

ENVIRONMENTAL RACISM

A Status Report & Recommendations



*A report on Environmental Racism in Bayview/ Hunters Point:
The City and the Community working together
to promote environmental justice*

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I: INTRODUCTION

History of the HRC. In 1963, San Francisco was racked with demonstrations against hotels, supermarkets, drive-in restaurants, automobile showrooms and automobile repair shops which were discriminating against African Americans.

In early 1964, Mayor John F. Shelley appointed an Interim Committee on Human Relations, which subsequently recommended to the Board of Supervisors that a permanent Human Rights Commission be established. In July 1964, the Board of Supervisors passed the recommendation, and Mayor Shelley signed an ordinance establishing the Human Rights Commission. In 1990, the Human Rights Commission became a charter commission.

Its mandate is to address the causes of and problems resulting from prejudice, intolerance, bigotry and discrimination in San Francisco.

The Unfinished Agenda. In 1993 the Human Rights Commission produced a report on the Economic Status of African Americans in San Francisco from 1964 –1990. The report included several goals and recommendations. Issues of environmental justice in the southeastern sector of the City effect the City's ability to accomplish many of these goals, especially those relating to business development and affordable housing.

Environmental Racism Workshops. In June, 2003 the Human Rights Commission heard testimony from a group of African American leaders. The testimony included complaints of environmental racism in the Bayview/Hunters Point neighborhood. Commission Chair Malcolm Heinicke asked Commissioners Charles Ward and Theresa Sparks to investigate these allegations.

The commissioners held two meetings, one with various City departments and another with community groups active in environmental issues in the Bayview/Hunters Point neighborhood. The City departments included:

- The Department of Public Health
- The Department of the Environment
- The Department of City Planning

The community groups included:

- South East Sector Community Development Corporation
- Communities for a Better Environment
- Community First Coalition
- Environmental Justice Advocacy
- Literacy for Environmental Justice
- Bayview/Hunters Point Political Advisory Committee
- Bayview/Hunters Point Community Advocates

As a result of these meetings, it was decided to hold four workshops on the following topics:

- Energy
- Health
- Protecting the Southeast Community from Industrial Dumping: Pollution, Toxic Activities, Naval Shipyard, Mitigation Measures
- The Southeast Water Pollution Control Plant

A core working group was established to implement the workshops including members from both government and the community. The members have changed over time but have included:

From City Departments

- Hillary Amsbery, Department of the Environment
- Sraddha Mehta, Department of the Environment
- Karen Pierce, Department of Public Health



From the Community

- Andrew Bozeman, Southeast Sector Community Development Corporation
- Lynne Brown, Communities for a Better Environment
- Maurice Campbell, Community First Coalition
- Francisco Da Costa, Environmental Justice Advocacy

From Assemblyman Leno's Office

- Lisa Williams
- Adam Priest

From Supervisor Sophie Maxwell's Office

- Marti Paschal



Each workshop had a core group member as its point person. The point person, who also served as the workshop's moderator, chose all of the panelists. Any interested persons from either the community or the City were welcome to become a part of the core group at any time.

In addition, the office of Assemblyman Mark Leno, the office of Supervisor Sophie Maxwell, the Department of the Environment and the Mayor's Office of Neighborhood Services were original co-sponsors of the workshops.

HRC staff who worked on this project included James Fields, Diana Rathbone, Sophia Simpliciano, Preston Tom, and Nichole Truax.

The purpose of the workshops was to attempt to create a bridge between City government and the Bayview/Hunters Point community concerning issues of environmental justice.

Bayview/Hunters Point is a neighborhood suffering from a shockingly high degree of environmental degradation and contamination. Not coincidentally, it has among the highest rates of breast, cervical and prostate cancer, asthma and respiratory illnesses in California. The workshops were designed to:

- Answer residents questions about the environmentally hazardous materials and activities in their community.
- Give residents a voice in the administration and regulation of these activities and materials.
- Explain the City's efforts to mitigate the effects of the environmental contamination and degradation on the local population.
- Build a bridge between City departments and the Bayview/Hunters Point community to facilitate the lines of communication when environmental justice issues arise.

The report recommends that the Human Rights Commission forward this document to the San Francisco Board of Supervisors with a recommendation that the Board:

- Adopt a local version of the Principles of Environmental Justice (see Appendix A) and
- Issue environmental justice legislation for the City and County of San Francisco similar to that contained in Federal Executive Order 12898 (see Appendix B). This Executive Order, signed by President Clinton in 1994, created an Interagency Group on Environmental Justice to carry out the Executive Order's directive to consult with affected communities and to consider issues of environmental justice in all its actions with low income and minority populations.

This report has drawn liberally from discussion at the workshops, information provided by the panelists and from various websites and publications. Its purpose is to provide further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all of the sources contained in this report and apologize for any that have been forgotten.



2: WHAT IS ENVIRONMENTAL RACISM?

“Environmental Racism is not a science, but the result of a power dynamic. The dynamic that causes environmental inequity occurs when people who have power in society choose not to have environmental hazards in their community. This environmental inequity becomes environmental injustice when environmental hazards are placed in a community of disempowered people.” EDWARD RUSH OF THE CENTER FOR HEALTH, ENVIRONMENT AND JUSTICE,

“ENVIRONMENTAL RACISM: FACT OR FRICTION?” EVERYONE’S BACKYARD, SUMMER 1997



“Environmental Justice is the fair treatment and meaningful involvement of all people in environmental decision-making. San Francisco’s Environmental Justice Program promotes the protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities so that all San Franciscans have an equal opportunity to lead healthy, fulfilling, and dignified lives.” SAN FRANCISCO DEPARTMENT OF THE ENVIRONMENT



“The solution to environmental racism is environmental justice.” SAUL BLOOM, FOUNDER AND EXECUTIVE DIRECTOR, ARC ECOLOGY, A NON-PROFIT, PUBLIC INTEREST ORGANIZATION CONCERNED WITH ISSUES AFFECTING ECOLOGY



FACTS ABOUT THE BAYVIEW/HUNTERS POINT NEIGHBORHOOD



Bayview/Hunters Point is a community of approximately 30,000 people, of whom:

- 48% are African American, 1.3% American Indian or Alaskan Native, 28% are Asian and Pacific Islanders, 17% Hispanic and 10% are White.
- 16% are unemployed.
- 22% of families and 22% of individuals exist below the poverty line.
- The median family income is \$37,000

Source: U.S. 2000 Census

- San Francisco District 10, which includes Bayview/Hunters Point as well as much of the southeastern sector of the City, is a community of approximately 76,752 people of whom 29% are African American, 30% are Asian and Pacific Islanders 19% Hispanic and 26% are White.

Source: San Francisco Politics.com (courtesy of the Legislative Analysts Office)



- Bayview/Hunters Point has no supermarket and its health center went without a medical director for nearly five years.
- Over half of the land in San Francisco that is zoned for industrial use is located in Bayview/Hunters Point. The neighborhood is home to:
 - A highly contaminated Naval base, including two superfund¹ sites
 - An old and heavily polluting power plant
 - A sewage treatment plant which handles 80% of the City's solid wastes and emanates noxious fumes
 - 100 Brownfield sites (a Brownfield is an abandoned, idled, or underused industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination)
 - 325 underground petroleum storage tanks
 - More than a third of the city's 1,263 hazardous waste generators
- Bayview/Hunters Point has rates higher than the national average of asthma, respiratory disease, breast cancer and diabetes. Consequently, like many urban, industrial, minority communities across the country, it is a vulnerable population, increasingly sensitive to the effects of exposure to hazardous substances and the cumulative effects of air, land and water pollution in its community.

PRINCIPLES OF ENVIRONMENTAL JUSTICE

The environmental justice movement started in Warren County, N.C. when activists from both the civil rights and environmental movements demonstrated against the placement of yet another landfill in the largely African-American community. Although demonstrators lay down in front of the trucks carrying PCB²-contaminated soil, their show of civil disobedience did not stop the new

¹ **Superfund:** The program operated under the legislative authority of CERCLA and SARA that funds and carries out EPA solid waste emergency and long-term removal and remedial activities. These activities include establishing the National Priorities List, investigating sites for inclusion on the list, determining their priority, and conducting and/or supervising cleanup and other remedial actions. *Environmental Issues Glossary, About.com*

² **Polychlorinated Biphenyls (PCB):** industrial chemicals that are mixtures of chlorinated biphenyl compounds having various percentages of chlorine. They are similar in structure to organochlorine insecticides. *USGS Water Resources*



landfill. It did however, thrust the issue of environmental racism into the national spotlight and onto the political agenda.

In 1983, the United States General Accounting Office conducted a study of several Southern states that found three out of every four landfills were located near predominantly minority communities. In 1987, The United Church of Christ Commission for Racial Justice report showed that nationwide, the most significant factor in determining hazardous waste facility sites was race.

In 1991, the First National People of Color Leadership Summit was held in Washington, D.C., and adopted the Principles of Environmental Justice (see Appendix A).

In 1992, a National Law Journal report alleged that the Environmental Protection Agency discriminated in the enforcement of its policies, pointing out that federal fines were not as strict for industries operating in communities of color. Also, clean-up of environmental disasters in these communities were slower than in wealthier, white communities and standards for clean-up were not as high. In that same year, the EPA established its Office of Environmental Justice.

In 1994, President Bill Clinton issued Executive Order 12898 (see Appendix B). Shortly thereafter, the Interagency Group on Environmental Justice was established in response to the Order's directive to the federal government. This group's charge was to consult with affected communities, especially low-income and minority populations, and consider issues of environmental justice in all its actions.

In 2003, the Advisory Committee on Environmental Justice of the California Environmental Protection Agency (Cal/EPA) issued recommendations regarding environmental justice based on what it calls 'sound science and robust public participation.' Similar to the federal executive order, the recommendations include utilizing an Interagency Working group.

Also in 2003, the Governor's Office of Planning and Research issued General Plan Guidelines to assist City and local governments in the preparation of the local land use plans they are required



to prepare under state law. As required by the legislature, these guidelines include, for the first time, a section on environmental justice and the fair treatment of people of all races, cultures and incomes ‘with respect to ... environment laws.’ The guidelines also refer to the importance of public participation as a means of allowing ‘planners, decision-makers, and the community to engage in a meaningful dialogue about the future development of the City or county.’

In San Francisco, Supervisor Maxwell has requested that the City Attorney’s Office draft an environmental justice ordinance, which would require an environmental justice analysis of the effects of proposed projects on environmental justice neighborhoods. The recommendations for environmental justice legislation in this report are made in conjunction with this request.

Source: State of California General Plan Guidelines 2003, Cal/EPA’s Advisory Committee Report and Recommendations on Environmental Justice, Supervisor Sophie Maxwell’s Office, The Colorado People’s Environmental and Economic Network (COPEEN)



3: INDUSTRIAL HISTORY OF THE BAYVIEW/HUNTERS POINT (BVHP)

Bayview/Hunters Point got its name from two brothers, Robert and Phillip Hunter, who belonged to a distinguished East Coast family and came to San Francisco during the gold rush. The brothers worked for two land speculators who had brokered a deal with a prominent landowner, Jose Cornelia Bernal, to split up his estate into lots, sell them, and split the proceeds. The estate, then called Potrero Viejo, included the Bayview/Hunters Point area. Unfortunately, most of the lots did not sell. The area was deemed undesirable, as there was no convenient way to get to the downtown area three miles away (a problem which remains true to this day and will only end with the completion of the 3rd Street Light Rail project).



In these early days, in addition to a burgeoning shipping industry, Bayview/Hunters Point was known for its rich farmland, where residents cultivated produce and raised livestock for the City's consumption. It was also home to some good game and duck shooting.

During World War II, Hunters Point experienced a building and development explosion due to the Naval Shipyard. Over 600 fighting vessels and liberty ships were repaired during these years, stimulating the creation of many surrounding support industries and marking the beginning of the area's long history of environmental degradation and contamination. Since that time, over half the land in San Francisco that is zoned for industrial use is located in this neighborhood.



Hunters Point also experienced an economic boom at this time. Schools were built to accommodate the influx of ship builders and laborers as well as medical and childcare centers, recreation facilities and restaurants. Several federal housing projects were developed to provide lodging for the workers—many of whom were African Americans—newly arrived from the South and other parts of the country in search of the well-paying jobs. According to census data, the greatest increase in the African American population in San Francisco occurred during the Shipyard’s heyday from the 1940’s to 1960’s and it is estimated that about 45 percent of families who lived in war housing were black.

In 1964, the Shipyard averaged 7,000 workers. However, many African Americans lost their well-paying jobs after the war. Displaced by the men returning from the fighting, they were relegated to menial labor. When the base closed in 1974, these jobs were lost altogether and so, in addition to the environmental degradation, the Navy left the area economically depressed.

This history points to the importance of appropriate zoning laws and environmental and economic stewardship, especially in areas of industrial use that are close to residential areas, and in impoverished communities, whose residents are primarily people of color. These issues have been largely ignored in Bayview/Hunters Point. Following is a brief history of industrial activity in the area.

The Navy Shipyard

In 1868 the California Dry-dock Company built a Shipyard in the district. Encompassing 638 acres of waterfront, it was the site of the first dry-dock for commercial use on the West Coast. One of the Company’s earliest feats was to service the battleships of President Theodore Roosevelt’s “Great White Fleet” (the ships were painted white except for gilded scrollwork).

In 1939, Congress purchased the dry dock, and leased it to Bethlehem Steel Company, which continued actively servicing the ship building and repair industry until 1941. Eleven days before Pearl Harbor, the Navy took over the site, renaming it the San Francisco Naval Shipyard. From this point on until 1974, the yard was an active Naval facility, involved in ship building, maintenance and



repair as well as Naval ordinance training exercises, radiological testing and nuclear decontamination.

The Shipyard was involved in numerous heavy metal operations which produced byproducts of nickel, cadmium, zinc, arsenic, slag and other heavy metals and industrial chemicals. The industry also required extensive use of petroleum based products, such as diesel, gasoline, lubricants for bearings, gear drives and heavy grease. As part of the operation of the Shipyard these products were spilled, wasted or dumped into the ground and water systems on the Shipyard property. As a result of worker exposure to asbestos, a class action lawsuit was litigated several years ago. All of these uses contributed to the present day industrial and radioactive contamination of the site.

The Shipyard also fostered the development of many heavy industrial uses in the immediate area, uses which eventually became codified in the City's zoning laws and contributed to the overall environmental degradation of the neighborhood. Metal plating shops, for example, used acids for the chrome and brass plating process. Fifty-five gallon petroleum barrels were commonly seen piled in open storage in the community.

Navy Radiological Defense Laboratory (NRDL)

At the end of World War II, the Navy Radiological Defense Laboratory (NRDL) was established at Hunters Point. It is now known that numerous highly radioactive "hot" laboratories existed at the site in which conventional weapons tests were conducted, as well as radiological tests and tests on the effects of radioactive fallout on animals and materials. Some of these experiments, which resulted in substantial contamination, remained classified for years.

The yard was also detailed for the radioactive decontamination of ships formerly involved in nuclear weapons testing and this continued through the Cold War until 1969 when it ended due to budget cuts. For example, the ships that were radiated in the Bikini Atoll tests were sandblasted at the Shipyard. In addition to the work at the NRDL, activities at the Shipyard included the conversion of the U.S.S. Chicago from a gunner to a guided missile cruiser.



Slaughter House

James Allen & Sons, a slaughter house located at Third Street and Fairfax Avenue, was a full scale conventional livestock slaughterhouse, complete with outside holding areas for cows, hogs and sheep. The smell is reported to have been overwhelming. The neighborhood around the slaughterhouse was known as “Butchertown.” Restaurants, bars, single room occupancy (SROs) hotels, dry cleaners and other industrial support businesses thrived off Butchertown workers.

The Royal Tallow Company and Darling Company processed unused meat and cattle products. Animal hides were shipped to the Legalette Tannery near Palou Avenue southeast of the Shipyard.

Automobile Wrecking Yards

Adjacent to the slaughterhouse were the automobile wrecking yards, home to literally dozens of businesses. This area, now known as India Basin was crisscrossed with unpaved, oil soaked dirt roads. The area remained a huge blight on the community until 1970 when it was redeveloped into India Basin Industrial Park. Even so, to this day, large numbers of disabled automobiles remain parked throughout the neighborhood, especially near public housing properties.

Port Property

For many years, in part due to the presence of the Shipyard, the bay surrounding Bayview/Hunters Point was dominated by industrial, rather than recreational, uses. However, most of these businesses have since deserted the waterfront, leaving behind them dilapidated piers, broken down warehouse structures and varying levels of contamination. Pier 92, for example, once home to the Washington Fish Company, the last remaining industry of its type on this part of the waterfront, has long been deserted. Similarly, Pier 90, now abandoned, was known for inshore processing plants, banana boat unloading and grain storage silos.

A Southern Pacific trestle was located near 24th Street. Southern Pacific would barge railroad cars over from the East Bay where they connected to the extensive rail connections, now abandoned, that can still be seen in the neighborhood today.



Candlestick Park and Candlestick Cove

During the war, the cove was home to officers and the Navy yard's upper crust. After the war, however, before Candlestick Park was built, the shoreline became derelict and was the site of an open public dump owned by local scavenger companies. The notorious wind at Candlestick blew debris, dirt and dust into the Bay and around the neighborhood. Along the shoreline of Yosemite Slough was a dumpsite and reclamation yard for masonry products, mainly used bricks. The Norcal public dump, reclamation yard and recycle plant still exist on Beatty Road.

Other Industries

Some of the other plants in the community were:

- Planters Peanuts at Bayshore and Paul Avenue
- Firestone Tire warehouse at Third and Fitzgerald
- Used tire reclamation sites at Innes Avenue and Phelps Street. Thousands of tires were stored there along with various large sections of metal pipe, used construction materials and parking for construction trucks
- An old mattress factory at Third and Bancroft
- Lucky Lager Brewery near Williams Street
- Reynolds Aluminum (near Pier 90)
- American Can Company
- Hills Brothers Coffee

Pacific Gas and Electric Company (PG&E) Power Plant

This old and heavily polluting power plant remains open in spite of more than a decade of community efforts to shut it down. The California Independent System Operator (ISO) says it will



recommend shutdown by 2005 but only if a long series of conditions are met for alternative sources of power. See Energy Workshop, page 17.

Southeast Water Pollution Control Plant

A huge sewage treatment plant was constructed in the area in the late 1970s. The plant is located in the middle of a residential neighborhood, emanates noxious fumes and creates a serious mosquito problem. See Southeast Water Pollution Control Plant Workshop, see page 61.

Source: The San Francisco Department of City Planning; the Community Journalism Project; San Francisco Politics.com (An illustrated history from the San Francisco Public Library), James Fields, HRC staff member and former resident of Bayview/Hunters Point.



WORKSHOP 1: ENERGY

Date: Saturday, April 26 2003

Time: 10.00 a.m. – 1.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Jim Chace**, Manager of the Energy Center, PG&E

Barbara George, Founder and Director, Women's Energy Matters

Greg Karros, Senior Scientist, Communities for a Better Environment

Ann Kelly, Senior Energy Specialist, San Francisco Department of the Environment

Ed Smeloff, Assistant General Manager for Power Policy, Planning and Resources,
San Francisco Public Utilities Commission

Moderator: **Maurice Campbell**, Community First Coalition

The workshop included an energy giveaway with products donated by PG&E and General Electric (courtesy of Omega Pacific, a local minority business enterprise.)

Note: This is not intended to serve as minutes of the workshop. Instead, it reflects the discussion and concerns raised at the workshops. Where applicable, we have tried to include related events, additional information and any follow up that has taken place. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.



AREAS OF CONCERN

- ☞ *Shutting down the Hunters Point PG&E power plant and opposing the expansion of the Mirant power plant in the neighboring Potrero district.*
- ☞ *Development of a comprehensive energy conservation program specifically targeted towards Bayview/Hunters Point both as mitigation for the long term pollution from the power plant in the community and to lower the abnormally high energy bills in the community.*



SHUTTING DOWN THE HUNTERS POINT PG&E POWER PLANT POWER GENERATION IN SAN FRANCISCO

The ISO originally forecast that by 2005 San Francisco's peak demand ('peak' refers to the highest hours of electricity use) would grow from 946 megawatts to 1145 megawatts. Due to the recent economic downturn, the forecast has changed. Peak demand for 2003 is just over 900 megawatts and is now expected to remain under 1,000 in 2006.

The City's power is supplied by:

- Two power plants
 - A plant owned by PG&E in Hunters Point
 - A plant owned by Mirant Corporation at the base of Potrero Hill
- Four small power plants, one at Hunters Point and three at Potrero Hill. These are called "peakers" because they are designed to run only at times of peak demand
- Overhead and underground transmission lines along constrained pathways through the Southeastern sector of San Francisco from San Mateo County.

San Francisco is called a constrained transmission area because of its location at the tip of a peninsula. During periods of peak demand, the City can import only 60% of the power it needs over existing transmission lines. Therefore, the California ISO requires that the City operate its own power plants to satisfy grid reliability.

The Hunters Point plant was built in 1929 and is owned by PG&E. It has four units, two of which have already been closed down. The other two run on an "as needed" or "reliability must run" basis when ordered to do so by the ISO. Since 1998 they have produced less electricity each year, accounting for only 8% of the City's total use in 2001:

- Unit 4 is the second largest power plant in the city (163 megawatts). It dates from 1958 and runs on natural gas. It is a cause of pollution in the environment and is restricted in the amount



of Nox emissions¹ it can produce each year. PG&E cannot continue to legally operate the plant unless it either retrofits or gets permission to use emission reduction credits from the Bay Area Air Quality Management District (BAAQMD). However, it is unlikely to retrofit the plant unless the California Public Utilities Commission permits it to recover the cost of doing so.

- Unit 1 (52 megawatts) is one of the City's four peaker plants. It dates from 1976, and runs on diesel, one of the dirtiest forms of fuel. It is restricted to 877 hours of operation a year, at times when the City's load peaks and additional electricity generation is required.

Potrero Hill Plant. Originally owned by PG&E, this plant was sold to Mirant, an out-of-state-merchant energy company, in 1999, as part of the deregulation process. Mirant wants to build a new 540 megawatt plant at this site. However, a Board of Supervisors resolution has made it official city policy to oppose the new plant and San Francisco has filed a motion with the California Energy Commission which seeks to delay or halt consideration of the proposal. Mirant has filed for Chapter 11 bankruptcy and suspended (but not cancelled) its efforts to license the new plant. The City has offered to purchase the land from Mirant, hoping to site its own power plants there (see below).

The current plant has four units:

- Unit 3 is the largest power plant in the city (207 megawatts). It dates from 1965 and runs on natural gas. It is restricted in the amount of Nox emissions it can produce each year. Unless it can shut down for retrofitting in 2004 it will not be able to meet these anti-pollution restrictions in 2005.

¹ "Nox" is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.



- Units 4-6 (52 megawatts) are three of the City's four peaker plants. They date from 1976 and like the Hunters Point Peaker, run on dirty diesel fuel. They are restricted to 877 hours of operation a year, at times when the City's load peaks and additional electricity generation is required.



Shutting down the Hunters Point PG&E power plant. For years, communities in the southeastern sector of the City have been calling for the shutdown of the Hunters Point plant. In 1998, PG&E and the Mayor signed an agreement to close the plant as soon as replacement power was available. Within one year of shutdown, PG&E agreed to decommission the plant and remediate the site.

The California Public Utilities commission (CPUC) will oversee the shutdown, when and if it takes place. In October, 2003, the CPUC granted PG&E \$65 million for the decommissioning and cleanup of the Hunters Point site. However, the community is concerned that the funds were not restricted to that purpose and that PG&E may use some of the money for other things. Mayor Willie Brown has written to PG&E asking that they prepare a plan for using local firms and hiring from the local community in the decommissioning work.

Greater Bay Area Outage Standard. Since the agreement was signed in 1978, the new California Independent System Operator (ISO), which was established as part of the deregulation process, has created a special standard for transmission in San Francisco and the Peninsula, which is not used anywhere else in the State. Called the "Greater Bay Area Outage Standard," it is used in planning for future transmission projects that are needed to assure electric service reliability. It effects the shutdown by requiring San Francisco to be able to meet peak demand even when:

- the largest power plant in the City (Potrero Unit 3) plus one peaker plant in San Francisco and one in Oakland are out of service at the same time as:
- another power plant or transmission line fails or is shut down for maintenance.



The effect of this standard is that the Hunters Point and Potrero Power Plants cannot be shut down until San Francisco can meet this standard with other sources of power or new transmission projects.

The ISO also requires that San Francisco has sufficient power to meet load even when:

- Either Potrero Unit 3 or Hunters Point Unit 4 fails at the same time as the other is out of service for regular maintenance

- and -

- One of the four speaker plants is unable to function.

In June 2003, several community organizations filed federal civil rights complaints, arguing that the ISO and PG&E discriminate against the Bayview/Hunters Point community by keeping the Hunters Point Power Plant open. The two complaints cite the Greater Bay Area Outage Standard, among other things, as a cause for its continued operation. The complaints also charge that the ISO and PG&E have failed to provide the community with correct, clear and timely data on energy generation and transmission in the area.

The complaints were filed at the US Department of Energy. The Federal Energy Regulatory Commission (FERC) will make the ultimate decision whether to allow the ISO to discontinue the “Reliability Must Run” (RMR) contract for the Hunters Point Power Plant.

Electric Resources Plan. In May 2001, the Board of Supervisors unanimously passed the “Human Health and Environmental Protections for New Electric Generation” ordinance which directed the San Francisco Public Utilities Commission and the San Francisco Department of the Environment to prepare an energy resource plan that considered all practical transmission, conservation, efficiency and renewable energy alternatives to fossil fuel electricity generation in San Francisco.



In August 2002, the San Francisco Public Utilities Commission and the San Francisco Department of the Environment officially adopted the Electric Resources Plan which assumes there will be no need for a large central generation plant in San Francisco. In addition, it would:

- Shut down the Hunters Point Plant by 2005
- Develop an agreement with Mirant to environmentally retrofit Unit 3 until such time as sufficient new transmission or generation projects can be developed to retire the plant. Because Unit 3 is privately owned, Mirant is under no obligation to close it down and could refuse to do so. However, if it loses its “Reliability Must Run” contract with the ISO, it is unlikely that it would continue to run because of its age and relative inefficiency.

The City envisions closure of the old plants through:

- reduced energy usage
- conservation
- energy efficiency
- replacement power
- renewable energy (solar panels, wind turbines). Solar panels have already been installed at Moscone Center and are soon to be installed at the Southeast Water Pollution Control Plant
- new clean technology generation
- additional transmission lines including a major new line from the Peninsula into San Francisco known as the Jefferson-Martin project. It has already been recommended by the ISO but is currently in the midst of a lengthy planning and environmental review process. The line will provide additional redundancy to the Peninsula transmission system aimed at preventing the type of large-scale blackout that occurred in 1998 and provide flexibility for



scheduling maintenance on other transmission lines and substations. It is scheduled for completion in 2007.

New natural gas powered electricity generators. In January 2003, as a result of a settlement between the State of California and Williams' Corporation over electricity price manipulation, San Francisco acquired four natural gas powered combustion turbines to produce electricity. If these turbines are installed, and if a series of transmission upgrades currently under construction are completed, the ISO has stated in writing that PG&E will be allowed to retire both units of the Hunters Point Power Plant.

The PUC wants to connect the turbines to one of the four existing San Francisco substations. The substations are located at:

- Hunters Point
- Potrero
- Larkin Street (at Larkin & Eddy)
- Mission (at 8th and Mission Streets. One of the turbines may be installed at this location as part of the development of a cogeneration plant. Cogeneration is the production of electricity and heat from a single installation – the heat created from combustion is captured and used, rather than wasted.

Bayview/Hunters Point residents do not want the turbines in their community. Currently, the City's first choice is the Potrero substation. However, this site is only ten blocks from the PG&E Plant and residents fear that it would still cause pollution in Bayview/Hunters Point as well as, of course, the Potrero Hill neighborhood. It should be noted that there are low-income housing projects with a large population of minority residents only a few blocks up the hill from the Potrero substation.

The community has expressed further concerns that the combustion turbines may cause more total pollution than the old PG&E power plant, even though they are cleaner in their operation,



because there will be no restrictions on how many hours they can operate each year. Mr. Ed Smeloff, Assistant General Manager at the San Francisco Public Utilities Commission (SFPUC), has stated that the new combustion turbines will be limited by license to no more than 3000 hours of operation (in 2002, Unit 4 of the PG&E plant operated for 7170 hours, even with the limit placed on its Nox emissions). He has also stated that the SFPUC has agreed to mitigate and offset residual pollution and that, if the turnbines are placed at the Potrero substation, the emission of pollutants in the southeast sector will be less than the levels produced in this area without the turbines . The SFPUC has promised a community benefits program as mitigation for placing the generators in this community.

Residents have questioned why the turbines could not be placed at the Airport, away from residential areas. The ISO has stated that there are additional Bay Area transmission constraints that are currently mitigated by Hunters Point and Potrero and that without other generation or transmission projects it would not permit the closure of Hunters Point unit 4. Mr. Smeloff has stated that it could be argued that siting the city's power plants at the airport could mitigate those other constraints, although the ISO has not specifically said so. If the ISO agreed that siting the city-owned plants south of Martin mitigated those constraints, it should be possible to close Hunters Point Unit 4 in 2007.



The HRC is very concerned that no other sources of power generation replace the PG&E plant in Bayview/ Hunters Point when it is finally shut down. If the new sources of power are placed in San Francisco, environmental justice requires that all parts of the city share in both the benefits and the burdens of power generation.



DEVELOPMENT OF ENERGY CONSERVATION PROGRAMS SPECIFICALLY TARGETED TOWARDS BAYVIEW/HUNTERS POINT BOTH AS MITIGATION FOR THE LONG TERM POLLUTION IN THE COMMUNITY AND TO LOWER ENERGY BILLS IN THE COMMUNITY



- The San Francisco Department of the Environment received \$13.8 million from State funds for mitigation of the long term energy pollution in Bayview/Hunters Point. Some of these funds were granted to non-profit and for-profit businesses to run energy conservation programs in the neighborhood. Concerns

were expressed at the workshop about the efficacy of these programs and whether they were cost effective in terms of energy savings (dollars spent vs. dollars saved).

- San Francisco Peak Energy Program (SFPEP). Much of the discussion at the workshop and almost all of the follow up since the workshop has centered around this program and its Project Implementation Plan (PIP).

The \$16,313,000 million program is intended to help reduce San Francisco's summer daytime and winter evening peak loads by 16 megawatts as part of the overall plan to close down the PG&E Hunters Point power plant by 2005. PG&E receives and controls the allocation of the funds. However, it partners with the San Francisco Department of the Environment to market the programs. The program is funded by a public goods charge on PG&E bills and was authorized by the California Public Utilities Commission.

While SFPEP commits to focusing its initial residential efforts in the Bayview/Hunters Point area, in mitigation for years of pollution from the power plant, its primary purpose is neither mitigation nor reduced energy bills. However, because the Department of the Environment



considers these to be important issues, it has announced its intention to combine the SFPEP allocations to Bayview/Hunters Point into a comprehensive energy conservation program.



- *Funds from the SFPEP program will be combined with those available in other PG&E programs, including those for low-income residents, to maximize the energy efficiencies available to each household. Currently, it is estimated that the amount of SFPEP money allocated to residents citywide will allow for the installation of two energy saving light bulbs and a thermostat in each house in Bayview/Hunters Point. However, no specific allocation to the community has been made.*
- *Bayview/Hunters Point residents complain of abnormally high energy bills. Poor building construction, little insulation, old appliances and/or a need for energy conservation education are typical problems in impoverished communities. PG&E and the Department of the Environment will hold energy conservation and/or bill analysis clinics to determine the reasons for any exceptionally high energy use. These clinics would be combined with on-site inspections by PG&E staff as they implement SFPEP and the other energy efficiency programs.*

The fact that SFPEP funds will be combined with those available in other PG&E programs is important because the bulk of the SFPEP money is earmarked for office and commercial use. This is because the Department of the Environment believes this is the only way to meet its mandated reduction targets. Although this remains true, during the workshop new statistics were brought up which showed that substantial savings could also be made by targeting residential users.

California Energy Commission statistics show that total energy use in San Francisco is broken down as follows:

- 27% residential,
- 36% office use



- 37% varied commercial uses

The current SFPEP allocations are based on times of peak energy use. Nevertheless, they are considerably different:

- Combined Business Allocation \$13,210,000 or 81%
- Combined Residential Allocation: \$2,300,000 or 14%
- Combined Business and Residential: \$802,200 or 5%

It is also worth noting that, even though energy conservation is not the primary purpose of the program, the SFPEP will obviously result in savings on the utility bills of its beneficiaries. In this regard, according to Mr. Richard Esteves of SESCO, Inc., in an analysis submitted to the California Public Utilities Commission on behalf of Women Energy Matters and the Community First Coalition, the estimates of the actual residential *benefits* (in terms of reduced energy bills) in the plan are even smaller than the residential allocation:

- 2% for single family homes citywide (residents are estimated to pay 40% of San Francisco's utility bills)
- 0.7% for the actual residents of multi-family units, the dominant group in San Francisco's residential sector.

The SESCO report suggests that these benefits are so miniscule, at least in part, because the residential program includes expensive measures for which the return is small, such as replacing coin operated washing machines. The major business programs, by contrast, involve replacement lighting, which are extremely cost-effective.

Since the workshop, the amount of money proposed for overall residential programs has not increased but the proposed SFPEP has been adjusted to include both single family homes and multi-family dwellings. It should be noted, however, that much of the portion of the multi-family dwelling program actually provides energy savings for landlords, as opposed to tenants, and should probably be considered as part of the commercial programs. Even without this



adjustment, though, the bulk of the allocation, as well as the benefits in terms of reduced energy bills, are still targeted at office and commercial users.

Other outstanding issues relate to the fact that:

- Not all housing projects receive power through the City-operated portion of the Hetch Hetchy system. Some tenants pay PG&E for the power for their units.
- All public and Section 8 housing were excluded from the studies that were used to determine energy efficiency targets. The housing studies were based on tax rolls, but neither public housing nor Section 8 housing appear on the tax rolls, thus resulting in an under-estimation of the energy efficiency potential in multi-family housing in low income neighborhoods.



*The Human Rights Commission urges the
Department of the Environment and PG&E to:*

- Increase PEP allocations to residential users in the Bayview/Hunters Point community, in a manner consistent with the SFPEP goal of reducing peak energy usage to facilitate the shutting down of the Hunters Point Power Plant. The community that has suffered from years of pollution from the power plant. To date, although the PEP commits to focusing its initial residential efforts in the Bayview/Hunters Point area, no specific allocation to the community has been made.
- Implement the promised comprehensive energy program for Bayview/Hunters Point.
- Conduct a survey in Bayview/Hunters Point to determine the size of the average residential bill in the neighborhood.



The Human Rights Commission urges:

- The San Francisco Public Utilities Commission and the Department of the Environment to find a way to locate the new turbines somewhere other than the southeast sector
- The Board of Supervisors to adopt policies to oppose any proposals by PG&E to upgrade, retrofit or obtain emission reduction credits for the Hunters Point Power Plant that would extend its operation beyond 2005.



Follow-Up

Communication between Bayview/Hunters Point and the City

- *In order to implement PEP in Bayview/Hunters Point, HRC has encouraged the Department of the Environment to open up discussion on the implementation plan to all elements of the community and is encouraged by the Department of the Environment's monthly community meetings held for this purpose.*
- *HRC has a liaison to the Department of the Environment to keep HRC informed of the community's dealings with PG&E and the Department of the Environment and visa versa.*

Sources: San Francisco Electricity Resource Plan, San Francisco Peak Energy Efficiency Pilot Program Project Implementation Plan (PEP), SESCO Report, panelists.



WORKSHOP 2: HEALTH

Date: Wednesday, June 25 2003

Time: 1.00 p.m. – 4.00 p.m.

Place: Southeast Health Center

Background: **Cynthia Selmar**, Director of the San Francisco Department of Public Health's African American Health Initiative & Co-Director of the Community Empowerment Center

Panelists: **Dr. Rajiv Bhatia**, Director of the San Francisco Department of Public Health's Occupational & Environmental Health & Health Inequities Research Unit

Miriam Chion, Project Manager for the San Francisco Planning Department's Eastern Neighborhood Community Planning Process

Debbie Raphael, Program Manager of the San Francisco Department of the Environment's Toxics Reduction Program

Ina Shalez, Senior Environmental Specialist at the San Francisco Department of the Environment

Moderator: **Karen Pierce**, Department of Public Health, Bayview Advocates

Note: This is not intended to serve as minutes of the workshop. Instead, it reflects the discussion and concerns raised at the workshops. Where applicable, we have tried to include related events, additional information and any follow up that has taken place. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.



AREAS OF CONCERN

- ✻ Air Quality
- ✻ Toxics Reduction Program
- ✻ Land Use and Zoning/Food Security
- ✻ Southeast Health Center
- ✻ Yosemite Slough



AIR QUALITY

There is a strong belief in Bayview/Hunters Point that the air quality is badly compromised and that this contributes significantly to the high level of respiratory diseases such as asthma as well as cancer in the community. There is a crucial lack of baseline air quality data, which has long been an area of concern to the residents.

In the last few months, the Bayview/Hunters Point Community Air Monitoring Project, or BayCAMP, has got under way. It is a yearlong project coordinated by San Francisco's Department of the Environment, Literacy for Environmental Justice, the Bay Area Air Quality Management District, the US Environmental Protection Agency, and the California Air Resource Board.

The team will use a high-tech air monitoring station to test for a range of airborne pollutants in the City's southeast sector. The equipment can detect the presence of over 70 different types of compounds, including diesel particulates, sewage treatment by-products, nitrogen oxides and other pollutants from the power plant and other industrial facilities in the vicinity.



The project received community input to determine the best location for the air monitoring equipment. This is a controversial issue as there is only one monitoring station and the pollutants that it detects will depend on wind patterns and its proximity to potential sources of pollution. The BayCAMP project will provide some baseline data, but more in-depth studies will be needed to provide a complete picture of the air quality in the community. However, air monitoring equipment can be extremely expensive. The monitoring station to be used in this study was loaned by the California Air Resources Board and is similar to the permanent monitoring station that provides San Francisco data to the state.

Air quality scientists will help analyze the BayCAMP data to try to isolate the air quality problems which may be a causal factor that San Francisco residents in the Bayview/Hunters Point neighborhood to endure higher rates of breast, cervical and prostate cancer, asthma and other respiratory diseases than the national average. The Department of the Environment has committed



to making the data available to the public on a website and through regular newsletters. Community meetings are also promised to keep residents informed about the project and the data collected and to discuss people's questions and concerns.

TOXICS REDUCTION PROGRAM

Precautionary Principle. In June 2003, San Francisco became the first city in the nation to adopt the "Precautionary Principle"—a new policy framework originally sponsored by then Supervisor Mark Leno, and widely used in western and northern European countries. It shifts the burden of proof in cases effecting health and the environment from asking, "How much harm is allowable?" to "How little harm is possible?"

The principle urges government to take precautionary measures as soon as science can provide reasonable evidence of harm, even if a fully established cause-and-effect relationship has not yet been proved. In other words, waiting for certainty probably means waiting too long. For example, despite early scientific warnings, a great deal of time passed before society addressed the dangers posed by lead, cigarettes and asbestos. Earlier action could have spared many lives.

In Bayview/Hunters Point, the new Ordinance will force government officials to seek safer alternatives to the many toxic, carcinogenic and environmentally destructive practices that can be found in this highly impacted area of the City. The question can no longer be whether a practice is legal (e.g., diesel trucks are legal) but whether it is potentially harmful. Decision makers can no longer ask, for example, how much air pollution residents can inhale before science can absolutely prove its connection to respiratory illnesses. Instead, based on the probability that diesel truck emissions are likely to cause harm, the *Precautionary Principle* requires looking for cleaner sources of sustainable energy immediately.

San Francisco's Departments of the Environment and Public Health are the lead agencies for implementation of this Ordinance.



Body Burden Monitoring. The Department of Public Health could be asked to implement a body burden monitoring program in Bayview/Hunters Point.

The goal of body burden monitoring is to help prevent environmental disease by measuring the environmental chemicals in the human body, specifically in blood, urine, serum, saliva, or tissues. It requires the use of analytical methods that are sensitive and specific, and can measure chemicals at very low levels, such as parts-per-trillion or parts-per-quadrillion, in the presence of many other chemicals.

Studies examining the relation between industrial exposure and adverse health effects require reliable and accurate data about exactly which environmental chemicals have actually got into the body and at what levels. Prior to body burden monitoring, human exposure information was limited. There are over 60,000 chemicals in the atmosphere and it is hard to determine which is the culprit.

A body burden monitoring program in Bayview/Hunters Point could:

- Measure the individual exposure of residents.
- Assess exposure for a health study of the entire population or segments of the population.
- Determine which population groups, such as minorities, people with low incomes, children, or the elderly, are at highest risk for exposure and adverse health effects.
- Assess the effectiveness of public health interventions to reduce exposures.
- Monitor trends in exposure levels over time.
- Serve as baseline information in the case of future exposures such as spills or fires.

LAND USE AND ZONING

Mixture of Residential and Industrial Land Use. Conflicts over land use in Bayview/Hunters Point have raised very real health concerns. The residents point to the free tourist map distributed all over San Francisco as indicative of the City's feelings about the entire area. The map



producer has pasted an advertisement for its company over the neighborhood of Bayview/Hunter's Point. In other words, what the eye doesn't see, the mind doesn't grieve over.

In its entirety, Bayview/Hunters Point has both distinct residential neighborhoods and separate industrial areas. Particularly since World War II, however, the area has been a place where incompatible activities often occur in close proximity to one another with no buffer areas. For example, the Southeast Sewage Treatment Plant is located in a street otherwise filled with single family homes. This mixture of residential and industrial uses has created significant land use conflicts in the past, particularly when industrial activities have generated environmental and human health hazards. High volumes of truck traffic associated with industrial activities in the area also pose conflicts and raise residents' concerns over noise and safety.

These land use conflicts have been particularly pronounced throughout the Bayview's eastern edge, along the waterfront. The area's shoreline has been home to disruptive and sometimes noxious, industrial activities, continues to be a site of dumping and neglect.

Community Planning Process. The San Francisco Planning Department, with the support of the Board of Supervisors and the Mayor's office, has launched a community planning process in the Southeast sector. The goal of this process — consisting of a series of workshops and ongoing dialogue — is to develop a set of permanent zoning controls for the area as well as policies and procedures to guide future development.

Third Street. Third Street is the economic hub of the neighborhood, its primary artery. In response to the many complaints of heavy truck traffic, the Department of Public Works, the Department of Public Health and the Port are currently working on a rerouting plan to reduce pollution.

Currently, however, it suffers from numerous vacant storefronts, empty lots, an overabundance of liquor stores and a lack of necessary neighborhood retail shops. There is, for example, not a single supermarket in Bayview/Hunters Point. Both Safeway and Cala Foods were briefly located there and left because they lost money.



The San Francisco Municipal Railway (MUNI) Third Street Light Rail Project represents the greatest infrastructure improvement and revitalization opportunity that has taken place in the neighborhood for years:

- The initial phase of the project will provide service along 3rd Street, from the Caltrain station at 4th and Townsend, to the Bayshore Caltrain Station in Visitation Valley. The total length of this project, which is expected to be operational in 2004, will be 5.4 miles and will include 19 transit stops.
- The initial line will eventually become part of the new “central subway,” connecting to downtown and Chinatown via an underground extension.
- In addition to the railway, the neighborhood has been promised a series of needed streetscape improvements such as sidewalk upgrades and landscaping.



Its progress to date, however, has been marred by complaints from Bayview/Hunters Point residents about failure to hire local residents, an untidy, dangerous and dust-ridden work site and severe economic disruption for 3rd Street businesses.

Zoning and Industrial Use. Large portions of Bayview/Hunters Point are zoned for heavy industrial use even though the neighborhood has one of the highest home-ownership rates in the City (over 50%). Only 7% of San Francisco land is zoned for industrial use and half of it is in Bayview/Hunters Point.

The Department of City Planning has labeled these industries PDR (Production, Distribution and Repair) and they are located in what is known as an Industrial Protection Zone. Many of these industrial businesses differ from those in other areas of the city in terms of their space needs and scale of activities. The packing and distribution of food and beverage products, for example,



requires more space than other industrial businesses. Similarly, construction and transportation businesses need space to accommodate the storage and use of large equipment. Many of the heaviest industrial use occurs on public parcels on Port property.

The Department of City Planning believes that the large, flexible buildings and lots in Bayview/Hunters Point, as well as a wide range of lighter industrial activities, including lighter PDR uses, are vital to the economy of San Francisco as they provide affordable, usable space for a variety of industrial activities, which are also a source of employment in the community. **However, not all these jobs go to residents and their adverse environmental impacts on the neighborhood are largely ignored.**

The Board of Supervisors has recently adopted interim zoning controls for selected parcels along 3rd Street. The controls will rezone heavy industrial areas into Neighborhood Commercial zones which will restrict the heaviest and most intensive industrial uses – those which cause the most environmental hazards for residents. At the same time the new controls will encourage moderate scale retail businesses, service industries, lighter industrial uses and housing. Also under the rezoning plan, some industrial uses will no longer be permitted in close proximity to housing and some may not be allowed at all.

However, the City needs a long term economic and job creation strategy in Bayview/Hunters Point if the zoning plan is to produce positive change.

Food Security. As mentioned above, there is not a single supermarket in Bayview/Hunters Point. Residents would like the planning process to include a study of ways to attract supermarkets to low-income communities, such as providing incentives, zoning and development agreements. A community-owned supermarket or a public/private partnership is also a possibility.

Living in a neighborhood with no supermarket is a major cause of poor eating habits. Many studies have made clear that what people eat is limited by what they can afford. A study in a 2002 issue of the American Journal of Public Health, which was the subject of an article in the San



Francisco Chronicle, is the first to establish a direct correlation between access to supermarkets and how well people meet generally recognized guidelines for healthy eating.

According to the study, people who have a supermarket near their home eat more fruits and vegetables and less saturated fat. Among African Americans, for example, the study found that having a supermarket in the neighborhood meant a 32 percent increase in the number of people who ate the recommended five helpings of fruits and vegetables a day. In addition, it raised by 38 percent the number of African Americans staying within the recommended limit for saturated fat.

Currently, there is nowhere to buy healthy food in the neighborhood. A parent wishing to buy weekly groceries, for example, has to travel to the nearest Safeway—two bus rides away at 16th and Potrero—probably with children in tow, and then return home the same way with as many full shopping bags as can be carried. MUNI, in collaboration with a non-profit group (Literacy for Environmental Justice) currently operates a shuttle to the Civic Center farmers market, but this involves some of the same difficulties.

The lack of produce and other healthy foods available in corner stores combined with an over-dependence on fast foods among youth contribute to obesity, diabetes and in general does not foster a healthy diet and is therefore an issue of public health.

Recreational and Open Space. A portion of the San Francisco Bay Trail has recently been dedicated near Heron's Head Park at India Basin. Mixed-use developments on some formerly industrial port lands could also increase access to the waterfront and provide additional open space and recreational opportunities. Creative reuse of the PG&E site when the plant is finally closed down and of some of the unused Port property could present important economic and social benefits to the community in the future. However, many of these areas are severely contaminated and would require extensive clean up before they would be safe or fit for recreational use.

Housing Developments. Housing represents several problems in Bayview/Hunters Point. One is the health hazards in substandard buildings from mold, mildew, lead paint and other indoor



environmental factors. Obviously, upgrading work is required to solve these issues. Unfortunately, money is generally not available for such work in low-income African-American communities.

Another problem is the availability of housing. There are many boarded up housing units in the area. Many of these units are on San Francisco Housing Authority properties. The claim is that there is not enough money to bring the units up to code. Other units are privately owned, which is possibly testimony to the redlining practices of financial institutions that are reticent to give financial assistance to African-Americans in lower income neighborhoods.

Developers always wish to build more housing. Since the motive is profit, however, building affordable housing does not always attract a large number of developers. Those developers who want to build in San Francisco have to abide by the City Planning Code which sets aside 10% of each development for affordable housing. This proportion can be increased if the City has reasonable grounds to request this in its negotiations with developers. Amenities to accommodate the new housing and the surrounding community can also be part of the development agreement. This could, include, for example, requiring the developer to lease space to a grocery store and to provide parking and other community and supportive services. The Department of City Planning is currently exploring the concept of a “Public Benefits Zoning” program under which the City might capture some of the value created by zoning change. This could include requiring the developer to provide a public benefit such as open space, community space, streetscape improvements or more affordable housing.

SOUTHEAST HEALTH CENTER

There is community concern about the availability of health services in the neighborhood, and particularly, the optimum use of the Southeast Health Center:

- Despite concerted efforts to fill the position of medical director, it remained vacant for nearly five years. However, after the workshop and after receiving correspondence from HRC articulating the community’s concerns about the vacancy, Dr. Mitchell Katz, Director



of the San Francisco Department of Public Health, asked permission to appoint Dr. Dan Wlodarczyk as the new medical director. Dr. Dan, as he is known to all, has twenty years of service to the community at the Southeast Health Center and had acted as its acting/interim/de factor medical director since the position became vacant.

- Efforts to reach an agreement with Kaiser and other medical insurers to help provide health services at the Center have so far been unsuccessful. Kaiser is of particular concern because a recent community survey indicated that, more than any other private insurer, Kaiser's members in Bayview/Hunters Point chose to attend the Health Center rather than a Kaiser facility. This is no doubt due to the Center's proximity. However, it further strains the Center's already strained resources.
- Illnesses related to environmental toxicity require specially trained health care workers to properly diagnose and treat them. While Health Center doctors are fully aware of and very sensitive to the unique health problems experienced in this area due to the heavy level of industrial and other types of pollution, other doctors may be less so. Currently, even though the Center is often staffed with as-needed providers, no special training in these conditions is included in DPH's continuing education requirements.

A proposed expansion of the Southeast Health Center is in the planning stage and community needs assessment and feasibility studies are being conducted under the auspices of a grant from the Department of the Environment, with funding to come from the San Francisco Redevelopment agency. The project, which will take about five years to complete, will provide an opportunity to

address many of the above issues.

FISHING AT YOSEMITE SLOUGH

Yosemite Slough lies on the western shore of South San Francisco Bay adjacent to Bayview/Hunters Point. Notorious for its





long history of significant environmental degradation, the Slough and the surrounding region is marked by heavy industry. It is bordered by the 3Com (Candlestick) stadium parking lot, and the former Hunters Point Naval Shipyard, each of which serve to contribute to urban and industrial pollution, both through direct runoff and groundwater. As if this were not enough, heavy precipitation events can cause the discharge of sewage directly to the Slough through the combined sewer overflow system.

Due to pollution, there is a Bay-wide fish consumption advisory discouraging residents from eating fish out of the Bay more than once a month. However, the conditions in the Slough pose a special danger to public health. Many of the fishers along the edge of the Slough come from the surrounding area, often from impoverished families seeking to supplement their food budget. High school students attempting to restore the wetlands at the Slough through the efforts of the Yosemite Watershed Restoration Project, are forced to wear goggles and other protective gear against the PCBs, heavy metals and mercuries that have been found in these waters.

Large, clearly visible signs warning visitors of the danger should be posted along the shoreline. The current signs are:

- too high for most people (atop six foot poles)
- too small (8" x 12" – like this page)
- too cluttered (warning in multiple languages crammed into the small space available)
- too hard to read (the type is 12 point – smaller than that on this page)
- largely ignored



Recommendations by Workshop Participants

- The Department of Public Health should train health workers to identify environmental health issues
- The free map distributed all over the City should include the Southeast sector.
- The Planning Department should conduct a marketing study of Bayview/Hunters Point and study ways of attracting supermarkets to low-income communities. The City should consider providing incentives to attract a supermarket to the neighborhood. A community-owned supermarket or a public/private partnership should be considered.
- HRC should form a Task Force composed of City agencies working in Bayview/Hunters Point to foster communication and end duplicate efforts. Bayview/Hunters Point should be the first community contacted on issues that effect it. Similarly, Bayview/Hunters Point should sponsor a coming together of various organizations in the community to develop a common agenda.
- Clear, multi-lingual signage should be posted at Yosemite Creek on the dangers of eating fish caught there.



Follow-Up

Communication between Bayview/Hunters Point and the City

- The HRC has sent a letter to Dr. Mitchell Katz, Director, San Francisco Department of Public Health, concerning staffing and other issues of concern at the Southeast Health Center
- The HRC has sent letters to the Environmental Protection Agency (EPA), United States Navy, California Department of Parks and Recreation, California Department of Toxic Substances Control, the San Francisco Public Utilities Commission, the San Francisco Department of Public Health and the San Francisco Port Commission concerning signage at Yosemite Slough
- The HRC has sent a letter sent to Mr. Brian Huber, publisher of Map West Inc. concerning the pasting over of Hunters Point with an advertisement for his company on the free visitor map distributed all over San Francisco

Sources: San Francisco Departments of the Environment and Public Health, Greenaction, San Francisco Bayview Newspaper, Case Study on Asthma in Bayview/Hunters Point, Yosemite Watershed Restoration Project, panelists



WORKSHOP 3: PROTECTING THE SOUTHEAST COMMUNITY FROM INDUSTRIAL DUMPING: POLLUTION, TOXIC ACTIVITIES, NAVAL SHIPYARD, MITIGATION MEASURES

Date: Wednesday, August 20, 2003

Time: 10.00 a.m. – 1.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Carol Bach**, Assistant Deputy Director, Environmental Health & Safety Division, Port of San Francisco

Saul Bloom, Founder and Executive Director, Arc Ecology, a non-profit, public interest organization concerned with issues affecting ecology.

Stephanie Cushing, Department of Public Health, Senior Environmental Health Inspector, Environmental Health Section, Hazardous Waste Unit, San Francisco Department of Public Health

Chein Kao, California Department of Toxic Substances Control

Michael Work, Environmental Scientist, Superfund Division, United States Environmental Protection Agency

Moderator: **Lynne Brown**, Communities for a Better Environment

Note: This is not intended to serve as minutes of the workshop. Instead, it reflects the discussion and concerns raised at the workshops. Where applicable, we have tried to include related events, additional information and any follow up that has taken place. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.



AREAS OF CONCERN

- ☞ Naval Shipyard
- ☞ Port of San Francisco Land Use
- ☞ Mitigation Enforcement
- ☞ Traffic and Parking



NAVAL SHIPYARD

The 986-acre Naval Shipyard is a superfund site. During its thirty years of operation, it caused severe environmental degradation in the surrounding environment and the Bay and much of this contamination remains today.



Timeline for Cleanup

1974 The Navy closed the yard as a military operation, leaving 8,000 people unemployed, and without cleaning up the contamination.

The move left deep resentment among blue-collar workers in Bayview/Hunters Point who found themselves without work, adding economic depression to the environmental degradation the Navy left behind.

1980 The superfund law was passed. However, federal facilities, including military sites, were not covered by the law.

1984 The superfund law was amended to include federal facilities. The Environmental Protection Agency (EPA) was given an oversight role and final say in case of a dispute.

1986 The Navy canceled its lease with Triple A, a commercial machine shop that had rented space in the Shipyard since the Navy's departure.

The lease was canceled after Triple A was found to have committed many environmental law violations including improper waste disposal.



Although Triple A was the one accused, many speculated that the toxic waste had also accumulated from years of Navy use on the site.

1988 The Navy began testing soil and ground water for pesticides, metals and other contaminants. By 1991, the testing had fallen so far behind schedule that the delay cost \$3 million in fines.

1989 The full extent of contamination came to light when the Environmental Protection Agency declared two areas in Bayview/Hunters Point Superfund sites and placed them on the National Priorities List. The details of the pollution at this time were:

- Dumping on the ground of poisonous polychlorinated biphenyls (PCBs). PCB was used as insulating fluid in transformers before its manufacture was halted in 1977 when it was found to cause cancer and severe organ damage.
- Dumping of asbestos on the ground is known to cause deadly lung damage.
- Disposing of sandblast wastes contaminated with toxic lead and copper at levels three times higher than the regulatory threshold.
- Illegally disposing of petroleum and paint wastes.

The old radiation defense laboratory site was qualified as a *Formerly Utilized Defense Site* (FUDS). The United States Department of Defense (DoD) determines which properties are eligible for Defense Environment Restoration Account (DERA) funding under the FUDS program based on the level of contamination and other issues. Environmental cleanup procedures at FUDS are similar to those at active DoD installations, but are not funded as well.

In response to community and press pressure, a complete radiological history started at this time. Between 1946 and 1969, numerous experiments were conducted at the applied radiological research laboratory as well as a series of nuclear weapons tests. Almost more disturbing, much knowledge remains hidden in the past. For example, one mile from the Shipyard on Islais Creek is a site once used by the Atomic Energy Commission. Its exact



purpose remains vague and it is unknown whether radiological materials were used at the site.

1992 Triple A was found guilty of violating the California Hazardous Waste Act for 321 days between 1985 and 1987. This marked the first felony case in San Francisco for hazardous waste violations brought under a law passed in 1985.

1993 Congress authorized the Department of Defense to transfer the Shipyard to the City and County of San Francisco under the Base Closure Act.

A federal facility agreement was developed which spells out the relationship between federal and state regulators. Under the agreement, the state cedes oversight to the EPA on the Naval Shipyard superfund sites except when state standards are more stringent.

The San Francisco Board of Supervisors designated the Shipyard as a “Redevelopment Survey Area,” prompting the creation of the Hunters Point Shipyard Redevelopment Plan.

1997 The Redevelopment Plan was approved by the Redevelopment Agency and the Board of Supervisors.

1998 The Redevelopment Agency issued a Request for Qualifications for a master developer to implement the Redevelopment Plan for the entire Shipyard, which would plan and create a new community on the site.

Lennar/BVHP, a Miami-based corporation and one of the nation’s largest homebuilders, was selected. In recent years, the company has started building new communities on former Department of Defense land.

2000 A partial transfer agreement was made whereby the Navy agreed to clean up parcels of land prior to transferring ownership to the City.



Lennar/BVHP presented its Preliminary Development Concept (PDC) for the entire Shipyard. Following public review and comment it was endorsed by the Redevelopment Agency.

In August, a fire broke out in a hazardous waste landfill and smoldered for four weeks. The Agency for Toxic Substances and Disease Registry (ATSDR) has since declared the smoke from the fire will not pose any long-term health threat but residents were outraged that they were not notified when the fire started.

After the fire, the Navy began construction of a 14-acre landfill cap over where the fire was located, but not over the entire landfill. The cap is designed to prevent future combustion within the burn area by preventing oxygen from getting into the landfill from the outside.

2002 The yard has been divided into six parcels, A through F. This first phase of development includes only parcels A and B.

The Navy and the City announced a Conveyance Agreement for Parcels A and B, the first such agreement to be negotiated, although it has yet to be signed.

Neither parcel has yet cleared either the state or federal EPA's environmental regulatory requirements. Until this happens, the land cannot be transferred to the City and construction cannot begin.

Parcel A is composed of a hilltop and hillside overlooking the base and the Bay, and is designated primarily for housing. It has been removed from the National Priority List. However, a final 'suitability for transfer' determination has not been made.

Parcel B is in the northernmost section of the Shipyard and is designated primarily for the sort of commercial development that would create long term jobs for Bayview/Hunters Point residents. It remains on the National Priority List. Residents are concerned that the Navy's cleanup timetable has not been coordinated with the City's development plan. For



example, there are concerns that the Navy plans to clean up Parcel D, an area in the center of the Shipyard which is not included in Phase 1, before it completes Parcel B. There could therefore be a substantial delay before Lennar/BVHP can actually get started on Parcel B, which is currently scheduled to be transferred to the City in 2005.

The agreement is a legally binding document and:

- Sets up a timetable for the transfer of all five property parcels based on the extent of cleanup required.
- Commits the Navy to \$120 million in environmental clean-up expenses on Parcels A and B.
- Stipulates that the City will only accept conveyance following certification that the land is clean and safe for development by the U.S. Environmental Protection Agency, the California Department of Toxic Substances Control, the California Regional Water Quality Control Board, and county and city agencies.

2003 The Lennar/BVHP Phase I Conceptual Framework was approved by the Redevelopment Agency on July 22 and will form the basis of the final Disposition and Development Agreement (DDA). If signed, the City will be precluded from considering other development proposals for the entire project, even though the present development agreement only covers the first phase of the project

Development highlights for this first phase include:

- 1,600 Homes for ownership and rental
- An estimated \$30 million community benefits fund
- 6-acre multi-purpose community campus
- 1,000 or more construction jobs
- Space for Shipyard artist community
- 300,000 square feet of retail and commercial space providing an estimated 1,000 permanent jobs
- 34 acres of parks, recreation and open space



As stated above, State and federal environmental regulators have not yet approved any of the property for transfer. **The result is that although the City is ready to move ahead, the Shipyard is not ready for transfer.**

2004 Breaking ground for the development of the first 87-acre parcel (Parcel A) is planned.

The Navy's Historical Radiation Assessment of the Shipyard is due for release early in the year. A draft of the report identified more than 100 radioactive substances, some of which remain poisonous for thousands of years, that were used at the Shipyard. Since then, Navy officials have found several areas where radioactive material was stored or used, information that will likely be included in the new report.

The remaining five parcels are in various stages of investigation and cleanup:

- Parcel C consists of 79 acres that were used for industrial purposes including ship drydocks.
- Parcel D consists of 125 acres of industrial buildings, ship repair facilities, and a crane.
- **Parcel E consists of 135 acres containing a 46-acre industrial landfill which operated from 1958 to 1974. The landfill received liquid chemical waste, asbestos, domestic wastes and refuse, dredge spoil materials, sandblast grit, solvent wastes and low-level radioactive wastes from shipboard radium dials including electronic equipment. The nearest off-site homes are less than 800 feet from the landfill. In the past, the radiological laboratory and bachelor enlisted housing building were located on Parcel E.**



There is concern that methane gas is currently migrating off the site. The Navy undertook a remedial action by installing a barrier around the edge of the landfill. Methane levels have declined, but much contamination remains. The state is concerned that the barrier may be leaking and ensuring the integrity of the barrier in case of an earthquake.

Neither State or federal regulators will sign off on the transfer of either Parcel A or Parcel B while there are problems like migrating gas in the land around it.



An Emergency removal action for PCBs was planned after it was found that they had migrated to South Basin.

- Parcel F is made up of 443 acres of underwater property.



The Human Rights Commission is astonished at the constant delays and the difficulty of receiving a clear and coordinated cleanup schedule from the Navy.

The Human Rights Commission is also very concerned at the danger to the health and safety of Bayview/ Hunters Point residents created by Parcel E and finds it hard to understand why, 30 years after the closure of the Shipyard, there are still no definitive plans and timelines for its decontamination. It is instructive to compare this thirty-year delay with the already completed cleanup and restoration of Crissy Field in the wealthy Marina District. The difference in outcome is surely a tragic and classic example of the malignant effects of environmental injustice.

PORT OF SAN FRANCISCO LAND USE

The Port of San Francisco is a public agency responsible for managing the 7-1/2 miles of San Francisco Bay shoreline stretching from Aquatic Park to Heron's Head Park. The southern waterfront extends from Pier 70 to Heron's Head Park.

The land which is currently under Port jurisdiction was formerly owned by the State of California. It was transferred to the City in 1969 under the "Burton Act." The "Burton Act" requires Port property to be managed in the "public trust" with uses such as maritime, commerce, industry, navigation, fishing, natural resources and public access.

The City Charter requires the Port to be financially self-supporting. It therefore receives no City general fund or tax revenue. Similarly, funds generated by Port operations must be reinvested to meet public trust obligations.



In addition to these land use and public trust obligations, Port Commission leases are also regulated by the Port's Waterfront Land Use Plan, the City Planning Code, the City's zoning laws and the Bay Area Conservation and Development Commission.

Almost all Port property is regulated by Article 22A of City's Health Code (Maher Ordinance) – see page 56 - which requires soil testing for contaminants prior to any significant soil disturbance.

Southern Waterfront Land Use Plan. The Port has a Master Land Use Plan , including the Waterfront Land Use Plan, for which it has completed an Environmental Impact Report (EIR). The Port has also completed a supplemental EIR focused specifically on the Southern Waterfront. According to the master plan, the Southern Waterfront will remain home to most of the Port's cargo and ship repair operations. The plan notes that the area is already developed for such uses, although much of it is under-utilized and in a dilapidated state. This is the only planned industrial use of the waterfront in San Francisco.

Southern Waterfront Area Objectives are as follows:

- *Continue and expand cargo and ship repair operations.*
- *Allow limited non-maritime uses to generate revenues.*
- *Enhance wetlands, public access and open space.*
- *Restore Union Iron Works historic buildings (the current San Francisco Dry Dock).*

The Plan supports preservation of the area's natural habitat, habitat restoration, public access and recreation areas, provided these are compatible with the continuation of cargo and industrial maritime uses.

The Southern Waterfront EIR, as written, includes mitigation measures designed to prevent the adverse impacts from these industrial uses, including specific measures for protecting air quality,



water quality, natural resources, and minimizing traffic impacts. These conditions are to be imposed on Port tenants as lease requirements. Additional lease conditions, not necessarily derived from the EIR, could include incentives such as to reduce diesel emissions.

The Southern Waterfront EIR also established dust control measures that apply to all new operations, including:

- sweeping and watering paved areas
- watering unpaved areas and stockpiles
- installing wheel washes, etc.

The Port acknowledges that dust has been a problem, and has been monitoring this area to learn what the biggest sources are and how to address them. Some of the improvements can be easily achieved, such as putting enough water in the mechanized street-sweeper or sweeping adjacent paved areas. Others, however, are more difficult. One of the biggest problems is the unpaved roads.

Storm Water Management Plan. Beginning in 1990, most industrial operations on Port property were required to manage their facility to prevent storm water pollution. In addition, on behalf of a group of these regulated industrial facilities, the Port conducts storm water monitoring for various pollutants. The most recent report issued in February 2003 found some high values for sediment and fuels in the storm water, resulting in both specific and general recommendations to regulated facilities.

Under regulations that became effective Spring 2003, the City is required to develop a storm water management program to address pollutants at non-industrial facilities. Program elements include

- public education and involvement
- preventing illegal discharges and minimizing storm water discharge into the sewer system



- regulation of construction sites
- establishing design criteria for all types of new development and redevelopment so that site design minimizes potential for storm water pollution such as retention, infiltration in swales or vegetated areas, filtration through sand or other media prior to discharge, and discharge to storm water wetlands. Such criteria were included in lease negotiations with Bode and Pacific Cement and in the Bode parking lot design over the last year.

Leases. There are still huge sections of abandoned property and debilitated piers along the southern waterfront that are used for illegal dumping, much of which is uncovered and the source of dust and other airborne pollution.

- **Pier 70.** Pier 70 was occupied by various iron and steel works for most of the last century. Portions of the pier were also used by the Navy as part of the Shipyard from the 1940s until the late 1960's. Since transfer to Port ownership in 1969, the Pier has been occupied by various industrial tenants, primarily for ship repair.

Currently, most of the Pier is leased to San Francisco Drydock, which operates the only ship repair facility in San Francisco Bay. A portion is also leased to City Tow, the company San Francisco has hired to tow illegally parked cars. It is used to store abandoned cars and for salvage.



Soil at Pier 70 has been impacted by its 100 years of industrial operations, including iron and steel works and servicing the Naval Shipyard. The Port is currently completing a "Brownfields Site Assessment," funded by the EPA, to investigate soil conditions and evaluate potential impacts to various types of occupants.

- **Pier 80.** Pier 80 is the only operating container terminal in San Francisco.



A large portion has been leased to MUNI for construction of the Metro East light-rail maintenance facility.

The Western Pacific site is slated for redevelopment. A human health risk assessment found that the soil was acceptable for all uses other than single-family residential.

- **Piers 90-94** are occupied primarily by maritime industries, including Port maintenance operations, sand and aggregate handling and concrete production. These facilities are concentrated along the shoreline of Piers 90-94 so that materials can be received and/or shipped by vessel. Most of the inland portion of Pier 94, referred to as the “Pier 94 Backlands” is undeveloped. The Port is currently undergoing a land use planning process for the area and actively soliciting public input prior to proposing specific development guidelines. Several acres within 300 feet of shoreline have been reserved for preservation and enhancement of salt marsh.

There are several outstanding environmental issues at these piers:

- A portion of the site is regulated as a landfill by the Regional Water Quality Control Board (RWQC) due to concerns about disturbing fill material and increasing or changing infiltration through the fill material. All development plans must therefore go through an additional level of review by RWQCB as well as the San Francisco Department of Public Health.
- A former Pier 92 tenant, Bay Area Tank and Marine, which provided underground tank removal services, abandoned approximately 20,000 tons of lead-contaminated soil in 1996. In 2002/2003, the State Department of Toxic and Substance Control required the Port to remove the soil at an expense of \$1 million dollars. Since then, the Port has completed sampling of underlying soil to confirm that there has been no residual impact.
- **Pier 94/96** is reserved for bulk maritime cargo.



Piers 94-96 are now largely abandoned and the site of much illegal dumping. No less than 600 car tires were recovered from the area during a clean up day in 2002.

- **Heron's Head Park.** Heron's Head Park was constructed in 1999. The Port currently supports a variety of education and community participation programs in the park, including one operated by a local non-profit, LEJ, which received grant funding to construct a "green building" classroom. Recently completed soil sampling and analysis at the park found no potential health risk associated with constituents in soil.

MITIGATION ENFORCEMENT

The Maher Ordinance. In 1986, the San Francisco Board of Supervisors adopted a contaminated soils ordinance in response to public concern about hazardous materials exposure, particularly on construction sites in land-filled areas. Most of these areas are located along the southern water front.

Elevated levels of metals and organic compounds in many of these land-filled areas are present in concentrations that require classification as hazardous waste under Title 22 of the California Code of Regulations. These elevated concentrations likely result from the unregulated filling of the edge of the Bay with 1906 earthquake debris and with the keels of buried ships.

The ordinance applies to almost all the land in Bayview/Hunters Point. In addition, Bayview/Hunters Point has a large amount of naturally occurring serpentine rock which, when crushed,





releases asbestos into the air.

The ordinance, which was spearheaded by then Supervisor Bill Maher, was formally known as Article 20 of the San Francisco Public Works Code and is now Article 22A of the San Francisco Health Code. It requires soil analysis for a specified list of inorganic and organic chemicals at construction sites where:

- at least 50 cubic yards of soil are disturbed and the site is on the Bay side of the historic high-tide line; or,
- there is reason to believe that hazardous waste may be present.

The Hazardous Waste Unit of the Department of Public Health has primary responsibility for implementation of the Ordinance. No construction permit is issued until the Department of Public Health issues an approval letter.

Required Tests for The Maher Ordinance include:

- Inorganic persistent and bio-accumulative toxic substances;
- Volatile organic toxic pollutants
- PCBs;
- pH;
- Cyanides;
- Methane and other flammable gases;
- Total petroleum hydrocarbons;
- Semi-volatile compounds;
- Hazardous wastes (as directed by the Department of Public Health) and
- Any potentially hazardous waste that may have been on the site.

TRAFFIC AND PARKING



There was much discussion at the workshop about the effects of traffic and parking in a neighborhood already inflicted with a high rate of asthma. These negative impacts have been exacerbated during construction of the Third Street Light Rail. They are also worsened whenever there is a game at Candlestick Park. At all times, however, there is constant truck traffic down Third Street.

Concerns were expressed over the issue of transportation in relation to the development of the Shipyard. Continued use of the present entrance would send increased traffic through residential parts of the neighborhood. Surprisingly, there is no immediate plan to link the Third Street light rail to the Shipyard site, perhaps because, sadly, completion of the Shipyard is still so many years away.

Another possibility would be a southern entrance that would link the Shipyard with Highway 101, via either a bridge or an expressway spur. Such a direct transportation link into the Shipyard would open the door for commercial development and jobs. However, the adverse health effects of the additional traffic is an issue of concern.



Recommendations by Workshop Participants

1. HRC should call a meeting through Supervisor Maxwell's office with the MUNI, the Departments of Public Works and the Department of Parking and Traffic to discuss dust, pollution and parking problems caused by the Third Street Light Rail project and also football games at Candlestick Park.
2. The HRC should create a brochure that will give all the telephone and other contacts for City officials involved in environmental justice, clean up and enforcement.
3. The community would like to see a new EIR prepared for zoning in Bayview/Hunters Point.
4. A hard copy of the steps regulators must follow before the Navy can hand over property to the City should be prepared. Communities



have a right to a clearer understanding of the zones which they reside/work in.

5. DPH, HRC, and other City agencies should send information to Southeast households on a quarterly/six month basis on health or environmental issues impacting them. Websites are not sufficient in an impoverished community with low levels of computer literacy.
6. Signs posted in the Basin need to be bigger and more visible.
7. A letter should go to the Navy concerning attendance at meetings to answer to the community. Currently, the Navy only attends Restoration Advisory Board (RAB) meetings.
8. Signage and a brochure should be developed and posted on the dangers of serpentine rock. It is the equivalent of children playing in asbestos.
9. There should be increased traffic monitoring during games and large events
10. City agencies should be educated on the proper modes of conduct with the Southeast Community's unique and many voices. There are many BVHP perspectives to consider and to hear. It is "the last frontier of social injustice."
11. City departments must communicate and work together first. Does one agency know what the other is doing?
12. Fines should be doubled/tripled for dumping in the Southeast community. Enforcement is the key.



Follow-Up

- The HRC is working on a brochure that will describe the steps regulators must follow before the Navy can hand over property to the City . EPA has offered to help.
- The HRC is working on a brochure that will give all the telephone and other contacts for City officials involved in environmental justice, clean up and enforcement.
- The HRC has arranged a meeting through Supervisor Maxwell's office with the MUNI, the Departments of Public Works and the Department of Parking and Traffic. The purpose of the meeting is to discuss pollution and parking problems caused by the Third Street Light Rail project and also football games at Candlestick Park.

Sources: San Francisco Port and Department of Public Health; United States Navy; Francisco Da Costa, San Francisco Weekly; panelists



WORKSHOP 4: SOUTHEAST WATER POLLUTION CONTROL PLANT

Date: Wednesday October 29, 2003

Time: 6.00 p.m. to 9.00 p.m.

Place: Alex Pitcher Room, Southeast Community Facility

Panelists: **Maria Aguilar**, Bayview/Hunters Point resident who has lived on half block from the Southeast Water Pollution Control Plant for 11 years

Don Birrer, Retired former Executive Director of the San Francisco Clean Water Program

Greg Brasewell, IT manager for the San Francisco Department of Public Works, Bureau of Engineering, responsible for the electronic mapping of the City's sewer system

Bill Keaney, Manager of the San Francisco Public Utilities Commission Water Pollution Control Division

Julie Labonte, San Francisco Public Utilities Commission Infrastructure Development Program Manager and Director of the new Cleanwater Master Plan

Alex Lantsberg, Bayview/Hunters Point resident since 1996 and organizer with the Southeast Alliance for Environmental Justice. He is also on the board of the Alliance for a Clean Waterfront.

Moderator: **Andrew Bozeman**, Southeast Sector Community Development Corporation

Note: This is not intended to serve as minutes of the workshop. Instead, it reflects the discussion and concerns raised at the workshops. Where applicable, we have tried to include related events, additional information and any follow up that has taken place. The purpose is to further knowledge about the issue of environmental racism in Bayview/Hunters Point rather than to undertake original research. We have tried to acknowledge all sources and apologize for any that have been forgotten.



AREAS OF CONCERN

- ❧ *Why the City's largest sewage plant was built in a residential neighborhood in Bayview/Hunters Point?*
- ❧ *How the City's sewage system works and why sewage from parts of Daly City and all of Brisbane are processed at the plant*
- ❧ *How the plant work and where the noxious odors come from*
- ❧ *New Clean Water Master Plan*
- ❧ *'Good neighbor' communications*



WHY WAS THE CITY'S LARGEST SEWAGE PLANT BUILT IN A RESIDENTIAL NEIGHBORHOOD IN BAYVIEW/HUNTERS POINT?

1971 Wastewater Master Plan. The purpose of the City's 1971 Wastewater Master Plan was to upgrade the City's sewer system in order to comply with the 1972 Clean Water Act. The City completed all major components of the Plan in 1997 at a cost of over \$1.4 billion, and is currently in compliance with all regulatory requirements.

The original idea in the 1971 Plan was to build one sewage plant and to locate it at the site of the present Oceanside plant on land near the zoo belonging to the Recreation and Park department. San Francisco voted approval of the land for this use at that time, although with certain conditions, such as building most of the plant underground, both to provide odor control and to prevent an unsightly industrial facility along the coastline.

Decision to expand the Southeast Plant. The Clean Water Program was established in 1977 to secure funding and implement the Plan. At that time, in order to meet extremely tight federal deadlines, the City was forced to drop plans for the Oceanside Plant. It decided instead to expand the existing Southeast Plant, originally built in 1952, by purchasing the land around it and paying to relocate the existing businesses. In this way, San Francisco met the deadline and EPA agreed to pay 75% of the eligible costs for the new system. The determination of what were, and what were not, eligible costs, led to a degraded environment. The EPA, for example, did not always consider odor control enhancements as an eligible cost.

The Cross Town Tunnel. The 1971 Plan included a cross town tunnel which would have transported the treated effluent across town to be discharged into the ocean. The cross town tunnel was also included in the plan submitted to and passed by the voters in 1972. In the end, the tunnel was never built because of opposition from various neighborhoods, lack of funding and a lack of a significant regulatory compliance issue (discharge into Islais Creek was permitted by the EPA).

The National Pollutant Discharge Elimination System (NPDES) permitting process identifies existing recreational uses and environmental sensitivity and goals of an area, then sets discharge



parameters to protect these uses. This explains in part why it was decided that the treated effluent would be discharged into the Bay at Pier 80, the site of the City's only container terminal, and reveals the way environmental justice issues compound themselves. It should be noted, however, that the cross town tunnel would not have altered the amount of sewage processed at the plant, and may have effectively turned the southeast plant into a transfer point for agricultural effluent from the Central Valley.

Mitigation. The Southeast Community Facility and greenhouse were built as mitigation measures for the adverse environmental impact of the construction of the Southeast Plant in the neighborhood. In order to force EPA to pay for a part of its \$20 million cost, the City had to amend the Clean Water Act. Although these facilities provide great positive benefit, including job skills training, education, and day care facilities, they do nothing to mitigate the odors and pollution from the plant. **As odors were not eliminated or mitigated during the 1970s expansion, the Public Utilities Commission has stated that resolving those odor problems remain one of its highest priorities, which will be reflected in the development of the upcoming Clean Water Master Plan (see page 70).**

Comparison of the Southeast and Oceanside Plants. The Oceanside Plant was eventually built about 15 years after the completion of the Southeast Plant. It is almost entirely underground and is located in an area removed from the prosperous surrounding residential neighborhoods of the Great Highway and Lake Merced. The plant also benefited from later technology. Air is filtered from the enclosed facility through a carbon scrubber before it is released into the atmosphere. Consequently, while few odors escape from the plant, those that do have dissolved into the atmosphere well before they reach populated areas.



The Southeast Plant, by contrast, is almost entirely uncovered, and is right in the middle of a residential neighborhood. Residents complain that they cannot open their windows because of the smell, children studying at the South East Community Facility complain of headaches and, despite control measures taken by the Southeast Plant operations staff, the community is plagued by mosquitoes from the many areas of open standing water along with fears of the West Nile virus. In addition, the bad odors have a deleterious effect on property values thus further penalizing the nearby residents.

HOW THE CITY'S SEWAGE SYSTEM WORKS AND WHY SEWAGE FROM PARTS OF DALY CITY AND ALL OF BRISBANE ARE PROCESSED AT THE PLANT

As described in the previous section, the City has two dry sewage treatment plants, the Southeast Plant and the Oceanside Plant. They both provide secondary biological treatment, a process which removes 90% of pollutants from the waste water. The effluent from the Southeast Plant is also disinfected for the inactivation of pathogens.

Combined Sewer System. San Francisco has a combined sewer system which collect both sewage and storm run off in the same pipes. It is one of approximately 1,100 such systems in the United States. Most of older cities have this type of combined sewage system, as the approach evolved in the late 1800s. The main advantage of a combined system is that the pollutants from rain water are treated or removed prior to discharge into the ocean or the Bay. The disadvantage is that in severe or prolonged storms, the system cannot handle all the water which results in a certain amount of sewage (about 6% of the combined flow) discharged into the ocean or the Bay.

The state imposed facility design criteria to regulate the number of discharges allowed, based on such factors as the nature of waterfront uses close to the areas of discharge. Currently, nearly half the discharges take place on the relatively short stretch of the southeast waterfront:

- 8 discharges are allowed along the Great Highway
- 4 discharges are allowed from the Presidio to the Bay Bridge



- 10 discharges are allowed from the Bay Bridge to Islais Creek
- 1 discharge is allowed south of Islais Creek

How the Sewage gets to the treatment plants. San Francisco sewage flows by gravity from its source in the neighborhoods to huge underground rectangular tanks or tunnels, called storage/transport, that surround the City like a “moat” constructed around the edge of San Francisco along the waterfront. The sewage that is to be treated at the Oceanside Plant flows down the oceanside drainage from a divide which runs in a jagged line along a ridge from the Golden Gate Bridge south through the City. This amounts to about 20% of the City’s sewage. The remaining 80% of the City’s sewage flows down the bayside drainage on the east side of this divide to be treated at the Southeast Plant.

During wet weather events, up to 193 million gallons of combined sewage and storm water can be stored in storage/transport citywide for later treatment. Storage/transport have three functions:

- Capture the Runoff – they catch the combined sewage and storm water at the City’s perimeter
- Storage – they hold sewage and storm water for later treatment
- Treatment – they allow the for settling and removal of floatable materials. In normal weather, the solids are flushed to the treatment plants after storms. When rain continues to fall after the treatment plants are at full capacity and all storage elements are full, a combination of sewage and storm water is discharged into the Bay. The discharge is approximately 6% sewage and 94% storm water, with primary equivalent levels of solids removed by settling.

Pump stations are located at various points around the moat. For example, sewage flowing to the Northshore and Channel Pump Station along the Embarcadero is pumped from there through the moat to the Southeast Plant for treatment.



HOW THE SOUTHEAST PLANT WORKS AND WHERE THE NOXIOUS ODORS COME FROM



The expansion of the Southeast Plant began in 1977 and was completed in 1982. In dry weather, the plant handles an average of 67 million gallons per day, which can increase to a maximum capacity during heavy or prolonged storms to 250 million gallons a day. The Oceanside Plant, by contrast, handles a dry weather average of 21 million gallons per day which can be increased to a maximum of 65

million gallons a day in rainy weather.

Preliminary Treatment:

- Sodium hypochlorite (2.5 times stronger than household bleach) is added to the sewage.
- Bar racks and screens remove floating trash and debris
- The sewage flows into grit removal tanks which get rid of heavy debris such as sand, rocks, dirt and gravel. This preliminary debris is then trucked away to a landfill site.

Primary Treatment:

- The sewage flows to primary sedimentation tanks where sludge either sinks to the bottom and is removed or floats to the top and is scraped off.

Secondary Treatment:

- The primary effluent flows to aeration tanks where it is mixed with pure oxygen manufactured on site and with bacteria-filled sludge. The bacteria feed upon the organic matter in the effluent.



- The effluent flows into clarifiers where the sludge is removed. Some is returned to the aeration tanks and some goes to tanks called dissolved air flotation tanks, where the waste solids are thickened.

Disinfection

- The clarified liquid is mixed with sodium hypochlorite to kill any harmful pathogens
- A sodium bisulphite solution is injected into the liquid to remove any residual chlorine that might damage the environment when discharged into the Bay.

Solids Treatment

- The sludge from secondary treatment is pumped into tanks where it mixes with the removed primary sludge and scum. It is then pumped to anaerobic digesters.
- In the anaerobic digesters, bacteria are again used to reduce the sludge, this time by digesting solids in the absence of oxygen.
- Methane gas, a by-product of the digestion process, is burned in boilers and the heat is used to heat the sludge, thereby providing optimum conditions for the bacteria. Excess gas is burned in waste gas flares.
- After digestion, the sludge is biologically stable and is composed of about 97% water and 3% solids.
- The sludge is pumped into centrifuges where it is dewatered. After dewatering, the sludge is called 'cake' and contains about 26% solids.
- The solids - about 160 tons are produced per day - are either trucked to a landfill where they are used as an alternative cover or to farmland where they are used as fertilizer. In dry weather, there are about 9 truck loads a day.



Odors and Odor Control

Unpleasant odors are produced at each stage of treatment and from every area of the plant. The uncovered flotation thickeners produce the worst smells, followed by the open truck bay where the biosolids are dropped through a hopper into the trucks. The excess gas for the digesters sometimes escapes through safety valves and is also extremely malodorous.

The flotation thickeners should soon be replaced with a new technology called gravity belt thickening. The new process will be constructed inside a building and air will be filtered out through carbon scrubbers, which will help to neutralize the odors. The contract was awarded to Schram Construction at the PUC meeting held on November 25, 2003. Plans are also in process for an enclosed garage bay for the outgoing trucks in which air will also be filtered out through carbon scrubbers. Finally, a new, smaller burner for the waste gas is planned which should reduce the unpleasant odor.

Sewage from Daly City and Brisbane. Available records show that since the early 1960s San Francisco has been treating wastewater flows from the Bayshore Sanitary District (Daly City and Brisbane) and from the North San Mateo Sanitary District (Daly City). In addition, since the 1970s, San Francisco has been treating flows from the Guadeloupe Valley Municipal Improvement District (Brisbane).

In the late 1970s, the State Water Resources Control Board (SWRCB) required San Francisco to continue treating wastewater generated by the four agencies listed above as a condition for the award of federal funding for the expansion of the Southeast Plant.

At the time the SWRCB was into promoting regional treatment to make best use of limited grant funding. The grant condition imposed by the SWQCB requires that San Francisco continue serving the treatment obligation described above through the useful life of the Southeast Plant. According to the City Attorney's Office, the refusal to treat Daly City / Brisbane sewage could lead to breach of contract suits, SWRCB enforcement orders, and potentially the repayment to the State and EPA of significant portions of grant payments used to construct the treatment plant.



Dry weather (sanitary) flow (i.e., no storm water flow) from the Bay Shore Sanitary District and the Guadeloupe Valley Municipal Improvement District and wet weather flow (sanitary and storm water flow) from the North San Mateo Sanitary District is treated at the Southeast Plant . The total "outside the City" flow treated at the Southeast Plant is about 1.6 Million Gallons per Day (MGD), which represents approximately 2.4% of the plant's total dry weather flow. In comparison, the total "outside the City" flow treated at the Oceanside Plant is extremely small (i.e., almost negligible).

The Joint Exercise Powers Agreements between the City and County of San Francisco and (1) the Bayshore Sanitary District , and (2) the City of Brisbane and the Guadeloupe Valley Municipal Improvement District (both dated 7/31/95) specify that the sewer service charges applicable for the treatment and disposal of “outside the City” flows at the Southeast Plant. It is estimated that the annual charges paid by these two agencies to the City amount to approximately \$2.5 million.

Street Flooding. According to the San Francisco Clean Water Program, the flooding problems in the BVHP neighborhood have been relieved in recent years by accelerating sewer replacement and enlargement in the area. Four sewer improvement projects totally over \$10.3 million were completed between 1999 and 2001.

Two years ago the SFPUC initiated a program to record flooding in the Bayview/Hunters Point neighborhood during heavy rainstorms. The only significant flooding recorded under this program is in the Candlestick parking lot, and was due to the “sinking” of the parking lot, which is caused by the settlement of the underlying Bay mud.

It is important to note that minor or localized flooding can be caused by a plugged side sewer or catch basin. Maintenance of the side sewer that connects a building to the sewer main in the street is the responsibility of the building owner. Annual reports of SFPUC activities related to flooding complaints show that calls are received uniformly across the City.

As community perceptions continue to point to a belief that there is continued flooding, increased communication between residents and the City may be required.



NEW CLEAN WATER MASTER PLAN

The San Francisco Public Utilities Commission is currently developing a new Clean Water Master Plan (CWMP) to be implemented over the next thirty years. The purpose of the new plan is to develop a long-term strategy for San Francisco's wastewater and storm water management. The plan will address specific system deficiencies, community impacts, public interests and future needs. To achieve this purpose, the planning process has been divided into three separate but interdependent parts which will take about three years to complete:

- **Planning and Engineering.** The planning and engineering work, which will develop and evaluate various improvement alternatives, will be initiated in early to mid-2004.
- **Environmental Review.** The environmental review will address the California Environmental Quality Act (CEQA) requirements. It will start about a year later than planning and engineering so that the various improvement alternatives can be reviewed.
- **Public Participation.** Public participation will be coordinated through the Public Utilities Citizens Advisory Committee (CAC) and its Wastewater Subcommittee and promises to solicit community input and feedback on all the alternatives.

The CAC members will be appointed by elected City officials, whereas membership of the Wastewater Subcommittee will be open to everyone interested in participating in the planning process.

One of the first steps of the planning process will be to develop a clear mission statement and define specific goals. This will be done in collaboration with the public. Some of the goals under consideration include:

- Protecting public health and safety;
- Being a good steward;
- Protecting environmental resources;
- Integrating community interests and maximizing public acceptance;



- Considering environmental justice concerns and issues;
- Providing system reliability and flexibility under all conditions;
- Managing existing assets effectively; and
- Enhancing environmental sustainability by maximizing water conservation and beneficial uses of recycled water, groundwater and biosolids.

Some of the specific issues to be addressed in the master plan, and which may affect the Bayview/Hunters Point community, include:

- separate versus combined sanitary/storm sewer systems
- centralized versus decentralized treatment alternatives
- reduction of combined sewer overflows (CSOs) and treated discharges to San Francisco Bay
- disinfection of treated effluent and combined sewage overflows
- biosolids management (treatment, handling, disposal/reuse)
- system-wide odor controls
- visual impacts
- unconventional and innovative treatment technologies, or the replacement of the 'pump and dump' approach to sewage treatment with a toolbox of solutions.

Examples include landscape and urban design based approaches to handling storm water (i.e, capturing roof runoff to use in gardens) and local decentralized facilities for treatment and recycling in order to cost effectively further neighborhood beautification, environmental justice and sustainability. People's instinctive distaste for the idea of using treated waste water can be overcome with good public communications and education.

A significant portion of the work to be conducted as part of the master plan will focus on resolving problems at the Southeast Plant. Specifically, alternatives will be developed and evaluated, and solutions will be selected to address:

- (1) odor problems



(2) solids treatment deficiencies

(3) minimize the plant's visual impacts.

Some of the specific options to be evaluated as part of the CWMP to mitigate problems at the Southeast Plant include rerouting wastewater flows to other treatment facilities and moving some treatment processes to another location.



Residents are very concerned that environmental justice be seen as a deciding criteria in the new Cleanwater Master Plan and that money not be allowed to be a more important criteria than issues of environmental justice.

'GOOD NEIGHBOR' COMMUNICATIONS

Residents feel that communications with the surrounding neighborhood could be improved. In particular, neighbors would like

- to understand the Plant's alarm system so as to avoid the needless worry caused by the frequent sirens emanating from the facility.
- to be consulted and informed before changes to public access to the facility are made. For example, when a previously open area was recently fenced off, residents were given no prior notice.
- to be kept informed of any progress with the odor problems. An example would be a mailings announcing the award of the gravity belt thickening project, explaining its purpose and mitigating effects, and providing an estimated timeline for completion.
- to be informed when other improvements are made, such as the recent efforts to improve flooding, and to be involved in a survey of the results.



Follow-up

- Involvement of Bayview/Hunters Point citizens in the CAC and in the Wastewater Subcommittee
- Development of a brochure describing the various alarm systems
- Development of improved lines of communication between the City and the community, particularly residents living closest to the plant.



5: RECOMMENDATIONS

In many ways, this is a time of unprecedented opportunity in Bayview/Hunters Point.

- The first parcel of the Naval Shipyard is ready for development
- The new Clean Water Master Plan will provide an opportunity to ameliorate some of the environmental degradation caused by the presence of the Southeast Plant in the neighborhood as well as introduce environmentally friendly recycling methods.
- The Hunters Point Power Plant is due to be shut down in 2005
- Plans are being prepared to upgrade and expand the Southeast Health Center
- The Planning Department is rezoning the neighborhood through a community planning process
- The Port has a plan for the Southeast waterfront
- The Third Street railway line, connecting the community to downtown San Francisco, will encourage investment and neighborhood enhancement

These new developments, however, also bring with them the dangers of displacement and gentrification, as well as broken promises. With all of this in mind, the co-sponsors and members of the core group who ran these workshops urge the Human Rights Commission:

- To forward this report to the San Francisco Board of Supervisors
- To recommend to the Board that it adopt a local version of the Principles of Environmental Justice (see Appendix A)
- To recommend to the Board that it adopt environmental justice legislation for the City and County of San Francisco similar to that contained in Federal Executive Order 12898 (see Appendix B).

This Executive Order, signed by President Clinton in 1994, created an Interagency Group on Environmental Justice to carry out the Executive Order's directive to consult with affected communities, particularly low income and minority populations, and consider issues of environmental justice in all its actions.



APPENDIX A

THE SEVENTEEN PRINCIPLES OF ENVIRONMENTAL JUSTICE. These principles were adopted on October 27, 1991 in Washington D.C. at the first national People of Color Environmental Leadership summit.

1. Environmental justice affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
2. Environmental justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
3. Environmental justice mandates that the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
4. Environmental justice calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
5. Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
6. Environmental justice demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.
7. Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.



8. Environmental justice affirms the right of all workers to a safe and healthy work environment, without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right to those who work at home to be free from environmental hazards.
9. Environmental justice protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.
10. Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
11. Environmental justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
12. Environmental justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and providing fair access for all to the full range of resources.
13. Environmental justice calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
14. Environmental justice opposes the destructive operations of multi-national corporations.
15. Environmental justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.
16. Environmental justice calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and appreciation of our diverse cultural perspectives.



17. Environmental justice requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to change and reprioritize our lifestyles to insure the health of the natural world for present and future generations.



APPENDIX B

Text of Presidential Executive Order on Environmental Justice

Exec. Order No. 12898

59 FR 7629, 1994 WL 43891 (Pres.)

Executive Order 12898

Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

February 11, 1994

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. Implementation

1-101. Agency Responsibilities

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1-102. Creation of an Interagency Working Group on Environmental Justice

1. Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency (“Administrator”) or the Administrator’s designee shall convene an interagency Federal Working Group on Environmental Justice (“Working Group”). The



Working Group shall comprise the heads of the following executive agencies and offices, or their designees:

1. Department of Defense;
2. Department of Health and Human Services;
3. Department of Housing and Urban Development;
4. Department of Labor;
5. Department of Agriculture;
6. Department of Transportation;
7. Department of Justice;
8. Department of the Interior;
9. Department of Commerce;
10. Department of Energy;
11. Environmental Protection Agency;
12. Office of Management and Budget;
13. Office of Science and Technology Policy;
14. Office of the Deputy Assistant to the President for Environmental Policy;
15. Office of the Assistant to the President for Domestic Policy;
16. National Economic Council;
17. Council of Economic Advisers; and
18. such other Government officials as the President may designate.



The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

The Working Group shall:

1. provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
2. coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;
3. assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;
4. assist in coordinating data collection, required by this order;
5. examine existing data and studies on environmental justice;
6. hold public meetings as required in section 5-502(d) of this order; and
7. develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

1-103. Development of Agency Strategies

1. Except as provided in section 6- 605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and



low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

- a. promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations;
- b. ensure greater public participation;
- c. improve research and data collection relating to the health of and environment of minority populations and low-income populations; and
- d. identify differential patterns of consumption of natural resources among minority populations and low-income populations.

In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

1. Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.
2. Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.
3. Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.
4. Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects



that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

5. Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.
6. Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

1-104. Reports to the President

Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

Sec. 2-2. Federal Agency Responsibilities for Federal Programs

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.

Sec. 3-3. Research, Data Collection, and Analysis

3-301. Human Health and Environmental Research and Analysis

1. Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including



segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

2. Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.
3. Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

3-302. Human Health and Environmental Data Collection and Analysis

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

1. each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
2. In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and



3. Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are:
 - a. subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and
 - b. expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.
4. In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

Sec. 4-4. Subsistence Consumption of Fish and Wildlife

4-401. Consumption Patterns

In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

4-402. Guidance

Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for



evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

Sec. 5-5. Public Participation and Access to Information

1. The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.
2. Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.
3. Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.
4. The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

Sec. 6-6. General Provisions

6-601. Responsibility for Agency Implementation

The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.



6-602. Executive Order No. 12250

This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

6-603. Executive Order No. 12875

This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

6-604. Scope

For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

6-605. Petitions for Exemptions

The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

6-606. Native American Programs

Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

6-607. Costs

Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

6-608. General



Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

6-609. Judicial Review

This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

William Clinton

The White House,

February 11, 1994.

Exec. Order No. 12898

59 FR 7629

1994 WL 43891 (Pres.)