

REPORT  
OF THE

**COMMUNITY INVOLVEMENT  
ADVISORY COMMITTEE**

TO THE

DELAWARE DEPARTMENT OF NATURAL  
RESOURCES AND  
ENVIRONMENTAL CONTROL

PREPARED BY

GLOBAL  
ENVIRONMENTAL  
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INC.

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## I. EXECUTIVE SUMMARY

Seeking assistance from parties outside that Agency who have a stake and share interest in advancing community involvement, the Delaware department of Natural Resources and Environmental Control (DNREC) chartered an interdisciplinary external advisory committee as a vehicle to address barriers to inclusion of under-served populations. With the goal of promoting communities as key stakeholders in environmental decision-making, in September 1999, DNREC chartered the Community Involvement Advisory Committee (the Committee or CIAC) for a one-year period and charged it with a specific mission:

*To develop a set of recommendations for goals and DNREC actions and procedures to ensure that minority and low-income communities have access to public information and have the opportunity to effectively participate in the programs, services and public decision-making of the Department.*

The Committee was empowered by DNREC to meet monthly at locations throughout the State of Delaware, identify environmentally affected communities, ascertain relevant communications and public involvement issues, and recommend a process for addressing them. Pursuing a consensus approach, Committee members prioritized a select group of issues upon which to concentrate. The Committee narrowed an expansive list into three categories, prioritized and examined them in-depth to develop a comprehensive set of recommendations to DNREC:

- ?? building relations between DNREC and communities;
- ?? land use and zoning decisions; and
- ?? enhancing interactions between communities and industries with permitted (or applicant) facilities.

The Committee committed to a project framework that would take DNREC beyond conventional public participation requirements. The Committee's framework recognizes that community involvement results when government agencies:

- ?? acknowledge that people living in neighborhoods are a significant constituency;
- ?? invest in long term relationship building;
- ?? dedicate adequate time, financial and technical resources to help educate and train communities; and
- ?? partner in positioning them to engage in the decision process and influence environmental outcomes.

Three steering groups were formed: (1) DNREC and Communities; (2) Land Use and Zoning; and (3) Communities and Industry. The steering groups (i) researched and drafted preliminary recommendations; (ii) presented preliminary recommendations and their rationale to the full Committee for review and comment; and (iii) finalized recommendations consistent with the Committee's modifications. The full Committee formalized acceptance of the recommendations by voting, then referred them to DNREC staff for an analysis of the Agency's resource needs or enabling legislation.

The Committee deemed taking the pulse of local communities on the issues a high priority and twice scheduled its regular monthly meeting in the field: one in the Southbridge community in Wilmington and one in Sussex County. The Committee toured the areas, appraised environmental conditions, and met with community representatives.

In total, the Committee produced thirty-five recommendations. While most pertain directly to DNREC, others encourage increased inter-agency collaboration on cross cutting issues affecting communities, industry and the environment. For example, after investigating DNREC's jurisdiction and the impact of the land use and local zoning process throughout the State, the Committee highlighted the significance of inter-agency coordination on land use issues affecting the environment and neighborhoods.

For the twofold purpose of helping DNREC factor in budgetary support and establishing a relative order of implementation based on fiscal constraints, the Committee prioritized the first twenty-three of its recommended goals, actions, policies and procedures, which were developed during the Committee's initial twelve months of work. In September 2000, the Committee presented these results to DNREC.

As a result of the volume of work, dictated by the breadth of issues affecting community involvement, a recommendation, acted upon by DNREC, extended the Committee's charter for an additional six months to complete work and finalize remaining preliminary recommendations. Accordingly, the Committee's charter was extended through March 2001. In October 2000, the work recommenced, producing an additional twelve recommendations and criteria to identify environmentally stressed communities in the State.

The Committee determined that continuing the work of improving the Agency's process and practices by recreating the Community Involvement Advisory Committee through legislative mandate and establishing a Community Ombudsman position in DNREC were high priority actions. The Agency moved forward expeditiously working with the Governor and the 141st General Assembly and introduced these objectives in the FY 2002 budget bill and Senate Bill 33.

Areas the Committee anticipates providing further assistance to DNREC include:

- ?? encouragement and monitoring to facilitate implementation of recommendations;
- ?? helping improve or establish community involvement activities;
- ?? creating a model project involving a selected high priority community;
- ?? conducting strategic, targeted community meetings;
- ?? assisting with design and implementation of community education and training;
- ?? liaison with DNREC to help communities;
- ?? liaison with DNREC program and enforcement staff to advise on community involvement; and
- ?? delivery of comprehensive reports on DNREC community involvement activities.

## II. INTRODUCTION

The concept of environmental justice has emerged from the growing recognition that minorities and low-income populations, more often than other segments of the population, live and work in areas where environmental hazards exist. Nationally, experts have documented disproportionate environmental hazards since at least 1967 in both urban and rural communities, which consequently, face elevated exposures associated with air, land and water pollution. Advocacy redressing these disparities, by community activists, scholars, scientists, attorneys, civil rights and public interest groups, and faith-based institutions, has influenced federal and state governments to take action.<sup>1</sup>

In 1994, following issuance of Presidential Executive Order 12898 on Environmental Justice (Appendix A) by the Clinton Administration, federal agencies began to examine and address, for the first time, the relationship of governmental actions, programs, and policies to disparate environmental hazards experienced by minority and low-income communities.<sup>2</sup> In addition, to bridge information gaps, agencies initiated research and data collection activities to begin measuring the extent of discriminatory environmental impacts and assess potentially related health effects.

Calling for equal protection, including equal environmental protection, environmental justice advocates employed other new tools, such as Title VI of the Civil Rights Act of 1964<sup>3</sup>, to help ensure that governmental environmental decisions are equitable and do not contribute to or cause discriminatory treatment. Equally important, since they are among those most affected by the outcomes, community activists demanded inclusion and a place at the compliance, enforcement and public policy decision-making table.

Often, minority and low-income communities adversely affected by environmental concerns believe that their voices are not heard. Invisibility is often affected by a combination of factors including science and tools to measure cumulative risk do not exist; the paucity of funding for tools and mechanisms for community advocacy; and need for greater communication vehicles in the community.

The DNREC established an internal and an external approach to address under-served populations, improve the Agency's ability to provide services and increase access to the environmental decision process. First, DNREC established an Environmental Justice Committee to identify and implement actions and procedures to ensure that all Delawareans have access to public information and the opportunity for public participation.

DNREC's Environmental Justice Committee, which is comprised of Agency managers and staff, developed an Action Plan (Appendix B) focused on improving community participation in the

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<sup>1</sup> "D. Ferris, "A Broad Environmental Agenda: Mandating Change Begins at the Federal Level," Maryland Journal of Contemporary Legal Issues, Vol, 5, Issue 1, (1993-94)

<sup>2</sup> DNREC's community involvement consultant, Deoohn Ferris, conceived and led the grassroots campaign that resulted in this Executive Order, the federal National Environmental Justice Advisory Council, and other key policy tools.

<sup>3</sup> Title VI of the 1964 Civil Rights Act extends the fairness and nondiscrimination mandate to states and other entities receiving federal funds and requires federal oversight to ensure compliance.

permitting process, pulse-mapping to familiarize the Agency with community concerns, data collection, analysis and integration, joint approaches with other State agencies, workforce training and diversity recruitment.

Seeking assistance from parties outside that Agency who have a stake and share interest in advancing community involvement, DNREC also chartered an external advisory committee as a vehicle to address barriers to inclusion. With the goal of promoting communities as key stakeholders in environmental decision-making, in September 1999, DNREC chartered the Community Involvement Advisory Committee for a one-year period and charged it with a specific mission:

*To develop a set of recommendations for goals and DNREC actions and procedures to ensure that minority and low-income communities have access to public information and have the opportunity to effectively participate in the programs, services and public decision-making of the Department.*

Over this one-year period, the Committee was empowered by DNREC to meet monthly at locations throughout the State of Delaware, identify environmentally affected communities, ascertain relevant communications and public involvement issues, and recommend a process for addressing them. Acknowledging the importance of the mandate to the Committee and the magnitude of its responsibilities, to ensure adequate time and opportunity to do its work, DNREC reserved the prerogative to extend the charter beyond one year (Appendix C).

To ensure a broad-based as well as an integrated approach by the Committee, DNREC invited a cross-section of stakeholders to its membership (Appendix D). In addition to community representatives, DNREC formed a dynamic group comprised of community-based and indigenous peoples' organizations, faith-based, civil rights and women's groups, local planning councils, academia, health agencies, environmentalists, city government, business and industry (Appendix E).

Framing the Committee's endeavors, DNREC proposed central topics of interest to the Agency by posing three questions:

- 1. How can DNREC increase communication between DNREC and communities, and between industry and communities?*
- 2. How can DNREC increase public involvement and input into the decision-making process: how to increase public involvement; how to utilize community input; and what is the role of local government and zoning?*
- 3. How can DNREC identify impacted communities: what are disparate impacts?*

### **III. BACKGROUND**

The Community Involvement Advisory Committee (CIAC) commenced its work in September 1999, meeting monthly, in full Committee, during the one-year period of its initial charter. Recognizing the depth of work remaining to be accomplished, in terms of developing a comprehensive set of recommendations to DNREC, approaching the end of the first year charter period, the Committee recommended and was granted a six-month extension to complete its initial work. Therefore, the CIAC activities within the scope of this report occurred within the nineteen months commencing in September 1999 and ending in March 2001.

From the outset, DNREC invested in advancing the work of the Committee by providing staff and other resources. DNREC's Division Manager, Andrea Kreiner, and staffer, Michele Roberts, from the Office of Business & Permitting Services, were assigned the role of ensuring that the Committee had access to Agency staff, information and the technical resources vital to fulfilling its mission. DNREC hired Deohn Ferris, Global Environmental Resources Inc., to provide expert advice on community involvement, environmental justice legal and policy issues and facilitation services, and to draft and prepare the Committee's report.

Working with other DNREC staff throughout the Agency, including the Office of Information Education, this team was responsible for Committee continuity including working with members on organizing meetings, preparation of meeting notes, developing agendas, supplying supplemental materials and arranging subject-matter and issue briefings.

The first task undertaken by the Committee involved assessing the breadth of membership and determining whether communities, and the interests of other organizations essential to fulfilling the mission, were adequately represented. As a result, more community representatives were invited to join. Participation was expanded further when the Committee divided into workgroups to examine specific issues. To provide perspectives and expertise, other stakeholders were invited to assist with achieving the Committee's goals and objectives. Members of the Community Involvement Advisory Committee and steering groups are listed in Appendix E.

#### **A. Defining the Priority Issues**

The second task undertaken by the Committee concerned identifying the key issues of importance to achieving vigorous community involvement in environmental decision-making. To begin, the Committee explored and discussed the range of pollution issues affecting minority and low-income populations in the north, south and central sections of Delaware, and variability posed by location in the State. Equally important, the group factored in land use and zoning, which, although outside the scope of DNREC's direct governance, nonetheless critically affect the location of facilities, environmental hazards and potential exposures due to new or expanded operations that comply with existing permits or ordinances.

Resolving to pursue a consensus approach to Committee decisions, members engaged in a process of prioritizing a select group of these issues upon which to concentrate over the group's tenure. The Committee narrowed an expansive list of issues into three categories and determined

that these should be prioritized and examined in-depth to develop a comprehensive set of recommendations to DNREC on goals, actions, policies and procedures to enhance community involvement. The priority categories are:

- ?? building relations between DNREC and communities;
- ?? land use and zoning decisions; and
- ?? enhancing interactions between communities and industries with permitted (or applicant) facilities.

To guide the process of developing recommendations under these three categories, the Committee scoped out specific areas of inquiry by crafting preliminary outlines. These are:

DNREC and Communities:

- Notices of public hearings meetings
- DNREC responsiveness to community needs
- Determining community impacts and environmental monitoring
- Level of community involvement via residents and organizations
- Process by which communities learn about and understand issues
- Increasing involvement in decisions
- Utilizing/integrating community input
- Trust building
- Capacity building (developing a tool box)
- Compliance and enforcement
- Health impact education
- Communications

Land Use and Zoning:

- Impacts of growth and development on health
- Affordable housing
- Poverty, unemployment and health
- Local government roles
- Economic opportunities
- Contaminated properties and brownfields
- Increasing community involvement
- Economic and non-economic incentives

Communities and Industry:

- How and when industries contact communities
- How to communicate complex technical issues
- Community relations
- Community impact assessments
- Protecting confidential business information, trade secrets

In setting forth these priorities, the Committee committed to a project framework that would take DNREC beyond conventional public participation requirements. The Committee's framework recognizes that community involvement extends further than typical notice and opportunity to



comment public participation. Instead, community involvement results when government agencies:

- ?? acknowledge that people living in neighborhoods are a significant constituency;
- ?? invest in long term relationship building;
- ?? dedicate adequate time, financial and technical resources to help educate and train communities; and
- ?? partner in positioning them to engage in the decision process and influence environmental outcomes.

## **B. Establishing the Committee Process**

The Committee organized its work by instituting a process for managing examination of the issues under the three priority categories and to guide development of recommendations to DNREC. Three steering groups, comprised of Committee members and other interested stakeholders outside of its formal membership, were formed: (1) DNREC and Communities; (2) Land Use and Zoning; and (3) Communities and Industry. Chairs and Co-chairs of each steering group are provided in Appendix E.

Using the areas of inquiry specified by the full Committee as a starting point, each steering group established an operational plan, set separate meeting schedules for their members and engaged in information and data collection designed to help answer the questions. While there was considerable overlap in terms of the sequence of issues considered, the Committee spent the first few months concentrating on the work of the Land Use and Zoning steering group. The second few months focused on the work of the DNREC and Communities steering group and, during the closing months, the Communities and Industry steering group.

In addition, the full Committee and the steering groups worked together to ascertain and meet data and information needs critical to developing sound recommendations. For example, at each monthly meeting and, frequently, during steering group meetings, DNREC staff were asked and invited to brief members and give presentations on selected topics. During its nineteen month tenure, the Committee requested briefings and presentations on subjects ranging from Delaware's Land Use Planning Act, County Comprehensive Land Use Plans, and County zoning codes to air and water permitting programs, operation of DNREC's Navigator website, analytical health surveys, and the corporate approach to Community Advisory Panels.

The steering groups were charged with the following tasks: (i) researching and drafting preliminary recommendations; (ii) presenting preliminary recommendations and their rationale to the full Committee for review and comment; and (iii) finalizing recommendations consistent with the Committee's modifications. After this stage, the full Committee formalized acceptance of the recommendations by voting to adopt one or more of them. After the Committee completed the process of developing and adopting the recommendations, they were referred to

DNREC staff for an analysis of the Agency's resource needs or enabling legislation associated with accomplishing them.

Finally, for the twofold purpose of helping DNREC factor in budgetary support and establishing a relative order of implementation based on fiscal constraints, the Committee prioritized the first twenty-three of its recommended goals, actions, policies and procedures, which were developed during the Committee's first twelve months of work. In September 2000, the Committee presented these results to DNREC.

In view of the volume of work, dictated by the breadth of issues affecting community involvement, a decisive recommendation, acted upon by DNREC, extended the Committee's charter for an additional six months to complete the unfinished work of two steering groups and finalize remaining preliminary recommendations. Accordingly, the Committee's charter was extended through March 2001. In October 2000, the work recommenced, producing an additional twelve recommendations and criteria to identify environmentally stressed communities in the State.

### **C. The Committee's Community Tours**

The Committee deemed taking the pulse of local communities on the issues a high priority. In keeping with the commitment to interface with communities in ways that enhance involvement, twice, the Committee scheduled its regular monthly meeting in the field: one each in Southbridge and in Sussex County. In tandem with these meetings, the full Committee toured the areas, appraised environmental conditions, and met with community representatives.

#### 1. Southbridge, Wilmington, DE

In Southbridge (Wilmington), Marvin Thomas, the Southbridge Civic Association's representative on the Committee, took the lead in working with DNREC to organize the neighborhood tour and community meeting. The community tour and meeting followed the Committee's regular monthly meeting in May 2000. Both meetings were hosted at Neighborhood House, a local community center. DNREC staff, including Secretary DiPasquale, participated in the tour and meetings. Staff from other State agencies and the Office of the Mayor of Wilmington attended as well.

Over thirty community residents and leaders participated, sharing information about issues affecting their neighborhood, the need for community involvement and problem solving. The tour and meeting revealed conditions common in communities of color and low-income communities nationwide. The Southbridge community has a substantial low-income population, would benefit from coordinated economic and jobs development and planning, and is faced with multiple hazards including cross-media environmental concerns.

Southbridge catalyzed the Committee's focus on developing criteria for identifying environmentally stressed communities and recommending creation of a DNREC stressed communities task force to address stressors. Additionally, by helping DNREC (i) advance

relationship building at the community level and (ii) follow-up on community concerns, the Committee assumed a liaison role leading to a bridge in information gaps experienced in Southbridge.

Recent activities in Southbridge, which were facilitated by the Committee working with DNREC and community residents, include: formation, by DNREC, of a workgroup on fugitive dust to address this key local concern; installation of an air monitor by the Agency; and a federal funding request, jointly submitted by DNREC, the Delaware Economic Development Office and the Southbridge Civic Association, to study the feasibility of brownfields redevelopment in the centrally located salvage yard corridor.

## 2. Sussex County, DE

The second tour coupled with a regular monthly Committee meeting, in July 2000, occurred in Sussex County hosted by the First State Community Action Agency. Terri Cooke, the First State Agency's representative on the Committee, took the lead in working with DNREC to coordinate the activities. The tour spanned the communities of Coverdale Crossroads, Ellendale, and Lucas Development, culminating at Pinetown.

Water and wastewater issues, including septic systems and drinking water supply, dominate as critical environmental issues in this, largely, rural section of the State. Environmental concerns are compounded by poverty and low-income. Community representatives favor preserving the area's rural beauty. They also expressed great interest in education, training, financial support and technical assistance to address issues in the County.

Community residents at each tour stop shared their concerns with the Committee. Again, DNREC staff participated in the events. The Committee helped open doors to strengthening relations between DNREC and the Sussex County communities, and helped stimulate inter-agency problem solving among the range of State agencies with jurisdiction over the issues affecting them. Given the wide-ranging scope of environmental and interwoven social issues in the County, the Committee has recommended follow-up action including a community-wide meeting.

## **IV. INVESTIGATING THE ISSUES**

### **A. Land Use and Zoning**

The land use and zoning steering group concentrated on the following preliminary issues outline, which was developed by the full Committee.

- Impacts of growth and development on health
- Affordable housing
- Poverty, unemployment and health
- Local government roles
- Economic opportunities
- Contaminated properties and brownfields
- Increasing community involvement
- Economic and non-economic incentives

A key aspect examined by this steering group centers on where DNREC, community input and interaction intersect in the land use and zoning context. Jurisdiction over land use and zoning is a local government function and, except for an advisory role, outside of DNREC's jurisdiction. Nonetheless, in view of the significant environmental implications of land use decisions in neighborhoods, the group explored the difficulties associated with the inability of communities to access data and information in a timely fashion and other barriers to participation in this arena.

Points at which public involvement and land use currently intersect include the three County Technical Advisory Committees, the Land Use Planning Act (LUPA), which requires citizen notice of zoning applications and variances, and the County Planning Boards and Commissions. Constraints on communities in this arena are identified as a matter of crucial concern. Consequently, recommendations encourage the State, the Delaware Economic Development Office, and local land use agencies to develop new tools for increasing notice and access to the decision process.

To illuminate the inter-relationship of land use, zoning and the environment, this group explored and reported on a case study involving the Coverdale Crossroads community in Sussex County. In this case, public-private and federal-state partnerships resulted in innovative approaches to correcting deleterious land uses exacerbated by poverty and deteriorating environmental and health conditions. Local, state and federal funds and nonprofit public interest resources were combined to remedy problems in an area wherein the State and County are in transition to become synchronous on water and wastewater priorities and planning.

Using integrated problem solving techniques, over a three-year period, the Coverdale Crossroads Community Revitalization Project installed wells and septic systems, demolished, repaired and/or replaced uninhabitable homes, connected families with electrical power and plumbing, removed abandoned vehicles, instituted garbage collection, and beautified the community with plantings.

The steering group also investigated brownfields redevelopment as an important arena within which to expand community involvement. Focusing on the brownfields pilot project in Wilmington, which is funded by the U.S. Environmental Protection Agency, the group concurred on brownfields redevelopment as an indispensable element of both inner-city community revitalization and remedying environmental contamination.

Approaches and tools reviewed include community inclusion in brownfields redevelopment roundtables to: (i) pre-plan projects; (ii) determine land re-use and best use; (iii) provide tools and techniques for providing training and technical assistance; (iv) communicate data understandably; (v) facilitate access to data via the Internet and electronic databases; and (vi) establish a community ombudsman within DNREC.

## **B. DNREC and Communities**

The preliminary outline researched by the DNREC and communities steering group covers the following concerns and activities:

- Notices of public hearings meetings
- DNREC responsiveness to community needs
- Determining community impacts and environmental monitoring
- Level of community involvement via residents and organizations
- Process by which communities learn about and understand issues
- Increasing involvement in decisions
- Utilizing/integrating community input
- Trust building
- Capacity building (developing a tool box)
- Compliance and enforcement
- Health impact education
- Communications

First tackling communications, the steering group discussed alternatives to conventional DNREC notice and comment public participation. The group discussed expanding notification of Agency activities via a broadened outreach program. A component of this approach involves recurrently augmenting DNREC's list of communities and community-based organizations via new techniques for identifying them. While cautioning against the mistake of referring to communities, community groups and civic associations interchangeably, the steering group proposed polling Committee members, cities, state agencies, religious institutions, nonprofits, and community development corporations for their contacts.

Another caveat cited by the group centers on the need for DNREC to be flexible about varying levels of interest in issues, on the part of communities and community-based groups, which can be affected by the changing nature and timing of projects. Due to these influences a community may either be interested in working on some issues and less interested in others or move in and out of a decision process at different phases depending upon relevance.

Second, the steering group concentrated on enhancing community interest in becoming involved, thus, promoting community input. The group considered increasing the community's interest and capacity to participate through: (i) education and training; (ii) developing workshops for communities on permitting; (iii) creating community profiles to inform DNREC decisions; (iv) identifying priority communities; and (v) factoring in such concerns as the importance of race, culture and demographics in terms of understanding the political, environmental and social issues affecting communities. Capacity building is viewed as a tool DNREC should use to enhance community involvement in environmental activities.

Another preferred tool entails environmental monitoring (e.g., air monitors) as a technique to verify effects and build confidence in DNREC through information and data sharing with communities. Other issues and approaches include posting DNREC enforcement actions on the Agency's website, and the importance of open and continuous dialogue on cleanup issues. The steering group also stimulated extensive Committee discussion about the difficulties in problem solving where jurisdiction either overlaps or is divided among various agencies. For example, some residents in the Southbridge community viewed issues of concern, which were within the City of Wilmington's jurisdiction, as the responsibility of DNREC and the State.

Openness, information and data sharing, communications and capacity building can enhance community involvement in environmental activities. Even more important, when communities are aware of events, have access to data and information and the expertise to use them, they become equipped to participate in the decision process on a par with other stakeholders and can, therefore, influence environmental outcomes.

Pursuant to a recommendation developed by this steering group and adopted by the Committee, DNREC organized Community Awareness Training for Agency staff. The training, which was conducted by the University of Delaware Center for Community Development and Family Policy, consisted of a five-part workshop on issues such as: economic development and entrepreneurship; public safety and community policing; cultural arts and community education; faith-based community development and citizen involvement; and health care and healthy lifestyles.

### **C. Communities and Industry**

To assist with providing a framework for this group, DNREC Secretary DiPasquale addressed the full Committee during the February 2000 monthly meeting. He requested that the Committee consider recommending communications methods to promote relationships between communities, business and industries in their neighborhoods. Citing progressive companies that benefit from such direct communications, the Secretary urged two-way exchanges.

The preliminary outline investigated by the Communities and Industry steering group covers the following issues:

- How and when industries contact communities
- How to communicate complex technical issues
- Community relations
- Community impact assessments
- Protecting confidential business information, trade secrets

The steering group discussed the benefits and challenges associated with increased openness and interaction with communities, earning trust to operate in a community, the downsides of media attention generated by community resistance and environmental incidents, and the time commitment that's indispensable to progress in building relations. The group explored ways that DNREC and permitted facilities could build relations and communications by going beyond what is required by law. Approaches explored by this group include creating an atmosphere that encourages industry pre-permit communications, company and Agency communications regarding incidents, and issuance of DNREC guidance.

The group evaluated using DNREC's toll-free hotline and web page to share information about industry contacts. Another area of exploration involved industry tours and open house event for communities interested in learning about company facilities and operations. Recognizing the importance of two-way communication, the group also considered ways to create interaction with industry that can be initiated by communities and civic organizations.

The steering group explored the possibility of undertaking an industry-community case study. The case study was intended to explore techniques and strategies to bridge gaps between communities and the facilities they host. To initiate the case study, the group participated in a site visit to a permitted facility where the facility staff presented information about its operations, environmental and safety performance, and community involvement activities. The steering group questioned staff about key issues and concerns and toured operational areas. However, the group was unable to develop a summary of lessons learned and a proposal for follow-up activities due to the Committee's limited duration.

This group viewed emergency preparedness, in the event of environmental incidents, as a critical area in terms of strengthening relationships with communities and building confidence that neighborhoods are protected. A key element in emergency preparedness is the DNREC hotline. The group discussed improvements to the existing system as well as testing to ensure effectiveness. In addition to DNREC's regulatory and enforcement responsibilities and facility safeguards, this group discussed the role of Local Emergency Planning Committees (LEPCs) and determined that they are central to these objectives. LEPCs provide several advantages. They are: (i) a neutral space for industries and communities to meet and talk; (ii) additional venues for communication; and (iii) another avenue for community input.

## **V. THE COMMUNITY INVOLVEMENT ADVISORY COMMITTEE RECOMMENDATIONS, PRIORITIES, AND RESOURCE NEEDS**

### **A. Introduction**

The Community Involvement Advisory Committee was charged by DNREC with issuing recommendations on goals, actions, policies and procedures to ensure that minority and low-income communities have access to public information and the opportunity to effectively participate in programs, services and public decision-making of the Department. Over the period September 1999 through March 2001, the Committee developed thirty-five recommendations.

For the twofold purpose of helping DNREC factor in budgetary support and establishing a relative order of implementation based on fiscal constraints, the Committee prioritized the first twenty-three of its recommended goals, actions, policies and procedures, which were developed during the Committee's initial twelve months of work. In September 2000, the Committee presented these results to DNREC.

In view of the volume of work, dictated by the breadth of issues affecting community involvement, a recommendation, acted upon by DNREC, extended the Committee's charter for an additional six months to complete the unfinished work of two steering groups and finalize remaining preliminary recommendations. Accordingly, the Committee's charter was extended through March 2001. In October 2000, the work recommenced, producing an additional twelve recommendations and criteria to identify environmentally stressed communities in the State.

Inter-agency coordination and collaboration on land use issues affecting the environment and communities, when new businesses are locating in the State, is another area the Committee determined deserving of special attention. Concerned about the potential for negative impacts, the Committee highlighted jurisdictional issues in the recommendations and forwarded a letter to Governor Ruth Ann Minner.

*“ We recommend a new standard for economic review for DEDO that includes the cost of public infrastructure and services in the cost/benefit analysis [and takes into account all the impacts]... We believe the full analysis of public costs and benefits would provide a reasonable test of the potential long-range consequences of major economic development decisions... Costs such as roads, sewers, fire and safety services, and health care...”*

Recreating the Community Involvement Advisory Committee through legislative mandate and establishing a Community Ombudsman position in DNREC were deemed high priority. The Agency moved forward expeditiously working with the Governor and the 141st General Assembly and introduced these objectives in the FY 2002 budget bill and Senate Bill 33, also known as the “Right-To-Know” bill. On behalf of the Committee, Glen Ernst and June MacArtor testified and submitted a Committee statement (Appendix F) in support of the legislation.



Areas the Committee anticipates providing assistance to DNREC in the future include, for example:

- ?? encouragement and monitoring to facilitate implementation of recommendations;
- ?? helping improve or establish community involvement activities;
- ?? creating a model project involving a selected high priority community;
- ?? conducting strategic, targeted community meetings;
- ?? assisting with design and implementation of community education and training;
- ?? liaison with DNREC to help communities;
- ?? liaison with DNREC program and enforcement staff to advise on community involvement; and
- ?? delivery of comprehensive reports on DNREC community involvement activities.

## **B. The Committee Recommendations:**

**Recommendation #1: The work of the original Community Involvement Advisory Committee should be extended for six months, with current consultant services, to allow it to complete its in-progress tasks (with length of extension contingent on work completion estimates from the three steering groups). Funding could be sought from the State Budget Office, as a priority penalty project request, with the full support of the Committee.**

Rationale: The Committee commenced its work in September 1999, meeting monthly, in full Committee, during the one-year period of its initial charter. Recognizing the depth of work remaining to be accomplished, in terms of developing a comprehensive set of recommendations to DNREC, approaching the end of the first year charter period, the Committee recommended and was granted a six-month extension, through March 2001, to complete its initial work.

Resource Requirements:

Cost of consultant services	\$12,500-15,000
Meeting Costs	<u>\$2,000-3,000</u>
Total	\$14,500-18,000

**Recommendation #2: There should be a standing Community Involvement Advisory Committee to assess the implementation of the original Committee's recommendations, to make additional proposals, to encourage environmental justice as a basic policy in all of DNREC's work, and to serve as a resource amongst DNREC, industry and environmentally stressed communities. Resources (both staff time and monetary) will be needed to cover communication, research, training of group members, and incidental expenses. Membership should include representation from affected communities; community-based organizations; state, county, and municipal agencies; environmental organizations; health-care providers; business and industry.**

Rationale: The Committee determined that a legislatively chartered second-generation committee should continue assisting DNREC with developing appropriate programs, policies, goals and actions to maximize community involvement in environmental decision-making. A legislative charter by the Delaware General Assembly will strengthen DNREC's mandate in this arena and provide the necessary fiscal resources to achieve this mission. Furthermore, as an external entity comprised of affected communities and other stakeholder-allies, the Committee is uniquely positioned to assist DNREC by helping to (i) build relationships and trust; (ii) monitor the pulse; and (iii) serve as a liaison to communities throughout the State.

Resource Requirements: Estimated at \$5,000 - \$7,500 per annum

**Recommendation #3: DNREC should establish Community Assistance Provider(s). These positions could be titled Community Ombudsman.**

**The functions of this position(s) would be to:**

- ?? Provide information;**
- ?? Engage the community in understanding environmental issues and cleaning up environmental problems;**
- ?? Advocacy on behalf of the community;**
- ?? Receive and address complaints from communities;**
- ?? Serve as a DNREC point of contact with communities and groups such as the roundtables mentioned in Recommendation #14;**
- ?? Facilitate bringing disputing parties (when one is the community) to a common understanding. This does not mean mediating disputes to reach agreement, but rather bringing all sides to understanding one another's issues;**
- ?? Provide assistance with information gathering when a caller is not satisfied with the information received after contacting DNREC's toll free response hotline; and**
- ?? Report annually to the Community Involvement Advisory Committee on significant issues in Delaware.**

Rationale: This recommendation is designed to surmount barriers identified by the Committee in relation to community access to decision-makers, capacity to obtain and respond to data and information about environmental issues, and the capability of communities to address controversies involving environmental conditions. The Committee determined that increased staffing at DNREC, dedicated solely to community involvement objectives, would facilitate community involvement by providing needed resources and expertise.

Resource Requirements: Salary costs will range from \$43,000-\$53,000 per position.

**Recommendation 4: When particular locality needs arise, DNREC should seek to develop a site-specific Environmentally Stressed Community Task Force, involving all the governmental stakeholders and relevant businesses with the full community, to seek comprehensive solutions for that stressed community.**

Rationale: Recognizing that communities of color and low-income communities are often overwhelmed by a deleterious combination of environmental stresses, the Committee concluded that there are special cases wherein interdisciplinary DNREC resources should be amassed and targeted at identifying these communities and prioritizing problem solving. A stressed community task force would be comprised of technical and legal experts who are equipped to work with community residents and team with them to redress issues in impacted areas.

Further, where possible, DNREC should strongly encourage inter-agency approaches where issues in stressed communities are cross cutting. For example, environmental impacts often intersect with concerns under the jurisdiction of other agencies such as transportation, health, parks and open space conservation.

Resource Needs: This recommendation will not require any additional personnel resources beyond the Community Ombudsman or Community Assistance Providers but will require at least temporary redirection of existing program staff to assist with the task force.

**Recommendation #5: DNREC should be a pioneer in extending the total maximum daily load (TMDL) regulatory logic to communities experiencing multiple and cumulative impacts, developing criteria for and implementing a total maximum community stressors (TMCS) approach in its permitting and enforcement work in environmentally stressed communities.**

Rationale: The TMDL approach to environmental protection is a federally inspired endeavor to expand beyond the present contaminant-by-contaminant, chemical-by-chemical, and facility-by-facility regulatory and permitting paradigm. This next generation of environmental regulation is based on the premise that efficiency and environmental performance (and consequently, environmental protection) can be improved via an integrated approach, which benefits both the regulated and the affected community.

Instead of regulating solely by individual contaminant, chemical or facility components, governmental control mechanisms should be targeted at, for example, cumulative chemicals and releases from multiple sources and the network of permitted facilities. Recognizing that new legal authorities may be required, the Committee is a proponent of this initiative, would extend it to the community level via a TMCS, and urges DNREC to integrate it.

Resource Needs: The costs of implementing this specific recommendation has not yet been estimated and may require significant funding levels to be achieved.

**Recommendation #6: DNREC should develop and improve its systems of data collection and actual monitoring of real, composite releases in stressed communities, engaging point and non-point source polluters and the local community, in problem solving processes to resolve the impacts. (Such monitoring will usually be short-term, sometimes periodic, and site-specific, as differentiated from permanent monitoring stations.)**

Rationale: The Committee determined that information and data shortfalls exist which impede the ability of communities to meaningfully engage in participatory problem solving and decision-making. The Agency should foster improved data collection. Supplementary data will help regulators understand, anticipate and remedy environmental conditions in affected communities. DNREC should deploy existing technologies to improve (or initiate) pollution monitoring and impacts assessment techniques.

Resource Needs: The costs of implementing this specific recommendation are community dependent and may require significant funding levels depending on the community and pollutants in question.

**Recommendation #7: DNREC should develop better internal, cross-division, communication and coordination, so that, speaking with a unified voice, the Agency can work more effectively with local communities and industry. DNREC should inventory its existing services and resources relevant to community involvement and unify and coordinate delivery of those services and resources.**

Rationale: After investigating DNREC's programs and communications, the Committee concluded that, due to internal impediments to information sharing, communities are at best often confused about messages received from the Agency regarding issues of concern and remedies. At worst, they get no assistance at all. Under-served communities are an important DNREC constituency. A unified approach to maximize service delivery would help improve community confidence in DNREC, promote communications and help diminish information gaps faced by minority and low-income populations.

Resource Needs: This recommendation will not require any additional personnel resources beyond the Community Ombudsman or Community Assistance Providers but may require other resources yet to be determined.

**Recommendation #8: On matters where fees are charged for a service to the public (such as Freedom of Information Act (FOIA) requests), DNREC should develop a special fee schedule or waivers for community-based organizations and citizens groups, and other such groups that don't have the resources but have a legitimate need for services or information.**

Rationale: Governmental fees can pose a significant barrier to communities attempting data collection. Reducing or eliminating these fees will promote community involvement by providing greater access to useful materials and information resources.

Resource Requirements: No new resource requirements, but eliminating or reducing fees may represent lost revenues to DNREC of an undetermined amount.

**Recommendation #9: The Committee encourages DNREC to continue cultural and racial diversity efforts in DNREC hiring practices, contractual services and training.**

Rationale: The Committee determined that there are internal and external advantages to DNREC in terms of promoting diversity. Foremost, DNREC's composition should reflect the broader population; sensitivity to cultural and racial differences is important to cultivating both teamwork and responsiveness to community needs; and the Agency should value the menu of benefits and innovations resulting from a diverse workforce and contractor pool.

Resource Needs: Resources may be required for recruitment and retention activities to attract a more diversified workforce.

**Recommendation #10: The Committee supports DNREC's efforts to provide more complete comments to the Counties in the land use planning and decision-making processes. We encourage DNREC to continue to include clearly identified regulatory and applicable advisory comments.**

Rationale: Although local land use and zoning decisions are not within DNREC's direct responsibility or jurisdiction, they are determinative regarding whether areas are committed to residential, industrial or mixed uses, allowable activities that occur therein, and impacts on communities. The Agency's advice is critical to sound decision-making about these uses and, ultimately, environmental protection. The Committee urges DNREC to strengthen efforts to incorporate protection of health and the environment in the zoning and land use arena.

Resource Needs: None identified

**Recommendation #11: DNREC should make the comments identified in Recommendation #10 available to the affected communities in a timely manner. Methods for communicating the comments to the public are addressed in Recommendation #16. At a minimum, the comments shall be placed on the DNREC website. Whenever possible, DNREC should place the comments on the website prior to a County’s public hearing.**

Rationale: Although DNREC does not have jurisdiction over land use decisions, the Agency can be an additional source of information to communities that are interested in and seeking involvement in the process. DNREC’s website is another place to help by providing capacity to communities to participate. Posting and sharing information and comments on environmental implications will assist community efforts to engage in the decision dialogue.

Resource Needs: Staff time to post DNREC comments on the website and links to key agencies.

**Recommendation # 12: DNREC should develop community profiles, including socio-economic, demographic and environmental information. When/if community profiles are developed, the DNREC comments on land use or permits should also address how the proposed project impacts on the environmental issues listed in the relevant profile.**

Rationale: Information and data presented in community profiles will inform DNREC’s decision-making process and help the Agency, communities, business and industry understand the range of impacts and issues experienced in each neighborhood. As a result, decision makers in the public and private sector, as well as communities, can anticipate the effects of new or expanded facilities, project proposals and outcomes and plan accordingly.

Resource Needs: DNREC presently has a proposal, from the University of Delaware and Global Environmental Resources Inc., for a two-year effort aimed at developing such profiles for all communities in Delaware. Cost of the contractual effort is \$200,000.

**Recommendation #13: DNREC, in a cooperative effort with the local governments and the Delaware Economic Development Office, should develop a document(s) containing data sheets on each brownfield site in the State.**

**The document will serve two main purposes:**

- ?? For the community – information on what is on the site and steps necessary to establish site reuse. This will enable the community to participate in planning the types of development that will meet neighborhood needs.**
- ?? For the locality – as a marketing tool to attract developers for the sites.**

**The data sheets would describe the property and what can be done on it, and will include the following information:**

- ?? **Name of the property and owner(s)**
- ?? **Map**
- ?? **Potential uses**
  - Preferred (including evaluation of impacts on surrounding community)**
  - Possible uses (including evaluation of impacts on surrounding community)**
- ?? **Contaminants**
  - Potential**
  - Known**
- ?? **Incentives available for development/cleanup**
- ?? **Connections to infrastructure**
- ?? **Required Permits**

Rationale: This recommendation focuses an inter-agency approach to environmental protection and information sharing about the locale with developers, communities and other stakeholders interested in brownfields. In addition, it promotes brownfields redevelopment, which the Committee advances as a tool to achieve neighborhood revitalization and community economic development.

Resource Needs: Resource Requirements (Statewide)

Identification Analysis	\$3,000
GPS and Photo	\$4,500
Title work, zoning, past uses	\$2,250
Site file summary	\$1,500
Research Infrastructure, Future uses	<u>\$2,250</u>
Total	\$13,500

**Recommendation #14: In 2000, the City of Wilmington established a “Brownfield Leadership Team” roundtable to plan brownfields redevelopment. These roundtables focus on inclusion of community members and also include the appropriate government agencies that would be involved in site redevelopment. If the City continues this effort:**

- ?? **DNREC should continue to participate in the roundtables as a technical resource regarding potential uses; and**
- ?? **If the roundtables become operational, DNREC should help transfer the information on how Wilmington is running these roundtables, the benefits, etc. to other municipalities and counties around the State.**

Rationale: In brownfields redevelopment, the multi-stakeholder approach to including parties with significant interests in the process of decision-making is an essential ingredient of success. Specifically, in the context of communities, those who have lived the longest

with blight and under-investment in their neighborhoods should be integral to and inform decisions about changes and meeting needs in surrounding neighborhoods. The Committee supports the community role and recommends that DNREC provide technical and other resources that will aid communities and other stakeholders in the decision process.

Resource Needs: This recommendation will not require any additional personnel resources beyond the Community Ombudsman or Community Assistance Providers but may require other resources yet to be determined.

**Recommendation #15: DNREC should provide usable and understandable access to hazardous waste and brownfields site data. DNREC should provide two tiers of access to site data and provide training to communities and interested people on each:**

- ?? **Tier 1 data as an information resource: provide training for community leaders on accessing and using the data as an information resource for planning purposes and for better understanding on what is in their community; and**
- ?? **Tier 2 data for scenarios and research purposes: provide training for individuals interested in utilizing the site data for research purposes.**

**Informational sessions on the DNREC Navigator website should be provided to communities to inform them of the types of information available to the public through the site.**

Rationale: This recommendation is targeted at ensuring that the decision process is open and transparent (i) creating technical capacity to influence outcomes, and (ii) closing information and data gaps for communities seeking engagement in participatory decision-making on brownfields.

Resource Requirements: Costs per workshop approximate \$200-\$400, based on training 15 people/workshop and using OIS training center, which can be used at no cost. The costs of the Online Users Manual, development and printing, total \$2,000.

**Recommendation # 16: DNREC should increasingly identify and use locally based communications vehicles to distribute communication materials and products.**

**1. Need to identify local resources and media and use these to organize output geographically such as:**

- (a) local newspapers
- (b) community newsletters
- (c) local and statewide broadcast media (seeking the fullest reach to Delaware's demographics, including young adults and youth, e.g., public access channels, 22 and 28 in Wilmington)



**2. Content and means of approach needs to be adapted to recipient communities, using friendly, non-jargonized language, explaining technical terms, where appropriate. This would include:**

- (a) information on the appropriate environmental regulations, with summaries of same provided before meetings if possible; and**
- (b) a glossary of technical terms, explained in plain language to the extent possible, should also be provided when reports and regulations are provided.**

**3. Currently existing but underused outlets need to be employed. Examples include:**

- DHSS State Service Centers (use the State's kiosk system)**
- State Senators' biannual newsletter**
- DART Public Service Announcements**
- Community and Youth Centers across the State**
- YM/YWCAs**
- Religious Organizations**
- Boys and Girls Clubs**
- Delaware Association of Nonprofit Agencies**
- Diamondnet.org free statewide electronic bulletin board.**

**4. Update DNREC News mailing list and develop a more useable (e.g., MS Access) database with some agreed upon categories (beyond ZIP Code) for sorting and searching.**

Rationale: Improving DNREC communications techniques will enhance community confidence in the Agency and foster involvement. The Committee provides directions to DNREC, which are incorporated in this recommendation.

Resource Requirements: \$300-500 per one page survey to review and update lists and identify civic organizations with newsletters or those willing to distribute information; staff time to write glossaries & summaries; \$2500 to fund a contract or intern project constitutes the initial costs to combine all mailing databases; staff time to maintain database.

**Recommendation 17: Develop and enhance training of DNREC personnel in broadening communication.**

**(a) Adopt a more grassroots approach to information distribution. This includes the communication mechanisms in Recommendation #16 and staff communications with community organizations and citizens.**

**(b) Provide two types of training with practice through exposure on how best to handle community-helpful interactions. The questions to ask and answer are: (i) how to reach whom? and (ii) how to communicate what? This process is best accomplished through a combination of workshops and by the example of those in formal**

leadership positions, not solely through the issuance of policy directives. Since scientific training leads to multiple interpretations of statements regarding risk, statistical uncertainties, and data limitations, skills in public education are necessary.

**(c) Expand the number of persons (in each of the five Divisions and the Secretary's Office) who have grassroots community outreach skills and extensive grassroots experience and can be consulted by both communities and other DNREC staff for assistance. This can be accomplished through new hires with these skills and/or intensive training of existing staff.**

Rationale: Improving DNREC staff communications skills will enhance information sharing, responsiveness, and help cultivate community involvement. The Committee provides directions to DNREC, which are incorporated in this recommendation.

Resource Requirements: Costs for training, if provided by State Personnel Office \$0. Contracting with trainers will range in cost between \$75,000-150,000 depending upon type of training and number of staff trained. An average cost figure is \$50 per person for ½ day training and \$100 per person for a full-day training. Other costs equal the opportunity costs of staff time.

**Recommendation #18: DNREC should facilitate, coordinate and track efforts to build relationships with community groups.**

- ?? Build relationships with community-based organizations statewide on a routine basis, before a special or crisis situation arises. Arrange presentations, get on the agendas, make regular contacts, rather than show up for the first time when DNREC needs something or is coming to warn about problems. Work towards establishing continuity in terms of DNREC staff responsible for contacts and communications with communities. DNREC staff should spend time listening, not just speaking, and communicate lessons learned to appropriate personnel in the Agency. Recreate the DNREC Speakers' Bureau.**
- ?? Create and maintain a list of subject-matter experts (media contacts, public speakers, and educators) who are available to participate in community functions. This should include DNREC staff conducting outreach activities in primary and secondary schools. Gather information from the Divisions on who is skilled in handling which issues and who are the Public Information Officers (or those with equivalent functions).**
- ?? To enable better community self-policing, to provide emergency preparedness information and information on other issues, DNREC should send community associations and organizations listings of the types of presentations available from DNREC staff. These should include presentations on such things as allowable**

**materials handling practices, what constitutes a violation (both at businesses and homes), how DNREC responds to facility incidents and hotline complaint calls, in permitting processes, etc.**

Rationale: To achieve results, efforts to improve community involvement will be both long and short term and entail investments of Agency staff and financial resources. The Committee provides directions to DNREC, which are incorporated in this recommendation.

Resource Requirements: This recommendation will not require any additional personnel beyond the Community Ombudsman or Community Assistance Providers but will require at least temporary redirection of existing program staff to assist with public information sharing and outreach.

**Recommendation #19: During 2000 and 2001, DNREC should initiate ongoing relationships with specific environmentally stressed communities in each of the three counties, seeking to build relationships and trust and working on identifying and reducing environmental stressors.**

Rationale: This recommendation is linked to Recommendation #4 regarding formation of a (one or more) targeted task force on stressed communities. The Committee advised this special emphasis, which is focused on helping DNREC promote relationship building and invest in problem solving where communities are inundated with environmental impacts.

Resource Needs: This recommendation will not require any additional personnel beyond the Community Ombudsman or Community Assistance Providers but will require at least temporary redirection of existing program staff to assist with community interactions.

**Recommendation #20: The University of Delaware's Center for Community Development and Family Policy has developed a Brownfields Redevelopment Certification Program for communities, state agencies, and businesses. We urge DNREC to have staff participate in programs such as this, and to encourage the participation of other interested parties.**

Rationale: Familiarizing DNREC staff with issues affecting communities will improve skills, increase awareness about issues and inform them about new models for addressing neighborhood conditions, including the relationship of environmental concerns.

Resource Requirements: \$500-600 costs per staff per course

**Recommendation #21: The mechanisms for input of community information to DNREC on potential pollution sources (emergency and non-emergency) should be more thoroughly publicized throughout the state, especially in under-served and low-income communities.**

Rationale: Inability to access information frustrates community efforts to educate residents about and engage in environmental decisions. The Committee recommends that DNREC expand access to notices, data, statistics, initiatives and other specifics.

Resource Requirements:

- \$5000-10,000 costs for magnets and distribution
- \$2000 publication and distribution of pamphlets
- \$3000 advertising costs for notices in community newspapers

**Recommendation #22: DNREC's school education programs should seek to encourage relevant science careers among minority students.**

Rationale: The Committee is aware of the dearth of young people of color on a science-based academic track, in high schools, undergraduate and post-graduate institutions, compared to their percentages in the general population. The Committee appreciates the importance of encouraging minorities to study the sciences and contribute their skills, talents and interests to building, implementing and enforcing environmental programs. DNREC should expand internships and other initiatives that will enable minorities to advance in scientific careers.

Resources Needs: Resources requirements to implement this recommendation have not yet been developed.

**Recommendation #23: DNREC should develop guidance for industry on communications regarding permitting and incidents at facilities.**

Rationale: See Recommendation #30. The Committee understands the importance of the roles and responsibilities of the private sector in achieving environmental protection and the significance of openness. These recommendations encourage permitted facilities to engage communities in decisions at the earliest possible stages of company decision-making about: (a) new permits, changes to and expansion of operations; and (b) emergency preparedness and potential consequences of environmental releases.

Resource Needs: Resources will be required by facilities to implement this recommendation, however, those resources have not yet been defined and will vary according to facility, location and number of nearby communities.

**Recommendation #24:** When a person calls DNREC’s toll free complaint hotline, they should be given the option to request a call back regarding the results of the response to the complaint. If the person connects to a recording, there should automatically be a call back to confirm that the complaint was received. DNREC should periodically test the toll free complaint hotline system regarding effectiveness of calls into the line, response to the reported incident, and response to the caller/community.

Rationale: The toll free hotline is a key tool in DNREC’s existing community involvement toolbox. The Committee examined efficiency and effectiveness of the hotline in responding to community inquiries and recommended improvements.

Resource Needs: No additional resources are required by DNREC to implement this recommendation.

**Recommendation #25:** DNREC should conduct outreach, which encourages industry to implement the following activities:

- (a) A company/facility should make information available to its neighboring communities regarding incidents and upcoming activities, which may be noticeable or impact the community. Sample mechanisms for making information available include call-in telephone lines, contractor professional services, bulletin boards, newspapers, community associations and neighborhood organizations, town/local governments. Focal points, such as community leaders, association presidents, newspaper and newsletter editors, can be utilized to assist in getting information out to their respective communities.
- (b) Where applicable, companies should form voluntary groups, in geographically specific areas, to build relationships and distribute information to the local community. The benefits to the public include one-stop shopping for information, peer pressure among companies that fosters environmental compliance, openness, and increased interaction that leads to relationship building.
- (c) Companies making presentations to the community should invite DNREC, the Department of Health and Human Services, and/or the Local Emergency Planning Committee (LEPC). This is particularly relevant when the presentations could include information on emergency preparedness and environmental health impacts.

Rationale: This recommendation acknowledges the significant role of industry in environmental decisions and the breadth of skills and capabilities that permitted facilities can contribute in terms of partnering with DNREC, community inclusion, and building

confidence in the decision framework. In addition, the recommendation promotes integration with regard to addressing dilemmas where cross cutting issues exist.

Resource Needs: Resources will be required by facilities to comply with this recommendation and will vary depending on the facility, the location and the nearby communities.

**Recommendation #26: Local Emergency Planning Councils (LEPCs) can serve as a neutral meeting locale for industry and community. To facilitate this result:**

- ?? **LEPCs should more effectively notify the public of meetings; for example, utilize the information dissemination techniques suggested elsewhere in this set of Committee recommendations; and**
- ?? **LEPC meetings should be scheduled at times when community members can attend, such as early evening or the end of the workday, or by convening separate meetings focused directly on issues affecting the community.**

Rationale: LEPCs are noteworthy repositories of technical resources as well as sources of information about environmental activities, chemicals, and facilities located in neighborhoods. The Committee seeks to help DNREC leverage the capabilities of LEPCs to educate and expand information available to communities and open avenues for input.

Resource Needs: Undetermined

**Recommendation #27: The State or municipalities should require developers to do an environmental impact statement (EIS) or assessment (EA) on projects, similar to those required under Delaware's Coastal Zone Act. These include investigations on economic impacts, transportation, jobs, infrastructure, etc. In so doing, the appropriate project size and expense of an EIS must be considered in developing this requirement.**

Rationale: This recommendation concentrates on requiring developers to compile and consider the multifaceted range of data essential to sound environmental decision-making on projects. The Committee values the thorough, interdisciplinary investigation imposed by a compulsory Environmental Impact Statement (EIS). Factoring in linkages among facets such as environmental impacts, demographics, employment concerns and transportation goals will sustain balanced results.

Resource Needs: Undetermined

**Recommendation #28: DNREC should develop and distribute a Citizen’s Guide to the Permitting Process. The guide should present information about the basic permitting process so that citizens can understand when and how they can be involved in the decision-making process. The guide should be no longer than 5 pages and include contact phone numbers for the permitting programs. The guide should be made available on the Internet, sent to community-based agencies and centers, and used in DNREC outreach and education programs.**

Rationale: Since DNREC’s statutory and regulatory authorities, upon which a great deal of compliance and enforcement activities in communities are based, consist of the Agency’s air, water and waste environmental permit programs, it’s essential that communities understand them. The Committee recommends that DNREC develop a user-friendly brief guide to the permitting process to educate communities seeking informed participation.

Resource Needs: \$5000 for development, printing and distribution of the guide.

**Recommendation #29: DNREC should place all legal notices regarding permit applications on the website in an easily accessible and identifiable location.**

Rationale: Improved notice to communities increases awareness, provides information about issues, assigned staff, contacts, and timing of opportunities for involvement. The Committee concluded that DNREC could improve placement of notice to enhance distribution of legally required information.

Resource Needs: No additional resources are required by DNREC to accomplish this recommendation.

**Recommendation #30: DNREC should evaluate at which points in the permitting process it is appropriate for the Agency to make recommendations and/or require industry to interact with communities regarding their proposed activities. In evaluating this action, DNREC should involve staff, the regulated community, affected communities and the Delaware Economic Development Office.**

Rationale: The Committee understands the importance of the roles and responsibilities of the private sector in achieving environmental protection and the significance of openness. Recommendation #23 encourages permitted facilities to engage communities in decisions at the earliest possible stages of company decision-making about: (a) new permits, changes to and expansion of operations; and (b) emergency preparedness and potential consequences of environmental releases. Recommendation #30 is a partner recommendation that recognizes DNREC’s role in guiding and fostering these outcomes.

Resource Needs: No additional resources are required by DNREC to accomplish this recommendation.

**Recommendation #31: DNREC should develop a new tool to promote community education and understanding about environmental issues and involvement in the decision-making process. DNREC staff should work with communities and other stakeholders to identify appropriate issues and prepare (one or more) training modules on key issues. Similar to the assistance provided to business and industry on compliance and enforcement, education and training materials on key issues should be part of the community's training package.**

Rationale: DNREC can encourage community understanding and involvement in environmental decisions by undertaking an education and training initiative on issues important to the Agency as well as issues of concern in neighborhoods. Training at the community level requires special skills, some of which are commonly used when working with business and industry. However, in general, to advance the probability of success working with minority and low-income communities, DNREC should seek out and build Agency expertise by deploying professionals who understand environmental issues and are skilled and knowledgeable about race, culture, special needs (if any) and sensitivities.

Resource Needs: Resource requirements have yet to be developed for this recommendation.

**Recommendation #32: Criteria to Identify Environmentally Stressed Communities: The Committee emphasizes that, rather than a theoretical definition covering all eventualities, the following recommendation constitutes a practical description which is intended to help prioritize DNREC's outreach to a specific set of Delaware communities.**

**The Committee urges DNREC to integrate into its assessments a combination of social and economic stressors along with explicitly environmental stressors. This is the approach recommended in the proposal "Development of a Community-Level Environmental Profile: A Tool for Meeting the Goal of Environmental Justice in the State of Delaware" which was submitted to DNREC by the University of Delaware and Global Environmental Resources Inc. The Committee concurs with this approach and urges the use of such results when they are forthcoming, along with the criteria listed below.**

**The Committee urges consideration of the following factors in assessing environmentally stressed communities. When more localized data is available for any of these metrics (e.g., community vs. county, or community census tract[s] vs. adjacent tracts or county), they should be used instead of more broadly based measurements.**



**(a) Is the community located in a National Ambient Air Quality Standards (NAAQS) non-attainment area, for example, for ozone (O3), or particulate matter (PM10)? What are the exposure levels to carbon monoxide (CO), sulfur dioxide (SO2) and lead (Pb), compared to statewide or national averages? What are the rates of asthma, especially under the age of 18? Any and all of these may be considered an additional environmental stressor.**

**(b) Is the percentage of air pollution sensitive subpopulations (generally ages 0-17, or 65+), higher in the community than statewide or national averages? If a particular stressor, known to be present in or near a community, affects a more specific or different age group, is that group more numerous than statewide or national averages?**

**(c) What level of vehicular traffic (e.g., autos, diesel trucks) travels through the community? Although mobile source pollution is a shared regulatory responsibility, the Committee recommends that DNREC use EPA (or other available) data, models and regulations to determine the extent to which mobile source pollution is an environmental stressor for a particular community.**

**(d) Do the residents of the community use more public transportation or self powered travel, standing near, walking along or bicycling along public roadways, thus giving them a higher and more direct route of exposure to vehicular emissions?**

**(e) Since only four percent of Delaware's waterways are "swimmable" and only percent are "fishable," what is the proximity of the community to watersheds affected by contaminated, polluted or nutrient overloaded runoff, or to places where DNREC discourages or prohibits subsistence fishing?**

**(f) If an environmentally stressed community question pertains to permitting (whether under direct DNREC supervision or otherwise), would granting the permit increase or significantly alter the community's cumulative stressor load? (Such things as permits, legal decisions, and land use regulations [while not under DNREC's jurisdiction] can still have a significant impact on the environmental stresses to which a community is subject. DNREC should factor in such considerations in assessing stress load even though the Agency cannot directly act on them.)**

**(g) Although not within DNREC's jurisdiction (or, maybe, any other agency's) levels of noise pollution (from vehicular traffic, production processes, and security equipment) and light pollution (e.g., security lighting and neon signage) ought to be considered environmental stressors.**

**(h) When all of a community's environmental stressors fall outside DNREC's jurisdictional boundaries, the Committee urges DNREC to determine if any state, county, or local agencies have a priority focus on the community (not solely a general emphasis on communities like this). If no such emphasis exists, the Committee urges DNREC, to the extent administratively feasible, to encourage such a focus. The fact**

that administration of environmental or health or land use laws, and the provision of service to communities, is fragmented by jurisdictional boundaries should not automatically mean that the cumulative stresses on a community and especially its susceptible individuals are fragmented or reduced.

(i) How does the percentage of locally undesirable land uses (LULUs) in the community compare to other communities in the county or state? A comparatively high local LULU percentage is itself an environmental stressor.

(j) The new cumulative risk assessment tool being developed in EPA Region VI for air emissions (similar in logic to TMDLs for water) should be adapted when it is ready and be used to further clarify the cumulative impacts on environmentally stressed communities.

(k) DNREC should seek to assess the combined environmental stresses on a community, using the parameters listed above, and others that DNREC may already employ or that may emerge from discussion with the Committee, generating a composite community environmental stress level. Those communities identified by the Delaware Division of Public Health as their priority concern areas (top twenty percent) should be evaluated by DNREC to determine whether they are environmentally stressed. Further DNREC should add to the communities in this percentile an appropriate factor, the total of which would provide a rough numeric assessment of a community's total stressors. DNREC should seek to use these totals to guide the priority of its interactions with stressed communities throughout Delaware.

Rationale: Identifying and providing assistance to affected communities in Delaware is a high Committee priority. This recommendation provides a framework and criteria for DNREC to use in detecting communities experiencing a combination of environmental stresses and working with them to redress impacts.

Resource Needs: Resource requirements have yet to be developed for this recommendation.

**Recommendation #33: If Senate Bill 33, the Right to Know bill, is enacted, the Executive Summary of the Community Involvement Advisory Committee Report, the Committee's recommendations, and a preliminary list of whom citizens can contact at DNREC (names, telephone numbers, email addresses, and the toll-free hotline number) should be sent to the Agency's list of community contacts and organizations, and others as they are identified.**

Rationale: This recommendation is targeted at awareness and information sharing with communities and community-based organizations.

Resource Needs: Resource requirements have yet to be developed for this recommendation.

**Recommendation #34: DNREC should review the monetary amount of the Agency's regulatory penalties, compared to the race and income of the communities surrounding an infraction site and, if any disparities are found to exist, seek to equalize penalties (measured by the severity of the infraction) so that no indirect benefits accrue to violators that pollute low-income or minority communities.**

Rationale: Recognizing the importance of compliance and the disincentive to violators that a vigorous enforcement process imposes, this recommendation addresses the possibility of unequal environmental enforcement in minority and low-income communities in Delaware.

Resource Needs: Resource requirements have yet to be developed for this recommendation.

**Recommendation #35: When DEDO is working with businesses coming into Delaware, most often other agencies are not contacted until late in the process. In order to reach agreements with companies that take into account all the impacts, both positive and negative, of the proposed project, DEDO should, within the limits of business confidentiality, consult with pertinent state agencies before deals are finalized. We recommend a new standard for economic review for DEDO that includes the cost of public infrastructure and services in the cost/benefit analysis. Such a standard would have to be set by the Governor and would require oversight from the Cabinet Committee on State Planning Issues.**

**The use of any cost-benefit analysis needs always to be carefully considered, given that such analytic tools factor in items like cheaper land costs and population income levels and, thus, can make it appear, in hard numbers, that low-income communities are the optimal locations to site environmental stressors, which only compounds environmental inequities. This recommendation is further addressed in the Committee letter to the Honorable Ruth Ann Minner, Governor (Appendix H). In addition, the Committee proposes that the successor Community Involvement Advisory Committee work with DNREC and the Delaware Economic Development Office (DEDO) to provide criteria on the use of cost-benefit analysis in environmentally stressed communities.**

Rationale: The Committee recognizes the relationship of land use, economic development decisions and the environment as well as the respective roles and jurisdiction of DNREC and DEDO. Enhanced inter-agency coordination and full analysis of public costs and benefits, by DEDO, would test the potential consequences of major economic development decisions and help ensure that State actions do not result in unintended environmental, public service or land use consequences. In view of the imminent expiration of its charter, this Committee commends this recommendation to its successor Committee for additional consideration.

This recommendation highlights the importance of identifying and, where possible, integrating health, environmental and social benefits into cost-benefit analysis; for example, quantifying the benefits of clean air and water and open space. Conversely, the costs imposed by development should be weighed, such as additional burdens on roads, the wastewater treatment system, and fire and public safety infrastructure. Equally important, while jobs are an important aspect of the economics equation, employment opportunities should not be synonymous with unhealthy, dangerous jobs.

Specifically, the Committee requests evaluation of the following issues (and any others deemed pertinent). First, how should DEDO determine which projects are major, thus, triggering the cost-benefit analysis in Recommendation #35? Second, which factors should be considered in determining what constitutes a major project; number of jobs, size of the financial investment, impact on the community's infrastructure, environmental impacts or a combination of these (and/or) other factors? Third, should DEDO consider immediate as well as long range impacts?

Resource Needs: Resource requirements have yet to be developed for this recommendation.

# **APPENDICES**

## **Appendix A. Presidential Executive Order 12898 on Environmental Justice**

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**February 11, 1994  
EXECUTIVE ORDER**

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### **FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS**

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

#### **Section 1-1. IMPLEMENTATION.**

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an Interagency Federal Working Group on Environmental Justice ("Working- Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to The President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities For Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, Color, or national origin.

Sec. 3 -3. Research, Data Collection, and Analysis

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to, substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public unless prohibited by law; and



(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

#### Sec. 4-4. Subsistence Consumption Of Fish And Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

#### Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally- recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

William J. Clinton

THE WHITE HOUSE,  
February 11, 1994.

## Appendix B. DNREC Environmental Justice Action Plan

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### DNREC ENVIRONMENTAL JUSTICE ACTION PLAN

#### ENVIRONMENTAL JUSTICE COMMITTEE MISSION:

To identify and implement actions and procedures to ensure that all Delaware citizens have access to public information and have the opportunity to participate in the programs, services and decision-making of the Department.

#### PUBLIC PARTICIPATION GOALS:

*A. Ensure effective public participation in our permitting processes.*

#### ACTION ITEMS:

1. The Environmental Justice Committee will work with the Division of Air and Waste Management Permit Advertising Work Group to:
  - ?? Improve public advertisements (DONE);
  - ?? Identify ways to go beyond legal notices to communicate information to communities; and
  - ?? Review the permitting processes to identify opportunities to improve public participation.  
(already begun)<sup>4</sup>

*B. Ensure effective communication with affected and under-served communities.*

#### ACTION ITEMS:

1. Conduct a "Pulsemapping" survey to identify:
  - ?? Community environmental values, priorities and natural resource use;
  - ?? Community leaders;
  - ?? How people access information;
  - ?? What parks and other Dept. services they use and how they value them; and
  - ?? Barriers to park use and participation in Department's public processes.(Funding needed - 1st qtr '00)

2. Form Environmental Justice Advisory Committees (upstate and downstate) with representatives from:
  - ?? Civic associations;
  - ?? Religious organizations;
  - ?? Community/Environmental Education Centers; and
  - ?? Local government.(2nd qtr '99)

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<sup>4</sup> All dates are beginning dates for the activity

3. Develop targeted outreach and outreach methods based on information provided in the Pulsemapping Survey and the Environmental Justice Advisory Committee.  
(2nd qtr '00 - if survey)
4. Increase DNREC accessibility. The method will be determined utilizing input from the Pulsemapping Survey and Environmental Justice Advisory Committee.  
(2nd qtr '00 - if survey)
5. Develop and distribute appropriate information pieces for communities  
(Funding needed - 3rd qtr '00)

*C. Increase accessibility of underserved populations to our park, recreation and wildlife programs and services.*

**ACTION ITEMS:**

1. Develop and implement action plans to address the specific concerns and community needs identified in the Pulsemapping Survey and Environmental Justice Advisory Committee.  
(4th qtr '99)

*D. Develop joint approaches with other Delaware State Agencies to address Environmental Justice issues.*

**ACTION ITEMS:**

1. Formalize how DNREC will communicate with the Division of Public Health and how DPH will participate in our permitting (and other) processes on issues such as toxicology and risk.  
(4th qtr '99)
2. Identify other agencies DNREC should be working with and the triggers which would lead to their involvement  
(2nd qtr '99)

**DATA AVAILABILITY GOAL:**

*A. Develop and enhance our tools to identify potential environmental impacts.*

**ACTION ITEMS:**

1. Create GIS maps of Delaware to include data on:
  - ?? Income levels
  - ?? Racial and age composition
  - ?? Contaminated wells
  - ?? Superfund sites
  - ?? Leaking USTs
  - ?? Toxic Release Inventory reporting facilities
  - ?? Facilities with permits under CAA Title V, NPDES, or RCRA

- ?? Landfills
- ?? Brownfields
- ?? County/Local Zoning
- ?? Other data which may be determined applicable.

(NOTE: DNREC will work with EPA Region III to utilize socioeconomic information which EPA is currently developing into GIS maps)  
(4th qtr '99)

1. Identify available tools to quantitatively analyze environmental issues raised through the Pulsemapping Survey and Advisory Committee.  
(2nd qtr '00)
2. Identify opportunities to utilize the GIS maps in DNREC's permit review process.  
(3rd qtr '00)
3. Support ongoing DNREC data integration efforts.  
(ongoing)

#### ORGANIZATIONAL GOALS:

*A. Develop a workforce educated on environmental justice and effective community communication and outreach methods.*

#### ACTION ITEM:

1. Provide staff training on:
  - ?? Environmental justice;
  - ?? Community communication and outreach techniques.  
(funding needed - 2nd qtr '00)

*B. Increase the diversity within DNREC's workforce and their awareness of diversity issues.*

#### ACTION ITEM:

1. Support the work of the DNREC Diversity Committee, including
  - ?? Recruitment efforts;
  - ?? Diversity training  
(Ongoing)

April, 1999

**Community Involvement Advisory Committee  
Department of Natural Resources and Environmental Control**

**Mission:**

The Mission of the DNREC Community Involvement Advisory Committee is to develop a set of recommendations for goals and DNREC actions and procedures to ensure that minority and low-income communities have access to public information and have the opportunity to effectively participate in the programs, services and public decision-making of the Department.

**Time Frame:**

The Advisory Committee was established for a 1 year period. The time can be extended or shortened by the Secretary at the recommendation of the Committee.

**Meeting Schedule/Organization:**

The Advisory Committee meets monthly. Three Steering Teams have been formed to deal with the Issue Areas identified below. Meeting locations will vary to make the meetings more accessible to members.

**Issues/Topics:**

The main topic areas which the Advisory Committee has decided to address:

1. Communication/interactions between DNREC and communities
2. Communication/interactions between industry and communities
3. Land Use

**Appendix D. Letter of Invitation to Members of the Community  
Involvement Advisory Committee**

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July 14, 1999

Honorable James H. Sills  
Mayor  
City of Wilmington  
Louis L. Redding City/County. Building  
800 N. French Street  
Wilmington, DE 19801

Dear Mayor Sills:

We at the Department of Natural Resources and Environmental Control believe that providing the public with information and the opportunity to participate in our programs and decision-making is one of our most important functions. There are many challenges, which we need to address in order to ensure that we can fulfill this function in the best way possible for all Delawareans.

We have been developing a program to improve our ability to provide these services, particularly to address the needs of minority and low-income communities. Working internally, we have developed an approach to enhance public participation, data availability, and achieve internal organizational goals.

Most importantly, we recognize the need to get input on the specifics of this approach. To do so, I am establishing a Community Involvement Advisory Committee. I would like to request your participation on this Advisory Committee.

The mission of the Advisory Committee will be to develop a set of recommendations for goals and procedures to ensure that minority and low-income communities have access to public information and have the opportunity to effectively participate in the programs, services and public decision-making of the Department.

Enclosed is an information sheet about the Advisory Committee, including the issues and topics the group will initially be asked to address. If you have any questions about the Advisory Committee, please feel free to call me at 739-4403 or Andrea Kreiner, who is managing this initiative, at 739-3822.

I would like to hold the Advisory Committee's first meeting in either August or early September. So, please reply to Andrea Kreiner by July 30<sup>th</sup>, as to whether or not you will be participating.

I would greatly appreciate your participation and input in this important work.

Sincerely,

Nicholas A. DiPasquale  
Secretary

## **Appendix E. Community Involvement Advisory Committee Members, Steering Group Members**

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### **Members of the Community Involvement Advisory Committee**

(in alphabetical order):

Don Berry, Delaware Department of Health and Social Services  
Dr. Kenneth Bell, Delaware State University  
Charles Clark, Nanticoke Indian Tribe  
Terri Cooke, First State Community Action Agency, succeeded on the Committee by Charles Parsons  
Rob Davis, Sussex County Council  
Al Hedgecock, Central Delaware Chamber of Commerce  
Glen Ernst, Sierra Club  
CeCelia Hoey, Neighbors Rebuilding Our Neighborhoods  
Raheemah Jabbar-Bey, University of Delaware  
June MacArtor, League of Women Voters  
Mary McKenzie-Dantzler, Community Representative  
Pam Meitner, DuPont Company, Delaware Chamber of Commerce  
Tom Noyes, Office of Mayor Sills, City of Wilmington  
Dennis Savage, Delaware Department of Health and Social Services  
Marvin Thomas, Southbridge Civic Association  
Dolores Washam, Urban Environment Center  
John Wik, Delaware Chamber of Commerce, succeeded on the Committee by Rob Propes, Delaware Economic Development Office

### **Steering Group Members and Chairs**

#### **Land Use and Zoning Steering Group Members**

Co-chairs: Tom Noyes, City of Wilmington Office of the Mayor, Don Berry, DHSS  
Marvin Thomas, Southbridge Civic Association  
Terri Cooke, First State Community Action Agency  
Charles Clark, Nanticoke Indian Tribe  
June MacArtor, League of Women Voters  
John Wik, Delaware Chamber of Commerce

#### **DNREC and Communities Steering Group Members**

Chair: Glen Ernst, Sierra Club  
Mary McKenzie-Dantzler, immediate past DNREC Deputy Secretary  
CeCelia Hoey, Neighbors Rebuilding Our Neighborhoods  
Dennis Savage, Delaware Department of Health and Social Services  
Raheemah Jabbar-Bey, University of Delaware  
DNREC staffers Franchon Beeks, Michele Roberts, Maria Taylor and David Small

#### **Communities and Industry Steering Group Members**

Co-chairs: Pam Meitner, DuPont Company, CeCelia Hoey, Neighbors Rebuilding Our Neighborhoods  
Dolores Washam, Urban Environment Center  
John Deming, CIBA Specialty Chemicals  
Vince Kranz, Noramco  
Tom Webster, Daimler-Chrysler



Al Hedgecock, Delaware Chamber of Commerce  
Ken Bell, Delaware State University  
Terry Cooke, First State Community Action Agency

Communities and Industry Steering Group Members cont' d.

Kate Klemas, Rodel  
Anthony Flynn, Young, Conway, Stargatt & Taylor, LLP.

## **Appendix F. Community Involvement Advisory Committee Statement on Senate Bill 33**

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### Statement from the Committee in Support of the Ombudsman and Formation of the Community Involvement Advisory Council

The Community Involvement Advisory Committee, which was first organized by DNREC in September, 1999, strongly supports SB 33 which establishes a Community Involvement Advisory Council and a Community Ombudsman at the Department of Natural Resources and Environmental Control. These were two of the Committee's highest priority recommendations, which we presented to Secretary DiPasquale in September, 2000, culminating a year of study on the issues.

The Committee believes there should be a Community Involvement Advisory Council to continue the work of our committee and to encourage interaction with communities as a basic policy in all of DNREC's work. The Council can serve as a resource for environmentally stressed communities, DNREC, and industry and will serve to assess the implementation of our recommendations submitted to DNREC. Resources (both in staff time and support money) will be needed to cover communication, research, training of group members, and incidental expenses. We recommend replicating the multi-stakeholder approach to formation of the legislatively established Committee. Membership should include representation from affected communities; community-based organizations; state, county, and municipal agencies; environmental organizations; health-care providers; and business and industry.

The Committee also feels strongly that there is a strong need to provide assistance to communities through an Ombudsman at the Department. The Ombudsman would be able to fulfill many of the other recommendations, which we have presented to the Department, including such functions as:

- ?? Conducting community outreach
- ?? Assisting with information sharing in communities on complex environmental issues
- ?? Serving as an advocate on community issues and to be a central point of contact
- ?? Helping DNREC with addressing issues affecting communities by serving as a liaison
- ?? Educating community residents about the environmental decision making process
- ?? Facilitating dialogue among stakeholders and promote understanding of community concerns
- ?? Identifying and compiling a central list of broad-based community organizations and contacts

The Committee has been pleased to work with and help DNREC identify and analyze ways to help the Agency's outreach and involvement of communities in the environmental decision-making processes in Delaware. We have worked hard over the past 18 months on this effort and we believe it is critically important to continue the work of the Committee and to see that the recommendations we've made thus far are fulfilled. Thank You.

## Appendix G. Community and Industry Steering Group Preliminary Case Study Outline

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### Preliminary Case Study Outline

#### *Steps:*

1. Identify different community groups interested in the company.
2. Go to local community meetings – get on agenda (~ 10 min.)
  - ?? What the company is, what it does, # employees, etc.
  - ?? Listen to people’s concerns
  - ?? NOTE: Prepare a list of potential questions for community.
  - ?? Work the room getting names, phone #'s, addresses and giving info on # to call to contact the plant.
  - ?? At each meeting, decide if need/want another meeting.
  - ?? Bring Public Health to one of the meetings, or who regulates the operations.
  - ?? Offer to bring any requested experts to future meetings.
3. Tour:
  - ?? Demonstrate the alarm signals
  - ?? Guidance on dress requirements at plant if people are to be on-site
  - ?? NOTE: Process needs to be dynamic, responsive to Community concerns
  - ?? Provide site plan
  - ?? Conduct an external tour – explaining what comes out of pipes, wind socks, visible activities
  - ?? Discussion of various standards the plant is designed to meet
  - ?? Training the community on what to do in case of evacuation, and what would shelter in place mean for them
  - ?? Allow observers to be at the safety drill, best in the afternoon.
4. Determine the need for and expectations for an ongoing relationship:
  - NOTE: It is difficult for these groups/meetings to go for a long period of time, once the main issues are addressed.
  - ?? Is a separate community advisory committee needed?
  - ?? Should the facility just attend community group meeting as issues arise instead?
  - ?? Should the LEPC be used as a vehicle for ongoing communication or discussion?
  - ?? Who needs to be involved on an ongoing basis – DNREC, city, town or county government, Public health, schools, etc.
  - ?? Methods of Indirect Communication:
    - ?? Bulletin board
    - ?? Newsletter
    - ?? Web site
    - ?? Letters
    - ?? Are additional tours, open houses, or other activities necessary?

**Appendix H. Committee Letter to Governor Ruth Ann Minner  
Regarding Recommendation #35**

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January 23, 2001

Governor Ruth Ann Minner  
Tatnall Building  
Dover, DE 19901

Dear Governor Minner:

The Community Involvement Advisory Committee to DNREC was created in August, 1999 to develop a set of recommendations for DNREC actions and procedures to ensure that minority and low-income communities have access to public information and have the opportunity to effectively participate in the programs, services and public decision-making of the Department.

During the reviews and discussions we have had over the past 16 months, we have also developed a recommendation regarding interagency coordination and collaboration which we want to pass along to you as Delaware's incoming Governor.

When DEDO is working with businesses coming into Delaware, most often other agencies are not contacted until late in the process. In order to reach agreements with companies that take into account all the impacts, both positive and negative, of the proposed project, DEDO should, within the limits of business confidentiality, consult with pertinent state agencies before deals are finalized.

We propose the following standard in order to ensure that economic development decisions made by DEDO do not result in unintended environmental, public service or land use consequences. We believe that a full analysis of public costs and benefits would provide a reasonable test of the potential long-range consequences of major economic development decisions. Instituting such an analysis would also further the aims set forth in the current state planning policy.

Many costs which are considered external to a company's financial statement are not external to the overall cost of government infrastructure and services. Costs such as roads, sewers, fire and safety services, and health care provide a rough measure of some of the cost of new business development. We recommend a new standard for economic review for DEDO that includes the cost of public infrastructure and services in the cost/benefit analysis. Such a standard would have to be set by the Governor and would require oversight from the Cabinet Committee on State Planning Issues.

We will be submitting a full report to the DNREC Secretary this Spring, which will include all of the Committee's recommendations. We look forward to sharing our report and our recommendations with you.

Sincerely,

The Community Involvement Advisory Committee

**Appendix I. Governor Ruth Ann Minner's Response to Community  
Involvement Advisory Committee Recommendation #35**

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