

<b>DEPARTMENT OF ENVIRONMENTAL MANAGEMENT</b>  <b>AGENCY POLICY</b>	<b>COVERAGE:</b> Agency-wide	<b>NO:</b> A-008-OEA-08-P-R2
	<b>AUTHORIZED:</b> Thomas W. Easterly, Commissioner	
<b>SUBJECT:</b>  <b>ENVIRONMENTAL JUSTICE POLICY</b>	<b>SUPERSEDES:</b> A-008-OEA-06-P-R1	<b>OFFICE:</b> Office of External Affairs
	<b>EFFECTIVE:</b> January 31, 2006	<b>RENEWED/REVISED:</b> October 1, 2008

## 1.0 PURPOSE

This policy is to ensure that Agency and Agency staff treat all members of the public equally and fairly in the conduct of activities and decision-making processes within the Agency's jurisdiction.

## 2.0 SCOPE

This policy applies to all Agency public outreach, educational and decision-making activities.

## 3.0 SUMMARY

- 3.1. The concept of Environmental Justice includes the fair treatment and meaningful involvement of all people in the implementation of environmental decision-making pursuant to all Federal and State environmental statutes, regulations and rules. As a result, the Agency will ensure that all members of the public:
- A. Have equal access to public information pertinent to Agency policies and procedures.
  - B. Have adequate notice regarding all Agency program information and decision-making processes.
  - C. Have the opportunity to provide public comments and pertinent information to Agency program staff.

## 4.0 DEFINITIONS

- 4.1. "Access" - The inspection of a public record by a person other than a governmental entity (modified from IC 5-14-3-2).
- 4.2. "Affected Population" – An individual or group of citizens reasonably expected to be impacted by an Agency decision or activity because it involves the area in which they live or work or relates to an environmental issue in which they have expressed a specific concern.
- 4.3. "Agency" - The Indiana Department of Environmental Management (IDEM).
- 4.4. "Agency staff" – Any employee or representative of the Indiana Department of Environmental Management. This includes regular employees, temporary employees, contractors and interns.
- 4.5. "Assistant Commissioner" - An Assistant Commissioner in the Indiana Department of Environmental Management.
- 4.6. "Decision-making processes" - The procedures by which the Agency creates a rule (IC 13-14-9) or a policy, issues a permit (IC 13-15-3), approves an activity or enforces a law or rule.
- 4.7. "Environmental Justice" - The fair treatment and meaningful involvement of all people regardless of race, color, national origin, geographic location or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.
- 4.8. "Environmental Justice Manager" - The Environmental Justice Manager is the Assistant Commissioner in the Office of Legal Counsel in the Indiana Department of Environmental Management.
- 4.9. "Notice" - Announcements to the public about pending and completed actions of the Agency.
- 4.10. "Potentially at-risk population" - The individual or group of people whose health or well-being

could be adversely affected by an activity that the Agency regulates.

- 4.11. "Public input" - Information and opinions both oral and written provided to the Agency by members of the public concerning Agency activities and decisions, which may be delivered to the Agency by speaking at public meetings or hearings or sent to the Agency by phone, mail, fax or email.
- 4.12. "Public Record" - Any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics (IC 5-14-3-2(m)).
- 4.13. "Regional Office Director" - A Regional Office Director in the Office of External Affairs.
- 4.14. "Underrepresented population group" - A demographic classification whose proportional representation among Agency employees is significantly less than its proportional representation in the State as a whole.

## **5.0 ROLES**

- 5.1. Agency staff shall:
  - A. Notify the Environmental Justice Manager when Agency actions are related to Environmental Justice.
  - B. Attend Agency training regarding Public notification and Environmental Justice.
- 5.2. The Assistant Commissioner or Regional Office Director shall:
  - A. Insure that Environmental Justice issues are communicated to appropriate Agency staff.
- 5.3. The Environmental Justice Manager shall:
  - A. Coordinate Agency Environmental Justice activities with the U.S. Environmental Protection Agency.
  - B. Track and maintain an inventory of State Environmental Justice issues.
  - C. Identify potential Environmental Justice issues in the State and communicate with persons working on environmental justice concerns.
  - D. Coordinate Agency communication regarding Environmental Justice with the Correspondence Coordinator and the Complaint Coordinator located in the Office of External Affairs.
  - E. Develop and provide education and training on Environmental Justice activity to Agency staff.
  - F. Develop and provide education and training on Environmental Justice activity to the public and/or communities.

## **6.0 POLICY**


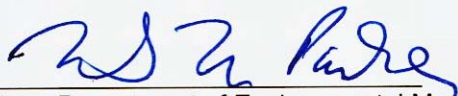
- 6.1. In order to provide adequate access to public information pertinent to Agency policies and procedures, the Agency will:
  - A. Maintain public records in accordance with IC 5-14-3 and IC 13-14-11.
  - B. Allow access to public records in accordance with IC 13-14-11 and IC 5-14-3.
  - C. Allow public records to be copied or duplicated in accordance with IC 5-14-3-3.
- 6.2. In order to provide adequate notice about Agency activities and processes, the Agency will:
  - A. Identify affected populations whose primary language is not English.
  - B. Notify area specific public media, as required by appropriate regulations, statutes, legal notices and media advisories that apply to the Agency action.
- 6.3. In order to facilitate public input, the Agency will:
  - A. Establish methods to consider communications in languages other than English.
  - B. Accept comments and information in multiple formats (i.e., written, oral and/or electronic when appropriate).
  - C. Provide the opportunity for members of the public to obtain expertise on technical issues before commenting on issues of concern.

- 6.4. In order to consider and respond adequately to public input, the Agency will:
  - A. Have comments reviewed by Agency staff who are knowledgeable about and sensitive to local conditions in the area affected by the activity under consideration.
  - B. Provide responses in the language in which comments are made.
  - C. Provide responses in the format most appropriate to the method in which comments were made.
- 6.5. In order to increase the institutional awareness of differences in local conditions and population groups that will promote implementation of the objectives above, the Agency will:
  - A. Continue Agency employee training to inform Agency staff of the variety of experiences and living conditions that exist around the State.
  - B. Improve efforts to recruit and promote Agency employees from underrepresented population groups.
  - C. Develop regional and statewide contact lists and utilize it for disseminating Agency activity.

**7.0 REFERENCES**

- 7.1. IC 5-14-3 Public Records Law
- 7.2. IC 13-14-11 Records of the Department and Boards
- 7.3. IC 5-3-1 Publication of Notices; Procedures
- 7.4. 40 C.F.R. Part 7, Section 7.90(a)
- 7.5. Public Records Request Policy, July 15, 2008

**8.0 SIGNATURES**

 _____ Thomas W. Easterly, Commissioner, Indiana Department of Environmental Management	<u>10/14/2008</u> Date
<p>This policy is consistent with Agency requirements.</p>	
 _____ Indiana Department of Environmental Management Quality Assurance Program Planning and Assessment	<u>10/14/2008</u> Date