

1 **4.12 ENVIRONMENTAL JUSTICE**

2 Impact analysis required under CEQA identifies and assesses environmental impacts to
3 the public at large, and does not distinguish between differing populations and communities that
4 may be adversely affected. However, in recent years, public concerns have been expressed
5 about siting waste management facilities in low income and/or minority communities and
6 associated impacts to these communities. Therefore, this section addresses the potential for
7 the proposed project to disproportionately impact low income and minority communities which is
8 commonly referred to as “environmental justice”.

9 Environmental justice is not an impact on the physical environment as defined under
10 CEQA and is not a required element of the EIR process. However, the information in this
11 section is provided so that the public, decision makers and CEQA lead agency and responsible
12 agencies can understand the environmental justice implications of the proposed Resource
13 Recovery Project.

14 **4.12.1 Setting**

15 4.12.1.1 Definitions

16 Environmental justice has its origins with Title VI of the Civil Rights Act of 1964
17 which states "No person in the United States shall, on the ground of race, color,
18 or national origin be excluded from participation in, be denied the benefits of, or
19 be subjected to discrimination under any program or activity receiving Federal
20 financial assistance."

21 Environmental justice has been defined by a variety of organizations interested
22 in the topic. EPA's Office of Environmental Justice offers the following
23 definition:

24 *"The fair treatment and meaningful involvement of all people regardless of race,*
25 *color, national origin, or income with respect to the development,*
26 *implementation, and enforcement of environmental laws, regulations, and*
27 *policies. Fair treatment means that no group of people, including racial, ethnic,*
28 *or socioeconomic group should bear a disproportionate share of the negative*
29 *environmental consequences resulting from industrial, municipal, and*
30 *commercial operations or the execution of federal, state, local, and tribal*
31 *programs and policies."*

32 The goal of this "fair treatment" is not to shift risks among populations, but to
33 identify potential disproportionately high and adverse effects and identify
34 alternatives that may mitigate these impacts.

35 Definitions of races, minority populations and low-income populations used in
36 this analysis are taken from the 2010 Census:

- 37 • White: persons having origins in any of the original peoples of Europe,
38 Middle East or North Africa;

- 1 • Black or African-American: persons having origins in any of the black
2 racial groups of Africa;
- 3 • Hispanic: persons of Mexican, Puerto Rican, Cuban, Central or South
4 American, or other Spanish culture or origin, regardless of race;
- 5 • Asian: persons having origins in any of the original peoples of the Far
6 East, Southeast Asia, the Indian subcontinent;
- 7 • American Indian and Alaskan Native: persons having origins in any of the
8 original peoples of North and South America who maintain cultural
9 identification through tribal affiliation or recognition.
- 10 • Native Hawaiian or Other Pacific Islander: persons having origins in any
11 of the original peoples of Hawaii, Guam, Samoa or other Pacific islands;
- 12 • Low-Income: people whose income in the past 12 months is below the
13 poverty level as established by the U.S. Department of Health and
14 Human Services.

15 A minority population is considered present in the affected area if the minority
16 population percentage is “meaningfully greater” than the minority population
17 percentage in the general population or other “appropriate unit of geographic
18 analysis” (EPA, 1998).

19 4.12.1.2 Regulatory Setting

20 **Federal**

21 In 1994, Executive Order 12898 was issued and gave a renewed emphasis to
22 Title VI and added low-income populations to those protected by the principles
23 of environmental justice. Executive Order 12898 and its accompanying
24 memorandum have the primary purpose of ensuring that "each Federal agency
25 shall make achieving environmental justice part of its mission by identifying and
26 addressing, as appropriate, disproportionately high and adverse human health
27 or environmental effects of its programs, policies, and activities on minority
28 populations and low-income populations ..." The Executive Order also explicitly
29 called for the application of equal consideration for Native American programs.
30 To meet these goals, the Order specified that each agency develop an agency-
31 wide environmental justice strategy.

32 Federal guidance concerning incorporation of environmental justice into NEPA
33 analysis is provided by *Final Guidance for Incorporating Environmental Justice*
34 *Concerns in EPA’s NEPA Compliance Analysis*, with the purpose of assisting
35 EPA personnel in identifying and evaluating disproportionately high and
36 adverse human health or environmental effects in minority communities and
37 low-income communities within the context of NEPA documents prepared by
38 EPA, including instances where EPA satisfies its NEPA compliance obligation
39 as a cooperating agency.

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State of California

Environmental Justice is defined by California statute as “The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies.”

Environmental justice has become a central concern in California, particularly after the passage in 1999 of legislation mandating that the California Environmental Protection Agency (Cal/EPA) and related agencies and departments administer and enforce their programs in a way that “ensures fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations.” (Public Resources Code [PRC] section 71110(a)). The adoption of environmental justice legislation at the State level places California in a leadership role nationally in environmental justice policymaking. This is due to leadership within State government but also to active organizing by environmental justice organizations and a growing body of research that has demonstrated that many of California’s environmental disamenities, including hazardous facilities and toxic air emissions, are disproportionately in lower-income communities of color.

The State of California has enacted two statutes addressing environmental justice: SB 115 (Solis, Chapter 690, Statutes of 1999) and SB 89 (Escutia, Chapter 728, Statutes of 2000). SB 115 established the statewide definition for environmental justice, as well as broad requirements for the Integrated Waste Management Board (now renamed CalRecycle) to participate with Cal/EPA in developing a mission statement and to incorporate environmental justice considerations into all of its programs and activities. As required by SB 89, Cal/EPA established an Interagency Working Group in 2002, consisting of the Secretary for Environmental Protection, the Chairs of the Air Resources Board, Integrated Waste Management Board, and State Water Resources Control Board, and the Directors of Toxics, Pesticide Regulation, Environmental Health Hazard Assessment and Planning and Research, to develop an interagency environmental justice strategy. Cal/EPA is required by statute to report to the Legislature every three years on progress made in its current environmental justice efforts.

In April 2013, Cal/EPA released CalEnviroScreen, a new science-based tool for identifying California communities most burdened by pollution from multiple sources and most vulnerable to its effects. On June 28, 2013, Cal/EPA announced the formation of a new agency-wide Working Group to improve compliance with State environmental laws in California communities most burdened by pollution. The Working Group will utilize CalEnviroScreen to establish priority areas for coordinated compliance and enforcement efforts.

1 The proposed project will require approval and permits from CalRecycle and
2 the Regional Water Quality Control Board. The environmental justice policies
3 and programs of these two agencies are discussed below.

4 **CalRecycle**

5 CalRecycle, in its Strategic Plan, has made a commitment to Environmental
6 Justice. The California Integrated Waste Management Board's (CIWMB) 2001
7 Strategic Plan included the following Goal related to environmental justice:
8 "Continuously integrate environmental justice concerns into all of the Board's
9 programs and activities, including administrative and budgetary decisions"
10 (Goal 6). This goal included the following four objectives: (1) develop an
11 environmental justice strategy with input from stakeholders, especially
12 concerned or impacted communities; (2) educate Board staff on environmental
13 justice concepts and promote awareness of the Board's environmental justice
14 strategy and implementation among external stakeholders and concerned or
15 impacted communities; (3) ensure greater public and community participation,
16 including low-income and minority populations, in the development, adoption,
17 and implementation of environmental regulations, policies, and programs; and
18 (4) develop and maintain an information system to support Board efforts to
19 develop and implement its environmental justice strategy.

20 While CalRecycle's current decision making process does not include an
21 analysis of environmental justice, according to CalRecycle staff (Ohiosumua,
22 July 27, 2012), CalRecycle is committed to reducing or eliminating any
23 disproportionate impacts of pollution identified in any community, including low-
24 income and minority populations.

25 **State Water Resources Control Board (SWRCB)**

26 The SWRCB has identified an environmental justice coordinator whose tasks
27 include:

- 28 • Assisting the California Environmental Protection Agency (Cal/EPA) in
29 establishing their environmental justice Program;
- 30 • Conduct research on best practices for developing and implementing the
31 SWRCB's Environmental Justice Program;
- 32 • Conduct training and develop informational material on environmental
33 justice for all Board appointees, management, and staff;
- 34 • Review and incorporate relevant legislation to the environmental justice
35 Program;
- 36 • Provide assistance and guidance to the Executive Director relative to the
37 Cal/EPA Public Advisory Committee on environmental justice events and
38 activities; and

- Incorporate the SWRCB's bilingual program to ensure full participation by all Californians.

Consistent with legislative mandates, the SWRCB's environmental justice program goals include:

1. Integrating environmental justice considerations into the development, adoption, implementation and enforcement of Board decisions, regulations and policies.
2. Promoting meaningful public participation and community capacity building to allow communities to be effective participants in Board decision-making processes.
3. Working with the Office of Environmental Health Hazard Assessment to improve research and data collection in communities of color and low-income populations.
4. Ensuring effective cross-media coordination and accountability when addressing environmental justice issues.

4.12.2 Impact Analysis and Mitigation Measures

4.12.2.1 Thresholds of Significance

As noted above, as environmental justice is not an issue area addressed by CEQA, neither the State CEQA Guidelines or the Santa Barbara County Environmental Thresholds and Guidelines Manual provide any standards in determining when an impact to a minority and/or low income population has occurred. Therefore, the following standards used in this analysis were taken from the Federal Highway Administration and documented in the Caltrans Standard Environmental Reference Handbook:

A disproportionately high and adverse effect on minority and low income populations is considered an effect that would be:

- Predominantly borne by a minority population and/or low income population;
- Suffered by the minority and/or low income population and is appreciably more severe or greater in magnitude than suffered by the non-minority and/or non-low income population.

4.12.2.2 Proposed Tajiguas Resource Recovery Project

A summary of 2010 Census data is provided in Table 4.12-1 for the project area (Gaviota coast), Santa Barbara County and nearby cities. Note that Census Tract 29.32 encompasses the south coast of Santa Barbara County from west of Goleta (Hollister Avenue/U.S. Highway 101 interchange) to near Gaviota State Park.

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Table 4.12-1. Summary of 2010 Census Data

Geographic Area	Population	Hispanic (%) ¹	Minority (%) ²	Persons below Poverty Level (%)
Gaviota coast (Census Tract 29.32)	2,499	27.2	33.1	6.3
Santa Barbara County	423,895	42.9	51.2	14.2
City of Goleta	29,888	32.9	44.6	7.8
City of Santa Barbara	88,410	38.0	44.2	14.2

¹ The race category of "Hispanic" is not considered a race by the Census Bureau; therefore, one can identify themselves as white and Hispanic or Asian and Hispanic

² Minority includes African-American, Asian, American Indian, Hawaiian/pacific islander and Hispanic

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The Tajiguas Landfill and the proposed Resource Recovery Project is entirely located within Census Tract 29.32. As indicated by 2010 Census data provided in Table 4.12-1, the local population (Tract 29.32) affected by the proposed project has substantially lower percentages of Hispanics, minorities and persons living below the property level, as compared to Santa Barbara County and the City of Goleta. Therefore, the affected population is not considered minority or low income, such that disproportionate impacts would not occur.

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Although most impacts would only affect the local population, views of project facilities from U.S. Highway 101 would result in a potentially significant aesthetics impact. Motorists on U.S. Highway 101 represent many populations from southern California, but residents of Santa Barbara County are more likely to be affected by potentially degraded views. Due to the lack of minority and/or low income populations in the area, and large number of populations potentially affected, aesthetics impacts would not adversely affect minority and/or low income populations with greater severity or magnitude.

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4.12.2.3 Proposed Tajiguas Resource Recovery Project with Optional Comingled Source Separated Recyclables (CSSR) Component

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The potential inclusion of CSSR processing into the project would not substantially change environmental impacts, and would not alter the minority and low income status of the affected population. Therefore, the analysis presented in Section 4.12.2.2 is applicable to the proposed project with the CSSR Option.

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1 4.12.2.4 Extension of Life Impacts

2 As discussed in Section 3.4, project-related diversion of recyclable material and
3 organic waste is anticipated to extend the life of the Tajiguas Landfill by about
4 10 years. Environmental justice impacts were not studied in the prior Tajiguas
5 Landfill Environmental Documents. Environmental impacts associated with
6 continued operation of the landfill would affect the Census Tract 29.32
7 population, which has substantially lower percentages of Hispanics, minorities
8 and persons living below the property level, as compared to Santa Barbara
9 County and the City of Goleta. Therefore, current and extended landfill
10 operations would not disproportionately impact minority or low income
11 populations.

12 4.12.2.5 Decommissioning Impacts

13 Decommissioning activities would generate short-term, less than significant
14 impacts including air quality, biological resources, hazardous materials, noise,
15 traffic and water resources. However, the affected population is not considered
16 minority or low income, such that disproportionate impacts would not occur.

17 4.12.2.6 Cumulative Impacts of Proposed Resource Recovery Project

18 Most of the cumulative projects (see Section 3.6) are located within Census
19 Tract 29.32; however, a few are located within the City of Goleta. Census Tract
20 29.32 and the City of Goleta have lower percentages of Hispanics, minorities
21 and persons living below the property level, as compared to Santa Barbara
22 County. Therefore, these projects (including the proposed Resource Recovery
23 Project) would not disproportionately affect minority or low income populations.