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EPA

Moderator: Lisa Garcia
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Operator: Good afternoon. At this time, I would like to welcome everyone to the EPA Environmental Justice Community Outreach Conference Call. Ms. Garcia, you may begin your conference.

Lisa Garcia: Thank you very much. Good afternoon, everyone, and Happy New Year. This is the first Environmental Justice Community Outreach Call for 2012. These are the calls that we do approximately every three months to address and answer some questions and also announce some initiatives that we are working on that involve environmental justice and other important issues at EPA.

Before I turn it over to some of our speakers, I just want to say that we did receive a lot of request this time around on different issues, and we will not be able to answer everybody's questions, but hopefully we will be able to email some responses. I just want to mention quickly there was the question about Mercury and we did announce the Mercury and Air Toxics Standard, we call it MATS, in December and it is the first time that we are requiring power plants to limit their omissions of toxic air pollutants like mercury, arsenic and metal.

And this is – as the administrator said in the press announcement, it was 20 years in the making but under Clean Air Act, we think this is an important rule and so that was finalized in December. And I encourage folks to go on the website to get more information about the Mercury and Air Toxic Standards.

And the other was a question regarding following up on the NEJAC. EPA has a Federal Advisory Committee on Environmental Justice, and we had a meeting in New Mexico. Just so folks know, we are working with some of the regions to answer some of the issues raised at the NEJAC, and we will have responses where the goal is to have some of the responses at the next NEJAC meeting, if not sooner.

So, thanks for some of those questions, and I'm going to turn it over – some of the other questions related to Title VI and to the regulations of sewage sludge, once again, the way that we will do this is there are folks on the phone and so the – those are silenced right now so the speakers can go and then we will have a Q&A after each speaker, and then we will open it up for general Q&A from everyone.

So, thanks again for joining us, and I'm going to turn it over to Rafael DeLeon, the Director of the Office of Civil Rights to talk about our Office of Civil Rights and Title VI.

Rafael DeLeon: Thank you, Lisa. This is Rafael DeLeon. I am the Director of the Office of Civil Rights at the Environmental Protection Agency. And with me today, I have the Assistant Director for Title VI and External Programs, Helena Wooden-Aguilar.

I like to provide just a very quick overview of the Office of Civil Rights and then specifically talk about what we are doing in the Title VI program.

So, the Office of Civil Rights at EPA is comprised of four major programs. One is the Affirmative Employment program, which has all of the special preferences and special emphasis programs like Black Head Employment, Hispanic Employment, Women's Program, et cetera.

The second major program in OCR is the EEO or Title VII Program. That is our Internal Complaint Processing program in which employees may file complaint of discrimination if they believe they have been the victim of discrimination or harassment.

The third program is the reasonable accommodation program that's housed in my office, and it's the process that people used to request a reasonable

accommodation. But today, I am going to talk about the Title VI program and our external program, and I'm going to just give a quick overview of the kind of the things that we are doing Title VI program this past year and little bit over the last two years in terms of addressing some of the challenges that we faced in the Title VI program.

Some of you may be familiar with a report called the Deloitte report it was issued in April of last year. The Deloitte report identified a number of challenges for the Office of Civil Rights including in the Title VI program, and I am happy to report the following update on Title VI.

Over the last two years or so, OCR, the Office of Civil Rights, has processed about 50 Title VI complaints. We have either closed or dismissed them for a variety of reasons, but it's the most Title VI complaints that we've ever processed in the history of the agency over that kind of period.

Moreover, we have active case load of 35 cases. I think in some reports that I have seen that number has been inflated to 200 backlog cases and that's not the case. We have 35 opened Title VI cases, and we continue to work on those backlog cases at the same time as we work on the open cases that we get in. And I am happy to report in terms of the backlog that over the past year, we've probably closed out a dozen or so of the some of the oldest complaints in EPA's docket.

So, we've made some pretty good progress there under Helena's leadership. Her and her team have really dug in to the backlog, looked at each of the cases again and brought some of those to resolution. So, that's the first area I wanted to talk about was our case complaint and our case backlog.

The second area that I wanted to mention that we've been working on is our internal programs having to do with the limited English proficiency program. As many of you know, there is an executive order, limited English proficiency, each Federal Agency is required to develop internal and external plans.

We developed our external recipient guidance for limited English proficiency a number of years ago. This past year I am happy to report that we've gotten

around to doing our internal guidance and in some, what the internal guidance directs the agency of the major programs and regions is to develop limited English proficiency plans on how we're going to provide meaningful access to the communities we serve like many of EU and EJ communities.

So, I'm really happy about this. It's a great development. It makes some of our major programs sensitive to the fact that there are number of folks out there in the community who don't speak English or have language other than English. And over the next year, Helena and her team will be working closely with our regional officers and our program officers to see what materials should and must be translated into languages other than English.

Speaking of language access, I'm happy to report that over the last 30 days, we've also reached settlement with the State of Louisiana in a case called the LDAF or SMLS case. That case had to do with language access and specifically Louisiana's policy of not conducting in person interviews or requiring in person interviews under our Worker Protection Standards.

EPA conducted an investigation of the allegations raised by the complainants and are working collaboratively with the State of Louisiana and working internally with our programs here. We've changed and addressed those policies that wouldn't allow for telephonic interviews. It's a great victory for the migrant community, the workers, migrant workers who sometimes did not have access to be able to file their complaints or that the requirement that they be in person proved to be burdensome.

So, this allows for telephonic interviews in no situations when migrate workers would like to file a complaint and have them investigated. That particular settlement agreement is up on the Office Civil Rights' website, it's both in English and in Spanish, practicing what we preach. And so, I would encourage all of you to take a look at our website on that agreement under Title VI Settlement Agreements.

The fourth area that I'd like to talk about is that over the last year or so, working closely with Lisa Garcia in OEJ, who is a partner with us and all of the things we do in EJ and Title VI, we've had a series of stakeholder

meetings with a group of Title VI stakeholders or Title VI advocates, many who are lawyers, who have brought to our attention their concerns with how we implement and enforce Title VI here at EPA.

We've had meetings in April, November and then most recently, yesterday where our Administrator, Lisa P. Jackson, met with a number of Title VI advocates to discuss series of concerns that they had raised in a letter asking for meeting with her. She granted the meeting, they came in and we had a very fruitful and robust discussion about a number of legal and policy issues concerning Title VI. And I'm happy to report that we've committed to continue our dialogue and to address some or all of the concerns that the Title VI advocates raised.

The last thing I want to mention for everyone's attention, and again it's something that was issued yesterday but I do want to comment it to your reading, is I mentioned the Deloitte report that was commissioned last April by the administrator to look at the Office of Civil Rights. That report identified a series of challenges for the office across the four programs that I've mentioned to you.

But, as part of her effort to address those concerns, the administrator set up an executive committee comprised of senior EPA officials to look at the Deloitte recommendations and develop recommendations to her on how to establish a model civil rights program at EPA. I'm happy to report that yesterday, up on the EPA Office of Civil Rights' website, there is an executive committee draft report that has draft recommendations on how to transform EPA's Civil Rights program.

As the administrator and I, and many other have said, civil rights is not just a Office of Civil Rights' responsibility, it's everybody responsibility at EPA, and this report addresses a number of concerns in the EEO area, in the Affirmative Employment area and particularly in Title VI. It's geared internally at how we manage and investigate and process Title VI complaints, but it provides a roadmap for us to follow as we try to investigate these complaints in a more timely fashion.

So, I'll stick around towards the end and take any questions that may come in. I want to thank Lisa Garcia for her tremendous leadership in holding these calls. They are tremendously beneficial to get your input and views. And, Lisa, I want to thank you for inviting me today to talk a little bit about Title VI.

Lisa Garcia: OK. Thank you so much, Rafael, and thank you for your leadership on these important issues. We know that we had received a few comments last call and also again this call. So, it's great that you were able to join us today.

What we're going to do is, we're going to open it up for a few minutes of Q&A on the issue of OCR, the Office of Civil Rights, and on Title VI, if the operator could help us out with the instructions on that?

Operator: At this time, if you would like to ask a question, press star then the number one on your telephone keypad. We will pause for just a moment to compile the Q&A roster.

Your first question comes from the line of Marsha Adebayo with No FEAR Coalition.

Marsha Adebayo: Hi, I have a question to Rafael DeLeon. Rafael, could you please tell us why the Environmental Justice Community should listen to you or take what you just said very seriously, when you have four complaints of discrimination pending against you by professional women in Federal Court and two complaints pending against you by women in the Office of Special Council?

Rafael DeLeon: Hi, Marsha. How are you? Happy New Year. Marsha, I think it'd be inappropriate to discuss, what are in essence, employment related matters on an open call like this. As you correctly point out, some of these issues are being properly addressed in the forums in which they were raised. We were talking about the environmental justice. I think under Lisa's leadership, the agencies the Environmental Justice Program has come leaps and bounds from where we were.

So, I think the more appropriate focus for this discussion is all the great work that Lisa and the OEJ office have been doing. And I commend to your

reading, the recently released report from the Executive Committee looking at transforming the Civil Rights program at EPA because I think that provides a much more positive framework moving forward.

Lisa Garcia: And this is Lisa Garcia. So, I will just add that all of these issues are agency-wide. The Administrator has made it a priority for all programs to take on environmental justice and our civil rights work.

And so, what you'll find in lot of the work that we're doing, certainly in the report on the Deloitte recommendations that is out and posted and will post it on our EJ-ListServ and in the work that we're doing across the board, is how to make sure that every single part of this agency is really tackling and advancing Environmental Justice and Civil Rights. So, it's not about one specific person.

It's really about the agency's commitment, the administrator's commitment to making sure that all these important issues are elevated, and that everyone is working to improve the lives in communities and certainly EJ community. Thank you, next question.

Operator: And next question comes from the line of Nikos Pastos with Alaska's Big Village.

Nikos Pastos: Nikos Pastos from Alaska's Big Village Network in (inaudible), Alaska. Another civil rights question, it was very interesting to hear about what work being done on language translations. In Alaska, we work with the lot of tribal communities as well as other communities where English is not the predominate language or I mean, may not be everyday language in the community.

And so, so many development project as well as historic legacy contamination, things having to deal with development or pollution issues, there is no, there has not been – basically tribal communities have been precluded. Their language and cultures have only been looked at through the lens of agent English.

And I kind of wanted to say that there is definitely a huge diversity of cultures across Alaska, there is Filipino, Korean communities, Samoan people, people from everyone in the world that work in the fishing industry, live in these communities, and we are really hoping that priority will be made on language translation.

And we have many qualified people in these communities to do translations, but there has not been a way to do yet. And I really believe that the civil rights perspective or perhaps educating people, starting with EPA, but also in the community as well other federal agencies, state agencies would be a positive step forward. It's been a huge injustice when you are not including people who don't speak English.

Rafael DeLeon: Yes. I think that's a great issue. And, again, what I can tell you is the absolutely unwavering commitment of this administrator to include communities that traditionally have not been included. And so, I will tell you that part of our limited English proficiency initiative is precisely to address these kinds of condition.

And so, if you are familiar with the structure of EPA, we have a Region 10 that's based in Seattle that covers Alaska, and certainly the work that Lisa is doing here with OEJ and her sensitivity to tribal communities and one of our other colleague, Michelle DePass, who is the Assistant Administrator for International and Tribal Affairs, I can guarantee you that we have thought about tribal nations and some of the needs that we find there. So, thank you very much for raising that question. I appreciate it.

Lisa Garcia: And I will just add quickly, I don't know if you will be there, but JoAnn Chase, the Director of Tribal Programs, and myself will be at the Alaska Environmental Forum in February. And one of things that we'll be discussing is an indigenous peoples' workgroup, both internally and externally, with help through the NEJAC to kind of address some of the issues that the communities either on tribal reservations or native communities face.

And I assume that certainly translation and sensitivity to language or sensitivity to where people live, sometimes they are remote or don't have

access to internet, all these issues have been put on our plate, and we'll really try to figure out the best way given limited resources of course, like you said, how do we begin to use maybe people on the ground to help effectuate that. So, maybe I will see you in Alaska. Thank you for your question.

Operator: Your next question comes from the line of (Dawn Breeze) from (SIEPA).

(Dawn Breeze): Hi, good afternoon. Thanks very much for doing this call. I had two questions for Mr. DeLeon. I just wanted to see if I could get a little more information on the meeting that you had referenced and what exactly the series of concerns were addressed and when the meeting was?

Rafael DeLeon: Hey, (Dawn). Hi, how are you doing? It's Rafael.

(Dawn Breeze): Hi, I'm good. Yes, how are you?

Rafael DeLeon: I'm good, (Dawn). I mentioned a series of meetings with the stakeholder. So, is that what you are referring to?

Female: You cut her off. I don't know (inaudible) questions.

Rafael DeLeon: Yes, I'm trying to clarify on the question. So, well, I'm going to answer the question assuming that can hear me, (Dawn).

(Dawn Breeze): I can hear you, yes.

Rafael DeLeon: Yes, hi. And so, can you just clarify your question just a little bit?

(Don Breeze): Yes, when was the meeting, what was addressed and what were some of the – I think you mentioned concerns raised in a letter. So, if you can just explain what the letter was, what the concerns were and then what was discussed?

Rafael DeLeon: (Dawn), I don't know if you were (previewed) or so, there was a EJ conference in Detroit number of months ago that complainants, not the complainants, the titles of advocates raised a number of concerns with EPA Title VI program. And that was generally around the guidance and the backlog and the framework.

And so, those were the same types of issues that the administrator talked with the Title VI advocates yesterday. But, (Dawn), if you have any specific or any more specific questions, you should probably direct them to our press office, they will be happy to answer them through that forum.

(Dawn Breeze): Thank you, great. Thank you.

Rafael DeLeon: Thanks, (Dawn).

Lisa Garcia: So, we have two more questions on Title VI and we want get the next speaker in. So, if you could open the line to the next question and we will try to answer the questions quickly. And if you're a press, if you could go through our communications department, I think that would be better. Thank you.

Operator: Your next question comes from line of Steven Fischbach from Rhode Island Legal Services.

Steven Fischbach: Good afternoon, everyone. I was one of the people at yesterday's meeting and wanted to, you know, congratulate the administrator and her staff for engaging us in discussions around many issues of concern. Do you all happen to have any sense as to how soon we may continue these dialogues and reconvening? And also, Mr. DeLeon, I hope you received my email.

Rafael DeLeon: Hi, Steve. How are you? Long time no see and speak, and as one of the participant I want also thank you for your leadership on these issues. With respect to how quickly we can continue those dialogues, I think Lisa and I and everybody on our side of table would like for those dialogues to continue, and it's just a matter of making sure that we set it up.

I'm committed to them, Helena is committed to them, Lisa is committed to them, Lisa Garcia. The administrator, you heard her say, that she would hope that these dialogues continue. So, Steve, I think it's just a matter of scheduling more than anything else. And I commit to you that we can do them fairly quickly certainly within the next 30 days. I don't see why we couldn't do it mid to late February.

Lisa Garcia: OK, one more question and then we will move on to the next speaker.

Operator: Your next question from the Arsenio Mataka from California EPA. Arsenio, your line is open.

Arsenio Mataka: My apologies, I was on mute. Hello, everyone. My questions were more along the line of what were some of the issues and complaints regarding the Title IV, resolving the Title VI complaints. And, you know, I think we all understand the backlogs. But for those that had been resolved, I was wondering if that was raised at the meeting as far as the process of which they are being resolved?

Rafael DeLeon: Well, we all agreed that we would not talk about specific cases that we had before us. But as I've alluded to before, if you look at the Detroit Conference, if you can – and then Steve Fischbach was on the line can certainly help you.

But we've talked about the advocate views of number of issues, four or five in particular. One certainly centered around our framework, how we look at Title VI complaint, the backlog was another, the guidance was another, our compliance being proactive rather than looking retroactively. So, I think its general management and enforcement of Title VI within specific items coming up in terms of those issues.

And certainly, you know, there is a lot of interest and some greater transparency in all process and through the dialogue that the administrator has endorsed and that we have been the part of. We've engaged people like Steve and his colleagues in an ongoing dialogue to address many of the legal and policy issues that they would like for us to revisit, and Steve will tell you that we have done that over the last nine months. We've talked about this and are looking at ways to address many of those concerns.

So, I want to thank all of you for your great questions. And, Lisa, again, thank you for inviting us.

Lisa Garcia: Great, thank you. So, now, we're going to move on so that we have sometime afterwards to get to some general questions.

Next on the line is Bob Brobst from Region 8, and he is in the Office of Water and going to talk about an issue that we actually received a lot of comments on. It was sewage sludge. I had its new education for me because I didn't really even know about the issue. So, I thank folks for writing in and for stating your concerns.

And now, I'm going to turn it over to Bob, who will explain a little bit of EPA's role on this issue. Bob?

Bob Brobst: Thank you, Lisa. My name is Bob Brobst. I was asked to give a background information concerning sewage sludge or biosolids land application in the U.S. I'm currently a Sewage Sludge Coordinator for EPA and have been with the agency for 24 years.

One note, anybody who wants to write down some web addresses, I'll be giving a couple of web addresses in my talk, and I'll try to repeat the address twice so you can write it down if you wish.

To start with a little bit of historical background beginning in the late 19th century, the late 1800s, land application in sewage sludge began in the U.S. and it kind of get paralleled the (admin) of waste water treatment throughout the U.S. And I'm going to leap forward, that progressed through until EPA began operation in December 2nd, 1970.

During the mid and late 1970s, the EPA primarily developed and published processed design manuals, other guidance manuals about many subjects including sewage sludge treatment and land application, no rules at first. First Sewage Sludge regs came along where in 1979 and they were called 40 CFR 257, and that's where they were located at. And it primarily regulated pathogens, vector traction and cadmium.

An excellent website to look at for older documents in EPA as well as sewage sludge documents that are older, you can get those at www.epa.gov/ncepihom/ordering.html, www.epa.gov/ncepihom/ordering.html. Another regulation that greatly improved the quality of biosolids was the pretreatment program. Prior to late 1970s industries were not required to consider where they dumped their waste

down a sewer. But, in the late 70s, they received a regulation called the pretreatment regulations.

And those regulations required industries to remove contaminants such as metals, prior to discharge to waste water treatment plants. Thus, preventing those contaminants from entering the treatment plant and therefore and to in the sewage sludge. Metal concentrations in sewage sludge decrease quickly to the quality of today, where the six of the nine metals that are regulated for land application are at very low concentrations or are within the normal range of non-contaminated soils.

Now, I'm going to leap forward to '93, which is one the regulation, the detailed regulation that became effective. Detailed regulations were developed and became law. The regulation considered thousands of peer-reviewed articles in developing the risk-based criteria. Peer-reviewed articles continued to be published above 15,000 articles, and I looked it on web of science search biosolids for the years and that since the five or three regulations were developed.

So, 15 additional thousand articles have been – of those, only a few contained information that caused us to take a second look. Because of that, EPA continues to reevaluate this regulation through what we call bi-annual reviews, meaning every other year.

So, every two years, EPA reviews the scientific literature for new chemicals of concern in biosolids and the associated data that allows us to evaluate those chemicals. Simply knowing that chemical exits without knowing its fate or its transport or other mechanistic data doesn't do us any good. We need both kinds of information. We need the chemical as well as how it reacts in the environment before we can actually complete a proper evaluation.

So, added information on these bi-annual reviews and some of the bi-annual reviews are actually posted at this website. So, we have a slightly different website, it's at water.epa.gov/scitech/wastetech/biosolids/biosolids_index.

EPA has conducted two national surveys on sewage sludge quality, one in 1988 and one in 2009. The 1988 survey was used in developing the current set of regulations, current meaning in the 1993 regulations.

In 2009, the national survey received reviews – let's see, EPA requested and received reviews from the National Research Council of the National Academies in 1996 and 2002, both reiterated the land application and sewage sludge done according to the regs is a very, very low risk activity. The 2002 report did suggest that EPA update some items including the risk assessment procedures.

I'd like you to know that EPA continually upgrades its risk assessment processes and began updating those same risk assessment processes in the late 1990s before the NRC report and continues today in updating their risk assessment procedures. Additional information can be found at the website that I mentioned previously, the scitech/watertech website.

Other than the micro constituency and sewage sludge, we looked at the macro constituency, the big guys. Two-thirds of sewage sludge is made up of six elements of the periodic table, carbon, oxygen, silicon, hydrogen, nitrogen and sulfur, with 50 percent being made up of only two elements, carbon and oxygen. EPA continues to reevaluate the literature for any additional or new information that will aid us in evaluating all of these chemicals that we have found and have been looking at.

Other research, EPA is continuing to conduct its own research here in Region 8 in Colorado. With ORD, we're conducting research on endotoxin release during Land Application of Sewage Sludge at the field scale. The first part of the experiment began in 2010 and will continue with this summer 2012 and hope to publish the data in 2013.

Now, a little bit about sludge use and disposal across the nation. Nationally, about 60 percent of the sewage sludge is land applied. And I have a couple of state examples that we can look at. California is about 70 percent land applied, Colorado 75 percent, Florida 66, North Carolina about 60 and Wisconsin about 95.

And if we look at this from another direction, if we looked at all of the sewage sludge that is produced as land applied, so 7 million dry ton a year that is produced is land applied at a conservative agronomic rate 2.5 tons per acre. The lower the agronomic rate, the more area you need to apply to. It's still less than 1 percent of harvested acres in any given year. If we were to look at manure, the application rate is about 10 percent of the harvested acres.

So, a couple of last points, farmers request biosolids to be applied to their land and often have to wait until enough treated sewage sludge is available for application. EPA wrote 503 to be a minimum standard.

Female: Mr. Brobst, I apologize.

Bob Brobst: Yes?

Female: We are running short on time can you please wrap up your presentation, sir?

Bob Brobst: I got three lines.

Female: Thank you.

Bob Brobst: EPA wrote five or three to be a minimum standard, meaning the local municipalities determine how to use it and the states can write their own set of standards to each one of their unique needs in each state. Many states have additional requirements already. And thank you for your time, and hopefully this was helpful.

Lisa Garcia: Great. Thank you so much, Bob. Sorry, about that we – you know, it seems like we never have enough time to get everything in. But, what I'll do is I'll ask the operator to open up the line once again for comments. And I would just like to remind folks this is a community outreach call and so once again, if press has questions, so please contact us through our communications office.

And then I would just ask that we remember to be respectful of each other's positions and opinions, so that we can continue these calls and have a really good dialogue and hopefully continue the conversation afterwards, but at least

continue these calls in a respectful and dynamic way. Thank you. We'll take questions.

Operator: If you would like to ask a question, press star then the number one on your telephone keypad. We will pause for a just a moment to compile the Q&A roster. Your first question comes from the line of David Cole from Sierra Club.

David Cole: Yes, hi. Thank you, everybody, for having this conference call today. I have two questions for Mr. Brobst. One is why is there no Clean Air Act EPA oversight if it relates to VOC's off-cast from application fields? South Carolina (inaudible) had said that there is no duty to mitigate.

The second question is can we get a clear EPA policies payment on Title 40 Section 503 for communities to further restrict land application at the locality level at the town level? There seems to be a lot of confusion about that. And what do you do when people have religious objections to things like (reclamation), which is in this the waste stream being land applied on field right next door?

Lisa Garcia: Thank you for the question. I'm just going to answer quickly on the Clear Air Act question, on the VOCs, the Volatile Organic Compound. What I'll do is, if you domain, maybe we can tag team on this, but I'll bring it back to the Office of Air and then ask that also if you could maybe send in a request and we can make sure that the Office of Air has the recommendation and the question to be able to get that or at least to put in on their plate that it is a concern and a question. Thank you.

Bob Brobst: And thank you because I was going pass along the air concern, too.

Lisa Garcia: Yes.

Bob Brobst: David, so I'm going to go on the question two, which deals with 503 and local requirements. Under the Reg, under 503.3, it says and I don't have all of the parts with me but I'll read part of it to you, nothing in this part precludes the state or political subdivision thereof or interstate agency. And then, it goes on and says to be more stringent.

So, unless there – you know, an EPA doesn't set state regulations. So, states have individual regulations they may restrict sub divisions or political sub divisions from having more stringent, those kinds of things or there may be other state laws. But EPA itself has left a provision specifically in a reg that allows for that, OK?

I really don't have an answer on religious. You know, we have farmers – we have the individual treatment plants have farmers request biosolids from them, and I don't have any other answer than that.

Lisa Garcia: OK. Well, thank you for the question. It certainly raises and interesting. Thank you.

Bob Brobst: I wrote it down.

Lisa Garcia: Next question?

Operator: Your next question comes from the line of Mari Eggers from Little Big Horn College.

Mari Eggers: Yes, hello. Thank you for taking the question. This is on the co-reservation in Montana, of course state laws don't apply. We have got a 100-year-old sewage lagoon that's just in the process of being decommissioned. You know, we are quite sure they are contaminants in that soils from the past 100 years. Where do we start in terms of trying to get it remediated?

Bob Brobst: Well, I would talk to David Rise over at Montana MOO, Montana Operations Office, and you can also email me brobst.bob@epa.gov, and I will walk you through it.

Lisa Garcia: Thank you. Next question?

Operator: Your next question comes from the line of Buddy Andrade from Old Bedford Village.

Buddy Andrade: Hello?

Bob Brobst: Hello.

Buddy Andrade: Hello, yes, hi. I kind of like misunderstood what you he was actually – the topic was because when you said sludge or stuff, I was thinking about CSOs. And we have super front side here that we are cleaning up PCBs but as that's happening, we have a CSO coming from the across the harbor that pours right into almost into our neighborhood basically.

And so, I thought he was addressing that kind of remediation stuff because it's a big issue. I mean here we are cleaning up the harbor of PCBs and at the same time we have water sewage coming from the CSO right into our harbor, and it's something that we have been trying or get addressed. And I thought that what he was talking about when I pressed the number. So, I don't know if I'm on key there, but if there any way that could be addressed, I'd like to hear something about it if you have any ideas on that.

Bob Brobst: I currently don't have any ideas on it right now. I will talk to the CSO people. I'm not familiar with your particular operation or concern or location.

Lisa Garcia: Yes, so we will take that back that's a good question and I guess work with Region 1 to make sure that we get a response. Thank you for the question, though. Next question?

Operator: Again, if you would like to ask a question, press star then the number one on your telephone keypad.

Lisa Garcia: So, we will just – if there are any other questions on general issues regarding our environmental justice work or civil rights work or anything else, definitely we will open it up. So, Rafael is reminding me that for the report that we mentioned earlier that came out yesterday epa.gov/ocr, and we will try to send it out on our EJ-ListServ also so the folks get a copy of that.

Operator: Your next question comes from the line of Carl Wassilie with Alaska's Big Village.

Carl Wassilie: Hi, can you hear me?

Lisa Garcia: Yes, go ahead.

Carl Wassilie: This is Carl Wassilie with Alaska's Big Village Network. I'm calling from Cook Inlet right at this point. So, up here in Alaska, there is some profound concerns on the change for the (primacy) on the continuing on the application that the state filed with EPA on the National Pollution Discharge Elimination System.

There still that had not ever been an adequate anti-degradation, implementation by the state previous to that application and we are still dealing with cumulative effects that are causing the significant harm to (inaudible) help for the people but the help with sufficient resources that the cultural survival as well as vitality of nation's interest in fisheries as one of the last international significant signing fisheries left on planet earth.

So, here in Cook Inlet, the main danger to blue whale is under extreme threats by increased seismic activity and the continuation of permits issued by EPA that are not been transferred to the State, which is administrator recognized the charge. So, there is really concerned about the capacity of the state to be able to even communicate on the concern in the tribe.

And we are addressing the fishery with the region, but we are still having problems here in the state. So, I don't know if anybody can address that at this point in time, but wanted to make sure those concerns were relayed to folks on the line here.

Lisa Garcia: Hi, so, this is Lisa Garcia. Thanks so much for your call. I'll just mention quickly, and I forgot to mention this at the beginning that we have our regional representatives on the phone. And so, the first thing I will say is on the specific item you mentioned on Cook Inlet and the anti-degradation and stuff you mentioned, we'll touch back with Region 10. I'm not really familiar with many of the issues. Like I said, I will be in Alaska in early February and hopefully maybe we can make sure that we address some of the concerns.

Generally speaking, I will mention for everybody on the phone that part of plan EJ 2014 and folks know that the plan really came from issues that

communities raised. One of the big issues across the board was the permitting and as far as how does EPA begin to involve community more in a permitting situation, public participation and also in Environmental Justice considerations.

And so, we are working – we can probably share with you some of the drafts, the draft guidance that we have been talking about with some businesses and EJ advocates and states on how we ensure at least from the first phase of the effort is to make sure that we are engaging and bringing in the voice of communities into our permitting actions.

So, I will make sure that we get in touch with you. You can to (Evan) ...

Rafael DeLeon: (Laura) (Inaudible).

Lisa Garcia: Oh, sorry. (Laura), are you on?

(Laura): Yes, I am.

Lisa Garcia: Can you give us a Region 10 contact maybe?

(Laura): Sure. That's Running-Grass is the Region 10 EJ coordinator and his email is grass.running@epa.gov.

Lisa Garcia: And if you could make sure that you write to him and then we'll make sure to follow up with some of the issues on permitting that you raised generally and also on the Cook Inlet matter. Thank you.

Operator: Your next question comes from the line of Buddy Andrade with Old Bedford Village.

Buddy Andrade: Hi, thank you for giving me another opportunity to get back on. I had listened to the gentleman from the Civil Rights Department and each and every time he talked, he always talked about the advocates which of the lawyers or the region people. I never heard him talk about talking to the community.

And I know Region 1 is listening, we are not looking to actually forge any major, major events with Region 1 because that's been a waste of time for a

last almost 15-20 years that I have been involved here in Region 1. We need to work directly with you, folks, who are supposed to be representing the communities for the entire country, not just a region.

And so, tell me (inaudible) tell me to go back to Sharon Wells or to go back to anybody up there in Boston is really a waste of our time. And really the effort that Lisa Jackson is talking about more environmentalism, we can get – our Region 1 guy was here again in New Bedford. He never came and talked to the community, but he went straight to the media to go ahead and try to blast the kinds of things that we are talking about but hasn't met with community.

I have called Washington, I don't know how many times back in November and December. And, of course, again, yesterday, and we are still not getting – the community is not getting heard. Now, you can talk to all the lawyers, all the advocates you want, but what's happening here is that the community is not getting heard. And we are getting shoved on our throat another scientific data that EPA Region 1 is put together to do something here.

We don't want to bury the PCBs back in our harbor. We want a decision back with the courts to stop the incineration. This is the same idea. Do we have to go back to court to win again? Or can we just sit down and deal with the reality that is a dumb idea to bury the stuff back in our harbor that were dredging.

Lisa Garcia: Buddy, thank you so much. I know that, I was actually there and in your community, and I think we made a commitment with Region 1 that I would come out and visit you guys, again. I know that we have received your calls and that's what we are working on right now.

I think we are working on something in February, but our commitment is to make sure that we are talking all stakeholders. And so, we are committing to that as far as your community, and I know that the Regional Administrator and I have been out there.

Obviously, sometimes there are disagreements with scientific studies, and we tried to work to do those and I appreciate your passion and also your commitment to really working on these issues. I'll hand it over to Rafael to

answer your first question about community groups in the Title VI and Civil Rights work that we are doing.

Rafael DeLeon: Hey, Buddy. How are you? And, you know, when I made my comment I talked about the meeting yesterday that was predominantly with Title VI advocates, but you know, the complaints that we handle are from all communities not just from lawyers or from Title VI advocates.

So, many of the complaints that have been filed have been with the community groups, and me and my staff are as necessary have talked with the complainants or with the communities. So, I didn't mean to imply that we are only talking to the lawyers.

Lisa Garcia: And I would encourage – I'll just close things out by encouraging you and others to submit comments. So, the draft report on the Office of Civil Rights is out for public comment. And what we are doing is certainly talking about it today, talking about it yesterday is to ensure that we get comments from all stakeholders.

So, I encourage you to go to epa.gov/ocr and once again, we will try to get that out on our EJ-ListServ. And I'm going – since there is no more questions I'm going to close it out right now.

Thank you so much everyone for joining us once again. We will have this call once again in three months, and I think one of the issues that was raised is the work on hydrofracking. We were unable to get someone to talk this round, but we will try to have someone come and talk at the next one hopefully.

So, thank you again, everyone. Have a good afternoon, and we will be touch soon.

Operator: This concludes today's conference call. You may now disconnect.

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