



United States
Environmental Protection
Agency

Moving Towards

Collaborative Problem-Solving:

*Business and Industry Perspectives and
Practices on Environmental Justice*

United States
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Practices on Environmental Justice***

July 2003

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EXECUTIVE SUMMARY

This report presents the results of a study conducted on business and industry's views of environmental justice and companies' practices when siting or obtaining permits for facilities located in minority and/or low-income communities. This study is based on a series of in-depth discussions with executives and front-line managers of 15 companies operating across seven business sectors. This report summarizes the views and perspectives of these companies, and presents practical information on the approaches they have taken to address environmental justice concerns during the siting and permitting processes. Included are five case studies that document successful approaches that companies have taken and the lessons they learned when working with minority and/or low-income communities.

In general, the results of the study suggest that companies across a variety of industry sectors are aware of environmental justice, and are employing a variety of techniques to involve and address the needs of communities affected by the siting or permitting of facilities, regardless of the racial, ethnic, or socioeconomic makeup of those communities. However, many of these firms do not distinguish environmental justice as an issue separate from their corporate responsibilities for encouraging sound community involvement practices and promoting sustainable development. Because these companies believe the term is inherently biased, they prefer not to characterize a facility siting or permitting issue as being an environmental justice issue. Moreover, their experience suggests that framing an issue within the environmental justice context tends to polarize stakeholders and limit constructive dialogue.

Most of the companies interviewed are familiar with the term "environmental justice" and its associated concepts. However, many of these companies also find that terms used to define or frame environmental justice issues—such as minority or low-income communities, adverse or disproportionate impacts, and meaningful involvement—are unclear and ambiguous, leading to greater uncertainty in the siting or permitting of a facility. The companies that demonstrated the greatest familiarity with environmental justice were also more likely to have experience addressing environmental justice issues when siting or obtaining permits for one of their facilities. Interestingly, these same companies tended to be some of the more progressive companies in proactively addressing environmental justice concerns. In fact, one company interviewed has established a company-wide environmental justice policy that specifically addresses the needs of working with minority and/or low-income communities that are impacted by the company's facilities.

The companies that were interviewed employ a variety of community involvement and collaborative decision-making approaches that are used in communities regardless of their racial, ethnic, or socioeconomic composition. These approaches include distributing informational materials in different languages, holding public meetings, forming community advisory groups or panels for ongoing dialogue, using neutral, third-party facilitators, hiring and purchasing materials locally, holding open houses and keeping an open door policy, and implementing other "good neighbor" activities. The five case studies in this report provide real-world examples of how companies have successfully employed these approaches in minority and/or low-income communities to provide fair treatment and meaningful involvement in the siting or permitting process, benefitting both the company and the community.

This report also documents how both industry and communities can benefit from the community involvement and collaborative decision-making approaches that many of these companies are employing. Communities benefit from greater awareness of facility operations, from having their environmental and other concerns addressed, and from the positive local economic impacts that are often associated with a

facility. Businesses benefit from greater predictability in the siting and permitting process at their facilities, which lessens the time and costs often associated with these processes.

The expectation is that this report will help to inform a variety of stakeholders about industry's perspectives on environmental justice, and the issues companies face in addressing communities' environmental justice concerns. The report is also intended to provide examples of successes and lessons learned in addressing environmental justice in the siting and permitting processes for other companies to learn from and emulate, where helpful.

1. INTRODUCTION

This report presents the results of a study conducted on business and industry's views of environmental justice and companies' practices when siting or obtaining permits for facilities located in minority and/or low-income communities. EPA's Office of Environmental Justice (OEJ) commissioned this study, which represents one of the first efforts to capture the views and practices of industry regarding environmental justice in the context of the environmental permitting and siting of facilities. This study provides companies that have addressed environmental justice matters when siting or obtaining permits for a facility an opportunity to share their views, experiences, approaches, and lessons learned on the topic. An underlying goal of the study is, therefore, to help educate officials in other companies on the issues surrounding environmental justice and the measures they can take to avoid or mitigate them.

1.1 PURPOSE

The purpose of this report is twofold:

- To share the perspectives on environmental justice of companies operating in different industry sectors in the context of facility siting and permitting; and
- To document approaches that companies have adopted to address a community's environmental justice concerns when siting or obtaining permits for their facilities, including providing detailed, real-world examples of how companies have undertaken community involvement and collaborative decision-making efforts at their facilities.

Sharing industry's views of environmental justice is important for other environmental justice stakeholders to better understand industry's perspectives and the issues that businesses face when siting or obtaining permits for a facility that potentially affects a disadvantaged community. Likewise, documenting approaches that have been successfully used by companies to address communities' environmental justice concerns can help industry learn from these experiences, and help other companies to fashion similar approaches that are tailored to the specific community needs at their own facilities.

1.2 REPORT ORGANIZATION

The remainder of this report is organized into four sections, as follows:

- *Section 2, Methodology.* This section outlines the approach used to discern industry's perspectives and practices regarding environmental justice, and to identify and document successful approaches in addressing environmental justice concerns.
- *Section 3, Respondent Views on Environmental Justice.* This section presents the perspectives on environmental justice of those companies that were interviewed, including companies' awareness of environmental justice, their opinions of

environmental justice (including issues with the definition and associated concepts), and other environmental justice concerns that may arise during the siting and permitting processes.

- *Section 4, Respondent Approaches to Environmental Justice.* This section highlights some of the community involvement practices employed by the companies interviewed for this study that have proven to be effective. This section also presents case studies that provide an in-depth look at five different companies' experiences in addressing the needs of disadvantaged communities.
- *Section 5, Conclusion.* This section provides a summary of where business and industry stand with respect to environmental justice, and identifies a few lessons learned and other opportunities to advance stakeholder awareness and collaboration.

Two appendices are included in this report to show readers the types of issues and topic areas that were discussed with stakeholders during this study. *Appendix A* provides examples of the types of questions posed during the in-depth interviews with company officials and facility managers, and *Appendix B* provides sample questions posed to those community members who were involved at facilities documented in the case studies.

2. METHODOLOGY

The objective behind the research design for this study was to obtain detail on the views and approaches of those companies that have addressed environmental justice issues in the siting and permitting of their facilities. Therefore, a qualitative approach based on in-depth interviews with company officials was used in carrying out this study. While the companies interviewed for this study reflect a wide range of industry sectors, geographic locations, and facility sizes, the study group does not reflect a statistically representative sample that can be extrapolated to specific industry sectors or to industry as a whole. The approach in carrying out this study involved the following activities:

- Identifying companies that have, or potentially have, encountered environmental justice issues in the siting or permitting of their facilities;
- Conducting in-depth interviews with company executives and front-line managers to better understand their views and perspectives on environmental justice;
- Identifying representative facilities in which the companies employed successful approaches or learned valuable lessons in addressing environmental justice issues;
- Conducting research and preparing case studies of the successful approaches used, interviewing numerous stakeholders involved in the cases, and documenting the circumstances, approaches, and lessons learned in each case; and
- Analyzing and presenting the results of the interviews and case studies in this report.

The following provides additional information on specific aspects of this approach.

2.1 IDENTIFYING COMPANIES

The contractor team worked with the Business Network for Environmental Justice (BNEJ), the National Association of Manufacturers (NAM), EPA officials, and environmental justice organizations to identify companies to be interviewed in the following industry sectors:

- Automotive/Steel Manufacturing;
- Energy/Utility Providers;
- Chemical Production/Processing;
- Light Industrial;
- Mining;
- Petroleum Production/Refining;
- Retail Stores; and
- Waste Management/Disposal Operations.

To identify individual companies for the study, BNEJ sent letters to its approximately 160 members notifying them of the study effort and requesting their participation or assistance in identifying potential facilities that would represent “successful” approaches or “lessons learned” regarding environmental justice in the facility siting or permitting context. Additionally, the study team contacted officials in EPA Headquarters and the ten EPA Regions to determine specific facility siting or permitting examples with an

environmental justice component. The team also worked with NAM representatives and more than 20 environmental justice organizations and nationally respected environmental justice activists—including some advocates serving on the National Environmental Justice Advisory Council (NEJAC)—to find these examples. In addition to seeking participants in each of the previously listed industrial sectors, efforts were made to identify respondents that were geographically dispersed and that included small, medium, and large companies.

2.2 CONDUCTING IN-DEPTH INTERVIEWS

Companies that were identified through the means described above were contacted for telephone interviews. All participants were offered anonymity as a condition for participating in the study, or they could be identified if they chose. Those agreeing to participate were interviewed on their experiences with environmental justice and community involvement at a general, “corporate” level and at a facility-specific level as feasible. If needed, the study team conducted multiple interviews with company officials. Interviews were tailored for the interviewees based on company-specific information and individual facility siting and permitting situations.

The study team attempted to contact 27 companies identified by stakeholders as having addressed environmental justice issues in the context of facility siting or permitting. Fifteen companies agreed to participate in the study and six companies declined to participate. The circumstances surrounding facilities of the other six companies led the study group to determine that they were not appropriate for inclusion in the study. It is important to note that many firms voiced concern about the possible repercussions of being linked publicly with environmental justice issues, including some of those who agreed to participate. Ultimately, approximately 75 percent of the companies contacted agreed to participate in the study, and the study team was able to secure participation from representatives in each of the target industrial sectors, with the exception of the mining sector. Participants also represent a range of geographic locations and company sizes.

2.3 SELECTING AND PREPARING CASE STUDIES

Through the interview process, the study team selected five facility siting or permitting examples to serve as case studies. Selection criteria included: (1) companies whose approaches to environmental justice/community involvement were unique, successful, or demonstrated lessons learned; and (2) companies who used constructive engagement and collaborative problem-solving and response that went beyond standard public participation requirements. In addition, the study team selected case studies that represented different approaches to “fair treatment” and “meaningful involvement,” to maximize the examples provided for industry to learn from or emulate.

The study team conducted interviews with company officials and facility managers to discuss the specific aspects of each case. To obtain a 360-degree perspective in the case studies, the study team worked with members of the environmental justice activist community, EPA Headquarters and Regional officials, and the companies involved to identify affected community members and other stakeholders. The team then conducted interviews with these stakeholders, including representatives of community groups and other grassroots organizations, as well as state and federal permitting officials. The results of these interviews are documented in the case studies that are included in Section 4 of this report.

3. RESPONDENT VIEWS ON ENVIRONMENTAL JUSTICE

One of the primary objectives of this study is to better understand how industry views environmental justice in the context of facility siting and permitting. Discussions with industry interviewees focused on their companies' awareness of, and attitudes toward, environmental justice, and whether and how they address environmental justice in their policies and processes. Particular attention was given to the challenges that companies face when addressing environmental justice issues while attempting to site or obtain a new or renewed permit for their facilities.

In this section, the views and perspectives of the participating companies are organized into three sections: (1) awareness of environmental justice; (2) opinions about environmental justice; and (3) other environmental justice concerns when siting and/or obtaining permits for their facilities.

3.1 AWARENESS OF ENVIRONMENTAL JUSTICE

Most Companies Interviewed Are Familiar with Environmental Justice

The majority of companies participating in this study are aware of the term environmental justice and are familiar with the concepts and the issues that often surround the topic. However, as described in Section 3.2, being aware of environmental justice does not necessarily mean that companies accept it as a real or distinct concept that they need to address apart from their broader community outreach policies and activities. Officials from only two of the fifteen companies participating in the study stated that they were not familiar with the term, although subsequent discussions suggest that their companies' community involvement activities are adapted to meet the specific needs of a particular community. One official indicated that her company not only recognizes environmental justice, but has established a company-wide policy that specifically addresses environmental justice in all of its business practices. While other companies participating in the study may employ comparable community involvement efforts, this company's efforts to embrace environmental justice clearly represent a departure from the majority of views of other companies in the study group.

A noteworthy observation is that, for the most part, those companies that demonstrated the greatest familiarity with environmental justice also tended to be those companies that had previously encountered significant environmental justice issues when siting or obtaining permits for one of their facilities. In several cases, these companies had a difficult and negative experience in attempting to work with those communities where they were either planning to locate a new facility or renew a permit at an existing facility. These companies tended to be more knowledgeable about the environmental justice movement, and also appeared to be the more progressive companies in proactively addressing environmental justice issues. In many cases, their prior experience has led these companies to recognize the importance of adopting business practices that ensure fair treatment and meaningful community involvement to avoid stakeholder issues and the possibility of lengthy delays and increased costs. These practices are discussed in Section 4 of this report.

Many Companies Interviewed Have Difficulty Understanding Several Environmental Justice Concepts

Part of the challenge that many of the companies interviewed face when addressing environmental justice is understanding how the term is defined and measured, and the legal responsibilities that companies have in addressing environmental justice. To most of the participating companies, environmental justice, in

concept and in practice, is vague and unclear. As discussed below, many companies interviewed have difficulties in: (1) determining whether their facility impacts a community with an environmental justice concern; (2) understanding and applying such concepts as adverse and disproportionate impacts; and (3) ensuring they are meaningfully involving communities in their decision-making processes without clear standards or guidance.

Many companies point to the ambiguous nature of the terms used in defining environmental justice as the major source of confusion and apprehension about the topic among industry. Such ambiguity, according to several respondents, leads to uncertainty and unpredictability that negatively affects their business operations in terms of time, resources, and other costs. One interviewee noted that national-level environmental justice criteria are crucial, because there is a “lack of education on EJ and what it means and what it can and can’t do.” However, the interviewee recognized that because environmental justice issues are community-specific, they will usually require a local (as opposed to a national) solution.

The following highlights specific terms that are often used in the environmental justice context, and that study participants noted as a source of confusion or uncertainty:

- **Minority or low-income community.** According to several of the companies interviewed, a question that frequently arises in the environmental justice context concerns the definition of a “minority” or “low-income” population, and the geographic boundaries to which that standard can be held. Several companies indicated that these terms are often associated with environmental justice and are, by their nature, relative, vary by situation, and are not defined well enough to give companies the certainty they need to know whether and how to adequately address the needs of such communities. Specifically, one interviewee asked whether a community located near a facility is considered a minority community if it has the same racial, ethnic, or economic make-up as that of the surrounding region. For example, this person asked whether the Commonwealth of Puerto Rico (where the environmental and civil rights laws of the United States apply) would be considered a minority community because most of its citizens are Hispanic. Or is it not a minority community because Hispanics represent the majority of the population? Similarly, can a community with higher-than-national-average incomes be considered “low income” when situated in a larger community of multi-million-dollar incomes? This variability and lack of precision cause concerns for several of the companies interviewed.
- **Defining adverse/disproportionate impact.** The scope of these terms concern several study participants. For example, one interviewee noted that once you have brought an impact down to less than significant, “is a *little* bit of discrimination enough [to trigger an EJ complaint]?” The qualitative nature of the EJ concept makes it hard to measure progress, and there is no satisfactory “test” or standard for determining how many or what type of facilities purport a disproportionate impact on a community. In addition, several respondents noted that there are no standards to know when a company has adequately addressed adverse or disproportionate impacts on a community.

Another concern for several of the companies interviewed is the fact that a facility can be in full compliance with its environmental permits, yet still be charged with contributing to a “disproportionate” impact on a minority community. In this situation, the government has approved a facility’s operations as being environmentally sound; however, it may be the additive

effects of multiple facilities that result in a disproportionate impact on a minority and/or low-income community. According to one respondent, this is not the fault of the company, but rather stems from local zoning in which properties around a facility are cleared for residential uses. This representative indicated that the company is willing to work with the community and the local government to address such situations, but also noted that frequently the dialogue becomes adversarial when put into the environmental justice context.

- **Defining meaningful community involvement.** According to several companies, what is “meaningful” to the community may not correlate to what is “meaningful” to industry. Newspaper notices, public meetings, and permit reviews may be all that are required by local and/or state community involvement regulations. Several companies have difficulty with the fact that there are no standards or guidelines as to what constitutes meaningful involvement in the environmental justice context, and note that their experiences suggest that the minimum requirements in regulations or permit provisions are inadequate to address environmental justice concerns. As one company official said, “...you read the regulations and do what they say, but get slapped in the face by the community for it.” Several companies have learned to employ comprehensive and proactive community involvement activities to meaningfully involve affected communities, regardless of what they are legally required to do. However, some companies believe, in general, that there will always be a few individuals or groups who do not believe their interests are being served.

Another source of ongoing difficulty and concern for many companies is determining who represents or speaks for an affected community. Companies may reach out to numerous community leaders who represent a large portion of the community to share information and include them in the company’s decision-making processes, but small portions of the community may not be included and feel left out.

3.2 OPINIONS ABOUT ENVIRONMENTAL JUSTICE

Companies participating in the study have differing opinions about environmental justice. A few firms have either adopted an environmental justice policy or recognize that environmental justice is reflected in their corporate community involvement or sustainable development policies. However, their opinions about environmental justice are markedly different from many of the companies participating in the study; that is, most of the interviewed firms do not recognize or do not have explicit policies and practices that treat environmental justice communities differently. Nonetheless, the majority of the companies interviewed believe that industry has a responsibility to all communities to avoid intentional environmental discrimination and provide opportunities for meaningful participation. Establishing clear standards in order to work toward a common understanding of all aspects of environmental justice is the hurdle that many study participants believe needs to be overcome.

Further, many interviewees believe that industry is misunderstood and that environmental justice generally causes a negative perception of a company. These companies maintain that environmental justice casts them as the “bad guy,” when in fact the companies view themselves as helping communities in many different ways. For example, several interviewees view their facilities as a source of jobs and other economic benefits to the communities in which they are located; one interviewee noted that as a result of the economic stimulus that the facility provides the community, education, health care, and other quality-of-life benefits in the area have improved dramatically.

Most Interviewees Do Not Distinguish Between Environmental Justice and Community Involvement

Most of the companies interviewed do not distinguish environmental justice from their corporate responsibilities to the communities in which they are located. Several interviewees recognize the distinction, but feel it is an unnecessary one because social responsibility is one of their core business principles. In their view, sharing information and ensuring meaningful involvement are an integral part of their corporate philosophy. Two firms noted that they seek to balance their economic objectives with social and environmental objectives as part of their companies' "triple bottom line" philosophy. Several other companies maintain progressive sustainable development policies and practices that address many of the issues and concerns that arise in the environmental justice context. As discussed below, these firms are adamant in characterizing their facility siting and permitting issues in the language of sustainable development and not environmental justice; for these firms, semantics are vitally important.

Many Interviewees Believe the Term "Environmental Justice" is Inherently Biased

Practically all of the companies that expressed familiarity with environmental justice are clear that they do not view or define their activities in terms of environmental justice, and several companies adamantly opposed placing their firms' activities in the context of environmental justice. Many of these companies believe that the term "environmental justice" is biased and misleading, and that use of the term is often an oversimplification of the community issues that may be present at a facility. Most of these companies do not see the need to distinguish environmental justice from the comprehensive community involvement or sustainable development activities that they routinely undertake. Instead, these companies maintain that their community involvement activities ensure open communication and dialogue with all affected communities, regardless of racial, socioeconomic, or other considerations. Thus, while many of the firms interviewed for this study were identified by outside stakeholders as having successfully addressed environmental justice concerns at at least one of their facilities, these companies were more inclined to view these examples as community involvement or sustainable development, rather than environmental justice, successes.

Many of the companies participating in the study took issue with the term "environmental justice." As one company noted, while the term "environmental justice" is preferred over "environmental racism," many companies maintain that the former term still is inherently biased and places facility issues in an overly negative context. Several company respondents also suggested that the term implies that there is an environmental "injustice" that needs to be remedied or fixed. Many of these companies indicated that calling a facility dispute an environmental justice issue has the effect of polarizing stakeholders, limiting constructive dialogue, and stigmatizing the company. This concept is particularly problematic for companies who feel that even if they are in full compliance with all of the regulatory requirements and conditions of their permit, including community involvement requirements, framing the issue as environmental justice changes the dynamics of the issue and creates negative publicity

The reluctance of companies to view their facility siting and permitting successes in an environmental justice context is further demonstrated by the unwillingness of several companies to participate in this study. Approximately 25 percent of the companies contacted declined to participate in the study, even though they were specifically recommended by others because of their successful approaches to working with communities on environmental justice issues. The reason most often cited for not participating was their refusal to characterize their situation in an environmental justice context or to participate in a study that uses the term "environmental justice."

Several Interviewees Believe Environmental Justice Can be Misused by Stakeholders

Several companies pointed out that environmental justice is a term and a concept that is misused in order to achieve the particular objectives of stakeholders. These companies suggested that in many cases, the majority of community stakeholders do not oppose a company's plans for its facility; rather, an individual stakeholder or group of stakeholders object to the siting of the facility or the terms of the facility's permit, and these individuals or groups will characterize the issue as an environmental justice issue in order to slow or stop the regulatory process.

One company official suggested that organizations that otherwise have no interests at a facility will become involved in siting or permitting issues if they believe that there is an environmental justice issue present. According to this study participant, these groups will label a local issue as an environmental justice issue as a means of bringing their political agenda into the national spotlight. In this respondent's view, when outside groups become involved, they tend to foment unrest by polarizing the stakeholders and turning workable problems into controversies. Thus, some companies believe that environmental justice is a tool for some stakeholders to further their own agendas at the risk of distorting the real issues at the facility and marginalizing the affected parties. As one company official put it, environmental justice is viewed as an "unsubstantiated obstruction" to his company's operations.

Several of the participating companies also addressed their frustration with what one official referred to as the "knee jerk" reaction to issues characterized as environmental justice on the part of communities and government regulators. These companies maintain that this reaction, and the automatic assumption that a company is guilty of wrongdoing, has resulted in people misusing the concepts and mis-characterizing the real issues at a facility. They believe the net effect is that characterizing an issue as environmental justice may have a broader negative impact of undermining the legitimate concerns and issues that community members may have at a facility.

3.3 OTHER ENVIRONMENTAL JUSTICE CONCERNS IN THE SITING AND/OR PERMITTING OF FACILITIES

Interviewees Cite Several Objectives in the Siting and Permitting of Facilities

An important aspect in understanding companies' views of environmental justice in the context of siting and obtaining permits for their facilities is to understand their objectives in this process. The primary concern for many of the companies interviewed is their responsibility to the shareholders to ensure profitability. Interviewees noted that achieving this goal depends on their ability to remain competitive, and to encounter minimal disruptions to their operations. To that end, siting and permitting decisions are based on a number of factors; for instance, several companies noted the importance of siting their facilities in proximity to other facilities that use their products to minimize transportation and operational costs. Others noted that they seek proximity to resources such as raw materials or a suitable work force.

Many of the companies interviewed also said that they seek to become an integral part of the community in which they operate, and strive to be good neighbors. Several participating companies adopt a "good neighbor" policy in which they, for example, promote open and ongoing dialogue with the community, hire workers locally, ensure facility managers live in the community, and purchase materials locally. In doing so, they indirectly support their bottom line and enhance the predictability in facility operations by building trust with the community and avoiding negative publicity and issues with the community. One participating company noted that because it has the trust of the neighboring community with respect to

environmental matters, the company and the community focus their time on working together to address local economic concerns.

It is within the context of these objectives that the companies interviewed operate and have come to understand environmental justice and the implications it may have on their operations. For many of the companies interviewed, environmental justice can present problems in their ability to meet their objectives. According to these companies, with ambiguous concepts, few guidelines and standards, and the potential involvement of outside groups with different agendas, companies often have uncertainty in the costs, timing, and ultimately the outcome of the siting and/or permitting process. As discussed in Section 4, many of the companies interviewed have adopted proactive approaches that seek early and meaningful community involvement to help offset this uncertainty.

Several Companies Identified Other Environmental Justice Issues When Siting Facilities

Several companies identified the criteria they use when siting a facility. Several firms noted the importance of proximity to such resources as raw materials or a suitable work force. However, many firms pointed out that local economic considerations often play an important role in siting facilities. For example, numerous participating companies focus on the economic impacts that their facilities have on local economies, and noted that debates within the community are often cast in economic, and not environmental, terms. As one company noted, the chief concern that community members raise when in discussions with the company is jobs. According to this official, “Most of the time the community is trying to keep a facility or actively compete for a new one.”

Likewise, several companies noted that, because of the overriding concerns for economic development, local governments have pursued companies to locate a facility in their jurisdictions. Local governments will offer economic incentives to the companies, such as tax breaks and other financial incentives. For this reason, a few companies expressed the frustration they feel when attempting to locate their facilities in an area that the local government supports, only to encounter community resistance at a later date. In these cases, the companies believe that the local governments have not adequately involved the communities in the local zoning and decision-making processes. Instead, companies can be left to bear the brunt of criticism from community members as well as negative publicity.

Similarly, a few companies point to local government zoning as a source of many environmental justice issues; in particular, the co-location of industrial facilities with low-income residential properties. For example, the low cost of the land surrounding one company’s facility enabled low-income housing to be built right up to the fence line. To avoid these situations, several companies have a policy of purchasing extra land around a facility to create buffer zones between their facility and other properties.

While economic concerns are a dominant criterion, several companies also noted the importance of having a receptive populace that is eager to have the facility located within their community, or at least demonstrates flexibility in working with the company. At least two companies maintain a policy that provides that if a community does not want a facility, then they will look to a more receptive location. Many of the interviewees have learned that the time and resources needed to take on a community in order to locate a facility in that community can be significant, with an outcome that is far from certain.

Several Companies Identified Other Environmental Justice Issues When Seeking Permits for Their Facilities

According to the interviews, an important environmental justice issue for industry during the permitting of a facility is the timing and level of community involvement afforded to the community. Historically, many facilities have followed the minimum community involvement requirements established in regulations or their operating permits. Many of these same companies have learned that this may be inadequate when the facility is located in a community with an environmental justice concern. The companies that have had a negative experience addressing an environmental justice issue indicated that special measures are often needed to ensure meaningful community involvement when working on environmental justice issues with the community.

As the next section demonstrates, many companies take a proactive position with respect to being a good community member and extensively involving the community in their operations and activities occurring at the facility. Several firms stressed the importance of building trust within the community and maintaining that trust on an ongoing basis so that as permitting issues or concerns arise, both sides are able to engage in a positive, constructive dialogue that can lead to a mutually beneficial outcome. While it appears that many respondent companies are increasingly opening their facility doors to the community and providing tours and other informational visits, one company expressed reluctance about such openness. According to the company official, his company understands that the pressure from the community will be increasing, but management is nervous about community access to its facilities because it threatens the “sovereignty” of their business. (To date, this company has not experienced what could be called an environmental justice issue at any of its facilities.)

A situation that at least one company raised as a source of frustration occurs when a facility precedes the neighboring residents, who subsequently raise environmental justice issues during the permit renewal process. In these cases, the facility may have been operating for years without any issues. After people begin to purchase and move onto properties adjacent to or near the facility, they begin to complain about the facility and the environmental harm resulting. As previously discussed, local zoning decisions are viewed as the source of the problems and not the facility’s permitted operations.

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4. RESPONDENT APPROACHES TO ENVIRONMENTAL JUSTICE

Just as respondents' views toward environmental justice vary, so do their approaches to working with communities in the siting and permitting processes. As noted in the previous section, most interviewees do not maintain separate policies and practices to address environmental justice communities; these same interviewees feel their community involvement activities are usually appropriate for all types of communities. Regardless of the demographics of the affected community, study respondents said they conduct their community outreach efforts with the goal of establishing trust and eventual partnerships with residents, the local government, and other area stakeholders. Recognizing that environmental justice is in large part a local issue, even those companies that do not address environmental justice specifically in their outreach plans support a local approach. Similarly, many interviewees stressed the need to tailor outreach activities for different siting or permitting efforts and different communities—as one interviewee noted, “Each situation is unique.”

In conducting the interviews, several trends emerged regarding similar approaches used by different companies representing different industries to arrive at siting and permitting decisions. These companies give a good deal of credit to these approaches in achieving their siting and permitting goals. These approaches may be viewed as “guiding principles” in conducting outreach.

This section describes the variety of outreach techniques employed by the participating companies. In addition to highlighting approaches used to achieve siting and permitting goals, a comprehensive list of community involvement/environmental justice activities deemed effective by interviewees is presented. Some of these practices are fairly common across companies, while others may represent innovative or unique approaches. The list is intended to present all of the approaches described by interviewees as being successful, and to provide examples for industry readers to learn from or emulate where helpful. Finally, case studies are included that provide in-depth discussions of the community involvement efforts of five different companies representing different industry sectors.

4.1 RESPONDENT APPROACHES THAT HELP TO ACHIEVE SITING AND PERMITTING GOALS

Although the list in Section 4.2 presents all of the specific community outreach techniques noted by interviewees as being effective, several observations regarding company practices that helped lead to a desired outcome emerged across the interviews.

Involving the Community Early in the Process

Several interviewees stressed the importance of reaching out to the community early in the siting or permitting process; many allowed the community opportunities to affect final siting and permitting decisions. This practice was noted as being an effective means of preventing potential environmental justice issues from becoming a reality that companies may have to deal with in legal battles; it also is believed to help engender goodwill toward the companies' facilities and operations. Some companies allowed affected communities to impact their siting decisions, while others worked with the community prior to applying for permits, allowing the resolution of communities' concerns to be incorporated into their permits. Still other companies will not attempt to site where a community has expressed opposition to its plans. Specific examples of early community involvement cited by interviewees include:

- One manufacturer said it made good business sense to involve the community early and make any changes while the facility was still “on paper,” rather than in the middle of construction. This allowed changes to easily be made that could potentially have cost millions of dollars once the facility had been built; the early involvement process also gave the community the opportunity to affect the actual facility design and surrounding landscaping.
- One firm addressed community concerns by working to incorporate special conditions into its permit, such as a limit on its hydrochloric acid emission rate, limits on the concentrations of ammonia and formaldehyde in the hazardous waste tanks, and the implementation of specified emergency prevention and response measures (e.g., facility-wide third-party safety audits every two years, installation of hydrocarbon leak detection stations); the company believes this outcome was the biggest impact of its community involvement process.
- One company said that by involving the community early in the process, it achieved nearly 100 percent buy-in to its siting effort and may have saved money from a potential environmental justice legal battle had the company gone through with its original siting plans. The company said it obtained tremendous support for the siting effort by giving the community the opportunity to affect the final siting decision; the company in fact agreed to site its waste unit at the location selected by the community.
- One interviewee emphasized that involving the community early in the process—even earlier than required by law—is a best practice to follow.
- One firm prefers to involve communities early in the siting or permitting process to prevent environmental justice issues from ever arising. The company has found that the earlier the community is involved in the siting process, the easier the siting process is. The company announces its intention to do a feasibility study for a potential site through local newspapers, prior to any construction decision. The firm likes to do business in a climate where the community supports the facility and the company can support the local economy, and does not like to site a facility in an area where there has been resistance to such a facility.
- One retailer says it does not try to force a store where it is not wanted by the community.

Conducting Outreach Appropriate to the Affected Community

As noted by more than one interviewee, building trust is integral to successful community relations. To build trust, companies must be able to communicate effectively with the communities of which they are a part. Elements of this approach include avoiding technical jargon in outreach materials, publishing materials in the language(s) spoken by the community, and providing translators at meetings. As one interviewee said, “You need to be able to communicate with your neighbor face to face, in the language they speak, even if it means standing there with a translator between you.”

Going Beyond the Minimum Community Involvement Requirements

Although a few companies said they only conduct the minimum outreach activities as required by law, many interviewees have found this may not be enough, especially when potential environmental justice issues may arise. One interviewee noted her firm “learned the lesson the hard way” after the company followed public participation regulations but still encountered significant community issues. The company

now holds numerous public meetings moderated by a public relations consultant hired by the company to handle public notification requirements. The interviewee also suggested that it is a good idea to, at a minimum, mail something to everyone in the facility ZIP code to ask if they want to be on the notification list, and to “do it over and over again.”

Another company feels that simply meeting state requirements for public notification and hearings with paperwork for review at the public library does not effectively involve the community—the company referred to this as the “old way” of conducting outreach. In this firm’s view, the “new way” to positively involve the community is to have personal visits with interested neighbors and hold open public meetings and information sessions. “In other words, get the community involved, not because they have to be but because they want to be.”

Maintaining Ongoing Communication with the Community

Several interviewees said they maintain open, ongoing communication with affected communities. Many companies make meeting summaries available, and distribute monthly newsletters apprising residents of progress at facilities. Others maintain an ongoing dialogue through community advisory panels (CAPs) and other forums. Still others maintain an “open door” policy that allows community members to approach company officials when they have questions or concerns. One energy company reported that in a community where it has had a facility for the past 50 years, it has built a strong-enough relationship with residents through participation in local planning and community group meetings that stakeholders bring complaints directly to the company rather than to regulatory agencies. As another interviewee noted, maintaining a good relationship through ongoing educational efforts and operational status reports not only helps to mitigate the risks associated with siting or permitting, but creates an informed stakeholder group with which the company can establish and sustain a mutually trusting and respectful relationship.

Being a Good Neighbor—Giving Back to the Community

Most of the interviewees cited some form of “good neighbor” policy employed by their companies, and many stressed it is important to their companies to provide benefits—economic and otherwise—to the communities of which they are a part. As some interviewees noted, by viewing the community as another corporate stakeholder rather than as an adversary, they are working not only to bring benefits to the communities in which they operate, but to establish or improve opportunities for creating corporate/community partnerships.

The following are examples of approaches used by interviewees to contribute to communities impacted by their facilities.

- A manufacturing company bought the 700 acres surrounding its facility to create a buffer between the plant and surrounding residences. This greenspace effort has raised property values and addressed the community’s concern about the new facility’s appearance, and the company’s presence has contributed to the tax base as well as provided jobs for local residents.
- One company showed its commitment to improving the community’s quality of life by establishing a foundation that helped leverage funding to build a family resource center (including daycare) and community hall.

- An automobile manufacturer has worked not only to improve and expand on its existing facilities where needed, but partners with other companies to turn its unused factories into industrial or office parks, retail stores, or community colleges.
- A manufacturer listened to community concerns about water usage and built a water reclamation unit as part of its facility so that resources were recycled on-site.
- Two interviewees noted that their companies support employee volunteer efforts. One company's employees helped build a baseball/softball field and cleared land for football and soccer fields for the local school to give back to the community's children; a second company matches in dollar donations to schools the hours spent by its employees volunteering at those schools.

One interesting community support activity occurs in a more indirect way for one company—this firm makes efforts to mentor other local businesses in community involvement, noting that, “if we don't work together, we're going to be unsuccessful.” And as mentioned by interviewees, being a good neighbor means listening not only to the community's concerns, but responding to the community's needs by respecting and working to enhance the culture created by the community.

4.2 RESPONDENT APPROACHES TO EFFECTIVE COMMUNITY INVOLVEMENT

Interviewees noted several approaches their companies have used to successfully involve community members and gain support for their siting or permitting efforts. Several of these approaches were used across different companies, suggesting their effectiveness. These approaches are designed to communicate and build trust with the community, which one interviewee said are essential components to a successful community involvement strategy.

While only one company interviewed has a formal environmental justice policy in place, many implement “social responsibility,” “sustainable development,” or “good neighbor” policies that generally encompass environmental justice principles. One energy firm stated that not only does it make a distinction between environmental justice and general community involvement, it has adopted an environmental justice policy and its Environmental Affairs department has prepared a manual to provide managers in the firm's utility division with background information on environmental justice, examples of potential environmental justice issues/situations of concern, and steps to follow to determine and address those concerns (see the case study in Section 4 of this report for more information). This discrete environmental justice policy was the exception among the companies interviewed for this study; however, most companies include environmental justice concerns as part of their general community outreach policies, and the “idea of EJ” is often folded into these companies' community involvement approaches. Examples of specific community outreach techniques and approaches used by interviewees' companies include:

- Holding public meetings and information sessions, and inviting local and state regulators to participate when feasible. Keeping meeting formats flexible was also noted as being important, as was preparing and distributing meeting notes.
- Creating or participating in existing CAPs to maintain a dialogue with the community; creating issue-specific panels or committees when a particularly contentious issue arises. One interviewee noted that allowing the community to pick its representatives for an advisory panel provided an advantage over the “typical CAP.”

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- Working with local officials to determine the best way to communicate with affected communities, and to determine who the appropriate community representatives are.
 - Using neutral, third-party facilitators. One company attributed the success of this approach to the fact that while the company paid for the facilitator's services, the community chose the facilitator. The company also felt the facilitator established ground rules and kept the parties on track, as well as helped to adjust the parties' expectations as needed. As another interviewee said, "We have a better project because of our use of facilitators and our community involvement."
 - Providing multilingual outreach materials, and providing a translator at meetings to address language barriers.
 - Ensuring outreach materials are easy to understand to address varying education levels within a community. One interviewee was appreciative of a facilitator who was sensitive to a resident who could not read.
 - Holding open houses and sponsoring facility tours for community members and school groups; one company interviewed holds an annual "Kids Day." Another company held an open house that was attended by the media; information booths and tables provided information about the facility's plans related to its permits. The company representative noted that experts in environmental issues and human resources were on hand to discuss operational issues, job opportunities, and other matters. Community members were able to ask questions freely, which the interviewee thought was an advantage over more formal meetings, where people might feel inhibited from raising concerns.
 - Maintaining an "open door" policy, whereby community members can visit the plant manager or other facility officials to ask questions and raise concerns.
 - Living, hiring, and buying materials locally. One company felt it went a long way toward earning the community's trust when it committed to having its plant managers live in the community. This step reassured residents that the facility would be run as safely and as cleanly as possible, since the families of the managers would be members of the community rather than being isolated from the area, and would be "going to the same grocery stores and baseball games." Other interviewees also noted that they try to hire and obtain supplies and materials locally when possible. Some companies provide training and job opportunities for residents; it was noted that often, a community's chief concern is not environmental impacts but economic benefits. One firm partnered with the local technical center to offer several rounds of training sessions to prepare potential employees from the community to work at the new facility. The interviewee felt these training sessions demonstrated the firm's commitment to the community, and also provided the company the opportunity to preview prospective employees for the facility. Of the approximately two dozen community members who were hired by the facility, none had any prior experience in the industry.
 - Using existing public participation guidelines, such as those prepared by NEJAC or the chemical industry's Responsible Care™ program, to help guide outreach efforts.
 - Bringing EPA in to provide support. One company worked with EPA OEJ to have officials provide an environmental justice workshop to community members and facility staff.

- Supporting local community activities to be a “good neighbor.” Several interviewees noted their companies’ good neighbor policies that provide a variety of support to communities, including providing grants to community groups and funding to create greenspace and parks, community centers, and recreational facilities. These policies can also support employees’ volunteer efforts in the communities; in one company, employee hours spent volunteering in schools are matched by the company with dollars to those schools.

4.3 BENEFITS RESULTING FROM EARLY AND MEANINGFUL COMMUNITY INVOLVEMENT

According to numerous companies interviewed, both the companies and communities affected by their facilities can benefit from the community involvement and collaborative decision-making approaches described in this report. For example, in addition to positive local economic impacts that are often associated with the presence of a commercial facility, communities have benefitted from greater involvement primarily in two ways: (1) increased awareness and knowledge of the facility’s operations, the environmental risks that may be present, and the company’s activities to mitigate such risks; and (2) having their environmental and other facility concerns heard and satisfactorily addressed.

Companies noted that they, too, have benefitted from early and more meaningful involvement with communities potentially affected by their facilities, including: (1) greater predictability in the siting and permitting processes at their facilities; (2) reduced time and avoiding delays associated with the siting or permitting of facilities; and (3) reduced costs in terms of the predictability and timeliness of the siting and permitting processes, the ability to make changes to the facility and/or its operations before siting or obtaining permits for the facility, and the myriad of other costs that accompany public controversy and negative publicity. Perhaps the greatest benefit resulting from such efforts is the trust and support that companies receive from communities, a benefit that, while difficult to put a dollar value on, is tremendously valued by businesses.

The following two examples, and the case studies that follow, demonstrate how companies have benefitted from early and meaningful community involvement efforts:

- At one facility, community meetings held prior to seeking permits for the construction of the facility allowed for changes to the facility design and surrounding landscaping. Through a series of meetings with the community, the company agreed with the community’s suggestions to move the main entrance to the facility to another road to minimize traffic disruption. According to the interviewee, the company likely would have incurred millions of dollars in costs had those changes been implemented after the plant had been constructed.
- At a facility in which a waste management unit was to be constructed, input from the community resulted in the siting of that unit in a new location. Had construction begun on the unit at the originally proposed location, the costs to the company to either defend itself against a legal action or to re-construct the unit at another location would have been significant.

4.4 CASE STUDIES OF FACILITY-SPECIFIC APPROACHES

The following case studies demonstrate different community involvement and collaborative decision-making techniques used by five of the companies interviewed for this study. Not only do the case study subjects represent a cross-section of industry types and company sizes, but each employed a combination of the previously described approaches to achieve the goal of fostering a better relationship with community and other local stakeholders while moving forward with the siting or permitting of a company facility. In some cases, the companies may not make a distinction between addressing environmental justice concerns and addressing the general concerns of area stakeholders. While all of the case study subjects encountered challenges, each achieved a level of success after working with the community—in some cases, this meant employing lessons learned to turn poor community relations into positive ones. *These case studies are not intended to represent “best practices” or “models”*; rather, they are real-world examples that enable readers to decide whether employing similar techniques would benefit their own siting and/or permitting efforts. The case studies are presented in no particular order. In cases where companies wanted to remain anonymous, general information about the firm is provided.

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CASE STUDY: SITING AND PERMITTING

Company Type:	Chemical Manufacturer
Geographic Region:	South
Community Information:	Small community with low-to-moderate income and mix of Caucasian and minority population
Case:	Siting and permitting of a new facility
Community Involvement Approach:	Conducted community interviews; hired neutral facilitators to conduct meetings; developed “community response” documents; offered job training and hired locally; required plant managers to live in the community; utilized NEJAC public participation guidelines

OVERVIEW

A chemical manufacturer was seeking to locate a facility at a particular site in the 1990s, but following considerable community opposition, finally settled on an alternative location. This case study provides an example of a siting and permitting procedure augmented by a detailed facilitated community involvement process—the result of lessons learned following the initial failed siting attempt. The company adopted many of NEJAC’s guidelines on public participation, and gives a great deal of credit to those guidelines for the success of its subsequent siting efforts. The company employed the following techniques to engage the community: disseminating information to the community; obtaining feedback through facilitated meetings and interviews with community members; providing neutral facilitators to conduct meetings; developing “community response” documents; offering job training and hiring locally; and requiring plant managers to live in the community.

BACKGROUND

The company first encountered major environmental justice issues in its original attempt to site a new plant. The potential host county was not as racially diverse as the final site of the facility, with 80 percent of the population of the first location being African Americans living in poor economic conditions. The facility would also be located in an area with a high density of established chemical and petroleum refining facilities; consequently, there was concern about the negative publicity that building there would generate. In the failed attempt to site a plant in the first county, the company held more than 40 non-facilitated public meetings. After three years of attempts at securing permits and trying to reach an understanding with the community, the company abandoned efforts to site a plant in that county.

One of the primary reasons for the siting of the facility in the new county was proximity to a chemical plant (the “partner”; see box, next page) across the street that produced the raw materials needed for the company’s manufacturing process. This proximity allowed for an underground pipe to be run under the highway connecting the two facilities, eliminating the need for and costs associated with transporting the raw products by truck or freighter. The arrangement with the partner also allowed the company to reduce its capital costs and reduce the overall environmental impact of the new plant. The company and partner

agreed, prior to the company applying for a permit from the state, that the overall net pollution of the two plants once the new company facility had been built would be below that of the partner's plant prior to the new construction. The company helped the partner pay for upgrading its emissions control equipment as part of their relationship.

In its subsequent siting/permitting attempt in the new county, the company stated that it did not believe what it did is all that interesting from an environmental justice point of view, since there were not any environmental justice issues raised in siting that plant. The company also noted that, due to its low cost, land near the facility has increasingly been used to build high-end homes.

Partnering with a Local Company: Lessons Learned and Shared

The partner company understood that the negative publicity regarding the company's siting efforts in the first county could undermine siting efforts in the second county. Consequently, the partner spent approximately two years designing a responsive process that would include consultations with officials from the state environmental department, the governor's office, and EPA's Office of Environmental Justice.

Based on its considerable experience with facility siting and permitting, including the lessons learned from the company's failed siting attempt in the first county, the partner has reinvented its own process. For instance, it has engaged in a community open house similar to the company's process. Moreover, in this particular partnership effort, it did not submit the permits until after the listening process.

COMPANY'S APPROACH TO ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

The company makes only a general distinction between environmental justice and overall community involvement because it does not believe there is a sharp dividing line between the two. It does not, therefore, have a formal environmental justice policy in place. In fact, the siting of the new plant was its first experience with potential environmental justice issues.

Having had an excellent relationship with the community where the company was founded, it was unprepared and unaware of the problems that would arise when attempting to build its first facility in a neighboring state.

Consistent with the guiding principles learned during the failed siting attempt in the 1990s, the company committed to having management live locally, hire locally when possible, and buy supplies locally in order to maximize community buy-in and goodwill toward its new facility. The difference between the initial siting attempt and the subsequent successful siting of the facility was the use of a detailed community involvement process, described further below.

Community Concerns

The community's concerns revolved primarily around the appearance and location of the plant, and the pollution it would produce. Prior to construction of the plant, all of the industrial development in the area had occurred on one side of the state highway, and there was concern that the other side of the highway would begin to be similarly developed. In response to this concern, the company created an 8- to 10-foot-high forested berm around the site from the fill material that otherwise would have needed to be removed,

blocking the facility from view. The money spent on the berm was actually less than what it would have cost to landscape around the facility without the berm, and was a direct response to community concerns. As for the concerns about emissions, this was addressed through the net reduction of emissions with the partner facility so that both plants would combine to produce less than the pre-company partner facility.

The community also expressed concern about the facility's management and employees being from the local community, stating a distrust for "outsiders." The company conveyed the close-knit nature of the community as they often heard, "My grandfather lived here, my father lived here, I've lived here my whole life, my son/daughter is graduating from high school this year, and there is nothing to keep them here." Community members hoped for employment opportunities for local people at the new plant. To achieve

Unique Approaches

- Offering job training and hiring locally
- Requiring plant managers to live in the community

this end, the company partnered with the local technical center to offer five seven-week training sessions that would prepare approximately 125 people to potentially work at the new plant. Those training sessions, run by the soon-to-be plant manager, demonstrated the company's commitment to the community, and gave the company the opportunity to observe prospective plant employees. The pool of 125 was used to fill the 24–25 positions that were created by the new plant. Of those hired, none had any prior experience in the industry. The

first person hired was an African American woman who had been in the military, and had been working in a fast food restaurant prior to being hired. She is one of the best employees in the company, a company official noted.

Since the work force of the area around the facility was "underemployed," the key to making the training sessions successful was "getting the word out" to the local counties. The final local hiring created a work force with greater diversity than the surrounding community, with 14 African Americans, 11 Caucasians, and 1 Native American being hired. The company repeatedly stressed it wanted to part of the local community, and that if the company was not hiring locally and providing training, it would be hard to maintain a positive relationship with the community.

Discussion of the Process

Given the potential for controversy, the company consulted with its partner company that had been established in the area for a significant period of time. In addition, the company hired neutral facilitators to assess the viability of moving forward with the proposed project and to facilitate a dialogue with the community. The facilitators, in turn, developed a community involvement process with multiple components.

A main factor in the success of the community involvement process was the effort to keep the process transparent through six neutrally facilitated public participation meetings. The meetings were all held prior to the company seeking state permits or purchasing land for its proposed facility. More than 900 questions/comments were received from the community. The comments were recorded and subsequently addressed in "community response" documents drafted by the company.

The early involvement approach also allowed the community the opportunity to affect the plant design and surrounding landscaping. An example given was the placement of the main entrance to the facility: the company originally had the main entrance on the highway that ran through town. During community meetings it was suggested that the entrance be moved to a side road to minimize the traffic disruption that

turning tractor trailers would cause upon entering the plant from the highway. The company examined this suggestion and agreed to move the main entrance, a change that was easy to make as the project was still in the planning stages. The company is quick to point out that “we have a better project because of our use of facilitators and our community involvement.” Not only were they able to reach a greater level of consensus, but it made good business sense to involve the community and make any changes while the facility was still “on paper,” rather than during or after construction.

Community Outreach Activities

- Disseminating information from the company to the community, including developing “community response” documents
- Providing neutral facilitators to conduct six public meetings
- Obtaining feedback at facilitated meetings and through confidential interviews with community members

According to the company, people are often surprised to hear about its proactive outreach that preceded its permit application and other efforts. Yet the approach seems to make sound business sense: “if the community doesn’t want the plant, the company shouldn’t build there, because if you fight a negative community opinion, you spend too much time and money defending yourself from the neighbor you are supposed to be working with.”

In the future, the company would use a similar process, but not an identical one. The company representative interviewed for this study believed that the company would benefit from bringing in outside/neutral facilitators again in the future, but not to the extent used in the second siting attempt, unless the situation was very similar. The representative also stated that the process used in the failed siting attempt had been too rigid and not transparent enough to gain community support for the plant. In addition, the company would highly recommend following the NEJAC guidelines to a company in a similar, fairly contentious, situation.

The local governments were very helpful in helping to define the differences between the counties, as the plant would straddle county lines; in identifying community leaders and organizations that should be involved in community outreach efforts; and in helping the company understand the local community and its concerns. The state did little in the way of providing financial support for the siting effort, apart from the usual tax breaks and financial incentives received by new facilities to encourage development.

Overall, the company thought that the siting, permitting, and community involvement aspects of its new facility were very successful, especially when compared to the earlier siting failure. According to the representative, community members, overall, have seemed happy with how the process went, but it was mentioned that there were still those who are unsatisfied with the outcome. The company feels that the majority of the community, however, including the low-income and minority populations, feels that it has had the opportunity to have its questions answered and make its feelings known, and since the managers and workers all live in the area, they feel better about the operations of the plant since they “are all in the same boat.”

The company learned through this siting process that isolation from the community in which a plant is to be sited is a high hurdle for many companies to overcome. When the facility’s upper management does not live near the plant, as is common in this state, it sends a message to the community of disassociation and can foster a “plantation mentality.” The upwardly mobile positions in a large company require that employees have connections to the kinds of support staff (lawyers, accountants, etc.) that usually cannot be

found when living in a small community by the plant. The company learned it was very important for people to know that the plant's upper management are living beside them and "going to the same grocery stores and baseball games." That knowledge assures the community that the plant will be run as safely and as cleanly as possible, since the families of the managers are members of the community.

COMMUNITY PERSPECTIVE

According to the facilitators, there were a wide range of views regarding the project, the process utilized, and the results achieved through the process. The main issues discussed were the precise facility location, potential health effects, environmental impacts, mitigation measures, and emergency access (e.g., the creation of a road). The views of the stakeholders ranged from:

- Full support for the siting and permitting of the facility; to
- Conditional support for the project based on weighing the benefits of economic development and health and environmental concerns; to
- Opposition to the facility.

The following summaries of comments from community members illustrate the views listed above.

Community Member #1—Supportive. The process was well-publicized from the outset and was fair. For instance, company representatives did an excellent job explaining the issues of concern. In addition, the facilitators did a good job of keeping the discussions on track. The creation of a community response document was a helpful way of ensuring issues were being documented and addressed. The process was innovative, especially compared to other companies, and should be repeated by other facilities attempting to site in the area. Overall, the process was a success.

Community Member #2—Neutral. The process was publicized early and often. Although initially the facilitators were not neutral, the facilitation team was reconfigured, which showed a responsiveness on behalf of the company. The confidential interview process was a positive experience. The company did make an effort to address issues and concerns that were raised, but in the end the facilitated meetings were a "waste of time" since the company had a preordained outcome in mind—the facility would be built despite the objections of the community. If a company claims it is going to listen to people's concerns, it should explain which issues are and are not negotiable from the outset. Moreover, the party stated that if the community were predominantly African American, then based on the negative history in its first siting attempt, the company would not have sited there. Despite some positive aspects, overall the project was not considered a success.

Community Member #3—Opposed. This party was opposed to any new facilities in the area. Although the facilitators were quite professional and well organized, they were not neutral, which was obvious since they were paid for by the company. Moreover, since the process was created by the facilitators, it could not be modified; therefore, there was no way to change the breakout session format, which prevented people from rallying against the facility. Many questions by the community were not adequately answered. The emergency access road issue has not been resolved. (Other interviewees noted that the company has contributed to the road, but state funding that was assured by state officials was subsequently removed; consequently the company was stymied in its attempts to complete the road.) Doubts were expressed that air quality has improved, even though state officials believe that the facilities have fulfilled their permit obligations. The project's process and results were a failure.

OUTCOMES OF THE PROCESS

This case study illustrates a company's use of a detailed community involvement process on a controversial project. It did take a negative experience in the first unsuccessful siting effort in the state to jump-start the company's community involvement efforts at the second successful site. Despite strong initial opposition to the siting of its facility, the company benefitted from the exploration and utilization of a multifaceted outreach process. Most importantly, the community was involved early in the process and was able to recommend certain changes that were implemented by the company. Not only did this give the community the assurance that its concerns were heard and opinions mattered, but the dialogue created an atmosphere of congenial relations and buy-in not enjoyed by many other companies. This is not to say that the process was viewed favorably by all stakeholders—opinions varied on whether the facilitation was truly neutral (note that the company reconfigured its facilitation team to address these concerns) and if the input from the community was actually used to inform the end result. While not everyone thought the end result was just, most agreed the process was a unique approach to engaging the community. The company learned that community involvement efforts may uncover issues that are best addressed in a proactive manner, and that such an approach can make economic sense.

CASE STUDY: OTHER

Company Type:	Energy/Utility
Geographic Region:	West
Community Information:	Minority, economically disadvantaged
Case:	Applying corporate environmental justice policy to outreach initiatives for cleanup and long-term decommissioning of a power plant
Community Involvement Approach:	Corporation adopted environmental justice policy; utility division hired an Environmental Justice Program Manager, created procedures manual based on corporate policy, is conducting training and “field testing,” and hired a community representative as an advisor and facilitator in a community with potential environmental justice issues

OVERVIEW

The PG&E Corporation markets energy services and products nationwide. The corporation operates in 21 states, controls 30 power plants, and owns one of the largest gas and electric utilities in the country—Pacific Gas and Electric Company (PG&E). PG&E, the corporation’s San Francisco-based utility division, serves 13 million people throughout a 70,000-square-mile area in northern and central California. In order to formally address its commitment to community collaboration, outreach, and equitable practices, the PG&E Corporation adopted an environmental justice policy in 2000. It is the first corporation in the nation to develop an environmental justice policy. PG&E built upon the principles of this corporate policy and developed “PG&E’s Environmental Justice Procedure” manual. The purpose of the manual is to help managers, staff, and contractors identify situations where environmental justice concerns might arise, and to provide steps to follow to prevent these potential issues from actualizing. PG&E’s Environmental Affairs staff have also been training colleagues across the company in better understanding environmental justice, its role in the day-to-day business of the company, and the importance of applying the policy and the procedure manual to community interactions out in the field. The utility has already identified communities where outreach activities can be enhanced through application of its environmental justice policy—one of these pioneer efforts is the Bayview Hunters Point neighborhood, where a PG&E power plant is a prominent reminder of the numerous industries that are of daily concern to residents.

BACKGROUND

Bayview Hunters Point is a predominantly African American neighborhood in southeast San Francisco. One resident describes it as having “perhaps the greatest level of environmental contamination in northern California.” This is due largely to a former navel shipyard, now a Superfund site. The closure of the shipyard also contributed to an unemployment rate of 13 percent in Hunters Point. In addition, the community is bordered by two major Bay Area highways, and is host to eight cab companies with fleets of 100–200 cars each, bus maintenance yards, a 27-acre sewage treatment facility (handling 80 percent of San Francisco’s waste and some for the City of San Bruno), the only asphalt plant in San Francisco, an auto

dismantling yard, and a concrete mixing company. Recognizing significant environmental and economic impacts in the area, EPA awarded the Bayview Hunters Point community Assessment Demonstration and Job Training and Development Demonstration Pilot grants. Hunters Point is also home to a PG&E power plant, one of two major power-generating facilities for the City of San Francisco.

The original operating unit of the plant was built in 1929 (and was converted into emergency peaking gas turbines in 1976). Two more units were built after World War II, and a fourth unit was built in 1958. When the plant was initially constructed it was surrounded by open space, but by the 1950s, development gradually encroached around the facility. World War II development at the shipyard required the building of temporary housing to hold the shipyard workers and their families, and this housing was eventually converted by the city into affordable housing for low-income families. Much of this housing is directly adjacent to the plant. Through most of its history, the plant maintained close relations with the community. The early 1990s saw development of more owner-occupied residences, and the proposal by an independent operator to construct yet another power-generating plant in the neighborhood. This brought the residents to a breaking point, and they demanded the closure of the PG&E plant.

The California Independent System Operator (ISO) informed PG&E, however, that it needed to continue to operate the plant to ensure system reliability within the city and county of San Francisco. The ISO, established in the mid-1990s, operates the state's wholesale power grid and ensures that the electric needs of all customers are met. San Francisco's peninsular geography requires particular flexibility in its power sources (power generation as well as transmission capability over long distances). PG&E entered into a Memorandum of Understanding (MOU) with the City of San Francisco in 1998 to close the power plant once it was not needed. The plant continues to operate under a Reliability Must Run (RMR) contract with the ISO (the length of this contract, and therefore the timeline for complete closure of the plant, has not been defined by the ISO). Under this contract, the ISO calls on the Hunters Point plant to operate only in specific situations when its operation is necessary to maintain the reliability of the electric system in the Bay Area.

After 50 years of service, Units Two and Three were shut down as generators in July 2000. Eight of the nine fuel tanks at the power plant were removed in late 2002 and early 2003, and PG&E states that the recent upgrades have allowed the power plant to operate in a more environmentally sound manner than it ever has in its long history, and to date, it has been operating substantially more cleanly than required by law. Removal of the tanks is allowing the company to complete the analysis of soil and groundwater beneath these structures, so that any soils that may ultimately require removal can be identified. Any material that cannot be safely secured with pavement will be removed after sampling. However, in an effort to limit the impact to the community, full site remediation will take place once the power plant has been closed down completely.

The California Lung Association has noted that the Bayview Hunters Point community suffers from poor air quality—both indoor and outdoor—which is aggravating the asthma problems of many community residents. Although the power plant is not cited as a specific cause, the plant's longevity and prominence in the neighborhood make it suspect in the eyes of the community. Despite the recent upgrades and tank demolition in the area, residents say that their chief concern is that the plant is open and operating at all.

PG&E Corporation Environmental Justice Policy

PG&E will conduct its operations in a manner that is consistent with and promotes environmental justice principles. We are committed to:

- Comply with the letter and spirit of environmental justice laws and regulations in our operations.
- Set high standards of environmental performance to minimize environmental impacts from our operations.
- Work diligently to address all environmental justice issues.
- Incorporate environmental justice considerations in the purchase of existing facilities and the planning and development of new facilities.
- Work with stakeholders to ensure that future development around our facilities is compatible with our existing and planned facility use.
- Maintain open and responsive communications with all stakeholders.
- Communicate and reinforce our environmental justice values within the corporation.
- Accept responsibility for our operations, and in so doing work collaboratively with our neighbors and surrounding communities.

COMPANY'S APPROACH TO ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

PG&E has historically provided incentives for individuals and teams that strive toward “environmental leadership.” In addition to numerous environmental stewardship projects such as neighborhood cleanups and planting trees, a prestigious and highly competitive annual company program rewards the winner with a trophy and a \$5,000 contribution to an environmental, conservation, or environmental justice nonprofit organization of the winner’s choosing. The 2002 award recipient was chosen for his environmental justice initiatives in the field, including efforts to minimize disruption to residents in the Bayview Hunters Point area due to maintenance and construction crew activities.

The development of the PG&E Corporation Environmental Justice Policy (see box, above) was championed by the Vice President of Environmental Affairs, who recognized environmental justice as an emergent environmental leadership issue that the company needed to address. Work on the policy began in 1998. After internal education and discussion, the environmental justice policy was approved by the corporation’s CEO in late 2000. The challenges now lay in bringing the corporate policy to life for PG&E employees.

Putting Policy Into Practice

PG&E has been aggressive about operating more efficiently and in a more environmentally responsible manner than is legally mandated, and the implementation of its environmental justice policy is in keeping with this approach. The environmental justice policy is not the result of any legal requirement, but is rather a self-guiding commitment to conduct the company’s operations in a manner that is consistent with and

promotes environmental justice principles. “It’s important to pay attention to EJ considerations in all that you do, even if you’ve done everything you’re required to do,” remarked the Vice President of Environmental Affairs. He serves not only on the NEJAC, but on the California Environmental Justice Advisory Committee as well.

The corporation had already gone beyond what was legally required by drafting and adopting a policy that specifically addresses environmental justice as part of its community outreach and involvement efforts. Because of the nature of its interactions with stakeholders both as customers and as community members concerned about field work, PG&E was in the perfect position to explore the viability of incorporating the corporation’s policy into its standard operating procedures. PG&E hired an Environmental Justice Program Manager—a new position—to develop and manage a new environmental justice program, including the development of an environmental justice procedure manual based on the corporate environmental justice policy. The creation of the Environmental Justice Program Manager position signals PG&E’s commitment to take this issue seriously.

The 27-page manual is not meant to be a comprehensive guide; in fact, it states that “evolving statutory and regulatory requirements and case law will mold how we fulfill our policy.” What it does provide, however, is background on environmental justice, examples of situations where environmental justice concerns may be an issue, steps to follow in identifying and addressing potential scenarios of concern, and appropriate contacts in PG&E with whom to discuss these concerns. The manual also includes indices with Census definitions, the text of Executive Order 12898, and Web site links for additional information.

One of the facets of assimilating the environmental justice policy into corporate culture and action is training PG&E employees and contractors. Staff report that many of the challenges arising out of this effort are due to a natural resistance to change. An additional hurdle to implementing the policy has been the “size and scope of the footprint—the diverse challenges” that require case-by-case reviews, even with the same types of facilities. The lack of other corporate models to follow and the qualitative nature of environmental justice (making it hard to measure progress) have been arduous, and although education and training are occurring at the highest levels of the company, trying to translate the principles to a commonly understood course of action has been a complex endeavor. Initial steps include developing environmental justice targets and working to incorporate environmental justice procedures into the practices of departments across the company.

COMMUNITY INVOLVEMENT PROCESS

PG&E has a history of maintaining a strong presence in the communities in which it operates, particularly through cleanup projects undertaken by staff or other beautification efforts. This has increased even more with the implementation of its environmental justice policy. Outreach materials are provided in both English and Spanish, and, in the Bayview Hunters Point neighborhood, residents have been notified about utility activities by such diverse methods as hand-delivered letters, newsletters, meetings, newspaper notifications, and a Community Notification and Education Plan Drafting Committee for the plant. In addition, PG&E hired a Community Consultant (see text box, next page), who has proven invaluable in identifying leaders from community organizations and churches so that the company can continue to expand outreach efforts in the community. PG&E has also focused more on hiring locally, for community notification as well as construction and cleanup in the area.

Discussion of the Process

Following the agreement with the City of San Francisco in 1998, most residents assumed PG&E would be working immediately to dismantle and clean up the power plant facility. When they learned about the decommissioning process, residents were skeptical about the motives behind what they were hearing. The level of concern and tension in the community meant that preliminary efforts, such as contacting community groups and meeting with individuals as requested, were not going to be enough. With the impending closing and cleanup of two units of the plant, the (now former) plant manager was increasing educational efforts in parallel with the development of the corporate environmental justice policy. Once the policy was approved, it was clear that the principles it contained were critical to outreach efforts in the Bayview Hunters Point community.

A Unique Approach

PG&E hired a Bayview Hunters Point resident to serve as a Community Consultant to the company. The consultant serves as a facilitator and liaison between the community and the company. He says that he finds the team approach to addressing environmental justice “refreshing,” and is pleased that he plays a key role in providing information, education, and feedback both to the company and the community. “It’s important for corporations to hear from people at the ground level,” he notes. Despite serving as a consultant in other corporations under similar circumstances, with PG&E he does not feel that, as an African-American, he was brought on strictly for an appearance of “legitimacy.” Instead, he says he has been “impressed with the way the policy is moving forward, from the top down.”

The former manager of the power plant noted that, when he first came to the community, it was difficult for him to increase outreach and improve the company’s relationship with the community. Community members had been told that the power plant would be shut down, but no one had explained that its decommission would be gradual, and that the schedule was out of PG&E’s control. In addition, he described the community as “pretty fractured,” with “different and disparate entities” claiming to represent the community, and some individuals representing multiple organizations but not consistently across meetings. “It was really a challenge to get a finger on the pulse of the community.”

His first step was to contact the organizations identified by previous plant staff, and ask not only for their assistance in educating the community, but with identifying other organizations he could contact to partner with. Few responded, and even though there was a Community Advisory Committee for the power plant,

You have to be “open, honest, have integrity, and educate the best you can. You can never go wrong with that. Even if people use information to their own advantage, you keep your message consistent. . . sometimes you take your lumps, but you do your best, that’s all you can do.”

– Former Plant Manager

its members were not interested in meeting as a group with him. Instead, he met with committee members individually, and met additional community members through local activities such as the Unity Parade, Wellness Expo, Rotary, and a Habitat for Humanity project. Once he was able to meet with residents, he

walked them through the MOU so that they understood the process as well as the constraints under which PG&E was operating. He found the educational aspect of his outreach efforts to continually be the most challenging. Not only was he battling confusion over who had the authority to decommission the power

Community Outreach Activities

- PG&E worked with residents to establish a Community Advisory Committee for the power plant.
- Although the plant already has an Emergency Response Plan (ERP) as required by law, PG&E worked with residents to develop a Community Notification and Education Plan (CNEP). The CNEP will provide additional notification for the community beyond the requirements of the ERP. The objective of the CNEP is to facilitate more direct communication with the plant's neighbors in the unlikely event that an incident occurs at the facility while it remains operable.
- With respect to the tank demolition at the plant, PG&E sent out mailings, including letters and newsletters; hired and trained local youth to distribute community updates; put notifications in three local newspapers; posted signs with the plant hotline number; held and attended meetings; hired community contractors to work at the plant and on construction crews; and continues to sponsor cleanup efforts in the community.
- PG&E periodically makes donations to organizations for the protection of greenspace areas. Recently, the company partnered with Trust for Public Land, the Association of Bay Area Governments, the Bay Conservation and Development Commission, and the San Francisco Parks and Recreation Department to install a new pedestrian bridge across the lagoon at the power plant to provide residents with a more direct route to a nearby park. PG&E also installed benches for use at the park.

plant, but he had to combat the mistaken notion that the continued operation of the plant was benefitting PG&E as a large profit-making endeavor.

The adoption of the PG&E Corporation Environmental Justice Policy had a snowball effect in the utility. The Environmental Justice Program Manager position was created and filled, the environmental justice procedure manual was written, and a Community Consultant was hired. These additional resources, along with a formalized commitment by the corporation and the utility to address environmental justice concerns, sparked an increase in concerted outreach efforts in the Bayview Hunters Point community.

A great asset in enhancing the connection with the community has been the Community Consultant. As someone who has grown up in Bayview Hunters Point, managed a community center there, and served on the community's planning committee, he entered his role with what he describes as a "fairly decent level of credibility," and was familiar with both those stakeholders who welcome PG&E's outreach efforts and those who are only interested in removing "one giant at a time" from their neighborhood.

"Frankly, the distrust has been earned by large corporations," he said, but his background and support from PG&E have coupled to create a strategic approach to community education and involvement. He has been instrumental in bringing community leaders—particularly religious leaders—in to talk to PG&E officials about the concerns of their constituents. And he helped facilitate job training and hiring efforts in the community, including using young members of the Health and Environmental Resource Center to distribute approximately 500 community update flyers to households closest to the power plant. Building upon these growing

relationships, PG&E is actively hiring contractors from within the community, and is looking at long-term job training and hiring solutions to help ease the unemployment burden. The company's commitment to improving the quality of life for the community also includes volunteer cleanup and beautification efforts.

PG&E staff contest the idea posed by some in the community that the consultant is a company spokesperson or that his goal is to quiet any protests. Instead, his role is described as “facilitator, translator, mediator.” Even with his role defined, he says that many of his neighbors initially assumed he had no impact on company thinking or leverage with company officials. By building a bridge between the two, however, his presence has become a signal to the community that the company is listening.

And acting. There is a two-year project underway to move the electrical wires in the neighborhood underground. In addition, construction of a city light rail project has added noise and trucks and traffic to an area already feeling overburdened with industrial impacts. The PG&E Area Director, responsible for managing construction and cleanup crews in the utility sector that includes Bayview Hunters Point, says “there is anger” from residents, so he and his staff have to maintain “a keen awareness of what we do.” This includes explaining the company’s environmental policies and the environmental justice policy in particular, and attending meetings every six to eight weeks to discuss progress and community concerns about construction efforts disturbing past contamination. The Area Director has converted half of his fleet of 30 utility trucks to compressed natural gas-burning vehicles to minimize the diesel particulate impact on residents. “We have an opportunity each time we go out in the community” to make a difference, he says.

“The people moving these [EJ] policies at PG&E have heart.”

—Community Consultant

PG&E has been working to build partnerships beyond the community as well. The company is working closely with other stakeholders, including the City of San Francisco and the ISO, to determine what needs to happen in order for the plant to be closed. Staff have participated in more than a dozen meetings with external stakeholders to determine supply and demand issues as well as transmission and energy efficiency options. These unprecedented efforts are with one goal in mind—to reach a mutually agreeable solution to closing the plant, one that will best serve the Bayview Hunters Point community, PG&E, and the power needs of San Francisco residents.

COMMUNITY PERSPECTIVE

Although the former plant manager said he received “generally good feedback” from the community, either directly or through secondary channels, reaction to current outreach efforts is mixed.

- One resident, a member of both a neighborhood association and an activist organization for the community, gives PG&E low marks for its outreach efforts to date. He feels that the utility is being “uncommunicative,” that calls to the company to gain information are “fruitless,” and that PG&E needs to make “a more concerted effort to find out who to talk to.”
- Another resident and president of a second neighborhood association has a different view. “PG&E is reaching out,” she asserts, but “it’s an individual choice. You can have as much interaction as you choose. If people are uninformed, it’s not PG&E’s fault.”
- The president of a third neighborhood association says that PG&E’s outreach was good during the upgrade and tank removal process, but that recently it has dropped off. This still put PG&E “about in the middle,” he says, compared to the outreach efforts of other industries in the area.

Staff admit that “PG&E is doing good things, but they’re not always good at getting the word out.”

OUTCOMES OF THE PROCESS

PG&E's community outreach efforts in the Bayview Hunters Point neighborhood are ongoing and evolving, much like the utility's internal efforts at weaving environmental justice into the everyday fabric of how it does business. While other companies report difficulties in determining whether or not they have contacted all of the groups and reached all of the competing interests in an affected community, PG&E feels it has solved that problem by hiring one of the community's own and seeking his advice and assistance with informing and updating the community about what the company is doing, while also having him serve as a channel for communicating resident concerns directly back to the company.

In terms of company education and the application of the fairly new procedure manual, staff admit that "things have not been easy and are not perfect." But one employee who has been at PG&E for 25 years said he has seen significant changes. "Are we where we need to be? No. We're getting there, we've done a great job, but there's a learning curve."

Although PG&E is proud of its role as a policy pioneer, the Environmental Affairs Vice President and Environmental Justice Program Manager agree that national-level criteria are crucial because there is a "lack of education on EJ and what it means and what it can and can't do." PG&E is moving forward with the idea that anticipating environmental justice issues before making a business decision is just another aspect of sound business practice. The company began by looking at no-cost and low-cost solutions and successes. However, staff realized that in order to be truly proactive in the area of environmental justice there were practices that would require the expenditure of additional funds—this is all part of the current program development. PG&E views implementing its environmental justice policy as: 1) the right thing to do; 2) an investment that is likely to save the company money in the long-run; and 3) an essential component of environmental leadership.

CASE STUDY: SITING AND PERMITTING

Company Type:	Waste Management/Hazardous Waste Disposal
Geographic Region:	West Coast
Community Information:	Small, unincorporated community; approximately 1,500 residents; 95 percent Latino; only predominantly Latino county in state; Spanish is the primary language
Case:	General community relations with the facility and the permitting of a municipal solid waste disposal site at the Kettleman Hills facility
Community Involvement Approach:	Creating the Kettleman Hills Foundation to mitigate project impacts, improve community interaction and development, and encourage open communication between the community and WM; publishing notices and announcements in Spanish and English; holding public information meetings with translators present

OVERVIEW

With approximately 55,000 employees, Waste Management (WM) provides comprehensive waste recycling and disposal services. One of its hazardous waste facilities, the Kettleman Hills facility in California, has been a focus for discussion of the issue of environmental justice for nearly two decades. Experiences at the site reflect an evolution in a company's understanding of environmental justice and the importance of developing a working partnership with the local community.

Issues at the Kettleman Hills facility began in the mid-1980s, when the community raised concerns about WM's plans to construct a hazardous waste incinerator at the facility. As part of this plan, WM also began to help the community plan and build a community center. However, when the community successfully blocked the construction of the incinerator, WM abandoned its support of the community center project. These events led to growing frustration and distrust between the company and the community in the following years. The relationship between WM and the community did not improve until WM appointed a new general manager (GM) for the facility in 1995. Having worked at the facility since the mid-1980s, the new GM was familiar with the community's issues and focused his efforts on trying to make WM's Kettleman Hills facility a "good neighbor" that supported "giving back" to the community.

In 1995, the community's primary school, which also happened to be where the town's residents congregated for events, needed additional property to build athletic facilities. The WM facility manager was able to secure a donation of 15 acres from Chevron Corporation, which had oil property in Kettleman Hills, for the needed athletic facilities. He was also able to organize a group of WM volunteers to construct a baseball/softball field, raise backstops, and clear land for football and soccer fields.

In 1997, as closure on one cell of WM's hazardous waste disposal facility was pending, WM proposed that a Class 2-3 municipal solid waste landfill be constructed on the site. WM conducted its state-required

outreach through bilingual public meetings and information sessions. However, a majority of the community opposed this new landfill, and a suit was filed to block the permit. In an effort to settle the suit, WM initiated negotiations with the community. As part of the settlement discussions, WM offered to create and fund a “Kettleman City Foundation.” The foundation would serve as a forum for residents to express their concerns to WM, and to provide leadership for community development. WM also saw this settlement effort as an opportunity to further improve its relations with community residents. The community’s involvement allowed the citizens of Kettleman Hills to express what they felt their community needed from WM in exchange for their support of WM’s activities. This interaction and increased cooperation resulted in the successful construction of a community center and a separate daycare/classroom complex for the community, installation of replacement windows for citizens impacted by increased traffic noise from the landfill, and a smooth permitting process for WM.

Through this process, WM learned that it needed to more actively engage the community and respect the cultural and language differences that existed within the community if the company wanted to increase community support for its facility’s activities. WM also learned that it needed to be willing to provide financial assistance and leadership in the construction of building projects within the community that would improve the quality of life for Kettleman Hills’ citizens.

BACKGROUND

The Kettleman Hills facility was originally constructed as a Class 2 industrial waste disposal facility in 1978. It was bought by WM and upgraded to a Class 1 hazardous waste disposal facility (Toxic Substance Disposal Facility - TSDF) in 1979. The community first raised concerns that the facility harmed the environment and presented an environmental justice issue in the late 1970s and early 1980s. The community filed a Title VI complaint with EPA against WM, which pre-dated EPA’s environmental justice policy. That action was eventually dismissed, as Title VI suits can only be filed against entities that receive federal funding. Two groups, the California Rural Law Foundation (CRLF) and El Pueblo for Clean Air and Clean Water (a community group), expressed environmental concerns when the Kettleman Hills facility first came on-line in 1979, and continue their involvement in helping to organize and empower the community today.

In the mid-1980s, conversations between the GM of the facility (at that time) and the community were taking place. In that dialogue, WM expressed an interest in helping the community realize its goal of building a community and sports center. Due to a lack of effective communication by both sides and a lack of outreach and effective public involvement by WM, the process collapsed. That collapse caused increased confusion and misunderstanding between WM and the Kettleman Hills community. The community felt ignored and became distrustful of WM, while WM felt frustrated and disappointed at the lack of community engagement in the building and planning effort for the community center.

In the late 1980s, WM sought to add a hazardous waste incinerator to its Kettleman Hills facility. WM held public meetings to comply with the California State Resource Conservation and Recovery Act’s public participation requirements. After consultations with the county (which was the lead under the California Environmental Quality Act and which believed that all official business language should be in English), WM published the permit application text in English only, rather than in English and Spanish. WM did provide translation services in this public comment collection in an effort to help accommodate the predominantly Spanish-speaking community. The incinerator proposal was met with a great deal of opposition and resistance, both in the Kettleman Hills community and from outside environmental groups. Greenpeace became involved in the community’s efforts to prevent the permitting and siting of the

incinerator in Kettleman Hills, and participated in blocking the existing entrance to the facility in protest. The community filed a lawsuit against Kings County, alleging that the community had not been sufficiently involved in the permitting process since the environmental impact statement released to the public had few sections in Spanish, the language spoken by most Kettleman Hills residents. Due to a decline in the market for incineration services and in light of community, public, and media pressure, WM withdrew its incinerator permit application. A judge eventually found the environmental impact statement fatally flawed in 1992 for this and other reasons.

WM feels that the issue of community involvement in Kettleman Hills serves as a good example of how difficult it can be to solve community problems and respond to community concerns when there is no official guidance from a federal regulatory body like EPA. Even though WM complied with the California state regulations for public involvement and followed county outreach policies, WM believes that more guidance should have been available at the federal level. Later permitting and communication efforts undertaken by WM would be different, and would include notices published in the languages spoken by the community, in the newspapers and journals read by the community.

Since 1978, three lawsuits have been filed over issues concerning WM's Kettleman Hills facility:

- A Title IV discrimination suit on the siting of the hazardous waste facility in the city;
- A suit that successfully found that the community was not sufficiently involved in the evaluation for potentially siting a hazardous waste incinerator in the city; and
- A lawsuit alleging improper permitting of a new solid waste landfill in the city by WM.

Ill feelings between WM and the community continued into the early 1990s. An example of this was an incident where the community utility district increased potable water rates for the WM facility four-fold in an effort to “punish” WM. In 1995, the year the current facility manager was appointed, the community expressed a need for additional property for athletic facilities at the local kindergarten-through-eighth-grade school. The WM GM’s negotiations with Chevron Corporation, who owns oil fields in the area, resulted in Chevron donating approximately 15 acres of land adjacent to the school for the construction of those athletic facilities.

Volunteers from WM raised backstops and constructed a baseball/softball field, and prepared a portion of the donated land for future football and soccer fields.

When a portion of the hazardous waste disposal facility was approaching closure in 1997, the WM facility manager recommended that the southern portion of the facility be slated for use as a municipal solid waste landfill that could be used by the community and provide tipping fees from outside customers. A major segment of the community opposed this new landfill. The community, aided by CRLF, sued the Kings County Board of Supervisors to block the issuance of the permit and, losing that suit, appealed to State Superior Court. WM entered into negotiations with the community in an effort to settle the suit.

As a result of those settlement negotiations, WM agreed to create and fund a “Kettleman City Foundation” if the community would drop its suit. This foundation, whose board members would be elected from the community and from WM staff, would serve as a forum and “sounding-board” for the community, and as a conduit for communication between WM and the community. The foundation’s board members would also serve as a source of leadership and guidance for the ongoing development and improvement of the Kettleman Hills community. As part of the foundation’s creation, it was established that the manager of the Kettleman Hills facility would always have a place on the foundation’s seven-person governing board.

That position on the board would allow the facility manager the opportunity to help provide community development leadership and help ensure good future relations with the community. In the board's discussions about the future landfill, WM agreed to donate a portion of the tipping fee for every ton of municipal solid waste that went into the new landfill to the foundation for use in future community development projects. With the creation of the foundation, the community began to look again at constructing a community center.

The foundation's board was next able to secure a Technical Assistance Grant from EPA to augment the funds previously raised by the foundation from local businesses and private citizens for the community center. This grant helped fund public involvement and technical assistance activities for the planning phase of the community center, which took place from 1999–2000. The foundation was then able to set aside two to three acres of the previously donated 15 acres as the location for the future community center. The community utility district donated utility "hook-ups" for the community center, and the foundation was able to convince the county to provide various educational classes at the center once it was complete. The foundation was also able to negotiate with a daycare provider to offer childcare services at the center upon its opening.

The Kettleman City Foundation, though formed as part of a lawsuit settlement, was proposed by WM as a vehicle to improve relations with the citizens of Kettleman Hills. Through negotiations and discussions with the Kettleman Hills community conducted through the foundation, WM was able to determine what investments in the community were needed to improve community relations and increase community support for the facility.

The final community center plan allocated half of the building for daycare services, and the other half of the building for a community center. With the funds that had already been given by WM used as leverage, the foundation was able to secure a \$500,000 development grant from Kings County, and a \$350,000 grant from national tobacco settlement funds to cover all construction costs. Another \$150,000 grant from the Kings County Children and Family Commission was received specifically for the construction of a dedicated family resource center (which would include a full kitchen) within the community center. An additional \$80,000 was also planned to be given by the State of California for the construction of a pavilion behind the completed community center/daycare facility for outdoor community gatherings, but those funds were later lost due to a state budget crunch that year.

As planning for the new municipal solid waste landfill at the WM facility and the community center continued, concerns about potential noise pollution were raised by the community to the foundation's board. The main road that runs through Kettleman Hills, Highway 41, would experience increased waste hauler traffic once the new landfill was opened. These more frequent trips would increase the noise pollution for those families that lived along the highway. As part of the permitting process for the landfill, and in an effort to reduce the impact on the community from the potential increase in traffic noise, WM negotiated to put new windows in the houses that abutted the facility and those that faced the road. The foundation became involved early in the noise pollution concern issue and in the implementation of the window replacement project, which in turn helped maintain good relations between WM and the community.

With all of the funds that had been raised and secured, the Kettleman City Foundation was able to construct two buildings for the community rather than just the one building originally planned. One building would house the family resource center and daycare facility, and the other would serve as a community hall for events, gatherings, and entertainment activities. A prominent local farmer donated \$50,000 to help the foundation with these construction efforts. This donation was seen by WM as a sign that relations with the

surrounding community had truly improved. The agricultural community in the area had been one of the most vocal groups concerned with the impact that the facility would have on the local environment.

COMPANY'S APPROACH TO ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

WM is currently in the process of developing an overall environmental justice policy and has a “good neighbor” policy and an active community relations department. The good neighbor policy includes promoting host community consultations and providing contributions to civic and charitable programs that establish active and lasting partnerships with the community. WM believes that there are no “cookie cutter” facilities/communities/situations that would benefit from blanket community involvement dictates, and believes that each facility must be approached in a manner best suited to the concerns and demographics of that impacted community. An active participant in numerous environmental justice forums over the years, WM has engaged agencies and community groups on a variety of issues (see text box at right).

WM believes that environmental justice can be defined as any disproportionate environmental impact on a community of color or low-income community, and that environmental impacts can affect any type of media (i.e., soils, water, air). WM acknowledges the complex role that outside environmental and public interest groups play in specific facility disputes. Such groups were very effective at Kettleman Hills in defining the environmental justice debate during a period in which these issues were far less defined than they are today. At a certain point, however, WM finds that it is vital to engage directly with the impacted community rather than to only focus on dialogue with outside groups. Rather than have outside environmental or public interest groups dominate the discussion, WM's experience is that real solutions are developed through facility/local community interaction. In WM's experience, outside groups can make discussions more confrontational because of those groups' drive to establish precedents and remain focused on broad policy or legal objectives that may not be a close fit with local needs. WM does agree that environmental justice issues do exist, and stresses that all sources

WM's Participation in Environmental Justice Dialogues and Forums

- First business to testify before Congress in support of the Environmental Justice Act sponsored by Congressman John Lewis and Senator Albert Gore.
- Co-chair of the National Environmental Policy Commission sponsored by the Congressional Black Caucus.
- Five-year member of NEJAC and participant in NEJAC Work Groups addressing: Brownfields Revitalization; Community Involvement at RCRA Hazardous Waste Facilities; Best Practices in the Siting and Operation of Municipal Waste Transfer Stations; Incorporating Environmental Justice into Environmental Permits; Pollution Prevention and Environmental Justice; and Cumulative Impacts (co-chair).
- Member of EPA's Advisory Committee on Implementation of Title VI of the Civil Rights Act in Environmental Permits.
- Member of the New York State Advisory Committee on Environmental Justice.
- Founding and steering committee member of the Business Network for Environmental Justice.

of pollution—large and small, waste generators and handlers, public and privately owned—must share responsibility to address cumulative impacts.

WM states that there are many considerations when siting a facility, but historically community demographics were not a priority given the many siting restrictions on waste operations. Waste disposal facilities, especially hazardous waste disposal facilities, do not have a great deal of discretion in their placement. These types of facilities need to be near service areas and highways, comply with zoning laws, and have appropriate local geology. The facility's size plays a key role in where it can be placed. The chalk layers and low precipitation found in the Kettleman Hills area provide an ideal barrier to prevent any waste migration, and helped WM decide to develop a hazardous waste facility in that area.

WM feels the best approach to community involvement is through public participation and educating the local community. The company believes that a WM facility in any community must be active in the public participation process and must serve as a source of information for the community. WM also believes that EPA needs to do a better job of acknowledging the “good actors” in industry who have experienced successful and positive community involvement in their permitting and siting decisions, which in turn will help motivate other companies and define the good practices to be emulated.

Discussion of the Process

There was little constructive interaction between WM and the Kettleman Hills community prior to 1995. The GM who was appointed in 1995 was committed to partnering with the community, and began building trust between the facility and the community.

The establishment of the Kettleman City Foundation, based on the litigation settlement, was the key step in the process that gave community members a greater sense of involvement and empowerment. The foundation's governing board provided the needed leadership for implementing needed improvements for the community. Public board meetings served as information sessions about activities at the WM facility. These public meetings also gave board members the opportunity to interact with WM staff and the community, and served as a way for WM to become more aware of community concerns about the plant. Outside consultants were brought in to facilitate several meetings early on in the community involvement process for the solid waste landfill. Both the current facility manager and a representative from CRLF also served as facilitators at several community meetings. The foundation was the conduit for the community to get what it wanted from WM, and for WM to get the support it needed for its operations from the community. Some members of the community seemed to genuinely appreciate the community involvement efforts spearheaded by the new facility GM.

COMMUNITY PERSPECTIVE

Some members of the Kettleman Hills community feel that relations have improved somewhat since the current WM facility GM was appointed in 1995. The GM's approach of increasing community engagement and involvement in plant decisions has helped created a greater sense of ownership and empowerment within the community. The town of Kettleman Hills has also gained several community structures and athletic fields from the improved relationship with WM.

Based on discussions with community members, a substantial majority of the community was opposed to the new solid waste facility permit. The concerns raised included truck traffic and noise; odors and disease; air pollution impacts; and environmental concerns about municipal waste leachate. There was a

widespread belief that the siting of the new landfill was based on the fact that the area is 95 percent Latino; moreover, community members felt the demographics of and impacts to the community would be disparate compared to other communities in California. Community members, while commending the use of an interpreter to address the English/Spanish language divide, did not believe that there were any fact sheets drafted in Spanish, which made it difficult for most of the community to understand the technical issues involved. More importantly, since the text of the environmental impact statement was written in English only, most of the community could not understand the impacts the facility would have. Members of the community mentioned that they were faced with a strategic choice about the solid waste landfill—they could oppose WM while another permitted facility was built by another company even closer to town, or they could reach an agreement with WM for the construction of its facility. Despite this opposition, differing views exist in Kettleman Hills regarding the public involvement process leading up to settlement of the lawsuit and the creation of the Kettleman City Foundation, as well as the participation of the community in the foundation activities in relation to WM operations.

Community Member #1—Supportive. Community members do not express enough appreciation for what WM has brought to the community. WM helps out in buying supplies for the local school cafeteria, and assists very-low-income citizens in purchasing home furnishings, such as beds. The original idea for the community center was brought up by the former GM of WM approximately 10–12 years ago, but due to frustrations and other issues that came up, the plan was put on the “back burner.” The 1998 lawsuit was brought not by people wanting to prevent the permitting of a solid waste facility, but by people who wanted to “get money out of WM for themselves.” There were no public meetings concerning the lawsuit or about the decision to create the foundation. The foundation was the idea of the current GM, who had become tired of the fruitlessness of the lawsuit. The GM suggested the foundation as a way to settle the claims of the community without going to trial. At the foundation creation meeting, for which there was no public notice, only three people from Kettleman Hills besides members of “El Pueblo” attended. Since there were so few attendees, a man from a neighboring town was elected to the foundation board despite the fact that he did not live in Kettleman Hills. WM now holds monthly meetings to keep the public informed about the foundation’s activities and keep community members up to date on what is going on at WM’s facility.

Community Member #2—Neutral. Meeting notices only went out four to five days before the public meetings, while some people allege they did not receive them in the mail at all. Instead, they should have been posted in local grocery stores frequented by a large number of affected community members. Many individuals only heard through word-of-mouth from neighbors. The community largely felt its opposition was being ignored, and while WM could dump the waste elsewhere, this community was targeted since it is Latino and isolated. The translator was necessary but not sufficient to bridge the language gap. A video would have helped. On the other hand, since the creation of the foundation, WM has been quite active, and the company is widely seen as trying its best to help the community. WM’s support includes organizing events and applying for grants to support community projects.

Community Member #3—Opposed. The creation and initial funding of the foundation was not a proactive gesture on the part of WM. Instead, it took concerted opposition by the community through a lawsuit to obtain some of the mitigation measures asked for during the permitting process. For example, to mitigate noise from increased truck traffic, the community had sought as a permitting condition special windows for houses along Route 41 en route to the facility. They only obtained the windows after the lawsuit. Given that WM translated less than one-half of one percent of the environmental impact statement (i.e., the meeting notice and the environmental impact statement’s executive summary), this effort was definitely not an example of model community involvement. In the end, it is not clear that the foundation’s benefits exceed the impacts the community has had to bear. Regarding lessons learned, it is questionable whether communities having a monetary relationship with companies they host is a good idea since it can

compromise the integrity of such communities. Moreover, state and local laws should enable communities to impose permitting conditions and reject those it finds objectionable—such a goal could be accomplished through a majority vote in a local referendum.

WM did send meeting notices in a timely fashion, though concerned citizens went door-to-door to neighbors to ensure people understood the importance of the issue. The company only performed the minimal amount of community involvement activity. For example, no fact sheets—in either English or Spanish—were provided. Also, since public hearings are intimidating to some and questions are only answered much later in writing, informal meetings would have been a better approach. The community decided to settle the lawsuit due to fears it would not win in court, and many were concerned the town would potentially be saddled with legal fees. While the community had sought a community center for some time, WM thought the foundation was the best vehicle for creating it. While the foundation has led to a more cooperative relationship with WM, this forum has not to date resulted in a broader discussion that could include environmental impacts of the facility.

OUTCOMES OF THE PROCESS

WM's approach seems to have largely satisfied the community, and the company's Kettleman Hills facility has progressed from having a history of community distrust and protest to that of active, positive engagement through creation of the foundation. WM has made substantial investments in the community and improved its standing with local citizens. In the end, the community became more enfranchised through the foundation, and has been able to collectively work towards improving the quality of life in Kettleman Hills. The creation of the athletic fields for the school was the first step on the path to improved relations between the facility and the community. WM feels that it has been rewarded for all its efforts with honesty and trust from the community. WM could have directly donated funds to the community for improvements, but chose to become involved directly and make good things happen through the investment of "sweat equity." The community center is scheduled to open in Fall 2003.

A tax on WM's Kettleman Hills' revenue (a 10% gross receipts tax on hazardous waste disposal) is the largest source of discretionary income to Kings County. In 2001, the \$2.6 million assessed in disposal taxes was used for road construction, the fire department, building projects, and as part of the county's general fund.

In addition to the 2001 county disposal taxes, the facility paid \$427,375 in property tax, \$639,878 to the California Integrated Waste Management Board, and \$4,911,167 to the California Department of Toxic Substances Control in disposal fees.

WM's Kettleman Hills' contributions to communities in Kings County in 2001 were \$164,913. Contributions went to the county, the Kettleman City Community, the elementary school, the fire department, the sheriff's activity league and foundation, and the Avenal community.

Lessons Learned

WM believes there are several lessons the business community can learn from the Kettleman Hills case. The first is that Title VI, zoning laws, the omnibus provisions of RCRA, and other legal authorities afford communities angry with facility operations or siting efforts the opportunity to protest in court. The important lesson is that being in court does not predetermine the outcome.

WM believes that it is certainly possible for companies such as itself to mount sophisticated legal defenses to the extent that these companies can potentially win citizen suits. WM does feel it can be far more effective and consistent with business interests, however, to go a different route and engage a community candidly and proactively. If instead of focusing on legal obligations and recourse, a company takes litigation as a wake-up call to talk to the community, a working relationship can begin. Once the Kettleman Hills discussions turned to the community's need for resources and the means to meet those needs through collaboration in a company-funded community foundation, a much-improved relationship began. The community then gradually developed a better understanding of company operations and a different perspective on WM's impact on the community. WM was then able to gain a better understanding of the community's legitimate needs for more information, gather better input into its operational issues potentially impacting the community, and gain an appreciation for the benefits of working with community members on common projects. This evolving relationship furthers business goals and meets shareholder expectations by reducing opposition and delay in permitting proceedings and avoiding an impaired image caused by public controversy.

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CASE STUDY: SITING AND PERMITTING

Company Type:	Petroleum Refinery
Geographic Region:	Central/Rocky Mountains
Community Information:	Economically disadvantaged, not minority
Case:	Siting a new Corrective Action Management Unit for the waste generated from the planned cleanup at the closed refinery
Community Involvement Approach:	Frequent community meetings and presentations to the community; monthly newsletters about the reuse plan progress; a citizen board formed during the collaborative reuse planning effort

OVERVIEW

British Petroleum (BP, who merged with Amoco in 1998) encountered community involvement and environmental justice issues in Casper, Wyoming, in 1998, during its attempts to remediate and plan for the reuse of its closed oil refinery, its storage tank farm supporting the refinery, and its wastewater management facility. The company also encountered these issues during its efforts to renew its permit for a land treatment unit (LTU) located on the tank farm property. Although the LTU had handled the refinery waste for years, part of the company's LTU permit renewal effort included the siting of a Corrective Action Management Unit (CAMU) on the tank farm. The CAMU would incorporate the LTU, and would contain the wastes that would be excavated during the remediation of the refinery and adjacent tank farm.

The LTU, also known as a "land farm," was first established in the mid-1970s on the site of the old tank farm supporting the refinery. That tank farm was located approximately 1,000 feet west of a residential area by the name of Midwest Heights. Oily sludge was hauled from the refinery to the land farm where it was spread and periodically tilled to promote natural biodegradation. This was continued until the late 1990s under the assumption that a CAMU would eventually be built adjacent to the land farm for the permanent disposal of cleanup-generated hazardous wastes. The LTU permit renewal submitted in 1998 indicated that the proposed location for an on-site CAMU incorporating the LTU and other excavated wastes would be on 30 acres of the tank farm. The CAMU would consist of two large lined and covered containment units built within the tank farm.

A public meeting on the proposed location for the CAMU and the LTU permit renewal, as required by state law, was held in 1998, followed by a 30-day public comment period. Although attendance was low, this first public meeting did elevate community awareness about the potential impact of the CAMU, and members of the community began to get involved. In late 1999 and early 2000, letters to the editor appeared in the local newspaper criticizing the placement of the CAMU near the low-income community of Midwest Heights. BP was surprised by the increasing attention because the tank farm was built long before the low-income community, and the tank farm seemed to be the most logical place to site the CAMU (many waste units had already been buried there). Adding to the surprise was that BP had not previously received any public comments during the official comment period on the CAMU permit that had long been submitted for review to the State of Wyoming. With public concern growing, and the potential for an

environmental justice issue arising, BP decided to halt the progress of the CAMU permit and attempted to increase community involvement in the process. This decision led BP to expand discussions on the CAMU to involve all interested members of the community. BP also decided to bring in EPA staff to provide a workshop on environmental justice to BP representatives and the community. BP then held a public meeting in the spring of 2000 to have the community choose one of four possible sites for the CAMU. When the vote was called, the community unanimously agreed that the best site for the proposed CAMU would be the southwest corner of the Soda Lake property, outside the city limits of Casper. By allowing community members the opportunity to vote for their preferred site, and agreeing that the community-chosen site would be the location of the CAMU, BP created tremendous community support and engendered good will among residents.

Through a concerted community involvement effort, BP was able to lead a successful effort to site the CAMU and develop better reuse plans for its tank farm.

BACKGROUND

Midwest Refining originally built the refinery in Casper, Wyoming, in 1913. Standard Oil Company of Indiana purchased Midwest Refining in 1921 and continued to expand production facilities. Standard modernized the refinery throughout the 1940s and 1950s; the company officially changed its name to Amoco in 1985. After 78 years of operation, Amoco shut down the Casper oil refinery in December 1991. Amoco then merged with BP on the last day of 1998; BP now owns the former refinery and associated land.

In total, the Casper refinery properties include approximately 3,000 acres. The former BP refinery comprises 340 acres in west-central Casper on the southern bank of the North Platte River. The storage tank farm, which covers approximately 640 acres, is located north of the former refinery, Casper city limits, and the North Platte River. The southern portion of the tank farm is where the active storage tanks remain, and where BP initially proposed siting the CAMU. BP's Soda Lake property, the final site chosen for the CAMU, lies two miles northeast of the storage tank farm, also outside the city limits of Casper, comprising approximately 2,200 acres. The Soda Lake property also contains a 700-acre lake and abundant wildlife.

Between 1992 and 1998, following closure of the refinery, Amoco (which would become part of BP following the December 31, 1998 merger) kept a low profile in Casper, and relations with some members of the community became strained. In 1998, a new management team helped Amoco begin to increase its engagement and standing in the community by publishing periodic newsletters and meeting reports to keep the community informed of the site remediation progress at the closed refinery.

EPA was involved at the site in 1991 when the facility closed, and again in 1996 when the agency issued a unilateral order to Amoco for remediation at the refinery. In 1997, a citizens' group filed a civil suit against three companies that operated in Casper—including Amoco—alleging Clean Water Act violations. In 1998, a judge issued a related injunction against Amoco to prevent off-site contamination.

In the fall of 1998, Amoco entered into a court-approved consent decree with the Wyoming Department of Environmental Quality (WDEQ) that required a collaborative process involving the community to reach decisions regarding the cleanup of the tank farm and refinery. Amoco, the City of Casper, and Natrona County signed a reuse agreement in 1998 to promote site redevelopment. The consent decree and reuse agreement set in motion monthly public collaborative process meetings and technical workshops. These agreements also helped form a Joint Powers Board (JPB)—comprising members of the Casper City Council and the Natrona County Commission, and other local residents—that would help redevelop the

site. The JPB also later served as the community representative in negotiations with WDEQ and BP for completion of the consent decree and creation of a required cleanup plan.

As part of the remediation of the LTU, tank farm, and refinery, BP wanted to build a CAMU in which to contain wastes generated during cleanup. Since the reuse planning was occurring at this time and the community was significantly involved in that effort, it did not take long before the community also got involved in the process of siting the new CAMU. As the permitting process for the CAMU was progressing, members of the community told BP that an environmental justice issue might be in the making if the proposed site for the CAMU would be near the low-income Casper community of Midwest Heights. Members of the community expressed concern that Midwest Heights might experience a disproportionate impact from potential groundwater contamination, noise pollution, and air quality degradation caused by the CAMU. Once these concerns were raised, BP embarked on a series of public meetings to inform the public about its siting process and to gauge public response.

As the CAMU siting permit was being reviewed by the State of Wyoming in the spring of 1998, some of Casper's citizens banded together to create the Community Facilitation Initiative to work with Amoco on the pending cleanup and redevelopment of the closed refinery. This group drafted a reuse plan for the Amoco site and submitted it to the company.

After involving EPA, WDEQ, local environmental groups, and community members, BP held a public meeting in the spring of 2000 to offer four possible sites for the CAMU. Of the four potential sites, one of which was the originally proposed site at the tank farm near Midwest Heights, the audience unanimously agreed that the site at the southwest corner of the Soda Lake property was the best choice. In allowing the community to influence its siting decision, BP was able to avoid a potential environmental justice issue and greatly improve its relations with the community.

Under the reuse agreement, BP agreed to provide an extensive package of infrastructure, redevelopment funding, nominal property lease terms, and other amenities if the community would help the company achieve a reasonable and timely property cleanup agreement with the state. The refinery property that would be leased to the community included approximately 340 acres for a business park that would feature constructed pads upon which future offices could be built, utilities, a parkway, a championship golf course, and additional recreational features. The northern 250-acre portion of the tank farm was to be made available for redevelopment as an industrial park, complete with roads and utilities. The 2,200-acre Soda Lake parcel owned by BP, which was used to manage wastewater and featured more than 700 acres of water, would continue to be used as wildlife habitat and a viewing area. Although the deadline for reaching a reasonable cleanup agreement with the community had been set at September 2001, BP had anticipated a slight delay due to the extensive negotiations and allowed the community a few extra months for the last stages of negotiations and agreed to fund the full reuse package.

Unique Approach

BP gave the citizens of Casper the opportunity to vote on which of the four possible CAMU sites they would be most comfortable with and would be in the best interests of the community.

COMPANY'S APPROACH TO ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

BP's approach to community involvement and environmental justice is to defer to its managers in the field who are dealing with potential issues on a case-by-case basis. The company finds that the term "community involvement" better reflects its work than the term "environmental justice." BP tends to believe the term "environmental justice" has a negative connotation that implies wrongdoing. In line with the corporate policy of local involvement and case-by-case decisions, BP Casper employees were allowed the freedom to resolve the potential environmental justice conflict caused by the proposed siting of the CAMU at the tank farm. This was also the case with the reuse planning for the former refinery lands, where the local BP representatives were able to negotiate locally, while BP corporate provided guidance and support as needed.

Discussion of the Process

At the public meetings that took place throughout the CAMU-siting process, the community voiced several major concerns, including potential groundwater contamination from the proposed CAMU and a disproportionate impact (noise, traffic, odors) on Midwest Heights. The people involved in the cleanup and reuse planning meetings told BP that the impact of the proposed CAMU on Midwest Heights could become an environmental justice issue. This prompted BP to increase its efforts to involve both Midwest Heights residents and the community-at-large in the decision-making process. BP also brought in EPA staff to provide an environmental justice workshop, with special attention given to residents of the potentially affected neighborhood of Midwest Heights.

After the workshop, community members and BP held a series of meetings to discuss possible sites for the CAMU other than the tank farm. There were thousands of acres of former refinery lands on which the CAMU could be sited, and three alternative sites at various locations on those acres were selected. At a special public meeting where those alternatives were presented to the general public, BP reviewed the pros and cons of each site, noting that sending the waste out of state for disposal was not a viable option. The facility manager set the tone for the meeting, informing the community that cooperation and compromise were needed from all parties to reach agreement. Once the discussion of the different site options concluded, the community members were asked for a show of hands indicating their preferred CAMU site. The southwest corner of the Soda Lake property was unanimously voted the best place to site the facility. After the vote, BP agreed to site the CAMU at the site chosen by the community, even though local management had not yet secured the required permits or upper management approval to site the CAMU there. BP's commitment to honoring the siting choice of the community was greeted with clapping and

Community Outreach Activities

- Published newsletters before and during the reuse agreement negotiations and the CAMU siting.
- Brought in EPA trainers to give an environmental justice workshop to community members and BP personnel.
- Held a series of informational meetings for the community relating both to reuse planning and the CAMU siting.
- Made an extra effort to involve members of the Midwest Heights community in the CAMU process once the EJ issue was raised. The effort included going door-to-door in that community to inform residents about the meeting, where they would be given the opportunity to vote for their preferred CAMU site.

cheers from the community participants who showed their appreciation for being heard and involved in the siting decision.

BP considers the CAMU siting effort very successful once the community was effectively involved. BP will seek to involve communities early in the decision-making process in the future when similar situations present themselves or when potential environmental justice issues arise.

COMMUNITY PERSPECTIVE

In the early 1990s, the Casper community was feeling very frustrated and uninvolved in the cleanup and reuse process at the Amoco refinery and tank farm. Starting in 1998, the community decided to take a more active role in determining the future use of these properties. This more active role corresponded with BP's increased community involvement activities surrounding the renewal of its LTU permit.

Once community members were able to organize and bring their concerns and ideas for reuse to BP, the company was responsive, and residents began to feel more empowered and involved, with a sense of ownership over the decisions that were being made. The increased community activity and involvement culminated in the formal signing of the reuse agreement for the former refinery site by the City of Casper, Natrona County, and BP. The projects within that agreement were the direct result of the community working with BP to establish and achieve the reuse goals that would best serve the needs of Casper.

Set forth below are two community perspectives regarding the public participation process.

Community Member #1—Supportive. BP used effective presentation materials, which included posters and detailed drawings, and acronyms of all terms used to describe the cleanup and CAMU process; and maintained several repositories containing all data and records regarding site activities. Agendas for the meeting were publicly announced. To ensure that a detailed record of meetings existed, all meetings were videotaped. The RCRA facility investigation process leading up to the final siting of the CAMU was conducted in a public, transparent manner; moreover, all documents discussed were made available to the public and were subject to public comment. The process became quite efficient once BP and WDEQ built trust and established a strong communication process over one and a half years. Instead of using the old process (e.g., BP drafts document, receives WDEQ comment, etc.), BP and WDEQ came to mutual agreement on remediation before the remedial design process was conducted, rather than after the fact, which tends to be the usual case when industries work with state governments. In sum, they developed a work plan together. Had this been done earlier, the process could have been more efficient.

Community Member #2—Skeptical at First, Now Supportive of the Outcome. The new Amoco (and later BP) manager ushered in a new era of open communication between the company and the community. While the consultant and facilitator hired by the JPB led to a high degree of informational and educational exchange, WDEQ helped ensure that the community understood the complex technical issues involved in the reuse planning and CAMU siting. While BP did a decent job of informing the public concerning the CAMU, it was clear that many Midwest Heights residents did not understand the potential impacts of the CAMU's siting near their community. It took strong opposition to the permit to get WDEQ to educate that group of citizens. The facilitator did a good job, but since his salary was paid for by BP, his neutrality was potentially compromised. BP also paid for WDEQ to hire consultants to work on the CAMU and reuse projects. Other improvements to the process could have included enhanced outreach in Casper as well as BP going beyond contacting the Chamber of Commerce in several of its consultations. Overall, the process turned out better than expected.

OUTCOMES OF THE PROCESS

BP believes that if the community had been involved during the early stages of shutting down the refinery, the entire process of planning for cleanup and reuse would have been much easier and much less contentious. The company also stresses that simply meeting the state requirement for public notification and hearings with paperwork available for review at the public library, identified by BP as “the old way,” does not effectively involve the community. The “new way” of actively involving the community, according to BP, is to have personal visits with interested neighbors, sponsor open public meetings, and hold information sessions for interested community members. BP believes the best approach to avoiding potential environmental justice issues is get residents involved, not because they have to be involved, but because they want to be involved.

The citizens of Casper, and specifically the members of the Midwest Heights community, now have a greatly improved opinion of BP as a corporation. The reuse planning process and CAMU siting process have helped create sense of buy-in for residents into what goes on in their community with regard to BP. Residents feel that their opinions and concerns matter to BP, and that they will be heard if they need to air a grievance. After the limited communication with and frequently bad feelings toward the refinery and the company in the early 1990s, the support and good feelings that currently exist between BP and the community are even more impressive. BP involved the community and empowered residents to help determine where the CAMU was sited, gaining along the way great support and trust from the people of Casper, Wyoming.

During the reuse planning and CAMU siting process, the State of Wyoming drafted and passed a Voluntary Remediation Program that, due in part to experiences in Casper with the BP facility, included intensive community involvement provisions that would bring all stakeholders together “at the table” to resolve their concerns and issues.

CASE STUDY: PERMITTING

Case Study:	Permitting
Company Type:	Manufacturing and Industrial
Geographic Region:	South
Community Information:	Small community with a minority, low-income population
Case:	Permitting an existing facility
Community Involvement Approach:	Company facilitated a dialogue using an established CAP to communicate with the community and gain acceptance for complex, multi-media permits

OVERVIEW

Weyerhaeuser, a forest products company, manages 43 million acres of forest land primarily in the U.S. and Canada; has 100 facilities; and employs more than 57,000 people in the U.S. and Canada. It has encountered community involvement issues in the past in a variety of settings, including through its facilities and forest management practices impacting First Nations tribes in Canada. Consequently, the company has instituted CAPs in some cases and engaged in facilitated processes in others. Weyerhaeuser believes that compared to other companies, it has had few major issues. The company attributes its success in this arena to a proactive policy of community involvement.

This case study examines Weyerhaeuser's Flint River Operations in Oglethorpe, Georgia. The Flint River facility employs approximately 375 people to produce absorbent fluff pulp used to manufacture diapers. This case study is not a description of a facility reacting to community opposition to its siting or permitting practices by increasing its level of engagement with the community. Instead, Flint River demonstrates a proactive commitment by a facility with air, water, and waste permits, and a positive record of performance, to negotiate and implement an agreement that goes beyond the regulatory requirements in a small community with a significant African American population. To achieve this outcome, the company facilitated a CAP process as part of its ongoing dialogue with the community.

BACKGROUND

In 1995, Weyerhaeuser proposed participating in U.S. EPA's Project XL (eXcellence and Leadership) to U.S. EPA, the Georgia Environmental Protection Division (GaEPD), and the Georgia Pollution Prevention Assistance Division. The thrust of the proposal was to take a high-performing facility, its Flint River Operations, and voluntarily go beyond regulatory requirements through the use of a "bubble" under the Clean Air Act's Prevention of Significant Deterioration (PSD) and Title V programs. Through this regulatory flexibility, Weyerhaeuser sought to avoid paperwork costs that, in its view, "do not truly benefit the environment." It also sought to create an environmental management system under ISO 14001 to reduce impacts to the environment across multiple environmental media. Instead of shifting the environmental impact from one media to another and proceeding in a piecemeal fashion, Weyerhaeuser sought to address all media impacts simultaneously and to create such improvements through its Minimum

Impact Mill (MIM) approach. Significantly, the company sought to go beyond compliance at a lower cost to both Weyerhaeuser and state regulators by focusing on a partnership approach to compliance. In negotiating the XL agreement, the company engaged the regulators as well as a host of community stakeholders (see *Discussion of the Process* in the next section). The resulting agreement also demonstrates a commitment to educating and communicating with the community on a host of complex issues.

COMPANY'S APPROACH TO ENVIRONMENTAL JUSTICE AND COMMUNITY INVOLVEMENT

General Community Involvement Policy and Environmental Justice Views

Weyerhaeuser is aware of environmental justice. It addresses environmental justice through its community involvement paradigm, and the company sees no distinction between the two concepts of environmental justice and community involvement. Weyerhaeuser believes that communication and trust-building are two essential components to a successful community involvement strategy, and that trust is something that must be earned with the communities in which a company operates.

Site-Specific Practices

Set forth below are discussions of the technical issues addressed at Flint River, including the process used to explore such issues.

The Flint River facility put in place portions of Weyerhaeuser's MIM strategy beginning in the early 1980s. (Some of the technologies established at that time are the current basis for certain water rules, such as the 1998 cluster rule for the pulp and paper industry.)

In the XL agreement reached on January 17, 1997, the Flint River facility voluntarily agreed to improve its environmental performance in all media in two major phases—a short-term period, Phase IV (1996–1997), and a long-term period, Phase V (1998–2006)—with all commitments to be met by 2006. (Phases I–III were completed prior to the execution of the agreement.) Phase IV included improvements in isothermal cooking and odor control, energy reductions, and development of an environmental management system, ISO 14001. In Phase V, the environmental improvements (compared to the 1995 levels) include studies to reduce bleach effluent and solid waste by 50 percent, reduce air emissions under Maximum Achievable Control Technology (MACT), employ timber resource strategies, and decrease water and energy use. For air emissions, the agreement provides for dual air emissions caps that limit facility-wide emissions to 60 percent below requirements. In return, the company can change operating conditions within the facility bubble without triggering permit reviews if it does not exceed the reduced limits. Overall, these reductions put the performance well below the regulatory limits for water and solid waste.

Siting

The following criteria have been used by Weyerhaeuser to site facilities: access to railroads and other transportation links; proximity to markets; availability of raw materials; and the presence of a potential labor pool. In certain circumstances, measures have been taken to mitigate siting concerns. First, Weyerhaeuser may add environmental controls beyond compliance requirements in exchange for shorter construction permitting timelines. Second, the company attempts to buy enough land after the initial site evaluation to ensure that the new facility has room to grow and still not be an issue for the surrounding local community.

To achieve these pollution reduction targets, Weyerhaeuser conducted a feasibility study and provided the results to regulatory agencies and other stakeholders (further identified below). For the MACT reductions, the company, EPA, and GaEPD agreed to perform a MACT applicability assessment, under which the reduction levels would be quantified and a timeline established. The agreement called for pollution reductions to be enforceable permit conditions in both National Pollution Discharge Elimination System (NPDES) water volume use and effluent measures (e.g., biological oxygen demand, total suspended solids), as well as solid waste (e.g., pounds). Therefore, while the agreement was voluntary and non-enforceable in general, GaEPD—to which EPA has delegated responsibility to run the permitting programs subject to the agreement—had to implement these proposed permitting condition changes (e.g., modification and reissuance) through the permitting process, including the associated state public involvement provisions. All permitting changes outlined above will be implemented and monitored by GaEPD. Weyerhaeuser agreed not to challenge the implementation of the new permit conditions as long as they conformed with the substance of the agreement between the parties.

Discussion of the Process

The agreement process (which was completed in nine months) included participation by the following parties: City of Oglethorpe, City of Montezuma, Macon Correctional Institution, Macon County Local Emergency Planning Committee, community leaders, Lake Blackshear Watershed Association (which includes representatives from Georgia Southwestern College, Crisp County Power Commissions and Department of Natural Resources–Game and Fish Division), and members of the public. The company had already established a sound relationship with the community; therefore, it used its existing CAP to consult with the community on the provisions of the agreement. The company also invited a university professor who was an expert in water issues to participate in CAP meetings.

Stakeholder involvement activities included personal contacts through telephone calls and meetings; publishing notices of upcoming meetings in three area newspapers; and posting notices of upcoming meetings, the project proposal, and the draft agreement in three county courthouses.

Community Outreach Activities

Weyerhaeuser facilitated three public meetings in Oglethorpe, Georgia, during the agreement negotiation process. The CAP was augmented by other participants interested in the project (see text box, next page, for outreach to additional stakeholders).

To address issues raised by non-governmental organizations (NGOs), including the Natural Resources Defense Council, two separate meetings were convened in Washington, DC, in 1996.

These groups were concerned with the precedent such agreements could establish and the difficulty of monitoring them. Despite these concerns, the NGOs did not attempt to block the agreement, and, in fact, their comments were incorporated into the final agreement.

The agreement provided for annual meetings to discuss the company's environmental performance. In addition, Weyerhaeuser agreed to report on its progress twice annually and to provide backup data when requested. Overall, the community has been very accepting of the project results and has provided ongoing support for operations at the facility.

COMMUNITY PERSPECTIVE

Support for Weyerhaeuser's agreement is evident by talking to process participants and reviewing stakeholder comment letters received by EPA. According to participants, the company did an excellent job of informing the public about the opportunities to participate in the process from the outset, and the public meetings were highly publicized. The company sought as much local participation as possible in the CAP and engaged a broad group of stakeholders. Regarding the level of community participation, one participant noted that, if anything, "citizens chose not to participate." Providing refreshments at some of the stakeholder meetings helped stimulate community participation.

Participants agreed the company did an outstanding job of explaining in detail an array of highly technical issues. This was important since some participants had no formal environmental education or training. The fact that lay persons participated in the CAP (which was augmented by state and federal regulators who helped explain technical jargon) ensured that technical issues were clearly explained in a straightforward manner. If there were questions or concerns (such as local water impacts), the company provided information in a timely manner. Most importantly, the Weyerhaeuser team took such community concern seriously, and made a concerted effort to address issues that were raised. This approach, which was consistently reported by stakeholders, instilled trust in the company. The final agreement was embraced by a wide range of CAP participants, and this support continues today.

Community Outreach Activities

Weyerhaeuser augmented existing CAP activities by:

- Facilitating three highly publicized public meetings;
- Providing oral briefings and distributing written materials to Flint River personnel;
- Providing oral briefings to national NGOs; and
- Hosting post-agreement annual meetings.

OUTCOMES OF THE PROCESS

Weyerhaeuser's practices at Flint River demonstrate a proactive model of community involvement. Moreover, the company's success in working through a multi-media pollution prevention and permitting approach illustrates its commitment to protecting human health and the environment. Significantly, the company volunteered to exceed the regulatory requirements in the Project XL agreement through an interactive and transparent process. As a result, it was able to achieve positive results and enjoys ongoing support for the agreement among regulators. In addition, community support of facility operations remains strong.

Lessons Learned

Weyerhaeuser noted that while an outside facilitator can be useful, none was needed for this process since the CAP was deemed credible by the local community. While EPA Headquarters was initially uncertain about the viability of Weyerhaeuser's project proposal, the agency ultimately saw the merits of the agreement. EPA Region 4 and GaEPD were quite supportive of the project. Because of the improved environmental performance, the local community did not see the XL project as a major community concern. Overall, the combination of strong environmental performance with a credible, transparent process has built trust with the local community.

For more information regarding this project, visit: <http://www.epa.gov/ProjectXL/weyer/index.htm>

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5. CONCLUSION

This report documents the results of the first major U.S. EPA study of the views and practices of business and industry on integrating environmental justice into the environmental permitting and site-selection processes. As a result of conducting this study, some significant conclusions can be drawn. The major conclusions are summarized below.

- **Many companies are adopting proactive community involvement practices.** Several of the companies interviewed seek to provide robust community involvement opportunities during their siting and permitting processes. These companies have learned that meeting the minimum requirements of the regulations or their operating permits is often inadequate to satisfy the needs of the community. These companies have integrated environmental justice considerations into facility permit conditions, established community advisory panels, conducted pre-permit application community involvement activities, utilized neutral, third-party facilitators, and hired members from the community as part of the facility workforce; one company has even adopted a company-wide environmental justice policy. These proactive practices can serve as useful lessons learned and positive examples for future business and industry practices.
- **Many companies and communities are benefitting from more intensive community involvement efforts.** In general, companies' facilities have been sited or permitted more quickly and at less cost than had the companies not engaged the community in a collaborative decision-making process. Communities benefit by having their concerns addressed while receiving the positive economic impacts associated with having a facility located in their jurisdiction, as well as other social benefits. The five case studies provided in this report document many of the benefits that all stakeholders can reap.
- **Many companies do not distinguish environmental justice from community involvement.** While most of those interviewed for this study are generally aware of environmental justice and its basic concepts, they do not support environmental justice as a distinct community involvement effort in their corporate practices. These companies do not distinguish environmental justice from their corporate responsibilities for encouraging sound community involvement practices and promoting sustainability. In the words of one interviewee, "we're concerned about *any* community members."
- **Many companies are troubled by the term "environmental justice".** Some members of business and industry have some significant concerns about the implications of the term "environmental justice." They feel the definition of environmental justice—and its concepts of fair treatment and meaningful involvement—are unclear. For many companies, the term "environmental justice" is inherently biased and provokes anxiety because of its negative connotations and the stigma that is often associated with it; as such, many of the interviewees (and those who declined to be interviewed) prefer not to characterize their particular facility siting or permitting issue as being an environmental justice issue.

These concerns may suggest that to engage in a productive dialogue with industry on environmental justice matters, government and other stakeholders may need to frame the discussions using language that is acceptable to everyone. Additionally, several companies have recommended that guidance and/or well-defined standards would benefit industry and other stakeholders in addressing environmental justice issues in the siting and permitting processes.

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- **Some companies are concerned about potential environmental justice legal challenges.** Some industry and business representatives have concerns that even though they have successfully obtained new or renewed permits, they are unsure whether those permits can withstand future legal challenges based on environmental justice issues. For instance, many companies have concerns that they may be contributing to a disproportionate impact on a community although they are in full compliance with their operating permit. These companies may face the full brunt of community opposition simply due to the timing of their actions when the problem involves a larger set of stakeholders. This suggests that there may be opportunities for state or federal regulators to address the issues on a community-wide basis using collaborative decision-making processes among the larger group of stakeholders.

While this study documents concerns held by some in business and industry concerning environmental justice, it also demonstrates that some companies are taking proactive, concrete steps to address environmental justice issues, sometimes before they can arise. In addition to documenting lessons learned and positive examples of environmental justice successes that others in industry can emulate, this study highlights opportunities where government and industry can work together to address some of these concerns. For instance, while several companies have taken advantage of the assistance and public involvement policies produced by NEJAC, BNEJ, and the chemical industry's Responsible Care™ program, interviewees suggested that guidance from the federal government is greatly needed.

Moreover, it may be beneficial for both EPA and industry to engage in more dialogue and communication about the term “environmental justice” and its associated concepts. This could occur through a variety of mechanisms, such as industry member participation in EPA's environmental justice fundamentals training course, EPA conducting environmental justice listening sessions throughout its ten Regions, meetings between EPA and national industry trade associations, and the establishment of an EPA-industry partnership on environmental justice.

APPENDIX A

SAMPLE QUESTIONS POSED TO COMPANIES INTERVIEWED

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SAMPLE INDUSTRY QUESTIONS

The following are examples of the types of questions posed to industry representatives to solicit their company's views and approaches to environmental justice. The questions were not provided to those being interviewed, nor were they used as a protocol during the interviews. The contractor team developed the questions at the outset of the study, and provided them to EPA to help reach agreement on the specific areas of interest and to define the parameters of the study.

General/company-wide questions:

- 1) Are you aware of the term “environmental justice”?
 - 1a) Does your company make a distinction between general community involvement and environmental justice issues?
 - 1b) What are your company's perceptions of the role that environmental justice plays in the siting/permitting process?
- 2) Does your company have a policy for involving minority, low-income, or otherwise disadvantaged communities early and often in the siting/permitting process (either company-wide or case-by-case)?

If yes: 2a) Could you please describe this policy?

2b) Can you provide a copy of the policy?

If no: 2c) Has your company ever considered developing and implementing such a policy?
- 3) When siting or seeking a permit for a facility, what factors do you think contribute to a successful community involvement effort?
 - 3a) How do these factors vary for different sites or different situations?
- 4) What criteria do you use in selecting a location to site a facility (e.g., transportation access, cost, potential employee base, access to power supplies or raw materials, etc.)?
 - 4a) How do you weigh each of these criteria in the siting of your facility?
 - 4b) How and when in the corporate decision-making process do you consider the potential concerns of the affected community?
 - 4c) At what point in the decision-making process internally do you confer with the environmental group and/or the community relations specialist in your company?
- 5) Have you ever encountered any environmental justice problems when siting or seeking a permit for a facility? [Note: In some cases, the siting/permitting of a facility affects tribal lands, communities, and/or governments. In such cases, the site-specific questions should refer to tribal communities and/or tribal governments.]

*If yes, refer to the **site-specific questions** regarding the facility where environmental justice problems occurred.*

*If no, use the **site-specific questions** to gather information on how the company's approaches in these areas may have contributed to the lack of environmental justice problems at the facility under consideration for this study.*

Site-specific questions:

- 1) How did you identify the community or communities that would be affected by the siting/permitting of your facility?
 - 1a) Did you try to reach out to all affected residents in the communities?
 - 1b) What methods did you use to ensure that all affected residents in the communities were identified and approached?
- 2) Does your company provide protocols (if not part of an EJ policy, discussed earlier) for engaging the community in the siting or permitting process in a timely, meaningful manner?

If no, skip to Question #3.

If yes, please answer the following questions:

- 2a) How did your company employ those protocols? Were they modified for this particular circumstance?
- 2b) Was there a need to go beyond the company protocol requirements in conducting meaningful, timely community outreach in this instance?
- 2c) What methods did you employ, either as part of a company protocol or in general, to involve the community in a meaningful, timely manner related to the siting/permitting of your facility?
- 2d) Who initiated contact with the community? With whom in the community did you speak? How were the communications organized? Who else was involved in the discussions? If we wanted to speak with representative members of the community about this process, to whom should we speak?
- 3) After determining the local and/or state government's public participation requirements, how do these requirements relate to your efforts to approach community involvement related to the siting/permitting of your facility?
 - 3a) Did you determine that you needed to go beyond the mandated requirements in conducting community outreach? If so, what was your motivation (e.g., good neighbor policy, individual initiative, company policy, trade association policy, etc.)?
 - 3b) How did you meet or exceed the local and state public participation requirements for the siting/permitting of your facility?

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- 3c)** At what stage in the siting/permitting process did you undertake community involvement efforts, to allow for timely community involvement?
 - 3d)** At what stage in the siting/permitting process did you first learn of community concerns with your activities? How did you learn of these concerns?
- 4)** What role did the socioeconomic status and/or demographics of the community play in how you involved the community and presented information about the facility?

If any of the below apply:

- 4a)** Did you/how did you approach multilingual communities?
 - 4b)** Did you/how did you address varying education levels within the community?
 - 4c)** Did you make any special provisions or utilize alternate approaches for addressing low-income, minority communities?
- 5)** What were the community's chief concerns?
- 5a)** Were issues associated with environmental justice (e.g., fair treatment, meaningful involvement) raised as concerns by the community? If so, how were those concerns articulated?
 - 5b)** Were concerns universal across the community, or did different persons or groups have different concerns?
 - 5c)** If different groups expressed different concerns, how did you respond to those differences?
 - 5d)** Were the stated concerns limited to your own company's activities, or did they also extend to other companies or facilities? If the latter, how did you address these complicating factors?
 - 5e)** What kinds of technical expertise were needed to facilitate the dialogue regarding the community's concerns? How did you obtain experts?
 - 5f)** Were mediators and/or facilitators used to help moderate the dialogue with the community? If so, were they helpful in your view? What specific facilitated/mediated process did you use to assist in community involvement efforts? Did you use this process to assist in collaborative decision-making with the community? If so, how?
- 6)** How did your company review the community's input and incorporate it in the siting/permitting process?
- 6a)** What overall impact did the community's input have on your decision or decision-making process?
 - 6b)** Did the community's concerns accelerate or delay planned operations?

- 6c)** Were changes made regarding facility operations? Were other community benefits conferred? Were local community members hired by the facility?
- 7)** Did you provide feedback to the community about your final siting/permitting decisions?
- If no:* **7a)** Why did you decide not to provide feedback?
- 7b)** Did the community raise concern that you didn't provide feedback? Did you address this concern?
- If yes:* **7c)** What mechanisms/methods did you employ to communicate your decision process and/or final decision?
- 7d)** Do you think providing feedback is helpful?
- 7e)** Was there any community reaction to your decision? If so, what was the reaction?
- 7f)** What did you do to address any concerns raised?
- 8)** What aspects of the siting/permitting process do you feel could have been handled differently for your facility?
- 8a)** What could state or local government agencies do to improve the process?
- 8b)** What could community representatives do to improve the process?
- 9)** Does your company feel that changes need to be made to local and/or state community involvement requirements in the siting/permitting process?
- 9a)** If so, what changes would you recommend here?
- 10)** What was your company's overall perception of the outcome of the siting/permitting process for this facility?
- 10a)** Would your company define the project as "successful?" Why or why not?
- 10b)** Does your company intend to follow a similar approach to siting or permitting in the future at any other facilities your company operates? Why or why not?
- 11)** What is your company's perception of the community's satisfaction with the outcome?
- 11a)** Was the final outcome challenged in court or before an administrative agency by any person?
- 11b)** Has the community provided any form of ongoing support for your company's operations?
- 12)** What are the "lessons learned" that your company has incorporated or will incorporate in the siting/permitting of subsequent facilities?

APPENDIX B:

**SAMPLE QUESTIONS POSED TO COMMUNITY GROUPS
AND OTHER ORGANIZATIONS INTERVIEWED**

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SAMPLE QUESTIONS FOR COMMUNITY GROUPS AND OTHER ORGANIZATIONS

The following are examples of the types of questions posed to non-industry representatives to solicit their views on industry's approaches to environmental justice. These stakeholders may include representatives from community groups, environmental groups, environmental justice groups, local governments, and state governments. The questions were not provided to those being interviewed, nor were they used as a protocol during the interviews. The contractor team developed the questions at the outset of the study, and provided them to EPA to help reach agreement on the specific areas of interest and to define the parameters of the study.

General questions:

- 1) Are you aware of the term “environmental justice?”
 - 1a) Does your community/organization/office make a distinction between general community involvement and environmental justice issues?
- 2) What factors do you think contribute to a successful community involvement effort?
 - 2a) How do you think these factors differ for different sites, different situations, or different communities?
- 3) Have you ever raised or encountered any environmental justice concerns during the siting or permitting of a facility? [Note: In some cases, the siting/permitting of a facility affects tribal lands, communities, and/or governments. In such cases, the site-specific questions should refer to tribal communities and/or tribal governments.]

If yes, refer to the site-specific questions regarding the facility where environmental justice issues occurred.

If no, use the site-specific questions to gather information on how the stakeholders viewed the company's approaches in these areas and how they may have contributed to the lack of environmental justice issues at the facility under consideration for this study.

Site-specific questions:

- 1) What methods did the company use to involve your community in a meaningful, timely manner related to the siting/permitting of the facility?
 - 1a) How did they approach the members of your community who could not speak English (well)?
 - 1b) How were varying education levels within the community taken into account when information was presented?

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- 1c) Were any special provisions made or alternate approaches utilized by the company in addressing the environmental and health concerns of low-income and/or minority communities?
- 2) Were all members of the affected community informed about this siting/permitting process?
- 2a) If not, which groups were excluded and why?
- 3) At what stage in the corporate decision-making process was the community informed about the siting/permitting of this facility? How was the community informed? Was there a concerted process or was it done through the regular course of business?
- 3a) Were there any existing community revitalization or neighborhood development/conservation plans in place? (Put in place by whom? Industry or the government? If government, what level—federal/state/local?) If so, did facility representatives address the role of the facility in those plans?
- 4) Public participation process:
- Community groups:**
- 4a) Are you familiar with the local and/or state government’s public participation requirements? If yes, did you feel that the facility representatives went beyond the mandated requirements in conducting community outreach?
- Local governments:**
- 4b) What mechanisms are in place to inform residents about public participation opportunities for zoning? How are these mechanisms enforced? Have you used incentives to entice a company to locate in your jurisdiction, and then encountered a reaction from the community concerning environmental justice issues? If so, how did you address this? Did you apply lessons learned from this situation to future situations? Or, conversely, do you work with communities prior to a company’s locating in your jurisdiction to proactively address potential environmental justice issues?
- State governments:**
- 4c) What mechanisms are in place to inform residents about public participation opportunities for permitting? How are these mechanisms enforced?
- 5) What was the general reaction to the possible siting/permitting of the facility in your community?
- 5a) Did the community foresee jobs, increased services, or other benefits?
- 5b) If so, did the community believe these benefits outweighed their concerns?

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- 6) What were the community's chief concerns?
- 6a) Were issues associated with environmental justice (e.g., fair treatment, meaningful involvement) raised as concerns by the community? If so, how were these concerns articulated?
 - 6b) Were concerns universal across the community, or did different persons or groups have different concerns?
 - 6c) If different groups expressed different concerns, how were those differences communicated? How were they handled?
 - 6d) Were the stated concerns limited to the facility in question, or did they also extend to other companies or facilities? How did this affect the company's approach for involving the community?
 - 6e) Were there incidences where communicating with the community in English was difficult? (e.g., if the community representatives did not speak English proficiently)
 - 6f) Were technical experts used in the dialogue between the community and the facility representatives? Did the community have access to technical experts? What effect did this have on the dialogue between the community and the facility?
 - 6g) Were mediators and/or facilitators used to help moderate the dialogue with the facility representatives? If so, were they helpful in your view? What specific facilitated/mediated process was used? Did this process assist in collaborative decision-making with the community? If so, how?
- 7) Did the company provide feedback to the community about the final siting/permitting decisions?
- 7a) If so, via what mechanisms? Were these mechanisms effective?
 - 7b) Do you think providing feedback is a good approach to ensuring meaningful community involvement?
 - 7c) Was there any community reaction to the decision?
 - 7d) If so, how were those reactions conveyed to the company and what was the result?
 - 7e) Were changes made based on community comments/concerns?
- 8) What aspects of the siting/permitting process do you feel could have been handled differently at this facility?
- 8a) What could state or local government agencies do to improve the process?
 - 8b) What could the company do to improve the process?

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- 9)** Do you feel that changes need to be made to local and/or state community involvement requirements in the siting/permitting process?
- 9a)** If so, what changes would you recommend here?
- 10)** What was your overall perception of the outcome of the siting/permitting process at this facility?
- 10a)** Would you define the project as “successful?” Why or why not?
- 11)** Was the final outcome challenged in court or before an administrative agency by any person?
- 11a)** Has the community provided any form of ongoing support for operations at this facility?
- 12)** What are the “lessons learned” that you will use in future interactions with industry for the siting/permitting of facilities in your community?

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