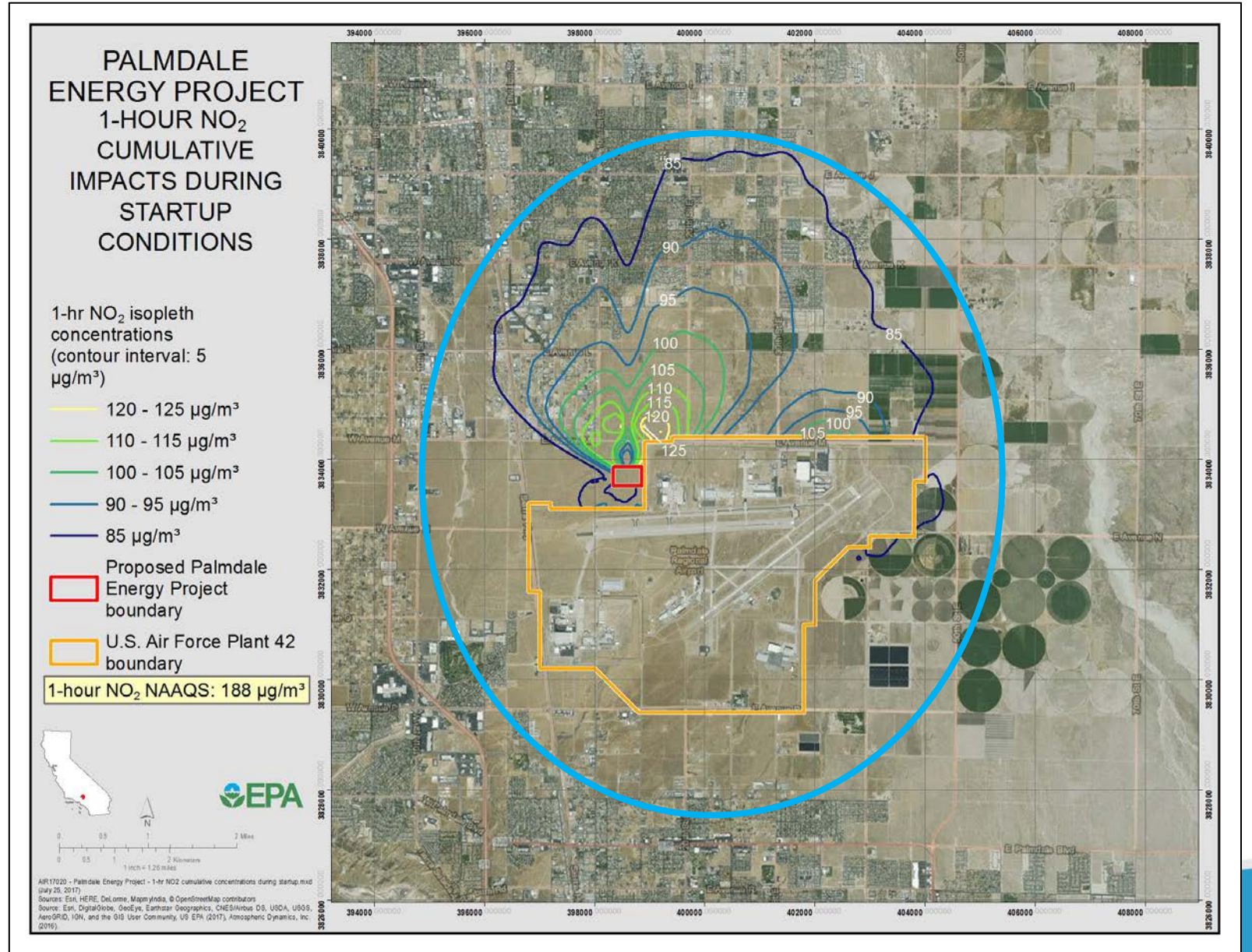
- EPA was the PSD permitting authority
 - Antelope Valley AQMD local permitting authority
- Project: 645 MW combined cycle natural gas power plant
- Project location: 50 acres in Palmdale, California near U.S. Air Force Plant 42



Enhanced Outreach Pilot Project

- EPA's first time using EJSCREEN for a Clean Air Act permit
- EJSCREEN helped determine appropriate outreach, and that communities with EJ concerns may be impacted
- Decided this warranted an EJ analysis
 - Used EJSCREEN for environmental/demographic data
 - Note: This approach to an EJ analysis is outdated
- Also used media reporting to help inform community concerns

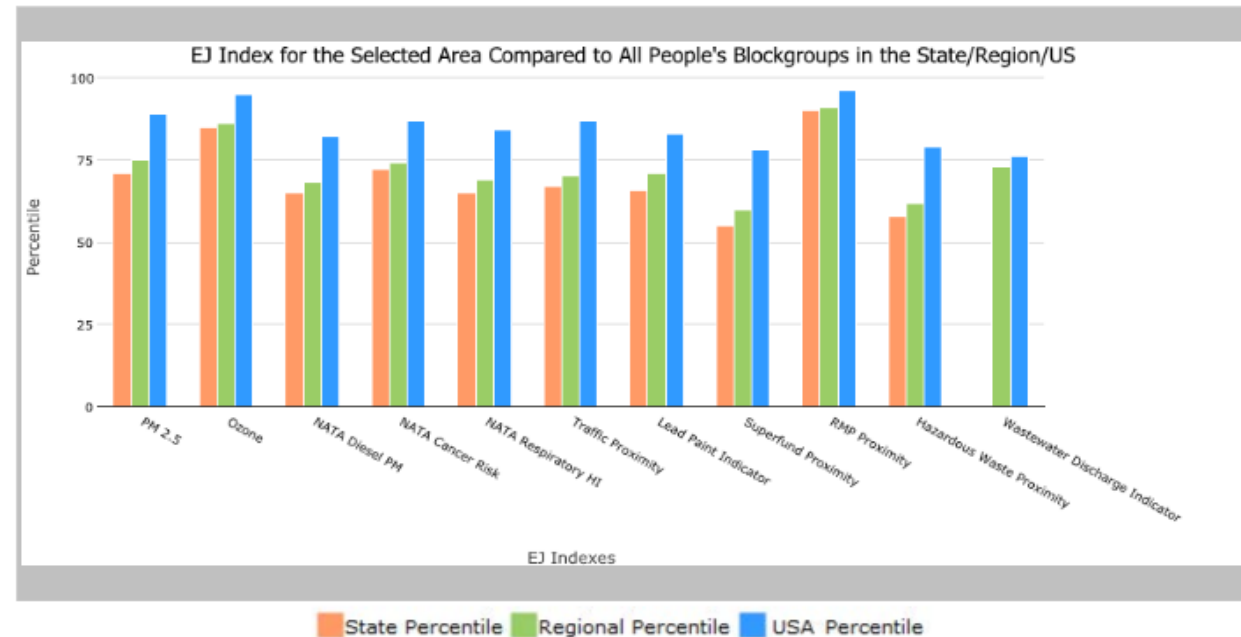
Impact Area Considered for EJSCREEN (approx.)



EJSCREEN Report Results – Environmental Indicators

Approximate Population: 62,128
Input Area (sq. miles): 42.05

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	71	75	89
EJ Index for Ozone	85	86	95
EJ Index for NATA* Diesel PM	65	68	82
EJ Index for NATA* Air Toxics Cancer Risk	72	74	87
EJ Index for NATA* Respiratory Hazard Index	65	69	84
EJ Index for Traffic Proximity and Volume	67	70	87
EJ Index for Lead Paint Indicator	66	71	83
EJ Index for Superfund Proximity	55	60	78
EJ Index for RMP Proximity	90	91	96
EJ Index for Hazardous Waste Proximity	58	62	79
EJ Index for Wastewater Discharge Indicator	N/A	73	76



Included in EJ Analysis

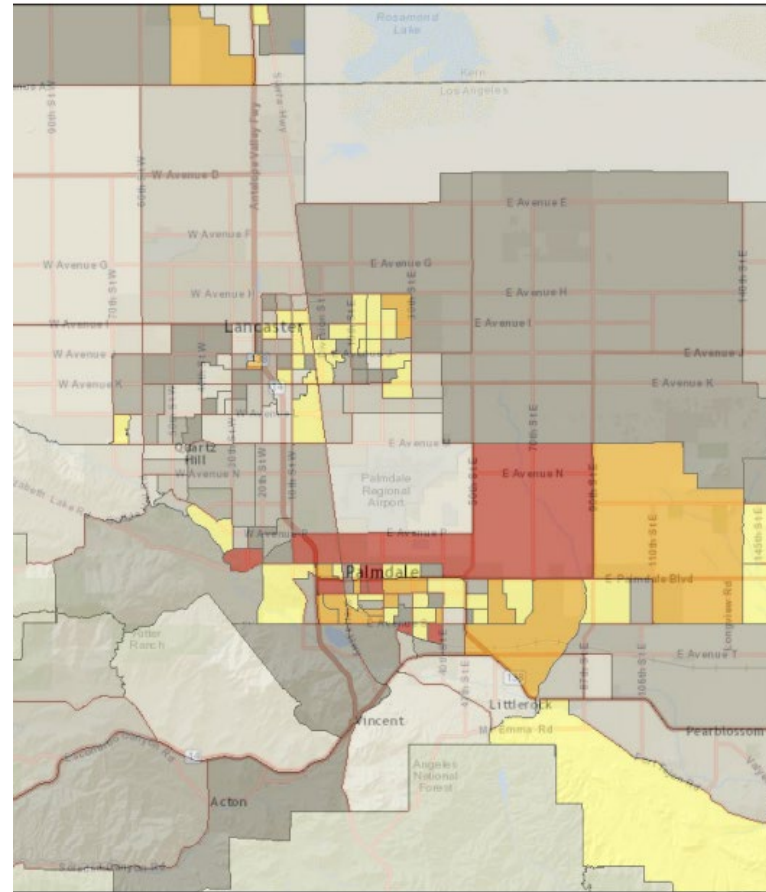
Table 2: Average Demographic Information for Proposed Project Location and Surrounding Areas

City/Area	Population (2010 Census)	Percent Minority	Low Income Population	Percent Linguistically Isolated	Percent w/o High School Diploma	Percent under Age 5	Percent Over Age 64
Impact Area	62,128	72%	60%	8%	23%	10%	9%
Antelope Valley	374,895	69%	47%	7%	23%	8%	9%
Los Angeles County	9,974,203		41%	14%	23%	6%	12%
California	37,253,956		36%	10%	19%	7%	12%
United States	308,758,105	37%	35%	5%	14%	6%	14%

Demographic information was obtained through the EPA's EJSCREEN mapping tool: Environmental Justice Screening and Mapping Tool. <https://ejscreen.epa.gov/mapper/> or the U.S. Census Bureau.

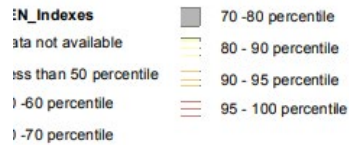
EJSCREEN Mapping Tools – Linguistic Isolation

Linguistic Isolation - U.S.



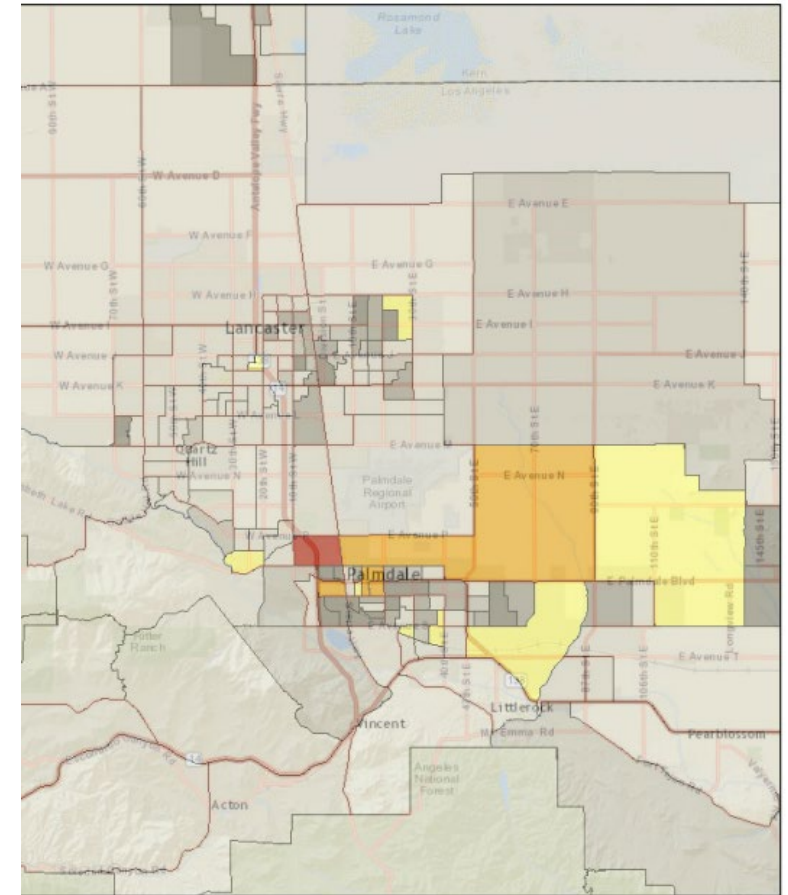
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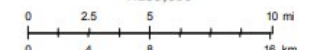
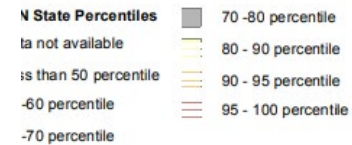
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Nagayuki, NGCC, © OpenStreetMap contributors, and the GIS User Community
EPA OEI, OEJ

Linguistic Isolation - State



017

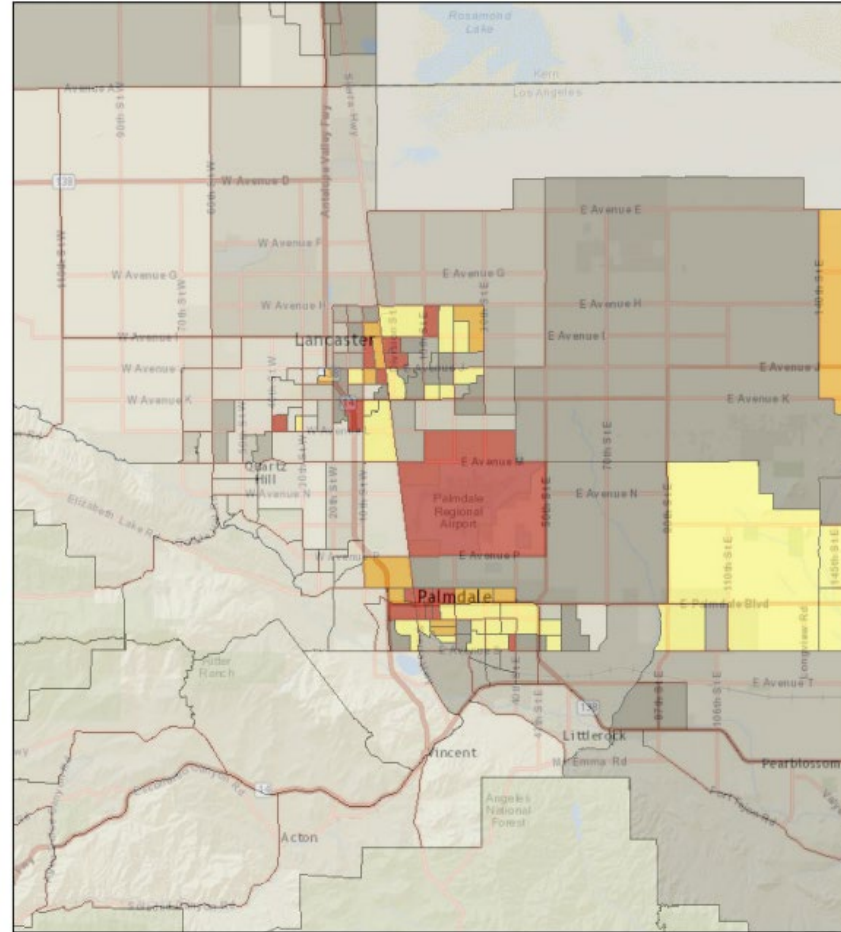
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Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Nagayuki, NGCC, © OpenStreetMap contributors, and the GIS User Community
EPA OEI, OEJ and OP

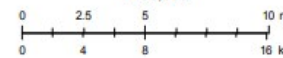
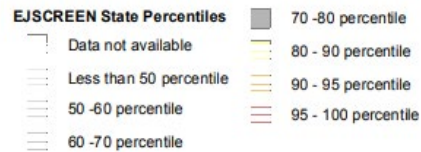
EJSCREEN Mapping Tools – Low Income Population

Low Income Pop - State



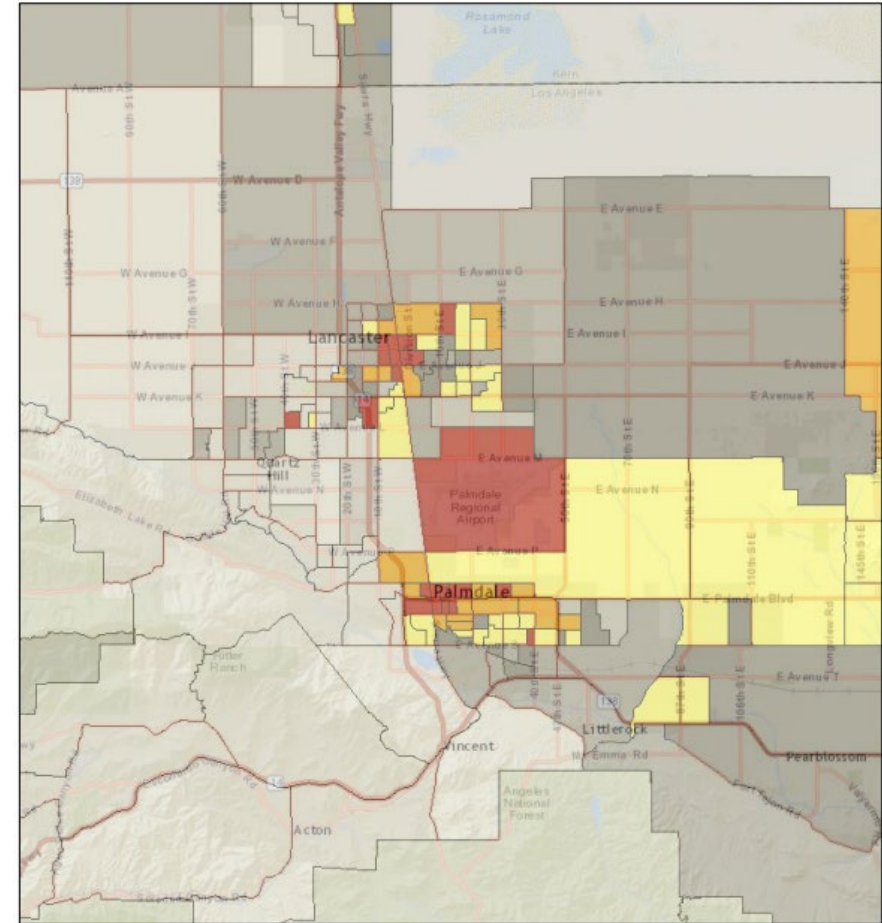
April 17, 2017

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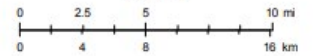
EPA, OEI, CEJ, and OP
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Low Income Pop - U.S.



April 17, 2017

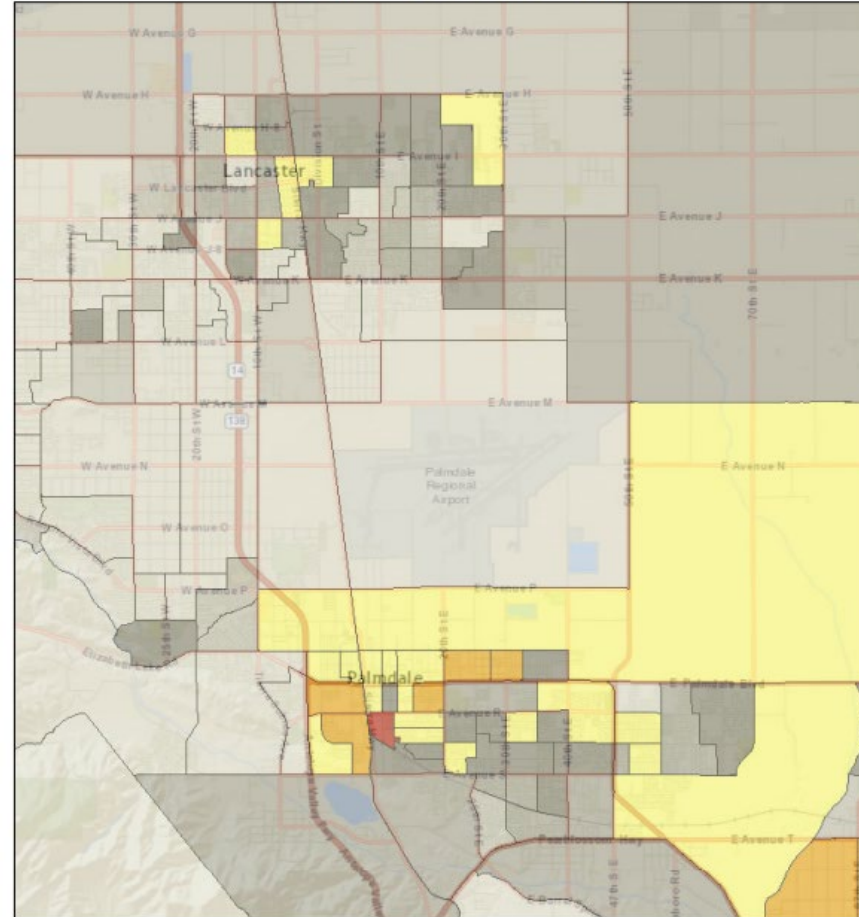
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Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community
EPA, OEI, CEJ

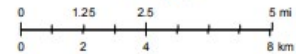
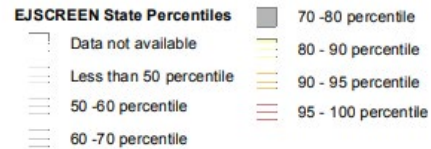
EJSCREEN Mapping Tools – Less than HS Diploma

Less than HS Diploma - State



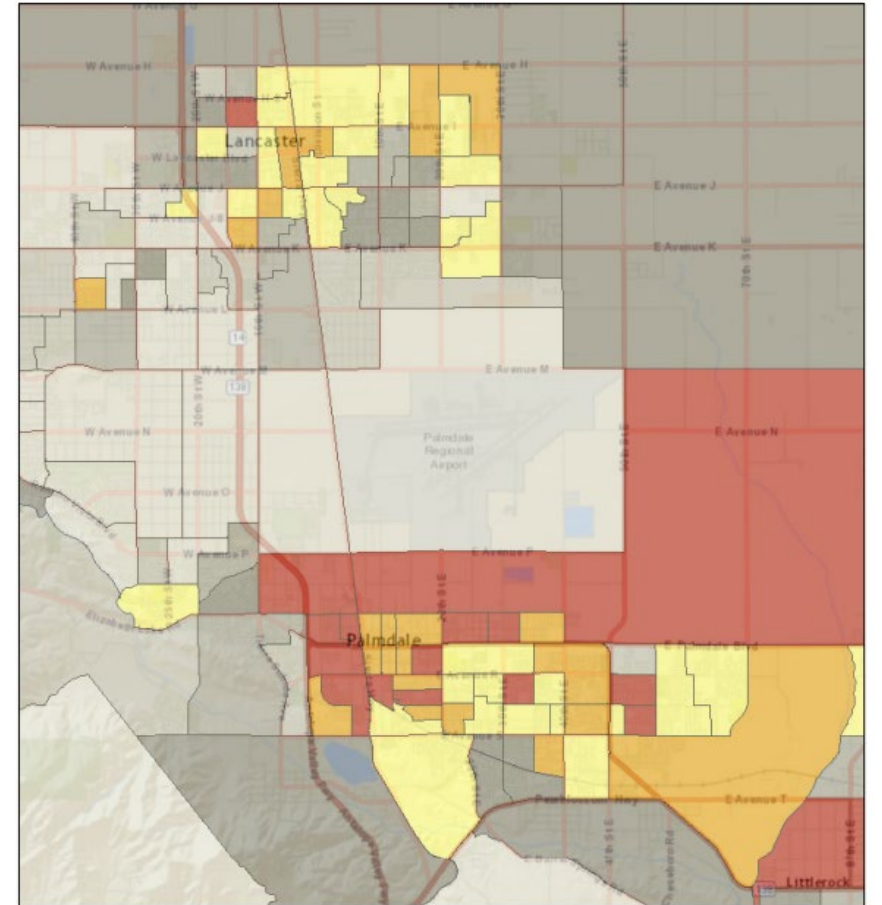
July 13, 2017

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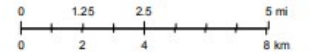
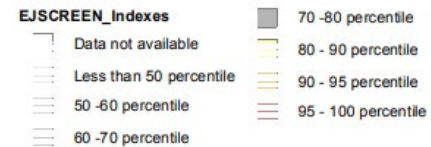
EPA OEI, OEJ, and OP
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Less than HS Diploma - US



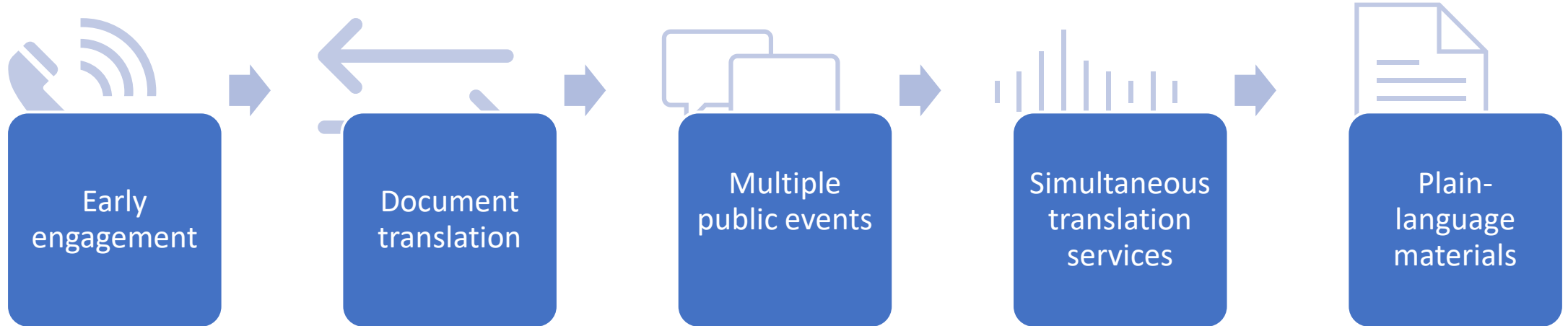
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EPA/OEI, OEJ

Outreach Actions



Outreach to known community groups

Notifications/ letters, handouts, presentations

Public meeting (Saturday, prior to complete app), webinar (early in comment period), public hearing (middle of comment period, extended comment period)

Provided at all public events

Simplified information sheet; public meeting/hearing handout, presentations

Lessons Learned

- Most challenging aspect was choosing the area where to run EJSCREEN
 - EJSCREEN mapping tools helped
- Limiting technical information in public meetings; can improve how we create information for public consumption
 - Providing visuals (vs tables) of air impacts was helpful
- Would have been more beneficial to have two public meetings before public comment period.
 - 1st meeting to hear concerns/raise issues
 - 2nd meeting to follow-up on concerns and provide an EJ analysis that includes their concerns; we tried to revise TSD to include concerns identified by the public, but this was probably not meaningful

How is Region 9 Air Permits using EJSCREEN now?

Region 9 Air Permits and EJSCREEN Now



Majority of our permitting actions are at minor sources



Using EJSCREEN for all permit applications, very soon after receipt



EJSCREEN information shared with management

How do we typically run EJSCREEN?

- Initially, a 1-mile radius; if modeling in application use as a guide as well
- Using other EJSCREEN mapping layers is very helpful; tell a more complete story
- Scope early engagement needs
 - Type of action
 - Existing engagement with community
 - Proximity to vulnerable communities

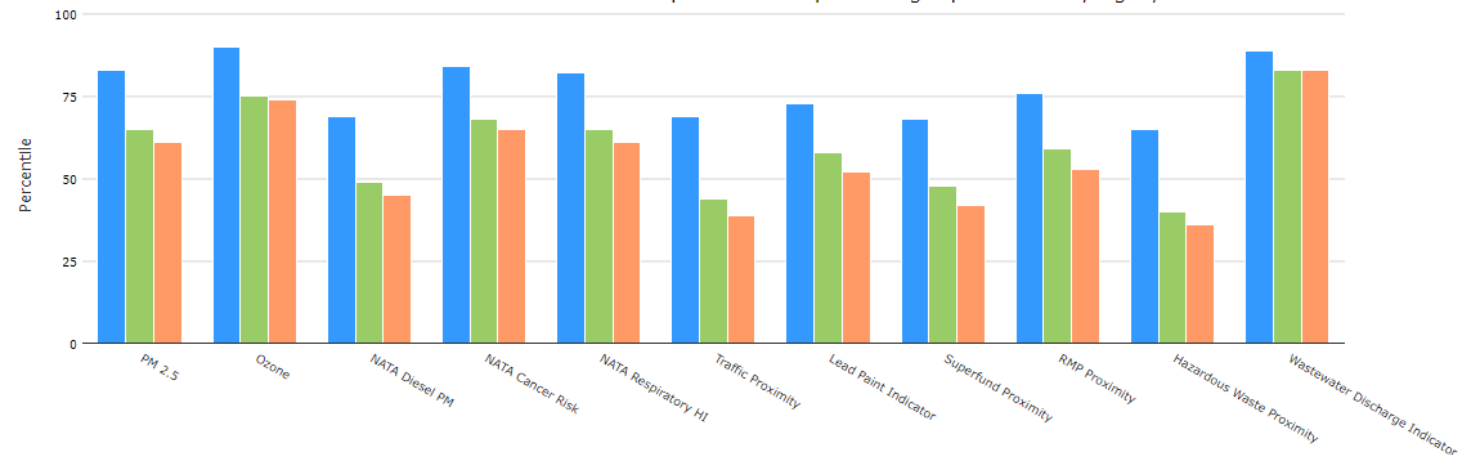
Pending Project Examples – Environmental Indicators



EJSCREEN Report (Version 2020)
 1 mile Ring Centered at 33.467535,-116.085663
 CALIFORNIA, EPA Region 9
 Approximate Population: 182
 Input Area (sq. miles): 3.14

Selected Variables	Percentile in State	Percentile in EPA Region	Percentile in USA
EJ Indexes			
EJ Index for Particulate Matter (PM 2.5)	61	65	83
EJ Index for Ozone	74	75	90
EJ Index for NATA* Diesel PM	45	49	69
EJ Index for NATA* Air Toxics Cancer Risk	65	68	84
EJ Index for NATA* Respiratory Hazard Index	61	65	82
EJ Index for Traffic Proximity and Volume	39	44	69
EJ Index for Lead Paint Indicator	52	58	73
EJ Index for Superfund Proximity	42	48	68
EJ Index for RMP Proximity	53	59	76
EJ Index for Hazardous Waste Proximity	36	40	65
EJ Index for Wastewater Discharge Indicator	83	83	89

EJ Index for the Selected Area Compared to All People's Blockgroups in the State/Region/US

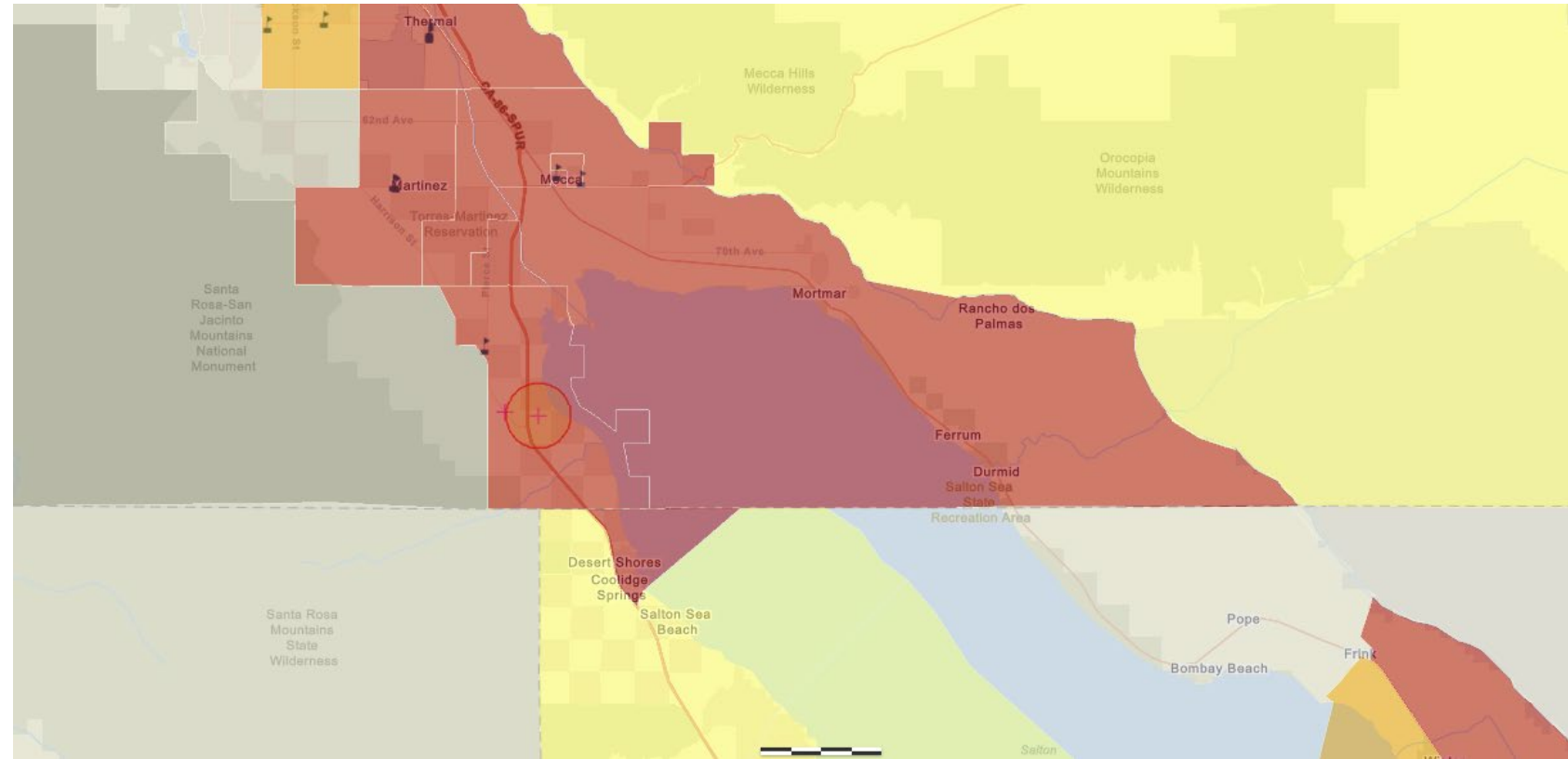


Pending Project Examples

Selected Variables	Value	State		EPA Region		USA	
		Avg.	%tile	Avg.	%tile	Avg.	%tile
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	7.53	10.6	5	9.99	14	8.55	20
Ozone (ppb)	54.6	49.2	67	50.1	64	42.9	93
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.104	0.467	4	0.479	<50th	0.478	<50th
NATA* Air Toxics Cancer Risk (risk per MM)	30	36	24	35	<50th	32	<50th
NATA* Respiratory Hazard Index	0.38	0.55	8	0.53	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	52	2000	8	1700	11	750	25
Lead Paint Indicator (% pre-1960s housing)	0.041	0.29	26	0.24	34	0.28	25
Superfund Proximity (site count/km distance)	0.012	0.17	1	0.15	8	0.13	7
RMP Proximity (facility count/km distance)	0.24	1.1	29	0.99	35	0.74	43
Hazardous Waste Proximity (facility count/km distance)	0.098	6.2	3	5.3	5	5	13
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.0032	18	75	18	75	9.4	73
Demographic Indicators							
Demographic Index	94%	47%	99	46%	99	36%	99
People of Color Population	100%	62%	98	60%	98	39%	98
Low Income Population	89%	33%	99	33%	99	33%	99
Linguistically Isolated Population	85%	9%	99	8%	99	4%	99
Population with Less Than High School Education	91%	17%	99	16%	99	13%	99
Population under Age 5	7%	6%	60	6%	60	6%	63
Population over Age 64	9%	14%	35	14%	35	15%	27

*The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

Pending Project Examples – Demographic Index



Pending Project Examples

16. Environmental Justice Considerations

The EPA is committed to advancing environmental justice and incorporating equity considerations into all aspects of our work. Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” calls on each federal agency to make environmental justice a part of its mission by “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” We would like to advise you that, consistent with this directive, the EPA will consider environmental justice in this permit decision.

Notably, the EPA’s environmental justice screening tool, EJSCREEN, indicates that the population near the proposed source is disproportionately low-income, people of color, persons with limited English proficiency, and persons who have not completed secondary education. Additionally, the community rates high (greater than 80% compared to the State, Region, and U.S. average) for the EJ Index for wastewater discharge.

Prior to the issuance of a proposed approval by the EPA of the permit application for this proposed source, the EPA would perform an environmental justice analysis to determine if the proposed source may result in disproportionate adverse impacts to the communities with environmental justice concerns, and, as appropriate, identify potential measures to address these impacts. Our public participation process for a proposed permit decision for the proposed source would also include conducting public outreach to the nearby community to inform them of this proposed source and to hear concerns the community may have. At a minimum, we would expect this to include one or more public meetings and a public hearing during any public comment period.

We are not requesting any specific information from you at this time related to environmental justice considerations, but we may do so in the future as we develop our environmental justice analysis or plan public outreach.

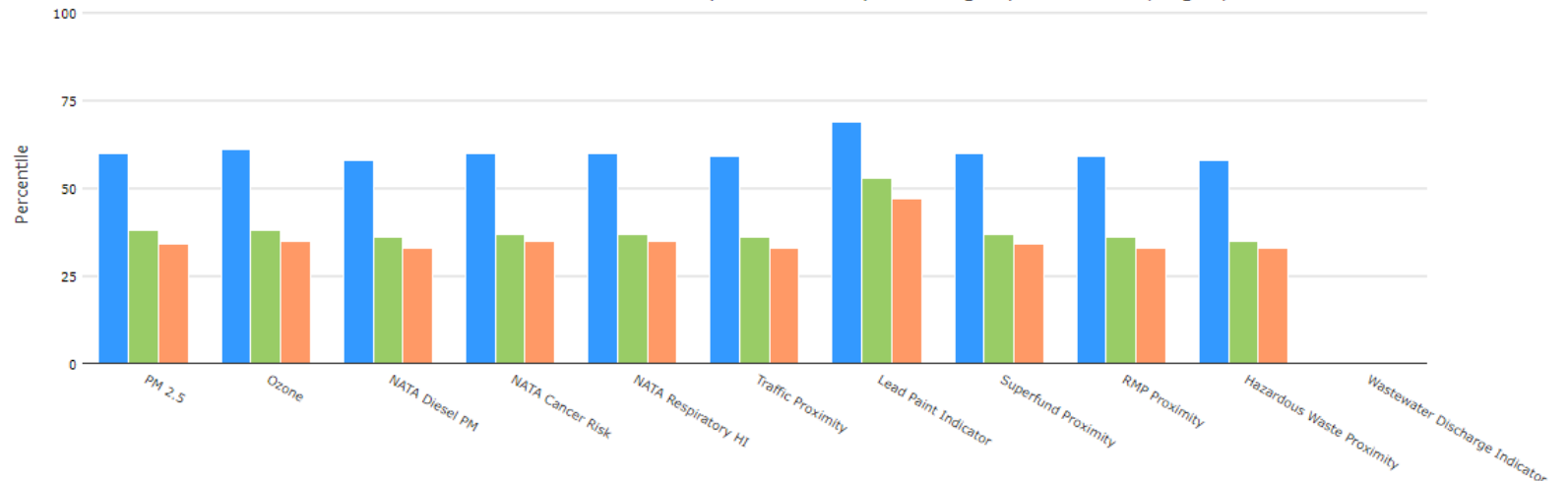
Pending Project Examples



EJSCREEN Report (Version 2020)
 1 mile Ring Centered at 38.734714,-122.142352
 CALIFORNIA, EPA Region 9
 Approximate Population: 7
 Input Area (sq. miles): 3.14

Selected Variables	Percentile in State	Percentile in EPA Region	Percentile in USA
EJ Indexes			
EJ Index for Particulate Matter (PM 2.5)	34	38	60
EJ Index for Ozone	35	38	61
EJ Index for NATA* Diesel PM	33	36	58
EJ Index for NATA* Air Toxics Cancer Risk	35	37	60
EJ Index for NATA* Respiratory Hazard Index	35	37	60
EJ Index for Traffic Proximity and Volume	33	36	59
EJ Index for Lead Paint Indicator	47	53	69
EJ Index for Superfund Proximity	34	37	60
EJ Index for RMP Proximity	33	36	59
EJ Index for Hazardous Waste Proximity	33	35	58
EJ Index for Wastewater Discharge Indicator	N/A	N/A	N/A

EJ Index for the Selected Area Compared to All People's Blockgroups in the State/Region/US



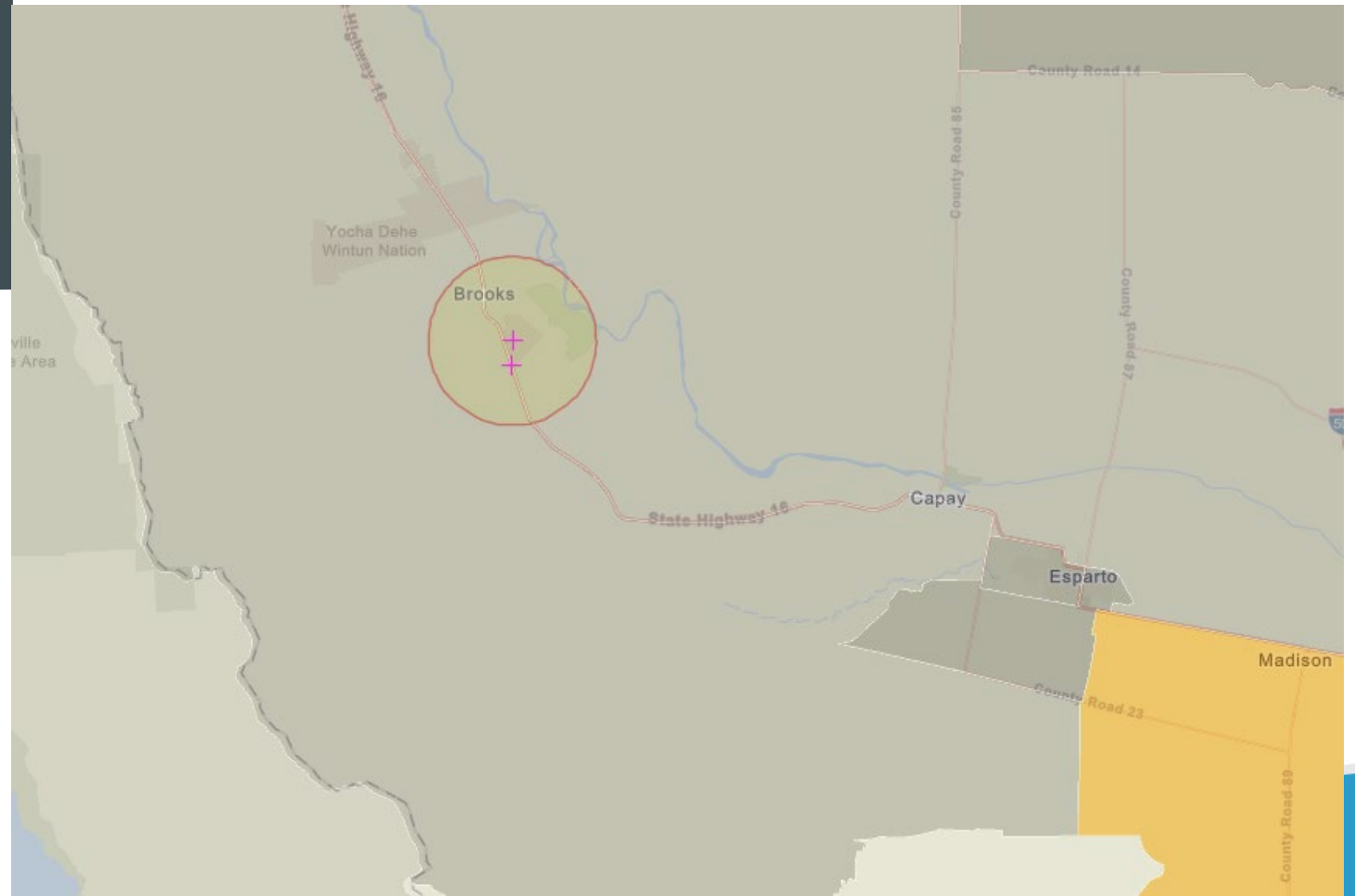
Pending Project Examples

Selected Variables	Value	State		EPA Region		USA	
		Avg.	%tile	Avg.	%tile	Avg.	%tile
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	7.27	10.6	4	9.99	12	8.55	16
Ozone (ppb)	44	49.2	33	50.1	26	42.9	61
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.0537	0.467	1	0.479	<50th	0.478	<50th
NATA* Air Toxics Cancer Risk (risk per MM)	29	36	22	35	<50th	32	<50th
NATA* Respiratory Hazard Index	0.43	0.55	18	0.53	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	0.67	2000	1	1700	2	750	5
Lead Paint Indicator (% pre-1960s housing)	0.33	0.29	61	0.24	68	0.28	65
Superfund Proximity (site count/km distance)	0.026	0.17	13	0.15	18	0.13	23
RMP Proximity (facility count/km distance)	0.06	1.1	1	0.99	4	0.74	6
Hazardous Waste Proximity (facility count/km distance)	0.038	6.2	0	5.3	1	5	3
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	N/A	18	N/A	18	N/A	9.4	N/A
Demographic Indicators							
Demographic Index	41%	47%	41	46%	43	36%	65
People of Color Population	42%	62%	26	60%	30	39%	60
Low Income Population	40%	33%	66	33%	66	33%	68
Linguistically Isolated Population	0%	9%	17	8%	20	4%	45
Population with Less Than High School Education	2%	17%	12	16%	12	13%	14
Population under Age 5	1%	6%	7	6%	8	6%	8
Population over Age 64	22%	14%	86	14%	84	15%	81

*The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

Pending Project Examples – Demographic Indicator Index



When would R9 possibly consider developing an EJ Analysis?

- We always include a summary of our EJSCREEN screening results in our technical support document, but do not always develop an EJ Analysis. EJSCREEN reports included in administrative record.
- Significant facility or construction activity (intentionally did not say “major”)
 - Could be new source or modification
- EJ Indices above 90 percent
- Proximity to a vulnerable community
- A community that identifies as having EJ concerns

EJ Analysis

- Items to consider covering:
 - input from the community;
 - evaluation of existing environmental data (including monitoring and modeling);
 - evaluation of existing demographic and public health data;
 - English proficiency of the community;
 - other relevant info, such as who else is regulating the source
- Provide a fair assessment of the community; separate from permitting action
- Factual summary; avoid the desire to “explain away” potential concerns
 - Communities decide what their concerns are
- Becomes a tool for community and policymakers

Questions about developing an EJ Analysis? Please contact our Region 9 EJ Coordinator (contact info at end)

Boral Materials, LLC Pozzolan Mine and Processing Facility—Kirkland, Arizona

Arizona Department of Environmental Air Quality



Boral Materials, LLC
Pozzolan Mine and Processing Facility
Kirkland, AZ

Jeff Christensen



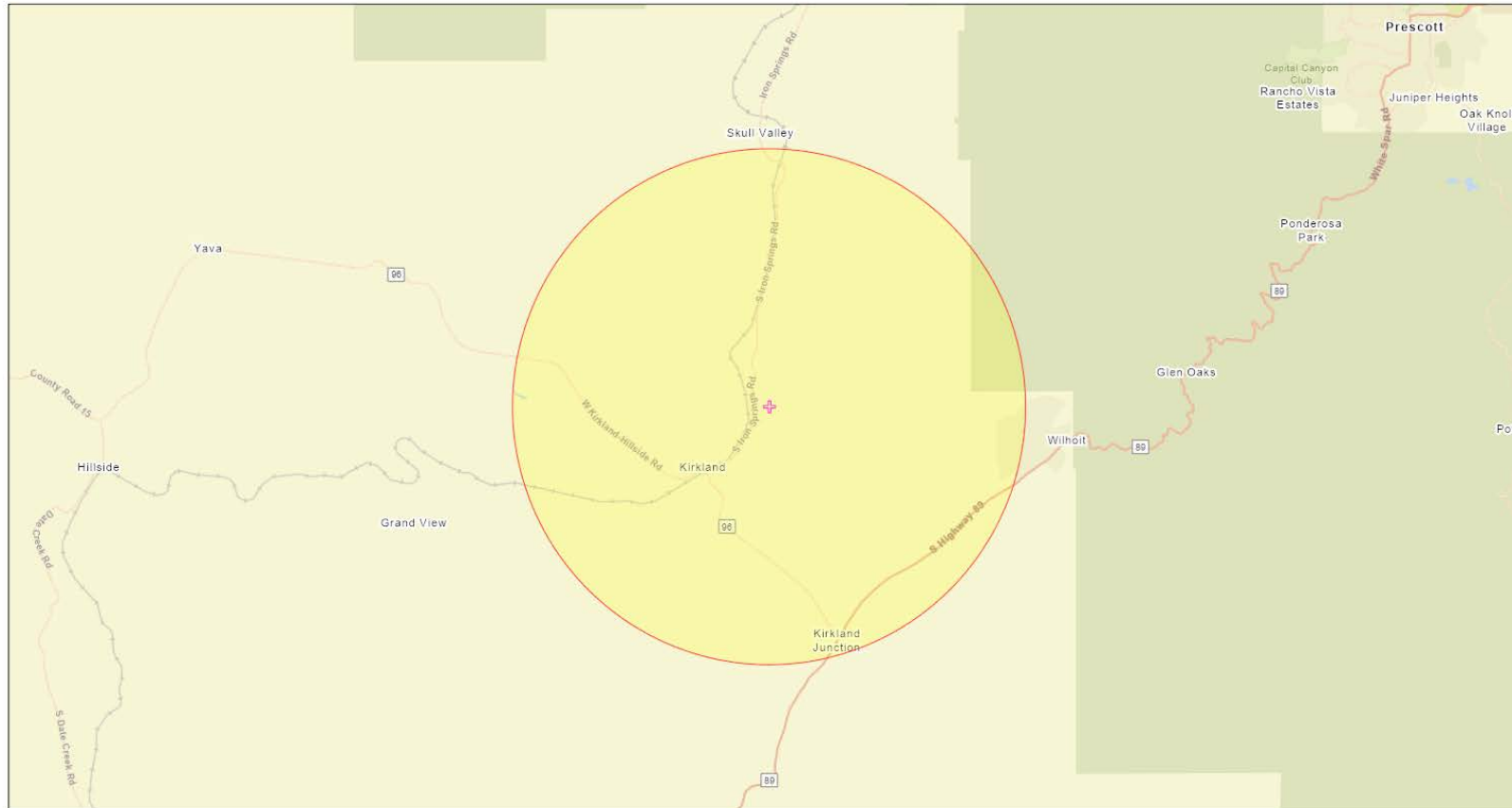
- Permitting Action Information
- Kirkland, AZ
- EJSCREEN Standard Report Results
- Community Concerns
- Efforts to Address Concerns
- Unaddressed Community Concerns
- Outcome
- Lessons



- The Boral Materials Pozzolan Mine and Processing Facility is a non-metallic mineral processing facility with a new Class II Non-Title V air permit.
- Located in Kirkland, AZ, where the mining claim located on land administered by the Bureau of Land Management was approved to mine up to 750,000 tons of natural pozzolan annually through open pit mining.
- Natural pozzolan is mined from the claim and hauled to directly adjacent private property for initial storage, sizing, milling and drying, product storage, and truck loading. The facility's emission points are controlled by dust collection equipment of varying capacities.
- Natural pozzolan is a supplementary cementitious material intended to supplement coal fly ash as it becomes more scarce due to the number of coal power plants diminishing.

- Kirkland is a rural and generally sparsely populated area located approximately 15 miles Southwest of Prescott, AZ.
- The processing facility is approximately 750 feet from a local church, 1000 feet from the nearest residence, 4500 feet from the nearest neighborhood, and 1.5 miles from Kirkland Elementary School.
- The lead paint environmental indicator is in the 81st percentile in Arizona.
- Population over 65 years old is in the 91st percentile in Arizona, which raises environmental justice concerns.

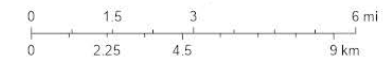
Kirkland, AZ EJSCREEN Standard Report



May 3, 2021

✚ Boral Kirkland Mine

1:144,448



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



EJSCREEN Environmental Justice Indexes

Environmental Justice Index	Percentile in AZ	Percentile in EPA Region 9	Percentile in USA
EJ Index for PM2.5	39	27	48
EJ Index for Ozone	36	20	38
EJ Index for NATA Diesel PM	46	31	54
EJ Index for NATA Air Toxics Cancer Risk	41	25	45
EJ Index for NATA Respiratory Hazard Index	42	26	46
EJ Index for Traffic Proximity and Volume	N/A	N/A	N/A
EJ Index for Lead Paint Indicator	3	11	33
EJ Index for Superfund Proximity	42	27	47
EJ Index for RMP Proximity	48	34	57
EJ Index for Hazardous Waste Proximity	48	33	54
EJ Index for Wastewater Discharge Indicator	N/A	N/A	N/A

EJSCREEN Environmental Indicators

Environmental Indicator	Percentile in AZ	Percentile in EPA Region 9	Percentile in USA
Particulate Matter (PM2.5 in uq/m3)	6	1	1
Ozone (ppb)	13	49	89
NATA Diesel PM (uq/m3)	5	<50 th	<50 th
NATA Cancer Risk (lifetime risk per million)	9	<50 th	<50 th
NATA Respiratory Hazard Index	8	<50 th	<50 th
Traffic Proximity and Volume (daily traffic count/distance to road)	N/A	N/A	N/A
Lead Paint Indicator (% Pre 1960 Housing)	83	55	49
Superfund Proximity (site count/km distance)	14	16	20
RMP Proximity (facility count/km distance)	2	0	0
Hazardous Waste Proximity (facility count/km distance)	6	1	4
Wastewater Discharge Indicator (toxicity weighted concentration/m distance)	N/A	N/A	N/A

EJSCREEN Demographic Indicator

Demographic Indicator	Percentile in AZ	Percentile in EPA Region 9	Percentile in USA
Demographic Index	36	23	46
People of Color Population	11	4	28
Low Income Population	62	67	70
Linguistically Isolated Population	48	26	53
Population With Less Than High School Education	55	47	56
Population Under 5 Years of Age	21	17	18
Population Over 65 Years of Age	91	97	97

- **Presence of erionite**
 - Community members expressed concern throughout the Bureau of Land Management’s environmental assessment regarding the presence of erionite at the mine site.
 - The mine and processing facility are approximately 10 miles North of an identified erionite deposit near Kirkland Junction, Arizona.
- **Health impacts**
 - The community is in the 91st percentile for population over 65 years of age, which is a sensitive population.
- **Dust**
 - Concerns were raised regarding dust from mining operations. Community members raised concerns regarding high winds and lack of rain, and pozzolan is very soft and easily broken down.
- **Location of mine and facility relative to the community**
 - The processing facility is located approximately 750 feet South of a local church, 1000 feet North of the nearest residence, and 1.5 miles from Kirkland Elementary School.
 - The facility is directly off the road, with 150-foot silos installed approximately 75 feet from the roadway.
- **Construction activities conducted prior to permit issuance**
 - Complaints regarding on-going construction activities.
 - Complaints that the facility had conducted mining operations prior to permit issuance.

- The Permittee was required to conduct air dispersion modeling to demonstrate that emissions resulting from operation of the mine and processing facility would not interfere with attainment of the National Ambient Air Quality Standards at the facility's fence line. Results demonstrated that the facility's potential to emit would not lead to exceedance of the NAAQS for the applicable pollutants.
- The Permittee was also required to develop a public access restriction plan to effectively establish ambient air boundaries and minimize risk of accessing the mine and processing facility.
- Communication through community liaisons to provide a contact point between concerned residents and ADEQ to assist in discussing and alleviating the concerns of the community.
- Public hearing and Q&A session were conducted in-person at a suitable location within the community in an effort to maximize outreach and promote attendance.
- On-site inspections were conducted throughout the permitting process to verify that construction activities taking place did not meet the definition of beginning actual construction.

- The Department was not able to address erionite concerns within the community in a manner that was satisfactory to the community.
 - Surface and subsurface samples analyzed during the Bureau of Land Management’s environmental assessment demonstrated that erionite was not detected within the proposed mining area.
 - Erionite has not been identified as a federal hazardous air pollutant despite concern regarding the material’s carcinogenicity. Community members were informed of the petition process to designate a state hazardous air pollutant.
- The Department does not have authority to consider location of the facility beyond evaluation of facility’s impacts on the local area’s air quality standards.

- The Class II air permit for Boral Materials LLC's facility at the Kirkland Pozzolan Mine was issued September 30, 2021.
- The community members did not appeal issuance of the permit. The Department has not received complaints regarding the facility since issuance.
- The processing facility planned to commence operation on January 15, 2022, while the Department was notified that mining operations were beginning as of November 15, 2021.

■ Improved Outreach Efforts

- During the public hearing, members of the community noted that they were unaware of the public hearing until the day prior despite public notice being published in 2 newspapers in circulation within the County, communication with concerned members of the community, a website posting, and signage being posted on the road adjacent to the facility.
- Members of the community commented that the available documents were not written in approachable manner for the public.
- More concentrated outreach efforts such as pre-hearing public meetings with community members, postcards, and fact sheets would have assisted in improving communication between the Department and community.



Questions?

South Coast AQMD Environmental Justice and Permitting Outreach

South Coast Air Quality Management District

SOUTH COAST AQMD
ENVIRONMENTAL JUSTICE AND PERMITTING OUTREACH

U.S. EPA REGION 9
EJ SCREEN TRAINING

JANUARY 26, 2022

JASON ASPELL
DEPUTY EXECUTIVE OFFICER

TOPICS

- SOUTH COAST AQMD AND PERMITTING
- OTHER SOUTH COAST AQMD ENVIRONMENTAL JUSTICE (EJ) ACTIVITIES
- STANDARD PUBLIC NOTICE PROCESS FOR PERMITTING
- CASE STUDIES
 - COGEN LANDFILL
 - SECONDARY LEAD SMELTERS



SOUTH COAST AQMD

- JURISDICTION: LARGE AREAS OF LOS ANGELES, SAN BERNARDINO, RIVERSIDE COUNTIES AND ALL OF ORANGE COUNTY
 - 26,000 FACILITIES
 - 65,000 EQUIPMENT PERMITS
 - > 330 TITLE V FACILITIES
- ENGINEERING AND PERMITTING DIVISION
 - 141 STAFF
 - 6,000 - 8,000 PERMIT APPLICATIONS PER YEAR



SOUTH COAST AQMD EJ PROGRAMS

SOUTH COAST AQMD ENVIRONMENTAL JUSTICE ADVISORY GROUP (EJAG)

- ESTABLISHED IN 1990 BY SOUTH COAST AQMD GOVERNING BOARD
- 30 COMMUNITY MEMBERS FROM ALL FOUR COUNTIES
- MISSION: PROTECT AND IMPROVE PUBLIC HEALTH IN SOUTH COAST AQMD'S MOST IMPACTED COMMUNITIES THROUGH THE REDUCTION AND PREVENTION OF AIR POLLUTION
 - ADVISE AND INFORM ON EJ ISSUES
 - POSITIVE AND PRODUCTIVE RELATIONSHIP BETWEEN SOUTH COAST AQMD AND COMMUNITY MEMBERS
 - MAKE CONTINUAL PROGRESS ON EJ ISSUES

ENVIRONMENTAL JUSTICE COMMUNITY PARTNERSHIP (EJCP)

- AIR QUALITY CURRICULUM TO SCHOOLS

SOUTH COAST AQMD EJ PROGRAMS

ASSEMBLY BILL (AB) 617 (CALIFORNIA, 2017)

- AIR POLLUTION IMPACTS IN EJ COMMUNITIES
- EMISSIONS REDUCTIONS BY LOCAL AIR DISTRICTS AND STATE BOARD IN MOST IMPACTED COMMUNITIES
- ESTABLISHES AB 617 COMMUNITIES
 - COMMUNITY STEERING COMMITTEES (CSC)
 - COMMUNITY PRIORITIES AND CONCERNS REGARDING AIR QUALITY
 - COMMUNITY AIR MONITORING PLAN (CAMP)
 - COMMUNITY EMISSION REDUCTION PLAN (CERP)
 - CURRENTLY SIX SOUTH COAST AQMD AB 617 COMMUNITIES

AB 617 COMMUNITIES (CONT'D)

- ONGOING MEETINGS IN ALL COMMUNITIES
- MEETING FACILITATORS
- PRESENTATION AND MEETING TRANSLATION
- SIMPLIFICATION OF TECHNICAL LANGUAGE



SOUTH COAST AQMD PUBLIC NOTICING

- PUBLIC NOTICE IS ONLY TRIGGERED BY SPECIFIC CIRCUMSTANCES RULES 212 AND 3006
 - NOT REQUIRED FOR ALL PERMIT ACTIONS
- PURPOSE
 - RIGHT TO KNOW
 - ALLOW COMMUNITY TO COMMENT ON AIR QUALITY REQUIREMENTS NOT ADDRESSED IN PERMIT
- **SCHOOL** - NEW OR MODIFIED SOURCE WITH INCREASE IN EMISSIONS WITHIN 1,000 FEET OF A K-12 SCHOOL
- **HEALTH RISK** - CERTAIN HEALTH RISK SCENARIOS
- **EMISSIONS** - DAILY MAXIMUM EMISSION INCREASES EXCEEDING RULE 212(G) THRESHOLDS
- TITLE V OPERATING PERMITS
 - INITIAL PERMIT ISSUANCE
 - SIGNIFICANT PERMIT REVISION
 - PERMIT RENEWALS

SOUTH COAST AQMD PUBLIC NOTICING

- MULTIPLE LANGUAGES - SCHOOL OR COMMUNITY DEMOGRAPHICS
- POSTED ON WEBSITE
- STAFF CONTACTS ON NOTICES
- PENDING PERMIT APPLICATION DASHBOARD

WWW.AQMD.GOV/NAV/FIND/FACILITY-INFORMATION-DETAIL

South Coast AQMD Dashboard - Application Detail

Application Specific Information [Go to F.I.N.D](#)

Application Number:	633155 Table V	Application Type:	Administrative permit revision
Facility ID:	800409	Application Status:	ASSIGNED TO ENGINEER - CLASS III
Facility Name:	NORTHROP GRUMMAN SYSTEMS CORPORATION	Facility Team:	B
Permit Number:	--	Facility Team Name:	LARGE COATING, PRINTING, PLATING & ENTERTAINMENT
Permit Status:	--	Engineer:	ARTHUR THAI - AT11
Equipment Type:	B - Basic	Engineer Phone:	909-396-2831
Basic:	555012 - TV/RECLAIM REVISION-NOEVAL	Deemed Completed Date:	1/5/2022
Control:	--	PC Issued Date:	N/A
Estimated Construction:	1/30/2022	Current Diary Entry:	Application Prescreened - Class III

Application Status Indicators

In Progress

Time Elapsed Indicators

12 days elapsed
20% time elapsed

Days
Awaiting Permit to Operate

COGEN LANDFILL CITY TERRACE (EAST LOS ANGELES)

BACKGROUND

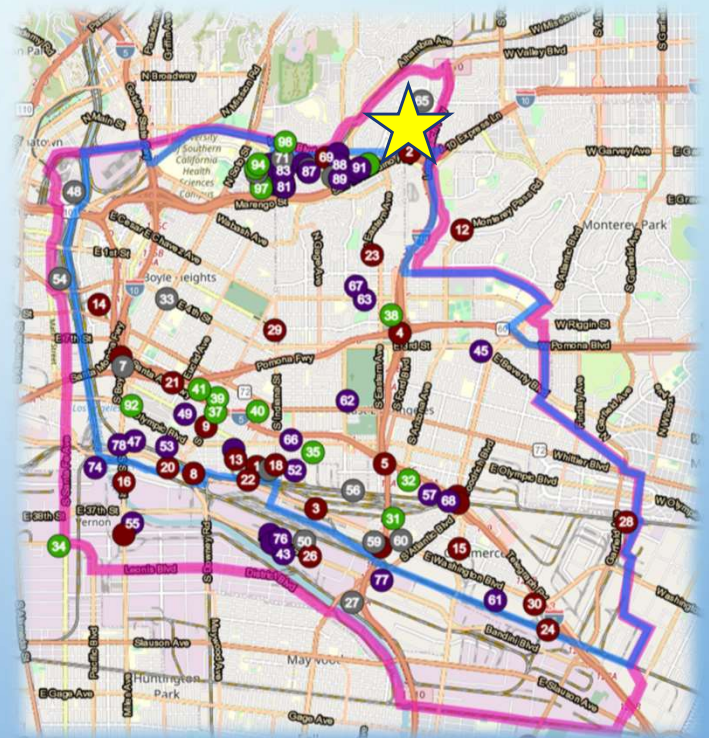
- INACTIVE MUNICIPAL WASTE LANDFILL WITHOUT GAS COLLECTION SYSTEM
- PERMIT APPLICATIONS FILED TO INSTALL NEW GAS COLLECTION AND CONTROL SYSTEM
- LANDFILL IS LOCATED WITHIN 1000 FEET OF SCHOOL



COGEN LANDFILL

PUBLIC AWARENESS

- PUBLIC NOTICE DISTRIBUTED TO PARENTS OF STUDENTS AT SCHOOL AND ALL ADDRESSES WITHIN ¼ MILE OF FACILITY (SPANISH AND ENGLISH)
 - COMMENTS RECEIVED
 - COMMUNITY MEMBERS CONTACTED ELECTED OFFICIALS
- AB 617 – COMMUNITY STEERING COMMITTEE MEETING
 - COMMUNITY CONCERNS REGARDING OPERATIONS



COGEN LANDFILL

PUBLIC OUTREACH

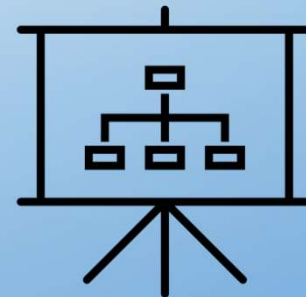
- COORDINATION WITH ELECTED OFFICIALS AND AGENCIES
- SOUTH COAST AQMD PUBLIC CONSULTATION MEETING
 - NOTICING TO COMMUNITY AND MEETING MATERIALS IN SPANISH AND ENGLISH
 - SOCIAL MEDIA
 - MEETING TRANSLATION
 - MEETING HELD AT NIGHT IN THE COMMUNITY
- MULTIPLE COMMUNITY MEETINGS



COGEN LANDFILL

PRESENTATION STRATEGIES

- SOUTH COAST AQMD – JURISDICTION; WHO WE ARE; WHAT WE DO; HOW WE REGULATE SOURCES
- EXPLANATION OF LANDFILL HISTORY, CONTENTS, AND HOW EMISSIONS ARE CREATED
- SPECIFIC RULE REQUIREMENTS AND WHY EQUIPMENT IS REQUIRED
- SIMPLE EXPLANATION OF TECHNOLOGIES WITH DIAGRAMS AND PICTURES, AND HOW IT WORKS
- EXPECTED EMISSIONS AND HEALTH RISK
 - EXPLANATION OF AIR CONTAMINANTS AND TOXICS
 - CONCEPT OF HEALTH RISK



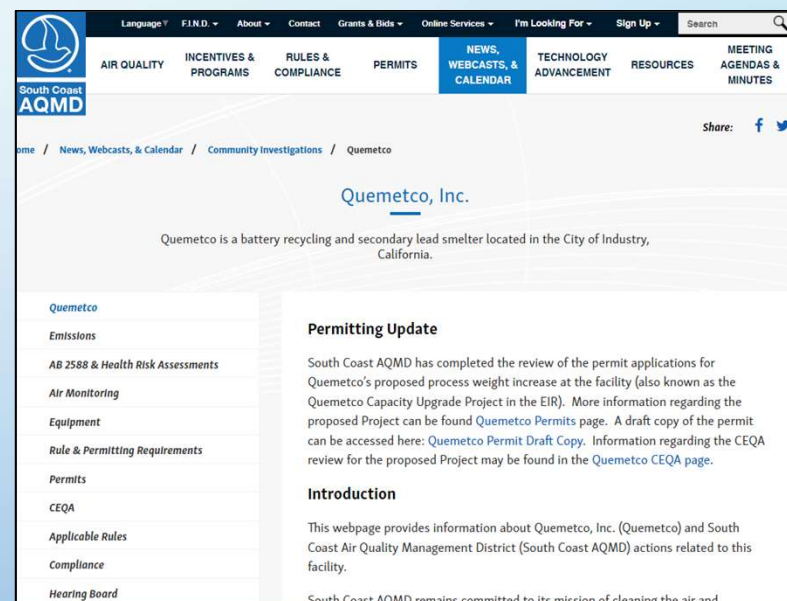
COGEN LANDFILL

PRESENTATION STRATEGIES (CONT'D)

- COMPLIANCE AND ENFORCEMENT
- MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS
- HOW TO STAY INFORMED
- COMPLAINT HOTLINE IF RESIDENTS EXPERIENCE ODORS
- PRESENTATION LINK: [PW.LACOUNTY.GOV/PMD1/EASTERNHILLLANDFILL/DOCS/COGEN-LA-COUNTY-CEO-SCHOOL-PRESENTATION.PDF](https://pw.lacounty.gov/pmd1/easternhilllandfill/docs/cogen-la-county-ceo-school-presentation.pdf)

SECONDARY LEAD SMELTERS

- TWO SECONDARY LEAD SMELTERS
 - TOXIC EMISSIONS
 - NEARBY RESIDENTIAL AREAS
 - HIGH PROFILE
 - INCREASED PUBLIC PARTICIPATION
- DEDICATED WEBSITE
 - EXPLANATION OF SOURCE AND OPERATIONS
 - OPEN PERMIT APPLICATIONS
 - AMBIENT AIR MONITORING RESULTS
 - ENFORCEMENT ACTIVITY



<http://www.aqmd.gov/home/news-events/community-investigations/quemetco>

SECONDARY LEAD SMELTERS

- SOUTH COAST AQMD PARTICIPATES IN QUARTERLY PUBLIC ADVISORY GROUP MEETINGS
 - UPDATES ON PERMITTING, ENFORCEMENT, AND MONITORING ACTIVITIES
- ELECTED OFFICIALS MAY BE APPRISED OF MAJOR PERMITTING AND ENFORCEMENT ACTIONS
- PUBLIC CONSULTATION MEETINGS FOR MAJOR PERMITTING ACTIONS
- ADDITIONAL NOTICING OR WEB POSTINGS MAY OCCUR BEYOND REGULATORY REQUIREMENTS FOR INCREASED TRANSPARENCY



SECONDARY LEAD SMELTERS

- RULE 1420.1 ADDITIONAL PUBLIC NOTIFICATION
 - AMBIENT MONITORING EXCEEDANCE
 - SHUTDOWN
 - TURNAROUND
 - MAINTENANCE
 - BREACHES TO PERMANENT TOTAL ENCLOSURE
 - FACILITY SIGNAGE
- FACILITY MAINTAINS PUBLIC DISTRIBUTION LIST AND IS RESPONSIBLE FOR NOTIFICATIONS OF EVENTS TO DISTRICT AND PUBLIC



SUMMARY

- WORKING RELATIONSHIP WITH COMMUNITIES AND RESIDENTS WITHIN JURISDICTION
- ONGOING COMMUNICATION WITH COMMUNITIES AND ELECTED OFFICIALS
- SIMPLIFICATION OF TERMINOLOGY
- TRANSPARENCY AND AVAILABILITY OF INFORMATION
- OPPORTUNITIES FOR PUBLIC TO VOICE CONCERNS AND ASK QUESTIONS

Outreach Case Study

Nevada Department of Environmental Protection

U.S. Environmental Protection Agency, Region 9
Air and Radiation Division, Permits Office
EJSCREEN Training, January 2022



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**

Nevada Division of Environmental Protection

Outreach Case Study

January 26, 2022

Presented by:

NDEP – Bureau of Air Pollution Control

Jennifer Schumacher, CPM, Chief

Ashley Taylor, PE, Permitting Supervisor

PRESENTATION OVERVIEW

The State of Nevada is a Large Area

NDEP/BAPC jurisdiction is
94,964 square miles

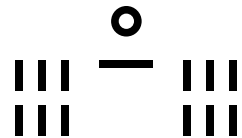
Two Examples

- Additional Regulations for Public Notice of Minor Sources
- Additional Outreach for Environmental Concerns for a New Minor Source

ADDITIONAL MINOR SOURCE PUBLIC NOTICE REQUIREMENTS

In 2016, the NDEP required public notice for permitting actions for minor sources within 1,000 feet of a:

- School,
- Hospital, or
- Residential Area



NEW MINOR SOURCE FACILITY EXAMPLE



Facility Location



Brief Facility Description



Concerned Groups



Community Concerns



Community Outreach



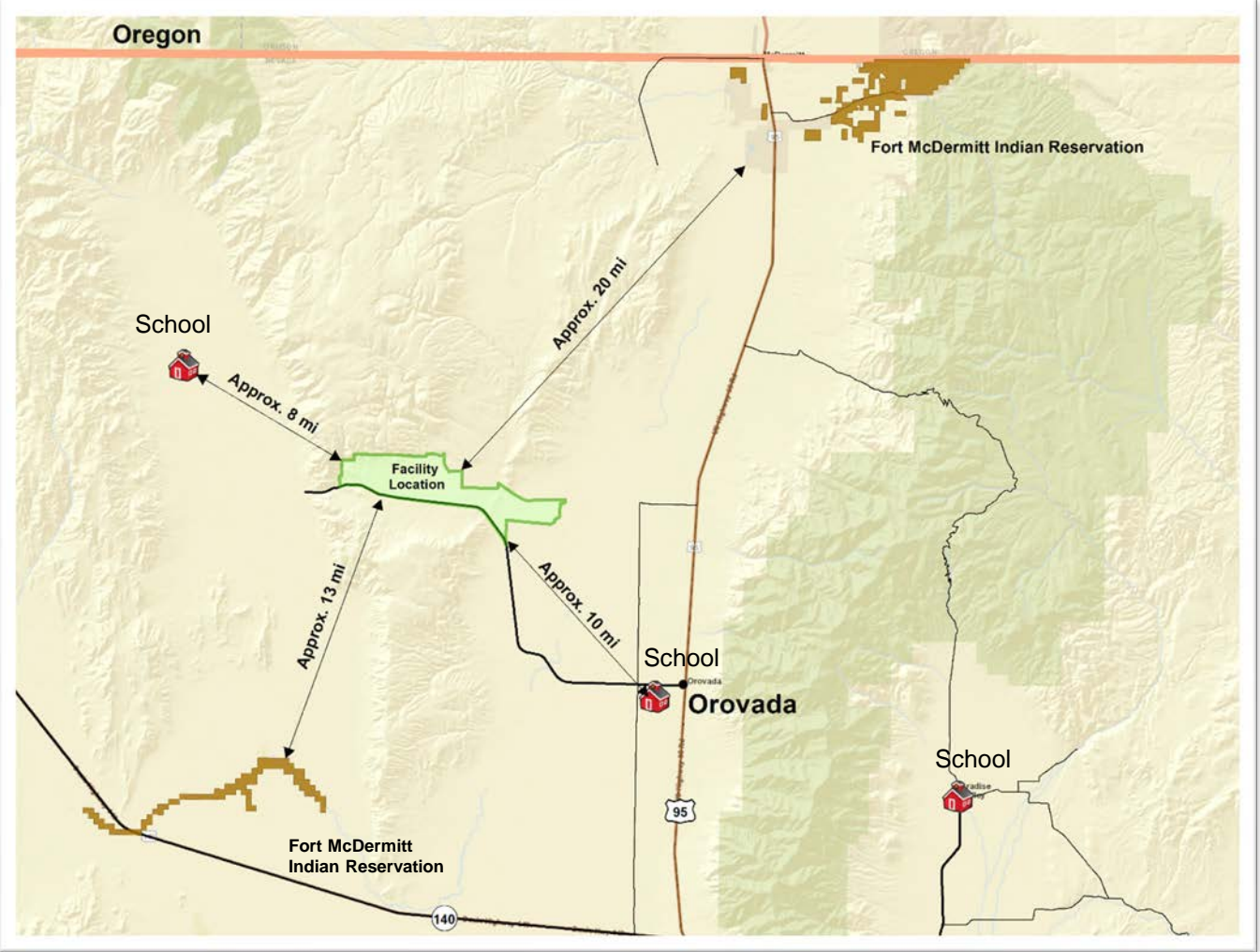
Current Status and Next Steps

FACILITY LOCATION

Project is located in rural Humboldt County, NV



FACILITY LOCATION



FACILITY DESCRIPTION

- The project will consist of open-pit lithium mining and lithium processing operations designed to produce a lithium carbonate end product.
- The lithium carbonate is recovered through ore crushing, acid leaching, and lithium processing.
- The on-site facilities will include a sulfuric acid plant to supply sulfuric acid for leaching. The sulfuric acid plant will also generate steam for energy that will provide power to support the Project.

STAKEHOLDER GROUPS

- Humboldt NV County Representatives
- Thacker Pass Concerned Citizens Group
- Fort McDermitt Paiute and Shoshone Tribe
- Great Basin Resource Watch
- Moms Clean Air Force



COMMUNITY CONCERNS

- Emissions from Facility
 - Mobile Equipment
 - Clay Tails Filter Stack
 - Sulfuric Acid Plant
- Environmental Impact Statement – 2 Phases
 - Both Phases under 100 ton per year
- Air Quality Monitoring and Baseline Data

COMMUNITY OUTREACH EFFORTS

Meetings Prior To/During Public Notice:

- Humboldt County Commissioners
- Thacker Pass Community Meeting
- Thacker Pass Permitting Question and Answer Meetings
- Public Hearing on the Proposed Permit Decisions
- Meetings with Fort McDermitt Paiute and Shoshone Tribe

Additional Efforts:

- Website Updated Regularly on Status
- Set Up Email Address to Receive Public Comment

CURRENT STATUS AND NEXT STEPS

Current Status

- Based on information provided, the BAPC has determined that the facility will meet all applicable State and federal Air Quality Standards and Requirements.

What Happens Next?

- The BAPC must respond to comments received
- Review permit language/conditions as applicable
- Issue / Deny

Questions?



Contact

Jennifer Schumacher, Bureau Chief
NDEP/Bureau of Air Pollution Control
Phone: 775-687-9551
Email: jschumacher@ndep.nv.gov

Ashley Taylor, P.E., Permitting Supervisor
NDEP/Bureau of Air Pollution Control
Phone: 775-687-9330
Email: ashley.taylor@ndep.nv.gov

Oasis Mobile Home Park Community Engagement

EPA Region 9 Enforcement and Compliance Assurance Division

Oasis Mobile Home Park

Community Engagement

Maria Alberty

January 26, 2022

EJ drinking water enforcement

- ▶ California has 7,500 active drinking water systems
- ▶ 2,900 serve residential consumers (Community Water Systems)
 - ▶ 75% of the residential systems are small water systems (i.e. serve less than 3,300 consumers)
 - ▶ However, small water systems serve less than 5% of consumers
- ▶ California has naturally occurring arsenic in many of its aquifers
 - ▶ Central Valley has more arsenic violations compared to rest of the state



Oasis Mobile Home Park community at a glance

- ▶ Located on Torres Martinez Reservation; however, most are not tribal members.
- ▶ Approximately 1,900 residents, a number that fluctuates with seasonal work.
- ▶ Most are Latino, migrant agricultural workers with few financial resources and limited access to housing and education.



Long history of Safe Drinking Water Act (SDWA) noncompliance

EPA issued an Administrative Order to Oasis owner Scott Lawson for failure to monitor and report for numerous SDWA chemical and microbiological contaminants.

Sep. 2004

EPA issued an Emergency Administrative Order to Lawson due to high arsenic levels after treatment at the Entry Point to the Distribution System.

Aug. 2019

EPA issued a third EAO to Lawson's heirs and fractional trust-land owners after Lawson's death in May 2021.

Sep. 2021

EPA and Lawson entered into a Consent Agreement and Final Order regarding SDWA monitoring and reporting violations, among others, that included an \$18,000 civil administrative penalty.

Sep. 2007

EPA issued another EAO to Lawson due to high levels of arsenic in the premise plumbing of consumers' homes.

Sep. 2020

Other environmental problems

- ▶ Mismanaged and unmaintained wastewater systems (>90 septic tanks).
- ▶ Lack of overall compliant infrastructure with State/County regs.
- ▶ Dirt roads, haphazardly installed electrical systems, discard trash everywhere.
- ▶ Old and significantly deteriorated trailers.
- ▶ Numerous aggressive & unsecured dogs, rodent and pest infestation.



Media coverage

Dangerous Levels of Arsenic Found at Coachella Valley Mobile Home Park

"The Oasis residents must have access to safe drinking water," said EPA Pacific Southwest Regional Administrator John Busterud.

News Releases from Region 09

U.S. EPA issues new emergency order to Oasis Mobile Home Park, requiring changes to drinking water system, provision of bottled water

09/11/2020

ENVIRONMENT

Residents living in fear over water contamination in Thermal

ENVIRONMENT

Beleaguered Oasis Mobile Home Park once again found to have arsenic in its water

EPA's May 29, 2020 Action Regarding the Emergency Drinking Water Order to the Oasis Mobile Home Park

Environment

Postcard From Thermal: Surviving the Climate Gap in Eastern Coachella Valley

In the climate crisis, it's possible to live in the same place but inhabit different worlds.

CALIFORNIA

Coronavirus brings new levels of misery to impoverished California trailer park



Outreach efforts

Engage Stakeholders

Torres Martinez Tribe

Congressman Raul Ruiz,
M.D.

Local Riverside County
Public Officials

Coachella Valley Water District

CA Waterboards

Bureau Of Indian Affairs

Leadership Counsel

Media

Release Written Materials

Fact Sheets/Flyers

Inspection Reports

Press Releases

Public Notices

Host Community Meetings



Community meeting progression



▶ Dec. 2019 – First meeting, indoors

▶ Feb – June 2021– Monthly meetings, virtual

- Wednesday or Thursday evenings 5:30 – 7 PM
- Exclusively held in Spanish
- Consistent each month
- Problems: Low engagement, few resident contacts, difficult to hear participants, no translation services for stakeholders, open forum

Community meeting progression

- ▶ July 2021 – First in-person meeting since COVID, outdoors
 - Pop-up tents, tables, chairs, EPA signage
 - One-on-one, open house format, two days
 - Increased engagement and reach
 - Problems: 109 degrees!!
- ▶ Current approach – switch back and forth between virtual and in-person meetings





Oasis Mobile Home Park Drinking Water Community Event Reunión Comunitaria Sobre el Agua Potable de Oasis Mobile Home Park

Agencia de Protección Ambiental de EE.UU. • Región 9 • San Francisco, CA • 27 de octubre de 2021



Please join us! - ¡Por favor acompáñenos!

EPA will host a virtual community event on October 27, 2021. The public is invited to attend, speak with EPA staff, and ask questions about its recent work and enforcement at Oasis Mobile Home Park.

La EPA está organizando una reunión comunitaria virtual el 27 de octubre de 2021. Se invita al público a asistir, hablar con el personal de la EPA y hacer preguntas sobre su trabajo reciente y las acciones de cumplimiento en Oasis Mobile Home Park.

Wednesday, October 27, 2021 / miércoles, 27 de octubre de 2021

5:30 P.M.

You can attend two ways / Hay dos formas para unirse

- Call in (anonymous) / Por llamada (anónimo)
(619) 375-3276, ID: 873 261 238#
- Join video link* / Por enlace de video*
<https://bit.ly/2Xufq7q>

*Note: Joining video requires the Microsoft Teams free app to be downloaded to your desktop or phone and requires an account to sign in / *Nota: Unirse por video requiere que la aplicación gratuita de Microsoft Teams sea descargada en su computadora o teléfono y requiere una cuenta para acceder

How Do I Get More Information? / ¿Cómo obtengo más información?

EPA Contacts / Contactos de la EPA

Julia Giarmoleo (hispanohablante)
EPA Public Affairs Specialist /
Especialista de Asuntos Públicos de la EPA
(213)-326-2033 | giarmoleo.julita@epa.gov

María Alberty
EPA Project Manager /
Gerente de Proyecto de la EPA
(415) 972 - 3981 | alberty.maria@epa.gov

Other resources / Otros recursos

Safe Drinking Water Hotline /
Línea directa de agua potable segura: (800) 426 - 4791

Arsenic in drinking water / Arsénico en el agua potable:
<https://www.epa.gov/dwreginfo/chemical-contaminant-rules>

Arsenic health effects / Efectos de arsénico en la salud:
[http://nepis.epa.gov/Exe/ZyPdf.cgi?](http://nepis.epa.gov/Exe/ZyPdf.cgi?Dockey=20001XXC.txt)
Dockey=20001XXC.txt

Example of community meeting flyer distributed to stakeholders and residents

Benefits

- ▶ Increased engagement.
 - ▶ Residents have a voice!
- ▶ Increased agency visibility.
 - ▶ EPA cares about the community!
- ▶ Increased dissemination of information and multi-directional communication.
 - ▶ Stakeholders aware of issues early.
 - ▶ EPA improves coordination of decision makers.
- ▶ Increased ability to conduct enforcement.





Lessons Learned

- Distribute flyers through channels: local market, stakeholders
 - Electronic and physically
 - One to two weeks in advance and again, the day before event
- Know your audience
 - Phone numbers vs. emails, WhatsApp vs text messages
 - Trust issues
- Provide translation services for both oral and written materials
- Provide reasonable accommodation (chairs, shelter)
- Take advantage of distributing multi-media materials.

Keys to addressing EJ community concerns

Early and solid support by Region 9 management

Early and consistent engagement with the community, tribe, and other stakeholders

Multi-program enforcement team with Spanish-language skills

Weekly contact and follow-up with Oasis MHP



Preguntas

EJ and Outreach—Part 2

EPA Region 9: Air Permits Office

U.S. Environmental Protection Agency, Region 9
Air and Radiation Division, Permits Office
EJSCREEN Training, January 2022



Informing Permit Decisions

Using all the information gathered to inform actual permit decisions

- Specific guidance is expected!
- EPA is encouraging agencies to make use of discretionary and legal authorities, particularly related to cumulative analyses, monitoring, public transparency
- More training?



Discretionary Authority

- State/Local/Tribal programs can be more stringent than the Clean Air Act – CCA section 116
 - <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partA-sec7416.htm>
- Basic permit program requirements in section 110(a)(2)(C) of CAA:
(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter;



EPA's Oversight Role

EPA Oversight Role

- Communities often reach out to EPA when they feel they are not being heard or helped; are frustrated; or to get more visibility
- Let them identify their concerns; help them understand who has authority to address concerns – clearly identify roadblocks
- Explain EPA's oversight role and the process
- Public generally assumes EPA can stop any project; as you know that's not quite how it works
- Use EJSscreen when reporting issues to management
- EPA can comment on issues that may not pertain directly to regulatory requirements; we want community and policymakers aware of our concerns

Recent Examples of EPA Involvement in Local Permits w/Community Concerns

- Aggregate Project in Maricopa County, AZ (2020)
 - EPA heard directly from community, provided as much assistance as possible
 - EPA attended virtual events
 - Maricopa County AQD, was very clear with community about their role in the process and the roadblocks to addressing the community's concern
- Medical sterilization facility, Pima County, AZ (2021)
 - Pima DEQ and EPA worked together early in permitting process
 - Pima DEQ developed an EJ analysis; 90-day comment period; virtual and in-person community events; virtual public hearing; EPA attended virtual events
 - EPA commented during public comment period



Final Thoughts

Does every
permit action
need more
public
engagement?

Not necessarily, BUT...

Are you doing what is necessary to comply with Title VI of the Civil Rights Act?

- <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

Are you providing a process that ensures fair treatment and meaningful involvement?

- <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

What does EPA
think early
engagement
looks like?

O&G Methane
Proposal

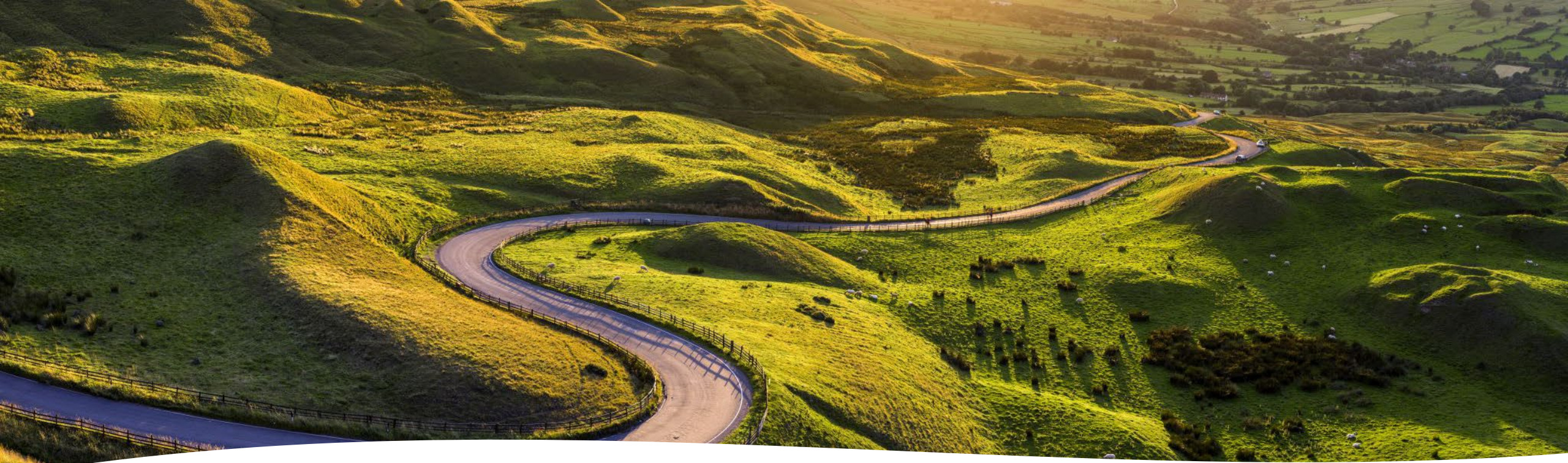
Held public listening sessions and technical information sessions; training sessions for communities, tribes, small business

Proposal summarizes issues/concerns identified in public listening sessions

Regulation is for methane, but still considered cancer risks; conducted EJ analyses

Multi-pronged rule development process

<https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-proposes-new-source-performance>



What goals can you set to improve public engagement?

- Develop criteria for when early and/or enhanced engagement should be used
- Proactively identify communities that may have environmental justice concerns
- Start developing ways to interact with community groups on a regular basis (building trust)
- Identify methods for improved public notice



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Q&A—NDEP

- ▶ In 2016, NDEP required additional public noticing for minor source permitting actions within 1,000 feet of schools, hospitals, or residential areas. What precipitated this rule change?
 - ▶ Around that time, NDEP moved away from public noticing via newspaper to public noticing via the NDEP website. The new rule was intended to provide supplemental outreach.
- ▶ Did hosting your public meetings lead to any lessons learned?
 - ▶ Virtual meetings were effective in that it enable people to voice their concerns without being spoken over.

Q&A—Public Notice

- ▶ Many permitting authorities issue general permits for minor sources. Currently, only one public notice is required for approval of the general permit. Subsequent issuance of approved general permits do not require public notice. Will the public notice requirements be increased for communities with EJ concerns?
 - ▶ You should expect an upcoming advanced notice of proposed rulemaking to seek input on public notice requirements for general permits.
- ▶ There was mention of advanced public notice before a permitting application is considered complete. Could you elaborate on this idea?
 - ▶ Under PSD regulations, the EPA does not do an administrative completeness determination, just overall completeness. In these cases, the period to determine completeness is typically much longer compared to an administrative determination.
 - ▶ The idea is to alert the public before you are too far into the permitting process to change course.
- ▶ Would you hold a public meeting and invite other regulating agencies to participate?
 - ▶ Yes, that's a great idea; it's important to coordinate between other agencies!

Q&A—General

- ▶ Can you provide an example where an EJ analysis triggered a change in permit conditions?
 - ▶ We are not aware of a specific example. More likely, the change to the permit condition would happen as a result of concerns raised by a community during the comment process, after they have had a chance to review the EJ analysis.
- ▶ The authority/obligation for public participation is in the CAA, but where is the authority/obligation for EJ? Is the authority/obligation from Executive Order 12898 and not from the CAA or the CFR?
 - ▶ Title VI of the Civil Rights Act legally prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funding. This includes Title V permitting under the CAA.
 - ▶ EO 12898 applies related to EJ applies to the EPA.
 - ▶ While Title VI and EJ are similar, they are not the same.

Q&A—General (cont.)

- ▶ Will the EPA object if there is a gap between the actual and desired EJ actions taken by a local permitting authority?
 - ▶ To our knowledge EPA has yet to object to a title V permit because of EJ issues.
- ▶ We should expect guidance on EJ within the year. Is this guidance specific to EJ in CAA permitting or will the guidance also help with other media such as water and waste?
 - ▶ EJ is a pressing concern to the current Administration, but the anticipated guidance referred specifically to CAA permitting. We are not aware of timelines surrounding EJ guidance for other environmental media.

Please take this anonymous survey:



<https://www.surveymonkey.com/r/6LTTS7K>