



The Environmental Justice Report

A publication of DEC's Office of Environmental Justice – Volume 8 AUGUST 2017



Department of
Environmental
Conservation

DEC NEEDS YOU: HOW TO GET INVOLVED IN SETTING RULES AND REGULATIONS

As a resident of New York State you have a right to participate in the development of New York's laws. This is why you vote for your elected representatives in the Assembly and the Senate who pass laws in New York. But what about state agencies such as the Department of Environmental Conservation (DEC)?

Agencies develop and enforce rules and regulations necessary to implement laws. New Yorkers have a right to participate in the development of these rules, and we need to hear from you. This is where the New York State Administrative Procedures Act, commonly known as SAPA, comes in. SAPA provides the rulemaking process for state agencies and ensures public participation before an agency adopts a rule.

THE SAPA PROCESS

1) Notification

Agencies must publish a Notice of Proposed Rule Making in the New York State Register to initiate the rule making process. DEC will also post the Notice on our Environmental Notice Bulletin, a webpage where DEC publishes required notices including notices of complete applications and notices required under the NYS Environmental Quality Review Act.

2) Public comment

Agencies must accept comment for a minimum of 45 days after the Notice first appears in the State Register. In many cases, agencies will allow more than the minimum number of days for comment.

Public hearings may be held around the state to better provide people with an opportunity state their views on a proposal.

3) Final rule:

The agency may adopt the rule after receiving public comment and must publish a Notice of Adoption in the State Register.

Or, the agency may change the rule based on public comment. If the final rule is greatly different from the proposed rule, the agency must publish a Notice of Revised Rule Making and accept public comment for at least another 30 days.

The agency may decide to withdraw the rule. If withdrawn, the agency cannot adopt the same or a similar rule without another opportunity for public comment.

PARTICIPATE!

Visit our Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html> or the State Register:

<https://www.dos.ny.gov/info/register.htm> to participate in our rule making process.

INDIGENOUS PEOPLE & DEC: INDIAN NATION CONSULTATION

People have been in New York since the end of the last ice age, approximately 12,000 years ago. The first inhabitants followed retreating glaciers to take advantage of the opportunities provided by the newly opened landscapes. These original occupants shared many goals, desires, traditions, and beliefs, which helped them work together to form communities.



These indigenous people (also called Native Americans) established roots in what would become New York, and their descendants still live throughout the state. Many are citizens of one of the following nine state-recognized nations:

- Cayuga Nation
- Oneida Indian Nation
- Onondaga Nation
- St. Regis Mohawk Tribe
- Seneca Nation of Indians
- Shinnecock Indian Nation
- Tonawanda Seneca Nation
- Tuscarora Nation
- Unkechaug Indian Nation

New York's environment has cultural and spiritual significance to indigenous people, and DEC is committed to working with them to manage vital resources as equal neighbors. DEC recognizes the unique relationship New York has with these nations and through state law and Department policy, works to address their concerns when undertaking, funding or approving a project that impacts resources or activities such as:

- Natural resources, particularly concerning actions that may affect nation lands, water, and/or air quality, or other natural resources of nation interest such as wetlands, fisheries, or wildlife;
- Cultural resources, particularly human burials and archaeological sites. DEC reviews projects that may impact these and other sites of cultural importance; and
- Hunting, fishing, and gathering.

One of the ways DEC addresses indigenous concerns is Commissioner Policy 42 (CP-42): Contact, Cooperation, and Consultation with Indian Nations. This policy, established in March 2009, provides guidance to DEC staff on how to cooperate and consult with Indian Nations. The policy is available at www.dec.ny.gov/docs/permits_ej_operations_pdf/cp42.pdf.

Consulting is more than just telling others that something is happening, it is meaningful involvement in the decision making process. In other words, it is listening and learning from others, helping everyone better understand each other's concerns and goals as we work towards a mutually agreeable outcome.

It's important to work together with our indigenous neighbors in a respectful manner, and we strive to improve that relationship.

If you have any questions, please feel free to contact DEC's Indian Nations Affairs Coordinator, Dr. David Witt, at justice@dec.ny.gov.

DEC'S SPILL RESPONSE PROGRAM

DEC receives approximately 16,000 reports of confirmed and suspected releases of petroleum, toxic chemicals, gases, and other hazardous materials each year from regions throughout the state. Whenever DEC receives a report of spill or release, accidental or otherwise, DEC's Spill Response Program responds.



Do you want to learn more about our dedicated staff? Check out "On the Front Lines", a new series of video profiles celebrating the stories of DEC staff throughout the state and the important work they do to protect the environment, conserve New York's vast natural resources and serve the public. Catch "On the Front Lines" monthly on DEC's website, Facebook and Twitter pages

The Spill Response team is a unique combination of engineers, geologists, environmental specialists, construction inspectors, and technicians spread across DEC's 9 Regions. They respond to emergencies 24/7/365 to quickly and efficiently investigate hazardous material spills and ensure contaminants do not spread. Uncontained spills, especially

those that impact surface water, can kill or injure plants, fish, and wildlife, and cause damage to their habitats.

"That's why we're here," says Gary McCullouch, the regional spills engineer for DEC's Region 6 (Central New York). "To protect the people who can't protect themselves, and protect the environment that can't protect itself. That's our duty."

DEC also collaborates with local agencies, and provides additional resources during emergencies, and will remain involved if prolonged efforts are required. This includes continuous monitoring to ensure petroleum and chemical storage facilities comply with state laws and regulations, and cleanups at sites contaminated with hazardous materials.

"DEC, in the last 30 years, has done some phenomenal work to clean up our rivers, clean our air, and get rid of old dumps," Gary said.

Gary, a licensed Professional Engineer began his career at DEC shortly after graduating from Clarkson University with a BS in Civil and Environmental Engineering. He has worked for DEC for almost 29 years. "I feel blessed to have landed in a position where I have enjoyed it."

Protecting the environment is a primary responsibility of DEC. If you see a spill or potentially harmful release that could harm the environment, call the NYS Spill Hotline at 1-800-457-7362.

POLLUTION PREVENTION IN THE SOUTH BRONX

Climate change is creating new risks for residents and workers in environmental justice communities in New York City (NYC). Storm surge and flooding from severe weather events such as Superstorm Sandy can result in the release of toxic substances typically used at companies and businesses, increasing the risk of human exposures. In fact, according to NYC's Special Initiative for Rebuilding and Resiliency (SIRR), about half of the businesses impacted by Hurricane Sandy were industrial firms.

In an effort to improve sustainability and climate resiliency in the South Bronx community and industrial waterfront, the DEC, the New York State Pollution Prevention Institute (NYSPI), and the

New York City Environmental Justice Alliance (NYC-EJA) worked together to promote pollution prevention and climate adaptation strategies in two ways; by working directly with two local companies, and by developing an Environmental Best Management Practices toolkit for the Auto Repair, Auto Body and Auto Salvage industries. The toolkit was developed through research of best management practices in these industries and then was disseminated through workshops, door-to-door visits and social media outlets.

To read the entire article, please visit http://snedb2.perceptuate.com/wp-content/uploads/2017/07/Making_a_Difference_in_the_South_Bronx_with_Pollution_Prevention_Initiatives.pdf

ENCOURAGING YOUTH CONSERVATION AND EMPLOYMENT: ONONDAGA EARTH CORPS

Onondaga Earth Corps (OEC) is empowering youth in the City of Syracuse to be active participants in creating positive change for their communities and the environment. OEC, which began in the Southside of Syracuse in 2005, works with youth to connect them to their urban environment through hands-on community and environmental projects like tree plantings, stormwater management and neighborhood beautification efforts.

OEC, which is modeled after the federal Youth Conservation Corps, now includes projects all over New York State, providing youth and young adults aged 15 to 25 with meaningful employment and an opportunity to perform high impact work in their own neighborhoods. The program is an opportunity both for the youth crewmembers and their communities. Crewmembers are exposed to jobs in science and natural resources, and the community benefits from their stewardship projects, such as neighborhood beautification, stormwater management, and historic space preservation.

DEC recently awarded OEC an Environmental Justice Community Impact Grant, one of 24 recipients across New York State in our latest round of grants. OEC will use these funds for an air pollution research and intervention project. High school students in the City of



Syracuse will learn about the benefits of trees, and conduct research on how air pollution impacts different tree species. The students will then plant trees along major highways and other corridors while engaging their community.

"This project is very exciting for multiple reasons," said Program Coordinator Adrienne Canino, "The most exciting part is probably the chance for new crewmembers to learn about the work of past crews and have a chance to make sure projects have a lasting impact for good in Syracuse. It is also always exciting for crewmembers to have a positive impact on Syracuse's natural resources that they can share with their children years and years from now."

A second round of the 2016-2017 Environmental Justice Community Impact Grants is anticipated in the fall. For more information on the Environmental Justice Community Impact Grants, visit us at <http://www.dec.ny.gov/public/31226.html>.

APPLY FOR FUNDING

Are you a community-based organization looking to fund a project? OEJ offers grants to not-for-profit organizations to address environmental harms in low income and environmental justice communities. For additional information on OEJ grants and a complete list of previous project awardees, please visit our website: <http://www.dec.ny.gov/public/31226.html>.



GRANT APPLICATION DEADLINE APPROACHING!

Applications for the Green Jobs for Youth Grant are due by 3PM on September 1, 2017. More information can be found on our website: <http://www.dec.ny.gov/public/31226.html>. The Request for Applications and the application itself can be accessed on the New York State Grants Gateway. Go to Grants Gateway then either use the browse function and scroll until you see DEC's

2017 Environmental Justice Green Jobs for Youth in EJ Areas opportunity or use the search function and search for "green jobs." The grant opportunity ID is DEC01-EJJobs-2017.

If you have any questions or concerns, please contact the Office of Environmental Justice at 518-402-9498 or 518-402-8556. Or email us at justice@dec.ny.gov.

WE CAN'T DO IT WITHOUT YOU

Do you have concerns about the environment where you live? Do you want to make your voice heard? Do you want to stay informed about the different environmental issues affecting the state of New York?



JOIN OUR ENVIRONMENTAL JUSTICE LISTSERVE!

Go to: <http://www.dec.ny.gov/public/65855.html> and sign up to receive regular updates from the Office of Environmental Justice. Stay current on the issues that are important to you.

As always, you can contact the Office of Environmental Justice with any concerns by sending an e-mail to: justice@dec.ny.gov. Please include:

- Your Location/Address
City, town, village or borough
- The environmental concerns you wish to address
List the potential source if you know
- How or whether you wish to be contacted

HELP US SERVE YOU



Contact us:

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EJ Hotline 1-866-229-0497
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