



Considering Environmental Justice in Permitting



Plan EJ 2014 is EPA's roadmap for integrating environmental justice into its programs and policies.



CONSIDERING ENVIRONMENTAL JUSTICE IN PERMITTING

Implementation Plan

September 2011

Led by

Office of Air and Radiation, Office of General Counsel,
and Region 1

U.S. Environmental Protection Agency
Washington, D.C. 20460



PLAN EJ 2014 AT A GLANCE

Plan EJ 2014 is the U.S. Environmental Protection Agency (EPA)'s roadmap to integrating environmental justice into its programs and policies. The year marks the 20th anniversary of the signing of Executive Order 12898 on environmental justice. Plan EJ 2014 seeks to:

- Protect the environment and health in overburdened communities.
- Empower communities to take action to improve their health and environment.
- Establish partnerships with local, state, tribal, and federal governments and organizations to achieve healthy and sustainable communities.

As the EPA's overarching environmental justice strategy, Plan EJ 2014 has three major sections: Cross-Agency Focus Areas, Tools Development Areas, and Program Initiatives.

The Cross-Agency Focus Areas are:

- Incorporating Environmental Justice into Rulemaking.
- Considering Environmental Justice in Permitting.
- Advancing Environmental Justice through Compliance and Enforcement.
- Supporting Community-Based Action Programs.
- Fostering Administration-Wide Action on Environmental Justice.

The Tools Development Areas are:

- Science.
- Law.
- Information.
- Resources.



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Goals At-A-Glance

To enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable under existing environmental laws.

1.0 INTRODUCTION

The intent of Plan EJ 2014: Considering Environmental Justice in Permitting (Environmental Justice Permitting Initiative) is to ensure that environmental justice concerns are given as full consideration as possible in the decision to issue a permit and the terms of the permits issued under existing federal environmental laws. It contemplates a focus on both U.S. Environmental Protection Agency (EPA)-issued permits, as well as permits issued pursuant to existing federal environmental laws (i.e., federal, state, local, or tribal). The Environmental Justice Permitting Initiative seeks to identify the best current opportunities for taking environmental justice concerns into consideration and to enable EPA to address the complex issue of cumulative impacts from exposure to multiple sources and existing conditions that are critical to the effective consideration of environmental justice in permitting.

The proposed activities outlined in this implementation plan rely heavily on the advice and recommendations presented by the National Environmental Justice Advisory Council (NEJAC) from both their most recent response to EPA's permitting charge and numerous relevant prior NEJAC reports. EPA recognizes that there has been a considerable amount of work – particularly on the NEJAC's part – advocating for earlier and more effective public participation in the permitting process, but that these practices have not been widely adopted. We also recognize that although environmental justice can be incorporated into the permitting process in a variety of ways, there are significant challenges – particularly related to cumulative/multi-media impacts. We therefore seek to truly create a culture within EPA – and among other federal, state, local, and tribal permitting agencies – in which engaging on issues of environmental justice more readily translates into greater protections for overburdened communities.¹

EPA's implementation plan merely describes our process for the Environmental Justice Permitting Initiative, with a focus on activities for 2011 and early 2012. Our proposed deliverables for this time period are a cohesive suite of tools for EPA-issued permits (for example, EPA guidance on enhanced early public participation) along with a public database of many other tools to serve as a resource for EPA, other federal agencies, states, local government, tribal governments, facilities, non-profit organizations, and communities. This larger database of tools will also serve as a starting point for our 2012-2014 activities. We are defining "tools" broadly to include not only guidance, but also best practices,

¹ In Plan EJ 2014, EPA uses the term "overburdened" to describe the minority, low-income, tribal, and indigenous populations or communities in the United States that potentially experience disproportionate environmental harms and risks as a result of greater vulnerability to environmental hazards. This increased vulnerability may be attributable to an accumulation of both negative and lack of positive environmental, health, economic, or social conditions within these populations or communities.



templates, reports, checklists, case studies, mapping and screening tools, protocols, trainings, sample language, and other resources.

Appendix A of this document contains our initial draft list of potential tools, but the list is neither prescriptive nor exhaustive. Over the next few years, we may decide not to develop some of these potential tools; similarly, we may decide to add new potential tools to the list as we continue to gather ideas and suggestions. Throughout the process, however, we will be listening to the ideas and experiences of all interested stakeholders, in order to leverage the successes and seize on the good work that is already occurring on this topic.

1.1 Goals

The overarching goals of this Plan are to enable overburdened communities to have full and meaningful access to the permitting process and to develop permits that address environmental justice issues to the greatest extent practicable.

To achieve our goals, the Environmental Justice Permitting Initiative will “[i]dentify and develop tools to support the consideration of environmental justice during implementation of permitting programs” to reduce “exposures for those at the greatest risk,” as stated in the Fiscal Year (FY) 2011-2015 EPA Strategic Plan, Cross-Cutting Fundamental Strategy: Working for Environmental Justice and Children’s Health (Strategic Plan).²

Our goals help to fulfill:

- Executive Order 12898, “Federal Actions to Address Environmental Justice In Minority Populations and Low-Income Populations,” which tasks each federal agency with “achieving environmental justice as 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 population.”³
- The Administrator’s priority of Expanding the Conversation on Environmentalism and Working for Environmental Justice, which heralds “a new era of outreach and protection for communities historically underrepresented in EPA decision-making” and calls for “includ[ing] environmental justice principles in all of our decisions.”⁴
- EPA’s mission to protect human health and the environment.

² U.S. Environmental Protection Agency, *FY 2011-2015 EPA Strategic Plan: Achieving Our Vision*, September 30, 2010. Available at: <http://www.epa.gov/planandbudget/strategicplan.html>.

³ Clinton, William J., Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994, *Federal Register* 59, No. 32: 7629.

⁴ Jackson, Lisa P., “Seven Priorities for EPA’s Future.” January 12, 2010. Available at: <http://blog.epa.gov/administrator/2010/01/12/seven-priorities-for-epas-future/>.



1.2 Organizational Structure

The success of this Environmental Justice Permitting Initiative will depend on participation from many offices within EPA, both at Headquarters and the regions, as well as numerous external stakeholders (see Section 2.3, Community Engagement and Stakeholder Outreach).

The Office of Air and Radiation has been designated the Headquarters lead. The Office of General Counsel has agreed to act as co-lead. Region 1 is the Lead Region. Staff and managers from these three offices, with guidance from the Office of Enforcement and Compliance Assurance/Office of Environmental Justice, have formed a Steering Committee to manage the Environmental Justice Permitting Initiative.

The Steering Committee is chaired by the Principal Deputy Assistant Administrator, Office of Air and Radiation; the Associate General Counsel, Cross-Cutting Issues Law Office, Office of General Counsel; and the Deputy Regional Administrator, Region 1.

The Environmental Justice Permitting Initiative has a small group composed of key senior EPA Headquarters and regional leaders (Senior Leaders) to provide high level recommendations as well as a cross-Agency workgroup of EPA Headquarters and regional staff to do the work. The workgroup contains staff from every EPA region, as well as staff from the Office of Air and Radiation, the Office of Enforcement and Compliance Assurance, the Office of Environmental Information, the Office of General Counsel, the Office of International and Tribal Affairs, the Office of Research and Development, the Office of Solid Waste and Remediation, and the Office of Water.

Staff support for the Environmental Justice Permitting Initiative is provided the Office of Policy Analysis and Review, Office of Air and Radiation.



2.0 IMPLEMENTATION

Conducting Public Participation to Develop Permitting Tools

The Environmental Justice and Permitting Initiative Workgroup (Workgroup) is exploring ways to enable overburdened communities to have full and meaningful access to the permitting process and to ensure that the Agency develops permits that address environmental justice issues to the greatest extent practicable. As part of this effort, the Workgroup is conducting extensive public outreach to identify best practices and needed tools, such as guidance, checklists, reports, case studies, mapping tools, and trainings. In June 2011, the Workgroup conducted listening sessions for a host of stakeholder groups, including state and local governments, business and industry, environmental groups, tribes, and community groups. One listening session was conducted entirely in Spanish.

The Workgroup repeatedly heard about the need for early and meaningful public engagement. Its members were impressed and inspired by the information they received about Connecticut, Illinois, and Pennsylvania's Enhanced/Environmental Justice Public Participation Policies. The Workgroup is drafting guidance to enhance the public participation process for EPA-issued permits and strongly encourages facilities to host pre-application meetings with local communities. The Workgroup's hope is that this guidance will be used across the EPA, as well as by other federal agencies and states in their respective permit processes.

The strategies and activities outlined below describe the charge to the Environmental Justice Permitting Workgroup over the next several years. In the meantime, we strongly encourage offices and individuals at EPA and external to the Agency to continue their ongoing practice of furthering integration of environmental justice into the permitting process (e.g., regional review of state permits). Indeed, we encourage offices and individuals to share new issues, potential tools, and recommendations with the workgroup and communicate lessons learned.

2.1 Strategies

Strategies to achieve the goals of this implementation plan are specific to each goal:

Strategy 1: Develop tools that will enhance the ability of overburdened communities to participate fully and meaningfully in the permitting process.

These tools will focus on ensuring that overburdened communities are fully informed about the potential impacts of permitted activities and understand the information they receive. In addition, we will explore ways of promoting regular dialogue between overburdened communities and the regulated facilities at all stages of the permitting process, including early involvement, and after a permit has been issued.

Strategy 2: Concurrently with Strategy 1, develop tools to assist permitting authorities to meaningfully address environmental justice in permitting decisions.

These tools will focus on how environmental justice can be incorporated into the permitting process, including the range of potential permitting measures that can be used to avoid or reduce potential environmental justice effects.

Strategy 3: Implement these tools at EPA and work with others to do the same.

We will first focus on implementing tools related to EPA-issued permits. Thereafter, we will engage in supporting and encouraging other federal agencies, as well as state, local, and tribal permitting authorities, to develop environmental justice strategies for their environmental permitting decisions.

2.2 Activities

All of the activities below support our goal to develop and implement tools to better enable overburdened communities to have full and meaningful access to the permitting process and for permits to address environmental justice issues to the greatest extent practicable. These tools include guidance, best practices, templates, reports, checklists, case studies, mapping and screening tools, protocols, trainings, and sample language.

Activity 1: Conduct initial internal research to begin to create a preliminary list of potential tools and finalize the implementation plan (March-June 2011, Completed).

- **Activity 1.1:** Conduct an initial literature review – including a review of previous NEJAC papers, publications, and other recommendations – to identify an initial list of existing and needed tools (Completed, see Appendix A).
- **Activity 1.2:** Convene a cross-Agency workgroup. The workgroup met for the first time on March 7, 2011, and will carry out the proposed activities in this implementation plan (Completed).
- **Activity 1.3:** Review and evaluate the permitting process for a minimum of three federal permits with environmental justice considerations, for use as case studies to identify existing and needed tools⁵ (Completed). The workgroup reviewed the permitting process for three federal permits and will continue to review other permits to solicit lessons learned and guide our next steps.
- **Activity 1.4:** Coordinate overlapping strategies with other Plan EJ 2014 elements and consider integrating and leveraging activities between them (Ongoing).
- **Activity 1.5:** Issue the final implementation plan (Completed).

Activity 2: Solicit initial existing and recommended tools from internal and external stakeholders (March-June 2011).

Individual EPA programs and regions, as well as other federal agencies, states, local agencies, and tribal governments, have already developed and implemented numerous tools that consider environmental justice issues during the permitting process. These entities as well as community and advocacy groups, industry and trade organizations, and experts have first-hand experience and knowledge about the relevant issues and ideas for what tools are needed. Outreach to these experts provides the workgroup an important opportunity to gather the tools and begin to identify the most effective and replicable ones.

In addition to reviewing all of the comments submitted during the formal public comment period (which ended Friday, April 29, 2011), the

⁵ The Strategic Plan charges the Environmental Justice and Permitting Initiative to “Convene a cross-Agency workgroup on the consideration of environmental justice in federal EPA permits and review, at a minimum, three federal permits with environmental justice considerations (by September 2011).”

workgroup solicited additional comments via an external e-mail and an internal EPA memo focused on collecting ideas for tools and informative case studies. From these responses, we followed up with individuals and organizations to get more detailed information and comments. We also conducted targeted outreach to national umbrella groups via meetings, conference calls, and direct emails; and hosted a series of public listening sessions in June 2011. Finally, we set up a NEJAC Permitting Workgroup that has already met three times to provide guidance throughout our process; and we will continue to gather information from all stakeholders and involve them in our work.

Activity 3: Create an initial list of priority tools and corresponding deliverables for Year 1 (June 2011).

Activity 4: Develop, test, and finalize priority tools for EPA-issued permits (June 2011-April 2012).

- ***Activity 4.1:*** Develop priority tools, amend existing tools, and identify those ready for potential immediate use at EPA (June-October 2011).
- ***Activity 4.2:*** Identify opportunities to test the draft tools through ongoing permit activities (June-October 2011).
- ***Activity 4.3:*** Solicit comments both internally and externally on the draft tools (October 2011-February 2012).
- ***Activity 4.4:*** Incorporate comments and finalize tools (April 2012).

Activity 5: Determine the best format(s) or vehicle(s) to convey and implement the final tools (guidance, policy, rulemaking, etc.) (December 2011/early 2012).

Activity 6: Create a more detailed timeline for 2012-2014 deliverables for the workgroup (early 2012).

Per Activity 5, we intend to finalize the first suite of tools by early 2012. We will then focus on implementing these tools for EPA-issued permits via trainings and other efforts to test, revise, and institutionalize their use at EPA (while also looking for additional opportunities to develop more tools). In 2012-2014, our anticipated activities may include:

- Implement first suite of tools via trainings at EPA.
- Implement “train-the-trainers” seminars to help train community organizations and other interested entities on newly developed tools.
- Continually review the effectiveness of the tools and trainings, update and revise existing tools, develop additional tools, and update and revise trainings.
- Engage in supporting and encouraging other federal agencies as well as state, local, and tribal permitting authorities to achieve environmental justice goals for their permit decisions.



2.3 Community Engagement and Stakeholder Outreach

The workgroup, with assistance from the Small Business Ombudsman and the Office of Environmental Justice, has developed a plan for early and continued stakeholder involvement. Our efforts will include public comment periods, requests for information, meetings, conference calls, and direct and targeted outreach to internal and external experts and stakeholders to seek their early and continued input. Activity 2, above, describes the workgroup's efforts to date, including public listening sessions conducted in June 2011 and the formation of a NEJAC Permitting Workgroup to provide guidance throughout our process.

Because of the states' unique and important role in permitting, EPA has emphasized, and will continue to emphasize, early and ongoing outreach to state environmental departments to collect their success stories and lessons learned. EPA will work with them to identify potential opportunities to test draft tools (see Activity 4.2) and specifically seek out their comments and suggestions (see Activity 4.3).

EPA also welcomes comments and participation from all stakeholders and has already reached out to these stakeholder groups as well as others:

- Association of State and Territorial Solid Waste Management Officials (ASTSWMO).
- Association of State & Interstate Water Pollution Control Administrators (ASIWPCA).
- Business organizations and trade associations.
- Clean Air Act Advisory Committee (CAAAC).
- Community advocacy groups.
- Environmental Council of the States (ECOS).
- Ground Water Protection Council (GWPC).
- Interagency Working Group on Environmental Justice.
- National Association of Clean Air Agencies (NACAA).
- National Association for Clean Water Agencies (NACWA).
- National Tribal Operations Committee (NTOC).
- North American Hazardous Materials Management Association (NAHMMA).
- Northeast Waste Management Officials' Association (NEWMOA).
- Other federal agencies and state, local, and tribal permitting agencies.

We will also reach out to these key stakeholder groups in the near future:

- Asian American Native American Pacific Islanders Servicing Institutions (AANAPISIs).
- Hispanic Servicing Institutions (HSIs).
- Historical Black Colleges and Universities (HBCUs).
- Tribal Colleges and Universities (TCUs).



3.0 DELIVERABLES

| ACTIVITIES | DELIVERABLES | MILESTONES |
|---|---|--|
| Activity 1.1: Conduct an initial literature review – including a review of previous NEJAC papers, publications, and other recommendations – to identify an initial list of existing and needed tools. | <ul style="list-style-type: none"> See Appendix A. | <ul style="list-style-type: none"> Completed |
| Activity 1.2: Convene a cross-Agency workgroup. | <ul style="list-style-type: none"> The workgroup met for the first time on March 7, 2011, and will continue to meet throughout the duration of this project. | <ul style="list-style-type: none"> Completed |
| Activity 1.3: Review and evaluate the permitting process for a minimum, of three federal permits with environmental justice considerations, for use as case studies to identify existing and needed tools. | <ul style="list-style-type: none"> Identification of a minimum of three federal permits with environmental justice considerations. List of existing and needed tools from the case studies. | <ul style="list-style-type: none"> Completed Completed |
| Activity 1.4: Coordinate overlapping strategies with other Plan EJ 2014 cross-Agency elements and consider integrating and leveraging activities between them. | <ul style="list-style-type: none"> Regular meetings with other cross-Agency workgroups. | <ul style="list-style-type: none"> Ongoing |
| Activity 1.5: Issue the final implementation plan. | <ul style="list-style-type: none"> Final implementation plan. | <ul style="list-style-type: none"> Completed |
| Activity 2: Solicit existing and recommended tools from internal and external stakeholders. | <ul style="list-style-type: none"> List of existing and needed tools from internal and external stakeholders. | <ul style="list-style-type: none"> June 2011 |
| Activity 3: Create an initial list of priority needed tools and corresponding deliverables for Year 1. | <ul style="list-style-type: none"> Initial list of tools and corresponding deliverables for Year 1. | <ul style="list-style-type: none"> June 2011 |
| Activity 4.1: Develop priority tools, amend existing resources, and identify those ready for potential immediate use at EPA. | <ul style="list-style-type: none"> Initial suite of draft tools. | <ul style="list-style-type: none"> October 2011 |
| Activity 4.2: Identify opportunities to test the draft tools through ongoing permit activities, and solicit comments and recommendations. | <ul style="list-style-type: none"> Comments and recommendations based on our initial testing of the draft tools. | <ul style="list-style-type: none"> October 2011 |

| ACTIVITIES | DELIVERABLES | MILESTONES |
|---|---|---|
| Activity 4.3: Solicit additional comments both internally and externally. | <ul style="list-style-type: none"> ▪ Additional comments. | <ul style="list-style-type: none"> ▪ February 2012 |
| Activity 4.4: Incorporate comments and finalize tools. | <ul style="list-style-type: none"> ▪ Revised tools. | <ul style="list-style-type: none"> ▪ April 2012 |
| Activity 5: Determine the best format(s) or vehicle(s) to convey and implement the recommendations and tools (finalization, policy, rulemaking, etc.). | <ul style="list-style-type: none"> ▪ Decision on how best to convey and implement the tools. | <ul style="list-style-type: none"> ▪ Early 2012 |
| Activity 6: Create a more detailed timeline for 2012-2014 deliverables for the workgroup. | <p>More detailed timeline that may include:</p> <ul style="list-style-type: none"> ▪ Implement first suite of tools via trainings at EPA. ▪ Implement “train-the-trainers” seminars to help train community organizations and other interested entities on newly developed tools. ▪ Continually review the effectiveness of the tools and trainings, update and revised existing tools, develop additional tools, and update and revise trainings. ▪ Engage in supporting and encouraging other federal agencies as well as state, local and tribal permitting authorities to achieve environmental justice goals for their permit decisions. | <ul style="list-style-type: none"> ▪ 2012 |

4.0 REPORTING

We will report annually on progress in implementing the strategies outlined in this implementation plan and will update, as necessary, the activities and deliverables outlined here. For information, please contact Michelle Roos, 202-573-2549, Roos.Michelle@epa.gov



Potential Tools

This implementation plan outlines a process by which the workgroup will research, solicit ideas for, prioritize, and then develop a suite of tools to better enable overburdened communities to have full and meaningful access to the permitting process and for permits to address environmental justice issues to the greatest extent practicable. For the first year, our activities will focus on developing a cohesive suite of tools most applicable to EPA-issued permits, and also collecting a larger set of tools for a public database.

Our initial research, request for comments, meetings, conference calls, and one-on-one conversations have revealed this list of potential tools for EPA-issued permits, but the list is neither prescriptive nor exhaustive. Over the next few years of the Environmental Justice and Permitting Initiative, we may decide not to develop some of these potential tools; similarly, we may decide to add new potential tools to the list as we continue to gather ideas and suggestions. Below is merely a draft list in the early stages of our multi-year process. Please note that some of the proposed tools might be applicable only to specific permit types (e.g., Prevention of Significant Deterioration [PSD], National Pollutant Discharge Elimination System [NPDES], Resource Recovery and Conservation Act [RCRA], etc.):

Public Involvement/Communication

- Environmental Justice and Permitting Enhanced Public Participation Guidance (potentially with a strong recommendation for pre-application public meetings).
- Environmental Justice and Permitting Public Participation Fact Sheet and Website in support of the above-mentioned guidance.
- Environmental Justice and Permitting Public Participation Outreach Template and Checklist in support of the above-mentioned guidance.
- Updated and condensed guidance, best practices, and checklists for effective means of conducting public outreach and notification, potentially including:
 - Public notifications outside of newspapers (multi-media press releases and advertisements, use of internet and SMS, but not exclusive reliance on such technologies).
 - Documents written in plain language.
 - Translations of documents in appropriate languages.
 - Direct and targeted outreach to community organizations and institutions.
 - Making documents physically accessible and free to communities.
 - Providing per diem or other financial resources for community members to attend meetings.
 - Scheduling meetings during non-working hours.
 - Providing third party attorneys and scientists as resources for communities.

- Periodic engagement and notification throughout the permitting process, including when there are changes to the scope of the permit application or when environmental studies are taking place.
 - Model processes to improve information flow between the facility, community, and permitting authority.
- Web-based, searchable, updated contact lists, by EPA region, of community organizations and tribal government and indigenous⁶ organizations to facilitate outreach.
- Guidance on developing long-term communication protocols with specific overburdened communities that reflect the communities' preferences for how to receive information and provide feedback into permitting decisions.
- Decision tools to assist all parties in understanding the nature of disproportionate impacts and mitigating effects of permitting measures.
- The development of an Environmental Justice Permit Social Network site (a one-stop shop/central point of communication run by a permit writer to gather all relevant background materials and better communicate with stakeholders – via postings and Really Simple Syndication [RSS] feeds).
- Permit process descriptions of when, where, and how the public can get involved.
- Guidance on translation issues.
- Guidance for facilities on creating a real dialogue with communities early on in the process (potentially including identifying ways to talk outside of permit actions, avoiding an adversarial relationship, and suggestions for community benefit projects).
- Guidance on how to communicate cumulative impacts and/or risk assessments to the community.
- Guidance for EPA on providing quarterly or other regular updates to communities and organizations on environmental justice issues, responses and actions taken, and trends.

Permit Process

- Permit Checklist (possibly in different languages and in plain language).
- Permit Process Flowchart (possibly including staff contact information per region and media office).
- Guidance including case studies on if/when, where and how to conduct an environmental justice analysis or assessment and how to integrate these into permit conditions, mitigation actions, and/or clean-up activities outside of permitting.
- Guidance on how environmental justice analyses/assessments can be integrated into other existing assessment requirements for permitting.

⁶ When the term "indigenous" is used in this document, it refers to entities and individuals in the United States only.

- Guidance on using existing and proposed EPA screening tools (including EJScreen, EJView, Community-Focused Exposure and Risk Screening Tool [C-FERST], Census Tract Ranking Tool for Environmental Justice [CenRANK], Environmental Justice Strategic Enforcement Tool [EJSEAT], etc.) in the permitting process.
- Guidance, methodology and/or tools to conduct cumulative impacts analysis.
- Guidance/protocols on integrated permitting approaches, including the coordination of permitting actions, public comments periods, public notices, meetings, and hearings per facility and/or community between numerous permitting actions and/or across media.
- Guidance/tools to conduct exposure-based (health effects) modeling and assessments, and how to integrate those results into permits.
- Best practices, guidance, and trainings on using a variety of existing tools in new ways to better address environmental justice concerns (best available control technology [BACT]; offsets; monitoring, recordkeeping, and reporting; startups, shutdowns, and malfunctions [SSMs]; lower potential to emit; AP-42 emissions factors,⁷ and Clean Air Act Title V operating permit approvals).
- Guidance based on lessons learned from watershed analysis processes (total burden analysis, cross-media effects, etc.).

Permit Conditions – How to Integrate Environmental Justice into Actual Permit Conditions

- Best practices, guidance, and trainings on developing permits to include issues important to local communities
- Resources to facilitate and/or fund the placement of more fence-line and community-based monitors in overburdened communities.
- Best practices, guidance, trainings, and protocols on developing permit conditions to better address and protect indigenous peoples' cultural and subsistence resources.
- Guidance on how to conduct traditional knowledge information gathering and how to integrate that into permit conditions.
- Protocols for factoring environmental justice into permit conditions, regardless of the level of public participation.
- Best practices, guidance, and trainings on minimizing issuance of emergency permits.

Interagency and Government-to-Government Guidance and Protocols

- Guidance, protocols, and trainings for utilizing the role of the Interagency Working Group for Environmental Justice to work across federal agencies on permits on tribal lands.
- Guidance on how to integrate government-to-government consultation and environmental justice executive orders and expectations into permitting processes.

⁷ An emissions factor is the formula EPA uses to calculate the emissions from key source categories. AP-42 is the document EPA compiles the factors into. It is used by industry and states to develop emissions inventories and project emissions from sources, usually in the permitting process to set emissions limits.

- Guidance on developing partnerships with states that support more direct collaboration with communities in the permitting process.
- Guidance on assisting other federal agencies to integrate environmental justice into their environmental permitting decisions.
- Guidance on how to conduct joint processing agreements across permitting authorities (including joint comment periods and hearings to be held, and final permits to be issued on a cooperative basis).

Education/Training

- Expansion of EPA environmental justice trainings, including:
 - Environmental Justice Fundamentals.
 - Environmental justice and permitting (for all media).
 - Online trainings.
- Community-based trainings, resources, and websites, including:
 - Permitting processes (for all media).
 - Preparing public comments.
 - Environmental justice assessment or screening tools.
 - Leadership development.
 - Job skills relevant to local industry and facility needs.
 - Advanced legal training on major statutes.
- A network of EPA experts accessible to the public, hotline of experts, and/or on-line question-and-answer (Q&A) portal on issues of importance to environmental justice and permitting.
- Technical assistance resources.
- A collective learning forum and regular national conference call(s) for EPA staff and managers responding to specific permit challenges.

“Outside” of Traditional Permitting

- Guidance and trainings on using resources and programs outside of permitting including:
 - Helping communities develop and adopt community-specific, comprehensive environmental justice plans.
 - Community Action for a Renewed Environment (CARE).
 - Encouraging the creation of Supplemental Environmental Project (SEP)-like mitigation projects (diesel retrofits, off-site street sweeping, tree planting, landscaping, public playgrounds and green spaces, etc.).
 - Good Neighbor/Environmental Benefit Agreements.
 - Performance Partnership Agreements.
 - Memoranda of Agreement/Understanding involving EPA, communities, facilities; and state, local, or tribal governments.
 - Increasing and maintaining active listening, engagement, and follow-up with communities outside of permitting actions.
 - Creating plain language summaries of proposed or existing permit-related regulations that have a greater impact on overburdened communities, and/or a plain language guide for rulemaking with the purpose of educating citizens on how to influence the rulemaking process in a meaningful way.

Cross-Cutting/Other

- Environmental justice and permitting e-Library (i.e., an online/searchable database of tools organized by key features to serve as a resource to permit writers and the public looking for tools and ideas that have been used successfully and could be replicated).
- Guidance, trainings, and other resources on making better use of other EPA roles, such as oversight, in which EPA affects how other permitting authorities implement federal permitting requirements.
- General and comprehensive guidance on how to incorporate environmental justice into all aspects of permitting.



ACRONYMS

| | |
|------------------|--|
| AANAPISIs | Asian American Native American Pacific Islanders Servicing Institutions |
| ASTSWMO | Association of State and Territorial Solid Waste Management Officials |
| ASIWPCA | Association of State & Interstate Water Pollution Control Administrators |
| BACT | Best Available Control Technology |
| C-FERST | Community-Focused Exposure and Risk Screening Tool |
| CARE | Community Action for a Renewed Environment |
| CAAAC | Clean Air Act Advisory Committee |
| CenRANK | Census Tract Ranking Tool for Environmental Justice |
| ECOS | Environmental Council of the States |
| EJSEAT | Environmental Justice Strategic Enforcement Tool |
| EPA | U.S. Environmental Protection Agency |
| FY | Fiscal Year |
| GWPC | Ground Water Protection Council |
| HSIs | Hispanic Servicing Institutions |
| HBCUs | Historical Black Colleges and Universities |
| NACAA | National Association of Clean Air Agencies, comprised of the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials |
| NACWA | National Association for Clean Water Agencies |
| NAHMMA | North American Hazardous Materials Management Association |
| NEWMOA | Northeast Waste Management Officials' Association |
| NEJAC | National Environmental Justice Advisory Council |
| NTOC | National Tribal Operations Committee |
| Q&A | Question-and-Answer |
| RSS | Really Simple Syndication |
| SEP | Supplemental Environmental Project |
| SSMs | Startups, Shutdowns, and Malfunctions |
| TCUs | Tribal Colleges and Universities |

For more information on Plan EJ 2014, visit the U.S. Environmental Protection Agency's Office of Environmental Justice website at: <http://www.epa.gov/environmentaljustice/plan-ej/>