

# Virginia Department of Environmental Quality (DEQ) Environmental Justice Study: Interview Feedback Summary



June 17, 2020

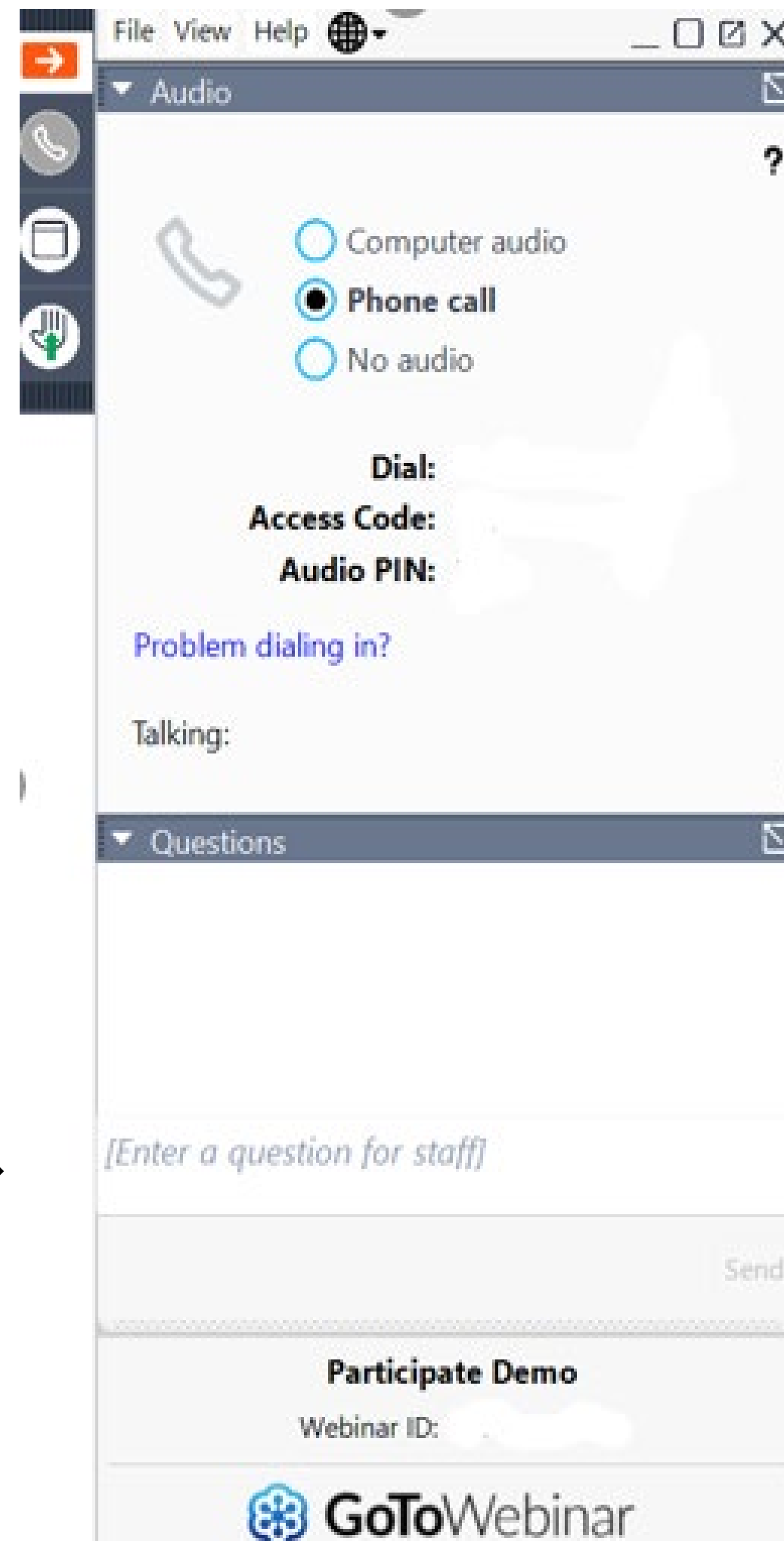
# IT Orientation

## PC/Laptop View

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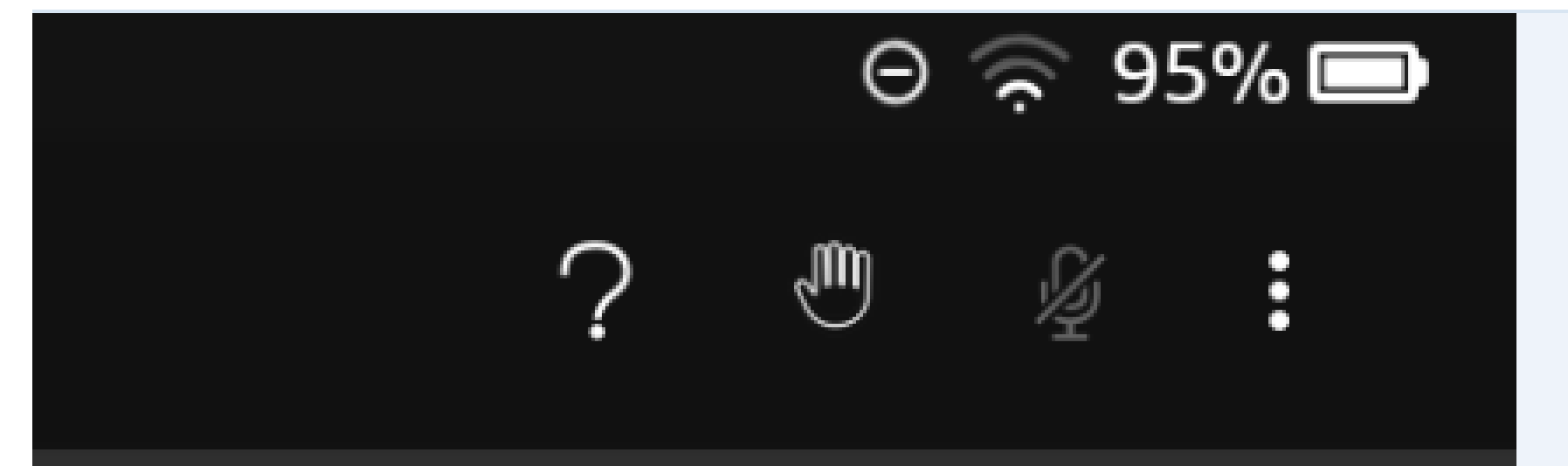
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## Mobile Devices View

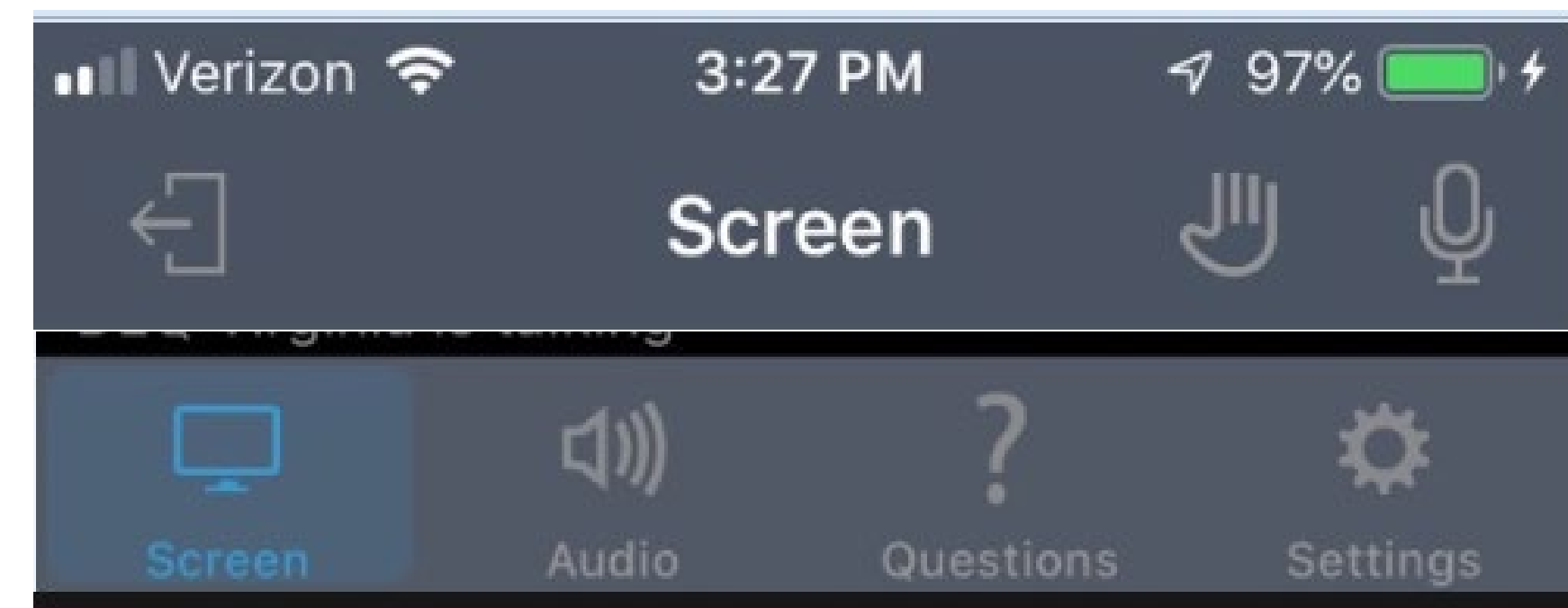
### Android



Enter Questions ↑

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### iPhone



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# Welcome

VA DEQ Welcome

Contractor Team

Presentation Overview

## VA DEQ Welcome

- Study purpose
- Commitment to advancing environmental justice
  - New legislation
  - Considerations related to COVID-19 and beyond
- Introduction of contractor

*Welcome!*

## Contractor Team Speakers

- Vernice Miller-Travis, Metropolitan Group
- Miranda Maupin, Skeo Solutions
- Sarah Malpass, Skeo Solutions

*Welcome!*

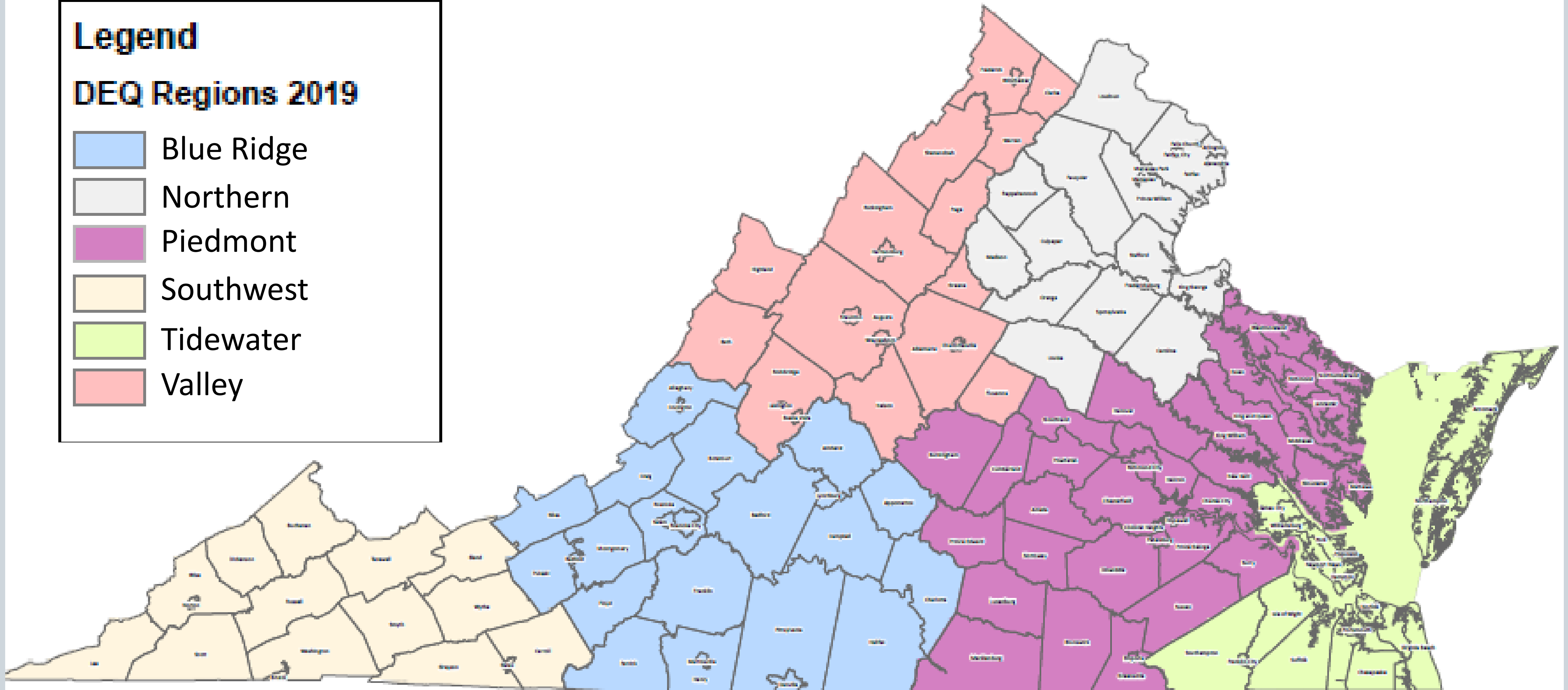
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# Quick Poll

## Legend

### DEQ Regions 2019

- Blue Ridge
- Northern
- Piedmont
- Southwest
- Tidewater
- Valley



## Presentation Overview

- Project Overview
- EJ Understandings and Expectations
- Stakeholder Issues and Ideas
- Q & A (via the Questions dialogue box)
- Wrap Up and Next Steps



# Project Overview

Study Purpose

Contractor Tasks and Timeline

Interview Approach

## EJ Study Purpose

To provide independent recommendations to DEQ on how to incorporate environmental justice principles into DEQ strategic planning and a phased program implementation.

## Contractor Tasks and Timeline

- **Information Gathering (Fall 2019 – Spring 2020)**
  - Review of statutory authorities
  - Review of best practices in other states
  - Gathering stakeholder feedback (interviews + post-webinar survey)
- **Recommendations Development (Summer 2020 – Fall 2020)**
  - Formulate draft recommendations for how DEQ can move forward
  - Review draft recommendations with EJ Advisory Council representatives
  - Meet with DEQ Leadership Team to review the recommendations
  - Finalize the recommendations in an EJ Study Report

## Interview Approach

- Purpose: to identify the challenges and opportunities for DEQ to advance EJ effectively from a broad range of stakeholder perspectives
- Conducted 75 interviewees; up to an hour each with a pre-interview survey
- Participants selected to represent all regions of the Commonwealth and a broad variety of stakeholder perspectives



# Interview Feedback

Stakeholder Understanding of EJ

Stakeholder Expectations of DEQ

Stakeholder Issues and Ideas

# Interview Feedback

This section presents the full range of perspectives and ideas gathered through the stakeholder interviews.

These are not recommendations from the contractor team or DEQ but are ideas presented for consideration from the stakeholders interviewed.

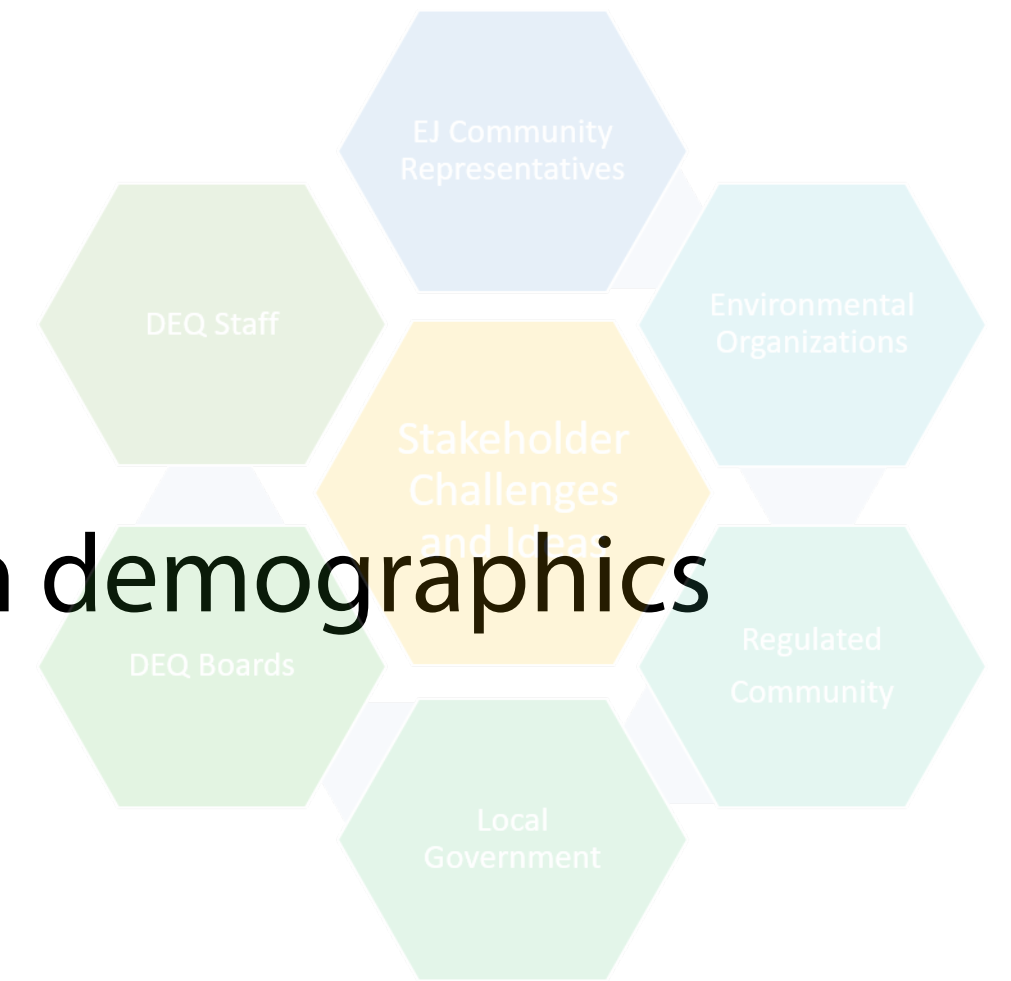
Not everyone will agree with all the perspectives captured here, but we hope you see your perspective represented.

The survey following this webinar will be an opportunity to share your perspective if you don't see it captured.

## Stakeholder Perspectives:

# What does “Environmental Justice” mean?

- Regulations are administered fairly, without discrimination based on demographics
- Meaningful community involvement
- Engaging vulnerable communities in decisions that affect them
- Recognizing and considering past harms and inherent inequities in decision-making
- Avoiding cumulative and disproportionate negative impacts on vulnerable communities
- Distributing program benefits equitably; to meet the priorities of vulnerable communities
- Ensure all people have access to nurturing environments



## Stakeholder Perspectives:

# Considerations regarding the concept of EJ

- Concerns that..
  - Some communities have not been treated equally under the law
  - EJ might be limited to race, and not consider other factors
  - EJ may be manipulated or used as a tool to stop projects for “outside” agendas
  - Define a disadvantaged population may be challenging
  - Defining and evaluating “impact” and “disproportionate” maybe challenging
- EJ is a response to environmental injustice which occurs where communities bear all the burdens, share none of the benefits, don't have a place to be a part of the process





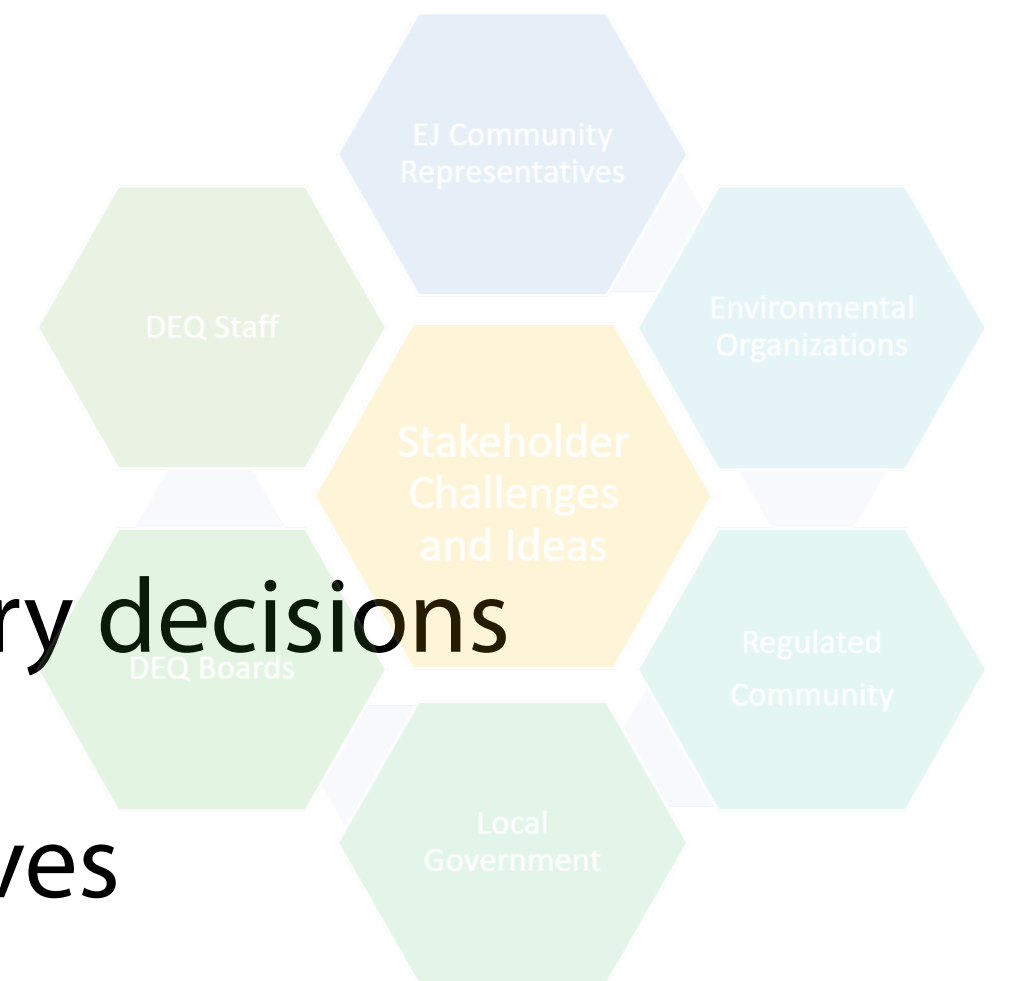
## Stakeholder Perspectives: What is DEQ's role in advancing EJ?

- Focus solely on environmental regulations
- Facilitate permit applicants through the permitting process
- Consider EJ, public health, social and economic considerations as part of environmental regulation
- Prevent pollution and injustice; drive an increase in use of renewable energy
- Neutral arbiter, providing guidance on environmental justice
- Thought leader in advancing environmental justice
- Develop accurate and trustworthy data to support decision-making
- Everyone has equal access to the agency; treat everyone fairly
- Recognize and address inequities
- Both permittees and communities know what to expect



Stakeholder Perspectives:

## What are DEQ's biggest challenges in advancing EJ?



**Authority:** Questions regarding DEQ's authority to consider EJ in regulatory decisions

**Direction:** Setting a new direction amid conflicting stakeholder perspectives

**Guidance:** Lack of clear methods, guidance, and tools to evaluate EJ impacts

**Resources:** Limited funding and staff; especially with new state budget crisis under COVID-19

**Trust:** Lack of trust between DEQ and EJ communities and some regulated communities

Stakeholder Perspectives:

## What is DEQ's relationship to various stakeholders?

**Industry:** Positive working relationship; neutral, fair, consistent

**Small Agriculture:** Ranges; unsure of DEQ's role and what programs impact them

**Local government:** Neutral to positive

**Environmental Organizations:** Neutral to positive

**EJ Communities and Activists:** Very strained, deep lack of trust



# Key Stakeholder Themes

1. Authority
2. Leadership
3. Organizational Culture and Staffing
4. Guidance and Tools
5. Accessible Information
6. Relationship Building
7. Community Engagement
8. EJ Community Capacity
9. Local Government Coordination

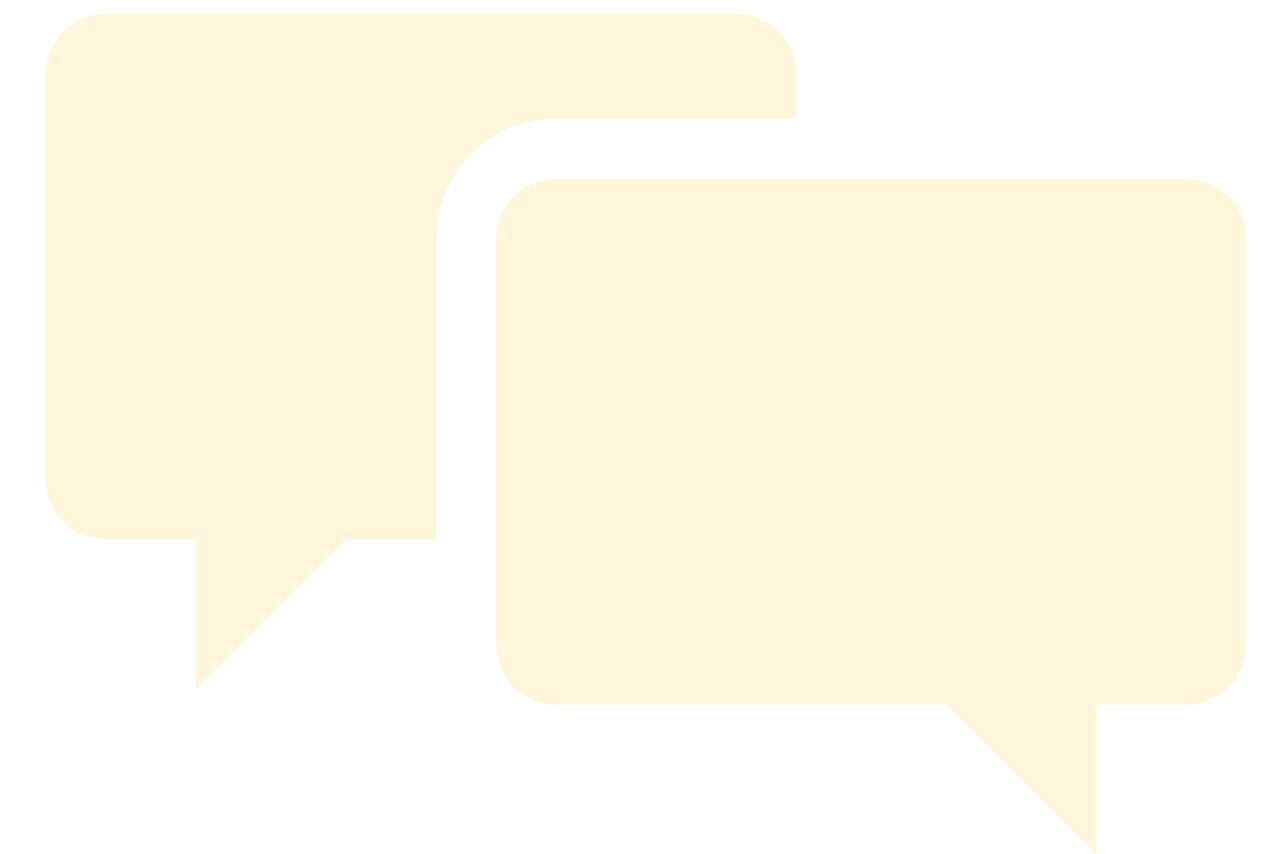
# Key Stakeholder Perspectives and Ideas





# 1. Authority - Stakeholder Perspectives

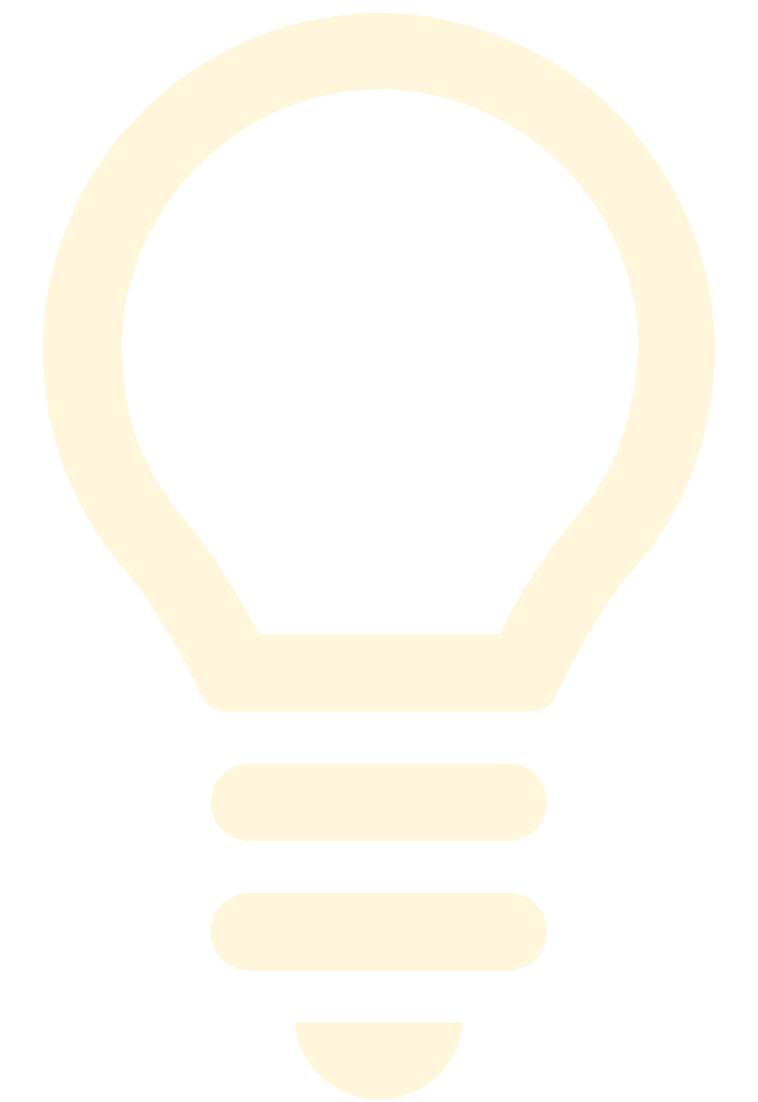
- Different understandings of DEQ's authority related to EJ and civil rights enforcement
- Does DEQ have authority to...
  - consider siting after a local land use approval?
  - be more protective than the standards?
  - consider cumulative, disproportionate impacts?
  - consider past inequities?
  - consider sensitive populations?
- How much of the permit review is discretionary?
- How can EJ impact findings influence a permit decision?





# 1. Authority - Stakeholder Ideas

- Review all legal pronouncements and summarize current legal authority
- Clarify the social and economic considerations in DEQ's mission/title
- Leverage constitutional requirement for environmental conservation
- Set higher standards for community engagement
- Designate EJ communities across the state
- Provide a visual aid of DEQ authority and programs

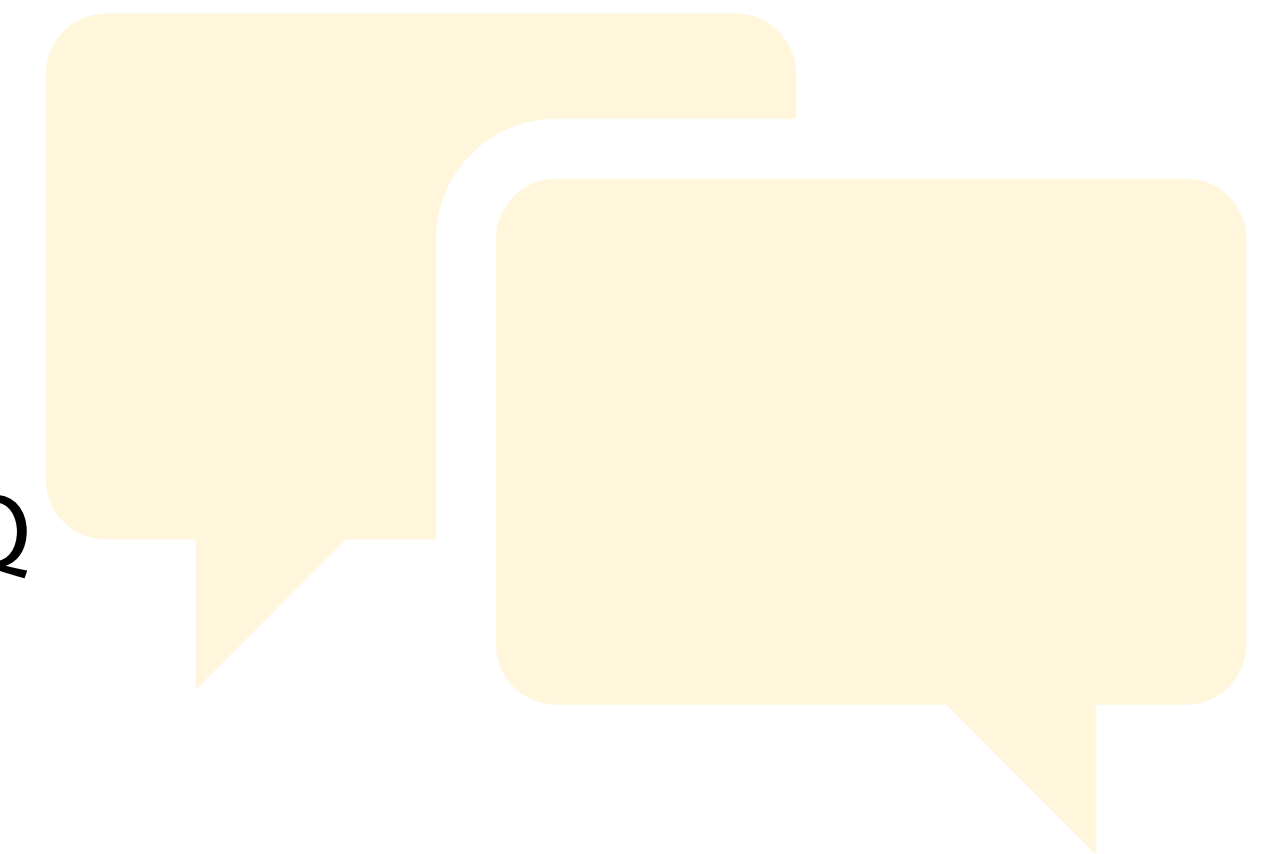






## 2. Leadership - Stakeholder Perspectives

- Leadership and boards do not reflect the racial and ethnic diversity of the Commonwealth or impacted communities
- Leadership does not understand or support EJ
- Need for coordination and role clarification among state agencies
- DEQ does not have an agencywide EJ strategy
- Regulatory implementation varies across the regions
- Need for a neutral convener role among stakeholders
- DEQ and boards are vulnerable to political and economic influence
- Some stakeholders have less access to and significant distrust of DEQ

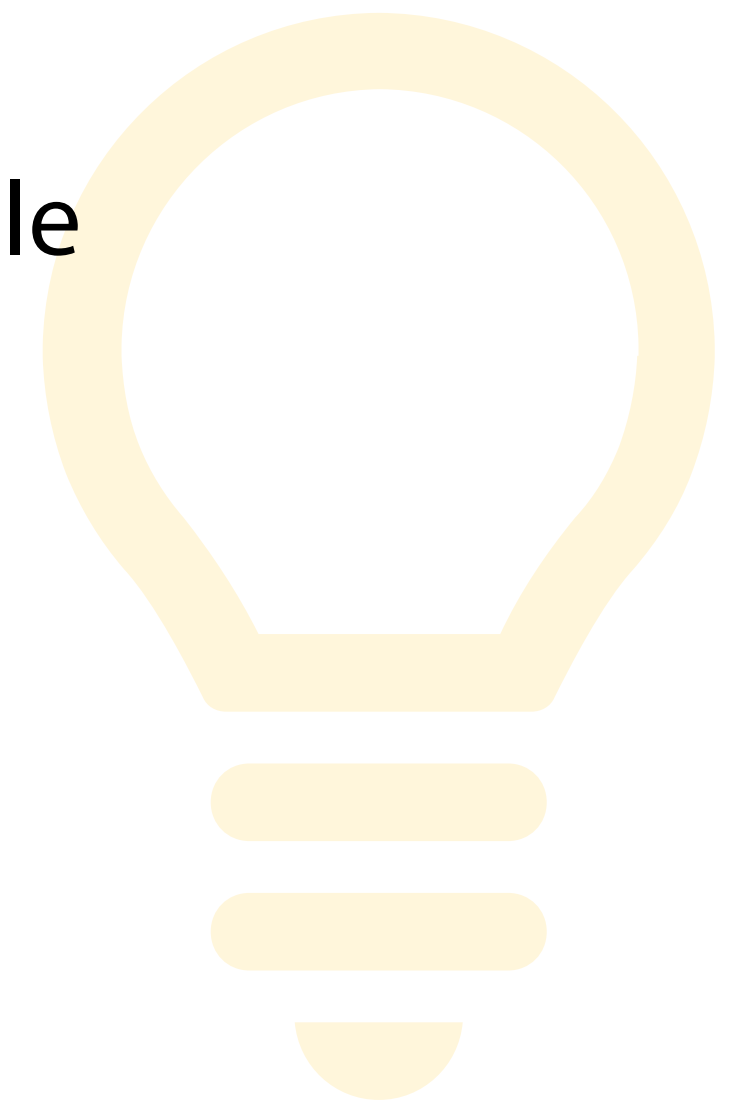






## 2. Leadership - Stakeholder Ideas

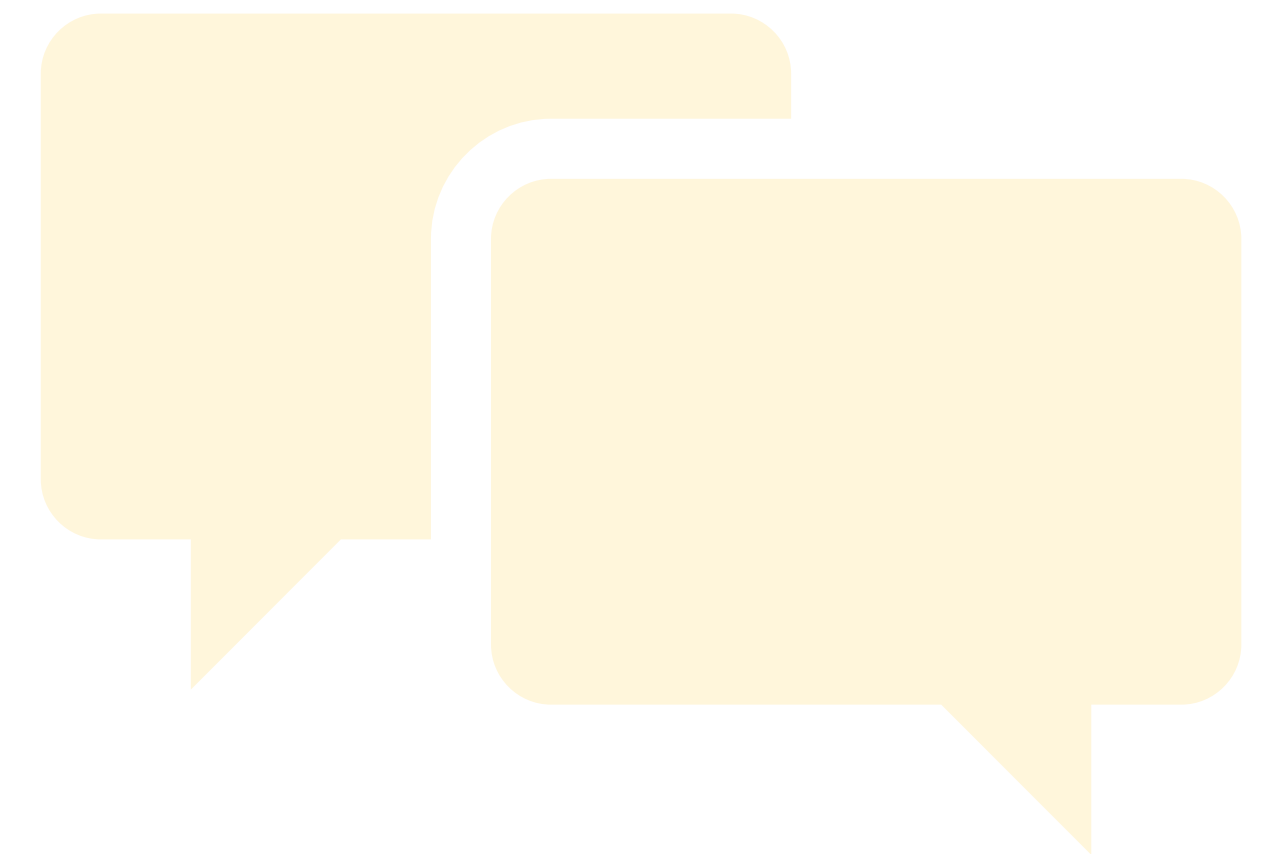
- Increase diversity and independence of boards and DEQ management
- Replace leadership to rebuild trust in DEQ
- Champion EJ at the leadership level
- Train DEQ management on EJ
- Create a cross-agency EJ working group
- Create an EJ office
- Ensure EJ leadership has sufficient independence with external oversight role
- Develop an agency-wide EJ policy and strategic implementation plan
- Communicate a clear, consistent EJ message internally and externally
- Rebalance DEQ relationships between industry and EJ communities
- Serve as a neutral convener to bring together stakeholders





### 3. Organizational Culture and Staffing - Stakeholder Perspectives

- Recognition that there are empathetic staff who want to do the right thing
- Strong scientific and technical culture
- Preference for clear direction; discomfort with discretion and perceived conflict
- Aging workforce; some resistance to change
- Mixed understanding of EJ
- Confusion about whether and how EJ fits into the mission of DEQ
- Lack of staff with EJ expertise and community engagement skills





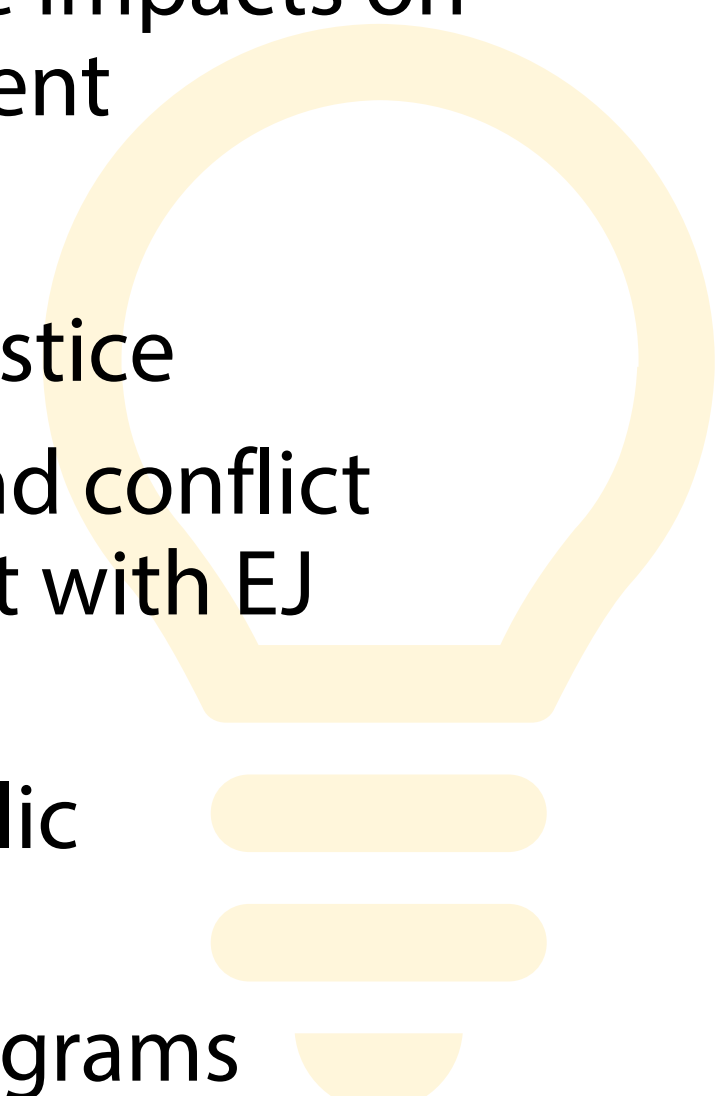
## 3. Organizational Culture and Staffing - Stakeholder Ideas

### Staff Hiring and Expertise

- Hire more diverse staff reflecting the diversity in the regions
- Hire staff with community engagement expertise
- Hire staff with EJ and public health expertise to evaluate disproportionate impacts
- Hire translators and interpreters for multiple languages
- Hire liaison who can interface communities and with local governments on EJ issues

### Train staff on

- The history of the state of Virginia's relationship to communities of color, including indigenous communities
- Environmental justice, environmental racism and civil rights obligations
- Disproportionate and cumulative impacts on human health and the environment
- Cultural competence/humility
- Diversity, equity, inclusion and justice
- Cross-cultural communication and conflict resolution, and how to build trust with EJ communities
- How to conduct meaningful public communication and outreach
- How to integrate EJ into core programs





## 4. Guidance and Tools - Stakeholder Perspectives

- Need a clear understanding of how EJ can inform decision-making
- Concern that DEQ does not respect information from EJ experts and is using “old” science
- No mutually agreed upon or widely accepted method to:
  - clearly identify EJ communities
  - evaluate disproportionate and cumulative impacts
  - consider EJ in siting
  - balance consistent standards with location-specific impacts
- Concern regarding slow response on permit violations related to pipelines
- Concerns that EJ determinations may discourage economic activity
- Regulated community needs certainty about process and timing of permits
- Permit approvals must happen within a specified timeframe



## 4. Guidance and Tools - Stakeholder Ideas

- Develop a policy on how EJ applies to each DEQ program
- Develop a statewide resource and/or mapping tool to help identify EJ and tribal communities (Consider National Institutes of Health protocols for demographic data)
- Develop method, based on EJ best practices, to
  - identify communities who are at risk for disproportionate impacts
  - evaluate cumulative and disproportionate impacts
  - evaluate impacts to vulnerable populations
  - integrate knowledge and expertise from EJ experts and residents
- Conduct monitoring and enforcement that aligns with these new methodologies.
- Balance siting for efficient operations with race, class and economic factors and impacts on surrounding community







## 5. Accessible Information - Stakeholder Perspectives

- Lack of transparency and availability of data
- Concern that DEQ has falsified data
- Concern over using industry-sponsored
- Need more real-time and historic information on the status of the environment, especially air quality in EJ communities
- Need guidance and reliable data to help identify EJ communities
- Outdated forms of communication such as older website, newspaper and legal advertisements
- Need for boots-on-the ground outreach; can't rely only on internet and social media
- Language barriers; most DEQ communication is only in English
- Need information in plain language for non-technical audiences



## 5. Accessible Information - Stakeholder Ideas

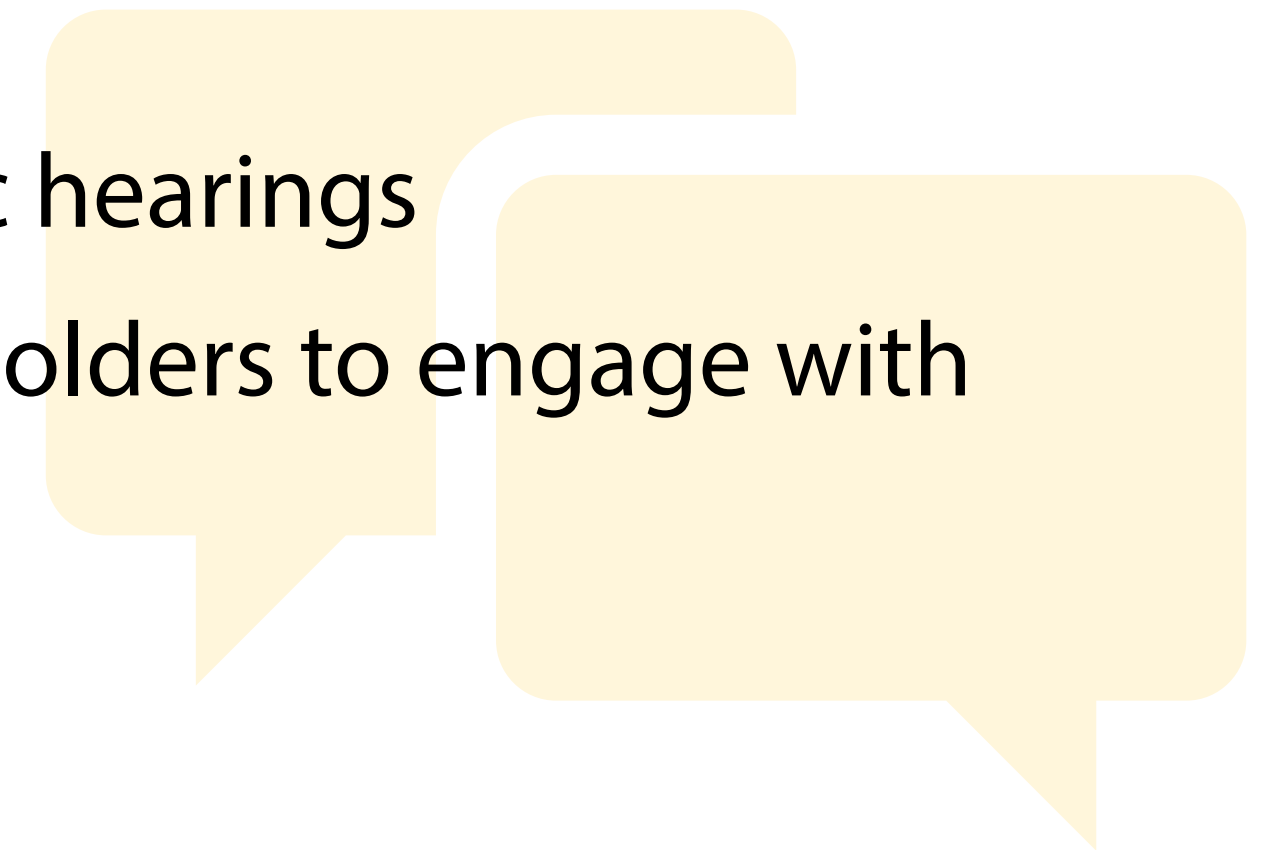
- Add more monitoring (especially air quality monitoring at facility fenceline) in or near EJ communities, and collaborate with impacted communities on monitoring efforts
- Provide updates on the status of permitting and compliance activities and where air quality and water quality standards are in clear violation
- Provide more intuitive, user-friendly website
- Provide plain language handouts on key issues and projects translated into Spanish and other languages
- Improve coordination between DEQ's public information and technical staff
- Replace industry sponsored data with independent science





## 6. Relationship Building - Stakeholder Perspectives

- Lack of DEQ presence within the public sphere
- Lack of understanding about the scope of DEQ's programs among many stakeholders
- Most people do not know DEQ exists or the good work they do to protect the environment
- Struggle to communicate effectively to poor communities about the value of environmental conservation
- Need better long-term working relationships between DEQ staff, the regulated sector, and EJ communities
- There is an intimidating presence of law enforcement at some public hearings
- What role could the DEQ play in expanding the capacity of all stakeholders to engage with each other and with decision-making processes effectively?

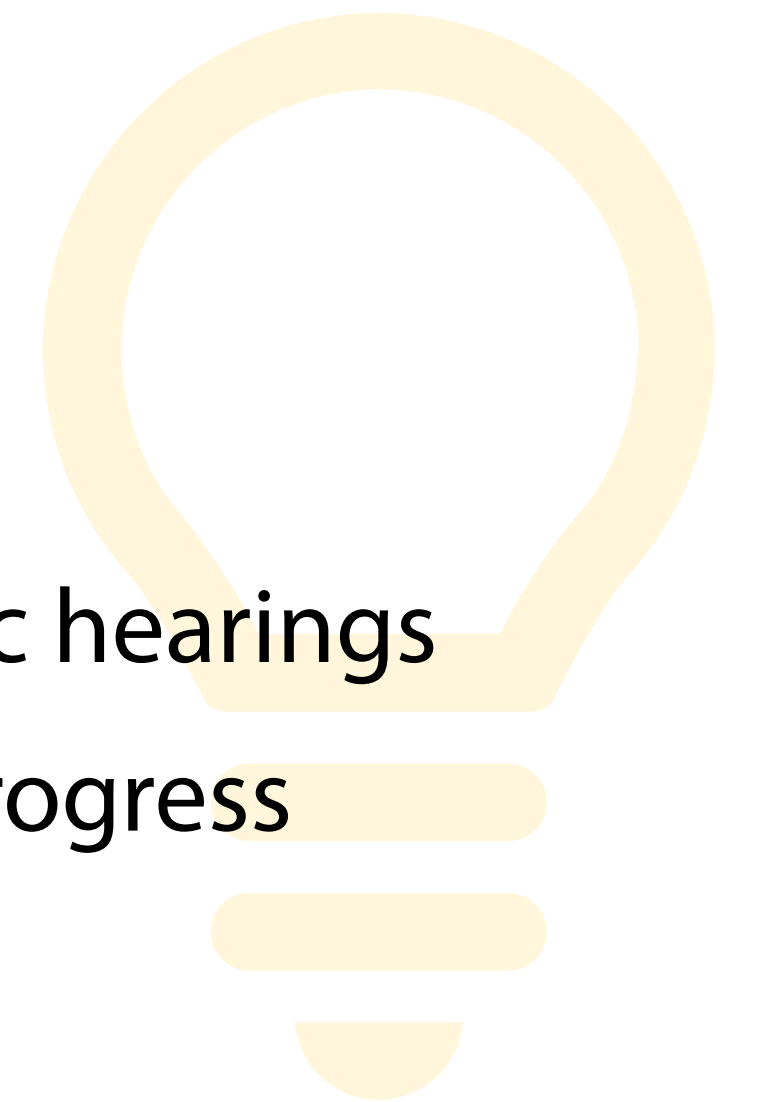






## 6. Relationship Building - Stakeholder Ideas

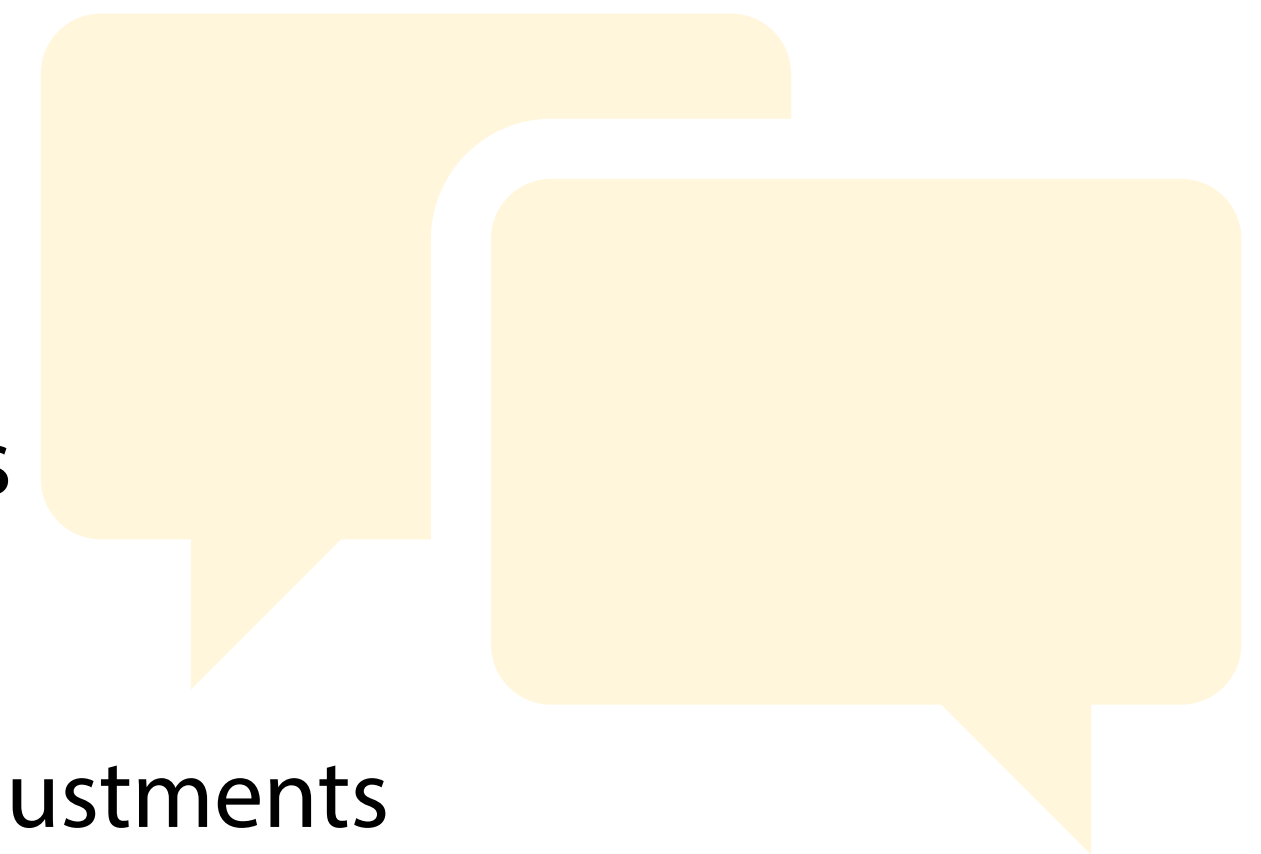
- Host standing venues for frequent, proactive communication and relationship building
- Increase community engagement staff and resources
- Support staff who do community engagement and outreach
- Create an ombudsman and/or regional liaisons to build community relationships
- Create a better understanding of DEQ's role and mission
- Spend time with people in impacted communities
- Improve relations with EJ communities and EJ leaders
- Improve relationships with farmers and the agricultural community
- Establish a friendly approach for law enforcement attendance during public hearings
- Facilitate a stakeholder group to develop EJ recommendations and track progress





## 7. Community Engagement - Stakeholder Perspectives

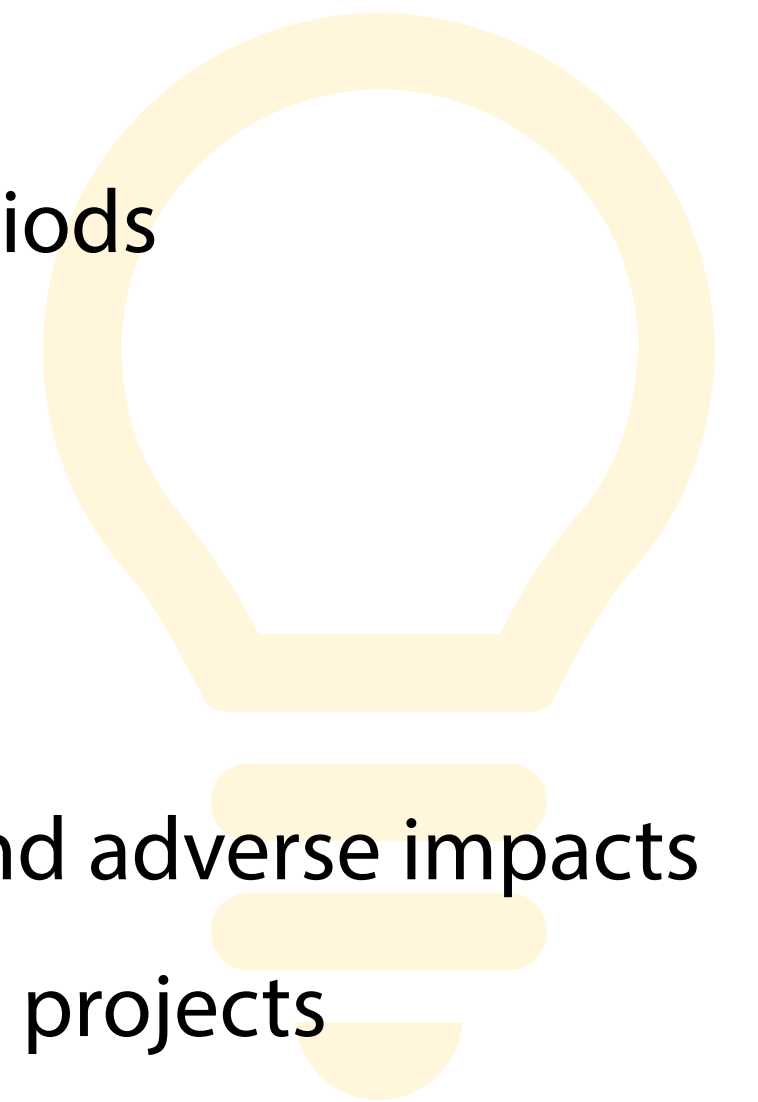
- DEQ can go beyond the minimum requirements for community engagement
- Staff want to do more engagement than they can with current staffing
- Funding constraints, staffing capacity
- Concern about a check-the-box approach to public input
- Comment period with only one or two public meetings is too short
- Public meetings held at inconvenient times and places and not recorded
- Lack of early community input in decision-making
- Lack of resources for language translation and interpretation
- Disparity in level of interaction with permit applicants versus communities
- DEQ staff can be defensive when receiving public input
- Confusion on how community input can inform permit conditions and adjustments





## 7. Community Engagement - Stakeholder Ideas

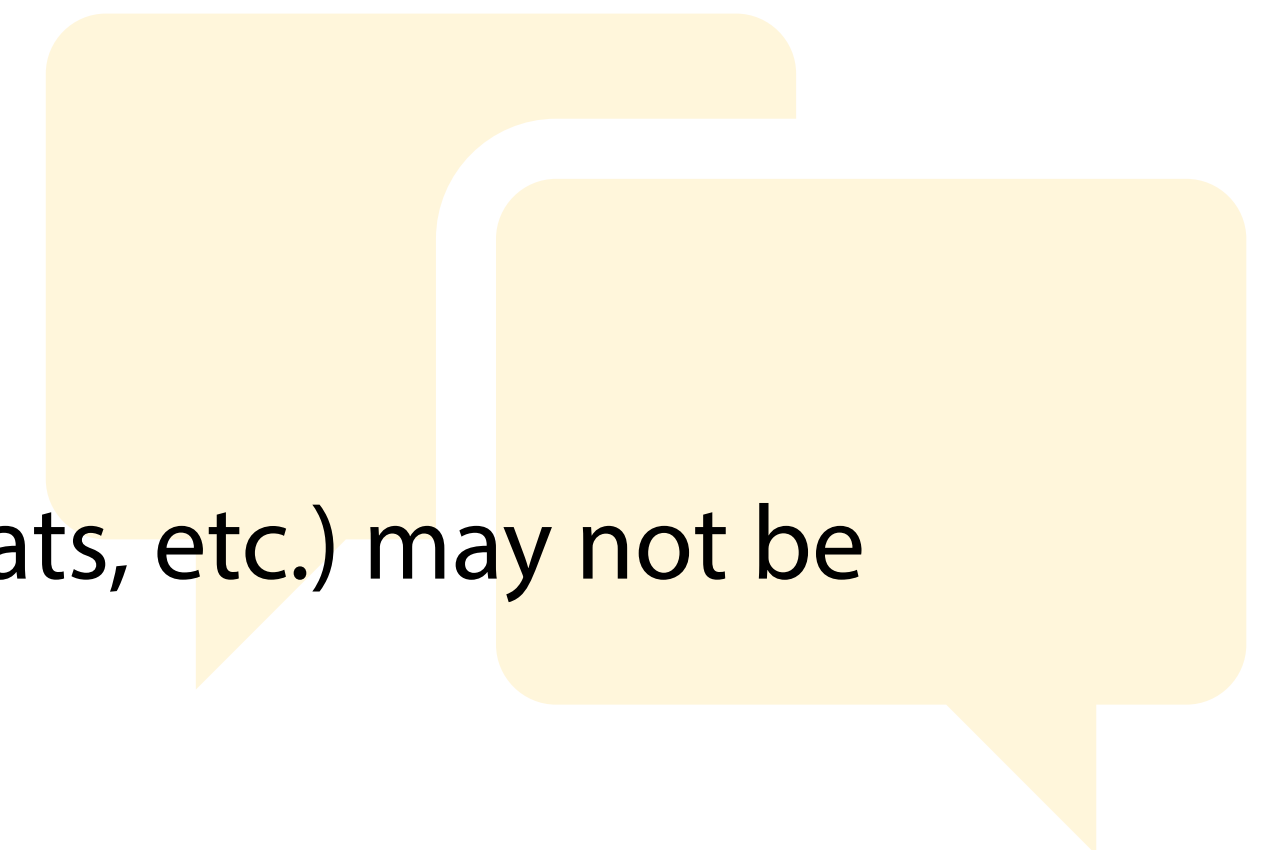
- Develop clear policy outlining requirements for engagement in a regulation or statute
- Develop consistent guidance/metrics for EJ outreach and public engagement
- Increase engagement with vulnerable communities identified using EJ Screen or similar tool
- Proactively reach out to EJ communities early in the project scoping, siting and permit application phase
- Increase outreach and notification
- Hold meetings in the impacted community at a convenient time and location
- Expand timeline to accommodate community engagement and extended comment periods
- Share information and educational resources with affected communities
- Clarify decision points, communicate how community can influence decisions
- Communicate how public input influenced decision-making
- Require permit applicants to conduct early outreach and identify community benefits and adverse impacts
- Convene conversations that explore potential benefits and adverse impacts of proposed projects





## 8. EJ Community Capacity - Stakeholder Perspectives

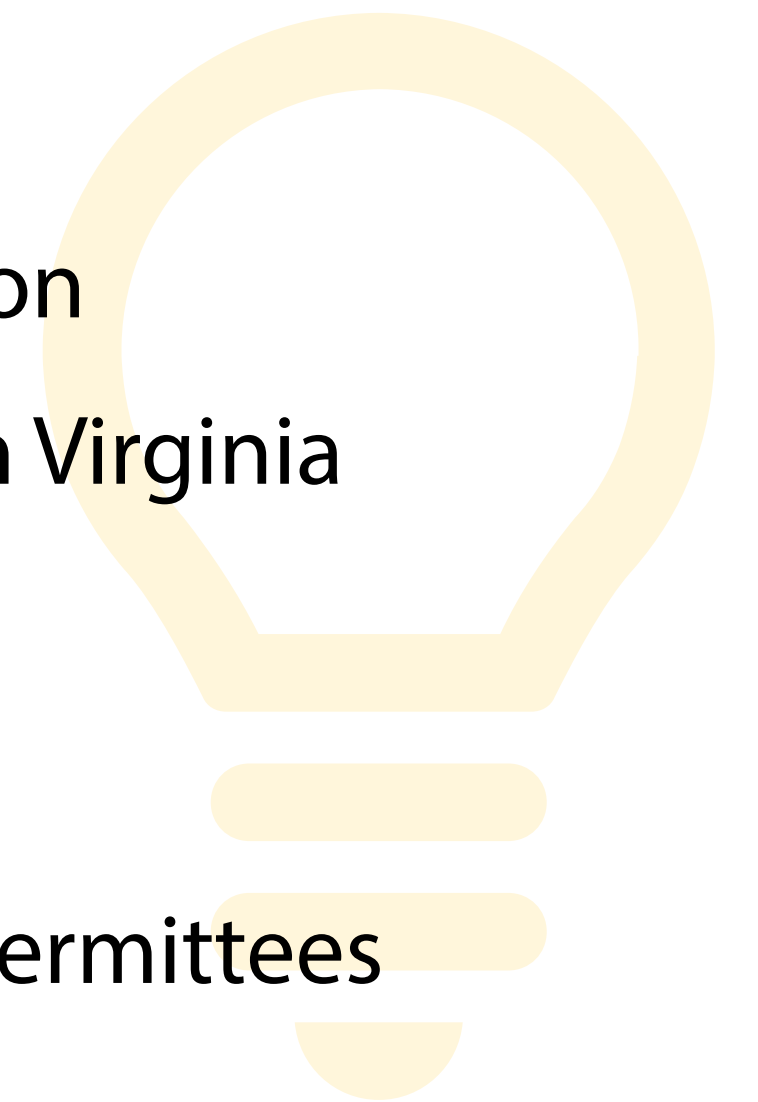
- EJ communities, tribes and some localities have limited staff, resources or expertise to effectively evaluate the potential adverse impacts of a proposed project
- EJ communities, tribes and some local governments do not have the capacity to apply for and/or administer grant funding
- Lower income communities/workers may be unaware of how to report violations or afraid of retribution for reporting
- EJ experts feel their expertise is often devalued and undermined
- Concerns that DEQ resources (grants, staff time, public hearing formats, etc.) may not be helping those most in need





## 8. EJ Community Capacity - Stakeholder Ideas

- Fund community organizations and EJ experts to conduct education and outreach
- Educate and engage communities early in siting/permit process
- Explain technical documents in plain language, and translate
- Host targeted regional trainings on effective public commenting
- Allow communities to engage their own scientists and experts
- Prioritize EJ communities and underserved communities for grant programs
- Put resources into locally-led environmental monitoring and community education
- Allocate more funds and staff time to help federally and state recognized tribes in Virginia
- Take advantage of funding flexibility to prioritize funding to those most in need
- Evaluate equitable distribution of program funds, identify participation barriers
- Engage with community and EJ representatives as much or more than with the permittees







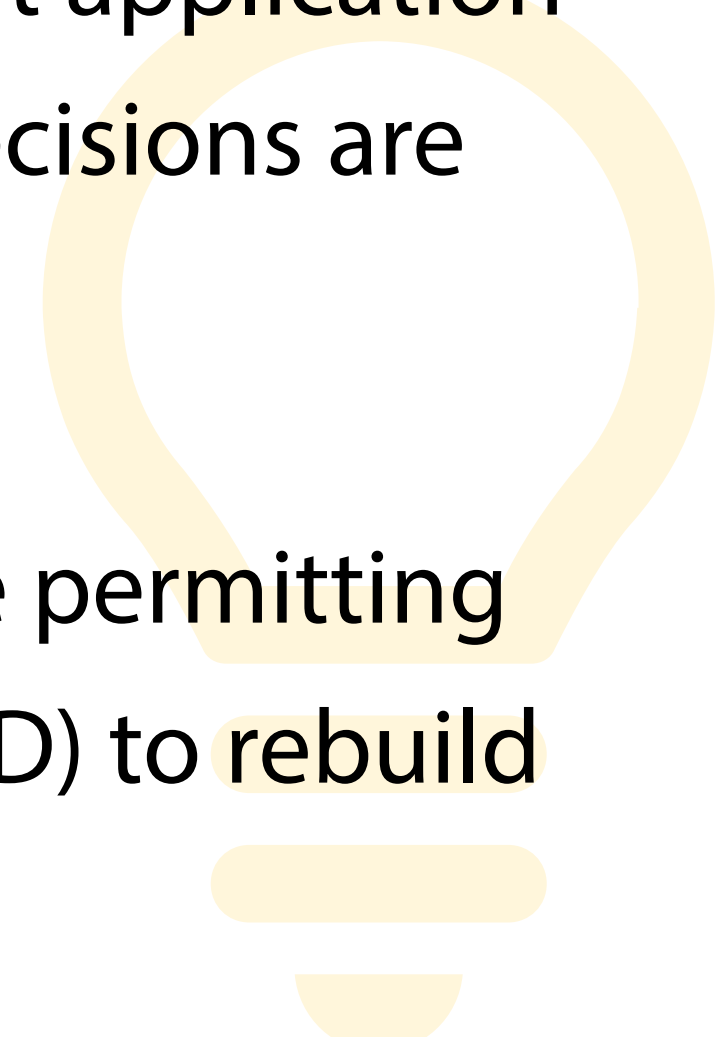
## 9. Local Government Coordination - Stakeholder Perspectives

- Need to clarify DEQ authority over siting
- DEQ and local government need to communicate on siting criteria and evaluation
- Local governments have local knowledge to make sound siting decisions
- Sometimes, local government decisions violate their own guiding documents
- EJ designations could prevent economic growth
- Local government may prioritize economic interests over social and environmental impacts
- Many localities are not aware of EJ, the history of residential segregation and expulsive zoning, and how that has influenced present-day local land use
- Many localities do not know how consider EJ in local land use decision-making
- No commonly used resources on best practices related to EJ and siting
- Some localities may not have staff, time or expertise to evaluate EJ; rely on corporations to explain the project and the project's potential impact



## 9. Local Government Coordination - Stakeholder Ideas

- Local governments should make principal determination of site suitability
- Communities should have clear and frequent opportunities to provide comment on site suitability and EJ considerations prior to siting being approved
- DEQ could play an educational role, including providing EJ training, guidance, expertise and resources to local governments
- Local governments should coordinate with DEQ before DEQ receives permit application
- Provide “pre-screening” services to local governments before local siting decisions are made
- Reference National Environmental Policy Act guidelines in decision making
- Require verification that local siting decisions meet EJ standards during the permitting
- Greater DEQ collaboration with Soil and Water Conservation Districts (SWCD) to rebuild trust and coordinate with local government



# Webinar Participant Feedback

As we have heard, there are a wide range of ideas about how DEQ can advance Environmental Justice. To be successful over the long-term, we must develop shared understanding and find a way forward together.

If you have perspectives that were not captured during today's presentation, please share your ideas in the post-webinar survey.

It is important we hear the full range of ideas as we move into formulating recommendations for DEQ.



# Quick Poll

# Q & A

Project consultants will respond to questions entered in the Questions dialogue box.

# Next Steps

Accessing and Sharing the Recorded Webinar

How to Share Additional Feedback

Next Steps for the Recommendations Phase

Closing Comments

## Sharing the Recorded Webinar

- The recorded webinar and slides (in English and in Spanish) will be available on the DEQ website.

[www.DEQ.Virginia.gov/ConnectWithDEQ/EnvironmentalJustice.aspx](http://www.DEQ.Virginia.gov/ConnectWithDEQ/EnvironmentalJustice.aspx)

- Please share with your friends and colleagues!

## Please share feedback through the post-webinar survey!

- A link to the survey will be sent to webinar participants via email following the webinar.
- The survey is available in English and in Spanish.
- If you are watching the recorded webinar, you can also access the survey here:  
[www.DEQ.Virginia.gov/ConnectWithDEQ/EnvironmentalJustice.aspx](http://www.DEQ.Virginia.gov/ConnectWithDEQ/EnvironmentalJustice.aspx)
- Survey responses must be submitted by Friday, July 3, 2020.

## Next Steps for the Recommendations Phase

Looking forward, the project team will:

- Assimilate additional comments received through the post-webinar survey into the Stakeholder Feedback summary
- Review additional authorities based on changes passed by the General Assembly in 2020
- Review of best practices in other states
- Formulate draft recommendations for how DEQ can move forward
- Conduct in-person group interview with up to two members of Advisory Council on Environmental Justice to review draft recommendations.
- Meet with DEQ Leadership Team to review the recommendations
- Finalize the recommendations in an EJ Study Report

## Closing Comments

- Director David Paylor
- Vernice Miller-Travis