



Environmental Justice in Air Permitting

September 12, 2023
New Hampshire
Business and Industry Association





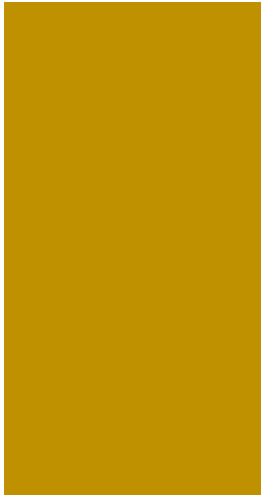
1. What is Environmental Justice (EJ) ?
2. Why does EJ matter?
3. How do we identify EJ Communities
4. NHDES Commitment to Advancing EJ
5. Environmental Justice in Air Permitting



What is Environmental Justice?

Environmental justice is 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. This goal will be achieved when everyone enjoys:

- The same degree of protection from environmental and health hazards, and
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.



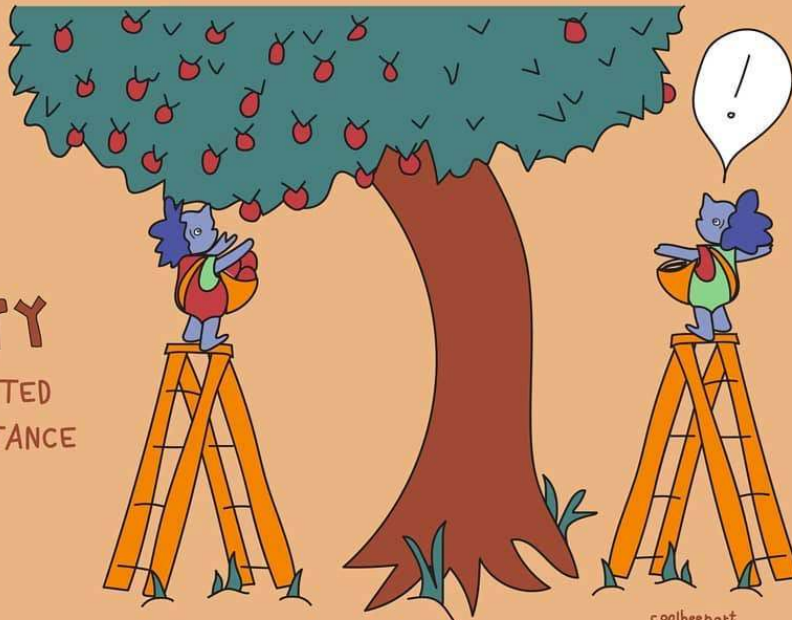
INEQUALITY

UNEQUAL ACCESS TO
OPPORTUNITIES



EQUALITY

EVENLY DISTRIBUTED
TOOLS & ASSISTANCE



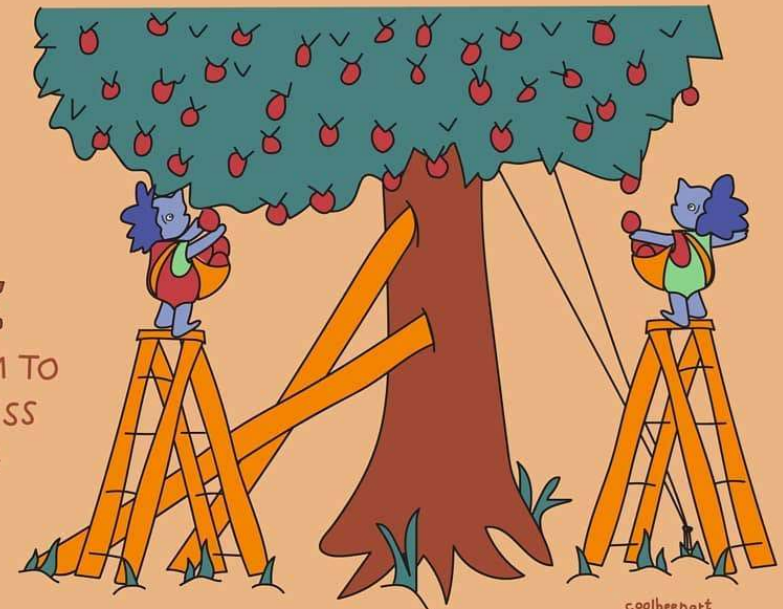
EQUITY

CUSTOM TOOLS THAT
IDENTIFY & ADDRESS
INEQUALITY



JUSTICE

FIXING THE SYSTEM TO
OFFER EQUAL ACCESS
TO BOTH TOOLS &
OPPORTUNITIES



What is Environmental Justice?



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

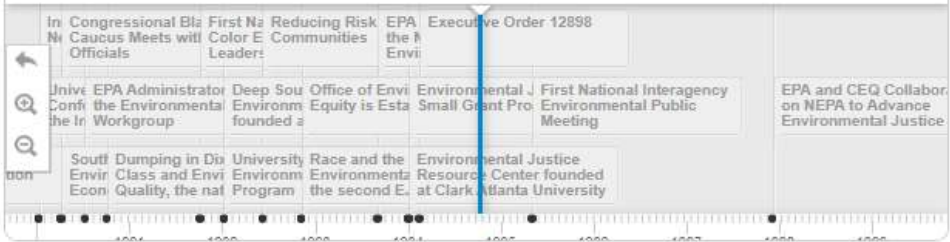
How Did the Environmental Justice Movement Arise?

The environmental justice movement was started by individuals, primarily people of color, who sought to address the inequity of environmental protection in their communities.

Professor Robert Bullard wrote, "whether by conscious design or institutional neglect, communities of color in urban ghettos, in rural 'poverty pockets', or on economically impoverished Native-American reservations face some of the worst environmental devastation in the nation."

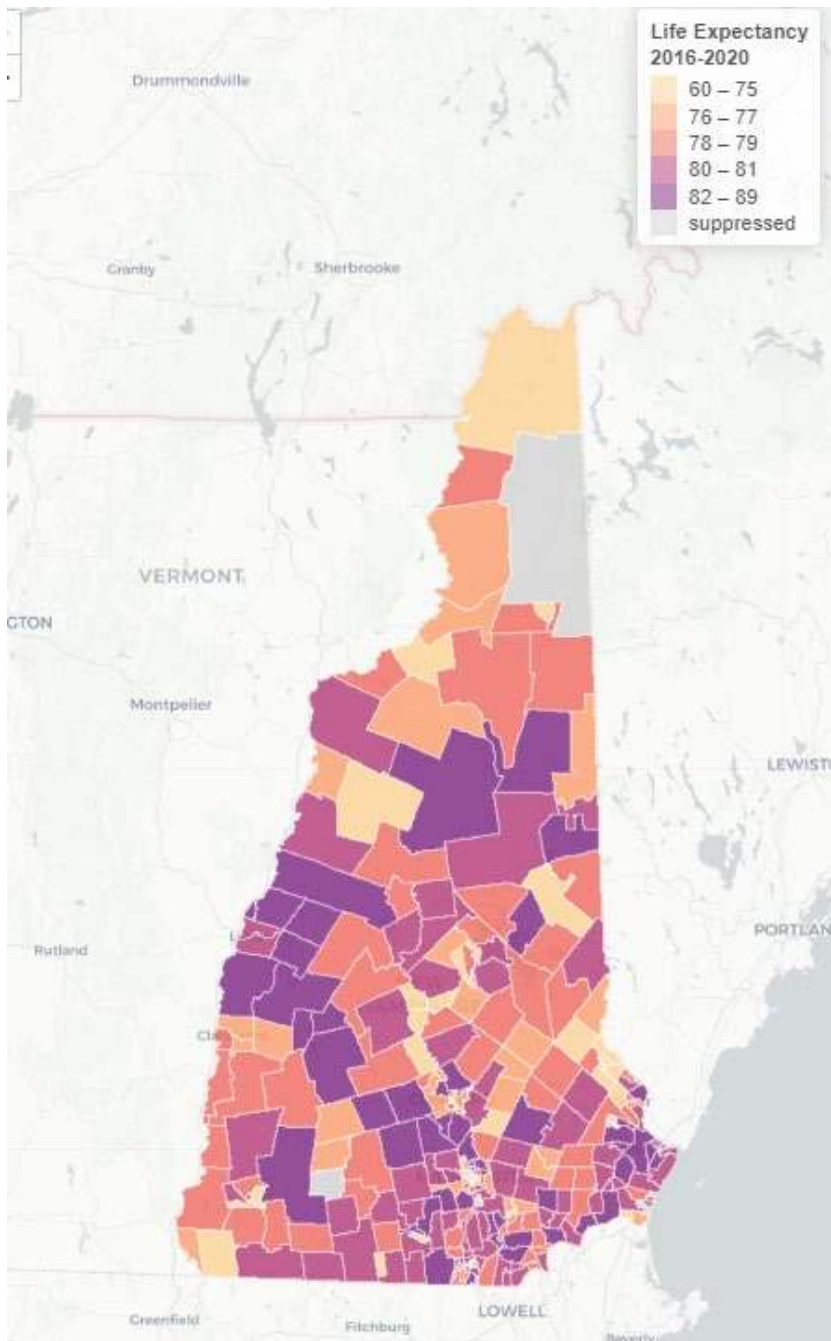
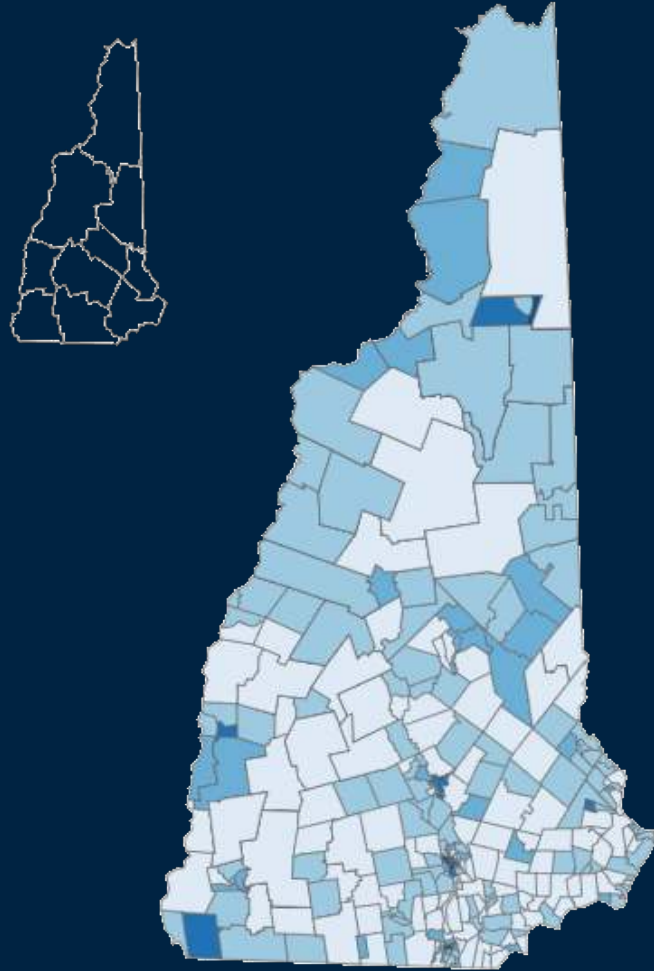
The Civil Rights Movement of the 1960s sounded the alarm about the public health dangers for their families, their communities and themselves.

FEBRUARY
11, 1968
Memphis
Sanitation Strike

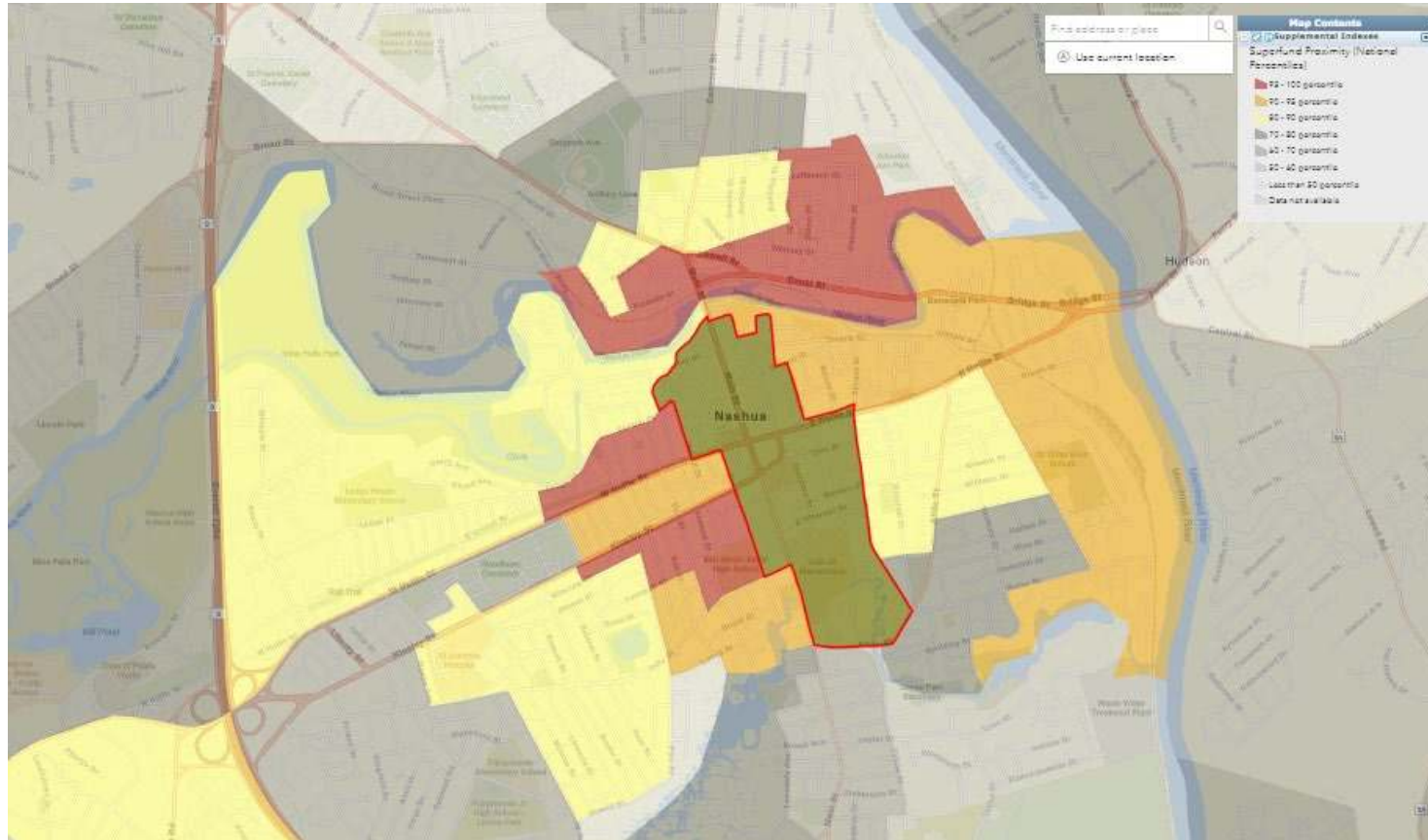


This timeline presents EPA's involvement in the Environmental Justice Movement and the major events leading up to it. This is not meant to be an all inclusive history of the movement in general.

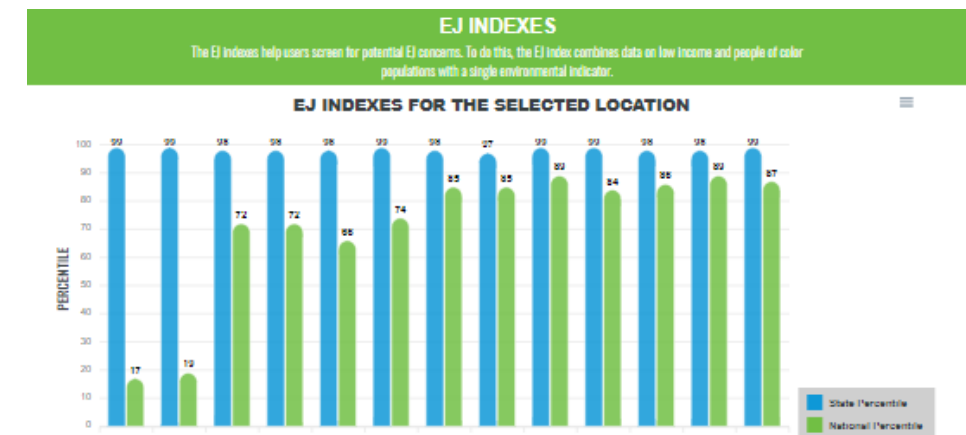
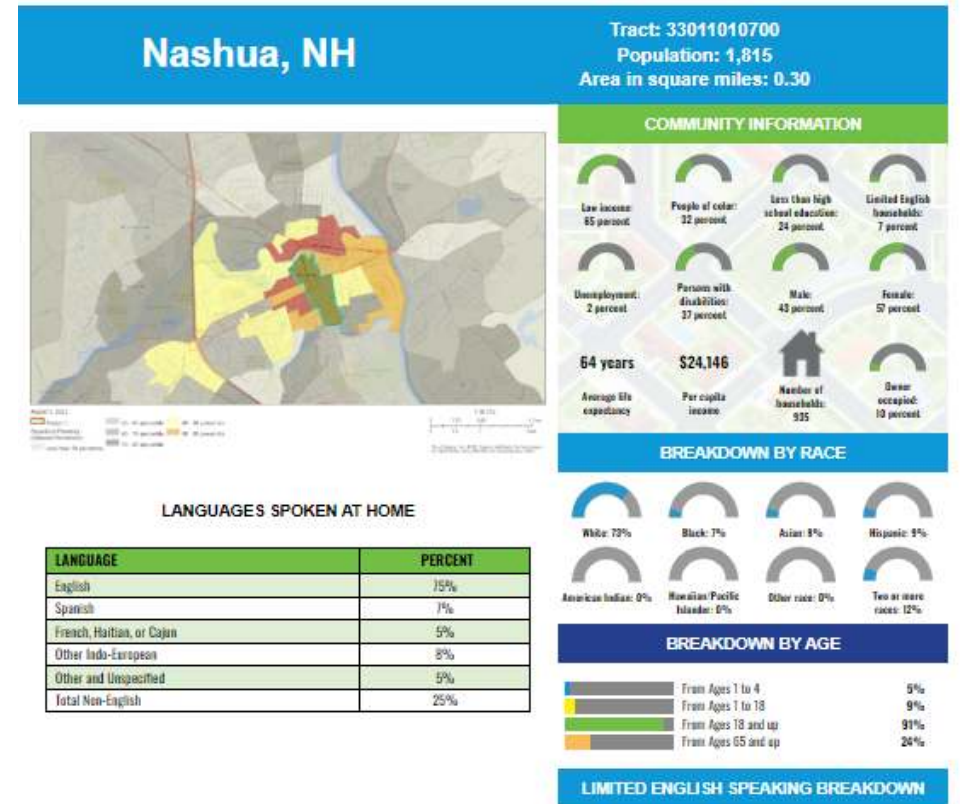
Why EJ matters



How do we identify EJ Communities?



<https://www.epa.gov/ejscreen>



NHDES Commitment to Environmental Justice

<https://www.des.nh.gov/about/civil-rights-and-environmental-justice>

Environmental Justice Statement

Date: 10/25/2022



New Hampshire Department of Environmental Services STATEMENT ON ENVIRONMENTAL JUSTICE

The New Hampshire Department of Environmental Services (NHDES) recognizes the importance of Environmental Justice (EJ) and will work to incorporate EJ principles, including meaningful involvement and fair treatment of all New Hampshire residents, in the implementation of Agency programs and activities.

Background

The Environmental Protection Agency (US EPA) defines EJ as, "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."

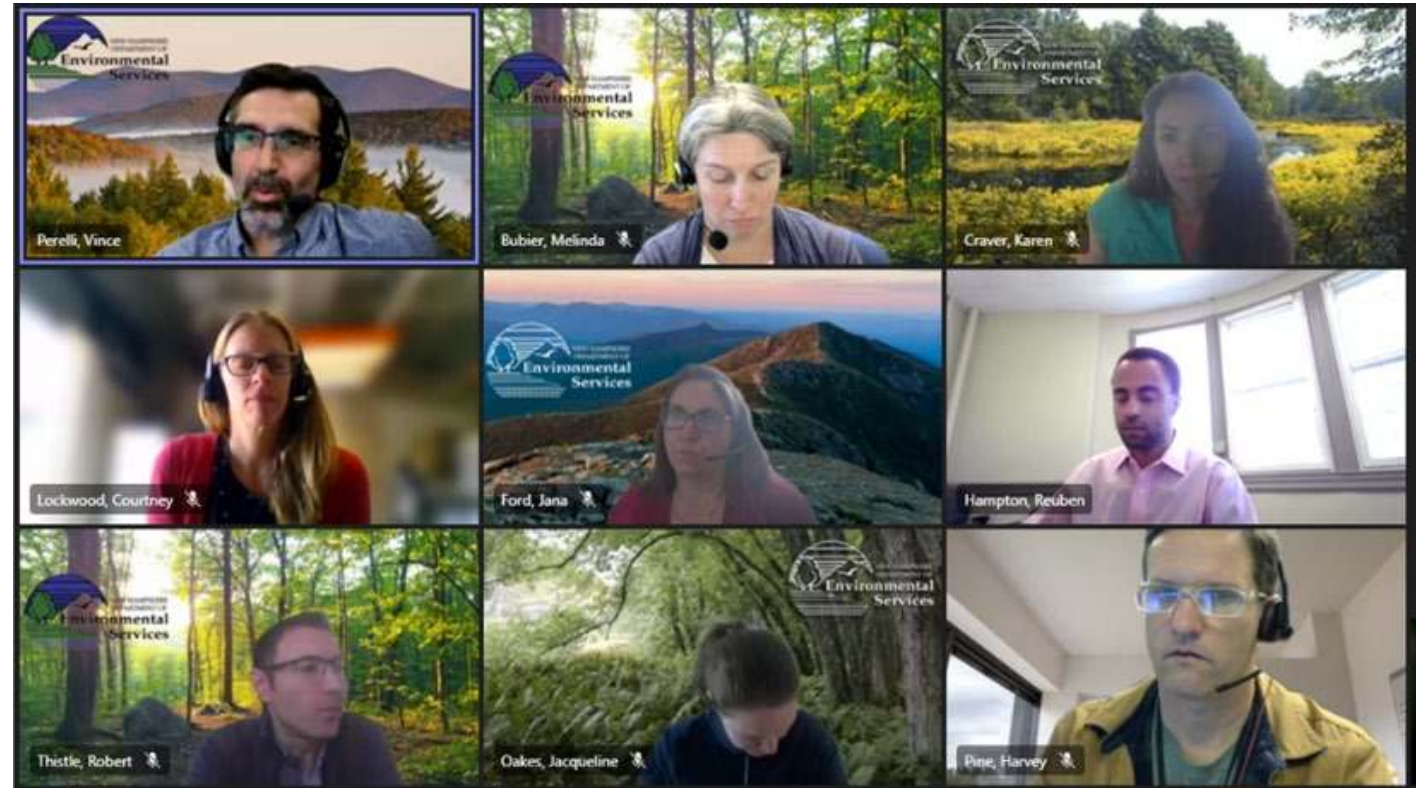
There is a body of evidence that suggests certain communities often bear a disproportionate impact from the implementation of environmental policies. These communities are more likely to experience:

- Greater exposure to environmental hazards, both outside and inside the home.
- Less access to green space, clean air, and clean water.
- Less access to opportunities for involvement in policy and permitting decisions.

NHDES recognizes that environmental health disparities exist within the state. These disparities have a lasting impact on the communities in which we live and serve. Therefore, NHDES is committed to advancing EJ in New Hampshire.

Promotion of Environmental Justice at NHDES

In the absence of state laws requiring consideration of EJ, NHDES will follow expanding federal EJ requirements and guidance. NHDES will continue to watch for policy changes at the federal and state level and will encourage inclusion of EJ principles in agency practices. NHDES will encourage program changes with the goal of achieving better environmental outcomes and reducing disparities in the state's most overburdened communities by:



EPA Principles for Addressing EJ Concerns in Air Permitting



<https://www.epa.gov/caa-permitting/ej-air-permitting-principles-addressing-environmental-justice-concerns-air>



- Released in December 2022
- **Interim** operating framework for identifying, analyzing, and addressing EJ Concerns in the context of Clean Air Act Permitting
- EPA continuing to work on building tools and exploring opportunities to advance EJ in partnership with states, communities, and other stakeholders
- Principles have been shared by the EPA to NHDES with encouragement to consider and apply them in air permitting actions

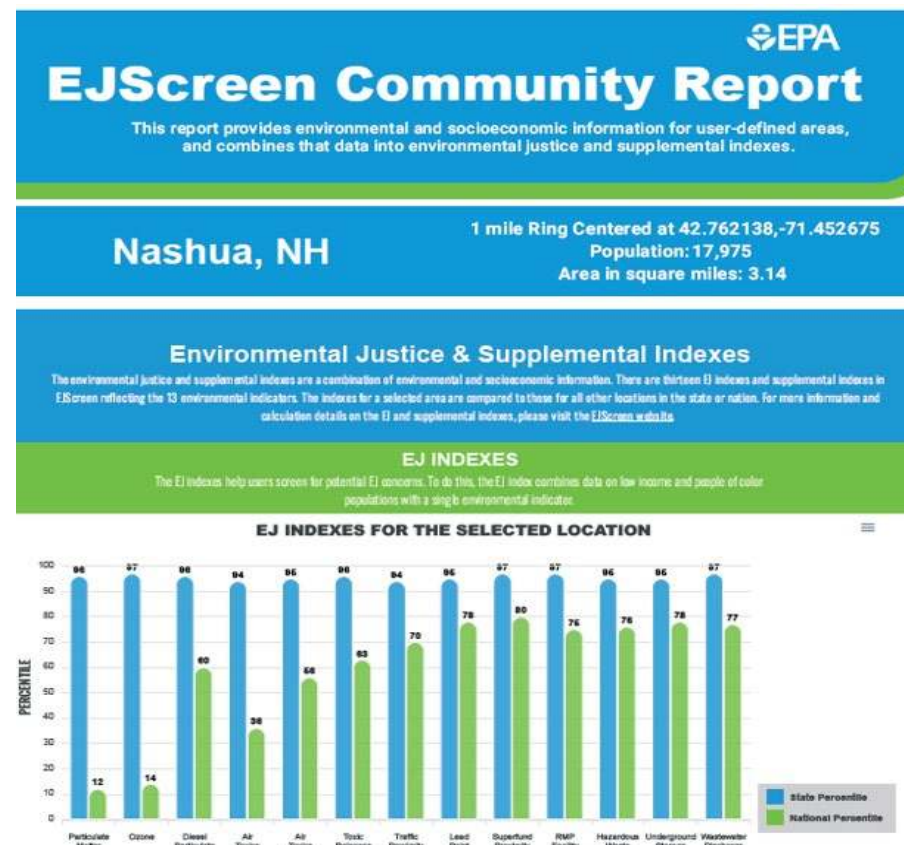
EPA Principles for Addressing EJ Concerns in Air Permitting

1. Identify communities with potential environmental justice concerns
2. Engage early in the permitting process to promote meaningful participation and fair treatment
3. Enhance public involvement throughout the permitting process
4. Conduct a “fit for purpose” environmental justice analysis
5. Minimize and mitigate disproportionately high and adverse effects associated with the permit action to promote fair treatment
6. Provide federal support throughout the air permitting process
7. Enhance transparency throughout the air permitting process
8. Build capacity to enhance the consideration of environmental justice in the air permitting process



Identify communities with potential EJ concerns

- NHDES is using EPA's EJ Screen to identify communities with potential EJ concerns.
- Current criteria:
 - 1-mile buffer around the facility street address
 - If any one of 13 EJ Indices is ranked at or above 80th percentile under the State, facility is in an EJ area of concern.



<https://www.epa.gov/ejscreen>

Identify communities with potential EJ concerns (continued)

- EJScreen reports also provide details about the languages spoken in a specific area, which can help us to offer language accessibility services including translation and interpretation.
- NHDES will provide written translation for vital documents for each LEP language group that constitutes either 5% of the affected community's population or includes 1,000 people within the community (whichever is less).



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	71%
Spanish	20%
French, Haitian, or Cajun	3%
German or other West Germanic	1%
Other Indo-European	2%
Other Asian and Pacific Island	1%
Other and Unspecified	1%
Total Non-English	29%

<https://www.epa.gov/ejscreen>

Engage early in the permitting process to promote meaningful participation and fair treatment

- EPA is encouraging permitting authorities to engage with impacted communities early, preferably before the permit application is submitted.
- EPA recommends that permit applicants work with permitting authorities to provide opportunities for meaningful participation and fair treatment throughout the permitting process.
- It is important for the applicant and the permitting authority to meaningfully engage with the community in order to discuss and consider potential approaches to addressing concerns before, during, and after the air permitting process.

Enhance public involvement throughout the permitting process

- NHDES has long standing protocols in place for public involvement during the air permitting process.
 - Public notice of draft permit which provides opportunities for public comment and request for a hearing. Notice published in 2 newspapers and posted on NHDES website.
 - Public hearings are held in the evening in the town/city in which the facility is located.
- NHDES is working to enhance communication and to provide additional opportunities for participation.
 - Translation of materials and offering live interpretation services for public meetings
 - Hosting informational meetings, meeting with community leaders, and requesting their assistance for outreach efforts.

Enhance transparency throughout the air permitting process

- EPA reiterates the importance of permitting authorities providing transparency throughout the permitting process.
- The permit application, draft permit and other supporting materials are posted to DES OneStop (<https://www.des.nh.gov/onestop-navigation>).



OneStop Navigation



Learning in Progress (EJ Principles 4 and 5)

- Conduct a “fit for purpose” environmental justice analysis
 - EPA is encouraging permitting authorities to conduct an environmental justice analysis of appropriate scope to inform the permitting decision.
- Minimize and mitigate disproportionately high and adverse effects associated with the permit action to promote fair treatment
 - EPA recommends that permitting authorities use all relevant statutory and regulatory authorities, including discretionary authorities, to develop permit terms and conditions to address or mitigate identified air quality impacts to the extent feasible.

NHDES Collaboration with EPA

- NHDES has an ongoing communication with EPA Region 1.
- NHDES building its own EJ structure and taking advantage of what EPA has to offer: training, technical assistance, outreach activities, and using grant money to provide translation and interpretation services.

Additional Tools & Links

[EPA Legal Tools to Advance Environmental Justice](#)

[EPA EJ Screening and Mapping Tool](#)

[NHDES Civil Rights and Environmental Justice](#)

[NHDES OneStop](#)

[NHDES Air Permit Guidance](#)

[NHDES Public Comment Opportunities](#)



Padmaja Baru

padmaja.baru@des.nh.gov

603-271-6798

Karen Craver

karen.m.craver@des.nh.gov

603-271-6865

Patrick Bird

bird.patrick@epa.gov

617-918-1287