

GEORGIA

How Does Georgia Define Environmental Justice and Environmental Justice Communities?

Environmental Justice Definitions:

Georgia has adopted the EPA's definitions as they relate to environmental justice.

Georgia Environmental Justice Act of 2021 (Proposed HB 432) was introduced in February and would create an environmental justice commission, provide for consideration of environmental justice in the development of targeted ZIP codes and consideration of environmental justice under GEPA.

Environmental Justice Mapping Tools:

N/A.

How Does Georgia Consider Environmental Justice in its Substantive Actions¹?

Environmental Justice as a Policy of the Environmental Agency or Across All Agencies:

N/A.

Consideration of Environmental Justice in Permitting:

Georgia has regulatory criteria for Nonpoint Source Implementation Grants (awarded by the EPA under Section 319(h) of the Clean Water Act). It states that additional priority will be given to projects that “[d]emonstrate environmental benefits beyond addressing NPS impairments. These benefits may include but are not limited to: *environmental justice*, protection of healthy streams, air quality, water conservation, energy conservation, stream flow profile, habitat connectivity, and others.”²

Georgia also has limitations on the number of solid waste facilities which may be permitted within any given area.³

Consideration of Environmental Justice in Enforcement:

N/A.

Consideration of Environmental Justice in Land Use:

N/A.

¹ Substantive is defined as governing the original rights and obligations of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/substantive_law (last visited June 28, 2022).

² Ga. Comp. R. & Regs. 391-3-21-.07 (emphasis added).

³ Ga. Code Ann. § 12-8-25.4.

State Environmental Policy Act “Mini-NEPA”:

Georgia has a Mini-NEPA statute—the Georgia Environmental Policy Act (GEPA).⁴ GEPA requires that a responsible official of any “government agency shall determine if a proposed governmental action⁵ is a proposed governmental action which may significantly adversely affect the quality of the environment.⁶ If the responsible official determines that the proposed governmental action is a proposed governmental action which may significantly adversely affect the quality of the environment, the government agency responsible for such project shall prepare an environmental effects report”⁷ It also has provisions for public hearings and comment⁸ and contains exemptions for certain public roads and airports.⁹ The federal Council on Environmental Quality has published a memo comparing GEPA with NEPA.¹⁰

Dedicated Funding to Environmental Justice Communities:

N/A.

⁴ Ga. Code Ann. §§ 12-16-1–12-16-23.

⁵ “‘Proposed governmental action’ means any proposed land-disturbing activity by a government agency or funded by a grant from a government agency, any proposed sale or exchange of more than five acres of state owned land, or any proposed harvesting of five acres or more of trees over two inches in diameter at breast height, but the term proposed governmental action does not include, among other things, the following:

(A) Any action or undertaking of a nongovernmental entity, even if that action or undertaking requires a permit, license, or other approval by a government agency;

(B) Any action or undertaking of a municipality, a county, or an authority of a municipality or county, unless more than 50 percent of the total cost is funded by a grant of a government agency or a grant of more than \$250,000.00 is made by a government agency;

(C) The permitting or licensing by a government agency of an action or undertaking;

(D) The promulgation and implementation of rules and regulations by a government agency;

(E) The sale of bonds by a government agency or any program of loans funded by the sale of bonds by a government agency; or

(F) Litigation decisions made by a government agency.” Ga. Code Ann. § 12-16-3.

⁶ “A proposed governmental action which may significantly adversely affect the quality of the environment’ means a project proposed to be undertaken by a government agency or agencies, for which it is probable to expect a significant adverse impact on the natural environment, including the state’s air, land, water, plants, animals, historical sites or buildings, or cultural resources. Such actions shall not include: (A) emergency measures undertaken in response to an immediate threat to public health or safety; or (B) activities in which government agency participation is ministerial in nature, involving no exercise of discretion on the part of the government agency.” Ga. Code Ann. § 12-16-3.

⁷ Ga. Code Ann. § 12-16-4.

⁸ Ga. Code Ann. § 12-16-5.

⁹ Ga. Code Ann. § 12-16-9.

¹⁰ Memorandum, CEQ, Introducing Federal National Environmental Policy Act Practitioners to the Georgia Environmental Policy Act (Nov. 23, 2015), *available at* https://ceq.doe.gov/docs/laws-regulations/state_information/GA_NEPA_Comparison_23Nov2015.pdf; See also Ballotpedia, *State environmental policy acts*, https://ballotpedia.org/State_environmental_policy_acts (last visited July 15, 2022).

Consideration of Cumulative Impacts:

Georgia has considerations of cumulative impacts for Landfill Design and Operations,¹¹ Surface Water Withdrawals,¹² and Coastal Marshlands Buffer Variance Procedures and Criteria.¹³

Prohibitions on Disparate Impact Discrimination:

N/A.

Established Environmental Rights:

N/A.

How Does Georgia Address Environmental Justice in its Procedures¹⁴?

Environmental Justice as Part of Environmental Agency's Mission:

N/A.

Environmental Justice as Part of Other Agency's Mission:

N/A.

Processes and Procedures (including Title VI):

- Non-Discrimination Policy:

N/A.

- Grievance Procedures:

N/A.

- Enhanced Public Participation and Information Access:

- Ga. Code Ann. § 12-8-26. Public meetings with respect to site selection
- Ga. Code Ann. § 12-8-31. State solid waste management plan.¹⁵

¹¹ Ga. Comp. R. & Regs. 391-3-4-.07.

¹² Ga. Comp. R. & Regs. 391-3-6-.07.

¹³ Ga. Comp. R. & Regs. 391-3-7-.11.

¹⁴ Procedural is defined as rules and the methods used to ensure the rights of individuals. Cornell L. Sch., LII, *Wex Legal Encyclopedia*, https://www.law.cornell.edu/wex/procedural_law (last visited June 28, 2022).

¹⁵ This law might have some environmental justice implications in that it mandates that: "Any solid waste disposal facility which is operated exclusively by a private solid waste generator on property owned by the private solid waste generator for the purpose of accepting solid waste exclusively from the private solid waste generator so long as the operation of the solid waste disposal facility does not adversely affect the public health or the environment." Ga. Code Ann. § 12-8-31.1.

- Ga. Code Ann. § 12-8-32. Permits for regional facilities; procedures and negotiation.
- Ga. Code Ann. § 12-9-15. Administrative and judicial review.
- Ga. Code Ann. § 32-2-3. Duty of department to develop long range transportation plans; approval of plan; rules and regulations.
- Ga. Code Ann. § 36-66-4. “A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action.”
- Ga. Code Ann. § 50-8-7.1. Assisting Governor in planning; establishing minimum standards and procedures for coordinated and comprehensive planning; supervising regional development centers; mediating conflicts.
- Ga. Code Ann. § 50-13-3. Adoption of rules; public inspection; availability of rules, orders and decisions effective when published; sanction.
- Ga. Code Ann. § 50-14-1 Meetings of departments, agencies, boards, etc., to be open to public; notice of meetings and agenda.
- Ga. Code Ann. § 50-8-3 (Creating the Department of Community Affairs for the purpose of serving “developing, promoting, sustaining, and assisting local governments, by developing, promoting, and establishing standards and procedures for coordinated and comprehensive planning, by assisting local governments to participate in an orderly process for coordinated and comprehensive planning, and by assisting local governments to prepare and implement comprehensive plans which will develop and promote the essential public interests of the state and its citizens.”).
 - Regulations promulgated under this law require community participation in the planning process. Ga. Comp. R. & Regs. 110-12-1-.02.
- Ga. Comp. R. & Regs. 391-3-6-.26. Water Quality Control: Notice and Public Participation.
- Ga. Comp. R. & Regs. 391-1-3-.01. Public Participation In Enforcement of Environmental Statutes.
- Ga. Comp. R. & Regs. 391-1-1-.05. Procedure to Petition for Adoption of Rules.
- Ga. Comp. R. & Regs. 391-3-4-.03. Solid Waste Management Public Participation.
- Ga. Comp. R. & Regs. 391-3-5-.32. Public Notification for Safe Drinking Water.
- Ga. Comp. R. & Regs. 391-3-6-.26. Notice and Public Participation for Water Quality Control.

- Ga. Comp. R. & Regs. 391-3-11-.14. Public Participation in Hazardous Waste Management.
- Ga. Comp. R. & Regs. 391-3-6-.02. Water Quality Control.
- Ga. Comp. R. & Regs. 391-3-1-.03. Air Quality Control Permits.
- Language Access:
 - Georgia Department of Community Affairs [Language Access Plan](#).
- Consultation with Indigenous Communities and Tribal Nations:

N/A.

Governmental Environmental Justice Structures, Positions, and Funding Streams:

- Environmental Justice Coordinating Agency:

N/A.
- Environmental Justice Coordinator:
 - Georgia's Dept. of Transportation plan calls for a Title VI/Environmental Justice Specialist.¹⁶
- Environmental Justice Advisory Board:

N/A.
- Funding for Environmental Justice:
 - Nonpoint Source Implementation Grants¹⁷
 - The Railroad-Related Emission Reductions Program targets “switcher locomotives operated in “the Atlanta ‘urban core’ counties.”¹⁸
 - For other environmental grants, see: <https://epd.georgia.gov/outreach/grants>.

Additional Georgia Environmental Justice Provisions?

¹⁶ GDOT, 2021 TITLE VI PROGRAM PLAN, at pp.9-10 (2019) <http://www.dot.ga.gov/PartnerSmart/TitleVI/Title%20VI%20Program%20Plan%202021.pdf> (last visited June 30, 2022).

¹⁷ Ga. Comp. R. & Regs. 391-3-21-.07.

¹⁸ Ga. Comp. R. & Regs. 391-3-21-.14.

The Transportation Improvement Program (“TIP”) is administered by the Georgia Regional Transportation Authority (“GRTA”) and includes fiscal, land use, and environmental considerations as part of its agenda.¹⁹

Cities like Atlanta and Gainesville have environmental justice policies and other organizations, like Fulton County, have an Environmental Justice Initiative. The Fulton County Environmental Justice Initiative has led the 2013 Environmental Justice Amendment to the Zoning Resolution, the 2014 Pipeline Amendment to the Zoning Resolution, and the addition of environmental justice content explicitly written in Fulton County’s Comprehensive Plan 2035 in 2016. Similarly, Atlanta created a BeltLine Environmental Justice policy. Revitalization efforts undertaken in the City of Atlanta are among the largest, most wide-ranging urban redevelopment and mobility projects currently underway in the United States.²⁰ Located along old freight rail right-of-ways, the Atlanta Beltline project is projected to clean up some 1,100 acres of contaminated industrial properties and repurpose these sites for public utilization. Through the creation of this 22-mile loop corridor, ABI’s objective is to protect human health and the environment by reducing the negative and disproportionate impacts of ABI’s activities upon overburdened communities.

According to GreenLaw, the Georgia Lead Poisoning Prevention Act of 1994 “was enacted to provide training and licensing requirements for persons performing lead hazard reduction activities, as well as to provide a mechanism to control children’s exposure to lead hazards.”²¹

Georgia has regulatory provisions regarding the state's Greenspace Program - the purpose of which is to “promote the permanent protection as greenspace of at least 20 percent of each eligible county's geographic area.”²² To develop such a program, a county must provide notice to the Greenspace Commission. The notice should state, in part, that the county has scheduled a public meeting and has invited “nongovernmental organizations that are active within the county and that are concerned with: conservation, alternative transportation, historic preservation; outdoor recreation, and environmental justice; business and industry; or civic and neighborhood issues.”²³

Georgia Environmental Justice Contacts?

N/A.

¹⁹ Environmental justice is part of project assessment criteria. Atlanta Regional Commission, *The ARC TIP Project Evaluation Framework “The Project Evaluation Cookbook”*, <https://documents.atlantaregional.com/transportation/projsolicitation/2019/ProjEvalDoc2019.pdf> (last visited June 28, 2022).

²⁰ Atlanta BeltLine, *Atlanta BeltLine Environmental Justice Policy*, <https://beltline.org/wp-content/uploads/2012/09/Atlanta-BeltLine-Environmental-Justice-Policy.pdf> (last visited June 28, 2022)..

²¹ Ga. Code Ann. §§ 31-41-1–31-41-19.

²² Ga. Comp. R. & Regs. 391-1-4-.03.

²³ Ga. Comp. R. & Regs. 391-1-4-.10 (emphasis added).

Where to Find Georgia Environmental Justice Laws, Policies, and Tools?

Constitutional Provisions:

N/A.

Executive Orders:

N/A.

Legislation and Statutes:

See above under “*Processes and Procedures (including Title VI); Enhanced Public Participation and Information Access.*”

Regulations:

See above under “*Processes and Procedures (including Title VI); Enhanced Public Participation and Information Access.*”

Policies/Guidance:

N/A.

Mapping Tools:

N/A.

Other:

N/A.