

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION POLICY

I. TITLE: Environmental Justice (EJ) Public Participation Policy

II. PURPOSE: The purpose of this policy is to outline and provide direction to Illinois Environmental Protection Agency (Illinois EPA or Agency) staff on how to involve the public in EJ communities¹ in accordance with Title VI of the Civil Rights Act of 1964 and the United States Environmental Protection Agency (USEPA) guidance document *Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs*. (71 Fed. Reg. 14207)

III. RESPONSIBLE PERSON: The Environmental Justice Officer shall have the primary responsibility for coordinating all EJ efforts on behalf of the Illinois EPA and shall act as the spokesperson for the Illinois EPA on EJ. The Office of Community Relations will have a lead role in preparing the EJ Public participation plans, establishing local repositories and conducting community meetings. The bureaus will have the lead role in preparing and issuing Public Notices and fact sheets. Projects with significant public interest will require the Office of Community Relations and the bureaus to work together in preparing Public Hearing Notices and fact sheets.

¹ USEPA considers “environmental justice communities” as “a minority or low-income community that bears disproportionately high and adverse human health or environmental effects.” (Executive Order 12898). For the purposes of this document, a “potential” EJ community is a community with a low-income and/or minority population greater than twice the statewide average. In addition, a community may be considered a potential EJ community if the low-income and/or minority population is less than twice the state-wide average but greater than the statewide average and that has identified itself as an EJ community. If the low-income and/or minority population percentage is equal to or less than the statewide average, the community should not be considered a potential EJ community.

The EJ Officer is the contact person for citizens and communities in Potential EJ areas who believe their health or surrounding environment is at significant risk. The EJ Officer will serve as a liaison between the citizen or community and the relevant Illinois EPA personnel to seek resolution of any EJ issues.

IV. TECHNICAL GUIDANCE:

A. Types of Permits and Activities Covered [New sources or major modifications at existing sources]

1. Permits issued by the Bureau of Land

RCRA

- RCRA Permit
- Post-Closure Permit
- Underground Injection Control (UIC)

Solid Waste Landfills

- Development Permit (LF)

Treatment and Transfer Stations

- Development Permit

Compost Sites

- Development Permit

Medical Waste

- Development Permit

2. Permits issued by the Bureau of Air

Construction Permits

- a) Prevention of Significant Deterioration - New
- b) Prevention of Significant Deterioration – Significant Revision
- c) Major Stationary Sources Construction and Modification (MSSCAM) (Non-attainment New Source Review) – New
- d) MSSCAM (Non-attainment New Source Review) - Significant Revision

Joint Construction and Operating Permits

- a) Joint Construction and Operating Permits for new major sources

3. Permits issued by the Bureau of Water

NPDES Permits

- a) Phase II Stormwater Construction – General Permit
- b) Phase II Stormwater Industrial – General Permit
- c) Phase II Stormwater MS4 - General
- d) Municipal Lagoon Systems – General Permit (two different ones)
- e) Non-Municipal Lagoon Systems – General NPDES Permit
- f) CSOs Tributary to TARP– General NPDES Permit
- g) Hydrotest Discharge– General NPDES Permit
- h) PWS Solids and Backwash Water Discharges – General NPDES Permit
- i) Non-contact Cooling Water – General NPDES Permit
- j) Individual Municipal NPDES Permits
- k) Individual Non-Municipal Domestic Treatment NPDES Permits
- l) Livestock (CAFO NPDES) – General Permit

- m) Non-Coal Mine NPDES General Permit
- n) Non-Coal Mine Individual NPDES Permits
- o) Livestock (CAFO) Individual NPDES Permits
- p) Coal Mines Individual NPDES Permits
- q) Individual Public Water Supply NPDES Permits
- r) Individual Industrial NPDES Permits

Other Approvals

- a) CWS Section 401 Water Quality Certification

4. Remediation Projects in the Bureau of Land [Exempt are projects covered by the Superfund Community Involvement Policy and LUST program].

- a) Site Remediation Program
- b) State Response Action Program

B. Areas of Concern

1. This Public Participation Policy applies when proposed Agency permitting activities as identified in IV (A) may significantly and adversely affect EJ areas or when the community has made the Illinois EPA aware of EJ concerns for the proposed Agency action. An effective public participation strategy emphasizes early and meaningful public involvement throughout the permitting process.
2. Each Bureau's permit section will review all permit applications Identified in IV (A) to determine which applications trigger this EJ Public Participation Policy.

C. Public Participation in Potential EJ areas

1. Community Outreach

- a) Illinois EPA will encourage the permit applicant(s) to meet with community stakeholders to promote open dialogue early in the permitting process for appropriate permitting actions. As discussed below, preferably initial public outreach occurs prior to the submission of a permit application.
- b) In such cases, the applicant(s) will be encouraged to provide notice to residents of a potential EJ area about the pending permit application and the proposed project, and to provide basic information about the project to interested residents.
- c) Illinois EPA will provide residents with information regarding proposed permit conditions and will make fact sheets available on the Agency's webpage or via a link from the Agency's webpage when appropriate. Written information will be made available for persons without internet access when requested.
- d) Public Notices will be written in terminology and languages easily understood by the majority of readers, except where specific public notice language is otherwise required. When required, notices will be placed in legal notice sections or other sections of local publications.
- e) Much of the enforcement process consists of confidential communications between the Illinois EPA, the Attorney General's Office, and the alleged violator. However, the Division of Legal Counsel will determine what types of enforcement decisions can be communicated to the public, when and how.

- f) Illinois EPA will continue to solicit ideas for the Supplemental Environmental Project Bank for EJ Communities and will follow up on complaints from EJ communities.
- g) Databases of ongoing enforcement cases and compliance histories are available on-line. However, the information is fragmented and not easy to locate. Illinois EPA will make it easier for the public to access this information with convenient links on the Agency's web site.

2. Public Meetings

- a) Pre-application meetings – If a potential applicant has met with the Illinois EPA to discuss a proposed project, the Illinois EPA will encourage potential applicant(s) to meet with community stakeholders prior to submitting an application to the Agency.
- b) Informational meetings – The Illinois EPA will encourage the applicant(s) to hold an informational meeting within 30 days of submitting the application. Illinois EPA may assist in convening this meeting. The purpose of the meeting is to inform the residents in the Potential EJ Area of the scope and nature of the project in a timely, interactive manner and explain the permitting process. This meeting is in addition to any other currently required public meetings and hearings.
- c) Public hearings – The Illinois EPA will make a good faith effort to provide a translator when it is known that residents do not speak English very well or when the Illinois EPA receives a request for a translator at least 2 weeks prior to any public hearing or meeting and when the need for a translator is adequately justified.

- d) Fact Sheet and Project Summary – Illinois EPA should provide a plain language summary of the major aspects of the proposed project, including the purpose and location of the proposed activity and facility, and any anticipated environmental impacts, and any controls or work practices that will limit those impacts.

- e) Document Availability – The Illinois EPA should take every effort to make information available to residents in Potential EJ Areas in a timely and efficient manner. This could include requested repositories, information on the Internet and information through the Freedom of Information Act.