

March 4, 2008

Silvano Marchesi  
Contra Costa County Counsel  
651 Pine Street, 9<sup>th</sup> Floor  
Martinez, CA 94553

Dear Mr. Marchesi:

Re: Application of Environmental Justice Laws and Policies in Contra Costa County

I am writing on behalf of the Contra Costa County Hazardous Materials Commission regarding Environmental Justice laws and policies. We would like to request your assistance in developing our knowledge regarding how these laws and policies are applied in Contra Costa County. The Commission has been interested in Environmental Justice for many years. As you may recall, the Hazardous Materials Commission was instrumental in the local effort to develop the County's Environmental Justice policy. The Commission wrote an initial report to the Board of Supervisors in October of 2000 that ultimately resulted in the Board adopting an Environmental Justice Policy in September of 2003. State and Federal Environmental Justice laws and policies have also been written over the last 10 years, including Federal Executive Order 12898 and State Senate Bill 115. Addressing Environmental Justice issues remains a continuing priority of the Commission.

Several of the Commissioners have expressed concern that the application of these laws and policies is not having the impact that was intended when they were passed. Concerns about Environmental Justice, and the initiation of these laws and policies, originally came about because of the recognition that some communities, most often made up of low-income and minority residents, bear a disproportionate burden of pollution and other environmental issues. These laws and policies were written to help prevent further instances of disproportionate environmental burdens, and to help alleviate existing disproportionate environmental burdens.

Specifically, the Commission would like to request your assistance to learn more about the following:

- 1) What is the legal obligation of the County to ensure Environmental Justice laws and policies (County, State and Federal) are being followed when the County makes decisions that may result in disproportionate environmental impacts in a specific community, or that may increase already existing disproportionate environmental impacts?
- 2) What is the County's legal obligation to take action when an existing environmental injustice has been identified?
- 3) What are the mechanisms by which the County ensures it's legal obligation to carry out applicable Environmental Justice policies and laws are being met?
- 4) What are the consequences for the County not carrying out either Federal or State Environmental Justice laws or policies, or it's own Environmental Justice policy?
- 5) What is the obligation of cities within Contra Costa County to follow the County's Environmental Justice policy?
- 6) What is the obligation of the County to ensure that cities within Contra Costa County follow Federal, State, or County Environmental Justice laws and policies?

Thank you in advance for assisting us by responding to these questions. The Commission would be very interested in discussing these issues with you at one of our monthly meetings, but if that is not possible, a written response would suffice. Please contact the Commission's Executive Assistant, Michael Kent, at (925) 313-6587 if you need any of our questions clarified, or to schedule a time to meet with us. We look forward to your presentation/response. Thank you again for your assistance.

Sincerely,

Sabiha Gokcen, Chairperson,  
Contra Costa County Hazardous Materials Commission