

ENVIRONMENTAL JUSTICE ADVISORY BOARD
Meeting Minutes
Friday, November 15, 2002
Room 105, Rachel Carson State Office Building
Harrisburg, PA

The Environmental Justice Advisory Board meeting began at 9:40 a.m. on November 15 by Edward Thomas, Interim Chairperson.

MEMBERS IN ATTENDANCE:

Deborah Kilmartin, Kilmartin Consulting Co.
Calvin Little
Edward Thomas
Jerome Balter, Public Interest Law Center of Philadelphia
Patrick O'Neill, City of Philadelphia Law Department
Mark Freed, Langsam Stevens, LLP
Ayanna King, Ayanna's Consulting and Concepts

MEMBERS NOT IN ATTENDANCE:

Truong Phuong
Alfred Ryan
Sis-Obed Torres Cordera
Edgar Howard
Wilder Bancroft
Eli Brill
Pheralyn Dove
Gary Horton
Dr. Stephen Kauffman

OTHERS IN ATTENDANCE:

Alisa Harris
Marcus Kohl
Brandi Hunter
Michael Corbin
Holly Cairns
Alice Wright Bailey
Krishnan Ramamurthy
Dan Snowden
Lou Guerra, Jr.
Eugene Counsel
Lorraine Wagner
Justina Wasicek
Ann Miller
Larry Holley
Nina Huizinga

Approval of Minutes: The minutes from the September 4 Environmental Justice Advisory Board meeting were approved by all members. The minutes from the September 13 and September 24 conference call for Subcommittee on Cumulative and Disparate Risk Analysis were approved. The minutes from the September 19 conference call for the Subcommittee on Cumulative and Disparate Risk Analysis were not approved because there was a mistake in transferring the minutes electronically. These minutes will be approved at the February board meeting.

Edward Thomas stated that two board members resigned. Kendall Miller, Delaware Valley Regional Planning Commission and Alta Garcia Openheimer.

Secretary Hess gave verbal approval to have Mark Freed approved as a board member. The official paperwork will be completed after the meeting with Mr. Freed's term effective as of the November 15 meeting. There is now one vacancy on the Environmental Justice Advisory Board.

Edward Thomas said he had someone he wants to recommend. It was suggested that each board member think of someone that they would be willing to recommend to the advisory board. This will be discussed more at the next board meeting in February.

Deborah Kilmartin suggested that the Board advertise in the Department's Update for a qualified candidate for the Board.

Patrick O'Neill suggested that the board look at having alternates as voting members for this committee.

Jerome Balter was not in favor of alternates. He felt that the alternate would not have the same views as the member.

Secretary Hess is not in favor of alternates on advisory boards. Since DEP has a new Secretary, this issue will be discussed at the April advisory board meeting.

Edward Thomas distributed a list of the membership based on **Occupation, Race, Geographic Area and Gender**. Before a new board member is appointed, those representations will be considered by the board.

Occupation	Race	Gender
Govt. - 4	African American- 8	Male - 12
Community - 8	<i>white</i> * American - 7	Female - 3
Industry - 3	Asian - 1	
Academic - 2	Hispanic - 1	

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of

Geographic Area

Southeast – 11
Southcentral – 2
Southwest – 2
Northeast – 1

Northcentral - 0
Northwest - 1

Alisa Harris explained that it is important to have a balanced membership on the advisory board.

There were several board members not in attendance at this meeting. It was suggested that when the minutes and agenda are sent to the board members announcing the next board meeting, that each board member RSVP.

Interim Bylaws: There was no quorum to approve the bylaws at this meeting.

Frequency and Length of Meeting for 2003:

Calvin Little: suggested that the meetings for 2003 be every 2 months

Alisa Harris would like to have meetings every month.

It was agreed that the board would meet every two months with one day meetings starting in February. If there is a need for an emergency meeting, a meeting will be called and all board members notified. The board will keep in contact between board meetings if necessary by conference call. The subcommittees of Public Participation and the Cumulative and Disparate Impact Analysis will meet by conference call until the next board meeting in February.

Conference calls for the Cumulative and Disparate Analysis Subcommittee:

December 4 @ 1:00 p.m. and January 15 @ 10:30 a.m.

It was suggested that Jerome Balter, Alisa Harris, Edward Thomas and Deborah Kilmartin get together by conference call to establish a mission statement for the board. The conference call is scheduled for **December 5 @ 10:00 a.m.**

The meetings for 2003 in Room 105 of the Rachel Carson State Office Building:

April 1, June 3, August 5, October 7, December 2. These meeting will begin at 10:30 a.m.

Edward Thomas said he would contact each board member to see if they are committed to the Environmental Justice Advisory Board.

It was suggested that the members present at the November 15, 2002 board meeting call another absent board member and ask them of their commitment to the advisory board.

Calvin Little - will call Dr. Stephen Kauffman

Mark Freed - will call Wilder Bancroft
Patrick O'Neill - will call Edgar Howard
Jerome Balter - will call Pheralyn Dove
Ayanna King - will call Sis-Obed Torres
Alisa Harris - will call Gary Horton

Ayanna King suggested that the board make a list of the board's goals and objectives before a new board member is appointed.

Ayanna King also suggested that the board have a mission statement to follow.

Deborah Kilmartin, Chairperson of the Cumulative and Disparate Impact Analysis Committee made a proposal to the Land Recycling and Waste Management Document No. 254-2100-101 and as chairperson wrote a letter to Lou Guerra in the Policy Office recommending the changes. This letter was distributed to all board members.

Larry Holley – felt that the Department's concern with regard to the environmental assessment is that the assessment is regulatory and must be followed and the policy is not. Larry explained that the requirements in the policy were not quite in line with the existing regulations. He further stated that the waste program understands the environmental justice concerns, but the regulations and the policy differ when an application is officially accepted.

Larry also stated the Board needs to further clarify the opt in/opt out language to avoid having the process apply to permit applications that are not necessary. Applications resulting in an environmental improvement may need to be excluded from the process. Some trigger permit applications are specifically geared toward improving the environmental conditions.

Mark Freed explained to the board members, a court decision by Commonwealth Court on how to measure harms versus benefits for disparate impact in minority communities. The waste program, the internal work group and now this advisory board is trying to comment on environmental assessment. It states that in issuing any waste permit, especially landfills and incinerators, the Department is to balance harms versus benefits and should not issue a permit unless the benefits clearly outweigh the harms. That test has been applied by the Department through policy. The policy was turned down by the court. The court said you had to do this through regulation and the Department now implements harms vs benefits through regulations.

Justina Wasicek further explained the court's decision to the board members.

Alisa Harris said a suggestion was brought to her attention by Ayanna King that the advisory board take a board survey in regard to board attendance. She further explained that board members call other members about their time and dates when they would be available to participate on this advisory board.

Ayanna King said she would help with this survey.

Jerome Balter distributed to the present board members a document entitled Environmental Justice 2002: Time for a Change. There was a discussion on this document.

Deborah Kilmartin believes that Jerry's document was way too limited and she said that she will not support a document that is health-based only. She said we need to protect everyone's health, not just in the minority and low-income community.

Mark Freed explained that he views the mission of the Environmental Justice Advisory Board as:

- Filling in some of the gaps left by the Environmental Justice Work Group
- Advising DEP on the recommendations by the Environmental Justice Work Group
- Reviewing and commenting on initiatives by DEP as they relate to environmental justice
- Advising DEP on the direction the advisory board needs to take to achieve environmental justice.

Edward Thomas suggested that the two subcommittees of Public Participation and Cumulative and Disparate Analysis break into discussion groups and report back to the board members.

Deborah Kilmartin, Chairperson reported on the Cumulative and Disparate Analysis Subcommittee.

Defined direct and indirect effects except that impacts and effects are synonymous.

The subcommittee accepted the definition of NEPA for Cumulative Impact along with the work group's definition.

Definition from NEPA:

The impact on human health which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future defined later. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Definition from the Environmental Justice Work Group:

Cumulative impacts are the combined impacts of multiple sources within any Area of Concern. The impacts of each individual source may fall below established parameters and regulated limits, but the aggregate of these impacts may have significant adverse impact on the environment and health of the community.

Alisa Harris, Chairperson of the Public Participation Subcommittee. Lou Guerra discussed the Interim Environmental Justice Policy to the subcommittee.

Alisa Harris said when talking about public participation issues you need to keep in mind the half-mile radius rather than the one-mile radius. You also need to ensure that the community has a role in conducting and setting up the meetings.

Meeting adjourned at 3:00 p.m.
Minutes taken by Lorraine Wagner