EPA

Moderator: Janet McCabe
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1:00 p.m. ET

Operator: Good afternoon. My name is (Cassandra) and I will be your conference operator today. At this time, I would like to welcome everyone to the Environmental Justice and Permitting for Business and Industry conference call.

All lines have been placed on mute to prevent any background noise. After the speakers' remarks, there will be a comment session. If you would like to make a comment during this time, simply press star then the number one on your telephone keypad. If you would like to withdraw your comment, press the pound key. Thank you.

And now, I would like to turn the call over to Janet McCabe, Capital Deputy Assistant Administrator for EPA's Office of Air and Radiation. You may begin.

Janet McCabe: Thank you, (Cassandra), and thanks to everybody for joining us on this call today. We appreciate you taking the time.

This is Janet McCabe. I work in the Office of Air and Radiation here at EPA. And with me is Carol Ann Siciliano, Associate General Counsel of the Cross-Cutting Issues Law Office at EPA. And we're here to thank you for calling in and participating in this Business and Industry Listening Session on Environmental Justice and Permitting. This is the second of six listening sessions we're holding with different stakeholder groups to get feedback on EPA's Environmental Justice and Permitting and Initiative.

I'm going to briefly go over the background of the initiative. We have a facilitator here with us who's going to help with the logistics of the listening session. And then we'll turn it over to you, which is by far the most important part of this call. And our job today and our intent today is to listen to you, not to respond to each and every comments, although we really appreciate the opportunity to hear you and then maybe a little bit of back and forth. But mostly our intent is to listen and think about what you have to say on this topic, one on which I know that you have much important input for us.

The Environmental Justice and Permitting Initiative is one the initiatives of EPA's Plan EJ 2014. Plan EJ 2014 is not a rule or a regulation but a strategy for how the EPA is going to integrate Environmental Justice into it's day to day activities, from rule writing to research, to enforcement and to permitting. Plan EJ 2014 outlines nine initiatives and one of those is the Environmental Justice and Permitting Initiative.

EPA has drafted implementation plans for each one of these initiatives. The draft EJ and Permitting Implementation Plan was released to the public for comments back in February was open for comments through April. The National Environmental Justice Advisory Council also provided recommendations to EPA on our draft implementation plan.

We got a lot of comments. We really appreciate the feedbacks that people gave us and we're currently looking through all that information and input and making revisions to the draft plan as appropriate in line of all that input. And we expect to release a final plan in the near future.

In the meantime, though, we're moving forward with activities we included in our draft plan. We're not waiting for a final plan. And I'll tell you a little bit about that and then explain how these listening sessions fit in to those activities.

The draft Environmental Justice and Permitting Implementation Plan outlines a three-year process for the agency to identify tools for better integrating Environmental Justice into Permitting, implement these tools in a few studies

and share the tools and lessons learned from those case studies with other federal agencies and with state, local and tribal permitting authorities.

Now, when we say tools, we mean that terms very broadly. We don't just mean guidance, for example. There are a lot of other things that could be tools. For example, mapping and screening tools, protocols, certain kinds of training for different audiences, case studies, templates, checklists, all that sort of things, the world is open to us in terms of thinking about what types of things might be useful for permitting agencies, for stakeholders and for businesses seeking air permits to think about in terms of mechanisms that would help with integrating Environmental Justice into the permitting world.

We'd like to thank everybody who has provided comments on the draft plan and provide this opportunity for you to give us input on the next steps of our draft plan, which, as I said, will focus on tools.

So here's a little bit more about the plan. Over the remainder of this year into early 2012, our plan is to collect existing tools and develop new tools. This includes learning from everybody, but in particular from some states that already have EJ Permitting rules or programs in place, and there are some. We then intend to compile the tools and best practices and other resources into an EJ Permitting clearing house to evaluate those ideas in the clearing house or some of them through a few case studies to make that clearing house available to all of you in the public for additional public comments and make revisions then as appropriate.

And then finalize the tools and the mechanisms that people have identified and we've worked through to be available. And then we finalize the clearing house which will help all of us to incorporate Environmental Justice into Permitting. But we recognize that this is a – this will be a continuing effort. As good experiences happen, we can continue to learn from them and integrate them into our daily work.

This particular listening session is intended to solicit input on these tools and activities and we welcome general comments, but we have a couple of things we specifically like to draw your attention to as you think about the input

you'd like to give us. And we're – I will tell you what those are at the very end so they'll be the last thing you'll hear from me before I turn it over to the facilitator.

But I wanted to say another word about why we think it's so important to have this call for business and industry in particular. You are the people who maintain the businesses in our communities and neighborhoods across this country. You provide jobs and contribute to the local economy. You and your employees are involved in those communities. You use other businesses to support your own in those communities. And in many cases, you and your employees live, go to school and worship in those communities, and you're essential in their ongoing vitality.

You also, many of you have experienced with the state or a local environmental permitting process, which is why you're on this call. You have personal experience in this issue and it's very important to you. You may have had good or bad or no experiences engaging the surrounding community and neighborhood on environmental issues, whether it's related to a specific permitting action or in general about your ongoing operations.

We would like to hear about those experiences and any suggestions you have from your experiences for how to make that process better, both for you as the business and for your neighbors. We all want to be good neighbors. We all want to contribute to make our communities better, healthier and be a source of pride to our neighbors, and that's what this project is about, to fully engage us all in a positive relationship as we can to work through the issues that matter to all of us.

So thank you in advanced for the help that you're going to give us on this as we move forward with this project.

So here are some particular things that I'd like to ask you to think about. But, of course, we welcome your comments and ideas on any aspect of this, so existing tools or ideas for new tools that you think would be useful. Lessons learned or best practices from your own experiences working on environmental permitting and environmental justice. Feedback on state

programs which you're familiar that have addressed environmental justice and permitting, and a couple of examples that we're familiar with are those in Connecticut and Illinois.

But there may well be other that we're not aware of yet. What types of permits including the type of environmental permit and the location should EPA focus on for case studies where environmental justice tools could be implemented and reviewed?

Those are just some of the issues that we're thinking about. I know that you would have lots of other ideas and we're really eager to hear them. So thank you for listening to me jab around for a few minutes. And now, I'm going to turn it over to our facilitator, (Mike Edelman).

(Mike Edelman): Thank you, Janet. Thank you everyone for joining. Welcome again to this EJ Permitting Listening Session. And my name is (Mike Edelman). I'll be serving as a facilitator for this listening session and my main role is to help keep the meeting focused and going smoothly to ensure that a maximum number of people can participate in this discussion.

Now, as Janet mentioned, this is one of the six listening sessions that are being held to provide individuals and organizations the opportunity to provide their suggestions, ideas and experiences for the consideration of EPA. This listening session is designated to all members of the Business and Industry community to share their views. Other listening sessions are being held to others to provide their thoughts including one, for example, state (mobile) government, environmental groups, tribes, governments, communities, businesses ((inaudible)), environmental justice communities and community groups and so forth.

Now, as in the case for all the listening session, anyone is welcome to join this call as a listener, and we have two hours for this listening session. Therefore we want to be as efficient as possible so that everyone who wants to will have an opportunity to speak.

To this end, we kindly and respectfully ask that only individuals or representative of organizations that are in the Business and Industry

community today will be provided an opportunity to speak during this listening session, again, that other audience (for time at) other session to speak. Only one member representing a community organization kindly speak, and, please, speakers, limit your remarks to five minutes or less.

We're using an operator assisted conference system for this telephonic meeting. The operator will ensure that each speaker has an uninterrupted opportunity to provide their views by allowing only one person to be heard at a time.

Operator, would you please reiterate for us the way that someone can request a chance to speak?

Operator: At this time, if you would like to make a comment, please press star one on your telephone keypad.

(Mike Edelman): Thank you. So we hope there'll be enough time for everyone who wants to speak to do so.

However, if you're not able to or prefer not to speak during this listening session or we do not have enough time to deliver all your comments in five minutes, you can submit your comments in writing after the listening session by sending an e-mail to the following address – ejpermitting@epa.gov. That's ejpermitting@epa.gov.

And because the point of the session is to listen and obtain your suggestions, feedback and experiences, EPA will not respond to specific questions or comments during this call.

Also, we wanted to note that EPA is recording this session to ensure that all of your thoughts are captured and EPA will post the transcript of this session at the following address – and it's a rather long one so I'll say it twice. It's www.epa.gov/air/caaac/meeting.html. And one more time, www.epa.gov/air/caaac/meeting.html.

As noted earlier by Janet, EPA hopes to learn of your ideas on a number of topics on this call. And specifically, we're hoping to hear your feedback and

experiences on the following topics. What ideas do you have for tools and mechanisms to assist in considering environmental justice in the process? In light of your experience with Environmental Justice issues in this context of a facility permit, what are some successes and lessons learned? What permits, for example, the type and location should EPA focus on in initiative? Finally, some (state) developed program addressing EJ and Permitting, for example, Connecticut and Illinois, what suggestions or recommendations do you have for the EPA initiative based on your experience to state permitting program?

Now, we really look forward to your thoughts and feedback. Again, very much appreciate your time. And, operator, would you please open the line for the first speaker?

Operator: Again, ladies and gentlemen, in order to make a comment, please press star one now. There are no comments at this time.

We do have a comment now. Your first comment comes from Sue Briggum from Waste Management. Ms. Briggum, go ahead. Ms. Briggum, go ahead please. You may need to un-mute your line.

Sue Briggum: Oh, sorry. Thanks very much. I thought I'd start off. Hopefully others will be less shy and join in, too.

Given experience that I've had within the company as well as the opportunity I've had as a member of NEJAC to hear a number of other companies, state, communities, groups talk about permitting, I thought I might just lay out some kind of general principles that I think make some sense as you're gong through collecting the information and then deciding the way you're going to incorporate this into an approach to Environmental Justice and in Permitting.

The basic goal I think that I hear from a lot of people is that it has to be very clear and predictable. It will be very helpful if you are pretty precise about the information you'll want to compile when you're evaluating Environmental Justice in the Permitting context. I know that EPA has in the past sometimes used the document called "The Toolkit" which is very, very long, extensive as a template for analysis.

And it really doesn't provide the kind of specific guidance that it's both helpful to the company when they're trying to come forward with the information needed, not particularly helpful to the community either because so many factors could or could not be included. So I would suggest clarity and workability in terms of the way you do it.

It would also be helpful if there was some predictability so that you knew the circumstances in which this comes up. It has (been) sometimes in the past that it's not at all predictable which facility will be included in this analysis. Some you think it might be done and it isn't, sometimes it's not. So it will be helpful to have some standard rules so you know whether or not you'll be included.

One of the things the NEJAC talked about was the desire to have the response in the permitting process that's proportionate to the relative accountability of the facility being permitted. If you're in a cumulative risk area, it may be that as a matter of fact the new facility would in some ways improve the environment rather than add to it because it represents newer technologies, for example.

Given that, it's important to have a system that appreciates that a permit has come up but it shouldn't be denied or made extraordinarily difficult because of the releases of other facilities from whatever source at all. And that was a strong broad-based stakeholder recommendation.

It's also helpful I think in my experience when the permit writer sees Environmental Justice as an opportunity to create a dialog or hands a dialog between the permit applicant and the surrounding community and any other interested entities like local government. If you set up these discussions to be constructive and problem solving as opposed to treating each stakeholder separately and magnifying the potential controversy, that would be very important and that to me speaks too of the usefulness of training in this program to make sure that people are really thinking about how they can support collaboration rather than disputes.

It's also useful that you eventually make a decision. It isn't helpful if the Environmental Justice review simply becomes a reason to delay decision making for years. You should have your clear rules and make it clear that there will be an evaluation and there will be a resolution as well.

And then, finally, on the issue of selecting only a few types of permits, I mentioned that the NEJAC work group and the council itself have the thought that it really doesn't work out very well to select only one kind of permit that it makes more sense to come up with a very pragmatic, workable, constructive, problem solving model that would apply in the permitting process itself. And thanks for your time.

Janet McCabe: Sue, thanks for your comments and thanks for breaking the ice. Hopefully, other people will now flood the phone lines with their comments. Sue is a member of the NEJAC. Has been very positive and constructive participant in that group and very committed to this particular issue, so thank you.

I think you've touched on a number of issues that are really important and hopefully others will have thoughts that have been sparked by your conversation. So let me just put out a few questions, specific questions.

Have others of you had good or bad experiences with your state or local permitting authority or with EPA experiences that's more conducive to positive and constructive dialog in the community, experiences that were not? And how – what ways did those agencies go about creating those conducive conditions or what could they have done better?

Operator: To make a comment, please press star one.

(Mike Edelman): OK. We know that everyone is thinking hard and pondering about very stimulating feedback and constructive feedback for EPA. We really, you know, these are suggest topics and questions. We hope that you find this to be a really great opportunity.

And so, really, if there's other – any other points, you know, you want to bring across regarding permitting, we really welcome that. And so please feel free. We are excited to have a dialog. Thank you.

Operator: Your next comment comes from the line of Stephanie Hall with Valero.

Stephanie Hall: Hi. This is Stephanie. I really appreciate this opportunity to listen in and hear the various comments as well as participate. I've been a member of the NEJAC, now going into my second year. Very much still learning the process and I'm excited about the opportunity. I was listening carefully to what Sue shared and really appreciate her comments.

And I was thinking, trying to determine if we had a particular situation involving an agency that would be an example to share as solicited. And as to an agency situation that created an environment of opening up a dialog that was discussed, nothing immediately came to mind. But what I did think about was situations where we've been able to proactively work with the community directly without an intermediary, so to speak.

And, you know, what we have found is having an open line of communication directly with the community has been beneficial for our operations in certain locations. And we have been proactive in reaching out to leadership in that community in terms of opening that dialog ourselves and trying to create an atmosphere of being a good neighbor and I think that that has been beneficial.

I know that EPA's involvement can enhance that process, but I will also hope that somehow we don't take away from the – or take away from the environment where the relationship between the business community and the actual community is already thriving. I know that generally there tends to be sometimes perception out possibly in the business community, not necessarily pinpointing any particular industry, but there may be or could be a perception that, you know, community is trying to shut us down and EPA is trying to help them.

So I think one of the things that EPA will have to do in tackling this issue of concerning EJ and the permitting process is to somehow think outside of the box and creatively about ways to diffuse that threatening environment, so that all participants will be more willing to come to the table for that dialog. Because I view it as a two-way education, an opportunity for not only business to share it's vision of whatever project they want to move forward

with, but also for the community to be able to understand the realistic limitations that may be present as well. And, again, I think that's a two-way education on both flexibility and limitation.

And so if there is a way that, you know, to think creatively about how to diffuse any perception of a threatening environment for coming to the table for both business and community I think that would be a good thing for delving into this issue and trying to figure out how to get a balanced approach upfront. Thank you.

Janet McCabe: Thank you, Stephanie. That's excellent comments and very articulate. And I think you identified one issue that we – that we have – are aware of that people come to these relationships with different perspective and a lot of the challenges getting them to be comfortable talking to each other frankly.

And I also really appreciate your comment about EPA don't mess up a good thing if the local business and the community already have a relationship going that we should do our business and stay out of everybody's way. Thanks very much.

Operator: Your next comment comes from Deidre Sanders with Pacific Gas and Electric. Ms. Sanders, your line is open. You may need to un-mute.

Deidre Sanders: Can you hear me? Hello.

Operator: OK. Go ahead, ma'am.

Deidre Sanders: Great. Yes. Thank you for the opportunity to make a comment.

A couple of things I'd like to touch on. One, regarding tools health impact assessments or increasingly being used and developed to assess a variety of things and purposes. And there are different terms used, I think, interchangeably in developing health impact assessments that have different meanings that are used, as I said concurrently.

So one is vulnerability. Another is disadvantaged. And a third term that we hear is impacted. And they mean different things depending on what

discipline is being brought to bear. So vulnerability usually, I think, refers to the status of the community regarding power or their ability to be successful, effective in processes representing their interest in engagement say and rulemaking and the like.

And disadvantaged is usually economic disadvantaged or current conditions in the community towards, you know, the economic positioning. And the third, impacted, we usually use that one when talking about environmental impacts, pollution effects, that sort of thing. So they're not the same thing.

And so, lot of health impact assessments (can be used) as proxy at socioeconomic vulnerability to determine an environmental impact. So that creates a lot of uncertainty and ambiguity. Is this a causal effect? Is it not a causal effect? Is a facility in a community causing particular heath impacts or is it not, because an indicator of socioeconomic vulnerability is not an environmental impact.

So I would really encourage EPA to work hard to develop tools that help industry understand it's impacts on the health of the community, rather than sort of a proxy for something else, because what it comes down to is a community that's determined to be vulnerable might give a different set of rules in permitting than a community that's not considered vulnerable, but the industry process could be the same.

So I'm not sure what that would do and I think that could lead us down the road to some unintended consequences. Here in California, we have a lot of emphasis now on smart growth and the local planning, and we have these (native) tools that are being developed to help determine impacts on community, some of which use these terms interchangeably of vulnerability, disadvantaged and impacted.

We are not sure about how smart growth, which is, you know, bringing people in greater concentrations closer to transportation hub and sources of production, what that's going to mean for permitting for us. So that's a concern particularly if – which we are directly concerned about health impact, so we would like EPA to look across, not just the immediate facility permit,

but also other competing priorities that could affect determinations of cumulative impacts and disproportionate impacts.

I think I'll stop my comments there. Thank you.

Janet McCabe: Thank you very much. Again, very thoughtful comments. And you've again mentioned the cumulative impact issue, which is clearly one that is present in these situations and we really appreciate it. There are folks on the phone who have other thoughts on that particular issue, how is it appropriate to think about cumulative impacts when you're in an individual permitting situation.

And you also raised another very important issue, which is the land use issue and we struggle with that ourselves. And so community is not just one permitted facility, it's a decade of development. There are many different organizations that have input and responsibilities in making choices for a community. How we appreciate your thoughts on how decisions about land use should factor in to an EJ and environmental permitting process.

Operator: You have a follow-up comment from Sue Briggum with Waste Management.

Sue Briggum: Sure. Thanks very much.

Deidre that was a really good issue to key up and it's something that certainly on the NEJAC we struggled with for a long time. The fact of the matter is that when you're citing facility one of the fundamentals is industrial zoning and there is no national zoning program that determines policy. Many local governments feel very strongly about the value of clustering together, for example, a number of commercial and industrial facilities. That's the only land that's available.

And at the same time zoning, of course, doesn't preclude the presence of residence who will feel concerned about the potential emissions from all of these facilities put together. And I think that that's a real challenge for the agency because it's pretty clear under our statutory system that EPA doesn't have the ability to make local governments make different choices in terms of zoning, which I suppose would lend itself well to focus on a dialog with local government.

As you're thinking about permitting, I noticed on the call on Monday, there was also one local government on the call, so maybe some concerted efforts to talk to local governments about any advice they would have on the tools that would be helpful in order to provide a useful set of information and an ability to deal with EPA's development in Environmental Justice and Permitting, as well as the agencies, you know, need to recognize that this is in fact the way the jurisdictional system has been set up and that they'll have to make sure that the rules are sufficiently flexible to accommodate that.

And I apologize for the siren.

Janet McCabe: Thanks, Sue. Let me ask another question, going back to the discussion of health assessments and terminology, which is a really good and valid point to make.

If there's anybody on the call who's actually had a permitting experience – I'm sorry – we're having a little excitement on the computer screen here and I'm hoping that people can still hear. If anybody has had an experience permitting where they – where health assessment was done either by you or by the agency and you have thoughts to share about that experience that would be really helpful for us to hear about or anything else.

(Mike Edelman): Hi, everybody. We'll be delighted to have more speakers join the queue and provide feedbacks. So far the feedbacks from Sue, Stephanie, Deidre have been fantastic and very helpful. Thank you.

If folks want to submit written feedback, again, as opposed to, you know, talking on the phone, again, you can send an e-mail to ejpermitting@epa.gov. What we'll do we'll hold the line open for a couple of more minutes to give folks a chance to, you know, provide feedback about three or five more minutes. All right. Thanks.

Operator: You have a comment from Sue Briggum.

Sue Briggum: I'm sorry. Forgive me for speaking a third time. It might be helpful actually to have a sense of how many people are on the call. It's only about five of us.

We'd feel less constrained about seeming to talk too much and it will be helpful to know if we should start having a small dialog among us.

Janet McCabe: Yes. Sue, there are about (60) lines dialed in to the call. And we certainly understand if people would want to listen and don't feel like speaking up on the call. That's perfectly OK. (It's their point). But we wanted to make sure that if any of those other 59 people wanted a chance to weigh in and just needed a few more seconds to push that button so we made that opportunity available.

Sue Briggum: Thanks.

Operator: Your next comment comes from Stephanie Hall.

Stephanie Hall: Hi. This is Stephanie. I think I was un-muting my line at the same time that Sue was un-muting her line, and she kind of addressed the question I was going to ask in terms of who (are all we) have on the line.

I guess one other thing that did come to mind and maybe it relates that with Deidre's comment on the ((inaudible)) impact. I guess I'm still trying to kind of think through in my mind how the across the board – or if there will be an across the board approach on the permitting piece in terms of facility location and ((inaudible)) connection or geographical proximity to communities, because you certainly have in some areas facilities that do not have any community surrounding them.

And so I don't know if it has been clearly defined or considerations have been given to in what context will you, you know, will you can actually consider Environmental Justice and the Permitting process would it depend on factors such as the geographical proximity of the facility to the community or other criteria, so to speak. And I'm kind of thinking out loud here as I'm talking, but I don't know of any specific discussion have around that particular issue. Thank you.

Janet McCabe: Thanks, Stephanie. I think that's one of the key questions and we certainly heard that. How do you define an EJ community and then what does that mean? The Connecticut Program, for example, sets out some pretty clear

expectations about when a community would be considered an EJ community or whatever term that they use. But there's certainly no decision has been made here. And that's the kind of question and feedback that we're looking for is how – how to think about that sort of thing.

Operator: Your next comment comes from the line of (Kathy Hall) from (Tech Inc).

(Kathy Hall): Hi. Thank you. I have a question and I'm afraid it might be off topic, but since you don't have a lot of people wanting to speak, I thought I might ask it anyway.

My question is regarding how this initiative might – may or may not affect Environmental Justice analysis under the National Environmental Policy Act, which is primarily what my interest is. I'd appreciate it that could be addressed. Thank you.

Janet McCabe: Thanks, (Kathy), for your question. The agency is looking at how Environmental Justice should fit in to a variety of activities that we do here and one of them is our participation in the NEPA Act. They're proceeding in somewhat separate inquiries being separate processes but there's clearly overlap in some of the concepts and to the extent that people are interested in clear definition and that sort of thing. I think that there might be some overlap.

But there's not a direct connection as we're going through this work. I think as the agency proceeds with the EJ initiative that kind of question will become more relevant and probably more answerable as we move further along.

Operator: Your next comment comes from the line of Rohit Sharma from LyomdellBasell.

Rohit Sharma: Hi. My comment is I think that one of the factors that should be considered if EJ concerns need to be addressed in a permitting process or not is to look at the actual ((inaudible)) monitoring data that may exist from the monitors in that area.

And so if those monitors exist I think the actual data and the concentration which you get from these monitors should go a long way in deciding whether there should be EJ concerns there in the permitting process or not. Of course, that's depending on those monitors being there.

Janet McCabe: Thanks, Rohit. That's a good comment.

Operator: Your next comment comes from the line of Deidre Sanders from Pacific Gas and Electric. Ms. Sanders, your line is open.

Deidre Sanders: Thank you. I'd like to start with a rejoinder to I believe the same as Rohit's last comment about the monitoring and being considered in permitting process. I think that's a good start.

I think also what needs to be considered is regarding (questioning) your groups of facilities, I think Sue at the top of the conversation spoke of older facilities and it might be good to allow newer facilities to come into an area. The whole idea I guess would be sort of like changing out an older car that's an older ((inaudible)) polluting car you want to get the ((inaudible)) off the road and maybe get a lower emitting vehicle and same with the fleet of industrial facilities as well.

But under current rules of operations, older facility that's permit is not open could stay in an area and continue to emit, and the community would be – might be fearful of adding new sources of emissions even though those emissions might be much, much lower than existing facilities but has no even chance or dialog about changing out or exchanging older, higher emitting facilities for something that might be much cleaner that's sort of a non-starter.

And the impact on the permitting process if there are ambient air monitors there that say, hey, this is just a really dirty area. Their response might be let's not put anything here because it's dirty instead of opening up to a consideration of, you know what, maybe we could close some of these other if others are willing to come in that are much lower and have much less minimal impact, you know, best available control technology, there would be a good dialog to have rather than let's not engage because what we have is old rather than ((inaudible)) let's just close everything.

I think there are some options there that really haven't been explored and part of that is a trust factor between the community and industry. So I think EPA has a role to play there. So I just wanted to engage that and my specific comments that market effect. And I hope that EPA, while you're looking at facility permits, I'll also point back in your cumulative impact and looking at the larger picture of what is the market effect of the decision on permitting.

And where I'm coming from with the market effect is, again, back to smart growth and other competing policy interest that all come down to the focal point of the facility and local land use planning. If, for example, health impact assessments would indicate that a disproportionate impacts would fall in particular communities and therefore the (cost) of mitigating or the emissions for that community should be higher from and to avoid these impacts.

Then, there would be a market decision made by that facility whether it's a new facility or one that wants to – existing one that wants to upgrade on what to do next, and I think that EPA needs to be able to anticipate what those choices are and what the impacts are going to be on that community across all of it's interest areas. And so I will stop my comment there. Thank you.

Janet McCabe: That's really great, Deidre. Thank you. There are about six things in there that I would want to follow up on and respond to.

But I wanted to ask whether you or whether anybody else on the call has had specific permitting experiences where that you came forward with what would be probably called mitigation that may be things that you wouldn't have planned to do originally as part of your project, but through the permitting process or through the dialog with the community, it turned out that there were sensible things to do that were beneficial in building that relationship or in getting through the permitting process or whatever, hearing about that from anybody that have those experiences and would care to share them would be really helpful.

Operator: You have a comment from Sue Briggum.

Sue Briggum: Thanks very much. Yes. We've had a number of experiences in this area given the nature of our business. We often have a lot of engagement with local governments who are very interested in this opportunity and we've found that if you have a constructive working relationship and you know the community when you go into the permitting process, often you find that there are things that you can do when your permit comes up for renewal, for example, that are very valuable.

And it really does run the gamut and kind of highlights the importance of making sure you're talking to each community about their particular needs rather than going with any presupposition about what makes sense. In some cases, the community has asked for additional monitoring above and beyond the requirements of the permit.

In fact, we have one facility, a hazardous waste facility where we monitored for a number of years in the community (paying) to us and said, "The additional monitoring, we appreciate. It's quite helpful. It's become boring. Could we instead ask you to invest in our children's future in terms of some equipment that was needed in the school?"

And that was really good because it was an ongoing dialog. It led to things that community needed and we didn't get kind of caught up in the idea that there has to be this causal link between any impact of facility might have and the effect of the community, but instead we talked about the fact that given the recognition that (that was) a community that felt they had a number of burdens and means and we wanted to be a good neighbor. This was the way to go.

We've seen, you know, other projects in terms of helping with infrastructure, we're using a different road was what was needed in order to funnel traffic away from a locality at a large facility.

We have one facility where the need was for health care and there was a clear recognition that if we were going to talk about causation, the lawyers would be very involved. We would get nowhere, but if instead, you know, it's totally irrelevant. We're not saying that you're responsible for our health

needs in this community. There are a lot of facilities around, but we would consider you a good neighbor and we would feel comfortable with a facility expansion if you could help refurbish a building that would provide a health clinic and provide some funding towards staffing.

So if you can get that dialog going without focusing on causation and therefore legal dictates, often you can move into a discussion that's productive and provides value to the community.

Janet McCabe: Thanks, Sue. That's really great feedback. Paying attention to communities, that individuals that will not need or want the same thing and creating a relationship where people feel that they can come forward with those requests.

It sounds like you've been able to create those positive relationships and at least some of the communities where your facilities are. If others have stories about ways that they've created those positive relationships, share them please.

Operator: You have a comment from Deidre Sanders.

Deidre Sanders: Hi. Yes. I'd like to share a specific example.

We had a power purchase contracted. We were working on in an area that had some, you know, quality concerns and several facilities were already located there. And we successfully negotiated the closure of some older units prior as part of our effort to contract new power.

And that helped to relieve the air emissions burden on the local community because the newer units that we wanted to bring online were much more efficient and had much lower emissions that the older existing units that could have continued to operate if we hadn't made the independent decision. So this was not part of the regulatory compliance thing that we had to do, but something that we felt was the right thing to do for the community and in order to meet our obligations for our customers.

So it's a win-win for us. But we stepped forward to initiate that negotiation and that helped us in making the project be successful.

Janet McCabe: So you practice what you were preaching before, which is look at the cluster of facilities and think about the fact that you can diffuse some of the concerns about a new facility coming in and if there's the ability to reduce pollution somewhere else in the community. You were – that was all within your control, I think, the challenges that in many communities that with multiple businesses it isn't within the control of the company that's going through the permitting, which makes it challenging to deal with in a permitting situation.

So thanks. That's great experience.

Operator: Your next comment comes from the line of Stephanie Hall.

Stephanie Hall: Hi. Thank you.

One example I guess that comes to mind on our end is with respect to a community, we were situated next to – near the Gulf Coast. And kind of going back to this good neighbor concept, one of the things that we identified very early on in a proactive outreach to that particular community is the social media that was so great for just resources outside of any potential perception of chemicals that was an identification of somewhat of a non-chemical stressors that saturated the community that we attempted to go in and address.

And I think from that partnership came an opportunity to have a dialog about a project expansion in a very safe to say setting, wherein the community representatives were allowed an opportunity to ask questions and to better understand what we wanted to do and how the community may be or may be not impacted. And what we found is that the fear – kind of (crawling) I guess the fear of the unknown help move – help us move forward in many respects.

And I guess what I'm trying to share is opening up that line of communication and trying to be a good neighbor and really looking at the holistic needs of the community and trying to address them, whether it was through an avenue of (youth) education or access to medical resources and attention from that spun a deeper opportunity to really talk about the fear of the unknown as to what will happen next door, so to speak.

And, you know, if I could say anything to the industry as a whole, it will be kind of taking on the reins if you haven't already done so, to get to know the community next door and to attempt to create a dialog of what the real needs are. I just find that that sometimes can lead to other opportunities that are mutually beneficial for both the business (folks) and the community. Thank you.

Janet McCabe: Thanks, Stephanie. It kind of prompted me to ask another pretty specific question and it has to do with how you communicate especially when you're in communities where English may not be the predominant language. Are there approaches or tools or mechanisms that you have found useful to get the message out and to build those relationships where there may be significant language barriers or other types of barriers?

Operator: You have a comment from Sue Briggum.

Sue Briggum: Yes. Thank you. We've had some experience with this, and you're right to flag it as an important issue.

We do most of our company communication in five languages, the ones that we encounter most frequently in our fields of operation when we have a permit proceeding or other proceeding that's important, a major facility. We try our best to provide information in a language that's needed by the surrounding community.

It's probably worthwhile also flagging that this isn't the easiest thing in the world in some cases. Sometimes you'll find that you can have complications with kind of governmental policies with regard to English only that exists in some states which can put the permit applicant in a difficult position.

There's also the challenge of how much information is useful and can practically be done in permit proceedings for large facilities often the permits run in 200 if not thousands of pages. And so just having that translated often doesn't seem feasible especially if the level of interest it doesn't seem extremely high and if it doesn't that valuable.

Our most positive experiences have been when the permit writers take this very seriously and take on themselves a role of facilitating solving this problem. So they have advice about who would be good, for example, to hire as a translator if that's needed if they also have the confidence of the community and the agency itself has a kind of multiple language capabilities, they can often take on the role of being trusted to provide sufficient and accurate technical information.

So I would mention that the agency's role in facilitating these kinds of situations is really important. Their objective third parties usually very welcome to have the independent agency provide translation rather than the company itself.

Janet McCabe: Thanks, Sue. That's very constructive feedback on a challenging communication issue.

(Mike Edelman): Hi, folks. All right. It's been great dialog and feedback. Anyone else who care to join the queue is more than welcome. We'll keep the lines open for another three to five minutes and feel free to participate. Thanks.

Janet McCabe: All right. Folks, well, thank you again so much for spending some of your afternoon with us. Thanks for those who shared their experiences and their ideas. We appreciate it. Lots of more opportunity to get your input to us and to have conversations with us as we move forward through this process. We will pay a lot of attention to all of this information that we get.

If you have further comments that you'd like to send by e-mail, please send them to ejpermitting@epa.gov. Please if you haven't looked at the draft plan, feel free to take a look at that and let us know what you think about it. And I'll just say thank you one more time.

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