

North Carolina Department of Environmental Quality

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PUBLIC PARTICIPATION PLAN



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1 / Introduction

The North Carolina Department of Environmental Quality (Department or DEQ) strives to conduct the people's business in an open and transparent way. To achieve this goal, DEQ and its staff must be aware of and sensitive to the changing diversity of the State's population, culture, as well as the needs of communities across the State when developing and implementing public participation, outreach, and engagement programs. At this time, the Department is reexamining its public participation practices as media and messaging options are evolving, print newspaper subscriptions are declining, and access to the internet varies considerably across our state's population. This Public Participation Plan (Plan) is intended to be a living document that addresses the Department's ongoing efforts to engage in public participation and guide DEQ's efforts to continue presenting clear and easy-to-consume information to all stakeholders.

DEPARTMENT MISSION AND EQUITY STATEMENT

The mission of DEQ is to provide science-based environmental stewardship for the health and prosperity of all North Carolinians. DEQ is committed to creating a culture of respect, diversity, equity, and inclusion for the employees of our agency and for the North Carolina communities we serve. We strive to be transparent and accountable, to seek equitable outcomes through inclusive processes, and to maintain a work environment in which all individuals are respected and valued.

We are committed to 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. It is the policy of DEQ that no person shall, on the grounds of race, religion, color, national origin, ethnicity, sex, pregnancy, gender identity or expression, sexual orientation, age, political affiliation, National Guard or veteran status, genetic information, or disability be excluded from participation in, be denied the benefits of employment, or be subjected to discrimination.

We are dedicated to ensuring that all North Carolinians have the access and opportunity to provide meaningful input, participate in department processes and benefit from funding decisions made by the agency. DEQ believes that diverse perspectives make us a better agency as we work to serve the residents of North Carolina.

PUBLIC PARTICIPATION

It is important to note that while this document provides guidance and best practices, each community is different and a 'one-size fits all' procedure for public participation is not the most effective approach. Rather, the Department will apply best practices and methods that reflect the needs of each individual community. The primary purpose of creating, implementing, and regularly updating this Plan is to assist the Department and its staff in fostering stronger partnerships with individuals and groups that will contribute to the Department's statutory duty to protect public health and the environment. Fostering these relationships and partnerships from the outset will provide the Department and our staff with more meaningful opportunities to engage the public when specific events, permit applications, or community concerns arise.

The Department and its staff adhere to policies and programs for enhanced public participation and nondiscrimination. The law provides that no person shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Rehabilitation Act of 1973, and all other pertinent nondiscrimination laws and regulations. In keeping with the tenets of the law, the Department works to ensure that, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, all North Carolinians will receive *fair treatment* and *meaningful involvement* regardless of their race, color, national origin, or income.

According to the U.S. Environmental Protection Agency (USEPA):

Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies, and;

Meaningful involvement means

- people have an opportunity to participate in decisions about activities that may affect their environment and/or health,
- the public's contribution can influence the regulatory agency's decision,
- community concerns will be considered in the decision-making process, and,
- decision-makers will seek out and facilitate the involvement of those potentially affected.

This Plan seeks to fulfill the Department's public participation and environmental justice goals by providing meaningful outreach and engagement in our decision-making processes.

2 / Purpose

The purpose of this Plan is to ensure consistency across the Department and its Divisions in both the understanding and implementation of our public participation, outreach, and engagement strategies. The Department recognizes public engagement as an active and intentional dialogue between members of the public, DEQ, and the regulated community. In order for communities to be meaningfully involved in decision-making processes and for the Department to incorporate local community knowledge, proper tools must be used to engage with communities. By applying the guidance and best practices presented in this Plan, DEQ aims to:

- Create better opportunities and mechanisms to receive public input.
- Promote respectful and meaningful dialogue between community members, organizations, regulated industry, and the Department.
- Educate the public about the Department's programs.
- Build trust with the public to strengthen community ties and partnerships.
- Work with community organizations to identify shared goals and opportunities for collaboration.
- Provide consistent communication about state law and DEQ's regulatory authority.

- Work with the public on strategies to improve future public engagement.
- Identify underserved communities, as needed, and develop tailored communication plans that best serve their specific cultural and logistical needs.

3 / Definitions

MEETINGS AND PUBLIC OUTREACH

There is no “one size fits all” approach to public involvement. The Department intends to use a variety of comprehensive, tailored methods and strategies to facilitate meaningful public involvement. Methods and strategies for involving and engaging stakeholders and target audiences, including traditionally underserved populations (i.e., individuals with varying levels of experience, knowledge of a topic, or financial resources, etc.) may include the following:

Public Outreach

The aim of public outreach is to provide well-planned, inclusive, meaningful public engagement opportunities in the course of the Department’s decision-making. The Department will analyze each project individually in order to determine the best outreach methods or strategies. This will be done by examining certain factors including potential project impacts, past outreach methods used effectively in the community, and the type of the information that DEQ is providing, among others. Outreach methods may include: posting information on the DEQ website, placing print newspaper advertisements, utilizing social media or radio, and engaging in personal communications with interested parties.

Public Comment

Many DEQ activities, proposed plans and permitting actions include opportunities for the public to provide comment. These opportunities are noticed according to the requirements of the specific program either in newspaper ads, on the DEQ website or through additional methods detailed below. DEQ provides multiple ways to submit comments including by mail, email, phone, online forms or public hearings as appropriate. All comments related to an agency decision are reviewed and carefully considered as part of the public participation process. DEQ maintains a public comment email publiccomments@deq.nc.gov which is monitored by staff throughout the department.

Public Hearings

Public hearings are held by the Department to formally collect community feedback and comments on a pending Department decision as required by state and/or federal rules governing regulatory programs. Feedback will be documented and reviewed by DEQ staff. The public hearing format is governed by federal and state rules and regulations and does not always allow for DEQ staff to answer questions during the hearing. Staff will typically respond to the questions raised at a later time in the Hearing Officer’s report, which is published when the Department’s decision is released. Although the particular process and timeline is specified in the relevant DEQ program rules, the typical timeline requires a 30-day notice for the public hearing and

a subsequent 30 to 60 days for the Hearing Officer to make a recommendation to the applicable Division Director in the Hearing Officer's report. The Hearing Officer's Report contains a summary of public comments and Division responses. The Division Director then evaluates the Hearing Officer's recommendation and makes a final decision. Hearing Officer's Reports and other final documents are posted on the DEQ website and are available upon request when the final decision is issued.

STAKEHOLDER MEETINGS OR INFORMATION SESSIONS

If a Division or Program would like to hold a less formal public session, several other meeting options are available. Public meetings may be held to encourage participation and engage a wide audience in information-sharing and discussion. They can be used to increase awareness of an issue or proposal. These meetings may take a variety of different formats, but all seek to foster meaningful dialogue between interested parties and DEQ. In this more informal setting, questions from members of the public are answered on the spot and conversations between DEQ staff and community members are encouraged (as compared to a public hearing). Public meetings can also be paired with public hearings to allow staff to respond to questions prior to the more formal public hearing. Additionally, DEQ may hold stakeholder workshops to engage with interested parties in order to help inform program development and implementation.

4 / Determining the Appropriate Level of Public Engagement

It is important to remember that not all decisions by the Department require the same level of public participation. The level of public involvement or outreach for a specific project or proposal will depend on a number of factors particular to both the project (i.e., scope, potential impact, DEQ's statutory and regulatory authority, etc.), and the community involved (i.e., the potentially affected population, level of concern, information from community leaders etc.).

The Department's strategy for public engagement includes a variety of methods (Section 5) and based on the public interest, project-specific details, demographic data, or additional factors, other appropriate methods for enhanced engagement (Section 7) may also be implemented.

5 / Public Engagement Methods¹

DEQ will continue to comply with its legal requirements while actively looking for appropriate opportunities to exceed those requirements and improve community engagement and outreach efforts, especially in underserved communities. DEQ will consider geography, available community information, and other relevant data to reach key constituencies and stakeholders.

¹ The Department will adhere to public health guidelines and protocols to ensure the safety of both DEQ staff and the public in determining where and how to conduct public meetings and hearings while providing for appropriate opportunities for public engagement and participation.

DEQ's public engagement and outreach steps may include:

- Distributing media releases when events are posted for public notice and public comment;
- Crafting social media and email messages to raise awareness for public notice and public comment events;
- Communicating with interested parties, such as community members, local and Tribal governments, community organizations, and non-profit organizations that have expressed an interest in or may be directly affected by the Department's proposed action. DEQ will also attempt to reach other organizations that may have an interest but may not be aware of the pending decision or action;
- Meeting in-person or virtually with interested parties to address issues of concern;
- Directing affected individuals or groups to the proper staff contacts within DEQ or sister agencies;
- Updating, maintaining, and improving the use of the Department's stakeholder contact databases; or
- Scheduling meetings at times and locations that are convenient, accessible, and culturally-appropriate for potentially impacted communities.
- Providing translated materials and interpretation services where necessary and upon request

6 / Public Notice

The current statutory requirements for disseminating information for public notice have not kept pace with evolving media communications. In general, the public notice requirement for permitting is to publish a notice in one newspaper and in some cases on DEQ's website, to request public comment or to provide 30 days' notice in advance of the scheduled public hearing. Print newspapers are declining in popularity, rendering them less effective as a single point of noticing information.

For some individuals, the website may be difficult to navigate, as it requires access to technology and internet services, which some individuals may not have. Therefore, it is important the Department continues to practice different methods of communication and outreach to help insure public notices reach the public. Possible supplementary methods for providing notice include:

Mailed flyers or postcards may best serve certain communities when resources allow. These flyers can be mailed to residents using the United States Postal Service. Communities where mailed flyers or postcards may be appropriate include those with a large population over 65 years old, communities with limited internet access, and rural communities with limited shared public spaces. Mailing flyers may also be appropriate when in-person staff visits are not feasible. Mailed flyers may be sent to the same locations identified (below) under posted flyers.

Posted flyers can be effective and can start the dialogue with a community. Venues where information can be posted that may have higher concentrations of sensitive populations (i.e. children, the sick, or elderly, etc.) or shared spaces underserved community members may frequent include:

- Schools
- Places of worship

- Tribal facilities
- Locally-owned businesses
- Restaurants
- Nursing homes
- Public libraries
- Community colleges
- Community centers
- Subsidized housing complexes
- Local government buildings
- Laundromats

In many communities, information about events happening in the area are circulated via **social media** platforms, such as Facebook and Twitter. Given the wide reach and broad use of these platforms, the Department publicizes events and notices on DEQ’s social media accounts.

Email lists are an additional method for distributing notices. Online sign-up for DEQ news releases is available on the website. Divisions within DEQ also provide opportunities to sign up to receive email notification for any updates on specific types of proposed activities. Additionally, a Department-wide stakeholder contact list has been developed by the EJ Program staff, which contains searchable contacts based on geographic location, topics of interest, etc. Requests to be added to the EJ listserv may be sent to ej@deq.nc.gov.

Radio can be an effective method to notify certain stakeholder groups in rural areas about public notices or events. Radio ads or outreach may be considered where appropriate and as resources allow.

7 / Enhanced Engagement Methods to Reach Underserved Communities

When a Division receives a permit application or a decision on a significant issue is pending, Division staff will determine, with the support from EJ Program and Public Affairs staff, whether standard engagement methods are sufficient to reach underserved communities. Based on these results, varying communication strategies presented in this document may be incorporated to provide additional outreach and engagement as appropriate. The communication methods chosen will be project-specific and community-oriented to best fit the needs of the community.

METHODS FOR IDENTIFYING UNDERSERVED COMMUNITIES

While there is no universal definition for what constitutes an “underserved community,” DEQ applies standard environmental justice guidelines established by the U.S. EPA and in National Environmental Policy Act documentation, to define “underserved populations” as those that meet the following criteria:

Racial composition:

- Share of nonwhites is over fifty percent OR
- Share of nonwhites is at least ten percent higher than county or state share

Poverty rate:

- Share of population experiencing poverty is over twenty percent AND
- Share of households in poverty is at least five percent higher than the county or state share

In addition, DEQ uses the following methods as a basis for identifying communities that exhibit characteristics that may prevent them from being fully served by standard engagement methods. It should be noted that this designation is not meant to judge or define the status of that community.

Preliminary Screening Methods:

- Utilizing DEQ’s North Carolina Community Mapping System to look into a potentially affected community. DEQ has developed this geographic information mapping tool that allows division staff to partner with the EJ Program staff to conduct demographic, socioeconomic, and environmental analyses. The System includes demographic, socioeconomic, and health data at the census block group or county level, as well as state specific information on active facilities and permits. Utilizing the CMS will allow staff to flag communities that may be better served by additional engagement. In addition, the CMS may help refine the type of documentation that would need to be drafted prior to holding a public hearing or meeting.
- Utilizing EPA’s EJSCREEN in concert with DEQ’s CMS to provide additional environmental and demographic data sets for analysis. EPA’s EJSCREEN is a tool that complements the data in the DEQ CMS and can provide more detailed environmental and demographic analysis.
- Applying the Department’s definition of “underserved populations” to ascertain whether a proposed facility or project is located in or proximate to one of these communities.

Additional Analysis & Actions:

- Completing a Draft Environmental Justice Report: A Draft EJ Report is an initial review of the demographics and socioeconomics of a community surrounding a facility proposed in a permit application, but goes beyond the preliminary analysis of DEQ’s North Carolina Community Mapping System or EPA’s EJSCREEN. A Draft EJ Report typically includes the following information for an area within a radius determined by the Department:
 - Examination of community sociodemographics (based on the most current ACS census range unless otherwise stated):
 - Race & Ethnicity (based on the most recent decennial census year)
 - Age & Sex
 - Disability
 - Limited English Proficiency
 - Educational Attainment
 - Poverty

- The current county distress ranking or “Tier” (based on current ranking by the North Carolina Department of Commerce)
- Presence or absence of state- or federally- designated tribal statistical areas
- Review of the facility permit application, including the potential and/or modeled emissions/discharges/impacts from the facility operations.
- Available health data
- Identification and location of potential sensitive receptors
- The presence of other industrial or permitted sites
- Recommendations for public outreach and community engagement, including potential need for translation and interpretation services

The Draft EJ Report will be distributed to interested community members and posted on the DEQ website, accompanying the related permit application and draft permit until the close of the public comment period. DEQ will accept feedback from the surrounding community, industry, and environmental organizations on the content of the Draft EJ Report during the comment period to help inform the preparation of a Final EJ Report, when applicable.

- **Completing a Final Environmental Justice Report:** A Final EJ Report is prepared after a Draft EJ Report is completed to provide additional information about the surrounding community. In a Final EJ Report, staff continues to assess the potential impact the proposed construction and operation of the facility under review has on the surrounding communities, considers any relevant comments received during the public comment period, and provides advice to the regulatory technical staff as they prepare the Hearing Officer’s Report or other materials accompanying the Agency’s decision. The Final EJ Report will also include a description of any enhanced engagement that was performed to communicate about the proposed facility to the surrounding community.

Eligibility for Enhanced Engagement:

If the screening methods detailed above indicate the presence of an underserved community, DEQ staff will refer to the following enhanced engagement to determine project-specific and community-oriented best practices for that decision. However, because each Department decision is specific to the details of the particular project and surrounding community, additional engagement may also be provided in communities not flagged by the underserved community screening process.

Additional practices DEQ will consider for enhanced engagement:

- Distributing flyers, when appropriate and resources allow, in locally-owned businesses, community stores, libraries, places of worship, senior centers, and other gathering places in the areas where communities are potentially affected.
- Engaging non-English speakers through social media and other non-English language media outlets.
- Communicating and distributing vital documents (which may include public hearing notices, project summary documents, etc.) in non-English languages in order to successfully reach potentially impacted communities, in accordance with the Department’s Limited English Proficiency (LEP) - Language Access Plan.

- » Include a standard notice on Department documents with a contact for obtaining assistance in a different language.
- » Requests for language assistance can be made by calling (877) 623-6748.
- Coordinating with community and faith-based organizations, local and Tribal Governments, educational institutions, and other entities to implement public engagement strategies specifically for members of historically underserved communities.
- Working with local community members to identify methods for non-electronic notices/communication.
- Organizing information sessions to familiarize community members who may be familiar with or understand the work conducted and services offered by the Department.
- Notifying communities, organizations, and local governments in counties near projects when the Draft EJ Report incorporates multiple counties.
- Attending community events.

In accordance with EPA guidance, an effective communication plan includes the following:

- Overview of the plan of action for addressing the community’s needs and concerns.
- Description of the community (including demographics, history, and background).
- Contact list of agency officials with phone numbers and email addresses to allow the public to communicate via phone or internet.
- List of past and present community concerns (including any Title VI complaints).
- Detailed plan of action (outreach activities) DEQ will take to address concerns.
- Contingency plan for unexpected events.
- Contact names for obtaining translation for documents and/or interpreters for meetings.
- Appropriate local media contacts (based on the culture of the community).
- Stated location of situationally pertinent information (i.e. where important documents can be found, such as permit application, press releases, etc.).

8 / Access to Information

DEQ WEBSITE

DEQ strives to operate in a transparent manner and provides access to information and mapping resources on the DEQ website <https://deq.nc.gov>. Public notices, meeting information, permitting documents and other program documents are all posted and accessible at any time. DEQ’s communication team works with program staff to make sure the website is clear and easy to understand and includes the most relevant information for each program within the Department. We are continually updating the website to improve readability, accessibility and user experience. Each page includes a link to suggest improvements or report issues.
















DEQ’s website includes the option to use Google Translate on every page, offering 16 languages most commonly spoken in North Carolina. The site also follows the state’s accessibility guidelines [available here](#).

ONLINE RESOURCES

The [North Carolina Community Mapping System](#) provides a user-friendly entry point to many DEQ documents. By searching an address, the user can see the locations of many permitted facilities, access related documents and generate reports on community demographics and other information.

DEQ continues to expand online access to files and posts links to online document locations and mapping resources as they become available on the [Requesting Public Records](#) page.

Online Public Records

Document Databases				ArcGIS Tools			
 Air Quality Public Records Search Search for Permits and Compliance Documents related to the Division of Air Quality.	 DEMLR Stormwater Documents Online library for the Division of Energy, Mineral, Land and Resources documents.	 Division of Water Infrastructure Documents Find environmental documents prepared for projects funded through the CWSRF and DWSRF programs.	 Division of Waste Management Documents Search our Laserfiche database for documents related to our Division of Waste Management.	 Community Mapping System Tool The community mapping system to increase local outreach and public participation.	 Division of Waste Management Site Locator Tool Search for sites managed, regulated and inventoried by the division.	 DAQ ArcGIS Tool Find information regarding facilities regulated by the Division of Air Quality.	 Environmental Application Tracker The Environmental Application Tracker allows applicants & the public to check the status of pending environmental applications.
 Division of Water Resources Documents Search our Laserfiche database for documents related to our Division of Water Resources.	 Division of Energy, Mineral, and Land Resources Documents Search our Laserfiche database for documents related to our Division of Energy, Mineral, and Land Resources.	 UST Permits & Inspection Public Records Search Search documents related to the Division of Waste Management's Underground Storage Tank Program.	 Division of Coastal Management Documents Search the Division of Coastal Management's Laserfiche document repository.	 Division of Water Resources' Map Locator Access to the most commonly-searched water resource location and data information.	 Stormwater Maps and Permit Data Maps and tables for permits managed by DEMLR's Stormwater Program.	 DEQ GIS Data Hub Search DEQ's publicly available GIS datasets and applications.	

DEQ also provides an [online sign up for department press releases](#), to help community members stay up to date on event announcements and other information.

PUBLIC INFORMATION OFFICERS

DEQ's Public Information Officers (PIOs) are also a resource for any community member looking for information on a Department action or topic. These communication professionals are dedicated to responding to inquiries from members of the public and can be reached by phone or by email. PIOs are assigned to specific divisions and provide assistance to many inquiries and records requests. PIOs also attend public meetings, hearings and stakeholder sessions and often serve as a primary contact for stakeholders.

ENVIRONMENTAL JUSTICE PROGRAM

The [Environmental Justice Program](#) at DEQ works to ensure 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.

The EJ team provides support to all DEQ divisions through project screening and analysis, training, and developing EJ reports and outreach plans. The Title VI and Environmental Justice Coordinator also serves as a contact point for communities and organizations in addition to the public information team.

9 / Additional Resources

DISTRIBUTION OF TITLE VI PROGRAMMATIC INFORMATION

Programmatic information on Title VI and other Department nondiscrimination programs will be created and distributed to employees, contractors, stakeholders, and the public. All DEQ employees are required to complete Title VI training through the NC Learning Center and DEQ's EJ team conducts regular trainings with teams throughout the Department.

Public distribution efforts may vary, but will generally include:

- Posting, online and prominently at each DEQ building, multi-lingual public statements describing DEQ's nondiscrimination policy using readable designs;
- Placing multi-lingual brochures in public places, such as government offices, transit facilities, and libraries;
- Including nondiscrimination language in contracts;
- Including multi-lingual nondiscrimination notices in meeting announcements and handouts; and
- Displaying DEQ's Notice of Nondiscrimination at public meetings in multiple languages.

At a minimum, nondiscrimination information will be available on the DEQ website, as well as on posters in visible areas at all of the Department's office locations. Project-related information and the Department's most current Title VI documents will be maintained online.

LANGUAGE ACCESS

It is critical to facilitate and encourage public participation and reduce known barriers. The Department is committed to providing equitable access and ensuring accurate and understandable information is distributed to and available for all North Carolinians. Executive Order 13166 requires each federal agency to ensure recipients of federal funding provide language access services to English Language Learners or Limited English Proficient (LEP) individuals on the obligation under Title VI. As a recipient of federal funds, DEQ is therefore required to provide language assistance services to qualifying populations when deemed appropriate.

Please refer to DEQ's [LEP Language Access Plan](#), which has been developed in conjunction with this plan, for resources and best practices for outreach with limited English proficient persons.

DISABILITY ACCESS

Section 504 of the Rehabilitation Act of 1973, as amended, Section 508 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 prohibit excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services discrimination against any person on the basis of a disability in everyday activities. NCDEQ is committed to providing full access to public involvement programs and information for all people including people with disabilities. This includes, but is not limited to:

- Holding meetings in places that are ADA accessible;
- Providing screen reader compliant website content;
- Holding public meetings that are accessible to public transportation whenever possible;
- Providing materials and announcements translated in other languages or braille upon request
- Providing interpretation or American Sign Language (ASL) services upon request

10 / Conclusion

It is the Department's intention to follow this Plan in the conduct of the people's business in North Carolina. DEQ staff who interact with the public as part of their duties will be appropriately notified of this Plan and trained in its implementation to ensure consistency across programs. This agency will continue to perform its work in an open and transparent way, with awareness of and sensitivity to the changing demographics of the people of our State. To ensure the plan reflects current best practices and lessons learned by the Department, this plan will be reviewed each year as required by Executive Order 246. As the Department applies the public participation, community outreach, and engagement strategies and methods articulated in this Plan, DEQ expects to be better stewards of the State's resources and better partners with the communities it serves.