

United States
Environmental Protection
Agency

Office of Solid Waste and
Emergency Response
Washington, DC 20460

OSWER 9200.3-20
PB95-963239
EPA540/R-95/058 ✓
May 1995



Waste Programs Environmental Justice Accomplishments Report Executive Summary



Waste Programs Environmental Justice Accomplishments Report Executive Summary

U.S. Environmental Protection Agency
Region 5, Library (PL-12J)
77 West Jackson Boulevard, 12th Floor
Chicago, IL 60604-3590

Table of Contents

Introduction	1
Title VI of the Civil Rights Act	2
Health, Cumulative Risk, Synergistic Effects, and Multiple Pathways	2
Geographic Information System (GIS)	3
Outreach, Communications, and Partnerships	4
Economic Redevelopment, Jobs, and Worker Training	7
Contracts, Grants, and Labor	8
Federal Interagency Cooperation	9
Native American/Tribal Issues	10
Internal Training, Organization, and Program Implementation	13
Resource Conservation and Recovery Act (RCRA)	13
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund	14
Oil Pollution Act (OPA)	15
Underground Storage Tanks (USTs)	16
Chemical Emergency Preparedness and Prevention	17
Federal Facilities	18

INTRODUCTION

Over the last decade, several studies have indicated that minority and low-income communities often bear a disproportionate level of the environmental and health effects of pollution. On February 11, 1994, President Clinton signed Executive Order 12898 which focuses Federal agencies' attention on the environmental justice issue. Then, on April 25, 1994, the Office of Solid Waste and Emergency Response (OSWER) issued the "OSWER Environmental Justice Task Force Draft Final Report." This report launched a major effort to address environmental justice concerns in the Environmental Protection Agency's (EPA's) waste programs. It consists of a series of action-oriented recommendations encompassing all waste program areas. Based on the recommendations, Headquarters and the Regions developed implementation plans in June 1994. While work on the final report (titled the "OSWER Environmental Justice Action Agenda" and being released concurrently with this report) was progressing, implementation of many of the April 1994 recommendations was ongoing.

This Executive Summary provides a synopsis of the major areas of progress and accomplishments of EPA Headquarters and Regions to address environmental justice in the waste programs. Over the last year, special emphasis has been given to several very important areas. Increasing public participation and stakeholder involvement is one area that received special emphasis. Such initiatives as Superfund community advisory groups (CAGs), Federal facility restoration advisory boards (RABs), the Resource Conservation and Recovery Act (RCRA) proposed public participation rule, increased assistance to and involvement of Native Americans, and OSWER's cooperative partnership with the National Environmental Justice Advisory Council (NEJAC) are giving local communities a greater voice in waste program activities.

Interagency cooperation and partnerships are also being emphasized because environmental justice issues often cut across jurisdictional boundaries. Interagency efforts include medical assistance to communities in coordination with the Department of Health and Human Services (HHS); lead abatement in housing near Superfund sites with the Department of Housing and Urban Development (HUD); increased opportunities for jobs at waste cleanup sites with the Department of Labor (DOL), and a variety of cooperative initiatives with State and local governments.

Many projects are making use of state-of-the-art computer technology to better understand the total community surrounding waste sites and facilities. The Geographic Information System (GIS), LandView, and Computer Aided Management of Emergency Operations (CAMEO) are computer data systems which overlay demographic, environmental, geographic, and contaminant release information to better understand total impacts on communities. Every Region is increasing its use of one or more of the systems.

Many of the communities where waste sites are located need revitalization. The EPA brownfields initiative will help put abandoned land back into productive use. Many initiatives are underway to help small and disadvantaged businesses get their fair share of Federal contract dollars. The Regions and Headquarters are also working to train and increase the hiring rate of laborers from the communities where the cleanups are occurring.

This Executive Summary provides highlights of these and other important initiatives which support environmental justice. Many additional efforts are covered in the "Waste

Programs Environmental Accomplishments Report,” which is being released concurrently with this report. It provides a detailed recounting of all major activities to date, including milestones and contacts.

Title VI of the Civil Rights Act

Title VI of the 1964 Civil Rights Act generally requires that Federally-financed programs or activities be implemented in a non-discriminatory manner. OSWER programs administer a variety of grants and cooperative agreements that provide EPA financial assistance for State and local programs. Under EPA’s implementing regulations, recipients and applicants are required to assure compliance with Title VI in order to receive financial assistance. EPA program offices and Regions are working to respond to discrimination complaints with the Office of Civil Rights (OCR), Office of General Counsel (OGC), the Department of Justice (DOJ), and other EPA offices and Federal agencies.

Guidance Document on Title VI Environmental Justice Issues

The Office of Solid Waste (OSW) is working with OCR and OGC to produce a guidance document for the EPA Regions to use in addressing Title VI environmental justice issues related to the RCRA program. The guidance document will describe Title VI requirements, outline available options within RCRA statutory authority to prevent and respond to environmental justice concerns in permitting decisions, describe the response that Regions should take in response to a Title VI complaint, and discuss Headquarters and Regional responses to the loss of a Title VI complaint.

Health, Cumulative Risk, Synergistic Effects, and Multiple Pathways

Cumulative risks, synergistic effects, and multiple pathways that affect the health of individuals may be the result of exposures to single or multiple contaminants from one or more sources. OSWER and other Agency programs have generally considered site-specific risks without considering current exposure to other (non-site specific) pollution sources. In conjunction with environmental justice initiatives, EPA is supporting Agency-wide efforts to coordinate and develop scientifically valid standards for measuring cumulative risk, synergistic effects, and multiple pathways. Specific activities include conducting environmental risk studies in communities where there are environmental justice concerns.

Medical Assistance Pilots

EPA, in coordination with the Public Health Service (PHS), has developed Medical Assistance Plans (MAPs) to respond to the health concerns of communities. Such health concerns include improving delivery of existing medical services to communities with potential exposures to hazardous substances and building environmental health expertise in communities through physician training and placement. MAPs are currently being implemented at the Del Amo/Montrose Superfund site, the Tucson Airport Superfund site, and the Old Reichold Superfund site by various PHS agencies in cooperation with EPA, State and local health departments, local health care providers, and members of communities living near hazardous waste sites.

Environmental Risk Studies of Chester, Pennsylvania, and South/Southwest Philadelphia

Region 3 initiated a major study of environmental risk potentially affecting the health of residents of Chester, Pennsylvania. Participants in the study include the Pennsylvania Department of Environmental Protection, Delaware County, Chester County, and the community. The final study is presently undergoing an internal peer review. In order to explore cumulative risk issues, Region 3 is also funding a study of South/Southwest Philadelphia through a grant to Johns Hopkins University. The grant includes significant involvement from local community groups.

Assessment of Cumulative Risk to Native Americans on the Columbia River

Region 10 risk assessors are participating in an assessment of cumulative risk to Native Americans on the Columbia River. The data from this assessment will be used to define exposure limits for all Regional actions.

Study of Polychlorinated Biphenyls (PCBs) and the St. Regis Mohawk Tribe

The Agency for Toxic Substances and Disease Registry (ATSDR), in coordination with Region 2, began a study of the St. Regis Mohawk Tribe to evaluate potential health effects resulting from exposure to PCBs. The report will be titled "PCBs from Toxic Waste in a Population of Native Americans."

Geographic Information System (GIS)

The Agency is increasingly using GIS to identify communities with environmental justice concerns. Using GIS, EPA can access spatially referenced databases of demographic and economic information, and sources of pollution. EPA analysts can then identify geographic areas where sources of pollution appear to have a disproportionate effect on minority, low-income, and educationally disadvantaged populations.

Site Discovery

Sites in areas with minority or low-income populations that warrant Federal attention may not be identified because potential Superfund sites are discovered and referred to EPA by local governments, State agencies, and citizens. EPA is using GIS to conduct an active site discovery program to achieve early identification of sites in areas of environmental justice concerns. Regions 4 and 8 are making extensive use of GIS maps, tax maps, aerial maps, and other sources to define areas needing assessment. Region 3 site assessment and GIS personnel generated GIS maps depicting minority and poverty distributions for all Superfund Accelerated Cleanup Model (SACM) sites. Region 3 subsequently amended its policies and procedures for site investigations to include the generation of GIS demographic maps.

Identification of Potential Environmental Justice Areas in New Jersey and New York

Region 2 completed pilot studies using GIS to demographically map New Jersey and New York for population density, ethnicity, and income. Region 2 incorporated the

study data into the Region's GIS and generated Regional demographic maps of the two States. The Region can combine the demographic information from the studies with other program health-risk data.

Identification of Counties with Potential Environmental Justice Concerns

Region 7 conducted a screening, using GIS in conjunction with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Information System (CERCLIS), the RCRA Information System (RCRIS), and other demographic information to identify counties with a high co-occurrence of minority and/or low-income population, and RCRIS/CERCLIS listings. As a result, the Region selected St. Louis and St. Louis County as an environmental justice pilot area for more intensive scrutiny.

Outreach, Communications, and Partnerships

OSWER and the Regions are using several strategies to enhance and promote outreach, communications, and partnerships for communities likely to have environmental justice concerns.

OSWER Policies Require Environmental Justice Consideration

OSWER developed a directive entitled "Integration of Environmental Justice Into OSWER Policy, Guidance, and Regulatory Development." The directive requires the consideration of environmental justice in the development of all OSWER policies, guidances, and regulations, including meaningful input from stakeholders at critical points.

Training For Low-Income and Minority Workers

OSWER is working with the National Institute of Environmental Health Sciences (NIEHS) to develop health and safety training for communities with environmental justice concerns. EPA and NIEHS held a technical workshop in Cleveland, Ohio, in January 1995 to examine model programs for training residents. Also, Region 5 is developing a pilot project to provide a two-week summer training course for teachers in the southeast Chicago area to address environmental justice concerns.

OSWER Speeches

In a continuing effort to build, promote, and maintain an open dialogue with the public on environmental justice issues, OSWER senior management accepts numerous speaking engagements and establishes lines of communications with a diverse group of stakeholders (e.g., the National Association of Attorney Generals, the National Religious Partnership for the Environment, and the National Tribal Conference on Environmental Justice).

OSWER Coordination With NEJAC Subcommittee

OSWER has worked closely with the NEJAC Subcommittee on Waste and Facility Siting to implement the OSWER Environmental Justice Task Force's recommendations. Also, the Subcommittee provided extensive review and comment on the

“OSWER Environmental Justice Task Force Draft Strategy.” Many of these comments were incorporated into the revised OSWER strategy, now called the “Environmental Justice Action Agenda.” OSWER continues to work with the Subcommittee to address public health issues, facility siting issues, and economic redevelopment and brownfields issues in impacted communities.

OSWER and NAACP Cooperation

OSWER and the National Association for the Advancement of Colored People (NAACP) are examining the perceived health effects of inactive and uncontrolled waste sites on certain racially and economically disadvantaged communities. OSWER has been conducting interviews with affected community residents to obtain their perceptions of the health effects and risks of these sites. Information collected will enable the 2,200 branches of the NAACP to empower local communities for meaningful participation in environmental decision-making.

Community Advisory Groups (CAGs)

EPA is encouraging the formation of CAGs to address community concerns, expectations, and environmental justice issues for the cleanup and future use of sites. CAGs are a crucial part of the Superfund program’s environmental justice implementation plan because they promote early, direct, and meaningful public involvement in the Superfund cleanup process. OSWER and the Regions identified pilot CAGs for potential environmental justice sites. In addition, OERR developed draft CAG guidance that is currently undergoing Regional review. Examples of CAG activities include:

- Region 1 established and interacts extensively with CAGs at two Superfund sites with environmental justice concerns: New Bedford, Massachusetts, and Pine Street Canal, Vermont. EPA meets with community members at both sites bi-weekly.
- In Region 2, a CAG was formed at the Diamond Alkali Superfund site, which has potential environmental justice concerns. At the CAG’s request, the Region obtained guest speakers on EPA’s dioxin reassessment work, a copy of New Jersey’s completed epidemiological work in the area, the Newark Bay seafood consumption advisories, and information on Region 2’s Harbor Estuary program. The Region generated and distributed two trilingual fact sheets on the Diamond Alkali Superfund site to the community. In addition, the Region held a special site visit and roundtable discussion for members of the Ironbound Committee Against Toxic Wastes, a local advocacy group.
- Region 4 selected two pilot CAGs with environmental justice concerns at the Chattanooga Creek, Tennessee, and the Escambia Treatment Plant, Pensacola, Florida, sites. The Region is also working closely with the Hazardous Substances Research Center/South & Southwest to develop the Technical Outreach Services for Communities program and to provide training workshops to communities on technical aspects of environmental pollution.
- Region 6 conducted workshops and open houses to assist the community at the Agriculture Street Landfill site in New Orleans, Louisiana, to form a CAG. The Region is coordinating this effort with economic redevelopment initiatives in the area.

- Region 7 identified the Oronogo-Dunweg Superfund site as its pilot CAG site after screening several Superfund sites with environmental justice concerns. The community around this site consists of a predominantly low-income population. The Region is currently selecting CAG members.

Environmental Education Grants

Region 5 established environmental education grants to educate communities on local environmental issues. Regional environmental justice contacts and community relations coordinators promote this grants program so that institutions conducting environmental justice related activities can compete for these funds. For example, Region 5 conducted an environmental grants writing workshop for 200 Chicago Public School faculty members.

Underground Storage Tank (UST) Guidance for Environmental Justice

Headquarters issued a fact sheet on environmental justice to State UST and leaking underground storage tank (LUST) managers. This fact sheet defines environmental justice, explains what EPA is doing to address the issue, and discusses how UST programs can address environmental justice concerns.

Expanded Public Participation at a RCRA Site

Region 2 identified the Squibb site located in Humacao, Puerto Rico, as the first RCRA site with environmental justice concerns that will undergo improved and expanded public participation procedures. Bilingual communication will continue to be used.

Urban Environmental Initiative in Baltimore, Maryland

Region 3 is conducting the Urban Environmental Initiative in cooperation with the City of Baltimore and the Maryland Department of the Environment to identify areas of disproportionate risk in Baltimore City and to initiate community activities. The initiative supports pollution prevention, risk reduction, public awareness, and other environmental activities in environmental justice areas within Baltimore City. The team identified seven short-term action areas: lead contamination, hazardous materials incidents, consumption of contaminated fish from Baltimore Harbor, air toxics, ground-level ozone, hazardous levels of radon, and indoor air pollution. Approximately 150 lead-dust cleaning kits have been distributed to citizens who received training on how to use them. The team has committed 1,400 of a total of 2,500 kits for distribution to trained community members. Additionally, the team submitted grant proposals for fish-consumption studies, the creation of an ozone map, hazardous materials incidents studies, and indoor air studies. The long-term track is designed to gather comprehensive data to identify environmental justice areas.

Lead Abatement Program

The Superfund program is working with HUD, EPA Regional On-Scene Coordinators (OSCs), and Remedial Project Managers (RPMs) to identify sites located near low-income or minority housing. These sites may be eligible for HUD lead abatement grants. HUD is providing information to OSCs and RPMs on how to apply for these

grants. Because there are few regulatory options and mechanisms for funding lead paint cleanup, this initiative may help address this problem in housing near some Superfund sites. EPA is developing final guidance on indoor lead paint cleanups at Superfund sites funded with HUD lead abatement grants.

Economic Redevelopment, Jobs, and Worker Training

Economic redevelopment opportunities are being examined to ensure that they complement environmental justice initiatives in communities with environmental justice concerns. Economic redevelopment efforts are increasingly blocked by uncertainty about future tort, third-party, and Superfund, RCRA, and UST liabilities, as well as uncertainty about costs, cleanup standards, and time involved in cleanup. This phenomenon is termed the "brownfields" dilemma and EPA is examining ways to address the needs of communities suffering from the adverse economic effects of contaminated sites.

Brownfields Economic Redevelopment Initiative

OSWER expanded its emphasis on community involvement in environmental justice communities through the Brownfields Economic Redevelopment Initiative. Specific items in the Brownfields Initiative Action Agenda include awarding fifty Brownfields Economic Redevelopment Pilots during 1995 and 1996, working with Empowerment Zones and Enterprise Communities (EZ/EC), and building partnerships with key stakeholders to gain their input and advice. OSWER and NEJAC will co-sponsor public forums in five cities across the country. The purpose of the forums is to solicit input from the environmental justice community on the Brownfields Initiative and to develop strategies for integrating community involvement into the Brownfields Initiative.

Training and Education of Brownfield Communities

OSWER is working with the DOL to develop the local workforce at Brownfields pilot sites. In other efforts, OSWER is working with NIEHS to implement a series of national pilots designed to test a range of strategies for the recruitment and training of inner-city youth.

In addition, OSWER funded and organized the EPA-Morgan State University Summer Environmental Teacher's Institute to recruit and inform teachers from schools located near Superfund sites about environmental issues and concerns. At the second Teacher's Institute in Baltimore, Maryland, OSWER's special recruitment efforts resulted in over half of the participating teachers being people of color. Furthermore, OSWER established partnerships with community colleges in Cleveland, Ohio; Bridgeport, Connecticut; and Richmond, Virginia.

Minority Worker Training Grants

OSWER worked with NIEHS to solicit grant applications for partnerships in establishing a new minority worker training program. The program will focus on support-

ing the inclusion of young people of color in environmental restoration activities. Applications are currently being reviewed.

Laborers Hired at Bunker Hill Site

Under the removal program, a U.S. Army Corps of Engineers subcontractor hired 19 local workers out of a total of 26 that lived in the community near the Bunker Hill Superfund site.

Contracts, Grants, and Labor

Communities throughout the nation indicate that EPA should facilitate employment opportunities for local labor to reduce the economic and social stigma of waste facilities. It is the policy of the Federal government that a fair proportion of government contracts and subcontracts be placed with small and disadvantaged businesses. OSWER and the Regions are working to provide incentives to use local labor in communities where there are environmental justice concerns.

Mentor-Protege Program

Region 6 is working with the Office of Small and Disadvantaged Businesses Utilization (OSDBU) to fully implement the Mentor-Protege program that is being piloted in the Superfund Response Action Contracts (RACs). The program is designed to stimulate the participation of small and disadvantaged businesses in EPA contracts by fostering long-term relationships between large contractors and small and disadvantaged businesses.

Set-Aside Contracts

More than 12 million dollars has been awarded to minority business enterprises in Region 4. Acquisition plans were established that emphasize the use of small and disadvantaged businesses, both as prime contractors and subcontractors. The use of such businesses addresses environmental justice concerns by allowing socially and economically disadvantaged small business concerns to obtain contracts. Also, Region 4 implemented set-aside contracts under Section 8(a) of the Small Business Act which authorizes subcontracting to "socially and economically disadvantaged small business concerns." Section 8(a) businesses were awarded an Enforcement Support Services (ESS) contract and a Regional Oversight Contract (ROC).

Increase the Use of Local and Small Disadvantaged Businesses

Regions 6 and 10 undertook several efforts to increase the use of local and small and disadvantaged businesses.

- The Alternative Remedial Contracting Strategies (ARCS) Performance Evaluation Board (PEB) considered the success of the contractors in meeting the goals for subcontracting to small and disadvantaged businesses (as well as minority- and women-owned businesses) in the award fee recommendations.
- The Superfund removal program worked with the State of Idaho and the local employment office in Silver Valley, Idaho, to provide health and safety training to local citizens interested in hazardous waste work.

- EPA and Idaho are currently working on the development of a local contractor's list. The contractor's list will be given to prime contractors to be used in notifying local contractors of bid opportunities for cleanup work.
- Region 6 piloted a seminar in New Orleans which brought together several Federal agencies, EPA prime contractors, and training vendors/providers in one room and made them directly available to potential disadvantaged and minority contractors for networking and information sharing on government subcontracting opportunities. Several subcontracts were awarded as a result of the seminar. The next seminar is tentatively planned for Albuquerque, New Mexico.

Grants Training and Workshop Forum

Region 10 held a Grants Training and Workshop Forum on December 1, 1994, to present Federal, State, county, and city funding opportunities for urban and rural community groups, including non-profit organizations, Tribal governments, churches, and educational institutions. EPA also discussed the requirements for filling out grant application forms and demonstrated how to prepare a proposal.

Encourage Groups in Low-Income Areas to Promote Recycling

Region 2 began activities to target grant funds to encourage groups in low-income areas to promote recycling and source reduction/pollution prevention. The efforts include informing low-income community organizations of the availability of limited Federal grant money to promote recycling and source reduction/pollution prevention.

Federal Interagency Cooperation

EPA works with many Federal agencies to protect human health and the environment. Some of these agencies include ATSDR, HHS, the Center for Disease Control (CDC), DOJ, NIEHS, HUD, the Department of Agriculture (USDA), the Department of Interior (DOI), and agencies that own or operate facilities regulated by OSWER. After the issuance of the President's Environmental Justice Executive Order, the Federal government is increasing its emphasis on interagency cooperation with various projects and studies to address environmental justice concerns.

Outreach Training with AmeriCorps Volunteers

Region 10 is participating in an interagency education and outreach effort with AmeriCorps volunteers. The EPA-Alaska AmeriCorps project targets volunteers to identify and resolve solid/hazardous waste and water issues at the local level. Thirteen of the 15 trainees were Native Alaskans representing their own villages. Region 10 provides technical assistance on an as-needed basis. Key personnel of Native Alaskan organizations, the Alaska education system, the Alaska Department of Environmental Conservation, and EPA conduct the training.

Federal Field Workgroup to Address Sanitation Issues in Rural Alaska

Region 10 has initiated a large interagency effort to address minority concerns in rural Alaska. The Region 10 Hazardous Waste Division serves as lead agency for the

Federal Field Workgroup (FFW) to identify and solve severe sanitation issues in rural Alaska. The interagency group is composed of representatives from Federal and State agencies including the U.S. Army Corps of Engineers; the Departments of Commerce, Education, Transportation, Labor, and HUD; the Indian Health Service (IHS); the Bureau of Indian Affairs (BIA); the Alaska Departments of Community and Regional Affairs, and Environmental Conservation; the Alaska Area Native Health Association; the University of Alaska; and other concerned agencies. In addition, FFW completed a draft report on Alaskan rural sanitation in March 1995. The report has been submitted to the Office of Management and Budget (OMB) for final clearance before submission to the U.S. Congress.

Community Assistance Panels (CAPs)

Region 6 participates in ATSDR's Minority Health program by collaborating with ATSDR on CAPs which provide health information to minority and disadvantaged communities located near Superfund sites. EPA and ATSDR established CAPs at several sites, including the RSR Smelter (a.k.a. West Dallas Lead) site which is located near public housing units. Region 6 will continue to participate in CAPs to identify and explore ways to deliver health services and information to minority and disadvantaged communities potentially exposed to hazardous waste contamination.

Native American/Tribal Issues

The unique legal status of Indian Tribe governments requires EPA-wide and OSWER-wide coordination. There is an extensive EPA-wide initiative underway to strengthen Tribal environmental programs and address environmental justice concerns. EPA is currently examining ways to develop and provide additional resources and technical assistance for Tribal environmental protection.

Technical Assistance for RCRA Activities.

OSW appropriated a fiscal year 1994 budget of \$505,000 to provide technical assistance for RCRA activities on Indian lands. Funds are used to support Headquarters and Regional Indian activities such as training and outreach, meeting support, regulatory development, direct grants to the Tribes, and the circuit rider program.

- Regions 5, 6, 9, and 10 held Regional Tribal meetings supported by Headquarters funding. Regional staff work with Tribes to develop agendas and secure speakers at these meetings.
- The "Native American Network" and other Tribal-specific publications are designed and disseminated by Headquarters and Regional staff to provide "user-friendly" information on grant availability, rules and regulations, and other RCRA-related activities.
- Regions 4 and 6 are providing technical assistance to Indian Tribes for the RCRA Subtitle D (solid waste) program. Region 4 funded several ongoing solid waste management projects for Tribes. Region 6 and Headquarters hosted a "regionalization" conference in Albuquerque, New Mexico, to demonstrate the advantages gained by entering into cooperative agreements (CAs) between Tribes

and municipalities. CAs can increase populations served and thereby reduce per capita costs.

- Region 10 designated an Indian Coordinator to increase technical assistance to Indian Tribes for the RCRA program. The RCRA program sent speakers to give presentations on solid waste, toxics reduction, and composting, at a technical conference in Oregon for Tribes. Two other well-attended Tribal conferences with EPA and Tribal leaders were held, one in Alaska and another in Washington.

Technical Assistance for Superfund Activities

The Office of Emergency and Remedial Response (OERR) oversees implementation of the Superfund program and initiated several projects with Indian Tribes to address environmental justice concerns in the program.

- OERR established Tribal Site Discovery Cooperative Agreements to identify previously undiscovered hazardous waste sites. OERR selected the Seneca Nation (Region 2) and the Navajo Nation (Region 9) as pilots for this effort.
- Region 8 sent letters to each Indian Tribe in the Region to inform them about the status of sites in the CERCLIS and how to request information on any potential sites on their lands.
- OERR conducted a variety of training activities designed to build response capacity of Indian Tribes including a Response Agreements Seminar held in Region 10, an Emergency Response Workshop with Native American components held in August 1994, and the development of a local government reimbursement module for Native Americans in the "First Responders" training.
- OERR is completing a survey of sites tracked through the CERCLIS on or near Indian lands.
- Region 6 developed and funded Indian-lead Superfund programs that allow Indian Tribes to interact directly in the Superfund decision-making process. The Seminole Nation of Oklahoma is receiving technical expertise and skills to investigate and resolve potential hazardous waste sites on Seminole Nation lands through a Superfund multi-site Cooperative Agreement. A separate Cherokee Nation multimedia grant helped support a multi-Tribal site discovery program that has identified three potential sites on Seminole lands.

Technical Assistance for USTs

Several Regions are providing technical assistance for the management of USTs to Tribes.

- The Region 2 Administrator met with leaders of the St. Regis Mohawk Tribe. The Region is providing technical assistance to the St. Regis Mohawk Office of Environmental Affairs to establish local programs for USTs and solid waste landfills.
- Region 6 is providing assistance to the Santa Clara Indian Pueblo in determining the extent of contamination from a LUST on Pueblo lands within the City of Espanola, New Mexico.
- Region 8 assisted State and Tribal enforcement programs in complying with UST leak detection requirements by taking direct Federal action both on and off Indian

lands. Region 8 conducted over 100 leak detection inspections, jointly with Tribal and State authorities, and issued 48 field citations at facilities on these lands.

Technical Assistance for Chemical Emergencies

Several Regions are providing technical assistance in chemical emergency prevention and preparedness to Indian Tribes.

- Region 8 began extensive efforts to disseminate information on emergency response activities to areas with environmental justice concerns. Specific activities included:
 - Sending letters to 28 Federally recognized Indian Tribes to offer assistance in training, outreach, and exercises in emergency response training;
 - Conducting several hazardous materials training courses at the “awareness” and “operations” levels for Indian Tribes in South Dakota and Montana;
 - Holding a short-term peer exchange work session on emergency planning and response in Kanab, Utah, for Indian Tribes in Utah and Arizona; and
 - Holding a Tribal environmental summit in Rapid City; which included a presentation on preparedness and prevention for all Indian Tribes in Region 8.
- Region 10 is working with the Colville Indian Tribe and nearby counties on emergency preparedness. A \$10,000 EPA grant funded a cross-border workshop and vulnerability analysis study.

Technical Assistance for Multi-Media Environmental Management

Region 2 is providing technical assistance and identifying appropriate mechanisms for multi-media environmental management program support to Indian Tribes. Region 2 provided grants to the Seneca, Mohawk, and Oneida Nations. In addition, Region 2 established an Indian Workgroup consisting of representatives from the Air, Water, Superfund, Wetlands, and Radon programs to jointly explore mechanisms for assistance to Tribal governments.

Indian Tribal Involvement at Federal Facilities

Region 10 involved the Confederated Tribes of the Umatilla Reservation, the Confederated Tribes and Bands of the Yakima Indian Nation, and the Nez Perce Tribe in the cleanup decision and oversight at the Department of Energy (DOE) Hanford Site.

Second National Tribal Conference on Environmental Management

OSW sponsored the Second National Tribal Conference on Environmental Management in fiscal year 1994. OSW Indian program staff and the Indian Coordinator from OERR provided extensive support to the Cherokee staff throughout the pre-conference and conference periods. Nearly 450 participants attended the conference.

Technical Assistance through Interagency Agreements and Circuit Riders

Regions 7, 9, and 10 are providing solid waste, hazardous waste, and UST technical assistance to Indian Tribes through the use of interagency agreements (IAGs) and circuit rider positions. These activities are being coordinated with the BIA and IHS.

Internal Training, Organization, and Program Implementation

OSWER and Regional Environmental Justice Training

OSWER and the Regions are initiating efforts to develop training, awareness, and education for waste program personnel. Efforts include developing a new training module on environmental justice for OERR's community relations training, a new module for the CERCLA Education Center (by the Technology Innovation Office (TIO)), development of Regional environmental justice training plans, and developing training modules to provide RCRA staff with a common understanding of environmental justice issues.

OSWER Environmental Justice Steering Committee

OSWER formed the Steering Committee to oversee progress towards implementing environmental justice in waste programs and to resolve major issues that occur during implementation of the recommendations contained in the "OSWER Environmental Justice Task Force Draft Strategy." The Steering Committee is chaired by the Deputy Assistant Administrator of OSWER and is composed of senior managers and experienced staff from each OSWER program office. The Steering Committee has been meeting every month since June 1994.

OSWER Environmental Justice Action Agenda

The "OSWER Environmental Justice Action Agenda" provides a concise summary of OSWER's strategy and describes an implementation process for ensuring that major environmental justice issues continue to be recognized and addressed. The Agenda represents OSWER's commitment to implement the objectives of Executive Order 12898. Implementation plans written by the OSWER program offices and the ten Regional offices are an integral part of the "OSWER Environmental Justice Action Agenda."

Resource Conservation and Recovery Act (RCRA)

OSW oversees the RCRA program and is supporting a variety of environmental justice initiatives. Many of these activities, such as technical assistance to Indian Tribes, are also being managed at the Regional level and are discussed in other sections of this report. Specific initiatives being conducted at OSW Headquarters include the following activities.

GIS Applications for Environmental Justice

OSW has developed the Decision Support System (DSS) jointly with the Environmental Monitoring Systems Laboratory in Las Vegas (EMSL-LV). This fully functional GIS can estimate population density for geographic areas where sources of pollution appear to have a disproportionately high and adverse health or environmental effect on minority or low-income populations.

RCRA Permitting Process

OSW proposed a public participation rule on June 2, 1994, entitled "RCRA Expanded Public Participation and Revisions to Combustion Permitting Procedures," that will expand public involvement opportunities and address environmental justice concerns during the RCRA permitting process. One goal of the rule is to encourage earlier, more meaningful public involvement and to allow the public to be informed of potential facility operations prior to permit submittal.

RCRA Implementation Plan (RIP)

The RCRA program incorporated an environmental justice section in the fiscal year 1995 RIP that addresses Title VI of the Civil Rights Act, siting of RCRA facilities, public participation in siting and permitting decisions, and corrective action. The fiscal year 1996 RIP will incorporate environmental justice concepts into the individual programmatic sections of the plan.

RCRA Siting Workgroup

In order to review policy options related to siting of RCRA hazardous waste facilities, OSW recently created a RCRA Siting Workgroup. The Workgroup evaluated technical issues related to the potential risk posed in various geographic locations as well as environmental justice issues raised by RCRA facility siting. The workgroup met with State officials and with members of NEJAC to discuss environmental concerns and potential solutions.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or Superfund

OERR oversees implementation of the Superfund program and initiated site assessment, site screening, interagency workgroups and National Priorities List (NPL) characterization studies, and other projects to address environmental justice concerns in the program.

Site Assessment

A common concern among environmental justice communities is that many potential hazardous waste sites within their communities are undiscovered and unaddressed.

- OERR solicited proposals from the Regional offices and research community to conduct a variety of site assessment pilots, including assistance to two Tribes, and is evaluating the proposals.

- Region 6 employed a number of strategies to address community concerns during site assessment at several Superfund sites. These include establishing a satellite office or information repository near the site; distributing fact sheets; conducting door-to-door surveys and results presentation; partnering with other Federal, State, and local agencies; and holding open houses. Region 6 identified open houses and door-to-door surveys as the two most successful strategies.

Site Screening

Region 5 is using environmental justice concerns as a qualifier in the site screening/criteria model to assist in establishing priorities within the Region's Superfund program. In addition, Site Assessment Teams (SATs) and the Regional Decision Team (RDT) routinely factor environmental justice concerns into their assessments and decisions.

Interagency Working Groups

Many environmental justice concerns raised at Superfund sites are beyond the scope of the program's responsibilities. Therefore, in January 1995, OERR sent a memo to the Regions requesting pilots for interagency working groups.

NPL Characterization

Using an internal statistical and demographic analysis of NPL sites, OERR is evaluating whether sites in minority and/or low-income communities are cleaned up as quickly, or have remedies as protective as non-minority or high-income sites. GIS technology, the LandView software package, and 1990 census data are being used to categorize demographic and median income characteristics of populations living around these sites.

Oil Pollution Act Outreach

OERR completed the pilot phase of a survey of oil storage facilities to identify the types and characteristics of oil storage facilities most likely to be located in poor or minority communities.

Worker Training

OERR is exploring ways to employ residents around certain sites in actual cleanup activities and has met with HUD and HHS to coordinate efforts with the STEP-UP apprenticeship program to determine if a similar apprenticeship program can be modeled for site cleanup.

Oil Pollution Act (OPA)

The Oil Pollution program regulates prevention and response activities at facilities that discharge oil. The universe of regulated facilities is large and diverse, with facilities located throughout the country in large cities, suburbs, Indian lands, and remote areas. A disproportionate share of oil storage facilities, and thus contamination, may be in or near communities with potential environmental justice concerns. The Oil Pollution program is working to ensure that environmental justice concerns are addressed through statistical surveys and inspections.

Statistical Survey

The Oil Pollution program is conducting a statistical survey of approximately 30,000 oil storage facilities across the nation. The program plans to combine the survey results with county census data to identify the types and characteristics of oil storage facilities most likely to be located in poor or minority areas. EPA began distribution of the survey to facilities in the fall of 1994 and will continue survey activities through 1995.

Census Data Analysis

Region 7 analyzed census data and identified the high priority counties that may have environmental justice concerns. The list of oil pollution facilities needing inspections has been prioritized against the census data.

Inspections and Enforcement Activities in Communities with Environmental Justice Concerns

Several Regions are targeting inspections and enforcement activities in communities with environmental justice concerns.

- Region 1's Environmental Justice Enforcement Plan intends to triple the number of inspections in areas with environmental justice concerns. The Region has completed six inspections in the States of Connecticut and Rhode Island.
- Region 2 conducted 19 inspections under the Spill Prevention Control and Countermeasures (SPCC) program in areas with environmental justice concerns. The Region conducted four of these inspections as part of the consolidated multi-media efforts. The SPCC program is planning to conduct 200 inspections by the end of this fiscal year, and is targeting facilities located in communities with environmental justice concerns. These areas include Newark and Camden, New Jersey, and New York City, New York.

Underground Storage Tanks (USTs)

The Office of Underground Storage Tanks (OUST) works to prevent leaks and spills of USTs, monitor tanks for leaks and spills, correct problems created by newly discovered leaks and spills, and ensure that owners and operators of USTs can pay for problems created by leaking tanks. The UST program is largely decentralized to the States.

Considering Environmental Justice in Priority-Ranking Systems

OUST issued a revised "State UST Program Grant Guidance" to encourage States to consider environmental justice as a qualitative factor in priority-ranking systems for State-lead cleanup and enforcement activities. As a result of this guidance, Region 3 has included language in all of their grants and cooperative agreements with States for fiscal year 1995.

Grants to the National Association of Minority Contractors

OUST awarded a grant of \$100,000 to the National Association of Minority Contractors to train and certify minority contractors in the removal, installation, monitoring,

and leak detection of USTs. This grant will allow for approximately 90 contractors to be trained during three sessions in fiscal year 1995. Approximately 450 contractors have been trained over the last five years.

Investigation of USTs at Environmental Justice Sites

EPA Headquarters and Region 5 were informed that there were several USTs located at the Winton Terrace Public Housing Complex, a HUD building managed by the Cincinnati Metropolitan Housing Authority. In response, EPA conducted an investigation and discovered that 30 USTs present at the site were not covered by EPA or Ohio's regulations. As of March 1995, 13 USTs have been removed.

Enforcement of UST Regulations in Communities with Environmental Justice Concerns

As part of an ongoing effort to encourage States to enforce UST regulations in environmental justice communities, Region 3 targeted 11 facilities with USTs in the cities of Chester and Marcus Hook, Pennsylvania, for inspection during the summer of 1994. Violators were issued on-the-spot field citations with penalty amounts ranging from \$300 to \$700.

Chemical Emergency Preparedness and Prevention

The Chemical Emergency Preparedness and Prevention Office (CEPPO) works to reduce the risks from accidental releases of hazardous materials, develops and maintains strategies to respond to emergencies involving hazardous materials, and improves the capabilities of State, Tribal, and local governments for preparedness, prevention, and emergency response. States, communities, and Indian Tribes use information from facilities to develop comprehensive emergency plans through State Emergency Response Commissions (SERCs), Local Emergency Response Committees (LERCs), and Tribal Emergency Response Committees (TERCs).

Environmental Justice Representatives on LEPCs

Region 6 sponsored a State-wide conference in Texas for Local Emergency Planning Committees (LEPCs), held near the industrialized corridor, that brought together Regional experts in the fields of toxicology, hazard analysis, and emergency response procedures. The purpose of the conference was to address the broad needs of LEPCs, including the integration of environmental justice representatives into their membership.

Use of Chemical Safety Audits to Promote Environmental Justice

Regions 1, 3, 6, 7, and 9 incorporated environmental justice checklist items into their chemical safety audit programs to ensure that the concerns of affected communities are addressed.

- Region 1 conducted a full-scale chemical safety audit at a minority-owned small business in Belmont, Massachusetts. Regional specialists provided recommendations to prevent the inadvertent mixing of acids and cyanide solutions that release

toxic hydrogen cyanide gas. These recommendations, which included information on safety criteria and environmental regulations, proved to be of economic benefit to the company.

- Region 3 fully incorporated its environmental justice checklist items into its chemical safety audit program. Region 3 staff conducted a small-scale safety audit as a pilot for the environmental justice checklist in conjunction with the Chester Initiative that addresses long-term environmental exposures and risks.
- Region 6 can only conduct four chemical safety audits per year, although 2,000 facilities are eligible. Audit specialists now use Region 6 environmental justice criteria, which is based on U.S. census data, as an additional factor for selection of facilities for audits.
- By analyzing U.S. Census socio-economic data, Region 7 determined the counties with the highest density of minority and economically disadvantaged populations in the Region. By overlaying the location of facilities that are candidates for chemical safety audits, Region 7 staff targeted audits at facilities that may have environmental justice concerns.
- Region 9 is studying modifications to its chemical safety audit program to include audits in communities with environmental justice concerns.

Development of CAMEO/LandView Software

EPA is using CAMEO and LandView software capabilities to identify areas with environmental justice concerns. CAMEO is designed for use in emergency planning and response and LandView is a CD-ROM reference that combines maps with demographic data, economic census data, and data from EPA facility databases. CEPPO is training the Regions, and the Regions will train States and local groups in its application. CEPPO is currently examining the most appropriate ways to deliver the system to communities with environmental justice concerns.

- Region 1 conducted CAMEO training to create a cadre of certified CAMEO-DOS instructors in New England. The new instructors are scheduling CAMEO courses over the next fiscal year.
- Region 2 is developing a pilot environmental justice outreach strategy and training module that demonstrates LandView to LEPCs and community groups and explains community right-to-know information.
- Region 5 staff are working on a pilot project to apply LandView at several sites. Region 5 has been mapping locations in two counties on the Mississippi River to learn whether facilities are concentrated in areas of environmental justice concern.

Federal Facilities

Federal facilities must comply with CERCLA requirements to the same extent as private facilities. EPA is working to ensure that environmental justice concerns are addressed for communities located near Federal facilities. Many of these efforts complement other environmental initiatives to increase community involvement and use GIS applications to identify communities with environmental justice concerns.

Restoration Advisory Boards (RABs) and Enhanced Community Development

EPA and the Department of Defense (DOD) are working jointly under the Base Realignment and Closure (BRAC) program to establish Restoration Advisory Boards (RABs) and enhance community development at all closing installations and at non-closing installations. EPA has assisted in establishing RABs at 69 major closing installations and at many other DOD installations to ensure that environmental justice issues are addressed. DOD and EPA offered RAB training sessions throughout the country.

Community Relations Coordinator

The Region 4 Federal Facilities Branch hired a Community Relations Coordinator (CRC) to handle environmental justice and other community relations support for DOD and BRAC sites. The Region 4 coordinator reviewed three RAB charters and eight community relations plans to ensure that environmental justice issues are addressed. All major BRAC installations in the Region have established RABs or are in the process of completing RAB selection.

Site Specific Advisory Boards (SSABs)

DOE is establishing Site Specific Advisory Boards (SSAB) at all major DOE facilities that, like RABs, place an emphasis on stakeholder involvement in the cleanup decision-making process. DOE issued interim guidance in November 1994. Final guidance is under review and joint signature by EPA and DOE is planned.

GIS Initiatives

Several Regional Federal facility offices are using GIS applications to address environmental justice initiatives at communities located near Federal facilities.

- Regions 1, 3, 5, and 6 are collecting demographic data and preparing GIS maps for closing bases and other high priority Federal facilities in the Region.

Enhanced Community Involvement

Several Regions undertook extensive efforts to involve communities with environmental justice concerns near Federal facilities.

- Region 8 is working with two minority communities adjacent to the Rocky Mountain Arsenal (RMA). Montbello has a sizable percentage of African-American residents and Commerce City has a sizable percentage of Hispanic residents. Both communities have representation on the two citizen advisory boards that exist for RMA. EPA has encouraged local involvement in the remediation decision-making through the citizen advisory boards, through a special Regional Administrator-level set of meetings with stakeholders and through meetings with State and local governments and local health officials.
- Region 9 is overseeing activities to clean up Kaho'olawe Island in Hawaii and initiated contact with Protect Kaho'olawe Ohana, a Native Hawaiian advocacy group, in its efforts to enhance local community involvement. The island was formerly used by DOD as a bombing range and was recently returned to State of

Hawaii ownership. The island has tremendous cultural significance to the Native Hawaiian population and their interests will be considered during cleanup activities.

Federal Facilities Environmental Restoration Dialogue Committee (FFERDC)

Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) is a Federal Advisory Committee and includes 50 representatives of Federal, State, Tribal, and local agencies, and environmental, community, and labor organizations, to help develop policy recommendations for improving decision-making at Federal facilities. In January 1995, the FFERDC added five environmental justice representatives from diverse communities including African-Americans, Latinos, Pacific Islanders, and Native Alaskans. Key issues under consideration by the FFERDC include ensuring that environmental justice concerns are taken into account when prioritizing Federal facility cleanups; including representatives from disadvantaged communities on community advisory boards; and improving minority and small business contracting at Federal facility cleanups.