

EPA
Moderator: Dorris Riddick
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5:00 p.m. ET

Operator: Good afternoon. My name is (Crystal), and I will be your conference operator today. At this time, I would like to welcome everyone to the quarterly Environmental Justice Community Outreach conference call. All lines have been placed on "mute" to prevent any background noise. After the speakers' remarks there will be a question and answer session. If you want to ask a question during this time, simply press "star," then the number "one" on your telephone keypad. If you would like to withdraw your question, please press the "pound" key. Thank you.

Ms. Lisa Garcia, you may begin your conference.

Lisa Garcia: Hi. Good afternoon, everyone. This is Lisa Garcia with the Environmental Protection Agency, senior advisor to Administrator Jackson on environmental justice. And welcome to our "quarterly" - I'll use that word loosely - but our Environmental Justice Community Outreach call.

We've been doing these for about two years now. And once again, the process is that we've asked for issues that maybe the public would like to hear about. And so we've received comments and suggestions, and we have some speakers today that are going to address a few of those.

In my regular update, I just wanted to let folks know that over the summer EPA issued, on a Federal Register notice out for public comment, our EJ in permitting - I would say, EJ in permitting work group released for public comment - our enhanced public participation best practices guidance or, I should say, best practices. And we've received many, many comments, so thank you for anyone who has given us comments on that.

The goal there is to help EPA address some of the concerns we hear from communities - and that's defined broadly - but making sure that there's meaningful engagement throughout the permitting process that EPA goes through. And so we're going through the process of reviewing some of the comments, and we'll be doing a round of, probably, conference calls to just update folks on where we are as we move forward with that - once again, the best practices for enhanced public participation.

So we've received a lot of comments. For some of them, I hope you've received some responses. Some of them were very specific to a region. Like one talked about the Portland, Oregon project. And so we've asked our regional environmental justice coordinators to respond to some of them.

So we have folks following up on Bridgeport in Oregon, and issues out of Pennsylvania and the Philadelphia area. So, hopefully, folks will receive responses to that.

What we've decided to do are some interesting topics that came up. We're going to have some speakers talk about wastewater system assistance for small communities. This has come up a few times, and so we're very happy to have folks from the office of water discuss water resources.

Then we're going to hear from someone from our Office of Air Quality Planning and Standards on woodstoves. That has been a subject that has come up a few times. And then we're going to have folks from our Region 8 staff, from our CERCLA (Superfund) program, talk about - answer some of the questions that we heard.

And once again, we've received many topics for discussion. For instance, Title VI comes up every single time. We've had a presentation by Title VI, and you can certainly follow some of the updates on our Web site. So even though your topic of interest wasn't chosen for us to talk about, we encourage you to go to our EPA Web site for either the Office of Civil Rights or Environmental Justice to get some updates on some of the work that we are - we are doing on some of the other topics.

So I'm going to turn it over now, first, to Kelly Tucker and to Matt Richardson from the Office of Water.

Kelly Tucker: Hi, this is Kelly Tucker and I am the Clean Water State Revolving Fund program in the Office of Water at EPA. And I understand that there was a lot of interest in hearing about funding for water quality projects in small communities.

And so the SRF is just one source of funding that might be of interest to you. And so what I'll do is, I'll briefly explain the program. And then later during the question and answer period, I can take any questions that you might have.

Very basically, the Clean Water State Revolving Fund is a financial assistance program. And we provide low-interest loans for a variety of water quality projects. These can range anywhere from a wastewater treatment system upgrade, the centralized system repair or replacement. We can do agricultural (BMPs), stream restorations, stormwater infrastructure, among many other things.

The program is a state-run program. It operates in all 50 states and Puerto Rico. The states set the different loan terms that work for their states; the interest rates, the repayment period, that sort of thing. States also make the decisions about which projects get funded within the range of eligibilities of the program.

So they're able to direct funding to their highest water quality priorities. In terms of funding for small communities, the SRF last year, in 2011, provided \$1.1 billion for small communities. It is a loan program, but there are some different options available, depending on the state, for small communities. Some states offer reduced interest rates.

Others may offer extended repayment periods. Generally, a repayment period for the SRF program would be 20 years, but the repayment period can range up to 30 years, which would reduce the monthly payments. And also, we do have now additional subsidy available on the program.

And that would be either in the form of a grant or principal forgiveness. This additional subsidy is limited, but EPA has encouraged states to use this additional subsidy for communities that could otherwise not afford an SRF loan. So that is another option available, as well.

And so as I said, these are state-run programs, and they set the different requirements for receiving funding within their states. So I would encourage you, if you're interested, to contact your state SRF program to find out more about their priorities, what types of projects they are funding, and then also how to apply for a loan. Many states will provide extra assistance to walk you through the process, if that is needed.

So I can certainly answer any general questions about the program, and I can also get you in contact with the appropriate state SRF program, if you're interested in that, as well. But now I will turn it over to Matt Richardson.

Matt Richardson: Hello. Good afternoon, everybody. This is Matt Richardson. I am the program coordinator for two grant programs that give out money as grants, not as loans. Both are geared towards tribes and Alaska Native villages. So they're not necessarily the small communities in the states, but rather these are tribal reservations.

And they both are set up for the design, planning and construction of wastewater treatment systems. Last year, we funded about 85 different projects, with about \$30 million. We work closely with the Indian Health Service in identifying which projects are chosen. And it is done through our regional offices.

I think that's just a really quick summary. I'd be happy to answer any questions. Or if you want to reach me directly to find out who your contacts might be in the regions, I'm certainly available via e-mail and telephone.

Lisa Garcia: All right, great. Thank you.

So what we're going to do is, we're going to quickly move to the next subject, wood stoves. And then we'll save the Q&A for the last half-hour. We'll open it up for questions and answers.

So Gil, if you could introduce yourself and hop on?

Gilbert Wood: OK. Thank you, Lisa. This is Gil Wood. I am the staff lead for the development of new source performance standards for woodstoves. The current emission limits for woodstoves were first developed in 1988, so we have reviewed the standard and we have made recommendations that we tighten the emission limits for all new woodstoves that are manufactured and sold in the United States.

We're still in the process of getting the package ready to present to the public. Right now, we're still gathering information on the cost of what it would take to develop new cleaner stoves. I would like to mention, up front, that this standard is for new appliances. It would not be retroactive to those that are already in existing homes, but rather would regulate the manufacture and sale of those that are produced after the standard is issued.

In addition to tightening the emission limits for woodstoves, we're going to reduce the exemptions in regard to single burn rate stoves and pellet stoves, and bring those into the fold so they have to meet similar emission limits. We're also going to add new standards for hydronic heaters, sometimes called "outdoor wood boilers."

We will regulate both outdoor wood boilers and those that are indoors. They both are quite a bit of concern in a number of areas across the U.S., so that's very much a high priority for us. We're also adding emission limits for forced air furnaces. These are similar to oil fired furnaces, except they burn wood and emit more than the oil or gas furnaces do.

And then we're also adding emission limits for masonry heaters. There's not that many of those that are produced, but we are adding those to the emission limitations. We're also adding efficiency requirements for these units, both to improve the product to, in turn, improve the combustion to, in turn, reduce the amount of fuel burned for a given heat output. And it also reduces the carbon monoxide emissions.

Our primary focus is on fine particles, but this would also reduce CO emissions and CO2 emissions and methane emissions, and assorted toxics as are also emitted from these devices. Now like I said, we're still working on the package, we're still gathering information. So that is welcomed.

We're receiving that from all parties. Our hope, at this point, is that we'll have this ready to go to the Office of Management and Budget early in 2013, and then typically they have a 90-day review period. Then it would be published in the Federal Register for a public comment period, and there would be a 90-day public comment period.

Then we would have public hearings for comments on the regulation. So that's our current schedule. And I think Lisa wants to save the questions to the end, but I'll, of course, stay to answer those as best I can.

Lisa Garcia: Great. Thank you so much. And I'll just add that I think one of the goals that we've had, certainly, over the past few years is to at least encourage folks to give us any recommendations or suggestions. And then certainly during the - once there is a public comment period, we've been trying to do a better job at some of our outreach. Through public hearings, but also conference calls and maybe e-mailing, through the Environmental Justice LISTSERV that we have. So I would encourage folks to join our LISTSERV, which helps us get to - I guess I would say - a more personalized e-mail notifying folks when we're going to have a conference call or a Webinar or a public hearing.

So please join the EJ LISTSERV, or write to one of us with any comments or suggestions also. And we will open it up for Q&A. I just wanted to give folks the opportunity to also engage EPA that way.

Gilbert Wood: Right, absolutely. We're very interested in that information, to help us have better standards to protect everyone.

Lisa Garcia: Thank you.

And next up is Brenda South and Terry Brown.

Terry Brown: Yes. There were some questions raised about a facility down in southern Utah, near Blanding. It's the White Mesa uranium mill. And they had some groundwater issues, and we had the Ute Mountain Tribe environmental manager - I guess his name was Scott Clow - and he raised some questions about whether some of the off-site rule decisions we made are protective to the tribe or to this Environmental Justice area.

So I'd like to start off with explaining what the off-site rule is first. Back in the early '80s, Superfund came out which is the same as CERCLA. And what EPA did was we cleaned up a bunch of sites and we sent the waste to a bunch of landfills. And some of the landfills went bankrupt, so Congress came out with a statutory requirement that EPA check every landfill treatment facility or storage facility that receives CERCLA waste from off-site.

And it had some criteria of what was considered acceptable. And the two criteria that the facility had to be in compliance at that moment, and have no groundwater releases which are not controlled. By not controlled means that there's no legal document, like a consent agreement or something, that forces the facility to clean up the release.

Once a facility enters into that, then that release is considered controlled. White Mesa has several releases, and they're very, very complicated. The facility's groundwater people, the state and EPA has looked at this, and there's - we haven't come to a resolution.

And we've tried to keep in contact with the state, but we just found out there was a stipulation of consent agreement that was signed that requires White Mesa to do that. And we just found that out today, so we're going to review that and find out whether we can - whether we need to take further action on it.

But I guess the issue that Scott has was whether our program, by requiring - by requiring the government to send waste only to these particular facilities, whether that would be protective to the EJ communities. And I'm not sure if I can answer that today because the off-site rule doesn't consider EJ, and I'm not sure why.

The rule was first proposed back in '86, and maybe EJ wasn't on EPA's radar. But maybe EJ should be considered in there. Now that we have this information, we will take whatever action we need to take. And we'll try to get in contact with Scott so we can - in case he's here now, we would be glad to discuss any issues, or any direct questions that you may have, Scott.

I guess that's about all I have. Thank you.

Lisa Garcia: Thanks.

So I think this raises a good point, that it's good to hear from the public about how EPA can improve its work. And so I thank you - to the folks who raised it, and for us to be able to go back and see where we can improve our work. This highlights one issue, like the off-site rule; how do we better prepare for EJ concerns that come up, or community concerns as we move forward.

So thanks, Terry. I think you're right. It certainly poses a good question, and maybe we can go off-line with some of the concerned citizens or tribal members to be able to talk about this.

And so now - so what I'm going to do is we'll have the line opened up for some questions and answers on the three topics first. And then - what we'll do is, we'll have that open for about 10 minutes to allow for discussion on either the water resources for small communities, woodstoves, and that rule package for the off-site rule that was just discussed.

And then we'll open it up to any other general questions that folks may have. So (Crystal), if you could help us begin the public comment period?

Operator: Yes. At this time, I would like to remind everyone in order to ask a question press "star," then the number "one" on your telephone keypad. We'll pause for just a moment to compile the Q&A roster.

Again, that's "star-one" on your telephone keypad. And your first question comes from the line of (Nathan Andrews).

Nathan Andrews: Hello, this is a question about the woodstove initiative. My question is, in the research that's already been done to get the project and the research this far, has there been a visible cost increase in the overall, I guess, initial purchase price of one of these newer modified woodstoves that are - it's being proposed?

Gilbert Wood: This is Gil Wood. And looking at the draft information we have at this point, looking at a draft proposal of levels similar to what Washington State has, there is not a significant price increase for the woodstoves. There would be a significant price increase for the hydronic heaters and the forced air furnaces.

Lisa Garcia: And I would just ask that, once again, if (Nathan Andrews) has any information he'd like to share, to certainly send it in. Because that would be helpful as we continue to build, I guess, the background information that we have. Thank you.

Do we have the next question, or any other questions, on either of these topics?

Operator: And there are no further questions at this time. I do apologize. You do have a question, from the line of Scott Clow.

Scott Clow: Hi there.

Lisa Garcia: Hi.

Scott Clow: Yeah, thanks Brenda and Terry and Lisa for having this call, and including my topic. The question - I probably didn't articulate it really well via your Web site - but I want to get a feel for when, at EPA, the Environmental Justice program comes in and works internally with other programs.

Because this issue at this particular facility is one that I've talked with Terry about and talked with a lot of people at EPA Region 8 about. And where - we currently don't have any tribal resources that we can prove have been polluted like the groundwater, but we've got a drinking water aquifer that's underneath that facility.

And I guess it's a little bit alarming to me that the EPA just found out about the state's groundwater consent agreement because it's been going on ever since the state has been regulating the facility. And I've talked in person with Terry and other folks at EPA, and said, "Look, the tailing cell liners are leaking and the state's not doing anything about it."

And Terry described the limitations that EPA has under that CERCLA rule. And what I posed in my question online was that the preamble of the CERCLA rule says it's not the intention of the law to create a hazardous site in one place while cleaning up a hazardous site in another. And that's what's happening at this facility.

And the tribe has lived there for centuries, and we certainly hope that they'll be able to live there for many centuries. And so I guess I just - I want to know, internally at EPA, when the Environmental Justice people will correspond with the other programs, when it seems like there's an issue like this.

How long does this stuff go on and on? The state of Utah apparently is intent on not requiring the owners of this facility to stop polluting the groundwater. They've done everything ...

Lisa Garcia: So, Scott, I'm going to - I just want to make sure that we have time for any other folks who want to call in. But I think that you raised a very good point, and I think EPA - we kind of have a new theme. And that is, one, EPA - that we've recognized and we've heard from communities and from tribes and from everyone.

Maybe in the past we worked more in silos, and there wasn't that type of collaboration. But, hopefully, at least - I'll just say let's begin the conversation, in saying that now you have the EJ folks and the CERCLA folks on the same call willing to speak to you. And I'll just say this for folks who aren't in Utah, that that's certainly the essence of what we're trying to do with Plan EJ 2014 and all the other efforts around the agency.

So what I'd like to do, Scott, is, it seems like you're already in touch with Terry - is we'll take this off-line and really try to figure out how - make sure that the - that all programs are working together to help get to a better place

with your issues. And I can just say, once again, that we appreciate the comment and we have been trying to work more collaboratively so that each program understands that there's an EJ priority not only for the Office of Environmental Justice, but for the CERCLA office, for the Air Office, for the Water Office.

And I think, across the board, you've seen some great - some great work. And so, hopefully, we can continue to work on that. So I'm going to ask that we just go off-line and open the call to other questions.

Terry Brown: Can I just have one minute? This is Terry Brown, just to reply.

Lisa Garcia: Oh, yeah.

Terry Brown: Scott, we are - we just - we are looking at that consent agreement. That just came out in July, and this shows that there's been some violations. So I think we can start beginning to take some action on this to look at whether we should reverse our decision on the notice of acceptability.

But on the other hand, too, the off-site rule does not have EJ references in it. Maybe that's - maybe we need to talk to the EJ office and find out whether we need to change the rule or something.

Lisa Garcia: Yeah. And maybe we can get, with Scott's help and maybe others, to help us do that. So that's a great point.

Terry Brown: Thanks, Scott.

Lisa Garcia: Thank you. Next question?

Operator: And there are no further questions at this time.

Lisa Garcia: OK, great. So I just want to say thank you to the folks who joined us for this quarterly call. I'm going to open it up to the public to any other questions that may have come up or that people have that didn't make it on to our initial Web site or on the schedule under Plan EJ 2014 or our interagency working group.

If anyone has a question, once again, press - what is it, "star-one"?

Operator: Yes, "star-one" to ask a question.

Lisa Garcia: OK, so then it doesn't seem like we have any more questions. I'll just close out with one quick update. And that is that last year, or sometime in September, we released the final draft of Plan EJ 2014. And, hopefully, folks have seen some of the work around the agency under Plan EJ 2014.

We obviously have a lot of other community-based work in our regions through our healthy and sustainability work, through our children's health work. And so there's just been great work going on. But one of the things that we have to do at EPA is issue a report, an annual report, on Plan EJ 2014.

And so we're beginning to pull that together, and we hope to issue that in public - for the public around November. And that would be taking some of the milestones and deadlines that we had in Plan EJ 2014 and reporting and updating the public on where we are. We had heard very loud and clear from communities that EPA needs to be held accountable.

And so this is one of the ways that we thought it would be good to continue to keep the public updated is to issue an annual report on where we are and what things we still need to work on, and maybe even new initiatives or new projects that we're embarking on.

And then the other is under our strategic plan. We also report out on the crosscutting strategies for EPA. One of them was environmental justice and children's health. And so we're working through finalizing that report. And I believe the agency posts that also in November.

So I guess that's just two things to stay tuned, as we continue to work to advance environmental justice and children's health. And, once again, to be held accountable and to be able to work with the public in what we're doing and what we foresee coming in the future.

So unless there's any other questions, I will - I will end today's all.

Operator: And there are no further questions.

Lisa Garcia: OK, great. So thank you, everyone. Have a great evening. And the next call is December 13. So the next quarterly Environmental Justice Community Outreach call will be December 13, and we'll make sure to post that on our Web site and in our EJ listserv getting out the information for that.

So thanks again for your comments and suggestions, and we'll be in touch with Scott. And then for other folks, just e-mail us if you have any other recommendations or comments. Thank you very much.

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