



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 20 1999

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Michael E. Baroody  
National Association of Manufacturers  
1331 Pennsylvania Ave., NW  
Washington, D.C. 20004-1790

Dear Mr. Baroody:

Thank you for your letter of August 10, 1999 regarding the RCRA Subtitle C Social Siting Criteria Stakeholders' Roundtable held in Arlington, VA on July 27, 1999.

In your letter, you expressed your concern that the Office of Solid Waste's (OSW's) work on the social siting criteria brochure, the subject of the Roundtable, conflicts with the efforts undertaken by the Office of Civil Rights (OCR) regarding the investigation of complaints under Title VI of the Civil Rights Act. OSW does not believe the two documents' efforts are conflicting.

Part of OSW's efforts in implementing a comprehensive permitting program under the Resource Conservation and Recovery Act (RCRA) is to develop, and make available to the public, outreach materials that relate to policies and programs that may impact their lives. In addition, the brochure effort was undertaken in response to a recommendation by the National Environmental Justice Advisory Council's Waste and Facility Siting Subcommittee. The Subcommittee felt that, while OSW had informed communities on technical issues related to siting, there was a need for outreach materials that spoke to issues of a more social nature which arise when facilities are sited.

The intent of the current Title VI interim guidance and the new internal draft guidance, under development by OCR, is to provide a framework for OCR staff to process civil rights complaints alleging discriminatory effects resulting from the issuance of pollution control permits by recipients of EPA financial assistance. Additionally, OCR's draft external guidance to recipients of EPA financial assistance will provide suggested activities and approaches to improve their existing permit programs and reduce the likelihood of or necessity for communities to file Title VI complaints.

The intent of the draft siting brochure is to raise sensitivity on social concerns when siting a RCRA hazardous waste facility. The intended primary audience is a broad group of entities

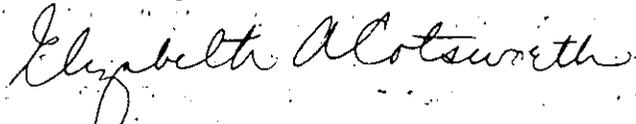
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(i.e., industry and local, state, and tribal governments) which may or many not receive financial assistance from EPA. Title VI issues are not addressed by the draft brochure's contents nor is there an attempt to deliver guidance or a process for resolving Title VI related complaints and situations. Rather, the draft brochure discusses voluntary initiatives whereby industry and state, local, and tribal government agencies can learn about and work with communities to address quality of life issues that are of a more social, economic, and cultural nature during the siting process (i.e., before the permitting process begins) before controversies and contentious situations arise. Such concerns, and the outreach principles discussed in the draft brochure, are basic and can be applied to most communities.

In addition, you stated in your letter that you believe that OCR should continue to develop the Agency's environmental justice policy. To clarify the division of responsibilities within EPA, EPA's Office of Environmental Justice is responsible for developing, addressing, and ensuring that environmental justice policies and actions are in compliance with *Executive Order 12898*, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. OCR is responsible for the Agency's administration of Title VI of the Civil Rights Act of 1964.

Thank you for bringing your concerns to our attention. We will continue to coordinate our efforts with OCR to ensure that the final brochure does not conflict with Title VI guidance. For further questions or assistance, you or your staff may contact Ms. Freya Margand at (703) 605-0633 or Ms. Karen Randolph at (703) 308-8651 of my staff.

Sincerely yours,



Elizabeth A. Cotsworth, Director  
Office of Solid Waste