



**Solid Waste Authority of Palm Beach County**

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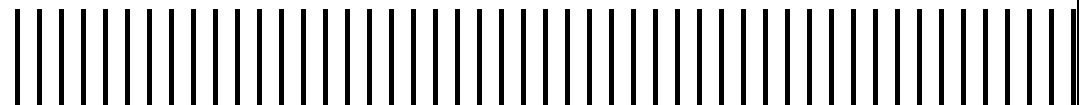
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# **Volume II**

## **Section 10.13.1**

### **Environmental Justice Impact Evaluation and Audit for the Proposed Renewable Energy Facility Expansion**

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# 1. Environmental Justice Overview

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## 1.1. Environmental Justice Overview

According to the United States Environmental Protection Agency (EPA), the term Environmental Justice is defined as: “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”<sup>1</sup>.

“Environmental Justice can only be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”<sup>1</sup>.

(<sup>1</sup>Environmental Justice Guidance, National Environmental Policy Act [NEPA], Council on Environmental Quality.)

This commitment is further defined by EPA as: “ensuring that all communities are empowered through information dissemination and education to have a better understanding of the environment and the impact it may have on their health.”<sup>2</sup>. (<sup>2</sup>Toolkit for Assessing Potential Allegations of Environmental Injustice, Rev. February 2006)

EPA has taken a leadership role in Environmental Justice setting a goal for itself to become an advocate and, where regulatory applicable, also an enforcer of these principles. In so doing, EPA has assisted the auditing of potential Environmental Justice deficiencies by helping to set definitions and guidelines by which methodologies can be developed to research and audit Environmental Justice impacts, if any, emanating from an action that requires environmental regulatory review and approval.

This is unmistakably underlined by EPA’s proposal to list Environmental Justice as a first-time enforcement priority in fiscal years 2011 to 2013.

## 2. Environmental Justice Audit Overview

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### 2.1. Environmental Justice Audit Overview

An Environmental Justice Audit (Audit) was commissioned by the Solid Waste Authority of Palm Beach County (Authority) as part of the Authority's efforts related to the expansion of their existing renewable energy capacity with the development of Palm Beach Renewable Energy Facility No. 2 (Proposed Facility). The Audit serves as a complement to the Human Health and Ecological Impact Evaluation (Risk Assessment) that evaluates the impacts of this expansion.

The Risk Assessment was performed to address questions related to human and environmental health that may arise from the Proposed Facility. It evaluated potential human health and ecological risks associated with stack emissions from both the refurbished refuse derived fuel (RDF) facility (Existing Facility) at the site, as well as the Proposed Facility.

The Risk Assessment showed that potential risks were below regulatory and other target risk levels for both human health and ecological receptors.

These conclusions are consistent with previous studies performed for other modern waste-to-energy (WTE) facilities in the United States and based on this; the results show that stack emissions from the Proposed Facility and the Existing Facility will not have an adverse impact on human health or the environment.

Therefore, the focus of this Audit centers on the process and subsequent findings concerning the remaining two key and defining public involvement principles of Environmental Justice;

- meaningful involvement, and
- equal access to the decision-making process by all people, regardless of race, color, national origin, or income.

### 2.2. Defining Meaningful Involvement and Equal Access

The following four defining questions represent the basic underpinnings for the Audit process and drive the evaluation of the concepts of meaningful involvement and equal access:

1. Have all the publics involved had an opportunity to participate in decisions about activities that may affect their environment and/or health by the Proposed Facility?
2. Did the public contribution have an opportunity to influence the regulatory agency's decision process?
3. Were public contributions and their concerns considered in the decision making process?
4. Did the decision makers seek out and facilitate the involvement of those potentially affected publics?

## 3. Methodology Overview

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### 3.1. Methodology Overview

This Audit was commissioned by the Authority to study, benchmark, and report on their performance in executing the four basic defining Environmental Justice public involvement parameters (as outlined above).

This Audit process began with an outline of a methodology that included:

1. Plan and conduct direct on-site in-person and one-on-one interviews in the potentially impacted communities and with local key audiences to include a “windshield survey” of the potentially impacted neighborhoods. This approach was specifically employed in an effort to benchmark and better define the demographics in the potentially impacted area since the available US Census data has reached the end of its lifecycle.

Another potential driving factor for on the ground research was the possible existence of shadow demographics sometimes in play in some areas of high residential turn over and/or in areas that include large tracts of open spaces. Shadow demographics represent populations usually not obvious by more typical electronic research methods (e.g., migrant worker camps, concentrated clusters non-resident non-English speaking populations, or homeless camps).

Finally, on the ground field surveys are also adept at determining other subtleties that may act as obstructions to information dissemination and involvement (e.g., language or cultural trust deficits that inhibit publics from attending official meetings or participating in a dialog with Authority officials.

2. A review of all technical materials prepared in support of permitting the Proposed Facility focusing on determining the potential for disproportionate environmental impacts. If there are expected to be a health and/or environmental impacts, will low income and/or minority communities be disproportionately impacted?
3. An evaluation and assessment of the public involvement strategies used to date by the Authority in support of the Proposed Facility. How does the community become informed about and participate in the public elements of this process including inputs to the decision making process. Is information about the outcomes of these meetings and outreach initiatives made available to the

community and how are potential languages and technical understanding barriers addressed?

4. Access and address Authority's communication of the benefits and burdens associated with the Proposed Facility to all potentially impacted communities.

## 4. Authority's Environmental Justice Audit Methodology

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### 4.1. Authority's Environmental Justice Audit Methodology

Beginning in early 2010, Malcolm Pirnie's Environmental Issues Management Group began pulling together the comprehensive background materials prepared in support of the Authority's renewable energy expansion initiative. Additionally, information concerning the potentially impacted communities and their publics began to be assembled and reviewed. Also the public involvement and outreach materials for the Proposed Facility project that was published or available from the Authority and the news media serving the Palm Beach County area were gathered and reviewed.

It was noted early in this process that the traditional US Census data for this area is well at the end of its lifecycle. With the population growth and demographic shifts well documented in South Florida and Palm Beach County, it was decided that existing demographic data should be considered potentially unreliable and therefore a more "boots on the ground" approach would be prudent. An additional factor, and later validated by the research, is a high turnover rate of residents both in the single family dwelling neighborhoods and the apartments complexes in the area.

The above led to planning up to two (2) on-site research initiatives (surveys) to be conducted in March 2010 and, if warranted, May 2010. Note: the March research initiative did lead to the second research sweep. The initial survey for the Audit determined the need for follow up door-to-door interviews with residents of the Gramercy Park neighborhoods and meetings with area businesses and civic organizations that support residents in that area.

The door-to-door interviews were designed to be conducted by a two-person Malcolm Pirnie team lead by the director of Malcolm Pirnie's Environmental Issues Management Group and a bi-lingual engineer (Spanish) with background working on Authority projects (This team also conducted separate interviews with church, civic, and local business leaders).

Finally, the methodology included gathering updated information on Environmental Justice policy in interviews with Environmental Justice contacts within EPA, reviews of recent documents and papers on Environmental Justice published by EPA (e.g.: Superfund Report, February 2010; Draft Environmental Justice Methodology for the Definition of Solid Waste Final Rule, January 2009.) and additional source information (e.g., EPA's Environmental Justice Conference, Washington DC, hosted by the National Center for Environmental Research (March 2010).

## **5. General Findings: Identifying Potential Environmental Justice Neighborhood Boundaries**

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### **5.1. General Findings: Identifying Potential Environmental Justice Neighborhood Boundaries**

The experience gained in the initial round of interviews and memorialized by meetings with individuals from the general area outlined the need for a follow up on-site survey initiative focusing on Gramercy Park – East and West. By its proximity to the Proposed Facility and nearly 100 percent minority residential makeup, Gramercy Park would serve as the appropriate test bed for the validity of the Authority’s Environmental Justice outreach and inclusionary strategies.

Note: Gramercy Park consists of two separate sections (East and West Gramercy Park) separated by Haverhill Road. The eastern neighborhood element is sometimes referred to by its residents as “Caribbean” in part because the name of the main access road to the subdivision is Caribbean Boulevard and streets in that neighborhood are named after Caribbean Islands.

A second Environmental Justice Audit research survey was scheduled for May 2010 specifically to go door-to-door in Gramercy Park, talk one-on-one with residents, and further follow up with business, church, and civic leaders serving that area. A total of 46 interviews took place during the three day period in May 2010; 27 with residents of Gramercy Park and the remaining 19 with a wide assortment of local business, church, public servants, healthcare providers, and civic leaders.

Finally, to promote clarity and direction in this Audit as well as provide more in-depth comment on the Authority’s community outreach and involvement strategies related to Environmental Justice, Section Six (Authority’s Meaningful Involvement & Equal Access Strategies) is divided into two parts: General Findings and Targeted Findings. The targeted findings section specifically focuses on the information gathered during the Gramercy Park neighborhood surveys.

## 6. Authority's Meaningful Involvement and Equal Access Strategies

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### 6.1. Authority's Meaningful Involvement and Equal Access Strategies

As noted in Section Five, this Audit's evaluation of the Authority's Environmental Justice outreach component of their on-ongoing and comprehensive public information and involvement strategies is divided into two specific sections for clarity and evaluation.

Therefore, the four basic questions defining effective Environmental Justice outreach and involvement in this Audit are segmented into two subsections. These subsections breakout the evaluation and effectiveness of the Authority's communication and involvement strategies.

This allows a forthright comparison of the effectiveness of those communication and involvement strategies tailored to the general overall area of potential environmental impacted residents (an observed mix of minority and Caucasian residents exhibiting a broad spectrum of age and income diversification) and their effectiveness in Gramercy Park (a primary subset of residents who are primarily minority and consistently self-report a less than affluent position compared to the general Palm Beach County demographic).

### 6.2. General Environmental Justice Outreach and Involvement Strategies

1. Have all the publics involved had an opportunity to participate in decisions about activities that may affect their environment and/or health by the Proposed Facility?

Finding: From a constant flow of news releases, meetings with the media, city officials, civic organizations, homeowner groups, web pages, newsletters, fact sheets, monthly status reports, the Authority has worked to present their story to a broad spectrum of the publics that make up Palm Beach County.

Additionally, the Authority has not shied away from participating in, as well as initiating, public meetings and speaking forums to fully tell the story of the basis and process of the renewable energy expansion.

2. Did public contribution have an opportunity to influence the regulatory agency's decision process?

Finding: Yes. Woven throughout the Authority's presentations and documented in their monthly status reports on this project are example after example of concerns being raised, comments being presented, and those points being addressed.

3. Were public contributions and their concerns considered in the decision making process?

Finding: Yes. As documented in the Authority's publications, specific recommendations made by outside groups and elected officials are documented and changes made or initiatives begun based on these inputs are acknowledged.

4. Did the decision makers seek out and facilitate the involvement of those potentially affected publics?

Finding: The Authority seemed to excel at attending existing neighborhood group meetings on a regular basis from the inception of the Proposed Facility project forward. Again, the Proposed Facility project's monthly status summary contains a running section of public outreach and each meeting and presentation is well documented. Newspaper articles supported this strategy.

### **6.3. Specific (Gramercy Park) Environmental Justice Outreach and Involvement Strategies**

1. Have all the publics involved had an opportunity to participate in decisions about activities that may affect their environment and/or health by the Proposed Facility?

Finding: As stated in the answer to this question in Section 6.1, the Authority has placed considerable energy into providing opportunities for meaningful public involvement. To confirm this using Gramercy Park residents as a sounding board, our survey team was impressed by how effectively the Authority joined into the on-going monthly meetings held at Crossroads Baptist Church. These monthly meetings reach out to both the African American and Haitian residential communities that predominate in the Gramercy Park community.

2. Did public contribution have an opportunity to influence the regulatory agency's decision process?

Finding: It is clear from both a review of the Authority's documents and published articles that the concerns raised by neighborhood groups (Gramercy Park was well represented here) in areas such as jobs and health questions were thoughtfully addressed.

3. Were public contributions and their concerns considered in the decision making process?

Finding: Yes. As stated previously in this section, it is well documented in the Authority's publications that specific recommendations made by outside groups and elected officials resulted in changes made or initiatives begun based on these inputs.

4. Did the decision makers seek out and facilitate the involvement of those potentially affected publics?

Finding: This question is best answered by some of the people our survey team met while going door-to-door in the Gramercy Park neighborhood as well as when meeting with area business owners and managers serving these residents. A number of the 46 people interviewed even knew by name some of the Authority's staff and leadership that had met with them on a regular basis during neighborhood group or civic meetings. Four individuals and one church leader suggested that some of the information that was being provided should also be available in Spanish.

## 7. Conclusions

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### 7.1. Conclusions

Recognizing that the concept making Environmental Justice a reality can only be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process, then indeed the approaches and strategies utilized by the Authority do demonstrate a firm commitment to that purpose. Many outstanding companies and organizations join the Authority in positively living up to those principles by their actions and steadfast public involvement policies.

The more difficult element in dealing with Environmental Justice is developing the ways and means to ensure that all communities are empowered through information dissemination and education to have a better understanding of the environment and the impact it may have on their health. In this area, many equally outstanding organizations demonstrate excellent intentions but fall short in doing everything possible to reach out to people who are not responsive to typical mainstream outreach and involvement approaches.

The Audit revealed that the Authority has and is conducting a positive and inclusive public outreach and involvement strategy in support of their renewable energy expansion.

Additionally, although the Audit may provide insights to ways and means to strengthen the public involvement process, the Authority has definitely taken a consistent leadership role in reaching out to all the potentially impacted communities and thus effectively dealing and mitigating any Environmental Justice concerns.