



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

FEB 2 2007

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Richard Moore
Chair
National Environmental Justice Advisory Council
c/o Southeast Network for Environmental and Economic Justice
804 Park Avenue, SW
Albuquerque, NM 87102

Dear Mr. Moore:

The U.S. Environmental Protection Agency (EPA) has reviewed the recommendations in the National Environmental Justice Advisory Council (NEJAC) report, *Unintended Impacts of Redevelopment and Revitalization Efforts in Five Environmental Justice Communities* (August 2006). EPA appreciates the timely, salient advice and recommendations provided by the NEJAC on broad public policy environmental justice issues.

The report contained valuable and insightful recommendations. The Office of Solid Waste and Emergency Response (OSWER) has taken the lead for responding to the six recommendations, and all OSWER offices took the opportunity to review the recommendations provided. Some of the actions that EPA has undertaken in response to the NEJAC's recommendations are (1) Intergovernmental Personnel Agreements; (2) Meaningful Involvement of All Stakeholders; (3) Public Outreach; (4) Cumulative Impacts; (5) Demographic Analysis to Curtail Displacement; and (6) Creative Ways to Encourage State, Tribal and Federal Agency Participation in Local Land Use Planning:

- **Intergovernmental Personnel Agreements (IPA):** OSWER acknowledges the importance of placing EPA staff in local redevelopment and revitalization projects. The IPA Program is one of several effective tools in helping communities coordinate and implement federal efforts. Since IPAs are extremely resource intensive, OSWER does not currently utilize them on a wide basis. Rather, it utilizes other effective tools that serve the similar function of providing capacity-building resources to communities undergoing cleanups. These efforts include Technical Assistance Grants offered by the Brownfields and Superfund programs, peer-to-peer information exchange workshops to assist nonprofit cleanup grantees, and the utilization of site reuse teams at Superfund sites. OSWER recognizes that many communities are still unaware of these resources, and will continue to actively inform the public about them.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Postconsumer, Process Chlorine Free Recycled Paper

- **Meaningful Involvement of All Stakeholders:** All OSWER offices have made meaningful involvement of stakeholders a central part of their mission in redevelopment and revitalization efforts. For example, the Office of Brownfields Cleanup and Redevelopment (OBCR) requires that community involvement and community involvement plans be considered as part of the ranking criteria of the grant application process. The Office of Superfund Remediation and Technology Innovation (OSRTI) has a robust community involvement program dedicated to strengthening early and meaningful community participation during Superfund cleanups. Similarly, the Federal Facilities Reuse and Restoration Office (FFRRO) facilitates community involvement by working with the lead federal agency or state responsible for the cleanup on federal facilities.
 - **Public Outreach:** OSWER agrees that EPA should make a concerted effort to implement a coordinated approach to public outreach for settings where redevelopment and revitalization issues are complex. For example, OSRTI has utilized site reuse teams to ensure that the appropriate federal, state and local governments are involved, and that outreach messages are consistent. FFRRO encourages the lead agency at federal facility sites to coordinate community involvement efforts, especially at Base Realignment and Closure sites. For sites that are cleaned up under the Resource Conservation and Recovery Act, the Office of Solid Waste works closely with its regional and state counterparts to provide an opportunity for meaningful involvement for all interested stakeholders in all phases of cleanup and remediation.
 - **Cumulative Impacts:** OSWER will consider addressing the cumulative impacts of environmental problems affecting communities with environmental justice issues. The OBCR has started to assess and clean up environmental contamination from a multimedia perspective through its involvement with the EPA community-based program, Community Action for a Renewed Environment (CARE). CARE is an Agency-wide, community-based, community-driven, multimedia program designed to help local communities understand and reduce risks from toxic substances. One form of OBCR's support is Targeted Brownfields Assessment funding. Moreover, OSRTI will encourage site reuse teams to consider the possibility that cumulative impacts exist, and FFRRO will encourage its staff to work with the lead federal agency responsible for cleanup in assessing cumulative impacts.
 - **Demographic Analysis to Curtail Displacement:** Where and when appropriate, OSWER will consider initiating demographic analyses to curtail community displacement in its redevelopment and revitalization projects. OBCR is committed to working with communities and informing them of ways to prevent inequitable redevelopment practices. OBCR is working to provide information to communities regarding methods which may assist in curtailing such practices, including:
 - first-source hiring ordinances and local hiring strategies;
 - affordable housing projects;
 - contracting to minority-owned businesses;
 - specific local zoning approaches;
-

- the development of community land trusts;
- investing in real estate projects spearheaded by community development corporations;
- commercial stabilization planning;
- establishment of just cause eviction control policies;
- creation of developer exactions where outside developers are required to contribute fees for the development of projects for the public good; and
- creation of limited equity housing cooperatives where limits are placed on the inflation of return sales of homes and community residents have a voice in property ownership and control.

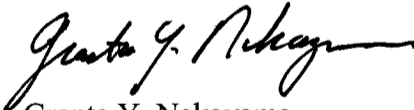
In addition, OSRTI initiates demographic analyses where site reuse teams are involved to determine the range of stakeholders to include on the Land Use Committees (LUCs). FFRRO will encourage, when appropriate, the lead federal agency to conduct initial, projected and final demographic impact assessments throughout the cleanup of redeveloped federal facilities.

- **Creative Ways to Encourage State, Tribal, and Federal Agency Participation in Local Land Use Planning:** While EPA appreciates the intent of this recommendation, we believe that there is a limit to federal involvement in local land use planning. Within those limits, EPA and contractor staffs participate in appropriate local land use planning processes at many Superfund sites, with and without site reuse team involvement. This participation often focuses on, but is not limited to, helping the local officials understand a site's remedial components and how they relate to any future needs for land use restrictions. It also informs EPA of community land use needs, which may assist EPA in understanding future land uses and how they relate to remedy decisions. When EPA learns of a creative method successfully employed by a state, tribal, or federal government agency, we promote the method as a "best practice" tool to enhance the local land use planning process and encourage good will among all stakeholders. However, we maintain that the authority to plan land uses and make zoning/development decisions rests within the local government that holds jurisdiction over the property proposed for redevelopment.

EPA benefits from the efforts of the NEJAC and its other federal advisory committees. The NEJAC reports help the Agency achieve our mission of protecting human health and the environment for all communities. We will continue to provide updates to you regarding future actions taken by EPA as a result of the NEJAC recommendations.

Thank you and the members of NEJAC for your hard work and dedication in producing this report and furthering EPA's mission to protect human health and the environment for all people.

Sincerely,



Granta Y. Nakayama

cc: Susan Parker Bodine, Assistant Administrator,
Office of Solid Waste and Emergency Response
Barry N. Breen, Principal Deputy Assistant Administrator,
Office of Solid Waste and Emergency Response
Lynn Buhl, Deputy Assistant Administrator,
Office of Enforcement and Compliance Assurance
Marsha Minter, Director,
Innovation, Partnership and Communication Office, OSWER
David Lloyd, Director,
Office of Brownfields Cleanup and Redevelopment
Jim Woolford, Director,
Office of Superfund Remediation and Technology Innovation
Matt Hale, Director, Office of Solid Waste
Deborah Y Dietrich, Director, Office of Emergency Management
Gail Ann Cooper, Director, Federal Facilities Restoration and Reuse Office
Clifford L. Rothenstein, Director, Office of Underground Storage Tanks
Barry E. Hill, Director, Office of Environmental Justice
Charles Lee, Associate Director, Office of Environmental Justice
Laurie Dubriel, Special Assistant, Office of the Administrator
Kent Benjamin, Environmental Justice Coordinator,
Office of Solid Waste and Emergency Response