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State Approaches to Community Engagement and Equity Considerations February 2017

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INTRODUCTION

ECOS President John Linc Stine, Commissioner of the Minnesota Pollution Control Agency, has made “equity in all that we do” a leadership priority during his 2016-2017 tenure.¹ ECOS is delivering on Stine’s goal by continuing its effort to build a national affinity group of state environmental agency officials responsible for community outreach, engagement, and environmental equity.² ECOS is supporting this group through conference calls, webinars, and various peer-to-peer learning opportunities.

This *ECOS Green Report* summarizes discussions held in late 2015 and early 2016 among groups of states on two webinars ECOS held in conjunction with U.S. EPA.³ We thank the environmental agencies of Tennessee, South Carolina, New York, Minnesota, Mississippi, and California for presenting during the webinars and for providing assistance during the preparation of this report.

Users of this report should note that it provides selected examples of how various states consider equity and environmental justice issues in permitting. This report does not provide an exhaustive study of any discussed state’s program. This report is meant to be a learning and informational tool. Questions regarding any state’s program or activities should be directed to the states. Any errors or omissions in this report are the responsibility of ECOS, and we encourage the reader to bring it to our attention. ECOS welcomes state and others’ input and further examples as we

¹ Environmental Council of the States. "ECOS Commends U.S. EPA on EJ 2020 Action Agenda." News release, October 27, 2016. Ecos.org. Accessed January 17, 2017. <http://www.ecos.org/wp-content/uploads/2016/10/Press-Release-EJ-Final.pdf>.

² Throughout this report, ECOS uses the terms “Environmental Justice” and “Environmental Equity” interchangeably to reflect varying state terminology.

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continue this conversation. If you have any questions – or would like to add your state agency’s perspective – please contact Kelly Poole at kpoole[at]ecos.org.

BACKGROUND

“As President of ECOS, I appreciate the increased acknowledgement of the role of states as co-regulators, our shared responsibility, and the value of collaboration as partners in achieving EJ. Advancing equity at all levels is among our most important jobs in government. By working together and learning from each other, we can most effectively reduce disparities and strengthen the capacity of communities to create their own healthy futures.”

John Linc Stine, ECOS President
Commissioner of the Minnesota Pollution Control Agency

“South Carolina is proud to work collaboratively with EPA and other partners in supporting our priority of transforming overburdened and underserved communities into thriving communities that have a seat at the table and are engaged in decisions that impact their health, their environment, and their quality of life.”

Myra Reece, ECOS Region 4 Executive Committee Representative
Director of Environmental Affairs, South Carolina Department of Health and Environmental Control
Member of EPA’s National Environmental Justice Advisory Committee

“We know it is critical to consider our communities in regulatory processes. We need to think about how regulatory and related decisions may impact people’s lives, livelihoods, health, and economic opportunities, and then weave these considerations into our programs and outcomes.”

Alexandra Dapolito Dunn, ECOS Executive Director & General Counsel
Associate Adjunct Professor of Law (Environmental Justice)
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Quotes associated with October 27, 2016 release of Plan EJ2020

On October 27, 2016, the U.S. Environmental Protection Agency (EPA) released the Environmental Justice 2020 Action Agenda (EJ 2020).⁴ The final document incorporates relevant input from ECOS member states and contains a specific chapter discussing opportunities for engagement with state agencies.⁵

While there are many definitions of environmental justice (EJ), a helpful framing is that used by EPA – “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.”⁶ The goal of environmental justice is for everyone,

⁴ United States of America. Environmental Protection Agency. *EJ 2020 Action Agenda*. 2016.

⁵ *Ibid.*, 27-31.

⁶ *Ibid.*

regardless of race or income, to be protected from environmental and health hazards in their community and to have equal access to participating in the decision-making process.⁷

The concept of environmental equity is closely tied to Title VI of the Civil Rights Act of 1964, which protects citizens from discrimination based on race, color, or national origin. Title VI is reflected in the Executive Order (EO) 12898 – *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* — signed by President William J. Clinton on February 16, 1994. To date, every succeeding President has kept E.O. 12898 in place regardless of party affiliation. ECOS works closely with states and EPA on Title VI policy and implementation, and states are responsible for compliance with Title VI, particularly as recipients of federal funds.

EO 12898 applies to federal agencies and does not create any judicially enforceable rights or obligations at the state level. Many state agencies are not statutorily required to implement equity into their permitting process, and EJ considerations must comply with both federal and state regulations applicable to that state. Understanding the relationship between Title VI, EJ, and state permit issuance is an ongoing consideration for states. State environmental regulatory agencies are required to review permit applications in accord with statutory and regulatory authority and based upon technical information submitted by the applicant as well as the technical expertise of staff. State regulations vary in terms of how equity considerations explicitly fit into the permitting process.

Notwithstanding these framing statements, this report shows how many state agencies are integrating environmental equity into their permitting processes – as guidance in some cases and as part of the regulatory process in others. Speakers on two webinars hosted by ECOS with EPA shared the information summarized in this report on November 12, 2015 and March 10, 2016. During these webinars, California, Minnesota, Mississippi, New York, South Carolina, and Tennessee environmental agency officials discussed their varied approaches to environmental equity considerations in permitting.

While no two states have the same approach to equity considerations in permitting, consistent themes became apparent. States emphasized efforts to increase public participation through community outreach, education and engagement. In addition, states also highlighted the need to embed environmental equity into the regulatory process within the bounds of state and federal law through agency training and development, innovative technology, and the use of agency internal aids.

⁷ "Environmental Justice." Environmental Protection Agency. January 2017. Accessed January 17, 2017. <https://www.epa.gov/environmentaljustice>.

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COMMUNITY OUTREACH AND ENGAGEMENT

Permitting is an essential and externally engaged part of the regulatory process, ensuring that activities authorized by regulation are fully considered and managed. Adding environmental equity considerations to the permitting process ensures they are taken into account in a process that is outcome oriented. Many states find public participation to be a helpful component throughout the permitting process in potential EJ communities, and they use an approach that places an emphasis on early and frequent communication with community members. This initial discussion may come from the permit applicant, the state agency, or both. Open communication pathways that are established early may help to avoid delays, uncover new solutions with input from relevant stakeholders, contribute to improved community relations, minimize public negativity, and ensure that the EJ community benefits by being represented and heard throughout the process.

While not an inclusive list of public outreach strategies, the following state environmental agencies have highlighted three potential paths to successful community outreach and engagement. In many cases, the permit applicants and permitting regulators identified and educated possible EJ communities, notified and invited them to public meetings for discussion, and maintained communication with them through appropriate monitoring, screening and policy development activities.

Identification and Education

In order to address potential or existing environmental burdens affecting an EJ community, the community must first be identified, informed of potential or existing environmental effects in the area, and invited to share their concerns about specific area activity. The types of communities identified and prioritized as EJ communities vary from state to state, but in general they are low-income and/or minority communities that have more than their fair share of environmental burdens. Once a state agency identifies an EJ community, it may take steps to make the citizens aware of the permit application and inform them of the specific issues that may affect them.

As a part of this first step, some states engage a “good neighbor” model. We see this employed by the South Carolina Department of Health and Environmental Control (SCDHEC or department), where the department encourages permit applicants to instigate the conversation with the communities in which they are seeking business. When engaging in community

activities, permit applicants should be cognizant that their work will affect those beyond the confines of the given property. By getting involved in local activities – such as local fairs, farmers markets, and neighborhood events – a permit applicant can get to know the surrounding communities and gain an understanding of the needs and concerns of the neighborhood. Engaging with the community creates a working relationship between community leaders and the facility representatives that fosters transparency and trust between the two parties. Understanding, respecting, and incorporating the community's needs not only benefits the community but often improves the permit process. When needs and concerns are discussed and addressed early on, the permit application moves along in a more efficient manner with better outcomes.

In other states, the regulatory agency plays a greater role in public participation process. For example, the Minnesota Pollution Control Agency (MPCA) first considers whether the proposed action may have impacts on areas of concern for environmental justice. If so, the MPCA seeks to notify community members early in the process and also works with the permit applicant to explore risk mitigation solutions. Recognizing that community involvement is essential to successful permitting, the state agency also encourages the permit applicant to reach out to the community and take appropriate actions to ensure environmental equity is part of the process.

Another practice that serves surrounding communities as well as permit applicants is working to ensure representation of all stakeholders. This can include outreach efforts at community centers, churches, local businesses, schools, child care centers, and other social and civic clubs and organizations that serve as community gathering places. When reaching out to these groups, permit applicants should not only look out for opportunities to speak at meetings but consult with local community leaders on how to best reach a specific community. This is a great way to ensure a message reaches pocketed groups that may be overlooked – such as groups where a language barrier may exist. By working with community leaders, applicants are often better able to educate everyone impacted by a proposed project and understand their concerns and needs.

In many cases, community leaders are an essential part of the outreach process, and may even serve as a liaison between the community and facility representatives. In conjunction with the community leaders, permit applicants can help to put together a citizens' advisory group in areas where one does not already exist. This further strengthens the partnership with the community and creates more avenues for information and questions to flow back and forth between the community, permit applicants and state regulators. Regular meetings with the citizens' advisory group can also increase involvement, establish accountability, and ensure the community understands all new developments in the process. For example, SCDHEC helps aid this process by offering assistance from a SCDHEC Public Participation Team as a resource for permit applicants. This team provides expert knowledge on how a permit applicant can start working with a community, reach out to potential community leaders, and get in touch with other companies in the area that went through the same permit application process.

The MPCA also finds involving community leaders to be beneficial. By informing the community early on in the permitting process through trusted, community-identified resources, MPCA creates forums for discussion and education to keep the community informed of the

permit process, assist the community in understanding technical aspects of regulation, and offer advice on how and when communities can best contribute to the process.

MPCA also encourages permit applicants to engage with communities through their local governments, community groups, and residents so they are better able to understand and discuss concerns early on and incorporate solutions into the process from the start. MPCA found that some EJ communities in their state have large non-English speaking populations and therefore must provide information accessible in appropriate languages. For example, when the University of Minnesota sought to upgrade their heating boilers, MPCA offered materials and translations at public meetings in two African languages—Somali and Oromo.

In an effort to further decrease potential EJ concerns, MPCA also intends to prioritize expired permits for renewal in possible EJ communities in a proactive effort to minimize harms coming from sources other than new applicants. MPCA may also ask permit applicants to explore ways to reduce releases beyond what otherwise might normally be required as a way of mitigating pollution during the non-compliance period. For example, MPCA issued a monetary penalty to Innovent Air Handling Equipment, LLC for air quality violations in 2014. The company's facility is located near an area of concern for environmental justice issues, and MPCA negotiated to have \$315,000 of the \$365,000 fine placed toward a supplemental environmental project, intended to provide "extra' environmental and public health benefits to the citizens of Minneapolis."⁸

Some states may find one or the other approach more fitting to their agency's structure, whether it is a more "hands-off" approach by requiring permit applicants to do their due diligence with some agency oversight, an agency facilitated approach, or an alternative approach not mentioned here. Regardless, these examples illustrate how some states have implemented different community engagement practices to achieve a common goal—better environmental outcomes through increased community involvement fostered by outreach and education.

Notification and Public Meetings

To increase community involvement, a community first needs to be aware of available opportunities. Proper notice of permitting updates and allowing communities an appropriate amount of time to respond to those updates is advisable for successful, sustainable engagement. There are several approaches to notification and holding of meetings. Some state environmental agencies make public participation mandatory during the permitting or renewal process, while other state environmental agencies give more discretion to permit applicants. For example, some notify communities informally while others follow a strict notice process.

Many states have created regulations or guidelines that assist permit applicants in understanding their role in the notification process. The New York Department of Environmental Conservation (NYSDEC) is one example of a state that developed mandatory notification and public meeting

⁸ Mikkelson, Stephen. "MPCA completes 68 enforcement cases in second quarter of 2014." Minnesota Pollution Control Agency. July 11, 2014. Accessed January 24, 2017. <https://www.pca.state.mn.us/news/mpca-completes-68-enforcement-cases-second-quarter-2014>.

guidelines. In 2003, NYSDEC implemented the Commissioner Policy 29 (CP-29) that outlines permitting requirements to incorporate environmental justice awareness into the process. At a minimum, an applicant must identify stakeholders to a proposed action, distribute written information about the proposed action or the permit review process, hold public information meeting(s), establish an easily accessible document repository near the affected community, provide a summary of the applicants' progress in implementing a plan, and submit a compliance form. Further, NYSDEC streamlined this application process in order to increase accountability and decrease confusion on the permit applicant's part as to what is expected and how to involve the public.

CASE STUDY:

To demonstrate the effectiveness of their permitting process, NYSDEC shared a lesson from a permitting event that took place in October 2014 involving a solid waste management facility in the Bronx. The facility in question was Stericycle, the nation's largest disposer of medical waste. The company applied for a renewal permit in order to continue operations at a facility located in the Bronx. The facility had already operated for 15 years; however, when applying for the renewal, they included a modification to the permit to allow short-term storage of hazardous medical waste at the facility. Subject to CP-29, Stericycle developed and submitted an enhanced public participation plan. The identified stakeholders included four elected officials, the local community board, seven civic organizations, two religious organizations and several businesses. Stericycle then created a fact sheet for the community explaining the project in plain language and notified stakeholders via mail of public meeting. At this public meeting, the community was able to voice their concerns and ask questions about how the company would prepare and remedy harmful effects related to possible flooding or other natural disasters and how re-permitting would affect the asthma rates in the community. In addition, the public pointed out that Stericycle had already stored medical waste at their facility illegally. Stericycle responded to the community's concerns by developing a document repository at the local library and withdrawing their modification to store hazardous waste at the facility. Their permit renewal was accepted after the NYSDEC reviewed the public participation plan for completeness. In the end, this permit allowed for merely the delivery, unloading and reloading of regulated medical waste. Through this process, Stericycle and the Bronx community were able to work cooperatively towards the renewal of the company's permit in a way that worked for both the facility and the community.

Some states opt for more suggestive guidelines. Every permit application site is different, and offering flexible guidelines can enable the permit applicant to decide the best approach for their specific project. The Tennessee Department of Environment and Conservation (TDEC) has a public participation toolkit that they developed by following the U.S. EPA's [*Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs*](#). This guide provides resources to permit applicants including a "Public Participation Checklist" to determine whether public participation is necessary and a "Community

Assessment” form to assist the agency and permit applicants on how to engage a specific community.⁹

A checklist, similar to the TDEC “Public Participation Checklist,” can provide a list of recommended tasks for permit applicants. These tasks can include a contact for determining the level of community involvement needed, public notification requirements or suggestions, and best practices for planning and conducting a public meeting. At TDEC, one of the first tasks is determining whether the Office of External Affairs (OEA) should be involved in the project by providing a list of scenarios where OEA assistance would be appropriate, including projects involving permit actions in underserved communities. A regional director or Assistant Commissioner from the OEA would then get involved to assist the permit applicant on how and where to conduct a public participation hearing. An approach that TDEC has found helpful is holding an informational pre-meeting prior to a public hearing. This informational pre-meeting is held on the same day and at the same site as the public participation event to allow the public to ask questions and gain clarification from the state agency’s staff and the permit applicant’s representatives.

In addition, the Public Participation Checklist provides detailed guidelines on what to consider when planning an event. There should be a hearing officer present trained in facilitating public meetings, and the event should be held at a time best suited for the public. When determining the location, state agencies and permit applications should consider details like access to parking, access to public transit, handicap accessibility, adequate venue space and sufficient sound equipment.

Beyond these logistics, the permit applicant can make a detailed agenda available to the community. Power point slides used during the hearing, fact sheets, maps, permits, and any other information relating to the event can further enhance public interaction. Proper signage helps to direct flow of traffic and provide well marked informational and check-in booths. To ensure that the hearing runs efficiently, TDEC staff has the meeting attendees fill out a list of concerns or comments prior to the hearing during the check-in process. State agencies may also seek feedback on the public meeting to guide the agency and permit applicants’ next steps.

In addition to the best practices previously outlined, many states mentioned that learning from one’s mistakes is equally important to learning from one’s successes. Some state agencies have developed “dos” and “don’ts” for more fruitful meetings. For example, it can be helpful for a state agency to be clear about what the environmental department can and cannot do based on their delegated authority. This gives the participants an understanding of the types of questions and issues that can be addressed. SCDEHC emphasizes that they can discuss the facility’s ability to comply with state and federal regulations, possible pollution control methods, and types of monitoring and testing used. They also communicate to the attendees that they cannot consider issues related to noise, odor, traffic, zoning, or support or opposition to the facility; however,

⁹United States of America. Environmental Protection Agency. Office of Environmental Justice. *The Model Plan for Public Participation*. 15-18.

"Community Assessments." Tennessee Department of Environment & Conservation. January 24, 2017. Accessed February 1, 2017. http://www.ecos.org/wp-content/uploads/2017/01/pp-toolkit_community-assesments.pdf.

SCDHEC connects citizens with the correct entities to hear these concerns. While no two situations are exactly alike, taking some of these practices used by states into account may help an environmental department and/or permit applicant educate the public and conduct effective and efficient public meetings.

Continued Management

Many states also mentioned that maintaining a relationship and a communication pathway with the EJ community after the completion of the permitting process helps to ensure continued success. Ongoing management occurs through regulatory programs, screening and monitoring, and through rulemaking and policy work. In some states, community members are notified early in the process via informal meetings held in advance of formally required meetings. For example, the MPCA integrated the goal of improving ongoing relationships with a community, before, during and after permitting. In this way, the organization engages key community leaders and resources to ensure an established relationship if other regulatory actions come into play.

CASE STUDY:

NYSDEC is engaging in screening and monitoring events with local communities as a way for the agency to continue management beyond permitting. In Tonawanda, New York, a local community group and NYSDEC found high levels of benzene during air quality sample screening. The NYSDEC obtained a local-scale air monitoring grant from the U.S. EPA to conduct a year-long monitoring study. The NYSDEC was able to engage the surrounding EJ communities in the monitoring process. National Emissions Standards for Hazardous Air Pollutants (NESHAP) inspections led the organization to target the Tonawanda Coke Corporation. Once enough information was gathered, the state of New York was able to take civil and criminal enforcement actions against the corporation for pollution infractions. In 2015, the facility settled to pay \$12 million for their violations and upgrade their pollution control technology.

INTERNAL TECHNIQUES

Transferable Practices

State environmental agencies are creating internal practices to integrate environmental equity into the permitting process as smoothly and effectively as possible within the bounds of the law. These practices include education and training of agency staff, standardizing the permitting process, and obtaining support from the local legislatures since EJ practices generally manifest at the state level.

Many states focus efforts to foster environmental equity principles from within the agency itself. Educating and training agency staff on EJ issues can change how priorities are set internally, and this internal practice can translate into positive external impacts. All state agencies have a non-discriminatory hiring policy, and many state agencies actively work to recruit, hire, and maintain a diverse workforce. Agencies train their managers and staff in topics such as multicultural competency, institutional racism, their respective EJ policy, Title VI, and other necessary areas

to ensure understanding and awareness of how these issues may affect their work. State agencies have also learned the importance of monitoring program success by collecting feedback on their capacity-building and awareness-raising work. For example, the MPCA believes that following these practices will increase understanding of the importance of environmental equity, effectiveness in its execution, and accountability of the agency's employees.

CASE STUDY:

Another internal best practice is an awareness checklist for permit writers to complete during the application review process. This checklist assists staff in identifying communities with heightened environmental concerns. We can see this implemented at the Mississippi Department of Environmental Quality (MDEQ) where the Office of Pollution Control (OPC) developed a "Project Awareness Checklist" (PAC) for permit writers to complete during the application review process. Examples of questions included in the PAC are: "Does the area around the site appear to be a low-income or minority area?" "Is there a significant amount of industrial activity?" "Are there indications that there is a significant population of non-English-speaking people near the site?" and "Are there quality of life issues?"

Mississippi created the Department of Environmental Quality's Office of Community Engagement (OCE) in 2010 to address environmental justice and public involvement issues. It serves as a liaison between technical staff of OPC and the community. Community involvement coordinators in OCE provide permitting staff with insight on community concerns/questions that may have been raised during community meetings, local government discussions, or other community involvement events. Working closely with OCE, the permitting staff can answer the PAC questions, gauge the type of EJ concerns that need to be addressed, and determine if there is a need for increased public participation activities.

The PAC also seeks to: 1) ascertain possible public opposition, 2) determine whether media attention has been given to the project, 3) identify regulation changes, and 4) characterize the potential environmental and health concerns. More specifically on environmental and health issues, the PAC asks about: 1) concentration of emissions, 2) whether the area is economically underdeveloped, 3) if the project is receiving Community Development Block Grant (CDBG) funding, 4) historical compliance issues, and 5) whether there are any pending agreed orders. These questions are designed to increase permit writer's knowledge of the community and compel the writer to holistically view the impacts made by the facility's proposed operations.

Finally, after the completion of the PAC, either a permit manager or field staff will visit the site to determine the accuracy of the application and any undocumented concerns. This practice keeps MDEQ accountable, consistent and organized in addressing EJ in permitting applications.

Thus far, we have looked at examples of a state agency implementing policies and practices independent of the state legislature. However, some states, such as California, have passed EJ legislation in partnership with their state agency. For example, in October of 2015 California's legislature committed to addressing environmental equity issues by passing Senate Bill No. 673 to lay out a timeline delineating when the California EPA (CalEPA) must implement regulations strengthening EJ safeguards. Two sections in particular, Section 25200.21 and Section 25200.23, lay out how permit applications will be executed and how compliance will be enforced. In Section 25200.21, the factors that must be included for permitting are considering an applicant's past violations, vulnerability of surrounding communities, distance to sensitive locations such as schools and elder care facilities, applicant's financial responsibility and qualifications, training of personnel required by the facility, and completion of a health risk assessment. Section 25200.23 requires CalEPA to create transparent standards and procedures, establish terms and conditions on permits to further protect public health and the environment, develop tools for consistency and timeliness in the permitting process, and enhance the public involvement. These new regulations and procedures must be completed on or before July 2018. By committing these goals to statute, CalEPA is able to proceed with the support of the legislature and an understanding of expectations.

Notice to EJ Communities

As state environmental agencies issue permits across all program departments and review even more permit applications, it can be helpful to have internal notices of which areas may be EJ communities. As seen at the MDEQ, to help manage this workload efficiently, the agency has developed visual indicators in their database, enSite, to notify all agency employees when a permit in question is flagged for activity located in an EJ community. When a permit application is submitted, any employee working on the permit will be alerted via a visual indicator that the location is near or in an EJ community. This ensures consistency within the agency regardless of the program or the employee handling the permit application.

Similar to EPA's EJSCREEN tool, California created a public database, CalEnviroScreen 2.0, to notify users of environmental conditions and population vulnerabilities within a given area. The benefit of this state-specific tool is the ability to provide detailed mapping at a granular level. This mapping tool shows the pollution burden in different areas by measuring exposure and environmental effect indicators such as air quality, drinking water contaminants, toxic release from facilities, groundwater threats, hazardous waste generators and facilities, particulate matter, pesticide use, cleanup sites, traffic density, impaired water bodies, and solid waste sites and facilities. These environmental indicators can be compared with population characteristic indicators including age, asthma levels, birth weight statistics, educational attainment, linguistic isolation, poverty, and unemployment. The CalEnviroScreen Score shows the weighted pollution burden and population characteristics scores together for a more complete picture of a community's vulnerability to the adverse effects of pollution. CalEnviroScreen 2.0 serves to make CalEPA more transparent, increase involvement of the public and stakeholders, and to provide a platform for the most recent and reliable data.

Internal Aids

Many state environmental agencies have developed tools to guide their staff and permit applicants in the EJ process, and some state environmental agencies are making use of technology to improve their permitting processes. California uses CalEnviroScreen 2.0 (outlined above), which provides permit applicants and the agency a starting point when analyzing whether there is an environmental equity concern. Mississippi uses enSite Visual Indicators as a successful internal aid.

Other states have developed guidance tools as well. New York committed their EJ procedure to a Commissioner Policy that creates a stronger directive with department-level implications. South Carolina provides easy-to-understand diagrams and timelines for applicants to visualize the process for public notice and involvement. Tennessee offers checklists and community assessments for their permit applicants to determine the level of public involvement necessary.

These internal aids offer a wide array of possible tools to integrate EJ into the permitting process.

CONCLUSION

States have made considerable progress in developing approaches to consider equity in permitting processes even though the relationship between Title VI and EJ concerns on state permit issuance regulations poses a challenge. Statutory and regulatory authority requires state environmental regulatory agencies to review permit applications in accord with technical information submitted by the applicant as well as the technical expertise of staff. Absent state-level statutory or regulatory authority explicitly requiring consideration of EJ concerns as part of this process, states may be limited in their ability to fully consider equity within the permitting process.

As seen above, many states and state agencies recognize the importance of transparency, equity, and communication with communities throughout the permitting process. There are many different paths a state could follow while working to incorporate environmental equity into the permitting process. However, every state shared a similar goal and theme within their framework: to achieve equity within the permitting process among all communities.