

APPENDIX C: COMMUNITY INDEX DRAFT REPORT

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Mission of the Community Index Workgroup

The mission of the community index workgroup is to define an affected community as it relates to Environmental Justice for the purpose of developing guidelines in advising State agencies on Environmental Justice and Sustainable Community issues. These efforts will be accomplished by developing sample criteria as a basis for determining if a community is disproportionately environmentally stressed and using the results of this analysis as a means to better understand and communicate potential health and environmental risk to stakeholders.

The proposed purpose of the environmental justice framework is:

1. To provide a review mechanism that can be incorporated into the current regulatory and permitting process of the State in order to address environmental justice concerns as they relate to future projects and permit applications, and,
2. To provide a common procedure by which to assess potential ongoing environmental justice concerns in communities of the State.

Definitions of Environmental Justice

To implement this framework, state and national comparative indices of appropriate indicators are included. These measures are the basis for the determination of disproportionate environmental stress on communities in the State, and are in keeping with the State and Federal environmental justice missions.

1. ***Maryland Advisory Council on Environmental Justice and the Maryland Department of Environment:*** Environmental Justice (EJ) means equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Environmental justice also means equal access to socio-economic resources so that all people can provide for their livelihood and health. Additionally, environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies.
2. ***United States Environmental Protection Agency:*** Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal,

and commercial operations or the execution of federal, state, local, and tribal programs and policies.

These definitions are markedly similar. However, the Maryland definition specifically notes that all citizens of the State should expect (1) to be protected from public health hazards, and (2) to have access to the socioeconomic resources necessary to address concerns about their livelihood and health. The following framework lays out the procedure through which any citizen, organization or community may begin communicating to the State any present or proposed environmental justice concern.

This framework is consistent with the proposed periods for Strategic Interagency Coordination in the Maryland Department of Environment's Draft Environmental Justice and Public Participation plan.

1. First, the proposed indices will be and must be developed through interagency cooperation.
2. Second, these recommendations are meaningless if not readily incorporated into the compliance mechanisms of the other state regulatory agencies.
3. Third, in the short term, this framework can be developed concurrently with suggested demonstration projects, both to test the appropriateness of the suggested indicators and to modify or supplement them.
4. Fourth, in the long term, tested and accepted indicators can be applied not only to proposed projects in the State that citizens, organizations or communities question on the grounds of environmental justice but also to broader characterizations of the environmental state of the State.

Framework for Evaluating Environmental Justice Issues

I. Project Initiation: Community Environmental Justice Issue/Concern

A. Summary

B. Data

1. Dialogue with community
 - a. Define community boundaries through dialogue
 - b. Document real and perceived impacts
 - c. Public participation (e.g., hearings/comment period)
2. Project relationship to local zoning/land use
3. Project relationship to State law or planning - Smart Growth
4. Related and/or concurrent local, state, federal agency involvement

C. Data sources

II. Community Assessment

A. Summary

B. Data

1. Community Environmental Assessment

- a. Report card on current status of land, air, and water resources
- b. Proposed environmental impacts (utilize existing regulatory numbers as guidance)
- c. Cumulative impacts (i.e., “aggregate burden”)

2. Community Demographics Assessment

- a. Economic dynamics (e.g., income, poverty, employment)
- b. Population dynamics (e.g., race, age, language, education)

3. Community Health Assessment

- a. Report card on current status of health in the community
- b. Attributable health impacts related to issue/concern (e.g., exposure modeling, risk assessment)

4. Quality of Life Assessment

- a. Social dynamics (e.g., faith communities, community activism)
- b. Community resources (e.g., nonprofits, service organizations, access to legal advice)

C. Data sources

III. Community Comparisons

A. Summary

B. Data

1. Comparisons to state, national indicators

- a. Economic dynamics
- b. Population dynamics
- c. Health comparisons
- d. Environmental comparisons
- e. Project comparisons

C. Data sources

IV. Findings

A. Finding of Significant Environmental Justice Impact

1. “Harm” imposed on the community (see page 42 MACEJ) –with some minor changes

- a. Increased risk of bodily harm, infirmity, illness, birth defects, or death
- b. Increase in air, water, land, and/or noise pollution
- c. Destruction of or disruption of natural resources
- d. Destruction of or disruption of cultural values
- e. Impacts to social aspects of the community
- f. Displacement of persons, businesses, farms, or communities

2. Recommendations

- a. Refuse or modify permits
- b. Designate community as a “priority community”

B. Finding of No Significant Impact –FONSI

ADDENDUM: The Community Index Workgroup has the following unfinished thoughts that they currently exploring:

Incorporating the EJ review mechanism into the permitting process.

1. Does the Commission envision this to be a guideline policy or will the review process be a regulatory requirement?
2. If it is a guideline policy then what will be a triggering mechanism to begin the EJ review process?