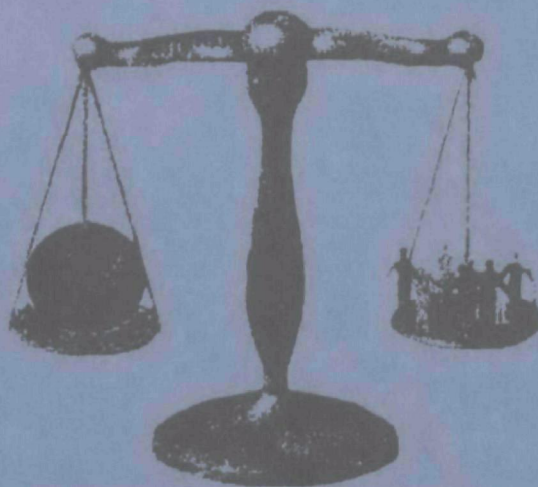




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**REGION 6 OFFICE OF
ENVIRONMENTAL JUSTICE**

Region 6 Environmental Justice Strategic Plan

February 2002

CONTENTS

NO. 1	OEJ Common Elements
NO. 2	Water Division
NO. 3	Office of External Affairs
NO. 4	Enforcement Division
NO. 5	Multimedia Division
NO. 6	Superfund Division
NO. 7	Management Division
NO. 8	Appendix
NO. 9	
NO. 10	
NO. 11	
NO. 12	



1

Environmental Protection Agency - Region 6 Regional Environmental Justice Strategy

The U.S. Environmental Protection Agency Region 6 Environmental Justice program is headed by the Office of Environmental Justice (OEJ). Environmental justice objectives are integrated within each of the Region 6 media program divisions. In 1999 OEJ developed an EJ Mission & Vision statement and Strategic Plan (see Appendix). This document spells out specific commitments that will be utilized to measure EJ implementation progress. This strategy compiles the goals and practices of that program and demonstrates the degree to which environmental justice is integrated into each program area and within Region 6.

Addressing the concerns of environmental justice within Region 6 is critical to the mission of the agency—to protect human health and the environment. Region 6 will maintain its leadership in the area of environmental justice by implementing the strategies and commitments contained in this plan. With its unique geographic location, and the concentration of petroleum and chemical manufacturing, hazardous waste generation, treatment and disposal facilities within the Region, the Region faces a dramatic challenge in addressing the health, pollution, and regulatory issues that accompany these conditions.

The Implementation Strategy that follows is organized by Region 6 Program Office Division responsibility. Each program division's plan details the background, structure, historical accomplishments, and a general statement of the division's EJ goals and objectives. The plan further details program goals for addressing EJ issues in the areas of funding, permitting, enforcement, environmental clean up, corrective actions and encouragement to states to implement EJ programs. This portion of the plan calls for setting program priorities and targets, as well as a strategy for accomplishing the goals. Public participation is a second crucial component addressed in terms of each division's approach to answering community inquiries, addressing language barriers, and accommodating public meetings. Finally, the Region 6 Environmental Justice Strategic Plan incorporates a reporting mechanism for tracking progress on all the components of the Strategic Plan.

Region 6 faces many challenges in addressing the issues of environmental justice. An effective, strategic approach to meeting and solving these problems provides the organization with a consistent direction and can serve as a resource for the increasingly effective response to EJ issues.

Each division has a unique role to play in carrying out the tasks of environmental justice. This strategic plan clearly spells out those roles and will also serve as an assessment tool to provide insight into the Region's performance on environmental justice issues. Also, included in this plan is the process flowchart illustrating the Region's administrative method for handling EJ issues and complaints.

Overarching Regional Issues & Regional Ethic of Environmental Justice

To achieve environmental protection for all constituents, key areas of EPA responsibility must be impacted.

Site Identification

Environmental Justice Index Methodology: Region 6 employs the Environmental Justice site analysis methodology developed in Region 6. There is evidence that minority and low income communities are exposed to more environmental pollutants than the general population. The Region 6 EPA Environmental Justice Index Methodology is a modification of the Region's Human Health Risk Index (HRI)² formula. The environmental justice methodology defines demographic criteria, applies basic principles of science, and requires environmental managers to use program specific data to identify communities of most concern.

In 1993, Region 6 adopted the EJ Index protocol. (see Appendix ____). The methodology uses Geographic Information System (GIS) maps, census demographic data and the HRI method to mathematically rank individual sites. The method is automated in GIS and currently analyzes 50 square mile and one square mile geographic areas (communities). The method has an automated mapping facility.

The Environmental Justice Formula is derived from the Human Health Risk Index (HRI)² and is consistent with the approach used in all Region 6 risk-based algorithms: Exposure multiplied by Hazard equals Risk.

$$\text{Human Health Risk Index (HRI)} = \text{Exposure} \times \text{Hazard}$$

These EJ methodology criteria (population, percent minority, and percent economically stressed households in the study area) become the "analytical definition" for environmental justice. Each of these parameters is ranked to facilitate the mathematical prioritization process.

Source Analysis, Cumulative Risk: In identifying an environmental justice site, it is also appropriate to consider the health risks associated with the site. An integrated resource system, combining information from federal and state databases such as RCRA and CERCLIS, aids in the analysis of pollution potential and hazard potential in a given area. As technologies advance the capability to evaluate cumulative impact of risks, the Region will adopt these technologies to enhance its analysis.

Strategies for Outreach to High Risk Communities: Once EJ communities are identified, heightened or expanded outreach measures may be appropriate to use in communicating with the community. Access to information is a lynchpin component of an effective Environmental Justice program. As a matter of course, outreach strategies will include innovative and non-traditional

lines of communication. Minority publications and media should be sought as communications vehicles, and meeting the community on their schedule and within their culture should become routine. For example, Juneteenth and Cinco de Mayo celebrations, Powwow, All-Indian sporting events, and other cultural gatherings can provide natural venues for pro active outreach to environmental justice community members. The influence of the faith community is critical. Therefore, connections and networking should be sought with faith-based communities.

Permitting

Issues of Access and Public Participation: Issues of access to information regarding permitting decisions are of special interest in environmental justice communities. Traditional “public notice” means should be expanded to include non-traditional means of communication such as through community bulletin boards, minority and special interest media, and faith-based communities. In addition, permitting authorities should be encouraged to extend public comment periods to enhance outreach and comment, and schedule public meetings at times convenient to the general community (after the dinner hour, for example). Electronic means, such as internet and email, should also be employed to increase public access and participation in the permitting process.

In addition, public comment periods should be extended beyond the regulatory or statutory minimum requirements. This, combined with increased outreach efforts, affords EJ communities the opportunity to have more meaningful participation in the permitting process.

Funding

Internally: The Region 6 Environmental Justice Strategy calls for program divisions to allocate necessary resources to successfully implement Environmental Justice.

EJ Grant Conditions, Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs): In a memorandum dated August 9, 2001 EPA Administrator, Christine Todd Whitman, states that:

“Integration of environmental justice into the programs, policies, and activities via Headquarters/Regional Office Memoranda of Agreements and Regional Office/State Performance partnership Agreements is an Agency priority.”

To encourage States to address the issues of environmental justice, future PPA/PPG agreements should include grant conditions specific environmental justice. National Environmental Justice Advisory Council (NEJAC) Public Participation Guidance (Appendix __) should be used as a

template for these conditions, as public participation is one of the critical elements of addressing EJ concerns. PPG agreements should include funding for translation and interpretation services to improve public access to decision making and information gathering processes.

Meaningful Public Participation

Meaningful public participation is the cornerstone of successful EJ program implementation. The National Environmental Justice Advisory Council (NEJAC) has developed a set of recommendations for use by EPA to institutionalize public participation in its environmental programs. The NEJAC guidance "The Model Plan for Public Participation", is included in the Appendix of this document.

EPA has developed extensive guidance for incorporating public participation into its programs. A listing of the various EPA Public Participation guidance documents is included in the Appendix as well. These documents are available on EPA's web site www.epa.gov

Environmental Justice Training

National Training Collaborative: Region 6 has played an active role in developing foundational environmental justice training tailored to a wide variety of audiences. The Region will endeavor to present this training to internal audiences, state, community and industry audiences to increase the understanding and implementation of the principles of environmental justice. The training encompasses an examination of the issues and elements of environmental justice, legal authorities, case studies and EJ tools. The collaborative is comprised of representatives from community, Federal & state government and industry representatives. As scheduling permits, EJ Fundamental Training will be completed by all Region 6 employees in accordance with the Regional EJ Training Plan.

Reporting on this Plan

The report should address applicable program goals for EJ contained in the Division's strategic plan. Each division will report their EJ progress to the Deputy Regional Administrator, according to their specific program goals and activities twice a year. These reports will coincide with the twice annual National Environmental Justice Advisory Council meetings. Additional reporting elements may be added to address specific NEJAC issues. Each division will report on these general elements, as applicable:

- Funding (including the following elements: grants, grant conditions, cooperative agreements, and commitments; contracts, FTE, Interagency Agreements, Discretionary Funds)

- Permitting; EJ Analysis Performed (including the following elements: Number of EJ

communities identified thru analysis; Resulting Actions; Public Meetings/Hearings;
Increased Outreach Efforts)
Enforcement
Environmental clean-up
Corrective actions
Encouragement to the States

In addition, each division will specifically report on these elements of public participation:

Community inquiries
Educational sessions
Response to requests
Addressing language barriers
Public meetings/hearings
Encouragement to the States.

Appendices:

Region 6 EJ Mission/Vision Statement
Region 6 Practical Objectives for EJ Implementation
Draft National Environmental Justice Guidance
Region 6 Environmental Justice Index Methodology
Region 6 EJ Conceptual Model Protocol
Region 6 EJ Identification Process/Framework
Enforcement Targeting methodology —
NEJAC Guide to Public Participation Guidance
Executive Order
EJ Border Plan

2

**10-9-01DRAFT WATER QUALITY PROTECTION DIVISION
STRATEGY ENVIRONMENTAL JUSTICE**

I. Background

Structure of EJ Program

The Water Quality Protection Division has an Environmental Justice (EJ) Representative who serves: 1) as the point of contact for the Division in matters related to EJ and 2) as the Division's representative on the Region 6 EJ Workgroup. This position is within the Division Director's immediate office and facilitates communication with division management and division branches. The current Division EJ Representative is Dina Granado at 214-665-6522.

Each branch chief serves as the branch focal point for EJ activities. The branch chief is in the optimum position to expeditiously enlist the appropriate Section and staff responses to EJ initiatives and/or to EJ issues. The following structure is in place in the Division:

TITLE	EMPLOYEE	RESPONSIBILITY	PHONE NUMBERS
Division Director	Sam Becker	Overall management of Division EJ Program activities	214-665-7101
Program Analyst	Dina Granado	EJ Rep./ coordinator	214-665-6522
Branch Chiefs		Manage EJ program specific initiatives	
	Larry Wright	Source Water Protection Branch	214-665-7151
	Jack Ferguson	NPDES Permits Br.	214-665-7170
	Richard Hoppers	Ecosystems Protection Branch	214-665-7135
	Joan Brown	Assistance Programs Branch	214-665-6579
	Jayne Fontenot	Customer Service Branch	214-665-7191
Section Chiefs/staff		Consider EJ interests, incorporating EJ in program processes.	

Historical Background of EJ Accomplishments

Due to the Division's concerns that all citizens' water resources be protected equitably, the following are two examples of the proactive approach taken by the Water Division:

- The Water Quality Protection Division was the first in the Region to conduct a program-wide EJ analyses; an analysis was done for major NPDES permits and for Class I injection wells. These analyses were made possible by the Division's

EJ STRATEGY, 6W0102001

- early development and implementation of Geographical Information System (GIS) initiatives.
- The Water Division was actively involved in addressing the environmental concerns in Calcasieu Parish, Louisiana. In cooperation and through a grant to the State, the monitoring frequency for Public Water Supply Systems was increased and technical assistance was provided to expeditiously identify any quality problems that had or that might occur.
- The Source Water Protection Branch continues to carry out Direct Implementation programs on Indian Lands for both the Underground Injection Control program and the Public Water Supply Supervision program. Source Water Assessments are being done for all tribes with public water systems; this is being done for both ground water and surface water systems.
- The Assistance Programs Branch has incorporated the Environmental Justice goals into the Division's National Environmental Policy Act (NEPA) process for the Clean Water State Revolving Fund (SRF) and Drinking Water SRF Program as well as special congressionally earmarked infrastructure construction projects. The Region 6 states and Regional staff that manage these programs were provided training on EJ activities in Region 6, EJ in the NEPA Review process, the EJ Index Methodology and Application of GIS in EJ Index Calculations.
- The Assistance Programs Branch has provided and continues to oversee well over one quarter of a billion dollars in grant assistance to Region 6 states to assist communities along the U.S./Mexico Border. These communities called "Colonias" are often highly impoverished areas, characterized by substandard housing and poor living conditions resulting in public health and environmental problems. Funds have been awarded to construct colonia drinking water and wastewater treatment facilities as well as low interest loans to colonia residents for installing indoor plumbing.

Division Goals/Objectives Pertinent to EJ

The Water Division carries out its programs consistent with Executive Order (E.O.) 12898 and the Region 6 Environmental Justice Policy within the authority provided by

applicable federal law. In each water program, the Division strives to ensure fairness in its actions. Major Division actions, including permitting and technical and financial assistance, are evaluated with respect to Agency EJ responsibilities and the statutory and regulatory provisions under the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA).

With the goal of carrying out the Division programs consistent with the E.O. 12898 and the Region's EJ Strategy, the Water Division ensures that all citizens are protected equitably

under the water programs. The CWA and the SDWA and the associated regulations do not discriminate based on ethnic, economic, or other characteristics of an area or community. During annual program planning, commitments are made to provide assistance in EJ areas for which the Division is responsible (program areas that have not been delegated to the states/tribes) and to assist states/tribes with their work in EJ areas.

In addition to working with the states' and tribes' on CWA and SDWA activities, the Water Division's goal is also to cooperate with other EPA programs and other Federal agencies in striving to achieve environmental equity to the maximum extent possible under the water programs.

II. EJ Population Identification/Analysis

EJ Index Screening

The Water Division approach is based on the Region 6 methodology for the identification of EJ communities/areas. (These identified communities/areas are then considered when setting program priorities to protect human health and the environment and during program oversight.)

To conduct an impact assessment, the Water Division uses a 4 mile radius about the facility; the Region 6 methodology for determining EJ status takes into consideration the density of facilities in the subject area and other factors established by the Region.

Expanded EJ Studies

In addition to the routine screening carried out by the Water Division using the prescribed methodology, other considerations may be taken into account to ensure that any communities/areas that are not identified in the initial EJ screening process may be identified as EJ communities/areas when appropriate. For example, other options to identify EJ communities may include the following:

- Region 6 with states and in collaboration with communities identifies (lists) geographic areas as EJ areas in which to concentrate EJ initiatives.*
- Region 6 establishes a process for communities to self-identify for EJ status followed by the Region working with the states to finalize EJ areas.**

Availability of Data to Division Employees for Decision-making

The computer analysis pathway for conducting EJ analyses using the Region's EJ methodology is available to all employees through the EPA Region 6 Intranet under "Special Initiatives."

- * Concern- identification of an EJ area could be seen by some citizens, institutions, etc., as potentially

impacting an area in a negative way, such as the potential to impact property values, etc.; a legal determination needs to be made.

- Concern- development of adequate criteria to determine applicability of community for EJ status.

III. Program Goals for Addressing EJ

A. Setting program priorities/targets; strategy for accomplishing goals

1. **Funding:** Most funding for states, tribes, and other entities is through the SDWA and the CWA. The Division participates in the National Environmental Performance Partnership Systems (NEPPS), with states having the opportunity to enter into Performance Partnership Agreements (PPAs) and/or Grants (/PPGs). A key component is the process for joint priority setting and for public participation, which includes EJ stakeholders. States are encouraged during the negotiation of these and the traditional categorical grants to include EJ components. The Assistance Programs Branch also ensures that EJ requirements have been incorporated into the Drinking Water and Clean Water SRF Programs and the special congressionally earmarked infrastructure projects. All projects involving construction will be reviewed for the incorporation of EJ requirements through the NEPA process.

The Assistance Programs Branch administers the Water Division grants in coordination with the Branches which provide technical expertise in the development of work plans and State/EPA agreements and state program oversight. Goals and priorities for state water quality protection, through planning and management, are identified for use in the development of grant objectives and in the identification and resolution of policy and program issues.

Examples in accomplishing goals under the SDWA are the Drinking Water State Revolving Funds program (SRF) (administered by the States) and the State Revolving Funds (SRF) Indian set-aside grant program (administered by EPA) that allow for infrastructure improvements. States are required to use affordability in determining the priority given to communities for assistance, and states are allowed to give special dispensation for disadvantaged communities, including the extension of loan periods and provision of a portion of the funds to be used in the form of a subsidy (grant with negative interest). The SDWA SRF programs, the CWA Hardship Grants program, and

the Colonias program address the needs of specific low income/minority communities.

The SDWA and the CWA funds result in the protection of public water systems and the improvement/protection of surface and ground water quality in Region 6. In combination 6WQ funding provides for human health and environmental/ecological protection and includes opportunity for the consideration of sensitive populations in program implementation. All funding ensures non-discrimination and equal employment opportunities in all grant and contract activities.

2. **Permitting:** Under the SDWA and the CWA the Agency has responsibilities for permit programs, the Underground Injection Control (UIC) and the National Pollutant Discharge Elimination System (NPDES) programs, respectively. The UIC permits and

no- migration petitions assure protection of underground sources of drinking water, and the NPDES permits protect health and aquatic life with the emphasis on surface water quality protection. In most instances (with the exception of the no-migration petitions) these programs have been delegated to the States. These state programs issue the permits which, at a minimum, comply with the Federal program requirements . Program priorities and targeted accomplishments are negotiated annually consistent with regional and Headquarters (HQ) guidance.

Under the UIC program Region 6, however, handles the no-migration petitions for Class I wells in the States and carries out direct implementation programs for all classes of wells on Indian Lands, for which the Region with input from the Tribes, establishes priorities and targets for planned accomplishments.

The Water Division strategy is to accomplish goals under the SDWA and NPDES permit programs and provide equitable protection for minority/low income communities. This is exemplified by the following:

- Various administrative, technical, and scientific reviews and evaluations are conducted for the permitting programs in the Region, and expert assistance is provided as needed. Authorized states are encouraged to consider EJ when setting priorities for permit issuance, and oversight of state activities in EJ areas may be increased to identify any state program implementation weaknesses, and if applicable, increase the availability of technical assistance to states to address concerns.
- State water quality standards related to NPDES are approved/disapproved by the Water Division. (EPA promulgates standards in the absence of appropriate standards.) When assisting States/Tribes in the development of standards, Region 6 scientists are sensitive to EJ communities' consumption patterns and to bodily contact exposure. The standards in turn provide the technical basis for determining the NPDES permit parameters and concentration limits to ensure all citizens and ecological systems are adequately protected. The Region reviews all major permits drafted by authorized states in EJ areas. Additionally, the Region will request the review of minor permits in areas jointly identified by the Region and the states as having significant EJ concerns.
- The Region is responsible for all UIC no-migration petitions, and has conducted an EJ analysis for each of the Class I UIC wells in the Region. Its direct implementation program on Indian lands is the largest in the nation for Class II wells.

In summary, the following activities in EJ areas are done by the Water Quality Protection Division in Region 6:

Permitting Summary:

- Issue NPDES and UIC permits for non-delegated programs (States/Tribes)
- Review 100% of UIC no-migration petitions and issue on approval
- Extend public comment period from 15 to 30 days for UIC Tribal program Class II permits where public interest warrants.

- Increase Technical Assistance/Outreach/Education Initiatives

Oversight of State Programs Summary:

- Review 100% of major NPDES permits
- Ask States to review 100% of minor NPDES permits
- Review states' implementation of water programs
- Review EJ compliance under the Clean Water SRF Annual Review and Drinking Water SRF Biannual Review.

3. Enforcement - NA

4. Environmental Clean-up - NA

5. Corrective Actions - NA

- 6. Encouragement to the States:** Funding, technical assistance, and training provide a level of encouragement to the states and tribes, and these enhance their ability to address/maintain water quality protection programs in EJ areas. By increasing oversight in EJ areas, program weaknesses can be identified, and when applicable the Region increases the availability of technical assistance to address identified concerns. States are also encouraged to consider EJ when setting priorities for permit issuance.

States are encouraged to establish SDWA SRF programs for disadvantaged communities and EPA will assist the states. Additionally, the Clean Water Act Hardship Grants program and the Colonias program address the needs of specific low income /minority communities.

Guidance and assistance are provided in the development and operation of water quality management plans and programs. States have identified priority watersheds and have developed watershed restoration action strategies.

B. Public participation

- 1. Community inquiries/educational sessions/response to requests:** The programs may expand public outreach/education activities (beyond the required minimum in identified EJ areas). In addition to responding to inquiries and requests, the staff plans, designs, implements, and develops strategies, products, and opportunities (brochures, fact sheets, posters, pamphlets, seminars, public meetings, workshops, etc.) to inform the public about the water programs.

Information is provided to the public, press, industries, environmental organizations, federal and state agencies and to other stakeholders. The Division is responsive to individual and community inquiries and provides workshops/meetings to share technical and programmatic information with those potentially impacted by water programs actions.

2. **Addressing language barriers:** Information (brochures, etc.) is prepared in the language of the community as needed (for example, in Spanish for many areas in Region 6).
3. **Public meetings/hearings:** The Water Division's Customer Service Branch issues public notices and coordinates public and evidentiary hearings. Any special EJ community needs are addressed, as in instances when a translator is needed. Also, hearing times and locations are selected to facilitate the EJ communities participation in meetings/hearings and to avoid conflict with any EJ communities unique, scheduled events.
4. **Encouragement to states:** States are encouraged to establish programs for disadvantaged communities (minority/low income), and assistance is available to the interested states. States are encouraged to include opportunities for public participation (for all stakeholders) in their programs that are funded under EPA grants.

Educational material is available to the states that addresses the needs of the diverse Region 6 population.

IV. Reporting (semiannual)

1. Report the number of low-income/minority communities the Water Division provided water quality protection assistance.
2. Report the number of water related issues/concerns received by the Water Division from low income/minority communities.
3. Report the number of low-income/minority communities and Tribes provided technical assistance by the Drinking Water and UIC programs.

(Generic reporting will be covered in the Region 6 overall Strategy in lieu of in the individual Division Strategies.)

3

Environmental Justice (EJ) Implementation Strategy Office Of External Affairs

I. BACKGROUND

The primary responsibility and mission of the Office of External Affairs is to foster communication with the public; the media and to Federal, state, local government agencies; and elected officials. Our strategy to meet the objectives of environmental justice focuses the following components:

Media includes the proactive interface with Region 6 print and broadcast media;

Intergovernmental includes remaining abreast of "hot" issues in given Congressional districts and coordinating responses to Congressional inquiries;

Executive Correspondence which includes the management of all written correspondence received in the Regional Administrator's Office;

Environmental Education(EE) Program which supports and promotes educational activities which develop the knowledge base and skills to foster responsible environmental decision-making; and

Regional Native American Office (RNAO) which serves as the focal point for Tribal matters within Region 6.

Office of External Affairs contact information:

Establish Goals & Initiatives for the Office	David Gray	214-665-2200
Implementation of Office Strategy	Terrie Mikus	214-665-2147
Implementation of Office Strategy Alternate	Maurice Rawls	214-665-8049
Office EJ Coordinator	Ed Curran	214-665-2172
Office EJ Coordinator Alternate	Patty Senna	214-665-7178

II. EJ POPULATION IDENTIFICATION/ANALYSIS

External Affairs will utilize the Region 6 index methodology for the identification of EJ communities and areas, including the Region's Geographic Information System demographic analysis protocol.

III. PROGRAM GOALS FOR ADDRESSING EJ

Setting Program Priorities / Targets:

- Funding:
 - EE Grants
 - RNAO General Assistance Program Grants
- Permitting: N/A
- Enforcement: N/A
- Environmental Clean-up: N/A
- Corrective Action: N/A
- Encouragement to States/Tribes:
 - Region 6 EE Strategic Plan Goals: #2 Partnerships & #4 Building State Capacity
 - RNAO Strategic Plan

Strategy for Accomplishing Goals:

Media:

- External affairs will monitor EJ activities and proactively provide media outlet with information that will establish/maintain EPA's actions as being credible
- External Affairs will arrange for periodic editorial boards for the Regional Administrator, Deputy Regional Administrator Office of Environmental Justice Team Leader to advance the EJ Program
- External Affairs will arrange for periodic media interviews for the Regional Administrator, Deputy Regional Administrator Office of Environmental Justice Team Leader to advance the EJ Program
- External Affairs will inform EPA Headquarters, Office of Communication, Education and Media Relations of contentious EJ news articles/reports that can potentially have National implications
- External Affairs will issue EJ Press Advisories and/or Press Releases, as appropriate, and post subject information on the web site in a timely manner.

Intergovernmental:

- External Affairs will serve as the EJ liaison between elected officials and all Region 6 program offices
- External Affairs will remain abreast of all elected official's written as well as verbal EJ requests; ensuring the concerns are addressed in a timely and responsive manner
- External Affairs will inform EPA Headquarters, Office of Intergovernmental Relations of contentious EJ issues about which a given elected official could potentially contact the Region 6 Administrator

Executive Correspondence:

- External Affairs will monitor all correspondence received in the Regional Administrator's Office paying close attention to issues relative to environmental justice and/or issues focused in an environmental justice or disadvantaged community.
- External Affairs will develop a mechanism to report trends in environmental justice correspondence for within-Region review.
- Correspondence will be controlled to appropriate office with information copy to the EJ Team Leader.
- External Affairs will inform the Office of Environmental Justice of potential opportunities for speaking engagements by the Regional Administrator or Deputy Regional Administrator in EJ communities.

Environmental Education Program:

- Through the Region 6 Environmental Education Program, External Affairs will coordinate the distribution of environmental education and information resources to EJ community groups. EJ communities will be included in the EE Grant solicitation process for EE proposals (via notices to community leaders/organizations and state agencies). Environmental Justice is a criteria priority for reviewing and evaluating EE Grant proposals.
- The EE Program will seek opportunities and audiences to conduct special EE forums for disadvantaged community members.
- External Affairs will encourage members of minority, disadvantaged and Native American communities to participate in Regional Earth Day activities.
- External Affairs will facilitate the distribution of bilingual environmental education materials.

Regional Native American Office:

- RNAO through its Strategic Plan, will continue outreach, coordination and communication efforts to help Region 6 Tribes establish and maintain successful environmental programs.
- RNAO will organize and facilitate training related to Tribal affairs to increase cultural sensitivity, program coordination, and Tribal participation in environmental improvement on Region 6 Tribal lands.
- RNAO will identify and recommend opportunities for the Regional Administrator to speak with Native American audiences.
- RNAO will work to increase awareness of environmental grant opportunities for Region 6 Tribes.

Other Approaches:

In the day-to-day distribution of environmental press releases, External Affairs will:

- Study available market research to determine the most effective communication methods for reaching EJ communities
- Study demographic data to locate and identify language markets.
- Identify and translate press releases or advisories that should be issued in more than one language.
- Specifically target geographic areas of Region 6 to receive other than English language press communications.
- Include all known minority media publications and radio/television stations in Region 6 on an automated fax list to receive press releases/advisories.
- Encourage minority media publications and radio/television stations to contact the Region 6 Media Office with press inquiries.
- Utilize EJ community newspapers for dissemination of EPA articles and to announce EPA activities.

IV. REPORTING (semi-annual basis) The following information will be listed in External Affairs databases:

Number of correspondence inquires regarding EJ issues

Number of speaking engagements by the Regional Administrator to EJ audiences

Number of EE Grants received/awarded for EJ projects

Number of special EJ forums held for disadvantaged communities

Number of EJ community representatives participating in Region 6 Earth Day events

Number of RNAO Tribal environmental outreach projects

Number of Region 6 Tribal training events

Number of speeches by the Regional Administrator at Tribal events

Number of Region 6 EJ media and communities receiving EPA press communications

Number of proactive EJ activities provided to media outlets

Number of EJ media inquiries/interviews arranged by External Affairs

Number of EJ Press Advisories issued

Number of Press Releases issued

Number of Congressional EJ inquires received/resolved

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Compliance Assurance & Enforcement Division Environmental Justice Plan

I. Background

The Compliance Assurance and Enforcement Division (6EN) Environmental Justice Program is centrally located in the Division Directors office. A representative from each branch in the Compliance Assurance and Enforcement Division is responsible for Environmental Justice correspondence, initiatives and goals set forth by the coordinating representative located in the Division Director's office. Contact information is as followings:

Establish Goals & Initiatives for the Division	Sam Coleman	(214)665-2210
Division EJ Coordinator	Kara McKoy Belle	(214)665-8337
Air Toxic & Inspection Branch (6EN-A) EJ Representative	Sunita Singhvi	(214)665-7290
Hazardous Waste Enforcement Branch (6EN-H) EJ Representative	Sam Tate	(214)665-2243
Water Enforcement Branch (6EN-W) EJ Representative	Bernadine Gordon	(214)665-8177
Office of Planning & Coordination (6EN-XP) EJ Representative	Gerald Carney	(214)665-6523

Historical Background of EJ Accomplishments

The Compliance Assurance and Enforcement Division (6EN) consistently collaborates with other divisions and agencies media to address serious environmental and health issues in EJ communities. Meaningful and continuous outreach and education to citizens and environmental groups in EJ areas is a major focus of the division. Historically, citizen input has been utilized for targeting and enforcement actions.

The Branch representatives, Division representative and the Division Director work together to discuss and develop new approaches to address the needs of our EJ communities. An example of this collaboration is our Calcasieu Parish initiative in Louisiana. This effort sought input from citizens, state and local governments, other divisions, and the Office of Environmental Justice to develop and implement a plan to address the immediate needs of the Calcasieu community.

Division EJ Goals and Objectives

The Division focuses on four broad areas: Investigation and Inspection; Enforcement Actions and Supplemental Environmental Projects (SEPs); State Oversight Authority; and Effective Communication with Citizens. Enforcement Division's goal is to utilize current demographic data, geographic information, and the EJ index in its implementation scheme.

II. EJ Population Identification/Analysis

The Office of Planning and Coordination (6EN-XP) will provide training, maintenance, and future development of the Geographical Information System demographic system to assist other Divisions in implementation and utilization of basic EJ demographic analyses. The National Environmental Policy Act, Federal Facilities, and Comparative Risk programs will use the Region's Geographical Information System EJ index methodology to accomplish the Agency's goal of EJ awareness and incorporation of EJ into program activities. The EJ Index identifies economically stressed and minority populations. The analysis can be expanded to identify education, employment, and cultural factors. The XP programs will

communicate EJ demographic findings to the program clients, and will use EJ data as a significant factor in targeting for inspections, permitting, and compliance issues.

III. Program Goals Addressing EJ

The main areas which will be considered and applied are categorized and delineated by objectives.

Goal 1: Investigation/Inspection

1. Memorandum of Agreement
2. Program strategy
3. Program initiative
4. History of noncompliance
5. Priority/significant sectors
6. File and record review

Goal 2: Enforcement Actions and Supplemental Environmental Projects

1. Prepare and issue cases according to program, Enforcement Response Policy (ERP), Head Quarters (HQ), Memorandum of Understanding (MOU), & Environmental Management System (EMS);
2. Classification of inspection reports;
3. Issue and settle cases in EJ areas within one year;
4. Public awareness and citizens' involvement, i.e., minority media, mailing list, Citizen SEP Idea Library and Website, etc.;
5. Determine appropriate action;
6. Negotiate settlements to benefit community; and
7. When appropriate, solicit input from community.

Goal 3: Oversight of State Enforcement Actions

1. Encourage EJ participation
2. Provide guidance, direction, and training on a continued basis

Goal 4: Effective Communication with Citizens

Additionally, Enforcement Division will continue to alert other agencies to areas of concerns when EPA does not have the regulatory authority to enforce. With EJ in mind, the Enforcement Division will incorporate additional steps in the process of alerting other agencies. The Enforcement Division has made the commitment to provide information to the particular agency, follow up on action(s) taken, and when appropriate provide the citizen and/or community with the other agency's contact and information on how the concerns were resolved. Further, the Enforcement Division will work with other agencies when appropriate to develop proposed SEPs which will directly benefit the community.

IV. Branch Goals for Addressing EJ

WATER ENFORCEMENT BRANCH

- 1) Use demographic and population statistics (provided by the Office of Planning and Coordination), whenever possible, as a factor in the development of enforcement actions, targeting facilities for investigations and/or inspections, which will ensure the consideration of EJ issues that may occur. Our Administrative Order Routing Sheet will include a check off block that will indicate whether EJ has been considered or not. This will be a follow up to the prescreening of all enforcement actions with the EJ demographic map.

2) The public notice process (Administrative Penalty Order notice) considers EJ as it keeps the public informed of fines proposed in the EPA administrative process including the amount of the proposed fine and the location of the facility where the fine is assessed. The information which is available in the local and regional newspapers will also be found in all communities' libraries. Computers in each library will have access to the EPA Region 6 web site. The public will be notified of the location of these notices through mail-outs to minority and community groups prepared from a list provided by the Regional EJ coordinator.

3) Timely and appropriate enforcement actions by EPA and the National Pollutant Discharge Elimination System (NPDES) delegated states will support the goals of EJ by encouraging fair and equitable treatment across the board of all violators. This is accomplished through application of the Region 6 Enforcement Management System. Since the initial prioritization of the action will consider EJ, the enforcement action will already be on a "fast track." The issuance process will remain the same; the enforcement action (document) will have a higher priority.

4) In EPA's role as the oversight authority, all delegated states will be encouraged to consider EJ issues and will be given guidance as it is developed and direction on how to apply new guidance in its enforcement process.

AIR, TOXICS AND INSPECTION BRANCH

1) Incorporate EJ principles in setting targets for investigations, inspections, and EPA enforcement actions. The Branch will continue to use the EJ Index and Geographical Information System technology to develop its annual inspection target for the single and multimedia inspections. The Lead Program will continue to use the geographic information system and information provided by the Center for Disease Control to identify low-income communities with the highest risk of exposure to lead for its inspection target list.

2) EJ indexes will be considered during the case development stages of the enforcement actions by identifying violators located in an EJ community. Where possible, cases in EJ areas will be issued and settled in less than one year. Settlement negotiations will include SEPs that benefit the community, such as negotiating with the facility to pay for the mandatory 3-year reinspection and management plan development for a school in its community, pay for cost to abate asbestos or lead at a school, educate the community about the hazards of lead, testing low-income and minority children's blood level. Community organizations, citizens group, interested parties will be notified of the outcome of EJ cases, through the mail and other communication medium.

3) States with enforcement programs will be provided with EJ information and assistance in consolidating EJ considerations in its enforcement programs. State delegated programs will be monitored for considerations of EJ in its enforcement actions in EJ communities as well as non EJ communities. Further, the Air Branch will ensure that there is appropriate oversight of State enforcement programs.

RESOURCE CONSERVATION & RECOVERY ACT (RCRA) HAZARDOUS WASTE ENFORCEMENT BRANCH

1) Ensure that EJ criteria are used to set priorities. For example, the use of EJ indicators can trigger the focus of an Agency sector initiative, or a Regional priority area.

2) Use EJ indicators to target specific areas of the Region for compliance assistance, compliance monitoring and traditional enforcement activities. For example, economic and/or ethnic indicators may

be used to target specific areas where enforcement activities will be conducted. As in the past, areas such as the Calcasieu estuary have been targeted based on EJ indicators as well as community requests.

3) Strive to conduct community outreach activities whenever feasible in EJ designated areas, to keep the local citizens informed of inspections and other actions in their community.

4) In the area of enforcement actions and SEPs, the Branch will negotiate with facilities to design SEPs that will benefit the community. An option for these facilities will be to perform projects that will provide a direct environmental benefit, and/or by providing the community with the tools and means to become more informed. For example, a SEP may consist of setting one or several computers in the local library with access to on-line information, such as grass roots organization web pages, Federal, State and Local information systems that will keep the community informed of chemicals in their community, spills and incidents at facilities in their immediate area, as well as other general information.

OFFICE OF PLANNING AND COORDINATION

The Office of Planning and Coordination (6EN-XP) will provide training, maintenance, and future development of the Geographical Information System demographic system to assist other Divisions in implementation and utilization of basic EJ demographic analyses. The National Environmental Policy Act, Federal Facilities, and Comparative Risk programs will use the Region's Geographical Information System EJ index methodology to accomplish the Agency's goal of EJ awareness and incorporation of EJ into program activities. The Office of Planning and Coordination programs will communicate EJ demographic findings to the program clients, and will use EJ data as a significant factor in targeting for inspections, permitting, and compliance issues.

SUMMARY

Through improved targeting of enforcement and compliance resources, the Enforcement Division will ensure that at least 50% of all civil and criminal enforcement actions and other compliance monitoring activities are conducted at high risk, disproportionately exposed and other high priority areas of noncompliance. Additionally, the Enforcement Division strives to make citizens more aware and involved in decisions which directly affect their communities.

IV. Reporting

The Enforcement Division will annually report EJ Accomplishments by the following measures:

Goal 1: Investigation/Inspection

★Percentage of Investigations/Inspections in high risk, disproportionately exposed areas;

Goal 2: Enforcement Actions and Supplemental Environmental Projects

★Percentage of enforcement actions and compliance monitoring in high risk, disproportionately exposed areas;

★Number of compliance assistance activities in high risk, disproportionately exposed areas;

★Percentage of SEPs in high risk, disproportionately exposed areas;

Goal 3: Oversight of State Enforcement Actions

★Written agreements and collaboration with states that encourage EJ Initiatives;

Goal 4: Effective Communication with Citizens

★Number of outreach activities for communities, such as training session, workshops, presentations, and meetings.

5

October 15, 2001

Environmental Justice Implementation Strategy Multimedia Planning and Permitting Division, 6PD

Background

Structure of Division Environmental Justice (EJ) Program

The Multimedia Planning and Permitting (Multimedia Division) Division is made up of a team of managers, Division Director, Deputy, and three Associate Directors- listed below), 13 Sections, two Divisional Offices: "Border" and "Children Health." Each Associate Director serves as the Division focal point for EJ activities. In this role, the associates are in the optimum position to expeditiously enlist the appropriate Section and staff responses to EJ initiatives and/or to EJ issues. In summary, the Division has the following structure in place to support EJ activities:

TITLE	EMPLOYEE	RESPONSIBILITY	PHONE NUMBERS
Division Director	Carl E. Edlund	Overall management of Division EJ Program activities	214-665-7101
Deputy Division Director	Bill Luthans	Overall management of Division Border Office	214-665-6522
Division EJ Coordinator	Charles Faultry	Serves as the point of contact for the Division in matters related to EJ	
Associate Director Resource Conservation and Recovery Act Programs	Stephen Gilrein	Management of the hazardous waste program specific EJ initiatives	214-665-7170
Associate Director Air Programs	Rebecca Weber	Management of the air program specific EJ initiatives	214-665-7135
Associate Director, Pesticides, Toxics/ UST/PTU Programs	Steve Vargo	Management of the toxic, underground storage tank, pesticide, and children health program specific EJ initiatives	214-665-6579

In addition to Regional representation, the Multimedia Division also serves as sub-lead for Environmental Justice and Permitting for the national air program. The Multimedia Division sub-lead EJ representative is Wendy Jacques and can be contacted at (214) 665-7395. The sub-lead EJ representative leads a national workgroup that plans to present the above model to Air Division Directors in order to encourage all states to use it during the permitting process.

General Statement of Divisional:

The Region 6 Multimedia Planning and Permitting Division is committed to environmental Justice, and its integration into all programs, policies, and activities, consistent with existing environmental laws and their implementing regulations. The Multimedia Planning and Permitting Division (6PD) carries out its programs consistent with Executive Order (E.O.) 12898 and the Region 6 Environmental Justice Policy within the authority provided by applicable federal law.

Divisional Goals/Objectives

To ensure that delegated and non-delegated Federal environmental programs are implemented in a consistent and appropriate manner regardless of race, culture, education level and/or income.

To ensure fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their meaningful involvement in the decision making processes of the government.

Integrate EJ "activities" into all existing Divisional programs and emphasize community/state/industry outreach and education (all divisional programs)

EJ Population Identification/Analysis

EJ Index Screening

The Multimedia Division approach is based on the Region 6 EJ Index Methodology for the identification of EJ communities/areas. (These identified communities/areas are then considered when setting program priorities to protect human health and the environment and during program oversight.). To conduct an impact assessment, the Division uses a four-mile radius about the facility; the Region 6 methodology for determining EJ status takes into consideration the density of facilities in the subject area and other factors established by the Region.

In addition to the Region 6 methodology for the identification of EJ communities/areas, the databases that the Multimedia Planning and Permitting Division uses to determine sources of pollution in EJ and potential EJ areas are the Resource Conservation and Recovery Information System

(RCRAInfo) including 11 databases, the Hazardous Waste Biennial Report (BR), Aerometric Information Retrieval System (AIRS), Toxic Release Inventory (TRI), National Asbestos Registry System (NARS), and Federal Insecticide Fungicide Rodenticide Act (FIFRA) TSCA Tracking System (FTTS).

RCRAInfo is a national program management and inventory system of RCRA hazardous waste Handlers which contains permitting, enforcement, inspection, corrective action, and facility information. RCRAInfo is the primary mechanism used by the RCRA program in planning, forecasting, tracking, and reporting on goals, both at the state and federal level. The BR database contains detailed information, collected biennially from RCRA large quantity generators (LQG) and treatment storage or disposal facilities (TSD) under the Resource Conservation and Recovery Act (RCRA), on hazardous waste generation, management, and final disposal.

The AIRS is a computer-based repository of information about airborne pollution in the United States. AIRS is comprised of four (4) major databases- Air Quality (AQS), Facility (AFS), Area/Mobile Source (AMS), Geo-Common (GCS) subsystem- and a mapping utility for all air data called air Graphics (AG). The AIRS Facility Subsystem (AFS) contains Aerometric emissions and regulatory compliance data on air pollution point sources tracked by the U.S. EPA and states and local air regulatory agencies. Point source data are used by States in the preparation of States Implementation Plans (SIPs), other delegated regulatory programs and by Emission Factor Inventory Group (EFIG) for the estimation of total national yearly emissions.

The NARS database was established by EPA in 1989 to store and track national compliance information on owners and operators of asbestos demolition and renovation activities (as defined in 40 CFR part 61 subpart M) related to the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). The database contains a listing of all asbestos demolition and renovation contractors; compliance history; number of times each contractor notified the agency about NESHAP asbestos activities; number and times each contractor was inspected by states, local or Regional agencies; and agencies to contact for more information about a contractor. The data is updated quarterly for AFS. States are required to report contract notifications, resulting oversight and enforcement.

Section 313 of the Emergency Planning and Community Right-to-Know (EPCRA) established the TRI Program, a National database that identifies facilities, chemical manufactures and used at the identified facilities, and the annual amounts of these chemicals released (in route operations and in accidents and other one-time events) and otherwise managed on-and off-site in waste. Each year, facilities that meet certain thresholds must report their releases and other waste management activities for listed toxic chemical to EPA and to the state or tribal entity in whose jurisdiction the facility is located. Beginning in 1991, covered facilities were required to report quantities of TRI chemical recycled, combusted for energy recovery, and treated on-and off-site.

The FTTS is a national database for the tracking of FIFRA and TSCA enforcement cases and inspection.

Grant Funding:

In the Multimedia Division grant funding for states, tribes, and other entities is provided through the hazardous waste , air, pesticide, solid waste, lead-base paint, underground storage tank and children health programs. in addition, the Division participates in the National Environmental Performance Partnership Systems (NEPPS), with states having the opportunity to enter into Performance Partnership Agreements (PPAs) and/or Grants (/PPGs). A key component of the PPAs/PPGs is the process for joint priority setting and for public participation, which includes EJ stakeholders. States are encouraged during grant negotiation process to include EJ components. Each Program Grant Chief ensures that EJ requirements have been incorporated into their program grants and the special projects.

Each Program Grant Chief administers the grants in coordination with their Associate Director and media specific program technical staff which provide technical expertise in the development of work plans and State/EPA agreements and state program oversight.

U.S.-Mexico Border Program

The U.S.-Mexico Border Program is committed to serve all communities along the border; however, we place special emphasis on those communities that are in need, such as the EJ community along the border. Our commitment is to meet the EJ needs of the border communities and stakeholders as well as possible. We facilitate the creation of a two- way communication with the border community, serve as a liaison to increase EPA access to affected communities, and try to fill in the gaps of the Border Program regarding EJ. Some of the activities that the Border Program can conduct, with the assistance of the EJ Office, is conduct extensive outreach activities to inform and educate the border communities about EJ and to identify their specific EJ needs.

The Border Program also is committed to strengthening the capacity of the border communities to become organized and articulate their issues and concerns, in order that a meaningful community participation process can be created so that they will be encouraged to take an active role in protecting their environment.

Oversight of State Permit Program

- Review 100% of the Prevention of Significant Deterioration air permits.
- Review 100% of the Nonattainment New Source Review air permits.
- Review 100 Title V air permits. We will also focus on Title V permits in nonattainment areas and potential EJ communities.
- Provide oversight on hazardous waste combustion permits.
- The RCRA program oversight activity is accomplish in partnership with the State Agency and through technical assistance. In addition to the hazardous waste combustion permits, the RCRA program provides oversight on all controversial hazardous waste facilities.

RCRA PROGRAM GOALS FOR ADDRESSING EJ

Setting program priorities/targets; Strategy for accomplishing goals

1. Funding RCRA Tribal Grants

The Region 6 RCRA Tribal Program awards approximately \$250,000.00 per year to Regional Tribal Program. Region 6 RCRA Program and the Tribes will continue to identify solid waste and hazardous waste specific RCRA hazardous waste “implementation” needs and assist in capacity building. Hazardous waste “implementation” by the Tribes, which was authorized for funding in the revised 40 CFR Part 35 regulations in February 2001, will not include “O&M” activities, but will focus on results-oriented projects.

Region 6 and the Tribes will also continue to update the inventory of large quantity hazardous waste generators (LQGs), small quantity hazardous waste generators (SQGs) and treatment, storage and/or disposal facilities (TSDFs) on Tribal lands. GIS mapping, conducted to locate and identify known SQGs and LQGs on or adjacent to Indian lands, will be updated and revised based on Tribal input and actual field verification.

As Tribal hazardous waste capabilities increase, it is envisioned that the resulting data base of hazardous waste facilities on Tribal lands will ultimately be maintained by the Tribes. The Region will meet regularly with Tribal staff to review the compiled information for completeness and accuracy.

The Region is also continuing to provide additional assistance to the Tribes to build capacity to develop and implement Tribal hazardous waste programs. The following activities are being conducted to provide support to the Tribes:

- Hold informational meetings with the Tribal staff to discuss the regulatory, enforcement, and procedural aspects of the Resource Conservation and Recovery Act and its applicability to Tribal lands.
- Workshops to educate the Tribal community about RCRA in general, especially the requirements for handling, storing, treating, and disposing of typical hazardous wastes generated by small businesses. The Region has developed informational brochures specifically targeted to address hazardous wastes on Tribal lands.
- Jurisdictional/statutory issues associated with the enforcement of RCRA on Tribal lands will continue to be researched in an effort to identify and resolve potential impedances to establishment of Tribal hazardous waste programs.
- Region 6 will provide financial assistance as it becomes available and provide technical assistance as necessary to the Tribes to develop and implement its own hazardous waste programs.

- Region 6 will conduct meetings with the Tribes as necessary to assist in identifying suitable hazardous waste “implementation” projects.

2. RCRA Permitting

a. EJ analysis performed - GIS & RCRA info

The Multimedia Division has developed a RCRA Electronic Query System (REQS). The REQS is a window-based integrated information system with browsing, report-writing, and querying functions that supplements the RCRAInfo system. In addition, the REQS incorporates information from the Biennial Report System (BRS), Environmental Justice (EJ) data, the Texas Voluntary Cleanup Program (VCP) data, Government Performance and Results Act (GPRA) data, and US Census data into one desktop system. The REQS allows the Multimedia Planning and Permitting Division RCRA Program staff to perform a level of data analysis and evaluation that was not possible prior to the development of this system. This resulted in improved program planning and performance; analysis of permit implementation and corrective action; inspection targeting and enforcement tracking; GPRA tracking; environmental justice evaluation; and waste management, etc.

We will evaluate current data in REQS to ascertain program implementation status in the Region between states, and within states (including EJ and non-EJ populations) Specifically, the items to be measured/monitored include (EJ vs. non-EJ areas): number/types of facilities; length of time to permit; human exposures controlled, groundwater released controlled, corrective action implemented, etc.

Risk Assessments

At hazardous waste combustion facilities where the Region is conducting Risk Assessments for Louisiana or other States, we will continue to use site specific cultural information when developing our risk assessment assumptions.

The primary steps in risk assessment are problem formulation, risk analysis and risk characterization. As part of the Region's Environmental Justice Strategy each of these steps has been enhanced to evaluate potential environmental justice concerns. During problem formulation, information on demographics of the area being evaluated is gathered and reviewed. Risk analysis is broken into two primary components, exposure assessment and effects assessment. Information gathered during problem formulation is evaluated on a site-specific basis to determine if exposure parameters (e.g. ingestion rates) are appropriate to accurately depict the culture diversity of the study area. For example, during problem formulation of a recently completed risk assessment it was determined that a Vietnamese community resided in an potentially effected area. The community was evaluated and found to have a much higher fish ingestion rate than that which would normally used in a risk evaluation. Documentation of this increased rate was provided to Region 6 and the information was incorporated into the risk assessment.

Once the exposure assessment is complete an effects assessment is conducted. Toxicity benchmarks utilized in the effects assessment, such as cancer slope factors and reference doses, have been adjusted on a national basis by a factor of 10 to account for sensitive sub-populations and cultural diversity. The last phase of the risk assessment process, risk characterization, is the portion of the assessment where results are presented and interpreted. When appropriate, specific results related to cultural diversity are discussed along with uncertainties within the evaluation.

3. Public involvement in the RCRA permitting process

The RCRA permitting process has a fairly extensive public involvement process which is required by the regulations. This includes the relatively new (1995) expanded public participation regulations.(40 CFR part 124.31, 32, 33 and 40 CFR part 270.----). All of the Region 6 States have adopted the RCRA Permitting Expanded Public Participation Regulations, three (3) are authorized for it, and all the States are implementing it.

4. Increased outreach efforts

Options (dependent on additional travel funds and for training materials etc.) Partnering with States, conduct additional public outreach activities at selected TSDs undergoing permitting, where the site is in an EJ community or where public concern is high. This will require additional travel funds.

5. Environmental Clean-up/RCRA corrective action

The vast majority of clean-up of contaminated sites at active RCRA facilities is conducted under RCRA permits. Therefore, for Multimedia Division, the EJ activities would be part of the permitting process. Additional public involvement would be required as part of the permitting process when a clean-up remedy is selected and a class-3 permit modification is done. The public participation requirements of the permitting process apply to permit modifications as well.

6. Encouragement to the States

Ensure States follow the public participation regulations for the RCRA permitting process. The need for additional forms of oversight will be identified on a case by case bases.

AIR PROGRAM GOALS FOR ADDRESSING EJ

Air Permitting

We will evaluate the Environmental Justice Screening Analysis developed by the Louisiana Department of Environmental Quality as a model to determine the potential impacts to the potentially affected areas. As part of our strategy we will encourage our states/local to use this analysis as they begin the permitting process. The analysis includes questions that require the permittee to:

- Identify and evaluate adverse environmental effects;
- To conduct a cost benefit analysis of the environmental impact of the project versus the social and economic benefits;
- To evaluate alternative projects and alternative sites that would offer more environmental protection; and
- To evaluate any mitigating measures that would offer environmental protection without unduly curtailing non-environmental benefits.

As sub-lead for Environmental Justice and Permitting, Region 6 is leading a national workgroup that plans to present the above model to Air Division Directors in order to encourage all states to use it during the permitting process.

Air Tribal Grants

Region 6 will continue to work with Tribes and Pueblos to develop air quality programs. In 2002, extensive outreach, which include a grant workshop, will be provided to tribes that have not been involved in CAA activities will be completed and grant funds provided as appropriate.

Region 6 is working with the Central States Regional Air Planning (CENRAP) to ensure appropriate Tribal representation and support for Regional air planning activities.

Air Planning

Will review new State Economic Incentive Programs (Emissions Trading/Banking) to insure that they adequately address the Environmental Justice requirements of EPA's Economic Incentive Policy.

Air Monitoring

A primary goal of ambient air monitoring is the evaluation of population exposure to pollutants. The majority of these population oriented monitors are located in urban and industrial areas and many of these locations are within EJ communities. Region 6 will be conducting an analysis to ensure monitors are being utilized to the maximum exposure benefit. Activities currently being performed that address air quality in EJ areas:

- Expansion of air toxics monitoring efforts in industry dense residential areas (many of which are EJ areas)
- Region 6 Cumulative Impact Tool currently being developed will provide a method for scientifically evaluating EJ impacts from air toxics.

- Coordination with citizen groups in Calcasieu and Houston on several community focused air monitoring projects (Calcasieu VOC/Dioxin Monitoring, Bucket Brigade)

PESTICIDES, TOXICS, UNDERGROUND STORAGE TANK (UST) PROGRAMS GOALS FOR ADDRESSING EJ

Pesticides Program

The Pesticides Program will continue to address environmental justice in its work. The program will target agricultural workers (including migrant workers), low income populations and tribal populations which are typically under served and disadvantaged. Goals for the program will be:

- Ensuring all complaints of pesticide exposure to workers are investigated and all Region 6 States are conducting agricultural worker protection inspections,
- Oversight of two projects that prevent illegal and dangerous use of agricultural pesticides in low income urban settings, and
- Initiation of three projects with Tribes to reduce adverse health risk from pesticides exposures.

Toxic/Indoor Environment/Children Health Program

The Toxic Program will conduct greater than 10 percent of all EPCRA inspection in EJ areas.

The Children Health Program will promote healthy environments and living places for children in EJ areas including but not limited to, the Border and tribal nations. Also, the Children Health Program will conduct outreach to educate school administration, parents, and child care providers on the HELP for kids program, Mercury in Schools initiative, Radon, Tools for Schools, Sunwise, Young Farmers Academy, Lead Based Paint, Asbestos, environmental tobacco and smoke initiative, and the asthma awareness programs. The Region 6 has developed and implemented the Regional Strategic Children Health Plan that ensures healthy environments and living places for children. The Region 6 Strategic Children Health Plan will be made available upon request.

The Indoor Environment Program will make the communities and tribes aware of all grant opportunities that they are eligible to pursue including lead based paint, radon, and indoor environments grants. In addition, Indoor Environment Program will continue to provide funding for tribal participation in radon and indoor environments programs, as well as the lead based paint program.

Solid Waste

The Region's overall goal is for the Tribes to become self-sufficient in managing their solid waste program. It is anticipated that it will take several years to reach this goal. The Region plans to continue to use a consortia approach. There are

65 recognized Tribes in Region 6. The All Indian Pueblo Council (AIPC)/POEP represents 19 Pueblo Tribes in New Mexico and the Inter-Indian Tribal Environmental Council (ITEC) represents 31 of the Tribes in Oklahoma. By using these two consortia the Region can leverage limited resources to provide technical assistance to individual Tribes. During the past two years the Region has developed technical expertise regarding the solid waste program in both consortia. The Region 6 will continue to provide the following tribal assistance:

- Provide Cherokee Nation with landfill design flexibility as allowed by 40 CFR 258.
- Assist Nambe and Northern Eight Tribes in designing a landfill to fulfill their long term solid waste management plans.
- Work with BIA, IHS and other federal agencies to provide monies and technical assistance to properly close high priority open dumps.
- Provide guidance to tribes on design and operation of transfer stations.

Underground Storage Tanks

The Underground Storage Tanks Program will ensure that 14 percent Federal inspections will be conducted in tribal areas.

IV. Reporting (semiannual)

The following activities will be reported semiannual:

- Report the number of low-income/minority communities the hazardous waste, air, pesticide, solid waste, lead-base paint, underground storage tank and children health programs provided assistance and outreach efforts.
- Report the number of water related issues/concerns received by the Multimedia Division from low income/minority communities.
- Report the number of low-income/minority communities and Tribes provided grant funds and technical assistance by the hazardous waste , air, pesticide, solid waste, lead-base paint, underground storage tank and children health programs.

(Generic reporting will be covered in the Region 6 overall Strategy in lieu of in the individual Division Strategies.)

6

10-15-01

**DRAFT SUPERFUND DIVISION
STRATEGY ENVIRONMENTAL JUSTICE**

I. Background

Structure of EJ Program

The Superfund Division has an Environmental Justice (EJ) Representative who serves: 1) as the point of contact for the Division in matters related to EJ and 2) as the Division's representative on the Region 6 EJ Workgroup. This position is within the Division Director's immediate office and facilitates communication with division management and division branches. The current Division EJ Representative position is vacant.

Each branch chief serves as the branch focal point for EJ activities. The branch chief is in the optimum position to expeditiously enlist the appropriate Section, team and staff responses to EJ initiatives and/or to EJ issues. The following structure is in place in the Division:

TITLE	EMPLOYEE	RESPONSIBILITY	PHONE NUMBERS
Division Director	Myron Knudson	Overall management of Division EJ Program activities	214-665-6701
Deputy Director	Pam Phillips	Deputy Director	214-665-6701
Branch Chiefs		Manage EJ program specific initiatives	
	Charlie Gazda	Response & Prevention Branch	214-665-2270
	Betty Williamson	Program Management Branch	214-665-2241
	Wren Strenger	LA/NM/OK Branch	214-665-6583
	Bill Honker	AR/TX/OK Branch	214-665-3187
Section/Teams/Staff		Consider EJ interests, incorporating EJ in program processes.	

Historical Background of E.J. Accomplishments

Due to the nature of work in the Superfund Division Environmental Justice (EJ) issues were being addressed prior to the formation of a formal program. In order for the Region to be responsive to the communities, it has been important that the affected community be informed and consulted throughout the superfund process. It has also been important to look for creative uses for existing resources in order to maximize the achieved effect. In the Superfund Division, these resources have provided a vehicle to provide information and education to the community resulting in more effective community input into the process, and tools which have allowed the Region to address community concerns.

Division Goals/Objectives Pertinent to E.J.

This plan is intended to provide employees of the Superfund Division engaged in removal, remedial, site investigation, oil pollution response and supporting activities with general guidelines on implementing Regional and Agency policy on Environmental Justice into these activities. These guidelines will be implemented on a site-by-site basis, and it is not expected that they will cover all situations or issues which will be encountered. These guidelines may also need to be applied differently depending upon the immediacy of the threat encountered.

The Superfund Division carries out its programs consistent with Executive Order (E.O.) 12898 and the Region 6 Environmental Justice Policy within the authority provided by applicable federal law. In each program, the Division strives to ensure fairness in its actions. Major Division actions are evaluated with respect to Agency EJ responsibilities and the statutory and regulatory provisions under the Clean Water Act (CWA) and the Comprehensive Environmental Response, Compensation, and Liability Act.

With the goal of carrying out the Division programs consistent with the E.O. 12898 and the Region's EJ Strategy, the Superfund Division ensures that all citizens are protected equitably under its programs. The CWA and the CERCLA and the associated regulations do not discriminate based on ethnic, economic, or other characteristics of an area or community. During annual program planning, commitments are made to provide assistance in EJ areas for which the Division is responsible (program areas that have not been delegated to the states/tribes) and to assist states/tribes with their work in EJ areas.

In addition to working with the states and tribes on CWA and CERCLA activities, the Superfund Division's goal is also to cooperate with other EPA programs and other Federal agencies in striving to achieve environmental equity to the maximum extent possible.

To a great extent the priorities of the Division are set by the relative threat posed by the various sites identified. However, the Division will carefully look at the threat posed to any identified EJ community and will carefully look to assure that those communities are afforded

equal treatment in the allocation of resources to address such threats. In addition, the Division will consider the risks posed by other environment sources which affect the community. While it may not always be able to address those additional risks, the Division will determine whether the additional risk would require the site to be given a higher priority for funding or if the additional risk indicates that a different response is appropriate.

II. EJ Population Identification/Analysis

The first step to be taken is the identification of all EJ sites. All EJ sites, as defined by the Regional EJ policy, will be identified at the earliest reasonable point in the process. For remedial sites, this activity should be completed during the site investigation. Early identification will provide the opportunity for the community to provide input into the listing of the site, and to be involved in resulting site activities and decisions.

For removal sites, this activity will be completed as early as immediacy of the threat allows. In the case of emergencies and oil pollution responses, the activity may not be completed until after the threat is addressed. But in all other actions, the activity should be completed before signing the action memorandum. Once a determination is made regarding new or existing sites, that information will be recorded in CERCLIS.

III. Program Goals for Addressing EJ

1. **Enforcement - NA**
2. **Environmental Clean-up - NA**
3. **Corrective Actions - NA**
4. **Encouragement to the States:** While the Superfund Division cannot require the states and local governments to comply with the EJ Executive Order, the Division will work with the states and local governments within the Region to encourage them to comply with the goals of the EO. This will be especially important as more of the sites are addressed through Brownfields and voluntary cleanup programs. While most of these programs do not include the very elaborate community involvement required by the federal program, the Division will work with the states and local government to assure that the communities have a voice in the protection of their health and the environment.

The Division will also coordinate with other federal, state and local authorities to address issues and concerns raised by the community. In many cases, the primary concerns identified by a community cannot be addressed under programs administered in the Division. In those cases, the Division will attempt to identify the appropriate authority, if any, which can provide assistance to the community, and will relay those issues or concerns to the appropriate authority. If appropriate, the Division may also act to

facilitate interaction between the community and the authority.

5. Public participation

The Superfund program currently conducts extensive efforts to assure community involvement. Those activities must continue. In addition, the Superfund Division will look to the opportunities to enhance those activities, and to more carefully target them to the needs of EJ communities. In particular, the Division will look for ways to provide education to the communities which will better prepare them to participate in the process to address threat, and to more effectively express their needs and issues during the process. Education should be customized to fit the individual community and may include:

- the administrative process and how it directly affects the surrounding community;
- the rule, regulation and guidance applicable to a particular activity;
- the technical process and its implications;
- risk assessment and how it affects remedy decisions;
- investigation and studies to be performed and why they are important;
- the community participation process;
- opportunities for other assistance, including both EPA and other resources;
- the enforcement process and what it means to getting the site addressed; and what the EPA can and cannot do - realistic expectations.

The Division will consider other techniques for enhancing community involvement, including the appointment of Community Advisory Groups, and will use them where appropriate. The goal must be to give the community meaningful opportunities to participate in decision making. The decision must directly affect their lives, and they should have a say in the outcome.

IV. Reporting

As determinations regarding new or existing sites are made they are entered into CERCLIS. This provides a current up to date list of the Superfund Division actions involving Environmental Justice issues.

7

***Environmental Justice Implementation Strategy
Management Division***

I. Background

The primary function of the Management Division is to be the focal point of internal assistance and service related functions for our customers. These functions include strategic planning, quality assurance budgeting, accounting, information technology, and management of human resources, facilities, records management and administrative support. All functions within the Division are committed to supporting the Environmental Justice Program under stated roles and responsibilities.

II. Program Goals by Branch

Environmental Services Branch (Houston Laboratory)

The Houston Laboratory is a state-of-the-art facility which maintains quality-trained personnel on the latest techniques used in assisting programmatic customers. The Lab is responsible for providing data analysis on samples as requested by Programmatic Divisions. The Lab itself does not generate requests for sampling, but will provide full support for any data requests related to EJ.

Resource Branch

The Resource Branch houses the budget, planning, accounting, procurement and grants functions. The Grants team provides support in processing EJ grants as prepared by the Programmatic Divisions.

Information Branch

The Information Branch provides technical support in the areas of personal computers, information technology, web authoring and mainframe communication. The Branch's customers are at the Regional and Headquarters Level.

Administrative Services Branch

The Administrative Services Branch provides support to the in-house, regional workforce in the areas of Facilities Management and Human Resources. Besides acting as the liaison to Building Management and handling all facility needs, this branch provides personnel services to include training. Part of that activity relates to recruitment of qualified candidates to fill job opportunities offered here in the Region.

Border XXI Efforts:

The following Memorandums of Understanding are in place which serve the Environmental Justice Community:

Langston University in Langston Oklahoma is a member of the Black Historical Colleges and Universities (BHCU) Association and is located 30 miles northeast of Oklahoma City. EPA has developed a specific plan of action with Langston Officials to address environmental projects, education, and environmental justice issues in the area.

- **Goal:** To provide guidance, and as needed, training to equip Langston University with the tools necessary to address environmental projects, education and as necessary environmental justice issues in the area. *Estimated completion date: ongoing*

The University of Texas at Brownsville is a member of the Hispanic Association of Colleges and Universities (HACU) Association and is located at Brownsville, Texas. EPA has a workgroup currently working on the development of a plan of action specifically tailored for environment education, environmental projects, and environmental justice issues in the lower Rio Grande Valley.

- **Goal:** To provide guidance and assistance in the development of the universities' plan for addressing environmental projects, education, and as needed environmental justice in the Lower Rio Grand Valley. *Estimated completion date: ongoing*

Border XXI Environmental Information Resources Workgroup

Wire the Border Project - A project in conjunction with the U.S. Mexico Chamber of Commerce to equip four border communities along the U. S. Border with computers to access the Internet for environmental information.

- **Goal:** To provide the communities along the U.S. Mexico Border a means of accessing environmental information. *Estimated completion date: June, 2002*

Rev: 01/2002

Border XXI Web Site

A one stop web site for communities and others searching for specific environmental information.

- **Goal:** To provide environmental information specific to the U.S. Mexico Border and other environmental information as requested. *Estimated completion date: June, 2002*
- **Contact for Border XXI goals:** Sam Balandran 214-665-8051

III. Summary

While the primary function of the Management Division is support of our Regional Program Divisions and our Headquarters Counterparts, the Division is committed to doing all it can to enhance quality of life for EJ communities. With input from the programs and the Environmental Justice Office, efforts, though limited, within our scope of authority will be targeted for EJ communities where possible.

IV. Reporting

Data will be provided on a semi-annual basis from the Administrative Service Branch and the Border XXI contact to determine progress in accomplishing the stated goals.

8a

July 21, 1998

MEMORANDUM

SUBJECT: Environmental Justice - Final "Practical Objectives"

FROM: Samuel Coleman, P.E. /s/Sam Coleman
Director, Compliance Assurance and
Enforcement Division

TO: Division Directors

Attached for your use is the final "Practical Objectives of EJ Implementation in Region 6". As you recall, each Division agreed to use this framework document to develop a proposed plan for EJ implementation. Division plans must be completed and submitted to this office by **August 21, 1998**. A briefing with the Deputy Regional Administrator will be scheduled to discuss proposed implementation plans sometime in late August (we will notify you when a specific date is scheduled).

Please contact Shirley Augurson at 5-7401 if you have questions or concerns regarding this document.

Attachment

cc: Greg Cooke, 6RA
Jerry Clifford, 6DRA
EJ Workgroup

6EN:SAugurson:7/21/98:l:798ejmemo

8b

Practical Objectives of EJ Implementation in Region 6

Purpose:

This document provides a general framework for the development of a comprehensive Regional plan for implementation. The Regional Environmental Justice (EJ) Implementation Plan will consist of Division specific approaches for implementation that are consistent with the practical objectives.

Background

1. The Executive Order on Environmental Justice does not create any new authorities or powers.
2. It does, however, call upon all federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low income populations **"to the extent practicable and permitted by law."** (E.O. 12898 at section 1-101.)
3. The E.O. specifically calls for an environmental justice strategy that, at a minimum, serves to: "(1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low income populations." (E.O. 12898 at section 1-101.)¹

Assumptions in Developing an Regional EJ Policy

1. The E.O. is not a separate source of legal authority. (See the Administrator's decision on the Shintech CAA Title V petition in September 1997, where EJ claims were rejected because they did not show a violation of the underlying statute.)
2. The Agency has a commitment under the E.O. to address EJ concerns, to the extent the Agency has authority and discretion (e.g., in implementation of EPA policy).

¹ The Region is currently using the definition of minority and low income populations developed by the Interagency Working Group on Environmental Justice (See attachment.)

3. The Agency has no authority to require States to comply with the E.O. However, States receiving federal assistance have an independent legal obligation to avoid adverse and discriminatory impacts on minority populations (see Title VI of the Civil Rights Act), and thus EPA should actively attempt to **assist** States in understanding ways to achieve compliance with Title VI (and, coincidentally, with EJ principles). However, the Region should be careful not to make public statements on potential disparate impact, as such statements could be used as a basis for suit against the State. (Any oversight of a State's compliance with Title VI should be carefully coordinated with the EPA Office of Civil Rights, and should not be the subject of public statements.)

Practical recommendations for ways to implement an EJ policy in Region 6

1. Incorporate Environmental Justice principles, (i.e., evaluate population demographics, determine impacts on EJ population) in establishing Regional priorities and goals, e.g., in developing agency plans, defining accomplishment targets, identifying communities in need of technical assistance grants or other funding priorities.

2. Incorporate Environmental Justice principles in setting targets for investigations, inspections, and EPA enforcement actions.

3. Incorporate Environmental Justice principles in the settlement of EPA enforcement actions involving facilities within 4 miles of an EJ community, (e.g., when identifying Supplemental Environmental Projects (SEPs)).

4. Incorporate Environmental Justice principles for environmental cleanup and corrective actions (e.g., consider whether there are EJ communities within 4 miles of potential Superfund sites when setting Regional targets for Superfund cleanups, site assessments, preliminary assessments).

5. Provide additional opportunity for public awareness and insure effective participation in EJ communities affected by Federal actions (e.g., NEPA reviews, direct Federal permitting actions, Federal Superfund actions).

* Guidance should define a minimum amount of public education/participation, and then set out expanded public participation recommendations for highly contentious situations.

6. Ensure appropriate technical review and oversight of State-issued permits and State enforcement programs, on EJ communities within 4 miles of major pollution sources. Ensure, among other things, that permits in EJ communities are sufficiently stringent to address EJ factors, and that State enforcement actions are occurring in EJ communities as well as non-EJ communities.

7. Incorporate EJ principles in setting priorities for the issuance and review of EPA permits (e.g., ensure that permit modifications that improve the efficiency of facility operations and reduce emissions are processed quickly in impacted EJ communities).

8. Assist States in understanding which communities are EJ communities, and in understanding the menu of possible ways a State could address EJ concerns. These steps should help State recipients of Federal grant funding comply with their legal obligations under Title VI of the Civil Rights Act (and to avoid litigation and liability under Title VI).

9. Encourage States to develop active EJ programs of their own to promote consistency across Region 6 EJ programs at both the State and Federal level.

10. Improve research and data collection relating to health effects on minority and low income populations.

8c

August 9, 2001

MEMORANDUM

EPA MAIL

SUBJECT: EPA's Commitment to Environmental Justice

TO: Assistant Administrators
General Counsel
Inspector General
Chief Financial Officer
Associate Administrators
Regional Administrators
Office Directors

The Environmental Protection Agency has a firm commitment to the issue of environmental justice and its integration into all programs, policies, and activities, consistent with existing environmental laws and their implementing regulations.

The Agency defines environmental justice to mean the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their meaningful involvement in the decisionmaking processes of the government. Among other things, this requires the following:

- (a) Conducting our programs, policies, and activities that substantially affect human health and the environment in a manner that ensures the fair treatment of all people, including minority populations and/or low-income populations;
- (b) Ensuring equal enforcement of protective environmental laws for all people, including minority populations and/or low-income populations;
- (c) Ensuring greater public participation in the Agency's development and implementation of environmental regulations and policies; and
- (d) Improving research and data collection for Agency programs relating to the health of, and the environment of all people, including minority populations and/or low-income populations.

In sum, environmental justice is the goal to be achieved for all communities and persons across this Nation. Environmental justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

The purpose of this memorandum is to ensure your continued support and commitment in administering environmental laws and their implementing regulations to assure that environmental justice is, in fact, secured for all communities and persons. Environmental statutes provide many opportunities to address environmental risks and hazards in minority communities and/or low-income communities. Application of these existing statutory provisions is an important part of this Agency's effort to prevent those communities from being subject to disproportionately high and adverse impacts, and environmental effects.

In the National Environmental Policy Act of 1969 (NEPA), Congress could not have been any clearer when it stated that it shall be the continuing responsibility of the Federal government to assure for all Americans "safe, healthful, productive and aesthetically and culturally pleasing surroundings."

Integration of environmental justice into the programs, policies, and activities via Headquarters/Regional Office Memoranda of Agreements and Regional Office/State Performance Partnership Agreements is an Agency priority. The Director of the Office of Environmental Justice, Barry E. Hill, and his staff are available to assist you. Barry Hill can be reached at (202)564-2515.

I am positive that each of you will join me in working to secure environmental justice for all communities.

/signed/

Christine Todd Whitman

8d

THE WHITE HOUSE

WASHINGTON

February 11, 1994

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

SUBJECT: Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Today I have issued an Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. That order is designed to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities with the goal of achieving environmental justice. That order is also intended to promote non-discrimination in Federal programs substantially affecting human health and the environment, and to provide minority communities and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment.

The purpose of this separate memorandum is to underscore certain provision of existing law that can help ensure that all communities and persons across this Nation live in a safe and healthful environment. Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects. I am therefore today directing that all department and agency heads take appropriate and necessary steps to ensure that the following specific directives are implemented immediately:

In accordance with Title VI of the Civil rights Act of 1964, each Federal agency shall ensure that all programs or activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin. Each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section #321 et seq. . Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority communities and low-income communities.

Each Federal agency shall provide opportunities for community input in the NEPA process,

including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

The Environmental Protection Agency, when reviewing environmental effects of proposed actions of other Federal agencies under section 309 of the Clean Air Act, 42 U.S.C. section 760, shall ensure that the involved agency has fully analyzed environmental effects on minority communities and low-income communities, including human health, social, and economic effects.

Each Federal agency shall ensure that the public, including minority communities and low-income communities, has adequate access to public information relating to human health or environmental planning, regulations, and enforcement when required under the Freedom of Information Act, 5 U.S.C. section 552, the Sunshine Act, 5 U.S.C. section 552h, and the Emergency-Planning and Community Right-to-Know Act, 42 U.S.C. section 11044.

This memorandum is intended only to improve the internal management of the Executive Branch and is not intended to, nor does it create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

William Clinton

8e

February 11, 1994

EXECUTIVE ORDER

FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. IMPLEMENTATION.

1-101. Agency Responsibilities. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice

(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an Interagency Federal Working Group on Environmental Justice ("Working-Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities

and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;

(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies.

(a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b) - (e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be

promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to The President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities For Federal Programs. Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, Color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis

3-301. Human Health and Environmental Research and Analysis.

(a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to, substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

(a) each federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental

effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption Of Fish And Wildlife.

4-401. Consumption Patterns. In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance. Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information

(a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial

public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearing relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions.

6-601. Responsibility for Agency Implementation. The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875. This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope. For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions. The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs. Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs. Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General. Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

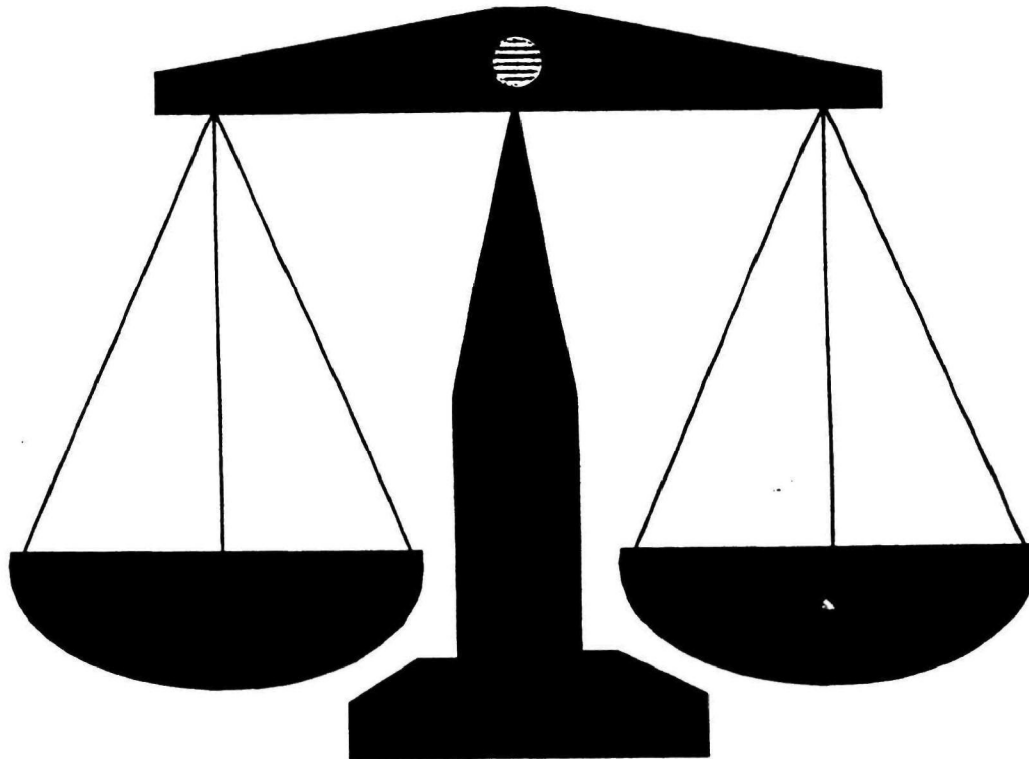
William J. Clinton

THE WHITE HOUSE,
February 11, 1994.

8f

February 25, 2002 (6:30PM)

**OFFICE OF ENVIRONMENTAL JUSTICE
REGION 6**



- I. Introduction**
- II. Mission**
- III. Vision**

Introduction

Environmental Justice refers to the pledge or assurance that no population will endure a disproportionate share of the country's pollution. There is evidence that minority and low income communities are exposed to more environmental pollutants than the general population. With an Executive Order, signed in February of 1994, EPA has set out to address the disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations.

Early in the genesis of Environmental Justice movement within the Environmental Protection Agency, Region 6 took a leadership role. Contained within the five-state Region are some of the most serious Environmental Justice issues facing our country today. With some 1200 miles of the U.S. Mexico Border, 60 percent of petro-chemical manufacturing capacity in the United States, in a region that generates 40 percent of all the hazardous waste in the Nation and disposes or treats 45 percent of the nation's hazardous waste, Region 6 has a major role and responsibility for addressing the concerns facing the communities around these facilities.

Region 6 wants to create and encourage a new approach for solving the problems of pollution in minority and low-income communities. That new paradigm reaches out for inclusion to all stakeholders, and creates the strategic alliances which result in solutions. This mission statement, vision statement and strategic plan are offered as a road map of how the committed and concerned members of the Region 6 Environmental Justice team see their roles in carrying out the mission of Environmental Justice.

Numerous studies have shown that there is a disproportionate burden of pollution and siting of pollution sources in minority and low-income communities. Environmental Justice aims to address the issue of equity...providing equal protection to all populations, including minority and low-income communities, and to eliminate the disproportionate impacts on these communities. Through the Executive Order and our work in the Region 6 Office of Environmental Justice, we are committed to empowering affected communities and stakeholders and correct environmental injustices.

Region 6 Office of Environmental Justice Mission Statement

The guiding principle of the Office of Environmental Justice is that everyone, regardless of race or income, is entitled to share equally in the benefits of environmental protection.

February 25, 2002 (6:30PM)

Vision Statement Office of Environmental Justice Region 6

Our Vision for the Office of Environmental Justice in Region 6:

We empower Environmental Justice communities to participate in decision making that affects their destinies.

We are an exemplary model of Environmental Justice programs and implementation for all Environmental Justice partners--governments, communities, business, industry and academia.

We extend the concept of Environmental Justice beyond clean-up to prevention.

Vision for our Internal Operations:

We work with a common purpose within our own staff, our Senior Management, and Region 6.

We provide all Region 6 employees the opportunity to gain the knowledge and skills necessary to integrate environmental justice into their daily activities.

We encourage Region 6 employees to be innovative and proactive in identifying and addressing Environmental Justice issues.

We strive to advance the principle of EJ by routinely rewarding and recognizing positive internal efforts.

Vision for our Strategic Alliances:

We encourage stakeholders to understand the benefits of environmental justice and work cooperatively to solve problems.

We help stakeholders create their own strategic alliances to address environmental justice issues in their communities.

Strategic Plan

Goals and Objectives

The Region 6 Office of Environmental Justice will implement a comprehensive approach to identifying and addressing environmental justice concerns. This approach requires the early involvement of affected communities and other stakeholders. The Office of Environmental Justice has several key roles in effectively addressing environmental justice issues that are both internal to EPA and Region 6, as well as external roles, requiring strategic alliances, leveraging resources, and coordination.

OEJ's role can be summarized in the following actions, which are spelled out further in this strategy:

- 1. Serve**
- 2. Empower**
- 3. Educate/Inform**
- 4. Facilitate/Coordinate (Make it Happen)**
- 5. Clarify**
- 6. Form Strategic Alliances**
- 7. Identify Target Communities**
- 8. Work with Headquarters**

- 1. To serve the needs of communities and stakeholders by:**
 - a. facilitating communications
 - b. acting as a liaison, communicating the needs of target communities to all stakeholders
 - c. making EPA accessible to affected communities
 - d. using the Office of Environmental Justice's authority to recommend direct action
- 2. The OEJ aims to empower communities and strategic partners by:**
 - a. the grantmaking process
 - b. forming and facilitating community/industry/stakeholder panels
 - c. informing & educating
 - d. identifying other resources
 - e. recognizing/acknowledging communities & concerns
 - f. linking to other communities
 - g. promoting meaningful participation on part of communities
 - h. providing a forum for voicing concerns
 - i. providing referral services
 - j. assisting state counterparts in implementing Environmental Justice programs

February 25, 2002 (6:30PM)

3. The OEJ will educate and inform both internal and external stakeholders regarding Environmental Justice

4. The OEJ will facilitate and coordinate ensuring proper actions are taken through:

- a. identifying stakeholders/appropriate legal authorities
- b. assisting in identifying and prioritizing stakeholder needs
- c. setting up meetings with stakeholders, coordinating contact with state, industry, EPA, and other government agencies
- d. fully planning and coordinating meeting logistics
 - 1) Logistics
 - a) determine where and when in conjunction with stakeholders
 - b) identify facilities, means (teleconference, public meeting, etc.), and resources (transcriptionist, room, equipment, facilitator, etc.)
 - c) serving as an informal mediator between stakeholders
 - d) identifying mediators when formal mediation is called for

5. The OEJ will serve as a vehicle to clarify critical information for all stakeholders by:

- a. ensuring the information is given to community in clear, plain language, which is an integral component of meaningful participation
- b. interpreting EPA regs
- c. explaining EPA policy/background
- d. employing effective listening skills
- e. removing language barriers
- f. approaching issues with cultural awareness
- g. making public aware of EPA limitations
- h. facilitating referral to the appropriate authorities/organizations
- i. clarifying internally means to educate all employees about Environmental Justice, its function, Division/Individual, state, industry, and all partner's roles in implementing Environmental Justice
- j. clarifying EPA's expectations for the States

6. The OEJ will assist in forming strategic alliances by:

- a. identifying appropriate authorities and organizations, limitations and boundaries
- b. identifying agencies to address concerns
- c. bringing everyone to the table
- d. identifying expectations
- e. establishing interagency working group at the Regional level; creating a working group with other federal agencies
- f. encouraging communities to seek help from the proper authority (state or local)
- g. providing opportunities for community input

7. The OEJ will work to identify target communities through:

February 25, 2002 (6:30PM)

- a. EJ index methodology/demographic screening, e.e., review census data.
- b. disproportionate impact analysis
- c. community/stakeholder input
- d. cumulative risk assessments
- e. GIS tools
- f. pollution sources data (RCRIS, CERCLIS, AIRS, TRI, etc.)
- g. Indian land maps

8. The OEJ will coordinate and work closely with Headquarters in implementing the Region 6 Environmental Justice program:

Specifically:

OCR - Title VI

OEJ

R6 to HQ

HQ to R6

–HQ provides guidance, policy and SOP

–R6 identifies internal resource needs to HQ

–R6 partners with HQ in developing guidance, policy and SOPs

–Aim to bring community and external groups (such as NEJAC) into guidance/policy/SOP development process

–find method for input

–establish informal links

–report to HQ

–Exchange technical, policy and political advice with HQ

–NEJAC: R6 assists in providing input for national reporting to NEJAC; R6 coordinates meeting activities when necessary

Evaluation

OEJ will evaluate each objective of the strategic plan by tracking the following aspects. In addition, Region 6 OEJ will produce an annual report in narrative form, which will also include evaluation data generated from this data tracking.

1. Serving communities and stakeholders:

- a. facilitating communications

number of calls received by OEJ; responses generated;

- b. acting as a liaison, communicating the needs of target communities to all stakeholders

number of liaisons facilitated

- c. making EPA accessible to affected communities

Referrals to various media and program offices, responses generated

- d. using the Office of Environmental Justice's authority to recommend direct action

Number of action referrals generated

February 25, 2002 (6:30PM)

2. Empowering communities and strategic partners by:

a. the grantmaking process

Number, type and communities grants are given to; project results, benefit to EJ; total dollars awarded

b. forming and facilitating community/industry/stakeholder panels

number of panels formed; results

c. informing & educating

number of training sessions held

d. identifying other resources

number and instances

e. recognizing/acknowledging communities & concerns

number and name of communities OEJ is involved in helping

f. linking to other communities

number of contacts initiated between communities

g. promoting meaningful participation on part of communities

anecdotal information not captured in other participation data

h. providing a forum for voicing concerns

number of meetings hosted in communities; outcomes

i. providing referral services

number of referrals given

j. assisting state counterparts in implementing Environmental Justice programs

number of training sessions conducted; type of assistance provided to state programs

3. Educate and inform internal and external stakeholders:

a. Educate internal Region 6 employees regarding EJ, current issues and basic tenets, procedures and regulatory guidance.

Number of internal employees trained

b. Educate and inform all varieties of external audiences regarding EJ tenets, procedures, current issues and regulatory guidance.

Number of external audiences (type and number) reached

4. Ensuring proper actions are taken:

a. identifying stakeholders/appropriate legal authorities

number of incidences and type

b. assisting in identifying and prioritizing stakeholder needs

communities and instances

c. setting up meetings with stakeholders, coordinating contact with state, industry, EPA, and other government agencies

number, type and outcomes

d. fully planning and coordinating meeting logistics

number, type and outcomes

5. The OEJ will serve as a vehicle to clarify critical information for all stakeholders by:

February 25, 2002 (6:30PM)

- a. ensuring the information is given to community in clear, plain language, which is an integral component of meaningful participation
type and frequency of written communications
- b. interpreting EPA regs
instances
- c. explaining EPA policy/background
number of publications produced; written examples
- d. employing effective listening skills
EJ team members take active listening training
- e. removing language barriers
number and type of publications available in other than English; number of meetings where translators are used
- f. approaching issues with cultural awareness
cultural awareness training provided to staff
- g. making public aware of EPA limitations
publications, number and type which help explain the working parameters for the EJ program
- h. facilitating referral to the appropriate authorities/organizations
number of referrals
- i. clarifying internally means to educate all employees about Environmental Justice, its function, Division/Individual, state, industry, and all partner's roles in implementing Environmental Justice
internal training courses held; other "awareness" events; number of employees trained
- j. clarifying EPA's expectations for the States
training courses, meetings, clarifying documents

6. The OEJ will assist in forming strategic alliances by:

In general, under this objective, the OEJ will evaluate its success in this area based on the number and effectiveness of the strategic alliances formed in EJ impacted communities, including already formed alliances.

- a. identifying appropriate authorities and organizations
- b. identifying agencies to address concerns
- c. bringing everyone to the table
- d. identifying expectations
- e. establishing interagency working group at the Regional level; creating a working group with other federal agencies
establish group, evaluate effectiveness through their networking activities
- f. encouraging communities to seek help from the proper authority (state or local)
number and instances
- g. providing opportunities for community input
number and instances

7. The OEJ will work to identify target communities through:

This objective will be evaluated through by examining the end result of target community identification for accuracy and completeness of analysis when employing the various analytical tools.

- a. EJ index methodology
- b. disproportionate impact analysis
- c. community/stakeholder input
- d. demographic screening
- e. cumulative risk
- f. census data
- g. GIS tools
- h. pollution sources data (RCRIS, CERCLIS, AIRS, TRI, etc.)
- i. Indian land maps

8. The OEJ will coordinate and work closely with Headquarters in implementing the Region 6 Environmental Justice program:

Coordination effectiveness will be judged based on tangible factors, such as Headquarters responsiveness, regional responsiveness, level of input and to key policy issues.

Specifically:

OCR - Title VI

OEJ

R6 to HQ

HQ to R6

–HQ provides guidance, policy and SOP

–R6 identifies internal resource needs to HQ

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–Aim to bring community and external groups (such as NEJAC) into guidance/policy/SOP development process

–find method for input

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February 25, 2002 (6:30PM)

REVIEW OF DRAFT EJ INTRODUCTION, MISSION, VISION OF STRATEGIC PLAN

3-28-00: Dina Granado

I have reviewed the EJ Strategy Plan and have the following comments to offer under the actions listed for Goals and Objectives::

1.c. - the word "accessible" is misspelled.

5.a. - change the word "community" to "communities"

Under the "Evaluation" I have the following comments to offer:

First of all I would suggest that the phrases written in italics be indented for easier reading.

1.a. - I would include "types of responses and "number of contacts"

1.b. - I would change from "number of liaisons facilitated to "number of times acted as liaison"

1.c. - the word "accessible" is misspelled.

2.d. - I would change from "number and instances" to "types of resources"

2.f. - I would add "number of communities linked".

4.a. - I would add "number of stakeholders identified"

4.b. - I would change from "communities and instances" to "types of needs" or "kinds of needs".

5.i. - I think this particular action should be moved to number 3. It goes better with "Educate and inform internal and external stakeholders".

I hope these are the types of comments you needed. It appears that a lot of the actions and activities being evaluated or tracked are basically the same or similar and could be combining together for easier tracking. Did not know whether you wanted me to make suggestions on which to combine in this area so I didn't. Otherwise, this could turn into a big workload for someone.

February 25, 2002 (6:30PM)

charlie@structurex.net,

Olivia, thank you for the opportunity to comment on the EPA EJ issues relative to mission, vision, and strategic plan as outlined in your letter of January 17, 2000.

Comment on the Mission Statement:

The Region office of Environmental Justice is committed to finding solutions to environmental and health problems that may disproportionately impact minority and/or low income populations. We suggest that the word "disproportionately" be removed.

EPA's job to start with is to prevent any community or people from having environmental or health problems, and if they do, find a solution. The problem does not have to be disproportionately.

The problem is the people do not even know that a permit application is under review, do not have the permit information, do not have the knowledge or means to interpret the permit information, do not know how to participate in the permit process, do not have the means or resources by which to participate in the permit process, and do not have the technical knowledge to understand the impact the permit application has on the people and community.

Comment on the Strategic Plan:

In order for the people or a community to be empowered, they need to have the tools to by which to be empowered with. Information and the understanding of information is power.

I suggest that the following empowerment tools be added to the Strategic Plan:

EPA EJ should write in the Plan that a toll free phone line will be provided, in order to guarantee that information is available. Some EPA Regions do not have toll free numbers to their regional offices, and we do not want to lose Region 6.

EPA EJ should provide for comprehensive, full time, real time, effective, actual monitoring for all chemicals known to be used by all permittees and monitoring for all fugitive, stack, and point source emissions and emergency releases.

EPA EJ should inform the affected people and communities of all new and renewal applications for all local, state, and federal environmental permits immediately, when received.

EPA EJ should provide several copies of all environmental permits to the library in the affected communities. One copy must remain in the library at all times for reference, and at least two copies should be available to be checked out overnight by citizens.

EPA EJ should provide for timely qualified technical interpretation of the permit information and data, to the affected people or community. This is to explain what the permit is for and to explain

February 25, 2002 (6:30PM)

what the technical permit data means. This is also to explain the cumulative impact that all other existing active permits has on the people and communities when included with the new or renewal permit.

EPA EJ should provide, for each permit, in writing to the affected people and communities, the procedure by which to properly, legally challenge the permit's issuance, and how to force proper monitoring of permit compliance.

EPA EJ should provide for public hearings for all environmental permits.

EPA EJ should provide for proper, full time, real time, effective, actual monitoring of all environmental permits so that the people and communities can monitor permit compliance. Monitoring should be specifically for all emissions listed in the permits. Monitoring should be fence line monitoring and also offsite monitoring in the residential areas where people live.

EPA EJ should provide to the people and communities, timely summaries of all inspections, violations, fines and penalties.

EPA EJ should provide for public participation by the affected people and communities in enforcement actions and fines.

Thank you again for allowing us to provide comments by which to help empower citizens.
Charlie