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By electronic mail and U.S. Mail

April 16, 2003

Romel Pascual, Assistant Secretary For Environmental Justice
Cal/EPA
1001 I Street
Sacramento, CA 95814

Dear Mr. Pascual:

Subject: TRI-TAC Comments On Cal/EPA Advisory Committee On
Environmental Justice's Proposal with Draft Recommendations from the
Committee's March 18-19 Meeting

On behalf of Tri-TAC, I am writing to express our concerns regarding the Cal/EPA Advisory Committee on Environmental Justice's proposal with draft recommendations from the Committee's March 18-19 meeting. Tri-TAC is a statewide organization of local public agencies responsible for wastewater collection, treatment, reuse, and disposal. Tri-TAC is an advisory group including representatives from the California Association of Sanitation Agencies (CASA), the California Water Environment Association, and the League of California Cities. CASA's membership includes approximately 105 agencies responsible for the operation of publicly owned treatment works (POTWs). Together, the constituent agencies of CASA and Tri-TAC serve most of the sewered population of California.

Tri-TAC recently learned of the Cal/EPA Advisory Committee on Environmental Justice's activities. We have reviewed the Committee's proposal with draft recommendations from the Committee's March 18-19 meeting, and have the following comments, which we ask be provided to Committee members for their consideration at their April 21st meeting. Tri-TAC strongly supports the statutory mission of Cal/EPA's Environmental Justice Program, which requires that Cal/EPA agencies conduct their programs, policies and activities in a manner "that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state." However, we are concerned about the manner in which the Advisory Committee's Recommendations Document appears to be advocating the incorporation of the "precautionary principle" into Cal/EPA's EJ strategy. In particular, it

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appears that the Committee is considering recommending an approach that is not based first and foremost on sound scientific principles and information.

It is not clear, for instance, that the Committee has recognized the ways in which existing environmental regulations may already be extremely conservative and health protective, and hence, embody a strong element of precaution already. An example of this is the air and water quality pollutant standards, upon which many requirements in air emissions and surface water discharge permits issued to sources such as POTWs are based. Current federal and state environment laws require standards to be protective of human health and the environment. The regulations promulgated by U.S. EPA and Cal/EPA Boards, Departments and Offices rely on the best available peer-reviewed science along with conservative safety factors and uncertainty multipliers to ensure that the standards are highly protective of human health and the environment. We support the continued use of science in environmental policymaking and in addressing environmental justice impacts. If the burden to definitively prove that no impacts will occur is placed on the applicant and the standards require employment of the precautionary principle without regard to proven causation, it is conceivable that nothing could be approved, despite good science to support the facility or process in question.

Additionally, key concepts we believe should be incorporated into Cal/EPA's EJ strategy include measures to ensure that if alternative approaches are selected, they do not create environmental, human health, or environmental justice impacts; consideration of cost-effectiveness when selecting alternatives; incorporation of the underlying premise that the process of identifying, selecting, and implementing alternatives for processes or facilities should be voluntary; and the use of a risk-based approach when selecting and prioritizing environmental risks. Lastly, we ask that Cal/EPA, and the Advisory Committee, recognize the primacy of local governments in making land use decisions, and recommend that the focus of the EJ strategy be on providing tools to assist local agencies and their staff to make balanced and scientific, risk-based decisions about the siting of facilities that may adversely impact their communities.

Tri-TAC appreciates the opportunity to comment as the Advisory Committee develops its recommendations and Cal/EPA adopts an EJ strategy. Please add us to the mailing list for future notification of opportunities for public comment on these activities.

Sincerely,



David Williams, Chair
Tri-TAC

cc Detrich Allen, City of Los Angeles, Advisory Committee Co-Chair
Diane Takvorian, Environmental Health Coalition, Advisory Committee Co-Chair