



Department of
Environmental
Conservation

Environmental Justice

Office of Environmental Justice

DEC created an environmental justice (EJ) program in October 1999 after tremendous advocacy from environmental justice stakeholders around the state. Representatives, including residents from minority and low-income communities, were concerned about actual and potential adverse environmental impacts in their communities and looked to DEC for a transformation in its permit process to include them in a more meaningful way.

For residents, meaningful public participation meant having access to crucial information early in the permit process and having environmental justice concerns included in the environmental impact assessment review. Also important, residents wanted equitable distribution of green benefits to minority and low-income communities, wanted DEC to be proactive in enforcement efforts for those who violated environmental conservation laws in minority and low-income communities and wanted the agency to address EJ issues related to Native Americans.

Today, DEC's Office of Environmental Justice (OEJ) continues to serve as a vehicle to address environmental justice concerns in the environmental permit review process and across other DEC operations. OEJ runs several programs that benefit EJ communities and have developed numerous internal policies establishing criteria to guide DEC staff on how to consider impacts to EJ communities when carrying out their duties. The policies, or Commissioner Policies (CP), also help the businesses that DEC regulates and the public in understanding DEC's protocols.

OEJ Programs

Community Impact Grants



DEC's Office of Environmental Justice offers Community Impact Grants to provide community-based organizations with funding for projects that address various environmental and public health concerns. The program has a particular focus on low-income and minority communities that have historically been burdened by environmental problems. Those environmental problems include a large number of regulated facilities; contaminated sites; noise, air and water pollution; health problems and lack of green space and waterfront access. The Community Impact Grants empower stakeholders to be actively engaged in finding solutions to the disproportionate burdens that EJ communities may experience.

The Community Impact Grants have been an important source of support for communities disproportionately impacted by pollution and toxins. The grants have helped communities generate data through citizen science and have helped to engage residents in addressing and understanding the challenges and opportunities for improving community health, safety, and sustainability. These grants are essential support for engaging underserved communities throughout the state.



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The Community Impact Grants program started in 2006. Since its inception, DEC's Office of Environmental Justice has awarded more than \$4 million in 121 grants to organizations statewide that have made exceptional improvements in the communities they serve. Projects that have been funded include: research, community gardens, tree plantings, education and curriculum development, urban farming training, habitat restoration, water quality monitoring, air quality monitoring and more.

Operation ECO-Quality

Operation ECO-Quality is a strategic partnership between DEC and the community that focuses on preventing small to mid-sized regulated facilities from violating New York State's Environmental Conservation Laws that may negatively impact the health of residents in environmental justice neighborhoods and the environment. The program focuses on a three-pronged approach: *outreach, consultation and compliance*.

DEC's Environmental Conservation Officers (ECOs), Office of Environmental Justice and regional staff work together by conducting enhanced outreach with community leaders and residents to get a better understanding of issues faced by minority and low-income neighborhoods. Then, staff go to neighborhood facilities like auto body shops, dry cleaners and gas stations to educate them on how to achieve greater compliance with state laws. ECOs return periodically to ensure that facilities have fixed any outstanding problems. As part of the compliance process, ECOs also patrol areas with heavy diesel truck traffic and inspect trucks to ensure proper emissions standards. Officers will issue tickets for violations such as truck idling, emitting smoke with an opacity that exceeds standards, not having functioning emission control apparatus, not having an up-to-date emissions inspection, etc.

Indian Nations

The Office of Environmental Justice interacts with New York State's nine recognized Indian Nations: Mohawk, Oneida, Onondaga, Cayuga, Seneca, Tonawanda Seneca, Tuscarora, Shinnecock and Unkechaug. Because DEC and the Nations share mutual interests related to environmental and cultural resources, OEJ advocates on the Nations' behalf, ensuring that their concerns are addressed. New York's environment has cultural and spiritual significance to Indian Nations, and DEC is committed to collaborating with them to protect their rights and ensure the protection and management of the State's resources.

One of the mechanisms OEJ uses to address Native American concerns is a policy called CP-42/ Contact, Cooperation, and Consultation with Indian Nations. This policy, established in March 2009, provides guidance to DEC staff on how to best cooperate and when to consult with Indian Nations. Specifically, CP-42 requires staff to conduct DEC relations with Indian Nations on a government-to-government basis and establishes basic protocols for staff to follow when conducting such relations. The policy also endorses the development of cooperative agreements between DEC and Indian Nations.

DEC interacts with Indian Nations on three broad environmental categories of concern:



- Food resources - hunting, fishing and gathering - preserving rights outlined in treaties and other documents.
- Natural resources - actions that may affect lands on which a Nation resides, sites of cultural importance and water quality. Actions may include directly undertaking or having authority to fund or approve a project or adopting or revising agency policies, regulations and procedures.
- Cultural resources - particularly archaeological sites. DEC reviews permit applications for projects that include land disturbance and the potential to impact archaeological sites. The careful consideration of the preservation, disposition and repatriation of Native American sites and objects is consistent with the State Historic Preservation Act, a policy intended to preserve historical and archeological sites.

Green Infrastructure

The Office of Environmental Justice has a Green Infrastructure (GI) program designed to collect and provide information on GI resources, projects, research, technologies, funding sources and networking opportunities. DEC shares this information through a collaborative network of stakeholders including educators, consultants, municipalities, scientists, agency staff and the public at large to support the preservation and restoration of GI.



Project completed by NYC's Trees New York with Environmental Protection Funds through the urban forestry program

Green infrastructure impacts environmental justice communities by providing cleaner water, flood protection, cleaner air, wildlife habitat, and places to recreate. It also reduces stress and crime, and moderates temperatures and wind. GI reduces stormwater runoff, which is a major cause of water pollution in urban areas. When rain falls on our roofs, streets and parking lots, the water is not intercepted by plants, and it cannot soak into the ground to be filtered by the soil like it does in undeveloped areas. In most urban areas, stormwater is drained through engineered collection systems, treated, and discharged into nearby waterbodies. However, in severe rainfall events, systems can be overwhelmed causing untreated stormwater carrying sewage, trash, bacteria, heavy metals and other pollutants from the urban landscape, directly into the receiving waters. Higher flows can also cause soil erosion and flooding of urban streams, damaging property and infrastructure. Green infrastructure in urban environments is about finding creative ways to restore more trees and plant communities with associated natural processes, to manage water, improve the health, and revitalize EJ neighborhoods.

Policies and Regulations

CP-29/ Environmental Justice and

Permitting

Commissioner Policy 29 (CP-29) provides guidance for incorporating environmental justice concerns into the New York State Department of Environmental Conservation (DEC) environmental permit review process and the DEC application of the State Environmental Quality Review Act. The policy also incorporates environmental justice concerns into some aspects of the DEC's enforcement program, grants program and public participation provisions. The policy is written to assist DEC staff, the regulated community and the public in understanding the requirements and review process.

Download [a copy of CP-29 \(PDF, 27 KB, 10 Pages\)](#), or visit the [EJ Related Policy and Regulations webpage](#) for more information and resources regarding this policy.

CP-42/ Contact, Cooperation and Consultation with Indian Nations

This policy provides guidance to Department staff concerning cooperation and consultation with Indian Nations on issues relating to protection of environmental and cultural resources within New York State. Specifically, this policy (i) formally recognizes that relations between the Department and Indian Nations will be conducted on a government-to-government basis; (ii) identifies the protocols to be followed by Department staff in working with Indian Nations; and (iii) endorses the development of cooperative agreements between the Department and Indian Nations to address environmental and cultural resource issues of mutual concern.

Download [a copy of the CP - 42 \(PDF, 89 KB, 6 Pages\)](#), to learn more about the background, purpose, procedures and general consultation subjects the policy governs.

Search DEC Permit Applications currently under review or with final disposition: [Begin Permit Application Search](#).

Regulation- Part 487: Analyzing Environmental Justice Issues in Siting of Major Electric Generating Facilities Pursuant to Public Service Law Article 10

The purpose of this Part is to establish a regulatory framework for undertaking an analysis of environmental justice issues associated with the siting of a major electric generating facility in New York State pursuant to Article 10 of the Public Service Law, enacted in the Power NY Act of 2011 (Ch. 388, L. 2011).

This Part is intended to enhance public participation and review of environmental impacts of proposed major electric generating facilities in environmental justice communities and reduce disproportionate environmental impacts in overburdened communities. It is not intended to, nor shall it be construed to create any right to judicial review involving the compliance or noncompliance of any person with this part.

To learn more about this regulation visit the [Regulations- Quality Service webpage](#). (link leaves DEC's website)

More about Environmental Justice:

[Updates and News from the Office of Environmental Justice](#) - Current projects and information from the DEC Office of Environmental Justice to help residents of environmental justice communities and members of the general public in New York State

[EJ Related Policy and Regulations](#) - Commissioner Policy CP-29 provides guidance for incorporating environmental justice concerns into the New York State Department of Environmental Conservation (DEC) environmental permit review process, the DEC application of the State Environmental Quality Review Act, and some aspects of the DEC's enforcement program, grants program and public participation provisions.

[Tips for Preparing a Public Participation Plan](#) - Information About the New York State Department of Environmental Conservation Environmental Justice Program and Tips for Preparing a Public Participation Plan

[Environmental Justice Grant Programs](#) - Provides grants from \$2,500 to \$50,000 to community-based organizations for research and education projects that address multiple environmental harms and risks.

[Maps & Geospatial Information System \(GIS\) Tools for Environmental Justice](#) - Links to Geographic Information System (GIS) Tools for environmental justice information

[Environmental Justice Hotline and Links](#) - Links to Environmental Justice programs of the U.S. Environmental Protection Agency, several states, and some national non-profit organizations