

EPA

Moderator: Carol Ann Siciliano
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2:00 p.m. ET

Operator: Good afternoon. My name is (Hope) and I will be your conference operator today. At this time, I would like to welcome everyone to the States and Local Government Environment Justice and Permitting Listening Session.

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

I would now like to turn the call over to Carol Ann Siciliano, Associate General Counsel within EPA's office of General Counsel.

Carol Ann Siciliano: Thank you, this is Carol Ann Siciliano and I welcome you all to the very first of our listening sessions in support of our environmental justice permitting initiative. We are very much looking forward to hearing your comments or the comments from the state and local representatives as you help to guide us on this permitting initiative.

This is – listening session is one of six listening sessions that we have. This one, as you know, is aimed at state and local governments. We have five others, for business and industry, another for environmental groups, another for environmental justice and community groups and another for Tribes.

And finally, a sixth one, we're kind of excited about this is in the Spanish language. And we're really trying to reach as many people as possible

because we know that the ideas and the energy and the questions about environmental justice really come from all of you. And so thank you, states and local governments for being our very first listening session. We are eager to hear what you have to tell us.

I'll provide a little bit of background about the permitting initiative. It's – we launched it in the context of plan EJ2014. Plan EJ2014 is an agency-wide strategy to help us better integrate environmental justice into all of our decision making. This one, of course, focuses on permitting.

And that's why hearing from the state and local governments today is going to be particularly important. Because we know that you have on the ground experience in issuing permits that you encounter all of the issues that we are encountering as we are permitting authorities and we know that you have already started to develop your own creative solutions to recurring problems. And so we are very, very eager to hear from you.

We want to hear about your successes. We want to hear about the problems you've encountered and the solutions that you developed. We want to know how we can help you as you work on environmental justice in the permitting context.

And we also want to know about what impediments you are encountering both internally within your government and then externally. What are some – what are some of the obstacles you're encountering? How can EPA help?

We also want to help you to – we want to emphasize with you about some of the common problems that we all have, the unanswered questions that we're all struggling with. We know that cumulative risk analyses is an important goal for all of us and we're not there yet.

We know that permitting very often deals with the legacy of land use decisions. We know that environmental permitting addresses some issues that are important to communities but not all. We also know about the work load that you all are managing. We know very well about the work load that you all are managing.

And it's our goal through this listening session with the state and local governments to talk about how we all, as environmental regulators can integrate environmental justice into the permits that we issue, how we can – we, EPA can learn from you and I also hope how this state and the local governments who are dialing in on this call will learn from each other because there is a lot of exciting things – there are a lot of exciting things happening out there at the state level.

And I'm hopeful that new state leaders will speak up and share your insights and experience. We're looking to develop some tools so, any ideas you have for tools in terms of templates or reports or check lists or case studies or anything like that, we'd love to hear all of that.

So, I will – I will wrap up now and let you know that our plan is to listen. These truly are listening sessions for EPA and I hope you all listen to each other. We will be taking note of your comments but we will not be interjecting any responses at all through this process and – but I hope that this will be a very fruitful session or all of you to tell EPA what you think about this initiative and the way that you can join us as leaders in this project.

And I'd now like to introduce you to our facilitator, (Mike Teddleman).

(Mike Teddleman): Thank you very much, (Carol Ann).

Good afternoon, everyone. Thank you very much for joining this session. Again, my name is (Mike Teddleman). I'm the facilitator on the call. My goal and role is to really help in keeping the focus of the meeting on track and to ensure that the maximum number of participants on the call can really provide feedback.

So, as (Carol Ann) noted, this, again, is one of six listening sessions that will be held to provide individuals and organizations with an opportunity to provide their suggestions, ideas and experiences for EPA's consideration.

This session is focused on state and local governments so we'll really be hoping that those representatives have the opportunity to speak and other listening sessions being held to allow others to provide their thoughts.

We have two hours for this listening session and so we want to be as efficient as possible so everyone who wants to, will have an opportunity to speak.

So, with that being said, we really – with that goal in mind, we ask that only individuals or representatives of state and local governments possible be allowed to speak during this listening session and other audience, again, of course, will have time at their other sessions designated to them to speak.

We also ask kindly, respectfully, that only one member representing a community or organization to speak and also kindly that speaker's limit their remarks to five minutes or less.

With that, I'll just briefly turn it over to the operator for directions on how you can get into the queue and then I'll finish with some final ground rules.

Operator, can you please instruct the participants on the rules on – methodology for getting into the queue please? And then turn it back to me?

Operator: At this time if you would like to make a comment, press star then the number one on your telephone keypad. We will pause for just a moment to compile the comment roster.

(Mike Teddleman): Thank you and I'll just finish with some brief ground rules and – to set the expectations. Again, we really hope today that everyone who has – there will be time for everyone to speak. But if you're not able to get in your comments during the listening session or don't have enough time to deliver all your comments in the five minutes, please know that you can submit your comments in writing after the listening session by send an e-mail to the following address ejpermitting@epa.gov, again, ejpermitting@epa.gov.

And again, I just wanted to note that EPA is recording this session to ensure that all of your thoughts and feedback are being captured and EPA will shortly, after this call, post the transcript of this session. Now, this a rather long web site address but in case you're interested, the web site address is www.epa.gov/air/CAAAC/meetings.html. And one more time, I know it's a long one is www.epa.gov/air/CAAAC/meetings.html.

So, lastly, I just had noted earlier we really hope to gather your feedback and experiences and thoughts and to focus on some particular themes during this listening session. What ideas do you have for tools or mechanisms to assist in incorporating EJ and the permitting?

Another we're hoping to hear from, in light of your experience with environmental justice issues in the context of a facility permit, what are your successes and lessons learned?

Third, what permits, for example the type and location, should EPA focus on in the initiative?

Finally, some states have developed programs addressing EJ and permitting. For example, Connecticut and Illinois – what suggestions or recommendations do you have for the EPA initiative based on your experience with the state permitting programs?

With that, those ground rules set, we now look forward to your feedback. The operator's standing by so please, we will now open the queue for your feedback. Thank you.

Operator: Your first comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): Yes. I just wanted to suggest perhaps we have a solid waste permit that incorporates language about vulnerable communities and essentially requires for landfill applicants to go through a series of questions to show that there is not an undue burden of landfill on environmental justice communities which are defined as minority and low income using the census bureau data.

And so that's a recommendation I would extend to air quality permits as well with priority emphasis on the health of the community of environmental and justice communities and consideration of cumulative impacts and I would also request language regarding ordinances at the local level that other counties have used to implement this idea.

Operator: Your next comment comes from the line of (Christie Ellickson) with Minnesota Pollution Control.

(Christie Ellickson): Hi, in Minnesota, we have a special statute amendment that requires a cumulative levels and effects analysis for a small area of south Minneapolis and statute language requires consideration of cumulative effects and it is a disproportionately impacted area of potential and environmental justice area.

And so we worked through the first permit to the point of drafting – developing a draft permit and writing a TSE and there are two main points that I wanted to bring up. Mainly the hardest thing we're finding is communication and trying to get people to know about what is going on and what we're doing and we use those delivery which is a really nice e-mail service.

And we have access, now that we know about it, to the city of Minneapolis' e-mail – you know, they have broadcast e-mails but I don't know if the EPA has the ability to provide similar to gov delivery but a texting service because a lot of people in this area don't have access to e-mail or computers but they have cell phones and so a texting service would be helpful. We're looking at that internally as an agency in Minnesota.

The second big concept I wanted to bring up is in these areas, people want to know right away what's going on in their area and so we've developed a Web site so we can put these documents that we get in from consultants who are working on doing the analyses for the facilities but those documents tend to be super long and it's before our review is complete so any summary we would have of those, the long air modeling and type documents would change through our review and so a careful balance of trying to be transparent and clear from the very beginning.

But at the same time we're reviewing the documents for being correct and accurate and at the same time, you know, the general public don't have the ability to read these 170-page documents. And then, you know, counter that with once a technical support document is complete, a lot of review and a lot

has happened by them. So, there is a perception that they're getting it at the last second and we've had the information for a long time.

So, we've been really trying to balance that. And I'll stop there.

Carol Ann Siciliano: And this is (Carol Ann) and I wanted to thank both (Kitty) and (Christy) for your very good ideas. We're happily taking note of them. Thank you.

Operator: Your next comment comes from the line of (John Gray) with the New Jersey Department of Environmental Protection.

(John Gray): These are more just lessons learned. The department is in the process of ramping up its own cumulative impact tool updating all of those data layers but really the fundamental question is how to use that and some of the preliminary outreach that we have done to our state attorney generals as well as internal policy makers here at the department is really understanding what the statutory authority is.

You know, a lot of the information technology is out there and could be you know, readily accessible to be used. But, if the states do not have the statutory guidance from the EPA, it's going to be difficult for us to implement these type of tools. So, for instance, obviously under the Clean Water Act or Clean Air Act, but really, when we're looking at the environmental justice side of things we really want to look at say, Title VI of the Civil Rights Act of '64. That's to guide us on exactly the interface between the social as well as the environmental impacts.

If we're talking about cumulative impact, I mean, there's the environmental burdens but the states are really grasping, I think, at this point to understand what statutory authority there is, say, again under the Civil Rights Act as well to figure out exactly what ways to move forward.

Carol Ann Siciliano: (John), thank you very much. I've taken note of your comment.

Operator: Your next comment comes from the line of (Darren LaCrone) with Illinois EPA.

(Darren LaCrone): My comment's kind of along the same lines of New Jersey there. You know, obviously once you gather up the information on the community and the cumulative impacts and all that, the – I think one thing that probably a lot of us are struggling with is what do you do with that information? How do you implement it into a permit in a way that is defensible and can survive a potential appeal?

That's something that we kind of struggled with a bit. You know, everybody's aware of the considerations we have to make and you know, community information and all that sort of thing but it's – sometimes it's difficult to translate that into permit conditions.

It's something that we struggle with and we get questions about that it's kind of difficult to answer and sometimes doesn't have an answer and so that's – I'm sure we're not the only ones that are – that are dealing with that and it's – the clear guidance that we get, the more luck, I think, we're going to have.

Carol Ann Siciliano: Thank – well thank – that we – we empathize with that issue and I thank you very much, (Darren), for raising it.

(Mike Teddleman): All right. Currently the queue is open. We've very interested in additional feedback and thoughts from you all and just to remind you that if you'd like to speak, please hit (star) on your phone so we are standing by (star one), excuse me ready for additional feedback from you all.

Thank you.

Operator: Your next comment comes from the line of (Roland Heath) with the County Department of Public Health.

(Roland Hay): Yes. This is actually (Roland Hay) with the Colorado Department of Public Health and Environment.

I just had a general question or an issue to raise, you know, for consideration, as this, you know, process is developed by EPA. And that's specifically related to limited English proficiency and how to address those issues or

concerns within the environmental justice context for communities or areas of communities that may have limited English proficiency may have you know, primarily speak in a different language, for example Spanish or perhaps some other language.

And how do we address that as an agency to you know, for example, put out, you know, draft permits or technical analyses, you know, would we have to translate into those languages? You know, where are the resources available? I mean, we have some resources but probably at this point not a great deal of resources to do that type of work. We have some mandates under our state laws, you know, to accommodate limited English proficiency but how would EPA suggest or you know, develop tools to perhaps assist being able to, you know, reach communities whose primary languages may not be in English?

And that's the end of my comment. Thank you.

Carol Ann Siciliano: (Roland), thank you very much. I will put that very much on our list of possible tools for us to develop.

Operator: And your next comment comes from the line of (Gary Plaskium) with the Washington Department of Ecology.

(Rochelle Pettis): This is (Rochelle Pettis) with the Ecology and we also struggle with reaching the limited proficiency English community in our – we would like to see some tools that go beyond just translating because we've been – we've done quite a bit of translating of the documents that we use for – to reach to the English speaking community and we're interested in how to adapt our outreach so that we can get that community more involved and get more of a response from the outreach we're doing.

Carol Ann Siciliano: Good, well, thank you very much, (Rochelle). I'm making a note of that.

Operator: Your next comment comes from the line of (John Gray) with the New Jersey Department of Environmental Protection.

(Steve Anderson): Hi. This is actually (Steve Anderson) from New Jersey following up on what (John) said and what Illinois said on the -- kind of the legal issues.

But we're kind of working on both kind of the impact and the kind of the social the environmental justice and the kind of a request of EPA to kind of public connect some of the dots that you guys are working on because we're working through similar things, kind of three things that I'm looking at (is) the permitting guidance, the permitting plan that you have as one.

The second, the legal analysis where you're talking about the technical analysis needed to determine disproportionate impacts.

And the third being the EJ screening work that you're doing.

We're working on kind of similar things. I'm just – it would just be useful just if EPA could kind of lay out how those things are coming together because they all need to kind of come together to address the, you know, the technical and the legal issues to kind of move forward on that.

So, anything you guys can say, you know, either now or in your plan to integrate those things would be – would be very useful.

Carol Ann Siciliano: Good, (Steve), thank you very much. Yes. With that -- we will very much be integrating or figuring out a strategy for integrating the technical and the legal, the screening issues or dimensions that you identify. And that's a major part of our process for this strategy.

Operator: Your next comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): Hi. This is (Kitty) again.

And just talking about technical guidance, we've recently completed two health impact assessments and one of those impact assessments was for a large, dirty material recovery facility and fortunately, our county commissioners upheld the county planning commission to deny that special use permit.

My concern is if they had gone forward, based on the technical merits of distance between the facility and groundwater, et cetera, et cetera, it would be likely that that permit would have been approved or will be approved if they find a different location.

So I'm saying this just in terms of ensuring again that health end points are considered when you're looking at cumulative risks or cumulative impacts. And guidance on how to identify the health – the health end points, how to quantify the health end points based on the data that you have.

What we did with our health impact assessment was – relied heavily on peer reviewed literature. But it was not specific to the site. It was specific to what we know to occur in other areas under similar circumstances and similar facilities.

So, both, you know, how you identify those end points, how you quantify the health end points as well as making sure that if that goes up for appeal that the health considerations are actually considered an integral part of the permitting process.

And that's all I have.

Carol Ann Siciliano: (Kitty), this is (Carol Ann).

Is your health impact assessment available on your Web site?

(Kitty Richards): Yes. Yes. We have – we have it. I can send it to you or it can be accessed. We – our place matters team and it's on our – it's BCPlaceMatters.com. It's under Projects. And it's Mountain View Health Impact Assessment. It's the Rapid HIA and it's on-line.

Carol Ann Siciliano: Terrific. Thank you very much, (Kitty).

(Kitty Richards): Yes.

Operator: Your next comment comes from the line of (Malcolm Bursen) with the Maine Department of Environmental Protection.

(Malcolm Bursen): Well, I'm not sure whether my colleague, (Sherry Gadlooskie) from New Hampshire is on or not.

But going back to the question of screening, we struggle in Northern New England which is predominately rural with very small, larger urban areas.

We struggle to figure out what disproportionately affected community might mean and so until accurate, really accurate screening tools are available, it's very difficult for our state to evaluate whether existing permitting programs are allowing or even promoting disproportionate impact in certain communities.

For example, if you look at the most recent EJ map, something like 80 percent of the land area of Maine would be considered low income. That's kind of hard to imagine what a disproportionately affected community would look like under those circumstances.

So, we really encourage you to think carefully about the differences between the needs of urban communities and rural areas in working on this issue.

Carol Ann Siciliano: Good, thank you very much, (Malcolm). We made – we'll take care – a careful note of that. Appreciate it.

Operator: Your next comment comes from the line of (Roland Hay) with the Colorado Department of Public Health.

(Roland Hay): Yes. Just one additional follow-up comment or question.

I think when we have gotten environmental justice concerns or comments raised through a public comment process it has typically been on our (PSD) permits. And you know, as part of that or part of the analysis, you know, for those permits that we have issued, we have gone through the full (PSD) review process including all the air quality modeling to show compliance with (NAX), you know, an increment and whatever's required under this (PSD) program.

And above and beyond that, I don't know if EPA through the development, you know, in this process can kind of identify or should be looking at something above and beyond that.

And you know, our response has been you know, in the case, you know, we have done our analysis on a particular permit application, that source has shown compliance you know, with all the appropriate standards, for example, under (PSD) including all the (NAX) modeling which of course, includes a source, other nearby sources background and is showing, you know, that they're not causing or contributing to a violation of the (NAX).

Generally, under our state rule, under our (PSD) program, we're mandated, you know, to issue that permit assuming that they can satisfy (backed) et cetera.

So, is EPA considering something above and beyond that for EJ communities, you know, and we've talked a little bit about the outreach and the communication and perhaps, for example, doing you know, notices and permit materials and technical analyses and other languages to make the materials more accessible to members of that community.

But above and beyond those kinds of things, in terms of the actual permitting standards, is EPA considering or looking at something would be required above and beyond, for example, what is typically required under a (PSD) permit?

Thank you.

(Carol Ann Siscilliano): Thank you very much for that question and I'd actually be very curious to know what do you think – what you think we should do? Whether we should or should not consider that. And if so, you know, tell us as much as you think about that.

(Roland), are you – are you able to get back in?

Well anyway, I'll – I will say that I have written down that question and we will put it down as on the list of things that we are going to be thinking about

ourselves because we issue (PSD) permits too. And so we are thinking that same question.

I also wanted to add a note that I really very much appreciate folks who are getting back on the line. I – one of the things in addition to having us listen to what you all say is these listening sessions, also I think, promote the opportunity for the states and local government to have a dialogue with each other.

And I very much have been enjoying the fact that (Kitty) or (Roland) or others are getting back on the line to share your experiences because EPA benefits tremendously from hearing that and the colloquy among all of you is very enriching.

So, thank you.

Operator: And (Roland)'s line is back open.

(Roland Hay): Yes, sorry about that. I tried to respond but I think I hadn't done Star One, so I think I was just talking to – and nobody was able to hear me.

But yes, I think, you know, our concern is that – and I think somebody referenced this in terms of this idea or concept of defensible permit that for example, you know, in some cases the source, if we, you know, required some additional things that weren't part of our regulation or the federal program, then often times a source might challenge our basis for and our authority to do so.

And in other cases, you know, sometimes the community has expectations but unless it's in our reg and part of our permit process and it's clearly identified then it's difficult, you know for us to you know, do things that are outside, you know, effectively what would be considered our regulatory scope?

So, I think it's one thing, for example, in terms of looking at, you know, better outreach, those kinds of things which we're clearly interested in doing but you know, when it comes – where the rubber meets the road, so to speak, in terms of hard and fast requirements that would actually affect permit conditions or

requirements or obligations of the source, you know, we feel we need to have that really carved out and really addresses part of our regulatory authority.

Otherwise, we're subject to challenge on it and we have, for example, we have an air quality control commission and a petition or I should say an appeal process that's available to a source.

So, if they feel we have not followed our rules, they can appeal our permit. Members of the community that don't have that option but if they don't feel our permit is correct, they can sue us and that occasionally happens.

So, we're really looking for you know, clear guidelines and then clear regulatory authority because ultimately, if we're going to make permit decisions based on that, we're going to need that.

Thanks.

(Carol Ann Siscilliano): Well, thank you, (Roland) I appreciated that. That was very helpful.

Operator: And your next comment comes from the line of (Steve Gurgainis) with the New York – North Carolina Department of Transportation.

(Steve Gurgainis): Hi, thank you. And I'm joined by (Shawn Tradick) with the North Carolina Department of Transportation Office of Civil Rights.

For all of our transportation projects we, of course, have to do the (NAPIR) or the (CEPA) documents. We do community impact assessments and indirect and cumulative effects studies for all projects at least all (EA)s and (EIS)s and many, many (CE)s as well.

We have sort of an integrated (NEPA) and permitting process we refer to as the merger process here. But for the purposes of consideration of environmental justice during permitting, we would – I would suggest documentation of how populations were identified number one. And number two, how they were reached out to during the project development process of whatever project is under consideration.

To also provide a consistent impacts table or matrix at – regardless of what the outreach effort is. We have what we call community informational workshops as well as the public hearings and I would suggest a consistent matrix or tool at those meetings to make it easily for the public to get used to identifying what those effects are in their community and also to include (GIS) space mapping or other figures to supplement the impacts and able to make it more easily from a graphics perspective to identify effects or potential effects in a – in a particular area.

And thank you very much.

(Carol Ann Siscilliano): (Steve), have you developed a matrix like that? That maybe we – you could share with us?

(Steve Gurgainis): Our department does have impacts matrices that it does use during that merger process. I will see if I can come across a sample of those form one of our project development engineers and forward that along to you.

And remind me where I would send that to?

(Carol Ann Siscilliano): Well let's see, that would be to the comment e-mail address. So, that was ejpermitting@epa.gov, ejpermitting@epa.gov.

And so that goes out to everybody that, you know, as you think about tools that you'd like to tell us about or even if you don't care to share it orally, please, please, please, send us your links. Send us your PDFs. We love that stuff.

Because what we really hope to do is to not only develop our own tools but actually much more practically share with you all the tools that you're telling us about so that we all can learn from each other here.

So that's great, (Steve), I appreciate.

(Steve Gurgainis): Yes. Am I also still on-line?

(Carol Ann Siscilliano): Yes. You are.

(Steve Gurgainis): OK. Another North Carolina DENR and I don't presume to speak for them, the Department of Environment and Natural Resources does have a cumulative – a requirement for disclosure of cumulative or recurring impacts especially to low income and minority populations for review as part of its permitting process.

(Carol Ann Siscilliano): All right. That's great.

(Mike Teddleman): Thank you. This is the facilitator here.

This has been a very rich discussion. We're learning a lot. And very much appreciate it.

Just want to direct attention to one of the topics we've talked about earlier as a topic of focus. In light of your experience with environmental justice issues in the context of facility permits what are your successes and lessons learned?

I think EPA is very interested in hearing from you about these successes and lessons learned. This is a great opportunity. So, we are eagerly listening for that input. Thank you.

(Carol Ann Siscilliano): And I'll add a – thank you, (Mike). That is – success is, remember think small as well as large. You know, something that you are proud of that – something that worked well and I'd really like to hear about that. I think everyone would like to hear about that and then something that you might have done differently the next time, big or small.

Operator: Your next comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): Hi. I feel bad because I feel like I'm doing – monopolizing the conversation but I shouldn't be. But I just again, this is sort of lessons learned.

We have an air quality control board that feels they really cannot consider issues of health unless it's above the standard that we have. So, for instance, for the (NAX) standards, so that board, I think, is struggling and this goes

back to the importance of having sort of this mandate of federal requirement that considers environmental justice issues.

We've had several hearings regarding asphalt plants. These are air quality hearings. Asphalt plants, cement batch plants where the modeling has been questioned by the community. There has been testimony, a lot of testimony on cumulative impacts and risk to the communities, the majority of which – the majority of facilities being located in low-income, minority communities.

And I think the air board struggles with how far they can take their authority and whether or not if something meets the standards, the (NAX) standards, whether they can impose further restrictions.

So those – I'm saying this in terms of lessons learned that it would be very important, I think, for EPA to establish guidance and regulatory language about what can and cannot be approved or with conditions and what those conditions might be.

We don't currently have any sort of state (NEPA) requirement. We have tried in the last two legislative sessions to pass language that would require some sort of state (NEPA) that considers health impacts and cumulative risk.

So my suggestion for EPA would be to not only require sort of a (NEPA) analysis for only federal projects or federally funded projects but to require that sort of assessment happen at the state and local levels as well.

We have encountered a lot of -- when we're bringing things before the Air Quality Control Board, basically, they come back and say it's a land use issue and remand it back to the planning, zoning and building department.

So, there's this sort of pointing back and forth of whether or not it's an air issue versus a land use issue and that's really just created the circular effect without any – having any kind of benefit.

And I'll leave it at that.

(Carol Ann Siscilliano): OK, (Kitty). Thank you very much. I appreciate your (rave), you're making both of those suggestions.

(Mike Teddleman): Great. And by the way, before we get on the next call, speaker, as facilitator, I want to thank you. We know there's many different participants on the call from different constituencies. Again, you know, the purpose or focus for the call today is for state and local government participants?

So, for example, in the next session, on June 9th, from 1:00 to 3:00 Eastern Standard Time will be a focus on business and industry.

So, for example, people – constituents from that stakeholder group will have definitely an opportunity to speak then.

So, I just want to be clear about that -- and including investors -- and then that -- so, just want to be clear about that.

Thank you.

Operator: And your next comment comes from (Doug Wagner), the Indiana Department of Environmental Management.

(Doug Wagner): Hello.

I've a kind of small story. We're doing a (PSD) permit in a county and after it went out on public notice we got feedback from someone in the county that there was an EJ population and they were Spanish speaking.

And we ended up having a public meeting and so we translated our hearing notice into Spanish. There was only one paper – Spanish language paper in the area was actually published, a county over but it seemed to have circulation in that county.

But they only published once a month and so we, just out of good fortune, were able to get the notice published, I think a week or 10 days before the public meeting. And I guess you know, kind of like some of the frustration, other people have said you know, we actually didn't have anyone who was a – from that population that attended meeting that we could identify.

But I think it just harps back to something (Jenna McCabe) talked about was, you know, EJ and kind of like coming up against permitting timelines, especially when you're talking about economic development project that it would be hard to put in a legal requirement to do a second language publication of a notice if the only newspaper available is publishing so infrequently.

(Carol Ann Siscilliano): Thank you, (Doug) and actually I have a question that you can answer, perhaps or that others may be able to.

Have people tried reaching out to non-English speaking communities through more unorthodox means like through church groups or community organizations or clubs or things like that? Because that's something that we were thinking about but I'd really like to know if anyone has any experience or opinions about that?

(Doug Wagner): Well, it's kind of hard because we ended up having the meeting and it was in a pretty small town and I think the Spanish speaking population was really due to a – the employees at a meat packing plant that was in the same county.

But across the street from where we were having our meeting there was a store that was advertising on the outside, there was all in Spanish and so I think had we known about that ahead of time, we could have tried to get some notices posted there.

But unfortunately, we didn't realize that until the day of the meeting.

(Carol Ann Siscilliano): Well, (Doug), that's great because stores are not something that I had thought about until you just mentioned it and now that you're saying it I'm slapping my forehead because I know in my neighborhood there are a lot of stores where a notice would be very, very well received.

So, thank you very much.

And I welcome thoughts from other (inaudible).

Operator: Your next comment comes from the line of (Laura Lund) with the Kentucky Division for Air Protection.

(Tom Adams): Actually, this is from (Tom Adams).

We are one of the states with an air toxics regulation and we're rather routinely in the situation when we're doing a screening for a source which you know, it is a state-only requirement sort of outside of the rest of it.

But when we're screening for source and we find that it's not so much the permittee or the application that we're dealing with but rather its existing sources that are showing on -- if not elevated carcinogenic risk but an elevated one, there's really not a great mechanism in the Clean Air Act to look at risks from existing sources and if EPA could come out and particularly with (HAPS), come out with some better guidance on what to do about well, one, what risk level to use and what risk level to be concerned with, we think that would be great.

(Carol Ann Siscilliano): OK, (Tom), I've written it down. Thank you for that suggestion.

And actually, speaking about air, (Doug), you referred to (Janet McCabe) she -- I failed to mention at the start of this that (Janet) and I are co-chairing this initiative along with (Aure Layten) in EPA's New England region.

And (Janet) very much regrets that she is not able to be here with us today but she'll be studying the transcript and she and I will discuss what I'm learning.

So, thank you very much for mentioning her. She's been trying to do about -- a great deal of outreach to the air agencies around the country at the state and local levels and she'll be interested to hear what you all are saying.

Operator: Your next comment comes from the line of (Roland Hay) with the Colorado Department of Public Health.

(Roland Hay): Yes. This is (Roland) once again. I hope I'm not monopolizing the conversation either.

Just a couple things in terms of regarding the question of outreach. We have done outreach although that has tended to be more through our small business assistance program and working with business owners, for example there and working through trade associations.

I'm not sure if that would be as effective in terms of the reaching of the broader community but for example, we have many dry cleaners that are owned by Korean speakers and have done a lot of outreach and even translation and done compliance calendars and those kinds of things.

So, perhaps there's some opportunity, at least, in some communities to work through, you know, local business trade associations.

And then in terms of things or, you know, potential strategies. I think one thing that I wanted to mention was that we have a EJ designated community in Pueblo, Colorado and we've been meeting regularly with a group of folks from both environmental as well as community groups, both grass roots as well as for example, the local chapter of the Sierra Club to talk about you know, permit related matters, enforcement related matters.

They have within that community a steel mill, a cement plant, a very large coal-fired power plant and some other industrial sources. And so, as part of some outreach efforts, we've been going down and doing some trainings and just meeting regularly with members of the community and that does seem to help engender better relations with folks in the community and we keep them apprised of what's going on in various permit and enforcement related actions.

Thank you.

(Carol Ann Siscilliano): Great. Thank you, (Roland).

Operator: Your next comment comes from the line of (Brian Renn) with the North Carolina Division of water quality.

(Brian Renn): Yes. (Steve Gurgainis) earlier mentioned a North Carolina Department of Environment and Natural Resource -- environmental equity initiative document that we have and we'll be happy to send that along.

There's not a tremendous amount of details to it, it's more of a framework and talks more to providing opportunities for people to be involved in the process and to provide input into our permitting processes.

So, we'll forward that on to the comments e-mail.

Thank you.

(Carol Ann Siscilliano): Great. Thank you very much.

Operator: Your next comment comes from the line of (Gary Ballisko) with the Washington Department of Oncology.

(Rochelle Paduce): This is (Rochelle Paduce) again. And we've also had a few instances where we have gone through the trouble to identify the communities that were in the area that might be impacted that were either non-English speaking or low income and to take the extra steps to translate documents and even have translators available at public meetings and then have no one show up.

And we have taken some extra steps to try and communicate with those communities. Some other things that we're working on right now (is) we're doing a pilot project to try and translate some blogs for a toxic cleanup site and see if we can get more interaction in a more informal environment like that and trying to translate radio announcements to get to those communities and get translated materials more targeted at a younger population and get the materials in the schools or the churches.

Some of the most successful things that have happened in other areas outside of permitting has been when a community has actually come to us and asked for us to do a presentation for them specifically and sometimes even provide somebody to do the translation so that it's coming from someone within the community rather than from a government agency.

But we still have some challenges in reaching the nexus of a population that is both non-English speaking and illiterate. Sometimes illiterate in their first

language as well as English. Having additional cultural barriers that can be hard for us to identify and then sometimes not having the same level of understanding that we assume the rest of the population will have.

An example of that we came up lately as we were trying to develop a document about using household cleaners that were a little bit safer for public health. And we found that we were dealing with a population that wasn't used to having running water and even washing their hands all the time.

So, those are some of the challenges we've come up with and some of the things we've tried to address then, but we definitely need more ideas on how to reach them because we haven't -- we're not satisfied with the success that we've gotten.

Female: Well, thank you and I hope folks respond to that question and maybe with some suggestions.

Operator: Your next comment comes from the line of (John Gray) with the New Jersey Department of Environmental Protection.

(John Gray): With regard to the outreach question. I'll just give a brief summary of what we have done.

In New Jersey we do have an advisory council that reports to the commissioner. Once a month we have a meeting. A couple seats on that council are for (faith based) community groups which has been tremendously important in getting outreach out to some of those communities particularly ones that do not speak English as their first language.

The Department has done a couple of other non-conventional outreach efforts to some of our -- in our Spanish and Portuguese sections of some of the urban centers. We've, you know, targeted some of those smaller shops and bodegas for outreach that -- and also go into a comment, I think (Kitty) had raised before regarding environment E.I.Ss.

We were part of a couple of work-shops with some of the local EJ advocates that are trying to roll out a municipal tool, an ordinance for cumulative impact

and part of that or the heart of that initiative is having the towns provide some type of inventory of current conditions as well as you know, I guess future build out for their -- for their town limits.

And so we're looking to partner directly with this particular EJ group and moving out the ordinance tool and trying to roll that out state wide. So, I think that would go a long way in trying to get our -- the state's overall interests and (say commutative) impact aligned with -- somewhat with the local issues are at play.

And then just one final comment, we found that the EJ small grants program is an excellent opportunity for the state, anyway, to get involved in reaching community groups. I mean, I guess the unfortunate reality is that you know, the money is usually, you know, an important facet of how community groups are able to succeed in addressing some of the over burden.

So, you know, I just -- it's a throw out, you know, a comment that please continue the EJ small grants program. And in a related note, please also for EPA to look for consistency in their EJ language and their other grant programs. We've found that there is an inconsistency so when we do have other groups within our state agency that are applying for federal grants through the EPA and there are -- there is language on EJ initiatives for that.

We find that it's the inconstancy could lead to miscommunication you know, between ourselves as well as the community groups because what we think is what one grant says may not be what the next grant has. So it just gives us an inconsistent playing field which has raised some issues with our outreach.

So, thank you.

(Carol Ann Siscilliano): Oh, (John), it's (Carol Ann). Thank you for identifying that inconsistency and you know, I would be very grateful if you would send those comments on to that address and identify some of the grants where you've seen that inconsistency? Because I'll take this comment back to the right folks and any specifics you can give us are more likely to help us focus more quickly on those. So I welcome that.

And I'll also add something that I appreciate that you said which is something that EPA is doing that you'd like to see us continue. And so I offer that as another subject for the group to think about that if we're doing something right, let us know because you guys know how easy it is sometimes to forget the value of what we do and then we just stop doing it.

So if things are going right, let us know that too so we can be sure to keep going.

Operator: Your next comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): Hi. This is (Kitty) again and I'd love to get a copy of that municipal tool that you referenced in the ordinance that came from it.

This is going back to outreach and I just wanted to put the whole public outreach a little bit in context. Low income minority communities frequently have very high competing priorities. And priorities permitting issues often take back seat because of them having to work several jobs and other things.

So, my suggestion would be several. And one is to consider the priorities that the families have and have meetings, of course, in times when they are available. The other would be to look to frame the permitting decisions or the public input that you're trying to get -- garner in a framework that considers life issues rather than air quality issues or landfill issues or whatever the case might be.

I just find that unless people understand what is going to result as a consequence of a decision on a permit, in a larger context, they just don't -- it doesn't get high enough priority in their lives because of these competing issues.

Secondly, I think often times, and this is working with community residents that are predominately Hispanic in our community.

Often times, because of prior decisions that have been made on permits where they have actively participated and provided testimony on quality of life and

health issues and environmental justice issues and that testimony not being considered explicitly that there is this disempowerment feeling and feeling like their voice doesn't count that no matter what they say, the permit will move forward.

And so I think that sort of further -- results in further disempowerment and the belief that their voice doesn't count and therefore they don't have to be involved in the -- in the hearing aspect or in the actual permitting process.

And then finally, what we've done is worked with neighborhood associations. We have a neighborhood association that cover most of the county. But also recognize that neighborhood associations don't only include -- don't include all the community residents and so we have also posted fliers at the community centers where there's a lot of after school programs.

And then finally something that EPA, I think, has started looking at is offering air quality 101. Often times, I think the hearing process and the permitting process is very, very technical. If there's a way to put the technical terms in lay persons' language and again, putting it in larger framework of how this might impact your quality of life or your family's living I think that would be beneficial also.

(Carol Ann Siscilliano): OK, (Kitty). Thank you very much for those three suggestions.

And something you touched upon about the disempowerment people feel if they feel like their comments have not been heard. That's a pretty important issue and I would very much appreciate the state jumping in on municipal -- localities -- jumping in about how you follow through with the communities after you've engaged in outreach with them and they tell you what they think should be done or they express their concerns.

Because that's something that we're grappling with right now. What does follow-up look like? And you know, even -- and even it means we cannot do -- or we choose not to do what they say, deny the permit, what else do you do to circle back around to help the public feel like that we the government, the regulators are listening to them anyway?

Operator: Your first comment comes from the line of the New Jersey Department of Environmental...

(John Gray): (John), (Kitty), I don't have your information so I'm just going to put out my information.

If anyone is interested in getting information on that municipal tool, the e-mail is John – john.gray@dep.state.nj.us.

And to go to the question of follow-up. Yes, we believe that this is probably one of the most integral parts of you know, our work in New Jersey for environmental justice at the state level.

You know, we try to get the communities involved in what we call like a step zero even before applications come in. We had a very successful meeting on a new power generating station here in New Jersey where we had the company come in even before the applications entered into the door so that we could give them feedback on exactly, you know, what they should be engaging the community on and getting those conversations started.

But going to after the fact, we do find that that's probably the place that the state can do the -- you know -- to improve on its track record because typically when we have permitting actions or even if its studies that we've done through, say, you know, grant money or not, we do have significant inroads to make in the follow-up.

And we find that in New Jersey, anyway, a lot of the EJ communities are linked on their own side so it becomes problematic for us in building that trust if we, you know, come in with a permitting decision or anything else and then once the decision is made is kind of like wipe our hands and then walk away from the table.

So, we do find the instances where do have recurring community engagement even if a decision didn't go the right way that it usually gives us a good foot in the door for the next project simply because they you know, they realize that you know, we're trying to be an honest broker in this conversation.

And again, just to reiterate what I said, in New Jersey, anyway, our EJ groups, our community groups may not be directly linked but they do share a lot of information with each other even though they may have divergent issues and they may be coming from very different geographic locations but they do communicate with each other so we do find that you know, even if we are dealing with one group, you know, how we operate with one group can definitely transcend to the other groups in New Jersey.

Thanks.

(Carol Ann Siscilliano): Great. Thank you, (John). And (John), going back to the municipal ordinance, do -- would you mind sending a link to us to the ejpermitting@epa.gov site and we'll put that up on our clearing house that we're trying to develop too so that people can link into other people's good ideas.

(John): Am I still on the line?

(Carol Ann Siscilliano): Yes.

(John): OK. Yes. I'll provide whatever information I can. It is in a -- it is in a draft stage right now so, but I will provide to the ejpermitting@epa.gov, whatever information I can.

(Carol Ann Siscilliano): Great. That -- I really appreciate that, thank you, (John).

Operator: Your next comment comes from the line of (Edith Pescanna) with the Connecticut Department on Environmental Protection.

(Edith Pescanna): Hey, good afternoon, everyone. Yes. I just wanted to echo New Jersey's comments with respect to how do you work with community when that particular facility that they are opposing the state cannot deny the permit if it meets with all our environmental standards and you know, the key is to actually have an early conversation with the affected communities to let them know that it's almost impossible if the facility meets with all of the environmental regulations and standards for the department to say no and to

encourage them to meet with the said industry to talk about what their concerns are.

And early on in the process, before -- we have a law that states that we cannot review a permit or take any action on a permit unless an environmental justice outreach plan has been drafted?

So that's helped us quite a bit with dealing with concerns an individual has and they've hammered things out with the industry when they work very closely. Our experience is that industry prefers to have a non-confrontational experience when it comes to opening up a new site or even an expansion and they certainly prefer that over going through a long and costly a judicatory process.

And we -- there have been successful negotiations here where although the facility might have been adding a new emission, something was exchanged like for instance, they remediated a contaminated property. They retrofitted all their diesel equipment. Offered to retrofit -- actually did retrofit an entire municipality's waste trucks.

So these were all things that were negotiated with the business and despite the fact that they didn't want the expansion or they didn't want something new, the community did end up getting something out of the negotiation and it made it a lot easier that way.

(Carol Ann Siscilliano): Thank you, (Edith) and I call folks' attention to the fact that the outreach template that (Edith) referred to is linked on the announcement that we sent around and I do encourage folks to take a look at that it's a very nice model.

Operator: Your next comment comes from the line of (Ken Paige) with Illinois EPA.

(Ken Paige): Hi, this is (Ken Paige). How are you?

(Carol Ann Siscilliano): Hi, (Ken). Hi, (Ken). Thanks for dialing in.

(Ken Paige): Yes. You know, I wanted to discuss and share how we work with community groups and what and how we have been successful in working with community groups and this is by no means to say that everything is perfect with us and our relationship but we do have as part of our environmental justice program, we have an environmental justice advisory group and it meets quarterly.

And that group has a cross section of industry, trade associations, academia, other state agencies as well as environmental groups, grass roots environmental justice groups. We have from the NAACP the Illinois NAACP through the Sierra Club that -- those group that are part of that.

And what we found that really works for us is that often times they really -- groups do not understand what we do and why we do it and how we do it and they just look at the result, the end result of the permitting.

And so but we put has worked very well for us is that we -- that relationship that we have established, because of the environment -- the advisory group and advisory group members, the advisory group is co-chaired by myself and a member that was elected by the environmental groups.

So, what we found is that we share with them and we've gone out to them and to discuss our permitting programs and how it -- how it actually worked and so we've gotten a better relationship with them.

And now with those groups that where English may be a second language, or you know, and largely Hispanic groups, or populations and we do have some of those larger ones in the Chicago area.

And we work very closely with Little Village Environmental Justice Organization which is very active in the Chicago area as well as (PERO) and that's the (Pilson) Environmental Rights Response Organization Reform Organization and those two groups have been very active especially when it comes to power plants. You know, we have two other power plants that are -- that are on the national radar now and so we've been working very closely with those groups.

And even though you know, we're not giving them everything that they want, they do understand why we're doing what we're doing and so -- and that has worked out for us.

So, I would suggest to those states that do not have an advisory group, an environmental justice advisory group, to form that and bring all those groups and organizations in and -- to work with them and make them part of that group and so you can open up some of those permits and those permitting processes so that they can have comment on them and give them an opportunity to look at other things that you do and when they provide comments to you, and when they provide them to us as an agency, you know, we do make changes and we have made changes because of their comments to us as part of that advisory group.

(Carol Ann Siscilliano): Great, (Ken). Thank you very much for that really good suggestion.

Operator: Your next comment comes from the line of (Doug Wagner) with the Indiana Department of Environmental Management.

(Jed Wilkins): Actually this is (Jed Wilkins). (Doug) and I are both going to chime in here.

For us, even in the richest neighborhood after all their comments, our end results are we're still going to issue the permit so that's what happens in the richest neighborhood. That's what's happened in the poorest neighborhood.

We end up issuing the permit. And so most of their comments on a technical level, we don't have anything to do with we (hate) the company rather than say we sympathize with you that you hate the company. We understand that you hate the company however, you know, we try to do what those states do, explain what our process is.

But this seems a lot to be blowing down to a are we another version of an appeals process for the zoning board?

And I don't think we should be that. I think that should be handled through the already established due process mechanism but that may be a renewed effort to nationally ensure that that is strong and that the elected officials

locally are representing those populations would achieve more than us trying to make sure that every person has a chance to come and tell us how much they don't like the company when that's actually a zoning issue.

(Doug)?

(Doug):

And then I would add to that that when we have public meetings and folks to say this is not an appropriate for this industry to be located, I mean, we discuss with them how we don't have any authority in that area but their local government whether it's a county planning commissioner or more local zoning board has that power.

And I was really kind of -- I'm kind of keying into the comment that was made earlier about distant power and folks and I think people do get frustrated at a lot of our meetings that they've got all these concerns and we can't help them with it. They may have already gone to their zoning board and been you know, denied when they've spoken against, say, variance to allow this new company to come in.

But I think the positive things that do come out of those meetings that kind of counter that may be disempowering is that those folks get to meet each other and have opportunities for networking there.

I see other people in their immediate community that are concerned and they also --we also try and bring our inspector with us because whether it's an existing source or a new source that's coming in we want people to know that here is the inspector for your area. Here's how to contact him. Here's his phone number. Here's his e-mail address. Here's another way if you are concerned about something you notice that may be a permit violation or filing a complaint with us.

And so, I mean, those are some positive things that come out even when you can't make a change in a -- in a permit because the concern is wait, you know, not with the permitting terms but with the fact that this is an industry coming into someone's area that they feel is just you know, inappropriate for.

(Carol Ann Siscilliano): Well, both (Doug) and (Jim), thank you both very much for your comments.

Operator: Your next comment comes from the line of (Christy Ellickson) with Minnesota Pollution Control.

(Christy Ellickson): Hello.

I have a couple of things to say. I'll try and work through them clearly.

One thing we keep coming back to and a lot of people have spoken about this is you know, permitting is very limited and especially when you're looking at cumulative levels, you may find that the existing facility presents more risk or you may find that the highly trafficked highway nearby presents, you know, the vast majority of risks.

And if that isn't within one's regulatory authority, it's a very difficult message to have --or -- and that's just an example. So, it's almost like a wider strategy needs to be in place or at least the people with the wider strategy should be speaking with the people within permitting and we're working on that within our agency.

We have a lot of -- now, I'm going to go through a couple of comments that we have had in feedback with the community members we've been talking to.

We get a lot of comments like everybody else was talking about, about this isn't the right location and one comment we've just gotten recently was in the context of over the summer, when we first got the permit application we tried to have three separate meetings in the local library and we had them at different times. At a lunch time and after work, you know, and after first shift type of work.

So like 5:00 in the after -- in the evening and then on a Saturday morning at the local library and the facility was -- people were there and they offered a tour and at the very end, we're kind of at the end of this (inaudible) someone said that they were very thankful to have taken the tour that the facility was

doing a very good job. It was just still in the wrong location. You know?
And so they were able to see that and that was successful.

And the small check-ins that I'm talking about in the library and others just small groups worked very well for us. We were able to build a method that we're using and we're able to specifically ask questions and things.

Another thing I'm going back to when we were talking about translations. We kind of knew the languages we needed for the community but to double check, we called the local hospital and the language service request were a really good tracker for the languages we would need for translation and they were really happy to give us the top three languages that -- where they have language requests at the big hospital nearby.

It's very resource intensive for us doing lots of this communication so we have to keep that in mind. One of the difficult things that we heard from community members is if there's nothing to fight, there's just not a lot of interest.

So, method development and where are available data and how do we go about this is difficult to perpetuate. You know, to have people keep showing up because everybody has day jobs and are very busy.

Another thing is the way we queue permits and people to review on permits happens -- a permit comes up and whoever is available reviews it but it needs -- in the -- in that community that we're working in, one of the comments that we've heard a couple of times is I really don't care about the information you're presenting. I want to know if I have a voice.

And being able to build relationships with one or two people is very important that they have to have trust before they will listen to information and that isn't possible in the way that we queue permit review because we queue it with whoever's available where perhaps an environmental justice community -- and this may not even be possible, but that a similar person is always there and someone who has -- who has built those relationships.

So, I think that's all I was going to say and I may be on the queue twice so I can be removed from the queue.

(Carol Ann Siscilliano): OK. (Christy), thank you very much that was -- that was a lot. I appreciated your having so much to say about a variety of the topics that we've been talking about. Thank you for that.

Operator: Your next comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): I just wanted to clarify. As far as the disempowerment goes with community residents and their testimony provided at hearings, I don't think it's as simple as a matter of fact that they don't want the facility in their community. In fact, they've been great about some facilities and not so great about others.

I think what they feel is very problematic is that they're providing testimony on environmental justice issues. These are communities that are being overly burdened by environmental pollutants because of the facilities that are located there.

They're providing testimony on the health impact as far as asthma prevalence and other health end points and then they're providing testimony on other existing facilities within their neighborhood or their proximity to other polluters such as freeways.

And because that testimony falls with -- outside of the per view of the existing air quality regulations, that testimony is not being considered by the Air Quality Control Board or by the county and think that's their concern.

So, really, this is a plea, I guess, to EPA to begin considering issues of cumulative impacts as part of the permitting process and I'm speaking predominately of air quality permits.

(Carol Ann Siscilliano): All right, (Kitty). I hear you. Thank you very much.

(Kitty Richards): OK.

Operator: Your next comment comes from the line of (Doug Wagner) with the Indiana Department of Environmental Management.

(Jim): Yes. This is (Jim) again.

In response to what (Kitty) just said, and issue there is it can't just be -- if we're going to start doing that, it can't just be environmental justice areas because I can't really think of a basis for not doing it for everyone.

If this is you know, something we can address, something we can help with, doesn't matter if you don't speak English if you have extra risk, we should take care of that issue. And if it were just an environmental justice issue, we're going to have a lot more issues in our areas that aren't designated that way but have people who don't like the company and are making the same type of comments that (Kitty) just talked about.

You know, we can only address them in EJ areas, that's going to be very problematic for us.

And I think really counter-productive to the entire intent that it should be protection for everyone.

Thank you.

(Carol Ann Siscilliano): Well, (Jim), thank you and I -- my hope too is that as we develop these tools, albeit with an EJ focus, that the good ideas we're coming up with translate to all permits in all places and you know, and this is stimulating our thinking, all of our thinking, I'm hoping and it will -- we can -- we can take this to everywhere because we're all -- our goal, our mission all of our missions are to protect human health and the environment and these ideas are very, very important to protect that for everybody.

And especially the people who have been disadvantaged in the past. But not excluding anyone else.

So I appreciate that reminder.

Operator: Your next comment comes from the line of (Ken Paige) with Illinois EPA.

(Ken Paige): This is regarding -- this is to the U.S EPA regarding the EJ analysis.

We've always struggled with that definition of an EJ analysis and what the outline of the EJ analysis and what should be included in an EJ analysis, a true EJ analysis. I know we've -- we shied away from it and a lot of people have because of the cost. I think it's something that EPA needs to look at, revising some of the guidelines on the EJ analysis and make sure that they are called (inaudible) for states because if you set one up where we cannot afford to do an EJ analysis, maybe there should be a smaller version of an EJ analysis that states can, in fact, do, you know, because we struggle.

We had a request to do one and we started it and we could not finish it and because it was just too time consuming and the cost was just too much for us as a --as a regular state regulatory agency. But it's something that I would like U.S. EPA to look at and that's the definition of an EJ analysis, the outline of an EJ -- what should be included in the EJ analysis and actually the cost and consider the states that will have to do those and whether or not they can afford to do them and make sure that they are cost effective for states.

(Carol Ann Siscilliano): Well, thank you, (Ken). I appreciate your saying that and I'll throw the question out to the folks on the line.

Many of you, I expect, have done or assisted in the development of EJ analyses.

I would very much like to hear what people's experiences were and to see what you've come up with. And you know, many of you may be from environmental justice offices within your state agencies. What are your -- what guidance are you providing to your -- to your permit writers and the analytical folks within the states on that exact question?

Because I suspect that we will -- we, EPA if we tackle that issue we'll be learning a lot from what you guys are already learning and the outlines that you've already developed to ensure that the EJ analyses are thorough but also not too time consuming or expensive to develop.

So I'd like -- love to hear from people and remember our -- the EPA e-mail address too, to send us examples.

Operator: Your next comment comes from the line of (Kitty Richards) with Bernalillo County.

(Kitty Richards): Hi, (Carol Ann).

I just wanted to let you know that the EJ analysis we do currently for New Mexico is only done for solid waste facilities and I can post that language vulnerable community at the -- at the Web site you mentioned earlier.

(Carol Ann Siscilliano): OK. Terrific, (Kitty). Thank you.

Well everybody, thank you so much.

We will keep the line open for another minute or so and I wanted to thank you all for the host of really good ideas and examples of stories that you shared with us because there's a lot of things that we heard with fresh ears today that we haven't thought about it in quite the way that you presented it and some ideas and tools that never occurred to us.

And this was a fantastic opportunity for EPA to learn a lot from you all who are right there in the front line dealing with this on a daily basis. So I'm grateful to you.

And I'm also, you know, curious as to one of the tools that EPA thinks about and specifically aiming at the state, local governments whether you all found the dialogue among each other to be helpful because if you think that it would be helpful for EPA to facilitate this kind of engagement among the states on these issues of common interest. In this case, involving EJ and permitting, please shoot us an e-mail to that e-mail address and let us know.

Or of course, dial in. Speak up on that. Because we'd very much like to know how we can assist you as you -- as you address these issues and if this kind of dialogue is helpful you know, I'd love to dial in again and listen to you all talk.

And it looks like we have another speaker.

Operator: Your next comment comes from the line of (Bridget Bowhack) with the Texas Commission of Environmental Quality.

(Bridget Bowhack): I want to speak up on the last point and I apologize. I have very bad allergies right now and I hope hopefully you all can understand me.

But I want to say that this has been very helpful for me. I think, in some ways, our public participation processes (inaudible) some others (inaudible) very lacking but I want to thank the representatives, I think, from New Jersey and where (Roland) is from, North Carolina and then (Kitty) for the things -- for very eloquently raising a lot of the issues that we are faced with in Texas as well.

And I find this dialogue very helpful. And I want to thank you all for doing this.

(Carol Ann Siscilliano): (Bridget), thank you very much for weighing in and expressing your appreciation because certainly I echo it. I -- you know, we heard from many states, you know, it's terrific.

We heard from New Jersey and Minnesota and Maine and Connecticut and again in Illinois and Minnesota and I'm not even looking at my notes. And of course, Texas, thank you and of course, the county, Bernalillo, I really have appreciated that. We heard from Washington, North Carolina, did I say New Jersey? If I said New Jersey twice that's OK because I'm from New Jersey and very proud of it. Kentucky, Colorado, this is -- this has been terrific.

And do let us know if you would like us to convene a group like this again because we are only too happy to do that. And if other thoughts occur to you after you've hung up and you'd like to send us that e-mail address, ejpermitting@epa.gov. So, definitely use it and -- we'll keep that e-mail address alive so keep using it.

If you develop tools, if you remember tools that you that you slap your forehead and say "golly, I wish I told them about this," tell us about it because

everything that you can think of that you're proud of that you use or that you think could be a model for somebody else, let us know. We are so grateful to you.

(Mike Teddleman): And just about one other point.

There as note, there are a couple, five other listening sessions coming up and they're on the EPA Web site so at least, at a minimum feel free to come in and listen to the dialogue there and that might infuse your perspective more and again, thank you for this very rich discussion and sharing your lessons, your feedback. We greatly appreciate it.

(Carol Ann Siscilliano): Thank you all very much. Have a wonderful afternoon.

Bye bye.

(Mike Teddleman): Thank you, operator.

Operator: This concludes today's conference call. You may now disconnect.

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