

Environmental Justice and Sustainable Practices: A Synergistic Approach

Panel Discussion

Jay Smith, Philips

Sebastian Harrison, Center for Creative Land Recycling (CCLR)

David Heinze, Ramboll

Rick Wice, Battelle

Gerlinde Wolf, Ramboll (Panel Moderator)



Gerlinde Wolf, PE
Ramboll
Senior Project Engineer

- 11 years environmental consulting experience in site investigation, remedial design, sustainable remediation and environmental compliance
- Ramboll Subject Matter Expert on Green and Sustainable Remediation
- SURF member since 2012, current SURF President
- Fun facts: Yogi, twin mom, love camping, live music, dogs, traveling



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SURF SUSTAINABLE REMEDIATION FORUM

SURF Background



SURF is a nonprofit organization dedicated to maximizing the overall environmental, societal, and economic benefits from remediating degraded environmental conditions by:

- Advancing the science and application of sustainable remediation
- Developing best practices
- Exchanging professional knowledge
- Providing education and outreach



QUESTIONS:
communications@sustainableremediation.org



SUSTAINABLE REMEDIATION FORUM

- Global Head of Environmental Projects for Philips N.V.
- 35 Years of experience in Site Investigation & Remediation
- Location: Lenexa, Kansas (Kansas City Metro)
- SURF Involvement: Board Member At Large, Industry & International Community;
EJ Technical Initiative
- *Fun fact:* One of my hobbies is glassblowing



The Intersection of Sustainability, Environmental Justice and Remediation Technologies



Sustainability Considerations:

Overall environmental impact during remediation (e.g., environmental footprint, etc.) and after, community impact during remediation, effectiveness of technology, cost, stakeholder education and involvement

Environmental Justice Considerations:

Localized environmental impact during remediation (e.g., emissions, etc.), community impact during remediation (e.g., traffic safety, noise, dust, odors, work hours), duration, final disposition/land use, potential for healthier community, stakeholder education and involvement

Potential Competing/Conflicting Issues:

Regulatory frameworks/requirements, cost, in-situ vs. ex-situ cleanup, duration, control over final disposition/land use, overall community impact

About me



Sebastian Harrison, Brownfield
Revitalization Specialist, PE



Center for Creative Land Recycling (CCLR or “see clear”)

- Mission: Promote the sustainable, equitable and responsible reuse of underutilized and environmentally impacted properties
- We educate, advocate, assist and convene stakeholders to revitalize communities through land recycling
- CCLR is:
 - U.S. EPA’s Technical Assistance to Brownfields (TAB) Provider for 8 U.S. states and numerous territories
 - CA DTSC’s Brownfields Technical Assistance Provider(B-TAP) for the Equitable Communities Revitalization and Technical Assistance Grant programs.
 - Partner for Region 9 EJ Center



Photo: Richard Haag Assoc.



Las Palmas Housing and Development, Vineland Family
Housing Outreach



CENTER FOR CREATIVE
LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM.

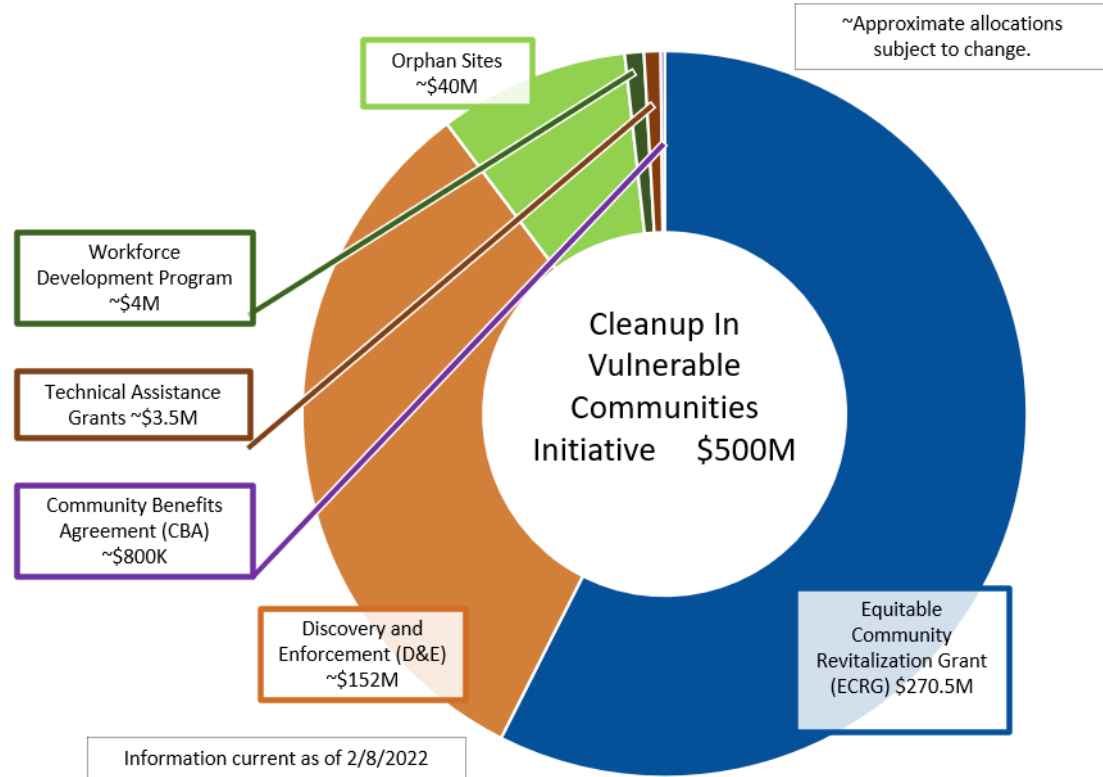
The Equitable Community Revitalization Grant: Brownfield Redevelopment and Community Benefit June 2, 2024



Ignacio Dayrit (CCLR) with the EBALDC West Grand
& Brush team, City of Oakland Groundbreaking

Cleanup In Vulnerable Communities Initiative

- In 2021, Gov. Gavin Newsom signed the Cleanup In Vulnerable Communities Initiative (CVCI)
- Allocated \$500 million to expedite the cleanup and beneficial reuse of idled properties that may be contaminated
- Prioritized properties in historically vulnerable and disadvantaged communities



Equitable Community Revitalization Grant

- \$270 million in reimbursement grants
- Currently in round two of the grant cycle
- Incentivize cleanup and investment in disadvantaged areas
- Public entities, nonprofits, and Tribes can conduct:
 - Community-wide assessments
 - Environmental investigations
 - Environmental cleanups
- For more information: <https://dtsc.ca.gov/ecrg/>





EQUITABLE COMMUNITY REVITALIZATION GRANT

AWARDEE DATA - JUNE 2022

AWARDEES

53

25 Cleanup
21 Investigation
7 Community-Wide Assessment

AMOUNT AWARDED

\$75.4 M

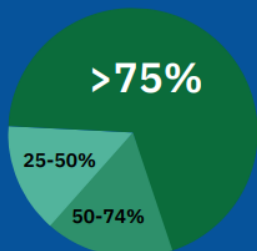
\$57.6M for Cleanup
\$15.7M for Investigation
\$2M for Community-Wide Assessment

TOTAL SITES

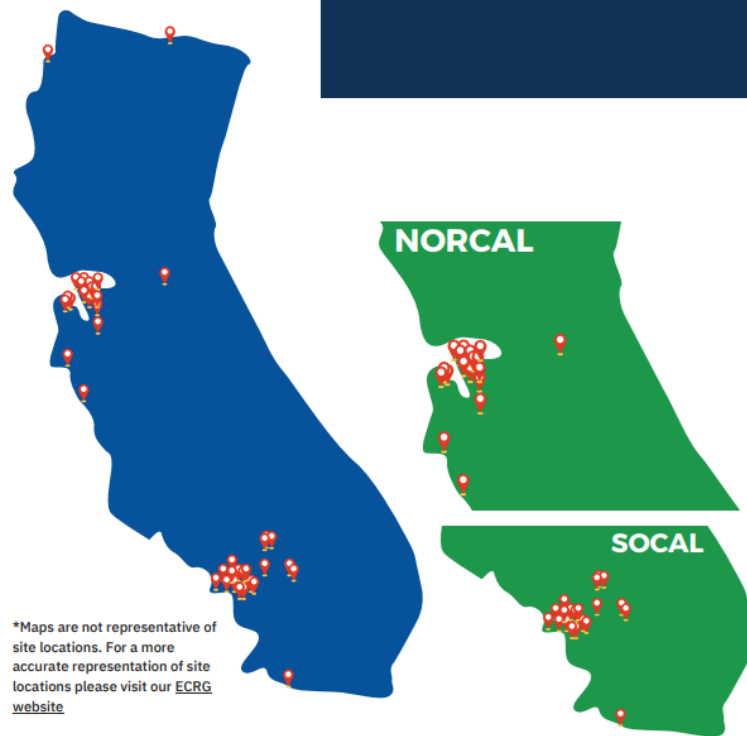
84

Sites are greater than the total number of applications because Community-Wide Assessments contain more than one site.

SITE CES PERCENTILE



69% of applications have a CES percentile over 75%



*Maps are not representative of site locations. For a more accurate representation of site locations please visit our [ECRG website](#)

*Data is based only on grants awarded by the Department of Toxic Substances Control. This does not include applications that were not selected. For a list of all applicants please visit the Equitable Community Revitalization Grant website.

From Vacant Property to Community Benefit

Brownfield reuse can...

- **Cleanup contamination** and make communities safer
- **Provide housing**, public parks and space for people to live and play
- **Provide opportunities** by increasing services and amenities
- **Create jobs** to keep residents in the community
- **Mitigate climate change** by conserving open space and increasing climate resilient infrastructure

Equitable Development Commitments

Job creation: Number and type of jobs created, such as local jobs, short-term jobs, long-term jobs, local hires, living wage and prevailing wage jobs, etc. •

Preventing displacement: Services and opportunities focused on existing local residents and businesses or that will be easily accessible to existing residents and businesses

Expanding mobility and connectivity: Increasing transportation access through transit-oriented development projects within 1/2 mile of station or transportation hubs and/or number of alternative transportation amenities included, such as car or bike share, EV vehicle spaces, etc.

Developing healthier and safer communities: Development location next to or including existing trails, parks, nonprofit community services, health clinics or medical services, cultural institutions, and uses supporting unhoused or underhoused populations, etc. Number and acreage of parks, trails, open space, or public space created; inclusion or proximity to grocery stores, parks, open space, or other services to improve health and safety.

Promoting or promotion of environmental justice: Activities that will lead to alleviation of pollution burdens for the local community.

Community Engagement

- Different brownfields present different opportunities to be inclusive & empower
- Make design accessible from the start so communities can realize their vision; develop partnerships with local & regional leaders
- Transforming brownfields can ensure that projects make these historically disadvantaged communities healthier, safer places to live, work, and play

Introductions



David J. Heinze, PE
Ramboll

- Principal Engineer, 30+ years' of broad environmental consulting experience in due diligence, compliance, site characterization and remediation
- Experience with Superfund Sites in urban areas
- Leads Ramboll's Brownfields Growth Team across the country
- Mine Site experience in the Intermountain West and beyond
- Fun Facts: 2 kids in college, enjoy DIY, woodworking, hiking

Where & when might consideration of EJ be required or *strongly recommended*?

EJ action can take various forms, depending on project, regulatory oversight, community needs



CERCLA Section 117, CWA Section 404 (USACE)
public participation requirements

National Environmental Policy Act (NEPA)

Clean Air Act Title V (state or regional permitting
leads, e.g., LA, VA)

Federal grant opportunities (Justice40 Initiative)

Shareholder / ESG reporting

USEPA's enhanced EJ focus

EJ Action Plan Main Goals:



Strengthen compliance



Incorporate EJ in regulatory development



Improve community engagement



Implement Justice40 Initiative

- Office of Land & Emergency Management EJ Action Plan (9/22) elevates commitment to delivering justice & equity for all
- USEPA created Office of EJ & External Civil Rights focused on prohibiting discrimination

EJ under CERCLA & RCRA

Lack of clear legal requirement to act under CERCLA/NCP

EPA relies on authority to take action
"necessary to protect the public health or welfare of the environment" (CERCLA Sect. 104, 121)

and to address EJ during review of remedial alternatives, criteria #8 (state & [tribe acceptance](#)) & #9 ([community acceptance](#)) (CERCLA Sect. 126)

Expect to incorporate unique, community-specific exposure considerations (e.g., subsistence consumption rates), Traditional Ecological Knowledge (TEK)

Increased funding for Tribes, community groups (e.g., TAGs) translates to demand for increased engagement with PRPs



EJ in context of CERCLA & RCRA

Regardless of stage in site investigation/remediation process or community profile...



Increased regulatory oversight and enforcement, emphasis at sites near DACs*



Incorporation of unique, community-specific exposure considerations & use of Traditional Ecological Knowledge (TEK)



Community participation efforts targeting DACs



Additional funding for Superfund Job Training Initiative & TAGs**



More stringent risk management thresholds



What does this all mean? Well, it depends...

*DAC: disadvantaged community; **TAG: technical assistance grants

OIG Audit of Brownfields Program

- OIG plans to begin an audit of the Brownfields Program implementation of Justice40 Initiative goals and related requirements for Infrastructure Investment and Jobs Act-Funded projects
- **One of EPAs Fiscal Year 2024 Top Management Challenges is Integrating and Implementing Environmental Justice – which remains a Whole-of-Government Focus**
- EPA plans to make cross-program decisions that weigh cumulative risks and impacts to the communities that the EPA serves.



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

January 3, 2024

MEMORANDUM

SUBJECT: Notification:
Audit of the Brownfields Program Implementation of Justice40 Initiative Goals and Related Requirements for Infrastructure Investment and Jobs Act-Funded Projects
Project No. OA-FY24-0031

FROM: Khadija Walker, Director
Recycling, Cleanup, and Pollution Prevention Directorate
Office of Audit

A handwritten signature in blue ink, appearing to read "Khadija", is placed over the typed name and title of the sender.

TO: David Lloyd, Director
Office of Brownfields and Land Revitalization
Office of Land and Emergency Management

Theresa Segovia, Principal Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

Faisal Amin, Chief Financial Officer
Office of the Chief Financial Officer

The U.S. Environmental Protection Agency Office of Inspector General plans to begin an audit of the Brownfields Program implementation of Justice40 Initiative goals and related requirements for IJIA-funded projects. This audit is part of the OIG's Infrastructure Investment and Jobs Act [oversight plan](#) for fiscal year 2023. This audit also addresses the following fiscal year 2024 [top management challenge](#) for the Agency: integrating and implementing environmental justice.

Our objective is to determine whether the EPA Brownfields program implemented Justice40 Initiative goals and related requirements for IJIA-funded projects. We will use applicable generally accepted government auditing standards to conduct our audit. The anticipated benefits of this audit include verifying the accuracy and informing the public of the EPA's Justice40 Initiative outcomes for the Brownfields program.

We will contact you to arrange a mutually agreeable time to discuss our objective. At that time, we can discuss any concerns that you may have and answer any questions about the audit process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the audit. Throughout the audit, we will provide updates on a regular basis.

Project description

Internal Portfolio Assessment

Assessed the environmental and social impacts of resource development operations on nearby communities

- Conducted a baseline assessment of key environmental and social variables affecting neighboring communities using quantitative and qualitative EJ tools
- Used the tools to benchmark the company with nearby industrial facilities as well as other related industry facilities in the country
- Identified potential future actions, mitigation measures, and strategy needs to address the EJ screening analysis



Sustainable Remediation Assessment

SURE tool by Ramboll

Overall Objectives

- Reduced environmental footprints
- Higher community involvement
- Improved cost savings

SURE Tool

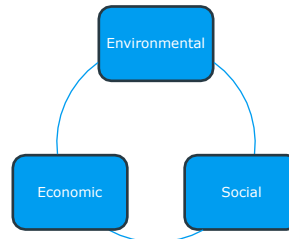
- SURE by Ramboll is a web-based decision analysis and communication tool for sustainable remediation assessment, stakeholder engagement, and goals reporting.

Tool Elements

- ASSESS-Evaluate the impacts of relevant indicators from pre-populated alternatives to rank remedial options.
- ENGAGE- Share assessment results with stakeholders, who can review, revise, and collaborate to increase its resiliency.
- REPORT-Process documented with a report that highlights results, potential areas for improvement, and items that contribute to fulfilling United Nations sustainable development goals.

Indicators

- SURE allows the user to select, weight, and score over 80 indicators within the three overall sustainability categories. Environmental justice-related considerations are incorporated throughout



EJ-related indicators

Indicator description and guidance

Indicator: Proportionality

Description: Consider whether impacts/benefits of remediation activities are unreasonably disproportionate to particular groups, such as race, gender, disability or socioeconomic class (e.g., "green gentrification" concerns).

How to Compare: Consider remedial options in terms of the delivery of benefits that are proportionate in relation to the needs of different groups giving particular consideration to race, gender and disability. Additionally, assess if specific remedial options unfavorably discriminate towards more wealthy property purchasers to the detriment of local residents or would adversely affect a particular ethnic group if one community was favored over another.

Links to SDG's

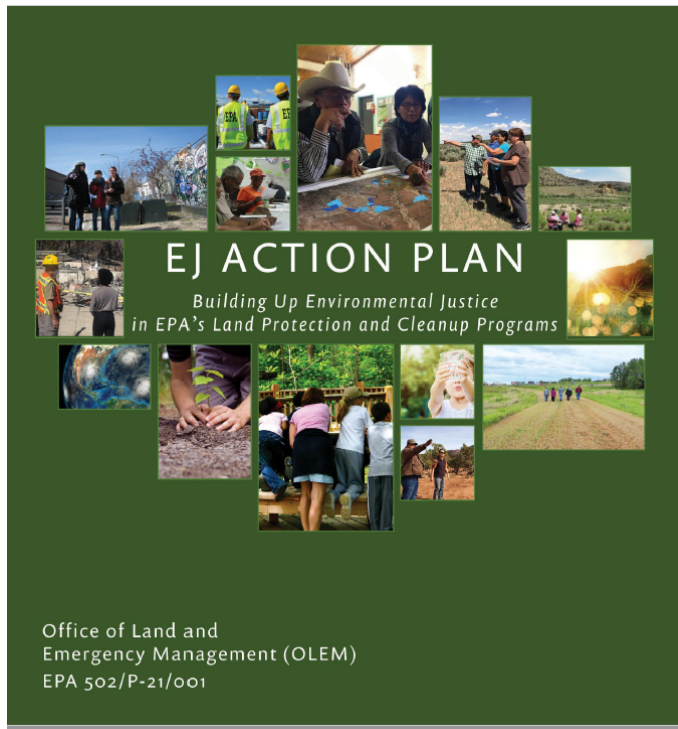


Rick Wice

- Senior Geologist, Battelle
- Instructor, Carnegie Mellon University



OLEM EJ Action Plan



- Based on EO 139855 - Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) and
- EO 14008 - Tackling the Climate Crisis at Home and Abroad

OLEM EJ Action Plan Road Map

- Section 1- Strengthen Compliance (emergency response, site inspections, general enforcement, oil spills and chemical accident, USTs)
- Section 2 - Incorporating EJ Considerations (RCRA TSDs, natural disaster debris planning, recycling planning, EJScreen tool, Superfund site assessment and NPL designation, response action selection, redevelopment and community wide revitalization, funding regions for EJ at Federal NPL sites, risk assessment, EJ at PFAS Sites)
- Section 3 - Improve Community Engagement (community technical support-RCRA, superfund sites near HUD housing, community workshops, technical assistance program funding at EPA HQ level for communities near federal NPL sites)
- Section 4- Justice 40 (very important for how Inflation Reduction Act and Infrastructure Act funding will be applied)

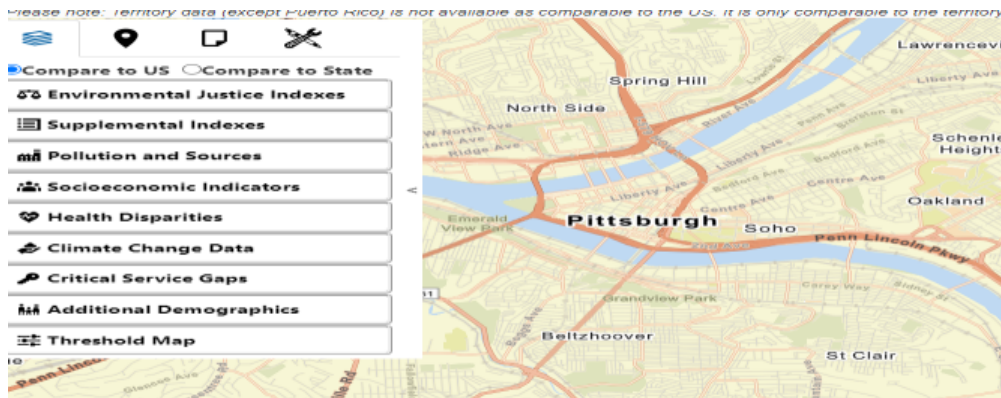
EJ Screen

- EJ Screen - <https://www.epa.gov/ejscreen>
 - What is EJ Screen
 - Training
 - Technical and Indicators Explanations
 - Tool Launch and Additional Resources

EJScreen: Environmental Justice Screening and Mapping Tool



Locate search by zipcode, census tract, radius of a pin drop, city or county boundaries



EJ Screen

- The EJ Screen tool uses demographic default to American Community Survey (ACS 2015-2019, or earlier census data) and environmental data to create reports and maps
- Environmental Justice Indexes
 - PM 2.5,
 - Ozone,
 - 2017 Diesel Matter,
 - 2017 Air Toxics,
 - Traffic Proximity,
 - Lead Paint,
 - Superfund Site Proximity,
 - Risk Management Plan (RMP) Facility Proximity,

Environmental Justice Indexes

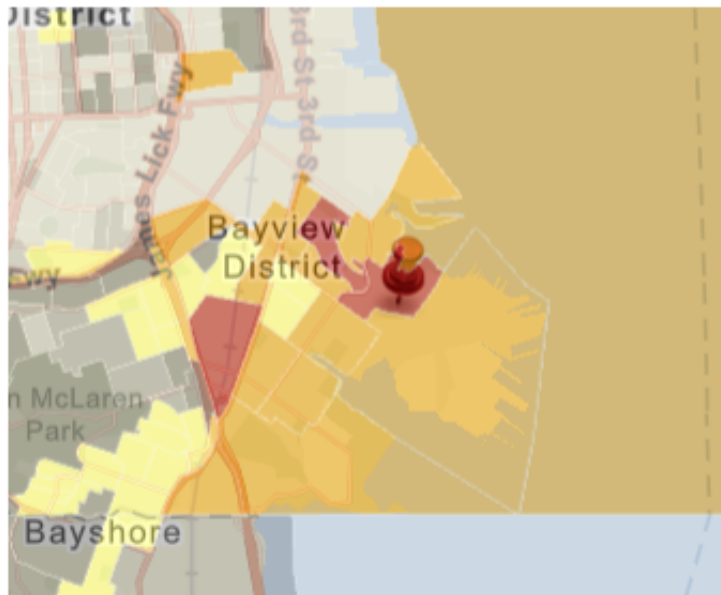
- PM 2.5
- Ozone
- 2017 Diesel Matter
- 2017 Air Toxics
- Traffic Proximity
- Lead Paint
- Superfund Site Proximity
- Risk Management Plan (RMP) Facility Proximity
- Hazardous Waste Proximity
- USTs
- Wastewater Discharge

Socioeconomic, Health Disparities, Climate Change, Service Gaps

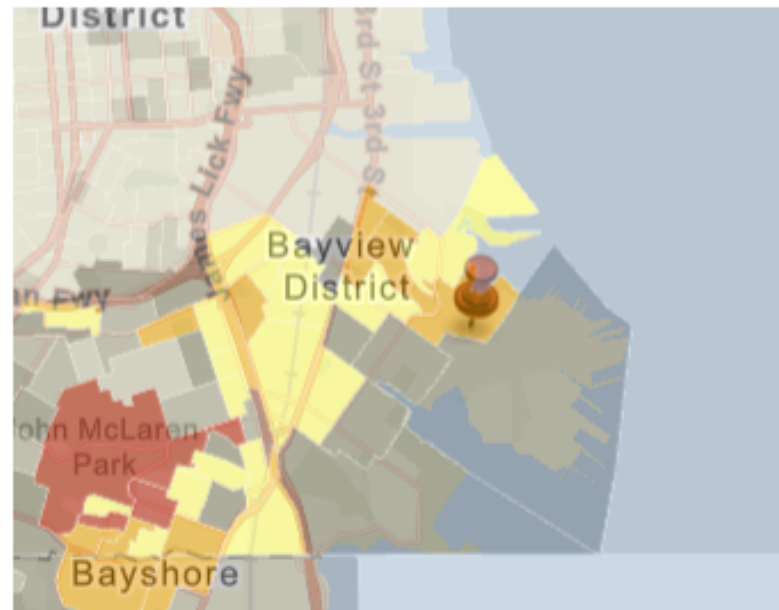
- Demographic Index (People of Color, Low Income, Unemployment Rate, Linguistically Isolated, Less Than HS Education, Under Age 5, Over Age 64)
- Health Disparities (Low Life Expectancy, Heart Disease, Asthma)
- Climate Change Data (Wildfire Hazard, Drought, Coastal Flood Hazard, 100 Year Flood Plain, NOAA Sea Level Rise)
- Critical Service Gaps (Broadband Gaps, Food Desert, Medically Underserved)
- More Demographic (Allows User to look at 2010 Census and 2000 Census)

MAPPING Output Example

- Proximity HPNS CERCLA Site Yellow 80-90%, Orange 90-95%, Red 95-100 %



- People of Color HPNS CERCLA Site



HPNS compared to Marin County, California

