

Environmental Justice - Re: Written Comment on Environmental Justice Reports and Policy

From: <C3thk@aol.com>
To: <ej@gw.dec.state.ny.us>
Date: 3/14/2005 8:05:28 AM
Subject: Re: Written Comment on Environmental Justice Reports and Policy

Tarki L. Heath
1900 Rittenhouse Square
Tully, New York 13159
315-696-5262 - home
757-876-2198 - cell

Monica L. Kreshik, Esq.
NYSDEC
Office of Environmental Justice
625 Broadway
Albany, New York 12233-1500

March 13, 2005

Dear Ms. Kreshik,

Re: Written Comment on Environmental Justice Reports and Policy

As a concerned citizen of New York State, member of the Advisory Committee for the Onondaga Creek Sub-basin Conceptual Revitalization Plan, and member of the Partnership for Onondaga Creek, I would like to take this opportunity to comment on the two reports related to Environmental Justice; *Report of the Health Outcome Data Work Group*, *Report of the Disproportionate Adverse Environmental Impact Analysis Work Group*, and their relationship to CP - 29, Environmental Justice Permitting.

I will leave it to the experts to comment on the methodology used in the *Report of the Health Outcome Data Work Group*, however, I would like to comment on the following recommendation made in the report: "The health outcome data should be used along with other considerations (need, benefits, cost, impact, etc.) in making a permitting decision and should not necessarily be the determining factor in any decision." This statement could be construed to mean that the policy is so flexible, as to be essentially ineffective. Certainly, cost should never override the issue of human health.

The Report of the Disproportionate Adverse Environmental Impact Analysis Work Group, provides a potpourri of choices in methodology that could, it seems, be used to the advantage of the project applicants, limiting any real protections to the community. These are the "experts" in their field, and they certainly should be able to provide DEC with a single, sound method for impact analysis. If overburdened communities are to be truly protected, as presumed by the goals of an environmental justice policy, then a sound DAEIA method must analyze current burdens with the impact of added burdens on those communities' futures.

As the DEC evaluates its role in protecting the environment and the people who live in communities at risk, it should strive to strengthen the current policy, and give it "more teeth." The current EJ policy is too easily sidestepped. An example of this policy's failure to protect a predominately

African American, low income, community from environmental racism, is the issuance of permits for the Midland Regional Treatment Facility in Syracuse, New York. In this instance the DEC is excusing itself from the very process it claims to support.

In order to give the EJ policy strength and importance; it should become a mandatory component of the permit review process, with no exceptions.

The policy is also established to promote the "fair involvement of all people in the DEC environmental permit process." To strike a balance on this, it seems essential that some definition of understanding be extended to explain what public participation really means. Section D of CP-29 sets out a minimum plan for public participation that is more about providing information than accepting input. Again, I will refer to the Midland Avenue RTF, and enclose a letter requesting a public hearing.

DEC Policy CP- 29, with proper guidance and consistent application seems an appropriate and much needed mechanism for protecting communities at risk, however, as long as "exceptions" are allowed, those communities will not have an advocate in the DEC, and will remain at risk.

Thank you for this opportunity to comment. I hope that the observations herein will be taken to heart.

Sincerely,

Tarki L. Heath

enclosure:

Letter Re: SPDES Number: NY0027081