

# **PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH**

## **Air Management Services Environmental Justice and Public Participation Policy**

Effective Date: May 29, 2025

### **I. Agency Introduction & Purpose of Policy**

The Philadelphia Department of Public Health (“PDPH”) Division of Air Management Services (“AMS”) is the City’s regulatory agency responsible for enforcing all federal, state, and city statutes and regulations pertaining to air pollution emissions and air quality within Philadelphia. AMS has the authority to issue air permits and licenses for facilities in Philadelphia, as well as enforce those requirements.

To better protect the health of its citizens and the public, the City of Philadelphia (the “City”) Department of Public Health (the “Department”) has adopted this Environmental Justice and Public Participation Strategy (the “Policy”). The purpose of this Policy is to facilitate environmental justice across the City and to ensure equity and environmental justice in the administration of AMS’s statutory and regulatory duties. This Policy outlines measures that AMS will take to ensure enhanced opportunities for community involvement and public participation in the permit application process for permits in EJ Areas and explains how AMS will prioritize Environmental justice in its compliance and enforcement activities.

**II.** On September 16, 2023, the Pennsylvania Department of Environmental Protection (“PADEP”) adopted the Interim Final Environmental Justice Policy<sup>1</sup>. This Policy conforms with the PADEP Environmental Justice Policy and has been adapted where necessary to address the specific needs of the City. This Policy specifically applies to the review of permits by AMS as described in this Policy and to AMS program areas and initiatives specifically included within this Policy. This Policy does not supersede any other policies or any applicable executive orders, regulations, or statutes. Further, the policies and procedures outlined in this Policy are intended to supplement existing requirements. Nothing in this Policy shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. AMS does not intend to give this Policy that weight or deference. This Policy establishes the framework within which AMS will exercise its administrative discretion in the future. AMS reserves the discretion to deviate from the Policy statement if circumstances warrant. PDPH does not discriminate on the basis of race, color, national origin (including limited English proficiency), disability, sex, age, religion, or sexual orientation in the administration of its programs and activities in accordance with applicable laws and regulations.

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<sup>1</sup> PADEP Document No. 015-0501-002. See

<http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=5600403&DocName=ENVIRONMENTAL%20JUSTICE%20POLICY.PDF%20%20%3cspan%20style%3D%22color:green%3b%22%3eCOMMENTS%20DUE%20OCTOBER%2029%2c%202023%3c/span%3e%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e.>

### III. Definitions

For purposes of this Policy, the terms below have the specific meaning shown, but these definitions do not alter regulatory or statutory definitions. The public and community groups may have a different and more expansive definition of environmental justice terminology than as used in this document.

*Applicant* — Individuals, corporations, governmental and municipal entities, non-profit organizations, or others seeking a permit or other approval from AMS.

*Area of Concern* — A geographic area measuring 0.5 miles in all directions from the location of the proposed public participation Trigger or Opt-In Project.

*Census Block Group* — A geographical subdivision within a census tract that generally maintains a population of 600 to 3,000 people and the smallest geographical unit for which the Census Bureau publishes sample data.

*Comment -Response Document* — An AMS document that responds to comments received from individuals and organizations during a public comment period.

*Community* — A group of people who live, work, or generally occupy in the same area and whom may be affected by environmental concerns or a permitted project activity. Communities need not be formally organized or represented by an organization.

*Community-Based Organizations (CBOs)* — Public or private organizations that support and/or represent a community and/or certain populations within a community through engagement, education, and other related services provided to individual community residents and community stakeholders.

*Community Liaison* — An individual who acts as a conduit between AMS and a segment of the population which they informally represent and who also assists in sharing information between the public and AMS.

*Community Environmental Burden* — The combination of the cumulative degradation of air, water, and land in a defined geographic area together with social determinants of health that make the population more sensitive to degraded environmental conditions.

*Cumulative Environmental Impacts* — The totality of exposures to environmental pollution and effects on health, well-being, and quality of life outcomes. This definition does not modify existing regulatory uses of the term cumulative, including cumulatively, cumulative effect, and cumulative risk.

*Disproportionate Environmental Impacts* — Environmental effects on a group of people based on inequitable exposure to environmental factors that systematically affect one group more harshly or negatively than others. These effects are typically associated with race, ethnicity, and

socioeconomic status as predicting factors for increased geographical distribution of the resulting environmental burdens.

*Enhanced Public Participation* — Outreach activities and other support for EJ communities regarding public participation Trigger and Opt-In Projects that is in addition to minimum legal requirements related to municipal or public notice, public meetings, public hearings and the opportunity for comment on applications or other regulatory decisions under review by AMS. Enhanced Public Participation may additionally facilitate meaningful public comment through technical or other consulting support.

*Environmental Justice (EJ)* — PDPH defines EJ as the equitable distribution of environmental benefits and burdens; redress of past harmful environmental policies and practices; and meaningful involvement of residents, particularly those who have been most impacted and that have been historically marginalized, in decision-making.

*Environmental Justice Area (EJ Area)* — A geographic area characterized by increased pollution burden, and sensitive or vulnerable populations based on demographic and environmental data. As referred to within this policy, this term identifies the geographic location where AMS's EJ Policy applies. The methods to identify EJ Areas are specified in Appendix B to this policy and will be updated regularly.

*Environmental Justice Website* — AMS's website to share information about projects to which this policy applies with the public.

*Language Access Plan* — A plan outlining steps AMS takes to ensure effective communication and service provision with non-English speaking individuals, limited English proficient individuals, and others with communication challenges.

*Opt-In Project* — A project requiring permits, authorizations, or approvals from AMS that otherwise does not automatically trigger this policy through requiring a permit listed in Appendix A, but which AMS determines should be evaluated utilizing this policy based on identified community concerns, present or anticipated environmental impacts, or reasonably anticipated significant adverse community environmental burden.

*Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen)* — An interactive EJ mapping and screening tool that contains environmental, health, socioeconomic, and demographic indicators and is the main tool for mapping EJ Areas referenced in this policy. (<https://gis.dep.pa.gov/PennEnviroScreen/>). The PennEnviroScreen tool works to map disproportionate impacts faced by socially vulnerable communities.

*Pre-Construction Meeting (Pre-Application Meeting)* — A meeting during which AMS program staff, permit applicants, and their consultants discuss project details, and seek clarification on applicable regulatory and statutory requirements, and the Enhanced Public Participation applicable to the project.

*Project* — A development which requires permits, authorizations, or approvals from AMS.

*Public Hearings* — Formal, structured proceedings that afford the public the opportunity to provide verbal testimony for consideration by AMS in its review of applications for the project. AMS staff receives testimony but does not answer questions at public hearings. Verbal testimony provided at public hearings is transcribed by a court reporter and together with written comments are considered by AMS in the application review process and are typically addressed by AMS in a Comment-Response Document as part of a public comment period. While some hearings may be required by regulations, others may be held at AMS’s discretion.

*Public Meetings* — Meetings at which AMS and project representatives provide information about a proposed project and foster dialogue through a question-and-answer format. The intent of AMS’s participation in public meetings is to help the public obtain information about the AMS rules and regulations that apply to the proposed project. The content of public meetings does not become part of the official record and is not addressed in the Comment-Response Document issued by AMS. As used in this document, the term public meetings are used in reference to specific projects, though AMS and others may conduct meetings of general community outreach or information gathering, beyond the project specific context outlined in this policy.

*Trigger Project* — Specific types of projects to which the application of this policy is automatically considered. Trigger Projects are analyzed to consider the Enhanced Public Participation process in the review by AMS of the associated permits, authorizations, or approvals, as listed in Appendix A, which create an Area of Concern which touches an EJ Area. Trigger Projects are those that have traditionally led to significant public concern due to potential impacts to the environment, human health, and communities. Projects in the Trigger Project category that are located in EJ Areas will be reviewed by AMS utilizing Enhanced Public Participation whether or not requested by the community.

#### **IV. Environmental Justice Area Criteria**

AMS will utilize PADEP’s PennEnviroScreen to evaluate EJ Areas, the areas where this Policy applies<sup>2</sup>.

PA DEP designated EJ Areas on the census block group level. Each census block group statewide was evaluated on many indicators, grouped into four categories: environmental burdens, environmental effects, socioeconomic status, and sensitive populations. The indicators were chosen to robustly analyze communities and appropriately designate those that have been historically overburdened or marginalized. Block groups were ranked in comparison to others across the state and assigned a final percentile score; those at or above the 80<sup>th</sup> percentile were labeled EJ areas.

The EJ Areas in effect at the key decision point of the project will follow that project to provide for a level of certainty. For permitting decisions, the EJ Area and the Area of Concern at the time that a permit application or renewal is deemed administratively complete will be used.

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<sup>2</sup> PADEP regularly updates PennEnviroScreen, which will ensure AMS is relying upon the latest available methodology, data, and science when implementing this Policy. Details on the methodology underlying PennEnviroScreen can be reviewed [here](#).

This Policy shall be implemented using PennEnviroScreen until such time as alternative methods of considering community environmental burden are complete.

## **V. Enhanced Public Participation**

The Enhanced Public Participation described in this Policy should be provided for reviews associated with public participation Trigger or Opt-In Projects. The public participation provisions of this Policy are targeted at minimum to the area located within the Area of Concern and the census block group identified in PennEnviroScreen as having increased environmental burden that is affected by the project.

### **A. Projects Covered**

#### **1. Public Participation Trigger Projects**

Public Participation Trigger Projects (Appendix A), if located in an EJ Area, will be analyzed by AMS to consider inclusion of the Enhanced Public Participation process of the associated permits. Projects in the Trigger Project category that are located in EJ Areas will be reviewed by AMS utilizing Enhanced Public Participation regardless of whether the community requests it.

#### **2. Opt-In Projects**

Community members or AMS staff may request projects not specified as Public Participation Trigger Projects be designated as Opt-In Projects for which Enhanced Public Participation will be incorporated in the AMS application reviews. Through AMS's discretion and expertise, this can apply to any project and associated permits.

Community members may utilize the Opt-In Project Request Form to request AMS designate a proposed project for Enhanced Public Participation in accordance with this policy. Utilization of the Opt-In Project Request Form, however, is not mandatory. AMS staff consider the Opt-In Project Request Form when using their discretion and expertise to designate an Opt-in Project, but this form is not required to designate an Opt-In Project.

When making a determination whether to designate a project as an Opt-In Project, AMS will utilize the PennEnviroScreen and consider identified community concerns, present or anticipated environmental impacts, and how those anticipated impacts relate to the existing community environmental burden.

AMS will maintain a list of all permit applications for projects (both Trigger and Opt-In Projects) subject to this policy. The list will be accessible to the public and posted on AMS's EJ Website.

## **B. Enhanced Processes**

### **1. Pre-Project Community Outreach**

AMS does not have the constitutional, statutory, or regulatory authority related to local land use decisions. AMS cannot influence or change zoning or permitting decisions of other local, state, or federal agencies. Nonetheless, AMS recognizes that the early step of siting a project, which often occurs well before AMS's involvement, is a critical time and process for addressing environmental justice.

As early as possible in the development of a project, AMS strongly encourages project representatives to meet with community stakeholders prior to developing and submitting applications to AMS. AMS suggests that project representatives contact registered RCO(s)<sup>3</sup> in the project's EJ Area.

### **2. Language Access**

AMS follows the Philadelphia Department of Public Health's Language Access Plan in the administration of its programs. The Language Access Plan is available here: <https://www.phila.gov/media/20170602143442/Health-Department-LAP-Final-2017.pdf>.

### **3. Permit Applications**

Upon receipt of a permit application, AMS will use PennEnviroScreen to determine if the project creates an Area of Concern that crosses into an EJ Area. If the EJ policy is triggered, AMS will provide a diagram of the Area of Concern and a brief description of the anticipated direct and indirect air pollution impacts.

#### **i. Public Participation Strategy**

Once AMS determines that a Trigger or designated Opt-In Project permit application is complete, AMS will develop a public participation strategy. The project-specific strategy should be designed to facilitate the participation of all residents within the Area of Concern and the EJ Area census block group(s) and consider

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<sup>3</sup> Registered RCOs can be found here: <https://www.phila.gov/media/20230927135700/PCPC.Accepted-RCOs.9.27.23.pdf>

the characteristics of the community, the Area of Concern, and the type of facility proposed.

At a minimum, in addition to regulatory requirements, the public participation strategy for Trigger and designated Opt-In Projects should evaluate additional outreach methods to engage the public. This Enhanced Public Participation can include as appropriate, but is not limited to, notice, one or more public meetings or hearings (virtual or in-person), and the opportunity for comment that is consistent with regulatory review timeframes, or other appropriate Enhanced Public Participation.

The public participation strategy may include the following:

- Consideration of community demographics, history, and background;
- Consideration of community concerns related to the project;
- Planned outreach activities that will be taken to address concerns
- Potential public meeting locations;
- Contact information for relevant staff members, and links to documents related to the project;
- A description of how the Language Access Plan requirements will be satisfied; and
- Consideration of other relevant accessibility information, such as venue accessibility, ASL interpretation, or other available aids and services.

Additionally, consideration should be given regarding whether technical consulting assistance is available or should be recommended to the community.

Notice. The public participation strategy for the project should specify the appropriate level of notice for the project. Notice may be provided as suitable by AMS or the applicant. Where appropriate, the public participation strategy will identify where all notices associated with the project (including notices related to applications, the opportunity for comment, and AMS's decision on the application) will be placed in high visibility areas of the community, and the publications widely read by residents within the EJ Area. The strategy should also indicate how and where notices will be disseminated electronically. Examples of effective vehicles for notification include, but are not limited to, local newspapers, community newsletters, faith community bulletins, public service announcements, social media posts shared with community groups and municipalities, local radio and television stations, postings in areas of high foot traffic, communications to local environmental groups, and postings shared with local community centers. Direct outreach to concerned residents may also be considered as notice for a project, whether through a phone call, letter, or email. Where

appropriate, notices will also be shared via the AMS Listserv and published on AMS's website.

Language Access. The public participation strategy for the project should specify how AMS and the applicant will satisfy the requirements of the Language Access Plan, which may include translation of materials or interpretation services prior to, and during, public meetings or hearings. AMS should consider use of alternative media outlets such as community-based newspapers or media, websites, social media posts, diverse information repositories, and translation of materials or interpretation services prior to and during public meeting or hearings where a population within an EJ Area or Area of Concern uses a primary language other than English.

Access to Application Materials. The public participation strategy should indicate where the public may review application materials in person (if applicable), as well as where to find application materials electronically. AMS will always place application materials in the two closest libraries to the project and may work with community liaisons to identify additional locations. AMS may also add permit materials to its Permits webpage.

Consistent with its current practice, AMS will be available to the local community throughout the permitting process. AMS will provide residents with information and assistance, as needed, and may recommend resources to facilitate understanding content within the permit application. AMS's role as permit application reviewer, however, is a constraint that must be explained throughout the process, as AMS staff may not serve as technical advisors to the community or advise the community of legal rights, interests, or privileges.

Public Meetings and Hearings. Public hearings are only held by AMS as part of a formal public comment period, but public meetings may be facilitated by either AMS or the applicant. If the applicant is holding a public meeting, they are encouraged to coordinate with AMS and community liaison(s) to structure a meeting that meets community goals as much as AMS's public meetings would. This usually involves the opportunity for two-way-conversation with community members either in person or virtually. Applicant-led meetings must cover the AMS project authorizations or permits in order to satisfy Enhanced Public Participation under this policy.

AMS, in coordination with community liaison(s) and the applicant, should begin scheduling a public meeting (and/or public hearings if required by the applicable regulations for the specific project permits) no later than within 30 days of accepting an application as



administratively complete and technically adequate. These meetings can be in-person or held virtually, whichever is anticipated to reach the most concerned residents.

Meetings should be held in central and accessible locations and at dates and times that are convenient for most of the affected community. The public participation strategy for the project should indicate potential public meeting or hearing locations and identify convenient times for the affected community. If the project impact covers a large geographic area and community liaison input suggests it is an appropriate method, virtual or hybrid public hearings can be the best option for reaching the most people. If there is a very limited affected area, conference calls or virtual meetings may be able to reach all the concerned residents.

For permit applications with statutory or regulatory review timeframes, and for which a public meeting is not required by the statute or regulations, AMS may either hold the public meeting before receipt of the permit application or may hold the public meeting on or after providing five days' notice.

Comment. AMS will consider providing a public comment period for all Public Participation Trigger and designated Opt-In Project permit applications if public comment is not already required by the applicable regulations. The comment period timeframe will be based upon the applicable regulatory requirements. For permit applications which are not subject to mandatory regulatory public comment requirements, the comment period may be for a duration shorter than 30 days. The comment period duration will be specified in the public participation strategy for the project.

The public participation strategy elements above should be discussed with project representatives at the Pre-Application Meeting, or if no such meeting is requested or held, AMS will provide the applicant with the public participation strategy recommended outreach for the project once AMS determines the application(s) is complete.

Decision Notice. In addition to any regulatory requirements related to notice of AMS decisions on permit applications, AMS staff will publish notice on the AMS website and will notify communities when a permit application decision is rendered. AMS will also post the decision-related documents on its website, which may include, the Comment-Response Document, the permit issuance or denial, and any record of decision.

## **ii. Public Meetings**

As specified in the public participation strategy for the project, whether or not required by the applicable regulations, AMS will consider holding one or more public meetings for Public Participation Trigger and designated Opt-In Project permit applications. Applicants are encouraged to fully participate in project public meetings. In public meetings, AMS should:

- Explain the agency's role in reviewing the permit and regulating the proposed project during potential operations;
- Describe the permit(s) needed from AMS; and
- Identify the specific permit application review timelines and specific opportunities for comment.

It is important to note that AMS can only consider permit applications and authorizations that fall under AMS's purview. Most new projects require authorizations or permits that may be needed for the project which are not within AMS's jurisdiction.

## **iii. Public Comment**

The public comment period provides the opportunity for individuals, organizations, businesses, and other stakeholders to provide comments to AMS on a proposed permit application. AMS considers public comments received prior to making a determination on an application and typically provides a substantive response to each comment in a Comment and Response document.

As specified in the public participation strategy for the project, whether or not required by the applicable regulations, AMS may solicit public comment for Public Participation Trigger and designated Opt-In project permit applications.

## **4. Access to Information**

Members of the public can track major modifications and renewals of permits subject to this Policy through AMS's EJ website and by subscribing to AMS's EJ listserv.

The public may request information about inspections, compliance, and enforcement from AMS informally via email or file review, or formally by submitting a Right to Know Law request. AMS shall determine which methods will be appropriate based on the nature of the materials, the number of requests received, as well as other relevant criteria. AMS staff with responsibility for making these decisions may consult with

community liaisons and relevant public officials to assist in making these decisions in a way that is of the most benefit to the community at large.

Permittees are encouraged to continue outreach to the community after AMS issues any permits. Informing the community about general updates, such as when construction will commence, can help build community trust and understanding around a project.

## **VI. Inspections, Compliance, and Enforcement**

### **A. Inspections**

AMS's Facility Compliance & Enforcement program includes requirements and specifications for how and when inspections are to be conducted. AMS will satisfy those requirements in EJ Areas as it does in all other communities and contexts. When AMS is faced with comparable inspection scenarios and does not have the resources to address all the inspections at the same time, AMS may exercise its discretion to prioritize the inspections in an EJ Area. In cases where AMS has the resources to conduct inspections beyond those required, AMS may exercise its discretion to prioritize inspections in EJ Areas.

During the inspections of regulated facilities in EJ Areas, AMS's inspectors will be particularly mindful of identifying and recording environmental and public health impacts that flow from noted violations. If environmental or public health hazards within AMS's jurisdiction develop at an AMS-regulated facility located in an EJ Area at a time when a regular inspection is not scheduled, AMS staff will inspect the hazardous conditions as quickly as possible.

### **B. Filing a Complaint Concerning Operation of a Regulated Facility**

A complaint concerning the operation of a permitted facility regulated by AMS regarding issues within AMS's jurisdiction may be made by sending an email to [DPHAMS@phila.gov](mailto:DPHAMS@phila.gov) or calling (215) 685-7580.

## **VII. Policy Updates**

AMS will review this Policy, at a minimum, every five years to determine whether revisions are necessary. The Policy should be updated in accordance with the latest resources at the federal, state, and local levels.

## **Appendix A – Public Participation Trigger Projects**

Public Participation Trigger Projects include AMS-regulated activities that may lead to significant public concern due to potential impacts on human health and the environment. AMS will utilize the Enhanced Public Participation process for application reviews for these projects. Trigger Projects are identified by AMS analysis of the associated permits, authorizations or approvals, as listed below, which create an Area of Concern which touches an EJ Area.

1. New major source of hazardous air pollutants or criteria pollutants.
2. Major modification of a major source (subject to Prevention of Significant Deterioration or Nonattainment New Source Review).

AMS intends to analyze the feasibility of including Synthetic Minor Operating Permits and Natural Minor Operating Permits to this Appendix A by December 1, 2025 and December 1, 2026, respectively.

## **Appendix B – Methodology for Identifying EJ Areas**

AMS will update this Appendix with the latest EJ Criteria and links to appropriate methodology documentation. Interactive mapping relied upon by AMS can be found on the Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) that contains environmental, health, socioeconomic, and demographic indicators and is the main tool for mapping EJ Areas referenced in this policy. More detailed information and methodology around the PennEnviroScreen tool can be found in the Methodology Guidance Document located on PADEP's [website](#).

For the purposes of the EJ Policy, census block groups with a PennEnviroScreen score above 80 will be considered EJ areas for consideration as Public Participation Trigger Projects. This highlights those parts of the City of Philadelphia facing the most disproportionate environmental impact across multiple factors. These areas are highlighted in a map theme that includes a half mile buffer to show the Area of Concern as outlined in this policy. AMS can consider projects outside of EJ Areas as Opt-In Projects.

To allow for a level of certainty, the EJ Areas in effect at the key decision point of the project will follow that project. For example, the EJ Area and Area of Concern at the time a permit application or renewal is deemed administratively complete will be used for permits.