

Environmental Justice Five-Year Implementation Plan

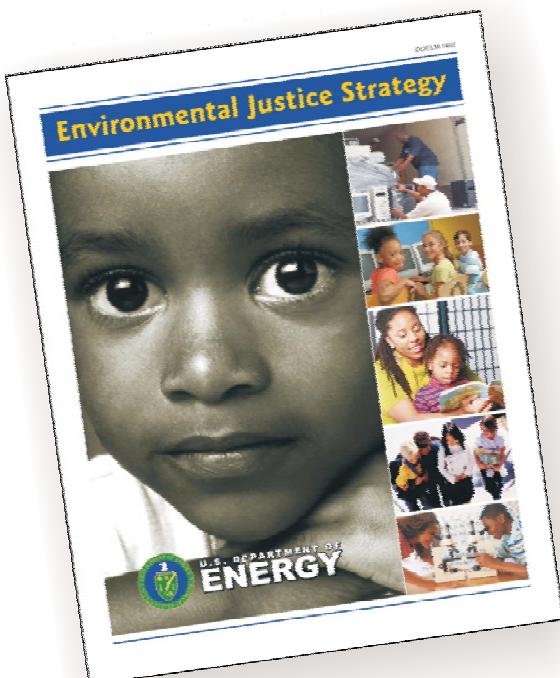


U.S. DEPARTMENT OF
ENERGY

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The final Five-Year Implementation Plan does not reflect all Departmental program input. Following program office approval, additional activities will be added and the revised Plan will be distributed on or before March 1, 2009.



Forward

The Department of Energy (DOE) *Environmental Justice Five-Year Implementation Plan* sets an ambitious Departmental agenda that will guide our environmental justice activities for the next five years. It sets forth an aggressive agenda, and is required to do so if we are to meet the environmental justice demands that are spelled out in Presidential Executive Order 12898 and the Department's *Environmental Justice Strategy*. This is our initial attempt to prepare a plan of this nature. It will support Departmental environmental justice goals and aspirations for the next five years.

Many people in the Department contributed to this Plan. The work actually began in the fall of 2007 with the re-establishment of DOE's Environmental Justice Task Force. The Task Force reviewed the original *Environmental Justice Strategy* that was developed back in 1995 and revised the *Strategy* where warranted. Secretary Samuel W. Bodman approved the revised *Strategy*. In his message to the Department, the Secretary encouraged everyone to be responsive to the Department's *Environmental Justice Strategy* and look for ways to improve its implementation in order to insure that all employees are aware of the *Strategy* and its provisions.

In a similar manner, completing the activities listed in the *Environmental Justice Five-Year Implementation Plan* will require the work of many people inside DOE. I look forward to working with my colleagues and stakeholders across the nation to complete these activities. Primary responsibility for accomplishing various tasks lies with specific program offices. Coordination of activities lies with the Environmental Justice Program Manager. DOE's Environmental Justice Program is a Department-wide activity with leadership provided by the Office of Legacy Management. An annual *DOE Environmental Justice Progress Report* will track our success in completing our activities and meeting the goals in a timely fashion.

With this plan in place, the next five years should be the most productive, creative, and exciting for environmental justice in DOE and in America. I look forward to working with you to reach the goals we have established for ourselves.

A handwritten signature in black ink that reads "Melinda Downing".

Melinda Downing
Environmental Justice Program Manager

Introduction

Environmental Justice demands fair treatment and meaningful involvement of all people, with respect to development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment ensures that no group bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations, or from the execution of Federal, state, local laws, regulations, and policies. Meaningful involvement requires effective access to decision-makers for all, and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves.

Environmental justice involves two key factors:

- Discriminatory impact on minority, low-income, and tribal populations; and
- Meaningful public participation.

The exact start of the environmental justice movement in America is not clear. Local groups have complained about unwanted land uses for decades. Prior to the early 1980s, these local protests were considered isolated because protesting communities were complaining by themselves and not associated with others similarly situated in other communities.

This isolated protesting all changed in the early 1980s and the environmental justice movement became a national social and racial protest that galvanized communities across the country seeking social justice and environmental protection. The initial environmental justice spark sprang from a Warren County, North Carolina, protest. In 1982, a small, predominately African-American community was designated to host a hazardous waste landfill. This landfill would accept polychlorinated biphenyls contaminated soil that resulted from illegal dumping of toxic waste along roadways. After removing the contaminated soil, the state of North Carolina considered a number of potential sites to host the landfill, but ultimately settled on this small African-American community.

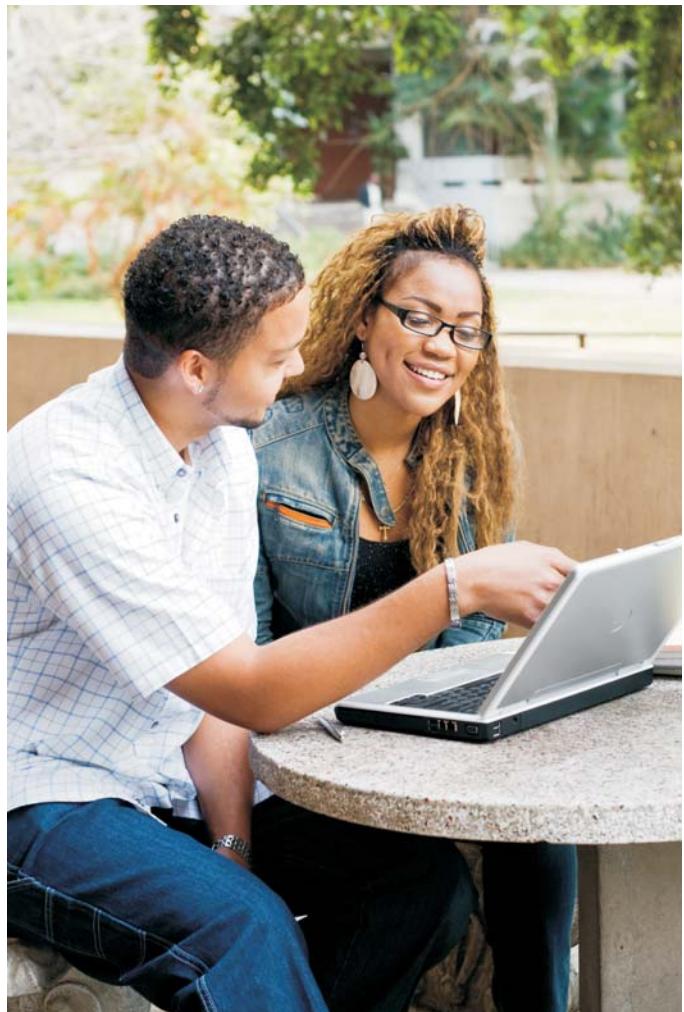
The environmental justice movement made its way into the White House when President Clinton issued Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* in 1994. This Order tasked each Federal agency to make achieving environmental justice a part of its mission. The agencies were directed to do so by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects of their program, policies, and activities on minority and low-income populations. The Executive Order also required the agencies to prepare a strategy for integrating environmental justice into all of their activities.

In response to the Executive Order, DOE prepared and released its *Environmental Justice Strategy* in 1995. Since that time, the Department has conducted a series of activities to implement the *Strategy*. Both the Executive Order and the *Strategy* require that the Department integrate environmental justice into all Departmental programs, policies, and activities.



The fundamental principle of environmental justice is that all stakeholders should have meaningful and informed participation in all aspects of environmental decision-making that could affect their community. While some activities are complex and technical, stakeholders should participate as permitted by law and Departmental policy. Often small towns, rural areas, minority, low-income, and tribal communities are limited in their ability to participate in decisions relating to the environment due to the lack of access to information, technology, expertise, and decision-makers. Over the years, the Department has conducted programs to build the capacity of these communities to participate effectively in the decisions that impact their community. Examples are:

Building Community Capacity Through Technology is a partnership between Tennessee State University and the National Urban Internet that focuses on providing technical assistance to the communities near DOE's Oak Ridge Operations and Savannah River Site. This effort started with nine computers for the Hyde Park community in Augusta, Georgia; 20 computers for community groups in Savannah, Georgia; 15 computers for Keysville, Georgia; and 15 computers for Oak Ridge, Tennessee. Rather than providing computers directly to community groups, this effort now supports community technology centers that upgrade computers and distribute them to small towns, public schools, and community groups. The computers and the technology centers give communities access to technical assistance and information in order to help them make better decisions for more effective participation in environmental decision-making. The partnership has donated approximately 5,000 computers to groups to enhance environmental justice.



The **Community Leaders' Institute** is a program in which Tennessee State and the Medical University of South Carolina collaborate with DOE and the Savannah River Site to conduct training and provide technical assistance. The Community Leaders' Institute helps community leaders address environmental and other issues in their communities. Fifteen of these multi-day workshops have been conducted in Georgia, South Carolina, and New Mexico. In addition, this effort has conducted four grant-writing workshops and created four made-for-television dialogues.



The **Dr. Samuel P. Massie Chairs of Excellence** are a team of world-class scholars, researchers, and educators from nine Historically Black Colleges and Universities (HBCUs) and one Hispanic-Serving Institution who conduct research, provide advice and assistance to municipalities, and promote collaboration among Federal agencies, the private sector, research institutions, and other HBCUs. The Massie Chairs Program resides in the National Nuclear Security Administration, and is a key element of our environmental justice and community capacity building effort.

United Negro College Fund Special Projects and DOE conduct a summer internship/mentorship program for undergraduate students attending minority institutions. This program brings students to Department laboratories for hands-on mentoring experiences in the fields of environmental science and engineering. The number of students participating in the program increased from six in 2004 to nine in 2008.

The **State of Environmental Justice in America Conference** at Howard University School of Law is a national conference that brings together leaders from various sectors and interests for free exchange of ideas and concepts for environmental justice. This training conference presents solutions that work for real life challenges through an interactive forum that encourages dialogue among

participants representing diverse interests. Conference participants from government, business and industry, community groups, tribes, and academia network with colleagues from across the country and discuss issues with decision-makers at the highest level of Federal Government in an informal and relaxed environment. The State of Environmental Justice in America Conference held in May 2008 was highlighted by the introduction of the revised and updated *Environmental Justice Strategy* by Acting Deputy Secretary Kupfer. Mr. Kupfer discussed all of the elements of the *Strategy* and laid the foundation for two additional *Strategy* presentations during the Conference. The Department's Environmental Justice Program initiated this conference and plays a major role in the conference planning process.

Environmental Justice Training classes help Department and contractor personnel gain a greater awareness of environmental justice issues, communication styles of various stakeholders, and strategies for incorporating environmental justice into Department decision-making. The classes—*Public Participation, Environmental Justice, and Communicating With the Public*—help personnel communicate more effectively in public meetings, and support the Department's goal of having an open, transparent and inclusive decision-making process.

The Environmental Justice Program was originally assigned to the Office of Economic Impact and Diversity. Later, it was transferred to the Office of Environmental Management. In 2004, the Secretary directed the Office of Legacy Management to provide leadership for the Environmental Justice Program.

In November 2007, the Department re-established its Environmental Justice Task Force to review and update the current *Environmental Justice Strategy* and develop an *Environmental Justice Five-Year Implementation Plan*. The Task Force completed the revised *Strategy* in May 2008.



Vision Statement

In accordance with Executive Order 12898, DOE will incorporate environmental justice into our management infrastructure to promote environmental justice through:

- Effective and efficient goals and strategies;
- Engaging public participation and trust; and
- Ensuring accountability through performance metrics.

DOE will be viewed as a Federal leader in environmental justice addressing the needs of energy and technology-directed work to improve the quality of life in communities and DOE facilities.

Environmental Justice Core Principles

Environmental justice works best when communities are able to care for themselves and can determine their own environmental fate. A community that is environmentally aware and is an active participant in environmental decision-making is the best source for environmental protection. In those cases where the community lacks environmental knowledge or access to trusted technical assistance, government may provide assistance to the community to acquire the knowledge and technical assistance to provide for its own environmental protection.

The fundamental principle of environmental justice is that all stakeholders should have meaningful and informed participation in all aspects of environmental decision-making that could affect their community. Affected communities must have the ability to effectively collect data and other information in order to be informed and active participants in decision-making processes. Traditionally, many minority, low-income, and tribal communities have lacked access to the required information and technical advisers to be informed participants with respect to various risks that accompany numerous environmental activities. In order to provide the necessary assistance to these communities, DOE has developed and conducts a number of capacity building projects to help communities gain and sustain the necessary tools to achieve environmental justice for themselves.

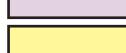
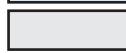
Community capacity building can be defined as the process that gives local community groups the necessary tools they need for meaningful participation in agency decision-making. Capacity-building programs help minority, low-income, and tribal communities improve their ability to participate in environmental decision-making. They encourage citizen involvement, and provide the tools that enable them to do so. Capacity-building activities, such as training and technical assistance programs, improve the capability of stakeholders to participate in DOE decision-making.

Because environmental justice means that no population suffers a disproportionate share of adverse environmental impacts, it logically follows that no population should experience less than its fair share of environmental benefits. As production possibilities turn to more environmentally friendly sources of energy from nontraditional sources, the benefits of such possibilities, when supported by public funds, should be shared by all populations, especially those who have suffered a disproportionate share of environmental burdens. Environmental justice means that those who have suffered a disproportionate share of environmental burdens should enjoy some of the environmental benefits of publicly funded production activities.

GOAL 1

GOAL 1: Identify and address programs, policies and activities of DOE that may have disproportionately high adverse human health or environmental effects on minority, low-income, and tribal populations.

	ORG	2009	2010	2011	2012	2013
Develop criteria for identifying disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.	LM	X				
Conduct environment justice activity assessments.	LM/EJ TASK FORCE	X	X	X	X	X
Evaluate Departmental programs, policies, and activities to determine if they present disproportionately high and adverse human health or environmental effects on minority, low-income, and tribal populations.	LM		X	X	X	X
Develop criteria for identifying Departmental activities that are subject to Executive Order 12898.	LM	X				
Fund the Emergency Preparedness Working Group (DOE-complex funded) for enhancing rural county emergency response capabilities.	NNSA	X	X	X	X	X
Identify Departmental activities that may have a disproportionately high adverse impact on human health or environmental effect on minority, low-income, and tribal populations.	WAPA	X	X	X	X	X

	BPA	Bonneville Power Authority
	EERE	Energy Efficiency and Renewable Energy
	EM	Environmental Management
	FE	Fossil Energy
	HAN	Hanford Site
	LM	Legacy Management
	NNSA	National Nuclear Security Administration
	OCRWM	Office of Civilian Radioactive Waste Management
	ORO	Oak Ridge Operations
	SRS	Savannah River Site
	WAPA	Western Area Power Administration

GOAL 2: Enhance the credibility and public trust of DOE by further making public participation a fundamental component of all program operations, planning activities, and decision-making processes.

GOAL 2

	ORG	2009	2010	2011	2012	2013
Conduct two environmental justice strategy listening sessions.	LM	X				
Develop an environmental justice policy.	LM/EJ TASK FORCE	X				
Review the Department's advisory boards to ensure their memberships reflect the communities they represent.	LM	X				
Enter into and/or maintain 15 stakeholder participation/technical assistance cooperative agreements with tribal nations.	EM	X	X	X	X	X
Create two new environmental partnerships (one inter-agency and one intra-agency).	EERE	X	X	X	X	X
Support one research hub with Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs) for renewable energy research and development.	EERE	X	X	X	X	X
Recruit interns from HBCUs, TCUs, and MSIs.	EERE	X	X	X	X	X
Support and update the U.S. Renewable Energy Power Plants Database.	EERE	X	X	X	X	X
Recruit minority students.	BPA	X	X	X	X	X
Recruit minority and tribal interns.	BPA	X	X	X	X	X
Invite minorities (Native Americans, African-Americans, and Hispanics) to serve on community advisory board, Nevada Test Site Programs, a citizen-based organization that is involved in staying apprised of the legacy environmental cleanup and long-terms stewardship.	NNSA	X	X	X	X	X
Support distribution of <i>Operation Clean Desert Learning Trio</i> (elementary learning program geared toward teaching environmental issues) to religious organizations, community centers located in low-income neighborhoods, and at-risk schools and schools in rural areas.	NNSA	X	X	X	X	X
Conduct approximately 24 meetings and workshops that include announcements in Spanish and English and provide a Spanish interpreter.	NNSA	X	X	X	X	X
Support one <i>Teaching Radiation, Technology and Energy Workshop</i> to provide learning activities about waste management and environmental radiation to area schools.	SRS	X	X	X	X	X
Provide tours for Savannah State University (SSU) interns.	SRS	X	X	X	X	X

GOAL 2 (continued)

GOAL 2

	ORG	2009	2010	2011	2012	2013
Participate in community outreach meetings with stakeholders to listen, develop trust, and provide opportunities for meaningful and informed public participation.	SRS	X	X	X	X	X
Participate in the annual EJ Conference, three Community Leaders' Institutes, one Technical Assistance Workshop, and one made-for-television dialogue.	SRS	X	X	X	X	X
Develop a questionnaire for stakeholders on their knowledge of SRS and EJ.	SRS	X				
Mentor and nurture SSU students toward graduate school opportunities in environmental science, environmental engineering, and environmental health related disciplines.	SRS	X	X	X	X	X
Provide opportunities to students for research internship training at SSU.	SRS	X	X	X	X	X
Increase internship programs for the HBCUs Student Development Program.	SRS	X				
Create opportunities for communities to participate in employment and entrepreneurial activities at Superfund sites.	SRS	X	X	X	X	X
Acquire one summer intern to support and learn the SRS EJ Program.	SRS	X	X	X	X	X
Participate in several Listening Sessions.	SRS	X				
Recruit one trial intern to work with renewable and corporate communications.	WAPA	X				
Continue to provide technical assistance such as anemometers, wind/hydro study results, and Open Access Transmission Tariff (OATT) procedures to tribes.	WAPA	X	X	X	X	X
Facilitate the Hanford Federal Facility Agreement and Consent Order [Tri-Party Agreement (TPA)] for achieving compliance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) remedial action provision and with the Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal unit regulation and corrective action provisions, including the Community Relations Plan.	HAN	X	X	X	X	X
Support the Public Information Repositories to give the public access to information on TPA activities and provide documents for public comment.	HAN	X	X	X	X	X
Support the TPA-Searchable automated database found at the Internet website: Tri-Party Agreement Administrative Record and Public Information Repository (www2.hanford.gov/arpir/).	HAN	X	X	X	X	X
Support the Hanford Advisory Board.	HAN	X	X	X	X	X

GOAL 2 (continued)

GOAL 2

	ORG	2009	2010	2011	2012	2013
Continue publication and distribution of the Hanford Site Public Involvement Activities (www.hanford.gov/?page=179&parent=29) and Hanford Events Calendar (www.hanford.gov).	HAN	X	X	X	X	X
Support and implement the Department's American Indian Policy.	HAN	X	X	X	X	X
Support the DOE Hanford Cultural and Historic Resources Program that reviews project activities to determine the impacts projects may have on cultural and historic properties on the Hanford Site.	HAN	X	X	X	X	X
Include EJ in any supplemental environmental projects.	HAN	X	X	X	X	X
Participate in the identification of Federal actions through the National Environmental Policy Act (NEPA) and address resulting potential EJ concerns.	FE	X	X	X	X	X
Continue the external communications and public participation initiatives as strategies to enhance the credibility and public trust of the Department.	ORO	X	X	X	X	X
Fund the Transportation External Coordination Working Group (TEC) to provide program information, address concerns, and enhance communications and interactions with state and tribal governments and other groups.	OCRWM	X	X	X	X	X
Distribute excess office supplies and computer materials and equipment to Affected Units of Government (AUGs) that includes the Timbisha-Shoshone Tribe and associated school districts.	OCRWM	X	X	X	X	X
Meet with AUGs quarterly; develop podcasts in Spanish.	OCRWM	X	X	X	X	X
Meet with representatives from 17 tribes and organizations that have cultural and historic ties to Yucca Mountain.	OCRWM	X	X	X	X	X
Sponsor undergraduate scholarship programs for minority students (HBCUs, HSIs, and TCUs).	OCRWM	X	X	X	X	X
Finalize plan for coordinating and communicating with tribes along potential routes to the Yucca Mountain repository.	OCRWM	X				
Donate Science Trek trailer to Nye County Nuclear Waste Repository Project Office.	OCRWM	X				
Implement plan for coordinating and communicating with tribes along potential routes to the Yucca Mountain repository.	OCRWM		X			
Provide oversight funding to the Timbisha-Shoshone Tribe.	OCRWM	X	X	X	X	X
Conduct an ethnographic study along the rail corridor with direct involvement of tribal elders to increase cultural understanding of the area.	OCRWM			X	X	

GOAL 3: Identify activities of DOE that improve research and data collection methods relating to human health and environment of minority, low-income, and tribal populations.

	ORG	2009	2010	2011	2012	2013
Review Department's research and data collection policies to ensure against disproportionate impacts on environmental justice populations.	LM	X				
Conduct environment, fish, and wildlife mitigation and recovery programs.	BPA	X	X	X	X	X
Promote and utilize HBCU and other minority organizations that provide sampling and environmental analysis services.	EERE	X				
Assist the Environmental Protection Agency (EPA) to integrate EERE's NEPA documentation status, activities, community technology centers, and epidemiology studies into their NEPAssist Web-based mapping application.	EERE	X				
Conduct EERE Training Sessions and identify an EERE model program for EJ implementation.	EERE	X				
Recruit at least one intern from HBCUs, TCUs, and MSIs.	EERE	X				
Retain at least one HBCU or other minority organization that provides sampling and environmental analysis services.	EERE		X			
Support research grants to the HBCUs, Hispanic Serving Institutions (HSIs), and TCUs.	NNSA	X	X	X	X	X
Support the Community Environmental Monitoring Program (CEMP).	NNSA	X	X	X	X	X
Provide consultation with tribes and collect public input for proposed Western projects.	WAPA	X	X	X	X	X
Employ tribal monitors on archaeological field crews for data recovery at significant cultural resource sites along the rail corridor as needed.	OCRWM		X	X	X	X

GOAL 4: Identify activities of DOE that further DOE leadership by integrating environmental justice with activities and processes related to human health and the environment.

GOAL 4

	ORG	2009	2010	2011	2012	2013
Develop an assessment tool to determine whether environmental justice principles are incorporated into Departmental activities.	LM	X				
Develop a Department-wide Environmental Justice Training Program.	LM	X				
Conduct four sessions of Environmental Justice training for employees, contractors, and stakeholders.	LM	X	X	X	X	X
Establish performance criteria to evaluate progress toward achieving environmental justice.	LM	X				
Incorporate environmental justice into mission statements and strategic plans.	LM	X				
Incorporate environmental justice into National Environmental Policy Act (NEPA) planning.	EERE	X				
Participate in annual EJ Conference.	SRS	X	X	X	X	X
Participate in one made-for-television series.	SRS	X	X	X	X	X
Continue to address EJ through a high standard NEPA process.	WAPA	X	X	X	X	X
Continue to apply EJ principals in ongoing cleanup activities.	ORO	X				

Summary and Conclusion

The DOE Environmental Justice Program is proceeding with its Five-Year Implementation Plan to better define how we integrate environmental justice into the fabric of our programs, policies, and activities. The activities of this plan are straightforward, measurable, and will be implemented over the next several years. The ultimate measure of performance is the reduction or elimination of disproportionately high and adverse human health or environmental effects on minority, low income, and tribal populations. Activities in some of the areas are ongoing and will continue throughout the Plan years. Our goals will be reached incrementally and over time. However, all of the pieces and all of the people are in place to make achieving environmental justice for all a reality in DOE.



Environmental Justice Five-Year Implementation Plan

