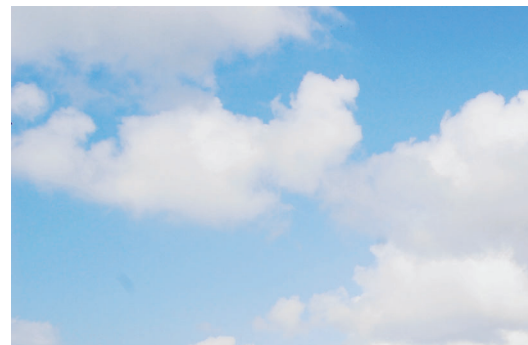


North Carolina Department of Environmental Quality ENVIRONMENTAL JUSTICE Toolkit for Businesses



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NC DEQ ENVIRONMENTAL JUSTICE Toolkit for Businesses

JUNE 2023

DEQ developed this toolkit with review by the Secretary's Environmental Justice and Equity Advisory Board, NC Department of Commerce, and Economic Development Partnership of North Carolina. Additional resources are located at the end of this document to encourage further exploration.



Introduction

North Carolina's talented workforce, growing economy, and abundant natural resources make the state a top choice for companies looking to invest in new facilities or expand existing businesses. At the North Carolina Department of Environmental Quality (DEQ), we believe economic development and environmental protection work successfully together. North Carolina has shown a healthy economy and a healthy environment can go hand in hand.

DEQ's mission is to provide science-based environmental stewardship for the health and prosperity of all North Carolinians. We support responsible economic development that brings good jobs and investment to all communities with a focus on protecting the people and resources that make North Carolina special.

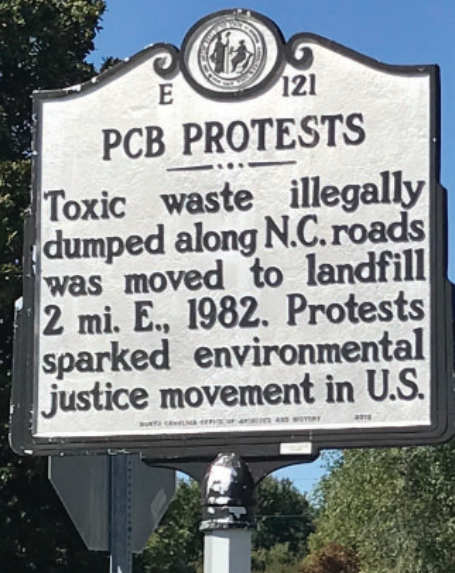
THE U.S. ENVIRONMENTAL PROTECTION AGENCY DEFINES ENVIRONMENTAL JUSTICE AS THE FAIR TREATMENT AND MEANINGFUL INVOLVEMENT OF ALL PEOPLE REGARDLESS OF RACE, COLOR, NATIONAL ORIGIN, OR INCOME, WITH RESPECT TO THE DEVELOPMENT, IMPLEMENTATION, AND ENFORCEMENT OF ENVIRONMENTAL LAWS, REGULATIONS, AND POLICIES.

The Environmental Justice Toolkit for Businesses is meant to assist companies seeking to locate or expand businesses in North Carolina. This toolkit provides recommended practices for engaging with local communities throughout the site selection and environmental permitting processes and for continued environmental stewardship once a project is completed. Frequent, transparent engagement with the community where you do business is an effective way to build trust and facilitate positive, informed interactions during your projects. These principles are also helpful for existing facilities in North Carolina as well.

DEQ recognizes there are situations when companies are engaged in competitive business negotiations that could limit their ability to communicate with local communities at certain times during the site selection process. Engagement as early in the process as possible, listening to community input and operating with transparency are key to establishing trust with residents and building support for your work.

There is no one-size-fits-all approach to community engagement and environmental justice. This toolkit can be used as a starting point for considering environmental justice as part of your development or expansion plans. Additional actions and approaches should be developed specific to the needs of the communities you do business in. Businesses should strive to be good neighbors in the locations where your employees live and work, and build positive relationships through meaningful engagement.





North Carolina & the Environmental Justice Movement

North Carolina has a significant place in the history of [Environmental Justice](#). Warren County, North Carolina is commonly recognized as the birthplace of the modern Environmental Justice movement.

In 1978, a trucking company began illegally dumping liquid contaminated with PCBs (polychlorinated biphenyls) along 240 miles of roads throughout rural North Carolina. During the cleanup, the state began constructing a landfill to bury the contaminated soil from the dump sites. The landfill was sited in the predominately Black community of Afton, despite residents' concerns about the PCB waste contaminating drinking water wells in the area. In 1982, local civil rights activists and residents joined with national groups like the NAACP and United Church of Christ to protest the landfill. The protesters believed that the landfill would undermine local economic development and health and that the community lacked the power to prevent hazardous waste facilities from being placed in their neighborhoods. The non-violent demonstrations lasted for nearly six weeks and over 500 environmentalists and civil rights activists were arrested. The protests gained national attention but were unsuccessful in stopping the disposal of contaminated soil in the landfill.

In 1982, on the heels of the Warren County protests, the U.S. General Accounting Office published [Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities \(PDF\)](#). In 1987, the United Church of Christ published the landmark report "Toxic Wastes and Race in the United States," which found that communities with the greatest number of commercial hazardous waste facilities had the highest composition of racial and ethnic minority residents. Four years after the release of the [Toxic Wastes and Race](#) report, the United Church of Christ's Commission for Racial Justice sponsored a four-day summit in October 1991, dubbed the first National People of Color Environmental Leadership Summit in Washington DC. Some 1,100 attendees from all 50 states as well as Puerto Rico, Chile, Mexico, and the Marshall Islands, convened to redefine "environment" as where one lived, worked, studied, played, and discuss a range of issues from housing and transportation to worker safety and toxic pollution.

The early years of the environmental justice movement highlighted the historic federal, state, and local government-led practices that played a fundamental role in the geographic distribution of communities today, particularly in the southern United States. Researchers have documented the impacts of [historic segregation and discriminatory housing policies and loan acquisitions known as "redlining"](#). Combined with the lack of community input, the absence of environmental regulation in the early 20th century resulted in toxic sites being disproportionately placed near low-wealth and minority neighborhoods. A [2020 study](#) of resident exposure to intra-urban heat found that formerly redlined neighborhoods are hotter, on average, than non-redlined neighborhoods.

There have been a number of federal executive orders related to environmental justice, starting in 1998 with Executive Order 12898, [Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#). In 2021, [Executive Order 14008](#) established new environmental justice initiatives at the federal level. That same year, the federal government launched the Justice40 initiative in 2021, setting a goal that 40% of the overall benefits of federal investments in clean energy, climate change, workforce training and development benefit disadvantaged communities that are historically underserved and overburdened by pollution. In 2022, EPA established the new national Office of Environmental Justice and External Civil Rights. EPA Administrator Michael Regan announced the creation of the new office in Warren County on the 40 year anniversary of the protests there.

On the state level, in 2022, Governor Roy Cooper signed [Executive Order 246: North Carolina's Transformation to a Clean, Equitable Economy](#), which emphasized the importance of environmental justice in the clean energy transition. EO 246 also directed each cabinet agency to designate an [Environmental Justice and Equity Lead](#) and to improve communication and transparency with the public in government decision-making, particularly with underserved communities.

Today, environmental justice is also increasingly an area of focus in the private sector. The [B Corp Climate Collective](#) is a coalition of nearly 100 private businesses committed to addressing climate change through an environmental justice lens. Consumer demand is another factor in environmental sustainability goals and evaluations of impacts and benefits to historically marginalized or underserved communities.

The public is also more engaged and aware of business activities than in decades past. While environmental justice is not a new concept, it is one that many businesses are now encountering as they move through state and federal permitting actions. Understanding environmental justice concerns in your communities is part of being a good neighbor.

Project Development and Environmental Permitting

As the state's environmental agency, DEQ administers regulatory programs that protect air quality, water quality, land quality and the public's health and offers technical assistance to businesses, farmers, local governments, and the public. DEQ does not however, have a role in individual site selections or in local zoning.

Most new construction projects require environmental permitting to some degree. In general, most projects require authorizations from city or county governments, and many projects will also require state permit(s) from DEQ. We encourage businesses to contact DEQ as early in the project development process as possible to determine what environmental permits are needed and to establish realistic timelines and expectations.

DEQ has several resources to help navigate the state environmental permitting process. Please contact the Division of Environmental Assistance and Customer Services or visit the Permit Assistance and Guidance website at <https://deq.nc.gov/permits-rules/permit-assistance-and-guidance> for more information.

The type of facility and the anticipated air emissions, water discharges, wastes generated, and other environmental impacts will determine what permits are required.

Environmental Justice and Review of Permit Applications

As a recipient of federal funding, DEQ is required to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) which provides that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The 1987 Civil Rights Restoration Act (P.L. 100-259) expanded the definition of "programs and activities" to include all programs and activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not. 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.

When DEQ receives permit applications, permitting staff will perform initial screening using EPA EJ Screen and the DEQ Community Mapping System to determine proximity to potentially underserved populations. Permits that result in increased emissions or discharges within a one-mile radius of potentially underserved communities and state and federally recognized Tribes will be referred to the DEQ Environmental Justice Program for further analysis.

For certain regulated activities, the initial screening will be conducted by the DEQ Environmental Justice Program to determine whether additional analysis and activities, including development of an Environmental Justice Report or enhanced public engagement measures (as detailed in the [DEQ Public Participation Plan](#)) are warranted.

Those regulated activities include, but are not limited to:



Division of Air Quality Permits:

- New major source of hazardous air pollutants or criteria pollutants
- Major modification at a Prevention of Significant Deterioration (PSD) facility that results in significant emission increases
- Other applications at the Director's Discretion



Division of Waste Management Permits:

- Landfills and other disposal facilities
- Transfer stations
- Incinerators and other energy or compost facilities which have or are perceived to have air or odor concerns
- Commercial hazardous waste treatment, storage and/or disposal facilities
- New and substantial amendments to the above



Division of Water Resources Permits:

- New Animal Feeding Operations
- National Pollutant Discharge Elimination System (NPDES) Permits
 - New or expanding NPDES Municipal Operations above 1 MGD threshold
 - New or expanding NPDES Industrial Operations at Director's Discretion
- Clean Water Act Section 401 & Buffer actions at Director's Discretion
- Other applications at the Director's Discretion



Division of Energy, Mineral and Land Resources Permits:

- New and modified permit applications for mining operations above 100 total acres of permit boundary
- Mining operations greater than 25 acres with mineral processing requiring a general or individual stormwater permit and/or other state or federal waste management permits relevant to the mining operation.

Proposed megasite locations (sites of more than 1,000 acres) will be screened for proximity to potentially underserved communities as early in the process as possible. Those with identified potentially underserved communities within a one-mile radius will require additional analysis when permit applications are submitted for the megasite locations.

Other projects that may impact a potentially underserved community within a one-mile radius of the site may result in additional analysis and enhanced public engagement as recommended by the DEQ EJ Program staff.

DEQ's outreach to potentially underserved communities to ensure opportunities for meaningful engagement happens during the permitting process and within the regulatory timelines. DEQ's actions are independent of public engagement by the business or permittee and are not a substitute for community engagement by the business.

Community Engagement

DEQ recommends businesses conduct their own community outreach as early in the process as possible to avoid having residents learn about a project after the permitting process is underway. Open community engagement leads to more successful interactions before, during and after the permitting process.

From a public standpoint, the impact of a proposed facility will be of interest. Prospective neighbors will want to know the potential environmental impact a new facility will have on their community, their air, their water and their quality of life. Neighbors will also be interested to know what potential benefits a new project may bring to the neighborhood.

The below questions should be considered by businesses early in the project development process, even before submitting permit applications, to help anticipate permitting needs and community interest. Some of these are issues DEQ regulates, however others may fall under local ordinances.

Understanding the likely questions and potential concerns raised by neighbors who will live closest to the proposed facility is the first step to preparing for effective community engagement. Consider what you can do as a business to proactively address community questions.

- How will this facility benefit our community?
- How will this facility improve or impact our quality of life?
- How much noise or traffic will come from the facility?
- What discharges or waste will the facility generate? What are the expected air emissions?
- Will there be fugitive dust or odors from the plant?
- Will chemicals or wastes be transported through the community?
- Will any emerging compounds or PFAS be released into the environment?
- Will this project impact wildlife, streams or wetlands?
- Will this company be a good neighbor to our community?

Identifying Potential Environmental Justice Considerations Around a Proposed Site

Just as communities will want to know more about a proposed facility, it is also important for the business to learn about the existing neighbors living near a site and how a new project could impact them. This section is meant to provide a guide for businesses to further incorporate socio-economic considerations in the site selection process and beyond. Below are some, but not all, questions for businesses to examine when considering environmental justice.



Who will the neighbors be? Is the proposed site near a densely populated area, other commercial complexes, or several miles from the closest community?



Are there sensitive receptors like schools, nursing homes, daycares, hospitals or places of worship near the proposed site?



Is the proposed site within or near a potentially underserved community? Will this project directly benefit that community? Will community members have access to job opportunities?



Are there any nearby American Indian tribes? Have you engaged with the local tribal council as you would a local city council or county commission?



Does the surrounding community speak and read English proficiently? How will you engage limited English-speaking households to inform them about the project?



What other facilities are in the same area and what impact do they have on the community?



Will there be emissions or discharges from this facility that could impact nearby residents?



What concerns does the community have about your project?



Are there actions you could take to address community concerns or potential adverse impacts?

Understanding community concerns will better prepare you for the public process related to your permit. Proactively engaging and when possible addressing concerns before the state's public engagement leads to a smoother process and builds positive relationships with your neighbors.

North Carolina Community Mapping System

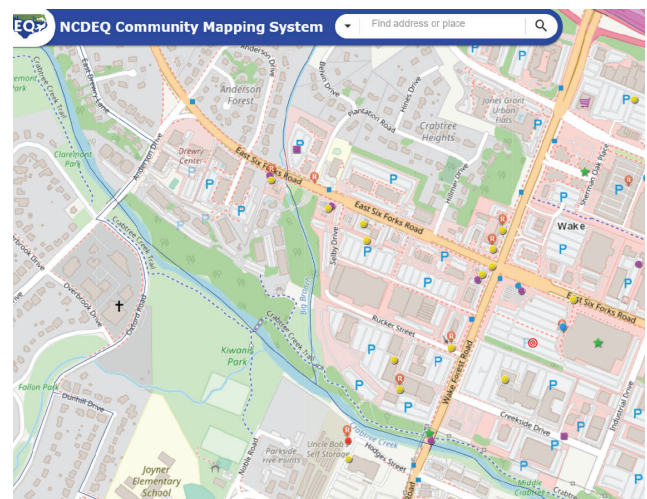
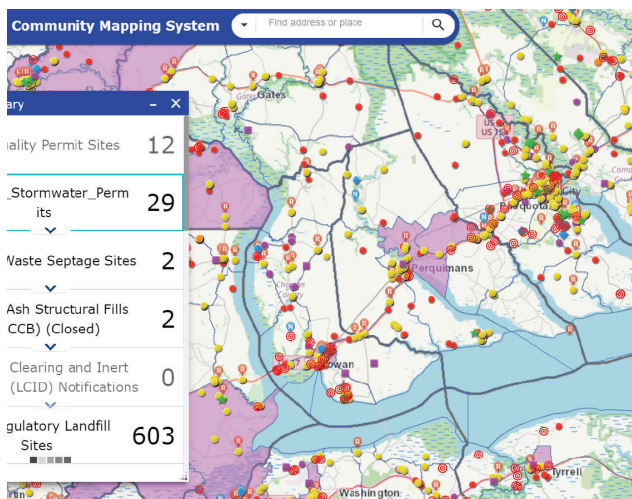
Information about prospective locations and the surrounding communities is available in existing tools like DEQ’s Community Mapping System, the U.S. EPA’s EJSCREEN mapping tool, or Google Maps.



The [DEQ Community Mapping System](#) allows the user to quickly identify nearby potentially underserved communities, tribal areas, sensitive receptors, existing environmental permits and incidents, and select demographic information about the area by typing in the proposed site’s address. DEQ developed the Community Mapping system to inform and empower businesses, residents and local officials by providing key information about the people and permits in a community.

The Community Mapping System combines separate regulated facility and incident datasets maintained by DEQ divisions into one easy-to-use interface. DEQ uses the Community Mapping System as one of several tools when drafting environmental justice reports for proposed permits. The reports provide an initial look at the demographics and socioeconomic makeup of a community or area surrounding a proposed facility. DEQ typically determines “close proximity” as communities and businesses located within one mile of the site when conducting environmental justice analyses. When proposed projects are located in or near potentially underserved communities, DEQ often uses the enhanced engagement practices detailed in the agency’s Public Participation Plan to ensure communities are made aware of the project and have an opportunity to provide feedback to the agency.

DEQ recommends that businesses use the Community Mapping System, and other environmental justice mapping tools as outlined in the additional resources section of this document and conduct site visits to gain a holistic understanding of the community surrounding a potential project site before the location is selected. The Community Mapping System can be accessed at <https://deq.nc.gov/outreach-education/environmental-justice/deq-north-carolina-community-mapping-system>.





Positive Practices for Community Engagement

Businesses often engage with county or municipal officials and, where applicable, should include local tribal leaders during the site selection process. Establishing a relationship with tribal governments is a key step in becoming part of a community in North Carolina.

Notifying and meaningfully engaging community stakeholders as early as possible will set businesses up for success once a site that will benefit a local community is selected and announced. DEQ recommends establishing a clear plan for communicating with the community throughout the process. The environmental permitting process should not be the first time a resident hears about a project.

Building relationships in the community and being open and transparent with the neighbors closest to the site will help build trust with future neighbors.

The following ideas are adapted from DEQ's Public Participation Plan to meaningfully engage with community partners at the beginning of a project and throughout the process. The Public Participation Plan can be accessed at <https://deq.nc.gov/media/17838/download>.

Developing a Project Communications Plan

A project-specific communications plan is a helpful tool for businesses to initiate and maintain engagement with the surrounding community from site selection through when it opens its doors. Below are practices a business may consider while developing its project communication plan.

Keeping Communities Informed Through Notification

From the onset of the project, through permitting, construction and into operation, businesses should strive to keep community members informed of changes, events, and plans at the facility.

There is no "one-size-fits-all" approach. Community engagement and community outreach should be tailored to the community around the facility.

Consider designating a community liaison, an employee to serve as a direct contact for neighbors around your site. Giving residents a specific person they can call with questions or concerns during the project builds a connection with community members throughout your project.

Mailed flyers or postcards may best serve certain communities when resources allow. 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. Mailed flyers or postcards can also be sent to locations where residents gather and where information flyers may be posted.



In many communities, information about events happening in the area is circulated via social media platforms, such as Facebook, Instagram, Twitter, or neighborhood applications like NextDoor.

Creating and maintaining email lists or project-specific webpages are additional methods for distributing communication in communities that prefer and have access to online information. Radio messaging can be also an effective method to notify certain stakeholder groups, particularly in rural areas, about events.

Each community is unique, and before conducting as much research as possible on the best method of outreach before communication begins is critical.

Businesses should consider involving a diverse group of community stakeholders throughout project development. Below is a non-comprehensive checklist of stakeholders that may be identified to participate at the beginning of and throughout project development.



Continued Environmental Stewardship

The Environmental Stewardship Initiative (ESI) at DEQ recognizes and supports companies and facilities that go above and beyond to reduce their impact on the environment. ESI member businesses are recognized for going beyond the minimum environmental permitting requirements and are committed to setting and achieving sustainability goals and conservation targets.



To support and encourage superior environmental performance, DEQ provides no-cost technical assistance, including strategies to reduce water and energy usage, for all ESI members. The program also provides members with networking and outreach opportunities to learn about innovative solutions and share successes as they achieve their goals.

There are three levels of ESI member: Partner, Rising Steward, and Steward.

Minimum Requirements

- Not be under any environmental criminal indictment or conviction;
- Demonstrate commitment to compliance;
- Set environmental performance goals that include pollution prevention and are appropriate to the nature, scale and environmental impact of the organization; and
- Agree to report annually on progress toward the organization's environmental performance goals, reductions in environmental emissions or discharges of releases, solid and hazardous waste disposal, use of energy and water and any reportable non-compliance events.

Partner

The Partner level is designed for adoption by a broad range of organizations that are interested in beginning the process of developing a systematic approach to improving their environmental performance. Partners must:

- demonstrate a commitment to maintain compliance; and either
- commit to establishing an environmental management system; or
- set long-term measurable environmental performance goals.

Rising Steward

The Rising Steward level is designed for those organizations that have a mature environmental management system (EMS). Rising Environmental Stewards must:

- demonstrate a mature EMS;
- set measurable environmental performance goals; and
- demonstrate a commitment to go beyond compliance.

Steward

The Steward level is for those organizations that already display a commitment to exemplary environmental performance beyond what is required by law. Environmental Stewards must demonstrate:

- a mature EMS;
- aggressive environmental performance goals;
- a commitment to meet and go beyond compliance;
- an EMS that is integrated into the core business functions; and
- a process of communicating with the local community about program activities and progress toward performance goals.

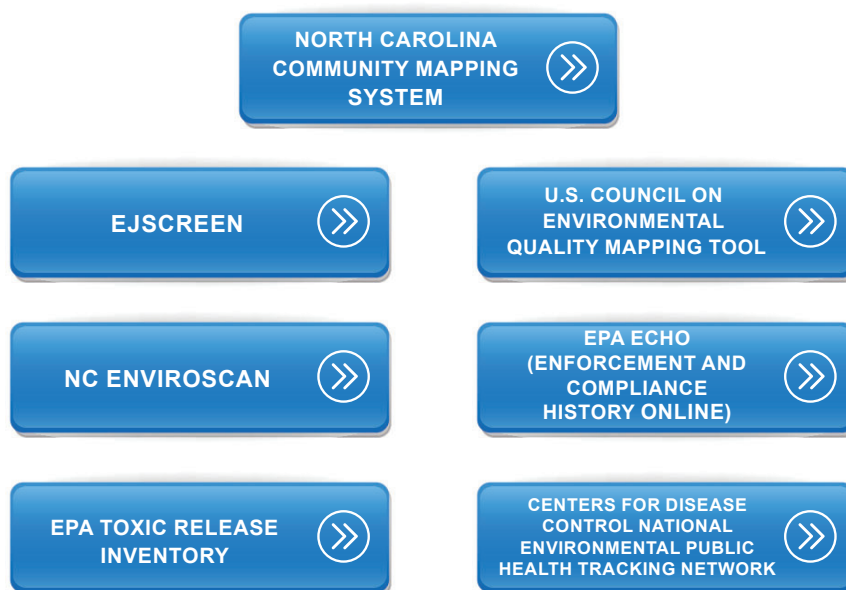
To learn more about the Environmental Stewardship Initiative and how to get involved, please contact a member of the ESI team by email esi@deq.nc.gov or phone 1 (877) 623-6748 (toll free).

Additional Resources

This NC Environmental Justice Toolkit for Businesses is just one of many resources available to businesses to learn more about environmental justice and recommended community engagement strategies. This section provides additional tools and guidance for businesses to utilize and explore beyond this toolkit.

Community and Environmental Justice Mapping Resources

In addition to the [DEQ Community Mapping System](#), there are many interactive mapping tools available for use. These tools were created for different purposes related to environmental justice and health equity and allow users to explore and learn more about specific geographies.



Other links

[DEQ Environmental Justice](#)

[DEQ Public Participation Plan and Language Access Plan](#)

[EPA Environmental Justice](#)

[EPA Public Participation Guide](#)

[EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#)

[US Limited English Proficiency](#)

[US DOJ Office of Environmental Justice](#)

[International Association for Public Participation](#)

[The Civic 50: A Roadmap for Corporate Community Engagement in America](#)

[NCDOT Environmental Justice/Transportation Disadvantage Index tool](#)

[NCDHHS Environmental Health Data Dashboard](#)