

From: Coster, Billy <Billy.Coster@vermont.gov>
Sent: Wednesday, April 03, 2019 11:57 AM
To: Amy Sheldon <ASheldon@leg.state.vt.us>
Cc: Laura Bozarth <LBozarth@leg.state.vt.us>; Kate McCarthy <kmccarthy@vnrc.org>; Hengstenberg, Carey <Carey.Hengstenberg@vermont.gov>; Ellen Czajkowski <ECzajkowski@leg.state.vt.us>
Subject: DEC/EPA - Vermont Environmental Equity/Justice initiative

Representative Sheldon,

Please see attached and below information regarding the work ANR/DEC is engaged in with the EPA and other partners on the topic of Environmental Equity and Justice in Vermont.

This work was initiated in 2016/17 with the execution of our most recent Performance Partnership Agreement with the EPA. This agreement dictates the work DEC must undertake to receive annual Performance Partnership Grants from EPA.

The full Performance Partnership Agreement is attached and the Environmental Justice section is pasted below. Work to implement this portion of the agreement is underway. If your Committee would like more information, I can line up a witness with direct experience on this topic, just let me know.

Thank you,
Billy

Billy Coster
Director of Planning
Vermont Agency of Natural Resources
(802) 595-0900

Environmental Equity/Justice in Vermont

The *Vermont* Department of *Environmental* Conservation (VT DEC) through the FFY 2016 – 2019 Performance Partnership Agreement (PPA), continues to ensure that environmental justice is an integral consideration in the development and implementation of all our programs.

Vermont is committed to the fair treatment of all of its citizens. Chapter 1 of Vermont's constitution of 1777 constitution, a "Declaration of the Rights of the Inhabitants of the State of Vermont." This chapter was composed of 19 articles guaranteeing various civil and political rights in Vermont. The first article declared that "all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety," echoing the famous phrases in the Declaration of Independence that declared that "all men are created equal" and possess "inalienable rights," including "life, liberty and the pursuit of happiness." The article went on to declare that because of these principles, "no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one Years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent." While this was the first such partial ban on slavery in the New World, it was not strongly enforced and slavery in the state persisted for at least another sixty years.

Article 7 states that the government shall be instituted for the common benefit of the people and for the peoples' defense and security. No one person, family, or group is to be singled out for more benefits of government over any other. The people have ultimate control of the government, and have an absolute right to change it in any way decided by the community.

It is these laws that lead VT DEC to establish Environmental Justice (EE/EJ) policies. There are three fundamental Environmental Justice principles: (1) To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations. (2) To ensure the full and fair participation by all potentially affected communities in the decision-making process. (3) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The above statements guide the Environmental Equity/Environmental Justice (EE/EJ) work that we do. There is a growing body of evidence that suggests that, in certain instances around the country, minority and lower income citizens or neighborhoods or communities have faced an inequitable share of the risks associated with environmental hazards. The core issue is the fairness in siting, monitoring, and/or clean-up of facilities and the regulation of activities that represent environmental hazards. The documentation on this issue suggests that for a variety of reasons, not necessarily discriminatory by intent, minority and lower income populations have sometimes borne a disproportionate share of the risks from activities which cause air, water, or soil pollution.

Much of our EE/EJ community considerations are based on communities that are socially-and economically-vulnerable. VT DEC fully acknowledges that Vermont's demographics are changing. The State's minority populations are mostly integrated into our larger municipalities and do not represent a significant at-risk demographic. In some of the State's rural communities, there are populations that are economically- and socially-vulnerable. EE/EJ considerations are addressed by looking at state economic data and by using the Environmental Protection Agency's EJ data. VT DEC also holds public information meetings so that residents can better understand proposed permits or modifications to permits.

Supporting Disadvantaged Communities

EPA and VT DEC also share a common goal to advance environmental justice. The agencies support the principle that all people have a right to be protected from environmental pollution, and to live in and enjoy a clean and healthy environment regardless of race, income, national origin or English language proficiency. In some of the State's rural communities, there are populations that are economically disadvantaged. In order to ensure safe drinking water to all Vermont's citizens, VT DEC has provided special considerations for disadvantaged communities in their Drinking Water Revolving Fund Program. VT DEC provides loan forgiveness for water infrastructure project principals, and for planning loans such as funds used to develop and implement an asset management plan. Forgiveness eligibility is based on affordability which considers income as a predictor of a household's ability to pay. For purposes of determining loan forgiveness, the Drinking Water State Revolving Fund (SRF) Program provides affordability criteria which uses a comparison of state community median household income to the median household income of the water system or town (s) in which the system exists. VT DEC's 2016

and 2017 Intended Use Plans for priority project SRF funding, provides for principal loan forgiveness for a number of municipal water systems.

Key Project Areas:

1. EJ 2020 – Work with Region I and the entire Agency to help EPA and VT DEC to integrate environmental justice into everything they do, cultivate strong partnerships to improve on-the-ground results, and chart a path forward for achieving better environmental outcomes and reducing disparities in the nation’s most overburdened communities.
2. EJSCREEN – Where appropriate, use EPA’s new environmental justice (EJ) mapping and screening tool called EJSCREEN to help to identify target communities and issues.
3. Title VI and Limited English Proficiency – VT DEC will continue to ensure that it as well as its subrecipients comply with Title VI of the Civil Rights Act of 1964 as well as Executive Order 13166’s Limited English Proficiency Requirements. (See LEP.gov and EPA’s civil rights webpage for additional information).
4. Public Health - Reduce public health exposure and risk from air and climate pollution.
5. Hazardous Waste and Brownfields – Continue to work to ensure fairness in siting, monitoring, and/or clean-up of facilities and the regulation of activities that represent environmental hazards. The documentation on this issue suggests that for a variety of reasons, not necessarily discriminatory by intent, minority and lower income populations have sometimes borne a disproportionate share of the risks from activities which cause air, water, or soil pollution.