



The Environmental Justice Report

A publication of DEC's Office of Environmental Justice – 2018: A Year in Review



**Department of
Environmental
Conservation**



STRENGTHENING DEC'S RELATIONSHIPS WITH NEW YORK'S INDIGENOUS COMMUNITIES

The New York State Department of Environmental Conservation (DEC) meets with the governments of indigenous people to discuss issues of mutual concern, such as the quality of air and water resources, and impacts to cultural resources such as historic and archaeological sites. This outreach is conducted in accordance to Commissioner Policy 42 (CP-42): Contact, Cooperation, and Consultation with Indian Nations.

A notable example of this cooperation from 2018 relates to proposed impacts to the water quality of the Allegheny River by companies in Pennsylvania. The Allegheny, which the Seneca people call the *Ohi:yo'*, flows through the Allegany territory in Western New York. This river is a focal point of the Allegany community and provides food and water to the Seneca people.

In March and July, DEC's David Witt and Rosa Méndez met with representatives of the Seneca Nation, the U.S. Environmental Protection Agency (EPA), and local municipalities to discuss potential impacts to the health of the river. Additional conversations with Seneca leaders were held in May and November. DEC also provided technical comments on water quality monitoring plans and a letter of support for a Seneca Nation project to survey the Allegheny for endangered mussels. These efforts illustrate how the state and its indigenous neighbors can work together to protect important resources.

DEC hosted its 4th Annual Meeting with the Indian Nations on November 14 and 15, at White Eagle Conference Center in Hamilton, New York. This meeting provided an opportunity for DEC and the nations to meet and learn from each other. Topics of discussion, suggested by representatives of the nations, included how DEC educates the public and how state agencies regulate

gas pipelines, invasive species, and harmful algal blooms. Representatives from SUNY College of Environmental Science and Forestry's Center for Native Peoples and the Environment also attended the meeting, and shared updates on their work, such as identifying how the agency can more fully address the needs of indigenous people in land management, and ways to offer cultural education for staff. In addition, for the first time, the Annual Meeting included a series of private meetings between DEC leadership and representatives of the various Nations, allowing the parties to confidentially discuss sensitive topics.

INVESTING IN COMMUNITIES

The Office of Environmental Justice (OEJ) administers grant opportunities throughout the calendar year to assist communities disproportionately impacted by environmental issues. Community Impact Grants, established in 2006 and funded through the State's Environmental Protection Fund (EPF), help communities generate data through participatory science and engage residents in addressing and understanding challenges and opportunities to improving community health, safety, and sustainability.



Learn more about our grants and recipients here: www.dec.ny.gov/public/31226.html

In 2018, OEJ further expanded its grants program to include Urban Environmental Education Centers, a funding opportunity that will support community-based organizations' efforts to create new environmental education centers to provide education on environmental justice, urban environments, and sustainability.

OEJ awarded \$2.6 million in Community Impact Grants to 26 community-based organizations, and \$2 million for four Urban Environmental Education Centers in 2018.

PROJECT UPDATES

OPERATION ECO-QUALITY

Operation ECO-Quality is directed by DEC's Office of Environmental Justice (OEJ) and focuses on small to mid-size regulated facilities within Environmental Justice areas. ECO-Quality's goal is to improve a community's quality of life and reduce public health risks by communicating directly with area businesses to determine factors that lead to non-compliance, educating these entities on best management practices and pollution prevention, and bringing them into compliance with Environmental Conservation Laws and Regulations. OEJ partners with other DEC divisions such as Environmental Remediation and our regional offices to develop successful ECO-Quality campaigns.

When deciding where to implement Operation Eco-Quality, OEJ analyzes the makeup of a given neighborhood to understand

existing quality of life issues and develop an overall picture of industrial burdens within that community. OEJ undertakes this work, in part, by organizing an initial consultation with community leaders to explain the program and identify key issues and concerns. This dialogue helps to highlight local needs and next steps that will further guide implementation efforts. OEJ also considers the impacts these facilities may have on neighboring properties, including schools, parks, and churches.

In 2018, Operation ECO-Quality focused on facilities in the Canarsie, Brooklyn community. Eco-Quality Staff assessed 40 facilities:

- 21 dry-cleaners;
- 11 auto-repair and three auto-body shops;
- Four auto salvage facilities; and
- One concrete plant.

Every campaign begins with enhanced outreach to community leaders and residents to get a better understanding of issues and concerns in the neighborhood. OEJ then conducts environmental assessments of facilities and businesses in three phases:

1. A pre-assessment, which involves collecting information about the facility.
2. Site visits, which include an opening meeting, a facility orientation, a detailed site walkthrough, and interviews/conversations with facility personnel regarding on-site activities, observations of the

facility's activities, completion of an assessment checklist, and a closing/debriefing meeting to obtain information from facility staff that might clarify or inform the findings (if any) and the report itself.

3. After the site visit, OEJ efforts include further regulatory review/confirmation of issues identified during the assessment, follow-up with facility staff as needed, development of corrective actions based on OEJ's findings, recommendations of areas of concern and observations, preparation of an Environmental Assessment Report, and incorporation of these identified categories into the ECO-Quality Action Tracking System.

Facilities with instances of non-compliance received a minimum 30-day period to correct noted deficiencies and regulatory assistance to achieve that end. Two dry cleaning facilities chose to shut down based on the deficiencies DEC discovered. Both facilities have reopened under new ownership and are now in compliance. In some instances, additional time was needed to achieve compliance. See the chart below for details.



Sector	Initial # deficiencies	Final # deficiencies	% Compliance	Avg. time to compliance
Dry Cleaners	129	23	82%	60 days
Auto Repair	71	13	81%	45 days
Auto Salvage	33	3	91%	45 days
Auto Body	22	9	59%	30 days
Ready Mix	10	0	100%	30days

Prioritizing education before enforcement makes Operation Eco-Quality a true game-changer for overburdened environmental justice communities. Addressing environmental concerns, while minimizing economic impact to local small businesses, is a win-win opportunity.

SOUTH END AIR MONITORING PROGRAM

As of August 2018, DEC's South End Air Monitoring Program collected a full year's worth of data for the studied pollutants at the three fixed monitoring stations. DEC's Division of Air Resources is currently analyzing the data to complete a final report and prepare for public presentations in the community.

Next steps include working with partners to identify and implement strategies to reduce traffic impacts on air quality issues identified by the study.

To learn more about this and other DEC air quality studies, visit our website <https://www.dec.ny.gov/chemical/108978.html>

ACTION ITEMS

CLOSURE OF TONAWANDA COKE

In October of 2018, DEC oversaw the safe shutdown of operations at the Tonawanda Coke facility in Western New York. The shutdown occurred in response to violations of permit and regulatory limits at the facility. Most notably, opacity (the amount of light that can pass through a substance) from the coke ovens exceeded permitted limits continuously for five months, which indicated an excessive level of particulate matter being released into the air. Despite repeated assurances from the company, it was unable to correct the violations, and ultimately declared bankruptcy. DEC air quality monitors near the plant

showed a significant decrease in the amount of benzene since following the facility's shutdown.

The Tonawanda facility produced coke, a solid residue material derived from coal and used as fuel in the making of steel. Short-term cleanup issues, which include contaminated soil, leaking tanks, and hazardous materials, is being accomplished under the purview of the U.S. Environmental Protection Agency (EPA), working closely with DEC. In July 2007, DEC initiated a year-long, community air quality monitoring study in the town of Tonawanda, with funding from the EPA, to measure the air pollutants in the community and determine the potential risk to public health. Air monitors were installed at four locations to measure air concentrations of 56 air toxics and fine particulate matter, with one of the monitors also measuring sulfur dioxide and carbon monoxide. Tonawanda residents had been concerned about air quality issues for many years, and the study results provided a strong basis for further compliance monitoring and regulatory actions to reduce the risk associated with exposure to air pollution in the community.

The study found unexpected elevated concentrations of benzene and other toxic air pollutants, which were indicative of coke oven emissions in the community. Higher daily concentrations of toxic air pollutants were found when the wind came from the direction of the Tonawanda Coke plant. Additionally, a public health evaluation conducted by the New York State Department of Health found that total cancers were elevated among both males and females in the study area. Following the closure of the facility, monitoring data collected showed an immediate drop in benzene and improvement in overall air quality. DEC will continue to operate the two air

monitors to document changes in air quality associated with the plant closure.

Communities in the shadows of the coke ovens are often environmental justice communities that struggle for clean air. The importance of air monitoring in these communities is paramount to ensuring these facilities operate in accordance with state and federal environmental regulations. The Tonawanda Community Air Quality Study provided the impetus for air quality improvements in the community; it also provided a model for actions that can be taken by air pollution control agencies to ensure facilities like these are operating in compliance.

LOOKING FORWARD

ENVIRONMENTAL JUSTICE AND JUST TRANSITION WORKING GROUP

The Environmental Justice & Just Transition Working Group was established by Governor Cuomo in 2017 to provide independent advice and recommendations to the state on matters relating to environmental justice and the transition of the state's economy from fossil-fuel dependency, including the integration of environmental justice principles into state programs, policies, regulations, legislative proposals, and activities. Members of the Working Group include environmental justice and labor representatives. OEJ helps to facilitate and engage with the Working Group along with the Governor's office and other state agencies.

The Working Group is currently drafting recommendations for a statewide environmental justice policy, a climate justice roadmap, and an environmental justice mapping tool.

APPLY FOR FUNDING

Are you a community-based organization looking to fund a project? OEJ offers grants to not-for-profit organizations to address environmental harms in low income and environmental justice communities. For additional information on OEJ grants and a complete list of previous project awardees, please visit our website: www.dec.ny.gov/public/31226.html.

WE CAN'T DO IT WITHOUT YOU

Do you have concerns about the environment where you live? Do you want to make your voice heard? Do you want to stay informed about the different environmental issues affecting the state of New York?

JOIN OUR ENVIRONMENTAL JUSTICE LISTSERV

Go to: www.dec.ny.gov/public/65855.html and sign up to receive regular updates from the Office of Environmental Justice. Stay current on the issues that are important to you. As always, you can contact the Office of Environmental Justice with any concerns by sending an e-mail to: justice@dec.ny.gov.

Please include:

- Your location/address
- City, town, village or borough
- The environmental concerns you wish to address
- List the potential source if you know
- How or whether you wish to be contacted

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