

**SUMMARY OF THE PUBLIC MEETING
OF THE
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**

**November 16 to 18, 2010
Kansas City, Missouri**

Victoria Robinson
Designated Federal Officer

Elizabeth Yeampierre
Chair

A Federal Advisory Committee of the U.S. Environmental Protection Agency
www.epa.gov/environmentaljustice/nejac

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ACRONYMS AND ABBREVIATIONS

Agency	U.S. Environmental Protection Agency
BNSF	Burlington Northern Santa Fe (Railway Company)
BOA	New York State's Brownfields Opportunity Areas (Program)
CAA	Clean Air Act
CAFO	Concentrated animal feeding operation
CARE	Community Action for a Renewed Environment (Program)
CO ₂	Carbon dioxide
Council	Executive Council of the NEJAC
CRMW	Coal River Mountain Watch
CSATM	Community-scale Air Toxic Monitoring (grants)
DFO	Designated Federal Officer
DHHS	U.S. Department of Health and Human Services
DOI	U.S. Department of Interior
DOL	U.S. Department of Labor
DOT	U.S. Department of Transportation
EE/CA	Engineering Evaluation and Cost Analysis
EJSEAT	Environmental Justice Strategic Enforcement Assessment Tool
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FACA	Federal Advisory Committee Act
FERC	Federal Energy Regulatory Commission
FONSI	Finding of No Significant Impact
FTA	Federal Transit Administration
FY	Fiscal Year
GSA	U.S. General Services Administration
HINU	Haskell Indian Nations University
HUD	U.S. Department of Housing and Urban Development
KCP&L	Kansas City Power & Light
MACT	Maximum Achievable Control Technology
MHI	Median household income
MTR	Mountaintop removal
NAAQS	National Ambient Air Quality Standards
NDEQ	Nebraska Department of Environmental Quality
NEJAC	National Environmental Justice Advisory Council
NEPA	National Environmental Policy Act
NNSA	National Nuclear Security Administration
OAQPS	EPA Office of Air Quality Planning and Standards
OAR	EPA Office of Air and Radiation
OECA	EPA Office of Enforcement and Compliance Assurance
OEJ	EPA Office of Environmental Justice
OSHA	Occupational Safety and Health Administration

OSWER	EPA Office of Solid Waste and Emergency Response
RAB RC&D	Restoration Advisory Board Resource Conservation and Development (Councils)
SLT	South Lawrence Trafficway
Title VI	Title VI of the Civil Rights Act of 1964
UEP USACE USDA	EPA Region 1's Urban Environmental Program U.S. Army Corps of Engineers U.S. Department of Agriculture
Zone	Green Impact Zone of Missouri

PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. To date, NEJAC has held 29 in-person meetings in the following locations:

- Washington, D.C., May 20, 1994
- Albuquerque, New Mexico, August 3 through 5, 1994
- Herndon, Virginia, October 25 through 27, 1994
- Atlanta, Georgia, January 17 and 18, 1995
- Arlington, Virginia, July 25 and 26, 1995
- Washington, D.C., December 12 through 14, 1995
- Detroit, Michigan, May 29 through 31, 1996
- Baltimore, Maryland, December 10 through 12, 1996
- Wabeno, Wisconsin, May 13 through 15, 1997
- Durham, North Carolina, December 8 through 10, 1997
- Arlington, Virginia, February 23 through 24, 1998 (Special Business Meeting)
- Oakland, California, May 31 through June 2, 1998
- Baton Rouge, Louisiana, December 7 through 10, 1998
- Arlington, Virginia, November 30 through December 2, 1999
- Atlanta, Georgia, May 23 through 26, 2000
- Arlington, Virginia, December 11 through 14, 2000
- Washington, D.C., August 8 through 10, 2001 (Special Business Meeting)
- Seattle, Washington, December 3 through 6, 2001
- Baltimore, Maryland, December 9 through 12, 2002
- New Orleans, Louisiana, April 13 through 16, 2004
- Washington, D.C., January 5 and 6, 2006 (Special Business Meeting)
- Washington, D.C., June 20 through 22, 2006
- Baltimore, Maryland, September 18 through 20, 2007
- Washington, D.C., June 10 through 12, 2008
- Atlanta, Georgia, October 21 through 23, 2008
- Arlington, Virginia, July 21 through 23, 2009
- New Orleans, Louisiana, January 27 through 29, 2010
- Washington, D.C., July 27 through 29, 2010
- Kansas City, Missouri, November 16 through 18, 2010

In addition, NEJAC has held other special meetings including the following:

- Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities, held in Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia; summer 1995
- Relocation Roundtable held in Pensacola, Florida, May 2 through 4, 1996
- Environmental Justice Enforcement and Compliance Assurance Roundtable, held in San Antonio, Texas, October 17 through 19, 1996
- Environmental Justice Enforcement Roundtable, held in Durham, North Carolina, December 11 through 13, 1997
- International Roundtable on Environmental Justice on the U.S.-Mexico Border, held in San Diego, California, August 19 through 21, 1999
- Public Teleconference Meeting on National Enforcement and Compliance Priorities, including a Public Comment period, held on September 24, 2009

- Public Teleconference Meeting on EPA's Response to the NEJAC Goods Movement Report and the Office of Water's School and Child Care Facilities Initiative, including a Public Comment period, held on April 28, 2010
- Public Teleconference Meeting on the Gulf of Mexico oil spill, including a Public Comment period, held on June 15, 2010
- Public Teleconference Meetings on EPA Plan EJ 2014 and incorporating environmental justice into permitting, including Public Comment periods, held on August 26 and September 23, 2010

As a federal advisory committee, NEJAC is governed by the Federal Advisory Committee Act (FACA). Enacted on October 6, 1972, FACA provisions include the following requirements:

- Members must be selected and appointed by EPA.
- Members must attend and participate fully in meetings.
- Meetings must be open to the public, except as specified by the EPA Administrator.
- All meetings must be announced in the Federal Register.
- Public participation must be allowed at all public meetings.
- Materials distributed during meetings must be made available to the public.
- Meeting minutes must be kept and made available to the public.
- A Designated Federal Officer (DFO) must be present at all meetings.
- The Committee must provide independent advice that is not influenced by special interest groups.

EPA's Office of Environmental Justice (OEJ) maintains transcripts and summary reports of all NEJAC meetings, which are available on the NEJAC Website at www.epa.gov/environmentaljustice/nejac. Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed to OEJ via e-mail at environmental-justice-epa@epa.gov.

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INTRODUCTION

The Executive Council (Council) of the National Environmental Justice Advisory Council (NEJAC) convened for a three-day meeting from Tuesday, November 16, to Thursday, November 18, 2010, in Kansas City, Missouri. It was the 29th in-person meeting and 37th public meeting of the NEJAC. This document summarizes presentations to the Council by U.S. Environmental Protection Agency (EPA or the Agency) and other invited speakers, discussions among Council members, and community concerns expressed during the public comment period on November 16, 2010.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the EPA Administrator on matters related to environmental justice. The NEJAC is governed by the provisions of the October 6, 1972, Federal Advisory Committee Act (FACA). The Council is comprised of 25 members representing academia, business and industry, community-based organizations, non-governmental and environmental groups, state and local governments, tribal governments, and indigenous organizations. One EPA staff member serves as the Designated Federal Officer (DFO) for the NEJAC. Exhibit 1 lists the members of the Executive Council who were in attendance, as well as those who were unable to attend the meeting.

Exhibit 1
Members of the NEJAC Executive Council

Members in Attendance

- 1. Ms. Victoria Robinson, NEJAC Designated Federal Officer, EPA Office of Environmental Justice
- 2. Ms. Elizabeth Yeampierre, NEJAC Chair, UPROSE, Inc.
- 3. Mr. John Ridgway, NEJAC Vice-Chair, Washington State Department of Ecology
- 4. Ms. Teri E. Blanton, Kentuckians for the Commonwealth
- 5. Ms. Sue Briggum, Waste Management, Inc.
- 6. Mr. Peter Captain, Sr., Yukon River Intertribal Watershed Council
- 7. Ms. Jolene Catron, Wind River Alliance
- 8. Ms. Wynecta Fisher, E² Inc.
- 9. Ms. Stephanie Hall, Valero Energy Corporation
- 10. Ms. Jodena "Jody" Henneke, The Shaw Environmental & Infrastructure Group
- 11. Ms. Savonala "Savi" Horne, Land Loss Prevention Project
- 12. Mr. Hilton Kelley, Community In-Power and Development Association
- 13. Mr. J. Langdon Marsh, National Policy Consensus Center, Portland State University
- 14. Ms. Margaret May, Ivanhoe Neighborhood Council
- 15. Ms. Vernice Miller-Travis, Maryland State Commission on Environmental Justice and Sustainable Communities
- 16. Father Vien T. Nguyen, Mary Queen of Viet Nam Community Development Corporation
- 17. Ms. Edith Pestana, Connecticut Department of Environmental Protection
- 18. Dr. Shankar Prasad, Coalition for Clean Air
- 19. Ms. Patricia Salkin, Albany Law School
- 20. Mr. Nicholas Targ, American Bar Association
- 21. Ms. Kimberly Wasserman, Little Village Environmental Justice Organization

Members Not in Attendance

- 22. Mr. Don Aragon, Wind River Environmental Quality Commission
- 23. Mr. Chuck Barlow, Entergy Services, Inc.
- 24. Dr. M. Kathryn "Katie" Brown, Formerly University of Cincinnati College of Medicine
- 25. Dr. Paul Mohai, University of Michigan
- 26. Ms. Nia Robinson, Environmental Justice and Climate Change Initiative

This summary contains two chapters. Chapter 1, Executive Council Discussions, summarizes the presentations to the NEJAC and deliberations of the Council. It includes the following sections, which generally correspond to the meeting agenda:

- 1.0 Welcome and Opening Remarks
- 2.0 A Conversation with the EPA Deputy Administrator
- 3.0 Panel Presentations
- 4.0 EPA Plan EJ 2014
- 5.0 NEJAC Subgroup Reports
- 6.0 EPA Response to NEJAC School Air Toxics Recommendations
- 7.0 Member Dialogue
- 8.0 Closing Remarks

Chapter 2, Public Comment Period, provides a summary of concerns voiced by members of the public during the comment period.

In addition, three appendixes are included. Appendix A lists the NEJAC Members and shows their affiliations by stakeholder category, Appendix B provides a list of meeting attendees, and Appendix C contains written public comments provided to the NEJAC.

CHAPTER 1. EXECUTIVE COUNCIL DISCUSSIONS

1.0 *Welcome and Opening Remarks*

Opening remarks were provided by the NEJAC DFO and Chair, as well as several EPA officials.

Ms. Victoria Robinson, NEJAC DFO, Office of Environmental Justice (OEJ), welcomed the members of NEJAC and the audience. She recognized EPA Region 7 as the meeting host and acknowledged the various environmental justice-related successes in the region, including the Green Impact Zone initiative and interagency collaboration efforts. Also during her opening remarks, Ms. Robinson noted that EPA Region 7 had also hosted “2010 Environmental Justice Workshops: Achieving Community Solutions through Resources and Partnerships” immediately preceding the NEJAC meeting; and EPA OEJ was concurrently conducting a youth workshop on intergenerational community engagement.

Ms. Elizabeth Yeampierre, NEJAC Chair and Executive Director of UPROSE, Inc., expressed appreciation for being in Kansas City, the home of fellow NEJAC member Ms. Margaret May, Executive Director, Ivanhoe Neighborhood Council. Given the location, Ms. Yeampierre noted that the meeting would primarily focus on rural issues related to environmental justice. She then asked everyone to pause for a moment of silence to acknowledge the passing of the grandmother of absent NEJAC member Ms. Nia Robinson, Director, Environmental Justice and Climate Change Initiative, the previous night.

Following Ms. Yeampierre’s opening remarks, the remaining NEJAC members in attendance introduced themselves (see Exhibit 1).

Mr. Karl Brooks, Regional Administrator, EPA Region 7, welcomed the Council and the audience to Kansas City and the region, noting that it was the first time that Region 7 was hosting the NEJAC. He recognized the landmark opportunity of the meeting to bring the environmental justice conversation to the heartland and for EPA to engage with stakeholders from Region 7 states (namely, Iowa, Kansas, Missouri, Nebraska) and nine tribal nations. In his remarks, Mr. Brooks mentioned that the region includes the nation’s industrial cities of Omaha, St. Louis, and Kansas City; and reported that 80 percent of the 15 million people in the region live in communities with populations smaller than 20,000. He added that, while most may think of the region as “ordinary,” the region is actually home to 25 different language communities. On behalf of EPA Region 7, Mr. Brooks expressed eagerness for three days of “open, participatory, robust debate and conversation.”

“We at EPA understand that [environmental justice] challenges...are based on historical, social, economic, and natural factors that often lie deep in the history of the American experience. These are complex problems in part because they are often very old problems.”

— Mr. Karl Brooks, Regional Administrator, EPA Region 7

Ms. Cynthia Giles, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), announced the following personnel changes at EPA that were intended to elevate the profile of environmental justice at the Agency and align its policy and management team:

- Ms. Lisa Garcia, Senior Policy Advisor to EPA Administrator Lisa Jackson, is also Associate Assistant Administrator for Environmental Justice in OECA.
- Mr. Charles Lee, former Director of OEJ, is Deputy Associate Assistant Administrator for Environmental Justice in OECA.
- Ms. Heather Case is Acting Director of OEJ.
- Mr. Kent Benjamin is Acting Deputy Director of OEJ.

Ms. Giles reported that a solicitation for a new Director of OEJ would be announced soon. She also expressed her eagerness to continue receiving input from the NEJAC on EPA’s Plan EJ 2014.

2.0 A Conversation with the EPA Deputy Administrator

Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, OECA, introduced Mr. Bob Perciasepe, EPA Deputy Administrator. She referred to him as a “true ally” in advancing environmental justice at EPA.

Mr. Perciasepe recalled the challenges and complexities of the Deepwater Horizon oil spill and the important role that the Agency played in the disaster response under Administrator Jackson’s leadership. He noted that recent activities in the Gulf Coast region were focused on helping the communities and economy recover from the disaster. He referred to the recent Executive Order that established the Gulf Coast Ecosystem Restoration Task Force, to which President Barack Obama had appointed Administrator Jackson as chair (see Exhibit 2). Mr. Perciasepe reported that the Gulf Coast Task Force held its first organizational meeting with community leaders the week preceding the NEJAC meeting. He acknowledged that the Gulf Coast region had faced challenging issues for a long time, even before Hurricane Katrina and the Deepwater Horizon oil spill. He stressed the Agency’s recognition of the importance of engaging community stakeholders in cleanup and recovery efforts.

Exhibit 2 Executive Order – Gulf Coast Ecosystem Restoration Task Force

On October 5, 2010, President Barack Obama issued an Executive Order that established the Gulf Coast Ecosystem Restoration Task Force. The purpose of the Task Force is to coordinate intergovernmental responsibilities, planning, and exchange of information to better implement Gulf Coast ecosystem restoration and to facilitate appropriate accountability and support throughout the restoration process. Among other responsibilities, the Executive Order called for the Task Force to prepare, within one year of the issuance of the Executive Order, a Gulf of Mexico Regional Ecosystem Restoration Strategy that proposes a Gulf Coast ecosystem restoration agenda, including goals for ecosystem restoration, development of a set of performance indicators to track progress, and means of coordinating intergovernmental restoration efforts guided by shared priorities.

(Source: www.whitehouse.gov)

Mr. Perciasepe announced that 2010 marked EPA’s 40th anniversary. While he acknowledged many successes in the Agency’s work, he recognized that the successes have not been uniformly distributed. He stated that, as Deputy Administrator, he was responsible for ensuring that operational activities at EPA included environmental justice considerations, from overarching efforts such as the *Interim Guidance on Considering Environmental Justice During the Development of an Action* (EJ in Rulemaking Guidance) and Plan EJ 2014, to tools used in the Agency’s day-to-day activities.

Mr. Perciasepe noted the successful reenergizing of partnerships such as the Federal Interagency Working Group on Environmental Justice (IWG), which was reconvened at the White House in September 2010 (see Exhibit 3). He also announced that the White House was hosting a



The Federal Interagency Working Group on Environmental Justice reconvened at the White House on September 22, 2010.

forum on environmental justice in December 2010 to further discuss partnerships. He recognized the vital role of the NEJAC in offering different perspectives and helping EPA do a better job at incorporating environmental justice into its work.

Exhibit 3
Interagency Working Group on Environmental Justice

The Federal Interagency Working Group on Environmental Justice (IWG) was established in 1994 under Executive Order 12898. The IWG is comprised of twelve federal agencies and several White House offices – specifically, EPA; the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor, and Transportation; and the Judicial branch of the federal government. With leadership from EPA, the IWG's focus is to (1) integrate environmental justice into federal agency programs, (2) ensure opportunities for collaboration to provide for environmental justice, and (3) share lessons learned in addressing environmental justice concerns.

(Source: <http://www.epa.gov/environmentaljustice/interagency/>)

Following Mr. Perciasepe's remarks, the Council engaged him in conversation, as summarized below:

- In terms of resources, Dr. Shankar Prasad, Executive Fellow, Coalition for Clean Air, suggested that EPA consider establishing a long-term funding mechanism in each EPA Region for communities identified and prioritized using tools such as the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT).
- Mr. Lang Marsh, Fellow, National Policy Consensus Center, remarked that effective partnerships required a shift from the traditional role of government – of permit application, agency response, public comment, and decision – to one where the government collaborates with members of the community, businesses, state and local governments, tribes, and other affected groups; and pooling knowledge and resources to jointly address environmental justice issues. Mr. Perciasepe agreed, stating that EPA was starting to “think about community as the organizing principle, as opposed to the programs as the organizing principle.”

3.0 *Panel Presentations*

The Council heard and discussed presentations by the following two panels:

1. Green Impact Zones – Implications and Lessons for Federal Interagency Cooperation on Environmental Justice and Sustainable Communities.
2. Environmental Challenges Facing Rural Communities.

The individual presentations and subsequent NEJAC discussions are summarized in the following sections.

3.1 *Green Impact Zones*

Ms. May moderated and was a member of the panel on Green Impact Zones. She was joined by four other speakers who discussed their work in promoting sustainable communities, as summarized below.

3.1.1 *Mr. John Frece, Director, EPA Office of Sustainable Communities*

Mr. Frece described how “silos” had to be broken down to achieve the Partnership for Sustainable Communities between U.S. Department of Housing and Urban Development (HUD), U.S. Department of

Transportation (DOT), and EPA (see Exhibit 4). He listed the Partnership's "Livability Principles" for sustainable communities:

- Promote equitable, affordable housing.
- Provide more transportation choices.
- Enhance economic competitiveness.
- Reinvest in and support existing communities.
- Coordinate and leverage federal policies and investment.
- Value communities and neighborhoods.

Mr. Frece then described seven ways in which the "Livability Principles" are reflected in the Partnership:

1. Staff members associated with the Partnership meet on a weekly basis and are in contact via phone and e-mail daily.
2. Staff members from HUD, DOT, and EPA – along with the U.S. Department of Agriculture (USDA) and several philanthropic organizations – jointly screened hundreds of grant requests for various funding opportunities (e.g., HUD Regional Planning Grants and HUD-DOT Community Challenge Grants) to ensure that grant applicants were engaging populations that had not been traditionally included, such as low-income, minority, non-English speaking, youth, elderly, and disabled groups.
3. HUD, DOT, and EPA were working together on EPA's Environmental Justice Showcase Communities program, which featured one from each EPA Region, including the Green Impact Zone in Kansas City. Mr. Frece noted that HUD had also selected a community in Jacksonville, Florida, as a Sustainable Communities Initiative signature project.
4. HUD, EPA, and DOT have worked together on five brownfields pilot projects selected by EPA, specifically, in Boston, Massachusetts; Indianapolis, Indiana; Iowa City, Iowa; Denver, Colorado; and National City, California. Mr. Frece explained that the criteria for selection included proximity to a distressed community, economic and transit potential, and the need for affordable housing. He added that part of the work involved finding ways to minimize displacement of residents following brownfields redevelopment.
5. EPA recently announced the availability of 23 new brownfields area-wide planning grants, in collaboration with HUD, DOT, and other agencies. Mr. Frece stated that the grants were designed to help underserved, economically-distressed communities create a shared vision for how brownfields redevelopment would help inform cleanup decisions.
6. The three agencies were jointly following up on the 9th Annual New Partners for Smart Growth Conference in Seattle, Washington, in February 2010, by organizing another similar conference in Charlotte, North Carolina, on February 2011.
7. The agencies have created a Work Group to examine how the Partnership's efforts could be directly linked to, and supportive of, environmental justice issues. Mr. Frece announced that the Work Group was nearing completion of a comprehensive "Environmental Justice and Sustainability Deskbook," the first of its kind, which would inform communities about federal resources available to them.

Mr. Frece concluded his presentation by expressing hope that this was just the beginning of the Partnership's work to provide resources to communities most in need and to help build their capacity and involvement in city planning processes.

Exhibit 4 **HUD-DOT-EPA Interagency Partnership for Sustainable Communities**

On June 16, 2009, EPA joined with the U.S. Department of Housing and Urban Development (HUD) and the U. S. Department of Transportation (DOT) to help improve access to affordable housing, provide more transportation options, and lower transportation costs while protecting the environment in communities nationwide. Through a set of guiding livability principles and a partnership agreement that will guide the agencies' efforts, this partnership will coordinate federal housing, transportation, and other infrastructure investments to protect the environment, promote equitable development, and help address the challenges of climate change.

(Source: <http://www.epa.gov/smartgrowth/>)

3.1.2 Ms. Anita Maltbia, Director, Green Impact Zone of Missouri

Ms. Maltbia described the Green Impact Zone as a "disinvested 150-block area" in Kansas City, Missouri, that stretched from 39th to 51st streets, and from Troost to Prospect and Swope Parkway. She noted that the Zone was a "place-based initiative" that involved the development of a vision for the community by community members themselves (see Exhibit 5).

She summarized the strategies and resources that the Zone community used to address issues such as housing, weatherization, employment and training, public safety, community service, energy and water conservation, infrastructure, urban gardening and food, and youth involvement. She also described other Zone projects, including community-wide events, the Community Leadership Program, the Energy Efficient Appliance Program, and the NEXUS Youth Enrichment Program. She noted that the Green Impact Zone was regarded as a national model and was recognized by the White House as an example of a "place-based" strategy for urban investment.

Exhibit 5

Vision of the Green Impact Zone of Missouri

"To develop a sustainable community; one that is environmentally, economically and socially stronger tomorrow than it is today... A place where people want to live, work and play."

(Source: PowerPoint slide by Ms. Anita Maltbia)

Ms. Maltbia acknowledged the ongoing challenges of turning job training into job placement, and attracting businesses to the Zone. She concluded her presentation by noting that capacity building in a community could lead to sustainability through a six-step process: information and education, understanding, belief, action, delivery, and change.

3.1.3 Mr. Bill Menge, Manager, Asset Management and Automation, Kansas City Power & Light

Exhibit 6

KCP&L Smart Grid Demonstration Project

The U.S. Department of Energy Smart Grid project awarded almost \$24,000 in American Recovery and Reinvestment Act of 2009 funds to KCP&L to demonstrate an end-to-end Smart Grid that will include advanced renewable generation, storage resources, distribution system automation, in-home customer systems and digital technologies, and innovative rate structures. The programs will benefit about 14,000 commercial and residential consumers, while providing the critical energy infrastructure required to support an urban revitalization effort, Kansas City's Green Impact Zone.

(Source: <http://www.SmartGrid.gov>)

Mr. Menge expressed appreciation for the partnership between his company, Kansas City Power & Light (KCP&L), and the Green Impact Zone, which he said is part of a Smart Grid demonstration project being funded by a \$24 million grant from the American Recovery and Reinvestment Act of 2009 (see Exhibit 6). He described the project as potentially impacting the power industry just as the cell phone did for phone service in the last 20 years.

He stated that the Smart Grid project sought to dramatically modernize the power grid in ways that ranged from using solar panels and grid-scale battery storage, to providing products that would educate consumers on their power usage and how to reduce their electrical bills. He said that the project's ultimate goal was to create a more automated and energy-efficient delivery system that would result in less impact on the environment. He announced that KCP&L was

slated to open a demonstration house at the end of November 2010. He invited the audience to visit the company's Website, www.kcplsmartgrid.com, for more information.

3.1.4 Ms. Paula Schwach, Regional Counsel, U.S. Department of Transportation, Federal Transit Administration, Region VII

Ms. Schwach reported that the Federal Transit Administration (FTA) was involved in funding one of the eight initial strategies identified by residents in the Green Impact Zone for infrastructure investment. She acknowledged the hard work of FTA's partners, including the Mid-America Regional Council, the Kansas City Area Transportation Authority; as well as HUD, EPA, U.S. Department of Labor (DOL), U.S. Department of Health and Human Services (DHHS), KCP&L, the City of Kansas City (Missouri), University of Missouri-Kansas City, the Discovery Center, Neighborhood Associations, and other community-based organizations.



Public Art Along Max Green Line.

In terms of infrastructure developments, Ms. Schwach described the Zone's Max Green Line transit system, which she stated was truly "green" in that it offered solar lighting, rain gardens, and recycling bins at transit stops; and included hybrid electric buses. She noted that transit connections to other locations had been improved. She highlighted the "public art" that could be seen along transit lines, including sculptures by local artists. She also described the planned replacement of the Troost Bridge, which would connect Zone neighborhoods with Brushcreek walkways and improve access to recreation areas.

Ms. Schwach noted that the infrastructure improvements would create new construction jobs and retain existing jobs, thereby contributing to domestic economic stimulus. She added that FTA procurement rules required that all major components of a transit vehicle and of a construction project be "Made in America."

3.1.5 Ms. Margaret May, Executive Director, Ivanhoe Neighborhood Council

Ms. May reported that the Ivanhoe neighborhood comprised about 43 percent of the Green Impact Zone. She recalled an e-mail that she received in March 2009 regarding a meeting with Congressman Emanuel Cleaver, II, to discuss his vision for the Green Impact Zone. Continuing her remarks, Ms. May explained that she had approached the meeting with skepticism but was then surprised when the Mayor and the City Council unanimously approved the proposed plan. She added that, of the five neighborhoods that comprised the initiative, Ivanhoe was named to be at the forefront of the planning process.

She described efforts to build capacity in the Zone community, which included conducting regular meetings and leadership trainings. She commented that, as a rule, new ideas (such as the Smart Grid) were generally not initiated in neighborhoods like those in the Green Impact Zone. She observed that the Smart Grid demonstration project resulted in community residents viewing themselves in a new light.

Ms. May thanked Congressman Cleaver, Mid-America Regional Council, and Ms. Maltbia and her staff for offering her community the opportunity to help shape the initiative. She invited the NEJAC to visit the Green Impact Zone.

3.1.6 Discussion with the NEJAC

Highlights of the Council's discussion with the Green Impact Zone panelists are summarized below:

Several NEJAC members commented that the Green Impact Zone initiative was a national model of politically-strategic, grassroots, community-based planning that should be replicated.

When asked about KCP&L's stake in the Green Impact Zone initiative, Mr. Menge noted that his company had been involved in energy efficiency for many years. He added that they were tied to the community and were part of it. He expressed KCP&L's belief that the company's efforts were for the greater good.

In response to questions about interactions with Kansas City, Ms. Schwach noted that federal requirements called for cities to conduct public hearings to ensure community involvement in local transportation plans. She added that regulations also require cities to consider impacts on low-income and minority populations in the feasibility and environmental analysis stages of development projects. Ms. Maltbia described her organization's relationship with the city as a "harmonious walk," noting the importance of keeping the City Council well-informed.

Mr. Menge noted it was much more economical for KCP&L to minimize the use of "peaking" power plants, or "peakers," which generally run only when there is high demand.

In terms of how the boundaries of the Zone were defined, Ms. Maltbia explained that Congressman Cleaver had wanted to target an area of great need based on a demographics assessment. She added that the Zone also encompassed three city council districts, which was "astute" of him in the political sense.

In response to a question about how current residents would be affected by improvements in the Zone neighborhoods, Ms. Maltbia noted that all discussions about upgrades, rehabilitation, and new construction projects had been related to mixed market housing. She stated that the plan was to include both market rate and affordable housing to allow people already living in the community to stay there.

Ms. Maltbia noted that outreach to absentee landlords was being conducted as part of the low-income authorization program. That program, she explained, requires landlords to pay 50 percent of the costs for energy upgrades, but with available grants, landlords would only be required to pay 5 percent of the cost.

Ms. Maltbia reported that Congressman Cleaver was involved in discussions about zoning changes, but she noted that they were only in the initial stages. In terms of Zone representation on the city planning or zoning board, she expressed hope that the Zone's leadership training program would generate candidates who might participate in the city planning process.

Ms. Vernice Miller-Travis, Vice-Chair, Maryland State Commission on Environmental Justice and Sustainable Communities, requested that Mr. Frece consider featuring the Green Impact Zone in the upcoming New Partners for Smart Growth Conference in February 2011.

Ms. Savi Horne, Executive Director, Land Loss Prevention Project, spotlighted Detroit, Michigan, as a community where the application of various land-use planning models has resulted in the disempowerment of the African-American population. She commented that Detroit should rethink its model and consider the one being used in Kansas City.

Ms. May reported that Wells Fargo had donated 23 foreclosed properties to the Zone in the Spring of 2010. In addition, she described a project that involved hiring young people in the Zone to help maintain foreclosed home lots. She stated that as of the summer of 2010, Ivanhoe neighborhood Council owned 162 land trust lots. She mentioned plans to use some of those lots for play areas and community gardens, in addition to encouraging the building of homes on them.

3.2 *Environmental Challenges Facing Rural Communities*

The panel on Environmental Challenges Facing Rural Communities was comprised of representatives from agencies and organizations in Region 7 that are engaged in addressing challenges facing rural communities. This section summarizes the panelists' presentations and conversations with the Council.

3.2.1 Ms. Vanessa Frazier, Executive Director, Howardville Community Betterment, Inc.

Ms. Frazier's presentation focused on environmental justice challenges facing rural minority communities from the perspective of her organization in Howardville, Missouri, in New Madrid County. She described the history of the town of Howardville, including the dream of its founder, Mr. Travis B. Howard, of developing "a thriving new community for poor Black sharecroppers and tenant farmers who had nowhere else to go after the mechanization of farming in 1939." She noted that the community was also environmentally overburdened.

With a population comprised of 99.7 percent African American, 2 percent American Indian, and 1 percent Caucasian residents, Ms. Frazier stated that there were almost no socioeconomic opportunities. She added that 85 percent of the residents were of low income and 15 percent were of moderate income. She reported that Howardville was designated as a medically underserved area and a primary health professional shortage area. She noted that the community was surrounded by farmland where crop dusting (or aerial application of insecticide and fungicide) was conducted regularly. She reported that 95 percent of tumors reported in Howardville were found to contain pesticides.

In terms of local and state challenges, Ms. Frazier referred to "extreme" criteria for housing and other grants, and the general reduction of funding streams. She also observed a lack of interest in enforcing laws. She said the federal challenges included grants that were not designed with rural communities in mind, inexperienced grant reviewers, frequent rewriting of grant guidance, unreasonable time constraints, and a lack of private sector partners. She also expressed her belief that there was a lack of cultural competency on the part of government agencies, with respect to dealing with rural communities.

3.2.2 Ms. Marcie McLaughlin, Chief Executive Officer, Midwest Assistance Program

Ms. McLaughlin referred to the public comment session that took place the previous evening, and noted that many of the issues raised by community members were relevant to both rural and urban communities. She described the Midwest Assistance Program, Inc., which she heads, stating that it served communities and tribal nations in the states of Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming, including the communities of fellow panelist Ms. Frazier and NEJAC member Ms. Jolene Catron, Executive Director, Wind River Alliance.

Ms. McLaughlin shared several challenges associated with rural communities, including the following:

- Water quality and quantity.
- Mountaintop removal.
- Health effects of pesticide use on households, the mobile workforce employed in fields, and cultural plants used by tribal communities.
- Health effects of concentrated animal feeding operations (CAFOs).
- Climate change.
- Hazardous and nuclear waste disposal.
- Risks to youth.
- Inadequate funding.
- Limited financing.

She stressed the importance of forming partnerships with all stakeholders, including Resource Conservation and Development (RC&D) Councils, to address these challenges.

3.2.3 Mr. Michael Linder, Director, Nebraska Department of Environmental Quality

Mr. Linder began by presenting general facts about the state of Nebraska, including its population (2009 estimate of 1,796,619) and median household income (2008 estimate of \$49,231, compared to the national 2008 estimate of \$52,175). He noted that Nebraska consists of 531 communities and 93

counties. He reported that half of the state population lives east of Lincoln, and most of the rural population is in the western part of the state. He added that there is a trend of people moving away from rural areas. He identified the rural counties of Blaine, Boyd, Keya Paha, McPherson, and Rock as having the five lowest median household incomes in the state.

In describing the efforts of the Nebraska Department of Environmental Quality (NDEQ), he noted the challenges associated with drinking water and aging wastewater systems. He reported, however, that NDEQ had experienced "tremendous success" in tackling these challenges with a small amount of seed money. He stated that the agency had up to two staff people working in the affected communities and keeping in close contact with residents. Mr. Linder also described the Water/Wastewater Advisory Committee – comprised of NDEQ, USDA Rural Development, HHS, among other government agencies – which sought to advocate for rural communities and bring in potential funding partners to address community challenges. Finally, he mentioned ongoing agency discussions and assessments of wastewater infrastructure needs of communities based on demographics and economics.

Concluding his remarks, Mr. Linder observed that the best way to work with small communities was to "have a little bit of seed money, good communication, and a lot of patience."

3.2.4 *Mr. Richard Boyles, Area Director, USDA Rural Development.*

Mr. Boyles began his presentation by asking, "What is needed to improve and maintain the quality of life in rural communities?" He noted that the first step was to involve the community in visioning and planning, and understanding the capital and resource needs. He then stressed the importance of involving partners who can help spread limited funds, reduce the total funding cost to individual funders, and offer opportunities for collaboration.

Mr. Boyles shared the mission of his agency, USDA Rural Development (see Exhibit 7), and presented examples of its programs that help address community projects, such as utilities and infrastructure, and business and housing development. He described the general priorities of each program as aiming to address health and sanitation problems, save and create jobs, improve quality of life, address water system quality and quantity issues, improve the quality of sewage and wastewater systems, and improve and provide quality healthcare and public safety.

Exhibit 7 Mission of USDA Rural Development

"To enhance the ability of a rural community to develop, to grow and improve their quality of life by targeting financial and technical resources in areas of greatest need through activities of greatest potential."

(Source: PowerPoint slide by Mr. Richard

Continuing his remarks, Mr. Boyles reviewed USDA Rural Development's Water and Waste Disposal Program, which aims to develop and upgrade rural water distribution and wastewater facilities in rural communities with a population of less than 10,000. He noted that eligible entities included municipalities, counties, special-purpose districts, Indian tribes, and not-for-profit organizations. He presented "helpful hints" for applying for funds under the program.

3.2.5 Discussion with the NEJAC

Following the presentation, discussion ensued among NEJAC members and the presenters. Highlights of the discussion are presented below.

Mr. Peter Captain, Sr., Elder Advisor to the Executive Board of Directors, Yukon River Intertribal Watershed Council, expressed appreciation for the panel presentations, noting that every village in Alaska shared the same challenges the presenters had mentioned.

Ms. Horne encouraged a partnership between EPA and USDA Rural Development and dialogue on issues such as access to clean water in rural counties, especially among African-American populations. Ms. Catron asked that USDA Rural Development examine and "flag" the issue of septic rehabilitation in its efforts to address environmental justice issues in rural areas.

Mr. Hilton Kelley, Director, Community In-power and Development Association, expressed strong concern about the large number of people in the United States without access to good, safe drinking water. He acknowledged that the country had men and women serving abroad and commented that the government should prioritize ensuring basic necessities to people in this country.

Ms. Teri Blanton, Fellow, Kentuckians for the Commonwealth, commended Ms. Frazier for her bravery. She stated that she grew up on a Superfund site, where many people -- whom she referred to as "poverty pimps" -- made money from the misfortune of her community.

Ms. Frazier acknowledged that EPA was making "sincere efforts" in addressing challenges in rural communities. She noted, however, that while some concepts may sound good, they "need to grow legs and walk off the pavement," referring to the need for accountability and transparency. She added that EPA's Environmental Justice Small Grants program was invaluable to minority and rural communities throughout the country.

4.0 EPA Plan EJ 2014

Several EPA officials provided updates and sought the Council's input on the following aspects of EPA Plan EJ 2014:

1. Environmental Justice and Permitting
2. Supporting Community-based Action
3. Environmental Justice and Rulemaking

4.1 Environmental Justice and Permitting

Ms. Janet McCabe, Deputy Assistant Administrator, EPA Office of Air and Radiation (OAR); and Ms. Carol Ann Siciliano, EPA Office of General Counsel, presented information regarding the environmental justice and permitting aspects of EPA EJ Plan 2014. Their comments are summarized below.

4.1.1 Ms. Janet McCabe, Deputy Assistant Administrator, EPA OAR

Ms. McCabe reported that EPA OAR was in charge of responding to the NEJAC's preliminary recommendations related to the Agency's charge on incorporating environmental justice in permitting. She presented on the status of EPA progress in this area, the expectations of Administrator Jackson, and the Agency's plan going forward. She acknowledged that she was relatively new to her role at EPA and stated that she planned to find out how other Agency programs were addressing the issue of environmental justice in permitting. She recognized that, while many tools are available to greatly

increase consideration of environmental justice in the permitting process, especially in EPA's Regional offices, much more remained to be done.

She reviewed the primary goal of the Administrator's charge to the NEJAC, which she explained, was to ensure that environmental justice concerns are given full consideration in decisions to issue permits and permit provisions. EPA was focusing, she said, on two sets of recommendations from the NEJAC: (1) those that could be implemented quickly; and (2) those that would require longer range planning. She referred to the recommendations from the NEJAC's *Environmental Justice in the Permitting Process* report (July 2000) and said that they would be added to the list.

Ms. McCabe explained that the process of incorporating environmental justice into permitting included creating a Work Group within the Agency by the end of January 2011. The work group, she explained, would develop a work plan, and the group would consist of representatives from EPA offices engaged in permitting as well as Regional offices involved in "front line" efforts related to permitting. She anticipated that the Work Group would focus on (1) issues of public participation and access to the permitting process; and (2) ways to meaningfully integrate environmental justice principles into permitting. Ms. McCabe projected that the Work Group would produce draft recommendations by mid-2011 and final recommendations for submittal to Administrator Jackson by the end of 2011. She noted that implementation would occur simultaneously as recommendations are developed.,.

4.1.2 Ms. Carol Ann Siciliano, Associate General Counsel, Cross Cutting Issues Law Office, EPA Office of General Counsel

Ms. Siciliano commended and expressed appreciation to the Council, especially its EJ in Permitting Work Group, for its efforts in compiling preliminary responses to the Agency's charge. She acknowledged that the NEJAC had not completed its task and that EPA had not yet provided formal responses, but she commented that the Council's preliminary submittal had already provided EPA with much useful information.

She identified several cross-cutting themes in the NEJAC's preliminary response, including the need for early public participation and engagement with facilities; the use of Supplemental Environmental Projects related to compliance and enforcement of permits; the need for interagency partnerships, for example, with groups like the IWG, tribes, and states; and how funds under Title VI of the Civil Rights Act of 1964 could be used in the Agency's efforts to integrate environmental justice into permitting. She asked for feedback from the Council on whether EPA should organize its response according to these themes. She also highlighted facility siting and cumulative health risks as issues of concern raised by the NEJAC.

4.1.3 Discussion with the NEJAC

Following the joint presentation by Ms. McCabe and Ms. Siciliano, NEJAC members engaged in a discussion that included the following issues:

Father Vien Nguyen, Pastor, Mary Queen of Viet Nam Community Development Corporation, expressed concern over the Agency's delegation of monitoring to states, which, in turn, delegate the task to local governments that often lack the capacity to complete the task.

Ms. Catron noted the complexity of Indian law and jurisdictional issues between state and tribal governments that affect how tribal communities provide input to the permitting process.

Ms. Miller-Travis recommended that Ms. Siciliano review the NEJAC's "Regulatory Strategy for Siting and Operating Waste Transfer Stations" report (March 2000); and the EPA guidance, "Social Aspects of Siting RCRA Hazardous Waste Facilities," which was developed with input from the NEJAC.

Ms. Miller-Travis and Ms. Jodena Henneke, Program Manager, The Shaw Environmental & Infrastructure Group, requested that EPA help facilitate a better relationship between the U.S. Army Corps of Engineers

(USACE), communities, and states to ensure that USACE considers local community and state concerns in its decision-making.

In terms of siting and zoning, Ms. Patricia Salkin, Associate Dean and Director, Government Law Center, noted that it was a huge opportunity for EPA to take the lead on focusing resources and issuing guidance and models on the issue.

Ms. Sue Briggum, Vice President, Federal Public Affairs, Waste Management, Inc., advised EPA to prioritize its efforts and resources on the most-burdened communities in order to address cumulative impacts and environmental justice problems.

4.2 EPA Plan EJ 2014: Supporting Community-based Action

Mr. Mathy Stanislaus, Assistant Administrator, EPA Office of Solid Waste and Emergency Response (OSWER), presented an overview of how EPA planned to support community-based action under EPA Plan EJ 2014. He reported that OSWER was charged to spearhead EPA efforts to develop tools to address environmental justice challenges based on a community- and place-based approach. He reported that EPA had convened an internal Work Group to identify examples of programs that could be replicated throughout the Agency.

He requested feedback from the NEJAC on this issue, including examples of successful programs like the Community Action for a Renewed Environment (CARE) program and the HUD-DOT-EPA Partnership for Sustainable Communities. He posed the following questions for the NEJAC's initial consideration and feedback:

1. Are there specific Agency community-based activities that should be replicated nationally to begin solving environmental justice issues?
2. Are there particular environmental justice circumstances that lend themselves to a community-based approach (for example, with respect to technical assistance and planning efforts)?
3. Are there particular cumulative risk reduction strategies from a community-based perspective (for example, particularly in communities with multiple facilities and exposure pathways)?
4. Are there ways to use community-based strategies to deal with permitting issues raised by the NEJAC; and should there be a distinction made between existing and new permits?

Mr. Stanislaus reported that he planned to develop an Implementation Plan within the next few months that incorporates input from the NEJAC.

Highlights of the NEJAC's conversation with Mr. Stanislaus are presented below:

In terms of specific circumstances that lend themselves to a community-based perspective, Ms. Catron offered climate adaptation and climate change as an example, especially in Native American communities with a strong subsistence way of living. She noted that grant programs such as CARE consisted of a linear process that was incongruent with the non-linear nature of community involvement. She stressed the importance of revisiting the task at hand and viewing it from different perspectives, in a more "spiral" manner.

Ms. Kimberly Wasserman, Coordinator, Little Village Environmental Justice Organization, echoed Ms. Catron's comments and added the great need for grant funding among communities. She urged for greater funding mechanisms, for example, with other private stakeholders involved.

Ms. May requested that EPA provide more time (in addition to the 60- to 90-day review periods) to allow communities to prepare "good quality feedback" on proposed guidelines and permits.

In response to a question about EPA's brownfields program, Mr. Stanislaus acknowledged the need to involve communities throughout the application process and to push for community-based planning especially in economically-distressed areas.

Mr. Prasad suggested that EPA look at the pilot project in the San Francisco Bay Area in which cumulative impacts were being examined in terms of six zones and associated demographics, exposures, and health factors. He also urged EPA to move away from a threshold risk approach and toward an exposure-based approach to evaluating adverse impacts on EJ communities.

Ms. Edith Pestana, Administrator, Environmental Justice Program, Connecticut Department of Environmental Protection, presented the example of EPA Region 1, which offered facilitators to communities to conduct meetings with various entities. She also described EPA Region 1's Urban Environment Program as a model for the Agency's work in communities, noting that the program assigned staff and technical assistance to cities identified as overburdened (see Exhibit 8).

Mr. Marsh offered the following suggestions to Mr. Stanislaus:

- Review EPA's response to the Goods Movement report prepared by Region 9, which presents 19 examples of CARE grant projects that involved multi-stakeholder partnerships and community-based programs.
- Examine Clean Air Plans developed by west coast ports aimed at multiple sources of risk reductions with significant benefits to surrounding communities.
- Examine watershed councils and their accountability process.
- Review Oregon's Governor-initiated program that brings people together to solve problems.

Ms. Briggum urged EPA to assert greater authority in regulating utilities and maximize its leverage to achieve environmental justice through its permits.

Ms. Yeampierre urged EPA not to forget to engage other agencies when developing community-based approaches. She mentioned New York State's Brownfields Opportunity Areas program as a model where development efforts involved community groups (see Exhibit 9). She also suggested the EPA use communities as a vehicle to educate agencies on working with communities.

Mr. Nicholas Targ, Co-Chair, Environmental Justice Caucus, American Bar Association, encouraged EPA to continue putting resources into area-wide planning grants.

Ms. Wynecta Fisher, Social and Environmental Equity Project Coordinator, E², Inc., recommended that EPA and communities turn to RC&D Councils for technical assistance.

Exhibit 8 **EPA Region 1's Urban Environmental Program**

The Urban Environmental Program (UEP) seeks to improve the environment and enhance the quality of life for urban residents throughout New England by building community capacity to assess and resolve environmental problems, achieving measurable and sustainable improvements in urban communities, and restoring and revitalizing neighborhoods for urban residents. The UEP was formalized in 2002 and takes an active role in listening to community needs and concerns, identifying projects, and providing resources to implement projects that make measurable improvements in public health and the quality of the urban environment. The UEP Program Managers work with external partners to identify the most critical issues to target resources. The specific priorities reflect community-specific needs and may vary between states.

Source: Urban Environmental Program in New England (<http://www.epa.gov/region1/eco/uep/>)

Exhibit 9
New York State Brownfields Opportunities Areas Program

Since 2007, the Brownfield Opportunity Areas (BOA) Program has assisted more than 100 New York communities foster redevelopment and return dormant and blighted land into productive and catalytic areas while restoring environmental quality. In combining the Division of Coastal Resource's planning and community development expertise and New York State Department of Environmental Conservation's expertise in cleaning up sites, the BOA program aims to help communities achieve the following goals:

- Assess the full range of community problems posed by multiple brownfield sites;
- Build a shared vision and consensus on the future uses of strategic brownfield sites;
- Coordinate and collaborate with local, state, and federal agencies, community groups and private-sector partners; and
- Develop public-private sector partnerships necessary to leverage investment in development projects that can revitalize diverse local communities and neighborhoods.

(Source: http://nyswaterfronts.com/grantopps_BOA.asp)

Mr. Stanislaus encouraged the NEJAC to e-mail Ms. Pat Carey, EPA OSWER, additional ideas of successful community-based approaches. He stated that he would follow up with the NEJAC on a series of calls to further discuss their input.

4.3 Environmental Justice and Rulemaking

Ms. Gina McCarthy, Assistant Administrator, OAR, reviewed EPA's Clean Air Act (CAA) priorities, specifically concerning air toxics and power plants. She began by describing the major components of the CAA, including regulation of air toxics and the National Ambient Air Quality Standards (NAAQS). Among the challenges facing OAR, she identified a large rulemaking agenda that is driven by statutory requirements, deadline lawsuits, and the need to re-do remanded or vacated rules – such as the Clean Air Interstate Rule and Utility Mercury Rule. The solution, she explained, required a sector-based approach, targeting selected priority industry categories, and using all available regulatory, monitoring, public outreach, and enforcement rules.

She listed utilities, chemical manufacturing, iron and steel, mobile sources, non-utility boilers, oil and gas, petroleum refining, and Portland cement as priority sectors. She explained that, in addition to using existing regulations, a sector-based approach included emissions monitoring, transparency, neighborhood monitoring, outreach, and enforcement.

Focusing on utilities, Ms. McCarthy described the components of emissions from utility plants, noted the lack of advanced controls at existing coal units, and acknowledged that key power plant rules were overdue. She provided an overview of the Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Transport Rule), which would limit pollution from power plants located in 31 eastern, southern, and midwestern states, and Washington, D.C., including the estimated health benefits of the Rule relative to the cost. She reported that the Transport Rule is scheduled to be proposed in March 2011 and completed by November 2011. She also described the Utility Maximum Achievable Control Technology (MACT) Rule, which would regulate mercury, among other pollutants, as a toxic pollutant. She encouraged the NEJAC and others to review the Rules and provide input during the respective public comment periods.

Following her presentation, Ms. McCarthy participated in a discussion with NEJAC members. A summary of the discussion is presented below.

Ms. Catron noted that the concept of "clean natural gas" was similar to that of "clean coal," that there was no such thing. She expressed her concern about hydraulic fracturing, which she said takes pollution from the air and injects it into the ground. This, she said, constitutes a new kind of pollution that is exempt from federal laws such as the Safe Drinking Water Act.

Mr. Marsh suggested the usefulness of examining the power sector based on a total life cycle analysis, in terms of environmental impacts and costs. He noted that this approach could lead to demand for cleaner fuels.

Ms. Yeampierre suggested that Ms. McCarthy include Alaska, Hawaii, and the U.S. territories in her future presentations.

5.0 NEJAC Work Group Reports

The NEJAC heard presentations on draft recommendations prepared by the NEJAC's EJ in Permitting Work Group, chaired by Mr. John Ridgway, Manager, Information Management and Communications Section, Washington State Department of Ecology, and NEJAC Vice-Chair; and EPA Plan EJ 2014 Work Group, chaired by Ms. Wasserman. Following discussion and feedback from the Council, members of the two work groups agreed to address the comments provided by Council members and to redistribute revised reports of recommendations for Council approval by January 2011. The Work Group presentations and Council discussions are summarized below.

5.1 EJ in Permitting Work Group

Mr. Ridgway provided an overview of EPA's charge to the NEJAC on incorporating environmental justice into its permitting process. Exhibit 10 summarizes the charge and Exhibit 11 lists the members of the Work Group. Continuing his presentation, Mr. Ridgway presented the Work Group's draft preliminary responses and asked for comments from the NEJAC. Council members commended the Work Group's efforts and offered the following suggestions on specific recommendations presented in Appendix D of the Work Group's report:

Exhibit 10 Background on EPA's Permitting Charge to the NEJAC

EPA is seeking advice and recommendations from the NEJAC on how the Agency can better incorporate environmental justice concerns into decision-making processes related to permits issued under EPA's regulatory programs.

Question 1 of the charge asks the NEJAC, "What types of EPA-issued permits should we focus on now, to work on incorporating environmental justice concerns into EPA's permits?"

Question 2 of the charge asks, "What types of permits issued pursuant to federal environmental laws, whether they are federal, state, or tribal permits, are best suited for exploring and addressing the complex issue of cumulative impacts from exposure to multiple sources and existing conditions that are critical to the effective consideration of environmental justice in permitting?"

(Source: *Incorporating Environmental Justice Concerns into Permits Under Federal Environmental Laws, Draft Charge*, dated July 27, 2010)

Recommendation 8 – Clarify role of environmental justice in enforcement actions that involve permit modifications. Broaden to address permit modifications related to court orders on facilities.

Recommendation 9 – Clarify that EPA (or delegated permitting authority) should not be involved in negotiating Community Benefits Agreements, which are generally between the community and project applicant. The Agency should, however, encourage that the agreement

Exhibit 11 Members of NEJAC EJ in Permitting Work Group

Mr. John Ridgway, Chair,
Mr. Don Aragon
Ms. Sue Briggum
Ms. Jody Henneke
Mr. Hilton Kelley
Ms. Edith Pestana
Mr. Shankar Prasad
Ms. Vernice Miller-Travis

process be open and consider how it can be used to improve the quality of life in the community.

Recommendation 11 – Include reference to mining permits under Section 402 and 404 of the Clean Water Act.

Recommendation 13 and 14 – Establish connection between EPA (or delegated permitting authority) and Title VI, which states that agencies cannot discriminate when allocating funds. Clarify characterization of hydraulic fracturing.

In addition to comments pertaining to specific recommendations, other requests and commitments were made including the following:

- Mr. Kelley offered to provide language on the “de-flexing” program of the Texas Commission on Environmental Quality to help inform the Council’s discussion on flexible permits.
- Mr. Targ agreed to submit language around enforcement and modification of permits.
- Ms. Horne requested that Ms. Robinson gather and provide materials from past NEJAC discussions with EPA on Supplemental Environmental Projects.
- Ms. Catron agreed to help develop and clarify language around hydraulic fracturing.
- Mr. Marsh offered to help develop language that would shift the emphasis of the Work Group’s report from a permit-by-permit process toward a community-based process.
- Ms. Briggum suggested that the report cite as “good practice” a moratorium on emergency permits as was the case following the Deepwater Horizon oil spill.

5.2 *EPA Plan EJ 2014 Work Group*

Ms. Wasserman presented the draft recommendations of the NEJAC’s Plan EJ 2014 Work Group and invited comments from the Council. The members of the Work Group are listed in Exhibit 12.

Following the Work Group’s presentation, Ms. Garcia acknowledged that Plan EJ 2014 was intentionally “bare bones” to solicit public input. She reported that, after a 3-month review period, the Agency had received 177 public comments on the plan; and EPA Regions 1, 3, and 5 had conducted conference calls and meetings to solicit comments. Ms. Garcia informed Council members that the Agency’s “next steps” would include implementation plans.

Exhibit 12 Members of NEJAC EJ Plan 2014 Work Group

Ms. Kimberly Wasserman, Chair
Ms. Jolene Catron
Ms. Wynecta Fisher
Ms. Savi Horne
Mr. Lang Marsh
Mr. Nicholas Targ
Ms. Elizabeth Yeampierre

The following suggestions were provided during Council deliberations on the draft recommendations presented in Appendix B of the Work Group's report:

Are the cross-agency focus areas the correct ones?

- Recommendation 2 – Use the word “ensure” as a stronger replacement for “consider”. (Ms. Garcia later reported that she had submitted a request for the wording change.)
- Recommendation 3b – Clarify the word “benefit.”
- Recommendation 5 – Broaden to include conversation, dialogue, and partnership with other agencies (e.g., with USDA around access to healthy foods, and safe and clean drinking water, particularly for already-overburdened communities). Clarify that environmental justice considerations are not “eliminated or mitigated.”

How can EPA strengthen specific actions within the five cross-agency focus areas?

- Recommendation 2 – Discuss how tools such as EJSEAT can be used to evaluate cumulative impacts.
- Recommendation 3 – Incorporate some language about the need for a prioritization scheme in discussions of community-based action.

In addition, the Council discussed incorporating the feedback from Ms. Catron and Mr. Captain, on behalf of indigenous communities, into the body of the report.

Other suggestions that did not pertain to specific recommendations included the following:

- Change the wording, “EJ in Permitting” to “Ensuring Environmentally-Just Permitting Decisions” in the Work Group's report.
- Urge EPA to reconstitute the NEJAC's Indigenous Peoples Work Group.
- Encourage EPA to develop focus area-based implementation plans for public comment.

6.0 *EPA Response to NEJAC School Air Toxics Recommendations*

Mr. Richard “Chet” Wayland, Director, Air Quality Assessment Division, EPA Office of Air Quality Planning and Standards (OAQPS), presented an overview of EPA's School Air Toxics Monitoring Initiative and provided a status report of the Agency's response to recommendations from the NEJAC's School Air Toxics Work Group. He expressed great appreciation for the efforts of the Work Group, adding that the NEJAC's recommendations were useful during the Deepwater Horizon oil spill response. He pointed out that EPA wanted the NEJAC to provide input on eligibility criteria for new Community-scale Air Toxic Monitoring (CSATM) grants, as well as the Agency's final report on the School Air Toxics Monitoring study.

During the ensuing discussion with the Council, Mr. Wayland acknowledged that EPA could have better involved communities during the initiative's monitoring process. He noted that the CSATM grants could be used to increase community involvement. He encouraged NEJAC members to help spread the word about the availability of community grants under the initiative. Continuing his remarks, Mr. Wayland noted that although communities can not apply directly for the grants, they could seek partnerships with local and state government applicants. Mr. Wayland later clarified that tribes were also eligible for the grants.

Ms. Robinson acknowledged the contributions of Ms. Candace Carraway, Environmental Justice Coordinator, OAQPS; and Ms. Laura McKelvey, Community and Tribal Programs Group, OAQPS, to the Work Group's efforts. She asked Council members to expect a draft letter from the School Air Toxics

Monitoring Work Group to the NEJAC – for Council approval – in early January 2011 with draft recommendations to EPA on (1) criteria for CSATM grant applicants, and (2) environmental justice elements that EPA should incorporate in its final report.

In a separate but related discussion, Ms. Garcia announced the release of EPA's draft Voluntary Guidelines for Selecting Safe School Locations. She informed Council members that the guidelines were published on Wednesday, November 17, 2010, and a 90-day public comment period would end on February 18, 2010.

7.0 Member Dialogue

In addition to presentation-related discussions throughout the meeting, the NEJAC discussed issues not specifically identified on the agenda. This section summarizes the Council's discussion on these topics, including the Gulf Coast Task Force and the White House Leadership Forum on Environmental Justice scheduled for December 2010.

7.1 Gulf Coast Task Force

Ms. Henneke asked how the NEJAC was expected to support the work of the Gulf Coast Task Force and how communities would be involved. She explained that, in response to the Deepwater Horizon oil spill, President Obama had tasked Secretary of the Navy, Mr. Ray Mabus, to assess ongoing activities that should be conducted as a result of the spill. She referred to the "Mabus Report (Exhibit 13)," which resulted in the Presidential Executive Order and creation of the multi-agency task force, which included federal resource agencies under the Natural Resources Damages Act. Ms. Henneke stated that the Gulf Coast Task Force had to complete a "Herculean task" by October 5, 2011, given that the Gulf Coast encompassed five different states with their own systems. She asked whether EPA planned to issue a charge to the NEJAC and form a Work Group around this issue.

Ms. Garcia committed to following up on how existing FACAs such as the NEJAC could have a role in advising the Gulf Coast Task Force in recognition that restoration activities in the Gulf Coast region had to involve environmental justice communities. She added that the first meeting of the Task Force in Pensacola, Florida, had the goal of obtaining comments from communities, elected officials, and other local stakeholders from the impacted area because they are not members of the Task Force.

7.2 White House Leadership Forum on Environmental Justice

Ms. Garcia explained that invitations to the upcoming White House leadership forum on environmental justice on December 15, 2011, had been sent to individuals, specifically, environmental justice advocates, and not to the NEJAC as a whole. She stated that the event was a follow-up to the IWG meeting in September 2010 to allow community leaders to engage some of the members of the IWG on main topics of concern for environmental justice leaders, such as green jobs, climate change, and healthy and sustainable communities. She reported that one of the commitments from the IWG meeting was to more effectively engage communities and listen to their concerns, and that the December meeting would kick-

Exhibit 13 The Mabus Report

On September 28, 2010, Navy Secretary Ray Mabus submitted to President Barack Obama a restoration plan for the Gulf Coast region following the Deepwater Horizon oil spill. A key recommendation in the report calls for Congress to dedicate a significant amount of any civil penalties obtained from parties responsible for the Deepwater Horizon oil spill into a Gulf Coast Recovery Fund to go toward addressing long-term recovery and restoration efforts in the gulf. The President has expressed support for this recommendation. Congressional action is critical to the overall effort.

(Source: EPA News Release, "Obama Administration Moves Long-Term Gulf Plan Forward/Mabus recovery plan focuses on funding, governance, involvement/EPA Administrator to lead ecosystem task force," dated 9/29/2010.)

“[This effort begins] to bring in the federal family to once again focus on environmental justice.”
– Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, OECA

off that dialogue. She added that beginning in 2011, such meetings with community representatives would take place outside of Washington, D.C.

Ms. Garcia committed to following up on (1) whether travel scholarships could be offered to grassroots invitees and (2) the option of participating in an online video stream of the meeting for those invitees who could not attend.

7.3 Follow up from Business Meeting

On the last day of the meeting, NEJAC members provided input on the following three issues that had been raised during the Council’s November 15, 2010, business meeting – and placed in a “parking lot” of topics to be discussed further: (1) develop strategies for working more effectively with local communities and stakeholders; (2) ensure consistent funding for community-level programs through the next administration; (3) create approaches for implementing programs for coordinated outreach with other agencies. The highlights of this discussion are summarized below:

In response to an inquiry about how EPA Region 7 would follow up with members of the community who presented testimony during the public comment session, Ms. Robinson responded that, in addition to Mr. Brooks engaging with several of them during the public comment session, EPA Region 7 had requested the transcript from that portion of the meeting. She added that a list of the public commenters, including their contact information and concerns, had been provided to the Region.

At the request of Father Vien, Ms. Pestana and Mr. Ridgway provided a background of how they got involved in environmental justice work.

Ms. May suggested that EPA follow up with Ms. Althea Moses, EPA Region 7, to learn about EPA’s successful outreach efforts in Region 7 that could be applied in other EPA Regions.

Mr. Kelley shared his experience as community organizer in Port Arthur, Texas, noting the importance of helping community members address personal issues, such as housing and unemployment, before engaging them in more community-wide issues such as environmental pollution. He commended EPA Region 6 for their efforts in facilitating dialogues between industry and the community. He also acknowledged Mr. Rich Walsh, Attorney, Valero Corporation, for his work with the community.

Mr. Captain stressed the importance of community leaders working collaboratively. He shared his experience on the Yukon River Intertribal Watershed Council, which convened due to concerns about the environmental impacts on their subsistence foods.

Ms. Stephanie Hall, Senior Counsel for Environmental Safety and Regulatory Affairs, Valero Energy Corporation, and others urged EPA to develop ways to provide incentives to business and industry to invest in improving environmental quality in surrounding communities; facilitate meetings between businesses and communities; and conduct educational sessions for businesses and communities. Ms. Fisher recommended that her colleagues on the NEJAC leverage their respective networks and get involved in planning committees so they can introduce the environmental justice perspective into discussions within those networks.

Ms. Salkin suggested that EPA explore opportunities to collaborate with other agencies that regulate businesses, such as the Federal Energy Regulatory Commission, to facilitate business engagement. She also suggested collaborating with academia to enhance community capacity and benefit teachers and students involved in research and teaching clinics. Ms. May noted that incentives are needed to get businesses and community members to “come to the table.” Ms. Fisher suggested pairing urban planning and environmental law students together to “birth a whole new generation of planners.” She

also suggested that EPA facilitate partnerships between schools in urban areas and nearby rural farms so that urban students can be introduced to rural issues through field trips.

Ms. Fisher requested that EPA invite a representative from the Office of Management and Budget to the next NEJAC meeting to present on grants offered by various government agencies for outreach activities.

Mr. Marsh suggested that NEJAC develop recommendations to assist EPA and other agencies on ways to integrate their resources and technical assistance in efforts to engage communities.

Ms. Horne requested that EPA inform the activities of the IWG by sharing the NEJAC's deliberations with Ms. Garcia, and in turn, Administrator Jackson.

To encourage better coordination among agencies, Ms. Salkin and Mr. Ridgway suggested that EPA explore opportunities for greater interagency collaboration in incorporating EJ into programs. They further suggested that EPA invite representatives of the Federal Energy Regulatory Commission (FERC), the Economic Development Office, USACE, and other agencies to NEJAC meetings and teleconferences.

Mr. Targ commented that while appropriate leadership is essential to initiate any process, sustainability of the effort can only be achieved by tracking its progress, where resources are going, and what changes are occurring.

Ms. Briggum recommended that the NEJAC form a Work Group to develop a strategy for involving greater business representation at the next NEJAC meeting.

7.3 *Relationship Between EPA Plan EJ 2014 and 2011-2015 Strategic Plan*

In response to an inquiry about the NEJAC's letter to Administrator Jackson during the July 2010 meeting on how Plan EJ 2014 would be linked with the Agency's Draft Fiscal Year (FY) 2011-2015 Strategic Plan, Ms. Robinson committed to follow up and report on the status of EPA's response. Ms. Heather Case, Acting Director, OEJ, also committed to keeping the NEJAC informed about the schedule for implementing Plan EJ 2014 and the Strategic Plan, and how the NEJAC fits into it. She noted that Plan EJ 2014 is the guiding framework for advancing EPA's environmental justice agenda, and that the goals of Plan EJ 2014 would be reflected in the Agency's annual action plans.

Ms. Yeampierre acknowledged that concerns had been raised about how the NEJAC's letter to the Administrator had been drafted at the end of the meeting in July 2010. She encouraged Council members to raise issues in advance of meetings, to allow for ample time for members to provide input.

7.4 *Involvement of Tribal Organizations*

Ms. Catron referred to a "troubling e-mail" that she recently received from the U.S. Department of Interior (DOI), which includes the Bureau of Indian Affairs, about its climate change and climate adaptation initiative. She explained that while \$171.3 million in funding was available for 2011 under DOI's climate change and climate adaptation initiative, only \$200,000 had been allocated to tribes in the Pacific Northwest and Alaska. She commented that this demonstrated the lack of DOI outreach to tribes under the initiative. The Council agreed that this issue should be raised for EPA to address with the IWG.

7.5 *Upcoming NEJAC Meetings*

The Council discussed the venue and focus of its future meetings. Ms. Robinson reported that EPA was committed to conducting at least two face-to-face meetings and one teleconference meeting in 2011. She noted that, while details were not yet finalized, the meetings would likely take place in the Spring (April) and Fall (October); with Washington, D.C., Chicago, and a city in Mississippi as potential venues. Ms. Yeampierre and Mr. Ridgway urged Council members to provide input to the NEJAC steering committee on other potential venues and topics that should be addressed during upcoming meetings.

8.0 Closing Remarks

On behalf of the NEJAC Work Groups on EJ in Permitting and Plan EJ 2014, Ms. Robinson requested that Council members submit comments on the Work Groups' reports by December 1, 2010. She expressed the goal of distributing revised documents to the Council by the end of 2010, with a follow-up request for additional comments by January 15, 2011. She added that the reports would ideally be finalized and sent to Administrator Jackson by the end of January 2011.

Ms. Yeampierre expressed her appreciation for everyone who attended and those involved in hosting and planning the meeting. Mr. Kelley and Father Vien ended the meeting with closing words and a prayer, respectively.

CHAPTER 2. SUMMARY OF PUBLIC COMMENT PERIOD

1.0 *Introduction*

On Tuesday, November 16, 2010, the NEJAC held a public comment period to directly engage concerned citizens and members of affected communities. The public comment period convened at 4:00 p.m. and continued until 7:00 p.m. to allow time for comments from everyone who registered and chose to speak. Spoken comments were heard from 15 individuals from around the country, from California to Kansas to West Virginia.

This chapter summarizes the spoken testimony offered during the public comment period, as well as discussion among NEJAC members in response to those comments.

2.0 *Mr. Maurice Copeland, Community Advisory Panel, Bannister Complex Legacy Group*

Mr. Maurice Copeland, Community Advisory Panel Member, Bannister Complex Legacy Group, spoke on behalf of workers at the nuclear weapons parts plant at the Bannister Federal Complex in Kansas City, KS. Mr. Copeland, a veteran, worked at the Complex for 30 years after completing his service, and testified that the site is well known to be contaminated and to be “killing people.” He asserted that the officials of the Complex had been misleading people with respect to the pollution and toxics generated by the facility. “I want environmental justice,” stated Mr. Copeland in a plea for the U.S. General Services Administration (GSA) and the Occupational Safety and Health Administration (OSHA), who have offices in the Complex, to be part of a coordinated approach. “I want an investigation of past practices at the plant. How has no one stepped forward with monitoring records?”

EXHIBIT 14 Individuals Who Provided Public Comments

Spoken Comments

1. Mr. Maurice Copeland, Community Advisory Panel, Bannister Complex Legacy Group
2. Mr. Marvin Robinson, Quindaro Ruins / Underground Railroad – Exercise 2011*
3. Mr. Richard Mabion, Building a Sustainable Earth Community*
4. Ms. Stephanie Tyree, Ohio Valley Environmental Coalition
5. Mr. Junior Walk, Coal River Mountain Watch
6. Mr. Eric Kirkendall, Johnson County Intermodal Coalition
7. Ms. Alicia Dressman (on behalf of Ms. Ann Suellentrop), Physicians for Social Responsibility*
8. Ms. Rachel Russell, Arc Ecology
9. Ms. Jane Stoever, PeaceWorks Kansas City
10. Ms. Carol Elaine Geissel (on behalf of Ms. Leslie Fields), Sierra Club
11. Ms. Andrea Gross, Interdisciplinary Environmental Clinic
12. Ms. Sahj Kaya, East Meets West of Troost
13. Mr. Andrew Clark, University of Missouri–Kansas City
14. Mr. David Mitchell, Sierra Club
15. Mr. Sasteh Mosley, East Meets West of Troost

Written Comments Only**

1. Mr. Lyle Courtsal, People’s Multiservice Systems
2. Mr. Steven Klafka, Wingra Engineering, S.C.
3. Ms. Kathleen Weigand, Community Member
4. Ms. Lynda Callon, Westside CAN Center
5. Ms. Debra Ramirez, Citizens Against Contamination/Mosserville Environmental Action Now
6. Ms. Patty Brown, Missouri Sierra Club
7. Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation

Notes:

*Submitted written comments in addition to speaking.

**Written comments are included in Appendix C.

Following Mr. Copeland's comments, Ms. Yeampierre commented that a huge number of people of color had been exposed to environmental pollutants while serving the country in the armed forces. She added that those individuals then return home to the United States and are exposed in jobs at facilities with OSHA violations. She suggested that OSHA be involved in future NEJAC meetings.

3.0 *Mr. Marvin Robinson, Quindaro Ruins / Underground Railroad – Exercise 2011*

Mr. Marvin Robinson, Creative Consultant, Quindaro Ruins/Underground Railroad – Exercise 2011, spoke about his 23-year effort to preserve the Quindaro Ruins/Underground Railroad and protect it from being converted into a toxic waste dump. He stated that, while historic preservation organizations have been involved in efforts to protect and preserve Quindaro Ruins/Underground Railroad, those organizations lack the regulatory capacity and “fiscal spine” to do what needs to be done.

Mr. Robinson also submitted written comments, which are included in Appendix C.

Members of the NEJAC responded that there are many community organizers on the Council, and they encouraged Mr. Robinson to talk with them after the meeting to discuss available help and resources for his efforts.

4.0 *Mr. Richard Mabion, Building a Sustainable Earth Community*

Mr. Richard Mabion, Founder, Building a Sustainable Earth Community, introduced himself as a community organizer and spoke about the lack of representation of people of color and their involvement in the environmental justice movement.

Environmental literacy, Mr. Mabion testified, needs to be a primary issue, grant funded, and inclusive of people of color's involvement in environmental justice. Mr. Mabion further suggested that EPA take leadership in creating an “EPA-sponsored” textbook geared toward environmental literacy that is inclusionary of the efforts of minority organizers in the environmental justice movement.

“Being poor is an environmental justice issue.”
— Mr. Richard Mabion,
Building a Sustainable Earth Community

Mr. Mabion also submitted written comments, which are included in Appendix C.

NEJAC members responded with the following thoughts and suggestions:

- Mr. Kelley agreed that more should be done to educate and increase youth understanding of toxics and exposure. Mr. Kelley suggested Mr. Steve Lerner's book, “Sacrifice Zones,” as a good resource.
- Ms. Yeampierre suggested that one might have better luck compiling their own materials from articles, which tend to include the historical involvement of people of color.
- Ms. Catron suggested researching EPA Environmental Education grants, noting that they are highly competitive but worth exploring.

5.0 *Ms. Stephanie Tyree, Ohio Valley Environmental Coalition*

Ms. Stephanie Tyree, Ohio Valley Environmental Coalition, spoke about mountaintop removal (MTR) mining and the dangers associated with it for the people of the region. “We are under a human rights assault in the coalfields,” she stated. Ms. Tyree shared information on the negative impacts of MTR mining in Appalachia — for example, she reported that women die on average ten years earlier than in other parts of the country, rates of cancer and other serious diseases such as fibromyalgia are high, sludge dams leak into groundwater or break causing widespread devastation, and soil is left

contaminated, making basic gardening a toxic activity — and she reminded the NEJAC that low-income communities in Appalachia are the first to be subjected to MTR mining. Ms. Tyree stated that regulation of MTR mining by EPA rather than eliminating it is equivalent to acceptance and facilitation of the damage it causes to communities and cultures, and asked that EPA fully ban MTR mining in Appalachia.

The following thoughts, suggestions, and questions emerged from the discussion among the NEJAC:

- Ms. Blanton agreed that MTR mining is destroying “more than a few” mountains, and commended Ms. Tyree for her efforts to green her community. She went on to share that her home community relies on coal for 60 percent of its energy. She stressed the importance of keeping in mind the potential subsequent harm caused to other communities when talking about “greening” communities.
- Ms. Miller-Travis suggested that Ms. Tyree review and provide comments on the NEJAC EJ in Permitting Subgroup’s report on permitting, which was included in the meeting materials. She noted that the NEJAC had made an attempt to address the MTR mining issue in the report.
- Father Vien asserted that people concerned for their communities and lives are always forced to defend themselves. He raised the question to the NEJAC, “How do we make environmental justice issues part of broader EPA decisions so that small communities don’t have to travel so far to fight so hard?”
- Mr. Marsh responded to Ms. Tyree’s request to EPA by stating that, “requesting a ban is a huge ask,” and that where such a request has been most successful is where there is clear documentation of impacts and funding. He went on to ask, (1) “What is the state of the information base on current and expected impacts?” and (2) “How do we incorporate the costs of transport, hospitalizations, and similar factors, into the cost of coal?” Ms. Tyree asked how many more studies were needed “in a world that doesn’t care about facts.” She reminded the members of a recent EPA-released study on the negative impacts of MTR mining. Ms. Tyree testified that there are studies available that show extreme environmental damage as a result of MTR mining, and that many studies have been supplied to EPA on this issue. “I’m tired of studies,” she said. “You can walk into the coalfields and see what is going on. It’s irrefutable.”
- Ms. Blanton noted that in 2007 it cost \$150 million to host the coal industry in the state of Kentucky.
- Mr. Kelley commended Ms. Tyree for her efforts.

“Clean coal is a dirty lie.”
— Ms. Stephanie Tyree,
Ohio Valley Environmental Coalition

Before closing the discussion, Ms. Yeampierre requested that Ms. Tyree share her thoughts on clean coal with the Council. “Clean coal,” said Ms. Tyree, “is a dirty lie.”

6.0 Mr. Junior Walk, Coal River Mountain Watch

Mr. Junior Walk, Organizer, Coal River Mountain Watch (CRMW), commented on his experience growing up in an area damaged by coal mining, and the effects of living near a sludge impoundment. His high school, he stated, was consolidated into another one an hour away and the resulting commute to and from school left him unable to participate in extra curricular activities. “It’s a way to keep young people in the area from bettering themselves,” he said. He spoke about his experience working for the Massey Energy Company — the largest producer of Central Appalachia coal — and said that he quit because he thought it would kill him. Continuing his remarks, Mr. Walk explained that he had also worked as a security guard for a MTR mine and was not able to “stomach” what he saw there.

Ms. Blanton explained to the Council and meeting participants that sludge is produced when coal is cleaned, using chemicals to separate rock and dirt. The remainder of this chemical cleaning process, she

said, is sludge, which is highly toxic and stored in impoundments. She continued that sludge impoundments have been known to burst, causing high death tolls, significant relocation, and destruction of important waterways.

Ms. Wasserman commented that coal is a deadly form of energy, and shared her hope that members and participants would go home with an understanding of the “fallacy of coal.”

7.0 *Mr. Eric Kirkendall, Johnson County Intermodal Coalition*

Mr. Eric Kirkendall, Johnson County Intermodal Coalition, testified about the proposed Burlington Northern Santa Fe Railway Company (BNSF) Intermodal Rail and Truck Yard in Johnson County, KS. Mr. Kirkendall commented on the dangers of diesel exhaust particulate matter, including increased rates of asthma and shorter life expectancy among those who live near corridors. Mr. Kirkendall commented that he had worked in warehouses for many years and is not anti-warehouse, but rather is opposed to the unsafe concentration of warehouses proposed by BNSF. BNSF is concentrating its industry, he argued, allowing them to make more money at the health costs of the community.

He explained that he had two goals: (1) to ensure adequate analysis of the impacts of the proposed facility before the permit is issued; and (2) to ensure that the facility is not built until the health risks have been mitigated. Mr. Kirkendall testified that the Finding of No Significant Impact (FONSI) granted by USACE was inadequate and unjust, there was no public comment period despite a request for one, the studies produced were too narrow in scope, and there was no National Environmental Policy Act (NEPA) review. Mr. Kirkendall requested that EPA give the proposal a second look to make it cleaner and safer, and review the FONSI by applying environmental justice tools before issuing the permit.

The following thoughts, suggestions, and questions emerged from the discussion following Mr. Kirkendall’s comments:

- Mr. Brooks commented that the legal authority that EPA followed regarding the petition were those that govern the Agency in responding to requests for an Environmental Impact Statement (EIS). He explained that EPA made substantive recommendations to the USACE and BNSF that would address concerns about air quality. He went on to say that goods movement through the Kansas City area has long been an air quality challenge.
 - Ms. Miller-Travis responded, “Karl’s response left me queasy.” FONSI designations happen “all too often...inaccurately or short-sightedly,” she stated, adding that there are environmental assessments that need to be done but don’t get done. “Moving the problem from one community to another is dispersal, not environmental justice,” she said.
 - Mr. Brooks responded that the decision by EPA to approve the permit was not intended to disperse burden. He noted that those studying the issue of goods movement identified Kansas City as a “classic corridor.” He added that the decision was made prior to his appointment as Regional Administrator.
- Mr. Prasad commented on the challenges California is facing with goods movement. He stated that the seriousness of the goods movement issue spurred the NEJAC to develop a report. Although diesel exhaust is known to cause cancer, he added, EPA has been unable to establish a unit risk factor, which preempts evaluation of potential cancer risk.
- Ms. Robinson suggested that Mr. Kirkendall visit the NEJAC Advice and Recommendations page (www.epa.gov/environmentaljustice/nejac) to review the Council’s report on goods movement.

“Moving the problem from one community to another is dispersal, not environmental justice.”

--Ms. Vernice Miller-Travis, NEJAC Member
Maryland State Commission on Environmental Justice and Sustainable Communities

8.0 Ms. Alicia Dressman, Physicians for Social Responsibility

Ms. Alicia Dressman, Physicians for Social Responsibility, spoke on behalf of Ms. Ann Suellentrop about the contamination of the Bannister Federal Complex site in Kansas City, KS. The contamination has been covered up with a parking lot, she commented, but not cleaned up. Ms. Dressman testified that there is a lack of planning for cleanup of the site, and pointed out that the site is located in a poor African-American community. “The government is walking away from its responsibility,” she said. She suggested that expediting remediation should be more of a priority than expediting development of the new facility for the nuclear weapons parts plant. She further commented that there is demonstrated community involvement on the issue through a community advisory panel.

Ms. Suellentrop also submitted written comments, which are provided in Appendix C.

Mr. Kelley questioned whether the community panel Ms. Dressman spoke of included residents directly affected and suffering health impacts. Ms. Yeampierre followed Mr. Kelley’s question by stating that in environmental justice, it is critical that the people most impacted are at the forefront of the process to create change.

Mr. Brooks noted that EPA “reached out genuinely” to the community and that the panel EPA used to assess community response was an accurate reflection of the communities affected.

9.0 Ms. Rachel Russell, Arc Ecology

Ms. Rachel Russell, Arc Ecology, introduced herself as a resident of the Bayview/Hunters Point community, which she described as an environmental justice community and home to the “last significant African-American population in San Francisco, CA.” She reported that the rates of asthma in the community are four times the state average. Ms. Russell stated concern that there may be hundreds of polluting industries “flying below the radar,” just under the thresholds for federal regulation. She said that there is a shipyard, power plant, and multiple toxic waste sites in the community. There is only one reporting facility in the community, she stated, but local residents “know there must be more.”

Continuing her comments, Ms. Russell expressed her belief that addressing poverty has to be part of an environmental justice solution. She suggested that EPA investigate cumulative impacts and pathways of generation from lower emission facilities. Ms. Russell further suggested that EPA provide stronger support to Restoration Advisory Boards (RABs) in the form of expertise, offering linkage and coordination of authorities, and potentially working with the military to create greater opportunities for input.

Members of the NEJAC responded with the following thoughts and suggestions:

- Ms. Robinson referred Ms. Russell to an online tool called EJ View (formerly known as the Geographic Assessment Tool), which provides a geographical interface and links with all permitted facilities.
- Ms. Yeampierre suggested exploring individual air monitors with which to create one’s own data. She acknowledged that they are very expensive, but that there may be grant funding available to purchase one. Ms. Yeampierre stated that her organization had some experience doing this and invited Ms. Russell to speak with her after the meeting.
- Mr. Prasad asked whether the community was identified as one of the priority areas by the Bay Area Air Quality Management District, in which case there would be a requirement to evaluate cumulative impacts.

10.0 Ms. Jane Stoever, PeaceWorks Kansas City

Ms. Jane Stoever, PeaceWorks Kansas City, spoke about the contamination at Bannister Federal Complex in Kansas City, KS. The world is pushing for nuclear weapons, she testified, but the dangers are severe. She reported that NBC Action News had a list of names of over 122 people believed to have died from the contaminants at the complex. She noted that 60 percent of the total Complex was a nuclear weapons parts plant and the other 40 percent was comprised of federal agency offices. She said that the process of making parts for nuclear weapons involves dangerous substances, and air ducts have been shared between the Kansas City parts plant and other sections of the Complex.

Ms. Stoever commented further that residents of the Kansas City area don't want nuclear weapons made in their community and oppose the building of a replacement plant. She expressed concern that hazardous waste would be stored at the Complex where, she asserted, there is a lack of planning and responsibility for clean up. According to the National Nuclear Security Administration (NNSA) FY 2011 Stockpile Stewardship and Management Plan, the NNSA, "will not be burdened by costs for legacy disposition."

Ms. Stoever made the following requests:

- Place the Bannister Federal Complex on the Superfund list and use government money to clean it up.
- Pressure the Kansas City plant to allow an extensive study of current environmental conditions around and within the plant.

Ms. Briggum stated that it was good to have Mr. Brooks present, as the Administrator for the region, to hear the testimony regarding the Complex. Mr. Ridgway thanked Ms. Stoever for her testimony and said that it was a great reminder that nuclear facilities have more concerns associated with them than just the nuclear waste they generate.

11.0 Ms. Carol Elaine Geissel, Sierra Club

Ms. Carol Elaine Geissel, Sierra Club, spoke on behalf of Ms. Leslie Fields about multiple issues and the interventions of Sierra Club in the Kansas City area. Ms. Geissel stated that personnel of state and local agencies are not sufficiently familiar with or sensitive to the complexities of environmental justice issues, and that federal agencies are not all prepared to deal with these issues effectively, citing USACE as an example. She noted three particularly contentious developments: (1) the South Lawrence Trafficway (SLT) which, she said, will have significant environmental justice impacts on the Haskell Indian Nations University (HINU) community; (2) the proposed BNSF intermodal facility which, she said, raises significant air quality concerns; and (3) the permitting of a coal-burning electrical generating Holcomb's Sunflower plant which she asserted is a major emitter of carbon dioxide (CO₂).

Ms. Geissel focused her comments on the issue of the SLT and impacts on tribal peoples. She made the following requests: (1) that EPA Regional 7 provide funding and technical assistance to the HINU community; and (2) that the Agency insist on a moratorium for the construction of the SLT until it is confident that environmental justice issues have been adequately addressed.

NEJAC members had many responses to Ms. Geissel's testimony:

- Ms. Yeampierre stated, speaking independently and not on behalf of the NEJAC, that many do not consider Sierra Club to be an environmental justice organization, and that the role of groups like Sierra Club should be to provide technical assistance to local groups and allow tribal peoples

to speak for themselves. Ms. Yeampierre pointed out that there was no tribal representation for HINU present.

- Ms. Catron echoed Ms. Yeampierre's concern about the lack of tribal representation. She added that other agencies require approval of tribal governments to talk to organizing communities, which adds an additional layer of government, and tribal communities are losing their voice. She commented that EPA's Indian policy does not state that good tribal governance means reaching out to tribal residents. She stressed that Sierra Club should be advocating that tribal governments include community participation and outreach in their efforts. Ms. Catron also suggested that aggressive activism and "rocking the boat" very hard is not highly respected by many tribal communities. She stated that efforts needed to be attuned to the ways in which tribal governments make decisions, as well as to the "strong, traditional values that are in play."
- Ms. Wasserman challenged Sierra Club to work with groups and organizations to enable them to build capacity to resolve problems in their own communities. She commented that local organizations are the solution to resolving problems in the community. She wondered why no representatives from the HINU community were present.
- Ms. Fisher recognized that Sierra Club has always been successful in turning out numbers, but noted that lack of representation of the affected community would undermine their efforts.

12.0 *Ms. Andrea Gross, Interdisciplinary Environmental Clinic*

Ms. Andrea Gross, Interdisciplinary Environmental Clinic, commented on the Carter Carburetor site in St. Louis, Missouri. She stated that the site is located in an environmental justice community where the surrounding poverty level is over twice the state average. She added that environmental health indicators put the area in the 97th percentile for toxic air pollution risks. This, she asserted, makes the community the kind of area intended to be targeted by EPA's environmental justice efforts. She reported that the public comment period for the Engineering Evaluation and Cost Analysis (EE/CA) expires on November 30, 2010. Ms. Gross requested a 90-day extension of the public comment period for the Carter Carburetor site to allow the community adequate time to submit comments on the very lengthy report.

Mr. Brooks thanked Ms. Gross for bringing this issue directly to EPA's and the NEJAC's attention. He acknowledged that the request was reasonable and made a commitment to discuss it with EPA counsel.

13.0 *Ms. Sahj Kaya, East Meets West of Troost*

Ms. Sahj Kaya, East Meets West of Troost, introduced herself as an artist who seeks to educate, inform, and empower people through her art, and opened with a recitation of one of her poems. Ms. Kaya expressed concern about contamination at the Bannister Federal Complex, noting that people are dying from it. She reported that another plant was slated to be built in the area.

Ms. Kaya urged that the Bannister plant be closed down and for no new plants to be opened. She expressed, "we do not need any more nuclear weapons." The proposed new facility was supposed to create jobs, she said, but instead many more green jobs could have been created. Ms. Kaya further suggested that EPA reconsider hemp as a non-contaminating, reliable and sustainable source of energy, and suggested resources to help build understanding about the potential and versatility of hemp.

Ms. Yeampierre stated explicitly that she was not speaking on behalf of the NEJAC, and said she is aware of how sustainable hemp is. She added that, although hemp is versatile and sustainable, the "hemp agenda" is challenged by the perception of it as a drug. Later during the public comment period, Mr. Brooks reiterated that the Agency has no stance on national drug or agriculture policy regarding hemp.

14.0 Mr. Andrew Clark, University of Missouri – Kansas City

Mr. Andrew Clark, student, University of Missouri-Kansas City, commented that youth in the Kansas City area are disconnected from decision-making processes that affect them. He stated that the area is very divided between urban and suburban. “Kansas City is broke and needs help,” he said, as do the neighborhoods and school boards. He testified that schools in the areas of highest poverty are being closed, adding that 26 more schools had recently closed, including the environmental studies school. Mr. Clark asserted that the environmental studies school, in particular, should be re-opened to promote an understanding of environmental justice. “We need to create a hub for ecology that spans urban and rural,” he testified. In closing, Mr. Clark asked whether EPA, in addition to absentee landlords, could be involved in discussions around repurposing these buildings.

“We need to create a hub for ecology that spans urban and rural.”

--Mr. Andrew Clark
University of Missouri-Kansas City

15.0 Mr. David Mitchell, Sierra Club

Mr. David Mitchell, member, Sierra Club, introduced himself as an individual who is passionate about global warming and climate change. He spoke about James Hansen’s book, “Storms of My Grandchildren,” and his call to reduce CO₂ worldwide, ensure that there are no new coal plants in the U.S., and take all existing coal plants offline by 2030. Mr. Mitchell stressed that the U.S. needs to take a leadership role in reducing CO₂ emissions. He asked NEJAC members to “press EPA” on how the Agency plans to address these issues.

Mr. Prasad agreed that global warming is an important consideration in environmental justice, and said that while members of the NEJAC intend to push the agenda as much as they can, there must be political will. He commented that while cap and trade (an environmental policy tool used to control pollution by providing economic incentives for successful reduction in polluting emissions) may not be the best approach, it tries to address global warming in the context of energy policy. Mr. Prasad added that “the coal issue” needs serious consideration.

Ms. Yeampierre added that many are very concerned about the issues Mr. Mitchell spoke about, including climate impacts, community resilience, and coal pollutants. Continuing her remarks, Ms. Yeampierre added that often broad-based efforts to reduce CO₂ ignore the impact of coal pollutants on environmental justice communities.

16.0 Mr. Sasteh Mosley, East Meets West of Troost

Mr. Sasteh Mosley, President, East Meets West of Troost, introduced himself as a resident of Ms. May’s community in the Green Impact Zone of Missouri. He described East Meets West of Troost as an economic development organization in Kansas City, KS, that is part of Peaceworks Kansas City, a local coalition opposing the nuclear arms race. Mr. Mosley gave comments about the contaminated Bannister Federal Complex, highlighting several issues: (1) the need to deal with the sick workers of the plant and conduct remediation; (2) opposition to the new facility; and (3) the need to address why African-American leaders supported the proposal in the first place.

Mr. Mosley asserted that greater emphasis on green jobs is needed and city leadership should take on the issue and convert nuclear weapons jobs to green jobs. He spoke about his own efforts to create green opportunities by running an urban farm that trains young people to be urban agriculture specialists. This training program, he said, was in the process of obtaining certification for the upcoming growing year. Mr. Mosley stated that while large development projects like the one at the Bannister Federal Complex often have “set-asides” for jobs for local residents, those jobs are “unattainable,” especially for those who have serious health issues that prevent them from getting jobs, or those who have barriers to

employment such as felonies. He requested that set-asides specifically for local green jobs be built into the plan for the Bannister Federal Complex.

Discussion among the NEJAC focused on concern about the testing of the soil Mr. Mosley was using to grow the food he was distributing. Mr. Targ asked Mr. Mosley to elaborate on how the soil was being tested and, in particular, EPA's role in conducting the testing. Ms. Horne expressed deep concern about ensuring the soil is healthy and the importance of obtaining second opinions.

Mr. Mosley responded that preliminary results of soil testing showed that the "soil is good," but the "official results" had not yet been reported. He added that he was not seeking organic or local farmer certification, and that he understands the importance of testing the soil and incorporating testing into the training provided. He reported that lots being used to grow the food were owned by his family, and the lots were certified by Lincoln University. Continuing his remarks, Mr. Mosley explained that the food was going to "people with no jobs and no income" who, he stated, "are taking the same risks feeding their children with this food as I am feeding mine."

There was additional brief discussion between Mr. Mosley and NEJAC members regarding obtaining land for urban agriculture in the context of zoning and vacant lots versus lots with existing structures.

17.0 *Written Comments*

Appendix C presents all written comments submitted for the public record.

Two individuals who spoke also submitted written statements prior to the meeting, namely Mr. Marvin Robinson (Quindaro Ruins/Underground Railroad – Exercise 2011) and Mr. Richard Mabion (Building a Sustainable Earth Community).

One individual, Ms. Alicia Dressman (Physicians for Social Responsibility) spoke on behalf of someone who submitted written comments (Ms. Ann Suellentrop), but could not be present to speak.

In addition, written statements were submitted by the following seven additional individuals who did not speak during the public comment period:

- Mr. Lyle Courtsal, People's Multiservice Systems
- Mr. Steven Klafka, Wingra Engineering, S.C.
- Ms. Kathleen Weigand, Community Member
- Ms. Lynda Callon, Westside CAN Center
- Ms. Debra Ramirez, Citizens Against Contamination/Mosserville Environmental Action Now
- Ms. Patty Brown, Missouri Sierra Club
- Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation

APPENDIX A
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING
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OTHER MEMBERS

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M. Kathryn Brown

Formerly University of Cincinnati College of
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Paul Mohai

Professor
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University of Michigan
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Patricia E. Salkin

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Sue Briggum

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LIST OF MEMBERS BY STAKEHOLDER CATEGORY

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Hilton Kelley

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Margaret J. May

Executive Director
Ivanhoe Neighborhood Council
Kansas City, Missouri

Fr. Vien T. Nguyen

Pastor
Mary Queen of Viet Nam Community Development
Corporation
New Orleans, Louisiana

Kimberly Wasserman

Coordinator
Little Village Environmental Justice Organization
Chicago, Illinois

***Elizabeth Yeampierre* [see Chair above]**

**TRIBAL GOVERNMENTS
and INDIGENOUS ORGANIZATIONS (3)**

Don Aragon

Executive Director
Wind River Environmental Quality Commission
Eastern Shoshone and Arapaho Tribes
Fort Washakie, Wyoming

Peter M. Captain, Sr.

Elder Advisor to the Executive Board of Directors
Yukon River Intertribal Watershed Council
Fairbanks, Alaska

Jolene M. Catron

Executive Director
Wind River Alliance
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**NON-GOVERNMENTAL/ENVIRONMENTAL
GROUPS (6)**

Savonala 'Savi' Horne

Executive Director
Land Loss Prevention Project
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J. Langdon Marsh

Fellow, National Policy Consensus Center
Portland State University
Portland, Oregon

Vernice Miller-Travis

Vice-Chair
Maryland State Commission on Environmental
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Shankar Prasad

Executive Fellow
Coalition for Clean Air
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Nia Robinson

Director
Environmental Justice and Climate Change Initiative
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Nicholas Targ

Co-Chair, Environmental Justice Caucus
American Bar Association
San Francisco, California

STATE and LOCAL GOVERNMENTS (2)

Edith Pestana

Administrator, Environmental Justice Program
Officer of the Commissioner
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***John Ridgway* [see Vice-Chair above]**

APPENDIX B
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LIST OF ATTENDEES

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LIST OF ATTENDEES

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LIST OF ATTENDEES

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LIST OF ATTENDEES

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LIST OF ATTENDEES

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LIST OF ATTENDEES

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APPENDIX C
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WRITTEN PUBLIC COMMENTS

(Note to readers: Statements included in this appendix are shown verbatim, as provided by the individuals who submitted them, with no modifications or changes.)

Sections C.1 through C.8 present written comments from individuals and organizations that did not verbally address the NEJAC during the public comment period:

- Mr. Lyle Courtsal, People's Multiservice Systems
- Mr. Steven Klafka, Wingra Engineering, S.C.
- Ms. Kathleen Weigand, Community Member
- Ms. Lynda Callon, Westside CAN Center
- Ms. Debra Ramirez, Citizens Against Contamination/Mossville Environmental Action Now
- Ms. Patty Brown, Missouri Sierra Club
- Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation
- Ms. Ann Suellentrop (represented in person by Ms. Alicia Dressman, Physicians for Social Responsibility)

Sections C.9 and C.10 present written comments from the following individuals who also spoke during the public comment period:

- Mr. Marvin Robinson, Quindaro Ruins / Underground Railroad – Exercise 2011
- Mr. Richard Mabion, Building a Sustainable Earth Community

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WRITTEN PUBLIC COMMENTS

C.1 Mr. Lyle Courtsal, People's Multiservice Systems

For decades now, we as a people have been lied to repeatedly about the harm and toxicity of many technologies, products, and processes, to the point that the health of many Americans is seriously compromised and is costing us in many ways both quantitatively and qualitatively; healthwise and spiritually. The pattern is the same over and over and over again. The industry funded research says no problemo, the independent research says big problems. The following areas are ones that I am personally very concerned about.

- 1) The health consequences of exposure to even low level nuclear and microwave radiation (www.iicph.org and Townsend Letters for Doctors magazine summary of health consequences of microwave radiation exposure). DU exposure has resulted in serious deformities to stillborn in offspring of exposed parents, civilian and combatant.
- 2) The health consequences of chemical pesticides and herbicides in our environment and in our food. Lets do a thorough 40 year intergenerational epidemiological study of cancer alley (last 200 miles of the mississippi river for illnesses due to toxic exposures). Also pesticide and herbicides are responsible for reductions in our bee population along with microwaves, so plants don't get pollinated and reproduce.
- 3) What are the consequences of the use of intensive pesticide/herbicide use on farmland nutrient levels? (not good). Malnutrition is a national problem now (brain malnutrition is a significant driving factor in drug/alcohol addictions).
- 4) Communities where lead paint is still around need to be targetted for lead abatement since it can result in so many illnesses in affected people. Likewise for pthalate and other toxic chemicals that we are exposed to daily. (is that how it is spelled?).
- 5) By reducing meat consumption in the US population, feedlot runoff contamination can be significantly reduced. There is a significant connection between meat overconsumption and colon cancer. The support of midscale family farmers (150-300 acres) is crucial to this transformation. Also antibiotic and hormone additives are driving early maturation in adolescents. The problems of chemically and heavy metal contaminated fish can be solved by developing alternative protein sources like hempseed flour and oil as has been going on in Canada for the last ten years (www.hemptrade.ca). Likewise the genetically modified foods need to be seriously and independently studied and labelled so that health consequences of use can be quickly tracked and responded to.
- 6) Small to midscale wind/solar development should be aggressively supported. Local communities so supported can generate and carry a minimum load of power generation so that if the grid is compromised due to a major disaster, basic survival services can continue to function (refrigeration, communications, illumination,etc..). See Home Power magazine for more information on this. Remember the emerging energy resource in America is roofspace!!
- 7) children and mothers need to be supported since 90% of addict/alcoholics are neglected and/or abused as children with socioeconomic and spiritual poverty and personal isolation/deprivation being the main factor driving the abuse. This is the social status quo of a competitively alienating social context that is incapable of appreciating those whose gifts and abilities lie outside a narrow and increasingly judgemental mainstream.
- 8) Nonviolent victimless offenders should be released from prison and supported in our communities so that the root conditions driving their difficulties are addressed and they can find meaningful occupations that are relevant to their humanity. We are in a jobless recovery; this is not an anomaly but a consequence of computers and robots replacing 2-4 people for each machine utilized. This is driving a huge transformation of the American workforce that needs to be supported by both government and industry with new industries and emerging technologies and processes supported adequately along with the re-education of thousands of Americans as they improve and diversify their skill and expertise areas. Hopefully we will be able to significantly reduce negative health consequences and healthcare costs by reducing our exposure to both toxic and stressful environments and eating a lot better than we presently do. By enabling rather than thwarting a persons' lifelong learning process, we

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will move our nation and our people out of the present socioeconomic doldrums and into a challenging and very dynamic future free of war and conflict. Respect begins with understanding and restraint, compassion and humility in the face of new and awesome truths.

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C.2 Mr. Steven Klafka, Wingra Engineering, S.C.

Brief description of the concern: Designating a Facility as a "Facility of EJ Concern" and Expanding USEPA Involvement in EJ Noise Abatement

What you want the NEJAC to advise EPA to do: As an environmental engineer for 30 years and active participant in environmental and community organizations, I would like to offer the following suggestions for NEJAC to consider:

Designating a Facility as a "Facility of EJ Concern"

It is common in the air pollution control field for USEPA to classify facilities by their location and level of emissions. Examples include minor/major, attainment/nonattainment, part 70/non-part 70 or major/area source. If a facility which generates pollution is evaluated by USEPA and determined to be subject to environmental justice requirements, then USEPA should consider developing an appropriate designation such as "Facility of EJ Concern". This designation could then be used to establish future pollution abatement, monitoring, public involvement or other requirements uniquely applicable to such facilities. Requirements than normally would apply only to larger industries operations such as the need for Best Available Control Technology to control discharges, or Compliance Assurance Monitoring (CAM) for continuously verifying compliance could be extended to all operations which have been designated as a "Facility of EJ Concern".

Expanding USEPA Involvement in EJ Noise Abatement

It is not unexpected that the noisiest locations are typically home to the poorest individuals. Noise pollution has not received the attention it deserves. Urban areas are typically the noisiest. If we want people to live more sustainable, less energy-consuming lives, we need to make cities healthier by reducing noise. Noise abatement measures are readily available, but environmental noise regulation is not federally mandated, left to state and municipalities, so is inconsistent. Two noise sources which typically impact the poor which need more USEPA involvement are airports and trains.

Airport Noise Abatement - Airports are not required to adopt noise abatement plans and there is no oversight. USEPA and FAA should develop minimum standards for noise monitoring, modeling and abatement. The noise abatement plans for airports in the U.S. should be reviewed to determine if the airports are located in EJ areas of concern, if the plans are up to date and reflect best available noise abatement procedures.

Establishing Train Horn Quiet Zones - When the Federal Railroad Administration (FRA) adopted [regulations](#) which eliminated train horn bans in 2006, it provided no funding for the mandated Quiet Zones - areas where horns would no longer be needed. It is likely the poorest areas are located near train routes and the poorest areas are the last to receive Quiet Zones, if and when they are funded. USEPA and FRA should identify areas where Quiet Zones have not been adopted, determine if these are EJ areas of concern and the changes needed to implement Quiet Zones.

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C.3 Ms. Kathleen Weigand, Community Member

Because of the dry weather the week of October 17, 2010 brought many forest fires throughout Floyd County. Here in David Kentucky it was very difficult to even breathe, the smoke was so heavy. It continued all week long. Then the rains came and put the fires out.

However, on Monday morning as I was approaching St. Vincent Mission which is located in David, I noticed a fire in the hill. It seems that the fire was able to reach an abandoned mine site. That means that there is enough air flowing through the site to keep the coal burning. It is now a week later and the coal continues to burn.

I remember giving a mission talk in central Pennsylvania and having the opportunity to go to Centralia PA where an abandoned underground mine has been burning for over 40 years. Eventually the whole town had to evacuate, and to this day the fire continues to burn.

Is this an environmental concern? I believe it is. I did call the abandoned mine office in Prestonsburg KY. Barry Butcher returned my call and came out to investigate the site. He called to let me know that he would forward his report on to Frankfort for their evaluation. In the meantime we wait.

Unfortunately every day in the Eastern Kentucky Coalfields we are dealing with environmental concerns connected with the coal industry, past and present. Methane gas, carbon dioxide, coal dust, rock dust from explosives, acid mine drainage into our streams, valley fills filled with overburden that leaches into our water systems.

For example as quoted from "Accepting the Challenge" a book compiled by the Slippery Rock Watershed Coalition, "acid mine drainage can have a devastating impact on the stream environment and on the creatures that live there. Yellow boy coats the bottom of a stream, suffocating all organisms that live on the bottom and destroys their food supply. High acidity affects respiratory functions and reproduction. Dissolved metals act as lethal poisons. Silt clogs gills, lowers visibility and can ultimately affect the amount of oxygen dissolved in the water."

Coal ash has also been linked to health risks. "Coal ash is the second largest industrial waste stream in the country after mining wastes" says a report released by the Physicians for Social Responsibility. It goes on to say that "the ash, which contains many elemental materials such as arsenic and mercury, is disposed in about 2,000 sites across the nation. Some of these are in ponds and others in dry landfills."

Then we have Mountain Top Removal that is causing the displacement not only of the innocent creatures of nature, but of the beauty of the Appalachian Mountains and the defilement of God's creation. The people who oppose MTR are seen as "savages screwing up our operations". The coal companies use tactics such as bribery, cohesion, fear and even brainwashing to convince the people that "coal is king".

Do I see environmental injustice in Appalachia? You bet I do and almost on a daily basis. When I take people from around the country on a MTR tour, they are moved to tears at the total destruction that is being allowed to take place. When I share stories that have been told to me and that I have witnessed first hand, the people wonder how a local, state and federal government can allow such injustices to take place to the land and its people.

What are some of those injustices?

- When a couple is displaced because of a boulder that lands in their home and pushes it over 11 inches off of its foundation.
- When a blaster is told repeatedly to set a charge that he knows is illegal.
- When a community can no longer sit on their porches because of the amount of coal dust and fly rock caused by MTR.
- When a miner is killed by fly rock as he is leaving the job.
- When a young child is told that it is not safe for them to play outside, because of an upcoming blast from MTR
- When an elderly woman is called on the phone prior to a blast and told to stay inside.
- When a family no longer can get water from their well because of the amount of methane that is now present because of MTR
- When land is literally stolen from a family because the coal company has more clout and money.
- When our own Kentucky Division of Water 2008 list of impaired waters provided to the EPA under Section 303 (d) of the Clean Water Act identified 1,199 stream miles in the Upper Kentucky River watershed, 487

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stream miles in the Upper Cumberland River watershed and 780 stream miles in the Big Sandy/Little Sandy/Tygart's Creek watershed as impaired, primarily from coal mining.

Something is wrong. How can Mountain Top Removal be "an environmentally sustainable manner" of coal production? Can this insanity be stopped? We are becoming the laughing stock of this nation. The time is coming when other states will not even want our coal, because they have been able to move forward and are transitioning from the use of coal to renewal energy forms. We must continue to look and support ways to help us transition from coal to clean energy.

Cheap electricity, clean coal has become some of the latest fashionable statements. They say that we all benefit from the Mountain Top Removal form of coal mining. That is not true. That is what the coal companies would like us to believe. The Appalachian people whose mountains are being blown to pieces are not benefiting from it and neither is our environment. Rather the extraction of coal by means of Mountain Top Removal has and continues to benefit the few, the coal companies who sell it to the big companies here and abroad.

We will continue to work to change the environmental injustices that are taking place in Appalachia. We will not give up. We will not stop.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has." Margaret Mead

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C.4 Ms. Lynda Callon, Westside CAN Center

1. Many of us need legal help. It would be helpful if EPA could provide a list of resources for legal help. If we're using Legal Aid agencies then they need advice and assistance from experience environmental justice litigators and need to study precedents. The EPA could provide that resource.
2. Many urban neighborhoods, especially old neighborhoods don't have 1 specific contaminant issue, we have multiple environmental stressors, often the legacy of our 18th & 19th century beginnings. A single stressor in and of itself may be relatively harmless but cumulatively with many other stressors it's a critical environmental justice issue. Yet, it seems that EPA has little research on this, have few research resources to provide. Where is the EPA on this issue? And, in lieu of the EPA's research where else can we go for the science and the data?

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C.5 Ms. Debra Ramirez, Citizens Against Contamination/Mossdale Environmental Action Now

My name is Debra Ramirez

I was born and raised in Mossdale Louisiana. Mossdale Louisiana is located four hours west of New Orleans La. Like New Orleans and Hurricane Katrina, Mossdale has been attacked by toxic pollution and Hurricane Rita. Louisiana is polluted from New Orleans to East Texas. Mossdale has a location just as New Orleans has, because of its much needed water ways to transport oil and gas. As New Orleans fight to stop deep oil drilling so does Mossdale Louisiana. Mossdale also have to fight to be NPL and relocated from right next door to industries who has a killer running lose just like New Orleans, that killer, EDC< PVC< VCM and other toxic carcinogen causing chemicals that made its way into our homes, land, water and air. This killer is being allowed to suffocate us to death. This killer has been allowed to attack our women, children, and men. This killer has been allowed by Government to kill us over eighty years plus and it has never been arrested or fined for it crimes. The poisons that this killer is allowed to disburse daily in our homes, drinking water, ground water, air and the very land we live on and eat from, has taken in death over 50 plus Mossdale residents a year. Our children are suffering from these rude acts of injustice. We, the mothers, fathers, sisters, brothers, and grandparents, are witnesses of the horror of having to tend to our love ones as they suffer and fight cancer at every level and every kind. Industry never attended a funeral nor did thy send a flower when we put our love one to rest. Something has to be done about the issues in Mossdale and New Orleans and the cities and towns who has industries at their door step. We are American Citizens and we deserve a better way of life than what is being forced upon us for the sake of oil and gas and a dollar bill. We demand JUSTICE Now. The UNITED STATES has too much land to say that these toxic industries have been allowed to build right next door to people. Every industry should have a buffer zone between them and peoples homes. We know one day we will die, but not before our time nor by the hands of the toxins that surround us and our families. This isn't and should not be the American Way. My whole family has and is being wiped out by these pollutions/polluters which we are surround by on the north, south, east and west of our homes. Fourteen of these toxic polluters are only eighty feet away from the doors of some of our neighbors. Industries have messed up our drinking water/land and did not tell us they did it, instead they made us match Parish money to put a bad water system in 1970s, called Mossdale water works and made us pay the bill for their mistakes of messing up our private water wells. Polluting Industries caused havoc on our health and did not have to pay a dime, killing our citizens, children, animals, trees, and destroying our homes and our history. How much longer will Government allow this to happen in Mossdale? Mossdale is too close to Oil and Gas Industries. The UNITED STATES LAW states in its HOMELAND Security (FEMA) that it would protect the UNITED STATES and its LAND, WATER, AIR and its CITIZENS from harm and danger. How come then, was Oil and Gas Industrial polluting, toxic killing, exploding, Industries ALLOWED TO BUILD RIGHT NEXT DOOR TO Mossdale and other POOR COMMUNITIES OF COLOR. Are we not American citizens in the eyes of our Government? Or are we just second hand throw-aways, an unwanted society.

If these Industries were attacked by terrorists at this very moment and a horrific incident happen Mossdale and all communities who are right next door to (too close to) dangerous Industries will surely suffer and die from the hands of these Companies their products and the hand of terrorists, for we are too close for any means of comfort.

Mossdale Louisiana citizens have high blood dioxins, higher than Government standards and the world. There is no other way to address all these issues of Mossdale Louisiana, for the damages has already been allowed to happen by bad permitting, wrong choices and permission to kill innocent citizens who wanted to live and not die. Not be take out and destroyed by the hands of OIL AND GAS POLLUTERS as it has been done in our GREAT CITY OF New Orleans Louisiana. For WE DEMAND JUSTICE AND NOT DEATH FOR A DOLLAR. For if polluters are allowed to continue to pollute and the killers allowed to poison and kill American citizens. No one will be left to spend that almighty dollar. For the death rates from pollution is at a all time high and for what the sake of Greed. Polluter SHAME ON YOU! Government WHAT WERE YOU THINKING?

My recommendation is that our Government send a stronger message and stricter guideline to polluters who pollute.

- Make a clear understanding to polluters that they will be responsible for all cleanup/beautification of any spills, and releases, on communities they neighbor.

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- Government should not allow Polluters to sell a company to another company until they clean up releases/spills they are responsible for.
- Government needs to make sure Industries who pollute have a better working emergency plans, which includes easy access to emergency routes directions and instructions in clear language to better protect the public.
- Government should see that Industries who pollute make available to businesses/churches/schools an emergency binders which entails what they make/produce how to, and how to protect their costumers/students/members in case of emergencies.

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C.6 Ms. Patty Brown, Missouri Sierra Club

Ms. Brown submitted the following written comment prior to the meeting:

Concern about what's happening in Native American communities. They seem to have the worst situations in terms of Environmental justice. In Kansas City, I'm very concerned about what's happening at the Bannister Complex. There's been over 100 people who've died from chemical contamination and there are higher rates of cancer.

Ms. Brown submitted the following written comment at the meeting:

My first concern is about Native Americans. We have taken this United States land from them through genocide, and rather than finally trying to make amends we continue to take and destroy. We seem to only want to leave wastelands for them to try to live on. 1/3 of all uranium and 2/3 of all low sulfur coal come from native lands. The largest coal strip mine in the world is on a native reservation. Every proposed site for a national nuclear waste dump is on native land. Mega dams have flooded over 3 million acres of native territory. When will we stop this crime and respect Native Americans? They could show us how to reconnect with the land and have a sustainable future. The potential for wind power on tribal lands could supply more than half of America's electricity.

My second concern is about what has been happening to the people who work in and live around the Bannister Complex where 85% of this country's nuclear weapons are made. The United States agreed to reduce our nuclear weapon arsenal but instead we are building three new nuclear weapon parts production facilities, including a new Kansas City Plant. Not only could the use of these weapons destroy lands and all the life on them, hundreds of Kansas City residents are dead or dying because of the many toxic substances used to make the weapons. The responsible agencies should tell the whole truth about this and take responsibility for the cleanup. This area needs to be designated as one large superfund site rather than 15 "baby superfund sites" and put on the national priorities list to be cleaned up as well as possible. Instead the priority of the National Nuclear Security Administration has been to make sure they aren't responsible for the contamination the new plant will bring. This has been assured by a special deal to lease the land and make it the responsibility of Kansas City taxpayers.

My third concern is climate change. Many poor coastal and other communities will suffer and die as extreme weather events and rising oceans occur. According to the book "Merchants of Doubt", a few scientists and political advisors, committed to market fundamentalism and deeply connected to the fossil fuel industry, aided by a compliant media, have misled the public about scientific issues such as global warming. When this kind of subversion can occur in the country that is supposed to be the leader of the free world, I fear for both the future of democracy and life on this planet.



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C.7 Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation

Ms. Whitefoot submitted a written comment in response to the following Public Notice:

PUBLIC NOTICE: Yakima Regional Clean Air Agency Draft Air Quality Management Policy and Best Management Practices for Dairy Operations Comments are being accepted for the Yakima Regional Clean Air Agency Draft Air Quality Management Policy and Best Management Practices for Dairy Operations (Draft Policy). Comments will be accepted until December 7, 2010. Comments must be submitted in writing. The public comment period is November 8, 2010 until 5 p.m. December 7, 2010. A copy of the Draft Policy is available upon request from: Patty Walker, Clerk of the Board Yakima Regional Clean Air Agency 329 N First Street Yakima, WA 98901 (509) 834-2050 ext 102 The Draft Policy is also available to view online at: <http://www.yakimacleanair.org> (09555605) November 5, 2010.

Ms. Whitefoot's written comment to the NEJAC:

Public Comment - Dairies/Yakima County comment period/Why is Tribe not included? Your breathable air is at stake.

Where are the health specialists in all this? Why are they silent? Tribal jurisdiction? Yakima county has not consulted Yakama Nation. They will then go to Olympia and say they did something. Same old same old! There is an immediate need for third party air monitoring next to CAFOs. Please comment on this. Dairies are not proposing anything different than what they are suppose to be doing already? Are you surprised? They say trees are suppose to buffer us. What a joke! What happens when the leaves fall off?

How about mandatory covering of lagoons. Checking to see if CAFOs are permitted for the amount of cows they are suppose to have. Enough acres to match up with cows for their nutrient waste management plan? Stop dumping and pumping raw manure and letting it set on top of the ground.?

Putting their cows back on grass. We all need to comment. No more expansions in Yakima County. They do not have jurisdiction, yet they are taking it.

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C.8 Ms. Ann Suellentrop, Physicians for Social Responsibility

Close It! Clean It! Don't Repeat It!

The Kansas City Plant, operated by Honeywell for the National Nuclear Security Administration, makes parts for nuclear warheads at Bannister Federal Complex. The facility, 61 years old, is relocating 8 miles south to Mo. Hwy. 150 and Botts Road. The new plant will continue to make electronic and mechanical parts for warheads such as the W-76 and W-88 (delivered by Trident II submarine-launched ballistic missiles), the W-78 and W-87 (delivered by Minuteman III intercontinental ballistic missiles), and the B-61 gravity bomb (delivered by B-2 bombers).

The KC Peace Planters oppose the city's ownership of the new plant and the City Council-approved \$45 million tax cut for the new NNSA facility. In addition, Peace Planters hold DOE/NNSA accountable for workers' health and for clean-up of the current plant. The new plant will be the first major addition to the U.S. nuclear weapons complex in 32 years, and it will soon be followed by new plants in Los Alamos, N.M., for plutonium pit primaries, and in Oak Ridge, Tenn., for uranium secondaries. Hey, isn't the Cold War over? Aren't many countries demanding dismantling of nuclear warheads? If not now, when?

More info: kcnukeswatch.wordpress.com and <http://groups.google.com/group/kcnukewatch>
KC Peace Planters includes PeaceWorks-KC, Physicians for Social Responsibility-KC, East Meets West of Troost, Holy Family Catholic Worker House, Cherith Brook Catholic Worker House, KC Loretto Peace & Justice Network
Contact: Ann Suellentrop, 913-271-7925, annsuellen@gmail.com

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C.9 Mr. Marvin Robinson, Quindaro Ruins / Underground Railroad – Exercise 2011

Quindaro Ruins / Underground Railroad - Exercise 2011 is worthy of ENVIRONMENTAL JUSTICE and POLLUTION PREVENTION educational outlays for futures populations of Americans to broaden the knowledge, awareness and struggle(s) to intercept more toxic hazardous waste in low-income poor neighborhoods of color.

The educational value of the QUINDARO RUINS ENVIRONEMTAL JUSTICE dynamics of learning and failures and organizing: needs to be included in the federal government's documents, about what ordinary people can accomplish through ORGANIZING and trying.

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C.10 Mr. Richard Mabion, Building a Sustainable Earth Community

As a Community Organizer who is using Environment Justice as a way to educate low-income youth for an uncertain environmental future, I have found most available text books very lacking when it comes to the history of the emergence of people of color into the American environmental movement. Names like Richard Moore & Ben Chavis are rarely mentioned. Because of this I was recently asked to present this missing information to an Environmental Justice class at the University of Kansas that was studying American Indian EJ issues.

Then in September this year, after touring Love Canal as part of an Environmental Justice field trip sponsored by the North American Association of Environmental Educators (NAAEE) in Buffalo, NY, I was once again asked to present information regarding the history of environmentalism for people of color, this time to a group of environmental educators, and they too were unaware of the history I was presenting. They were shocked to hear about The Shot Heard Round The West. It was then I realized people of color concerns have been overlooked.

What do I want NEJAC to advise EPA to do?

Make the inclusion of our people of color's involvement in the Environmental Justice field a research project for classes like the one I spoke to at the University of Kansas, and allow the leadership of NAAEE and its Environmental Justice committee to oversee the research. The expected result would be an EPA sponsored textbook for all levels of educational institutions.

Summary:

Such a book could aid our boots on the ground environmental educators; in their efforts to prepare our youth for what is obviously an uncertain environmental future.