



## MATERIALS MANAGEMENT DIVISION POLICY AND PROCEDURE

### MMD-111-35 – Hazardous Waste Limited English Proficiency

Effective Date: January 21, 2025

#### ISSUE

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The Materials Management Division (MMD) implements public participation in licensing and corrective action activities for hazardous waste facilities under Part 111, Hazardous Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 111), and the administrative rules promulgated thereunder. The goal of public participation during these activities is to provide opportunities for early and meaningful community participation and access to vital information. This policy and procedure outlines steps for identifying LEP populations and recommending translation and interpretation services to allow for meaningful participation in our licensing and corrective action activities.

#### DEFINITIONS

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**Environmental Justice (EJ)** – The equitable treatment and meaningful involvement of all people, regardless of race, color, national origin, ability, or income is critical to the development and application of laws, regulations, and policies that affect the environment, as well as the places people live, work, play, worship, and learn.

**Limited English Proficient Individuals** – Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other types of communication (e.g., reading or writing.)

**Meaningful Access** – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes reasonable efforts to provide language assistance services to ensure that LEP individuals have substantially equal access to EGLE programs and activities.

**Vital Document** – Paper or electronic material that is critical for meaningful access to the EGLE, MMD, HWS hazardous waste facility operating license program. The MMD will consider the following documents “vital” and will post these vital documents on the EGLE website with necessary translations: license application review timeline, public meeting and public hearing notices, fact sheets, notices of final decision, and responsiveness summaries.

## **POLICY**

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The MMD is committed to providing LEP individuals with the opportunity to meaningfully participate in the licensing and corrective action activities for hazardous waste facilities, and rulemaking by identifying and providing translation and interpretation services. The MMD will follow the EGLE LEP which establishes department wide guidance to provide LEP individuals with meaningful access to EGLE program. The MMD implements these LEP Plan principles and integrates by using the US EPA EJScreen tool to conduct a LEP analysis by establishing an Assessment Zone around the hazardous waste facility or area of interest. The EPA EJScreen tool is used in place of MiEJScreen to screen for LEP populations with more stringent thresholds. Based on the population of LEP individuals in the Assessment Zone, the MMD will make a recommendation for translation and interpretation services for dominant non-English language(s). Vital documents will be translated and oral translation, in the identified language(s) provided at public meetings. (Table 1).

## **PROCEDURE**

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EGLE's LEP Plan provides meaningful access to LEP individuals by removing barriers, improving customer service, and providing high-quality communications for linguistically diverse audiences. The LEP Plan uses a fact-dependent four-factor analysis to proactively determine the need for language services for items such as public meetings, public hearings, and outreach information:

1. *Number or proportion of LEP individuals in Michigan eligible to be served or encounter EGLE services.* The U.S. Census Bureau has four classifications of how well people speak English: "very well", "well", "not well", and "not at all". EGLE considers individuals who speak English less than "very well" as LEP.
2. *The frequency with which LEP individuals encounter an EGLE program, activity, or service.* The need for enhanced language services is based on the frequency of staff contact with a language group, how often people with LEP seek services, and the type of language services needed.
3. *The nature and importance of EGLE program, activity, or service to the LEP population.* EGLE considers whether the denial or delay of meaningful access to programs, activities, services, or information in the area could have immediate or severe impacts on LEP individuals.
4. *The resources available to EGLE and the overall cost to provide LEP assistance.* EGLE considers the level of resources and costs to provide languages services; when cost concerns limit the ability to provide services, EGLE explores other options to ensure meaningful access for LEP individuals.

**Table 1. LEP Analysis Procedures**

Step	Who	Does What
1.	Project Manager and Permitting Compliance Analyst (PCA)	Discuss facility location, prior knowledge of nearby LEP populations/languages, any relevant information, and the timeframe in which the analysis will need to be completed.
2.	PCA	Launch the current version of EPA Environmental Justice Screening and Mapping Tool. Each census tract will be outlined in gray.
3.	PCA	<p>Under the 'Maps' tab, select 'Compare to State' and 'Socioeconomic Indicators'. Select 'Limited English Speaking.'</p> <ul style="list-style-type: none"> <li>• Census tracts with a darker color have more LEP persons in the area.</li> <li>• Census tracts with no shading are less than the state's 50<sup>th</sup> percentile for limited English speaking.</li> </ul>
4.	PCA	<p>Enter the facility address in the search bar to navigate to the facility's location. Under the 'Reports' tab, select 'Draw an Area', and draw a polygon of the facility perimeter. A window will pop up, entitled 'EJ Screen Reports and Charts.' Enter the buffer distance that was established in the EJ Screen.</p> <ul style="list-style-type: none"> <li>• The address and facility map can be found in the application or plan.</li> </ul>
5.	PCA	<p>Click each shaded census tract outside of the buffer distance that the radius partially covers. If the 'Percent limited English speaking' for any one census tract is more than 2%, the state average, then increase the buffer distance by clicking the outlined facility and changing the buffer distance to 1.5-miles. Repeat as necessary in 0.5-mile increments; the maximum buffer distance around the facility for this procedure is 3-miles.</p> <ul style="list-style-type: none"> <li>• The radius may be increased by 0.5-mile increments due to factors such as community interest, high concern, community input, prior knowledge of LEP populations, and high population density near the facility. <ul style="list-style-type: none"> <li>○ To assess high population density on EPA EJScreen tool, click the 'Tools' tab and select 'Additional Demographics.' Change the Category to Population and the Variable to Population Density (per sq. mile). Click add to map. The transparency for this layer can be increased to see an overlay of the assessment zone. The darkest purple census tracts (&lt;7,969 population density per sq. mile) will be considered areas of high population density. If there</li> </ul> </li> </ul>

Step	Who	Does What
		<p>are any dark purple census tract that are partially covered by the buffer zone, the buffer distance may be increased in 0.5-mile increments up a 3-mile radius.</p> <ul style="list-style-type: none"> <li>○ The established buffer distance will be the Assessment Zone that will be used to assess translation needs for LEP individuals.</li> </ul>
6.	PCA	Once the Assessment Zone has been established, click on the outlined facility and select 'Socioeconomic (ACS) Report.' This will generate an EJSCREEN ACS Summary Report of the Assessment Zone.
7.	PCA	Navigate to 'Population Age 5+ Years by Ability to Speak English' section on page 2. EGLE will consider individuals who speak English less than "very well" as LEP.
8.	PCA	<p>If the ACS Estimates for populations speaking English less than "very well" is over the state average for persons with LEP (2%) or 500 individuals are persons with LEP, whichever is less, MMD will recommend translated versions of vital documents.</p> <p>If both criteria are below the threshold, the MMD will recommend translated versions of vital documents upon request.</p>
9.	PCA	<p>Navigate to page 3 of the report to the 'Population by Language Spoken at Home.' HWS will recommend written translation for the dominant non-English language in the Assessment Zone and others upon request.</p> <p>If there is a dominant unspecified language or is not a predominate non-English language(s) used in the community, MMD will use the Enhanced Public Participation procedures in coordination with community members in the Assessment Zone which non-English language(s), if any, will be subject to written translation.</p>
10.	PCA	Return to the EJScreen tool. Click on the outlined facility and select 'EJScreen Community Report.' This will produce a report consisting of a map of the facility and assessment zone, environmental, and socioeconomic information for the defined area, and languages spoken.

## LINKS TO ADDITIONAL INFORMATION

- [EGLE Limited English Proficiency Plan](#)
- [U.S. EPA's Environmental Justice Screening and Mapping Tool](#)
- [1994 PA 451, Natural Resources and Environmental Protection Act, Part 111 Hazardous Waste Management](#)
- [Hazardous Waste Management Administrative Rules](#)
- [MMD-111-33 – Processing Hazardous Waste Operating License Applications](#)
- [MMD-113-36 – Hazardous Waste Enhanced Public Engagement](#)

## APPROVING AUTHORITY

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Elizabeth M. Browne, Director  
Materials Management Division

## HISTORY

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**Table 2. Historical Changes**

Policy No.	Action	Date	Title
MMD-111-35	Original	11/27/2024	Limited English Proficiency Procedures
MMD-111-35	Reviewed	1/21/2025	Hazardous Waste Limited English Proficiency

## CONTACT / UPDATE RESPONSIBILITY

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Any questions or concerns regarding this policy and procedure should be directed to Kimberly M. Tyson, Manager, Hazardous Waste Section at [TysonK@Michigan.gov](mailto:TysonK@Michigan.gov) or 517-388-2797.

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