MEETING SUMMARY

of the

WASTE AND FACILITY SITING SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

December 5, 2001
Seattle, Washington

Meeting Summary Accepted By:

Reiniero Rivera	**Veronica Eady**
Designated Federal Officer	**Acting Chair**

CHAPTER SEVEN
MEETING
OF THE
WASTE AND FACILITY SITING SUBCOMMITTEE

1.0 INTRODUCTION

The Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 5, 2001, during a three-day meeting of the NEJAC in Seattle, Washington. Ms. Veronica Eady, Executive Office of Environmental Affairs, Commonwealth of Massachusetts, served at that time as the acting chair of the subcommittee. Mr. Reiniero "Rey" Rivera, U.S. Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER), serves as the Designated Federal Officer (DFO) for the subcommittee. Table 8-1 presents a list of the members who attended the meeting and identifies those members who were unable to attend.

This chapter, which provides a summary of the Waste and Facility Siting Subcommittee meeting, is organized in five sections, including this *Introduction*. Section 2.0, *Activities of the Subcommittee and Its Work Groups*, provides updates on the activities of the subcommittee's work groups. Section 3.0, *Presentations and Reports*, provides an overview of each report and presentation made to the subcommittee during the meeting. That section also presents a summary of questions and comments made by participants in the subcommittee meeting. Section 4.0, *Summary of Dialogue about the Strategic Plan* , sets forth a summary of the suggested preliminary projects to be considered by the subcommittee for its strategic plan. Section 5.0, *Action Items*, lists the action items agreed upon by the subcommittee members.

Exhibit 8-1

WASTE AND FACILITY SITING SUBCOMMITTEE

Members Who Attended the Meeting December 5, 2001

Ms. Veronica Eady, **Acting Chair**
Mr. Reiniero "Rey" Rivera , **DFO**

Ms. Denise Feiber
Mr. Robert Harris
Mr. Melvin "Kip" Holden
Ms. Donna Gross McDaniel
Ms. Mary Nelson

Members Who Were Unable to Attend

Ms. Katherine McGloon
Mr. Harold Mitchell
Mr. David Moore
Mr. Mervyn Tano
Mr. Michael Taylor
Mr. Neftali Garcia Martinez

2.0 ACTIVITIES OF THE SUBCOMMITTEE AND ITS WORK GROUPS

This section summarizes the discussion of the accomplishments of the Waste and Facility Siting Subcommittee in 2001 and describes the activities of the various work groups of the subcommittee.

2.1 Year in Review

Ms. Eady presented a synopsis of the accomplishments of the Waste and Facility Siting Subcommittee during 2001. During fiscal year 2001, she reported, the members of the subcommittee met at least monthly by conference call. The calls were intended to provide a venue for the subcommittee to conduct its regular business and to develop a plan for addressing the several topics on which it had chosen to focus during the fiscal year. Those issues, she said, included Brownfields revitalization, relocation under the Superfund program, and land use. Initially, she explained, each of those issues had been addressed by a separate subcommittee work group. It was decided later in the year that a single work group would address the broader issue of land use because the subcommittee had termined that land use is a comprehensive issue that encompasses most of the work of the subcommittee.

Since the meeting of the NEJAC in December 2000, Ms. Eady reported further, the subcommittee had made much progress in becoming more efficient in its pursuit of goals related to land use. Brownfields revitalization and Superfund sites, as well as issues related to solid and hazardous waste, she pointed out, present issues related to environmental justice in large part because of their proximity to minority communities and low-income communities. Ms Eady then stated that under the direction of the previous chair, Ms. Vernice Miller-Travis, member of the

Partnership for Sustainable Brownfields Development, the subcommittee had made progress in redefining its work to address the central issue – land use. In Spring 2001, she continued, the subcommittee had completed a detailed work plan that would enable the subcommittee to make the most effective use possible of its existing products, while providing advice to EPA about decisions related to siting that make use of institutional controls governing land use. Crucial to that progress, Ms. Eady pointed out, was the understanding and support of the senior management of OSWER, including former Assistant Administrator Timothy Fields, Jr. At the end of the fiscal year, said Ms. Eady, the members of the subcommittee had decided to reassess its priorities and develop other topics on which to focus their attention.

Since the transition into the new administration in OSWER, the departure of Ms. Miller-Travis from the NEJAC, and the appointment of a new DFO, continued Ms. Eady, the subcommittee had begun to engage the new Assistant Administrator and other senior managers of OSWER and to re-examine the direction of the subcommittee. Ms. Eady also briefly discussed the meeting that took place in November 2001 between her, OSWER senior managers, and representatives of the EPA Office of Environmental Justice (OEJ) to discuss the new directions of the subcommittee and the expectations from OSWER.

Closing her discussion, Ms. Eady expressed the hope that the members of the subcommittee would meet fairly soon after the new year to acquaint new and standing members and to take up the work of the subcommittee. She added that the Waste and Facility Siting Subcommittee welcomes the transition as a turning point and an opportunity to continue to provide pivotal documents as those it had prepared in the first six years of the subcommittee. Such works include the reports, *A Regulatory Strategy for Siting and Operating Waste Transfer Stations*, published in March 2000; and *Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope - A report on the "Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities*," published in December 1996.

Ms. Eady stated that one of the goals for the current meeting was to develop a subcommittee progress report to be submitted to the NEJAC Executive Council during its meeting on the following day. Ms. Nelson suggested that the subcommittee recommend that the NEJAC adopt the topic of federal facilities as the focus of its meeting in 2003. It was explained to Ms. Nelson that the federal facilities issue will be addressed by the NEJAC Federal Facilities Working Group, and that the topic for the 2003 National Meeting would be pollution prevention.

2.2 Subcommittee Historical Overview

Ms. Linda Garczynski, Director, Outreach and Special Projects Staff (OSPS), EPA OSWER, presented a historical overview of the role played by the NEJAC Waste and Facility Siting Subcommittee during the past five years. Reporting about the collaborative efforts of that work group, Ms. Garczynski lauded the productive history of the subcommittee, noting that it had produced several influential documents. She pointed out that the subcommittee historically has served as a sounding board for new OSWER policy. That effort, she observed, had produced new policy on environmental justice in OSWER's waste programs. OSWER also had instituted an action agenda for addressing environmental justice in OSWER's programs, both at the headquarters level and in the EPA regions. Public dialogue meetings conducted by the NEJAC facilitated EPA's initial work under the Brownfields program, she continued. After holding five meetings in various areas of the country, with more than 500 people attending, she said, the subcommittee had produced a report that documents the comments the subcommittee had received about the redevelopment and revitalization of brownfields properties.

In addition, Ms. Garczynski continued, the dialogue had brought attention to and action on several significant issues, including:

- The development, under the Brownfields National Action Agenda and Showcase Community effort, of models of coordination and collaboration for communities in which brownfields properties are located; to date, that effort has garnered more than $900 million in investments for 28 communities

- Social aspects of the siting of waste facilities, with EPA advising state and local governments about social issues related to the siting of such facilities, rather than focusing solely on geophysical and structural issues

- The locations of waste transfer stations, an extremely controversial issue in New York City and many other large cities; the work group had prepared a report on EPA's work in concert with the National Solid Waste Management Association that described guidelines for best-

practices to be used by the waste management industry when siting, building, and developing waste transfer facilities

Continuing, Ms. Garczynski stated that the work group had addressed the issues she mentioned in an effort to advise EPA about the general direction of its policy. Among other issues that had been raised, she added, was compliance by federal facilities with environmental statutes. Mr. Brandon Carter, Federal Facilities Restoration and Reuse Office (FFRRO), EPA OSWER, she noted, leads the Federal Facilities Work Group that addresses federal facilities and compliance issues related to such facilities. See section 2.3 of this chapter for a summary of the activities of that work group.

Ms. Garczynski then stated that the subcommittee and EPA had reached "a turning point." In the Agency, she explained, there is new sense of direction related to the future efforts of the waste program. The Agency, she continued, is developing a new agenda in response to that new sense of direction. Ms. Marianne Horinko, newly appointed Assistant Administrator for OSWER has a very clear sense of the mission of OSWER and its new direction, said Ms. Garczynski.

2.3 Update on the Federal Facilities Work Group

The subcommittee was briefed by Mr. Brandon Carter, DFO for the NEJAC Federal Facilities Work Group, which had been created by the NEJAC Executive Council to specifically address issues related to federal facilities that had been raised at previous meetings of the NEJAC. Following Mr. Carter's presentation, the members agreed that, due to the close correlation between the work of the subcommittee and the Federal Facilities Work Group, both should developed a closer working relationship. Mr. Carter began his presentation by posing the question "What are federal facilities?" Federal facilities, he then explained, are properties currently or formerly owned, managed, or controlled by an agency or department of the federal government. Such facilities include military installations that house firing ranges; weapons production, storage, and disposal operations; nuclear laboratories and facilities; and formerly used defense sites, he said. The contaminants that are typical of such sites are radioactive waste; chlorinated or brominated solvents, such as trichloroethylene (TCE); JP-8 jet fuel; other jet fuels; diesel fuel; heavy metals, such as lead and mercury; and PCBs, he added.

Issues related to federal facilities are complicated, continued Mr. Carter, because of varying responsibilities of different lead-agencies, implications that affect national defense, components related to economic development, and the large size of many of the facilities. The Federal Facilities Work Group was formed, he said, in response to ongoing substantive comments offered during NEJAC meetings by citizens and members of communities who have expressed concern about the scope of cleanups at federal facilities and the activities associated with such cleanups.

The objectives of the work group, said Mr. Carter, are to:

- Identify and evaluate key issues of concern
- Provide a forum for dialogue between members of communities and representatives of government agencies
- Compile a list of resources available to communities and stakeholders to support public participation
- Formulate a set of recommendations to the NEJAC.

The recommendations, he added, should include the development of a best-practices document that will improve cleanups from the point of view of the community and suggestions for ways in which the NEJAC can address issues related to federal facilities.

Continuing, Mr. Carter stated that the work group plans to achieve its objectives through the substantial involvement of EPA's partner agencies, such as the U.S. Department of Defense (DoD), the U.S. Department of the Interior (DOI), the U.S. Department of Agriculture (USDA), the U.S. General Services Administration (GSA), and the U.S. Department of Housing and Urban Development (HUD). In addition, he said, the work group was to evaluate five case studies, develop general principles based on examples from actual sites, and prepare a final report for submission to the NEJAC. The case studies would exhibit geographical diversity and ethnic, cultural, and racial diversity, added Mr. Carter, noting that the studies also would spotlight the roles of federal agencies, community groups, and grassroots organizations and will be selected for universality among the issues they involve.

Mr. Carter then listed the specific steps the work group had taken and would take to accomplish its objectives:

- Organized its membership
- Convened a meeting in January 2001 to scope issues
- Assisted EPA in getting a memorandum of understanding signed with partner agencies
- Develop a case study methodology
- Select sites to be included in the case studies
- Reconvene by conference call according to a regular schedule
- Begin gathering data
- Conduct two face-to-face meetings, including a business meeting in Washington, D.C. and a meeting at a selected facility or community

A draft report of the results of the case studies should be ready for distribution at the next meeting of the NEJAC, added Mr. Carter. Mr. Charles Lee, Associate Director of Policy and Interagency Liaison, Office of Environmental Justice, EPA, DFO for the Executive Council of the NEJAC, and former chair of the Waste and Facility Siting Subcommittee, will assist the work group in developing its strategic plan.

In closing, Mr. Carter, along with Dr. Mildred McClain, Executive Director, Citizens for Environmental Justice and a former member of the International subcommittee, and Ms. Doris Bradshaw, Executive Director, Defense Depot Memphis TN Concerned Citizens Committee, offered a presentation about how they view the role of EPA Federal Facilities Restoration and Reuse Office (FFRRO) in affected communities.

3.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and the reports submitted to the Waste and Facility Siting Subcommittee of the NEJAC.

3.1 Update on the Activities of the Office of Solid Waste and Emergency Response

Mr. Michael Shapiro, Principal Deputy Assistant Administrator, EPA OSWER, discussed the mission of OSWER and described the vision Ms. Horinko had brought to the office about how its programs were to move into the future. Ms. Horinko, he explained, had originally identified five priorities or initiatives that she intends to implement. A sixth initiative recently had been added to the agenda, he noted. The initiatives, in no order of priority, he continued, are:

- *One Cleanup Program to Better Integrate Cleanup Information*: The next generation of cleanup programs will be increasingly consistent and transparent to the public, said Mr. Shapiro. He explained those goals would be accomplished by using a common terminology, data, and information that will be available through the Internet to the public at any time. Such information will include the status of the site, the entity that is responsible for the cleanup, the entity that is responsible for overseeing the cleanup, and sources of additional information.

- *Expanding the Brownfields Revitalization Concept*: Revitalization and reuse should be a core component of all cleanup programs conducted by EPA, stated Mr. Shapiro. The results of lessons learned under the Brownfields program are being adopted by other programs, including the Resource Conservation and Recovery Act (RCRA) program, the underground storage tank program, and federal facility programs, he said. In addition, they are being incorporated into both private and public programs, he added. Mr. Shapiro then announced that Mr. Stephen Luftig, former Director of the Superfund Program, would manage the effort under the new administration.

- *Recycling and Waste Minimization*: The efforts of programs under which both hazardous and non-hazardous waste streams are managed will focus on energy recovery, recycling and waste minimization, declared Mr. Shapiro.

- *Retail Initiative*: As part of this initiative to encourage the consumers to make environmentally sound purchasing decisions, EPA will endeavor to increase awareness of the environment among the public, said Mr. Shapiro. In addition, he said, EPA will examine ways to build partnerships and conduct pilot activities designed to reduce source contamination and encourage environmental stewardship.

- *Workforce Development and Succession Planning*: To meet the challenges of the future, EPA will address issues related to diversity in the workforce and will prepare current staff to take on emerging issues, said Mr. Shapiro. It is

estimated, he pointed out, that 50 percent of the current leadership of EPA will retire over the next five years. It imperative, he stated, that EPA train current staff and hire new staff.

- *Enhancing Counter–Terrorism Program*: In the future, Mr. Shapiro continued, EPA will face the challenge of combating the biological and chemical threats that, he noted, are becoming increasingly frequent.

In closing, Mr. Shapiro said that the initiatives he had described, while not new, are broad themes on which Ms. Horinko wishes the OSWER program to focus. Those themes, he added, had been "percolating" within OSWER for some time.

After thanking Mr. Shapiro for his briefing, Ms. Eady discussed the "enormity" of the challenge facing the subcommittee, noting that the members of the subcommittee were fortunate to have OSWER as a member of their team. Referring to testimony offered during the public comment period of the previous evening, Ms. Eady stated that the issue of federal facilities was a recurring one. She then suggested that a subcommittee work group be formed to consider how the subcommittee might assist the Federal Facilities Work Group on that controversial issue.

3.2 Update on Mossville, Calcasieu Parish, Louisiana

Mr. Samuel Coleman, Director, Compliance and Enforcement Division, EPA Region 6, reported on the progress made in Mossville, Calcasieu Parish, Louisiana. Mossville, said Mr. Coleman, is a "very small and disproportionately industrialized town" in the suburbs of Lake Charles, Louisiana that, until recently, had not been enumerated separately on the census rolls of the state of Louisiana. Yet, the community has been affected adversely by the industrial complexes located in its midst, Mr. Coleman stated. He then provided an overview of the events that had transpired in the three years since residents of Calcasieu Parish had approached Mr. Jerry Clifford, Deputy Regional Administrator, EPA Region 6, with data on blood dioxin levels.

The data, Mr. Coleman reported, had included information on pooled samples and samples taken from 11 individuals living in Calcasieu Parish. He stated that, at Mr. Clifford's request, the Agency for Toxic Substances and Disease Registry (ATSDR) had prepared a health consultation on the basis of the data. EPA then followed the activities of ATSDR closely as that agency began a dioxin exposure investigation in Mossville, he said, adding that ATSDR, EPA, the Louisiana Department of Health and Hospitals (LDHH), and the Louisiana Department of Environmental Quality (LDEQ) held a public meeting in the Lake Charles area to discuss the results of the exposure investigation. Louisiana Governor Mike Foster (D) then announced the formation of a joint task force made up of representatives of the four agencies and the community that was to report to the Governor within 90 days, he stated.

EPA and LDEQ are taking an active role in assisting residents of Mossville and Calcasieu Parish, continued Mr. Coleman. Because of the close proximity of many residences to major petrochemical facilities, EPA, along with other state, local and federal agencies, is investigating air quality, as well as the quality of ground- and surface-water. He stated that environmental data indicate exceedances of the state's ambient air quality standards for 1,2-dichloroethane, as well as elevated levels of 1,3-butadiene and benzene. In addition, LDEQ considers the Lower Calcasieu watershed a priority concern, said Mr. Coleman. Fishing advisories are in effect in portions of the watershed because of elevated levels of toxins, including hexachlorobutadiene, he added. According to data in EPA's Emergency Response Notification System (ERNS), industries in Calcasieu Parish every year report "emergency releases" to the air, land, and water that exceed a total of 500,000 pounds.

Because of potential public health threats in the area, continued Mr. Coleman, EPA is engaged actively in a broad multi-program, multi-agency initiative to address not only the concerns of the residents of Mossville, but also the concerns of the larger community of Calcasieu Parish.

Mr. Coleman then stated that, since the issues surfaced in 1996, several significant accomplishments related to the community and the industrial complex had been achieved. Through an industry association, the Lake Area Industrial Alliance, and the LDEQ, the community, he reported, have been able to accomplish four major goals:

- To significantly increase and enhance air monitoring efforts in the area. Specifically, the community has secured local, state, and federal monies for the installation of four additional monitoring stations, three of which monitor for the presence of dioxins.

- To secure the performance of follow-up screening and interviews by ATSDR. ATSDR

returned to the community on November 26 through 29, 2001 to conduct the screening, along with private interviews to discuss any health issues that might be of concern to individuals. ATSDR also had agreed to conduct a parish-wide dioxin screening study that will begin in 2002.

- To secure a voice for the community in dealing with industry. Concern about that issue has been expressed among members of the community and a community advisory council has been established to deal with issues specific to Calcasieu Parish. The council held its first meeting in November 2001, and has been successful in raising a number of issues related to hazardous waste, including the incineration of hazardous waste and the remediation of groundwater contamination that each of the facilities in the area was undertaking.

- To secure the presentation of a health symposium for the medical community and health providers. The symposium, which is scheduled for February 2002, will help health care providers learn to adequately diagnose and treat adverse effects of environmental hazards or ailments caused by environmental exposure. The symposium will be closed to the general public so that emphasis can be placed on the medical and health care community.

In closing, Mr. Coleman stated his view that EPA and LDEQ believe that community involvement and meaningful public participation in the decision-making process are integral parts of any effort to deal with environmental concerns. The multi-agency work group, he said, has made every effort to involve the entire community of Calcasieu Parish in efforts to resolve environmental problems. EPA has met on numerous occasions with members of the community and representatives of environmental groups, including Mossville Environmental Action Now, Inc. (M.E.A.N.), to discuss the Agency's direction and activities. The multi-agency work group also is attempting to schedule a public meeting and will continue to meet throughout 2002 to identify and carry out any follow-up action items, said Mr. Coleman. The effort will include investigations of air, surface water and sediment, groundwater, soil, and food pathways in an effort to identify the source of the dioxin exposure, and, if it is a current source, to eliminate it.

Mr. Kip Holden, Representative, Louisiana Legislature and a member of the subcommittee, thanked Mr. Coleman for the work that Region 6 had been doing in Calcasieu Parish, stating that the successes cited by Mr. Colemen proved that the involvement of members of the community with local, state, and federal agencies had brought about a positive and meaningful dialogue. Mr. Holden added that such a positive result had occurred at a time at which historical mistrust had marred the relationships among the community, LDEQ, and the Louisiana Office of Public Health.

Ms. Mary Nelson, Bethel New Life, Inc. and a member of the subcommittee, added that the experience of the Calcasieu Parish community is an excellent example of good happening in a community. She then asked Mr. Coleman to identify the factors that had helped change the sense of hopelessness the residents of Mossville had experienced. Mr. Coleman identified four factors that had helped empower the community, as follows:

- The federal government came to the community

- Quarterly meetings were held to give the community a voice

- The community was provided with the sampling data when those data became available and was given a "whole-picture-scenario" explanation of the data

- EPA headquarters assisted actively with funding and direction

Mr. Coleman then stated that the atmosphere in Mossville is positive, but noted that the community continues to face serious issues. Overall, he noted, the community is very pleased with the level of communication that has been established with local, state, and federal government agencies.

3.3 Brownfields Minority Worker Training Program

Ms. Sharon Beard, National Institute of Environmental Health Sciences (NIEHS), provided an update on the accomplishments of her agency's Brownfields Minority Worker Training Program (MWTP). Ms. Beard announced that, to date, NIEHS' Brownfields MWTP had provided training at more than 20 sites in 11 of 16 Brownfields showcase communities. During the first year of the program, reported Ms. Beard, 405 students were trained, and approximately 225 students have been placed in jobs. The job placement rate, she noted, is 64 percent, adding that the gender breakdown among trainees is 86 percent male and 14 percent female. NIEHS had received $3 million from EPA to

implement the Brownfields MWTP, reported Ms. Beard. Exhibit 8-2 describes the MWTP.

Exhibit 8-2

BROWNFIELDS MINORITY WORKER TRAINING PROGRAM

The Brownfields Minority Worker Training Program (MWTP) was established in September 1995 by the National Institute of Environmental Health Science (NIEHS) to provide a series of national pilot programs to test a range of strategies for the recruitment and training of young persons. The targeted young people are individuals who live near hazardous waste sites or those in the community who are at risk of exposure to contaminated properties, with the specific focus of preparing such individuals to work in the environmental field. The program encompasses s a broad geographic area and reaches several urban populations in high-risk contaminated areas.

The projects, all focused on environmental careers, are developed within the context of other social and health needs of the community. The various programs provide pre-employment job training, including training in literacy and life skills, environmental preparation, and courses in construction skills; environmental worker training, including training in abatement of hazardous waste, asbestos, lead; and safety and health training. Some training also includes enrollment in apprenticeship programs for construction and environmental remediation workers. In addition, particular emphasis is placed on establishing a mentoring program designed to enhance the participants' problem-solving skills and understanding of individual self-esteem and teamwork in the application of technical knowledge to environmental and related problems.

The program promotes partnerships with academic and other institutions, with a particular focus on historically black colleges and universities, and with public schools and community-based organizations located in or near the affected area to provide pre-mathematics, science or other education to participants in the program before or as they enter the training program. The first cooperative agreements provided funding for seven programs for training minority inner-city youth to enter the environmental field.

NIEHS' Worker Education and Training Program (WETP), of which the MWTP is a part, has provided training to targeted populations in all regions of the country, continued Ms. Beard. During fiscal year 2001, that program had delivered 4,806 courses, reaching 78,665 workers. That training, she said, represents more than 1 million hours of health and safety training. An initiative has been added, continued Ms. Beard, to provide training to individuals working at the site of the World Trade Center disaster.

Ms. Beard then stated that the WETP had established a successful pre-apprenticeship program for minority communities. Since 1995, she said, approximately 2,000 young minority adults have been successfully trained, with 9,000 hours of training and 122,000 contact hours last year. The overall job placement rate was approximately 63 percent, she added.

In addition, said Ms. Beard, a training program was initiated in the Houston, Texas metropolitan area in 2000. The program has become established quickly in the communities it serves, she noted, and has garnered recognition from elected officials, community residents, and social service agencies. In total, 30 trainees have completed their training, and 21 graduates (70 percent of the graduates) currently are employed. Salaries earned by the graduates range from $16,640 to $39,462, well above the average salary for the Houston area, she added.

3.4 Update on Brownfields and Environmental Justice Pilot Programs

Ms. Garczynski reported on the current status of brownfields pilot programs conducted by OSWER. OSWER maintains three pilot programs for supporting the assessment of property and contamination, providing low-interest loans for cleanup, and providing job training, she said, adding that those job training programs are coordinated closely with the NIEHS program. Currently, she continued, 399 communities have received funds from OSWER to conduct site assessments of Brownfields properties. Of those, 126 communities and consortiums organized by states, have established revolving loan funds for their programs. Because of the current economic situation, continued Ms. Garczynski, the loans have become of great interest to many organizations who want to borrow money for similar programs. Ms. Garczynski then pointed out that, in response to recommendations offered by the NEJAC, nonprofit organizations receive a 30 percent discount on the principal, and government borrowers receive a 20 percent discount.

OSWER also currently maintains 46 job training programs, said Ms. Garczynski; statistics for the

programs are very similar to those reported earlier for the NIEHS program, she added, emphasizing that the two programs are coordinated carefully to avoid duplication of efforts. The programs actually complement each other, and the selection panels are very similar, she added. Ms. Garczynski then reported that the average job placement rates for the OSWER programs range from 70 to 75 percent and that average salaries range from $13 to $15 per hour. Some individuals, she added, have achieved remarkable success by becoming supervisors or starting their own businesses.

The results of the brownfields cleanup assessment pilot programs are equally astonishing, Ms. Garczynski continued. As a result of the 2,700 site assessments conducted under the program, more than three billion dollars have been invested in properties, she explained. Approximately 15,000 jobs have been generated through efforts made to date, she said, adding that the seed money provided by EPA for the $200,000 assessment grants is yielding an average return of from 2.5 to 10 times on the investment dollar. Few agencies, Ms. Garczynski pointed out, can claim such an extraordinary rate of return.

3.4.1 Update on Issues Related to Land Use

Ms. Garczynski reported that, in December 2001, Congress had passed the Brownfields tax incentive. The tax deductions provided for under the legislation are extremely important in attracting private investment, she said. As EPA's thinking about Brownfields revitalization evolves, land use has become a central issue, she continued, adding that Ms. Eady earlier had identified land life-cycle management as a principal theme for discussion by the subcommittee. Ms. Garczynski explained that life-cycle management is the concept that the use of property evolves over time and that a given property usually undergoes a number of uses during its lifetime. The fact remains, she said, that property is becoming increasingly valuable as fewer properties are available for development. Because of the need to preserve green spaces, farm land, and other resources, she explained, a property may be used for one purpose for 20 years and subsequently may be used for another purpose. Thinking about property in terms of life cycle management, rather than as the single use of an individual property, said Ms. Garczynski, is a new element in EPA's thinking.

In light of that thinking, she continued, the Agency had worked with the Environmental Law Institute to develop a guidebook for the redevelopment of private property. EPA, she continued, also had worked with a number of entities, including the International City/County Management Association (ICMA), to examine the issue of institutional controls governing land use, an increasingly significant issue in the Superfund and RCRA programs, as well as a number of other programs. ICMA is developing a web site on institutional controls, said Ms. Garczynski, The web site, <*http://lucs.org*>, which ICMA will maintain, will be a resource that will provide the most current information about institutional controls on land use, she added.

Continuing, Ms. Garczynski identified a number of innovative land use programs currently under development, including:

- The U.S. Department of Energy program for the long-term stewardship of its properties
- An information management system under development by the Department of the Navy is to be used in tracking institutional controls governing land use
- Guardian Trust, a program being developed by the state of Pennsylvania as an underwriting process through which a nonprofit trust will guarantee the enforcement of institutional controls

Ms. Garczynski then explained that a number of stakeholder meetings had been held during the summer of 2001 to consider the Brownfields program and the issues that should be the focus of the new action agenda for the program. Among the issues examined, she continued, was the need to unify planning and redevelopment. Local, state, and federal agencies lack long-term planning and reuse efforts, she observed, and local redevelopment and planning authorities do not work together effectively. Federal regulations require that HUD, the U.S. Department of Commerce's Economic Development Administration, and the U.S. Department of Transportation (DOT) execute comprehensive planning, she pointed out. Most communities, said Ms. Garczynski, have comprehensive plans developed to meet federal requirements; it is important to determine how individual properties fit within such plans and how redevelopment affects those properties, she said. EPA, she then noted, is working with the American Planning Association, the National Association of Home Builders, and a number of other groups to determine how long-term planning and actual redevelopment can complement one another. A number of design models have been developed to support the integration of redevelopment into the planning process, she said.

Last, said Ms. Garczynski, OSWER had revised its grant requirements so that grantees under pilot programs would be permitted to enter into subgrant arrangements with nonprofit organizations. Therefore, community relations and outreach efforts now are being carried out by nonprofit entities, she said, adding that subgrants to nonprofit organizations have begun to play a larger role in OSWER pilot programs than had been the case in the past. OSWER, she stated, hopes to expand such efforts to five or six communities in the coming year.

Ms. Garczynski then stated that OSWER also has begun to work with the EPA Green Buildings program to examine the issue of sustainable design for Brownfields redevelopment. OSWER, she continued, also was working with the EPA Office of Water to address the issue of adverse effects of development on watersheds. OSWER also is working with the U.S. Army Corps of Engineers (USACE) and the National Oceanic and Atmospheric Administration (NOAA) and other federal entities to resolve issues related to the co-location of most Brownfields communities with waterfront real estate. Such co-location, said Ms. Garczynski, provides an opportunity to improve control of non-point source pollution as Brownfields properties are redeveloped. OSWER also is working with NOAA and various port authorities to address the lack of deep-water ports in the country, she continued. Dredging, she said, is becoming a major issue, one that involves destabilization of fish populations and disposal of dredged sludge. In 2002, she added, OSWER will continue to pursue these issues.

3.4.2 Update on Brownfields Legislation

Ms. Garczynski then reported that OSWER continued to work on the Brownfields legislation that was passed by the United States Senate on April 25, 2001 and introduced in the United States House of Representatives on September 10, 2001. In the wake of the events of September 11, she said, the legislation had not come to a vote. However, she noted, OSWER anticipates that the House would take up the legislation in January 2002. The Brownfields legislation, added Ms. Garczynski, includes several provisions that are significant to environmental justice concerns. Among those provisions are:

- For the first time, the legislation would allow for cleanup grants, rather than loans, of as much as $200,000 that would be available to nonprofit organizations, as well as to city governments.
- The legislation would provide a prospective purchaser protection from exposure to liability under federal regulations.
- The legislation would expand the role of state programs significantly. Currently, 44 states have voluntary cleanup programs in place; for many of those programs, demand far exceeds capacity to respond. The legislation would triple the amount of funding available for such programs.
- For the first time, the legislation would allow states to use such funding to oversee cleanup of properties.

Ms. Garczynski then reemphasized OSWER's commitment to keeping the members of the subcommittee updated on the progress of the legislation and on the efforts of OSWER.

Ms. Eady asked about funding mechanisms for public housing being demolished and at which elevated pH levels and elevated concentrations of asbestos, lead, and other contaminants have been found to be present. Ms. Garczynski responded that, currently, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program, a response by EPA to releases from a structure is prohibited. However, she stated, OSWER's interpretation of that prohibition has been fairly liberal because of "the broken window syndrome" – that is, once asbestos, lead-based paint, polychlorinated biphenyls (PCB), or other pollutants have been released from a structure, such pollutants clearly are being released into the environment. OSWER currently is using money funded under the CERCLA program, she continued, to respond to and address such releases that occur outside a structure. The issue then remains, she pointed out, whether the exclusion under section 104J of CERCLA is applicable, observing that the legislation is "more than vague." Ms. Garczynski then stated that HUD conducts programs that address such issues.

4.0 SUMMARY OF DIALOGUE ABOUT THE STRATEGIC PLAN

During the one-day meeting, the members of the subcommittee discussed the issues described below. They focused on potential ideas to start the development of a strategic plan for the subcommittee. The preliminary plan addresses four major issues: the creation of a workforce development committee, the addition of a subcommittee member to co-chair the NEJAC Federal Facilities Work Group, land use and

revitalization, and the role of the subcommittee in the pollution prevention policy issue for the December 2002 meeting of the NEJAC. Additional issues addressed in the preliminary strategic plan are the role of EPA in fostering strategic planning by communities for the reuse and revitalization of contaminated sites, planning for post-cleanup uses, and applications of lessons learned through the demonstration projects conducted by the federal Interagency Working Group on Environmental Justice (IWG),and other outstanding projects.

The subcommittee recommended that the NEJAC explore EPA's role in fostering strategic planning by communities for the reuse and revitalization of contaminated sites, planning for post-cleanup uses, and using lessons learned through the demonstration projects of the Interagency Working Group on Environmental Justice (IWG) and other outstanding projects. Further, the subcommittee recommended that the NEJAC respond to the following issues to be considered for the development of the subcommittee's strategic plan:

- Creation of a workforce development work group
- Addition of one subcommittee member to the Federal Facilities Work Group
- Incorporation of a focus on land use – that is, revitalization and reuse – and development of planning and reuse case studies and a list of tools and resources
- Examination of the role of the Waste and Facility Siting Subcommittee on the Pollution Prevention Work Group

After some discussion, the members of the subcommittee agreed to clarify for the Executive Council of the NEJAC the goals that had been identified for project idea number 3, which would explore how EPA can have a role in fostering community strategic planning for the re-use of contaminated sites after cleanup. See Exhibit 8-3 for a description of that project, as well as two other potential projects for inclusion in the strategic plan of the Waste and Facility Siting Subcommittee for 2002.

Specific goals for proposed project idea number 3 include:

- Provide tools and incentives to foster revitalization, reuse, and life-cycle management of property
- Determine whether the target audience is community groups or EPA and other federal agencies
- Showcase five to six case studies and highlight the challenges faced by and achievements accomplished by the parties; specific questions include:
  - -- What were the factors in the success of each?
  - -- Did the project identify and use key tools for community planning?
  - -- What additional tools might EPA provide to communities?

5.0 ACTION ITEMS

This section summarizes the action Items adopted by the Waste and Facility Siting Subcommittee of the NEJAC.

The members of the subcommittee discussed at length three pending action items for 2002. Those action items were moving oversight of the Federal Facilities Work Group to the Waste and Facility Siting Subcommittee and expanding the membership of that group; long-term planning through which federal facilities will integrate issues related to land use, development, and redevelopment into their procedures; and identifying useful models, such as the Washington Navy Yard and other sites, that serve as positive examples of the ways in which OSWER works with communities to achieve revitalization and reuse. The members of the subcommittee adopted the following action items:

- **T** Compile names of potential candidates to be nominated as the new member of the Federal Facilities Work Group, in light of the core qualifications determined by the subcommittee.
- **T** Conduct a conference call to discuss the candidates with Ms. Garczynski, Ms. Eady, Dr. McClain, and Mr. Rivera.
- **T** Locate and distribute to the members of the subcommittee a copy of "Community Planning," developed by the American Planning Association.

Exhibit 8-3

STRATEGIC PLAN FOR THE WASTE AND FACILITY SITING SUBCOMMITTEE SUGGESTED PROJECTS

The central theme of the strategic planning for the Waste and Facility Siting Subcommittee is to address a variety of issues identified as priorities for the U.S. Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER). Among those priorities are workforce diversity and development, an initiative to encourage environmentally sound purchasing decisions, recycling and waste minimization, revitalization and sustainability, and consistency of cleanup programs. During a meeting with OSWER on November 19, 2001, members of the subcommittee had identified possible projects through which to advise the Agency about environmental justice and land re-use and Revitalization. Possible projects include:

- **Idea 1**: The subcommittee could advise about underground storage tanks (UST), addressing in particular the problem of abandoned gas stations as a precursor to land re-use. Questions to consider include, "how well is the risk-based decision-making model being used?" "How well have requirements under OSWER Directive 9610.17 (which suggests that cumulative health risks to people living in low-income and minority neighborhoods be considered when evaluating risk and prioritizing cleanups) worked?"and "How can it work better?" The subcommittee could evaluate a sample of low-income communities and communities of color where USTs are key environmental justice issues. Other questions include: "Have cumulative health risks been taken into account using risk-based corrective action?" "What are the pitfalls, surprises, etc.?" "How else can environmental justice be incorporated into EPA's emerging UST-field program?" and "Does "streamlining" of corrective action process negatively impact communities at risk?" The subcommittee would issue a report on the use of OSWER Directive 9610.17 and the use of cumulative health risk factors in risk-based decision-making, making recommendations for improvement.

- **Idea 2**: The subcommittee could advise OSWER about how to achieve consistent cleanup standards and the use of institutional controls. This advice would be in coordination with the new Superfund Committee of the National Advisory Council on Environmental Policy and Technology (NACEPT). The subcommittee's efforts would focus on institutional controls at Superfund sites and other contaminated sites in those communities of color and low-income communities, which often host the largest number of contaminated sites. The project could evaluate not just the efficacy and consistency on institutional controls across OSWER programs, but also the long-term stewardship of wastes left in place. Finally, the project would identify any violation of institution controls and any flaws in institutional controls.

- **Idea 3**: Using lessons learned from the Interagency Working Group on Environmental Justice (IWG) Demonstration Projects, as well as other successful projects, the subcommittee can explore how EPA can have a role in fostering community strategic planning for the re-use of contaminated sites after cleanup. The subcommitte could identify model projects where contaminated properties, Superfund sites, Brownfields properties, or RCRA sites, have been reused for environmentally sound and sustainable projects. Questions to address include: "Are there incentives EPA can use to engage communities and industry around sustainability and waste minimization? and "Is there a way EPA can better promote innovative technologies for cleanup and assessment in low-income and minority communities? The subcommittee would issue a report on models for engaging communities and fostering community planning. This report would incorporate an evaluation of the impacts on social and cultural values by environmental decision-making, including discussions about gentrification, whether sustainable enterprises on re-used land promotes gentrification, and how communities and EPA can avoid gentrification.