

EPA-REGION 8

Environmental Justice

Action Plan

2007-2008

Enforcement, Compliance and Environmental Justice
U.S. Environmental Protection Agency



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http://www.epa.gov/region8/community_resources/ej/ejhome.html

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I. Executive Summary

The EPA- Region 8 Environmental Justice Team (EJ Team) within the Policy, Information Management and Environmental Justice Program addresses a unique mix of urban, rural, and tribal issues shaped by the geography, culture and history of our mountain and plains states. The Region's EJ Team has been designed to address Environmental Justice (EJ) concerns in a manner responsive to the crosscurrents borne of our setting. EJ Team staff, along with technical, enforcement, and legal staff, address a wide range of issues and concerns. Recent strategic opportunities have included air quality issues, safe drinking water concerns, environmental impact reviews, children's health concerns, and energy development.

EJ Team resources are structured around six main goals:

- Identification of EJ Priority Areas (Allocation of our resources);
- Integration of EJ into Region 8 Teams (Building internal capacity);
- Administration of EJ Grants (Community capacity development);
- External Outreach (Engaging other organizations to address site and issue-specific challenges);
- Data Management (Program tracking and management for internal and external access);
- Evaluation of Program Effectiveness (Applying lessons learned).

In Region 8, EJ concerns typically arise due to converging environmental concerns. Additionally, EJ concerns are rarely amenable to resolution by a single entity. Accordingly, the EJ Team focuses significant limited resources on convening and facilitating multi-media/multi-agency cooperative efforts to address EJ issues. The majority of the activities reported in the EJ Action Plan matrix reflect this approach. In the matrix, we highlight stakeholder partnerships that the EJ Team has initiated to address EJ issues and concerns.

Management Accountability

Organizational Infrastructure and Management Support

- The EJ Team was established on August 11, 1994, by Regional Order (Order). The Team was established to achieve equal environmental protection so no segment of the population, regardless of race, ethnicity, culture or income bears an undue burden of environmental pollution and to ensure that the benefits of environmental protection are shared by everyone. The Order establishes the Region 8 environmental justice policy as follows:

Region 8, the states, Indian tribes and affected communities in Region 8 will work together to correct and prevent inequitable environmental and public health impacts to any groups through effective implementation of policies and

procedures that will include the following:

- A. Raising people's awareness of EJ issues;

B. Identifying, assessing, addressing and responding to inequitable environmental impacts;

C. Managing procedures that will correct present and prevent future inequitable environmental impacts;

D. Communicating information to the public regarding opportunities for involvement in environmental decision making.

- The Director of the Policy, Information Management, and Environmental Justice Program (PJ) serves as the Region's Environmental Justice Coordinator, the Region's Enforcement Coordinator, and is a member of the Regional Leadership Team and meets regularly with the Senior Leadership Team to coordinate activities. The Senior Leadership Team establishes Region-wide direction and goals. Thus, the Director of the PJ Program is a senior level Manager that is well placed to address environmental justice issues and concerns.
- Evaluation of the EJ Team is conducted both through the annual performance cycle and by assessing the extent and nature of interaction with the Region's media program management and staff. In addition, we evaluate the outcomes of these interactions in terms of benefits to communities.

Operational Resources/Program Support

- The EJ Team is incorporated into the Office of Enforcement, Compliance and Environmental Justice. From this organizational base, the EJ staff works closely with the Regional programs to incorporate EJ activities.
- The EJ Team functions with a staff of 4 environmental justice coordinators. The overall leadership of the EJ Team is performed by the Director of the Policy, Information Management and Environmental Justice Program.
- The overarching responsibility of the EJ Team is to integrate EJ into the Agency's core programs. The EJ Team has chosen to adopt a comprehensive and multifaceted approach. Individual EJ staff assignments are designed to address specific environmental media or core program areas. The assigned staff are responsible for initiating activities, following up on leads, evaluating program vulnerabilities and opportunities, and providing appropriate program support.
- The EJ Team has many projects, which serve as mechanisms for focusing on EJ issues. The EJ Team has developed a protocol, for staff to follow while serving on teams, which focuses on the integration of EJ into core program activities. Each member of the EJ Team works to provide internal advocacy and education to assigned project teams. Each EJ staff person is proactive in enhancing the EJ awareness of the project team members.
- State-EPA Performance Partnership Agreements (PPAs), and Performance Partnership Grants (PPGs), incorporate environmental justice.

Internal Organizational Engagement

- The EJ Team has developed successful mechanisms to communicate with, receive input from, and otherwise consistently engage other programs in the Regional office. The EJ Team participates on Regional standing committees and works actively with staff liaisons in the media programs. Additionally, the EJ Team publicizes its efforts through presentations at national conferences, public meetings, and through training opportunities.
- Specific tools developed for internal organizational work include: a Regional EJ Geographical Information System (GIS) application; and specific procedures used to review EJ grant proposals.
- The Team is also active in on national activities:
 - Team members are active on the National Supplemental Environmental Project (SEP) Workgroup
 - Team members are active on the National Interagency Working Group (IWG) on Environmental Justice Revitalization Project

External Stakeholder Engagement

- The EJ Team utilizes several on-going mechanisms to share information with external interested parties. The EJ Team has frequent and meaningful contact with external stakeholders through project specific initiatives, such as through development of community based Supplemental Environmental Project (SEPs) , the Migrant Farm Worker Drinking Water Project, the Community Drinking Water Well Project, and the Community Mercury Mitigation Project . Through these action specific activities, The EJ Team regularly communicates with community groups, local governments, state agencies and other interested parties. Furthermore:
 - The EJ Team has developed a website with information about on-going specific questions, issues, or concerns. The website address is: <http://epa.gov/region8/ej>
 - The EJ Team strives to identify stakeholders who could benefit from increased awareness about EJ. Outreach efforts to identify interested groups, individuals, and contacting stakeholders experiencing EJ issues is a significant on-going effort. To reach as many interested parties as possible, the EJ Team reaches out to stakeholders through the EJ website, grants training, other EPA program contacts, networking with other federal and state agencies, presenting at national conferences, serving on panels, and providing information at national and regional meetings.
- The EJ Team focuses on initiating multi-stakeholder collaborative processes to address EJ issues. A significant role for the EJ Team in the Regional office is as a convener of Regional programs and outside organizations to address multi-media/multi-agency EJ issues. Examples of such efforts are:

-The EJ Team schedules quarterly grant conference calls to give grant recipients networking opportunities and to develop partnerships.

-The EJ Team works closely with multi-stakeholder collaborative communities through grant based projects.

- The EJ Team addressed language issues for persons with limited English proficiency by utilizing Regional staff and stakeholders to assist with language barrier concerns. In addition, many of the fact sheets prepared for the Migrant Farm Worker Drinking Water Project have been translated into Spanish and much of our lead outreach materials are in both English and Spanish.

Data Collection, Management, and Evaluation

- The EJ Team maintains an interactive database of more than 600 interested organizations and individuals. The database also serves to track projects, staff assignments, grant activities, and intern projects.
- The EJ Team has worked closely with the enforcement program to identify “potential EJ sites”. Prior to screening cases, the EJ Team provides demographic (low-income indicator data) information on each of the potential cases, so that potential EJ sites are identified early in the enforcement process.
- The EJ Team uses GIS to map enforcement actions within the Region and does a comparison to potential EJ areas.
- The EJ Team utilizes various methods to promote shared learning, such as:
 - Quarterly meetings with all grantees, both EJ Small Grants and EJ Pollution Prevention Grantees.
 - Informational meetings with the Regional program offices.
 - Coordination and organization of Region-wide Grant workshops.

Professional and Organizational Development

- Members of the EJ Team worked with the Office of Environmental Justice, the Environmental Law Institute, the Southwest Network for Environmental and Economic Justice and the Southeast Community Research Center on development and coordination of the “Environmental Laws and Alternative Dispute Resolution: Tools for Environmental Justice” Training.
- The EJ Team has developed and delivered EJ Analysis and Permits Training to Regional Permit writers. This will be an ongoing project within the Region and utilizes the “Toolkit for Assessing Potential Allegations of Environmental Injustice”.
- The EJ Team has developed, coordinated and delivered Region-wide Grants Workshops for community groups, other EPA staff and other interested parties.

Environmental Justice Assessment

- The evaluation of whether the EJ Team should use its limited resources in a specific situation is based on the EJ Deliberative Process. Our deliberative process utilizes demographics, information on disproportionate impact, stakeholder involvement and interest, and a balancing analysis of the benefits and burdens of the proposed action.
- **Demographics:** Low-income populations are identified using annual statistical poverty thresholds from the Bureau of the Census; current population reports, Series P-60 on Income and Poverty. Minority populations are identified as members of the following population groups: American Indian or Alaskan Native, Asian, Native Hawaiian and other Pacific Islander, Black or African American, and Hispanic or Latino.
- **Stakeholder involvement:** All populations should have a meaningful opportunity to participate in the development of, compliance with, and enforcement of Federal laws, regulations and policies affecting human health or the environment. The EJ Team strives to identify whether or not communities have easy access to public information and the Team strives to provide opportunities for public participation in matters relating to human health and the environment.
- **Disproportionate impacts:** the EJ Team determines whether there is or will be an actual or potential disproportionate impact on the natural or physical environment that significantly and adversely affects a minority population, a low-income population, or Indian Tribe. Indicators used to make such determinations may include: ecological, cultural, human health, or economic.
- **Benefits and Burdens:** the EJ Team determines whether there is unfairness in the distribution of the benefits and the burdens associated with the implementation of Federal laws, regulations, and policies and whether or not all segments of the society regardless of race, color, national origin, or income share fairly in receiving the benefits from environmental protection and in shouldering the burdens of implementation of these policies.
- The EJ Team relies on various informational resources to conduct an EJ assessment. These sources include the Region 8 EJ Geographic Information System application, interviews with key EPA, State, and community parties, file and historical research, and discussions with EPA core programs and OEJ as well as tools developed by the Office of Environmental Justice.

Program Evaluation

- Currently an evaluation of Supplemental Environmental Projects (SEPs) implemented in Region 8 is being conducted to identify opportunities for EJ project integration.

- The EJ Team will highlight the accomplishments, results, and program evaluations predicated by our EJ Action Plan through region-wide meetings, luncheon presentations, fact sheets, posters, training opportunities, site-specific presentations, meetings, and Regional and national reporting mechanisms.

Goal 1: Clean Air and Global Climate Change

Objective 1: Reduction in number of asthma attacks (e.g., reduce asthma triggers such as particulate matter)

Activities	Output	Applicable Outcome Measure ¹			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Children’s Health Summit (Tribal)	Being a part of the planning and implementation of the Regional Tribal Children’s Health Summit.	Increasing the ability of parents to reduce and prevent asthma in children.	Learn and understand what asthma triggers are and how to avoid them.	Reduce the amount of asthma triggers in indoor and outdoor environments.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040

Goal 1: Clean Air and Global Climate Change

Objective 2: Reduce exposure to air toxics (e.g., reduce releases of mercury)

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Outreach and partnership with Garfield County Health Department	Being a part of the planning, coordination and implementation of the partners group.	Educate the County on available grants and other resources.	Building partnerships within EPA and other Agencies and communities.	Reduction in Air Toxics in Garfield County.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040

¹ All three outcomes may not apply for every activity.

Goal 2: Clean and Safe Water
Objective 1: Safe fish/shellfish

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Mercury Education & Information Tools	Develop a series of community-oriented educational materials for four Tribal communities (Fort, Belknap, Fort Peck-Wolf Point/Poplar, Northern Cheyenne and Crow) located in Billings, Montana related to Mercury exposure, contamination, prevention, and reduction.	Gain awareness concerning needs of the Native American / Tribal community related to fish consumption, cultural practices, and Mercury exposure, contamination, prevention, and reduction.	Tribal communities share educational materials created and are able to assess risk.	Community members reduce exposures to environmental mercury.	Tami Thomas-Burton 303-312-6581 Lorena Romero-Cedeno 202-566-0978
Mercury Education & Information Tools	Develop a series of community-oriented educational materials for four predominately Hispanic Communities (East Side, Salt Creek, Peppersauce Bottoms, and Bessemer) located in Pueblo, Colorado related to Mercury exposure, contamination, prevention, and reduction.	Gain awareness concerning needs of the Hispanic community related to fish consumption, cultural practices, and Mercury exposure, contamination, prevention, and reduction.	Hispanic communities share educational materials created and are able to assess risk.	Community members reduce exposures to environmental mercury.	Michael Wenstrom 303-312-7009 Lorena Romero-Cedeno 202-566-0978

Goal 2: Clean and Safe Water

Objective 2: Clean and safe drinking water

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Outreach and partnership with Garfield County Health Department	Being a part of the planning, coordination and implementation of the partners group.	Education about the possible drinking water contamination that could be occurring from spills and other Oil and Gas activity.	Working with the County and scientific community to identify the possible toxicity of Oil and Gas Development.	Safe Drinking water for those who live in close proximity to Oil and Gas Development in Garfield County.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040

Goal 3: Land Preservation and Restoration

Objective 1: Reduce Waste Generation and Increase Recycling

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Tribal Recycling Project	A recycling project that will reduce toxins on one or more Montana Indian reservations.	Educate and encourage the residents of one or more Indian Reservation on the benefits of recycling.	Encourage residents to reduce, reuse, and recycle solid waste in their communities.	Reduce toxins through recycling.	Nancy Reish (303) 312-6040

Goal 3: Land Preservation and Restoration

Objective 2: Restore Land

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Peppersauce Bottoms neighborhood, Pueblo, Colorado	Community organized to address hazardous materials potentially deposited by flooding.	Educate neighbors about potential hazards of flood-deposited materials.	Perform a site assessment of the properties.	Where contaminants are detected in excess of action levels, perform soil remediation.	Michael Wenstrom (303) 312-7009

Goal 4: Healthy Communities and Ecosystems

Objective 1: Reduction in elevated blood lead levels

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Blood Lead Outreach Project	Being a part of the planning, coordination and implementation of the project so that there is no duplication of effort.	Increasing the ability of parents to reduce and prevent lead exposure in children and to understand the need for blood lead testing in children under the age of 6.	Learn and understand how lead exposure occurs and how to avoid it.	Reduction in number of children under the age of 6 who are exposed to lead.	Nancy Reish (303) 312-6040 Jean Belille (303) 312-6556
Lead & Mercury Educational Tools	Develop a series of community-oriented educational materials for six predominately low-income communities (Globeville, Sunnyside, Elyria /Swansea, Cole, Clayton, and parts of Commerce City) located in Denver, Colorado related to Mercury and Lead exposure, contamination, prevention, and reduction.	Gain awareness concerning needs of the six low-income communities related to Mercury and Lead exposure, contamination, prevention, and reduction.	The six communities of North East Denver share educational materials created and are able to assess risk	Community members reduce exposures to environmental Lead and Mercury.	Tami Thomas-Burton 303-312-6581 Lorena Romero-Cedeno 202-566-0978

Goal 4: Healthy Communities and Ecosystems

Objective 2: Collaborative problem-solving to address environmental justice issues

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Work with Garfield County Health Department to increase partnerships.	Creation of a network of knowledgeable professionals and community groups available to work on environmental and EJ issues.	Working with various partners to increase the County's ability to collaborate.	Understand the empowerment potential of community based, community driven multi-media projects.	Reduction in Environmental Issues in Garfield County.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040
Administration of Grants and Projects.	Train and work with communities.	Create an understanding of community based, community driven multi-media projects.	Creation of collaborative partnerships that address environmental issues in EJ communities.	Reduction in toxics in individual EJ communities.	Nancy Reish (303) 312-6040 Jean Belille (303) 312-6556 Michael Wenstrom (303) 312-7009 Tami Thomas-Burton (303) 312-6581
Tribal toxic reduction project	Creation of processes where communities utilize EPA voluntary programs to reduce toxins.	Through Rocky Mountain College, Communities and Tribes will educated on environmental contaminates that exist within their communities.	Creation of collaborative partnerships that address environmental issues on these four Indian Reservations.	Reduction in toxics in four Montana Reservations.	Nancy Reish (303) 312-6040

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Community Hazard Identification Project Pueblo, Colorado	Creation of community coalition designed to identify potential exposures to hazardous materials.	Creation of partnerships to educate citizens re: hazards posed by various materials and processes.	Focus on analyzing and prioritizing identified potential hazards.	Selection of hazards which the community will prepare for reducing incidence or exposures.	Michael Wenstrom (303) 312-7009
Children's Health Summit (Tribal)	Being a part of the planning and implementation of the Regional Tribal Children's Health Summit.	Providing information that would help participant address disproportionate health impacts.	Creation of partnerships and collaborations that would address environmental health hazards in Tribal children.	Reduce the amount of environmental health hazards that Tribal children are exposed to.	Nancy Reish (303) 312-6040 Jean Belille (303) 312-6556

Goal 4: Healthy Communities and Ecosystems

Objective 3: Revitalization of brown fields and contaminated sites

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Pueblo - Targeted Brownfields Assessment	Collaboration with community to identify and select site for assessment.	Educating community partners on the Brownfields process.	Identifying and selecting a candidate site for a Level 1 assessment.	Working with local government to coordinate and facilitate the Level 1 assessment.	Michael Wenstrom (303) 312-7009

Goal 5: Compliance and Environmental Stewardship

Objective 1: Ensure Compliance

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Enforcement Actions and Potential EJ Areas Project	GIS Mapping of entire Region to show enforcement activity.	To educate the Regional Enforcement Programs about the percentage of enforcement actions in EJ areas.	To ensure that EJ areas are included in enforcement actions.	To provide equal protection to all populations within the Region.	Nancy Reish (303) 312-6040 Marilynn Mueller (303) 312-6679

Cross Cutting Strategies:

Objective: Internal Capacity Building (e.g., internal program management)

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
Work with Garfield County Health Department to increase partnerships within EPA.	Creation of a network of knowledgeable professionals available to work on Garfield County environmental issues within the EPA.	Working with various partners to increase the County's ability to collaborate with EPA personnel.	Build capacity of EPA programs to work on multi-media project.	Creation of an EPA workforce that is capable of working with communities on multi-media projects.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
EJ Permits Training	Development of Training modules that can be used by anyone to inform EPA Permit writers about EJ Analyses.	Educate EPA Permit writers about the need to address EJ in their permits.	Build capacity of EPA permit writers to address EJ in their permits.	Address EJ in all EPA permits.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040 Michael Wenstrom (303) 312-7009 Tami Thomas-Burton (303) 312-6581
Development of EJ Analysis Process	Creation of a system to use to develop standard EJ Analysis of affected communities.	Development of SOP's for use in developing EJ Analysis.	Build capacity of all EJ staff to do an EJ analysis if needed.	Address EJ within the Region.	Jean Belille (303) 312-6556 Nancy Reish (303) 312-6040 Michael Wenstrom (303) 312-7009 Tami Thomas-Burton (303) 312-6581
EJ Basic Training	Train all new and recently employed R8 personnel on the fundamentals of Environmental Justice.	New and recently employed R8 personnel gain awareness of Environmental Justice.	New and recently employed R8 personnel have knowledge and skills to effectively exercise EJ practices in their program work.	New R8 employees fully incorporate EJ into their work.	Tami Thomas-Burton 303-312-6581