

United States  
Environmental Protection  
Agency

Environmental  
Accountability  
Division  
(4EAD)

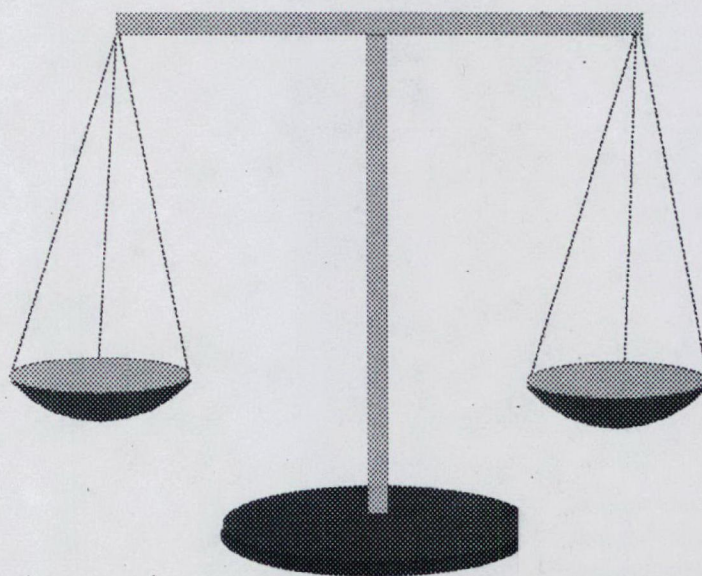
EPA 904-D-97-001  
July 1997



**EPA**

## **REGION 4**

# **DRAFT ENVIRONMENTAL JUSTICE PROTOCOL**



**Alabama  
Florida  
Georgia**

**Kentucky  
Mississippi**

**North Carolina  
South Carolina  
Tennessee**

## FOREWORD

This document is a working draft of the EPA, Region 4, *Environmental Justice Protocol*.

The EPA, Region 4, Environmental Justice (EJ) Protocol Team was established to develop criteria to address and incorporate EJ into the Agency's operating procedures. This document represents the combined efforts of each division. Accordingly, it is the responsibility of senior level managers within each division to institutionalize this protocol to address EJ issues and concerns throughout all aspects of the Agency's operations. If there are any questions or comments, please contact Connie Raines, Director, Office of Environmental Justice/Community Liaison at (404) 562-9671.

The Environmental Justice Program contacts are:

Air, Pesticides and Toxics Management Division	Robert Bookman	(404) 562-9222
Environmental Accountability Division	Becky Allenbach	(404) 562-9687
Environmental Accountability Division	Carlton Waterhouse	(404) 562-9676
Office of Policy and Management	Matthew Robbins	(404) 562-8371
Science and Ecosystem Division	Louis Salguero	(706) 546-2620
Water Management Division	Natalie Ellington	(404) 562-9453
Waste Management Division	Alicia Thomas	(404) 562-8473
Waste Management Division	Eddie Wright	(404) 562-8669

Below are the additional members of the EJ Team:

Environmental Accountability Division	Kathleen Curry	(404) 562-9548
Waste Management Division	Michael Hartnett	(404) 562-8661
Waste Management Division	Brian Holtzclaw	(404) 562-8868

The editor of the Region 4, *Draft Environmental Justice Protocol* is:

Waste Management Division	Nicole Comick-Bates	(404) 562-9966
---------------------------	---------------------	----------------

As a result of the recent reorganization of EPA Region 4, additional protocol documents will be developed for the Environmental Accountability Division and the Cross-Cutting and Media Programs; ~~divisional~~ protocols will also be revised to reflect the new structure.

**Note:** An *affected* or *impacted* community is defined as an area within a community that has the potential for bearing environmental burdens. The terms *affected* and *impacted* are used interchangeably in this document.

## CONTENTS

I.	Purpose .....	1
II.	Background .....	1
III.	Definition(s) .....	2
IV.	Environmental Justice Offices, Positions and Responsibilities .....	3
V.	Implementation Procedures .....	6
VI.	Demographic Policy .....	10
VII.	Environmental Justice Small Grants Program .....	12
VIII.	Divisional Protocol Procedures .....	15
	Air, Pesticides, and Toxics Management Division .....	17
	Air Enforcement Branch .....	19
	Pesticides and Toxics Substances Branch .....	21
	Emergency Planning and Community Right-To-Know (EPCRA) Branch .....	22
	Toxics Substance Program.....	24
	Environmental Accountability Division .....	27
	Waste Management Division.....	29
	RCRA Programs Branch .....	31
	Federal Facilities Branch .....	33
	North and South Site Management Branches .....	36
	Emergency Response and Removal Branch .....	38
	RCRA Permitting and Compliance Branch .....	39
	Office of Regional Counsel .....	41
	Water Management Division .....	43
	Enforcement .....	46
	Remedial or Corrective Actions .....	48
	Permitting .....	49
	Public Outreach/Education .....	50
	Community Based Environmental Protection .....	53
	Performance Partnerships and Grants .....	55
	Environmental Justice Grants .....	55
	Employee Awareness and Sensitivity .....	55
IX.	Cross-Cutting and Multimedia Programs.....	57
X.	Appendices .....	59
	Environmental Justice Complaint Form .....	61
	Environmental Justice Protocol Demographic Request .....	63

## I. Purpose

The Region 4 Environmental Justice Protocol establishes Regional policies, responsibilities, procedures and activities to ensure that environmental justice is incorporated into Region 4's day-to-day operations and to ensure that environmental justice issues are addressed.

## II. Background

The United States Environmental Protection Agency (EPA) was established in 1970, in response to growing concerns about public health and environmental conditions across the nation. These concerns included unhealthy air, polluted rivers, unsafe drinking water, and improper waste disposal. When EPA was created, congressional statutes were passed to enable coordinated and effective government action. EPA endeavors to achieve systematic control and abatement of pollution by properly administering and integrating a variety of research, monitoring, standard-setting and enforcement activities. As a complement to these activities, EPA provides coordination and support for anti-pollution activities and research conducted by state, local and tribal governments, private and public groups, educational institutions, and individuals. In addition, EPA reinforces efforts on behalf of other federal agencies to assess the impact of their operations on the environment. In all, EPA is designed to serve as the *public's advocate* for a safe, habitable environment.

In response to health and environmental concerns from communities throughout the nation, EPA placed an increased emphasis on environmental justice. Several of the events responsible for this increased awareness are:

- The Southern historical EJ significance of the Warren County PCB landfill (1982) and other EJ events;
- The historical First National People of Color Summit (October, 1991) and the resulting 17 "Principles of EJ"; and
- The growing and compelling EJ movement, with emerging EJ networks and their grassroots groups

As a result of the combined actions of the EPA and community advocates, the following historical events took place:

- Administrator Reilly established the first Environmental Equity (EE) Workgroup in 1990;
- EE meetings were held with Administrator Reilly in 1991;
- Representatives of the EJ movement participated in the development of Executive Order #12898;
- A federal advisory committee to the EPA -- the National Environmental Justice Advisory Council (NEJAC) -- was established in 1993; and
- In the June, 1992 report to the EPA Administrator, EPA's Environmental Equity Workgroup reported that "in the context of a risk-based approach to environmental management the relative risk burden borne by low-income and racial minority communities are a special concern." The Workgroup's report, entitled *Environmental Equity: Reducing Risk for All Communities* (EPA A230-R-92-008), found that racial

minority communities bear a higher environmental risk burden than the general population. Because studies have shown that certain groups of Americans disproportionately suffer the burdens of pollution, environmental justice (EJ) has become a top priority for EPA.

Upon entering her new position in 1993, EPA Administrator Carol Browner presented seven guiding principles for the Agency. In the EPA document, *The New Generation of Environmental Protection: EPA's Five-Year Strategic Plan*, environmental justice is listed as one of the guiding principles. It states, "EPA will work to ensure that individuals and communities are treated equitably under environmental laws, policies, and regulations, and that the benefits of environmental protection are shared by everyone."

At the core of environmental justice is the concept of fairness. It speaks to the impartiality that should guide the application of laws designed to protect the health of human beings and the productivity of ecological systems upon which all human activity, including economic activity, depends.

On February 11, 1994, President Clinton issued Executive Order #12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations," and an accompanying Presidential memorandum, to focus federal attention on the environmental and human health conditions in minority and low-income communities. The Executive Order, as amended, directs federal agencies to make the achievement of environmental justice part of their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order also directs federal agencies to allow all portions of the population a meaningful opportunity to participate in the development of, compliance with, and enforcement of federal laws, regulations and policies affecting human health and the environment.

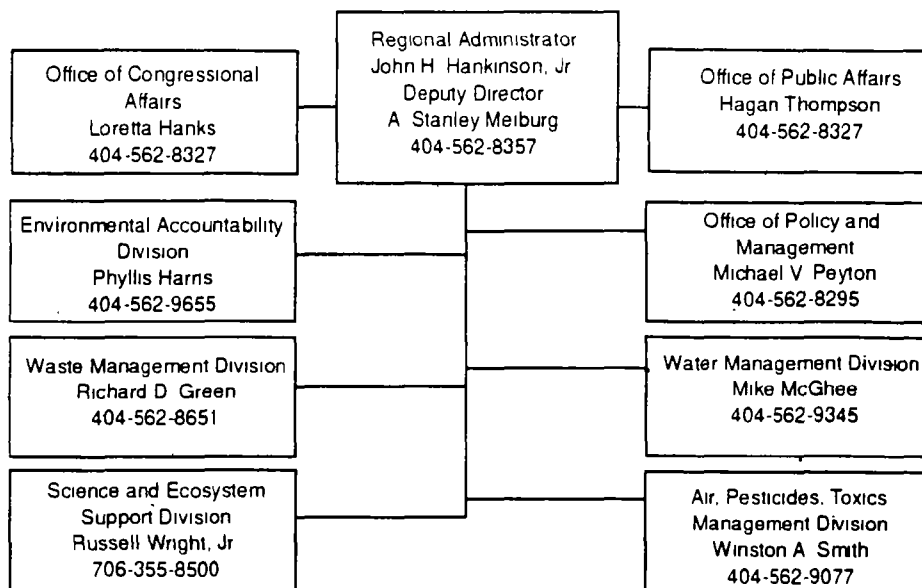
EPA Region 4 created the Office of Environmental Justice in July of 1993 to develop a regional program to address any environmental issues that have disproportionate and adverse impacts on minority and/or socioeconomically disadvantaged communities.

### **III. Definition(s)**

Environmental justice is the principle that seeks to ensure the equitable distribution of environmental protection benefits. The goal of environmental justice is to provide environmental and public protection so no segment of the population, regardless of race, ethnicity, culture or income, bears an undue burden of environmental pollution, and to ensure that the benefits of environmental protection are shared by everyone.

## IV. Environmental Justice Offices, Positions and Responsibilities

### A. REGIONAL



#### 1. Regional Administrator

The Regional Administrator (RA) executes the Region's environmental justice program and provides adequate resources and direction to implement the Agency's strategic plans within Region 4. The RA is responsible for the overall direction of the regional environmental justice program, and ensures the implementation of the national environmental program objectives into Region 4's activities.

#### 2. Director, Environmental Accountability Division

The Director of the Environmental Accountability Division is responsible for the overall direction, administration and evaluation of regional integration of environmental justice and for ensuring the appropriate designation of resources within EAD to accomplish these objectives.

#### 3. The Office of Environmental Justice/Community Liaison

The Office of Environmental Justice/Community Liaison (OEJ/CL):

- Reviews activities, policies, procedures, regulations and programs to determine if these are consistent with achieving environmental justice and making recommendations to the Director of the Environmental Accountability Division so that EJ can be incorporated into EPA's environmental policies and regulatory/enforcement programs.
- Ensures the implementation of Headquarter's environmental justice guidance of Title VI of the Civil Rights Act of 1964 into state permitting programs.

- Ensures that adequate public participation, dialogue, communication and outreach programs are established in EPA Region 4 - so that low-income and minority communities are participants in the development and delivery of environmental programs. Provides assistance to EPA staff on ways to interact more efficiently with EJ populations on related issues (e.g. technical assistance to community groups, materials, etc.).
- Provides overall direction and administration in the Environmental Justice Small Grants Program and provides referral information to EJ communities on other available active funding resources, as available. (e.g. EPA's annual EJ Pollution Prevention Grants, NIEHS EJ grants, etc.).
- Provides oversight on the complaint procedure outlined in this protocol.
- Provides oversight on the implementation and coordination of environmental justice activities in the Divisions to ensure consistency with the Regional Protocol.
- Maintains up-to-date communications on national environmental justice policy developments with the EPA HQ Office of Environmental Justice (OEJ) and the National Environmental Justice Advisory Council (NEJAC). This includes the tasks of liaison activities, disseminating publications (e.g. NEJAC's *Model Plan for Public Participation*), or referring people to the respective Internet home pages. This OEJ and NEJAC information will be made available to EPA staff -- and other partners in environmental justice, including community groups, local, tribal, state and federal agencies.
- Provides leadership to mobilize governmental, academia and corporate responses to identified environmental justice needs.
- Ensures an active, results-oriented EPA Region 4 Environmental Justice Team, which is comprised of cross-divisional and cross-program representatives. The team meets on a monthly basis, or as necessary.
- Designs and executes special environmental justice projects, such as Internet web pages, or Geographic Information System (GIS) risk targeting or screening, as necessary.

#### 4. Director, Office of Environmental Justice and Community Liaison

The Director of the Office of Environmental Justice and Community Liaison is responsible for the development and implementation of region-wide, comprehensive cross-program approaches for addressing environmental justice within the Region. The Director is an environmental justice advocate that strives to institutionalize it within EPA Region 4's environmental programs. The Director is responsible for:

- The maintenance and continual improvement of the Protocol document.



- Coordinating environmental justice outreach, education, communication, and training programs for the Region.
- Serving as the principal advisor on environmental and human health-based programs, regulations, and legislation concerning minority and low income populations.
- Providing advisory and consultative services to program managers to ensure that environmental justice concerns across the region are addressed.
- Identifying and building strategies to ensure affected community-based input and adequate representation in the environmental planning, enforcement & compliance assurance, clean-up and monitoring process.
- Meeting with local, tribal and state governments on environmental justice issues and concerns.
- Coordinating the resolution of complaints with the proper EJ Team member or program office.
- Supporting inter- and intra-Agency coordination on Southeast environmental justice issues, such as forming working groups (at all levels) to address and coordinate issues of environmental justice. Important examples are promoting and ensuring that health agencies and institutions such as: ATSDR; National Institute of Environmental Health Sciences (NIEHS); Center for Disease Control's (CDC) Environmental Health Center; and Hispanic, Black Colleges and Universities (HBCU's) are working in a coordinated manner.

## 5. Divisional Offices

Each Division Director is responsible for the development and implementation of a protocol for the division that is consistent with national and regional environmental justice objectives. In a leadership role, the Division Director will help institutionalize environmental justice actions into its environmental programs. The divisional offices will ensure the appropriate designation of resources to accomplish the environmental justice objectives. Each divisional office will ensure that its respective Protocol is maintained and updated as needed to provide a creative framework, whereby traditional and innovative re-invention tools and strategies may be employed.

## 6. Environmental Justice Team

The Environmental Justice Team is comprised of EPA employees from all areas of the Agency. The members include the Director of OEJ/CL, the divisional Environmental Justice Coordinators and several individuals who serve as technical advisors to the Team. The members are responsible for assisting the OEJ, the individual divisions, and their fellow employees in identifying and addressing environmental justice issues as needed.



## **B. NATIONAL**

### **1. EPA Headquarters, Office of Environmental Justice**

The Office of Environmental Justice is responsible for the coordination of regional issues and concerns throughout the nation.

### **2. National Environmental Justice Advisory Council**

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency on matters related to environmental justice.

## **V. Implementation Procedures**

### **A. COMMUNICATIONS**

#### **1. Internal Communications**

The OEJ/CL is the principal EPA Region 4 champion and coach of environmental justice and provides vision, leadership and activities. Activities include training, briefings, consultative services and reporting to ensure that environmental justice will be addressed uniformly throughout all Regional programs and cross-program initiatives. As an environmental justice advocate, the OEJ/CL will help employees understand external viewpoints and perspectives including management, industry, grassroots groups, communities, and other customers. Training includes all EPA employees and consists of both basic and program specific modules.

Basic training should provide the following overview of environmental justice:

- Definition
- Historical Perspective -- Regional and national
- Significance
- Responsibility
- Perception/Empathy/Sensitivity
- Exposure/Awareness
- Southeastern environmental justice communities -- organizations and networks
- A Proactive Approach
- Tools, such as the Protocol document and *Model Plan for Public Participation*

Program-specific training will be conducted by each division in conjunction with the OEJ/CL. This training will instruct division management and staff in the incorporation of the Environmental Justice Protocol into their areas of responsibility or job assignments and should provide the following:

- Explanation of Divisional Protocol
- Roles, responsibilities and relationships
- Regional interpretation of the federal guidance documents for environmental justice
- Complaint processing
- Application of Regional Geographic Information Systems (GIS) Protocol

## 2. External Communications

The purpose of external communication is to inform and facilitate the public dialogue on greater understanding of:

- The Agency's intent
- The Agency's goals
- The Agency's roles and responsibilities
- The public's roles and responsibilities

The OEJ/CL will also provide education and outreach to affected communities.

The Region will present its policies and protocol regarding environmental justice to audiences, such as:

- Affected community members
- Grassroots and community-based groups
- Environmental justice organizations and networks
- The general public
- Religious organizations
- Civic and public interest groups
- Labor unions
- Homeowner and resident organizations
- Other federal agencies
- Local and state governments
- Tribal governments
- Industry
- Business and trade organizations
- Media/press
- Indigenous people
- Universities and schools
- Federal congressional members and/or staff
- State legislatures
- Environmental health-based advocacy organizations.

The OEJ/CL and the divisions of Region 4 should inform affected communities about the available federal, state and local government programs which address issues and concerns relevant to their communities and how the communities may use these programs effectively.

Mechanisms used for external communications will include:

- Press releases
- Communications through television and radio
- Municipal associations
- Meetings (e.g., mayoral, scientific, environmental, health-based and other governmental conferences)
- Meetings with congressional members and/or staff
- Religious, civic and public interest organizations
- Information repositories within the affected communities
- Participation at affected community-based meetings, EJ network or EJ grassroots organizational meetings
- Public participation in certain draft workplans and EPA reports
- Community Advisory Groups (CAGs)

The OEJ/CL will make use of Community Relations Coordinators, Ombudsmen, the Office of Customer Service, Office of Public Affairs, Office of Congressional Affairs and EPA Region 4 office and field staff to:

- Determine the concerns of individual communities
- Develop appropriate responses to general questions
- Address community concerns
- Determine the impact of Agency's actions toward affected communities
- Convey to the public ongoing and planned activities promoted by EPA and state agencies
- Convey proposals for remedial alternatives, redress, prevention or other intervention activities
- Relay project progress and allow for public participation
- Communicate risk communication in terms the affected community can understand (human health and safety issues)

The OEJ/CL and the divisions of Region 4 will coordinate necessary follow-up responses to public forums.

## **B. COMPLAINTS**

### **1. Prevention**

The Protocol for implementing environmental justice within EPA Region 4 has been developed by each Regional division and is included in this guidance.

The primary goal of the Protocol is to prevent and reduce complaints within EPA Region 4. Each Regional division has developed its own protocol guidance -- enclosed herein -- to assist its employees in addressing environmental justice. Each division will integrate environmental justice into its programs' risk management and decision making processes. To this end, each division has reviewed its statutes, programs and procedures and has determined how environmental justice will be addressed.

## 2. Processing

When a complaint or other information is received by EPA Region 4, it will be evaluated. Environmental justice issues may be presented to the Region in the following forms:

- Referral from Headquarters
- Complaints from the public
- Referrals from other agencies
- Information from environmental justice targeting analysis from internal programs
- News media
- Congressional inquiry
- Other

The processing procedures outlined below are based on where the complaints or issues are initially received -- either the OEJ or another divisional office or program.

### (a) Office of Environmental Justice/Community Liaison Complaint Processing Procedures

The following procedure will be used to respond to complaints and other information raising environmental justice issues received directly by the Office of Environmental Justice/Community Liaison. These complaints may be received through telephone, postal service, facsimile, E-mail, the EPA Region 4 Internet home pages, at public meetings or conferences, discussions, appointments, or by other means. The Office of Environmental Justice/Community Liaison will:

- Complete Environmental Justice Complaint Form and provide follow-up [see appendix]
- Research demographic information from GIS, and record findings on Environmental Justice Complaint Form
- Distribute complaint to relevant divisional programs and EJ Team members
- Consult with relevant program contacts to determine the environmental justice issues and the necessary resolution

### (b) Divisional Complaint Processing Procedures

The following procedure will be used to respond to complaints and other information raising environmental justice issues received by the program offices:

To assure accurate and timely data on each case, the OEJ/CL will provide blank copies of the Communications Environmental Justice Case Profile Worksheet [see Appendix] to each Environmental Justice Coordinator to be used as a reference guide by staff when issues arise. The pertinent program office will route the completed worksheet to the Division's Environmental Justice Coordinator who will then provide a copy to the Environmental Justice and Community Liaison Office within ten (10) working days. This will serve as official notification to the OEJ/CL of any environmental justice issue. The Environmental Justice/Community Liaison Office will maintain a file on all cases with environmental justice

implications and will enter this information into its tracking system. Each Division will maintain responsibility for processing complaints, handling issues and resolving problems that are related to environmental justice according to the general protocol as outlined in this guidance package.

The following are cases in which the OEJ/CL will be directly involved:

- High profile cases
- Multimedia and cross-program cases
- Issues of national significance
- Civil Rights Act Title VI cases
- Complex environmental justice issues
- Regional Precedents
- Geographic areas with high human health risks and public endangerment
- Case referral from EPA Headquarters

## **VI. Demographic Policy**

### **A. GEOGRAPHIC INFORMATION SYSTEMS WORKGROUP PROCESS**

The Environmental Justice GIS Workgroup used the following process to find methods of identifying environmental justice communities:

1. Analyzed Draft Guidance for Agencies on Key Terms in Executive Order #12898 (February 11, 1994); this guidance document relates the appropriate methodology for identifying environmental justice communities;
2. Engaged in dialogue with Regional and Headquarters personnel on practical application of the Guidance document; and
3. Determined mapping capacities of GIS.

EPA Headquarter's Office of Environmental Justice formed the Risk-Based Targeting Workgroup in which they mapped similar strategies to identify environmental justice communities. This group's findings are compiled in the Draft, *Targeting for Environmental Justice: Policy and Technical Issues to be Considered*, March 26 1997.

### **B EVALUATING CRITERIA**

1. Low Income Populations: Following the guidelines of the Ordinance, the Workgroup determined that race and income were the qualifying criteria to decide if individual communities were within the purview of environmental justice. Furthermore, the Workgroup followed the terminology guidance document in applying the terms *low-income* and *minority* populations to characterize potential environmental justice areas.  
This evaluating criteria assumes an average household of four (4) persons. For purposes of this analysis, households earning \$15,000 or less per year were

considered to be either at or below the poverty level. To determine if a community contained a substantial low-income population, the Workgroup adopted the Department of Health and Human Services poverty guidelines which establishes \$15,600.00 as the average income for a family of four. After completing its study, the Workgroup found that low-income populations constitute 50% or more of the total census tract population.

2. Minority Populations: African Americans, Hispanic Americans, Asian/Pacific Islander Americans, and Native Americans comprise the racial groups evaluated. Following the Guidance, the Workgroup developed two methods to identify minority populations. Under method one, census tracts with minority populations fifteen percent (15%) greater than the statewide population for that minority group constituted potential environmental justice communities. The group used fifteen percent as an interpretation of the Guidance language which defined environmental justice communities where "the minority population percentage of the affected area [was] meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis."

The second method identified potential environmental justice communities by census tracts with 50% or greater minority populations.

3. Self Identification: For future purposes, when census data fails to provide an analysis meeting EPA Region 4's qualifying standards for an environmental justice community, communities may identify themselves as a *minority* or *low-income* population with an appropriate demonstration. This input may be gathered from environmental justice customers such as environmental justice networks, grassroots organizations, civic or public interest groups, as to the demonstration of being qualified on an income or minority status.

## C. MAPS GENERATED

The group developed a set of GIS maps for each state. The set consisted of a map identifying each state's potential environmental justice communities based on race or income, a map identifying each state's Toxic Release Inventory (TRI) sites, a map identifying each state's Comprehensive Environmental Response Compensation and Liability Act Information System (CERCLIS) sites, and a map identifying each state's Resource Conservation and Recovery Act Information Systems (RCRIS) sites. Other important emission sources which will become mapped in the future are federal facilities, incinerators, municipal dumps, combustion fuel blenders, waste water treatment sites, and others. A map of potential environmental justice communities served as the background map for each state with overlays of TRI, CERCLIS, and RCRIS sites. The Workgroup determined that the use of these maps provided a preliminary multimedia evaluation of impacted communities where environmental equity is a concern.

The Workgroup will provide each EPA Region 4 division with a set of poster maps for its use. Much work remains for this workgroup to benefit the advancement of environmental justice. One major task is the continuous updating of emissions-related databases. Another

is the furthering GIS maps to illustrate environmental and human health-based risks, which can aid in risk-management decisions. Another task is to collaboratively work with local, tribal and state governments to update the quality of longitude and latitude locational GIS data of pollution emission sources -- which in many cases, has been determined to be outdated and incorrect. Before quality-based environmental justice GIS targeting or proactive actions can be conducted from a regional point of view, these source/generator locations will need to be accurately determined.

#### **D. ENVIRONMENTALLY IMPACTED AREAS**

The EPA Region 4 Office has rededicated itself to becoming more proactive in the identification of areas where environmental justice is an issue. To accomplish this end, the EPA Region 4 will implement more data gathering procedures to identify potentially high risk communities.

Data gathering will encompass:

- Geographic and demographic data
- Environmental release, health assessment, environmental health research data (e.g. all available information for health effects of Toxic Release Inventory (TRI) and other chemicals, discharge of these substances into the environment, and potential health risks to the surrounding community presented by these chemicals)
- Source/operator data inventory
- Analysis of the cumulative and synergistic effect of all source/operators' pollution contributions to the surrounding population (whenever possible)
- Correlation of relevant findings

The EPA Region 4 office continues to develop policies and technical considerations on behalf of identifying environmental justice issues.

### **VII. ENVIRONMENTAL JUSTICE SMALL GRANTS PROGRAM**

#### **A. PURPOSE**

The purpose of the Office of Environmental Justice Small Grants Program (SGP) is to provide financial assistance to eligible community groups (i.e., community-based and grassroots organizations, churches, or other non-profit organizations) and federally recognized tribal governments that are working on or plan to carry out projects to address environmental justice issues. The SGP awards grants under a multimedia granting authority. Recipients of these funds must implement projects that address pollution in more than one environmental media (e.g. air, water).

In addition, the SGP provides a needed centralized referral service to community groups who are searching for environmental justice-related government grants. To the extent in which the SGP is aware of the current universe of such grants to benefit environmental justice -- the SGP will provide information on these active annual grants. An example of the variety of



active government grants, which may be passed on to eligible community groups is: 1) EPA HQ's Community/ University Partnership grants; 2) EPA Region 4's Environmental Education grants; 3) EPA Region 4's Pollution Prevention for EJ grants; 4) EPA Region 4 Superfund Technical Assistance Grants (TAG); 5) National Institute of Environmental Health Sciences (NIEHS) EJ community-based grants; 6) those available under Agency for Toxic Substances and Disease Registry (ATSDR) and the National Institute of Health (NIH); and 7) as well as many other grants, such as those of EPA HQ's Office of Regional Operations and State/Local Relations.

The SGP will support the participation of low-income and minority communities in the application phase of the SGP (and the development and delivery of environmental programs) by evaluating the sponsorship of a Grant-Writing Workshop. Similar to workshops performed by the EPA Region 4 Environmental Education Grant Program, it is the intent of the SGP to discover ways to help educate and empower community groups to submit high quality SGP applications.

Proposed projects must also meet certain evaluation criteria that are stated annually in the *Small Grants Program Application Guidance*. The ceiling for any one grant is \$20,000, and the project period is limited to one (1) year. The Office of Environmental Justice, EPA Headquarters, publishes the grant solicitation notice in the Federal Register annually, along with the timetable for meeting the grant award process.

## B. GRANT AWARD PROCESS

1. Application Phase: Each region's Office of Environmental Justice is responsible for disseminating grant applications to community groups and federally recognized tribal governments located in the respective regions. To aid in that notification effort, the EPA Region 4's SGP has developed a database of Southeast-based environmental justice and other community groups and networks. The OEJ, in conjunction with the Grants Management and Audit Resolution Section (GMARS), performs the initial review of all applications received to determine if eligibility requirements have been met. Applications will be disqualified if they do not meet all eligibility criteria.
2. Evaluation Phase: Applications will be evaluated by a regional review panel based on the criteria outlined annually in OEJ's *Small Grants Program Application Guidance*. Each year, a diverse panel will convene in the region. The panel will comprise managers/supervisors and subject-matter experts to review and rank applications.
3. Selection Phase: After all applications have been ranked, the panel will recommend the best projects to the Director of the Environmental Accountability Division and the Director of the Office of Environmental Justice/Community Liaison. The Directors will forward these recommendations to the Regional Administrator. Additional factors that may be taken into account in making these recommendations include geographic and socioeconomic balance, diverse nature of the projects, cost, and projects whose benefits will continue after the grant is completed. The Regional Administrator will make final selections with concurrence from the Director of the Office of Environmental Justice at EPA Headquarters.

## C. POST AWARD RESPONSIBILITIES

1. Project Officer: The Project Officer (PO) for the Environmental Justice SGP located in the OEJ/CL will serve as the technical manager, along with the recipient's project manager, on all matters relating to project performance. The PO is responsible for keeping track of the project's progress, ensuring that grantees comply with programmatic requirements. The PO also provides technical assistance or refers grantees to EPA technical experts as needed. The PO maintains a summary of awarded grants, in an effort to keep: EPA Region 4 staff ; community groups; and federal, state, tribal, and local agencies adequately informed on the past and currently awarded SGP grants.
2. Grants Management and Audit Resolution Section: In addition to serving as the source of administrative oversight for all EPA assistance agreements, the GMARS serves as the liaison between the Project Officer, Finance Office and the grantee's project manager regarding administrative matters.

## **DIVISIONAL PROTOCOL PROCEDURES**



**AIR, PESTICIDES, AND TOXICS  
MANAGEMENT DIVISION**

**ENVIRONMENTAL JUSTICE PROTOCOL**



## **Background of the Divisional Protocol**

As part of our FY 96/97 Memorandum of Agreement (MOA) with Office of Enforcement and Compliance Assurance (OECA), the compliance and enforcement priorities are centered around three themes: (1) community based environmental protection, (2) industry sectors, and (3) media-specific issues. The Air, Pesticides, and Toxics Management Division (APTMD) committed to, where applicable, continue to stress the importance of environmental justice as one of the tools that the Division will utilize to help protect the quality of the air in its southeastern states.

## **Goals of the Divisional Protocol**

The APTMD will continue to coordinate with the Environmental Justice/Community Liaison, Environmental Accountability Division, the Office of Integrated Environmental Analysis and the state/local agencies to address environmental justice issues of concern. In addition, as part of the strategic goals and efforts to improve efficiency and effectiveness of enforcement, the Division is utilizing the team approach to accomplish enforcement goals. Standard operating procedures have been developed by self-directed and ad hoc teams that are empowering employees with decision-making authority and allowing for greater flexibility and accountability when addressing environmental justice issues and complaints.

## **AIR ENFORCEMENT BRANCH**

**GOAL (1):** Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders

### ***Implementation Tools***

**Outreach & Partnerships:** Maintain a team with the responsibility to coordinate the outreach activities in affected communities. Include affected citizens and other stakeholders in outreach seminars, public meetings, workshops. Work with state and local agencies to integrate environmental justice principles and considerations into their air pollution control programs.

**Technical Assistance:** Work with state and local agencies to develop strategies for various outreach activities for industry, schools, community and environmental groups, etc. Maintain a team to develop an educational outreach program aimed at empowering the citizens of the Mobile NEP community and other communities as necessary with the knowledge to increase their awareness and participation in activities such as regulatory development, permitting processes, and compliance assurance activities.

**Training:** Training will be accomplished through workshops, seminars, and public meetings.

**Management Accountability:** Progress of these objectives will be tracked in the annual MOA with OECA and the Office of Air and Radiation (OAR).

**Targeting:** Make use of GIS support to target compliance and enforcement activities in EJ communities.



Public Participation in Facility Siting and Permitting: Conduct education outreach programs for affected communities with the knowledge necessary to increase their ability to participate in activities such as permitting processes.

Public Awareness of Environmental Conditions: Employ non-traditional mechanisms (e.g., churches, news bulletins) to raise the ability of EJ communities to understand and monitor environmental conditions in community areas.

*Measure of Progress*

- The number of workshops, public meetings, etc. conducted to deliver the education information to the affected community regarding regulatory processes, permitting processes, and compliance assurance activities.

Performance Partnership Agreements: Incorporate environmental justice activities into Performance Partnership Agreements.

*Measure of Progress*

- Number of Performance Partnership Agreements which include environmental justice commitments by the states

**GOAL (2): Data Collection, Analysis, and Stakeholder Access to Public Information**

***Implementation Tools***

Data Integration and Analysis: Use established data team to address information needs. Promote the use of GIS to enhance identification of affected communities.

*Measure of Progress*

- The number of EJ areas identified by zip code in CAASES database.

**GOAL (3): Enforcement, Compliance Assurance, and Regulatory Review**

***Implementation Tools***

Strategic Enforcement of Environmental Statutes

- Prioritize and target inspections in the affected areas, meet with local industry to consult on compliance assurance activities.
- Work with the state/local agencies to develop enforcement strategies to address violators, if found.
- Pollution prevention techniques and SEP policies and guidelines will be incorporated into the enforcement and outreach activities.

### *Measure of Progress*

- Number of workshops, public meetings, etc., conducted to deliver the education information to the affected community regarding regulatory processes, permitting processes, and compliance assurance activities.
- Number of inspections conducted, along with any enforcement activity.

## **PESTICIDES & TOXICS SUBSTANCES BRANCH**

**GOAL (1):** Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders

### ***Implementation Tools***

Stewardship Program: The goal of the Stewardship Program is intended to create new partnerships, involving stakeholders, and education and assistance for Pesticides activities through outreach, education, and assistance to the public and the regulated community.

### *Measure of Progress*

- The number of workshops, public meetings, etc. conducted to deliver the education information to the affected community regarding regulatory processes, permitting processes, and compliance assurance activities.

Performance Partnership Agreements: Incorporate environmental justice activities into Performance Partnership Agreements.

### *Measure of Progress*

- Number of Performance Partnership Agreements which include environmental justice commitments by the states.

Minimize exposure of aerial applications of pesticides to prevent adverse impacts to humans and non-target areas: Continue implementation of the Mississippi Delta Community-based Initiative.

Outreach to affected growers, applicators, citizens, and state/federal agencies. Assist states with enforcement efforts.

### *Measure of Progress*

- Adoption of environmental stewardship strategies.

**GOAL (2):** Data Collection, Analysis, and Stakeholder Access to Public Information

***Implementation Tools***

Continue implementing Compliance Activities Tracking System (CATS): Support uniform use of CATS by the states and other Regions as requested.

***Measure of Progress***

- Use of CATS data for identifying high risk areas.

**GOAL (3):** Enforcement, Compliance Assurance, and Regulatory Review

***Implementation Tools***

Implementation of the Worker Protection Standard to protect farm workers from adverse impacts from pesticides: Outreach efforts include presentations and assistance at grower meetings, public meetings, agriculture trade shows, state agricultural meetings, agricultural aviator meetings, cooperative extension service training, state pesticide enforcement staff meetings, environmental stewardship groups, state personnel training, labor board hearings, and university research facilities.

Technical support to the states in the form of inspection check lists, handbooks, record keeping forms, brochures, posters, and newsletters.

Participate in compliance inspections.

***Measure of Progress***

- Less adverse impacts to agricultural workers.

**EMERGENCY PLANNING & COMMUNITY RIGHT-TO-KNOW (EPCRA)**

**GOAL (1):** Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders

***Implementation Tools***

Management Accountability: Progress of these objectives will be tracked in the annual MOA with OECA and OPPTS.

Targeting: Make use of GIS support to target compliance and enforcement activities in EJ communities.

Public Participation in Facility Siting and Permitting: Conduct education outreach programs for affected communities with the knowledge necessary to increase their ability to participate in activities such as permitting processes.

### *Measure of Progress*

- The number of workshops, public meetings, etc. conducted to deliver the education information to the affected community regarding regulatory processes, permitting processes, and compliance assurance activities.

Performance Partnership Agreements: Incorporate environmental justice activities into Performance Partnership Agreements.

### *Measure of Progress*

- Number of Performance Partnership Agreements which include environmental justice commitments by the states.

## **GOAL (2): Enforcement, Compliance Assurance, and Regulatory Review**

### *Implementation Tools*

EPCRA will ensure the integration of Environmental Justice into EPCRA Chemical Safety Audits (CSA): GIS targeting for facilities considered a potential CSA candidate to determine percentage of minority population within a five (5) mile radius of the facility, education level and income level. Using GIS, and where applicable, 50 percent of total CSAs will be targeted at facilities located in Environmental Justice communities.

EPCRA will ensure the integration of Environmental Justice into EPCRA compliance inspection targeting: TRI and GIS application for compliance targeting of sector-based on facilities in determining compliance rates identified in Environmental Justice communities.

EPCRA will ensure the integration of Environmental Justice into EPCRA enforcement activities where appropriate: Environmental Justice communities will be solicited when appropriate for input into a Supplemental Environmental Project.

### *Measure of Progress*

- Increased compliance among sector-based facilities in Environmental Justice communities. Increased Pollution Prevention (P2) Outreach efforts geared toward facilities located in Environmental Justice community having high TRI emissions and increased technical assistance/enforcement for non-compliant facilities.

## **TOXICS SUBSTANCES PROGRAM**

**GOAL (1):** Public Participation, Accountability, Partnerships, Outreach, and Communication with Stakeholders

### ***Implementation Tools***

Increase public participation in permitting activity under the Toxic Substance Control Act where appropriate: Evaluate location of permit activities to determine Environmental Justice communities and expand outreach to notify or involve them as appropriate.

### ***Measure of Progress***

- The number of workshops, public meetings, etc. conducted to deliver the education information to the affected community regarding regulatory processes, permitting processes, and compliance assurance activities.

Provide outreach and technical assistance to Environmental Justice communities in Lead (Pb) Program: Provide technical assistance to state and empowerment zone activities; outreach to stakeholders and general public.

### ***Measure of Progress***

- Delegation of state programs for Pb. Reduction of Pb exposure in the home.
- Region 4 will invite tribal government participation in activities in the Lead (Pb) Program. The Region's Lead Program (Pb) invites the Tribal governments to their semi-annual state/federal/tribal forums for program outreach. Grant solicitations are made to them for Tribal Lead Programs on an annual basis.

### ***Measure of Progress***

- Level of tribal involvement in the Lead Program.

**GOAL (2):** Enforcement, Compliance Assurance, and Regulatory Review

### ***Implementation Tools***

Compliance Inspection: Target inspections utilizing GIS to identify environmental justice communities.

Pollution prevention techniques and SEP policy will be incorporated into enforcement actions where possible.

TSCA Enforcement Activities: Environmental justice communities will be solicited when appropriate for input into a Supplemental Environmental Project.

*Measure of Progress*

- Increased compliance in environmental justice communities.





**ENVIRONMENTAL ACCOUNTABILITY  
DIVISION**

**ENVIRONMENTAL JUSTICE PROTOCOL  
(UNDER CONSTRUCTION)**



**WASTE MANAGEMENT DIVISION**  
**ENVIRONMENTAL JUSTICE PROTOCOL**

## **Background of the Divisional Protocol**

Over the last decade, concern about the impact of environmental pollution on particular population groups has been growing. There is a widespread belief that minority populations and/or low-income populations may bear disproportionately high and adverse human health and environmental effects from pollution. This belief has resulted in a movement to assure environmental justice for all populations.

Several studies have been conducted which suggest that certain communities are at special risk from environmental threats.

The Waste Management Division's Environmental Justice (EJ) Protocol Team was established to develop criteria to address and incorporate EJ into the Division's operating procedures. This document represents the combined efforts of individuals from all functions within the Division as well as the Office of Regional Counsel. It is the intent of Senior level managers, within the Division, to institutionalize this protocol to address EJ issues and concerns throughout all aspects of the Division's operations.

It is also management's intent for this protocol to be introduced to each employee whose duties and responsibilities require working with EJ communities.

## **Purpose of the Divisional Protocol**

This document presents a method of identifying and addressing minority, low income and indigenous communities with EJ concerns and incorporating these concerns into the day-to-day operations of the Waste Management Division.

This document outlines, by each branch, a proposed plan of action to insure that the spirit and principles of environmental justice are carried out in the compliance, remedial, removal, pre-remedial, permitting, solid waste and corrective action processes. The Waste Management Division is committed to promoting awareness and sensitivity to environmental justice concerns with respect to low-income and minority communities which are disproportionately exposed to environmental hazards. When a case includes an environmental justice component, outreach efforts will occur to educate and inform affected communities. The particular steps required to accomplish this objective will necessarily be site-specific, and the need to maintain flexibility is essential in order to determine how to best address environmental justice concerns at a particular site under a specific hazardous waste program.

## **RCRA PROGRAMS BRANCH**

### **Background**

The amount of municipal solid waste (household trash, yard and landscape wastes, construction/demolition debris, etc.) generated in the United States steadily increases each year and municipal waste management becomes more of a challenge in all communities. To address the management of these growing amounts of wastes, the U. S. Environmental Protection Agency

(EPA) developed an integrated solid waste management (IWM) strategy which promotes handling municipal wastes according to a “hierarchy” of methods, so that as little waste as possible is deposited on land. This hierarchy is as follows: source reduction and/or reuse of wastes, followed by recycling, and incinerating and/or land-filling wastes as a last resort. States are the permitting agencies for municipal solid waste management facilities and are also expected to promote the IWM strategy.

The Office of Solid Waste provides information and technical assistance to the public (states, tribes and general citizenry) regarding municipal solid wastes management. Assistance is provided via monetary grants, response to citizen and congressional correspondence, distribution of EPA written literature, and preparation and presentation of training courses.

## **Recycling**

The Office of Solid Waste assists communities in developing and implementing recycling programs so that natural resources will be preserved. A substantial amount of the Office of Solid Waste’s recycling activities involve awarding monetary grants to groups in minority and other indigenous communities (including the six regional Native American tribes) for the development and implementation of innovative recycling programs.

## **Landfills**

Stringent federal municipal solid waste landfill criteria went into effect in October 1993. The criteria include restrictions on landfill location and operation, requirements for technically and environmentally sound design, closure and post-closure care requirements and stipulations for corrective action should there be a release to the environment from a landfill. States were called to demonstrate to EPA that their municipal landfill permit programs were technically comparable to the new federal municipal landfill requirements. Each of the Region 4 states have gone through the demonstration process and received EPA approval.

During the review process, the public raised EJ issues with regard to the siting of municipal landfills. Although not a specific Federal requirement, the Office of Solid Waste considered state environmental justice activities, as appropriate, and addressed raised issues in the official responses to comments prior to issuing final approval of state municipal landfill permitting programs.

## ***Implementation Tools***

The Office of Solid Waste will continue to provide assistance, as appropriate and within its authority, when there is significant community interest or when an EJ complaint is initiated regarding a municipal solid waste management site. The following steps will be taken once a complaint has been received:

- Research regional files (including those in other programs, if appropriate) regarding the site to determine regional history and past activities
- When necessary, request a demographic study of the site area from the Geographic

Information System (GIS) using the standard checklist developed by the Waste Management Division EJ Program Manager

- Contact state regulatory agencies to verify information received from the public and to determine the state's past activities with and plans for handling environmental justice issues at the site. If appropriate, make suggestions to the state for handling issues
- Present information from research to Waste Management Division EJ Program Manager and the Office of Environmental Justice
- If appropriate, prepare response to complainant
- When necessary, participate in state-coordinated site visits and/or attend community meetings regarding the site to hear public concerns
- Follow-up with complainant, as necessary, via mail or telephone

## **Federal Facilities Branch**

### **Background**

Federal Facilities are the installations, plants, field offices and laboratories owned and/or operated for the federal government under contract. The specific federal facility is the lead agency in conducting cleanup activities regarding hazardous materials. EPA conducts oversight of these cleanup activities and as such, will provide guidance and motivation to other federal departments in environmental justice matters.

### ***Federal Facility Site Identification***

- Sites will be categorized by the federal department.
- The EPA Remedial Project Manager (RPM) shall be responsible for identifying environmental justice issues in keeping with applicable guidance.
- The Office of Integrated Environmental Analysis (OEIA), in conjunction with the Federal Facilities Branch, has developed a standard data format, the Interchange File Format (IFF) and Geographic Information System (GIS) to develop an end-user database access software that is titled "Remedial Project Manager tools" (RPM tools). This system will be available to each RPM as a desktop aid. With the use of standard demographic information already available in either ARC/INFO, ARCVIEW and/or LANVIEW, the RPM now will be able to determine the demographic profile of the community surrounding the facilities as well as potential risks associated with possible contaminant releases.

## **Implementation Tools**

Environmental Justice Qualifiers: Standard demographic information of the surrounding area will be obtained by using the checklist developed by the Waste Management Division Environmental Justice Program Manager. At a minimum, the standard demographic qualifiers will include:

- Facility/site location
- Radius from facility/site (1 mi., 3 mi. and 5 mi)
- Minority percentages
- Percentage below poverty level
- Percentage not completing high school

Additional information is available on an as-needed basis.

An environmental justice site is one defined as having at least 51 percent nonwhite and/or greater than 50 percent of its population below the national poverty level.

Identify operational history with associated waste streams and disposal activities that may be impacting the community. This identifies potential human exposures to contaminants.

This same method will also be used to identify potential exposure of people to contaminants regardless of ethnicity or economic considerations.

## **Statute Review**

- Identify statutes that impact the federal facility or address multi-media releases
- Coordinate environmental justice concerns with other program offices by soliciting information of surrounding businesses where operations may impact site contamination

## **Internal Coordination**

- Brief the appropriate EPA section chief (DOE or DOD) once environmental justice or potential environmental justice issues have been identified
- Provide the EJ Program Manager, Waste Management Division, with a summary of the site history, community issues and/or concerns, and the demographic profile
- Provide a copy of the summary to the Office of Environmental Justice
- Coordinate activities with the Community Involvement Coordinator, Federal Facilities Branch
- Enter data into the Division's tracking system [to be developed]



## **Community Focus**

- The facility community relations plan must address the minimum requirements of Executive Order 12898 and the response to EJ issues. The responsible federal department writes these plans; EPA will review for inclusion of EJ and other issues.
- Work with the responsible federal department and facility manager to be sure they develop a community-based communication strategy that addresses the concerns of all stakeholders. A community-based communications strategy may include:
  - Meetings with local, state, federal officials or agencies
  - Coordinating with local civic, religious and educational institutions
  - Community outreach or information exchange sessions
  - Distribution of fact sheets
  - Community canvassing/interviews
  - Including information in the repository(ies)
- Coordinate activities with the Site-Specific Advisory Board (Citizens' Advisory Board, Restoration Advisory Board, etc.) and the federal facility.
- Utilize community media to inform of outreach and information sessions. This includes paid radio and television and/or public service announcements and publication of paid advertisement or news releases in major and minority printed media or major and minority radio and television stations.
- Coordinate with local civic, religious and educational institutions.
- Coordinate EJ concerns with federal, state and local health and environmental agencies.
- Inform community of assistance (grants, etc.) opportunities and provide guidance with application process.

## **Follow-up Actions**

- Obtaining feedback from the community is important to gauge its opinion of outreach and communication activities. Some follow-up actions the federal departments could take consist of:
  - Issuing self addressed/stamped comment cards that solicit feedback from the community
  - Providing summaries of questions and answers from information exchange sessions or outreach meetings
  - Conducting follow-up outreach meetings and/or information exchange sessions

## North and South Site Management Branches

### Background

Prior to beginning work on a new remedial site, when a pre-remedial site generates significant community interest, when an EJ complaint is received, or when internal GIS analysis identifies an EJ site, project managers working with community relations staff should follow the procedures described below to insure that EPA is in compliance with EJ requirements. Many of these procedures correspond with Superfund community relations requirements outlined in the *Community Relations in Superfund: A Handbook*. In the case of a new site, community relations staff will document that the site meets EJ criteria and site specific actions to be taken to insure that EJ requirements are met in the Community Relations Plan for the site. Care should be given during the community interview process to determine relevant EJ information explained below.

Developing some of the necessary outreach tools and mechanisms to implement this EJ Protocol may require an investment of resources not currently available in the Superfund program. Those activities requiring additional resources (either in-house or contractor) which are not currently available are marked with an asterisk (\*).

### Implementation Tools

The functions of the Waste Program Branch do not interface with EJ communities; staff will however, be familiar with this protocol and as needed provide necessary support to the other programs to satisfy EJ requirements. This includes providing support with regard to Technical Assistance Grants (TAGs), etc.

- Determine demographic makeup of the community surrounding the site by use of GIS, census data and interviews with local residents and officials.
- Determine the number and kind of facilities (multi-media search, in particular, RCRA and pesticide operations) and other Superfund activities (CERCLA or NPL) in the vicinity of the site currently being addressed. Current status of EPA/state activity at these sites, and community involvement and concern should be ascertained.
- Enter information into Division/Region EJ tracking system (\*to be developed) and develop schedule for meeting EJ milestones.
- Identify all interested groups (environmental, home owners, civic, social and others) in the community, in particular environmental and EJ-oriented groups, through community interviews with local officials, community leaders, and people living adjacent to the site.
- Identify local media, in particular minority media as sources of information about the community and as vehicles for getting information to the affected minority community.
- Meet with local groups to determine specific community issues and outreach/information needs. Ensure that these needs are appropriately documented and addressed in future outreach efforts.

- Make groups aware of the availability of TAGs and \*provide assistance to any EJ group in understanding TAG requirements and application process. Provide appropriate assistance in completing TAG application (examples of completed applications, application forms on diskette, etc.).
- Partner with other EPA programs, federal agencies, state or local agencies, or other organizations, as appropriate for specific community needs (e.g., Agency of Toxics Substances and Disease Registry (ATSDR); Department of Interior (DOI); state environmental and health organizations; air or water program; county human services or planning/development organizations; county extension services; local colleges).
- Determine availability for Community-Based Environmental Protection (CBEP) pilot opportunities or other special initiatives.
- \*Based on interviews and needs assessment, offer opportunity to establish a community working group/community advisory group. The major purpose of this group would be to provide education and outreach to the interested community on Superfund and their specific site. The group would provide community input on proposed cleanup activities.
- \*In conjunction with J or in place of J depending on community makeup and interest, \*develop and provide a series of outreach sessions on topics of interest to specific community, including topics, such as the Superfund process, EPA risk assessment/risk management, health assessment (working with ATSDR/state health agency), specific site. \*At a minimum, topics should include how community can get information on environmental/health issues of concern in their communities and what Superfund can and cannot address.
- Identify economic benefits that can be achieved along with clean-up program and use Superfund STEP-Up program (apprentice/job training) or actively encourage hiring of local labor and firms as appropriate to site work. RPMs can also encourage contractors/subcontractors to consider using appropriate minority businesses in EJ communities.
- Throughout EPA involvement at the site, continue to update information in EJ tracking system.
- Throughout EPA involvement at the site, extra effort should be devoted to insuring that all materials provided to the community and communication with local people are as easy to understand as possible. Make sure that the blind and hearing impaired and as well as non-English speaking citizens' needs are met.
- Provide community contact(s) to EJ Program Manager and the Regional Office of Environmental Justice to ensure that community is informed of EJ grants, conferences, etc. Also ensure that community is informed of the Brownfields Initiative, availability of environmental education grants, and other resources that may benefit the community.
- Assist EJ communities in getting documents and information on other issues. When

necessary, refer to the FOIA Office or another program or agency. To the greatest extent possible, provide specific contacts and information on how to request the needed documents.

## **EMERGENCY RESPONSE AND REMOVAL BRANCH**

### **Background**

Prior to beginning work on a new removal site when an EJ complaint is received, OSCs working with community relations staff should follow the procedures described below to insure that EPA is in compliance with EJ requirements. Many of these procedures correspond with Superfund community relations requirements.

Developing some of the necessary outreach tools and mechanisms to implement this EJ Protocol may require an investment of resources not currently available in the Superfund program. Those activities requiring additional resources (either in-house or contractor) which are not currently available are marked with an asterisk (\*).

### ***Implementation Tools***

The Waste Program Branch functions do not interface with environmental justice communities; staff will, however, be familiar with this protocol and as needed provide necessary support to the other programs to satisfy EJ requirements.

- Determine demographic makeup of the community of surrounding the site location by use of GIS, census data and interviews with local residents and officials. OSCs will provide site location information to the response center manager who will determine latitude and longitude of the removal site. Community Involvement Coordinator and the OSC will plan community relations strategy to be used to assure public involvement. Demographic information will be provided to the EJ program manager
- Determine the number and kind of facilities (multi-media search, in particular RCRA and pesticide operations) and other Superfund activities (CERCLA or NPL) in the vicinity of the site currently being addressed. Current status of EPA/State activity at these sites, and community involvement and concern should be ascertained.
- Enter information into Division/Region EJ tracking system (\*to be developed) and develop a schedule for meeting EJ milestones.
- Identify all interested groups (environmental, home owners, civic, social and others) in the community, in particular environmental and EJ-oriented groups, through community interviews with local officials, community leaders, and people living adjacent to the site.
- Identify local media, in particular minority media as sources of information about the community and as vehicles for getting information to the affected minority community.

- Partner with other EPA programs, federal agencies, state or local agencies, or other organizations, as appropriate for specific community needs (e.g., ATSDR; DOI; State environmental and health organizations; air or water programs; county human services or planning/development organizations; county extension services; local colleges).
- \*Develop and provide series of outreach sessions on topics of interest to specific community, including topics, such as the Superfund process, EPA risk assessment/risk management, health assessment (working with ATSDR/state health agency), specific site. \*At a minimum, topics should include how community can get information on environmental/health issues of concern in their communities and what Superfund can and cannot address.
- Actively encourage hiring of local labor and firms as appropriate to site work. OSCs can also encourage contractors/subcontractors to consider using appropriate minority businesses in EJ communities, consistent with established small business goals.
- Throughout EPA involvement at the site, continue to update information in EJ tracking system.
- Throughout EPA involvement at the site, extra effort should be devoted to insuring that all materials provided to the community and communication with local people are as easy to understand as possible. Make sure that the blind and hearing impaired and as well as non-English speaking citizens' needs are met.
- Provide community contact(s) to EJ Program Manager and Regional Office of Environmental Justice Office to ensure that community is informed of EJ grants, conferences, etc.
- Assist EJ communities in getting documents and information on other issues if possible. When necessary, refer to the FOIA Office or another program or agency. To the greatest extent possible provide specific contacts and information on how to request the needed documents.

## **RCRA PERMITTING AND COMPLIANCE BRANCH**

### ***RCRA Permitting Section***

#### **Background**

Region 4 states are authorized to issue RCRA operating (and post-closure) permits to hazardous waste facilities. The states are currently not authorized to issue permits to Boiler/Industrial Furnace facilities (BIFs), but will be authorized in the near future. In addition, the siting of new facilities to treat and/or store hazardous waste is increasingly a state/local issue rather than a federal issue. Presently there are limited siting requirements primarily related to the hydrogeology of the site rather than its demographics.

The remaining permits issued by the Region 4 RCRA program are designed to compel assessment and remediation of releases to the environment of hazardous waste constituents. As a result, these tend to be noncontroversial since the clean up of contaminated RCRA sites is obviously in the best interest of all neighboring parties.

Due to the above-mentioned circumstances, the effectiveness of any regional EJ program depends in large part on state participation. A pending rule change on implementing enhanced public participation in the RCRA permitting process has an effective date of June 11, 1996. These new procedures will afford the permitting authority an opportunity to address environmental justice issues at a number of points in the rather lengthy permitting process. The states have been asked by the Region to begin implementing the rule even before the effective date, and before the states' adoption of the rule.

### ***Implementation Tools***

The Region's RCRA Branch will continue to provide assistance, as appropriate and within its authority, when there is a significant degree of community interest and concern, and/or there is a formal environmental justice complaint at a hazardous waste management site. Once a complaint has been received, the Branch staff will assist according to the following steps:

- Contact the appropriate state regulatory agency(ies) to apprise them of the complaint if the agency(ies) have not been made aware of it, or the issues related to the complaint. Attempt to verify information received from the public, and the state's response
- Research regional files regarding the site to determine the history of past permitting activities
- When necessary, prepare a demographic analysis of the study area with the assistance of Regional staff capable of providing such support through the use of the GIS;
- Present information obtained from the state contacts and staff research to the Waste Management Division and Office of Environmental Justice
- When necessary and appropriate, participate in state-coordinated site visits and/or attend community meetings regarding the site to hear public comments
- Follow up with complainant, as necessary, via mail or telephone

### **Corrective Action**

If EJ concerns are raised by individuals in the vicinity of a site undergoing RCRA corrective action, the need to do a demographic analysis will be determined by location of the complainants and the known history of releases at the facility. This information is available in the files of the Region or authorized state. In addition to the normal public participation opportunities, the community may avail themselves of the Region (if they are the permitting authority). This will provide additional opportunities for information exchange prior to formal remedy selection. This would be done by advertising the availability of the Corrective Measures Workplan and/or study

(CMS). The dissemination of this information would be accompanied by a fact sheet describing the processes identified in the CMS in nontechnical terms to the extent possible.

The more formal process of public noticing the permit modification, incorporating the selected remedy, would be enhanced by being sensitive to the audience involved in radio announcements and newspaper publications. If feasible, the Region would seek to establish an information repository in the immediate area of the site in question so the history of the site and decisions being contemplated are available for public review.

## ***RCRA Compliance and Enforcement Section***

As with RCRA Permitting, the primary authority to plan compliance activities and issue enforcement actions to facilities rests with the Region 4 states. Although EPA retains independent federal authority to conduct inspections and take enforcement actions, EPA actions represent a relatively small portion of the universe of facilities managed pursuant to RCRA.

However, Region 4 does plan and conduct a number of inspections within the Region. These inspections are planned using a neutral inspection planning process, which includes among a number of different factors any prior complaints or concerns raised by the public at large. With regard to enforcement, Region 4 undertakes federal enforcement in RCRA matters where the states are not authorized or where EPA, often in conjunction with the state agencies, has determined that federal enforcement is appropriate. If an enforcement action involves EJ concerns, then during settlement negotiations RCRA plans to encourage the use of supplemental environmental projects which may benefit the local community. Again, this represents a relatively small universe of the actual enforcement taken.

### ***Implementation Tools***

For every corrective action order issued by the RCRA Compliance Section, a demographic analysis will be conducted. If the site is determined to be in an EJ area of concern or if complaints relating to EJ are received on a particular facility, then EPA will develop a plan which will at a minimum do the following:

- Provide for dissemination of information related to corrective action
- Provide appropriate opportunities for public comment.

## **OFFICE OF REGIONAL COUNSEL**

### **Background**

Because the Office of Regional Counsel's (ORC) role is primarily one of service and support to the Program, ORC's Environmental Justice Protocol will primarily involve becoming familiar with the Program's protocol and helping the Program client to implement that protocol. For example, ORC would be involved in the program's efforts to identify matters that implicate EJ concerns.

ORC would also help the Program, after EJ sites or matters have been identified, in (1) determining the appropriateness of implementing various EJ Initiatives in particular cases, and (2) implementing community outreach and community relations activities. ORC will be active as a team member in implementing the EJ Protocol of whichever program is involved in a particular matter (e.g., Superfund, RCRA, Federal Facilities).

Even though ORC will be involved in a general way in implementing the Program's EJ Protocol, the following list sets forth ORC specific activities or ways in which ORC can support the Waste Division's Implementation of an Environmental Justice Protocol:

### ***Implementation Tools***

- ORC will assist the Program by identifying legal authorities (including non-Waste Division legal authorities) that may be useful in implementing EJ initiatives, and in identifying limitations of legal authorities that may be used in particular matters.
- ORC can assist the Program by explaining to the public the limitations of relevant legal authorities; this can enhance Program credibility in situations where community goals and expectations exceed what can be done legally. ORC can also help the Program explain to the public the types of things that can legally be done by EPA.
- ORC can integrate EJ concerns into enforcement negotiations and settlements:
  - Seek to involve Respondents/PRPs in addressing EJ concerns;
  - In settlement of regulatory enforcement matters, consider Supplemental Environmental Projects which address presence of disproportionate human health or environmental impact on low-income, minority communities.
  - Insure that EJ responsibilities and considerations are adequately reflected in Memorandum of Agreements with states with delegated programs.
  - ORC can provide general legal support in the implementation of EJ initiatives.

For example, with the Brownfields Initiative, because of the need for Prospective Purchaser Agreements, can require a significant commitment of legal resources. Other case-specific EJ measures may similarly require significant legal support, and ORC must be prepared to commit adequate resources.



**WATER MANAGEMENT DIVISION  
ENVIRONMENTAL JUSTICE PROTOCOL**

## **Background of the Divisional Protocol**

Environmental justice refers to the distribution of environmental risks across population groups and to-policy responses to these distributions. At its core, environmental justice means fairness. It speaks to the impartiality that should guide the application of laws designed to protect the health of human beings and the productivity of ecological systems on which all human activity, economic activity included, depends.

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and an accompanying Presidential memorandum, to focus federal attention on the environmental and human health conditions in minority communities and low-income communities. The Executive Order, as amended, directs federal agencies to make environmental justice a part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order also directs federal agencies to allow all portions of the population a meaningful opportunity to participate in the development of, and compliance with, federal laws, regulations and policies, affecting human health or the environment.

Water Management Division is supportive of the Office of Environmental Justice (OEJ) and its mission to ensure that environmental justice is achieved in all of Region 4's activities. This section of the Regional EJ protocol reflects a strategy to incorporate EJ into the Division's activities. The following sections reflect the Division's goals for achieving Environmental Justice (Section II) and eight specific areas in which the Division pledges to support EJ efforts (Sections III-X). Each area also identifies implementation tools which may be used by the Division in support of EJ efforts.

The following chapters represent the Division's EJ strategy, the "ideal picture" of how the Division would be incorporating EJ as part of our routine business within the Division. The Division may choose to compose short-term strategies (including implementation dates) or simply to implement items out of this strategy. The strategy will be evaluated and updated as necessary.

On an annual basis, the various Water Management Division branches will attempt to implement the strategy within their branch activities. Branches will identify specific EJ implementation activities and commit to them in workplans. The branches will also work with the Environmental Accountability Division (EAD) to incorporate EJ elements into cross-Divisional activities. Branches will evaluate their progress against the activities committed to in branch workplans and evaluate progress in cooperating with EAD to fulfill environmental justice goals.

## **Goals of the Divisional Protocol**

The Water Management Division will continue coordination with the Regional Office of Environmental Justice, the Office of Integrated Environmental Analysis, and the States to identify EJ communities or populations within the Region that may be affected by impaired water quality. The Division will work with EAD to develop future steps to target and track enforcement and compliance assurance in these areas. The Division will also strive to educate the citizens of affected or potentially affected EJ communities.

The Water Management Division's goals for ensuring environmental justice are:

- Implement items out of this strategy to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of water and land resources protection programs, policies, and activities on minority and low-income populations.
- Strive to protect and improve the Region's waters to support a diverse and healthy ecosystem, and meet the needs of all segments of a growing population. Information on the environmental effects to Regional waters will be available and distributed in a manner to reach all segments of the population.
- Each Water Management Division employee shall become aware and sensitive to environmental justice issues and shall support the Division's EJ strategy as a part of his or her daily duties.

## **ENFORCEMENT**

The following implementation tools may be used by the Division in addressing EJ within various aspects of the enforcement program.

### **Inspections**

#### ***Implementation Tools***

- In coordination with EAD, target areas of EJ concern through the use of existing materials, including the use of the Geographic Information System (GIS), areas of continuing noncompliance, etc.
- In coordination with EAD, access the database created for the Region's multi-media initiative which also targets EJ concerns. The database utilizes zip codes to generate demographic data for each facility.
- In coordination with EAD, conduct joint (state/federal) and multi-media overview inspections at facilities in EJ communities. Ensure timely and appropriate follow-up action(s) and, when necessary, support federal action(s) to address EJ concerns.

### **Enforcement Actions**

#### ***Implementation Tools***

- Where appropriate, integrate pollution prevention into enforcement settlements involving facilities located in or which impact EJ communities.

## **Supplemental Environmental Projects**

### ***Implementation Tools***

- May use SEPs to address some EJ concerns and help affected communities obtain solutions to environmental problems.
- May use SEPs to encourage a violating facility to work with local communities to heighten environmental awareness, foster a good relationship and promote environmental education.
- Consider SEPs that promote accelerated compliance.

## **State Enforcement/EPA Overview**

Most EPA Water Programs are now delegated to the States with EPA maintaining an oversight role. A good partnership with States is necessary to ensure that EJ will be addressed in all aspects of the programs, including where appropriate, in its enforcement programs.

### ***Implementation Tools***

- Offer to conduct joint State/EPA inspections in areas with possible EJ concerns.
- Offer to provide valuable information concerning EJ communities and support State efforts to target affected communities for EJ and compliance activities. Supply compliance data for facilities located in EJ communities to States with delegated programs using targeted facilities which present continuous compliance problems.

## **Project XL**

Project XL is a program intended to link regulatory flexibility with results and to create real world tests of performance-based environmental protection. There are four categories of XL projects: (1) facilities; (2) sectors; (3) government agencies regulated by EPA; and (4) communities. Industrial XL projects involve EPA granting flexibility from current requirements to a regulated entity or group of entities. In exchange, regulated entities make an enforceable commitment to achieve environmental results better than what would have been attained through full compliance with those requirements. XL Community projects may involve EPA working with community groups to provide technical support or the coordination of federal programs to facilitate the project's aim of achieving greater environmental quality.

President Clinton in his "Reinventing Environmental Regulation" initiative that created XL, directed that projects be "transparent, so that citizens can examine assumptions and track progress towards meeting promised results." EPA has also been directed to "consult extensively with the affected State and local community" before approving a project for implementation. In each case, environmental justice must be considered and if EJ could be a concern this must be considered in the solutions being proposed by the XL participant.

## **Special Initiatives**

There are many special initiatives being pursued by EPA at all times. Since these initiatives target a specific area, it is an excellent time to consider the need for EJ. If EJ is determined to be a concern, then it must be considered in the purpose and conclusion proposed for the special initiative area.

## **Tribal Lands**

EPA has primacy for the implementation and enforcement of all regulations pertaining to water on Region 4 Tribal lands. The Agency typically provides technical assistance to the Tribes prior to the enactment of any informal or formal enforcement action. Working in partnership with the Tribes and other federal agencies associated with Tribes, the Division includes EJ as part of its Tribal assistance efforts, and will continue to do so. Although they have areas of commonality, each Tribe requires individualized EJ initiatives due to their various locations in different States, the topography of the area, the availability of resources, their Tribal Councils, etc. EJ efforts are thus administered on a Tribe-by-Tribe basis. The Division will also continue its policy of working with States in which Tribal lands are located to ensure that EJ is considered on State/Tribal matters.

## **REMEDIAL OR CORRECTIVE ACTIONS**

The Water Management Division does not work extensively on "remedial" or "corrective action" projects like those more commonly identified with Waste Division programs. The Division's activities more often involve permitting and management programs designed to either maintain or restore surface and ground water resources on a broad scale. Two exceptions are the Underground Injection Control (UIC) and Underground Storage Tank (UST) programs.

### **UIC Program**

The UIC program has emergency authority to require individuals to cease and desist in the degradation of underground sources of drinking water. Such actions, known as "1431 orders", are strong environmental tools in protecting the Region's ground water supply. However, due to their "emergency" and site-specific nature, EJ cannot be considered a major factor in their development or use.

### **UST Program**

The UST program requires corrective action when petroleum and hazardous substances are released from underground tanks. Corrective action includes those steps necessary to eliminate immediate hazards caused by released products, e.g., vapors which can reach explosive levels. It frequently involves providing alternative water supplies to affected parties and in most cases includes the management of contaminated soil and ground water.

Most sites with releases from underground tanks are small enough that they don't individually raise environmental justice concerns. However, taken as a whole, the universe of contaminated sites within a single State or smaller geographic area could represent a situation with a disproportionate impact on minority and low income populations.

Region 4's leaking underground storage tank sites are managed by the States, with two exceptions. Hazardous substance tanks in Tennessee and all tanks on Indian lands continue to be directly regulated by the Agency. Given the primary role of the States in the UST program, the Division will work with the individual States to accomplish the goals outlined in this strategy.

### ***Implementation Tools***

The Regional UST program will serve as a conduit to the States for general information they will need to incorporate EJ objectives into their management plans. The Regional EJ strategy outlines a number of products under development in the Regional Office that will be useful in that regard. Those particularly relevant to the UST program include:

- Information defining the overall environmental justice data needs and the availability of data necessary for assessing the needs of affected communities.
- Mechanisms for providing States with data which will assist in the evaluation of EJ concerns.
- The identity of low income and minority communities within the Region impacted by federally permitted facilities/sites and other known releases of toxic or hazardous substances.

The Office of Underground Storage Tanks (OUST) has developed guidance on considering EJ as a factor in managing UST cleanup programs. The Regional program will work with the states to incorporate that guidance into their programs.

Brownfield sites are commonly associated with EJ issues, and underground storage tanks are frequently a contributing factor to "brownfield" designations. The UST program will work closely with the Region's Brownfields Coordinator and the States to assure that UST issues at brownfield sites are properly addressed.

## **PERMITTING**

The Clean Water Act and supporting National Pollutant Discharge Elimination System (NPDES) contain requirements to provide the public with an opportunity to review and comment on proposed permit issuance actions. A NPDES permit is required of all discharges to waters of the United States. In Region 4, the States primarily administer the NPDES permitting program and consequently issue most NPDES permits. Some assistance is provided from Region 4 in certain permitting areas (e.g., sludge).

The Safe Drinking Water Act (SDWA) also requires that public participation be met in Underground Injection Control (UIC) programs, whether administered by the States or by EPA. A UIC permit is required to assure that underground injection will not endanger drinking water sources. Region 4 administers the permitting programs in Kentucky and Tennessee and the other six States administer their own programs.

For both of these permitting programs, the Division will work with states to ensure that affected or potentially affected EJ communities are notified of actions which may impact their communities and allow them a voice in the process. The Division will also ensure the same education and input opportunities for permits which it issues.

## **State Actions**

The Division will encourage the following activities to be performed by the states, and where necessary, perform them in cooperation with state permitting authorities.

- Distribute public information throughout the term of issued permits. Provide a list of pollution sources in the affected area which includes permit expiration dates, a narrative about the operational activities of facilities, and other pertinent information.
- Intensify public information activity immediately prior to and during public notice of proposed permit issuances/renewal actions.
- Draft permits and include a statement in the rationale for permit development discussing considerations and actions taken to assess impacts on communities that may be subject to disproportionately high or adverse human health or environmental effects from pollution sources.
- Announce public notices of proposed permit actions. Determine the potential impacts of pollution sources on water and land resources in the area and downstream of the facility. If a pollution source is determined to be a potential cause for EJ concerns, schedule and hold public/town meetings.

## **EPA Actions**

Where EPA is the permitting authority, the Division will ensure that the above listed activities (Section A., 1-4) are performed.

## **PUBLIC OUTREACH/EDUCATION.**

Education and community benefit are paramount to achieving "true" environmental justice. Increased public understanding of pollution sources and their impacts on local communities is necessary to gain sufficient acceptance of environmental actions and to ensure their success. This is especially true for minority and low income communities. In many cases, these communities lack the legal means necessary to effectively organize political activities on their own behalf.

Water Management Division will assist OEJ in identifying, educating and reaching out to appropriate stakeholders, and in championing fair and equitable treatment for stakeholders and their communities.

## **Education**

Water Management Division will work with the Office of Environmental Justice to provide environmental information and education to EJ communities. Educating citizens about environmental affairs will assist them in protecting their communities and enable them to better participate in environmental decisions which affect them.

### ***Implementation Tools***

The following are potential implementation tools:

- Increase the involvement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of EJ issues.
- Make presentations, carry out speaking engagements, conduct interviews, lectures and seminars in areas of EJ concern. Hold meetings to develop partnerships between agencies, workers, and community groups. (Ensure mechanisms are in place to facilitate partnerships via cooperative agreements, etc.)
- Publish newspaper articles and announcements, targeting publications common to the EJ area, explaining any environmental activities being undertaken and their effects on the community.
- Distribute program materials to States, local officials, and EJ communities. Review printed materials and revise, as necessary, to assure "user friendly" language that can be understood by all citizens in low income and minority communities. (Targeted documents may be translated for limited English-speaking populations, as appropriate and as resources are available.)
- Continue existing public outreach programs to schools and incorporate EJ into the curriculum.
- Continue distribution of the Water Sourcebook for grades 3-5 to educators in the Southeast, including EJ communities. Also, complete the Water Sourcebook for grades K-2, 6-8, 9-12 and help distribute.

## **Outreach**

The media can effectively reach out to people of all cultures, races, and income levels. Newspapers, radio and television, special mailings and electronic media, can be used to communicate important information to EJ communities. All information should be presented in as



understandable, sensitive, and respectful a manner as possible and should be readily accessible to the community.

The following are potential implementation tools:

### ***Implementation Tools***

- Share technical information (e.g., findings from an inspection) among community members with an emphasis on being understandable, and respectful of race, ethnicity, gender, language, and culture.
- Develop Public Service Announcements or advertisements to educate and inform citizens.
- In cooperation with the Office of Public Affairs, develop mailing lists for potential EJ areas.
- Where appropriate, place articles, public notices, meeting announcements and any other pertinent information on an Electronic Bulletin Board, or Home Page, and use electronic mail to deliver to interested parties.

### **Public Hearings/Town Meetings**

Public hearings and public meetings on all Water Management Division issues should be conducted to maximize public participation in the compliance/enforcement decision-making processes of EJ areas. Community members should be encouraged to ask questions and discuss issues using as many means as possible. In support of this objective, the Water Management Division will use the following principles in organizing and conducting public meetings and hearings:

- Maintain honesty and integrity throughout the process;
- Recognize community/indigenous knowledge;
- Encourage active community participation;
- Utilize cross-cultural formats and exchanges.

Water Management Division employees will strive to:

- Meet with local EJ stakeholders: citizens, community organizations, and local businesses, etc. Where possible, the Division will allow EJ stakeholder input when forming meeting agendas. Organize meetings to provide an open exchange of ideas and enough time to consider issues of community concern.
- Schedule meetings and/or public hearings to make them accessible and user-friendly for EJ stakeholders. Times should not conflict with work schedules, rush hours, dinner hours or other community commitments that may hamper attendance. Location and facilities should be local, convenient and represent neutral turf. Provide assistance for

hearing impaired individuals and translators for limited-English speaking communities, whenever practical and appropriate.

- Create an atmosphere of equal participation (e.g., avoiding a "panel of experts" or "head table" approach, using a neutral facilitator trained in EJ issues). Prior to meetings, ensure that EJ stakeholders have enough information and education to fully participate.
- Advertise the meeting and its proposed agenda in a timely manner through print and other media. Provide a phone number and/or address for people to learn about pending meetings, issues, etc., to enter concerns, or to provide input to meeting agendas.
- After meetings, present feedback and minutes as soon as practically possible. Ensure follow-up on issues of community concern (create a list of concrete actions, responsible parties, and a schedule to address concerns, where appropriate).

## **Other Programs**

- Identify target audiences through GIS or other databases.
- Facilitate development and implementation of State EJ and outreach programs.
- Utilize, as appropriate, Historically Black Colleges and Universities (HBCU) and Minority Institute (MI), Hispanic Serving Colleges and Universities (HSCU) and Indian Centers to network and form community links that they can provide.
- Promote interagency coordination to ensure that the most far reaching aspects of EJ are sufficiently addressed in a timely manner. (Environmental solutions often require many agencies and other stakeholders to work together efficiently and effectively.)
- Consider other vehicles to increase participation of EJ stakeholders: (a) Posters and exhibits; (b) participation in civic or community activities; (c) public database and bulletin boards; (d) surveys; and (e) telephone hotlines.

## **COMMUNITY BASED ENVIRONMENTAL PROTECTION**

The Region's emerging Community-Based Environmental Protection (CBEP) approach includes well-established Water Management Division efforts such as the National Estuary Program (NEP), Watershed Protection Approach (WPA), and State river basin planning. These EPA and State efforts provide unique opportunities to engage a broadly representative group of organizations and citizens in the process of managing environmental issues for the benefit of the whole community.

Mechanisms are available to allow a proper balance of community representation in CBEP activities. Many involve bringing individuals who represent environmental justice concerns into the planning and implementation phases of CBEP activities, as direct participants in the work. Mechanisms for indirect participation involve educating the community at large about issues and

encouraging and receiving input from any interested individual.

There are at least two avenues for the Region and the Division to consider EJ issues within CBEP activities. First, environmental justice concerns can be considered in the selection process for identifying geographic areas for new CBEP projects. Second, existing CBEP projects in the early or mid-stages of project life could be evaluated for environmental justice issues. Where such issues exist, plans may be developed and implemented to bring the appropriate stakeholders into the CBEP process. Through this process, the legitimate concerns of the community can be addressed.

Each CBEP project process and structure is different. Some cover geographically large areas; some are geographically much smaller covering only a city or county. The smaller project areas are typically better suited for dealing with environmental justice issues. Within the CBEP project structure, a balanced representation of community organizations, businesses, State, local and federal agencies, conservation and environmental organizations and others can be achieved. The Division will strive to ensure that individuals representing these areas be brought into both the CBEP planning and implementation phases as direct participants in the work.

The Division's CBEP efforts will also strive to equip communities with the information and education they need to be meaningful contributors in a CBEP process. This means providing understandable technical and program information to community members, and finding effective ways to distribute information.

Details on how the mechanisms listed below can be used within CBEP may be incorporated into individual CBEP project implementation plans or the CBEP Implementation Strategy.

## **Direct Participation**

### ***Implementation Tools***

- Seek to recruit members to serve on citizen advisory committees who can adequately represent minority or low income groups within the project area.
- Communicate with local community groups about opportunities to apply for grant monies for demonstration projects.
- Recruit citizens who can adequately represent minority or low income groups who can provide information and/or participate in local conferences, workshops, festivals, and different school events associated with the CBEP project.

## **Outreach and Education**

### ***Implementation Tools***

- Use local universities/community colleges as a repository for information about CBEP and related EJ issues.

- Use local universities/community colleges to produce videos or other appropriate outreach materials to educate citizens on how they can become involved in protecting the environment. Air videos on public TV; place materials in local libraries where they will be readily available to schools, civic and community organizations, and other local interest groups which represent EJ communities.
- Develop information about water issues in specific geographic areas and distribute the information through channels most likely to reach minority and low income populations.

## **PERFORMANCE PARTNERSHIP AGREEMENTS & GRANTS**

Region 4 will be participating in the National Environmental Performance Partnership System through the development of Performance Partnership Grants (PPGs) and Performance Partnership Agreements, (PPAs), with states. This system offers a new approach to implementing state-EPA (or tribal-EPA) relationships.

States and federally recognized tribes are eligible to apply for Performance Partnership Grants (PPGs) which may combine up to 6 categorical water grants into one or more PPGs. PPAs may either supplement or replace the categorical workplans for any or all of the grants which states elect to be covered by a PPG. In addition to the core program requirements for grants covered by the PPG, a PPA will identify EPA roles and responsibilities, state-EPA initiatives, and special focus areas. EJ could likely be a focus area identified in state PPAs. However, it is envisioned that EJ be integrated throughout water programs and other programs covered by PPGs or categorical grants.

Water Management Division will encourage states using either the PPG/PPA process or traditional categorical workplan process to include EJ in their environmental protection activities. The Division, as well as other media programs, may encourage states to develop an EJ strategy for inclusion into routine activities. As well, the Division may target individual program workplans, asking states to target EJ communities for particular activities.

## **ENVIRONMENTAL JUSTICE GRANTS**

Through the Office of Environmental Justice, there are two grants for which an eligible grantee can apply: Environmental Justice (EJ) Small Grant or the Community/University Partnership (CUP) Grant. The Water Management Division will continue to pursue these grant opportunities for water systems, municipalities and other entities.

## **EMPLOYEE AWARENESS AND SENSITIVITY**

### ***Implementation Tools***

An EJ training program will be developed for Water Management Division employees to increase awareness of the specific needs and circumstances of minority and economically

disadvantaged communities. Training will also focus on practical ways in which employees may identify and assist such communities in achieving environmental justice.

**CROSS-CUTTING AND MULTIMEDIA  
PROGRAMS**

**ENVIRONMENTAL JUSTICE PROTOCOL  
(UNDER CONSTRUCTION)**



## **APPENDICES**







# ENVIRONMENTAL JUSTICE COMPLAINT FORM

1. NAME		2. DATE							
		3. MAY THE AGENCY DISCLOSE THIS INFORMATION? <input type="checkbox"/> Yes <input type="checkbox"/> No							
4. STREET ADDRESS	5. CITY	6. COUNTY	7. STATE						
	8. ZIP CODE								
9. ORGANIZATION REPRESENTED	10. DAYTIME TELEPHONE NUMBER								
	11. EVENING TELEPHONE NUMBER								
12. LOCATION OF PROBLEM (Include city, county, state and, if applicable, name of facility)									
13. APPROXIMATE SIZE OF POPULATION									
14. DOMINANT RACIAL/ETHNIC MAKEUP OF COMMUNITY (Check one of the following) <table border="0"><tr><td><input type="checkbox"/> African American/Black</td><td><input type="checkbox"/> Hispanic</td></tr><tr><td><input type="checkbox"/> Asian/Pacific Islander</td><td><input type="checkbox"/> Native American</td></tr><tr><td><input type="checkbox"/> Caucasian/White</td><td><input type="checkbox"/> Other _____</td></tr></table> <p style="text-align: center;">(Please specify)</p>				<input type="checkbox"/> African American/Black	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Native American	<input type="checkbox"/> Caucasian/White	<input type="checkbox"/> Other _____
<input type="checkbox"/> African American/Black	<input type="checkbox"/> Hispanic								
<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Native American								
<input type="checkbox"/> Caucasian/White	<input type="checkbox"/> Other _____								
15. ECONOMIC MAKEUP OF COMMUNITY (Check one of the following) <table border="0"><tr><td><input type="checkbox"/> \$0 to \$6000.00</td><td><input type="checkbox"/> \$12001.00 to \$15600.00</td></tr><tr><td><input type="checkbox"/> \$6001.00 to \$9000.00</td><td><input type="checkbox"/> \$15601.00 to \$18000.00</td></tr><tr><td><input type="checkbox"/> \$9001.00 to \$12000.00</td><td><input type="checkbox"/> Above \$18001.00</td></tr></table>				<input type="checkbox"/> \$0 to \$6000.00	<input type="checkbox"/> \$12001.00 to \$15600.00	<input type="checkbox"/> \$6001.00 to \$9000.00	<input type="checkbox"/> \$15601.00 to \$18000.00	<input type="checkbox"/> \$9001.00 to \$12000.00	<input type="checkbox"/> Above \$18001.00
<input type="checkbox"/> \$0 to \$6000.00	<input type="checkbox"/> \$12001.00 to \$15600.00								
<input type="checkbox"/> \$6001.00 to \$9000.00	<input type="checkbox"/> \$15601.00 to \$18000.00								
<input type="checkbox"/> \$9001.00 to \$12000.00	<input type="checkbox"/> Above \$18001.00								
16a. DESCRIPTION OF PROBLEM (Please specify affected resources, e.g. soil, water and/or air)									
16b. PROBLEM TYPE (Check all that apply) <table border="0"><tr><td><input type="checkbox"/> Solid/Hazardous Waste</td></tr><tr><td><input type="checkbox"/> Pesticides/Toxins</td></tr><tr><td><input type="checkbox"/> Other _____</td></tr></table> <p style="text-align: center;">(Please specify)</p>				<input type="checkbox"/> Solid/Hazardous Waste	<input type="checkbox"/> Pesticides/Toxins	<input type="checkbox"/> Other _____			
<input type="checkbox"/> Solid/Hazardous Waste									
<input type="checkbox"/> Pesticides/Toxins									
<input type="checkbox"/> Other _____									
17. HOW LONG HAS THE PROBLEM EXISTED? _____ Year(s) _____ Month(s) _____ Week(s) _____ Day(s)									
18. LIST ALL AGENCIES WHICH HAVE BEEN NOTIFIED REGARDING THIS PROBLEM									
19. EXPLAIN ACTION(S) TAKEN BY AGENCY(IES)									
20. EPA CONTACT PERSON									
21. TYPE OF INQUIRY <input type="checkbox"/> Complaint/Grievance <input type="checkbox"/> General Information									



# ENVIRONMENTAL JUSTICE PROTOCOL DEMOGRAPHIC REQUEST

1. SITE NAME			
2. STREET ADDRESS		3. CITY/TOWN	
		4. COUNTY	
		5. STATE	6. ZIP CODE
7. TYPE OF AREA <input type="checkbox"/> Urban <input type="checkbox"/> Rural			
8. LATITUDE OF SITE		9. LONGITUDE OF SITE	
10. DESCRIPTION OF THE PROBLEM			
11. LOCAL CONTACT		12. TELEPHONE NUMBER	
13. ENVIRONMENTAL PROGRAMS INVOLVED			
14. EPA CONTACT		15. TELEPHONE NUMBER	
16. OIEA RESPONSE NEEDED BY:		17. DATE OF REQUEST	