

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION POLICY

I. TITLE: Environmental Justice Public Participation Policy

II. PURPOSE: The purpose of this policy is to explain the Illinois Environmental Protection Agency's (Illinois EPA or Agency) approach to involving the public in communities located in areas identified as potential Environmental Justice (EJ) areas by the Illinois EPA¹ in accordance with the Agency's EJ policy (www.epa.state.il.us/environmental-justice/policy.html), the Illinois EPA EJ Public Participation Procedure² and the Illinois EPA Environmental Justice Start tool³. The Illinois EPA's EJ public participation policy predominately addresses public outreach in the context of permitting transactions but may be applied to additional Illinois EPA matters, including enforcement actions or remediation projects.

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 and the Office of Community Relations will coordinate on the preparation and issuance 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.

The EJ Officer is the contact person for citizens and communities in potential EJ areas. 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.

¹ For the purposes of this document, a "potential" EJ community is a community with an income below poverty and/or minority population greater than twice the statewide average. In addition, a community may be considered a potential EJ community if the income below poverty and/or minority population is less than twice the state-wide average but greater than the statewide average and it has identified itself as an EJ community. If the income below poverty and/or minority population percentage is equal to or less than the statewide average, the community should not be considered a potential EJ community.

² The Illinois EPA EJ Public Participation Procedure is the Agency's internal procedure for conducting outreach activities.

³ The Illinois EPA EJ Start tool is an internal computer based geographic and demographic tool utilized by the Agency to determine whether a given source is in or near a potential EJ area.

IV. COVERED ACTIVITIES

A. Permitting transactions.

1. Illinois EPA's EJ public participation policy applies to all permitting transactions.
2. Illinois EPA is committed to ensuring the appropriate level of outreach as discussed below if the source involved in the permitting transaction is a High Priority Violator per USEPA guidance or is the subject of an enforcement action (i.e., has been referred to a prosecutorial agency such as the Illinois Attorney General's Office).

B. Remediation Projects in the Bureau of Land (except for projects covered by the Superfund Community Involvement Policy).

C. Complaint Investigations

1. Illinois EPA will timely respond to complaints from EJ communities.
2. Illinois EPA will apprise complainants of the results of the investigations including providing copies of inspection reports and any correspondence, such as a Violation Notice, sent to the source of concern.

D. Enforcement

1. 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.
2. Illinois EPA will continue to solicit ideas for the Supplemental Environmental Project Bank for EJ Communities.
3. Databases of ongoing enforcement cases and compliance histories are available on-line at www.epa.state.il.us/enforcement/orders/.

V. COMMUNITY OUTREACH PROCEDURES

- A. An effective public participation strategy emphasizes early and meaningful public involvement throughout the permitting process or other Illinois EPA activities subject to this policy.
- B. The Illinois EPA will determine the appropriate outreach, if any, based on, among other considerations, the type of permit, potential impact of the project or Agency action, type of source and level of interest.

C. Each Bureau will review permit applications and other actions identified herein to determine whether the action will take place in a defined EJ area as determined by the Illinois EPA EJ Start tool.

D. Public participation options in potential EJ areas

1. Community Outreach

- a. For permitting transactions, 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.
 - i. In such cases, the applicant(s) will be encouraged to provide notice to residents located in and around a potential EJ area about the pending permit application and the proposed project, and to provide basic information about the project to interested residents.
 - ii. The applicant(s) are encouraged to develop a Community Relations Plan to structure ongoing dialogue with neighboring communities. Information concerning Community Relations Plans may be found at 35 Ill. Adm. Code Part 1600, Appendix A.
- b. Illinois EPA will provide the community with information regarding proposed projects via EJ notifications, which are mailed to community leaders, public officials, environmental groups, concerned citizens and the affected source.
- c. Illinois EPA 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.

2. Public Meetings

- a. Informational meetings – The Illinois EPA and/or the source may hold an informational meeting or availability session.
 - i. For permitting transactions, the purpose of the meeting is to inform the residents in and around a potential EJ Area of the scope and nature of the project in a timely, interactive manner and explain the permitting process. Informational meetings may be held prior to a public hearing or may be held when a public hearing is not required.
 - ii. Informational meetings may also be held to explain enforcement related matters, remediation projects or other Illinois EPA activities that are of concern to the public.
- b. 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 within two weeks of any public hearing or meeting and when the need for a translator is adequately justified.

3. Fact Sheet and Project Summary

- a. Illinois EPA will 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.
- b. As appropriate, the Illinois EPA will translate fact sheets into the predominate language of the community if it is not English.

4. Document Availability

- a. The Illinois EPA will take every effort to make information available to residents in potential EJ Areas in a timely and efficient manner.
- b. The Illinois EPA may create document repositories, place information on the Internet and provide information through the Illinois Freedom of Information Act.