



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Subject: Draft Guidance Memo – Environmental Justice in the Permitting Process

To: Regional Directors, Division Directors, Office of Environmental Justice

From: Viktoriia De Las Casas, Director, Division of Cross Media Programs

Date: September 23, 2026

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Summary:

The Virginia Environmental Justice Act (“VEJA”), enacted in 2020, makes it Virginia’s policy “to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice and fenceline communities” (§§ 2.2-234 and 2.2-235 of the Code of Virginia, Chapter 1212 of the 2020 Acts of Assembly (HB 704)). § 2.2-234 of the Code of Virginia provides the definitions on which this guidance is based, including the definition of an environmental justice community. Further, the following are the Department of Environmental Quality’s (“DEQ”) purposes, among others: “to further environmental justice and enhance public participation in the regulatory and permitting process” and “to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies” (§ 10.1-1183 of the Code of Virginia, Chapters 454 and 492 of the 2020 Acts of Assembly (HB 1162, HB 1164)).

In 2023, DEQ issued its draft environmental justice guidance, Guidance Memo No. 23-XXXX – Environmental Justice in the Permitting Process. On April 8, 2026, Governor Spanberger approved House Bill (“HB”) 1266, which directs DEQ to update that draft guidance to consider: (1) how to assess the cumulative impacts of the types of permits covered in the guidance memo; and (2) outreach strategies to engage communities impacted by any such permit.

The purpose of this guidance is to inform the public, permit applicants, and DEQ staff of:

- 1) DEQ’s existing Virginia EJScreen+ tool and recommended ways to use it;
- 2) Recommended methods to assess whether Projects of Concern, as defined in this guidance, are located in environmental justice communities, or may have environmental

impacts on other environmental justice communities (including those immediately adjacent to Projects of Concern);

- 3) A recommended method to assess the cumulative impacts of certain Projects of Concern on potentially affected environmental justice communities and reduce impacts, if needed; and
- 4) Recommended outreach strategies to engage environmental justice communities that may be impacted by proposed Projects of Concern.

Electronic Copy:

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality (<http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440>).
- The Department's website at <https://www.deq.virginia.gov/ej>.

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Certification:

As required by Subsection B of [§ 2.2-4002.1](#) of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in [§ 2.2-4101](#) of the Code of Virginia.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Effective Date: _____

Initials: _____

Environmental Justice in the Permitting Process Guidance

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I. Authority and Purpose

In 2020, the General Assembly enacted the Virginia Environmental Justice Act (“VEJA”), §§ 2.2-234 and 2.2-235 of the Code of Virginia. The VEJA makes it Virginia’s policy “to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice and fenceline communities.” Chapter 1212 of the 2020 Acts of Assembly (HB 704). While this Environmental Justice in the Permitting Process Guidance applies to the Department of Environmental Quality’s (“DEQ”) permitting actions, the VEJA policy statement does not exclusively apply to DEQ actions.

Also in 2020, the General Assembly amended DEQ’s policy statement to indicate that DEQ’s purpose, among others, is “to further environmental justice and enhance public participation in the regulatory and permitting process” and “to ensure the fair treatment and meaningful involvement of all people regardless of race, color, national origin, faith, disability, or income with respect to the administration of environmental laws, regulations, and policies.” § 10.1-1183 of the Code of Virginia. Chapters 454 and 492 of the 2020 Acts of Assembly (HB 1162, HB 1164).

Guided by the above-quoted statutory provisions, beginning on March 15, 2023, DEQ conducted a 45-day informal public comment period for the draft guidance document, Guidance Memo No. 23-XXXX – Environmental Justice in the Permitting Process. In 2026, the General Assembly enacted Chapter 461 of the 2026 Acts of Assembly (HB 1266), “An Act to Direct the Department of Environmental Quality to Publish an Updated Version of the Environmental Justice in the Permitting Process Guidance Memo to Consider How to Assess the Cumulative Impacts of Certain Permits.” Specifically, HB 1266 requires DEQ to update its existing 2023 draft guidance and then issue the final guidance. Under HB 1266, the updated guidance must consider: (1) how to assess the cumulative impacts of the types of permits covered in the guidance memo, and (2) outreach strategies to engage communities impacted by any such permit.

The purpose of this guidance is to inform the public, permit applicants, and DEQ staff of:

- 1) DEQ's existing Virginia EJScreen+ tool and recommended ways to use it (Section III);
- 2) Recommended methods to assess whether Projects of Concern, as defined in this guidance, are located in environmental justice communities, or may have environmental impacts on other environmental justice communities (including those immediately adjacent to Projects of Concern) (Section IV);
- 3) A recommended method to assess the cumulative impacts of certain Projects of Concern on potentially affected environmental justice communities and reduce impacts, if needed (Sections V and VI); and
- 4) Recommended outreach strategies to engage environmental justice communities that may be impacted by proposed Projects of Concern (Section VII).

DEQ will develop and provide the stressor screening information to assist permit applicants in conducting the cumulative impact assessments. See Attachment 1 for a visual presentation of the recommended steps in this process, descriptions of which begin in Section IV, and Attachment 2 for an Applicant Checklist.

II. Definitions and Acronyms

This guidance incorporates the following definitions as explicitly provided in VEJA, § 2.2-234 of the Code of Virginia:

“Community of color” means any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth. However, if a community of color is composed primarily of one of the groups listed in the definition of “population of color,” the percentage population of such group in the Commonwealth shall be used instead of the percentage population of color in the Commonwealth.

“Environment” means the natural, cultural, social, economic, and political assets or components of a community.

“Environmental justice community” means any low-income community or community of color.¹

“Fair treatment” means the equitable consideration of all people whereby no group of people bears a disproportionate share² of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

¹ See Section III, Virginia EJScreen+, which provides additional detail regarding environmental justice communities in Virginia. DEQ is required to use the definition of an “environmental justice community” outlined in VEJA.

² According to Merriam-Webster dictionary, “disproportionate” means “having or showing a difference that is not fair, reasonable, or expected; too large or too small in relation to something.” It is also defined as “being out of proportion” or having a “a disproportionate share.” See <https://www.merriam-webster.com/dictionary/disproportionate>.

“Fenceline community”³ means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

“Low income” means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.

“Low-income community” means any census block group in which 30 percent or more of the population is composed of people with low income.

“Meaningful involvement” means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

“Population of color” means a population of individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

In addition, this guidance uses the following definitions not provided for in VEJA.

“Cumulative impact” means the effect on the environment and people living in the environment from a proposed Project of Concern when added to the impacts of environmental stressors in the area to which current residents are exposed.

“Cumulative impact assessment” means an assessment of cumulative impact, conducted by a Project of Concern permit applicant, to determine whether an environmental justice community may “bear a disproportionate share of any negative environmental consequence,” per VEJA, § 2.2-234 of the Code of Virginia.

³ DEQ interprets this definition to mean that a community must meet the definition of an environmental justice community, per VEJA, to be a fenceline community.

“Environmental stressors” mean indicators of environmental pollution to be assessed as part of a cumulative impact assessment, including: ground-level ozone⁴; fine particulate matter (PM_{2.5})⁵; VPDES outfalls⁶; solid waste facilities⁷; and hazardous waste facilities.⁸ DEQ may update this list of environmental stressors in future versions of this guidance.

⁴ The ozone stressor is calculated based on the average annual days exceeding 0.070 parts per million (ppm) (8 hour average) over the most recent 3-year period. This threshold is based on the primary (health-based) National Ambient Air Quality Standards (“NAAQS”) for ozone and was developed with input from DEQ’s Air Quality Monitoring program. It is also equivalent to an Air Quality Index (“AQI”) value of 100; AQI values at or below 100 are generally considered as satisfactory. Comparable state cumulative impact assessments (such as New Jersey) use similar metrics.

⁵ The PM_{2.5} stressor is calculated based on the average annual days exceeding 35 micrograms per cubic meter (ug/m3) (24 hour average) over the most recent 3-year period. This threshold is based on the primary (health-based) NAAQS for PM_{2.5} and was developed with input from DEQ’s Air Quality Monitoring program. It is also equivalent to an Air Quality Index (“AQI”) value of 100; AQI values at or below 100 are generally considered as satisfactory. Comparable state cumulative impact assessments (such as New Jersey) use similar metrics.

⁶ This stressor is calculated based on the density of VPDES outfalls with individual permits (which encompasses combined sewer overflows).

⁷ This stressor is calculated based on the density of certain solid waste facilities per square mile, specifically all landfills except those that are “clean closed”, and non-closed materials recovery and transfer facilities.

⁸ This stressor is calculated based on the density of certain hazardous waste facilities per square mile, specifically sites in EPA’s RCRA Corrective Action/Superfund list and EPA’s Facility Registry Service records for active RCRA treatment, storage, and disposal facilities.

“Projects of Concern” mean the following project types identified by DEQ as projects of interest to communities, based on agency experience working with applicants, citizen boards, and stakeholders (excluding projects applying for general permits; permit renewals; and permits by rule, unless explicitly indicated in this guidance):

Projects of Concern	
Air⁹	
1. Construction of a new major source or a major modification ¹⁰ to an existing major source.	
2. Construction of a new fossil fuel-fired generating facility with a capacity of 500 megawatts or more, or a major modification to an existing fossil fuel-fired generating facility that will result in a capacity of 500 megawatts or more.	
3. Construction of a new fossil fuel-fired compressor station facility used to transport natural gas (this excludes fossil fueled backup compressor station power) or a major modification to an existing fossil fuel-fired compressor station facility used to transport natural gas (this excludes fossil fueled backup compressor station power).	
4. Construction of a new data center ¹¹ that includes a dedicated fossil fuel-fired power plant with a capacity of 25 megawatts or more used for the data center’s primary power (excluding emergency or backup power).	
Water	
5. Virginia Pollutant Discharge Elimination System (“VPDES”) new or expanded capacity major municipal and new or expanded capacity major industrial discharges (each with a total threshold of equal to or greater than 25 million gallons per day (“MGD”)).	
6. Virginia Water Protection (“VWP”) individual permits for impacts (including temporary impacts) greater than 10 acres for wetlands or 25,000 linear feet for streams.	
7. New groundwater individual permits or expanded existing permitted withdrawals ¹² (each with a total threshold of greater than 1.0 MGD).	
8. New VWP surface water withdrawals or expanded existing permitted withdrawals (each with a total threshold of greater than 3.0 MGD).	
Land	
9. New or expanded solid waste landfills (new or expanded sanitary landfills, new or expanded construction and demolition debris landfills, or new or expanded industrial landfills). ¹³	
10. New or modified ¹⁴ hazardous waste permitted treatment, storage, or disposal facilities, or facilities applying for hazardous secondary materials variances.	
11. New or expanded materials recovery facilities or transfer stations covered by Permit by Rule.	

⁹ New stationary sources and projects at existing stationary sources that are exempt from permitting under 9VAC5 Chapter 80, operating permits and permit amendments are not considered permits for Projects of Concern. For the purpose of this guidance, the terms “major source” and “major modification” are defined as specified in 9VAC5 Chapter 80 Articles 6 or 8.

¹⁰ For air permitting purposes, the terms “new major source” and “major modification” are defined in Virginia Regulations. They are referenced in different permitting programs, including (but not limited to) Article 1 (Title V) and Articles 7, 8, and 9 (Major NSR Permits). These definitions vary between programs and by the type of pollutant (for hazardous air pollutants and air pollutants other than hazardous air pollutants). However, this guidance does not apply to Title V operating permits.

¹¹ A data center is defined in subdivision A 43 of Virginia Code § 58.1-3506 and DEQ’s Guidance Document APG-576, “Diesel Engine-Generator Set Procedure for Writing New and Modified Permits” (Dec. 29, 2025).

¹² Projects for facilities requesting an expansion of less than 10% of their existing capacity are not classified as Projects of Concern, provided the total expansion capacity requested is below 3.0 MGD for surface water withdrawal and 1.0 MGD for groundwater withdrawal.

¹³ Coal combustion residual landfills are a type of industrial landfill.

¹⁴ “Modified” includes only Class II and Class III modifications.

This guidance uses the following acronyms:

ACS – American Community Survey

CIA – Cumulative Impact Assessment

CST – Combined Stressor Total

DEQ – Virginia Department of Environmental Quality

EJCA – Environmental Justice Community Assessment

GPC – Geographic Point of Comparison

HB – House Bill

MGD – Million Gallons per Day

MOA – Memorandum of Agreement

OEJ – Office of Environmental Justice

PPP – Public Participation Plan

VEJA – Virginia Environmental Justice Act

VPDES – Virginia Pollutant Discharge Elimination System

VWP – Virginia Water Protection

III. Virginia EJScreen+

The Virginia EJScreen+ can be used to determine if a community meets one or more criteria to qualify as an environmental justice community. In Virginia, the definition of an environmental justice community is explicitly provided in the Code of Virginia (VEJA, § 2.2-234) as any low-income community or community of color. DEQ developed the [Virginia EJScreen+](#) tool in 2022 to increase access to and enhance awareness of environmental justice-related spatial data and information throughout the Commonwealth. The Virginia EJScreen+'s layers for communities of color and low-income communities are calculated from the U.S. Census Bureau's American Community Survey ("ACS") five-year estimates. DEQ expects to update the layers annually, if feasible and if data is available.

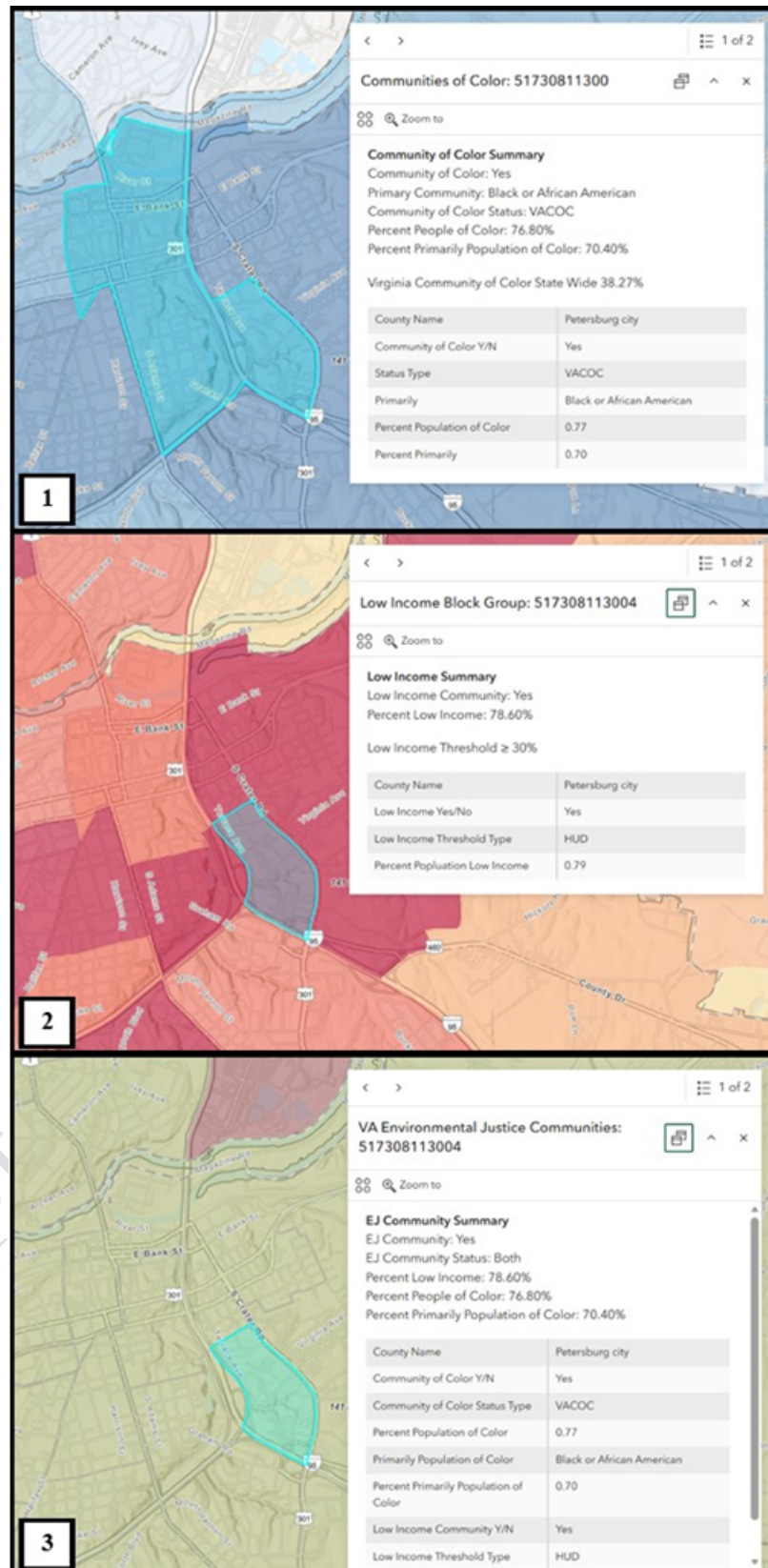
The VEJA definition of low-income communities includes a reference to census block groups (see Section II), so the "Low Income Communities" layer in the Virginia EJScreen+ is calculated at the census block group scale. Census block groups generally contain 600-3,000 people, with an optimal size of about 1,500 people; they are also the smallest scale at which tabulated ACS data is publicly available. By contrast, the VEJA defines communities of color by reference to "any geographically distinct area" (see § 2.2-234 of the Code of Virginia). The "Communities of Color" layer in the Virginia EJScreen+ is calculated at the census tract scale; census tracts are the next largest geographic unit for U.S. Census data. They are made up of census block groups, and they generally contain 1,200-8,000 people, with an optimal size of roughly 4,000 people. DEQ has mapped "communities of color" in the Virginia EJScreen+ by census tract rather than census block group because the race, ethnicity, and language data needed to calculate this layer may

have large margins of error at the census block group scale. The calculation of environmental justice data at the census tract scale is consistent with other mapping tools (such as Virginia Energy's Disadvantaged Community Designations in Virginia tool or the Council on Environmental Quality's Climate and Economic Justice Screening Tool).

Nonetheless, to streamline access to environmental justice information at a community scale and to facilitate the implementation of policies and procedures that rely on these key definitions, DEQ created a separate Virginia EJScreen+ layer which shows all environmental justice communities in the Commonwealth at the census block group level. For the combined "VA Environmental Justice Communities" layer, the community of color status of each census tract was applied to the census block groups contained within that census tract. The low-income community status was already calculated at the census block group scale. The resulting combined "VA Environmental Justice Communities" layer is available in the Virginia EJScreen+.

See **Figure 1 – Census Geography in Environmental Justice Layers of Virginia EJScreen+** for an illustration. The first image (in blue) is from the Communities of Color layer and displays population of color data for the census tract with 11-digit number 51730811300. This census tract contains four census block groups. The second image (in red) is from the Low Income Communities layer; it displays income data for the census block group with 12-digit number 517308113004, which is one of the four census block groups within the census tract. The third image (in green) is from the combined VA Environmental Justice Communities layer. It displays data for both population of color and low-income population for the same census block group with 12-digit number 517308113004. The population of color data from census tract 51730811300 is applied to all four census block groups contained within it.

Figure 1 – Census Geography in Environmental Justice Layers of Virginia EJScreen+



Therefore, as shown on the Virginia EJScreen+:

A **low-income community** is any **census block group** in which 30 percent or more of the population is composed of people having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.¹⁵

A **community of color** is any **census tract** where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth. In addition, a community of color is any **census tract** where an *individual* population of color listed in the definition of “population of color”¹⁶ expressed as a percentage of the total population of such area is higher than the *individual* population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth.

An **environmental justice community** is any **census block group** that is either a **census block group** that meets the definition of a low-income community or a **census block group** within a **census tract** that meets the definition of a community of color, or both.

According to the 2019-2023 ACS five-year estimates (released in December 2024), the population of color statewide in Virginia is 38.27% of the total population.¹⁷ The individual populations of color statewide in Virginia, according to the 2019-2023 ACS five-year estimates, are shown in the following table¹⁸ (note that some of these categories overlap, thus the total percentage exceeds 38.27%):

Individual Population of Color	Statewide %
Black/African American	18.75%
Asian	6.86%
Native Hawaiian/Pacific Islander	0.07%
American Indian and Alaska Native (Native American)	0.31%
Other non-white race	4.06%
Mixed race	8.23%
Hispanic or Latino	10.73%
Limited English Proficiency (Linguistically Isolated)	2.70%

DEQ recommends referring to these definitions when using the Virginia EJScreen+. Attachment 3 is an exemplary map that identifies environmental justice communities in Virginia.

¹⁵ See [FACT SHEET: Geospatial Data – Environmental Justice: Low Income Communities](#), DEQ, 2026.

¹⁶ Such as Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

¹⁷ See [FACT SHEET: Geospatial Data – Environmental Justice: Communities of Color](#), DEQ, 2026.

¹⁸ See *ibid.*

IV. Environmental Justice Community Assessment (“EJCA”)

To determine the applicability of this guidance to a proposed project, an applicant should first review the definition of the “Projects of Concern” term in Section II. If the proposed project does not meet that definition, then this guidance does not apply. Nonetheless, applicants not subject to this guidance may still choose to reference and follow this guidance.

If the proposed project meets the Project of Concern definition, the applicant should then assess whether the proposed project is located, in whole or in part, in one or more environmental justice communities, using the Virginia EJScreen+ tool. For ease of reference, DEQ will refer to this assessment as the environmental justice community assessment (“EJCA”). Permit applicants should refer to Attachment 1, which provides a visual flowchart of this (and other) steps discussed in this guidance, and Attachment 2 for a checklist. If the potential impacts from the proposed Project of Concern could affect additional environmental justice census block group(s), for example, census block groups immediately adjacent¹⁹ to the Project of Concern’s fenceline, then the applicant should also include those potentially impacted communities in the EJCA.

As discussed in Section III, DEQ developed the Virginia EJScreen+, which will assist applicants in conducting the EJCA. To ensure consistency, applicants should use the Virginia EJScreen+ to conduct the EJCA. Applicants may choose to supplement the results of the EJCA conducted using the Virginia EJScreen+ with the results of door-to-door community assessments or similar “on the ground” surveys. In addition, applicants should also review local environmental justice strategies,²⁰ if they are available, or any other publicly available information about environmental justice communities provided by local authorities.

Applicants should thoroughly document the assessment results and include them with their permit application submitted to DEQ. Once received, DEQ permitting staff will communicate these results to the Office of Environmental Justice (“OEJ”) staff. DEQ will make the assessment results available to the public. If the information is not submitted to DEQ, DEQ’s OEJ or permitting staff will follow up with the applicant to ensure submittal and will document instances of non-submittal for the permit record. The application may be considered incomplete in instances of non-submittal.

When the EJCA results in a determination that the Project of Concern is proposed in an environmental justice community, or that the potential impacts could affect other environmental justice communities, the applicant should proceed to assess cumulative impacts, as discussed in

¹⁹ DEQ believes that including additional environmental justice census block groups, for example immediately adjacent environmental justice communities, in the EJCA will capture any potential fenceline communities, if they are present, as that term is defined in VEJA.

²⁰ See § 15.2-2223.6 of the Code of Virginia, which requires that beginning July 1, 2026, each city with a population greater than 20,000 and each county with a population greater than 100,000 shall, during the next scheduled and all subsequent reviews of its comprehensive plan, consider adopting an environmental justice strategy. The environmental justice strategy shall, among other items, identify each environmental justice community and fenceline community within the local planning commission's jurisdiction.

Section V; provide mitigation, if needed, as discussed in Section VI; and provide meaningful involvement, as discussed in Section VII.

V. Cumulative Impact Assessment (“CIA”)

This section of the guidance addresses how to assess cumulative impacts from Projects of Concern proposed in environmental justice communities.²¹ Applicants should refer to Attachment 1, which provides a visual flowchart of this (and other) steps discussed in this guidance, and Attachment 2 for a checklist. The assessment of cumulative impacts (“CIA”) is a multi-media assessment and includes stressor screening and comprehensive assessment stages.

Stressor Screening

The CIA begins with a screening of the impact of environmental stressors on environmental justice and non-environmental justice communities. In other words, the purpose of this stage is to benchmark how current residents are exposed to air, water, and land pollution. To assist applicants in conducting this stage of the CIA, DEQ will develop the screening information, which will include developing an impact value for each environmental stressor in every census block group in Virginia and making other calculations as described below. DEQ will make this screening information available to applicants and the public through the Virginia EJScreen+. DEQ is committed to developing and making this information available to the public to ensure there is a standardized way to screen for environmental exposures.

The applicant will be able to access a stressor summary generated by the Virginia EJScreen+ for each environmental justice community potentially affected by the proposed Project of Concern. An example of a stressor summary is provided in **Figure 2 – Stressor Summary**; the stressor summary is provided for illustrative purposes only.²² The generated stressor summary will include the following information:

1. **Stressor** – the indicator of environmental pollution to be assessed. There are five stressors: ground-level ozone, fine particulate matter (PM_{2.5}), VPDES outfalls, solid waste facilities, and hazardous waste facilities. See the definition of environmental stressors in Section II.
2. **Block Group Value** – the impact value for each stressor in the community under consideration.
3. **State Median** – the median impact value of all non-environmental justice census block groups in Virginia for each stressor.
4. **Locality Median** – the median impact value of all non-environmental justice census block groups in the locality where the community under consideration is located for each stressor.

²¹ Applicants should follow the same process if, as part of the EJCA, they identified other environmental justice census block groups, including those immediately adjacent to Projects of Concern, that may be potentially impacted.

²² The final format may be improved for clarity once DEQ develops the screening information.

5. **Geographic Point of Comparison (“GPC”)** – the lower (**most protective**) of either the State Median or Locality Median for each stressor.
6. **Negative Stressors** – the column identifying which stressors are “**negative**” in the community under consideration. A stressor is negative if its impact value for the community under consideration **exceeds** the value of the GPC for that stressor.
7. **Combined Stressors Total (“CST”)** – the sum of all negative environmental stressors.
 - a. **Block Group Value - CST** – the CST for the community under consideration.
 - b. **State Median Value - CST** – the median CST of all non-environmental justice census block groups in Virginia.
 - c. **Locality Median Value - CST** – the median CST of all non-environmental justice block groups in the locality where the community under consideration is located.
8. **Geographic Point of Comparison - CST** – the lower (**most protective**) of either the State Median Value - CST or the Locality Median Value - CST.

Result: If the stressor screening indicates that **(i)** the Block Group Value - CST for an environmental justice community under consideration exceeds the Geographic Point of Comparison - CST, or **(ii)** an environmental justice community under consideration has a negative stressor in the same media (air, water, or land) as a permit sought²³ for the proposed Project of Concern, then that environmental justice community **may experience a potential disproportionate share of negative environmental consequences**.

Applicants are encouraged to access stressor summaries from the Virginia EJScreen+ early on, for example during the project siting stage, when various location alternatives are being identified, studied, and selected. This will assist applicants in making informed decisions regarding locations for proposed projects and identifying any need for selecting alternative locations that may be less impactful.

²³ This includes new applications, modifications, and expansions.

Figure 2 - Stressor Summary

STRESSOR SUMMARY					
(all values in this table are for example purposes only)					
Stressor	Block Group Value	State Median	Locality Median	Geographic Point of Comparison	Negative Stressor
Ground-level Ozone	3	2	1	1	Yes ²⁴
Fine Particulate Matter (PM _{2.5})	5	2	2	2	Yes ²⁵
VPDES Outfalls	3	6	5	5	No ²⁶
Solid Waste Facilities	3	1	2	1	Yes ²⁷
Hazardous Waste Facilities	1	2	3	2	No ²⁸
COMBINED STRESSOR TOTAL					
Block Group Value - CST²⁹				3	
State Median Value - CST³⁰				2	
Locality Median Value - CST³¹				1	
Geographic Point of Comparison - CST³²				1	
Cumulative Negative Stressors				Exceeds GPC³³	

²⁴ For the Ground-level Ozone Stressor, the GPC (1) is the lower of the State Median (2) and the Locality Median (1). Because the Block Group Value (3) exceeds the GPC, this is counted as a negative stressor. If the Project of Concern includes an application (new or modification) for an air permit, this negative stressor is one indicator that the environmental justice community may experience a potential disproportionate share of negative environmental consequences.

²⁵ For the Fine Particulate Matter (PM_{2.5}) Stressor, the State Median (2) and the Locality Median (2) are equal, so the GPC is 2. Because the Block Group Value (5) exceeds the GPC, this is counted as a negative stressor. If the Project of Concern includes an application (new or modification) for an air permit, this negative stressor is one indicator that the environmental justice community may experience a potential disproportionate share of negative environmental consequences.

²⁶ For the VPDES Outfalls Stressor, the GPC (5) is the lower of the State Median (6) and the Locality Median (5). Because the Block Group Value (3) does not exceed the GPC, this is not counted as a negative stressor.

²⁷ For the Solid Waste Facilities Stressor, the GPC (1) is the lower of the State Median (1) and the Locality Median (2). Because the Block Group Value (3) exceeds the GPC, this is counted as a negative stressor. If the Project of Concern includes an application (new, expansion, or modification) for a solid waste permit, this negative stressor is one indicator that the environmental justice community may experience a potential disproportionate share of negative environmental consequences.

²⁸ For the Hazardous Waste Facilities Stressor, the GPC (2) is the lower of the State Median (2) and the Locality Median (3). Because the Block Group Value (1) does not exceed the GPC, this is not counted as a negative stressor.

²⁹ The Block Group Value - CST is the sum of negative stressors, or the number of “Yes” values in the Negative Stressor column.

³⁰ State Median Value - CST is calculated by creating a Stressor Summary for all non-environmental justice census block groups in the state, finding the sum of negative stressors (CST) for each of those census block groups, and calculating the median CST value of all non-environmental justice census block groups in the state.

³¹ Locality Median Value - CST is calculated by creating a Stressor Summary for all non-environmental justice census block groups in the locality where the proposed Project of Concern is located, finding the sum of negative stressors (CST) for each of those census block groups, and calculating the median CST value of all non-environmental justice census block groups in the locality.

³² The Geographic Point of Comparison - CST (1) is the lower of the State Median Value - CST (2) and the Locality Median Value - CST (1).

³³ The Block Group Value - CST (3) exceeds the Geographic Point of Comparison - CST (1), which is one indication that this Block Group may experience a disproportionate share of negative environmental consequences.

Comprehensive Assessment

If either (i) the Block Group Value - CST for the environmental justice community under consideration is higher than Geographic Point of Comparison - CST, or (ii) the environmental justice community under consideration has a negative stressor in the same media (air, water, or land) as a permit sought for the proposed Project of Concern, then the applicant should undertake a comprehensive assessment of the Project of Concern's potential contributions to negative environmental stressors, as well as its contributions (if any) to other environmental stressors. In other words, the applicant should conduct a comprehensive assessment of all potential impacts from the Project of Concern, including temporary impacts (such as construction impacts). The applicant can assess both negative and positive potential impacts; it is also possible that some aspects of the Project of Concern may have no measurable impact. The applicant should use appropriate modeling or any other relevant tool to assist it with the detailed assessment of these impacts. Appropriate modeling or other relevant tools may include: calculating the potential-to-emit ("PTE") during maximum/worst-case operating conditions for relevant pollutants (*i.e.*, nitrogen oxides and volatile organic compounds (for ozone) and PM_{2.5}, nitrogen oxides, and sulfur dioxide (for PM_{2.5})), source specific dispersion modeling if appropriate, or other available modeling or methods. Given the CIA's multidisciplinary nature, applicants should ensure that individuals completing the CIA have the necessary skill and training to complete the task. The CIA should include a clear summary of findings and impacts and a conclusion about whether the environmental justice community(ies) may bear a disproportionate share of negative environmental consequences.

If needed, the applicant should develop mitigation measures to reduce negative environmental consequences (see Section VI). As discussed in Section VII, applicants should share their CIA with representatives of potentially impacted environmental justice communities for feedback. If such representatives identify environmental concerns not considered by the applicant in their CIA, the applicant should analyze the Project of Concern's impact on those concerns and identify how, if at all, they can be addressed, and the applicant should provide this information to DEQ.

Applicants should provide their CIA and associated documentation to DEQ with permit applications. DEQ permitting staff will communicate the CIA information to the OEJ staff, and DEQ will then review and concur with the information or work with the applicant to address DEQ's comments. DEQ will make the CIA available to the public. If the applicant makes a material change to the proposed project, they should amend the CIA to reflect the material change, resubmit it to DEQ, and share it with potentially impacted communities. If the applicant is applying or will be applying for more than one Project of Concern permit that may affect the same area, the permit applicant should coordinate the assessment of cumulative impacts into one CIA.

If the information is not submitted to DEQ, DEQ's OEJ or permitting staff will follow up with the applicant to ensure submittal and will document instances of non-submittal for the permit record. Applications may be considered incomplete in instances of non-submittal.

VI. Mitigation

If a comprehensive assessment under Section V of this guidance is warranted, mitigation may be appropriate. Mitigation is a sequential process of avoiding, minimizing, and compensating for negative environmental consequences. Mitigation may be appropriate when the CIA indicates that the Project of Concern will contribute to environmental stressors and as a result an environmental justice community may bear a disproportionate share of negative environmental consequences. DEQ encourages applicants to first seek all appropriate and practicable³⁴ measures to avoid their contributions to environmental stressors, including relocating the proposed Project of Concern, if feasible.³⁵ Where avoidance is not possible, applicants should consider all appropriate and practicable measures to minimize their contributions to environmental stressors. Minimization may include redesigning the proposal. If minimization is not possible, applicants should implement all appropriate and practicable compensation measures, so that environmental justice communities do not experience a disproportionate share of negative environmental consequences.

In developing such avoidance, minimization, and/or compensation measures, applicants may consider the need, purpose, and any benefits of the proposed project, and should consider the feedback and recommendations received from potentially impacted environmental justice communities (see Section VII, Meaningful Involvement). These measures may include, but are not limited to:

- Additional treatment and operational actions to reduce pollutants or impacts beyond regulatory requirements.
- Additional ambient air, receiving stream, or other environmental monitoring to further evaluate potential impacts. This may include installation of fence line monitoring.
- Develop and implement an odor, light, dust, or noise mitigation or management plan, if the proposal has the potential to cause odor, light, dust, or noise beyond its boundary.
- Supplemental environmental projects that provide tangible environmental benefits for the affected communities (*e.g.*, remediation of abandoned sites, planting of trees).
- Community projects to reduce any negative environmental consequences or contribute to any protective environmental factors.
- More frequent inspections such as enhanced compliance scrutiny under the [Risk Based Inspection Strategy](#) for the proposed facility and surrounding permitted facilities. DEQ has the authority to increase the frequency of inspections for existing facilities.

For a project where mitigation is appropriate, DEQ will work with applicants to determine the best way to structure the proposed mitigation strategies. For example, if the applicant agrees to mitigation measures to avoid, minimize, or offset a project's impact on air quality, water quality, or land, which are within DEQ's regulatory authority, those conditions would be included in the

³⁴ "Appropriate and practicable" measures are measures which are appropriate to the scope and degree of those impacts and practicable in terms of cost, existing technology, and logistics, in light of overall project purposes.

³⁵ "Feasible" means a measure reasonably capable of being accomplished by taking into account economic and technological factors.

applicable air, water, or waste permit. These measures would be in addition to standard requirements of the permit and would be enforceable. Alternatively, mitigation measures related to community impacts that fall outside the scope of DEQ air, water, or land permitting regulations could instead be documented through a contractual memorandum of agreement (“MOA”), a community benefit agreement between the applicant and the community, or local zoning processes. For example, an air permit applicant may voluntarily propose a condition committing to conduct air quality monitoring beyond what regulations require, and DEQ could include it as an enforceable permit condition, because it falls within DEQ’s air program regulatory authority. However, a commitment to provide community green space likely falls outside the authority of DEQ’s air program and should therefore be included in an MOA, community benefit agreement, or zoning approval, to be enforceable by its signatories. An MOA or a community benefit agreement may include, among other provisions, an applicant’s commitment to notify community members about incidents at the permitted Projects of Concern (e.g., releases of air pollutants, discharges of water pollutants, explosions, or other similar incidents). DEQ encourages permit applicants to work with communities to develop such beneficial measures.

VII. Meaningful Involvement

This section provides recommended outreach strategies to engage all environmental justice communities that may be impacted by Projects of Concern at three specific stages: 1) pre-application; 2) post-application; and 3) post-permit decision. This section is applicable regardless of the results of the Cumulative Impact Assessment. Applicants should refer to Attachment 1, which provides a visual flowchart of this (and other) steps discussed in this guidance, and Attachment 2 for a checklist.

Applicants should begin outreach early and use communication methods that fit the community needs and the project type. Outreach is not a box to be checked; it must be effective, meaning it should be designed and implemented to actually reach and engage with potentially impacted communities. For example, canvassing a community during daytime, when most people are away from their homes at work, is unlikely to be effective in soliciting community responses unless paired with another effective method. Effective outreach may include, but is not limited to, community meetings, small group or individual meetings, videos, social media, websites, phone or text messages, emails, webinars, mailed notices, surveys, signage, and other forms of communication. Outreach should include reaching out to populations that may be particularly vulnerable (e.g., youth, elders, etc.). For in-person events, virtual options should be provided, if feasible. Written materials should be provided in plain language, to ensure that communities can understand technical information about the proposed Projects of Concern. Major changes and updates to the proposals should be clearly communicated to impacted communities.

Applicants should take a thoughtful and thorough approach to engaging with communities and consider outreach efforts that go beyond the recommendations provided in this guidance. Applicants not subject to this guidance may choose to reference and follow this guidance as community engagement best practices.

A. Public Participation Plan

Applicants should prepare a Public Participation Plan (PPP), to be submitted with the permit application. The PPP should describe both the outreach measures already undertaken and those planned to engage the public. DEQ permitting staff will share the PPP with the OEJ staff. DEQ will review the PPP to evaluate the applicant's efforts to ensure meaningful public involvement and will make the PPP available to the public.

The PPP should document and maintain records of all outreach efforts, including the rationale for selecting particular outreach methods, and any responses received. It should clearly indicate the composition of communities who received outreach (*e.g.*, communities of color, low-income communities, etc.) and provide anonymized characteristics of individuals who received outreach (*e.g.* demographics, place of residence, primary language, etc.), as well as whether communities receiving outreach are defined as urban or rural.

If the PPP is not submitted to DEQ, DEQ's OEJ or permitting staff will follow up with the applicant to ensure submittal and will document instances of non-submittal for the permit record. The application may be considered incomplete in instances of non-submittal.

When updates about applicants' outreach efforts are available, applicants should provide them to DEQ. DEQ permitting staff will share updates with the OEJ staff; the OEJ staff will assist the permitting staff with evaluating the applicants' outreach efforts and their effectiveness.

Upon implementation of this guidance, DEQ will develop standard forms and/or checklists to support applicants in documenting outreach activities, and to assist DEQ in its evaluation process.

B. Individuals with Limited English Proficiency

If more than 10% of the population of the census block group where the Project of Concern is proposed, or of adjacent census block groups, have limited English proficiency, the applicant's outreach methods should also satisfy the needs of these individuals. This may include translating³⁶ a webpage, sign, or mailed notice into other languages, providing interpretation services at in-person or virtual meetings, or translating the application and/or associated documents, if requested by such individuals, before the public comment period ends, to allow an opportunity to provide comments. Applicants should reach out to the applicable locality clerk's office or research the most recent ACS data³⁷ to determine if people in the census block group have limited English proficiency and which languages they speak.

³⁶ When offering a translation or interpretation services, it is acceptable to indicate that any such request must be received 10 business days in advance of any scheduled feedback period (such as a public comment period).

³⁷ For example, American Community Survey Table C16002 Household Language by Household Limited English Speaking Status.

C. Pre-application Stage

Before submitting a Project of Concern application and after conducting the EJCA (see Section IV), applicants should contact local communities to learn more about their concerns and interest in the proposed project and to inform them about the details of the proposed project, DEQ permitting process, and anticipated timelines for the completion of the permitting process.

The applicant's initial outreach should consist of all of the following methods:

1. Provide a **mailed notice**, using U.S. Postal Service first-class mail and certified mail, with the proposed project and contact information to the primary address of any owner and inhabitant of any parcel of real property located³⁸ within one mile from the proposed project (in urban communities) and within up to five miles from the proposed project (in rural communities, depending on the geography³⁹). Include the applicant's contact information and the proposed project address on the notice. This outreach will assist communities and stakeholders to develop a better understanding of the proposal and public participation opportunities.
2. Post **notice flyers** in community spaces (such as community bulletin boards, community centers, libraries, schools, universities, and other public buildings where large numbers of people may gather or pass through, etc.). If practicable, distribute door hangers with the same information in residential areas. Use the one-mile radius for urban communities and up to a five-mile radius for rural communities.
3. Develop a dedicated, public-facing **webpage** for the proposed project that is regularly updated when new information arises during the pre-application, post application, and post-permit stages. Include the web page link on all informational materials about the proposed Project of Concern.
4. Notify the chief elected local official, magisterial district or ward elected official, chief administrative officer, and the planning district commission of the locality where the proposed project is anticipated to be located. The notice should request input on potential locations and venues suitable for hosting sessions to gather community feedback. The applicant should use U.S. Postal Service first-class mail and certified mail.

³⁸ Address information is generally available through the local government's Tax Commissioner's Office or local government's real estate GIS.

³⁹ Applicants may use U.S. Census definitions of urban and rural or may choose other definitions.

5. Hold at least one **informational**,⁴⁰ **listening**,⁴¹ or **working**⁴² **session** to facilitate community feedback, check in with the community as additional information becomes available, and gather information about meeting various community accessibility needs (translation services, time of day for meetings, location, preferred communication or outreach methods, etc.). The sessions should be organized according to community engagement best practices described in this guidance (*e.g.*, scheduling during evening hours, offering virtual options, etc.). Provide at least two calendar weeks' notice in advance of any session. In rural communities, one-on-one or door-to-door meetings may be needed to ensure effective outreach.

Collectively, the applicants' initial outreach methods should provide communities with the following information: **(i)** a statement of the proposed project and its estimated local impact, including the results of the EJCA and the stressor screening; **(ii)** maps (regional and detailed area to scale, with North arrow facing up the vertical side of the paper at a scale that is readable without hardship) showing the location of the proposed project; **(iii)** information regarding specific pollutants and the total quantity of each that may be emitted, discharged, or stored, if known at this stage; **(iv)** information regarding the type, quantity, and source of any inputs to be used (*e.g.*, fuel, raw materials, daily cover, water withdrawals); and **(v)** information regarding where the public can obtain additional details regarding the proposed project.

Depending on the level of local community interest and feedback, applicants may hold additional informational, listening, or working sessions throughout the pendency of the permit application, and continue or initiate other outreach methods.

D. Post-application Stage

The purpose of outreach to communities after a Project of Concern application has been submitted to DEQ is to continue gauging interest in, and concerns about, the proposed project, to share additional information about the CIA if a comprehensive assessment has been conducted, and to engage with communities on the details of proposed mitigation measures (if applicable). Applicants should maintain updated websites, inform communities of updates via previously identified preferred communication methods, and schedule additional meetings, if applicable, to discuss the results of a CIA comprehensive assessment or proposed mitigation measures.

Communications during the post-application stage should include, when feasible, a description of the proposed Project of Concern and details of opportunities for meaningful involvement in decision-making, including discussion of proposed mitigation measures. They should also

⁴⁰ An informational session educates and engages stakeholders on the proposed project with presentations, open dialogue, and questions and answers.

⁴¹ A listening session actively captures the thoughts, concerns, and ideas of stakeholders with minimal response from the applicant, creating a forum for gathering candid community feedback.

⁴² A working session is a forum to discuss concerns about the proposed project and explore potential mitigation solutions.

include the project address, public hearing and meeting details, how public comments can be provided, the applicant's contact information, and where additional information can be found.

All public participation requirements in state laws and regulations should be followed. Notice of upcoming public comment periods, hearings, or meetings (collectively referred to here as public participation opportunities) should be issued in accordance with the permitting requirements initiated by the proposed project. Applicants should regularly check in with their assigned DEQ permit writer to inquire about any requests or plans to schedule public comment periods, hearings, or meetings.

In addition to any notice published by DEQ or the applicant in accordance with applicable regulations, the applicant should also prominently feature information about these public participation opportunities on its website and throughout other outreach communications and materials. The applicant should inform communities about the permitting process and associated timelines for providing comments and participating in public hearings or meetings. Additional outreach should consist of the following methods.

1. Mass Media Notice

In the event that a public participation opportunity does not include a statutory requirement for newspaper or other mass media notice, applicants should publish mass media notice at least 30 calendar days before the public participation opportunity. Such notice should be provided in at least two local newspapers of general circulation (print or online) in a locality where the proposed project is located. If there are no local newspapers, the applicant should make a public announcement for local television and/or radio news channels.

2. Mail Notice

In addition, applicants should mail a notice to the following: **(i)** each public library and place of worship located within one mile of the proposed project (measured at the property's boundary) (in urban communities) and within up to five miles from the proposed project (in rural communities, depending on the geography); **(ii)** each federally recognized Tribal Nation with an interest in the locality where the Project of Concern is located, as identified on the Tribal Contacts layer on the Virginia EJScreen+ and/or information prepared by the Tribal Ombudsman⁴³; and **(iii)** the primary address of any owner and inhabitant of any parcel of real property located within one mile of the proposed project (also measured at the property's boundary) (in urban communities) and within up to five miles from the proposed project (in rural communities, depending on the geography). Applicants should notify the chief elected local official, magisterial or ward chief administrative officer, and the planning district commission of the locality where the proposed project is anticipated to be located. Applicants should use the U.S. Postal Service first-class mail and certified mail and provide the notice 30 calendar days in advance of the public hearing, meeting, or the start of the public comment period.

⁴³ Note that permit applicants may also need to follow the tribal consultation requirements in §10.1-1186.3:1 of the Code of Virginia or other provisions or guidelines; this guidance does not address these requirements.

3. Signage

Applicants should post and maintain a sign at or near the Project of Concern site. For projects that span multiple localities (such as some linear projects), an applicant should post at least one sign in each affected locality. Signs should be placed in highly trafficked areas that are accessible and visible to the public, and should be legible, weather-resistant, and appropriately sized. Signs should include the project name, provide a brief description of the proposed permit, and state where additional information can be obtained (by providing contact information, a website URL, QR code, etc.).

Applicants should document and keep records of all outreach efforts during the post-application stage, the rationale for selecting a particular outreach method, and received responses, and provide this information to DEQ.

E. Post-permit Stage

If a Project of Concern permit is issued, applicants should communicate the permitting decision to the communities that may be impacted by the permit within five calendar days of issuance. The method of communication should be via email or text to contact lists or via any other methods of communication that have been identified during the meaningful involvement process. This communication should include contact information and offer to answer permit-related questions or incorporate community feedback into environmental mitigation, if possible and applicable. Applicants can ask local community organizations to share project information with their email lists and networks. Applicants can use mass texting as well.

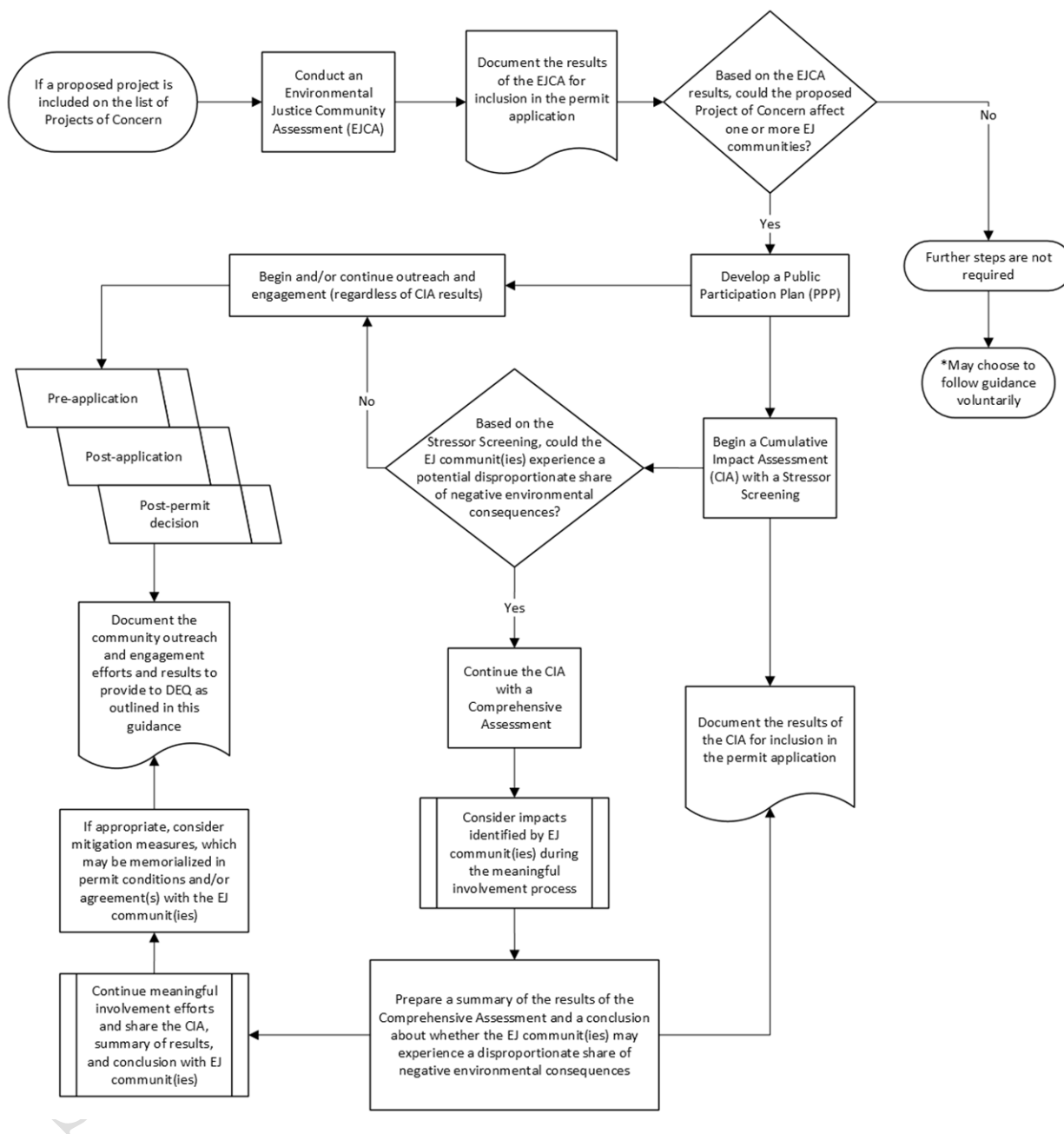
Applicants should document and keep records of all outreach efforts, the rationale for selecting a particular outreach method, and received responses, and provide this information to DEQ within five calendar days of DEQ's request.

VIII. Effective Date

This guidance becomes effective 90 calendar days after publication in the Virginia Register of Regulations or April 1, 2027, whichever is later. This guidance applies to Project of Concern applications submitted on or after the effective date.

Attachment 1

Flowchart of Process for Environmental Justice in Permitting Guidance

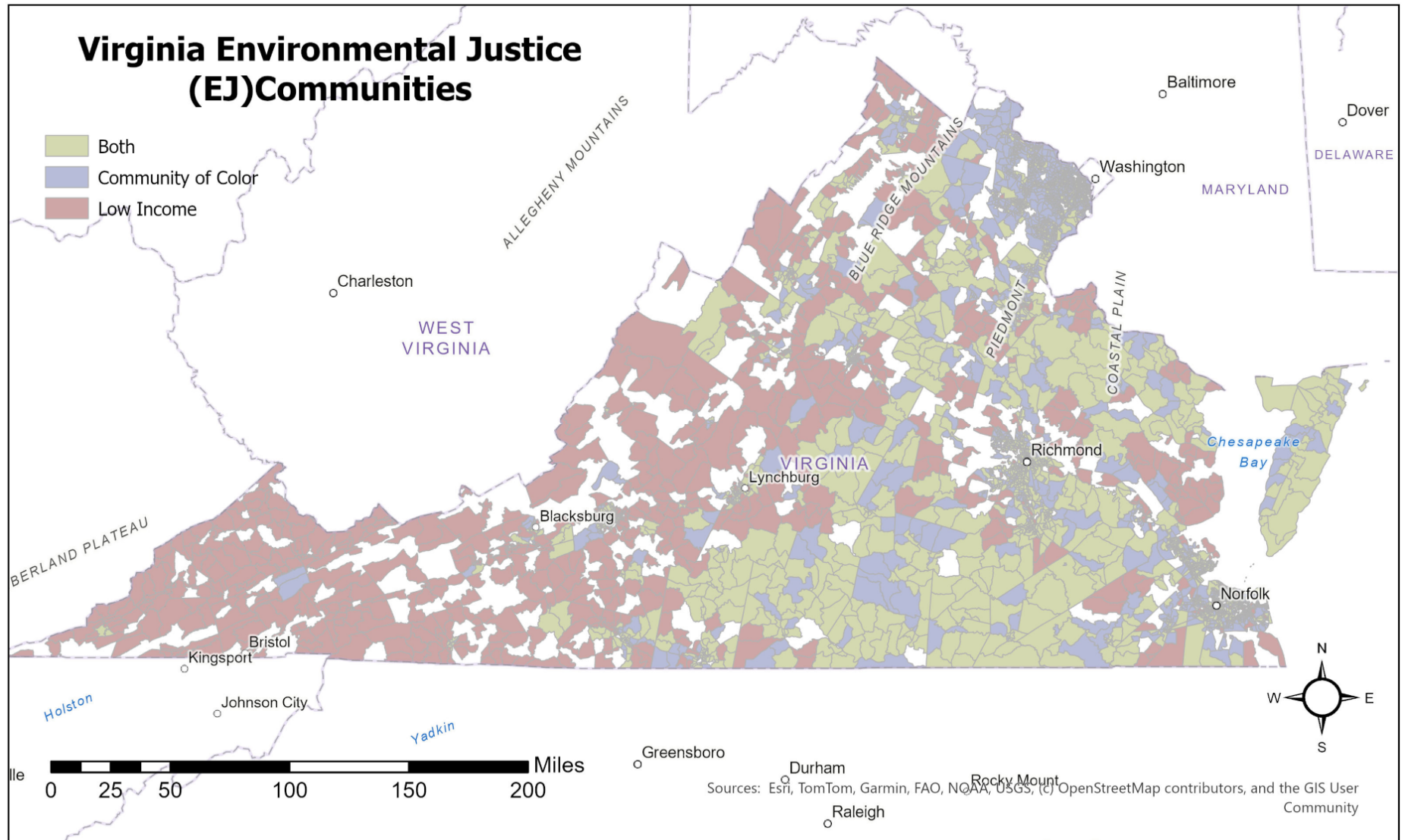


Attachment 2

Applicant Checklist

- ☐ Review the list of Projects of Concern to determine whether this guidance is applicable to the proposed project.
 - ☐ If no, further steps are not required.
 - ☐ If yes, continue with the process outlined in the guidance.
- ☐ Complete an Environmental Justice Community Assessment (EJCA).
 - ☐ If no environmental justice communities are potentially impacted, further steps are not required.
 - ☐ If one or more environmental justice communities are potentially impacted, continue with the process outlined in the guidance.
- ☐ Prepare a Public Participation Plan (PPP) and begin outreach for meaningful involvement in the potentially impacted environmental justice communities.
 - ☐ Determine whether language access will be needed.
 - ☐ Pre-application stage
 - ☐ Mailed notice
 - ☐ Notice flyers in community spaces / door hangers if practicable
 - ☐ Webpage
 - ☐ Community meeting
 - ☐ Notification of locality and Tribal officials
- ☐ Begin a Cumulative Impact Assessment (CIA) with a Stressor Screening. Use the screening to determine whether:
 - (i)** the Block Group Value - CST for the environmental justice community under consideration is higher than the Geographic Point of Comparison - CST, or
 - (ii)** any environmental justice community under consideration has a negative stressor in the same media (air, water, or land) as a permit (new, modification, or expansion) sought for the proposed Project of Concern.
 - ☐ If not, no further Cumulative Impact Assessment is required. Continue with the meaningful involvement process outlined in the guidance.
- ☐ If any environmental justice community does meet criteria **(i)** or **(ii)** above, continue the CIA with a Comprehensive Assessment of all potential impacts from the proposed project.
- ☐ Consider mitigation options, if the CIA indicates that an environmental justice community may bear a disproportionate share of negative environmental consequences.
- ☐ Provide the PPP and CIA to DEQ with the permit application.
- ☐ Follow guidelines for meaningful involvement in the post-application stage
 - ☐ Mass media notice
 - ☐ Mail notice
 - ☐ Signage
- ☐ Communicate the permitting decision, within five calendar days, to communities that may be impacted

Attachment 3



The map is current as of September 23, 2026. Due to the map scale, it is not possible to see details in more densely populated areas with smaller census block groups, because the census block group boundary lines (in gray) are so close together. For an up-to-date, interactive version of the map, visit the [Virginia EJSreen+](#) to view those areas in more detail.