



Thursday August 11, 2022  
2:00 PM - 6:00 PM  
Archdale Building (Raleigh)

## Agenda

Subcommittee Meeting

2:00 PM Cumulative Impacts

I. Call to Order, *Chair, Dr. Jim Johnson 3 PM (5 min)*

### **Old Business**

II. Adopt February 28, 2022 meeting minutes

III. Adopt May 19, 2022 meeting minutes

### **New Business**

IV. Welcoming Remarks, *Elizabeth Biser, Secretary, DEQ (5 min)*

V. EJ considerations in hurricane recovery, *Cesar Castro, NCORR (30 min)*

VI. Water Infrastructure funding updates, *Shadi Eskaf, DWI Director, DEQ (30 min)*

VII. EJ in other states, *Sherri White-Williamson, EJE Board Member (30 min)*

VIII. Follow up discussion for EJ and economic development *(20 mins)*

IX. Adjourn

X. Break at 5:00PM

XI. Public Comment Period 5:10 PM – 6:00 PM



NORTH CAROLINA OFFICE OF RECOVERY AND RESILIENCY

**NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY**

OFFICE OF RECOVERY AND RESILIENCY

Environmental Justice and Equity in  
Disaster Response and Recovery

NCDEQ Advisory  
Board Meeting

# Agenda

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- Introductions
- HUD Funding Overview
- Approach to Equity
  - Fair Housing and Civil Rights
  - Executive Order 12898
  - Limited English Proficiency
  - Action Plans
  - Citizen Participation
- Approach to Environmental Justice
  - Environmental Reviews
  - Programs: Strategic Buyout Program
  - Justice40 Initiative
  - Staff Training
- Questions

# Introductions

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- North Carolina Session Law 2018-136 established the North Carolina Office of Recovery and Resiliency (NCORR) in 2018, **as the administering agency for CDBG-DR and CDBG-MIT funds**. NCORR is a division of the NC Department of Public Safety.
- NCORR directly manages several programs that **support long-term disaster recovery and resiliency** including homeowner recovery, infrastructure, affordable housing, resiliency, strategic buyout, and local government grants and loans.
- NCORR also **partners with other state agencies and local governments to assist communities** directly or indirectly impacted by a disaster by providing services or support to restore communities damaged by presidentially declared disasters and to act to mitigate against future disasters.

# NC Resilient Communities Partnership

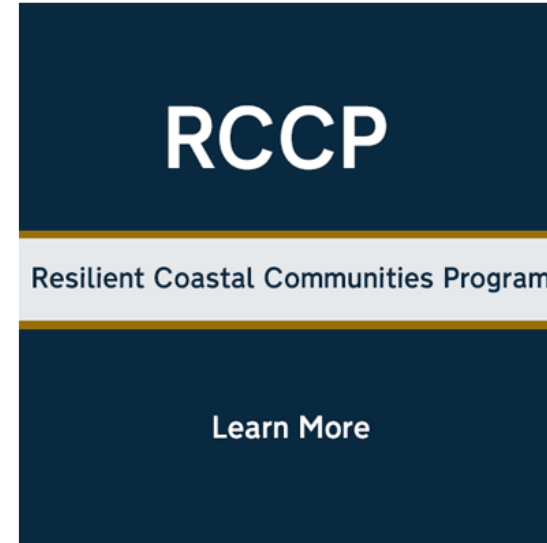
NCORR partners with DEQ through the NC Resilient Communities Program, which is comprised of two distinct agency-led programs: RISE, led by NCORR, and the Resilient Coastal Communities Program, led by DEQ's Division of Coastal Management. The programs support local communities by providing expertise, technical support and funding to implement measures that advance long-term resilience.



**RISE**

Regions Innovating for Strong Economies  
& Environment

Learn More



**RCCP**

Resilient Coastal Communities Program

Learn More

# HUD Funding Overview

- When the President declares a major disaster, Congress may appropriate funds to the Department of Housing and Urban Development (HUD) **when there are significant unmet needs for long-term recovery.**
- “Unmet needs” are needs that are **not covered by other sources** and can be covered by CDBG-DR or CDBG-MIT funds.
- The special appropriation provides funds to the **most impacted and distressed areas** for:
  - Disaster Relief
  - Long Term-Recovery
  - Restoration of Infrastructure
  - Housing
  - Economic Revitalization
- By design, CDBG-DR and CDBG-MIT **funding supplements other federal recovery assistance programs and efforts**, such as those by FEMA.

# Approach to Equity

NCORR prioritizes and preserves equity in the distribution and administration of funds by **focusing its recovery efforts on low-to-moderate income communities and vulnerable populations.**

For NCORR, an equitable approach to disaster recovery requires identifying federally protected populations in impacted areas and removing barriers to access recovery assistance. For example, to ensure equal access regardless of national origin, all materials related to a program must be translated for limited-English proficiency (LEP) populations. Funds must also be distributed in a manner that preserves equity and reaches all impacted groups, for example by providing a call center.



# Fair Housing and Civil Rights

As a HUD grantee, NCORR is required to manage, distribute, and use of funds in a manner that affirmatively furthers fair housing and protects civil rights.

All uses of CDBG-DR and CDBG-MIT funds must comply with **Title VI of the Civil Rights Act of 1964**, 42 USC 2000d, the **Fair Housing Act**, 42 USC 3601-19, **Section 504 of the Rehabilitation Act of 1973**, 29 USC 794, ADA, 42 USC 12131, and **Section 109 of the Housing and Community Development Act** (42 USC 5309).





## Executive Order 12898

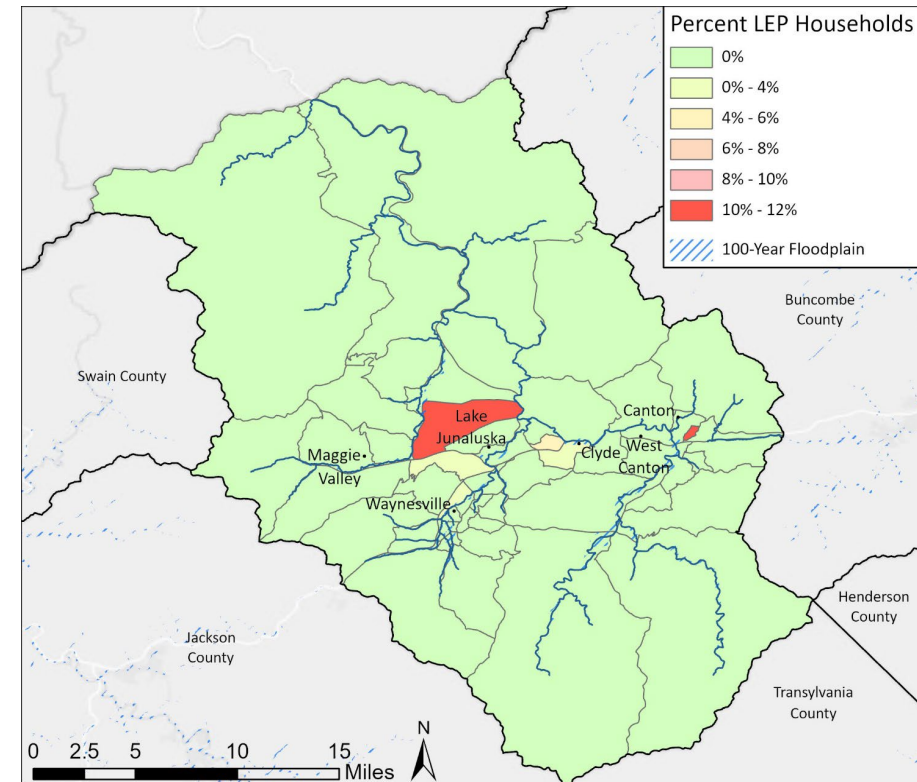
Executive Order 12898 **directed all federal agencies to identify and address disproportionate impacts on minority and low-income populations** and develop a strategy for implementing environmental justice, as well as promoting nondiscrimination and providing equitable access to public information and public participation opportunities.



# Limited English Proficiency

Title VI of Civil Rights Act of 1964 and Lau v. Nichols and Executive Order 13166 state that NCORR **must take reasonable steps for meaningful access to programs for LEP populations.**

NCORR has posted its Language Access Plan on the ReBuildNC.gov website and continues to proactively reach the LEP populations impacted by a disaster.



# Action Plans

NCORR **must develop an Action Plan** for each disaster recovery effort for which they receive funding from HUD.

HUD **requires grantees to explore the impact of program activities** on members of “protected classes, vulnerable populations, and underserved communities” in the Action Plan.

There is a particular **focus on how programs will address the unmet needs of LMI and vulnerable households** across the programs and activities proposed.



For CDBG-MIT Funds  
(Public Laws 115-123 and 116-20)



# Citizen Participation

**Citizen participation is central** in ensuring equity in the work of NCORR. Citizen participation in NCORR programs includes:

- State Disaster Recovery Task Force (SDTRG), which includes local partners from disaster-affected communities;
- Leading regional resilience plans, which are created with stakeholder partnership and input including members of impacted communities;
- Action Plans and amendments that require a public notice and public comment period;
- A Citizen Advisory Committee for CDBG-MIT funds; and
- “Affirmative Marketing” of public participation opportunities and programs/resources.



# Approach to Environmental Justice

Addressing climate and environmental justice is critical to NCORR's mission to create a **resilient and inclusive North Carolina** that can rebound, adapt, and thrive amid changing conditions and challenges.

At its core, environmental justice to NCORR means **ensuring equal protection from environmental and health hazards** and providing equal and meaningful opportunity to participate in the decision-making process to achieve a healthy environment for all North Carolinians.



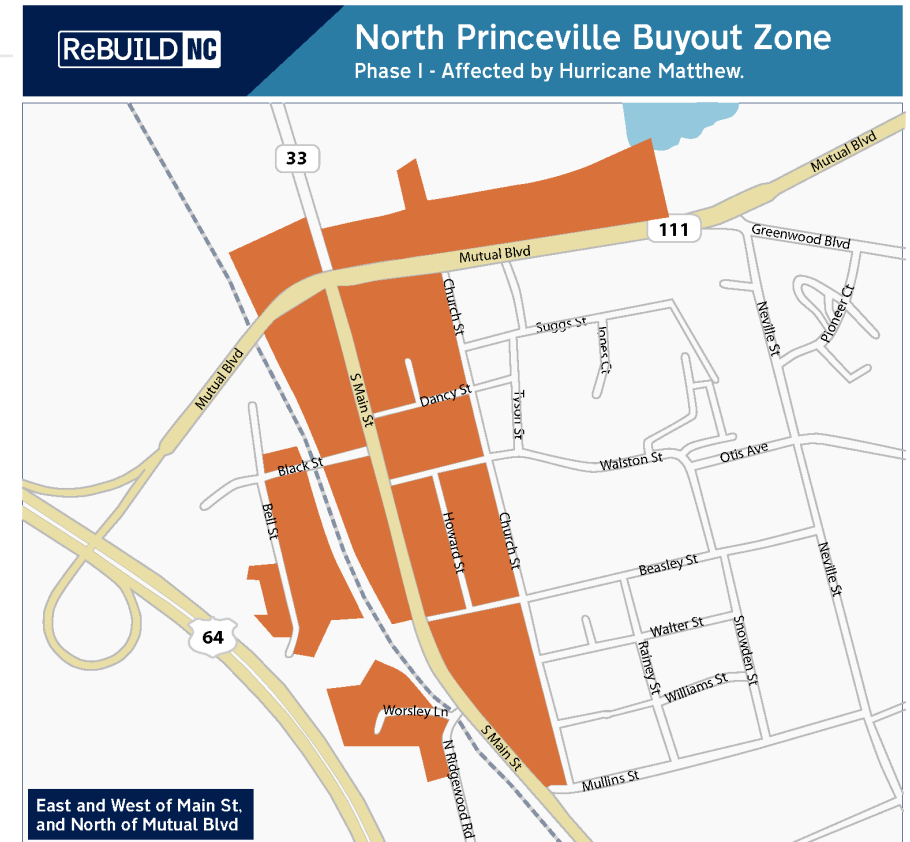
# Environmental Reviews

Environmental reviews and assessments for each individual disaster recovery program activity **must take into account a number of environmental factors including an Environmental Justice factor** that incorporates data about the socioeconomic factors and environmental factors of the area where recovery activities will take place.



# Strategic Buyout Program

- CDBG-MIT Buyout Program is **100% voluntary**, must establish a DRRA.
- Disaster Risk Reduction Area (DRRA) is a **zone with a hazard that is a “predictable environmental threat”** to members of protected classes, vulnerable populations, and underserved communities.
- NCORR Strategic Buyout Program team works with communities impacted by Hurricane Matthew and Florence to **understand local threats, community needs, history, and to share information and resources** about the program.



# Justice40

- Justice40 : 40% of the benefits of federal climate change investments and other “green” investments must go to communities that are “marginalized, undeserved, and overburdened by pollution.”
- Includes HUD’s CDBG-Disaster Recovery funding.
- HUD must establish methods for tracking these benefits (Justice40 Scorecard is in development)





# Staff Training

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Ongoing staff training on equity, long-term mental health resilience, and environmental justice is an ongoing priority for the organization and program leaders:

- REI Groundwater Approach Training
- Disaster recovery professional resilience training (Dr. Loni Crumb, ECU)

# Questions?

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**César Castro, AICP**  
Chief Policy and Planning Officer  
Office of Recovery and Resiliency  
Department of Public Safety

[cesar.castro@ncdps.gov](mailto:cesar.castro@ncdps.gov)

For questions related to a ReBuild Application please go to [rebuild.nc.gov](https://rebuild.nc.gov) or dial 833-275-7262.



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Disaster Response and Recovery

Thank You!



**August 11, 2022**

# **Update on Water/Wastewater Infrastructure Funding and Equity**

*Department of Environmental Quality  
Division of Water Infrastructure*



# *Spring 2022 Funding Round*

- Primarily water/wastewater funding
- February - April:
  - Announced ARPA Administration Plan, including funding to connect residences in disadvantaged, underserved areas to water/wastewater systems
  - Open to all utilities, up to \$15 million grant funding
  - Prioritization in the Priority Rating System for the projects
  - Outreach and training about applications and funding availability highlighted this funding opportunity
  - Contacted 24 utilities near known communities with failed or failing private onsite water/wastewater systems to inform them of the funding opportunity and of the neighboring communities

# *Spring 2022 Funding Round*

- 11 applications for funding received from 7 utilities specifically to provide connections in disadvantaged areas
  - 7 drinking water, 4 wastewater
  - Out of 649 applications received
  - Requested \$63.2 million
- Applications were scored based on Priority Rating Systems – projects with highest points awarded funds first
- Awarded: 5 drinking water projects funded (\$29,300,923) in Nash, McDowell, Duplin, Sampson, and Edgecombe Counties
- Applications that were not funded will be re-considered in the Fall round (with increased prioritization); DWI staff will reach out to the applicants with feedback on their applications

# *Spring 2022 Funding Applicants for Providing Service to Disadvantaged, Underserved Communities*

- **Drinking Water**

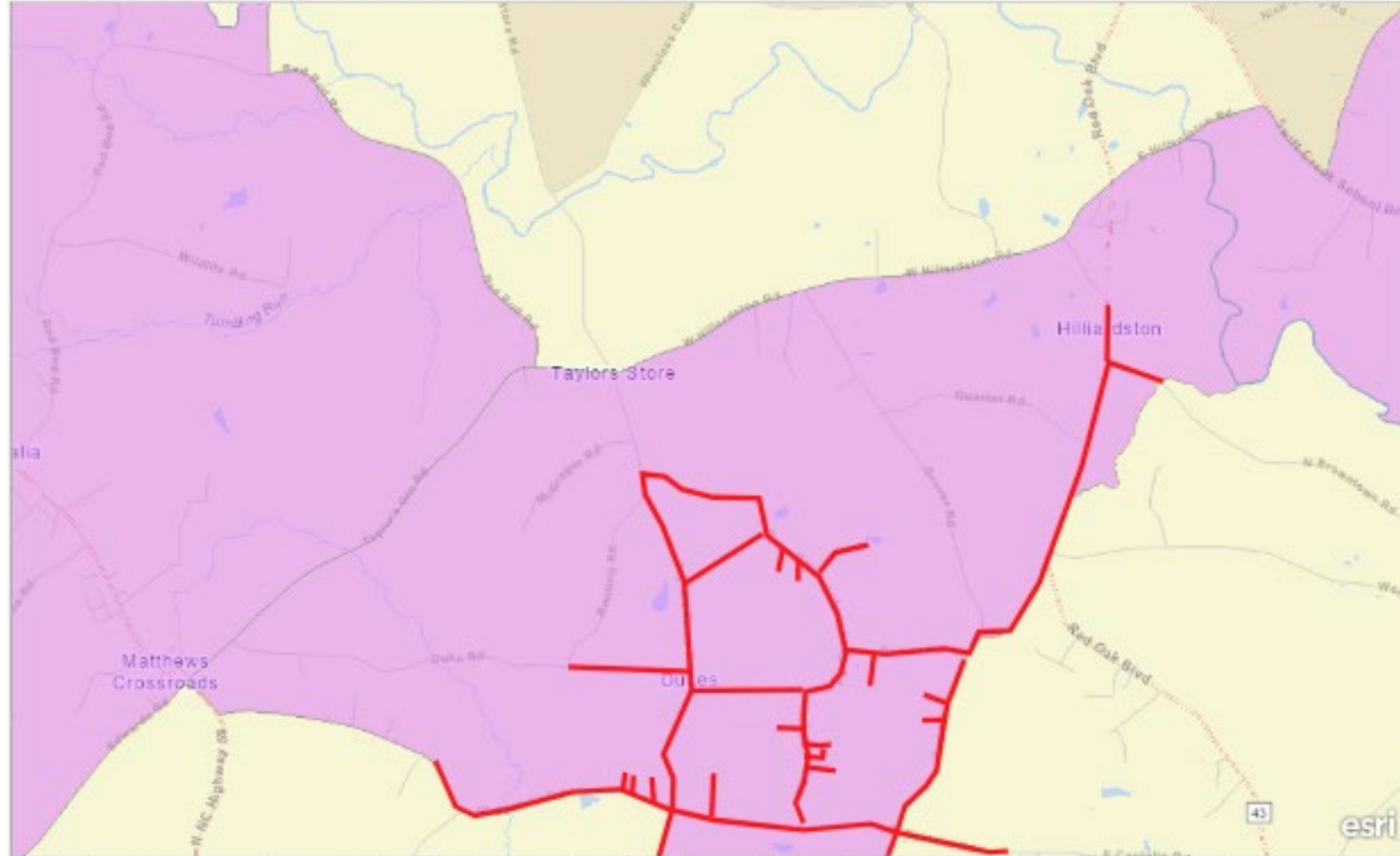
- Nash County: Northern Nash (400 connections; \$12,775,170)
- McDowell County: Hoppy Tom Hollow Road (40 conn.; \$815,437)
- Greenevers: Hargroves Rd/Pasture Branch (53 conn.; \$1,300,466)
- Sampson County: Ivanhoe (350 conn.; \$13,283,000)
- Edgecombe County: Eagles Rd (20 conn.; \$1,126,850)
- Cape Fear PUA: Allandale (61 conn.; \$1,289,109)
- Cape Fear PUA: Oakley Area (222 conn.; \$3,623,821)

- **Wastewater**

- Brunswick County: Longwood Rd (200 conn.; \$14,956,200)
- Cape Fear PUA: Allandale (65 conn.; \$1,180,362)
- Edgecombe County: Lone Pine MHP (91 conn.; \$2,724,100)
- Cape Fear PUA: Oakley Area (222 conn.; \$10,121,411)

# Application Example

NC DEQ's Potentially Underserved Block Groups 2019



NC DEQ's preliminary screening methodology for identifying Potentially Underserved Communities (on the block group level) across North Carolina. This definition was adopted by the Environmental Justice Program at DEQ in 2020.

State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

— Proposed Water Line - see Proposed Funded Infrastructure on map in Appendix for more detail



# *Preparing for the Next Funding Rounds*

- March – July:
  - Recommended changes to Priority Rating Systems
  - SWIA adopted the changes after a public review period
  - New PRS applies for Fall 2022 round (now in progress)
  - New PRS will be used to re-assess unfunded Spring 2022 applications
- August – September:
  - At-Risk funding reserved for Fall 2022 funding round
  - DWI staff reaching out to Spring 2022 applicants
  - Application trainings
  - Presentations will continue to emphasize projects benefiting disadvantaged areas

# *Additional Prioritization and Additional Subsidies*

- **Additional Priority Points:**
  - 20 Project Purpose points for providing service to disadvantage areas
    - points for projects resolving failed infrastructure also available
  - New: 5 Affordability points for projects benefiting disadvantaged areas
    - not exclusive to providing service
    - Adopted similar prioritization for new stormwater funding program
- **Additional Subsidies:**
  - Bipartisan Infrastructure Law funding starting the Fall provides a boost to the principal forgiveness (grant-like) funds available
  - Created a process by which project benefits disadvantaged areas (e.g. pockets) can be eligible for the subsidies
- Permanent changes to funding programs
- CDBG-I grant funding available (\$20 million); exclusively for low to moderate income

# Closing America's Wastewater Access Gap Community Initiative - pilot



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## Biden-Harris Administration Launches EPA-USDA Partnership to Provide Wastewater Sanitation to Underserved Rural Communities

Historic Funding from President Biden's Bipartisan Infrastructure Law Will Help Address Lack of Basic Wastewater Infrastructure in Rural America

August 2, 2022

### Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

- DEQ working with EPA/USDA working with historically underserved communities identify and pursue federal funding opportunities to address wastewater needs
- Two of the 11 communities are in North Carolina:
  - Hollister community in Halifax County (home to Haliwa-Saponi Tribe)
  - East Log Cabin Road in Duplin County (outside town of Teachey)

## *Planning a Summit*

- Research Triangle Environmental Health Collaborative is working with DEQ and other organizations to plan a Summit on Water Funding and Environmental Justice (*potentially January*)
- Preliminary plans are to invite community members, local government officials, DEQ, and interested parties to meet and discuss opportunities and challenges of funding infrastructure needs for disadvantaged communities
- Possible output: guidance documents to inform communities and local governments and DEQ
- Planners are inviting EJEAB members to participate (planning, attending, idea sharing, etc.)

## *Outreach and Research*

- Engagement with University partners in conducting case studies and researching the needs of communities and funding
- Analysis on applications after Fall round, presentations to SWIA on result of new PRS
- Outreach to utilities where possibilities may be to inform of funding opportunities
- Outreach on advertising RFQs to encourage DBE inclusion



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*Thank you*





# Innovative Efforts To Address Environmental Justice Issues

SHERRI WHITE-WILLIAMSON  
ENVIRONMENTAL JUSTICE AND EQUITY ADVISORY BOARD  
AUGUST 11, 2022

# Road Map

## Legislative and Administrative Actions

- Federal
- New Jersey
- Virginia
- California

## Non Legislative and Executive Actions

- EPA
- New Jersey
- Maryland
- South Carolina

## DEQ Options

- Permitting authority
- Prioritized funding
- Maximize public participation
- Data collection and analysis
- Investment in mapping tool





# Legislative and Administrative Actions (Examples)

# States

- ▶ Delaware
- ▶ Georgia
- ▶ Illinois
- ▶ Massachusetts
- ▶ Minnesota
- ▶ New Jersey
- ▶ North Carolina
- ▶ Oregon
- ▶ Texas
- ▶ Rhode Island
- ▶ Vermont
- ▶ Washington

# Federal Actions

- ▶ White House Environmental Justice Advisory Council
- ▶ Justice40
- ▶ NEPA Reform
- ▶ Climate and Economic Justice Screen Tool

# New Jersey

- ▶ S. 232

- ▶ Overburdened communities

- ▶ Defines “overburdened” community, according to the census, as having one or more of the following demographics: 35 percent or more low-income households, 40 percent of residents are minorities or of a State-recognized tribal community, or 40 percent or more households have limited English proficiency

# Virginia

- ▶ Created a Council on Environmental Justice
  - ▶ Executive Order 29
- ▶ Codified definition of “environmental justice community”
  - ▶ Virginia Environmental Justice Act § 2.2-234
- ▶

# California

- ▶ **“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.**
- ▶ (a) The individual effects may be changes resulting from a single project or a number of separate projects
- ▶ (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time

▶ 14 CAADC § 15355

# California

- ▶ 2010 Report – Cumulative Impacts: Building a Scientific Foundation
- ▶ Developed by the Office of Environmental Health Hazard Assessment
- ▶ Factors to consider in evaluating cumulative impacts:
  - Proximity to a source
  - Environmental fate and transport (a pollutant's movement and dispersal throughout the environment)
  - Human contact with pollutants (where, when, and how people spend time)

# Non Legislative Actions



# New Jersey

- ▶ Improving Quality of Life in Vulnerable Communities
  - ▶ Educating and empowering communities
  - ▶ Community Collaborative Initiative
    - ▶ Primarily in urban communities to support community vision of revitalization and growth
    - ▶ Single point of contact to leverage resources and expertise

# New Jersey Environmental Justice Interagency Council

- ▶ Created under E.O. 23
  - ▶ Environmental Justice Interagency Council (EJIC) convenes to:
    - ▶ Help agencies adopt principles;
    - ▶ Complete Executive Branch initial assessments;
    - ▶ Participate in workshops and trainings; and
    - ▶ Create Executive Branch action plans

# Pennsylvania

- ▶ E. O. 2021-07
  - ▶ Office of Environmental Justice (OEJ) established within the Department of Environmental Protection.
    - ▶ OEJ headed by the Director of Environmental Justice, who is appointed by and serve at the pleasure of the Secretary

# Maryland

- ▶ **Agency Responsibility**

- ▶ Integrate and incorporate EJ activities into state operations

- ▶ **Proactive Engagement**

- ▶ Continue education of state regulators on EJ and sustainable communities
- ▶ Strengthening government infrastructure at local levels to support marginalized communities

# Maryland

## ▶ Collaborative Approaches

- ▶ Build a network of knowledgeable people about issues of concern sharing expertise
  - ▶ Outreach to local businesses, legislators, planning organizations, community organizations, academic community
- ▶ Commission on Environmental Justice and Sustainable Communities
  - ▶ 20-member body
  - ▶ Tasked with advising State government and analyzing effectiveness of State and local government laws and policies

# Maryland

- ▶ Maryland EJScreen
  - ▶ Enhanced mapping tool
  - ▶ Allow users to explore layers of environmental justice concern, determine the overall 'EJ Score' for census tracts in the state, and view additional context layers relevant to their area of concern
  - ▶ Sub-layers for park equity, coastal resilience, and food scoring



# Opportunities to Advance Environmental Justice at NC DEQ

# Current Authority

- ▶ Secretary has authority to deny a permit under Solid Waste Management Act
  - ▶ DEQ should work to use this authority across the agency
  - ▶ Permit never denied under this authority



# Prioritized Funding

- ▶ ARPA funds provide opportunity for prioritizing to meet EJ community needs
- ▶ Opportunities for other funding across DEQ
- ▶ Infrastructure Investment and Jobs Act
- ▶ Inflation Reduction Act
- ▶ Work with federal agencies to target funding to impacted communities

# Enhanced Public Participation and Health Protection

- ▶ Incorporating concerns of impacted communities in permitting decision process
- ▶ Increased monitoring and data analysis
- ▶ Update DEQ mapping tool to include state health data collected by DHHS
- ▶ Coordination with other agencies in permitting decision making process