

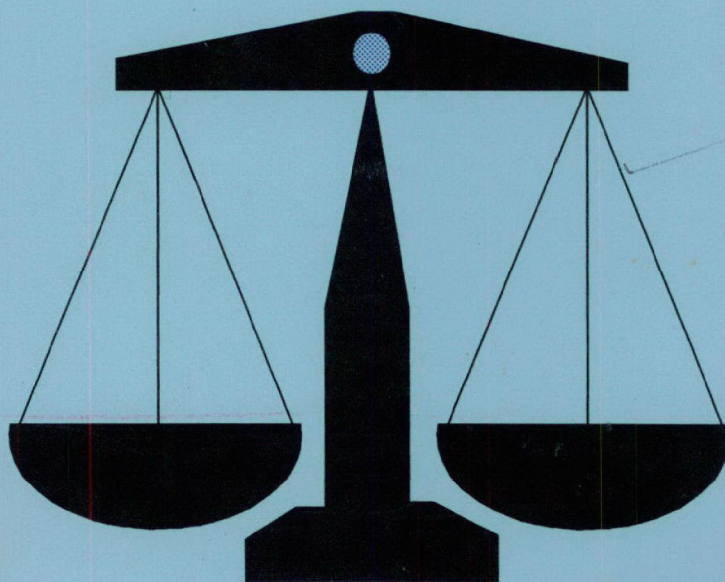
United States
Environmental Protection
Agency

Environmental
Accountability
Division
(4EAD)

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April 1999



**INTERIM POLICY
TO IDENTIFY AND ADDRESS
POTENTIAL ENVIRONMENTAL
JUSTICE AREAS**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 22 1999

MEMORANDUM

SUBJECT: Region 4 Interim Policy on Identifying and Addressing Potential Environmental Justice Areas, "Interim EJP"

FROM: John H. Hankinson, Jr. *JHH*
Regional Administrator

TO: All EPA Employees

I am pleased to announce the finalization of the *Interim Policy on Identifying and Addressing Potential Environmental Justice (EJ) Areas*. The purpose of the Interim EJP is to outline a process for EPA Region 4 management and staff to use when determining whether an area should be considered a potential EJ area and if so, what course of action should be taken. It is also a useful tool that will ensure the integration of EJ into our daily activities.

The Interim EJP was created to fill an immediate need to provide Region 4 management and staff with a methodology for identifying and addressing potential EJ areas. It directs the user to consider the low-income and minority population of the area and make decisions according to specific criteria. In addition, the Interim EJP includes a number of guidelines that provide recommendations to the user on how to address enforcement, permitting, remediation, and community involvement when potential EJ concerns exist.

There are inherent limitations in this Interim EJP in that it is based primarily on an assessment of demographics and income levels. Note that this Interim EJP serves as a first step and a baseline tool for the user to only identify **potential EJ areas**. However, as further guidance is received and finalized from EPA Headquarters, we will incorporate methods to identify actual EJ areas which involves a more complex level of analysis. This Interim EJP should be considered a "living document", which will be subject to modifications as new information becomes available and feedback from Region 4 management, staff, and stakeholders is received.

Several supplemental tools have been developed to help management and staff implement the Interim EJP. They are as follows:

- EJ Pocket Guide
- Potential EJ Area Maps
- Interim EJP Informational Sessions

The EJ Pocket Guide is a handy tool which complements the Interim EJP. It contains a flow-chart outlining an easy five-step process on how to identify potential EJ areas. The maps were developed using GIS demographic and low-income data and illustrates the minority and

low-income populations in Region 4. Information sessions instructing the user on the purpose and use of the Interim EJP will be offered to management and staff in the near future.

The Interim EJP will be available through the following vehicles:

- Local Area Network (LAN)
- EPA library

Ultimately, identifying and addressing potential EJ matters within Region 4 will help the region understand the universe of potential EJ matters, afford the Agency the ability to establish a baseline of activities occurring in low-income and minority communities, and accurately respond to internal and EPA Headquarters reporting requirements.

You may contact anyone from the list below for more information or copies of the supplemental tools.

Environmental Justice/Community Liaison Program

Connie Raines	Manager
Elvie Barlow	Air, Water Division Liaison
Sheryl Good	Waste Division Liaison
Deborah Carter	Management/Grants Assistant
Gloria Love	Grants Program Manager

EJ Division Coordinators

Robert Bookman	Air, Pesticides and Toxic Management Division
Kellyann Belizaire	
Louis Salguero	Science and Ecosystem Support Division
Bill Cosgrove	
Catherine Fox	Environmental Accountability Division
Ntale Kajumba	
Matthew Robbins	Office of Policy and Management
Wesley Lambert	
Brian Holtzclaw	Waste Management Division
Eddie Wright	
Natalie Ellington	Water Management Division

FOREWORD

This policy will be used by regional staff and management until such time that national guidelines are developed by EPA Headquarters. However, it should also be considered a “living document” which will be subject to modifications as new information becomes available and feedback from Region 4 staff, management, and stakeholders is received. We welcome your comments, suggestions, and questions on the policy. Please direct all feedback to Connie Raines at 404-562-9671 or Sheryl Good at 404-562-9559.

This document represents the combined efforts of each division, under the guidance of the Environmental Justice/Community Liaison Program (EJ/CLP) staff. The policy was developed to outline a process for EPA Region 4 management and staff to use when determining whether a case should be considered a potential EJ area and if so, what course should be taken. By establishing this methodology, the policy serves as a useful tool to help ensure the integration of EJ into our daily activities.

If there are any questions in regards to the implementation of the policy, please contact any of the current members of the Region 4 EJ cross-divisional team listed below:

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In addition, the EPA Region 5 and Region 2 Offices of EJ should be recognized for their assistance in developing the Region 4 Interim Policy document. They are to be commended for creating useful regional policy guidance documents that were used as a source of reference.

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1. INTRODUCTION

In recent years, environmental justice (EJ) has emerged as a national and regional policy issue due to the EJ grassroots movement and struggles and several initiatives spearheaded by federal agencies and community organizations. In 1994, the Presidential Executive Order on Environmental Justice #12898 set the U.S. Environmental Protection Agency (EPA), as well as other federal agencies on a new road to prioritize the issues of environmental justice. It stated

“each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions.” *Section 1-1, Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

Since the issuance of the Executive Order, EPA Headquarters and Regional Offices have dedicated attention and resources toward EJ issues. Offices of Environmental Justice were created across the country by various federal agencies. In 1994, the EPA Administrator chartered the National Environmental Justice Advisory Council (NEJAC), a federal advisory council focused on EJ issues. NEJAC meets biannually and supplies policy advice to assist the EPA in serving the public. Since its inception, the NEJAC has become an integral part of the EPA’s EJ program.

On February 5, 1998, the EPA Office of Civil Rights issued an interim guidance on processing Title VI civil rights complaints regarding environmental permitting. Issuance of this guidance has increased national visibility and awareness of the responsibility local, state, and federal governments are held by to comply with civil rights obligations in environmental decision-making.¹

A. Understanding the Definition of Environmental Justice

The EPA Headquarters Office of Environmental Justice (OEJ) has adopted the definition of EJ established by the Office of Solid Waste and Emergency Response (OSWER). It is defined as:

“The fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no population should be forced to shoulder a disproportionate share of

¹ Executive Order #12898 attempts to deal with disproportionate risk to *minority and/or low-income* communities, whereas Title VI prohibits discrimination based on *race, color, or national origin*, and the measure of discrimination is whether or not an adverse disparate impact exists.

exposure to the negative effects of pollution due to lack of political or economic strength.”²

In the Director of OEJ’s memo dated December 16, 1998, he says, “This definition is compatible with the mission of the Agency which is to protect human health and to safeguard the natural environment - air, land, and water - upon which life depends.” In addition, “The OSWER’s 1995 publication was widely distributed to business and industry; federal, state and local government environmental regulatory offices; environmental organizations and other non-governmental organizations and associations; national, state, and local bar associations; law firms and corporate environmental counsel offices; community and grassroots group; and the general public. Therefore, many individuals, groups, and organizations are well acquainted with this definition. Moreover, the OEJ has used and will continue to use this definition of EJ. It is therefore, strongly recommended that, until such time that the Agency changes the above definition, this should serve as the Agency’s standard definition of EJ because it is not only quite comprehensive but also is the generally accepted definition since 1995.”³

² Source: “Guide to Environmental Issues - Earth Day 25 Edition, April 11, 1995,” EPA/OSWER, No. 520/B-94-001 (April 1995) at 53.

³ Source: “Distinction Between Environmental Justice and Title VI, And the Future Direction of the Office of Environmental Justice” Memo from Barry Hill, Director of OEJ, December 16, 1998

2. PURPOSE AND USE OF THIS POLICY

The purpose of this Interim EJ Policy is to provide clarification on the concepts of EJ to Region 4 staff. The policy outlines a process to help determine whether a case⁴ should be considered a potential EJ case, and if so, what course of action should be taken. It accomplishes this by explaining the necessary tools to properly define a potential EJ area of concern, setting forth a process to gather baseline information to conduct an EJ analysis, and considering alternative actions which may lessen the impact on the affected community.⁵ It will serve as a useful guide for all employees to make some significant steps toward implementing EJ into functional activities, and as a result, help make a difference in the lives of many depending on EPA to protect human health and the environment. It is intended that awareness and integration of EJ across all functional levels of Region 4 will be increased.

Overall, the policy was created to fulfill an immediate need to provide Region 4 staff with guidance to:

- clarify the concept of EJ through uses of terminology, definitions, and methodologies through the use of state-by-state thresholds;
- identify potential EJ areas of concern consistently;
- ensure greater public participation;
- answer EJ-related questions that are frequently asked; and
- provide a road map for all staff to integrate EJ into daily functions.

This policy provides a method for defining minority and low-income populations which is the first step to identifying potential EJ areas of concern.. Once the basic definitions and analytical concepts are introduced, the policy delves into how the user can implement EJ in enforcement, permitting, remediation, and other activities of Region 4. These sections of the policy address EPA Region 4 practices whereby the fair implementation of environmental laws and meaningful involvement of all stakeholders can be carried out. It also prompts the user to explore other opportunities to help achieve “win-win” results for all parties involved.

It also includes a comprehensive discussion on stakeholder involvement which is considered crucial in ensuring that decisions affecting human health and the environment embrace EJ. If EPA Region 4 involve affected communities in our decision-making process early on, a greater possibility exists to enhance trust and partnership between EPA and these affected communities on environmental issues. Most important, more effective solutions are borne from this collaborative environmental decision-making.

As attachments, we included several items to supplement an understanding for all

⁴ “Case” broadly means any site, project, community, area, enforcement action, inspection, regulated facility permitting action, administrative case, or judicial case.

⁵ Affected community is defined as an area within a community that has the potential for bearing environmental and public health burdens.

employees embarking on a potential EJ case. Persons needing a quick reference may find the Frequently Asked Questions section most useful. Other items consist of the EJ Geographic Information System (GIS) Demographic Request Form and an EJ contact list. Many resources will be available on the Internet or they can be obtained from the Divisional EJ Coordinator(s) or the Environmental Justice/Community Liaison Program (EJ/CLP).

It is important to recognize that there are inherent limitations of the current policy. Although it is possible to determine an actual EJ area of concern, this policy goes as far as national guidance exist. Since policy issues are still emerging, we will only refer to "*potential EJ areas of concern*" for this policy. Noteworthy is that this policy does not currently provide guidance on how to identify *actual* (versus *potential*) areas of concern in Region 4, though these concepts may be incorporated at a later date as the understanding of appropriate analytical approaches develop further on a national and regional basis. Section 4 presents a valuable state-by-state reference which lists the current "relative thresholds" to help determine if a respective EPA case is within a community that is a potential EJ area of concern. Due to this natural progression on EJ methodologies and technical developments, this policy does not include any details on defining *disproportionate effects*; which is a key factor to determining actual EJ areas. The policy does mention the consideration of *cumulative impacts* as it relates to siting of hazardous waste facilities. However, it does not provide the methodology for determining what are the cumulative impacts from one additional siting.

3. KEY CONCEPTS AND TERMINOLOGY

EPA employees need to know when their regulated facilities, enforcement cases, permitting actions, or place-based projects fall within potential EJ areas of concern. This section of the document presents a consistent set of important terms for use in making that determination and to clarify understanding of EJ concepts within this document. A consistent use of these terms can help EPA Region 4 more effectively address EJ in the normal course of work and EJ assessments. The definitions are not intended to carry legal significance, but simply to provide a useful way to consistently describe the issues and ideas pertinent to EJ analyses and their resulting uses in program activities.

Environmental Justice

The fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no population should be forced to shoulder a disproportionate share of exposure to the negative effects of pollution due to lack of political or economic strength.

Target Area

A *target area* (study area) is a geographical area that is potentially affected by an action falling under Presidential Executive Order No. 12898. A target area is usually proximate to and may surround a source(s) of potential adverse environmental and/or human health effects, often including, but not restricted to, one or more polluting facilities, or other sources of possible effects. Typically, this is a radius from a point source; however, in some instances the target area may be defined differently (e.g., population along a stream or river).

Target Population

A *target population* includes the potentially affected residents of the target area. Depending upon the objective and context of the analysis, the target population may also include transient residents such as migrant workers, commuters, and seasonal visitors. A target population may constitute an entire population or a subset within the population (e.g., children or low-income fishermen). Exposure of the target population to an environmental hazard, may be the result of a source(s) *within* the target area or a source *external to* the target area (e.g., consumers of contaminated drinking water or persons doing subsistence fishing on a polluted body of water).

Reference Area/Reference Population

A *reference area* is the area that is used as a benchmark of comparison when determining whether a *target area* suffers from disproportionate effects to its minority and/or low-income populations. A *reference population* includes the residents of the reference area. Therefore, both the reference area and population provide a context for the interpretation of data from the target area and population.

Disproportionate Effect

A *disproportionate effect* is an incidence (or prevalence) of an effect, a risk of an effect, or likely exposure to environmental hazards potentially causing such adverse health effects on a minority and/or low-income population, or sub-population such as children, that significantly exceeds that experienced by a comparable reference population. Both the Executive Order No. 12898 and the latest EPA interim Title VI [Civil Rights Act] guidance, speak to the need to prevent and remediate *disproportionate effects*. Although a critical element in addressing EJ, the technical approaches for determining *disproportionate effects* are still under development, and as such are not refined and presented herein. When EPA Headquarters policy is generated on the subject of these *effects*, they will be incorporated into this EJ Policy. In estimating *effects*, the possible cumulative nature of these effects should be considered. The concept of *disproportionate effect* on sub-populations (such as high numbers of minority children) is also important and should be considered.

Potential EJ Area of Concern

A *potential EJ area of concern* is a target area that contains relatively high minority and/or low-income population where the existence of disproportionate effects has not been evaluated. Analysis to determine if a site(s) is a potential EJ area of concern may or may not involve the use of a reference area. This is the most commonly used term in Region 4.

Actual EJ Area of Concern

An *actual EJ area of concern* is a target area that has been demonstrated to experience disproportionate effects and has a significant minority and/or low income population relative to an appropriate reference area. Analysis to determine if a site (or sites) is an actual EJ area of concern is more rigorous and requires the use of a reference area.

Potential EJ Case

This refers to a “case” (broadly meaning any site, project, community, area, enforcement action, regulated facility permitting action, administrative case, or judicial case) that falls within a *potential EJ area of concern*. This is the common expression for cases that may have EJ considerations.

Actual EJ Case

This refers to a “case” (broadly means any site, project, community, area, enforcement action, regulated facility permitting action, administrative case, or judicial case) that falls within a target area that has been demonstrated to be within an *actual EJ area of concern* (i.e. experiencing disproportionate effects) through the use of a reference area.

4. GUIDELINES FOR IDENTIFYING POTENTIAL EJ AREAS

The purpose of this section is to provide a recommendation for defining minority and low-income populations, as well as recommended thresholds for determining potential EJ areas of concern. *Figure 1, "Potential EJ Flow Chart"* and *Table 1, "Relative Thresholds for Region 4"* may be used along with concepts presented herein to assess whether a community meets Region 4's state-by-state standards for EJ demographics and income levels.

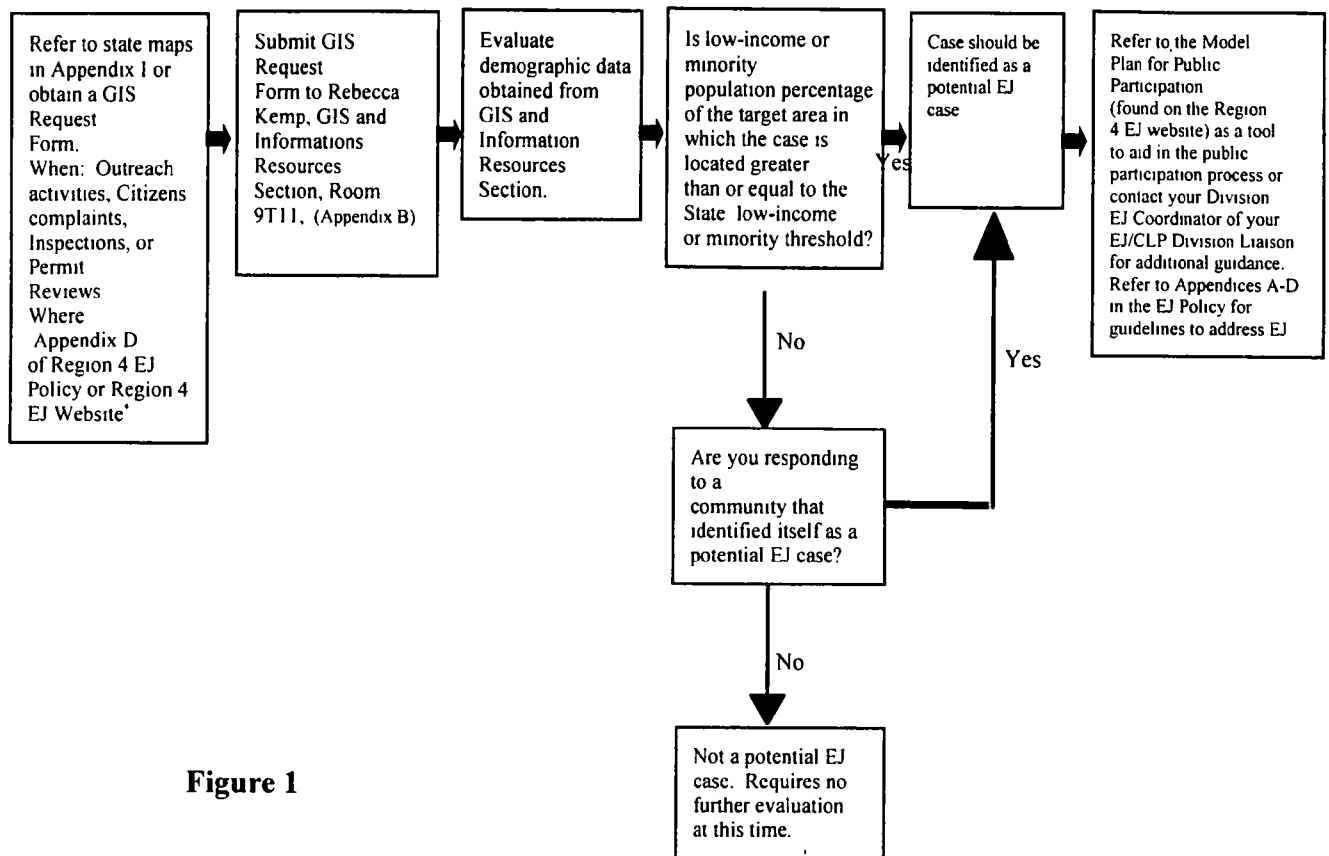
It is important to note that self-identified EJ communities should be considered potential EJ areas of concern along with those identified through analysis of demographic data. This is because Census data that is generally used in these analyses are from 1990 and so may not be reflective of current demographic conditions.

Figure 1 outlines a multi-step process for identifying potential areas of concern. Appendix B outlines the process for obtaining demographic information for a particular case. The procedure generally involved in identifying whether or not the area of interest is a potential EJ area by using either the state maps⁶ included in Appendix I as a screening tool and/or submitting a GIS request form found in Appendix B.

As a supplement to the policy, the Region 4 EJ Pocket Guide is available to assist you in identifying potential EJ areas. It offers a concise five-step process to aid in characterizing the area in which you are working. It outlines the GIS request process, evaluating demographic data, and defining the EJ status of the community. The Pocket Guide was developed as a supplement to the EJ Policy to help staff in identifying a potential EJ case for outreach activities, citizen complaints, inspections, and permit reviews. It will not replace the Policy, but will provide a concise, step-by-step approach to identifying potential low-income and minority communities.

⁶ Note: If you experience difficulty in duplicating these maps on a copier, please refer to the colored maps available from your EJ Division Coordinator, EJ/CLP, or submit an EJ GIS Request form to the GIS and Information Section. The maps should be used as a screening tool to determine if your area of interest is a potential EJ area.

STEPS TO IDENTIFYING A POTENTIAL ENVIRONMENTAL JUSTICE CASE



*Region 4 EJ Website Address: <http://www.epa.gov/region4/ejpps/ejmain.htm>

A. Recommendations for Defining Minority and Low-Income Populations

This section presents recommendations for defining minority and low-income populations using demographic and low-income data. The following section presents recommendations for determining if these populations are significant and may be considered potential EJ areas of concern.

1. Defining “Minority Populations”

This policy uses U.S. Census categories to define “minority” populations. These categories include *American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanics* and other *non-White* populations.

2. Defining “Low-Income Populations”

There are two options for defining low-income populations in Region 4 analyses and program applications. These definitions should be used at the analyst’s discretion, given the particulars of the EJ assessment being conducted and the attributes of the data being used in the analysis. Some of the advantages and drawbacks to using the different benchmarks are identified below:

- **Below \$15,000** - This threshold is more commonly used than the poverty status threshold described below. The main advantage to using the set income ranges in Summary Tape File 3A (STF3A) as benchmarks for low-income status is that the associated data are updated for population counts more frequently than poverty data and thus are more current. In addition, the data are available for most of the same geographic summary levels and cross tabulations of poverty thresholds. A drawback to using income ranges is that associated data are not adjusted for family size or cost of living by geographic area. The common units for this statistic, are *percent of households in the target area with below \$15,000 income*.
- **Below Poverty Status** - An advantage of using the poverty status as a benchmark for low-income status is that the associated data adhere to a Federal statistical standard. The data are available in a variety of geographic levels; block group, tract, county, place, state, Census region, U.S., zip code, and tribal land. In addition, the data are available in a wide range of cross tabulations, such as race and age, and will facilitate some types of assessments, (e.g., young children below poverty as an indicator of potentially high lead paint exposure). Poverty data are also adjusted for family size and number of dependents. A drawback to using poverty status is that the associated data are adjusted for cost of living on a national basis but not for regional, state or local variations. The common unit for this statistic are *percent of households in the target area that is in below poverty status*.

B. Determining Potential EJ Areas of Concern

There does not exist one single method for determining potential EJ areas of concern. However, for purposes of this policy, we are advocating the use of the method using relative

minority and low-income thresholds.

1. **Relative Minority and Low-Income Thresholds**

For both the minority and low-income data, use of a relative threshold in EJ analyses is generally recommended for determining significant minority and low-income populations, (i.e., potential EJ areas of concern.)

- **Minority Thresholds** - The recommended relative threshold for use in Region 4 EJ analyses is 1.2 times the state average. This approach assumes that the distribution of minorities is the same in all reference areas (e.g., Region 4 states). See Table 1 for the recommended thresholds to use by state.
- **Low-Income Thresholds** - As discussed above, an analyst may use either income ranges or poverty status to determine significant low-income populations. The use of a relative threshold is recommended for EJ assessments in Region 4. The relative threshold is defined as 1.2 times the percent of households with incomes below \$15,000 (or the percent of persons in a target area for whom poverty status is determined) in a state. In other words, if the percent of households in a target area with incomes below \$15,000 (or the percent of persons in a target area for whom poverty status is determined) are equal to or greater than 1.2 times the percent of households in a state with incomes below \$15,000 in the state, the target area is considered *a potential EJ area of concern*. For example, if the percent of households in a target area with incomes below \$15,000 (or the percent of persons in a target area for whom poverty status is determined) in Alabama are equal to or greater than 39.76% (22.01% if the poverty threshold is used), that area is considered a potential EJ area of concern.

Table 1. Relative Thresholds for Region 4

State	Minority Threshold	Low-Income Threshold (15K)	Low-Income Threshold (Poverty)
Alabama	32.10%	39.76%	22.01%
Florida	31.99%	30.01%	15.23%
Georgia	35.72%	30.54%	17.58%
Kentucky	9.95%	41.53%	22.84%
Mississippi	44.30%	47.09%	30.25%
North Carolina	29.89%	32.40%	15.56%
South Carolina	37.68%	33.91%	18.44%
Tennessee	20.89%	36.59%	18.84%

For additional explanations, please refer to Section 3 (Key Concepts and Terminology). The relative threshold values were derived from the 1990 Census of Population and Housing, Summary Tape File 3 (STF3) data.

***Note:** The table was developed for EPA by contractor Indus under EPA Contract Number 68-W7-0034. The relative threshold values above were derived using the 1990 Census of Population and Housing, Summary Tape File 3 (STF3) data. The minority threshold value is 1.2 times the average minority statistic within each state and the other columns represent the average low-income statistics within those states. The "15K" low-income threshold is 1.2 times the percent of households in the state with below \$15,000 income. The "Poverty" low-income threshold is 1.2 times the percent of households in the state meeting a Federal statistical poverty standard.*

5. GUIDELINES FOR ADDRESSING POTENTIAL EJ AREAS

The previous section outlines the process to identify potential EJ areas by utilizing the GIS analysis to determine the low-income and minority percentages and then comparing the percentages to the state averages. The activities addressed in this section and described in the appendices are essential to the mission of the EPA. Prior to implementing enforcement, permitting, or remediation activities, GIS demographics and low-income data must be obtained to make an EJ determination.

It is important to note that identification of a minority population or low-income population does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community.

A. Enforcement Activities (Refer to Appendix D for further details)

EPA Region 4 enforcement personnel should ensure that potential EJ cases are prosecuted vigorously and expeditiously. On the basis of available scientific literature and experiences, there are identifiable potential EJ areas of concern that experience a certain type of double jeopardy in the sense they 1) experience higher levels of exposure to environmental stressors in terms of both frequency and magnitude; and 2) are less able to deal with these hazards as a result of limited knowledge of exposures and disenfranchisement from the political process. It is important to return violating facilities to compliance as quickly as possible.

In addition, as the case is prosecuted, the enforcement team should be certain to keep the community informed of developments and as practicable, should seek community input into the resolution of cases in an appropriate manner. Since every enforcement case is different, and the level of community interest will vary depending upon the case, there is no single technique for ensuring that community members are kept adequately informed and their views solicited.

Appendix D sets forth protocol for the enforcement team to consider in the initiation, prosecution and resolution of an enforcement matter in order to accomplish this enhanced community involvement. It provides a menu of ideas which can be employed to ensure that the Region meets its obligations under the Executive Order No. 12898 to carry out its activities so as to achieve the goal of EJ.

B. Permitting Activities (Refer to Appendix E for further details)

This section provides permitting staff with guidance on how to consider EJ in the context of EPA-lead permitting decisions. Permitting decisions include new permits, permit modifications (except administrative modifications), and permit renewals. Following the steps outlined in Appendix E will help to ensure that the EPA's permitting decisions are consistent with Executive Order No. 12898,

and that these decisions meet the minimum requirements identified by the Environmental Appeals Board (EAB).⁷

For State or Tribal-lead permitting matters, EPA permitting staff should encourage the States to consider EJ during their permitting process.⁸ EPA and the State agency should seek heightened coordination with one another when a permitting action for a particular facility is perceived as posing disproportionately high and adverse human health or environmental effects on a potential EJ community.

The permit writers or reviewers should first request a GIS analysis to determine if the permit in question occurs in a potential EJ area of concern using the recommendations described in Sections 4 of this report.

C. Remediation Activities (Refer to Appendix F for further details)

This section provides regional staff engaged in remedial, removal, site investigation and other non-permitting/non-enforcement activities [e.g., the annual state-based Performance Partnership Agreement (PPA) process, environmental impact statements under the National Environmental Policy Act (NEPA)] with general policy guidance on how to integrate EJ into these activities.

This section was not developed to address each and every EJ opportunity or situation that EPA staff may encounter; rather, its purpose is to establish an EJ framework for decision-making. In certain instances of cleanup or site remediation activities, those involving an immediate threat or actual endangerment to human health or the environment may require some deviation from this guidance. Some emergency situations, in which time is of the essence, may not present opportunities for high level of community involvement in environmental decision-making. In those instances, the high priority may be a timely community notification which triggers an evacuation. In the activities of NEPA, the scoping, and subsequent processes naturally lend themselves to having citizens in potential EJ areas of concerns fully participate in environmental decision-making on matters concerning impacts from construction and other projects. As for PPAs, this agreement lends itself to meaningful community involvement, as the EPA/state process is one of planning, dialogue and making annual environmental commitments.

⁷ One good bibliographic reference is the “Draft Memorandum on Integrating EJ into EPA Permitting Authority (7/18/96),” prepared by the Enforcement Subcommittee of the National Environmental Justice Advisory Council (NEJAC), which reports to the EPA Administrator (located at the NEJAC web site, <http://www.prcemi.com/nejac/publicat.html>).

⁸ Title VI Guidance outlines the details for handling Title VI complaints against a federally funded agency, such as a State or Tribal government. Compliance with Title VI is mandatory. The outcome of a Title VI complaint filed by a citizen may include dismissal, mitigation (permit modification) or even the withholding of federal funding.

By following the steps outlined in Appendix F and being familiar with Appendix G (EJ and Community Involvement), staff can do their part to ensure that these kinds of activities are consistent with the Presidential Executive Order on EJ, No. 12898, as well as national EPA and regional EJ strategies and policies.

D. Community Involvement Activities (Refer to Appendix F for further details)

The purpose of this section is to provide EPA Region 4 guidance when assisting communities affected by environmental injustice. Whether it's a permitting, enforcement, remediation or other EPA activity, this protocol should be implemented in potential EJ areas of concern. For assistance, please be sure to contact the appropriate Divisional EJ Coordinator(s), Division EJ Liaisons, Tribal Coordinators (if appropriate). (Refer to Appendix H for a list of helpful contacts.)

This section will assist the "case team" in selecting the kinds of community involvement and outreach for the potential EJ area of concern. Becoming familiar with the outlined checklist in Appendix G is a very good start. The "Model Plan for Public Participation" publication by NEJAC supplements this checklist and can be obtained from the Region 4 EJ/CLP. (This also can be located at the NEJAC web site, under publications at <http://www.prcemi.com/nejac/publicat.html>.)

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APPENDIX A

PRESIDENTIAL EXECUTIVE ORDER NO. 12898

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

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

Section 1-1. Implementation

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

1-102. Creation of an Interagency Working Group on Environmental Justice. (a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the president through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

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

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

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

- (4) assist in coordinating data collection, required by this order;
- (5) examine existing data and studies on environmental justice;
- (6) hold public meetings as required in section 5-502(d) of this order; and
- (7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies. (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement and/or rule makings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

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

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

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

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy and a schedule for implementing those projects.

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

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

1-104. Reports to the President. Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the

President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Section 2-2. Federal Agency Responsibilities for Federal Programs

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

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

3-301. Human Health and Environmental Research and Analysis. (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

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

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

3-302. Human Health and Environmental Data Collection and Analysis. To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

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

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2)

expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

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

Section 4-4. Subsistence Consumption of Fish and Wildlife

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

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

Section 5-5. Public Participation and Access to Information

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

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

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

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

Section 6-6. General Provisions

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

6-602. Executive Order No. 12250. This Executive order is intended to supplement but not

supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

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

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

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

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

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

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

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

William J. Clinton
The White House
11 February 1994

APPENDIX B

Geographic Information System (GIS)

Request Form

Instructions

Why do you need GIS data?

GIS is used to provide map products and tables summarizing EJ demographic parameters in the vicinity of sources. (Refer to Question 18 in Appendix C)

Part 1

Provide information about the requestor (i.e. name, division, office, telephone number). This should be the person to contact for questions pertaining to the area in which you are requesting information. Provide the date of the request and the date the product is needed. The tracking number will be assigned by the Environmental Justice/Community Liaison Program (EJ/CLP).

Part 2

Provide a geographic description of the area that will be plotted. If available, provide the site latitude and longitude. Specify the mile radius around the site to be mapped. Select either 0-1 mile, 1-3 miles, or 3-5 miles. In some instances one may use another target area (e.g. long stretch of stream). You may also wish to select all 3. If there are other areas (towns, roads, landfills, etc.) that should be plotted in the map, list those areas. Specify the name of the title that you want on the map.

Part 3

Indicate if you prefer a mapped product and/or if you would like only demographic data. A summary sheet will provide you with the demographic data.

Part 4

Provide a brief description of the area that will be mapped. If needed, include additional descriptions or instructions on the other area to be plotted.

Part 5

If available, provide any demographic data that you may have. This will serve as a reference to the product that will be returned to you by the GIS section.

Part 6

Submit completed EJ GIS request form to Rebecca Kemp in the GIS and Information Resources Section, Room 9T11. If you have questions about filling out the form, call Elvie Barlow at 404-562-9650.

Return a copy of the completed GIS request form and a copy of the site's summary sheet to:

Elvie Barlow
Environmental Justice/Community Liaison Program
Phone: 404-562-9650
Fax: 404-562-9664

ENVIRONMENTAL JUSTICE
GEOGRAPHIC INFORMATION SYSTEM (GIS) REQUEST FORM
[Please Print or Type]

(Part 1)

DATE OF REQUEST:

Requestor's Name _____

DATE PRODUCT NEEDED BY:

Office/Division _____ Tele. Ext. _____

EJ TRACKING#: (to be assigned
by EJ/CLP)

Purpose of Request _____

(Part 2)

(SITE/FACILITY NAME or SPECIFY GEOGRAPHICAL AREA)

(STREET ADDRESS or RURAL ROUTE)

(CITY/TOWN)

(COUNTY)

(STATE)

(ZIP CODE)

SITE LATITUDE _____

SITE LONGITUDE _____

MILES RADIUS AROUND SPECIFIED POINT -- ☐ 0-1 Mile ☐ 1-3 Miles ☐ 3-5 Miles

OTHER AREAS TO BE PLOTTED: _____

MAP TITLE(S): _____

(Part 3)

MAP[S] REQUESTED: ☐ YES ☐ NO

DEMOGRAPHIC DATA ONLY: ☐ YES ☐ NO

HOW MANY COPIES? _____ ☐ COLOR ☐ B & W

SIZE: ☐ 8.5" x 11" ☐ 11 x 17 ☐ OTHER _____

(Part 4)

ADDITIONAL SITE DESCRIPTIONS or INSTRUCTIONS:

DEMOGRAPHICS INFORMATION: (Please provide data, if available)

(Part 5)

Approximate Size of Population:

☐ City _____ ☐ County _____ ☐ Community/Impacted Area _____

☐ Percent of Minority _____ ☐ Percent of Low-Income _____ ☐ Percent of at or below Poverty _____

Source of Information: ☐ Census Statistics _____ (Year) ☐ Other [Explain Below]

(Part 6)

Return a copy of this form and a copy of the site's summary sheet to Elvie Barlow in the Office of EJ.
(For tracking purposes only)

APPENDIX C

FREQUENTLY ASKED QUESTIONS RELATED TO THE EPA REGION 4 EJ POLICY

Q1. What is Environmental Justice (EJ)?

A1. There is no single definition for EJ. However, EPA HQ OEJ has adopted the Office of Solid Waste and Emergency Response definition of EJ. It is as follows: “The fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no population should be forced to shoulder a disproportionate share of exposure to the negative effects of pollution due to lack of political or economic strength.

Q2. What are U.S. EPA’s general responsibilities under Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”?

A2. On February 11, 1994, President Clinton issued this Executive Order and an accompanying Presidential memorandum to focus Federal attention on the environmental and human health conditions in minority communities and low-income communities. To the greatest extent practicable and permitted by law, EPA must make achieving EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects on minority populations and low-income populations in the United States and its territories.

The identification of a disproportionately high and adverse human health or environmental effect on a minority population or low-income population does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community.

Q3. What are the guidelines for “Identifying and Addressing a potential Environmental Justice Case” and when do I use them?

A3. Please refer to Sections 1-5 of this Policy Document. Sections 4 and 5 focus on GIS analyses and addressing potential EJ cases, as well as Appendix B. They outline a process for identifying and addressing potential EJ cases. They include criteria for identifying potential EJ cases with respect to low-income populations and minority populations and provide recommendations for taking EJ into account in enforcement, permitting, and community involvement matters.

These guidelines should be used by U.S. EPA Region 4 staff whenever they are trying to determine whether their case is a potential EJ case and what actions to take (on EPA-lead activities) if this designation is made. Each Region 4 program will determine those cases

for which a GIS analysis should be conducted (e.g., new cases, existing cases, per community self-identification, etc.).

Q4. Have national EJ guidelines been developed? Have other Regions developed guidelines?

A4. National EJ guidelines are being developed. Other Regions have developed or are in the process of developing guidelines, including Regions 2, 3, 5, 6, 7, 8, and 9.

Q5. Why does this EJ Policy Document have limitations?

A5. This Interim EJ Policy was created to fill an immediate need to provide Region 4 staff with a methodology for identifying and addressing potential EJ cases. There are inherent limitations in these guidelines in that they are based primarily on an analysis of demographics and income levels and do not involve a complex analysis of risk or disproportionate effects (a key factor in EJ assessment). This approach has benefits because it allows for expediency in identifying potential EJ cases. The guidelines will be further developed to reflect experience and methodological improvements.

Q6. Can I share these EJ Policy guidelines with the States and other external partners?

A6. Yes. Although this EJ Policy is primarily to assist EPA management and staff in assessing and addressing EJ cases, they may be shared with other partners. Keep in mind, however, that these guidelines apply only to those activities where U.S. EPA Region 4 has direct authority. States and other external partners are not required to follow them but are encouraged to take them into consideration.

Q7. What is meant by “disproportionately high and adverse human health or environmental effects” (disproportionate effects)?

A7. In Appendix A of the guidance pertaining to EJ and the National Environmental Policy Act¹, the Council on Environmental Quality (CEQ) has established the following definitions:

- When determining whether **human health effects** are disproportionately high and adverse, agencies are to consider the following: (a) whether the health effects, which may be measured in risks and rates, are significant (as employed by the National Environmental Policy Act - NEPA), or above generally accepted norms. Adverse health effects may include bodily impairment, infirmity, illness, or death; and (b) whether the risk or rate of hazard exposure by a minority population, low-income population or Indian tribe to an environmental hazard is significant and appreciably exceeds or is likely to appreciably exceed the risk or rate to the general population or other appropriate comparison group; and (c) whether health effects occur in a minority population, low income population, or

¹ “*Environmental Justice - Guidance Under the National Environmental Policy Act*”, developed by the Council on Environmental Quality (CEQ), 1997. The CEQ, which is part of the Executive Office of the President, oversees the Federal government’s compliance with Executive Order 12898. The Internet address is <http://www.whitehouse.gov/CEQ/>.

An Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

- When determining whether **environmental effects** are disproportionately high and adverse, agencies are to consider the following: (a) whether there is or will be an impact on the natural or physical environment that significantly (as employed by NEPA) and adversely affects a minority population, low-income population, or Indian tribe. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment; and (b) whether environmental effects are significant (as employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and (c) whether the environmental effects occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

Q8. Why isn't an assessment of "disproportionately high and adverse human health or environmental effects" (disproportionate effects) included in the guidelines as a criterion for identifying potential EJ cases?

A8. A methodology for assessing disproportionate effects is still evolving. To date, there is no agreed upon methodology for conducting this type of assessment and what can be done may be labor intensive and costly. Consequently, this policy offer a user-friendly methodology for management and staff seeking a quick assessment of whether a case is potentially EJ based primarily on demographic information.

Q9. What are "cumulative effects" or "cumulative exposures"?

A9. Total effects from exposures to one or more chemical, biological, physical or radiological agents across environmental media (e.g., air, water, soil) from single or multiple sources.

Q10. What is considered "Minority" or "People of Color"?

A10. Minority individuals, as classified by the U.S. Census Bureau, are members of the following populations' groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic.

For the purposes of this EJ Policy, an area is considered to be minority if its minority population percentage is 1.2 times the state average. See Table 1 for the recommended thresholds to use by state. The minority population thresholds for the Region 4 States (according to the 1990 Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty) are: Alabama - 32.10%, Florida - 31.99%, Georgia - 35.72%, Kentucky - 9.95%, Mississippi - 44.30%, North Carolina - 29.89%, South Carolina - 37.68%, Tennessee - 20.89%.

This EJ Policy uses the term "minority" rather than "people of color" in order to remain

consistent with the language in Executive Order No. 12898, but EPA Region 4 is mindful and supportive of many communities' preference for the term "people of color".

Q11. Why is a different minority population threshold being used for each State, instead of a single Region wide figure?

A11. These guidelines use a different minority population threshold for each Region 4 State because each State has unique characteristics, in terms of the composition of its population. Use of a state versus regional threshold reduces some of the uncertainty associated with the screening analysis. Table 1, page 10 in the policy shows a table for the relative thresholds (minority) for each state.

Q12. What is the "poverty threshold/level?"

A12. The Bureau of Census' poverty statistics is based on a definition originated by the Social Security Administration in 1964, subsequently modified by the Federal interagency committees in 1969 and 1980 and prescribed by the Office of Management and Budget in Directive 14 as the standard to be used by Federal agencies for statistical purposes.

The national poverty thresholds are revised annually to allow for changes in the cost of living as reflected in the Consumer Price Index. These guidelines use the 1989 poverty threshold for a family of four persons (\$12,674). This is the threshold upon which the 1990 census poverty data is based.

Q13. What is "Low-income?"

A13. For the purpose of these guidelines, low-income is defined as 1.2 times the percent of households with incomes below \$15,000 (or the percent of persons in a target area for whom poverty status is determined) in a state.. An area/community will be considered "low-income" when its low-income population percentage exceeds the State low-income population percentage for the State in question.

According to the 1990 Bureau of the Census' Current Population Reports, Series P-60 on Income and Poverty, the low-income population percentages for the Region 4 States are: Alabama - 39.76%, Florida - 30.01%, Georgia - 30.54%, Kentucky - 41.53%. Mississippi - 44.30%, North Carolina - 32.40%, South Carolina - 33.91%, Tennessee - 36.59%.

Q14. Why is a "greater than the State (low-income or minority) percentage used as an indicator of a potential EJ case? What is the significance of "1.2 times the State percentage" in potential EJ case evaluation?

A14. The use of a relative threshold of 1.2 times the state average for both minority and low-income data is recommended for EJ assessments in Region 4. A relative threshold is the percent population derived from the reference area (e.g., the state average) used as a benchmark in determining whether or not a target area has a significant minority or low-income population. It is considered relative because the threshold is derived from the

same geographic area. This is important because the characteristics of some states vary greatly with respect to their minority and low-income populations. The 1.2 figure is recommended for use because it allows the determination of areas that contain a "meaningfully" greater percent minority or low-income population than the reference area which is consistent with recommendations from the Interagency Working Group Guidance and the Council on Environmental Quality NEPA Guidance Document, and very similar to Region 2's recommendation of using 1.25 times the state average.

Q15. What is a "Tribe?"

A15. All federally recognized tribal entities, such as American Indian tribes (including Alaskan Native Villages), pueblos, and rancheros.

Q16. What is an actual EJ Community?

A16. A minority community OR low-income community that has been shown to bear disproportionately high and adverse human health or environmental effects.

Q17. What is demographic information and how do I obtain it?

A17. Demographic information is the statistical data describing characteristics of a population (e.g., race, gender, ethnicity, income). This information can be obtained via Geographic Information Systems (GIS) by submitting a request to your Division/Office GIS expert or the Office of Information Services. See the GIS Request Form in Appendix B for more information on how to obtain demographic information.

Q18. What is Geographic Information Systems (GIS)?

A18. The Geographic Information Systems (GIS) analysis of EJ uses the National Spatial Data Library System (NSDLS). GIS is used to provide map products and tables summarizing EJ demographic parameters in the vicinity of sources. The NSDLS layer commonly used in EJ analysis includes the 1990 Bureau of Census block group polygons with the 1990 Bureau of Census demographic files, the Topographically Integrated Geographic Encoding and Referencing (TIGER) 92 data on roads, railroads and hydrography, and the Envirofacts Points. Envirofacts contain attribute data for EPA regulated facilities for the major media programs.

Q19. Why are 1990 census data being used? Are more current data available?

A19. Our files currently contain complete sets of 1990 census data. We also have population projection data based on a linear growth model for 1997 and 2002, but the uncertainty associated with that data is not known. However, the updates may not include information for all the areas we need to assess. For this reason, we will use the 1990 census information until data from the upcoming 2000 census is available.

Q20. What is meant by "Cases?"

A20. For the purpose of these guidelines, the term "case" is meant in its broadest, most general sense and refers to any site, project, community, area, enforcement action, inspection,

regulated permitting action, administrative case or judicial case.

Q21. What happens to a case once it is identified as a “potential EJ case?”

A21. What happens to a case once it is identified as a potential EJ case is program dependent. Please consult your Divisional EJ Coordinator or the EJ/CLP for specific direction.

Q22. What is a census block group and why obtain demographic information for the census block group?

A22. A census block group is a defined expanse or area of land that contains between 800 to 1000 people utilized by the U.S. Census Bureau in demographic studies. Census block groups vary greatly in size and are smaller and more densely populated in urban areas than in rural areas.

The use of the census block groups in demographic analysis is common because it is the smallest data unit for which all parameters needed to conduct an EJ assessment are available. In addition, information can be obtained on cases even in the absence of certain information (e.g., latitude and longitude information).

The disadvantages of using census block groups are apparent when a pollution source is located near the boundary of the census block group and may, in fact, affect the population of the adjacent block group; and in less densely populated areas (e.g., rural areas) where the block group is so large that it may not provide meaningful information. In both of these cases, the reviewer/assessor should use his/her best judgement (e.g., obtain demographic information for every potentially affected block group or for an area smaller than a block group).

Q23. What is the relationship between EJ and Title VI [Civil Rights Act]?

A23. In a recent memo dated December 16, 1998 from the Director of EPA HQ OEJ, it addresses the distinction between EJ and Title VI. The following are excerpts from the memo titled “Distinction Between Environmental Justice and Title VI, and the Future Direction of the Office of Environmental Justice.”

“Simply stated, EJ is the goal to be achieved. According to the Office of Solid Waste and Emergency Response, EJ means:

The fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. Fair treatment implies that no population should be forced to shoulder a disproportionate share of exposure to the negative effects of pollution due to lack of political or economic strength.

Whatever the situation described above, however, the basic premise of the EJ Movement is that people of color communities and/or low-income communities are

disproportionately exposed to environmental harms and risks because several studies, methodological differences aside, have concluded that they are far more likely to live in communities near industrial sites, and who, consequently, are exposed disproportionately to a wide variety of pollutants. If this fundamental premise remains at the forefront of your analysis of the allegations of environmental injustice, it should assist you in your evaluation of the situation.”

Title VI of the Civil Rights Act of 1964 is one of a number of tools that a community and/or grassroots group may use to address an instance of environmental injustice.

As you know, Title VI is a federal law that prohibits discrimination on the basis of race, color, or national origin, in any program or activity which receives federal funding. Title VI allows persons to file administrative complaints with a federal department and agencies, including EPA, alleging discrimination. From the Agency’s perspective, Title VI is the process for a community to file an administrative complaint with the Office of Civil Rights (OCR) alleging, for example, discrimination in a state environmental permitting programs. Consequently, OCR will process and investigate the administrative complaint involving the alleged discriminatory permitting actions of the state in accordance with the Agency’s regulations and guidance.”

Q24. What is an affected or impacted community?

A24. Affected or impacted communities are defined as an area within a community that has the potential for bearing environmental and public health burdens.

APPENDIX D

IMPLEMENTING ENVIRONMENTAL JUSTICE IN ENFORCEMENT ACTIVITIES

1. Identifying Potential Environmental Justice Cases

The enforcement team¹ should determine whether a particular matter is a potential EJ case. Demographic research assistance should be requested from the Information and Resources Section. This should be done by GIS experts using the criteria set forth in Section 4 (Guidelines for Identifying Potential EJ Areas) and Appendix B. The lead program assignee on the case should ensure that this determination of an EJ case is conducted.

The results of this analysis of demographic material and any other information available to the enforcement team concerning community interest in the enforcement action should be summarized in the referral package (in the case of judicial matters) or in a separate memorandum accompanying the sign-off of administrative cases.

Specifically, the referral or sign-off memorandum should include answers to the following:

- What are the demographic characteristics of the population adjacent to the facility of concern? Is the case or matter located within a potential EJ area of concern based upon the definitions and criteria in this EJ Policy in Section 4?
- Is the facility on or near an Indian reservation? Is the facility owned or operated by an Indian Tribe? Is the facility located in Tribal ceded territory? (Ceded territory is any area where a Tribe retains a treaty right to hunt, fish or gather resources. Maps of ceded territory can be obtained from the EPA Region 4 Tribal Coordinator, as listed in Appendix H.)
- Is the enforcement program staff person(s) aware of local citizens or community groups who have expressed interest in the facility or area in question ² and what is the nature of that interest?
- What steps are contemplated at the present time for responding to potential EJ areas of concern?

¹ Enforcement team generally includes a lead program person assigned to the case (e.g. RPM, OSC, etc.), EPA attorney, and other pertinent staff members. Where matters have been referred to the Department of Justice (DOJ) the team would include a DOJ representative.

² It may be useful to dialogue with the Divisional EJ Coordinator(s), Community Involvement Coordinator(s), or EJ/CLP who may know of local groups or citizens who have previously contacted EPA or have raised complaints, concerns, and interests before. Additionally, local and State agencies may provide helpful information on pollution related complaints from citizens.

2. Implementing Environmental Justice in the Enforcement Process

Once a case has been determined to be a potential EJ matter, the enforcement team should recognize the need to give priority attention to the possible prosecution and resolution of the case. Also, EPA Region 4 should act promptly to return violating facilities to compliance as quickly as possible in order to minimize the potential continuing impacts of pollution or risk of pollution to such communities.

In addition to giving priority to EJ matters, the enforcement team should consider enhanced public outreach at the three stages in the enforcement process discussed below. It is recognized that not all cases will be the same; in other words, minor administrative matters may not call for the same degree of activity as larger cases involving considerable community interest. However, the enforcement team should exercise its judgement about the kinds of activities which are appropriate to the case, recognizing its responsibility under the Presidential Executive Order No.12898 on EJ, as well as Agency policy to promote EJ in all aspects of the performance of our duties.

There are two tracks through which an enforcement action may be undertaken to secure compliance by offending parties. The enforcement team can pursue enforcement through civil judicial³ or administrative⁴ actions. The Department of Justice (DOJ) has primary responsibility for managing cases that are the subject of civil judicial enforcement. Therefore, the enforcement team must coordinate its planned community outreach activities with the DOJ representative. Where the enforcement team determines that the matter should be pursued administratively, consultation with DOJ is not generally required.⁵ The enforcement team should consider the steps outlined below in administrative actions. Similarly, the enforcement team should consult with the assigned DOJ representative regarding the application of these steps in civil judicial actions.

A. Initiation of Enforcement Actions

It is strongly encouraged that EPA Region 4 employees help target enforcement in potential EJ areas of concern with the annual Memorandum of Agreement (MOA) process with EPA Headquarters Office of Compliance and Enforcement (OECA). This MOA process allows an opportunity for EPA Region 4 to help provide input on targeting manufacturing sectors that

³ For example: filing complaints in federal courts to recover response costs incurred by EPA at Superfund sites, and seeking court orders to enforce administrative orders issued by EPA.

⁴ For example: issuance of Unilateral Administrative Orders under Section 106 of CERCLA, issuance of Administrative Order under Section 309 of the Clean Water Act, or issuance a Compliance Order under Section 113 of the Clean Air Act.

⁵ For example: consultation with DOJ is required where a proposed administrative settlement includes a covenant not to sue. In that instance, issuance of a covenant not to sue would represent a waiver of a government claim, which may only be done with the approval of the DOJ.

have a high percentage of communities that fit EJ demographics, or list more specifically facilities that reside in potential EJ areas of concern.⁶

Once EPA has begun a significant administrative enforcement action against a facility, EPA may issue a press release announcing the commencement of significant administrative enforcement actions.⁷ Ordinarily, the enforcement team should consider going beyond this practice when there is actual or potential interest in the matter, particularly for a potential EJ area of concern. This could include:

- Making contact with the Divisional EJ Coordinators (refer to Appendix H) and other appropriate persons who will assist in public outreach during the course of the litigation.⁸
- Ensuring that persons or groups (e.g. local citizen or EJ groups) are aware of and are informed of the commencement of the action. The EPA's original Notice of Violations (NOV) against the facility should be timely announced and forwarded upon request to any interested community-based groups. Contact information of known EJ and environmental groups/networks throughout the Southeast are obtainable from the EJ/CLP and Divisional EJ Coordinators.
- Conferring with local citizen or EJ groups which are a good source of contacts for current or former employees of regulated facilities that may have first-hand knowledge of alleged civil or criminal violations of environmental laws. These contacts may be useful as witnesses in the investigative phase or during the enforcement process for on-site or off-site pollution releases. Although the six major federal environmental laws have employee protection ('whistleblower') clauses for employees coming forth to EPA with information, staff should undertake efforts to uphold strict confidentiality because of the potential of retaliation.
- Consulting with the Office of External Affairs (OEA), Press & Media Relations staff for press releases, such as the initialization and finalization of enforcement actions. This OEA group can assist in customizing notice to particular groups and individuals who may be

⁶ For instance, a study generated from EPA's Common Sense Initiative (CSI) for the Automobile Sector (1998) found that a high majority of the neighboring communities could be classified having EJ demographics (using 3-Mile Radius Demographic Profiles). The report can be accessed at <http://www.epa.gov/oar/opar/auto/>

⁷ The Department of Justice, Office of Public Affairs has primary responsibility for press releases announcing the commencement of civil judicial actions. The enforcement team should consult with the DOJ attorney assigned to cases where the enforcement team determines that a press release announcing a significant accomplishment in the case would be appropriate.

⁸ The Divisional EJ Coordinators should collaborate with the Office of External Affairs, Community Involvement Coordinators (otherwise known as Community Relations Coordinators), etc.

interested in the action.⁹

B. Prosecution of Enforcement Actions

During the course of civil judicial, or administrative actions, every effort should be made to keep concerned citizens informed of significant milestones in the litigation. At a minimum, since EPA has a responsibility to respond to inquiries from the public, the enforcement team should provide public information about the litigation or administrative action to members of the community. For matters with known community interest, the enforcement team should work with Division EJ Coordinators and OEA to provide regular updates on the litigation to interested persons and groups.

Settlement discussions are a particularly sensitive aspect of litigation with respect to community outreach. It is always appropriate to reveal that settlement discussions are occurring. However, the specific terms of settlement discussions are generally confidential and ordinarily should not be discussed with the general public. However, as discussed below, there are techniques for obtaining public input into settlement terms when appropriate.

C. Resolution of Enforcement Actions

EJ should be considered in each aspect of the resolution of an enforcement action: penalties; injunctive relief; and Supplemental Environmental Projects (SEP).

1. Penalties In calculating a penalty, the enforcement team should employ Agency penalty policies. These policies allow for enhanced penalties for factors such as "sensitivity of surrounding area" or other discretionary factors. In addition, the enforcement team should use relevant statutory and penalty policy criteria to determine appropriate penalty amounts given existing burdens in the community. In appropriate cases, the "seriousness of a violation" will reflect public health and environmental threats aggravated by a facilities violations. Where practicable, the enforcement team should consider these factors in calculating original penalty amounts.

2. Injunctive Relief Where a facility cannot immediately come into compliance, the schedule for compliance may be a matter of intense public concern. Community concerns about compliance issues may be magnified if public health threats are perceived to be high (e.g. after a serious chemical accident, etc.). The enforcement team should consult with DOJ on the appropriateness of seeking injunctive relief where a judicial enforcement action will be necessary to bring the offending facility into compliance. Similarly, the enforcement team must coordinate with DOJ on proposed plans to solicit input from key interested individuals and community groups. Where the desired relief is being pursued through non-judicial means, such as an administrative action, consultation with DOJ is generally not required, and the enforcement team may consider the techniques listed below.

⁹ It should be remembered that Agency personnel may neither confirm or deny the existence of any criminal investigation.

The enforcement team should also consider creative provisions which can involve the community in injunctive relief at the facility. It is recognized that the degree to which EPA can obtain agreement on these points is subject to negotiation. Some examples could include:

- Requirements that the company provide information or other outreach to the community.
- Requirements which provide a role of the community in monitoring compliance at the facility.
- Provisions for technical assistance to the community.
- Provisions for notifying the community of the public comment periods.
- Provisions to facilitate citizen information committees for ongoing community involvement in longer-term remedies.

3. Supplemental Environmental Projects (SEP)

The enforcement team should endeavor to involve the community in SEP discussions with the defendant, EPA Region 4, and the state or tribes (if applicable).¹⁰ Community input is one of the six factors EPA can consider in the mitigation percentage for the SEP. The policy states that “SEPs which perform well on this factor will have been developed taking into consideration input received from the affected community.” The higher this mitigation percentage against the SEP cost, the greater it can help offset the gravity portion of the penalty against a defendant.

Any SEPs should be developed in accordance with the Agency “Supplemental Environmental Projects” Guidance. The degree of involvement will depend on the range of potential SEPs feasible for the enforcement action. Some methods for obtaining community input include:

- The Interim revised EPA “Supplemental Environmental Projects” Guidance should be consulted both for the types of projects appropriate for SEPs and suggestions for community involvement. This is located at <http://es.epa.gov/oeca/sep/>.
- Consider SEPs which have been used in other cases.
- Consult the EPA HQ’s Office of Regulatory Enforcement’s SEP Internet site which serves as an aid to enforcement staff and to regulated entities. The Internet address is <http://es.epa.gov/oeca/sep/>. The site provides access to SEP Guidance Documents and the SEP National Database. The guidance documents include the Interim Revised SEP Policy, a "model" settlement decree and information on administrative procedures

¹⁰ SEPs are beneficial projects to be performed by the regulated facility, in order to substitute for some of the monetary penalties that would have otherwise gone to the U.S. Treasury. SEPs are excellent opportunities for securing tangible results to benefit the public health and environment for an EJ area of concern.

involving SEPs. The national database contains information about SEPs that have previously been included in environmental enforcement settlements (currently, over 300 SEPs). You can search the database on such parameters as the environmental statute, the specific type of violation, the technical description of the SEP, and the estimated cost of the project and the database will list SEPs that match these criteria.

- If the enforcement matter is within a locality that contains a EPA Region 4 initiative (e.g. Community-Based Environmental Protection (CBEP) Project area or others)¹¹ consult with that project's Team Manager to obtain other ideas for community projects which have been developed through Team efforts.
- Consult directly with community groups who meaningfully represent the impacted or affected community. Also consult with leaders who are a resource for understanding the interests of a particular community. It's important to involve interested members of the community in the process of developing SEPs because members of the community may recognize pollution sources and points of concern that will have a real impact on the future well being of the community, which EPA could not otherwise assess. Educational outreach concerning SEPs is important in all instances to ensure that communities understand the parameters of the policy.

The SEP policy actively encourages the use of *creative settlement approaches* in enforcement actions, particularly where violations have been identified in communities disproportionately impacted by environmental problems. As noted above, the enforcement team must obtain DOJ's concurrence and approval before initiative settlement discussions where the case is the subject of judicial enforcement; where the penalty amounts sought exceeds the limits that can be collected administratively;¹² and where a covenant not to sue is a component of a proposed settlement. Conversely, DOJ's concurrence and approval of a proposed SEP are not required where it is proposed as part of an administrative action that does not include matters listed above.

D. Actions Involving Indian Tribes

Whenever a potential enforcement action involves an Indian tribe in any way, special procedures must be followed to ensure that EPA fulfills its trust responsibility and "government-to-government" relationship with Tribes. This policy applies when: 1) a facility is located within or near an Indian reservation (even if owned and operated by non-Indians); 2) a facility is owned or operated by an Indian Tribe; 3) a facility is located within Indian ceded territory. Situations involving any of these factors should be brought to the immediate attention of the EPA Region 4 Tribal Coordinator and the program division's Tribal Coordinator.

¹¹ Other place-based initiatives include the Children's Health Initiative, Urban Initiatives, Brownfields, Project XL, and others which may have an emphasis on EJ.

¹² See for example, Section 309 (g) of CWA, 33 U.S.C. § 1319; Section 122(g)(4) of CERCLA 42 U.S.C. § 9622; and Section 113 of CAA, 42 § 7413.

E. Citizen Suit Provisions

Congress deliberately included citizen suit enforcement provisions in federal environmental protection laws because of its awareness that government resources may be insufficient to establish the enforcement presence or threat needed to promote compliance. EPA staff should refer all inquiries regarding citizen suits to the Office of Legal Support. Upon receipt, it is important for programs to pay particular attention to notices of citizens suits from potential EJ areas. The respective EPA programs should follow-up with an evaluation of the citizen suit and then determine if EPA region 4 has an interest in a formal intervention or initiating an enforcement action related to the citizen suit.

F. Other Enforcement-Related Activities

Debarment and Suspension - The enforcement team should recognize the need to consider a referral to the Office of Debarment when appropriate in potential EJ areas of concern. The Office of Suspension & Debarment includes an effective administrative tool for environmental noncompliance or other misconduct. Suspension and Debarment actions prevent negligent companies and individuals from participating in government contracts, subcontracts, loans, grants and other assistance programs. The effect of suspension and debarment by a Federal agency is government wide.¹³

¹³ See 48 C.F.R. Subpart 9.4 and 40 C.F.R. Part 32. Suspension and debarment actions protect the government from doing business with individuals/companies/recipients who pose a business risk to the government.

APPENDIX E

IMPLEMENTING ENVIRONMENTAL JUSTICE IN PERMITTING ACTIVITIES

1. EPA Identification of Potential Environmental Justice Permitting Cases

The threshold question is whether the impacted population is within the scope of Executive Order No.12898. A GIS analysis should be completed prior to the initial public notice regarding the permit application, and should be made publicly available no later than the time of the initial public notice. If the demographics indicate a potential EJ community, the environmental and human health burden experienced by that community should receive heightened scrutiny during the decision-making process.

A. Screening and analysis

Use the EJ Policy Section 4 and Appendix B to determine if the permitting decision presents potential EJ concerns. In some cases (i.e. cases involving air facilities), the impacted community may be different from or extend beyond the community where the facility is located. The permit writer(s) or reviewer(s) should determine the area of the demographic analysis based upon his/her knowledge of the type and effect of the facility or source.

1. Include the results of the demographic analysis in the Administrative Record and other publicly available records.
2. Indicate the level of community interest.
3. Indicate if the facility/source is on or near tribal lands, or may impact an American Indian population, and notify your Division Tribal Coordinator and the Regional Tribal Coordinator (refer to Appendix H).

B. Public Involvement

Where the demographic analysis indicates a potential EJ community, refer to Appendix G of this Policy document on EJ and Community Involvement.

2. Consideration of Surrounding Facilities With Respect To Permit Decision-Making:

The permitting writer(s) or reviewer(s) should consider other known surrounding sources of potential pollution exposure together with knowledge gained from community input and site visits. Based upon this information, the permitting staff can better evaluate if additional analysis is needed to determine if the area is a potential EJ area of concern. This analysis requires additional time and resources, which may or may not be available (see Section 4). The screening analysis, in fact, may be sufficient to meet the needs of the project which is to work actively with the public so that an effective permitting plan may be developed and implemented.

3. Community Self-Identification Of Permitting Case As EJ

EPA should seek enhanced public participation where a community raises EJ concerns. If a citizen or community group identifies EJ concerns in an area potentially impacted by EPA's permit decision, the permitting writer(s) or reviewer(s) should respond to this self-identification.

Community self-identification should prompt the permitting staff to reconsider its demographic analysis in light of specific information about the community. However, keep in mind that if a self-identified community does not meet the demographic requirements for a potential EJ area of concern, then it is not an EJ community. Also, self-identification as EJ by a non-EJ community should not be allowed to unduly delay EPA's permitting decision. See the EJ and Community Involvement - Appendix G, for guidance on implementing public participation.

4. Responding to Community Concerns

This Section identifies specific responses which may be appropriate, based upon the permitting staff's evaluation and public input. Every permitting situation is unique, and the permitting writer(s) or reviewer(s) must exercise its best judgement.

Decisions by the Environmental Appeals Board (EAB) indicate the core ingredients of an effective response to EJ issues in the permitting process. The EAB has identified two broad areas in which EPA should exercise its discretion to achieve EJ with regard to a permit.¹ These areas are: (1) public participation, and (2) the omnibus authority – EPA's authority under various statutory and regulatory provisions to set conditions as it determines necessary to protect human health and the environment.

A. Enhance public participation

The EAB has held that "when the Region has a basis to believe that operation of the facility may have a disproportionate effect on a minority or low-income segment of the affected community, the Region should, as a matter of policy, exercise its discretion to assure early and ongoing opportunities for public involvement in the permitting process."² Early and ongoing public participation helps achieve EJ by ensuring that citizen concerns and information about the community have a meaningful influence on EPA's decision-making process.

Public participation is a two-way process. EPA receives information, comments and advice, and disseminates information, analyses, and decisions. Established public participation procedures are not always adequate in minority or low-income communities, where there may be additional barriers to communication. These may include: language barriers; difficulty in traveling

¹ See *In re: Chemical Waste Management of Indiana, Inc.*, RCRA Appeal Nos. 95-2 & 95-3 (June 29, 1995)

² *Id.*, at 17-18.

to meeting locations or in meeting at particular times; failure to reach community members through normal EPA communications; failure to identify the level of education in a specific community; and a lack of trust which results in apathy or loss of communication. Most of these barriers are easily overcome once they are identified.

In general, the permitting staff should provide public participation opportunities beyond the required minimum. The permitting staff should also seek the advice of local groups and individuals on how to gain meaningful participation within a specific community. (Refer to the EJ and Community Involvement, Appendix G, for specific guidance on enhancing public participation.)

B. Consider exercising authority to set permit conditions

The omnibus authority provided in various statutes and regulations gives EPA the discretion to write permits that take disproportionate effects into account.³ Permitting personnel should consider the following issues when developing permit conditions:

1. Monitoring It may be appropriate to include permit conditions that set additional monitoring requirements, or require the permitted facility to make monitoring data more readily accessible to the impacted community.

2. Risk Reduction Any additional steps which will reduce risk from a permitted activity are appropriate, where the impacted population already faces a heightened risk of harm to human health and the environment. The team may include improved or more stringent standard operating procedures (SOPs) to reduce releases, and therefore exposures. For example, SOPs may include surface facility construction and material handling procedures to reduce air emissions.

3. Release Preparedness Additional requirement for emergency preparedness may be appropriate to address the risk from an accidental or unpermitted release.

EPA can also play an important role in encouraging the parties to reach separate agreements outside the scope of the agency's permitting authority. For example, the permit applicant and community members may be able to negotiate truck routes or operating hours to eliminate the impact of a facility on that community.

C. Active Dialogue Between States, Tribes and EPA

As most permitting programs are delegated, assumed, or authorized, it is recommended that the EPA and the federally funded agency have open discussions for permits in potential EJ

³ Consult with the EPA Region 4's Office of Legal Support to determine sources of omnibus authority in particular permitting situations, if necessary. Authorities identified by the EAB include RCRA Section 3005 (c)(3) (for TSD facility permits) and the SDWA, 40 C.F.R. § 144.52(a)(9) (for UIC permits). Other relevant provisions include 40 C.F.R. § 761.60(e) (for alternate PCB disposal under TSCA); CAA Section 173(a)(5), 42 U.S.C. § 7503(a)(5) (for permits in nonattainment areas); and CWA Section 402(a)(1), 42 U.S.C. § 1342(a)(1) (for NPDES permits).

areas of concern. Collaborative dialogue on a draft or renewed permit, may be suggested if it appears that it would be beneficial to modify permit conditions to increase the protection of public health and the environment in these potential EJ areas of concern. In the course of the permitting process, thoughtful EJ consideration and discretion may help avoid disproportionate high and adverse human health and environmental effects of pollution. (Refer to questions 2 and 7 in Appendix C)

APPENDIX F

IMPLEMENTING ENVIRONMENTAL JUSTICE IN REMEDATION AND OTHER ACTIVITIES

For EPA-lead remediation activities at Superfund sites, regional staff should take advantage of the in-house infrastructure of Community Involvement (or Relations) Coordinators and Divisional EJ Coordinators. Remedial and Removal personnel should also ensure that the environmental laws are being applied uniformly manner and that meaningful involvement is carried out for all people, regardless of race, color, national origin, or income.

For state-lead remediation activities, regional staff should encourage the state agency to consider EJ in its decision-making processes. EPA Region 4 and the state agency should seek to heighten the level of coordination with one another when remediation actions may be perceived to have disproportionately high and adverse human health or environmental effects on an EJ area of concern. (Refer to questions 2 and 7 in Appendix C)

1. Remediation Activities

A. Identification of Potential EJ Remediation Cases

The threshold question is whether the impacted population is within the scope of Executive Order No. 12898. Demographic analyses and sampling are the best tools to make this determination using the recommendations presented in Section 4 and Appendix B. The results of this analysis should be made publicly available during the initial stages of remediation or during the initial public meeting. If the demographics indicate a potential EJ community, the environmental and human health burden experienced by that community should receive heightened scrutiny during the decision-making process. In some cases the impacted community may be different from or extend beyond the community boundaries where the remediation activity is occurring. In such cases, the remedial project manager (RPM) should determine the area of the demographic analysis based upon his/her knowledge of the site and sampling results. If the site is on or near tribal lands, or may impact an Indigenous population, the regional project managers should notify the Regional Tribal Coordinator. In any case, make the results of the demographic analysis and sampling publicly available as soon as these have been obtained.

Along with demographic analysis screening to identify potential EJ concerns, the RPM should evaluate the level of community interest in the project. This analysis requires additional time and resources, which may or may not be available (see Section 4). The screening analysis, in fact, may be sufficient to meet the needs of the project which is to work actively with the public so that a successful management plan may be developed and implemented.

B. Community Self-Identification Of Remediation Site As EJ

The Region should seek to enhance public participation and outreach where a community raises EJ concerns. If a citizen or community group identifies EJ concerns in an area potentially impacted by the clean-up activity, the RPM should respond to this self-identification. Adequate community participation is an issue whether or not the project manager identifies that the

community falls within the recommended threshold demographic values.

C. Involving Communities in the Preliminary Assessment and Site Investigation

Local citizen or EJ groups have been found to be a good source of contacts for current or former employees of regulated facilities that may have first-hand knowledge of historical waste management practices. These contacts have been proven to be very useful in the information gathering phase to assess on-site or off-site pollution releases. For instance, with the facilitation of an EJ group in Spartanburg, SC, a dozen employees came forth to EPA in order to report how waste from an 80-year old abandoned fertilizer plant was handled. The information improved the quality of sampling targeting for contaminants on the large +30 acre Superfund site.

RPMs should also take advantage of the community knowledge of the local environment, such as any terrain changes, which could have effected the migration of remediation pollutants off-site or on-site.

D. Responding to Community Concerns

Public participation is a two-way process. EPA Region 4 staff have the capability to foster this by having intimate knowledge of the progress on a remedial activity. Staff should share this information with community constituents in a timely and proactive manner, and in a manner that can be understood. Draft work plans or progress reports about the cleanup should be shared with leaders of local community groups that have shown a real interest in being informed of incremental steps of progress. The use of “carbon copies” can be used as a practice to regularly inform citizens when the Superfund process or other EPA processes are making headway. Providing thorough answers in layperson terms and follow-up to community inquiries, questions, concerns are essential to maintain EPA Region 4's credibility. (See Appendix G, EJ and Community Involvement, for more detailed information.)

Besides this information distribution, EPA Region 4 staff should look for opportunities for meaningful community involvement in decision-making. Community involvement revolves around the principles that “People should have a say in decisions about actions which affect their lives” and that “Public participation includes the promise that the public’s contribution will influence the decision.”¹ Project managers should be alert to issues that potential EJ communities of concern raise, particularly off-site pollution migration (e.g. air pollution fall-out or surface water run off, etc.) beyond the traditional fence-lines of Superfund or other EPA sites. In the long run, a community-based consensus decision is often one that will stand the test of time. Early “buy-in,” consideration and incorporation of citizen concerns aid in the creation of better environmental solutions.

Ensuring adequate public participation may be a challenge in minority or low-income

¹ These values are adapted from the “The Model Plan for Public Participation” publication by EPA’s National Environmental Justice Advisory Council (NEJAC) (found at this Internet web site, <http://www.prcemi.com/nejac/publicat.html>.)

communities where there may be additional barriers to communication. These may include difficulty in traveling to meeting locations, lack of sufficient notice of meetings, language barriers, etc. These barriers in and of themselves may result in a lack of trust which could lead to a loss of communication. Therefore, EPA staff should make decisions that will limit these barriers, if possible.

E. Keeping Citizens Informed of Remediation Progress

EPA staff should take advantage of local citizen or EJ groups as a vehicle to distribute information on remediation progress. For instance, new releases of remediation-related documents may be considered to these key local groups from the EPA, EPA's remediation contractor, or the potential responsible party's (PRPs) contractor. Appropriate draft or final documents may be distributed to these centralized local groups, for the benefit of timely access and understanding of how the remediation is progressing.²

F. Responding to Grants/Economic Development-Related Concerns in the Remediation Process

This section identifies specific responses which may address grants/economic related questions, based on the project manager's evaluation and the public request for grant/economic development information. Every remediation situation is unique, and regional project managers must exercise his/her best judgement when providing grant/economic development related information.

Economic development and the availability of grants often is an underlying concern faced by EJ communities involved in an environmental remediation. The general information provided below should aid RPMs in responding to questions on this subject matter.

1. Grants

RPMs should make EJ community groups or individuals aware of the availability of such funding small grant funding tools such as: EJ Small Grants, EJ/P2 Grants, and the Environmental Education Grant. Many of these have grant application windows in the Spring of each year. Other worthwhile grants include Lead Abatement and Technical Assistance Grants (TAG). Each division may also award grants on a discretionary basis for specific EJ projects mandated by that Division's senior leadership. To obtain information on specific EJ projects, the RPM should contact the appropriate division's EJ coordinator. The Technical Outreach Services for Communities (TOSC) is a non-advocate technical assistance program provided at no cost to communities which have hazardous substance concerns. For Region 4, the EPA-funded TOSC program directly helps communities with a hot-line number (1-888-683-5963.)

² The report, "Community involvement in the Enforcement Process Pilot Project Report: Piloting innovative ways to enhance community involvement in the enforcement process" shows examples of new techniques within Superfund for public participation. Office of Site Remediation Enforcement, January, 1999

2. Economic Development

The Worker Training, CBEP and Brownfields programs are tools for achieving economic development in EJ communities. The RPM should refer concerned groups or individuals to the appropriate regional contacts responsible for managing these programs. (*Refer to Appendix H.*) If an economic development project is underway in the community, the RPM should take steps to include appropriate staff in public meetings, etc.

2. Environmental Assessment or Impact Activities

This guidance should be considered when conducting the National Environmental Policy Act (NEPA) compliance analyses. EPA can apply EJ considerations during the review or composing environmental assessments (EA's) or environmental impact statements (EIS). These activities are covered under NEPA for: research and development activities; facilities construction; wastewater treatment construction grants under Title II of the Clean Water Act and under certain Appropriations Acts; and EPA-issued National Pollutant Discharge Elimination System (NPDES) permits for new sources subject to new source performance standards. A guidance document entitled "*Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses*" is available to assist EPA staff responsible for developing EPA NEPA compliance documentation, including EISs and EAs.

This EJ-related guidance is intended to 1) heighten awareness of EPA staff in addressing EJ issues within NEPA analyses; 2) present basic procedures for identifying and describing junctures in the NEPA process where environmental justice issues may be encountered; and; 3) present methods for communicating with the affected population throughout the NEPA process.

3. Performance Partnership Agreements (PPAs) Activities

Region 4 participates in the National Environmental Performance Partnership System through the development of Performance Partnership Grants (PPGs) and Performance Partnership Agreements, (PPAs), with states/tribes. The PPA is a strategic document with negotiated environmental priorities and goals agreed to by the Regional Administrator and the State/Tribe which may also be used as a workplan for a grant (i.e., PPG). The PPA will identify EPA roles and responsibilities, state-EPA initiatives, and special focus areas as well. Because this document outlines the environmental commitments/initiatives of a State/Tribe, it is imperative that all interested EJ stakeholders participate in the development of this strategy.

Region 4 staff should encourage states/tribes using the PPA/PPG process or the traditional categorical workplan process to include EJ components in their environmental protection activities. In the creation of these annual agreements, EJ organizations/groups should be invited to participate in the public dialogues before these agreements become final. A listing of EJ organizations/groups located in Region 4 can be obtained from the Divisional EJ Coordinator or the EJ/CLP.

APPENDIX G

ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

The core values for the practice of community involvement¹ include:

- People should have a say in decisions about actions which affect their lives;
- Public participation should include the opportunity to provide meaningful input into Agency's decisions;
- The community involvement process should communicate the interest of all participants;
- The public participation process should seek out and facilitate the involvement of those potentially affected;
- The process involves participants in defining how they participate;
- The community involvement process communicates to participants how their input was, or was not, utilized; and
- The public participation process provides participants with the information they need to participate in a meaningful way.

COMMUNITY CHECKLIST

1. Identify Stakeholders

Developing a relationship with community organizations and residents is essential for successful public participation. Consider placing a higher priority on involving groups and individuals who actually reside within the EJ area of concern and who may be at higher risk to exposure to environmental hazards, versus those stakeholders which live further away.

Conducting community interviews helps EPA identify interested stakeholders. In addition, contacting EJ networks (e.g. the non-profits such as the Southern Organizing Committee in Atlanta, GA) can place you in touch with small community grass-roots groups in different Southeast localities. The interviews also provide the EJ stakeholders and community leaders an opportunity to offer input into decisions that may affect their health, property values and lifestyles. The stakeholders include:

- ✓ Grassroots/community-based organizations
- ✓ Environmental organizations
- ✓ Homeowner and resident organizations
- ✓ Civic/public interest groups
- ✓ Medical community
- ✓ Indigenous people

¹ These values are adapted from the "The Model Plan for Public Participation" publication by EPA's National Environmental Justice Advisory Council (NEJAC) (found at this Internet web site, <http://www.prcemi.com/nejac/publicat.html>.)

- ✓ Not-for-profit and non-governmental organizations
- ✓ Religious and spiritual community
- ✓ Business and trade organizations
- ✓ Industry
- ✓ Government Agencies (federal, state, county, local and tribal)
- ✓ Local institutions and foundations
- ✓ Educational institutions and academia (Minority Academic Institutions)
- ✓ Media/Press

Community interviews are conducted to assess the potential EJ area of concerns through one-on-one conversations, small group meetings and/or telephone. The interview process allows the case team to relay what the Agency may like to do, inform the community on how they can become involved, and request when and how the community would prefer to receive information. Examples of questions which should be asked during the interviews are:

1. When did you first become aware of environmental problems in your community?
2. Do community residents believe their health, or their children's health, may be affected by local pollution?
3. What are your current concerns, and how have you acted on these concerns?
4. How sensitive is the public in the area to environmental issues?
5. How does the community typically perceive the presence of federal/state officials in the community?
6. What kinds of issues have attracted the most public attention?
7. Are you interested in receiving more information about environmental issues in your community? If yes, what's the best way to provide that information to you?
8. What kinds of information do you need?
9. Has an active vocal group leader (or leaders) emerged in the community?
10. Can you suggest other individuals or groups that should be contacted for additional information?

2. Prepare a Community Involvement Plan or Communications Strategy

After conducting the community interviews, the case team should consider developing a Community Involvement Plan (CIP) or Communications Strategy to identify the community's concerns and outline the planned community involvement activities. If devised and implemented, these plans or strategies can successfully build community-based environmental solutions and help minimize disputes or conflicts later on. An effective and thorough CIP should include the following items:

- ✓ describe the environmental process and programs involved
- ✓ address EJ and community-based environmental protection issues
- ✓ site or area description and history
- ✓ depict community profile and demographics;

- ✓ highlight key community concerns
- ✓ chronology of expected community involvement activities detailing the areas where the community can participate
- ✓ define timelines and techniques (fact sheets, update letters, flyers, meetings)
- ✓ lists of contacts and interested parties
- ✓ locations for information repositories and administrative record
- ✓ potential locations for public meetings
- ✓ newspaper articles

Identify ways to communicate pertinent information to the community. Ensure language and cultural barriers are overcome by translating documents into various languages to best meet the community's needs; provide technical assistance as necessary; address literacy, access to information and privacy issues; and reconfirm the community's preferred types of communications. Consider creating a mailing list encompassing the surrounding community (within one or two mile radius of the potential EJ area of concern).

3. Perform Outreach on State and Federal Hot-lines and Contacts to Report Violations and Emergencies

EPA programs should recognize the importance of citizens reporting complaints to regulated authorities and engaging in proper follow-up to their concerns. When appropriate, EPA staff should encourage state environmental delegated programs to enhance citizen complaint hotlines and their response actions by making them accessible and affordable, as some: may not have 1-800 phone numbers, and require an expensive long distance call; may not be well advertised within the communities; may not have an answering service; and may not necessarily operate 24 hours a day and 7 days a week.

Similarly, EPA should endeavor to expand community education and outreach regarding its Emergency Response and Removal 1-800 hot-line and other programmatic hotlines. Giving citizens timely and affordable access to report suspected environmental violations, concerns or emergencies to EPA or the states meets the EJ definition requirement of allowing citizens 'meaningful involvement.' Proper follow-up or investigation of these complaints is also important.

In addition, EPA Region 4 staff should take advantage of opportunities to share names of primary contacts on program issues of community interest, our organizational charts, e-mail addresses to improve easier customer service access with our offices. Regarding phone numbers, staff are encourage to share with our external customers (i.e., grassroots groups and citizens) who cannot afford long distance calls to use our Region 4 toll-free number (1-800-435-9233 and 9234, OEA).

4. Establish Local Forums for Community Input or Resolutions

A. Community Advisory Groups (CAG)

These CAGs are a way to seek out representatives of diverse community interests, and facilitate their involvement. Some programs (e.g. Superfund and Community-Based Environmental Projects) have proven CAGs are worthwhile where there is sufficient and sustained interest. CAGs provide a setting in which representatives of the local community can receive up-to-date information about the status of activities (e.g. cleanups, etc.) by state and federal agencies. In addition, CAGs have proven themselves as effective vehicles to identify other local environmental problems (outside EPA's jurisdiction), so that problem identification and solving on a local level can occur.

The CAG should definitely have a makeup of impacted community residents, as well as local public interest groups which have as a high priority the public health and environment of the community. The CAG nomination and selection process should ensure balanced representation of these interests with other representatives whose priority is economic. In addition, resources may be leveraged by ensuring representation of local expertise for technical and science reviews. The CAG can be an effective public forum in which all affected and interested parties can have a voice and actively participate in the case resolution.

B. Community Advisory Boards at Federal Facilities

The U.S. Department of Defense (DOD) and the U.S. Department of Energy (DOE) are also obligated to work with the public to find solutions to environmental restoration and waste management challenges. At DOD, implementation policies are in effect for establishing and maintaining Restoration Advisory Boards (RABs) at all closing installations and at non-closing installations where the local community expresses interest. The principle is to offer an opportunity for communities to provide input to the cleanup process. Similarly, the DOE has established Site-Specific Advisory Board (SSABs) to involve stakeholders in the decision-making process at federal facilities. Like a CAG, if impacted EJ community members are adequately represented, RABs and the SSABs can be an effective public forum in which all affected and interested parties can have a voice and actively participate in the resolution of environmental issues.

C. Alternative Dispute Resolution (ADR)

In potential EJ areas of concern where a certain case or situation raises serious conflicts between citizens and states or citizens and industry, EPA staff may elect to apply environmental dispute resolution practices. EPA Region 4 staff should be aware that the annual EPA Region 4 budget contains appropriated funds for Alternative Dispute Resolution (ADR) training, facilitation and intervention. In controversial, high profile or complex cases, staff should consider the benefits of applying ADR skills or mediation afforded by these contracts. Conflicts may be resolved by finding constructive solutions with community involvement.

5. Establish Regional Forums for Community Input or Resolutions

Public meetings on programmatic issues may be conducted to foster partnerships and information exchange between impacted EJ communities and EPA programs. Using a ‘summit’ or ‘focus group’ format, the EPA has an opportunity to: improve regulatory decision-making with respect to communities near regulated sites or facilities; allow citizens direct access to EPA officials and staff in charge of providing solutions to environmental problems; create plans of action that involve input from grassroots groups; and provide a sounding board for community concerns. For instance, the Waste Management Division successfully used the EJ Summit format on two (2) occasions and other programs have used the focus group format.

6. Host Public Meetings and Availability Sessions

Public participation is encouraged through public meetings and availability sessions. These meetings help educate the community and provide a means for the community to influence EPA’s decisions and actions. A public meeting is a more formal meeting in a large group setting with an outlined agenda and presentations, whereas an availability session is an informal meeting which allows the community to ask questions of federal representatives on a one-to-one basis.

An important point is to advertise public meetings in the affected community’s local paper. Distribute notifications (i.e. flyers) announcing public meetings and availability sessions to the mailing list to encourage active public participation. Every notification will have a phone number and address for communities to contact regarding meetings, pending issues, entering concerns, seek participation and/or add items to the meeting agenda. Issue press releases to the local media announcing the meeting. The Office of External Affairs (OEA) *Press and Media Relations staff* will be accessible to the writing/editing press releases, and supporting press conferences and media events. The *Press and Media Relations staff* will also assist with writing/editing press releases, and supporting press conferences and media events. Contact local television and radio stations when meetings are scheduled. Develop public service announcements to announce activities occurring in the community.

When scheduling public meetings, ensure time frames do not conflict with work schedules, rush hours, and other community commitments that may decrease attendance. Where appropriate, translators should be provided for limited-English speaking communities.² Where the majority of potentially affected audiences speak a language other than English, EPA will find a translator. However, in fragmented communities with multiple ethnic backgrounds, English will be the language of choice. Below are some items to remember when planning a public meeting:

² For translating some EPA written publications (e.g. meeting notices, press releases, etc.) from English to the foreign language (e.g. Hispanic, Asian languages, etc.) within Superfund potential EJ areas of concern, call the Superfund Technical Support Center at (703) 603-8901, Romega Dugger. OSWER currently has a contract with the U.S. State Department for these kinds of services.

- Meeting should be accessible (close to public transportation and adequate parking).
- Meeting should be held in a neutral location (public library, local church, community center, local school, etc.).
- Visual aids should be used to illustrate the work and allow for more effective communication (flip charts, maps, poster boards, overheads, slides, handouts, etc.) Graphics, posters exhibits and software materials may also be used to increase participation of EJ stakeholders.
- Create an accepting environment (i.e., avoid use of panels and head tables as room layouts.).
- Meeting times should include consideration of factors such as time of day and year, (evenings and weekends accommodate working people) and careful scheduling avoids conflicts with other community or cultural events.

7. Follow-Up After Public Meeting

Follow-up is considered essential for maintaining EPA credibility in potential EJ areas of concern. After holding a public meeting/availability session, establish and maintain a procedure to follow up with concrete actions to address the communities' concerns, particularly if questions arise which are not answered at the meeting. Examples include, but are not limited to: letters, fact sheets, phone calls, and site visits. Workshops, seminars and grants are an effective mechanism to develop partnerships between agencies, workers and community groups. Formation of cooperative agreements can be beneficial to all parties involved.

The Divisional EJ Coordinators, Community Relations and other communications staff will assist in preparing and exploring other options including:

- Repository of EPA documents at local library
- Surveys and or Internet feedback
- Telephone Hotline
- Notification of EPA Small Grants and Technical Assistance Grant (TAG) programs
- Training and Education Programs, Workshops and Materials
- Public database and Bulletin Boards
- Participation in Civic and Community Activities
- Formation of Community Advisory Groups (CAG)

For creating sustaining technical support links to the community, it may be effective for EPA to contact local institutions and foundations. Contact, as appropriate, Historically Black Colleges and Universities (HBCU) and Minority Institutes (MI), Hispanic Serving Colleges and Universities (HSCU), Indian Centers and other groups. Some HBCU's have been very effective in lending technical support to deserving community groups.

Grants can be an effective tool for empowering and expanding the capacity of the community to organize, monitor and play a continuing role in environmental decision-making.

Contact the Office of EJ and the Divisional EJ Coordinators to understand the current selection, availability and deadlines of grants (most of which proposals are due in Spring of 1998). These small grants of \$20,000 (or less) can go a long way to help build community education on environmental and public health issues (e.g. EJ, Environmental Education, etc.). Technical Assistance Grants (available from the Superfund program) are \$50,000 grant which help communities with technical assistance on long-term cleanups. Grants are an effective tool to help foster collective participation in decisions that affect a communities' well being.

APPENDIX H

EPA Region 4 Environmental Justice Contacts
EJ Cross-Divisional Team

<i>Environmental Justice/Community Liaison Program</i>	Connie Raines, Manager Phone: (404) 562-9671 Elvie Barlow, Air and Water Division Liaison Phone: (404) 562-9650 Deborah Carter, Management/Grants Assistant Phone: (404) 562-9668 Sheryl Good, Waste Liaison Phone: (404) 562-9559 Gloria Love, Grants Coordinator Phone: (404) 562-9672 Office Fax: (404) 562-9664
<i>Air, Pesticides and Toxic Management Division</i>	Robert Bookman Phone: (404) 562-9222 Fax: (404) 562-9164 Kellyann Belizaire Phone: (404) 562-9089 Fax: (404) 562-9019
<i>Environmental Science Division</i>	Louis Salguero Phone: (706) 355-8732 Fax: (706) 355-8744
<i>Environmental Accountability Division</i>	Ntale Kajumba Phone: (404) 562-9620 Fax: (404) 562-9598 Catherine Fox Phone: (404) 562-9634 Fax: (404) 562-9598
<i>Office of Policy and Management</i>	Matthew Robbins Phone: (404) 562-8371 Fax: (404) 562-8370 Wesley Lambert Phone: (404) 562-8316 Fax: (404) 562-8370
<i>Waste Management Division</i>	Brian Holtzclaw Phone: (404) 562-8868 Fax: (404) 562-8628 Eddie Wright Phone: (404) 562-8669 Fax: (404) 562-8628
<i>Water Management Division</i>	Natalie Ellington Phone: (404) 562-9453 Fax: (404) 562-9439

E-mail: last name.first name@epamail.epa.gov

EPA Region 4 Community Relations (Involvement) Coordinators

North Site Management Branch	Diane Barrett Phone: (404) 562-8830 Fax: (404) 562-8788 E-mail: barrett.diane@epamail.epa.gov
	Cindy Gibson Phone: (404) 562-8808 Fax: (404) 562-8788 E-mail: gibson.cindy@epamail.epa.gov
	David Derokey Phone: (404) 562-8801 Fax: (404) 562- E-mail: derokey.david@epamail.epa.gov
South Site Management Branch	Rose Jackson Phone: (404) 562-8940 Fax: (404) 562-8898 E-mail: jackson.rose@epamail.epa.gov
	Angela Leach Phone: (404) 562-8947 Fax: (404) 562-8896 E-mail: leach.angela@epamail.epa.gov
	Carlean Wakefield Phone: (404) 562-8915 Fax: (404) 562-8896 E-mail: wakefield.carlean@epamail.epa.gov
Emergency Response and Removal	Sherryl Carbonaro Phone: (404) 562-8742 Fax: (404) 562-8693 E-mail: carbonaro.sherryl@epamail.epa.gov
	Michael Henderson Phone: (404) 562-8724 Fax: (404) 562-8693 E-mail: henderson.michael@epamail.epa.gov
Federal Facilities	Tiki Whitfield Phone: (404) 562-8530 Fax: (404) 562-8518 E-mail: whitfield.tiki@epamail.epa.gov

EPA Regional Geographic Information System (GIS) Contact

EPA Region 4	Rebecca Kemp Phone: (404) 562-8027 Fax: (404) 562-8053 E-mail: kemp.rebecca@epamail.epa.gov
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EPA Region 4 Regional Tribal Coordinator

<i>EPA Region 4</i>	Mark Robertson Phone: (404) 562-9639 Fax: (404) 562-9598 E-mail: robertson.mark@epamail.epa.gov
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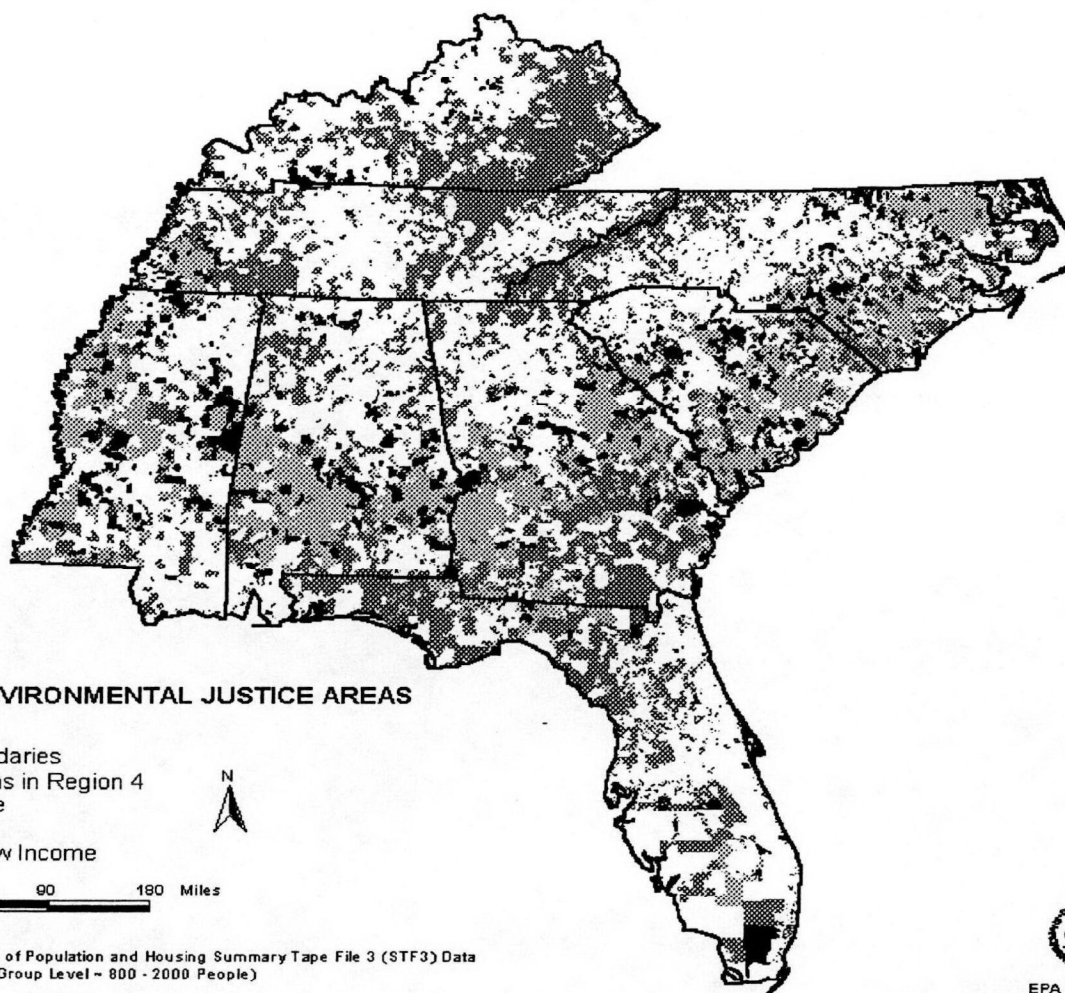
EPA Region 4 Regional Brownfields Coordinator

<i>EPA Region 4</i>	Mickey Hartnett Phone: (404) 562-8661 Fax: (404) 562-8628 E-mail: hartnett.mickey@epamail.epa.gov
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Environmental Justice Contacts - Headquarters

<i>Office of Environmental Justice</i>	Barry Hill, Director Phone: (202) 564-2594 Fax: (202) 501-0742 E-mail: hill.barry@epamail.epa.gov
<i>Office of Air and Radiation</i>	Wilbert Wilson Phone: (202) 260-5574 Fax: (202) 260-0253 E-mail: wilson.wil@epamail.epa.gov
<i>Office of Enforcement and Compliance Assurance</i>	Sherry Milan Phone: (202) 564-2619 Fax: (202) 501-0284 E-mail: milan.sherry@epamail.epa.gov
<i>Office of Prevention, Pesticides & Toxic Substances</i>	Caren Rothstein Phone: (202) 260-0065 Fax: (202) 260-1847 E-mail: rothstein.caren@epamail.epa.gov
<i>Office of Solid Waste and Emergency Response</i>	Kent Benjamin Phone: (202) 260-2822 Fax: (202) 260-6606 E-mail: benjamin.kent@epamail.epa.gov
<i>Office of Water</i>	Alice Walker Phone: (202) 260-1919 Fax: (202) 269-3597 E-mail: walker.alice@epamail.epa.gov

APPENDIX I



**POTENTIAL ENVIRONMENTAL JUSTICE AREAS
IN REGION 4**

- State Boundaries
- Potential EJ Areas in Region 4
- Low Income
- Minority
- Minority/Low Income

90 0 90 180 Miles

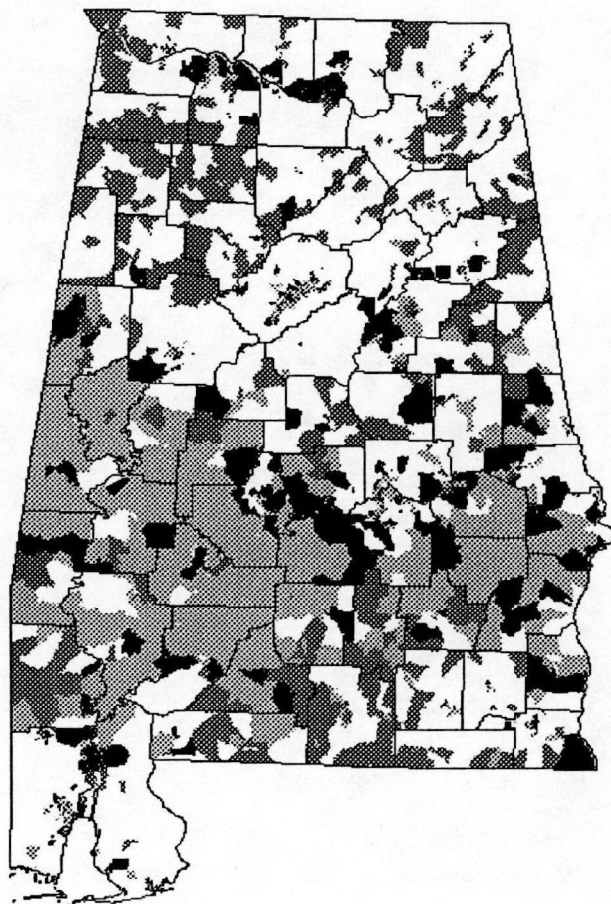
Source: 1990 Census of Population and Housing Summary Tape File 3 (STF3) Data
(Aggregated to Block Group Level - 800 - 2000 People)

For more information, contact Catherine Fox at 404-562-9834



EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN ALABAMA



Counties
Potential EJ Areas
Low Income
Minority
Minority/Low Income



40 0 40 80 Miles

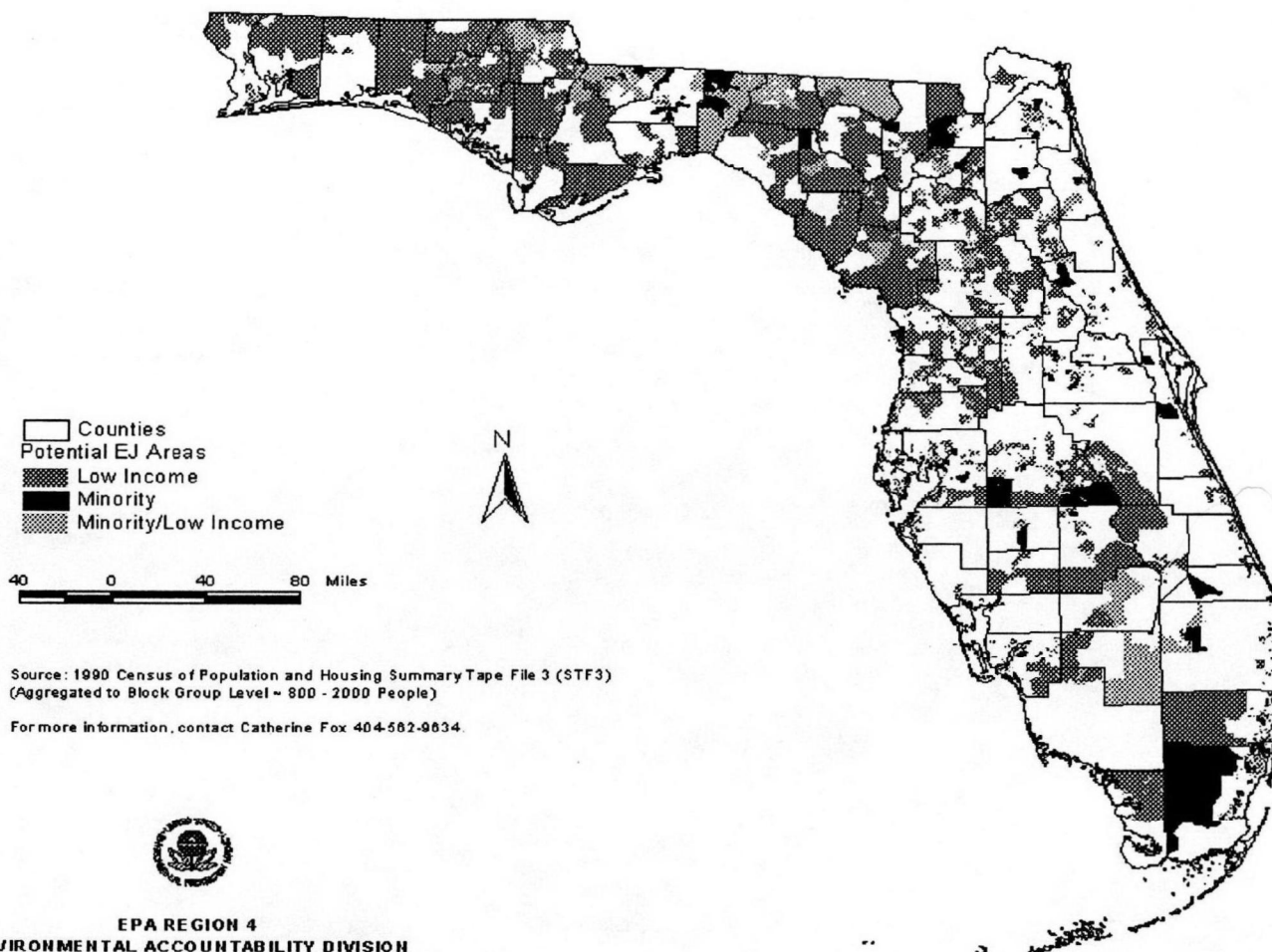
Source: 1990 Census of Population and Housing Summary Tape File 3 (STF3) Data.
(Aggregated to Block Group Level - 800 - 2000 People)

For more information, contact Catherine Fox 404-562-9634.



EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN FLORIDA



POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN GEORGIA



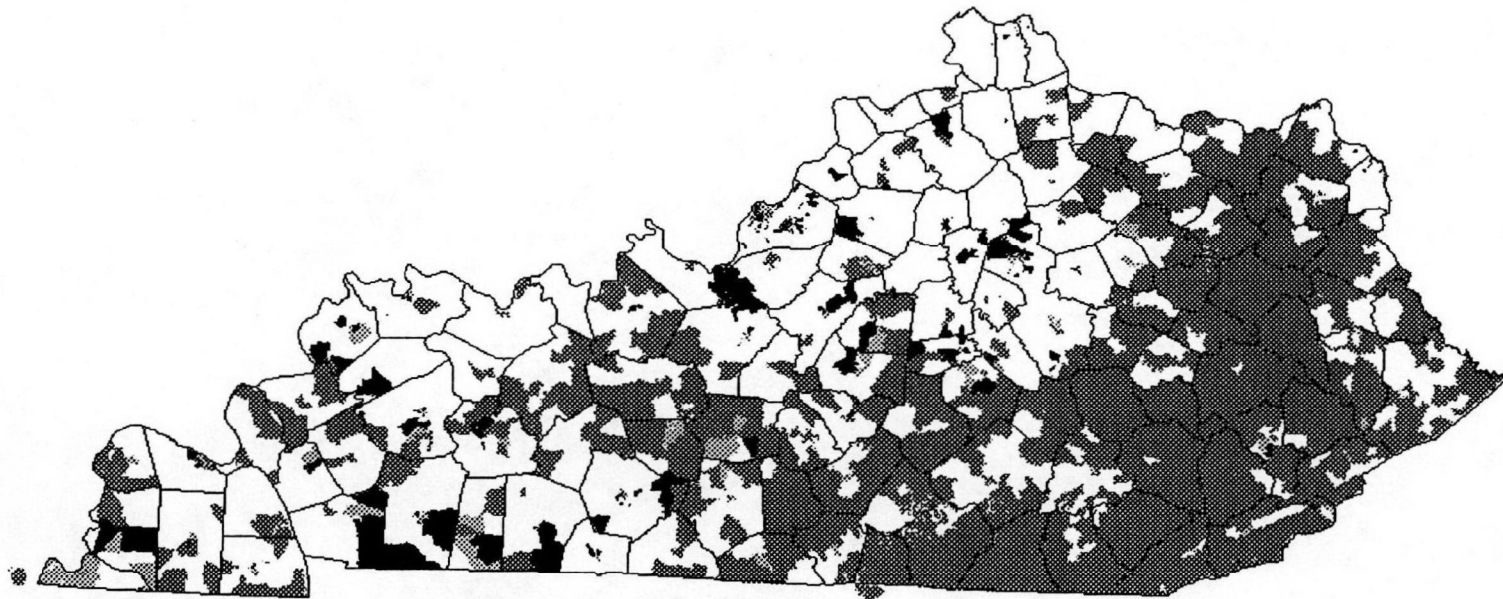
Source: 1990 Census of Population and Housing Summary Tape File 3 (STF3)
(Aggregated to Block Group Level - 800 - 2000 People)

For more information, contact Catherine Fox 404-562-9634.



EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN KENTUCKY



Counties
Potential EJ Areas
Low Income
Minority
Minority/Low Income



30 0 30 60 Miles

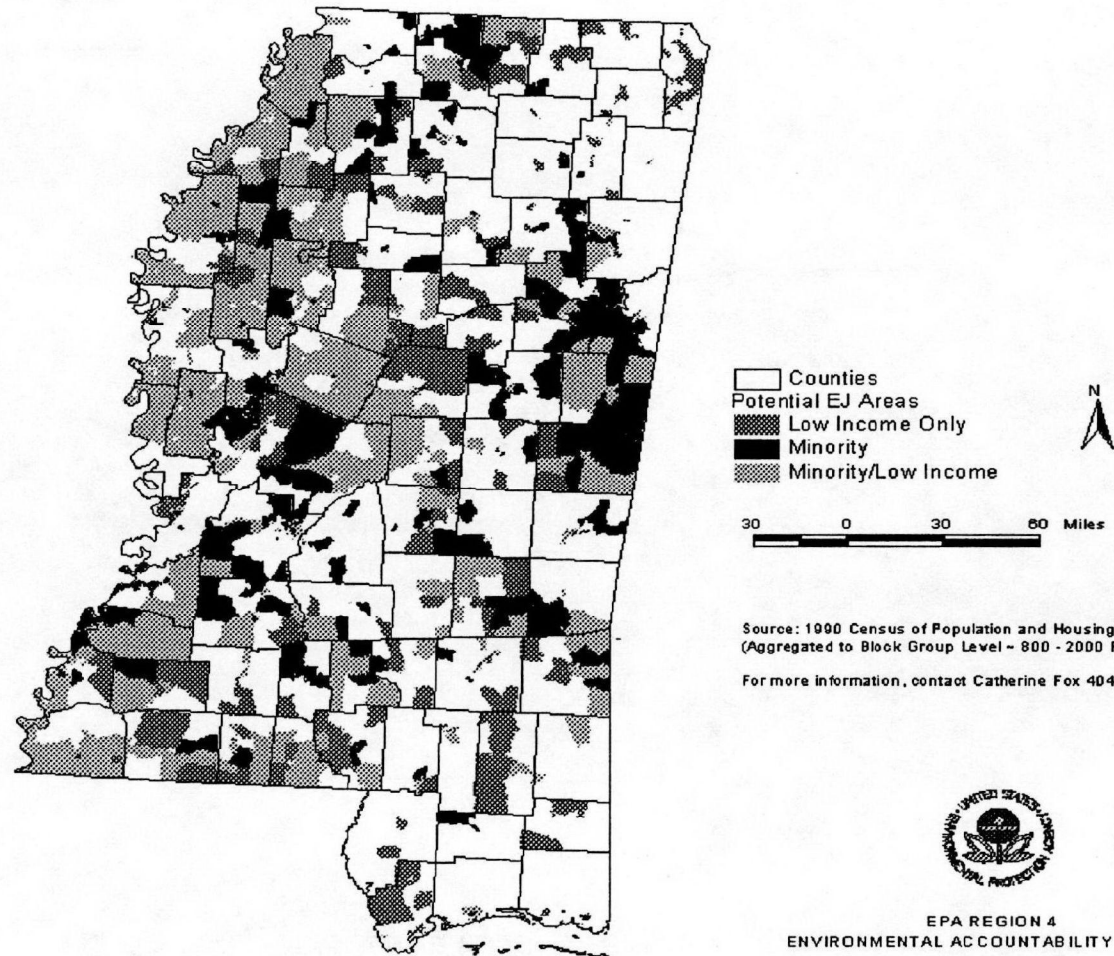
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For more information, contact Catherine Fox 404-562-9834.

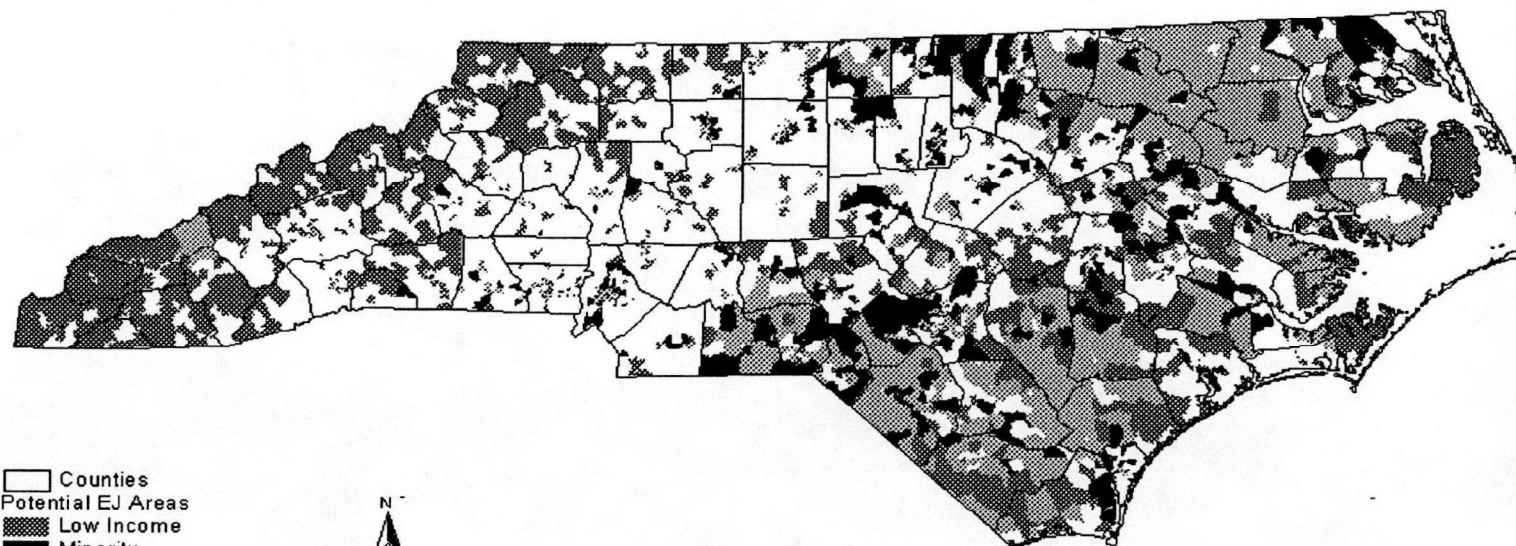


EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN MISSISSIPPI



POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN NORTH CAROLINA



Counties
Potential EJ Areas
Low Income
Minority
Minority/Low Income



40 0 40 80 Miles

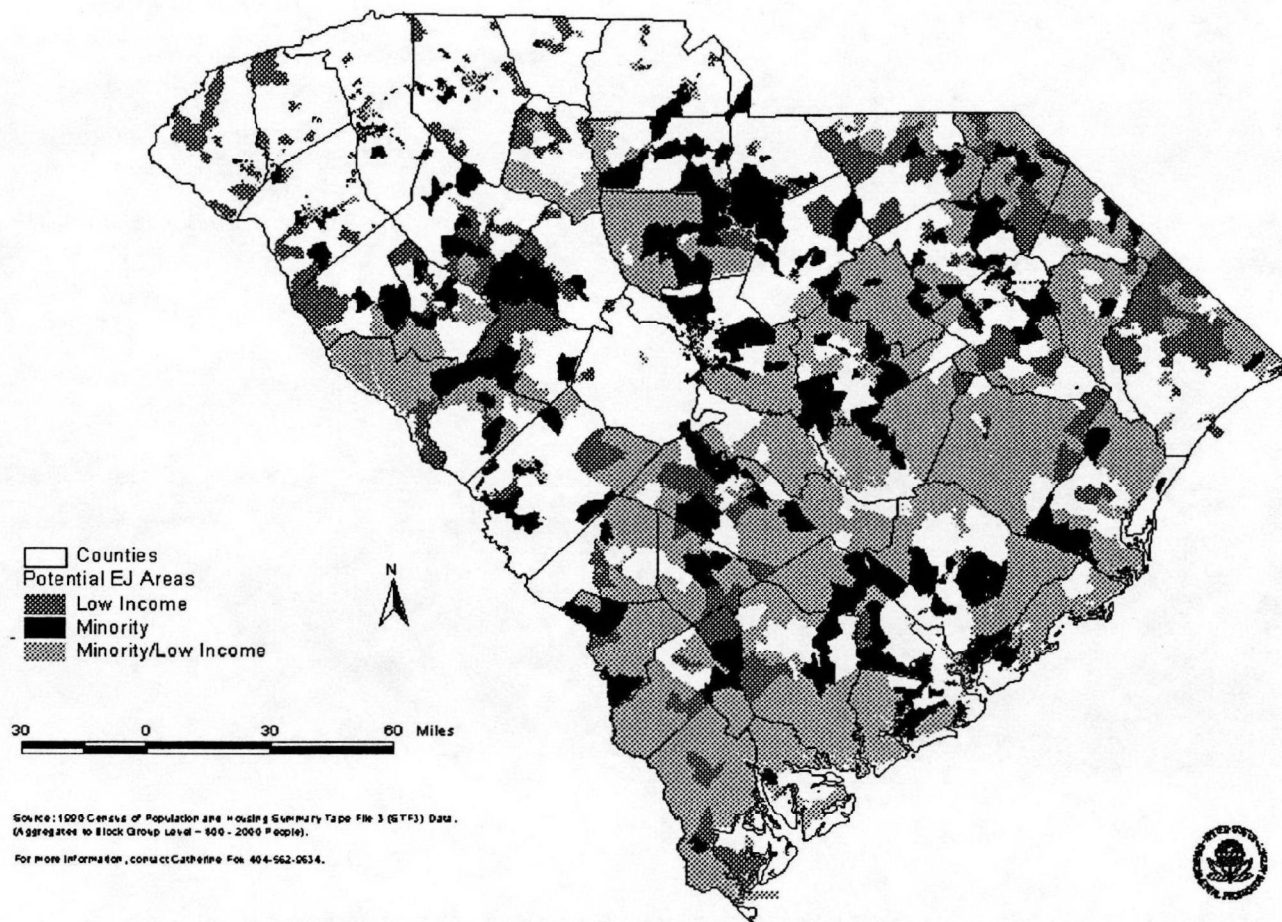
Source: 1990 Census of Population and Housing Summary Tape File 3 (STF3).
(Aggregated to Block Group Level - 800 - 2000 People).

For more information, contact Catherine Fox 404-662-9634.



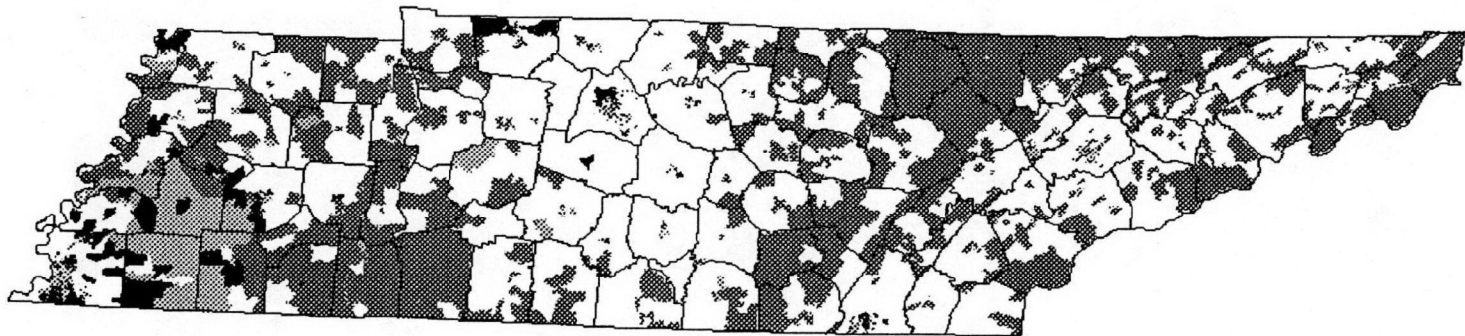
EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN SOUTH CAROLINA



EPA REGION 4
ENVIRONMENTAL ACCOUNTABILITY DIVISION

POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN TENNESSEE



Counties
Potential EJ Areas
Low Income
Minority
Minority/Low Income



40 0 40 80 Miles

Source: 1990 Census of Population and Housing Summary Tape File 3 (STF3) Data.
(Aggregated to Block Group Level - 800 - 2000 People).

For more information, contact Catherine Fox 404-582-9634



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