

## **GENERAL ENVIRONMENTAL JUSTICE RELATED PROVISIONS OF LAW**

### **FEDERAL:**

**Constitution of the United States**

**Title VI of the Civil Rights Act of 1964 (42 USC sec. 2000 et seq.) -Non discrimination in programs with Federal Funds**

**40 CFR 7.35 -No disparate impacts from programs with Federal funds**

**Executive Order 12898 (Established Federal EJ program)**

### **STATE:**

**California State Constitution**

**Government Code section 65040.12 — Definition of EJ and designation of OPR as coordinating agency for EJ**

**Government Code section 65040.2 requiring OPR to develop EJ guidance for General Plan**

**Public Resources Code § 71110 et seq. — Established CA EJ program**

71110. The California Environmental Protection Agency, in designing its mission for programs, policies, and standards, shall do all of the following:

- (a) Conduct its programs, policies, and activities that substantially affect human health or the environment 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.
- (b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- (c) Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- (d) Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- (e) Coordinate its efforts and share information with the United States Environmental Protection Agency.

(f) Identify differential patterns of consumption of natural resources among people of - different socioeconomic classifications for programs within the agency.

(g) Consult with and review any information received from the Working Group on Environmental Justice established to assist the California Environmental Protection Agency in developing an agencywide strategy pursuant to Section 71113 that meets the requirements of this section.

71111. On or before January 1, 2001, the California Environmental Protection Agency shall develop a model environmental justice mission statement for boards, departments, and offices within the Agency. For purposes of this section, environmental justice has the same meaning as defined in subdivision (c) of Section 65040.12 of the Government Code.

71112. In developing the model environmental justice mission statement pursuant to Section 71111, the California Environmental Protection Agency shall consult with, review, and evaluate any information received from the Working Group on Environmental Justice established pursuant to Section 71113.

71113. (a) On or before January 1, 2002, the Secretary for Environmental Protection shall convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

(b) The working group shall be composed of the Secretary for Environmental Protection, the Chairs of the State Air Resources Board, the California Integrated Waste Management Board, and the State Water Resources Control Board, the Director of Toxic Substances Control, the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Planning and Research.

(c) The working group shall do all of the following on or before April 1, 2002:  
Examine existing data and studies on environmental justice, and consult with state, federal, and local agencies and affected communities.

(1) Recommend criteria to the Secretary for Environmental Protection for identifying and addressing any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

(2) Recommend procedures and provide guidance to the California Environmental Protection Agency for the coordination and implementation of intraagency environmental justice strategies.

(3) Recommend procedures for collecting, maintaining, analyzing, and coordinating information relating to an environmental justice strategy.

(4) Recommend procedures to ensure that public documents, notices, and public hearings relating to human health or the environment are concise, understandable, and readily accessible to the public. The recommendation shall include guidance for determining when it is appropriate for the California

- Environmental Protection Agency to translate crucial public documents, notices,

and hearings relating to human health or the environment for limited-English- - speaking populations.

- (5) Hold public meetings to receive and respond to public comments regarding recommendations required pursuant to this section, prior to the finalization of the recommendations. The California Environmental Protection Agency shall provide public notice of the availability of draft recommendations at least one month prior to the public meetings.
- (6) Make recommendations on other matters needed to assist the agency in developing an intraagency environmental justice strategy.

71114. (a) The Secretary for Environmental Protection shall, on or before January 1, 2002, convene an advisory group to assist the working group described in Section 71113 by providing recommendations and information to, and serving as a resource for, the working group. The Secretary for Environmental Protection shall appoint members to the advisory group according to the following categories:

- (1) Two representatives of local or regional land use planning agencies.
- (2) Two representatives from air pollution control districts or air quality management districts.
- (3) Two representatives from certified unified program agencies (CUPA5).
- (4) Two representatives from environmental organizations.
- (5) Four representatives from the business community, two from a small business and two from a large business, except that three of these representatives may be from an association that represents small or large businesses, and at least one of the small business representatives shall be from an association that represents small businesses. As used in this paragraph, "small business" has the meaning given that term by subdivision (c) of Section 1028.5 of the Code of Civil Procedure, and a large business is any business other than a small business.
- (6) Two representatives from community organizations.
- (7) One representative from a federally recognized Indian tribe.
- (8) Two representatives from environmental justice organizations.

(b) The advisory group may form subcommittees to address specific types of environmental program areas. The California Environmental Protection Agency shall provide a reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

71114.1. After the California Environmental Protection Agency develops the strategy - pursuant to Section 71113 and before December 31, 2003, each board, department, and office within the agency shall, in coordination with the Secretary for Environmental Protection and the Director of the Office of Planning and Research, review its programs, policies, and activities and identify and address any gaps in its existing programs, policies, or activities that may impede the achievement of environmental justice.

71115. The Secretary for Environmental Protection shall, not later than January 1, 2004, and every three years thereafter, prepare and submit to the Governor and the Legislature a report on the implementation of this part.

Public Resources Code § 71116 - Establishes an Environmental Justice Small

Grants Program in Cal/EPA

Carl Moyer — Fund — Health and Safety Code § 43023.5

43023.5. (a) Notwithstanding the requirements established by Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, only districts with a population of one million residents or greater, in consultation with the state board, shall ensure that not less than 50 percent of the funds subject to that provision and any other funds appropriated for purposes of the programs specified in paragraphs...

Public Resources Code § 40912 — Solid Waste Siting Element — Public Participation

40912. (a) The board shall develop a model countywide or regional siting element and a model countywide or regional agency integrated waste management plan that will establish prototypes of the content and format that counties or regional agencies may use in meeting the

requirements of this part.

(b) On or before July 1, 2001, the board shall develop a model revised source reduction and recycling element that will establish prototypes of the content and format of that element that cities, counties, regional agencies, or a city and county may use in meeting the requirements of this part.

(c) The board shall adopt a program to provide assistance to cities, counties, regional agencies, or a city and county in the development and implementation of source reduction programs. The

program shall include, but not be limited to, the following:

- (1) The development of model source reduction programs and strategies that may - be used at the local and regional level.

- (2) Ongoing analysis of public and private sector source reduction programs that - may be provided to cities, counties, regional agencies, and a city and county in order to assist them in complying with Article 3 (commencing with Section 41050) of Chapter 2 and Article 3 (commencing with Section 41350) of Chapter 3.
- (3) Assistance to cities, counties, regional agencies, and a city and county in the development of source reduction programs for commercial and industrial generators of solid waste that include the development of source reduction strategies designed for specific types of commercial and industrial generators.

(d) The board shall, to the maximum extent feasible, utilizing existing resources, provide local jurisdictions and private businesses with information, tools, and mathematical models to assist with meeting or exceeding the 50-percent diversion requirement pursuant to Section 41780. The board shall act as a solid waste information clearinghouse.

(e) (1) On or before April 1, 2003, and using existing resources, the board shall provide local jurisdictions and private businesses with information and models to assist with consideration of environmental justice concerns when complying with Section 41701. (2) For the purposes of this subdivision, "environmental justice" has the meaning defined in subdivision (e) of Section 65040.12 of the Government Code. SEC. 2. Section 41701 of the Public Resources Code is amended to read:

41701. Each countywide siting element and revision thereto shall include, but is not limited to, all of the following:

- (a) A statement of goals and policies for the environmentally safe transformation or disposal of solid waste that cannot be reduced, recycled, or composted.
- (b) An estimate of the total transformation or disposal capacity in cubic yards that will be needed for a 15-year period to safely handle solid wastes generated with the county that cannot be reduced, recycled, or composted.
- (c) The remaining combined capacity of existing solid waste transformation or disposal facilities existing at the time of the preparation of the siting element, or revision thereto, in cubic yards and years.
- (d) The identification of an area or areas for the location of new solid waste transformation or disposal facilities, or the expansion of existing facilities, that are consistent with the applicable city or county general plan, if the county determines that existing capacity will be exhausted within 15 years or additional capacity is desired.
- (e) For countywide elements submitted or revised on or after January 1, 2003, a description of the actions taken by the city or county to solicit public participation by the affected communities, including, but not limited to, minority and low-income populations.