

# EPA's Title VI Affirmative Compliance Review of CDPHE

Colorado Department of  
Public Health & Environment

May 10, 2023

---

**Nathalie Eddy**

Deputy Director for Policy

Environmental Health and Protection



# Overview

- **CDPHE's tools & capacity**
  - Advancing EJ
  - Implementing Title VI nondiscrimination safeguard procedures
- **Intro to EPA's Title VI Affirmative Compliance Review of CDPHE - Summary of process to date**
- **Scope of Title VI Affirmative Compliance Review**
  - Non-discrimination procedural safeguards
  - Air permitting process
- **Preparing our response - Opportunities and challenges**





Joel Minor (he/his)  
EJ Program Manager



Sambridhi Pandey (she/hers)<sup>st</sup>



Rebecca Vigil (she/hers)  
EJ Community Engagement  
Specialist



Marcus Howell (he/his)  
EJ Ombudsperson



Rani Kumar (she/hers)  
EJ Research and GIS Analyst



Gabriella Boehm (she/hers)  
EJ Grants Specialist



Lubna Ahmed (she/hers)  
EJ Boards Manager



Diana Flores (she/hers)  
EJ Project Manager



Morgan Cameron (she/hers)  
EJ Program Assistant



Rosario Russi (she/hers)  
EJ Translation &  
Interpretation Specialist



Tonya Johnson (she/hers)  
EJ Interpretation Specialist

# Colorado Environmental Justice Act

HB21-1266

EJ

## DECLARES

Environmental justice as a state policy for Colorado

E

## CREATES EJ ENTITIES

EJ Action Task Force  
EJ Advisory Board

O

## CREATES EJ OMBUDSPERSON

Colorado's 1<sup>st</sup> EJ Ombudsperson

D

## DEFINES

Disproportionately Impacted Communities

A

## AIR & CLIMATE

Provides specific air and climate provisions



# Definition of Environmental Justice

*“Environmental justice recognizes that all people have a right to breathe clean air, drink clean water, participate freely in decisions that affect their environment, live free of dangerous levels of toxic pollution, experience equal protection of environmental policies, and share the benefits of a prosperous and vibrant pollution-free economy.”*

Environmental Justice Act (HB21-1266), § 2(1)(a)(I)



# Environmental Justice Action Task Force



Arthur Ortegon



Beatriz Soto  
Committee Co-Chair



Dominique Gómez



Doug Dean



Ean Tafoya  
Task Force Co-Chair  
& Committee Chair



Gary Arnold



Hilda Nucete  
Committee Chair



Jamie Valdez



Jonathan Asher



Jordan Beezley



Kimberly  
Mendoza-Cooke



Mara Brosy-  
Wiwchar



Marsha Nelson



Meera Fickling



Elizabeth Schoder



Michael Sapp



Renée Millard-Chacon  
Committee Co-Chair



Michael Ogletree



Tara Trujillo



Trisha Oeth



Tyson Johnston  
TF Co-Chair



Uni Blake  
Committee  
Chair



# EJ Action Task Force Recommendations



Section I: EJ Coordination

Section II: Environmental Equity & Cumulative Impacts Analysis (EECIA)

Section III: Data and Reducing Environmental Health Disparities

Section IV: Definition of Disproportionately Impacted Community in § 24-4-109(2)(b)(II), C.R.S.

Section V: Best Practices for Community Engagement

Section VI: Supplemental Environmental Projects

Section VII: Just Transition

# Environmental Justice Advisory Board Members



Aaron Martinez  
Pueblo  
Co-chair



Bianka Emerson  
Lakewood



Christina Yebuah  
Aurora



Dr. David Rojas Rueda  
Ft. Collins



Jason Swann  
Denver



Phuonglan Nguyen  
Denver  
*non-voting designee  
of Executive Director*



Jonathan Skinner-  
Thompson  
Boulder



Jorge Figueroa  
Lafayette



Josette Jaramillo  
Pueblo



Darci Martinez  
Commerce City



Steven Arauza  
Rifle

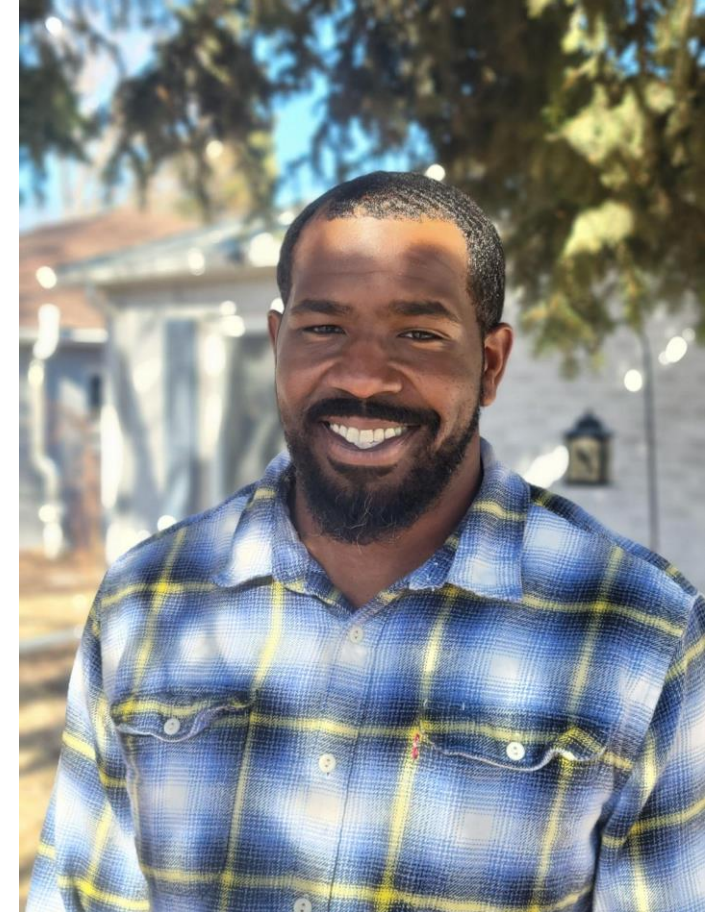


Lesly Fajardo-Feaux  
Lafayette  
Co-chair



# EJ Ombudsperson

- Serve as a Liaison to DI Communities
- Create a new EJ complaint tool
- Strengthen information flow with DI communities
- Advice state agencies on DI community engagement

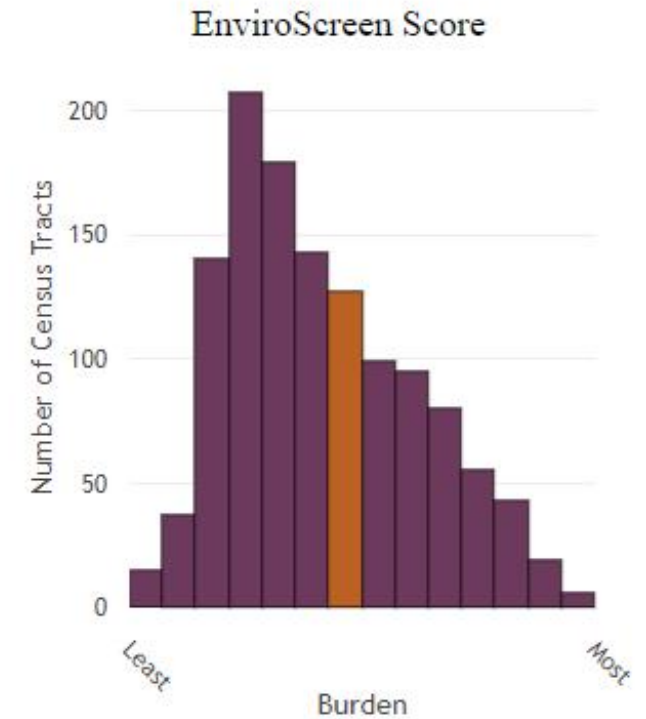
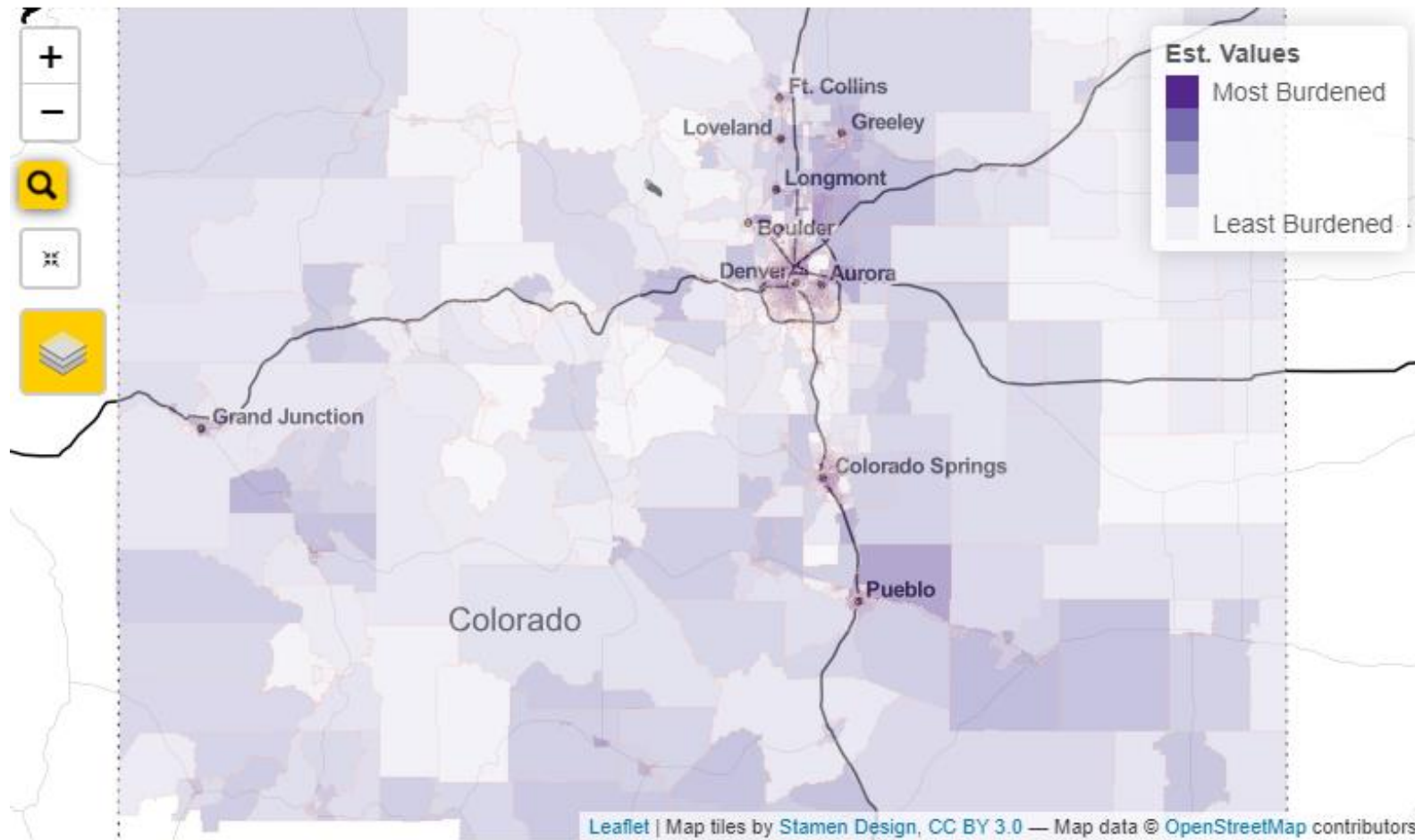


# Definition: Disproportionately Impacted Community

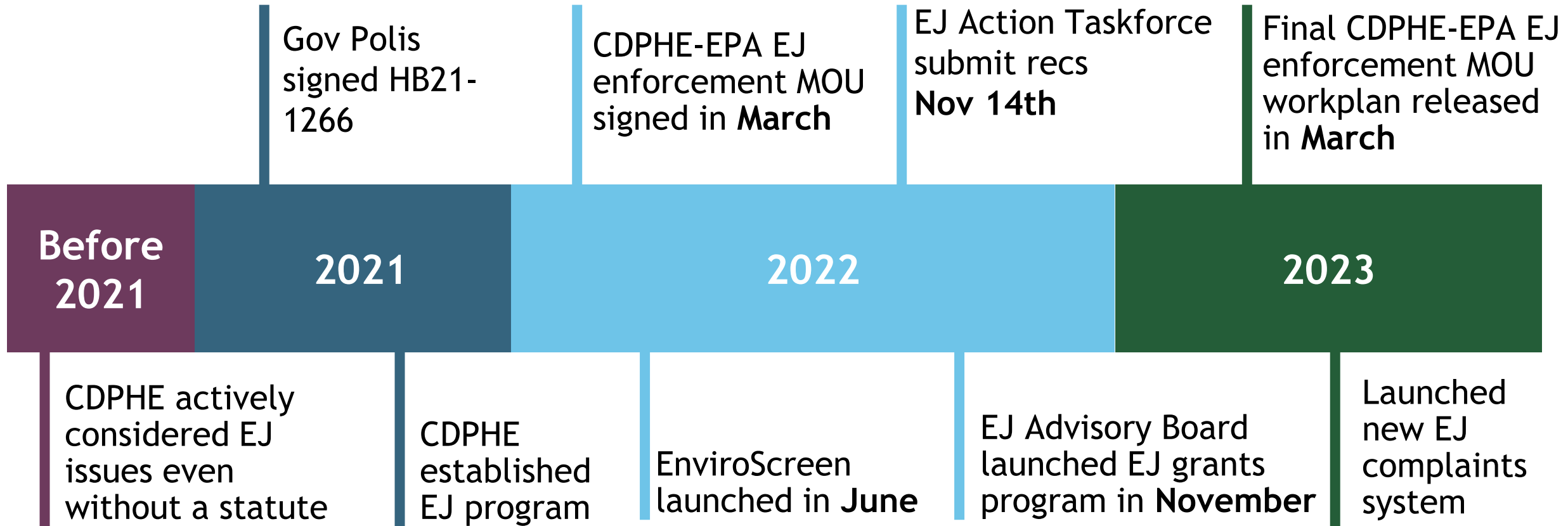
- **Demographics**: Census Block Groups with:
  - More than 40% low income households; or
  - More than 40% people of color; or
  - More than 40% housing cost-burdened households
- **History**: Communities with a history of environmental racism perpetuated through exclusionary laws
- **Cumulative Impacts**: Communities where multiple factors (i.e. socioeconomic stressors, disproportionate environmental burdens & lack of public participation) cumulatively contribute to persistent public health & environmental disparities



# Colorado EnviroScreen



# Environmental justice at CDPHE



# EPA's Title VI Affirmative Compliance Review of CDPHE - process to date

- **March 18, 2022:** EPA announces intent to conduct a Title VI affirmative Compliance Review of CDPHE
- **December 22, 2022:** EPA announces completion of:
  - Initial community engagement
  - Preliminary information gathering
- **December 30, 2022:** Formal Request for Information (RFI)
  - Enclosure 1: Title V (major source) air permit process
  - Enclosure 2: Nondiscrimination procedural safeguards
- **March 15, 2023:** CDPHE submits response to EPA

# Scope of Title VI Compliance Review - Nondiscrimination Safeguard Procedures

## Nondiscrimination Safeguard Procedures

1. Notice of Nondiscrimination
2. Grievance procedures
3. Nondiscrimination coordinator
4. Public participation
5. Meaningful Access - Limited English Proficiency (LEP)
6. Meaningful Access for People with Disabilities

# Scope of Title VI Compliance Review - Title V major air permits

## Title V Air permitting processes

1. How is Title VI considered in Title V permitting approval when minor NSR permits are processed as minor modifications to Title V permits?
2. Request for detailed information on recent Title V permits approved / renewed by CDPHE

# CDPHE's Experience: Preparing Response to EPA's Title VI RFI

- **Opportunities & challenges**
  - Nondiscrimination procedural safeguards
  - Title V (major source) air permit process



# Thank you

---

More questions?

Nathalie Eddy

[nathalie.eddy@state.co.us](mailto:nathalie.eddy@state.co.us)