



Navigating the Environmental Justice Process

ISRI 2024

April 17, 2024



**Thank you
for joining us!**



Jessica Lally
Solid Waste Planner



Question

*What are your main barriers
to tackling
Environmental Justice(EJ)?*

Environmental Justice



Join us for the NEJAC Public Meetings!

EPA is hosting National Environmental Justice Advisory Council (NEJAC) Public Meetings. [Learn more about the NEJAC and upcoming public meetings.](#)

<https://www.epa.gov/environmentaljustice>

What is Environmental Justice?

Environmental justice is 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. This goal will be achieved when everyone enjoys:

- **The same degree of protection from environmental and health hazards and**
- **Equal access to the decision-making process to have a healthy environment to live, learn, and work**

Recycling in Policy

- 2021 Infrastructure Investment and Jobs Act. Includes RECYCLE Act
 - Education, infrastructure, fleet
- 2023 Recycling and Composting Accountability Act
 - End market data and labeling guidelines
- 2023 Recycling Infrastructure and Accessibility Act
 - Transfer stations, curbside recycling
 - Encourages public-private partnerships





When should environmental justice be considered in the solid waste industry?

When constructing, permitting, siting, or expanding:

- Sanitary Landfills
- Transfer Stations
- Material Recovery Facility
- Waste-to-Energy Facility
- Compost Facilities
- Anerobic Digestion Facilities



KEY COMPONENTS OF SUCCESSFUL ENVIRONMENTAL JUSTICE

01 Conduct a community analysis

02 Complete an environmental justice report

03 Create a public involvement plan

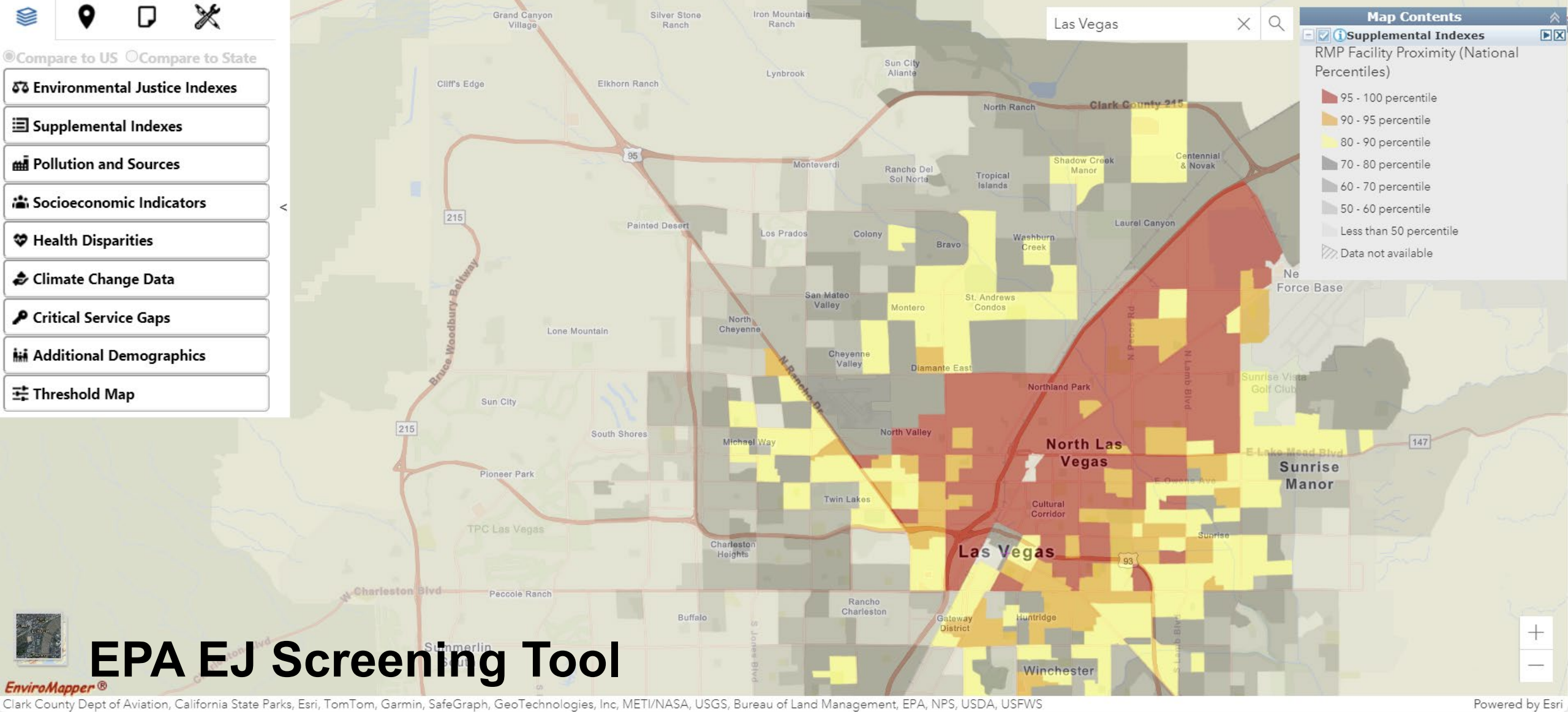
04 Intentionally engage communities in the process

01 Conduct a Community Analysis

Identifying Underserved Communities

- People of Color
- Low-Income
- Indigenous Communities
- Communities with EJ Concerns





EPA EJ Screening Tool

- Transparency for how EJ is considered
- Nationally consistent dataset for combining environmental and demographic indicators
- Publicly available online at www.epa.gov/ejscreen

GIS-Based Community Analysis

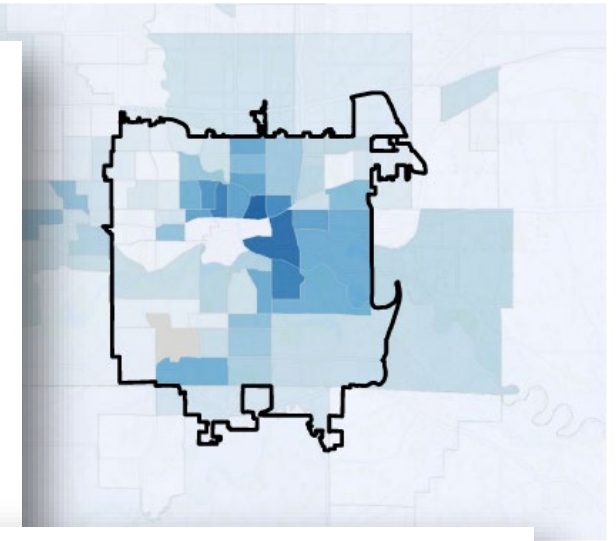
- Studies human geography using GIS, including at-risk or overburdened populations
- In-depth snapshot of stakeholders in a given area
- Comprehensive understanding of project area
- Tailored engagement approach

Race and Ethnicity

The largest group: White Alone (70.2)

The smallest group: Pacific Islander Alone (0.1)

| Indicator ▲ | Value | Diff |
|-------------------------------------|-------|--------|
| White Alone | 70.2 | -17.45 |
| Black Alone | 12.5 | +8.4 |
| American Indian/Alaska Native Alone | 0.46 | +0.03 |
| Asian Alone | 6.93 | +4.01 |
| Pacific Islander Alone | 0.1 | -0.03 |
| Other Race | 5.75 | +3.37 |
| Two or More Races | 4.07 | +1.68 |
| Hispanic Origin (Any Race) | 13.72 | +7.25 |



AT RISK



15%

Households Below the Poverty Level



27%

Households with 1+ Persons with a Disability



0%

Population 65+ speak Spanish & No English



3%

Owner Households with No Vehicles



19%

Renter Households with No Vehicles

02 Complete an Environmental Justice Report

Elements of an Environmental Justice Report

1. Review solid waste facility construction, construction, improvements, or siting
2. The potential impacts from the facility/operations
3. Consideration of the surrounding community, including demographics on race and ethnicity, income, and poverty levels
4. County health overview
5. Identification and location of potential sensitive receptors
6. The presence of other industrial or permitted sites
7. Limited English Proficiency (LEP) and the possible need for translation service



03 Create a Public Involvement Plan

Elements of a Public Involvement Plan



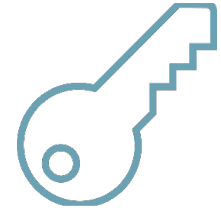
**PUBLIC
INVOLVEMENT
GOALS**



**MAJOR
MILESTONES**



**KEY ISSUE
IDENTIFICATION
AND METHODS
TO ADDRESS**



KEY MESSAGES



**COMMUNICATION
TOOLS AND
TACTICS**



MEDIA PLAN



**PUBLIC COMMUNICATION
AND COMMENT
MANAGEMENT PROTOCOL**



**MONITORING
AND EVALUATION**



Data Sources

1. Environmental Justice Indicators
US EPA
<https://ejscreen.epa.gov/mapper>
2. Study of demographics
US Census Data
<https://data.census.gov/>
3. Local State and County data sources
and surveys

04 Intentionally Engage Communities in the Process



Talk to the Community

Formal Settings

- Public Meetings
- Stakeholder Meetings
- Focus Groups



Informal Settings

- Community Groups
- Advocacy Groups
- Pop-Up Events

Accessibility



DC2RVArail

December 9, 2017 · 🌐

Si necesita ayuda para la traducción de idiomas español en participar en este proyecto, por favor envíenos un correo electrónico a espanol@DC2RVArail.com. También puede llamar a la línea directa del proyecto a dejar comentarios: [888-832-0900](tel:888-832-0900). <http://bit.ly/1QxZ8i5>



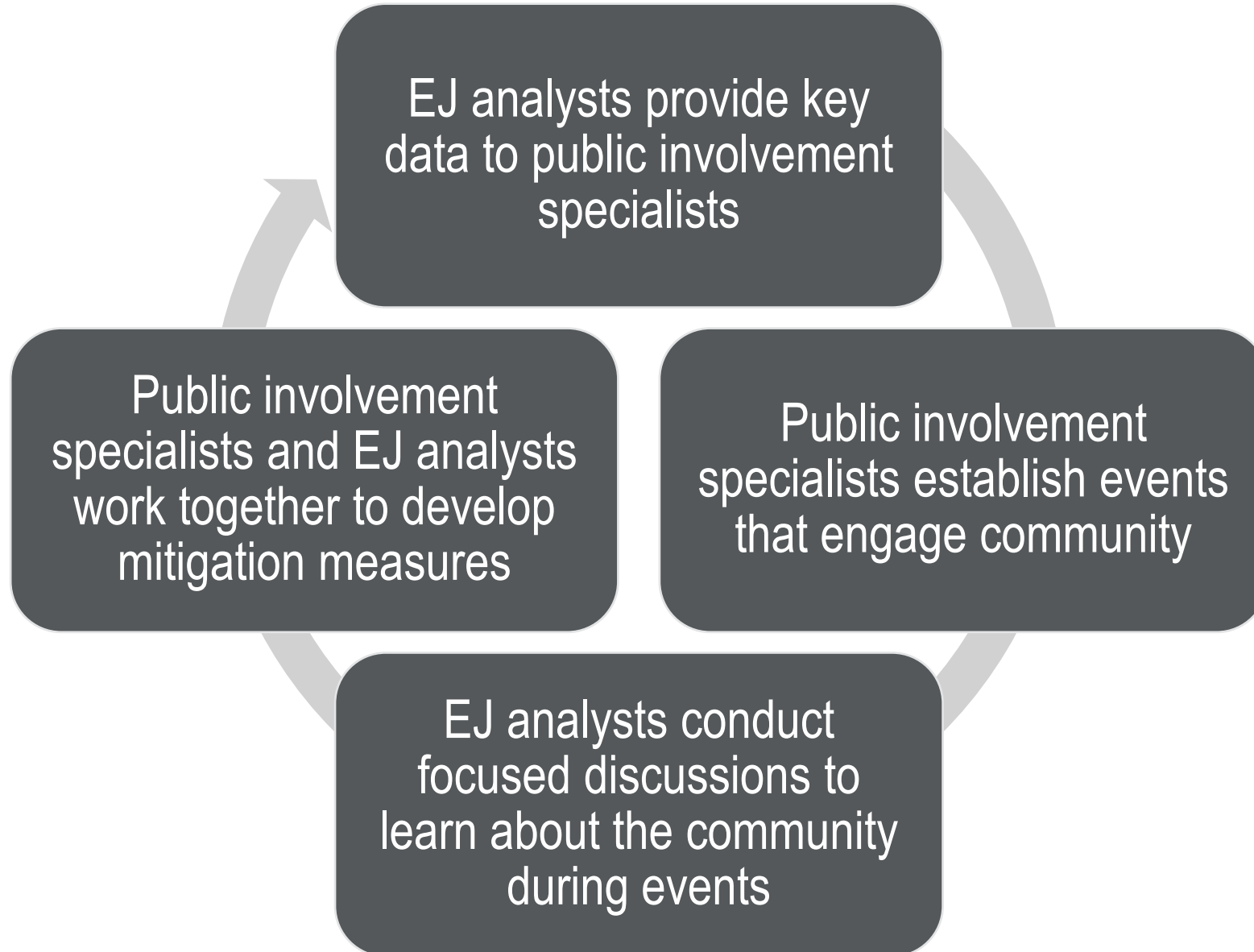
Ann Street Landfill Environmental Justice Review

Cumberland County, North Carolina

- Goal: Develop an Environmental Justice Report and conduct meaningful community engagement to build trust and create awareness for a landfill expansion in an Environmental Justice community
- Individual outreach to >40 churches, schools, and businesses
- In-person and online engagement



Integrating Analyses with Public Engagement



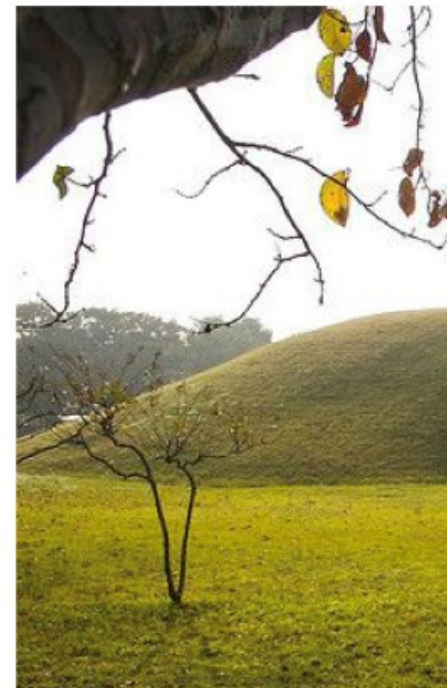
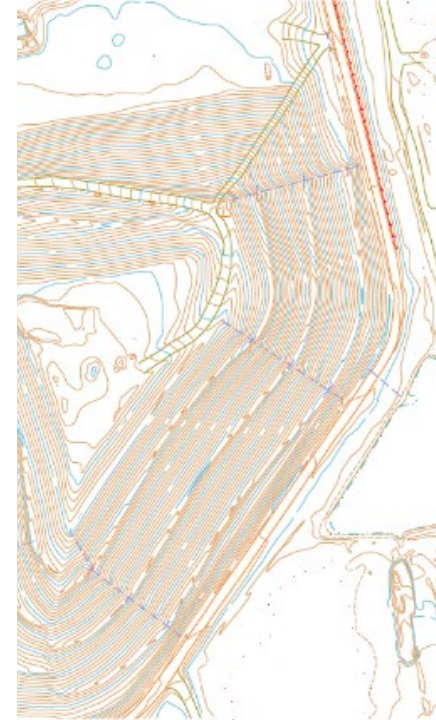
Minimization & Mitigation Strategies

Minimization



- Aesthetic treatments of visible slopes
- Add more cover soil for odor
- Landscape buffers/noise abatement berms
- Traffic rerouting study
- Regular community meetings
- Community gardens/compost areas
- Public art installations
- Post-closure uses, such as a park
- Property purchase and relocation

Mitigation



Equitable Outcomes



**IMPACT
MITIGATION**



**REGULAR
COMMUNITY
MEETINGS**



**DIVERSIFIED
COUNCILS**



**AESTHETIC
TREATMENTS**



**POST
CLOSURE
USES**



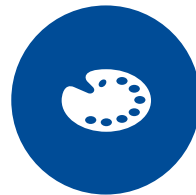
**GREEN
INFRASTRUCTURE**



**PROPERTY
PURCHASE
AND
RELOCATION**



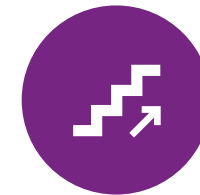
**COMMUNITY
GARDENS/
COMPOSTS**



**PUBLIC ARTS
INSTALLATION**



**WORKFORCE
DEVELOPMENT**



**CAPACITY
BUILDING**

Let's Connect!



Jessica Lally
702-682-1391



LinkedIn



Environmental Justice in Action

The State's Perspective

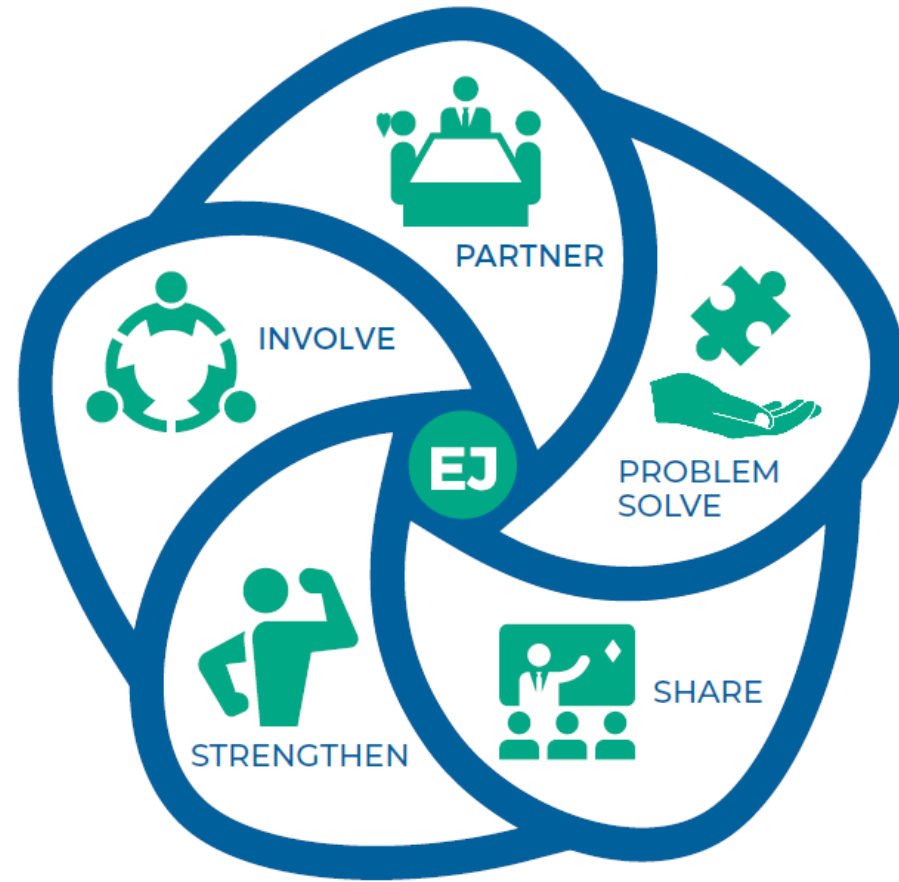
Kristy Ellenberg
Director, Collaborative Partnerships &
Strategic Initiatives



Voice of the Recycled Materials Industry™

What is EJ?

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.



ENVIRONMENTAL JUSTICE GUIDING PRINCIPLES

Considerations for Community Engagement

- Unprecedented Growth
- Changing Land Use
- Expanding Industrial Sectors
- More Complexities





Inform & Share

- Community Engagement
- Convening Roles
- Investigations
- Permittee Education & Compliance Assistance
- EJ Hub

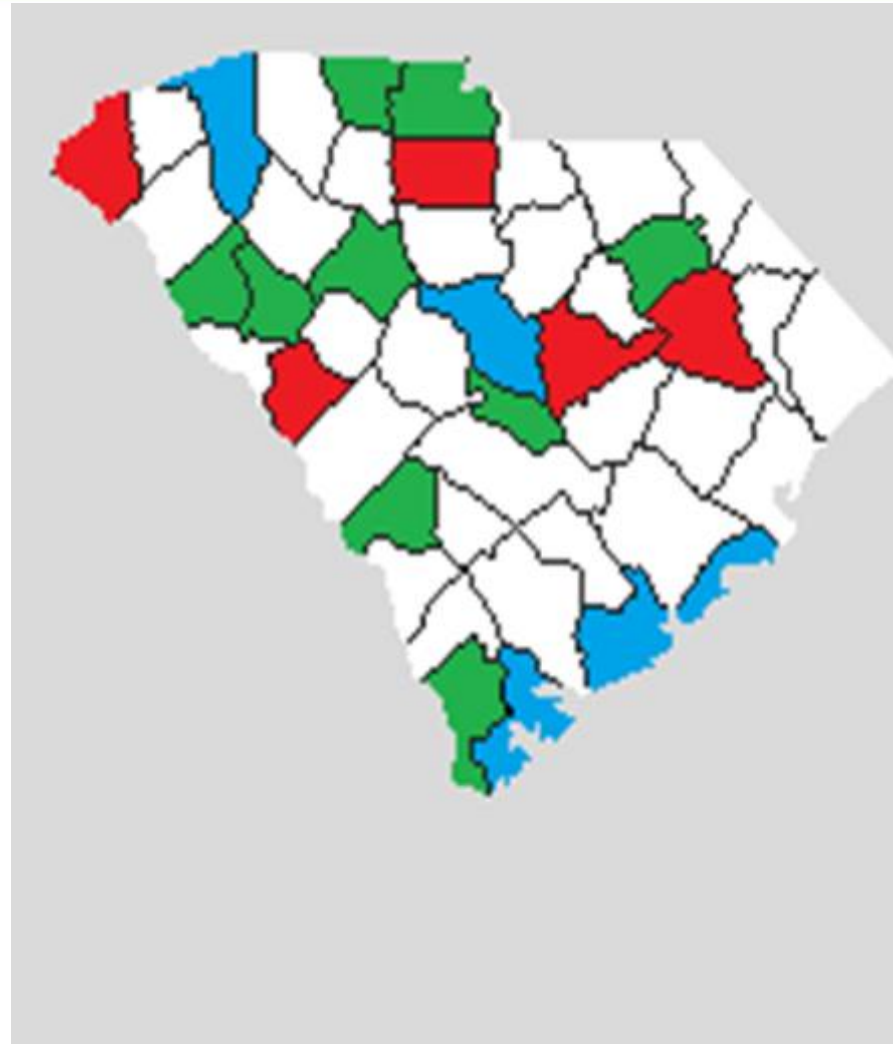
Involve & Partner

- Relationship Driven Approach
- Permitting Decisions
- Connections to Planning, Zoning & Other Processes
- Stakeholder Engagement



Stakeholders & Regulation Development

- End of life management for solar modules & batteries
 - Decommissioning projects in excess of 13 acres
- No current statewide requirements for decommissioning



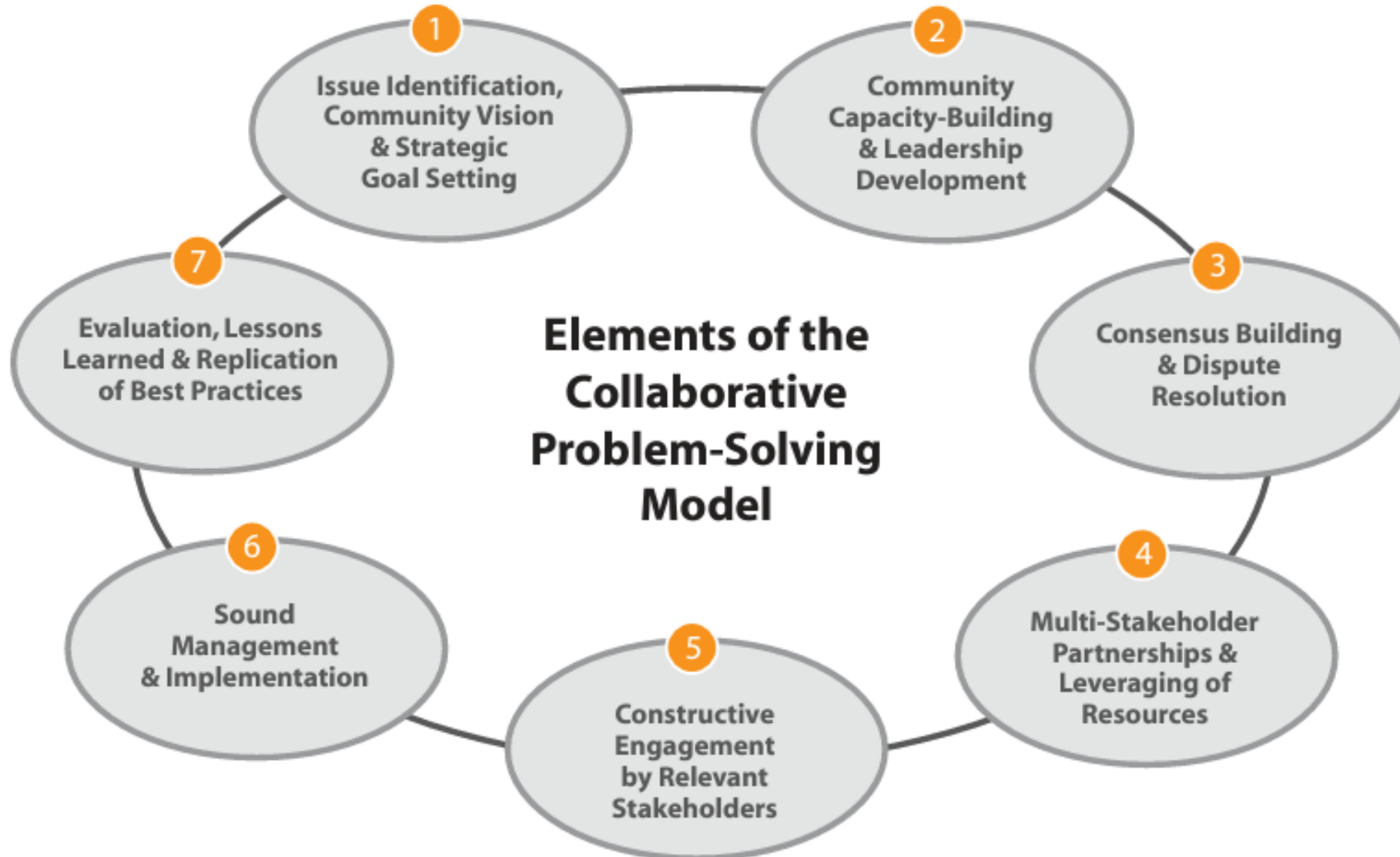
Counties with Solar Regulations:
Charleston, Beaufort,
Greenville, Richland

Counties with Decommissioning Requirements: Florence, Sumter, Edgefield, Oconee, Chester

Counties with FA + Decommissioning Requirements: York, Cherokee, Abbeville, Greenwood, Newberry, Calhoun, Barnwell, Darlington, Jasper



Problem Solving and Strengthening





South Carolina Department of Health and Environmental Control
Healthy People. Healthy Communities.



EJ STRONG

*Strengthening Communities
for Disaster Risk Reduction, Response
& Recovery in South Carolina*



Consider the
opportunities



SC DEPARTMENT *of*
**ENVIRONMENTAL
SERVICES**



Contact Us



Kristy T. Ellenberg
Director, Collaborative Partnerships & Strategic Initiatives
(803)622-0132
ellenbke@dhec.sc.gov

Stay Connected





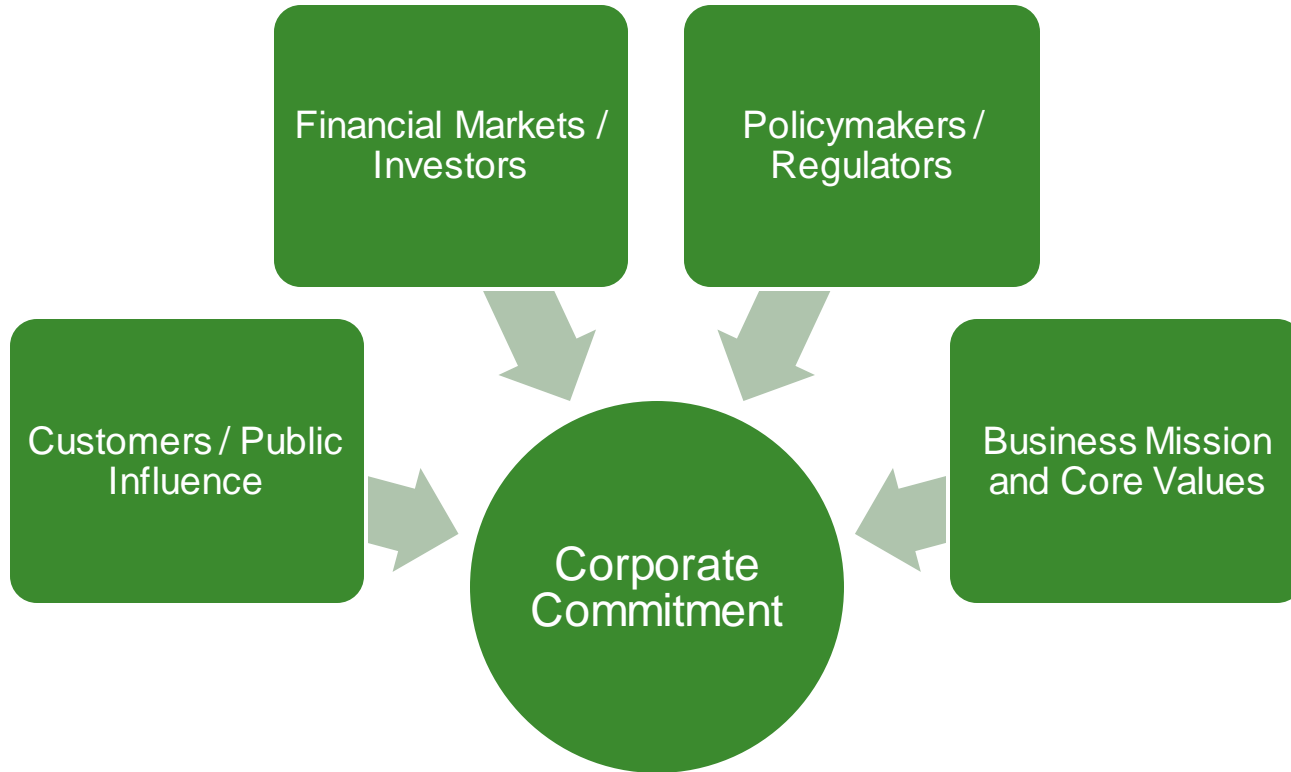
Environmental Justice in Action: Collaborative Strategies for the Recycling Industry and Lessons Learned

ISRI2024 Convention & Exposition
April 17, 2024

Michael Jensen
Senior Counsel / Director of Regulatory Affairs
WM



Factors Influencing Corporate Engagement on Environmental Justice

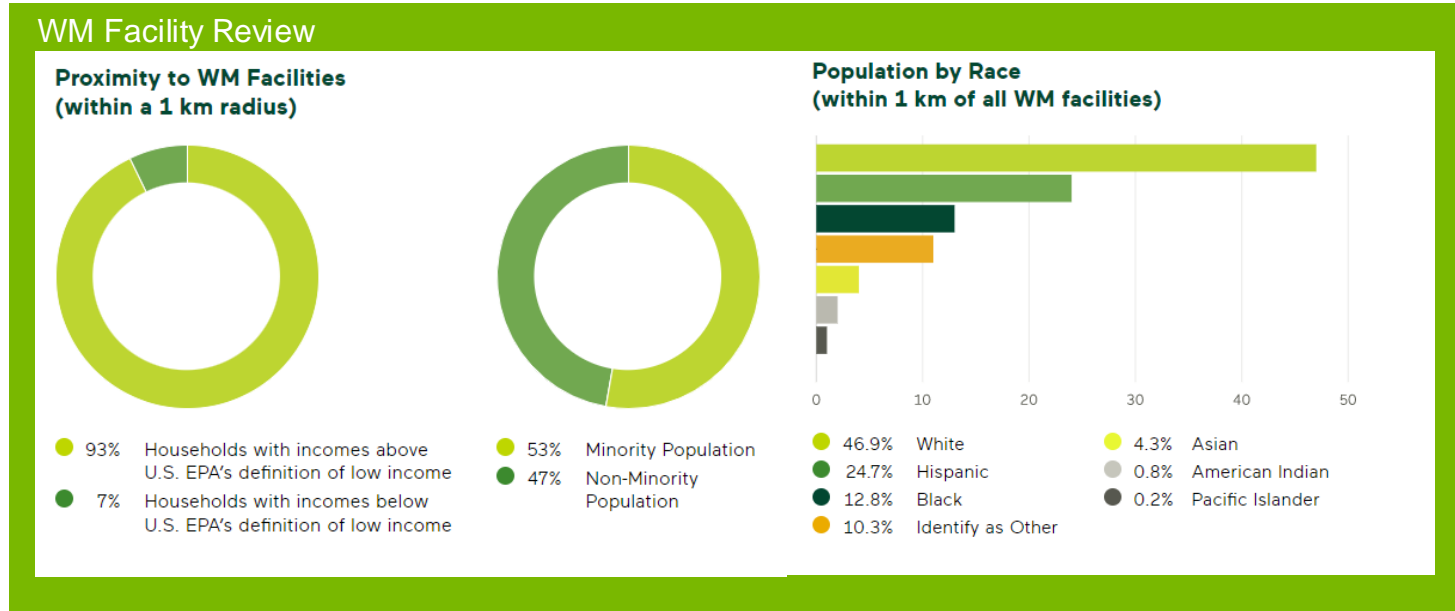


WM Efforts

- **Community Outreach.** WM has led and engaged in efforts with EPA, environmental advocates, and local communities for over a decade. We also have been recognized for numerous efforts that go beyond regulatory compliance and have resulted in partnerships and activities with the communities we serve.
- **Facility Review.** WM is continuously reviewing our impact on the communities we serve and has created a publicly available tool that maps the impact of, and produces EJSCREEN reports for, each of our sites.
- **Taking Action.** WM is marshalling experience from our existing best practice programs that have been implemented in communities across the country to develop a comprehensive, enterprise-wide program. By sharing best practices throughout the company and conducting data-driven assessments, WM is developing programs to maintain a leadership role through our ongoing efforts to create an inclusive and equitable environmental justice program.

WM Self-Evaluation

WM strives to be a good neighbor in the communities in which we operate. Over the past several decades, we have worked closely with EPA and other stakeholders in developing environmental justice mapping tools, including EJSCREEN, which uses nationally consistent data to identify and quantify factors related to demographic indicators and environmental quality and health.



Sun Valley Recycling Park



- Initial resistance to the proposed facility evolved after a shift in approach to dialogue with local stakeholders.
- WM helped to form a citizens' council for members of the Sun Valley community—voluntarily providing \$500,000 in seed funding for the council to hire consultants and develop suggestions for permitting conditions—and attended hundreds of community meetings.
- Despite WM funding and involvement, we had no control over the council's recommendations,
- WM was able to incorporate many of the council's requests in the final project, including designing the park to avoid emissions and dust, operating a fleet of clean vehicles at the facility, and funding local programs on health care, environmental improvements.

Outlook and Recommendations

Outlook for 2024

- Inflation Reduction Act funding opportunities
- EPA guidance (permitting, cumulative impacts, and civil rights)
- Updates to NEPA implementing regulations
- Emphasis on enforcement (e.g., Multi-scale Monitoring Project)
- Emphasis on ESG reporting, including on environmental justice
- Increased litigation (e.g., *Friends of Buckingham* (4th Cir. 2020))

Recommendations

- Review facilities, understand current legal framework, and identify potential risks
- Set internal goals and develop a plan for incorporating environmental justice into corporate decision-making
- Provide internal education and training around environmental justice
- Update or expand public engagement efforts based on the unique needs of each overburdened community
- Implement potential mitigation measures

Get in touch with us.

Michael Jensen
Senior Counsel / Director of Regulatory Affairs
WM
202-639-1218
mjensen1@wm.com





Purpose



Grow



Preserve



Invest

ENVIRONMENTAL JUSTICE PRESENTATION (ISRI CONVENTION)

Scott Miller, Sims Metal

17 April 2024

Key Issues

Environmental Justice (EJ) is defined 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.”

- Community Outreach
 - *Recognizing that our businesses do not operate in a vacuum.*

- Impact of EJ Movement on Existing Operations, Growth Opportunities
 - *Does the EJ Movement impact existing operations?*
 - *Local impacts on environmentally beneficial recycling projects?*

- Impact of EJ Legislation/Regulation on Existing, Expanding & New Operations
 - *How do we perceive reasonable legislation/regulation vs how the EJ Community/Gov't does?*
 - *Impact of EJ Regulation on Permitting New and Expanding Facilities*



Community Outreach

- It is fundamental to our businesses to acknowledge and work with the communities in which we are located.
- Working with our communities is not a one-and-done situation, but rather for the long-haul.
 - Building relationships over time.
- It is not just about financial contributions to local community efforts or organizations.
- It requires time and effort – volunteering, participation – employee involvement.
 - Management commitment to provide employee time to participate
 - Identifying those programs and organizations important to the community,
 - Religious Institutions
 - Food Banks
 - Local Events/ Festivals
 - Yard Visits – encourage visits by local/state officials & if possible, community groups



Impact of EJ Movement on Existing Operations, Growth Opportunities

■ ***Does the EJ Movement impact existing operations?***

– ***First we need to identify who is the EJ Movement?***

- *Is it the groups that say they are the EJ Movement?*
- *Or is it the EJ community in which some of our businesses operate?*

– ***More broadly, how to conduct our businesses when issues are raised by the community***

- *What are the concerns of the community? Traffic? Noise? Dust? Track-Out? Appearance?*
- *First, look at the yard. What can be done to improve its “curb-appeal”?*
- *Then, how best to engage the community to address these issues.*
- *The EJ aspect is part of this broader framework. It raises the profile of the issues; it doesn’t create the issues.*

■ ***Local EJ impacts on environmentally beneficial recycling projects?***

- ***This is critical – there is so much possibility with new recycling technologies.***
- ***Unless the community understands and allows the societal and environmental benefits of these projects, they pose the risk of project-derailing delays and costs.***



Impact of EJ Legislation/Regulation on Existing, Expanding & New Operations

- ***How do we perceive reasonable legislation/regulation vs how the EJ Community/Gov't does?***
 - We support the fair treatment and meaningful involvement of all people regardless of their circumstances, and the opportunity for the community to be heard regarding key permitting of growth opportunities for recycling.
 - Many members of EJ communities are our employees, our suppliers, our vendors.
 - But where is the line between what is fair and meaningful to the community and over-reach by government regulation?
 - Should the government be able on its own without clear and fair rules to stop or strangle a recycling project, yard expansion or new recycling facility?



Impact of EJ Legislation/Regulation on Existing, Expanding & New Operations

- ***Impact of EJ Regulation on Permitting New and Expanding Facilities***
 - New Jersey: A final EJ rule was issued in April 2023, following the Sept 2020 enactment of an EJ law which singled out “scrap yards” as EJ “stressors” regardless of how they operate.
 - In June 2023, the NJ ISRI Chapter filed an appeal of the rule based on claims that NJDEP exceeded its regulatory authority and was arbitrary in its application of the law.
 - The rule makes it effectively impossible to open a new metal recycling facility in an EJ community and provides great leeway for regulators to impose conditions on an expansion of facility operations.
 - Other States have considered passing similar laws but so far have not done so.

