

Environmental Justice in Permitting

October 18, 2016

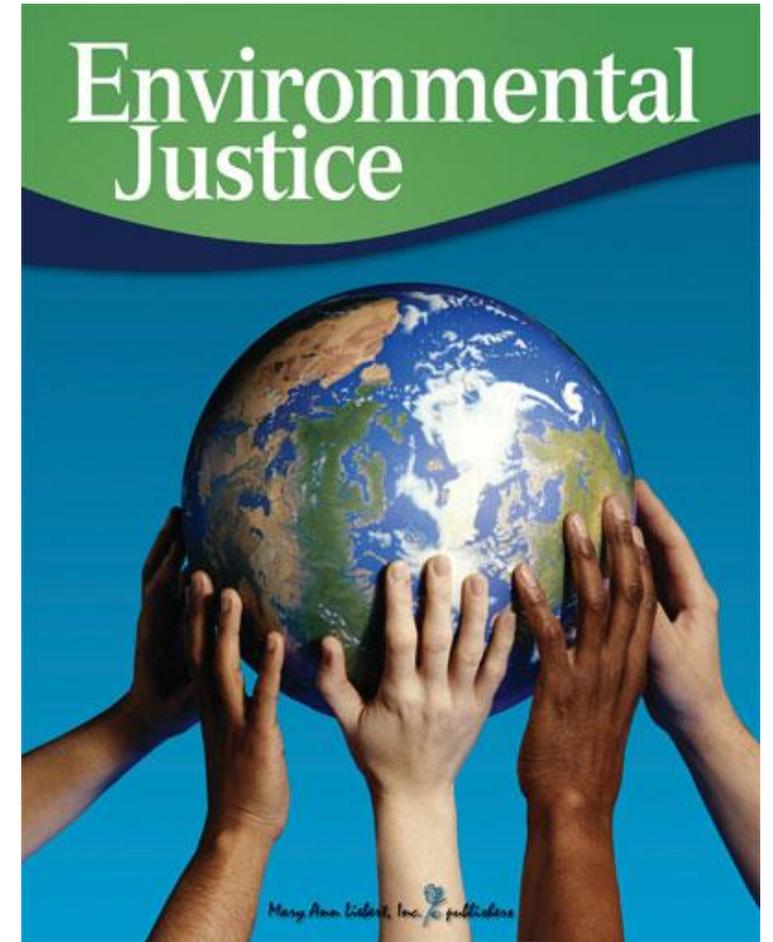
Presentation Overview

- What is environmental justice?
- Public health significance
- Oregon Legislation
- DEQ and OHA's research approach
- Advisory committee input



What is environmental justice?

- Equal protection from environmental and health hazards
- Meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play





Health Equity Environmental Justice



Why are some communities more impacted?



Proximity

**Higher
risk**

Susceptibility

Key Considerations

- Proximity to emission sources
- Cumulative impacts of multiple stressors
- Differences in community resilience
- **Meaningful public participation in decisions**

Oregon Environmental Justice Statute (ORS 182.545)

Oregon's natural resource agencies must:

- Consider the effects of any action on environmental justice issues.
- Hold hearings at times and in locations that are convenient for people in the communities that will be affected by the decisions stemming from the hearings.
- Engage in public outreach activities in the communities that will be affected by decisions of the agency.
- Create a citizen advocate position.

Oregon Environmental Justice Statute (ORS 182.538)

Oregon Environmental Justice Task Force

- 12 members appointed by Governor
- Advise Governor and natural resource agencies



Environmental Justice in Permitting

Research approach

- Surveyed National Associations of Clean Air and Water Agencies
- Summarized examples in draft Environmental Justice issue paper for consideration by Oregon
- Received comments on issue paper from Environmental Justice Task Force

Cumulative Impact Examples

Cumulative impacts

Require permit applicants to complete a cumulative effects analysis

CUMULATIVE RISKS AND BACKGROUND*

Include cumulative risk? If so, there are several program elements where it could be addressed.

Program Element 8: Cumulative Risk from Multiple Air Toxics from a Single Facility

Program Element 9: Cumulative Risk from Multiple Sources within an Area

Program Element 10: Use of Background/Ambient Concentrations in the Assessment of Risk

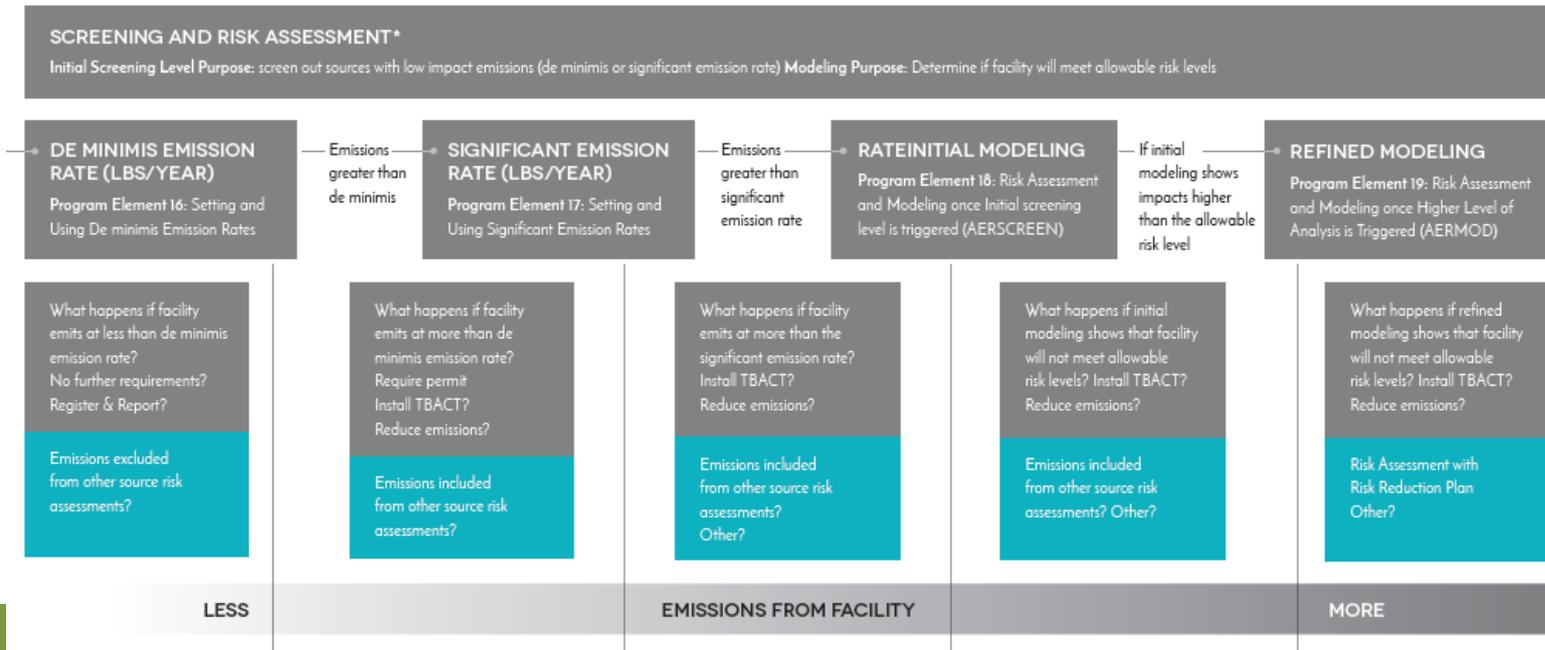
Program Element 11: Cross-media Exposure Pathways

Program Element 12: Past Risk

Screening and Risk Assessment Examples

Screening and risk assessment

- Develop criteria to identify potential communities with environmental justice concerns



Implementation Examples

Community engagement

- Draft permit material available at local library
- Translate material in to languages spoken in community

IMPLEMENTATION*

Program Element 20: Phasing
Program Element 21: Looking beyond current air permitting program for other sources of air toxics

Program Element 22:
Community Engagement

Program Element 23:
Compliance

Program Element 24: Capacity - regulatory costs and fee structure

Program Element 25: Evaluation

Permit decisions use allowable risk levels

Compliance

Conduct inspections more frequently in communities with environmental justice concerns

Staffing and resources examples

Staffing and resources

- Example: Staff dedicated to environmental justice work
- Example: Environmental justice activities funded by applicant



Environmental Justice Task Force Feedback

- Documented in Environmental Justice issue paper
- Program elements that address environmental justice issues are also in relevant Advisory Committee discussion paper



Feedback

Feedback is a process
which information about
positive and negative
and feedbacks to
this is the subject
from

Environmental Justice Task Force Feedback



Environmental Justice Task Force
900 Court Street NE, Salem, OR 97301

September 30, 2016

Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204

Subject: Environmental Justice in Air Toxics Permitting

Dear Interim Director Shepherd and Ms. Langston:

Thank you for the opportunity to review and comment on the environmental justice (EJ) issue paper for point source permitting. In addition to individual comments previously submitted, the Task Force has identified three broad areas of concern and a suite of policy recommendations that we ask you to consider and address in finalizing this paper.

(1) DEQ's Title VI and EJ Obligations

DEQ's obligations pursuant to Title VI of the Civil Rights Act of 1964, Executive Order 12898 and ORS 182.545 are paramount in advancing EJ in any approach to air quality

See page 23 of “Environmental Justice in Permitting” paper
<http://www.deq.state.or.us/nwr/docs/metalsem/ejcleanerair.pdf>

Advisory Committee will consider Environmental Justice...

- In recommendations from the Environmental Justice Task Force (letter dated September 30, 2016)
- In discussion papers
- During advisory committee meeting discussions
- In making policy recommendations