

# Workshop A: Environmental Justice (EJ) Initiative & What It Means for Your Facility

March 29, 2022  
9:45 AM – 11:00 AM

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# What is Environmental Justice (EJ)?

## Goal:

**Environmental Justice** - Assure new laws, rules, policies, public investments, and industrial, commercial, and municipal operations **do not cause disparate** adverse environmental, health, or safety impact on **disadvantaged, vulnerable communities**

- ▶ **Minority, low-income**, indigenous, linguistically isolated, limited education, young, elderly, distressed communities
- ▶ **Overburdened** communities
- ▶ Climate exposed
- ▶ Limited access to open spaces, water resources, playgrounds, outdoor recreational facilities

## Common Theme behind EJ Development

“**Minority and low-income communities** across the country are disproportionately exposed to industrial, waste-disposal, or other facilities that emit harmful air pollution.

Environmental justice seeks to address the disproportionately high health and environmental risks found among low-income and minority communities by **seeking their fair treatment and involvement in decision making.**”

# Why Now? ...

## ► **Federal Executive Actions:**

- Biden Administration: EO 14008 - January 27, 2021
- EPA Administrator All Hands Memo to Staff - April 7, 2021
- Dept. of Interior Secretarial Order: NEPA - April 16, 2021
- EPA's Plan to Update TRI to Advance EJ - April 30, 2021
- Justice40 Initiative – July 20, 2021
- Biden's FY 2022 Budget Request - \$900 million for EJ related work
- Draft EJ Action Plan for Land Protection & Cleanup – January 5, 2022

## ► **Federal Legislation:**

- Environmental Justice for All Act - March 18, 2021
- CLEAN Future Act - March 2, 2021

## ► **Corporate:**

- Shareholder / Investment requirements
- ESG (e.g., Corporate Governance Improvement and Investor Protection Act)

## ► **Public...ready-access to data**

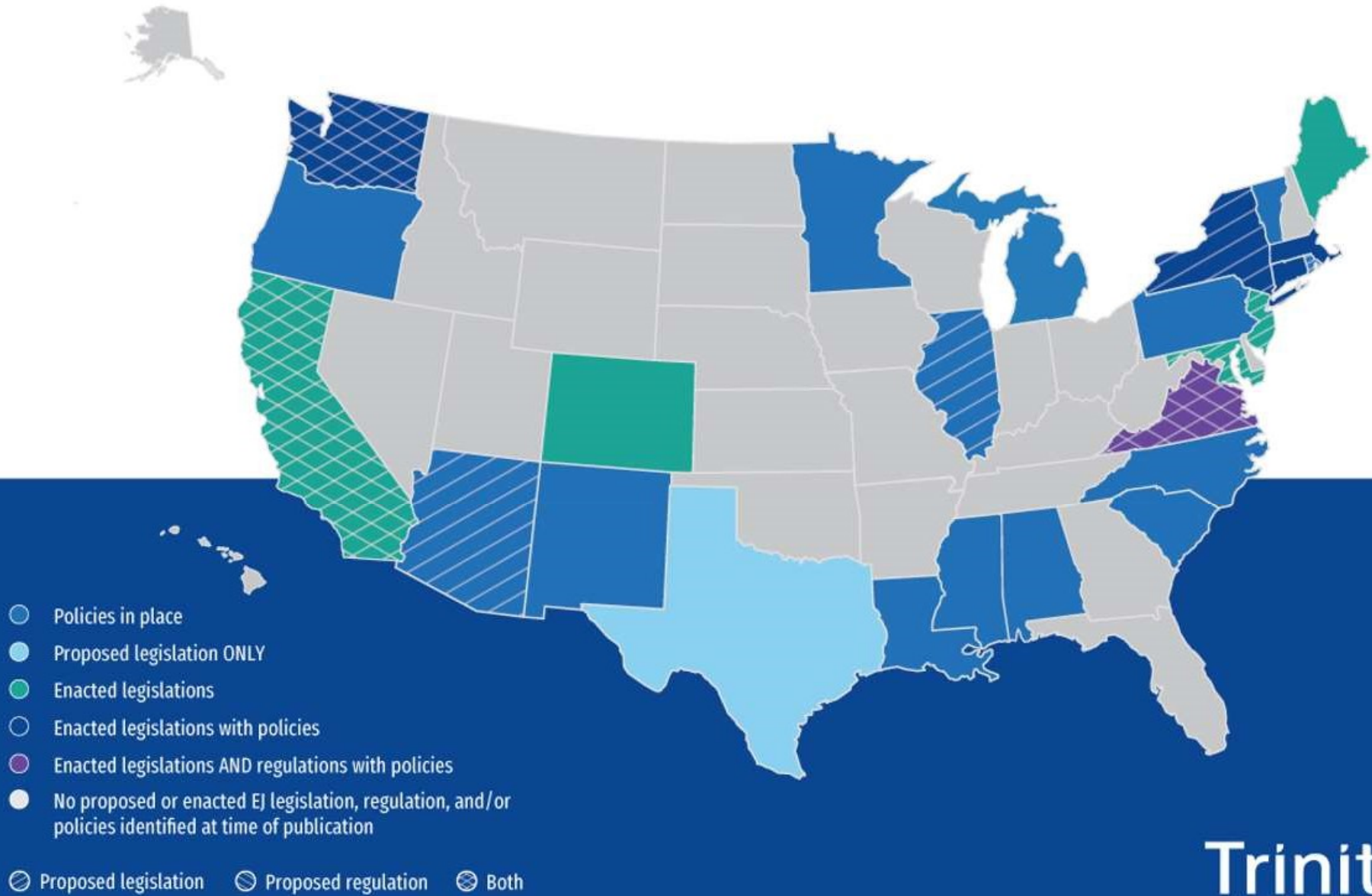
# EJ Implementation

*Early indications from the EPA as to EJ's priority*

All Hands Memo to EPA staff on EJ (April 7, 2021)  
EPA Administrator Michael Regan, “**I direct all EPA offices to do the following:**

- **Strengthen enforcement of violations** of cornerstone environmental statutes and civil rights laws in communities overburdened by pollution.
- Take immediate and affirmative steps to **incorporate environmental justice considerations into their work.**
- Take immediate and affirmative steps to **improve early and more frequent engagement with pollution-burdened and underserved communities.**
- Consider and **prioritize direct and indirect benefits to underserved communities** in the development of requests for grant applications and in making grant award decisions.”

# EJ at a State Level



*This figure represents states overall. Individual districts, parishes, or municipalities within a state may vary.*

## How is EJ Impacting Industry? (1 of 2)

- ▶ EJ initiatives are “in motion” across the country
- ▶ It provides community stakeholders a “voice,” a channel, and analytical data that can (and is) impacting facility owners & operators
- ▶ Facilities should recognize the need for:
  - Increased **understanding of surrounding community**
    - ◆ Demographics, neighboring sources, local impacts, data and tools
  - Increased **community engagement**
- ▶ EJ is impacting:
  - Legislation, rules, policies
  - Permitting (construction & operation/renewals)
    - ◆ Approval delays, additional analyses, more stringent requirements
  - Compliance, enforcement
    - ◆ Monitoring, inspections

# Differences in Agency Approaches

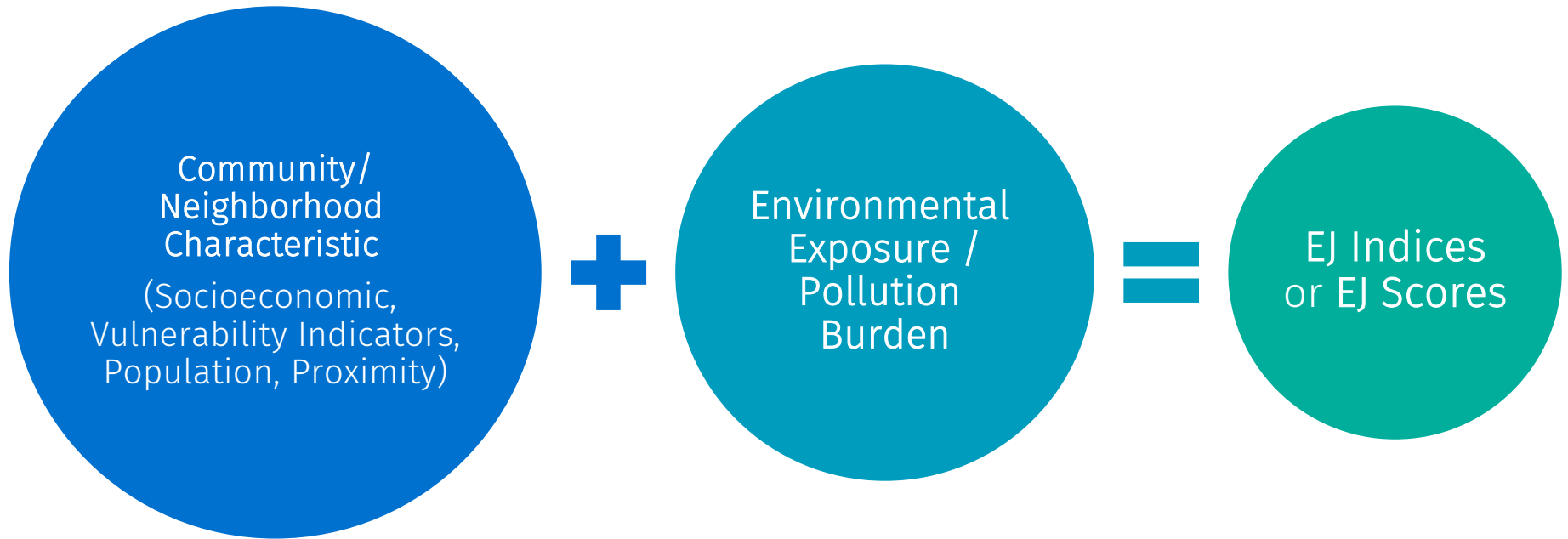
- ▶ **Significant differences in EJ definitions, what triggers EJ actions, how disparate impact is determined.**
- ▶ **What triggers or requires an EJ evaluation, public participation, disparate impact, and mitigation?**
  - Major vs minor source permitting actions?
  - Air, water, waste, nuisance, safety?
- ▶ **Definition and identification of EJ Communities:**
  - Demographics and/or vulnerabilities of interest
  - Some states explicitly define their communities (by neighborhood, census block, etc.)
  - Some perform the assessment themselves (case-by-case)
  - Some require applicant to perform the analysis:
    - ◆ EJScreen, state-specific tool, or by using other resources (e.g. ArcGIS)
- ▶ **How is disparate impact determined?**
  - Modeling (air, water, noise) and pathways
  - Source-specific, neighboring sources, background
  - Influence of sensitive populations, socioeconomic considerations, pathways



## How is EJ Impacting Industry? (2 of 2)

- ▶ Increased **access to environmental exposure data**, estimates, and tools
- ▶ Increased **public engagement and participation** in rule development and permitting process and more consideration of EJ
- ▶ **Permitting:**
  - Public notice/comments, EJ community identification, BACT, modeling
- ▶ **EPA initiatives:**
  - Ambient **monitoring** near industrial sources
  - EPA direction of **enforcement resources** to most overburdened communities
  - Inspector General “management alerts” in areas of high risk
  - Formal Information Collection Requests (ICRs)
  - Regulation development (e.g., NESHAP, NSPS)
- ▶ **Civil rights / citizen suits:**
  - ▶ Direction of **public funding** (and funding sources)
  - ▶ Shareholders’ **ESG** considerations

# EJ Characterization / EJ Identification Basics



Intended use of **EJ Indices** – identify vulnerable communities most affected by pollution. Typically compared to reference community (e.g., state or national average) or a standard.

# EJ Variables and Metrics

EJ Indexes or Scores = f (neighborhood characteristics & environmental exposure)

## Community / Neighborhood Characteristics

- People of color
- Low income
- Linguistically isolated
- Level of high school education
- < 5 yrs old
- > 64 yrs
- Climate exposed
- Asthma, cardiovascular disease, low birth weight
- Food insecurity
- Unemployment rate
- Energy shut-offs, energy efficiency program access, % income paying for energy

## Environmental Exposure / Pollution Burden

- PM<sub>2.5</sub>
- Ozone
- Diesel PM (NATA)
- Cancer Risk (NATA)
- Respiratory Hazard (NATA)
- Traffic Proximity and Volume
- Proximities:
  - Superfund
  - RMP
  - Hazardous Waste
- Lead Paint Indicator
- Wastewater Discharge
- Pesticide Use
- Groundwater Threats
- Data on chrome metal plating
- Noise
- Subsidence
- Vibration
- Odor

# Common Steps for Addressing EJ

Step 1

- Identification & characterization of EJ areas

Step 2

- Engagement with EJ communities

Step 3

- Assessment of potential disparate EJ impacts

Step 4

- Mitigation

Step 5

- Sustaining meaningful engagement

## Step 1 – EJ Identification & Characterization

- ▶ State / Local EJ Initiatives
- ▶ Federal EJ Implications
- ▶ Facility Information (permits, process safety, traffic volume)
- ▶ EJ Community Identification – Demographics
- ▶ Surrounding Community Features
- ▶ Neighboring Industrial and Commercial Sources
- ▶ EJ Impact Assessment
- ▶ Political Landscape and Community Background Analysis
- ▶ Local Public and NGO Activity
- ▶ Facility Compliance History

## Step 2 – Engagement with EJ Communities

### ▶ Reason(s) for engagement:

- Proactive community relations and understanding vs reactive/responsive situation
- Upcoming project, permitting obligation
- Compliance / nuisance event response
- Company best practice, ESG

### ▶ Identify your stakeholders (your community including elected & appointed officials)

- Minimize uncertainties and business risks through risk assessment, mitigation, and engagement
- Stakeholder mapping and identification
- Social and traditional media monitoring

### ▶ How?

- Public notice
- Public meetings
- Focus groups
- Community advisory panels (CAPs)
- Virtual engagement
- 1:1 outreach

## Step 3 – Assessment of disparate impacts

- ▶ Methodologies and guidance for performing disparate impact assessments for environmental justice (including health risk assessments and cumulative impact assessments) are evolving.
- ▶ EPA has not released general guidance for EJ disparate impact analyses.
- ▶ We will introduce and demonstrate tools and assessment methodologies in the following sections.

## Step 4/5 - EJ Mitigation/Sustaining meaningful engagement

Identifying nearby EJ communities and EJ impacts does not mean the plant is closed, a project should be terminated, or a deal dies.

Solutions include:

- Mitigation
- Community engagement (including potential negotiation) over impacts.

Meaningful engagement builds trusting relationships and facilitates understanding community priorities

Examples:

- Clean up (correct, utilize less conservative) data in underlying reports (e.g., TRI)
- Perform more “refined” impact assessments (e.g., health risk assessments)
  - Source parameters (stack heights, locations, exhaust velocities, temperatures)
  - Employ more recent emissions data
- Prepare a facility narrative (emissions history, controls improvement)
- Translate and provide permits in the languages spoken in the immediate community
- Update a permit, raise a stack
- Install mufflers on temporary generators, erect noise barriers ...
- Make monitoring data (emission source, fence line, etc.) accessible



**EJScreen**

**<https://ejscreen.epa.gov/mapper/>**

# Considerations for EJ

## Why would you perform an EJ assessment?

- Permitting (public notice, participation, impact assessment)
- Emission event / reporting, inspection / enforcement
- ESG
- Litigation
- M&A

## Where?

- State or federal definitions for:
  - “EJ community” and process required to identify
- Relevant environmental indicators:
  - Air
  - Water
  - Waste
  - Safety (RMP)
  - Odor
  - Traffic
  - Noise
  - Vibration
  - Climate...

## Who will you provide the information to?

- Permit engineer
- Inspector
- Public/NGO
- Community Advisory Panel (CAP)
- Shareholders

## How?

- Mandated outreach to certain groups
- Active community engagement
- Impact assessment (disparate impacts):
  - Cumulative impacts / health risk assessment
- Litigation expert reports

# Range of EJ Screening Tools

## Data Sources

- Enforcement and Compliance History Online (ECHO)
- Census / American Community Survey (ACS) Data
- TRI Search Plus
- EasyRSEI Dashboard
- Talkwalker (social analytics, media monitoring)
- Ambient Monitoring, Next Gen monitoring, FLIR cameras
  - OLD MACT, Gasoline Distribution regs

## EJ Tools

- EJScreen
- CalEnviroScreen
- Climate and Economic Justice Screening Tool (CEJST)
- Risk Screening Environmental Indicators (RSEI)
- National Air Toxics Assessment (NATA) & National Emissions Inventory (NEI)
- EnviroFacts
- ArcGIS/QGIS

## Cumulative / Health Risk Assessments

- Dispersion Models
- EPA Cumulative Risk Guide
- EPA Human Health Risk Assessment Protocol (HHRAP)
- EPA Hazardous Air Pollutant Exposure Model (HAPEM)
- EPA 2003 Framework for Cumulative Risk Assessment (CRA)
- California Hot Spots Analysis & Reporting Program (HARP)
- BREEZE Risk Analyst

# EJScreen

- ▶ EJScreen is a mapping and screening tool to screen for potential disproportionate environmental burdens and harms at the community level

- ▶ **Feb 18, 2022** – EPA announced updates (**EJScreen 2.0**)

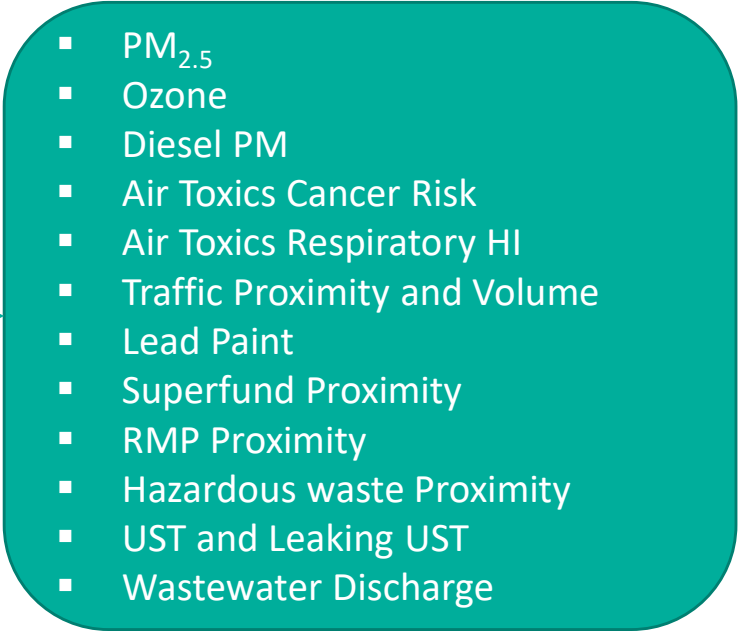
- ▶ 12 Environmental indicators

- ▶ 7 Demographic Indicators

- Low-Income;
- Minority;
- Unemployment rate
- *Less than high school education;*
- *Linguistic isolation;*
- *Individuals under age 5; and*
- *Individuals over age 64.*

- ▶ 12 EJ Indexes

- *A function of single environmental factor with demographic information.*
- *At this time, EJ Indexes cannot be combined i.e., for each environmental indicator, one standard EJ Index is available.*

- 
- PM<sub>2.5</sub>
  - Ozone
  - Diesel PM
  - Air Toxics Cancer Risk
  - Air Toxics Respiratory HI
  - Traffic Proximity and Volume
  - Lead Paint
  - Superfund Proximity
  - RMP Proximity
  - Hazardous waste Proximity
  - UST and Leaking UST
  - Wastewater Discharge

## How the EJ Index Works

- ▶ The EJ Index uses the concept of “excess risk” by looking at how far above the national average the block group demographics are.
  - *Access the environmental and demographic information and compare against rest of the state, region, and the nation.*
- ▶ **EJ Index** = (Environmental Indicator)  
x (Demographic Index for Block Group – Demographic Index for US)  
x (Population Count for Block Group)
- ▶ EJScreen reports each indicator or index value as a “**percentile**”
  - All percentiles are population percentiles.
- ▶ A percentile in EJScreen tells us roughly what percent of the comparison population (state, region, US) lives in a block group that has a lower value.
  - *For example, 95 US population percentile means:*
    - *95% of the US population has a lower value or*
    - *only 5% of the US population has a higher value.*

# EJ Analysis & Data Presentation

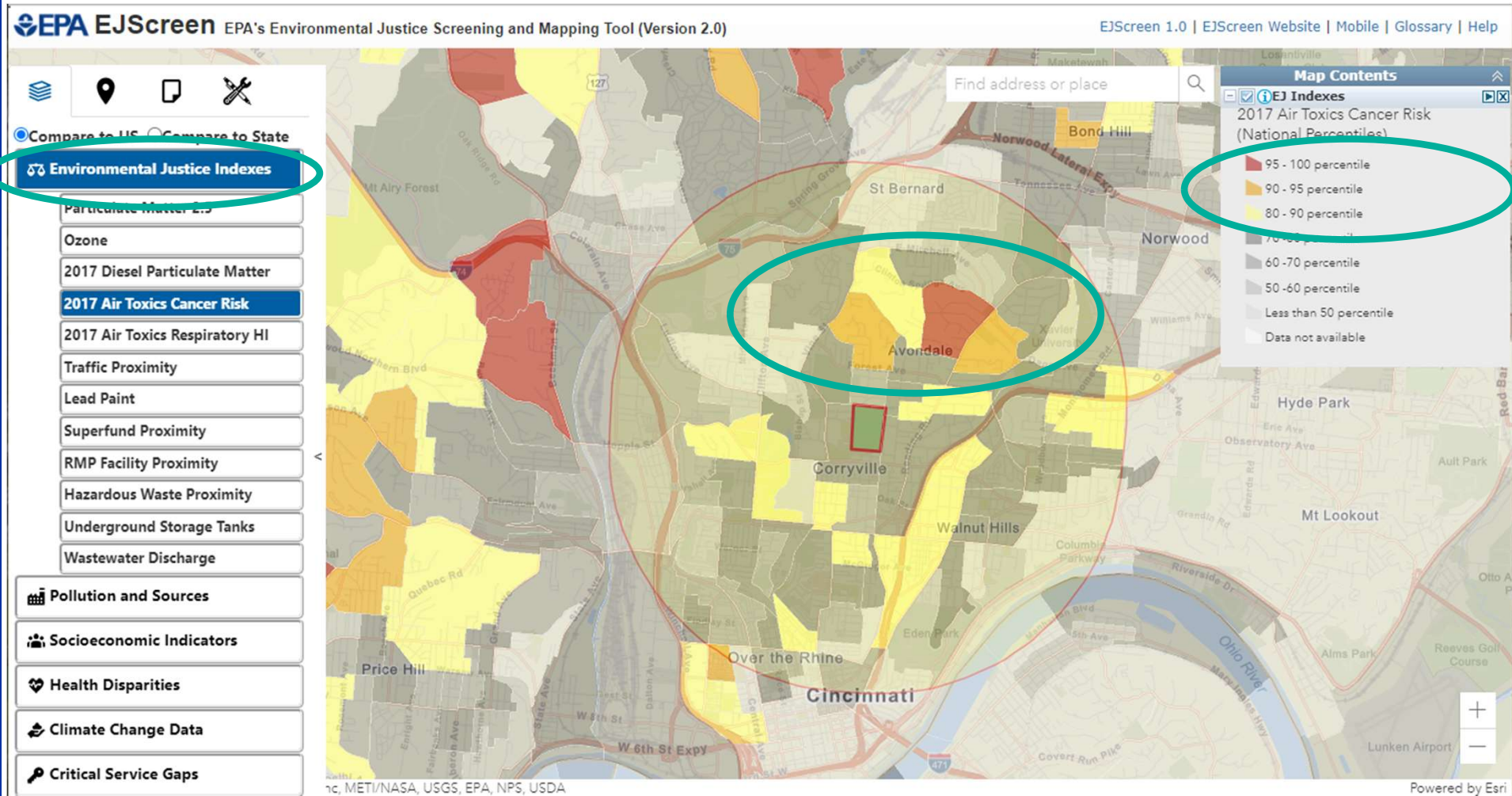
EJScreen intro – Drawing an area around a Location & adding 2-mile Buffer

The screenshot displays the EPA EJScreen interface. At the top, it reads "EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool (Version 2.0)" and "EJScreen 1.0 | EJScreen Website | Mobile | Glossary | Help". The main map shows Cincinnati, Ohio, with a red circular buffer around a location in Corryville. A green pin is placed on the map. On the left sidebar, the "Draw an Area" button is highlighted with a red circle. A "Chart or Report" dialog box is open, showing a "Name:" field and a "Buffer: 2 mi" field, also highlighted with a red circle. Below the buffer field are several links: "Explore Reports...", "Get Printable Standard Report...", "Get 2015-2019 ACS report...", "Get 2010 Census report...", "Get CDC report... [EXIT EPA]", and "Delete this site". A search bar at the top right contains the text "Find address or place". The bottom of the map shows "EnviroMapper®" and "Powered by Esri".



# EJScreen

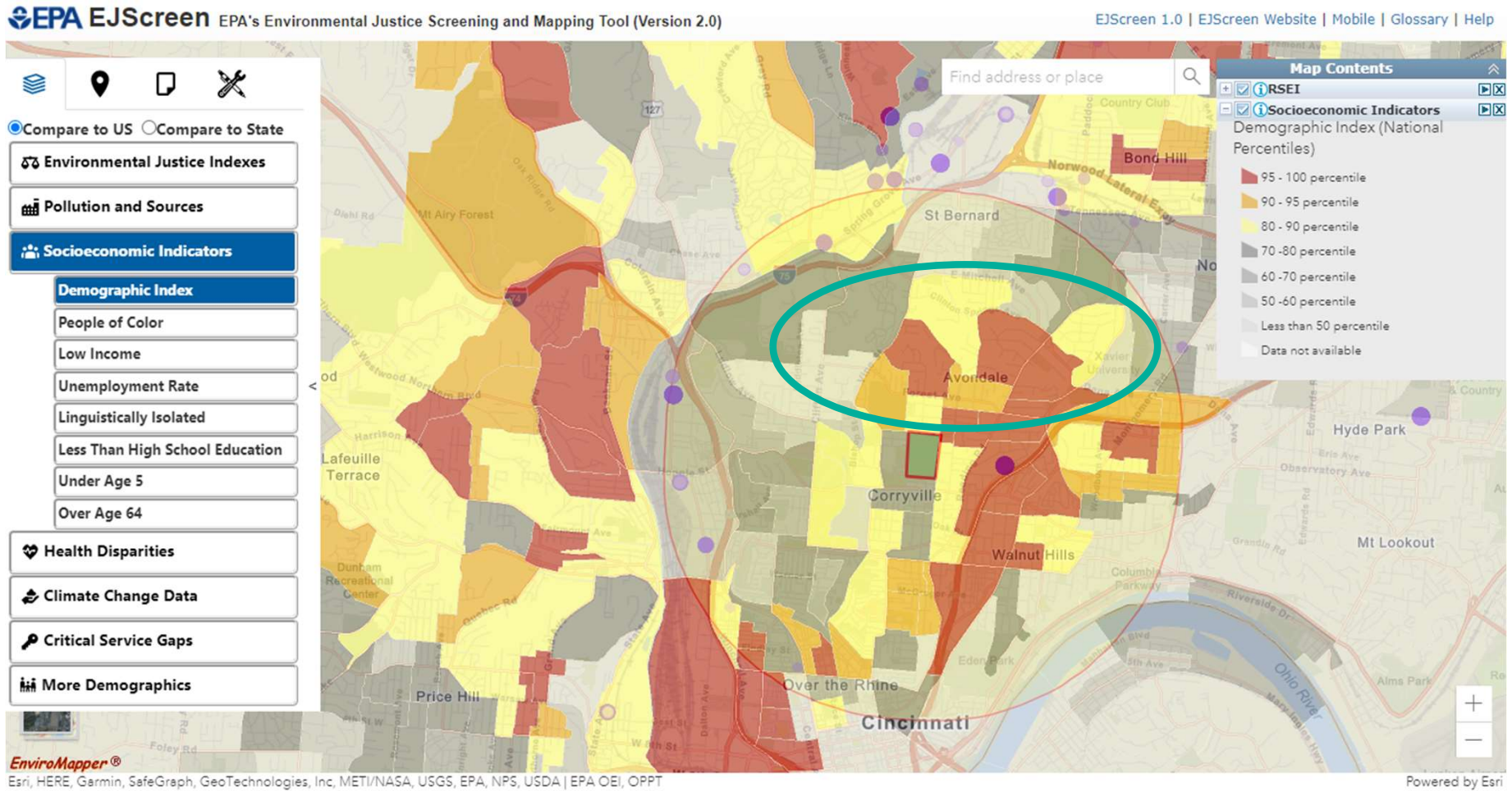
## 2017 Air Toxics Cancer Risk



EJScreen is intended to focus agency attention on neighborhoods with EJ Indexes of 80% and above.

# EJScreen

EJ Mapping with demographic index = (% minority + % low-income) / 2



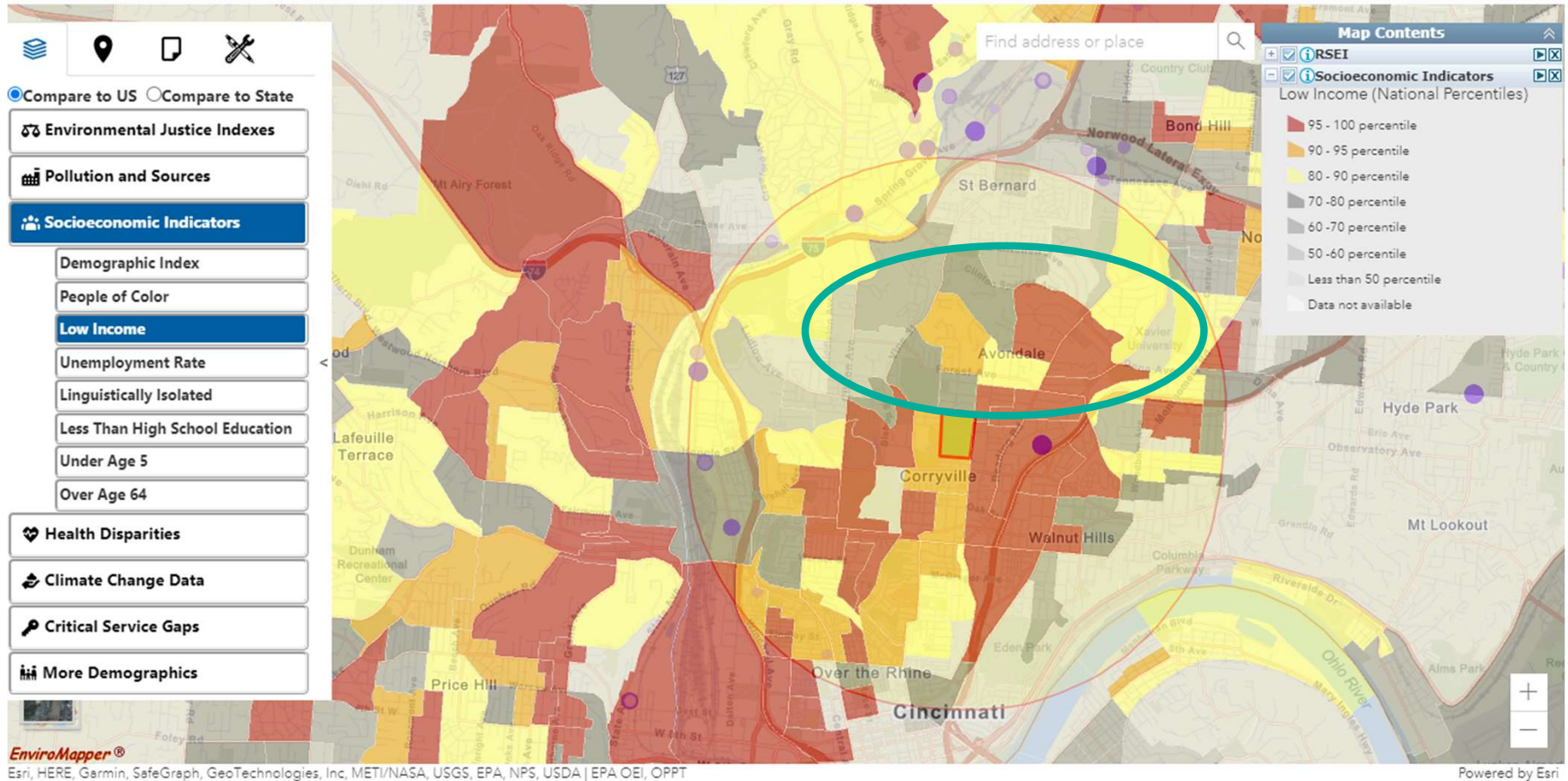


# EJScreen

## Low Income Population

EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool (Version 2.0)

EJScreen 1.0 | EJScreen Website | Mobile | Glossary | Help



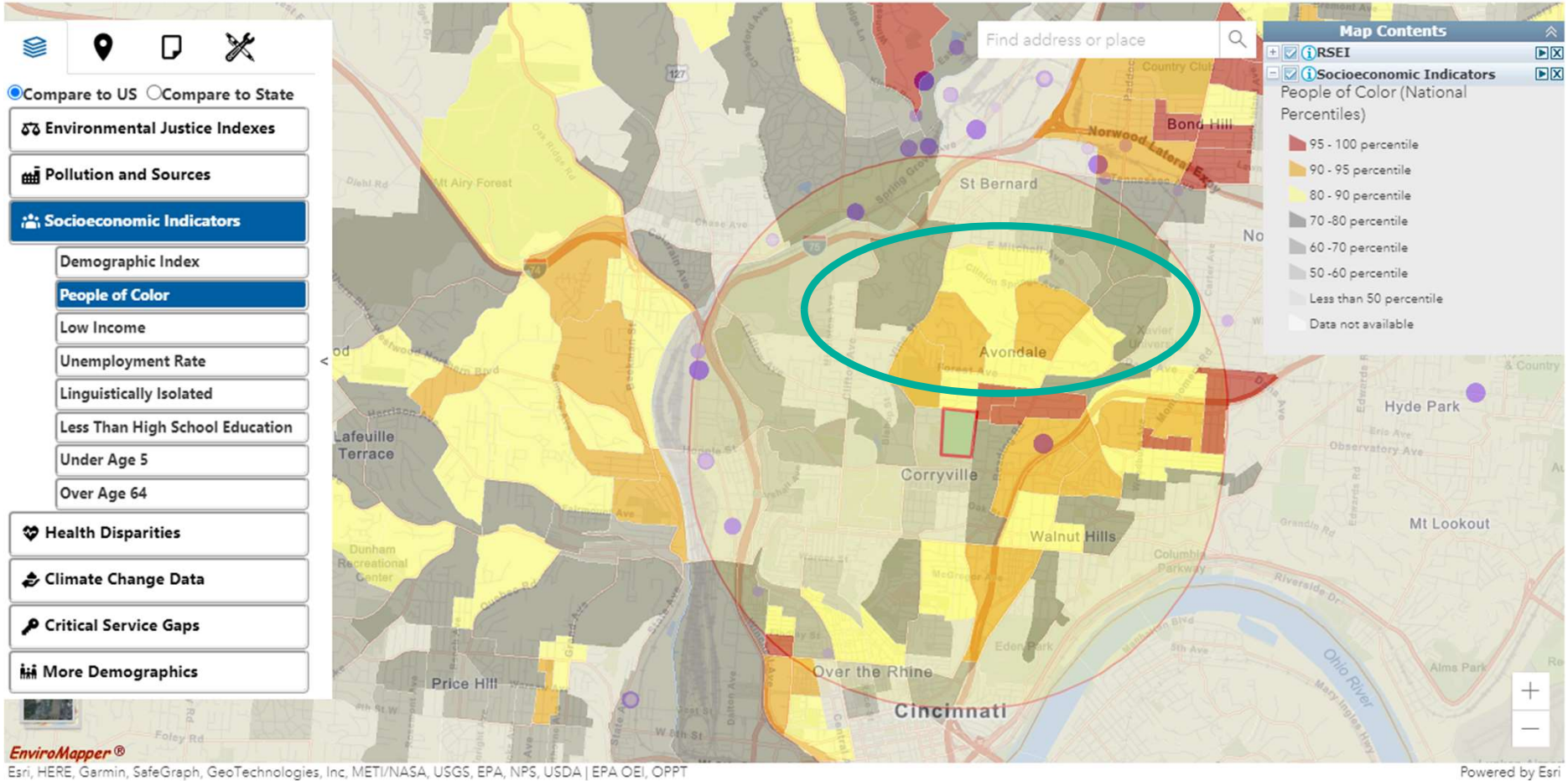
Red census blocks w/in 1 to 2 miles of the site have equal to or higher % low-income populations compared to where 95% to 100% of the US population lives.

# EJScreen

People of Color

**EPA EJScreen** EPA's Environmental Justice Screening and Mapping Tool (Version 2.0)

[EJScreen 1.0](#) | [EJScreen Website](#) | [Mobile](#) | [Glossary](#) | [Help](#)



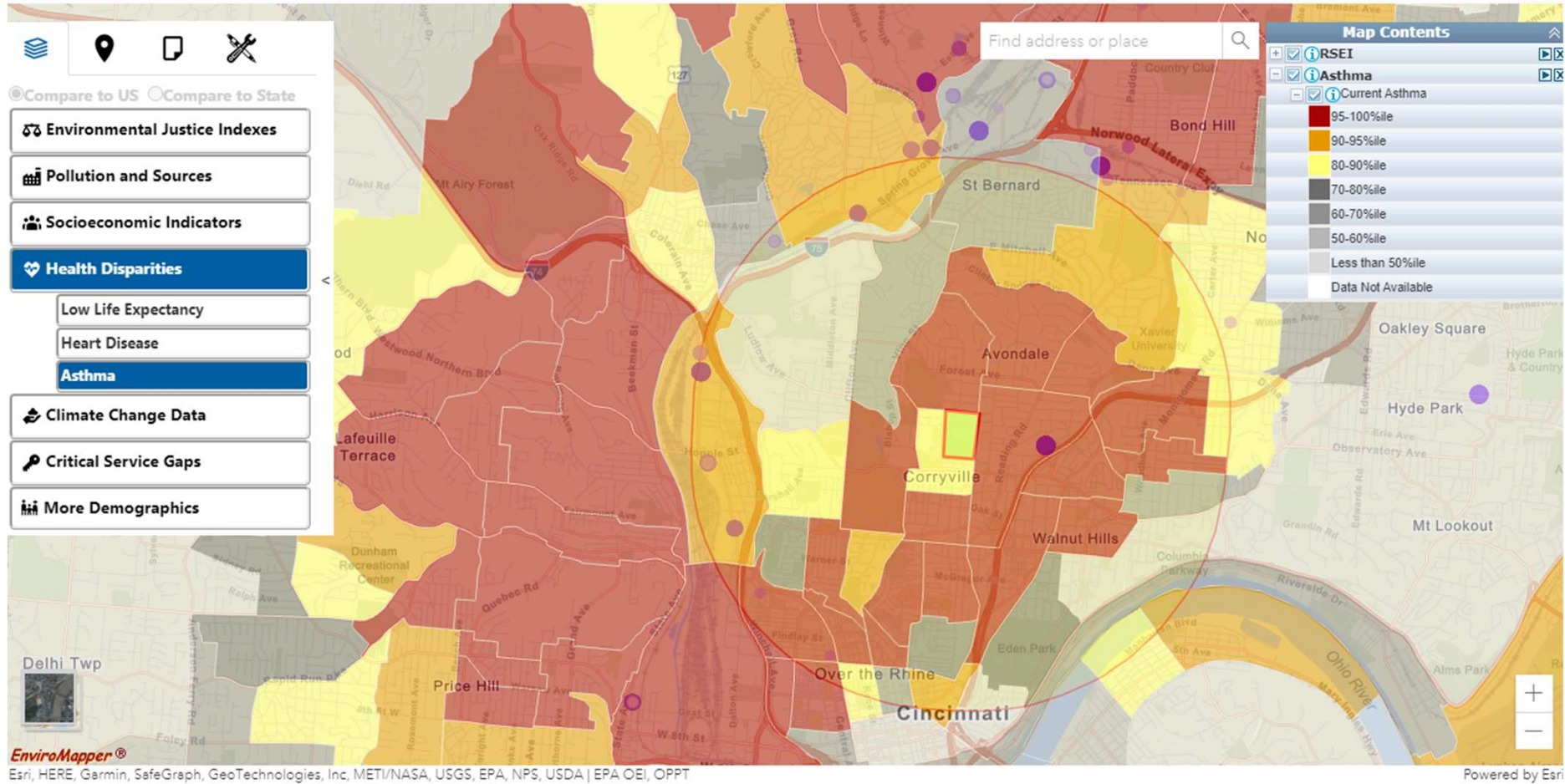


# EJScreen

## Health Disparities - Asthma

EPA EJScreen EPA's Environmental Justice Screening and Mapping Tool (Version 2.0)

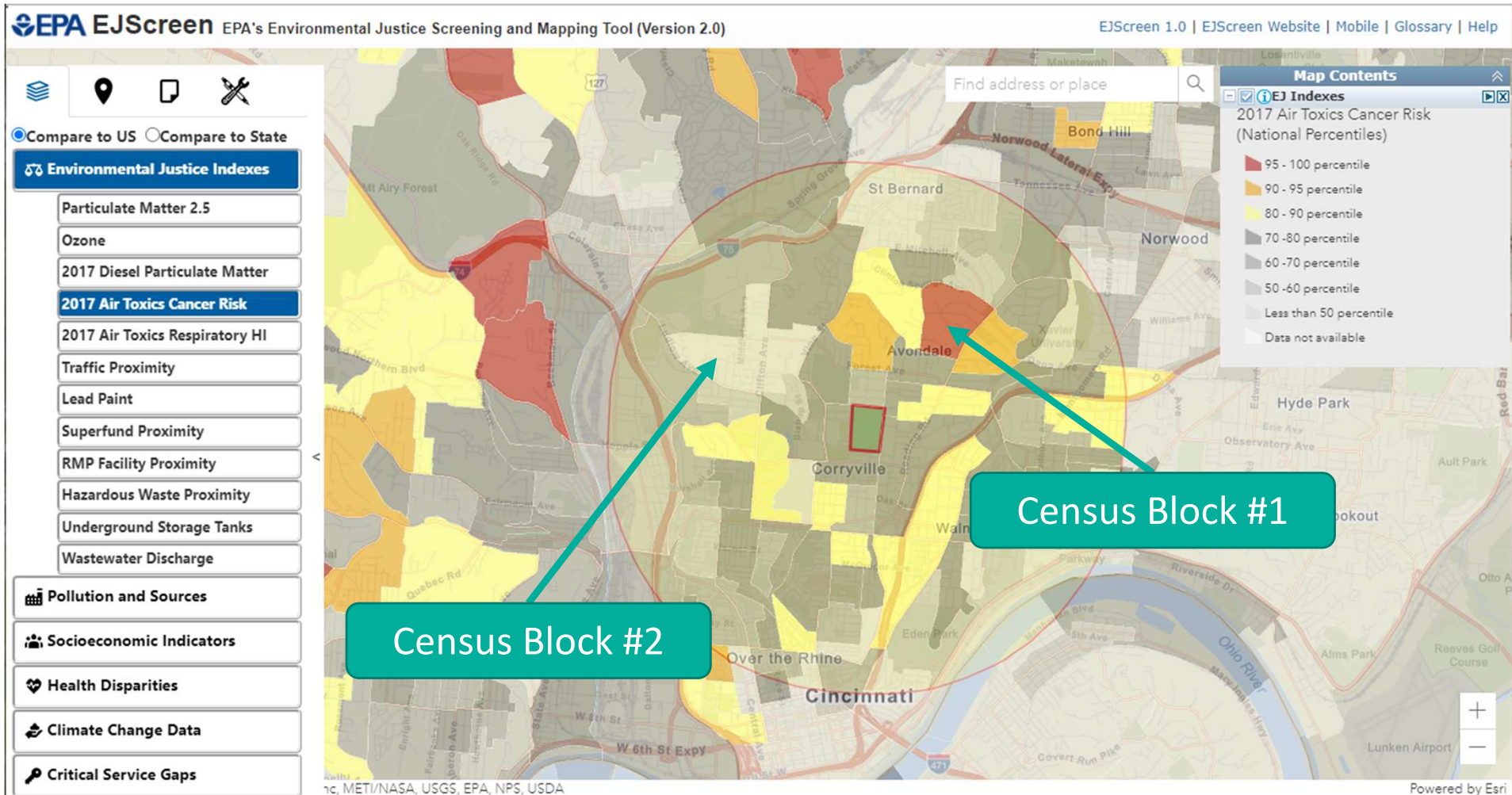
EJScreen 1.0 | EJScreen Website | Mobile | Glossary | Help



EnviroMapper®  
Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA | EPA OEI, OPPT

Powered by Esri

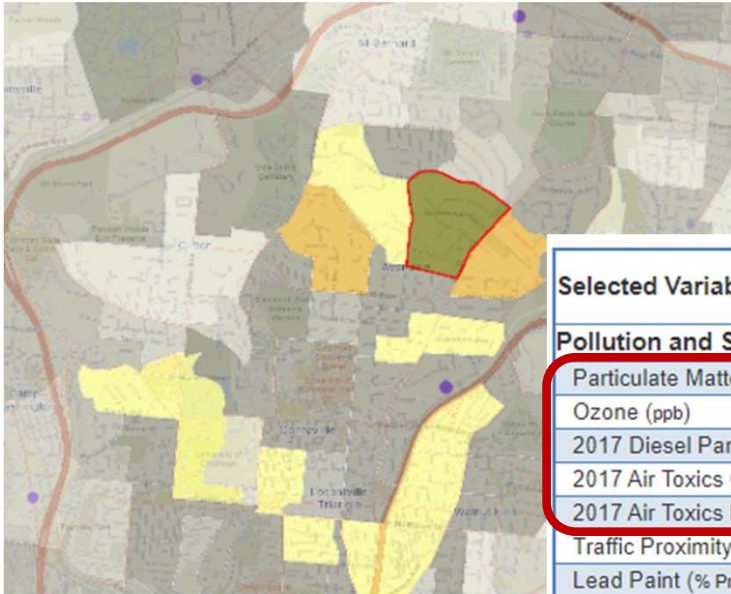
# EJScreen Report Summaries





# EJScreen Report Summaries

EJSCREEN report summary for **census block #1**



## EJScreen Report (Version 2.0)

Blockgroup: 390610068003

OHIO, EPA Region 5

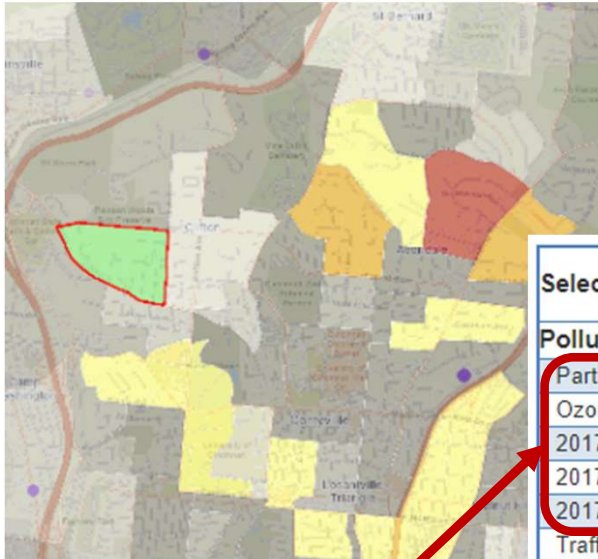
Approximate Population: 1,850

Input Area (sq. miles): 0.26

Selected Variables	Value	State		EPA Region		USA	
		Avg.	%tile	Avg.	%tile	Avg.	%tile
<b>Pollution and Sources</b>							
Particulate Matter 2.5 ( $\mu\text{g}/\text{m}^3$ )	10.4	9.13	99	8.96	91	8.74	87
Ozone (ppb)	46.1	44.5	83	43.5	92	42.6	82
2017 Diesel Particulate Matter* ( $\mu\text{g}/\text{m}^3$ )	0.584	0.273	98	0.279	95-100th	0.295	90-95th
2017 Air Toxics Cancer Risk* (lifetime risk per million)	30	24	99	24	95-100th	29	80-90th
2017 Air Toxics Respiratory HI*	0.4	0.3	99	0.3	90-95th	0.36	80-90th
Traffic Proximity (daily traffic count/distance to road)	400	370	75	610	63	710	63
Lead Paint (% Pre-1960 Housing)	0.49	0.4	65	0.37	67	0.28	77
Superfund Proximity (site count/km distance)	0.097	0.095	74	0.13	68	0.13	65
RMP Facility Proximity (facility count/km distance)	4	0.72	98	0.83	97	0.75	97
Hazardous Waste Proximity (facility count/km distance)	8	1.5	97	1.8	97	2.2	93
Underground Storage Tanks (count/km <sup>2</sup> )	0	2.6	18	4.8	16	3.9	16
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.014	0.33	69	9	67	12	71
<b>Socioeconomic Indicators</b>							
Demographic Index	90%	26%	99	28%	99	36%	99
People of Color	96%	21%	98	26%	96	40%	93
Low Income	84%	31%	98	29%	98	31%	98
Unemployment Rate	29%	5%	98	5%	98	5%	99
Linguistically Isolated	0%	1%	69	2%	59	5%	45
Less Than High School Education	38%	10%	98	10%	97	12%	95
Under Age 5	23%	6%	99	6%	99	6%	99
Over Age 64	9%	17%	17	16%	19	16%	23

# EJScreen Report Summaries

EJSCREEN report summary for **census block #2**



Same as Census Block #1

## EJScreen Report (Version 2.0)

Blockgroup: 390610071003

OHIO, EPA Region 5

Approximate Population: 1,512

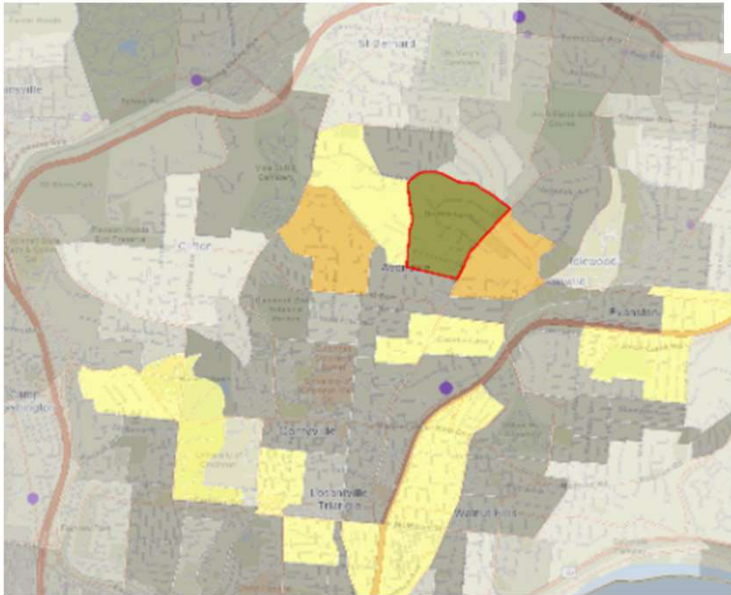
Input Area (sq. miles): 0.20

Selected Variables	Value	State		EPA Region		USA	
		Avg.	%tile	Avg.	%tile	Avg.	%tile
<b>Pollution and Sources</b>							
Particulate Matter 2.5 ( $\mu\text{g}/\text{m}^3$ )	10.4	9.13	99	8.96	92	8.74	88
Ozone (ppb)	46.1	44.5	82	43.5	91	42.6	82
2017 Diesel Particulate Matter* ( $\mu\text{g}/\text{m}^3$ )	0.593	0.273	99	0.279	95-100th	0.295	90-95th
2017 Air Toxics Cancer Risk* (lifetime risk per million)	30	24	99	24	95-100th	29	80-90th
2017 Air Toxics Respiratory HI*	0.4	0.3	99	0.3	90-95th	0.36	80-90th
Traffic Proximity (daily traffic count/distance to road)	370	370	74	610	61	710	62
Lead Paint (% Pre-1960 Housing)	0.7	0.4	80	0.37	81	0.28	88
Superfund Proximity (site count/km distance)	0.08	0.095	68	0.13	62	0.13	59
RMP Facility Proximity (facility count/km distance)	3.9	0.72	98	0.83	97	0.75	97
Hazardous Waste Proximity (facility count/km distance)	7.8	1.5	97	1.8	97	2.2	93
Underground Storage Tanks (count/km <sup>2</sup> )	5.4	2.6	85	4.8	74	3.9	79
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.021	0.33	74	9	71	12	75
<b>Socioeconomic Indicators</b>							
Demographic Index	21%	26%	51	28%	49	36%	32
People of Color	18%	21%	63	26%	55	40%	33
Low Income	23%	31%	42	29%	45	31%	41
Unemployment Rate	1%	5%	22	5%	20	5%	18
Linguistically Isolated	4%	1%	87	2%	80	5%	66
Less Than High School Education	2%	10%	16	10%	17	12%	14
Under Age 5	4%	6%	34	6%	32	6%	32
Over Age 64	10%	17%	19	16%	22	16%	26



# ACS Reports

Report summary for census block #1

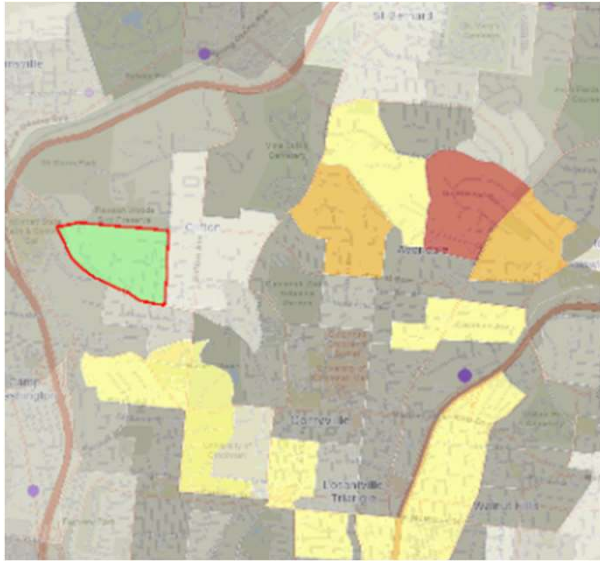


Summary of ACS Estimates		2015 - 2019
Population		1,850
Population Density (per sq. mile)		7,174
People of Color Population		1,774
% People of Color Population		96%
Households		784
Housing Units		1,089
Housing Units Built Before 1950		348
Per Capita Income		8,273
Land Area (sq. miles) (Source: SF1)		0.26
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.00
% Water Area		0%

	2015 - 2019 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	1,850	100%	679
Population Reporting One Race			
White	921	50%	754
Black	842	46%	243
American Indian	0	0%	11
Asian	0	0%	11
Pacific Islander	0	0%	11
Some Other Race	45	2%	49
Population Reporting Two or More Races			
Total Hispanic Population	845	46%	760
Total Non-Hispanic Population	1,005		
White Alone	76	4%	83
Black Alone	842	46%	243
American Indian Alone	0	0%	11
Non-Hispanic Asian Alone	0	0%	11
Pacific Islander Alone	0	0%	11
Other Race Alone	45	2%	49
Two or More Races Alone	42	2%	51
<b>Population by Sex</b>			
Male	1,189	64%	557
Female	661	36%	172
<b>Population by Age</b>			
Age 0-4	418	23%	354
Age 0-17	790	43%	394
Age 18+	1,060	57%	247
Age 65+	166	9%	74
<b>Population 25+ by Educational Attainment</b>			
Total	906	100%	194
Less than 9th Grade	164	18%	104
9th - 12th Grade, No Diploma	177	20%	93
High School Graduate	128	14%	54
Some College, No Degree	292	32%	183
Associate Degree	63	7%	48
Bachelor's Degree or more	82	9%	56
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	1,432	100%	370
Speak only English	966	67%	268
Non-English at Home <sup>1+2+3+4</sup>	466	33%	303
<sup>1</sup> Speak English "very well"	107	7%	92
<sup>2</sup> Speak English "well"	145	10%	103
<sup>3</sup> Speak English "not well"	166	12%	115
<sup>4</sup> Speak English "not at all"	48	3%	45
<sup>3+4</sup> Speak English "less than well"	214	15%	123
<sup>2+3+4</sup> Speak English "less than very well"	359	25%	161

# ACS Reports

Report summary for **census block #2**



Summary of ACS Estimates		2015 - 2019
Population		1,512
Population Density (per sq. mile)		7,661
People of Color Population		274
% People of Color Population		18%
Households		623
Housing Units		677
Housing Units Built Before 1950		386
Per Capita Income		45,856
Land Area (sq. miles) (Source: SF1)		0.20
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.00
% Water Area		0%

	2015 - 2019 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	1,512	100%	286
Population Reporting One Race			
White	1,256	83%	282
Black	79	5%	88
American Indian	0	0%	11
Asian	60	4%	53
Pacific Islander	0	0%	11
Some Other Race	38	3%	39
Population Reporting Two or More Races			
Total Hispanic Population	91	6%	69
Total Non-Hispanic Population	1,421		
White Alone	1,238	82%	282
Black Alone	79	5%	88
American Indian Alone	0	0%	11
Non-Hispanic Asian Alone	60	4%	53
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	44	3%	53
<b>Population by Sex</b>			
Male	735	49%	166
Female	777	51%	160
<b>Population by Age</b>			
Age 0-4	62	4%	48
Age 0-17	442	29%	124
Age 18+	1,070	71%	191
Age 65+	145	10%	56
<b>Population 25+ by Educational Attainment</b>			
Total	871	100%	127
Less than 9th Grade	0	0%	11
9th - 12th Grade, No Diploma	20	2%	31
High School Graduate	58	7%	47
Some College, No Degree	45	5%	56
Associate Degree	49	6%	36
Bachelor's Degree or more	699	80%	147
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	1,450	100%	274
Speak only English	1,261	87%	236
Non-English at Home <sup>1+2+3+4</sup>	189	13%	92
<sup>1</sup> Speak English "very well"	123	8%	68
<sup>2</sup> Speak English "well"	66	5%	58
<sup>3</sup> Speak English "not well"	0	0%	11
<sup>4</sup> Speak English "not at all"	0	0%	11
<sup>3+4</sup> Speak English "less than well"	0	0%	11
<sup>2+3+4</sup> Speak English "less than very well"	66	5%	58



**CEJST:**  
**Climate and Economic Justice Screening Tool**  
**<https://screeningtool.geoplatform.gov/en/>**

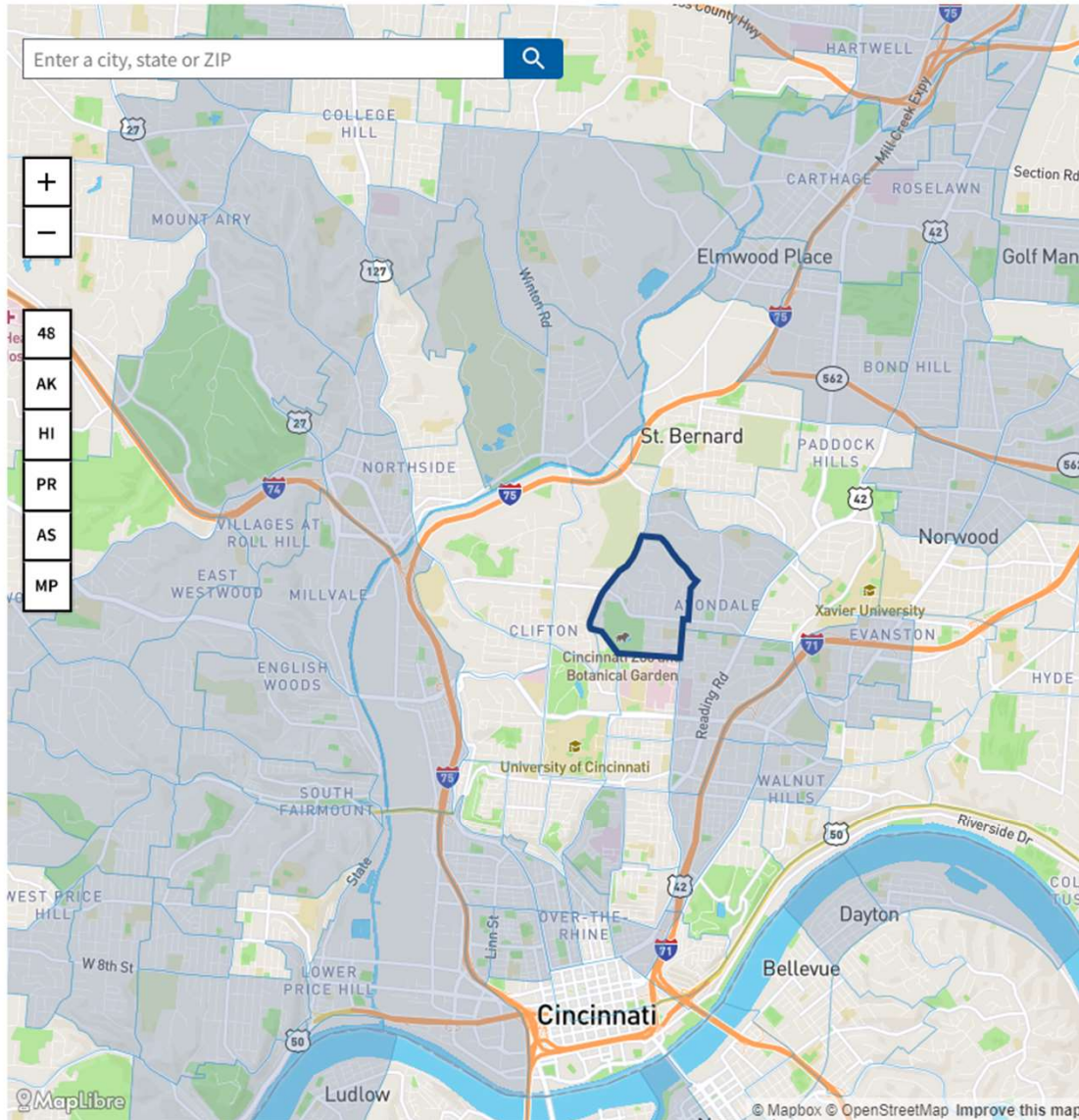
# Climate and Economic Justice Screening Tool (CEJST)

- ▶ **CEJST defines and maps disadvantaged communities for the purpose of informing how Federal agencies guide the benefits of certain programs**, including through the Justice40 Initiative
  - to ensure that 40 percent of the overall benefits of Federal climate, clean energy, and other key programs are reaching disadvantaged communities
- ▶ CEJST was specifically developed to provide a uniform whole-of-government definition of disadvantaged communities for Federal agencies to target Justice40 investment benefits
- ▶ The CEJST does not use racial demographic data as an indicator to help identify disadvantaged communities.

# Climate and Economic Justice Screening Tool (CEJST)

- ▶ White House Council on Environmental Quality (CEQ) released a beta version of CEJST on Feb 18, 2022
  - Beta version available at <https://screeningtool.geoplatform.gov/>
- ▶ CEJST includes multiple different indicators and thresholds to be considered disadvantaged in each category.
  - Example EPA thresholds for "disadvantaged" include:
    - ◆ **climate change category** - if it is low-income and in the 90th percentile for expected building, agriculture or population loss according to FEMA
    - ◆ **clean transportation category** - if it is low-income and in the 90th percentile for diesel particulate matter or traffic proximity/volume

# CEJST – Disadvantage Communities



Methodology version 0.1

**Census tract:** 39061006900  
**County:** Hamilton County  
**State:** Ohio  
**Population:** 2,702

Identified as disadvantaged?  
**YES** ●  
 9 of 21 thresholds exceeded

[Send feedback](#)

Climate change +

Clean energy and energy efficiency +

Clean transportation ● +

Sustainable housing +

Legacy pollution ● +

Clean water and waste infrastructure +

Health burdens ● +

Workforce development ● +

## Health burdens

INDICATOR	PERCENTILE (0-100)
<b>Asthma</b> Weighted percent of people who have been told they have asthma	97th
<b>Diabetes</b> Weighted percent of people ages 18 years and older who have diabetes other than diabetes during pregnancy	98th
<b>Heart disease</b> Weighted percent of people ages 18 years and older who have been told they have heart disease	88th
<b>Low life expectancy</b> Average number of years a person can expect to live	94th
<b>Low income</b> Household income is less than or equal to twice the federal poverty level	88th
<b>Higher ed enrollment rate</b> Percent of population enrolled in college, university, or graduate school	4%

## Clean transportation

INDICATOR	PERCENTILE (0-100)
<b>Diesel particulate matter exposure</b> Diesel exhaust in the air	94th
<b>Traffic proximity and volume</b> Count of vehicles at major roads within 500 meters	58th
<b>Low income</b> Household income is less than or equal to twice the federal poverty level	88th
<b>Higher ed enrollment rate</b> Percent of population enrolled in college, university, or graduate school	4%

# CEJST Disadvantaged Community Identification

A census tract will be identified as disadvantaged in one or more categories of criteria:

- ▶ **IF** the tract is above the threshold for one or more environmental or climate indicators
- ▶ **AND** the tract is above the threshold for the socioeconomic indicators

Communities are **identified as disadvantaged** for the purpose of Justice40 Initiatives. For example: <sup>a</sup>

## Health burdens

- ▶ **IF** at or above 90th percentile for
  - asthma
  - OR diabetes
  - OR heart disease
  - OR low life expectancy
- ▶ **AND** is
  - above 65th percentile for low income
  - AND at or below 20% for higher ed enrollment rate

## Clean transit

- ▶ **IF** at or above 90th percentile for
  - diesel particulate matter exposure
  - or traffic proximity and volume
- ▶ **AND** is
  - above 65th percentile for low income
  - AND at or below 20% for higher ed enrollment rate

<sup>a</sup> <https://screeningtool.geoplatform.gov/en/methodology>

# RSEI – Risk Screening Environmental Indicators

<https://www.epa.gov/rsei>

## What is RSEI?

- ▶ Unitless scores tied to individual facilities that account for the size, fate, transport, population & toxicity of chemicals released.
  - if Site A has RSEI score 10 times higher than Site B, Site A has a potential for risk 10 times higher than Site B.
- ▶ RSEI Cancer Score is based on Toxic Release Inventory (TRI) submittals.
- ▶ RSEI Scores are available from 2007 to 2019.
- ▶ RSEI Scores do not describe a level of risk (e.g., # of excess cancer cases) and should only be used to compare to other RSEI scores (relative comparison).



# EasyRSEI Dashboard (1/3)

EasyRSEI Dashboard Version 2.3.10
TRI data is from the Reporting Year 2020 National Analysis Dataset (released October 2021)

- National Trend
- Location
- Summary
- Analysis
- Transfers
- Waste Managed
- Report
- Modeling Data
- Contact Us

Number of TRI Reporting Facili...  
105

Number of TRI Reports  
2,592

Number of TRI Reporting Years  
10

Total RSEI Score  
28,336,343

This map allows you to view and select facilities by location. You can further refine your selection (by chemical, year, etc.) using the button at the top right, or click Summary or Analysis at the left to investigate your data further. Click Report for a printable summary of RSEI data for your current selection.

Map Current Selection
Find TRI Facilities Near You
Select Facilities Using Filters

Searching on this tab will add facilities to your selection set. Any other selections (e.g., by year, chemical, industry, etc.) already made will remain selected, and only facilities that meet all the criteria will be shown on the map.

Q State/Territory

- Ohio ✓
- Alabama
- Alaska
- American Samoa
- Arizona

Q County

- BUTLER, OH
- CLERMONT, OH
- HAMILTON, OH
- ABBEVILLE, SC
- ACADJA PARISH, LA

Q City

- CINCINNATI, OH ✓
- ADDYSTON, OH
- AKRON, OH
- ALLEDONIA, OH
- ALLIANCE, OH

Q ZIP Code

- 45204
- 45209
- 45212
- 45214
- 45215

Q Tribe

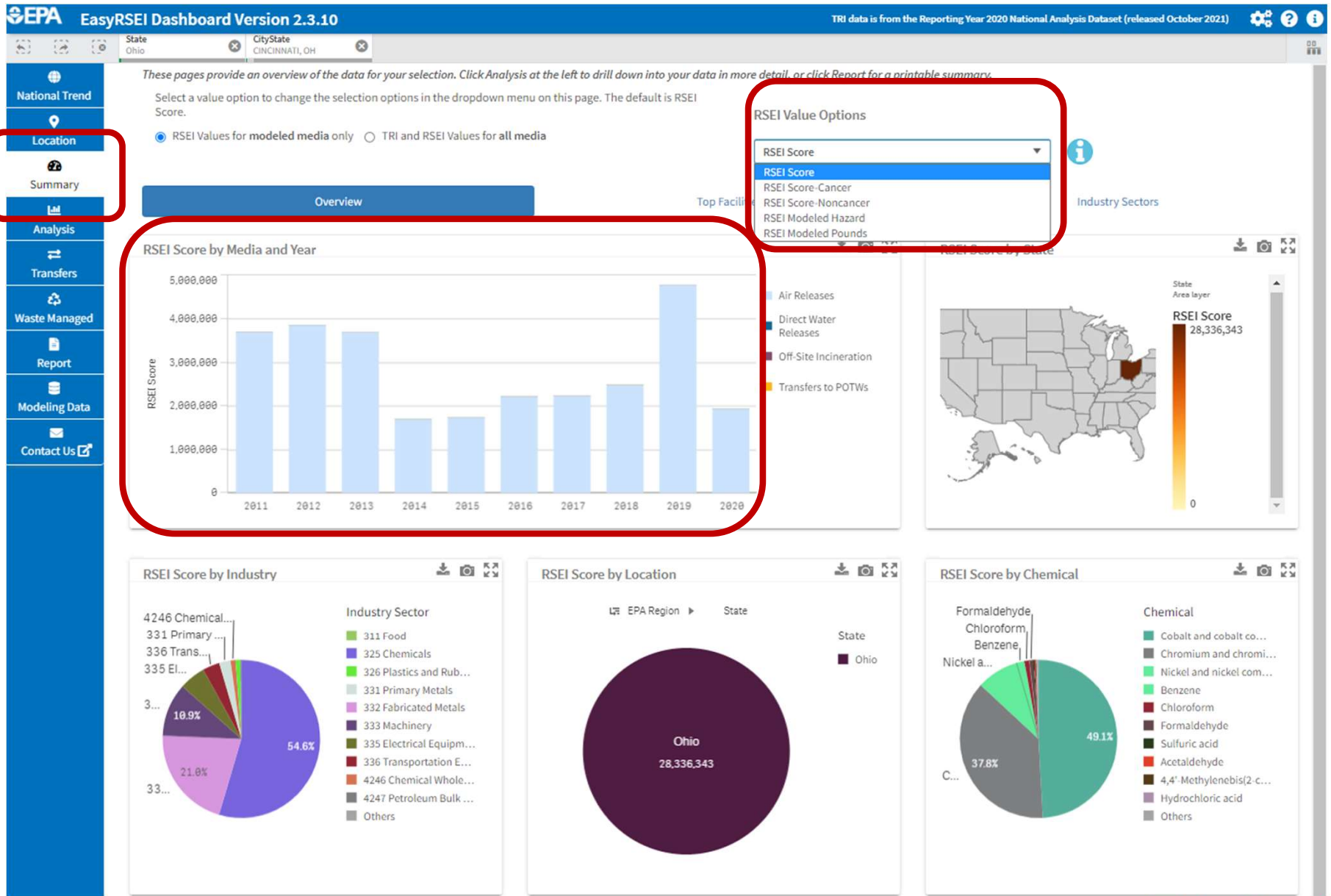
- Absentee-Shawnee T...
- Agua Caliente Band o...
- Ak-Chin Indian Com...
- Alabama-Coushatta ...
- Apache Tribe of Okla...

Note: TRI facilities located in Indian country must indicate the relevant tribe on annual TRI reporting forms. For TRI facilities within 10 miles of Indian country, EPA uses the US Census Bureau 2014 tribal boundary layer data and Bureau of Land Management Alaska State Office data. The tribal boundary locations identified are suitable only for general spatial reference and do not necessarily reflect EPA's position on any Indian country locations or boundaries, or the land status of any specific location.

Map of TRI Facilities



# EasyRSEI Dashboard (2/3)



# EasyRSEI Dashboard (3/3)

EasyRSEI Dashboard Version 2.3.10
TRI data is from the Reporting Year 2020 National Analysis Dataset (released October 2021)

State: Ohio

City/State: CINCINNATI, OH

00

National Trend

Location

**Summary**

Analysis

Transfers

Waste Managed

Report

Modeling Data

Contact Us

The data on these pages reflect your current selection (shown in the selection bar above.) If no selection is shown, then this represents the most recent 10 years of TRI-reported data (2011-2020) for the entire U.S.

Refine your selection using the filters, or click on any part of a graph, such as a bar in the bar chart or on an entry in the facility list. Always click the green check mark to confirm a change in your selection.

*These pages provide an overview of the data for your selection. Click Analysis at the left to drill down into your data in more detail, or click Report for a printable summary.*

Select a value option to change the selection options in the dropdown menu on this page. The default is RSEI Score.

RSEI Values for modeled media only
  TRI and RSEI Values for all media

**RSEI Value Options**  
 RSEI Score

Overview
Top Facilities
Industry Sectors

Select an industry from the menu below or click on the chart at right. Any filters showing in the selection bar are applied to the data on this page.

Industry S...

- 311 Food
- 322 Paper
- 323 Printing
- 324 Petroleum
- 325 Chemicals
- 326 Plastics ...
- 327 Nonmet...
- 331 Primary ...
- 332 Fabricat...
- 333 Machinery

Industry S...

- 3112 Grain a...
- 3114 Fruit a...
- 3115 Dairy P...
- 3118 Bakeri...
- 3119 Other F...
- 3121 Bever...
- 3221 Pulp, P...
- 3222 Conver...
- 3231 Printin...
- 3241 Petrol...

Primary N...

- 311225 Fats ...
- 311422 Spec...
- 311511 Fluid...
- 311812 Com...
- 311942 Spic...
- 312120 Bre...
- 322130 Page...
- 322299 All O...
- 323111 Com...
- 324121 Acsh

**RSEI Score by Industry**

Industry Sector	Percentage
325 Chemicals	54.6%
332 Fabricated Metals	21.0%
333 Machinery	10.9%
Others	13.5%

**ProPublica Report**  
*And Why It Matters*

# The ProPublica Report

- ▶ **“The Most Detailed Map of Cancer-Causing Industrial Air Pollution in the U.S.”**
- ▶ Includes all facilities reporting under TRI from 2014 - 2018
- ▶ Calls out specific facilities
- ▶ Main page has a list of the facilities with biggest impacts
- ▶ Clicking on a facility will show explicit cancer risk values
- ▶ Compared to EPA threshold of 100 in  $10^6$  (1 in 10,000)
- ▶ Cumulative impact which shows individual Facility contributions
- ▶ Also lists the compounds driving these risks
- ▶ Based on EPA’s Risk-Screening Environmental Indicators (RSEI) model

# ProPublica Methodology

- ▶ Detailed write-up here: <https://www.propublica.org/article/how-we-created-the-most-detailed-map-ever-of-cancer-causing-industrial-air-pollution>
- ▶ Summary:
  - Utilized EPA's RSEI Model – RSEI Models all facilities reporting under TRI annually
  - RSEI provides “MicroData”, i.e., air modeling ground-level concentrations (GLCs) at modeled grid-cells
  - Multiplied GLCs by Inhalation Unit Risks (IUR) for compounds with such values
  - Cancer risks are considered cumulative across compounds, therefore compound cancer risks were summed to generate incremental lifetime cancer risk at each grid-cell
  - Results were averaged between 2014 – 2018

RSEI Modeled GLCs

Multiply GLC by IUR for each compound

Sum Individual Compound Cancer Risks

Average Values Between 2014 – 2018

# ProPublica Methodology Issues

## Compounding Issues

- 1) TRI data is typically conservative
  - Historically, no reason not to be
- 2) No delineation between specific compounds – PAC example
  - TRI doesn't ask for specific PAC's – IUR assigned to total, but there are significant differences in specific PAC IURs
- 3) RSEI Modeling Data is conservative
  - Fugitive sources especially, 10m x 10m ground level
  - Median stack heights lower the highest stacks, usually the most emissions
- 4) GLC multiplied directly by IUR – no consideration for exposure
  - No one is absorbing GLC 24/7 for 70 years
- 5) IUR represents upper-bound excess cancer risk
- 6) Not a substitute for a refined health risk assessment – RSEI website states this clearly

# EJ Take-Aways

## Existing Operations

- Evaluate potential for EJ at existing operations.
- Potential EJ triggers: permit renewal, facility modifications.
- Understand and gain confidence in publicly disclosed data from a cumulative perspective.
- Include EJ evaluation in management of change decision-making, sustainability goals, corporate ESG.

## New Projects and M&A

- Understand role of EJ in state & federal (e.g., NEPA / FERC) approvals.
- Include EJ analysis early in siting suitability assessment.
- Consider EJ mitigation and potential requirements for community engagement early on in project or deal.

## Litigation

- Expect the unexpected EJ questions and be prepared for a range of questions
- Know publicly available EJ information
- Anticipate EJ if case involves health impacts or site is located near a vulnerable community
- Retain EJ experts for testimony.



# Questions?

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# The Environmental Justice Initiative

And What it Means for Your Facility

Presented by:  
Kevin G. Desharnais  
Member | Chicago, IL  
March 29, 2022



## E.O. 14008, *Tackling the Climate Crisis at Home and Abroad*

*“To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern.”*

-President Biden, January 27, 2021



## **E.O. 12898, *Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations***

- ▶ *“To the greatest extent practicable and permitted by law . . . each Federal agency shall make achieving environmental justice part of its mission.”*

-President Clinton, February 11, 1994





## ***What is Environmental Justice?***

Environmental Protection Agency's Environmental Justice Strategy, issued April 3, 1995.



**Goal** - “No segment of the population, regardless of race, color, national origin, or income, as a result of EPA’s policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy and sustainable communities.”

## ***What is Environmental Justice?***

October 2001, Office of Environmental Justice Treatise,  
*“Opportunities for Advancing Environmental Justice: An Analysis of U.S. EPA Statutory Authorities.”*

- ▶ *Significant issue* - **Cumulative Impacts.**
- ▶ Identifies “the need for EPA to consider adequately the environmental and health impacts of its decisions on communities that are already heavily burdened by polluting facilities and activities.”
- ▶ Measuring the cumulative and synergistic impacts of multiple sources –involves a host of technological and scientific complexities.

## *What is Environmental Justice?*



The **2004 OECA Toolkit for Assessing Potential Allegations of Environmental Injustice** states:

Environmental Justice is the goal to be achieved for all communities so that:

- ▶ People of all races, colors and income levels are treated fairly with respect to the development and enforcement of protective environmental laws, regulations, and policies; and
- ▶ Potentially affected community residents are meaningfully involved in the decisions that will affect their environment and/or their health.”

## *What is Environmental Justice?*

### **Administrator Regan's 8/29 Memorandum on EPA's Commitment to Environmental Justice**

- ▶ Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.
- ▶ Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.



## What is Environmental Justice?



Commissioner Regan adds:

- ▶ “To succeed, we must infuse equity and environmental justice principles and priorities into all EPA practices, policies, and programs.”
- ▶ “This will be one of my top priorities as Administrator.”

## *What is Environmental Justice?*

### *Expanding the Mandate – How far can it go?*

Lillian Dorka, External Civil Rights Compliance Office (“ERCO”):

- ▶ Meeting civil rights requirements may mean going beyond compliance with environmental statutes such as the Clean Air Act or Clean Water Act. “The two do not equate. Civil rights law may require you to look beyond the confines of what environmental laws require,” including measures to mitigate the adversity.
- ▶ Working to “bring a whole of government approach to equity.”



## *What is Environmental Justice?*

### **FY 2022-2026 EPA Strategic Plan (Draft 10/1/2021)**

- ▶ Goal 1: Tackle the Climate Crisis
- ▶ Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights
  - Objective 2.1 Promote EJ and Civil Rights at the Federal, Tribal, State, and Local Levels
  - Objective 2.2 Embed EJ and Civil Rights into EPA's Programs, Policies and Activities
  - Objective 2.3 Strengthen Civil Rights Enforcement in Communities with EJ Concerns

# MINI-CASE STUDY

Ajax Materials Corporation v. EGLE



## Case Study – *Ajax Materials Corporation v. EGLE*

- ▶ Michigan Circuit Court, Oakland County, Case No. 2022-192488-AA (filed 2/9/2022)
  - Application for a permit to install (PTI) a minor source hot mix asphalt plant in an EJ community
  - Submitted application using worst-case scenarios, normally reserved for major sources
  - Demonstrated compliance with all standards
  - EGLE public notice for draft permit confirmed *“it has been preliminarily determined that the installation of new equipment for the Plant will not violate any of EGLE’s rules nor the NAAQS.”*

## Case Study – *Ajax Materials Corporation v. EGLE* Proposed Permit

- Final permit included standards much stricter than draft permit and additional requirements, with no legal justification, and little explanation
- Departure from past policy and practice.
- EGLE confirmed changes were due to concerns regarding EJ impacts.
- Represents “a state and federal policy objective to address past disparate and cumulative impacts on vulnerable communities”
- Challenge to permit – No authority to change legal or applicable requirements for a permit under state or federal law based on EJ concerns.

## Case Study – *Ajax Materials Corporation v. EGLE* Proposed Permit

### EGLE letter to USEPA:

- EGLE ***“Broke new ground on this permit in the extent to which we applied location-based environmental justice considerations to the process.”***
- Requested EPA conduct an additional review of the permit and identify any additional changes that should be made.
- Ajax: “EGLE relied on EJ policy considerations to illegally impose unnecessary and unjustifiable conditions” on its permit



# CASE STUDY

RMG/Southside Recycling



## Case Study – RMG/Southside Recycling

- ▶ RMG purchased General Iron Fall 2019.
  - September 2019, written agreement between RMG and the City of Chicago to close General Iron at the end of 2020.
  - Planned to relocate operations to RMG site on the Southeast side of Chicago
  - Build a new, \$80 million state-of-the-art recycling facility.
- ▶ March 2019 Chicago Zoning Board of Appeals issued a special use permit.

## Case Study – RMG/Southside Recycling

- ▶ June 2020 Illinois EPA issued a State Construction Permit
- ▶ June 2020 CDPH also released the rules for Large Recycling Facilities
  - Specifically address the impacts of larger scale recycling facilities
- ▶ September 2020 CDPH issues an air pollution control construction permit in.
  - Can construct, but not operate
- ▶ November 11, 2020 Southside Recycling submits a permit application for a Large Recycling Facility – specifically a Class IV(B) scrap metal recycling facility.
- ▶ January 13, 2021 Southside Recycling resubmits permit application following receipt of a CDPH deficiency letter

## Case Study – RMG/Southside Recycling

- ▶ March 2021 with support from CDPH, Chicago's City Council approved the Air Quality Zoning Ordinance -requires applicants to submit an air quality impact study and get a written recommendation from CDPH at the time of initial zoning decisions.
- ▶ Also requires site plan review and approval by the Department of Planning and Development, and the Chicago Department of Transportation (CDOT).
- ▶ **May 7, 2021 letter from USEPA Administrator Regan** - recommends that CDPH complete a **health impact assessment (HIA)** to ensure thorough consideration of health and EJ concerns.

## Case Study – RMG/Southside Recycling

### May 7, 2021 letter from USEPA Administrator Regan

*“Prior to reaching a decision on the permit, U.S. EPA suggests that the City complete an environmental justice analysis, such as a **Health Impact Assessment**, to meaningfully consider the aggregate potential health effects of the proposed RMG facility on the southeast area of Chicago. This would include consideration of not only a robust analysis of ambient air quality data from Chicago's southeast side, compared with other parts of the city, but also potential impacts from other pathways of exposure. **Such an analysis would help to illustrate the direct link between the environmental burdens in this community and the health of the residents.**”*



## Case Study – RMG/Southside Recycling

May 17, 2021, RMG files a lawsuit against the City of Chicago seeking issuance of the final permit, and over \$100 Million in damages

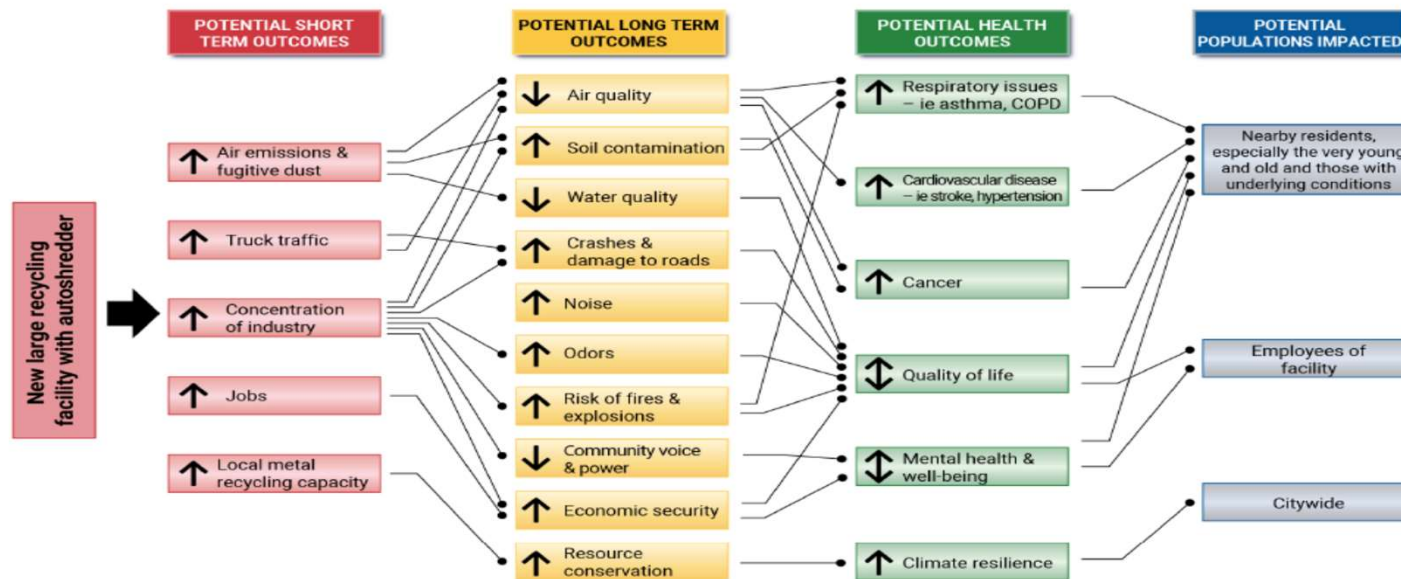
*“The City has violated its duty to issue the LRF permit because certain community groups and environmental advocates have presented to the City a false choice between permitting the new facility and providing environmental justice to the surrounding community. These groups have not, and cannot, dispute SR’s legal entitlement to the permit, nor can they contest the emission testing results, air dispersion modeling analyses or other science that demonstrates how SR’s state-of-the-art facility more than satisfies all applicable environmental health-based standards.”*

## Case Study – RMG/Southside Recycling

- ▶ CDPH determined it would conduct a formal Health Impact Assessment (“HIA”) to assess current conditions in the community and inform the permitting decision.
- ▶ The HIA process begins 5/2021 and concluded 2/15/2022.

# Case Study – RMG/Southside Recycling HIA

Following the meeting, CDPH finalized the Pathway Diagram, as shown below.



# Case Study – RMG/Southside Recycling Health Impact Assessment

## HIA Methodology

- ▶ Permit Application
- ▶ Community Input Summary
- ▶ Existing Conditions Summary
- ▶ Environmental and Health Risk Assessment
- ▶ Literature Review
- ▶ Findings

## Case Study – RMG/Southside Recycling Health Impact Assessment

*HIA – May not be what you think it is...*

“Assessing health impacts through a racial and health equity and EJ perspective **requires moving beyond traditional risk assessment models that focus primarily on exposure to chemicals and their associated health effects.** We must expand to consider how structural and social determinants of health – the conditions into which people are born, grow, live work and age – together with environmental pollution contribute to inequities in health and well-being.” HIA p. 7.



## HIA – May not be what you think it is...

“In the absence of existing practice standards for applying cumulative impact assessment, CDPH was compelled to use the best available evidence, **supplementing it with theory and promising practices**”



## Case Study – RMG/Southside Recycling

DW

HIA – May not be what you think it is...

- ▶ **“We know that systemic racism permeates the systems and policies that shape community conditions, driving inequities and producing the lived realities of embodied (in)justice.”**
- ▶ Specifically references “Ecosocial Theory” and “the concept of embodiment”
- ▶ Specifically references the concept of “Weathering”
- ▶ “Because racial inequities can be perpetuated through policies like zoning and permitting, CDPH incorporated theory and elements from **race equity impact assessment** within this HIA.”

## Case Study – RMG/Southside Recycling Examination of Factors Affecting Decision

- ▶ **Social Context** - Predominantly Latinx, lower income community Neighborhoods
  - South Deering - 74.0 year life expectancy
  - Hegewisch - 77.2 year life expectancy
  - East Side - 78.3 year life expectancy
- ▶ Chicago overall - 77.3 year life expectancy
- ▶ All 3 neighborhoods are in the bottom half of Chicago Community areas





## Social Context

# Community Characteristics and Related Health Concerns

- ▶ Black Chicagoans life expectancy of 71.4 years
- ▶ White Chicagoans 80.2 years
- ▶ Latinx – “decreasing” (?)





## Social Context

# Community Characteristics and Related Health Concerns

### Overall Community Vulnerability –

The proposed RMG site exceeds the 80<sup>th</sup> percentile in the State of Illinois for all eleven EJSCREEN indicators. Includes indices for:

- PM2.5
- Ozone
- Diesel PM
- Air toxics
- Cancer risk
- Respiratory hazard
- Lead paint
- Superfund proximity





## Social Context

### Community Characteristics and Related Health Concerns

USEPA examination of CDC's ATSDR Health Consultation top quartile for vulnerability

- ▶ **Breathing PM10 and PM2.5** - could be harmful for highly sensitive people; no expected impact for people without these preexisting conditions
- ▶ **Breathing Metals** - No expected impact.
- ▶ **Noise** – no noise above standards outside of the manufacturing district boundary (not counting explosions)
- ▶ **Traffic** – acceptable
- ▶ **Economic Impact** – 100 jobs, plus support small recyclers
- ▶ **Concentration of Industry** – would continue trend of industrial development rather than shift to a different type of land use as proposed by some community members
- ▶ **Recycling capacity** – up to 500 tons per hour of obsolete metal products



## Social Context

### Community Characteristics and Related Health Concerns

Human Health Risk Assessment, dated April 28, 2021

Conducted by Tetra Tech for CDPH

- ▶ **Goal – “Assess human health impacts from onsite operations and environmental impacts on potential human receptors including residents and anglers in the surrounding neighborhoods.”**
- ▶ Conducted in accordance with EPA guidance, “*Final Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities,*” (EPA 2005)

## Case Study – RMG/Southside Recycling Applicant Background

- ▶ **Applicant Background** – existing operations on RMG Property:
  - **Reserve Marine Terminals** - Operates an indoor foundry sand/scrap recovery process and also conducts outdoor scrap processing activities, including sorting, shearing, breakage and torch cutting.
  - **Napuck Salvage of Waupaca** - Operates an indoor aluminum and cast iron recycling process that includes crushing, shredding, screening, and washing.
  - **South Shore Recycling** - Operates a small indoor/outdoor ferrous/non-ferrous scrap recycling center; also processes scrap metal through sorting, shearing, torch cutting, and baling.
  - **RSR Partners** - Operates an indoor electronics recycling process that consists of manual breakdown of electronic materials with some limited baling.

## Case Study – RMG/Southside Recycling Applicant Background

### Alleged Prior Bad Acts

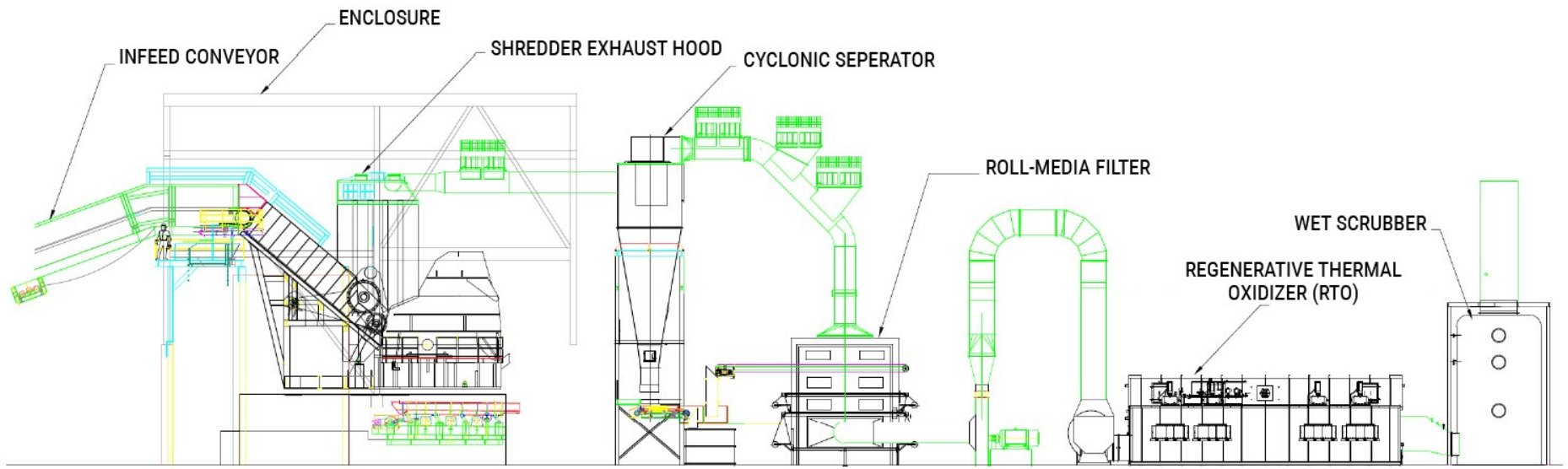
- ▶ Apparent exceedance of permitted capacity (RMT)
- ▶ Apparent installation of equipment without a permit, and unpermitted outdoor operations (RMT)
- ▶ Failure to notify CDPH of IEPA Notices of Violation (Chicago Property Management Ltd.)
- ▶ Failure to control dust during barge loading/unloading activities (RMT)

## Case Study – RMG/Southside Recycling Impact Mitigation Measures

Facility Commitments for Pollution Control Equipment, including:

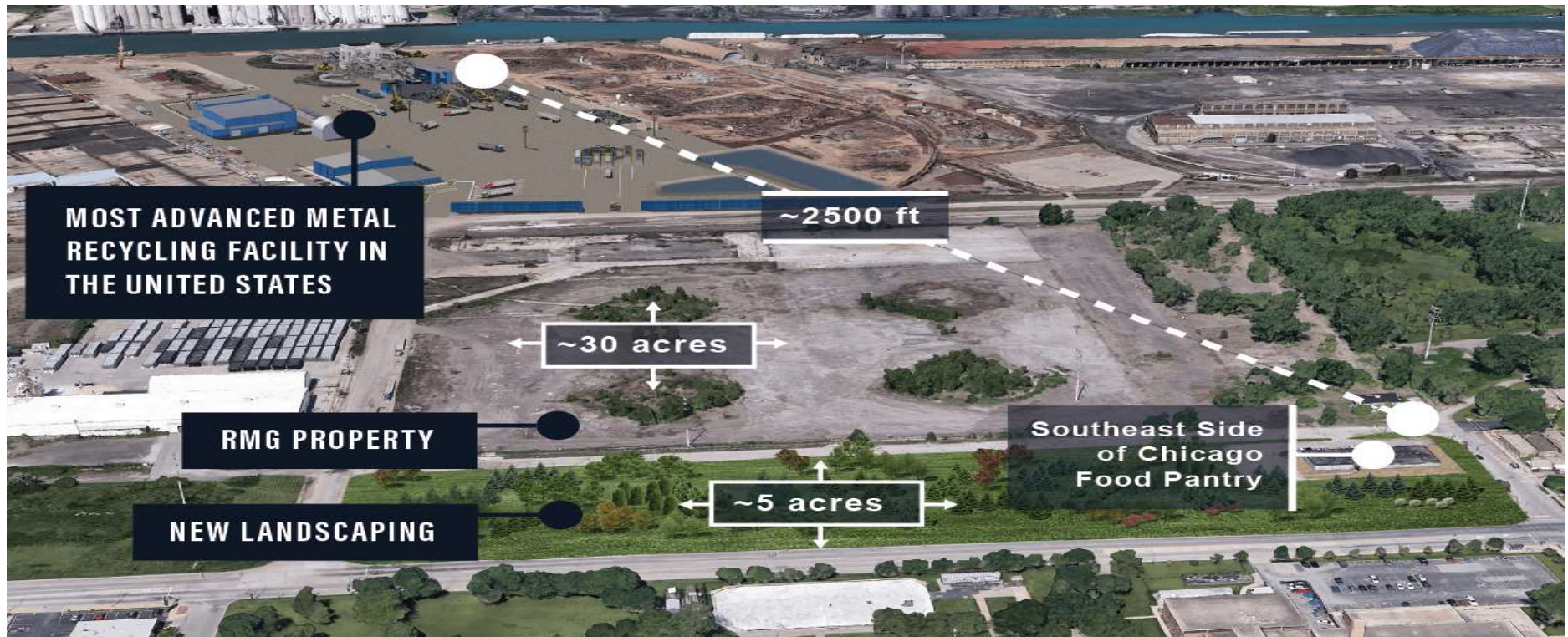
- ▶ Regenerative Thermal Oxidizer (RTO)
- ▶ Wet Scrubber
- ▶ Roll-media Filter
- ▶ Other emissions control equipment
- ▶ Enclosed shredder – limit noise and dust
- ▶ Wall of Shipping containers
- ▶ 200 newly planted trees
- ▶ Large areas of paving to reduce dust
- ▶ Traffic management plan to reduce queuing

Dw Case Study – RMG/Southside Recycling





# Case Study – RMG/Southside Recycling Impact Mitigation Measures



## Case Study – RMG/Southside Recycling Final CDPH Decision – Permit Denial

Final RMG permit denial letter 2/18/2022

**Basis for Denial** - CDPH has determined that that the proposed facility would produce an unacceptable risk

- ▶ An increase in particulate matter
- ▶ Noise
- ▶ Diesel emissions
- ▶ Population with the health vulnerabilities - Magnifies negative effects
- ▶ Applicant's operating history at similar facilities within this campus.

## Final CDPH Decision – Permit Denial Community Characteristics and Related Health Concerns

- ▶ “The history of the operation of the site, which has been problematic, does not provide CDPH with confidence that the company will run the site in strict compliance with permit conditions, which CDPH considers essential for avoiding negative impacts on the environment, health, and quality of life for residents of the Southeast side;” and
- ▶ “Therefore, issuance of the RMG/Southside Recycling permit would exacerbate health inequity.”

## Case Study – RMG/Southside Recycling Final CDPH Decision – Permit Denial

### Considered Past and Present Environmental Compliance Issues

- ▶ Apparent exceedance of permitted capacity (RMT)
- ▶ Apparent installation of equipment without a permit, and unpermitted outdoor operations (RMT)
- ▶ Failure to notify CDPH of IEPA Notices of Violation (Chicago Property Management Ltd.)
- ▶ Failure to control dust during barge loading/unloading activities (RMT)

## Case Study – RMG/Southside Recycling Final CDPH Decision – Permit Denial

### Additional Site Concerns and Lack of Transparency/Responsiveness

- ▶ Soil sampling shows high levels of lead
- ▶ Recycling activity on unpermitted area
- ▶ Unpermitted stockpiling of small iron fragments and fines on southern portion of the property.
- ▶ Building collapse. Never reported by RMG. CDPH inspection revealed the presence of ACM. Concerns regarding “transparency.”
- ▶ Concerns regarding “responsiveness” (and interpersonal conflict during sampling)



## Case Study – RMG/Southside Recycling Final CDPH Decision - Conclusion

*“Therefore, for all the reasons explained above, CDPH finds that the facility proposes to undertake an inherently dangerous activity in a vulnerable community area, and the Applicant failed to provide sufficient evidence that the Facility can comply and stay in compliance with the terms and conditions of a Permit, the Code, or the Rules as necessary to fully protect the residents of the Southeast Side. Accordingly, the permit application is denied.”*

## Case Study – RMG/Southside Recycling Final CDPH Decision – Permit Denial

### 2/18/2022 Statement from USEPA Administrator Regan:

*“The potential addition of another polluter in this overburdened and underserved community raised significant environmental justice and civil rights concerns. I applaud Mayor Lightfoot for listening to those concerns and acting to protect the health of the residents,”* **said EPA Administrator Michael S. Regan.** *“This is what environmental justice looks like: All levels of government working together to protect vulnerable communities from pollution in their backyards. As we did in Chicago, EPA stands ready to work hand-in-hand with local and state partners to fix environmental wrongs and achieve shared goals of protecting all people from pollution.”*

## Case Study – RMG/Southside Recycling Final CDPH Decision – Permit Denial

### RMG Statement:

*“We have built the most environmentally conscious metal recycling facility in the country, but politicians and government officials have ignored the facts and instead were cowed by persistent false narratives and misinformation aimed at demonizing our business. . . . When the Illinois EPA completed its exhaustive review process and issued our state air permit in June 2020, its efforts were lauded by career professionals at the U.S. EPA for taking a rigorous approach to community engagement and environmental justice considerations. And the City’s own health experts, using intentionally inflated parameters to overstate the effects of the operation, still concluded that the facility poses no risk of adverse health effects above the benchmarks defined by the U.S. EPA.”*

# *QUESTIONS?*