
U.S. Environmental Protection Agency (EPA)
Response to Public Comments
on
Plan EJ 2014 Strategy and
Implementation Plans

Public Comments Received:
Jul 2010 – Apr 2011

Plan EJ 2014 Strategy & Implementation Plans Public Comments

Plan EJ 2014 is a roadmap to help the EPA integrate environmental justice into its programs, policies, and activities. As part of the process of developing Plan EJ strategy and implementation plans, the Agency made significant efforts to incorporate input on the Agency's Plan EJ 2014 proposed strategy and draft implementation plans from all stakeholders. The Agency provided public comment periods, conducted public conference calls, convened meetings with state representatives, and hosted face-to-face dialogues with community and tribal leaders across the country from July 2010 to November 2011. While the EPA's commitment was to ensure all input was incorporated, the Agency continues to accept and consider input into the Agency's strategy and implementation plans.

The Agency has also conducted other public comment opportunities with respect to Plan EJ 2014, such as the Tribal Consultation Group. EPA's response to comments from those will be posted.

This document contains EPA's response to comments received on Plan EJ 2014 and its respective implementation plans during public comment periods that took place as early as July 2010 and as late as April 2011.

Any additional questions or concerns that you may have should be directed to the agency contact as indicated. Environmental Protection Agency: lee.charles@epa.gov

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	General Comments: EPA Implementation Issues	
1	<p>EPA should provide detailed implementation plans for Plan EJ 2014's elements. The draft Plan EJ 2014 is very general and requires a clear process for implementation with timelines, expected outcomes and criteria for success. Setting specific, measurable, achievable, and realistic goals for Plan EJ 2014 shows that the Agency is committed to successfully accomplishing the goals of the Plan. It also demonstrates the Agency's willingness to be held accountable for ensuring that not just outputs but environmental outcomes are realized.</p>	<p>During the past year, all EPA programs and regions have assumed principal responsibility for developing and carrying out implementation plans for at least one cross-Agency element of Plan EJ 2014. They have dedicated senior leadership and have established staff level working groups to carry out this responsibility. This approach ensures that all offices and regions commit their programmatic resources and expertise to advancing cross-cutting environmental justice goals. In this way, EPA is building an infrastructure across the whole Agency. EPA developed detailed implementation plans for each cross-Agency element of Plan EJ 2014. Each implementation plan is structured to have clearly articulated goals, strategies, activities, deliverables and milestones. They are presented in such a way as to facilitate tracking of deliverables. This structure is also intended to ensure performance management and accountability. EPA is committed to making annual progress reports on Plan EJ 2014.</p>
2	<p>EPA should ensure that resources and technical support for Agency staff are available to support EJ activities. There must be a strong infrastructure to support internal and external activities for both the short and long-term when implementing Plan EJ 2014.</p>	<p>During the past year, all EPA programs and regions have assumed principal responsibility for developing and carrying out implementation plans for at least one cross-Agency element of Plan EJ 2014. They have dedicated senior leadership and established staff level working groups to carry out this responsibility. This approach ensures that all offices and regions bring their programmatic resources and expertise to advancing cross-cutting environmental justice goals. In this way, EPA is building an infrastructure across the whole Agency EPA developed detailed implementation plans for each cross-Agency element of Plan EJ 2014. Each implementation plan is structured to have clearly articulated goals, strategies, activities, deliverables and milestones. This structure is intended to ensure performance management and accountability. They are presented in such a way as to facilitate tracking of deliverables. EPA is committed to make annual progress reports on Plan EJ 2014.</p>
3	<p>EPA should train staff so that they understand environmental justice issues and the communities impacted by them. Ensuring that staff is prepared and developed to best understand the needs of communities and the issues that impact them in order is critical to staff assisting</p>	<p>EPA agrees with this comment. Training is an important element of various Plan EJ 2014 implementation plans, including rulemaking, permitting, and enforcement. A strategy of the Science Tools development implementation plan focuses on building the capacity of Agency scientists to work with overburdened communities on environmental justice issues.</p>

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	communities.	
4	EPA should align and leverage resources to sustain the long-term goals of Plan EJ 2014. Evaluating how to best consolidate internal and external resources to support Plan EJ 2014 activities and program initiatives will ensure that the Agency is maximizing effort at federal state and local levels which would be necessary to sustain and meet the goals of the Plan more long-term.	EPA agrees with the need to integrate EJ into its strategic planning and budgeting processes. Working for Environmental Justice and Children’s Health is a fundamental cross-cutting strategy in EPA’s 2011-2015 Strategic Plan. Plan EJ 2014 supports the implementation of that strategy.
General Comments: Community Engagement		
5	EPA should ensure that the public is provided opportunities to participate at the onset of activities. Soliciting input from the public and providing real opportunities to offer input that could impact decisions comes far too late in the process.	EPA agrees with this comment. The Agency has engaged communities to formulate the goals and strategies of Plan EJ 2014. EPA will provide opportunities for the public to review and comment on Plan EJ 2014 and its implementation plans at critical junctures in the annual planning and report cycle.
6	EPA should consider community engagement as a separate focus area. Community engagement is a critical component in all the areas of Plan EJ 2014 and should be viewed as a separate cross-Agency focus area because of the appearance of past non-substantive input opportunities for all focus areas.	EPA considers community engagement to be a critical aspect in all elements of Plan EJ 2014 and plans for such engagement are required for each implementation plan. In addition, EPA has developed ongoing community engagement opportunities through activities such as community listening sessions, grant training, an annual EJ training conference, the Community Engagement Initiative and the National Environmental Justice Advisory Council (NEJAC).
7	EPA should ensure that public participation is not assumed, but actively addressed. Plan EJ 2014 appears to be framed with the assumption that the public will be actively engaged in decision making. Ensuring that Plan EJ 2014 supports credible public input that is open and transparent throughout the decision-making process wherever viable is essential.	EPA agrees as indicated above.
8	EPA should set reasonable expectations for the public when soliciting participation. Setting clear, understandable expectations and reasonable ground rules for how the public’s input will be incorporated or not incorporated into Agency decision making processes, such rulemaking, permitting, compliance, agency-wide action, and other	EPA will take this comment into consideration as it solicits comments from the public on Agency decision-making processes and other areas.

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	areas provides the public with greater awareness about how, why and what input is being solicited.	
9	EPA should develop approaches that remove challenges for the public to fully participate. Using several conventional and unconventional communication methods and tools helps to open up the process to the public. If communities are unaware of opportunities to provide input or don't have access to information, they will not be able to participate and offer substantive input that might impact decisions.	EPA is sensitive to the challenges of all stakeholders whose needs cannot be met by using only an electronic docket. The Agency has been using and will continue to use listening sessions, public hearings, and other social media tools to reach stakeholders who might not be accessible through conventional communication outlets.
General Comments: Transparency		
10	EPA should be clear about what information will be shared with the public. EPA should create awareness about what information will or won't be shared with public as reporting activities begin to prepare the public for when they can review progress and when they can participate the in the Plan activities and projects. Even with enforcement actions and certain legal considerations, developing new approaches or providing meaningful opportunities is critical to the success of Plan EJ 2014.	EPA will increase its efforts to communicate with affected communities and the public about enforcement strategies and actions. We recognize that communities have a legitimate need to be informed and to understand the federal government's enforcement activities to protect their environment and public health, and to have their voices heard when solutions are being considered to redress environmental and health problems caused by violations of federal environmental laws that affect their community. At the same time, it is important for communities to understand the legitimate and essential need to protect the confidentiality of enforcement activity when a case is under development and in settlement negotiations. This is essential to assure that effective enforcement, and its ultimate benefits for the community, will not be undermined and adversely affected by premature disclosure of confidential enforcement information.
11	EPA should establish how it will track and report progress. Some commenters assumed that EPA will track and report Plan EJ 2014's progress. However, they felt the Plan lacked details about who was responsible for tracking progress, particularly for other Federal Agency activities.	Plan EJ 2014 calls for the development of a progress report each year. Each report will include Agency progress on specific deliverables, goals, milestones and deadlines that are included in the Implementation Plans. Each report will be posted on the EPA website. The Agency workgroups that were responsible for creating the plans will also be responsible for tracking and reporting progress.
12	EPA should use traditional and nontraditional means to communicate information. Some commenters point out	EPA is committed to ensuring that we engage effectively with indigenous, immigrant and low income communities. As a result, we are emphasizing use of community forums

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	that many indigenous, immigrants, and low-income communities do not use the Internet and rely on in-person meetings and other culturally sensitive means of communications. Some offered their assistance to EPA in facilitating these discussions.	and stakeholder listening sessions.
13	EPA should report progress in ways that are understood by the public. Progress reports should clearly link progress with the Agency's Strategic Plan and be communicated in a way that is understood by all community members.	Plan EJ 2014 supports the EPA's Strategic Plan Cross-Cutting Strategy on Environmental Justice and Children's Health. EPA will make this connection in its communication materials so that the public can see this linkage. In addition, EPA will maintain an informative website about the Plan and associated results and outcomes. EPA will update the website at least once per quarter to share new information, such as new guidance, best practices, or other tools that may have been completed by the workgroups. The information will be provided in a way that is understood by all community members.
General Comments: Federal Oversight		
14	EPA should identify a central point of authority at the federal level for Plan EJ. EPA would be assuming a large task that goes beyond its statutory authorities. Actions by many agencies are critical to success. Establishing a central authority at a higher level will be essential to ensure Plan EJ progress. A central authority is necessary to ensure a multi-agency approach will not be stifled by barriers of a single Agency's authorities.	Under Executive Order 12898 (EO 12898), EPA is the chair of the EJ Interagency Working Group (EJ IWG). In that capacity, it will provide leadership for the Administration's effort to guide, support and enhance federal environmental justice and community-based activities.
15	EPA should establish accountability mechanisms at the federal level. Developing action or Implementation Plans at the Agency-level shows commitment and responsibility on the part of the EPA, but does not reflect the actions of other agencies. Establishing accountability mechanisms and reporting on the progress of overall progress at the federal level will ensure that all agencies essential to the success of Plan EJ are held accountable.	Plan EJ 2014 contains the deliverables that have been developed by and for EPA. The EJ IWG will develop guidelines for other agencies' EJ deliverables. For example, the Memorandum of Understanding between the EJ IWG agencies provides specific commitments on the part of all appropriate federal agencies.
16	EPA should establish community liaisons or develop stakeholder partnerships at the	In early 2011, EPA began holding EJ IWG listening sessions in communities all over the country with federal partners.

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	<p>national level. Holding EPA and other federal agencies accountable for the success of Plan EJ is step towards building trust with communities. Many commenters recognized that ALL stakeholders should be held accountable for the success of the Plan, but without champions at the highest levels who build partnerships (industry, government and community) and demonstrate real support for the overall long-term success, the Plan may not be sustainable.</p>	<p>The Agency plans to hold at least 10 such meetings during 2012. The goal of these meetings is to listen to concerns from the public. In addition, EPA is reaching out to key stakeholders to identify champions in all groups who can facilitate partnerships and share the purpose and priorities of the EJ 2014 Plan.</p>
<p>General Comments: Consideration of Past Recommendations, Including NEJAC Recommendations</p>		
17	<p>EPA should review and incorporate past recommendations and expert opinions to enhance elements of Plan EJ. By incorporating recommendations from reports of groups such as the National Environmental Justice Advisory Council (NEJAC), Centers for Disease Control and Prevention (CDC), Agency for Toxic Substances and Disease Registry (ATSDR), and other federal and non-federal groups, Plan EJ could be further developed into a strategy shows a clear course and committed progression towards improving environmental health in communities.</p>	<p>EPA has and will continue to review and weigh input from the NEJAC and other stakeholder groups who have experience in improving environmental health in communities.</p>
18	<p>EPA should review and incorporate best practices from past environmental justice successes. Evaluating on-going and past programs or initiatives that have led to successful outcomes in communities with environmental justice concerns should be seen as a valuable asset for Plan EJ 2014's success. Being open to incorporating successes of external organizations, regionally focused programs, and industry leaders with proven approaches that work would make Plan EJ strong strategic tool.</p>	<p>EPA has and will continue to incorporate best practices into the design and implementation of Plan EJ 2014 through deliberate outreach and engagement with a range of stakeholder groups.</p>
19	<p>EPA should review and consider utilizing past NEJAC recommendations. Specifically, in the following areas: Permitting: http://www.epa.gov/compliance/ej/resour</p>	<p>EPA has reviewed the past NEJAC recommendations on permitting and incorporated them into the design of the Implementation Plan. EPA is also establishing a NEJAC health research workgroup as part of Plan EJ 2014's Science Tools Development implementation plan.</p>

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	ces/publications/nejac/integrating-ej-into-permitting.pdf	
20	<p>EPA should review and consider utilizing past NEJAC recommendations. Specifically, in the following areas:</p> <p>Cumulative risks and impacts: http://www.epa.gov/compliance/ej/resources/publications/nejac/nejac-cum-risk-rpt-122104.pdf</p>	EPA is reviewing past NEJAC recommendations on cumulative risk. In particular, the NEJAC's views on population vulnerability have contributed to EPA's environmental justice rulemaking guidance. EPA is also establishing a NEJAC research workgroup as part of Plan EJ 2014's Science Tools Development implementation plan.
21	<p>EPA should review and consider utilizing past NEJAC recommendations. Specifically, in the following areas:</p> <p>Tribal consultation and indigenous community engagement: http://www.epa.gov/compliance/ej/resources/publications/nejac/ips-consultation-guide.pdf</p>	EPA created the Tribal Indigenous Peoples Working Group part of the NEJAC. The report engagement will be factored into the development of the workgroup, the charge and the workgroup's deliberations.
Cross Agency Focus Areas: Ensuring EJ in Rulemaking		
22	EPA should be more definitive about what it means to "consider" environmental justice. Currently, Plan EJ 2014 is vague on the issue. As the Agency begins incorporating environmental justice considerations into rulemaking, there should be assurances that real prevention or protection to affected communities will result.	EPA believes that it made substantial progress towards being definitive about what it means to "consider" environmental justice in the rule writing process through its issuance of the <i>Interim Guidance on Considering Environmental Justice During the Development of an Action</i> in July 2010. This guidance details where and when EJ is to be considered in the rulemaking process and provides guidance on how to identify whether an action involves EJ concerns. It also provides a step-by-step guide that helps rulemaking leads ask appropriate questions related to EJ during each step of the Action Development Process. The Agency is working to further improve this document as part of its effort elevating it to final status consistent with the implementation plan presented in Plan EJ 2014. EPA is also in the process of developing technical guidance on how to conduct environmental justice assessments in rulemaking activities.
23	EPA should provide sound measurement and reporting that demonstrates substantive changes and benefits for overburdened communities. Recognizing that a variety of communities are impacted differently by a rule, this becomes	EPA agrees that it would be valuable have measures which show how environmental conditions have changed, particularly in relation to EPA's actions. To that effect, EPA committed itself through Plan EJ 2014 to initiate a continuous learning effort to identify effective practices and lessons learned from the Agency's ongoing rulemaking

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	<p>increasingly important when evaluating the extent to which environmental justice considerations have been incorporated.</p>	<p>efforts and to develop and commence implementing a monitoring scheme to assess the extent to which the guidance is being applied, the resources being devoted to its application, and the effect it is having on rulemaking decisions. EPA also recognizes that documenting measurable environmental impacts among EJ populations will require appropriate methodologies and data.</p>
24	<p>EPA should be more deliberate in requiring agency rule makers and decision-makers to prioritize environmental justice in ways that support delivering evidence of substantive changes to communities as a result of those considerations.</p>	<p>EPA believes that the Interim Guidance on Considering Environmental Justice During the Development of an Action, issued in July, 2010, provides assistance to rule writers and decision makers in prioritizing environmental justice in ways that support delivering evidence of substantive changes to communities as a result of those considerations. The document recognizes that decision makers can and should balance the need to make sure that strong, environmentally protective rules are developed and executed in a timely way while ensuring that EJ is considered to the maximum extent practicable where it has the potential to impact our regulatory decisions. EPA also committed itself through Plan EJ 2014 to initiate a continuous learning effort to identify effective practices and lessons learned from the Agency's ongoing rulemaking efforts and to develop and commence implementing a monitoring scheme to assess the extent to which the guidance is being applied, the resources being devoted to its application, and the effect it is having on rulemaking decisions. EPA also recognizes that documenting measurable environmental impacts among EJ populations will require appropriate methodologies and data.</p>
25	<p>EPA should train staff responsible for developing rules to ensure environmental justice is being considered throughout the rulemaking process. This means ensuring that EPA staff has a sound understanding of not only the rule, but the issues surrounding the rule and the community being impacted by the rule.</p>	<p>Shortly after the Interim Guidance on Considering Environmental Justice During the Development of an Action was issued in July, 2010, EPA held numerous training sessions on the Guidance for staff and managers. EPA plans to launch another aggressive training program once the Process Guidance is finalized. The Guide emphasizes the value of early public involvement to obtain information on issues affecting the community that the Agency may not be aware of and to increase its understanding of such issues in the context of developing actions. In its work to finalize the Guide, EPA is working to improve its ability to ensure that rule writers have a sound understanding of the environmental justice issues potentially surrounding the rule and the populations being impacted by the rule. In addition EPA also committed itself through Plan EJ 2014 to initiate a continuous learning effort to identify effective practices and lessons learned from the</p>

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		Agency's ongoing rulemaking efforts.
26	EPA should consider creating environmentally just rules which are oriented towards the Principles of Environmental Justice and the Principles of Working Together. By working proactively with communities, the Agency may be able to determine what rules currently exist or are most problematic in a community that lend themselves to refocusing according to the needs of the community.	EPA agrees that learning from communities about the issues of concern to them is an important part of determining how to prioritize and write our rules. The guide emphasizes the value of early public involvement to obtain information on issues affecting the community that the Agency may not be aware of and to increase its understanding of such issues in the context of developing actions.
27	EPA should encourage meaningful participation for community members who seek to be involved in rulemaking. Providing support and adequate access to important information or tools that help communities fully understand the rule and the rulemaking process at the beginning provides for more meaningful rulemaking input.	EPA believes that the <i>Interim Guidance on Considering Environmental Justice During the Development of an Action</i> , issued in July 2010, promotes meaningful participation for community members who seek to be involved in rulemaking and provides recommendations to rule writers and decision makers on how to bring that about. The guide also calls upon rule writers to consider whether or not a rule promotes transparency and meaningful involvement during its implementation. The Agency is working now to further improve the Guidance as part of its effort to elevate it to final status consistent with the implementation plan presented in Plan EJ 2014. EPA has also made considerable progress in developing special fact sheets, webinars, community meetings, and other aids to help communities understand and participate in the rule making process.
Cross Agency Focus Areas: Considering EJ in EPA's Permitting Process		
28	EPA should consider using the precautionary principle in Plan EJ 2014 and as a point of reference in all permitting processes. This could be achieved through mandatory, health baseline and social impact studies to support facility siting decisions. These studies could be further supported by funding third parties and community groups to collect the information on social, economic, and health issues in their own communities.	EPA appreciates these suggestions. We are considering several methods to address environmental justice in permitting processes. These methods will likely include careful consideration of available scientific information as well as outreach to third parties and community groups.
29	EPA should commit to developing more partnerships with states that support more direct collaboration with communities in the permitting process. Permits should protect all people, regardless of race or	EPA appreciates the suggestion. EPA recognizes that states are an important stakeholder in the permitting process. We have engaged states as we developed the first set of tools to enhance public participation in the permitting process focusing on EPA-issued permits.

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	socio-economic status. Consistent state guidance will be needed on incorporating environmental justice principals in permit actions.	
30	EPA should work with other agencies, and states to broaden and strengthen the environmental justice analysis component where cumulative impacts are dramatically apparent.	EPA appreciates this comment. The Permitting implementation plan calls for coordination across EJ Plan 2014 focus areas such as permitting to coordinate with groups developing environmental justice screening and cumulative risk tools so that the tools can be integrated into the permitting process.
31	EPA should include communities when conducting environmental studies where feasible. By including communities in various aspects of environmental impact studies, other beneficial outcomes beyond potential economic opportunities could be realized. Communities would become empowered with a better understanding of the impacts a facility is having on their community and ultimately be activated to increase their level of participation.	EPA agrees with this comment. Our current draft list of potential tools and recommendations includes many ideas for more effective public participation. We will also consider specifically adding “including communities when conducting environmental studies where feasible.”
32	EPA should ensure that there is easy and early access to information that can be easily understood by communities. By doing so, they empower communities to actively participate in all aspects of permitting decisions from preventative measures, to enforcement, and in some cases legal action.	EPA agrees with this comment. The EJ Permitting implementation plan’s current draft list of potential tools and recommendations includes many ideas for more effective public participation. We will also consider specifically adding “easy and early access to information that can be easily understood by communities.”
33	EPA should support funding for education on permitting issues that impact communities. In many cases, community members being impacted by the permitting process don’t truly understand the consequences of the impacts or truly understand the permitting process.	EPA agrees with this comment. Our current draft list of potential tools and recommendations includes ideas community training.
34	EPA should encourage its regional offices to work actively with communities during the permitting processes. With EPA support, regional offices may find better ways to help communities and better mitigate the permitting process. This also further demonstrates a commitment by EPA to provide impacted communities with	EPA agrees with this comment. Our current draft list of potential tools and recommendations includes many ideas for more effective public participation.

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	opportunities for substantive engagement.	
35	<p>South Carolina supports the goal of the Plan to advocate for earlier and more effective public participation in the permitting process. South Carolina has made public participation a priority for our Agency, requiring every employee in the Office of Environmental Quality Control to undergo public participation training. We have certainly seen where community engagement on issues early in the permitting process has resulted in meaningful dialogue that allowed all parties to come to a better resolution.</p>	<p>EPA agrees with this comment. The Agency must make effective public participation an initiative priority. In addition, we are very interested in exploring other recommendations.</p>
36	<p>The draft document needs to further address issues that we believe are central to an effective Implementation Plan. These include:</p> <ol style="list-style-type: none"> 1) Methodology or criteria for defining an EJ community; 2) Defining “disproportionately burdened community;” 3) Providing a clear understanding of cumulative impacts; 4) Clear understanding of statutory authority to enforce permitting requirements that are include solely to address environmental justice issues; 5) Resources needed for an extended public participation effort; and 6) The engagement of local entities responsible for zoning decisions. 	<p>EPA appreciates this comment. The Agency will keep these comments in mind as we undertake the EJ and permitting initiative, as well as implementation of other parts of Plan EJ 2014. Recommendation number 6 has been addressed in the Community-Based Action Implementation Plan under Strategy 5. In addition, we are very interested in exploring other recommendations.</p>
37	<p>EPA should consider the State of Pennsylvania’s advocacy approach for enhanced public participation, as highlighted in a link to their comments and policy below: http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-48671/012-0501-002.pdf , including plain language summaries, links to staff contacts.</p>	<p>EPA appreciates the information that has been shared with this comment. The Agency is very interested in replicating numerous elements of the State of Pennsylvania’s program.</p>
38	<p>EPA should consider that the permit application and decision process affords an</p>	<p>EPA agrees that dialogue, early in the process, often leads to mitigation or pollution prevention measures. We are</p>

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	<p>opportunity for dialogue with the permit applicant when a new permit would contribute disproportionately to the environmental burden that a particular community must bear. That dialogue could lead the applicant to agree to mitigation, work practice or pollution prevention measures that it might not have considered otherwise. The involvement of EJ communities in the permitting process and, perhaps more importantly, in the dialogue with the permit applicant will increase the likelihood of these outcomes and improve not only the environment but also the relationship between the community and the company.</p>	<p>also very interested in exploring the recommendations.</p>
39	<p>EPA should develop an ‘Enhanced Public Participation Plan’ as part of their application submittal. EPA should consider and implement specific encouragement for applicants to engage in discussions with communities in advance of application preparation and submission. EPA should consider an applicant’s pre application involvement with the community as part of the permit review process. Consideration should be given to the extent that applicants engage with the community and pre-address community concerns, whether formally or informally, the application review process should recognize such actions as early community engagement. EPA should place an emphasis on “Best Practices” as many agencies have experience with attempting to expand public input and access to permit information and the permitting process. Public information meetings should be included as part of this process. EPA should consider that the better informed a community is about air quality and issues, the less there is public concern about permitting issues. This does not lessen interest in many cases, but it does provide more insight into the process and impacts for the citizens.</p>	<p>EPA appreciates the comments on ways to enhance public participation. EPA agrees that early, abundant, objective, and transparent disclosure is an appropriate first step, followed by the opportunity for meaningful involvement. At a minimum, we intend to produce guidance that contains many of the suggested elements by 2012. As part of that process, we will consider these comments as we implement Plan EJ 2014.</p>

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40	<p>EPA should encourage ‘Enhanced Public Participation Plans’ to have as a potential component a review of skill based training at locals schools. By ensuring community based training capacity, this would enable the opportunity to train community members in the type of skills that may be available at the proposed project, if it were executed. For example, in our business, boiler training, akin to that provided by the Navy, is very beneficial. In some instances we have gone to local community colleges and technical schools to encourage boiler specific program development. This can be very valuable to a community as a significant portion of jobs in the power industry will likely turnover in next few years due to retirements.</p>	<p>EPA appreciates this comment. We encourage innovative ideas like this which speak to the employment needs of surrounding communities.</p>
41	<p>EPA should exercise caution in not forcing community disclosure before its time. Project concepts tend to be amorphous in the early stages and may not ripen into a concrete project. Attempting to force too early of a disclosure may get communities worked up for no reason and may have the detrimental impact of having applicants avoid agency discussions for fear of early release of their potential plans.</p>	<p>EPA appreciates this comment and will consider it as we develop our EJ and permitting initiatives.</p>
42	<p>EPA should reconsider the objective of ‘Developing permit conditions with potential enforcement in mind’. Permit conditions should address a project specific impact as a basis for their being. Stated differently, the rationale for the existence of permit conditions should be to address a specific project impact, or potential impact, which is based on an objective review of the facts. It would be inappropriate for EPA to play a game of ‘wrong rock’ where permit conditions are developed with the intent of creating a potential for future enforcement actions.</p>	<p>EPA appreciates this comment and will consider it as we develop our EJ and permitting initiatives.</p>
43	<p>EPA should consider Covanta’s success and involvement in Chester, Pennsylvania regarding the Delaware County Resource</p>	<p>EPA appreciates the comment, particularly the suggestion to collect best practices. EPA has made compiling best practices an important component of our EJ and permitting</p>

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	<p>Recovery Facility as best practice examples. (See Appendix, Response to Comment document.) EPA should consider Michigan Air Quality Division “Best Practices” examples. (See Appendix, Response to Comment document.) EPA should consider successful Los Angeles and Bay area Environmental Justice initiatives, campaigns and partnerships as best practice examples. (See Appendix, Response to Comment document.)</p>	<p>initiative.</p>
<p>44</p>	<p>EPA should modify language to recognize that authorized state programs do not issue permits pursuant to (or under) existing federal laws. These permits are issued under equivalent state authorities that often incorporate the federal requirements by reference.</p>	<p>EPA appreciates this suggestion and notation of the error. We have made this correction.</p>
<p>45</p>	<p>The following two comments pertain to developing methodology for evaluating cumulative risks and impacts.</p> <p>The first comment calls on EPA to develop a methodology and process for evaluating the cumulative impacts of the environmental releases in a community, including those from existing facilities and those proposed in the permit application. EJ communities are defined by the disproportionate environmental impacts they bear. Therefore, the first consideration should be what additional health and environmental impacts will be caused by the new or modified source in their midst in addition to their baseline exposure. Cumulative impacts should be assessed from both large and small facilities, including those that would otherwise not be permitted or regulated, and vehicles. Cumulative impact assessments should be conducted and the results disseminated to the community in a transparent and understandable way.</p> <p>The second comment argues that the idea of addressing cumulative/multimedia impacts through implementation of Environmental Justice activities, while</p>	<p>EPA appreciates these comments. We recognize that there is a both a widespread call to develop cumulative risk assessment (CRA) methodology as well as a commonly held perception that CRA is too complicated to conduct quantitatively given the current state of the science. EPA has addressed this challenge in recent years with robust chemical mixtures research and development of assessment methods, demonstration of CRA methods in Superfund, drinking water and air toxics assessments, the pesticide program under the Food Quality Protection Act, and continued development of CRA guidelines by the EPA Risk Assessment Forum (RAF). There are three reasons why the RAF believes the application of CRA to issues of environmental justice is supportable, both now, and increasingly in the near future.</p> <p>1. <i>Let the available data determine whether (and how) quantification is feasible</i></p> <p>EPA’s RAF has defined CRA as an approach that provides risk information to decision makers on multiple stressors, which may include aggregate and cumulative risks from both chemical and non chemical stressors, and incorporates population vulnerabilities. To this end, the RAF believes that both qualitative and quantitative information will be useful in CRAs, as appropriate to the environmental problem of interest, because both can exist on a continuum of low to high confidence depending on availability and quality of data and methodologies. Current methods, such as the California “Cumulative Impacts –</p>

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<p>laudable in its intention, is impractical in anything more than a qualitative sense. This impracticality is due to the current state-of-the-science in multi-pathway risk assessment from multiple sources, the current lack of integration/harmonization of the permitted pollution (water, air) and cleanup programs and the presence of ubiquitous, anthropogenic environmental impacts, many of which are transient, which cannot be tied to any particular source(s). Cumulative impacts from multiple sources is a highly complex technical issue that can only be addressed via a multi-media cross program implementation approach that takes into account all sources in an area (i.e., similar to a Total Maximum Daily Loading (TMDL) approach for watersheds but expanded to encompass all media, known permitted pollution sources and both naturally-occurring and anthropogenic background/ambient conditions). This is not something that can be addressed either simply or via policy pronouncements and will require specialized technical tools to do so.</p>	<p>Building a Scientific Foundation” (http://oehha.ca.gov/ej/pdf/CIReport123110.pdf) illustrate a rigorous methodological approach for using qualitative and quantitative information to screen for relative cumulative impacts of pollution using a structured and focused analytical design. EPA’s CRA Guidelines, currently being drafted, will advance the science further, introducing additional quantitative analytical strategies for examining mixtures and understanding how to factor in vulnerability and other non-chemical stressors.</p> <p>2. <i>New science constantly expands the range of what is possible</i></p> <p>EPA methods regarding chemical mixtures risk assessment are well established and routinely employed by EPA programs, as noted above. New insights are evolving relative to the molecular structure of chemicals linked to disease pathways, high throughput processing of samples with omics analytics and the increasing number of studies that incorporate data from different spatial and biological scales. In addition, the science supporting complex analysis of multiple stressors can be developed through the mining of data sources, such as the social and medical sciences and epidemiologic data that routinely evaluate population vulnerabilities along with chemical and nonchemical exposures. Further, EPA is supporting independent academic research through the Science To Achieve Results (STAR) extramural research program on methods and models for combining multiple stressors (see http://www.epa.gov/ncer/cumulativerisk), thus strengthening the scientific foundation for CRA. As the EPA CRA draft guidelines are finalized, these techniques and technologies will be reflected – further strengthening the capacity of assessors to characterize risks associated with environmental justice circumstances.</p> <p>3. <i>Focus the CRA on what is important and manageable</i></p> <p>Understanding what does and does not need to be included in a CRA analysis to inform the risk management decision is critical. A thorough understanding of a CRA problem is arrived at through an initial phase of planning, and problem formulation. In this phase of the CRA, the assessment team identifies the chemical and nonchemical stressors and conditions of primary concern to allow a focused and manageable analysis. As with analytical techniques, this process has been refined, and continues to be further improved through experience and better methods. When finalized, the CRA Guidelines will provide</p>

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		<p>best practices to design targeted and efficient assessments.</p> <p>Thus, the approach being developed at EPA to enable CRA employs a range of information, from qualitative to quantitative; integrates cutting edge science to understand disease pathways and how they are activated by stressors; and uses planning and scoping approaches to narrow the scope of CRAs so that the analysis is manageable but also focused on the most important factors that may affect human and environmental health.</p>
46	<p>EPA should modify “all people in America” to state “all people in the United States of America and its territories”</p>	<p>EPA appreciates this suggestion. “All people in America” is a phrase used in EPA’s mission statement. This sentence has been removed from our plan. The comment has also been shared with the Office of Environmental Justice.</p>
47	<p>EPA should be consistent in noting state involvement. States are initially acknowledged in the Introduction but under this Section, mention of the states, territories and tribes is notably absent despite the fact that most permits are issued by authorized state programs under state laws and regulations. Expanded Environmental Justice implementation.</p>	<p>EPA appreciates this suggestion. The heading of this section has been changed to “Internal EPA Structure”.The Agency welcomes state input and involvement during the public comment periods, listening sessions and through the NEJAC Permitting Workgroup and informal conversations throughout our process.</p>
48	<p>EPA should amend Section 2.1, Strategy 3 to ensure this Strategy specifies "Subsequently, we will engage in supporting and encouraging other federal agencies, as well as state, local and tribal permitting authorities, to develop environmental justice strategies for their permit decisions pursuant to applicable federal, state and local environmental laws and regulations." (i.e., for consistency with the other text in this Section this should not be limited to "existing federal environmental laws" as currently written).</p>	<p>EPA appreciates this suggestion. We have made this correction.</p>
49	<p>EPA should clarify in Section 2.2 Activities, Activity 1.2 if the “cross-agency workgroup” referenced in this sub-section is limited to those individuals identified under Section 1.2 Organizational Structure or is there another work group that includes additional members that is not listed in the document? Does this work group include (or will it be expanded to</p>	<p>EPA appreciates this suggestion. We have included language in the EJ-Permitting implementation plan regarding establishment of a NEJAC permitting workgroup and other opportunities for additional external outreach.</p>

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	include) state, tribal and/or local members in advance of internal/external stakeholder outreach activities? If not already included or planned, we recommend that the work group include, at a minimum, state members since authorized states currently handle the bulk of national environmental permitting and associated public outreach activities and as such earlier involvement of states and consideration of their experiences would aid greatly in initial development activities.	
50	EPA should clarify in Section 2.2 Activities, whether by policy or rulemaking, any final actions undertaken by EPA relative to EJ activities in permitting are expected to impact authorized state programs. To the extent that EPA's actions increase workloads associated with permitting in authorized states, EPA should be prepared to provide additional resources to states to implement any EJ activities that go beyond currently required public participation activities.	EPA appreciates these suggestions. The Agency's focus for year one is on EPA-issued permits. We do not anticipate rulemaking or additional workload for states or territories.
51	EPA should amend Section 2.2 Activities, Activity 5. State, local and tribal permit decisions are made pursuant to applicable/equivalent state, local and tribal environmental laws and regulations, not "existing federal environmental laws."	EPA appreciates this suggestion. We have made this correction.
52	EPA should clarify in Section 2.3 Community Engagement and Stakeholder Partnership Plan that if not already included or planned the "core" work group should, at a minimum, include state members since authorized states currently handle the bulk of national environmental permitting and associated public outreach activities. EPA should not wait until the subject plan is developed to involve states as a stakeholder. Rather, states should be involved upfront as regulatory partners and can bring their considerable experience to bear in helping EPA to develop this plan.	EPA appreciates this suggestion. We have included language in the EJ-Permitting implementation plan regarding establishment of a NEJAC permitting workgroup and other opportunities for additional external outreach.

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53	EPA should consider that in Section 3.1 Deliverables, given EPA’s proposed level of stakeholder involvement in this initiative, the number of associated activities and competing national environmental priorities, the time frames associated with the planned deliverables seems highly optimistic.	EPA appreciates this suggestion. We recognize that our plan is ambitious but work towards achieving our deliverables.
54	EPA should amend Section 4.0 Appendices, Appendix A: Potential Tools and Resources. Is the “development of EJ Screen” (referenced in Footnote 2) a planned extension of EPA’s existing EJ screening tool, “EJView” located at http://epamap14.epa.gov/ejmap/entry.html ? Regardless, existing EJ screening tools such as EJView should be included on the list.	EPA appreciates this suggestion. The specific reference to EJScreen has been removed for now. We are working to better understand how to list EJView and other existing screening tools.
55	EPA should amend Section 4.0 Appendices, Appendix B: Acronyms. ASTSWMO should be changed to the Association of State and Territorial Solid Waste Management Officials.	EPA appreciates this suggestion. We have made the correction.
56	EPA should consider that as the state authorities responsible for permitting discharges to surface waters of the United States under delegated Clean Water Act (CWA) programs, we have long recognized the importance of meaningful public involvement in the permitting process in all communities and the importance of reducing cumulative and disproportionate pollution burdens.	EPA agrees with the importance of meaningful public involvement in the permitting process in all communities and the importance of reducing cumulative and disproportionate pollution burdens. We are eager to work with stakeholders and welcome input throughout our process.
57	The draft plan discusses initial activities aimed at researching and developing tools and recommendations for implementing EJ in the permitting process. See 2.2 Activities. As the report acknowledges, many state agencies “have already developed and implemented numerous tools and recommendations” to address EJ concerns. Indeed many states have well-established programs and initiatives, which include statutory and regulatory measures,	EPA agrees that many states have developed tools and recommendations to address EJ concerns. Hence, Plan EJ 2014’s Permitting Initiative is collecting promising practices on EJ and permitting and compiling them into a resource compendium.

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	<p>dedicated EJ offices, and advisory boards. States have experience with watershed analysis, which can provide an opportunity to evaluate total pollution burdens in a geographic area, with public communication, and with cross-media permitting. As EPA develops its EJ toolkit, we encourage early and ongoing outreach to state environmental departments for success stories and lessons learned in the area of EJ programming generally and in permitting specifically. Additionally, we suggest the Agency work closely with state permitting authorities to identify opportunities to test the draft tools and recommendations. <i>See Activity 4.2.</i></p>	
58	<p>EPA should clarify agency roles In Section 2.3 under “Community Engagement and Stakeholder Partnership Plan,” the draft plan lists potential additional external stakeholders an Agency Workgroup may meet with to discuss the draft and processes for stakeholder participation. This list includes the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and other state, local and tribal groups. ASIWPCA welcomes the opportunity to engage with the Workgroup to implement EJ Plan 2014.</p> <p>EPA should express how it will work with the regulated community. ASIWPCA recommends that this be incorporated as part of final plan. States have extensive experience in involving permittees in the public participation process. For example, in New York, if a preliminary screening of a geographic area indicates that a proposed project is in an EJ community, then the permit applicant must submit a written public participation plan with its permit application. The plan must identify how the applicant will identify and notify stakeholders, distribute readily understandable project information, and arrange public meetings.¹ This helps shift some of costs to the applicants themselves and ensures dialogue with stakeholders</p>	<p>EPA appreciates this comment. We have studied both the Connecticut and New York policies in detail and hope to replicate elements of both. In addition, we see that watershed analysis can provide an opportunity to evaluate total pollution burdens in a geographic area, with public communication, and with cross-media permitting. Finally, we will more clearly state in our final plan how other Agency offices will play a role in the plan’s implementation.</p>

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	<p>early on in the process. Similarly, the State of Connecticut requires applicants to file an Environmental Justice Public Participation Plan that must be approved by the Connecticut Department of Environmental Protection and Siting Council.² The Plan must list a time and place for an informal public meeting that is located in an area convenient for residents of the impacted community. Connecticut’s law also encourages community environmental benefits projects.</p>	
59	<p>EPA should include a statement of how it will involve the regulated community in its final plan. Requiring the regulated community play a role in implementing EJ initiatives can ease the burden on state resources that are already stretched thin. It also ensures that community members establish a relationship early on with the entities operating within their neighborhoods. This early cooperation can stem the tide of litigation that ultimately affects both state and federal regulators.</p>	<p>EPA appreciates this comment and is considering how to address this issue in its efforts to provide guidance on enhanced public participation to permit applicants.</p>
60	<p>EPA should have a mechanism for monitoring and auditing Governmental agencies compliance to the Clean Air Act (CAA) when preparing and issuing Title V Permits. Los Angeles EJ Communities and organizations have opposed numerous oil refineries and petroleum industry Title V Permits proposed by the California South Coast Air Quality Management District, yet every permit is approved unconditionally with no changes.</p> <ul style="list-style-type: none"> EPA should not conduct its review of Title V Permits concurrent with the Public Comment Period and therefore never sees EJ Community and organization objections to proposed Title V Permits. EPA must delay its review and require that all public comments be submitted to them for review prior to their agency approval and issuance of a Title V Permit. EPA must prepare a quarterly review of EJ 	<p>EPA appreciates these comments. The Agency’s work in year one of this project is focused on identifying and developing “tools” (guidance, templates, websites, screening tools, protocols, etc.) to help integrate environmental justice into EPA-issued permits. We particularly appreciate the recommendations for EPA-sponsored trainings, improved mechanisms for monitoring activities of other federal agencies, and more effective public notification procedures.</p>

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	<p>Issues, responses and actions taken trends.</p> <ul style="list-style-type: none"> EPA must conduct a cursory review of proposed state and regional rules, regulations, guidelines, programs and projects proposed during the EPA public comment period being considered, so as not to overburden EJ Communities and organizations from reviewing numerous lengthy documents and have to limit their choices or public comments due to lack of times and resources. EPA’s public comment periods must be a minimum of 90 days. If two or more Permits are released within a 45 day period, there must be a 120 day public comment period. 	
61	<p>EPA does not have a mechanism for monitoring and auditing the US Army Corps of Engineers (USACE) compliance to the Clean Air Act (CAA), RCRA, Clean Water Act (CWA) and NEPA required Environmental Impact Statements which are the basis for approving port project permits such as for deep dredging and new terminal construction in coastal waters. Los Angeles EJ Communities and organizations oppose almost every Port of Los Angeles and Port of Long Beach project yet the USACE rubber stamps every Port project without question and has never independently investigated any EJ challenge of a deficiency in an EIS. This forces EJ Communities and organizations to have to file appeals and lawsuits challenging every project which we do not have the resources to do in every case..</p>	<p>EPA recognizes that many environmental permit decisions are made by other federal agencies. We have been working with other federal agencies to address EJ issues through the Federal Interagency Working Group on Environmental Justice (EJ IWG). The EJ IWG has designated “goods movement” (movement of freight) as an area for focused attention, in its Memorandum of Understanding (August 4, 2011).</p>
62	<p>EPA should enhance its public notification plans. For examples, see Appendix of this Response to Comment document. EPA must require that states or their delegated agency authorities must develop a Public Notification Plan that includes advertisements and press releases to all local newspapers, TV, radio, internet media</p>	<p>EPA appreciates the need for public notification. Thus one of our goals is the development of guidance on enhanced public participation for permit applicants, including appropriate ways to notify the community.</p>

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	<p>and all local community based organizations. It must also include public hearings in the communities where the facilities are located and sending agency a representative to community organization meetings. If it is a public meeting there is no official record or requirement for them to do anything other than listen and consider your comments.</p>	
63	<p>EPA should ensure that permits incorporate a method of monitoring compliance and long term trends of increasing pollution and public exposure to toxic chemicals</p>	<p>EPA appreciates this comment. The Agency believes that monitoring compliance is an area that needs to be further developed. For that reason, the <i>Interim Guidance on Considering Environmental Justice During the Development of an Action</i> calls upon rulewriters to address this issue. If EPA's rules made provisions for stronger monitoring, it can have an effect on how this issue is addressed in permits.</p>
64	<p>EPA should sponsor EJ Community advanced legal workshops for researching Permit compliance to NEPA, RCRA, Clean Air Act (CAA), CCA Title V Permits, Clean Water Act (CWA) etc. and how to prepare public comments.</p>	<p>EPA appreciates this comment. Under Plan EJ 2014, EPA worked on compiling legal authorities that can be used to address environmental justice issues. In the past, EPA has provided training for communities on how to use environmental laws to address environmental justice issues.</p>
65	<p>EPA's plans should make clear that consideration of, and action on, environmental justice concerns must be mandatory in the permitting context. In New Mexico, the permitting of polluting facilities is a critical factor in the subjugation of communities of color and low-income communities to environmental degradation. Permits for such facilities are frequently issued by state or local regulators implementing EPA programs, and they are issued without regard to the impacts of the facilities involved on the communities where the facilities are or are proposed to be located. This happens in part because of the failure of regulators to take into account the impacts of polluting facilities on communities as well as the cumulative and synergistic effects that multiple facilities have.</p> <p>Too often regulators view environmental justice concerns as issues that may, but do not have to be, taken into account rather</p>	<p>EPA agrees that it is critical to not only provide opportunities for effective public participation (including scheduling meetings after work hours, translating documents, using means other than internet to communicate, providing per diem or other financial resources, providing third party attorneys and scientists), but to also provide tools for permitting agencies to take into account the actual impacts on communities and mechanisms to mitigate those impacts. We also agree that we must provide guidance on how to address the existing concentration of polluting facilities in low-income communities and communities of color.</p>

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<p>than as concerns that should be given at least as much weight as other factors. In New Mexico, very few regulators believe that environmental justice concerns should dictate results. The view of these regulators is that the only action required to provide environmental justice is giving community residents an opportunity to voice their concerns. Such regulators do not understand that in order to provide environmental justice they must take into account and act upon the concerns of residents of low-income communities and communities of color. Even among regulators here who take seriously the concept of consultation with community members, very few understand that environmental justice also means not making decisions that cause disproportionate impacts on low-income communities and communities of color.</p>	
<p>66 EPA’s plans should directly address the two most critical issues for residents of environmental justice communities. The first is the impacts of existing facilities that cause pollution on the health and environment of community residents. The second is the effects on the residents’ health and environment that will result if permits are issued for proposed future facilities that will contaminate the environment.</p>	<p>EPA agrees that we must provide guidance on how to address the existing concentration of polluting facilities in low-income communities and communities of color.</p>
<p>67 In order for residents of environmental justice communities to be able to participate effectively in the proceedings and other activities that are the subject of the draft Plans, those residents must have access to resources. Many members of low-income communities and communities of color have full time jobs, and do not have either the time or the resources to travel to hearings, meetings, negotiations or other functions, even those intended to address issues of health and environment. Despite this, there is no mention anywhere in the draft Plans, even in those provisions</p>	<p>EPA believes that community input is vital to the decision making process and believes that the comment raises valid issues. As a result, EPA has a system of federal advisory committees that were created for obtaining stakeholder advice on policy issues. EPA pays the expenses of citizens who volunteer their time and expertise to participate in federal advisory committees. With respect to the concern about support for community participation in specific cases, decisions must be made on a case by case basis, to ensure that the Agency considers resources issues involved and does not create situations involving conflicts of interest.</p>

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	<p>that call for obtaining public input, of providing <i>per diem</i> or mileage payments to residents of low-income communities and communities of color so that they will be able to afford to participate.</p> <p>In addition, even when environmental justice community residents can take the time and spend the resources to participate, they can do so effectively only if they have meaningful access to the proceedings. In some cases this means having services such as translation. In many cases, particularly in a state like New Mexico, it means being able to obtain notice of meetings and hearings through media other than the electronic media.</p>	
68	<p>EPA should consider that in situations in which the proceedings at issue involve questions of law and science, community residents also must have their own attorneys and technical experts in order to be able to present their views persuasively. This does not mean having access to EPA's attorneys and experts. It is critical for community residents to be able to develop and advocate their positions effectively that they have attorneys and experts who are working for them and not for the EPA. However, nothing in the draft Plans indicates that these resources will be made available to residents of low-income communities and communities of color.</p>	<p>While EPA appreciates the need for communities to obtain technical assistance when dealing with complex environmental issues, Congress must authorize and appropriate financial resources before the Agency can provide funding for that purpose. For example, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), EPA has authority to provide funds through Technical Assistance Grants (TAG) to help communities participate in decision making at eligible Superfund sites. An initial grant up to \$50,000 is available to qualified community groups so they can contract with independent technical advisors to interpret and help the community understand and comment on technical information and decisions about their site. Since the first TAG was awarded in 1988, more than \$20 million has been awarded directly to community groups. Additionally, communities may raise private funding from residents, foundations and other nonfederal sources to meet their needs for independent legal and scientific advice.</p>
69	<p>The most critical issue for residents of environmental justice communities is the impacts on their health and environment caused by facilities that cause environmental degradation. Despite this, the draft Plans never directly address either how EPA proposes to deal with existing facilities that contaminate the environment or the means that EPA will use to prevent the degradation of communities' environments by such</p>	<p>EPA appreciates the comment's concern about health impacts. We believe that protecting the environmental health of all communities is an important part of incorporating environmental justice in all our decisions. The Agency is working on tools that enable us to advance towards that goal.</p>

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	<p>facilities in the future. Although the draft Plans' provisions on rulemaking and permitting discuss taking into account environmental justice, they never spell out any specific steps that EPA proposes to take to deal with the existing concentration of polluting facilities in low-income communities and communities of color, or to prevent the future concentration of those facilities in those communities. The draft Plans never even imply that this is a goal to be worked towards or to be achieved.</p>	
70	<p>EPA should ensure that people in the affected communities should be given enough knowledge about the issues and enough of a stake in its success. Local agencies should get involved in working with local planning boards in determining how to put together a community "inventory" of environmental issues/sites with the objective of learning how these conditions/sites evolved and possibly plan for remediation. The whole point is getting community buy-in and leaving a legacy of change and community responsibility for the environment.</p>	<p>EPA agrees that community engagement is a key element of integrating EJ into permitting.</p>
71	<p>South Coast Air Quality Management District (SCAQMD): See full comments on ESC. Two highlights:</p> <ul style="list-style-type: none"> • Clean Communities Plan: http://www.aqmd.gov/aqmp/ccp.html • Workplan for Clean Technology Initiative: http://www.epa.gov/region9/cleantech/workplan.html 	<p>EPA appreciates this suggestion. The Agency commends the South Coast Air District's leadership on these issues. We look forward to learning more about the Clean Communities Plan and the Clean Technology Initiative. We also will look for ways to replicate elements of this work at EPA.</p>
72	<p>EPA should provide guidance to specifically enhance the permitting process to specifically improve participation of disproportionately affected communities. The entire concept of including EJ considerations in federally-delegated state permitting depends on the definition of, and tools available to screen for, "disproportionately affected community."</p>	<p>EPA agrees that there must be opportunities for effective public comment and participation. We are also very interested in exploring, defining or screening for disproportionately burdened communities so that EPA can begin to address what that means for permitting.</p>

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	<p>Because northern New England is made up of generally distributed low-income rural areas, and few comparatively smaller urban areas, current screen tools designed for larger urban areas do not apply to Maine. Until accurate screening tools are available, it would be difficult for our state to be able to review / revise its permitting processes for federally-delegated programs. Currently our existing permitting process does involve significant opportunities for public comment and public participation. To modify this specifically for disproportionately affected communities would require guidance from EPA. We would be happy to work with EPA to establish an appropriate screening tool applicable to our demographics.</p> <p>EPA should assist in creating maximum value relative to costs; the screening process to trigger a cumulative analysis should have a sufficiently high bar to ensure that value is being created as a result of having such a study conducted.</p>	
73	<p>EPA should consider that Environmental Justice values are best advanced by involvement of the widest diversity of organizations and people. We endorse the earliest possible inclusion of community organizations, local businesses, and individuals in the permitting process.</p>	<p>EPA agrees that "Environmental Justice values are best advanced by involvement of the widest diversity of organizations and people." We are hopeful that guidance on early public meetings/enhanced public participation will be one of our deliverables for year one of this project.</p>
74	<p>We are willing to help to design or give feedback on the tools for community involvement, training, and websites.</p>	<p>EPA appreciates the offer to design or give feedback on tools for community involvement, training and websites. Our EPA workgroup is in the process of developing a handful of tools. Our final implementation plan (which will still include a draft list of potential tools) will be published shortly so that the public is able to see some of the additional ideas we are considering. We have also sent out invitations to a listening session in early June and will reach out for comments on our first suite of draft tools.</p>
75	<p>Three case studies are mentioned in the Draft Plan. We would like it if you shared specifics with us as well as the lessons learned from analysis of these case studies.</p>	<p>We will make a variety of case studies available to the public most likely in early 2012.</p>

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76	<p>EPA should consider Cincinnati and the University a place to have important conversations regarding environmental justice as the Agency moves forward on Plan EJ 2014 implementation. Permitting there is a substantial effort devoted to the creation and refinement of tools. It is very likely that many of these will have substantial impact at the local government and community level. A definition of metrics to measure the impact would increase the probability of long-term impact by constantly improving the tools.</p>	<p>EPA appreciates and admires the environmental justice work done by Cincinnati, and specifically at the University of Cincinnati. We are interested in exploring how best to measure the impacts of our tools to “increase the probability of long-term impact” and constantly improve our tools.</p>
77	<p>EPA should consider lessons learned from activities of Title VI Facility Permitting Controversy Involving the Shintech Company in late 1997. As a potential case study to follow the Agency response to a Title VI permitting issue, EPA addressed a Title VI matter involving a contested facility permit filed by the Shintech Company in St. James Parish, Louisiana. (See Appendix, Response to Comment document.)</p>	<p>EPA is very appreciative for the Shintech case study. The EJ-Permitting workgroup is very familiar with the case and will incorporate lessons learned in our work.</p>
78	<p>EPA should recognize its current EJ efforts for the potential impacts the cost to comply with environmental regulations can have on low income populations. When our public wastewater utilities raise rates to comply with regulations, low income populations bear a disproportionate share of the load for meeting those new requirements. This is especially true in urban areas that have committed to long-term projects to upgrade their sewer systems, where rates have been pushed to the limits of affordability. We recognize that EPA’s EJ efforts have not traditionally considered these types of impacts, but they could easily be considered in a permitting context. Our members have also raised concern over any overly-prescriptive permitting regime developed at the federal level to address EJ concerns.</p>	<p>EPA appreciates these comments. We are very conscious of the potential impacts our activities may have on utilities and therefore low income populations. We are also aware that we need to strike a balance between federal guidance and local decision-making. We are hopeful to continue to have further input and advice as we begin to draft potential tools or guidance. We are very interested in hearing about best practices, case studies and suggestions for tools. Although the comment period has ended, we remain very open to hearing from all members of the public.</p>
79	<p>EPA should acknowledge that EJ issues are very local. Working to improve lines of</p>	<p>EPA appreciates these comments. We are very conscious of the potential impacts our activities may have on utilities</p>

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	<p>communication and outreach can help to better address these issues at the local level, but suggesting prescriptive permit conditions, like increased or enhanced environmental monitoring, or outlining specific processes for permit writers to follow, seem to presuppose what the major local issues are. Clean Water Act permits are primarily intended to ensure our discharges comply with the appropriate federal regulations. Permits are not written at the local level. Instead, state or even in some cases Regional, permit writers will draft a permit. Given the potential for EJ issues to be very divisive and politically charged, it will be very difficult for permit writers to adequately address the dynamics of the situation through the federal permitting process. There is a role for permit writers to play in ensuring that EJ considerations are being addressed.</p> <p>Many of the tools and recommendations you have listed could be incorporated into a permit writers' guidance on EJ to ensure they know what to look for and can engage permittees during the permit development process. As drafted, however, the list seems to suggest that prescriptive procedures will be provided, checklists etc., as well potential permit conditions that are not related to Clean Water Act compliance. We're interested in making sure that EPA strikes the right balance here.</p>	<p>and therefore low income populations. We are also aware that we need to strike a balance between federal guidance and local decision-making. We are hopeful to continue to have further input and advice as we begin to draft potential tools or guidance. We are very interested in hearing about best practices, case studies and suggestions for tools. Although the comment period has ended, we remain very open to hearing from all members of the public.</p>
80	<p>EPA should amend Strategy 1 which references "disproportionately burdened communities," while the subsequent paragraph uses the term "affected communities." Does EPA equate the two groups? A community may be affected by a project, but is not necessarily disproportionately burdened by its effects.</p>	<p>EPA appreciates this comment. We have changed "affected" to "disproportionately burdened".</p>
81	<p>EPA's development of tools and recommendations to enhance meaningful access to the permitting process will be a valuable outcome of Plan EJ 2014 for state</p>	<p>EPA appreciates this acknowledgment. Our intention during the initiative's first year is to focus on EPA-issued permits.</p>

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	programs.	
82	EPA should ensure environmental justice goals are identified and states have an opportunity to review and comment prior to implementation of the strategy 1 activity.	EPA appreciates this suggestion. Although our intention during the initiative's first year is to focus on EPA-issued permits, we have included a public comment period in our plan.
83	EPA should consider that it would be helpful to define certain terms such as "cumulative impacts", "multiple sources", "existing conditions", and "multi-media impacts". For example, are cumulative impacts from air, water, soil, or from only multiple air sources, or referring to economic, cultural, and health impacts? Also, how would one define "disproportionately burdened communities"?	EPA appreciates these comments. Our hope is to better define many of the terms mentioned and the role those definitions play in the permitting process.
Cross Agency Focus Areas: Advancing EJ Through Compliance and Enforcement		
84	EPA should build partnerships with states that support true enforcement and hold states accountable. With lax approaches to penalties and the permitting process, states often move things quickly or view penalties as a "cost of doing business." Without stricter reviews, there will appear to be no real concern for enforcing actions that address environmental justice issues.	<p>With respect to the Enforcement implementation plan, EPA recognizes the need to engage our state partners in EPA's compliance and enforcement activities in order to advance EJ. The Agency's Office of Enforcement and Compliance Assurance (OECA) will engage and build partnerships with states, for example, in the following strategies & activities:</p> <p>Strategy 1-Activity 1.3: As we have done previously, OECA will solicit state input and public comment on the proposed FY2014-2016 national enforcement initiatives areas before they are selected.</p> <p>Strategy 3-Activities 3.1-3.2: As regions select and implement geographic-based initiatives to focus on EJ concerns, they will build partnerships with states to implement integrated strategies for addressing EJ.</p> <p>Strategy 4/Activity 4.3: Regions will look for opportunities to work with other federal agencies, state and local governments, and the business community to complement and leverage community benefits resulting from enforcement activities.</p>
85	EPA should seek remedies that ensure industry is held accountable in enforcement actions and compliance. Working with industry to find remedies and pursue actions, beyond ensuring penalty payments	EPA appreciates this comment. Hence, Strategy 4 of Plan EJ 2014's enforcement and compliance implementation plan is entitled: <i>"Seek Appropriate Remedies in Enforcement Actions to Benefit Vulnerable and Overburdened Communities and Address EJ Concerns"</i> ,

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	<p>are made, shows that the Agency is committed to ensuring that industry will be held accountable when they violate permits. Beginning with enforcement or revamping of reporting requirements, working with communities to understand the information, and offering non-partisan mitigation assistance to find solutions could lead to an environment where industry and communities become partners in addressing issues that contribute to unhealthy environments.</p>	<p>and calls for the following activities:</p> <ul style="list-style-type: none"> • Activity 4.1: OECA, the EPA regions, and DOJ are jointly heightening their focus in civil enforcement cases on potential options to obtain meaningful environmental and public health benefits to specific overburdened communities impacted by violations of federal environmental laws. These efforts go beyond traditional injunctive relief to stop illegal pollution, to mitigate the environmental and public health harm caused by illegal pollution and, where appropriate and agreed to by defendants, to include Supplemental Environmental Projects (SEPs) that provide benefits to communities. • Activity 4.3: Look for opportunities to work with other federal agencies, state and local governments, and the business community to complement and leverage community benefits resulting from enforcement activities. <p>Furthermore, Strategy 5: <i>Enhance Communication with Affected Communities and the Public Regarding EJ Concerns and the Distribution and Benefits of Enforcement Actions</i>, as appropriate, calls on OECA and the EPA regions, in coordination with DOJ, to increase their efforts to communicate with affected communities and the public about enforcement strategies and actions that may affect vulnerable and overburdened communities.</p>
86	<p>EPA should consider the importance of Title VI relationships to states meeting compliance requirements. There is a concern that state environmental agencies are really slow on enforcement actions and are ignoring Title VI authorities. EPA is doing very little or moving too slowly to influence a change in the states' approach and in exercising its authorities. Requiring states to develop and implement programs to ensure compliance with Title VI would strengthen this element in Plan EJ 2014.</p>	<p>EPA appreciates this suggestion. Administrator Lisa Jackson has made a commitment to reform and revitalize the Agency's Title VI program, which includes ensuring that recipients of EPA Federal Assistance comply with their Civil Rights requirements.</p>
87	<p>EPA should target and prioritize specific compliance strategies and enforcement actions. Targeting existing areas of non-compliance and prioritizing deficiencies those areas is critical to enforcement and to addressing longstanding health impacting issues in communities. Developing strategies to resolve longstanding issues in</p>	<p>EPA appreciates this suggestion. OECA and the EPA regions, in collaboration with our partners in other EPA offices and the DOJ, are committed to taking action to further ensure that our most vulnerable, overburdened communities are given particular consideration as we implement the Agency's enforcement and compliance program. Through the Enforcement implementation plan, we intend to focus and accelerate our efforts to identify,</p>

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	<p>communities could lead to establishment of better requirements that are proactive and increase compliance reducing the need for enforcement actions when faced with new challenges.</p>	<p>assess, and address environmental justice (EJ) concerns in these communities when developing and implementing OECA’s program strategies, civil and criminal enforcement activities, and compliance activities. Our goal for the next three years is to fully integrate consideration of EJ concerns into the planning and implementation of OECA’s program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit these communities.</p>
88	<p>EPA should exercise legal authorities under environmental laws such as the National Environmental Policy Act (NEPA). From the community perspective, EPA does not seem to exercise all of its legal authorities to the fullest extent to enforce compliance. Taking stricter advantage of action-forcing provisions under NEPA and other environmental laws or authorities would demonstrate that the Agency is serious about enforcement and compliance in communities with environmental justice concerns.</p>	<p>EPA agrees with this comment. The National Environmental Policy Act (NEPA) is a powerful tool that can help EPA and other Agencies enhance environmental justice considerations in decision making. Accordingly, EPA has made a number of commitments in Plan EJ 2014 under Fostering Administration-Wide Action on Environmental Justice to strengthen its use of NEPA to advance environmental justice. The commitments include: sending a clearer message about the need to incorporate EJ into NEPA implementation and enabling federal NEPA practitioners to enhance EJ considerations in their NEPA implementation efforts.</p>
89	<p>“In general, U.S. EPA should carefully evaluate the appropriateness of implementing EJ policies or practices after a State regulatory action has already taken place (e.g., State issuance of a permit, cleanup action, public participation activities) In some cases, the U.S. EPA has initiated EJ practices in communities including promises to the public without appropriate consultation of coordination with the affected State agencies.” “ASTSWMO is very concerned about the substantial impact to State resources that Plan EJ 2014 could have across all solid and hazardous waste programs.”</p>	<p>EPA appreciates this comment. The Agency seeks to work with states to identify the most effective ways for states and EPA to work together to advance environmental justice. To achieve that goal, EPA has focused attention on outreach to states regarding Plan EJ 2014.</p>
90	<p>Since OECA will solicit state input on identifying future national initiatives, implementation will fall to Alaska. We are concerned that, if there is not an appropriate method to identify “disproportionately burdened communities” that OECA national program guidance could supersede Alaska’s existing inspection goals and risk-based</p>	<p>EPA appreciates this comment. The Agency acknowledges the concern about developing an appropriate method or criteria to identify “disproportionately burdened communities,” and we appreciate the concern that the presence of indigenous or low income population(s) should not automatically equate to “disproportionate burden.” We would refer the commenter to EPA’s Information Tools Development Workgroup, which is undertaking an Agency-wide effort to develop guidance</p>

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	<p>prioritization for inspection scheduled which could lead to inspecting lower risk facilities. The mere presence of a facility in a community does not equate to the facility creating greater risk to a “disproportionately burdened community.” Although Alaska has many native communities that are comprised mostly of indigenous populations with relatively low income, few of these communities have large industrial dischargers nearby that put the health of the community at risk. The criteria for identifying “disproportionate burden” is very important – EPA should not assume that indigenous and low income automatically equate to “disproportionate burden.” The local sewage treatment plant or diesel powered generator are usually the largest pollution sources.</p>	<p>on consistently identifying areas of potential EJ concern, which includes both social vulnerability and environmental vulnerability.</p> <p>In the meantime, OECA will ensure that our use of existing screening tools is used for “screening” purposes (i.e., the tools can only provide a starting point for analysis and decision-making as to whether a community has EJ concerns or whether any enforcement action is appropriate). On-the-ground information and observation is needed before drawing any conclusions as to any particular community or environmental compliance problem and a number of other important factors must be taken into consideration (e.g., resources, existing inspection goals and risk-based prioritization, etc.).</p>
91	<p>The overall concern we have is the lack of already identified EJ areas within the State. OECA appears to be designing a program before the communities are identified. Given current and likely near-term budget outlooks we are concerned that EPA will try to direct finite DEC resources to identify EJ applications instead of inspecting facilities for permit compliance.</p>	<p>EPA appreciates the concern. The Agency’s Office of Enforcement and Compliance Assurance (OECA) is using existing screening tools to assist in our analysis and decision-making as to whether a community has EJ concerns or whether any enforcement action is appropriate – we are not designing a program before communities are identified. OECA acknowledges the concern about developing an appropriate method or criteria to identify “disproportionately burdened communities,” and would refer the commenter to EPA’s Information Tools Development Workgroup, which is undertaking an Agency-wide effort to develop guidance on identifying areas of potential EJ concern. OECA will ensure that our internal guidance to enforcement case teams is consistent with the approach (es) developed by the Agency-wide EJ Screening Committee.</p>
92	<p>One strategy discussed seeks appropriate remedies in enforcement actions to benefit vulnerable and overburdened communities. This strategy should acknowledge that vulnerable populations are generally living in homes that expose them to both outdoor pollution and the higher concentrations of indoor pollution. The strategy should include, as appropriate, recommendations to expand enforcement remedies to include improving the indoor living environment in</p>	<p>EPA appreciates this comment. The Agency’s Office of Enforcement and Compliance Assurance (OECA) will address this concern, as appropriate, through the implementation process.</p> <p>OECA’s national program guidance places great importance on addressing indoor pollution such as that presented by lead-based painting; renovation or repair activities in homes, schools or community buildings; asbestos in schools; PCBs in buildings and used oil.</p>

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	these communities.	
93	The number of enforcement and compliance actions that seek to reduce adverse environmental impacts in EJ and overburdened communities needs to increase dramatically over the next three years. The number of enforcement cases against bad actors in EJ communities referred to the U.S. Justice Department for litigation must also increase significantly.	EPA agrees with the comment. In collaboration with our partners at the DOJ, we are committed to focusing and accelerating our efforts to identify, assess and address EJ concerns in overburdened communities. Our goal for the next three years includes fully integrating consideration of EJ concerns into our case targeting strategies and development of remedies in enforcement actions to benefit vulnerable communities.
94	Specific guidance to states and tribes on enhanced environmental enforcement and compliance actions in EJ communities and overburdened communities should be developed. OECA should partner with the various EPA program offices to pilot enhanced enforcement and compliance tools in some select states to demonstrate what can be done to advance EJ under existing legal and statutory authorities. Perhaps California, Connecticut, Illinois, Maryland, Massachusetts, and South Carolina could be the initial states where this effort could be launched.	EPA appreciates this comment. The Agency recognizes that our partner states and tribes play critical roles in advancing EJ through compliance and enforcement and that we need to play our part in offering guidance where we can. For example, the enforcement and compliance implementation plan asks that EPA's regional offices include enforcement and compliance efforts when applying integrated problem solving strategies in selected geographic areas with EJ concerns and to document accomplishments and best practices for developing future plans or guidance on enhanced environmental enforcement.
95	With respect to enforcement, Plans should provide for mandatory EJ provisions and penalties for state and other agencies that do not enforce those provisions.	EPA appreciates this suggestion. The Agency is committed to fully integrating EJ into our programs and policies, as directed by Executive Order 12898 (EO 12898). While we understand the commenter's suggestion about enacting mandatory EJ provisions and penalties for states and other agencies that do not enforce mandatory EJ requirements, this request is not contemplated by the executive order and is something that can only be achieved through federal or state legislation.
96	The Plan inappropriately relies exclusively on the Internet as a means of distributing information.	EPA recognizes that there are challenges and that the internet should not be the exclusive means of distributing information to communities. We will work with our other EPA, federal agency, state/local/tribal and community partners to identify communities where enhanced communication and consultation on enforcement matters is appropriate. We will also look for other appropriate means to communicate with communities.
97	The Plan fails to provide resources to communities to allow them to fully	EPA recognizes that our implementation plans do not, at this time, include direct resources for communities. There are several community grant programs that exist at EPA

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	participate in public participation processes.	which provide opportunities for communities to participate in the public participation process – e.g., the Community Action for a Renewed Environment (CARE) program and EJ small grants.
98	The Plans rely on policies that are being finalized or are already final (e.g., EJGAT, EJSEAT, NESCA), which hinders the ability of the public to comment effectively on the draft Plans.	The policies/tools noted in our implementation plans have been in development for several years and have involved vigorous public comment, including comment and collaboration with the NEJAC. The policies are not final. We continue to enhance and improve the policies by working in collaboration with the NEJAC and by continuing to take into account public comment.
99	<p>EPA should include top priorities EJ Communities want included in addition to the four priorities listed as being sought by Plan EJ 2014:</p> <ol style="list-style-type: none"> 1. EPA will revise its NAAQS's to have a public health cancer risk of less than one-in-one million. 2. EPA will require a Health Impact Assessment for all project proposals. 3. EPA will require the incorporation of Zero Emissions Technologies in all project proposals. 4. EPA will require the incorporation of Maximum Achievable Air Pollution Control Technologies in all project proposals. 5. EPA must integrate the 2011–2015 EPA Strategic Plan and future Strategic Plans with the Plan EJ 2014 Implementation Plans. 	EPA identified the priorities in Plan EJ 2014 as a result of community input gathered through stakeholder meetings and public comments. Plan 2014 activities are directly linked to the Agency's commitments under EPA's 2011-2015 Strategic Plan Cross-Cutting Strategy on Environmental Justice and Children's Health. The Agency will continue to consider these and future comments, as well as other comments which are focused on specific issues, in the implementation of Plan EJ 2014.
100	EPA should not negotiate with polluting industries and their interest in obtaining maximum profits as EPA has a fiduciary responsibility to represent the public's interests.	EPA is committed to protecting public health and the environment. In our efforts to achieve these goals, we engage with multiple stakeholders.
101	EPA should acknowledge the request that the California South Coast Air Quality Management District (SCAQMD) Title V Permit process be a priority for an investigation for reasons listed in the Appendix of this Response to Comment	EPA appreciates the issues raised by the commenter. Implementation of the Title V program is one of the Air Program's highest priorities because it is the one program that folds all of the applicable requirements of the Clean Air Act into a single document for each facility. Reviewing Title V permits for the most polluting industries is among

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	document.	<p>our highest priorities. The Region 9 Air Permits Office invested a significant amount of effort in reviewing the initial Title V permits issued to the refineries by the South Coast Coast Air Quality Management District (SCAQMD) to ensure they met the requirements of the Clean Air Act. Further, EPA's enforcement staff works both independently and in cooperation with the SCAQMD's enforcement program to ensure that the refineries in the South Coast air basin comply with all applicable requirements. We will share the commenter's concerns to the about potential violations at the refineries with SCAQMD and will keep these issues in mind for purposes of our own investigations in the future. EPA recognizes the importance of advancing EJ through compliance and enforcement, and we are committed to ensuring that our most vulnerable and overburdened communities are given particular consideration as we implement our enforcement program.</p>
102	<p>EPA should research other Clean Water Act compliance opportunities and programs. As an example the Port of Los Angeles and Port of Long Beach are currently developing and completing a joint Water Resources Action Plan (WRAP) which included urban water run-off, costal tidelands water and ocean water.</p>	<p>EPA acknowledges these comments and proposals and will address as appropriate through the implementation process. In the past, there have been grants given to communities to conduct local air quality monitoring (e.g., Louisiana Bucket Brigade). The EPA will support and look for these opportunities where appropriate.</p>
103	<p>EPA should consider that there are numerous opportunities for Community Based Organizations to be trained to monitor air quality compliance and to use air quality monitoring equipment. EPA could solicit partner CBO's and provide them with air quality monitoring equipment. Several Los Angeles EJ Organizations have been trained in the use of various types of A/Q equipment and have conducted local A/Q studies with equipment loaned by universities</p>	<p>EPA acknowledges these comments and proposals, and will address as appropriate through the implementation process. In the past, there have been grants given to communities to conduct local air quality monitoring (e.g., Louisiana Bucket Brigade). The EPA will support and look for these opportunities where appropriate.</p>
104	<p>Increasing the number of Supplemental Environmental Projects (SEPs) that bring benefit to EJ communities that result from settlement agreements between OECA and violators of environmental laws should be sought. Additionally, EPA should ensure that SEPs are made mandatory when a proposed project cannot mitigate its</p>	<p>In certain circumstances, Supplemental Environmental Projects (SEPs) may play a role in addressing environmental justice concerns. Importantly, there must be a relationship between the underlying violation and the human health or environmental benefits that will result from the SEP. Thus, if an overburdened community is impacted by a violation, the community may be able to benefit from SEPs that are part of the resolution of an</p>

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	impacts to less than significant.	enforcement action, but any SEP must link back to the human health and environmental impacts of the violation; there must be a nexus between the violation and the SEP. Notably, SEPs are not developed, funded or managed by EPA. Rather, they are environmentally beneficial projects undertaken by a defendant or respondent in settlement of an environmental enforcement action. SEPs are activities that go beyond what is required for compliance and beyond what may be required for mitigation, and they must be activities that the violator is not otherwise legally required to perform. To learn more about the general requirements for a SEP, please refer to <i>U.S. EPA Supplemental Environmental Projects Policy</i> (“U.S. EPA SEP Policy”) (May 1, 1998).
105	The Criminal Victim’s Right Act should be made a mandatory component in all air, land and water quality investigations, violations and settlements.	The Crime Victims’ Rights Act (CVRA) provides eight rights to a “crime victim,” who is defined as “a person directly and proximately harmed as a result of the commission of a federal offense...” EPA is committed to working with the US DOJ so that victims of environmental crimes receive the rights conferred upon them by the CVRA. However, the CVRA does not extend to victims of civil violations of the environmental laws.
106	EPA should research and identify in each state other state regulatory and civil laws that they can incorporate into their prosecution of an air, land and water quality violations cases. Some EJ Organizations such as the Coalition For A Safe Environment has a list of various laws and statues that cases can be filed under that was prepared by state regulatory agency prosecutors’.	EPA acknowledges these comments and proposals, and its Office of Enforcement and Compliance Assurance (OECA) will address as appropriate through the implementation process.
107	EPA should research and identify Community Benefit Agreements (CBO) that have already been negotiated. Examples include: City of Los Angeles LAX Air Port Expansion Project \$500 million CBO, The Port of Los Angeles China Shipping Terminal \$60 million settlement agreement and the TraPac Container Terminal Expansion Project \$50 million settlement MOU. Additionally, EPA should research and identify innovative CBO’s that include funding mitigation. Examples include: Port of Los Angeles China Shipping Terminal and	EPA appreciates this comment and agrees that there are many lessons to be gained from the example provided.

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	<p>TraPac Terminal Container Mitigation Fees which range from \$1.50 to \$3.00 Per Container and the Port of Los Angeles Pacific L.A. Marine Terminal \$.15 Per Barrel of Imported Oil Mitigation Fee.</p>	
108	<p>EPA should create a website that allows public access to EPA legal prosecution and settlements information. Each EJ Community should not have to reinvent the wheel researching legal information, court cases and victories.</p>	<p>EPA does not have plans to create a website that allows public access to <i>ongoing</i> EPA legal prosecution and settlements. The Agency’s headquarters and region offices, with the US DOJ, will increase our efforts to communicate with affected communities and the public about enforcement strategies and actions that may affect vulnerable and overburdened communities. We recognize that communities have a legitimate need to be informed and to understand the federal government’s enforcement activities to protect their environment and public health, and to have their voices heard when solutions are being considered to redress environmental and health problems caused by violations of federal environmental laws that affect their community. As EPA implements these Strategies for Plan EJ 2014, we commit to increase our outreach to communities and to provide more information about environmental and public health problems caused by failure to comply with federal environmental laws, our efforts to address those problems, and available judicial and administrative solutions to those problems that can address the communities’ concerns and needs.</p> <p>At the same time, it is important for communities to understand the legitimate and essential need to protect the confidentiality of enforcement activity when a case is under development and in settlement negotiations. This is essential to assure that effective enforcement, and its ultimate benefits for the community, will not be undermined and adversely affected by premature disclosure of confidential enforcement information. While this consideration will necessarily limit the amount and kind of information that EPA is able to share with the community at various stages of enforcement activity, we are committed to sharing as much information as possible, to enable communities to be informed and to have their voices heard in the determination of appropriate resolutions for violations of federal environmental laws that affect communities.</p>
109	<p>EPA settlements should require incorporation of methods of monitoring future compliance and long term trends of</p>	<p>EPA appreciates this comment and has made monitoring an important consideration for implementation of its rules.</p>

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	increasing pollution and public exposure to toxic chemicals.	
110	EPA settlements should require Health Impact Assessments.	EPA appreciates this comment and will consider ways in which Health Impact Assessments can be utilized.
112	EPA should consider examples of successful Los Angeles Environmental Justice initiatives, campaigns and partnerships as best practices, as listed in the Appendix of this Response to Comment document.	EPA appreciates this comment and agrees that there are many lessons to be gained from the examples provided.
Cross Agency Focus Areas: Supporting Community-Based Programs		
113	EPA should support regionally-based programs that fit with the needs of diverse communities. Nationally focused programs have significant value when addressing environmental justice issues that are common in most communities. Working with environmental justice communities and leaders to find programs that work best to fit their needs is a necessity. Being mindful of the unique issues that some communities are faced with demonstrates EPA's flexibility in recognizing that communities have unique concerns and applying a general programmatic approach may not always work.	EPA seeks out diverse communities to make certain that what matters to them is included in any conversation that might have policy implications. This can only happen if the agency listens to what matters to these diverse communities.
114	EPA should ensure that funding and financing for programs and program initiatives are easily accessible. Providing communities with more direct access to these resources ensures that financial support is provided where it is needed most. By removing cumbersome obstacles to obtain funding, community organizations are able to provide assistance more quickly in communities that stand to benefit and improve the environmental health and lives of communities most.	EPA recognizes the importance of funding and financing for programs and program initiatives. For this reason, we have included an activity on promoting equitable development opportunities. The goal of this activity is to create a detailed list of potential financing and technical assistance vehicles, currently available within EPA, that communities might deploy to advance outreach and environmental justice objectives, address barriers and take advantage of opportunities, and promote partnerships and engage a range of stakeholders
115	EPA should promote a holistic approach to ensure the success of community-based programs. Many variables contribute to or influence the outcomes of community-based action programs. Taking a holistic	EPA agrees with this comment. This is why we have looked at a wide array of activities to holistically approach support for community-based action programs.

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	approach addresses pollution or permitting action from the widest perspective. It also contributes to improving the communities' access to cleaner, greener, and sustainable economic opportunities.	
116	EPA should give special considerations to ensure that tribal communities and other indigenous groups are included and benefit from these programs. Ensuring that these groups are included enrich Plan EJ 2014 and allow traditional cultures to benefit from community based action programs. Being considerate of diverse approaches to ensure that communities are not compromised or excluded in permitting or rulemaking processes. It also demonstrates EPA's willingness to consider that there is environmental knowledge that can be useful from cultural practitioners.	Tribal communities have always been considered when looking at EJ matters. We will continue to give special considerations to tribal and indigenous populations given their unique situations.
117	EPA should ensure that substantive participation is made possible at all levels. Community notification, education, and participation are critical. In doing so, it helps citizens concentrate their participation on issues that have a potential to actually affect them.	Community involvement is the basis of what the EPA wants to achieve with this cross focus area on Supporting Community-Based Action Programs. We will continue to strive towards community participation at all levels.
118	EPA should consider and incorporate nontraditional approaches into established and new programs geared towards community based activities. EPA has been missing an opportunity to strengthen its programs. Seeking input from environmental activists only excludes valuable input from the many environmental experts in industry, tribal, small business, and other non traditional groups.	EPA understands the value of nontraditional approaches. For this reason we will be partnering with private industry, foundations, and other outside groups to pilot a new approach to working with community-based programs and solving local environmental issues.
Cross Agency Focus Areas: Fostering Administration-Wide Action on EJ		
119	EPA should consolidate certain environmental justice resources and funding programs to remove duplicative efforts. Doing this will help maximize resources, provide clearer lines to	EPA agrees that this element would be good to include in the Tool Development – Resources implementation plan.

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	<p>resources, and make the resources available clearer to communities. Consolidation would also enable a clearer national perspective on what resources and funding were being used whether resources were being directed to communities in greatest need.</p>	
120	<p>EPA should work with state and local government groups to help leverage resources to accomplish environmental justice goals. Leveraging resources that support communities at all levels ensures environmentally just investments in communities so that addressing issues can be supported where needed most.</p>	<p>EPA agrees that working with state and local government groups is critical to addressing the issues of overburdened communities. EPA seeks to identify ways that EPA can most effectively work with state and local government to leverage our existing resources through Plan EJ 2014's Supporting Community-Based Action Programs implementation plan.</p>
121	<p>EPA should find ways to leverage resources that are nongovernmental in nature. Leveraging funding with organizations such as foundations can be done but can be challenging when federal funds are included. Finding ways to remove these challenges could provide wider funding opportunities and enhance the success of holistic program initiatives.</p>	<p>EPA agrees that working with nongovernmental organizations is critical to addressing the issues of overburdened communities. EPA seeks to identify ways that EPA can most effectively work with nongovernmental organizations to leverage our existing resources Plan EJ 2014's Supporting Community-Based Action Programs implementation plan.</p>
123	<p>EPA should identify clear lines of ownership and how Fostering Administration Wide Action will be managed in Plan EJ 2014. It is understood that EPA will lead the overall effort on Plan EJ 2014 at the EPA, but it does not expressly cite how progress will be managed administration wide. Although this focus area is well- aligned with the executive order, it shouldn't be assumed that because EPA coordinates efforts of the federal interagency environmental justice workgroup, that EPA will coordinate set of work to the fullest extent possible.</p>	<p>In the latter part of 2011, other agencies will identify their environmental justice strategies which will also reflect their deliverables, as part of their commitments through the EJ IWG.</p>
124	<p>EPA should ensure that Plan EJ 2014 has accountability measures in place to address administration-wide environmental justice efforts. Having an understanding of who will be held accountable when elements of Plan EJ 2014 do not progress as the</p>	<p>Plan EJ 2014 reflects the deliverables that have been developed by and for EPA. The EJ IWG will develop EJ deliverables for the Administration.</p>

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	<p>planned is an important part of reporting. As this element is developed with greater detail, it will be necessary to put measures in place and identify clear leads with regard that measure the administration's progress towards goals.</p>	
125	<p>The Administration should set clear expectations on how its progress towards goals will be communicated. Establishing performance goals for this element will be critical in monitoring whether federal activities are successfully impacting environmental justice communities.</p>	<p>EPA agrees with this comment.</p>
126	<p>EPA should review and include EJ public comments submitted on draft FY 11-15 strategic plan into the EJ 2014 Implementation Plan.</p>	<p>EPA has reviewed all public comments submitted and, where applicable, has revised relevant implementation plans.</p>
127	<p>EPA should consider the recommendation of a concerted federal effort to address lack of access to health and healthcare in under-served communities. This would include all federal agencies that have resources to bring to the table to improve health and healthcare within under-served communities. Additionally this potential partnership should also include strategies to address health disparities in underserved communities.</p>	<p>EPA appreciates this comment. We recognize that federal agencies need to strengthen federal interagency collaboration to improve research that can impact environmental and health practice, programs, and policy and formulate solutions for communities. Under Plan EJ 2014, EPA has committed to actively participating in the interagency Federal Collaboration on Health Disparities Research (FCHDR). Participating agencies seek practical solutions to advance health disparities research, and foster greater federal coordination, collaboration, and communication around the elimination of health disparities. The FCHDR's goal is to ensure that health disparities research is conducted as an integrated and inclusive field of study, rather than as an aggregate of independent research activities occurring in separate research domains. FCHDR members will work together to explore needs and opportunities for pooling scientific expertise and resources to conduct, translate, and disseminate research most needed to accelerate the elimination of health disparities. FCHDR goals and strategies are to:</p> <ol style="list-style-type: none"> 1. Identify health disparities challenges including the scientific and practical evidence most relevant to underpinning future policy and action. 2. Increase and maintain awareness about federal government efforts and opportunities to address health disparities. 3. Determine how evidence can be translated into

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		<p>practice to address health disparities and promote innovation.</p> <ol style="list-style-type: none"> 4. Advise on possible objectives and measures for future research, building on the successes and experiences of health disparities experts. 5. Publish reports that will contribute to the development of the FCHDR strategic vision and plan.
128	<p>EPA should include CWA, RCRA, and CAA Title V permit compliance and application approval process as part of its mandate to strengthen use of interagency legal tools to assure environmental justice.</p>	<p>Those legal tools are primarily EPA statutes and so are being considered by the EJ rulemaking and EJ permitting elements.</p>
129	<p>EPA needs to develop evaluation tools and auditing mechanisms to periodically assess implementation and compliance to NEPA. The public should not have to bear the burden of filing hundreds of lawsuits annually due to EPA's negligence in monitoring compliance of other agencies.</p>	<p>EPA monitors the compliance of other agencies under NEPA by ensuring that federal agencies consider the environmental impacts of their proposed actions into their decision-making processes. Specifically, under Section 309 of the Clean Air Act, EPA is required to review all Environmental Impact Statements drafted by federal agencies and to make those reviews public. EPA believes that the National Environmental Policy Act is an important tool that can be used to advance the goals of environmental justice. President Clinton's 1994 Executive Order on environmental justice requires that all federal agencies identify and address disproportionately high and adverse human health or environmental impacts on minority, low-income, and tribal populations. In April 2011, the Assistant Administrator of the EPA's Office of Enforcement and Compliance Assurance reemphasized those requirements in a memo, urging all EPA offices across the country to enhance efforts to consider environmental justice in fulfilling their NEPA responsibilities.</p>
130	<p>EPA must consider that development and finalization of clear guidance on existing statutory authority to address instances of environmental injustice must be shared with all other federal agencies and entities (e.g., FERC, NRC, etc...)</p>	<p>EPA is working to promote environmental justice and Title VI in other federal agencies through the Interagency Working Group on Environmental Justice. For example, the IWG has established a Title VI workgroup.</p>
131	<p>EPA should consider that clean and unequivocal guidance on enforcement of Title VI of the 1964 Civil Rights Act must be a priority for Administration wide action on EJ.</p>	<p>EPA requires that recipients comply with all non discrimination obligations. To date, EPA has issued three Title VI related guidance documents (LEP, Public Involvement, and draft revised Investigation Guidance on Permitting). The purpose of the guidance documents is to remind all federally funded entities about their non discrimination responsibilities (e.g. Title VI of the Civil</p>

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		Rights Act of 1964). More information on these documents can be found at www.epa.gov/ocr
132	The U.S. Department of Justice should lead this effort and re-issue federal government-wide guidance on Title VI compliance for every federal agency and entity. This guidance must be unequivocal and ironclad with provisions made for penalizing those federal agencies who are non-compliant.	The U.S. Department of Justice offers a number of government-wide guidance documents on Title VI of the Civil Rights Act and other non discrimination statutes. For more information, please go to www.justice.gov/crt/ .
133	Examples of successful Los Angeles EJ initiatives, campaigns, and partnerships are included in the Appendix of this Response to Comment document.	EPA appreciates the information shared in this comment. The Agency is working with many of these organizations and will keep them in mind when it engages in community outreach.
134	EPA should consider 10 communities per region when selecting communities of concern to conduct a needs assessment. Since the regions are so large and cover multiple states we recommend the top 10 communities not three. When selecting communities of concern in each region, EJ communities must agree with the final selection.	The purpose of this internal analysis/coordination activity is to capitalize on the information already gathered from communities after numerous meetings that the EPA region offices have had with the communities over the years and use that information to conduct a trends analysis and form generalizations that can inform recommendations for better coordination. The region offices will select communities about which they have extensive knowledge and experience. We believe that an ultimate inventory of 30 communities will be sufficient to identify trends.
135	EPA's plans should call for active efforts on the part of agency and other agencies to promote understanding of and action on environmental justice concerns throughout the entire administration. It is appropriate for the Plans to promote administration-wide action on environmental justice because action by one agency or in one program will not address the needs of low-income communities and communities of color. Only with that approach can the Plans address all of the ways in which environmental justice communities are subjected to the disproportionate impacts of environmental contamination.	EPA's Fostering Administration-Wide Action (FAWA) workgroup will work with other element workgroups to ensure that their Implementation Plans include an administration-wide action perspective where appropriate.
Additional Cross Agency Issues		
136	Strengthening science should be a cross-Agency focus area in Plan EJ 2014. Sound science of disproportionate impacts should	EPA appreciates this perspective on the importance of science in environmental decision-making. As one of EPA's core principles, Administrator Jackson has made decision-

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	<p>take into account all of the quality of life objectives and should be a core objective. EPA should accomplish specific work that takes the science of disproportionate impacts to a level that can drive policy and implementation.</p>	<p>making based on a strong science foundations. For that reason, the science tools development is one of the nine cross-Agency elements of Plan EJ 2014.</p>
137	<p>Climate Change: Climate change and adaptation should be an additional cross-Agency focus area. Particular emphasis was given to the impact of climate change on indigenous populations. The Agency should make available information on climate policy and its link to renewable energy, green jobs, and water and food policy. The Agency should address the inherent sovereignty rights of Tribes when developing and implementing climate programs and policies.</p>	<p>The <i>Memorandum of Understanding on Environmental Justice and E.O. 12898</i> (EJ MOU), signed by 17 federal agencies and White House Offices, identified climate change as a focus areas that required attention by federal agencies. Through its environmental justice strategy, annual implementation progress reports and other efforts, each federal agency will identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, with respect to climate change. These efforts will include interagency collaboration.</p>
138	<p>A new cross-Agency area should focus on investments of federal dollars in infrastructure and local programs. Such funds should not create or exacerbate existing disproportionate impacts and where possible eliminate existing ones. These activities should be performed in tandem with enforcement of Title VI regulations.</p>	<p>EPA appreciates this comment. Complying with EPA’s statutory civil rights obligations is a critical part of our efforts to advance environmental justice. Administrator Jackson has made improving EPA’s civil rights program a priority. As part of this effort, EPA is pursuing long overdue, vigorous, robust, and effective implementation of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes. EPA is committed to protecting people from discrimination based on race, color, or national origin in programs or activities that receive EPA’s financial assistance. In June 2011, the Administrator convened a workgroup of senior management to assess OCR and EPA’s overarching civil right program. The workgroup is charged with making recommendations to advance civil rights. The workgroup will look at revamping the civil rights office, pursuing effective and timely responses to complaints, and developing proactive compliance guidance and strategies. As the recommendations are adopted, the agency will develop implementation plans, take public comment and finalize the plans as part of EPA’s annual work plans under Plan EJ 2014.</p>
139	<p>Several commenters suggested that the inequitable distribution of environmental hazards is, at least in part, the result of land use regulation practices such as zoning, siting, and permitting. One</p>	<p>EPA recognizes the importance of land use issues to disproportionately burdened communities. For that reason, EPA will explore how its funding, policies and programs can inform and help local decision-makers to maximize benefits and minimize adverse impacts from land</p>

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	<p>commenter cited state and local strategies to address land use issues, including cumulative impacts.</p>	<p>use decision-making, planning and siting.</p> <p>While land use planning does not fall under the purview of EPA, the Agency is fully aware of the negative impacts poor land use planning, siting, and decision-making can and has had on communities with environmental justice concerns. Therefore it is critical that EPA explores how our community-based programs can and do affect land use planning, siting, and decision-making in low income, minority, and underserved communities.</p> <p>EPA's workgroup is comprised of a broad selection of EPA offices as well as our state partners. Due to the nature of the topic, i.e., land use planning and its effect of communities, we will work collaboratively to identify cross-cutting issues and opportunities to work with others. EPA will establish a workgroup and seek stakeholder feedback to explore ways the Agency's work intersects with land use decision-making, planning, and siting, and develop recommendations for integrating EJ considerations into these activities. This workgroup will produce information discussing environmental concerns which may affect land use planning, siting, and permitting decisions. Additionally, we will develop a complementary training course for stakeholders with the goal of increasing awareness of land-use decision making and its impact on communities.</p>
140	<p>Several organizations recommended use of "Green Zones," which will provide designations of neighborhoods highly impacted by environmental and economic stressors to enable them to access benefit at the state and federal levels, ranging from targeted pollution reduction to increased funding for opportunities for green, community-based development.</p>	<p>In terms of the "Green Zones" -- this type of geographically targeted incentive has been used by other agencies in the past (i.e., HUD and USDA empowerment zones and enterprise communities) to channel desired activity to distressed or under-served communities. However, there needs to be a "there" there; what incentives will be offered to encourage this behavior? EPA could consider targeted pollution production and increased funding but the agency will have to decide what is feasible, in the face of budgetary and other constraints. One thing the Agency could do is recognize and publicize important local efforts via the designation process.</p>
<p>Tools Development</p>		
141	<p>EPA should ensure that current tools and information are more accessible to communities. Many tools are available to communities in varying degrees of access whether electronic, paper or other vehicles, but often communities who could benefit most from understanding the information available have limited or</p>	<p>EPA strives to ensure that everyone, from the Internet savvy environmental professional to the concerned citizen reliant on printed materials, has ready access to high quality environmental information to provide the foundation for sound decisions. The Agency's Information Access Strategy (http://www.epa.gov/nationaldialogue/FinalAccessStrategy.pdf), released in January 2009, affirmed this objective by</p>

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	<p>inadequate access. There are still communities who lack access to modern technology, so the Agency must ensure that tools continue to be accessible in conventional and unconventional ways.</p>	<p>emphasizing the need to address the following: 1) ensuring that complex topics are translated into clear, easy-to-understand concepts; 2) providing the public opportunities to have face-to-face access to environmental officials and subject matter experts; and 3) enabling and augmenting access for individuals who do not have access to, or the resources to use the Internet. Since then, EPA has initiated a Community Engagement Initiative, which is making strides to address various methods for delivering information to communities.</p> <p>Some specific examples of EPA’s commitment to provide access to environmental information in various non-electronic formats and through various methods, include the following: 1) the Agency’s ten public libraries (one in each regional office); 2) regional Community Involvement Coordinators who work directly with communities impacted by Superfund clean ups; 3) numerous telephone hotlines that handle questions from the public regarding a variety of EPA’s programs and activities; 4) public listening sessions held in various locations around the country on a regular basis, which allow the public opportunities to interact with Agency officials in person; and 5) public meetings and meetings with key stakeholder organizations that are conducted during the regulatory development process. Hard-copy paper brochures, fact sheets and other materials are distributed during the Agency’s public listening sessions, public and stakeholder meetings, as well as at various EPA-sponsored conferences and other Agency-sponsored events. They are also available on the Agency’s website for those people who can access them online. In addition, EPA works through local intermediaries, i.e., librarians in public libraries and universities, to disseminate information to communities throughout the U.S.</p>
142	<p>EPA should develop current tools to provide information that more directly assists communities with addressing environmental justice concerns. The Agency offers tools that in many ways, offer good information but could be greatly improved upon. Tools such as the rulemaking gateway, and environmental justice hotlines, and other Agency and regional online tools were suggested as “good starts” that could be greatly improved to be tools that offer guidance as well as information.</p>	<p>Transparency is one of the EPA Administrator’s core principles. In line with that principle, the EPA Office of Solid Waste and Emergency Response (OSWER) initiated the Community Engagement Initiative (CEI). The CEI is designed to enhance OSWER and regional offices’ engagement with local communities and stakeholders (e.g., state and local governments, tribes, academia, private industry, other federal agencies, non-profit organizations) to help them meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste. In addition, each implementation plan under Plan EJ 2014 has a requirement for stakeholder</p>

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		engagement.
143	EPA should provide training, funding, and technical assistance to communities to better understand how to use available tools. With the quantity of good science, law, and information already available, communities struggle with understanding or obtaining assistance to help interpret information in a way that is useful to them. Offering resources that support educating communities on use and translation is a necessary and important next step to truly empowering communities to use available tools.	<p>EPA agrees with this comment and has a long history of supporting capacity building among tribal environmental professionals, primarily through its partnership with the Institute for Tribal Environmental Professionals (ITEP) at Northern Arizona University. Through this partnership, EPA works with Tribes to increase their capability to address their environmental concerns.</p> <p>EPA's Air and Radiation Program supports the work of the Tribal Air Monitoring Support Center which trains tribal air professionals on air monitoring, indoor air quality, radon and asthma.</p>
Science Tools Development Implementation Plan		
144	EPA should establish a public health research studies database by category of health issue and industrial cause.	<p>EPA maintains the Integrated Risk Information System (IRIS) which is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to environmental contaminants. IRIS was initially developed for EPA staff in response to a growing demand for consistent information on substances for use in risk assessments, decision-making, and regulatory activities. The information in IRIS is intended for those without extensive training in toxicology, but with some knowledge of health sciences. Please visit http://www.epa.gov/IRIS/</p> <p>Alternatively, CDC's Agency for Toxic Substances and Disease Registry also maintains a database on health effects information for contaminants found at hazardous waste sites. Please visit http://www.atsdr.cdc.gov/toxfaqs/index.asp</p>
145	EPA should identify all federal agencies and federally funded research centers, institutes and hospitals so as to recommend and support EJ Community focused health issues research.	EPA recognizes that environmental justice requires the involvement of all federal agencies. Under Administrator Jackson's leadership, EPA worked with other federal agencies to reinvigorate the federal interagency working group on environmental justice. In addition, Plan EJ 2014 called for EPA to work with other collaborations focused on health, such as the interagency Federal Collaboration on Health Disparities Research (FCHDR). At the same time, Plan EJ 2014 calls for EPA to build and strengthen the technical capacity of both community organizations and EPA scientists on conducting research and related science activities in partnership with impacted communities and translating research results to address environmental

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		health disparities and environmental sustainability issues.
146	<p>EPA’s research must include Health Impacts Assessments as the most accurate and comprehensive method of identifying health impacts, their root causes and socio-economic impacts. EPA must include the requirement of a Health Impact Assessment in all NEPA guidelines and NEPA project EIA’s. EPA Region 9 development of a EJ Community supported Ports of Los Angeles and Long Beach Health Impact Assessment Scoping Plan is an excellent example of a proactive EJ Initiative.</p>	<p>EPA appreciates the comment and is interested in learning more about Health Impacts Assessments (HIA). The Agency featured an entire session on this topic at our March 2010 Symposium . We will consult with our colleagues in Region 9 about their experiences with HIA.</p>
147	<p>EPA must disclose in their CAA Title V Permits and NEPA Environmental Impact Statements project comments the extensive limitations of Health Risk Assessments and that they “do not” provide a comprehensive assessment of public health impacts as compared to Health Impact Assessments. We do not support EPA’s continuing use of Health Risk Models based on regional averaging of data and a few health factors in lieu of actual EJ Communities Public Health Studies and Surveys.</p>	<p>EPA agrees with this comment. The Agency can and will make assessing public health impacts a greater priority. Unfortunately, Clean Air Act Title V Permits do not require health risk assessments. In addition, though our work under “Considering Environmental Justice in Permitting” is focused on permitting and not NEPA, we have passed on your comments to the staff working on “Fostering Administrative Wide Action” (and NEPA) as a part of Plan EJ 2014. That said, in both permitting and NEPA we will continue to look for ways to better assess and mitigate public health issues, including studies and surveys.</p>
148	<p>EPA should also recognize that “land use decision making is a local jurisdiction” and that a toxic industry cannot ultimately operate without an EPA permit or EPA delegation of authority. Most toxic industries are operating because EPA allows them to have a permit to pollute. EPA has the authority to not issue a permit and to suspend a permit.</p>	<p>As stated in “Supporting Community-Based Action Programs,” Strategy 5, “While land use planning is usually a local government responsibility, EPA can provide interested jurisdictions with information on best practices regarding policies and approaches that can benefit all community stakeholders and minimize adverse impacts. Building upon its work with the interagency Partnership for Sustainable Communities, EPA can support a broad discussion forum to explore how interested jurisdictions might better address the issues of overburdened communities when making local land use decisions. Due to the cross-cutting nature of land use planning and its effect on communities, EPA will work collaboratively with communities and all stakeholders to identify issues and opportunities.” With regards to permitting, in “Considering Environmental Justice in Permitting,” we have provided a long list of potential tools to help incorporate issues of environmental justice into EPA’s permitting process.</p>

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149	EPA must include in its tool kit and NEPA EIS Guidelines the requirement to include a Community Impact Nexus Study.	Although our work under “Considering Environmental Justice in Permitting” is focused on permitting and not NEPA, we have passed on your comments to the staff working on “Fostering Administrative Wide Action” (and NEPA) as a part of Plan EJ 2014. In both permitting and NEPA we will continue to look for ways to better assess and mitigate community impacts.
150	EPA must include in its tool kit and NEPA EIS Guidelines the requirement to include and recommend the establishment of community and environmental mitigation funds.	<p>Although our work under “Considering Environmental Justice in Permitting” is just focused on permitting and not NEPA, we have passed on your comments to the staff working on “Fostering Administrative Wide Action” (and NEPA) as a part of Plan EJ 2014.</p> <p>With respect to permitting, we agree that community and environmental mitigation funds should be encouraged and have included in our implementation plan an effort to create guidance/best practices on:</p> <ul style="list-style-type: none"> ▪ Encouraging the creation of SEP-like mitigation projects (diesel retrofits, off-site street sweeping, tree planting, landscaping, public playgrounds/green spaces, etc) and ▪ Good Neighbor/Environmental Benefit Agreements, possibly including things like: <ul style="list-style-type: none"> ○ (1) improved appearance (landscaping outside the facility), ○ (2) creating a community-industry partnership and holding regular meetings with residents to discuss concerns (could include quarterly meetings in multiple languages with facilitator, or a newsletter in multiple languages), ○ (3) internships for youth in the community, ○ (4) support for community organizations, ○ (5) jobs and job training for local community residents
151	EPA must ensure that the Environmental Quality Index Tool (EQIT) be adaptable for specific EJ Communities. The commenter disagrees with the development of an EQIT at the county or regional level.	EPA recognizes that county level measures may not be completely appropriate to examine community level hazards. The Environmental Quality Index Tool (EQIT) is initially being developed at the county level with the expectation to adapt to smaller geospatial gradients once the methodology has been fully developed. The researchers decided to start at the county level because the availability of environmental quality data to represent the five domains (air, water, land, built, and socio-demographic) across the United States was greatest at county level aggregation. They also felt that the county level EQI, once developed, could be used as a baseline when developing EQI’s at lower geographic resolutions.

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		Once developed, the methodology for developing an environmental quality index will be available for communities of all sizes to utilize for their own purposes.
152	EPA mapping must include more than the traditional governmental reporting databases, if EPA plans to develop Geographic Information Systems (GIS) Tools. As an example: One federal toxic industry database provides data from industries required to report 50 tons or more of annual air pollution emissions. There can be a 100 or more smaller businesses each putting out tons of emissions in a small EJ Community like Wilmington, CA which is only approximately 5 miles square yet has the Ports of Los Angeles, Long Beach, four major oil refineries and then some.	<p>The Community Cumulative Assessment Tool (CCAT) will enable users to introduce locally known sources of pollution, or other risk, into the model for assessing the cumulative risks in a defined geographic area.</p> <p>EPA is developing the Community-Focused Exposure and Risk Screening Tool (C-FERST)— a GIS & resource access Web tool to support cumulative human exposure and risk screening assessments, and help build sustainable, healthy communities. It is designed to assist communities with the challenge of identifying and prioritizing issues, and making decisions about exposures and risks within their community, http://www.epa.gov/heads/c-ferst/</p>
153	EPA must include Health Impact Assessment training if it is to host scientist to science workshops. Health Impact Partners in San Francisco conducts such training.	The scientist to scientist workshop that was mentioned in the Science implementation plan referred to a workshop on the role of social and behavioral sciences in environmental protection. However hosting training on Health Impact Assessments for EPA scientists is an idea that we will consider.
154	EPA should not only build awareness etc. to address asthma disparities, they must also include VOC's, HAP's, Toxic Air Pollutants. There has already been a tremendous amount of information on asthma. Residents who live near oil refineries for example do not know that the leukemia, lymphoma, myeloma they have was probably caused by being exposed daily to benzene and other chemicals that governmental regulatory agencies give oil refineries permits that allow them to release unsafe quantities of toxic chemicals. Sadly the same regulatory agencies do not even require that the public be told that they are being exposed to deadly toxic chemicals daily, what kind and what are the health impacts.	The EPA School Air Monitoring Initiative is part of new air toxics monitoring initiative aimed at better assessing risk and informing the public (www.epa.gov/schoolair). This initiative is included in Strategy 2 of the <i>Supporting Community-based Action Program</i> implementation plan.

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155	<p>EPA should consider the examples of successful Los Angeles Environmental Justice initiatives, campaigns and partnerships; and collaborative EJ Organization and academic research as best practices.</p>	<p>EPA appreciates the information shared in this comment. We could learn from these examples.</p>
156	<p>The Implementation Plan centers on only EPA (primarily ORD) developing and creating scientific tools and data to be implemented by EPA offices for the goals of assessing risks to EJ communities. The only consideration given to advancement of science concepts, tools and data by OTHER non-government agencies centers around the strategy that those ideas and developments would inform EPA developers so that EPA can create the tools. There seems to be no provision to accept the possibility that the sciences could be (and are being) developed outside EPA, or that they already exist in some forms.</p>	<p>Plan EJ 2014 is part of EPA’s response to Executive Order 12898 and is intended to provide a road map on how the Agency will fully integrate environmental justice in its programs and policies. Therefore, it is intended to focus primarily on the needs of the Agency.</p> <p>In his recent <i>Path Forward</i> document (http://isc02.epa.gov/ord/dev_internet-ord/ORD/htm/anastas/path-forward.htm), Paul Anastas (former Assistant Administrator for Office of Research and Development) stated that “EPA’s efforts alone will not be nearly enough to address the challenges to human health and the environment we face. This is why we need to act catalytically and spark further action among others. In all of our projects, programs, grants, assessments, and reports, we need to always be thinking. How do these efforts inform and empower the broader collection of people who seek to protect the environment?”</p> <p>In this spirit, EPA’s Office of Research and Development (ORD) intends to reenergize its efforts to work closely with EPA’s Programs and Regions and external stakeholders to ensure that they are effectively involved in identifying science and research needs and that ORD is responsive in delivering on those needs. This is a fundamental principle of the Path Forward and of how ORD and EPA intend to plan and conduct its research in the future, including the implementation of Plan EJ 2014.</p> <p>Part of that engagement will include the National Center for Environmental Research (NCER)’s Science to Achieve Results or STAR program which funds research grants and graduate fellowships in numerous environmental science and engineering disciplines through a competitive solicitation process and independent peer review. The program engages the nation’s best scientists and engineers in targeted research that complements EPA’s own outstanding intramural research program and those of our partners in other federal agencies.</p>
157	<p>EPA should consider the implications of its proposal (page 10, Timeframe) to host "Regional Tools Summits" or workshops for</p>	<p>EPA’s regulatory decision-making is informed by scientific data and analysis. Decision-makers and other stakeholders will need guidance, tools and other methods in order to</p>

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	<p>community-based tools. When this has occurred in the past, EPA expected the non-government participants to spend their own resources to attend and prepare the "contest entries". Then...EPA takes the ideas without any real benefit to the participants. It could be a "bake off--leave your recipe here" event. The results of this kind of thinking are: 1) expensive "invented only here" policies that support the ORD turf at a high cost to EPA operations, 2) reluctance of other scientists to participate in sharing ideas with EPA, 3) unnecessary competition in fields of science already underfunded.</p>	<p>fully integrate environmental justice into their processes. EPA sees interaction with the regulated community as essential to ensuring that these approaches are as effective as possible. ORD's Path Forwards document also states that "Great work, done invisibly, cannot have an impact.</p> <p>Communication is not merely transmitting our work; it is an essential part of our work. Communication is essential in the design, definition, conduct, transfer, and implementation of the work we do if we are to have an impact." Therefore, these interactions will be designed to be open and honest exchanges of information that protect intellectual and other property rights.</p> <p>Since there are legal and ethical barriers to the EPA paying for external stakeholders to attend these types of meeting, the intent is to hold a series of regional interactions that will optimize the opportunities for stakeholder participation. This will allow EPA scientists and decision-makers, as well as community representatives and other stakeholders to exchange ideas concerning new approaches that needs to be developed as well as existing approaches (from both inside and outside of EPA) that may be useful in implementing other parts of Plan EJ 2014.</p> <p>EPA appreciates the important sensitivities raised by this commenter about ownership of ideas and we will keep this mind as we plan for a tools summit.</p>
158	<p>EPA's Implementation Plans should run a robust parallel strategy to find and employ (by lease or adoption or other legal means) existing technologies and tools created outside of ORD and EPA. Where those technologies are under development and/or well on the way, continued development should be encouraged and supported...using the originating group. This will speed the work and enhance the quality of the science available for EPA EJ goals.</p>	<p>EPA encourages the development of sustainable technological innovations to address environmental problems by supporting the following: 1) Internal entrepreneurial research projects through an internal competitive seed grant program; 2) External partnerships for innovation by using EPA Science to Achieve Results (STAR) grants, cooperative agreements, Small Business Innovations Research (SBIR) contracts and Cooperative Research and Development Agreement (CRADA) mechanisms; and 3) Catalyzing the private sector to develop approaches to facilitate sustainable technology implementation across the technology life-cycle. These efforts are usually conducted using competitive processes as required by federal statute. EPA is also exploring innovative approaches to accelerate the development of technologies inside and outside of the Agency.</p>
159	<p>EPA should amend Activity 5.5 to add the following as a fifth paragraph: Within the federal government, EPA has</p>	<p>EPA agrees with the points raised by the comment and has added new text with slight modification: "Within the federal government, EPA has been a leader in</p>

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	<p>been a leader in the use of collaborative approaches to accomplish strategic goals and objectives. Learning from this rich experience can help the Agency to realize the full potential of collaborative processes and accelerate environmental progress. The ability to collaborate effectively with MAIs will become more important as environmental problems become more complex and cross-cutting. Failure to tap into MAIs represents a missed opportunity for advancing environmental protection and stewardship. For example, MAIs in the Southeast and the Southwest could be leveraged for strategic projects targeting climate change and engaging populations that are vulnerable to climate change.</p>	<p>the use of collaborative approaches to accomplish strategic goals and objectives. Learning from this rich experience can help the Agency realize the full potential of collaborative processes and accelerate environmental progress. The ability to collaborate effectively with Minority Academic Institutions (MAI) will become more important as the growing complexity of environmental problems will require diverse approaches to developing innovative solutions. Failure to tap into MAIs represents a missed opportunity for advancing environmental protection and stewardship. For example, MAIs in the Southeast and the Southwest could be leveraged for strategic projects targeting climate change impacts and adaptation, and engaging populations that are vulnerable to climate change. “</p>
160	<p>There is a critical need for interdisciplinary approaches to environmental health. This Plan addresses the diversity of discipline needs, and notes that internal resources are needed at the Agency. I applaud the proposed Sustainable and Healthy Communities Research program. This can benefit communities by integrating all environmental concerns into one program, where causes and solutions can be determined, implemented and evaluated. This provides important improvements at the community level, but will also enhance general knowledge and increase the capacity of EPA to link proven solutions with newly-identified community concerns.</p>	<p>EPA appreciates this positive and encouraging comment.</p>
161	<p>EPA should apply integrated trans-disciplinary and community-based participatory research approaches with a focus on addressing multimedia, cumulative impacts and equity in environmental health under Strategy 1: Apply integrated Transdisciplinary and community-based participatory research approaches with a focus on addressing multi-media, cumulative impacts, and equity in environmental health and environmental conditions.</p> <p>Activity 1.2 When developing technical</p>	<p>EPA anticipates the inclusion of wider array of socio-economic and demographic variables for consideration in the technical guidance. At the March 2010 Symposium EPA included an entire session on housing and vulnerable infrastructure and how that relates to disproportionate environmental health impacts.</p>

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	<p>guidance, analytical methods and data to advance the integration of environmental justice in EPA decision-making, exposure and health risk models should include a wider range of socio-demographic indicators than race and income. Housing conditions are useful indicators to evaluate potential exposure for things like asthma triggers and likely exposure to pesticides. Again other federal agencies such as HUD and HHS may have data for these things. CDC also has the Environmental Public Health Tracking database which could be useful.</p>	
162	<p>EPA should include radon risk in screening tools.</p>	<p>EPA will consider inclusion of radon risk in screening tools to the extent appropriate and practicable.</p>
163	<p>EPA should not overlook additional risks in its discussion of the Urban Atlas. There are also significant rural areas with substandard housing and, due to long travel distances etc., inability to address asthma triggers and access services. These risks should not be overlooked.</p>	<p>EPA agrees with this comment. The Urban Atlas will address populated places along several gradients of concern, including size. Therefore, selected small towns and rural communities, including rural Tribal lands, will be featured in addition to larger cities. The text has been modified to reflect this characteristic of the Urban Atlas.</p>
164	<p>EPA should amend Activity 5.1. This section regarding building awareness and community capacity to address asthma disparities should be moved to the Support Community-Based Action Programs, Implementation Plan, Strategy 4. It should also be linked in the text with the Fostering Administration-wide Action on Environmental Justice. The entire narrative and table should be re-worked to remove all of the associated text and action items in the table to the Community Plan. There is no apparent link to ORD, the deliverables are linked only to OAR.</p>	<p>EPA appreciates this suggestion. Activity 5.1 has been supplemented with a cross reference to the text in 4-Supporting Community-based Action Programs (Strategy 2, Activity 3). Additional text has been included in 4-Supporting Community-Based Action Programs (Strategy 2, Activity 3) highlighting the Agency's asthma program as an example of a replicable program that supports place-based solutions to environmental issues, strengthens and promotes partnerships, and supports healthy and sustainable communities. A cross-reference to Activity 5.1 has been included.</p>
165	<p>EPA should amend Activity 5.2 Build Tribal Capacity to Monitor Air Quality. The TAMS Center also provides asthma, IAQ and radon training to tribal professionals, which should be discussed. This section should also be moved to the Community Plan as it is far more focused on programs than monitoring on the IAQ side. In</p>	<p>EPA appreciates this suggestion. Additional text has been added to Activity 5.2 to capture the expanded work of the Tribal Air Monitoring Support (TAMS) Center and to cross reference this activity with the Strategy 2 in 4-Supporting Community-Based Programs. Additional text has been added to 4-Supporting Community-Based Programs (Strategy 2) to highlight the TAMS Center and to cross</p>

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	addition, all deliverables are linked only to OAR.	reference with Activity 5.2.
166	EPA's draft plans inappropriately rely upon the Internet as a means of distributing information. The draft plan for Science Tools Development (Draft Science Tools Plan) indicates that the EPA Office of Research and Development and the National Exposure Research Laboratory have developed a web based cumulative risk assessment tool and that its developers proposed to engage with environmental justice and community-based stakeholders concerning this tool. Draft Science Tools Plan, pages 7-8.	Participants at the March 2010 Symposium specifically requested easy-to-use GIS tools which are computer-based by definition. Community leaders and other participants presumably based this request on the expectation of some form of internet access, whether through personal computers or through libraries, schools, and other public facilities. In addition, the dissemination of participatory GIS analyses by EPA and its community partners will raise general awareness of disproportionate risk, enabling news outlets and other communication agents to transfer findings to print and broadcast media.
167	EPA's reliance on the Internet and electronic media is misplaced. In New Mexico, for example, the latest census indicates that approximately 35% of the population has no access to the Internet.	EPA is aware of how reliance on the internet can result in the unintentional creation of unequal access to information. For that reason, those programs – primarily in the EPA's regional offices, that have front line responsibility for communication with the public use a variety of means to communicate and do not rely solely on the internet. In the instance of the Community Cumulative Assessment Tool (CCAT), it is the internet that will make this tool possible and a powerful aid to communities' assessment of cumulative risks. The strength of digital computing and access to national data-bases available through the internet will bring significant analytical power to skilled or trained users in any U.S. community wishing to employ the CCAT to assess cumulative risks to the local population and environment. This tool will be designed to be user friendly, however, the very nature of cumulative risk assessment requires a level of technical sophistication that is commensurate with and well matched to use of computing power made possible through the Internet.
168	EPA's draft plans fail to recognize the need to provide resources for residents of environmental justice communities. Many members of low-income communities and communities of color have full time jobs, and do not have either the time or the resources to travel to hearings, meetings, negotiations or other functions, even those intended to address issues of health and environment.	EPA is aware of the economic dimension of citizen participation. The EPA's Office of Research and Development (ORD) is working with the Agency to give consideration to needs in order to consider this barrier as research priorities are being implemented.

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169	The draft Science Tools Plan discusses involving stakeholder communities, but never directly addresses the need to provide financial and other resources to those communities. Draft Science Tools Plan, pages 1, 5-6, 8-9, 10-11, 14-15, 17-18.	EPA is aware of the economic dimension of citizen participation. The EPA's Office of Research and Development (ORD) is giving consideration to needs in order to consider this barrier as research plans are being implemented.
Information Tools Development Implementation Plan		
170	EPA should consider whether any of the screening tools will need to be customized for application in Alaska or other areas of the country. Additionally, EJ Communities want a comprehensive screening tool that they can use to identify the sources of air pollution or contaminants, emissions history and provide quantitative data of their negative and disproportionate environmental, health and socio-economic impacts. Communities do not need another TRI database.	EPA is designing a screening tool to identify potential areas of environmental justice concern that will be used consistently throughout the US. Like any screening tool, the results will help identify areas for more refined assessment. The initial results should be supplemented with additional data and information, which could consist of detailed information that is pertinent to a specific region, population group, or environmental concern.
171	While the screening tool may be useful, EPA should not attempt to make it mandatory and states must retain flexibility to adjust for their unique circumstances.	EPA is designing a nationally consistent screening tool initially for internal EPA use. Appropriate elements of the tool may be available to the public in the future.
172	EPA's screening tool should incorporate the use of the NEPA and California CEQA Environmental Checklist Form. It should also incorporate the use of a Health Impact Assessment outline and checklist which includes both public health and socio-economic impact assessment data and information.	EPA's screening tool will provide available environmental and demographic data for locations across the U.S. It is not envisioned at this time that the tool will also include checklists, but such checklists could be used to supplement the initial output from the screening tool. The Agency's screening will utilize many of the indicators of interest to NEPA or Health Impact Assessments.
173	EPA's screening tool should incorporate the use of a compliance data such as number of lawsuits filed, settlements, number of notices of violation, penalties and fines etc.	While the design of the screening tool is still being developed, EPA is sensitive to the fact that the NEJAC recommendations on screening specifically suggested not including compliance statistics. However, such statistics could be useful additional information that could supplement the initial screening results.
174	EPA's screening tool should be able to identify to the zip code level for EJ Community use.	The screening tool that EPA is developing will be able to identify areas such as census tract or census block groups. These are generally smaller than zip codes.
Environmental Issues		
175	Public comments to Plan EJ 2014 brought	EPA appreciates these concerns. The Agency's programs

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<p>many environmental and public health issues to EPA attention, including but not limited to:</p> <ul style="list-style-type: none"> • Mountaintop mining • oil and gas drilling, particularly affecting Alaska Native populations • goods movement and transportation • radon awareness • air toxics issues • industrial toxic chemical production • CAFOs • improving air quality • children and reproductive health issues • preparing for climate change 	<p>and regions are addressing these issues as part of their ongoing activities. For example, EPA has developed National Enforcement Initiatives in the CAFO and air toxics areas.</p>

**U.S. Environmental Protection
Agency (EPA) Response to Public
Comments**

on

**Plan EJ 2014 Strategy and
Implementation Plans
Appendix A-B**

**Public Comments Received:
Jul 2010 – Apr 2011**

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Appendix A: Best Practice Models

Comment #	Comment
43	<p>Covanta Best Practices</p> <ol style="list-style-type: none"> 1. Learned the history of the facility relative to the community and the Pennsylvania Department of Environmental Protection. 2. Conducted and instituted a plan to improve relations with the community and the DEP when the facility was acquired and the permits transferred. 3. Conducted environmental review and permitting due diligence, with the community's concerns in mind; permit changes which were ultimately instituted, were initiated with the community's blessing. 4. Developed an agreement with the Chester Residents Concerned with Quality Living (CRCQL) (this process involved numerous community interactions). 5. Enabled initial funding of an asthma program and an internship program for local residents. 6. Drafted 'Community Outreach and Environmental Justice Policy' which is designed to assist company personnel in appropriately operating and integrating in potentially disadvantaged communities. <p>Michigan Department of Environmental Protection Best Practices</p> <ol style="list-style-type: none"> 1. Meet with community citizens groups to learn about the concerns of the community and to explain the permitting process, an example used to explain the permitting process can be found at http://www.deq.state.mi.us/aps/downloads/permits/cfpp/AQD%20General%20Info%20Session%20Inter%20Copy.pps#416,12,Air Quality Division Overview. 2. Stakeholder committees should be involved on certain issues such as air toxics with citizens groups participating. An example of this is where we performed air toxics monitoring projects and resulting risk assessments; we held public meetings and published summary brochures in three languages predominately spoken in the community area. 3. Involve community groups in the decision making of how to use Supplemental Environmental Project (SEP) funds that were part of an enforcement settlement to reduce pollution or for community improvement. Examples of this are off-site street sweeping, school bus retrofits, switch-yard locomotive engine retrofits, and planting of a large number of trees in the community. The community involvement was appropriate since the community was impacted by the pollution from the company and led to better relations with the community. 4. Involve the citizen groups in discussions of attainment strategies where the area is non-attainment for criteria pollutants. This keeps the public informed on what the agency is doing to protect the health of the citizens. 5. Provide information in bi-lingual or multi-lingual form in order to reach the most citizens. 6. Encourage and support grant applications by community groups for environmental projects. We have found this to be very beneficial and our staff works with the community organizations. 7. Encourage companies with major emitting facilities in a community to hold regular meetings with the citizens and citizen groups. These should be held quarterly and more often if a change that requires permitting is taking place. These meetings should be ongoing and not just when a change at the facility is taking place. We have several companies in EJ communities that have adopted this practice and it has worked well. 8. Encourage facilities to provide easy to understand material in bi-lingual or multi-lingual form for the citizens. Some facilities send out a simple newsletter sometimes in multiple languages. As an example in one refinery PSD permit, where the refinery is located in a minority community, voluntary conditions were made part of the permit. There was a voluntary EJ analysis that was performed by the applicant as well. (See Appendix copy of voluntary analysis and a provisions) 9. Conduct informational meetings about permits. We have found that using an outside facilitator for the meetings works best. Often a community leader or someone of authority recognized by the community can serve as a facilitator and keep the meetings on a much smoother track. We have used retired elected public officials in the past as well as community leaders as facilitators. We hold informational meetings prior to the permit hearing before or on the same day. In some communities a translator for non-English speaking citizens is also helpful and we have done this on occasion.

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	<p>Project or Initiative Models:</p> <ul style="list-style-type: none"> • THE Impact Project • LA Collaborative for Environmental Health & Justice • Los Angeles Environmental Justice Network • California Communities Against Toxics • Coalition for Environmental Health & Justice • Pacific Institute • Ditching Dirty Diesel Collaborative • Bay Area Environmental Health Collaborative • Green LA Coalition: Port Working Group & Cumulative Impact Working Group • Port of Los Angeles & Port of Long Beach: Clean Air Action Plan • Port of Los Angeles & Port of Long Beach: Clean Truck Program • Port of Los Angeles & Port of Long Beach: Water Resources Action Plan • Port of Los Angeles & Port of Long Beach: Technology Advancement Program • Port of Los Angeles & Port of Long Beach: 10MW Solar Energy Plan • Port of Los Angeles & Port of Long Beach: Community Mitigation Program
112	<p>Project or Initiative Models:</p> <ul style="list-style-type: none"> • THE Impact Project • LA Collaborative for Environmental Health & Justice • Los Angeles Environmental Justice Network • California Communities Against Toxics • Coalition for Environmental Health & Justice • Pacific Institute • Ditching Dirty Diesel Collaborative • Bay Area Environmental Health Collaborative • Green LA Coalition: Port Working Group & Cumulative Impact Working Group • Port of Los Angeles & Port of Long Beach: Clean Air Action Plan • Port of Los Angeles & Port of Long Beach: Clean Truck Program • Port of Los Angeles & Port of Long Beach: Water Resources Action Plan • Port of Los Angeles & Port of Long Beach: Technology Advancement Program • Port of Los Angeles & Port of Long Beach: 10MW Solar Energy Plan • Port of Los Angeles & Port of Long Beach: Community Mitigation Program
135	Comment # 112

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Appendix B: Issue Specific Examples

Comment #	Comment
62	<p>Title V Permitting Authority & South Coast Air Quality Management District (SCAQMD):</p> <p>EPA has delegated authority to California which has delegated Title V Permitting authority to the South Coast Air Quality Management District (SCAQMD) which is the greater Los Angeles County area. The SCAQMD only sends out notices of its intention to issue a Title V Permit to people and organizations that are on its mailing list. As a result 99.99% of the public are not aware of the public comment period and their rights to comment. The SCAQMD requires that if you want a public hearing you complete a form and include the legal justifications as to why SCAQMD should have a public hearing. SCAQMD does not like to hold a public hearing because anything discussed, questioned or requested must be legally recorded and responded to.</p>
77	<p>Louisiana Department of Environmental Quality (LDEQ) Shintech Air Permit:</p> <p>EPA was required to address a complaint that the Louisiana Department of Environmental Quality (LDEQ) allegedly discriminated against African-Americans by issuing an air permit for Shintech’s proposed polyvinyl chloride manufacturing factory. Citizen accounts and perspectives were included in the filed complaint. The NCEA Washington Division Director selected approximately seven NCEA staff members to form a “SWAT” Team to respond to the complaint. The Team was charged to review and critique data and studies for content and robustness and to evaluate exposure scenarios and assessments to determine environmental justice (EJ) impacts and concerns. The vast number of documents was divided among team members for review. For example, some members provided review and comment to evaluate the existing data, methodology, and assessments that formed the basis of information for Agency decision makers. Swat Team members provided review and comments that challenged the exposure scenarios and assumptions initially presented. Due to EPA’s involvement, the LDEQ suspended Shintech activities in St. James Parish.]</p>
101	<p>Reasons why Title V Permit process should be a priority:</p> <ol style="list-style-type: none"> a. Title V Permits although do not mandate reductions in air pollution does provide an opportunity to explore options for reducing air pollution from major oil refineries. The SCAQMD has never included any measures or requirements to reduce emissions even though it has the authority to rewrite existing Rules to allow greater reductions in numerous air pollutants. b. Our review of 10 years of reported annual emissions data by oil refineries to the SCAQMD has disclosed that oil refineries are not reporting all their annual emissions and SCAQMD has issued no Notices of Violation or imposed any financial penalties. Years where oil refineries had a major fire, explosion or power outages showed no change in annual emissions reported. c. Our review of 10 years of reported annual emissions data by oil refineries to the SCAQMD has disclosed that oil refineries are not reporting all their annual emissions and SCAQMD has issued no Notices of Violation or imposed any financial penalties. At the ConocoPhillips Oil Refinery in Wilmington it reported 13 chemicals in 2000, 24 in 2003 and 48 in 2006. The number of chemicals used does not change substantially year-to-year. d. Our review of 10 years of reported annual emissions data by oil refineries to the SCAQMD has disclosed that certain Criteria Pollutants have increased to its highest level and SCAQMD has issued no Notices of Violation or imposed any financial penalties. e. Our review of 10 years of reported annual emissions data by oil refineries to the SCAQMD has disclosed that certain Toxic Pollutants such as Benzene known to cause Leukemia, Lymphoma, Myeloma etc. has increased every year and SCAQMD has issued no Notices of Violation or imposed any financial penalties. f. Our review of reported Flare Events at oil refineries to the SCAQMD has disclosed that Flaring Events has been increasing every year and SCAQMD has issued no Notices of Violation or imposed any financial penalties. SCAMQ past Rule 118 which requires the establishment of a Flare Minimization Plan and now after five years and numerous variances refineries have still not submitted their plans. g. Although Maximum Available Pollution Control Technologies (MACT) exist and are of-the-shelf, the SCAQMD does not require them and instead allows oil refineries to select a BACT-Best Available Control Technology which can be significantly less efficient and allow higher emissions to be released.