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DRAFT PUBLIC PARTICIPATION PLAN

North Carolina Department of Environmental Quality

Effective XXXX 2019

Table of Contents

1 Introduction	1
2 Purpose	2
3 Definitions.....	2
Meetings and Public Outreach	2
4 Determining the Appropriate Level of Public Engagement	3
5 Public Engagement Methods	3
6 Notifications	4
Public Notices	Error! Bookmark not defined.
7 Enhanced Engagement Methods to Reach Underserved Communities.....	4
8 Additional Resources	6
Distribution of Title VI Programmatic Information.....	6
Limited English Proficiency.....	6
9 Conclusion	6

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 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 also guide DEQ's efforts to continue presenting clear and easy-to-consume information to all stakeholders.

It is important to note that while this document provides guidance and best practices, each community is different and a 'one-size fits all' approach to 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 the 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 promoting 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 knowledge from the local community, the 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, 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.
- Maintain consistent communication procedures.
- Provide consistent communication about State law and DEQ's 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., various 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 participation opportunities in the Department's decision-making. The Department will analyze each project individually in order to determine the best outreach methods or strategies, which may include: posting information on the DEQ website; placing print newspaper advertisements; utilizing social media; and engaging in personal communications with known interested parties.

Public Hearings

Public hearings are meetings held by the Department to formally collect community feedback and comments on a pending Department decision. The public hearing format does not always allow for DEQ staff to answer questions during the hearing. Staff will usually 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 specific 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 30-60 days for the Hearing Officer to make a recommendation to the applicable Division Director in the Hearing Officer's report. The Director then evaluates the Hearing Officer's recommendation and makes a final decision.

Stakeholder Meetings or Information Sessions

If a Division would like to hold a less formal public session, several other 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.

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. DEQ will determine the amount of public engagement that is most appropriate depending on the scope of a project, the level of public interest, DEQ's legal authority, or other factors. The Department's strategy for public engagement includes a variety of methods (Section 5). Based on the public interest, project-specific details, or additional factors, other appropriate methods for enhanced engagement (Section 7) may also be implemented.

5 Public Engagement Methods

DEQ will continue to meet its legal requirements and identify when it is appropriate to go beyond these thresholds to improve community engagement and outreach efforts. DEQ will consider geography, available community information, and other appropriate aspects to reach key constituencies and stakeholders.

DEQ's public engagement and outreach steps may include (as appropriate):

- 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 groups that have expressed an interest in or are directly affected by the Department's proposed action;
- Meeting in-person 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 impacted communities.

6 Notifications

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. The website is often difficult to navigate and requires time and technological abilities. Therefore, it is important that the Department continue to pursue different methods of communication and outreach to better guarantee that public notices reach the public. Possible additional methods for notices 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.

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

- Schools
- Places of worship
- Tribal facilities
- Locally-owned businesses
- Nursing homes
- Public libraries
- Community colleges
- Community centers
- Subsidized housing complexes
- Local government buildings

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, it is recommended that each event noticed and planned by the Department is incorporated into DEQ's social media planning efforts.

Email lists are an additional method for distributing notices. Different Divisions within DEQ provide opportunities to sign up to receive email notification for any updates on specific types of permits. 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.

Radio can be an excellent 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 other significant issue pending a decision, Division staff should determine whether standard engagement methods are sufficient to reach underserved communities. This will likely include seeking support from EJ Program staff. The Division should review the area or community's demographics using U.S. EPA's Environmental

Justice tool, EJSCREEN (<https://ejscreen.epa.gov/mapper/>), the DEQ Community Mapping System, and current, available census data. (A separate document is being prepared to outline the internal DEQ process and detail the tools available).

In order to better understand the unique characteristics of communities surrounding a site or activity proposed in a permit application, the Division will compare demographic data on the local level to both county- and state-level demographic data. In addition, DEQ staff may conduct a survey site visit to confirm the accuracy of the current available census data. Following the demographics comparison and site visit, the Division (or upon request, the EJ Program staff) will issue an Environmental Justice Snapshot and/or an Environmental Justice Report (EJ Snapshot or EJ Report, respectively) to accompany the proposed permit or decision to allow for its consideration during the period of public comment. Based on these results, varying communication strategies presented in this document will be incorporated. The methods chosen will be project-specific and community-oriented communication procedures to best fit the needs of that community. This type of outreach plan helps focus the Department's communications and outreach efforts to local groups that are identified or flagged as requiring additional outreach mechanisms or communication needs to adequately serve them.

Additional practices DEQ may consider for hard to reach populations:

- 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 area where communities are potentially affected.
- Engaging non-English speakers through social media and other non-English language media outlets.
- Communicating and distributing vital documents in non-English languages in order to successfully reach potentially impacted communities when communities are recognized, in accordance with the Department's Limited English Proficiency (LEP) plan.
 - Include a standard notice on Department documents with a contact for obtaining assistance in a different language.
 - Requests will be handled through Public Affairs – Public Engagement Liaison at 919-707-8626.
- 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 with the department or its processes who may not have previously been aware of the work and services offered by the Department.
- Notifying nearby counties of projects when the EJ Snapshot incorporates multiple counties.

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) recipient will take to address concerns.
- Contingency plan for unexpected events.
- Contact names for obtaining translation of documents and/or interpreters for meetings.
- Appropriate local media contacts (based on the culture of the community).
- Location of situationally pertinent information (i.e. permit application, press releases, etc.).

8 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. Public distribution efforts may vary depending on specific factors, but will generally include:

- Posting, online and prominently at each DEQ building, multi-lingual public statements describing NCDEQ'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 NCDEQ's Notice of Nondiscrimination at public meetings in multiple languages.

At a minimum, nondiscrimination information will be available on the NCDEQ 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.

Limited English Proficiency

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 Limited English Proficient (LEP) on the obligation under Title VI. As a recipient of federal funds, NC DEQ is therefore required to provide language assistance services to qualifying populations when deemed appropriate.

Please refer to DEQ's LEP Plan, which is being developed in conjunction with this plan, for resources and best practices for outreach with limited English proficient persons.

9 Conclusion

It is the Department's intention to follow this Plan in the conduct of the people's business in North Carolina. 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. 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 we serve.