

**2007 Draft Policy:
Considering Environmental
Justice in the Regulation of
Contaminated Sites**

**Terrence Gray, RI DEM
November 2007**

Background on Draft Policy

- Springfield Street School decision
- Commitment to convene stakeholders on environmental justice
- 6 stakeholder meetings so far: 11/06 – 5/07; another one planned for December 2007 (facilitated by *New Commons*)
- End product = July 2007 draft policy for Considering Env. Justice in the Review of Investigation & Remediation of Contaminated Properties

Environmental Equity

- Statutory Language:
 - **§ 23-19.14-5 Environmental equity and public participation.** – (a) The department of environmental management shall consider the effects that clean-ups would have on the populations surrounding each site and shall consider the issues of environmental equity for low income and racial minority populations. The department of environmental management will develop and implement a process to ensure community involvement throughout the investigation and remediation of contaminated sites.

Lessons Learned From Stakeholder Discussion

- People not familiar with DEM
- Many may delegate issue to a few “champions”
- Little background in environmental issues
- History of land use and other social issues that may impact a site remediation project

New Policy Approach

- Level I: Statutory Outreach Requirements
- Level II: Enhanced Notice/Outreach
- Level III: Public Meeting
- Level IV: Significant, Continuing Community Concerns
- Level V: Networking and Capacity Building

Level I Outreach: Core Notification Requirements at ALL SITES

**Notice to Abutters when Investigation is
*Initiated***

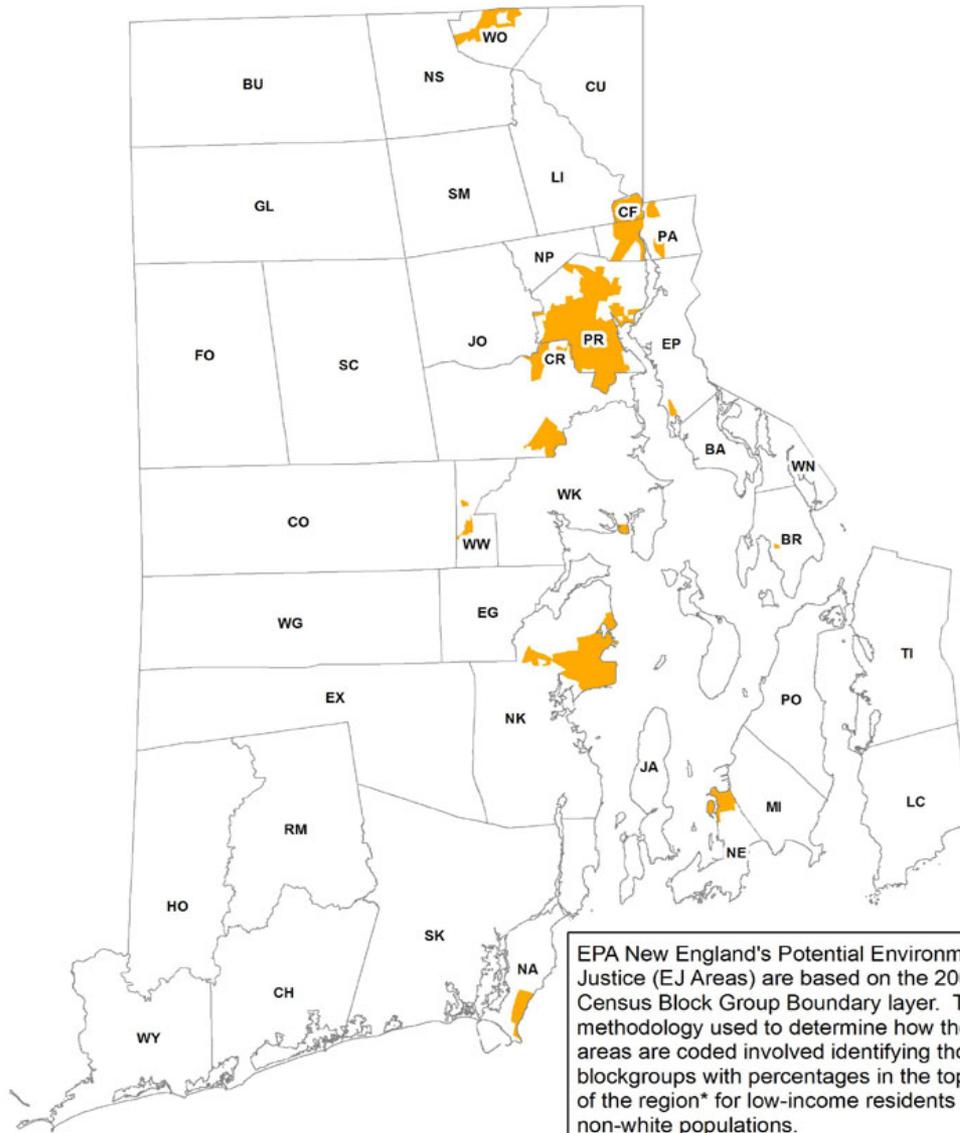
**Notice to Abutters when Investigation is
*Complete***

Due Diligence.

Notice and Workshop for Sensitive Reuse

EJ Communities

- How We Defined: The percent of the block group that is minority or the percent of the block group that is low-income (under 2x Federal Poverty Level) are high enough to rank in the top 15% of block groups State-wide.
- Map of EJ areas can be found at:
<http://www.dem.ri.gov/maps/index.htm>
(Click on Envir. Resource Map and then 'Env. Justice Zones' under 'Regulatory Overlays' folder)



EPA New England's Potential Environmental Justice (EJ Areas) are based on the 2000 Census Block Group Boundary layer. The methodology used to determine how the areas are coded involved identifying those blockgroups with percentages in the top 15% of the region* for low-income residents and/or non-white populations.

* RI has modified the EPA approach by applying this definition to the State rather than the Region. The result is a larger, more inclusive area than the EPA version

Is the Site in an EJ Community?

- NO -

*No Automatic
Escalation at
this Point*

- YES-

*Expanded
Outreach
(applies only to
new sites as of
7/31/07)*

Level II: Expanded Outreach

- Expanded Materials:
 - Info on DEM
 - “What is DEM” Fact Sheet?
 - Info on Site Remediation Program
 - Brownfields, Turning Bad Places into Good Spaces (in both English & Spanish)
 - http://www.uri.edu/ce/wq/has/PDFs/brownfields_englishwithcover.pdf
 - Fact Sheet on Site
- Posting Information -Try to identify places where people may gather/meet near site
- Notice to Elected Local Officials

Expanded Outreach (cont.)

- Signage at Site:
 - Connecticut Criteria
 - 1) shall be at least four feet by six feet;
 - 2) shall be posted for at least 30 days,
 - 3) shall be maintained in legible condition;
 - 4) shall be clearly visible from the nearest public highway/road;
 - 5) shall include the name/phone number/address of an individual from whom any interested person may obtain information about the site or remediation; and
 - 6) shall be the responsibility of the owner or responsible party/parties.
- Information Repository Established On Request (Electronic and/or Hard Copy)
 - *Great example - Gorham Site*
 - *Request electronic submissions*

Expanded Outreach (cont.)

Putting the Policy into Practice

Kilmartin Realty - 413 Roosevelt Ave, Central Falls

NOTICE

**THIS PROPERTY IS BEING
INVESTIGATED AND MANAGED
IN ACCORDANCE WITH THE
RHODE ISLAND DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
(RIDEM)**

If You Have Any Questions, Please Contact:
**Scott D. Frazier-Engineer
R.I. DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
(Office Of Waste Management)
235 PROMENADE STREET
PROVIDENCE, RI 02908-5767**

**Arrangements To Review RIDEM Records
May Be Made By Calling
401-222-2797 ext. 7101**

AVISO

**ESTÁ PROPIEDAD SE ESTÁ
INVESTIGANDO Y SE ESTÁ
MANEJANDO DE ACUERDO CON EL
DEPARTAMENTO DE GESTIÓN
AMBIENTAL DE RHODE ISLAND
(RIDEM)**

Si Usted Tiene Cualquier Pregunta Satisfice El Contacto:
**Scott D. Frazier-Ingeniero
DEPARTAMENTO DE GESTIÓN
AMBIENTAL DE RHODE ISLAND
(Oficina De La Gestion De Desechos)
235 PROMENADE STREET
PROVIDENCE, RI 02908-5767**

**Si Quisiera Examinar Los Registros Puede
Llamar Al Numero De Telefono
401-222-2797 ext. 7101**

Level III: Public Meetings

- Commitment to Hold Initial Meeting on any Site on Request:
 - In community
 - Convenient to residents
 - Translator (if needed)
- Meetings Organized by DEM with Clear Requirements and Objectives:
 - Set up for participative dialog
 - Coordinated with community champion (*if available*)
 - Meeting results & follow up must be clear and documented

Level IV: Additional Outreach if Significant Interest in Site or Project

Site-Specific Further Enhancements

- Develop a 'Community Involvement Plan'
- Hold Further Community Meetings
- Convene Citizen Advisory Panel
- Engagement of Technical Assistance Resources

Level V Outreach

- Capacity Building in the Community
- Building Networks in Urban Communities
- Educational Workshops
- Community Environmental Leadership Development
 - Organizational and Advocacy Skills

Issues Identified During Dialogs on Draft Policy

- Participation vs. Delegation
- Scope of Dialog
- Timing

Issues Raised by DEM Staff:

- Who does what and when?
- Ramifications of Non-Compliance

Larger Thematic Issues

- Increasing awareness about DEM's responsibilities and programs (especially in urban communities).
- Enhancing our ability to communicate with Limited English Proficiency (LEP) populations.
- Ensuring compliance with federal law/EPA regulations – e.g. developing EJ grievance procedure.
- How do we address/consider cumulative impacts?

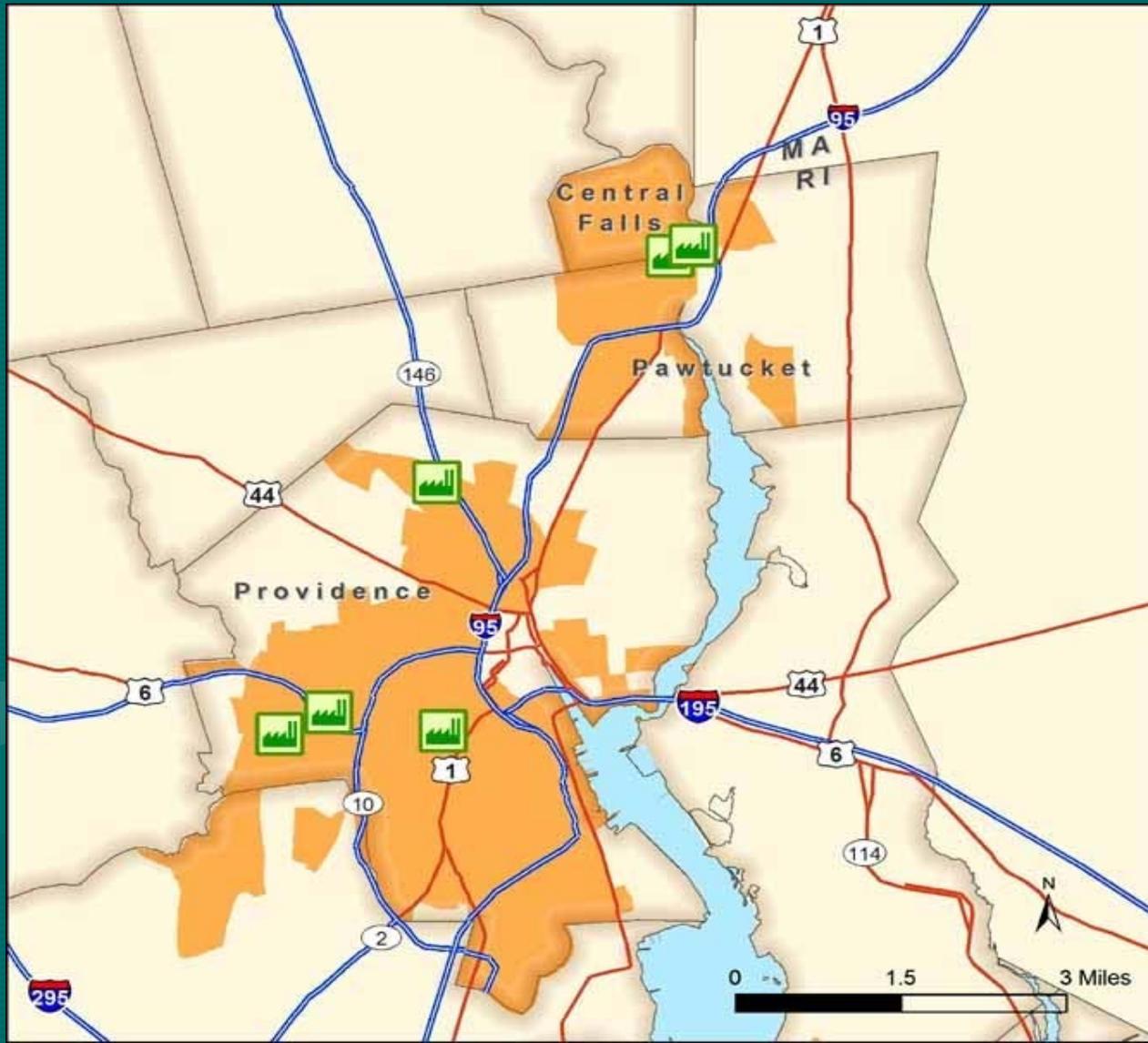
DEM Presentations on Draft Policy

- 7/31/07: DEM Staff
- 9/25/07: Consultant Workshop
- 10/18/07: DEM Business & Environmental Roundtable
- 10/22/07: Brown University – MPH Program
- 11/1/07: NBA Developers Roundtable
- 11/8/07: RI Society of Environmental Professionals
- 11/14/07: Community Workshop
- 11/14/07: Municipal Workshop
- 11/15/07: US EPA Region 1

Next Steps

- Start Implementation (August 2007)
- Track and Report Efforts
 - 42% of new notifications in mapped EJ areas
- Workshops
 - Consultants/Attorneys
 - Municipalities
 - Community Groups
- Reconvene Stakeholders in December 2007

Geographic Distribution of Six New EJ Sites (as of 11/7/07)



For More Information....

- Stakeholder website (includes draft policy):
www.dem.ri.gov/envequity/index.htm
- Stakeholder Blog:
<http://environequity.blogspot.com/>
- Map of EJ areas can be found at:
<http://www.dem.ri.gov/maps/index.htm>
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