



WVDEP PUBLIC ENGAGEMENT GUIDELINES

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I. Introduction

The West Virginia Department of Environmental Protection (WVDEP) strives to conduct the public's business in an open and transparent way. To achieve this goal, WVDEP and its staff must be aware of and sensitive to the changing diversity of the State's population and culture when developing and implementing public participation, outreach, and engagement programs. Recognizing the evolving landscape of media, communication, and access, the WVDEP is proactively adopting its approach to address the needs of the state's population. To that end, the WVDEP has developed its Public Engagement Guidelines, which will serve as a compass to the agency and offer adaptable best practices that resonate with the distinct characteristics of each community.

It is important to note that while these Guidelines provide guidance and best practices, each community is different and a "one-size fits all" procedure for public participation is not the most effective approach. Rather, the agency will strive to apply best practices and methods that reflect the needs of each individual community. The primary purpose of creating, implementing, and regularly updating these Guidelines is to continue to foster stronger partnerships with individuals and groups that contribute to the WVDEP's statutory duty to protect public health and the environment. Fostering these relationships and partnerships will provide the WVDEP with meaningful opportunities to engage the public when specific events, permit applications, or community concerns within the jurisdiction of the WVDEP arise.

The WVDEP adheres to policies and programs for enhanced public participation and nondiscrimination. The law provides that no person shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Rehabilitation Act of 1973, and all other pertinent nondiscrimination laws and regulations. In keeping with the tenets of the law, the agency works to ensure that, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, all West Virginians will receive fair treatment and meaningful involvement regardless of their race, color, national origin, or income.

II. Purpose

The purpose of these Guidelines is to ensure consistency across the WVDEP in both the understanding and implementation of our public participation, outreach, and engagement strategies. The agency recognizes public engagement as an active and effective dialogue between members of the public, WVDEP, and the regulated community. In order for communities to provide meaningful input and for the agency to incorporate local community knowledge, proper tools must be used to engage with communities. By applying the guidance and best practices presented in this document, WVDEP aims to:

- Create better opportunities and mechanisms to receive public input.

- Promote respectful and meaningful dialogue between community members, organizations, regulated industry, and the agency.
- Educate the public about the agency’s programs.
- Build trust with the public to strengthen community ties and partnerships.
- Work with community organizations to identify shared goals and opportunities for collaboration.
- Provide consistent communication about state environmental regulations and WVDEP’s statutory authority.
- Work with the public on strategies to improve future public engagement.
- For activities under the jurisdiction of the DEP, identify Underserved Communities and develop tailored communication plans to ensure the community has access to pertinent information and knows about all opportunities to participate.

III. Definitions

Public involvement cannot be approached with a “one size fits all” mentality. The WVDEP recognizes the importance of employing diverse and customized methods to ensure meaningful engagement. To involve stakeholders and target audiences effectively, including traditionally underserved populations with varying levels of experience, knowledge, or financial resources, the following comprehensive and tailored methods and strategies will be utilized:

Public Outreach: The aim of public outreach is to provide well-planned, inclusive, meaningful public participation opportunities in the course of the WVDEP’s permitting and regulatory activities. The agency will analyze each project individually in order to determine the best outreach methods or strategies. This will be done by examining certain factors including potential project impacts, past outreach methods used effectively in the community, and the type of information that WVDEP is providing, among others. Outreach methods may include: posting information on the WVDEP website, placing print newspaper advertisements, utilizing social media or radio, and engaging in personal communications with interested parties.

Public Hearings: **Public Hearings** are held by the agency to formally collect community feedback and comments on a pending agency decision as required by state and/or federal rules governing regulatory programs. Feedback will be documented and reviewed by WVDEP staff. The **Public Hearing** format is governed by federal and state rules and regulations and does not always allow for WVDEP staff to answer questions during the hearing. Staff will typically respond to the questions raised at a later time in the *Response to Comments*, which are published when the WVDEP’s decision is released. Although the actual process and timeline is specified in the relevant WVDEP program rules, the typical timeline requires a 30-day notice for the **Public Hearing** and a subsequent 30 to 60 days review period prior to the rendering of a final decision on the permit by the Division.

Open House/Public Meetings: In addition to Public Hearings, a Division or Program may decide to hold a less formal public session in order to encourage participation and engage a wide audience in information-sharing and discussion. These **Public Meetings** can be used to increase awareness of an issue or proposal and may take a variety of different formats, but all seek to

foster meaningful dialogue between interested parties and WVDEP. In this more informal setting, questions from members of the public are answered on the spot and conversations between WVDEP staff and community members are encouraged (as compared to a more structured Public Hearing). **Public Meetings** can also be paired with Public Hearings to allow staff to respond to questions prior to the more formal Public Hearing.

Virtual versus in-person meetings: As a result of the Covid pandemic, DEP has found that the use of virtual meetings can provide a viable alternative when in-person sessions are unavailable for whatever reason. Determination of which format will be used for a public meeting, public hearing, and/or information open house will be made after consideration of a number of factors including the level of local interest in the proposed activity and logistics such as internet-availability, access to an appropriate venue, weather and road conditions, etc. On occasion, the use of a “blended” meeting format, with both an in-person and virtual attendance option, may be utilized.

IV. Determining the Appropriate Level of Public Engagement

It is important to remember that not all decisions by the agency require the same level of public participation. The level of public involvement or outreach for a specific project or proposal will depend on a number of factors particular to both the project (i.e., scope, potential impact, WVDEP’s statutory and regulatory authority, etc.), and the community involved (i.e., the potentially affected population, level of concern, information from community leaders, etc.).

The WVDEP’s strategy for public engagement includes a variety of methods (Section V). Based on the public interest, project-specific details, demographic data, or additional factors, other appropriate methods for enhanced engagement (Section VII) may also be implemented.

V. Public Engagement Methods

WVDEP will continue to comply with its legal requirements while considering appropriate opportunities to enhance those requirements and improve community engagement and outreach efforts, especially in Underserved Communities. WVDEP’s public engagement and outreach steps may include:

- Distributing media releases when events are posted for Public Notice and Public Comment;
- Providing social media and email messages to announce the schedule and/or deadlines for Public Notice and Public Comment events;
- Communicating with interested parties, such as community members, local governments, community organizations, and non-profit organizations that have expressed an interest in or may be directly affected by the agency’s proposed action.
- Meeting in-person and in some cases virtually, with interested parties to address issues of concern;
- Directing affected individuals or groups to the proper staff contacts within WVDEP or sister agencies;

- Updating, maintaining, and improving the use of the agency’s stakeholder contact databases; or
- Scheduling meetings at times and locations that are convenient and accessible for potentially impacted communities.

VI. Notifications

The current statutory requirements for disseminating information for **Public Notice** have not kept pace with evolving media communications. In general, the Public Notice requirement for regulatory permitting is to publish a notice in one newspaper and in some cases on WVDEP’s website, to request Public Comment, and/or to provide 30 days’ notice in advance of the scheduled Public Hearing. However, print newspapers are declining in popularity, rendering them less effective as a single point of Public Notice information. For some individuals, the website may be difficult to navigate, as it requires access to technology and internet services, which some individuals may not have. Therefore, it is important that the agency continue to practice alternative methods of communication and outreach when necessary to help insure Public Notices reach the public. Possible supplementary methods for providing Public Notice include:

- **Mailed Flyers or Postcards.** These can be mailed to residents using the United States Postal Service. These can be effective in communities with a large elderly population, limited internet access, and/or limited shared public spaces.
- **Posted Flyers and Signs.** Venues where information can be posted that may have higher concentrations of sensitive populations (i.e. children, the sick, or elderly, etc.) or shared public spaces that underserved community members may frequent. These venues include:
 - Schools
 - Places of worship
 - Locally-owned businesses
 - Restaurants
 - Nursing homes
 - Public libraries
 - Community colleges
 - Community centers
 - Subsidized housing complexes
 - Local government buildings
 - Laundromats
- **Social Media Outlets.** Given the wide reach and broad use of these platforms, the agency regularly publicizes events and notices on numerous WVDEP social media accounts.
- **E-Mail Lists.** Online sign-up for all WVDEP news releases is available on the agency’s website. Divisions within WVDEP also provide opportunities to sign up to

receive e-mail notification for announcements and updates on specific topics, permit applications, and/or specific types of proposed activities.

- **Radio Announcements.** Radio can be an effective method to notify certain stakeholder groups in rural areas about Public Notices or events. Radio ads or outreach may be considered where appropriate and as resources allow.

VII. Enhanced Engagement Methods to Reach Underserved Communities

When DEP receives any permitting application type that requires Public Notice, Division Staff will evaluate, with the support and participation from the EJ Advisory Staff in the Environmental Advocate's Office and Public Information Office, whether standard engagement methods are sufficient to reach underserved communities that may be impacted by the planned activity. Based on these results, varying communication strategies presented in this document may be incorporated to provide additional outreach and engagement as appropriate. The communication methods chosen will be project-specific and community-oriented to best fit the needs of the community.

Methods for Identifying Underserved Communities: While there is no universal definition for what constitutes an "underserved community," WVDEP applies standard environmental justice guidelines established by the U.S. EPA and in National Environmental Policy Act documentation, to define "underserved populations" as those that meet either of the following criteria:

Racial Composition:

- Share of nonwhites is over fifty percent OR
- Share of nonwhites is at least ten percent higher than county or state share

Poverty rate:

- Share of population experiencing poverty is over twenty percent AND
- Share of households in poverty is at least five percent higher than the county or state share,

In addition, WVDEP may use the following method(s) as a basis for identifying communities that exhibit characteristics that prevent them from being fully served by standard engagement methods. It should be noted that this designation is not meant to judge or define the status of an entire community. The intent is to assure that opportunity for meaningful engagement is extended to all individuals who may be impacted by a regulated activity.

Preliminary Screening Methods:

- Utilize existing screening tools such as EPA's EJSCREEN, the *Justice 40 Screening Tool* from the Council on Environmental Quality, and the Appalachian Regional Commission's **Economic Status Map Distressed Communities Screening Tool**, to provide additional environmental and demographic data sets for analysis.

- Utilize the WVDEP’s Community Mapping System (CMS), which is being developed, to evaluate a potentially affected community. As is the case with the national screening tools already mentioned, this geographic information mapping tool will allow WVDEP to conduct a more detailed and localized demographic, socioeconomic, and environmental analyses. The System will include demographic, socioeconomic, and health data at the local level, as well as state specific information on active facilities and permits. Utilizing the CMS will allow Division and EJ Advisory Staff to flag communities that may be better served by additional engagement. In addition, the CMS may help refine the type of documentation that would need to be drafted prior to holding a public hearing or meeting.

VIII. Distribution of Title VI Program Information

Program information on Title VI and other WVDEP nondiscrimination programs will be created and distributed to employees, contractors, stakeholders, and the public. At a minimum, nondiscrimination information will be available on the WVDEP website, as well as on posters in visible areas at all WVDEP’s office locations. Project-related information and the WVDEP’s most current Title VI documents will be maintained online.

IX. Limited English Proficiency

It is critical to facilitate and encourage public participation and reduce known barriers. The WVDEP is committed to providing equitable access and ensuring that accurate and understandable information is distributed to and available for all West Virginians. Executive Order 13166 requires each federal agency to ensure recipients of federal funding provide language access services to Limited English Proficient (LEP) individuals on the obligation under Title VI. As a recipient of federal funds, WVDEP is therefore required to provide language assistance services to qualifying populations when deemed appropriate. Please refer to WVDEP’s LEP Language Access Plan, which has been developed in conjunction with this plan, for resources and best practices for outreach with limited English proficient persons.

X. Conclusion

It is the WVDEP’s intention to follow these Guidelines in the conduct of the people’s business in West Virginia. WVDEP staff who interact with the public as part of their duties will be appropriately notified of these Guidelines and trained in their implementation to ensure consistency across programs. This agency will continue to perform its work in an open and transparent way, with awareness of and sensitivity to the changing demographics of the people of our State. To that end, these Guidelines will be reviewed no less frequently than every two years to ensure that WVDEP continues to partner effectively with the communities that it serves in being the best possible steward of West Virginia’s natural environment.