

4.16 Environmental Justice

On February 11, 1994, President William J. Clinton issued the Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, designed to focus attention on environmental and human health conditions in minority populations and low-income communities and to promote non-discrimination in programs and projects substantially affecting human health and the environment (Clinton 1994). The order requires the US Environmental Protection Agency (EPA), in particular, and all other federal agencies, as well as state agencies receiving federal funds, to develop strategies commensurate with those goals. The agencies must identify and address any disproportionately adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations.

In 1997, the EPA Office of Environmental Justice released the Environmental Justice Implementation Plan, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA Guidance for Incorporating Environmental Justice Concerns in the National Environmental Policy Act (NEPA) Compliance Analysis in 1998. This framework emphasized the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many state agencies have developed their own environmental justice strategies and policies based on the EPA Environmental Justice Implementation Plan, the majority of California state agencies do not yet have guidance for incorporating environmental justice impact assessment into California Environmental Quality Act (CEQA) analysis. For example, the California Air Resources Board (CARB) examined this issue and received advice from legal counsel in a memorandum, CEQA and Environmental Justice. This memorandum states, in part, "For the reasons set forth below, we will conclude that CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the Air Resources Board, the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obligated to comply with the CEQA, and no further legislation would be needed to include an environmental justice analysis in the CEQA documents prepared for the discretionary actions public agencies undertake."

Under Assembly Bill (AB) 1553, signed into law in October 2001, the Governor's Office of Planning and Research (OPR) must adopt guidelines for addressing environmental justice issues in local agencies' general plans. Currently, the OPR is updating the General Plan Guidelines to incorporate the requirements of AB 1553.

4.16.1 Environmental Setting

The Whittier Main Oil Field Project (proposed Project) is located in the City of Whittier (City) within the Puente Hills Landfill Native Habitat Preserve (Preserve) and is currently managed by the Puente Hills Landfill Native Habitat Preservation Authority (Habitat Authority). This report defines the study area for environmental justice analysis as the city boundaries, which may be directly affected by the proposed Project, although the potential areas directly affected would be within approximately one mile of the Project Site within the Preserve. Although the proposed crude pipeline runs through the unincorporated community of South Whittier and connects to an existing crude pipeline at an intersection (La Mirada Boulevard and Leffingwell Avenue) adjacent to the City of La Mirada, these two communities are not included in the study area since they would only be affected temporarily during construction. Section 4.3, Safety, Risk of Upset, and Hazardous Materials, and Section 4.12, Fire Protection and Emergency Services, address potential impacts to communities adjacent to the proposed and existing crude pipelines and related mitigation measures.

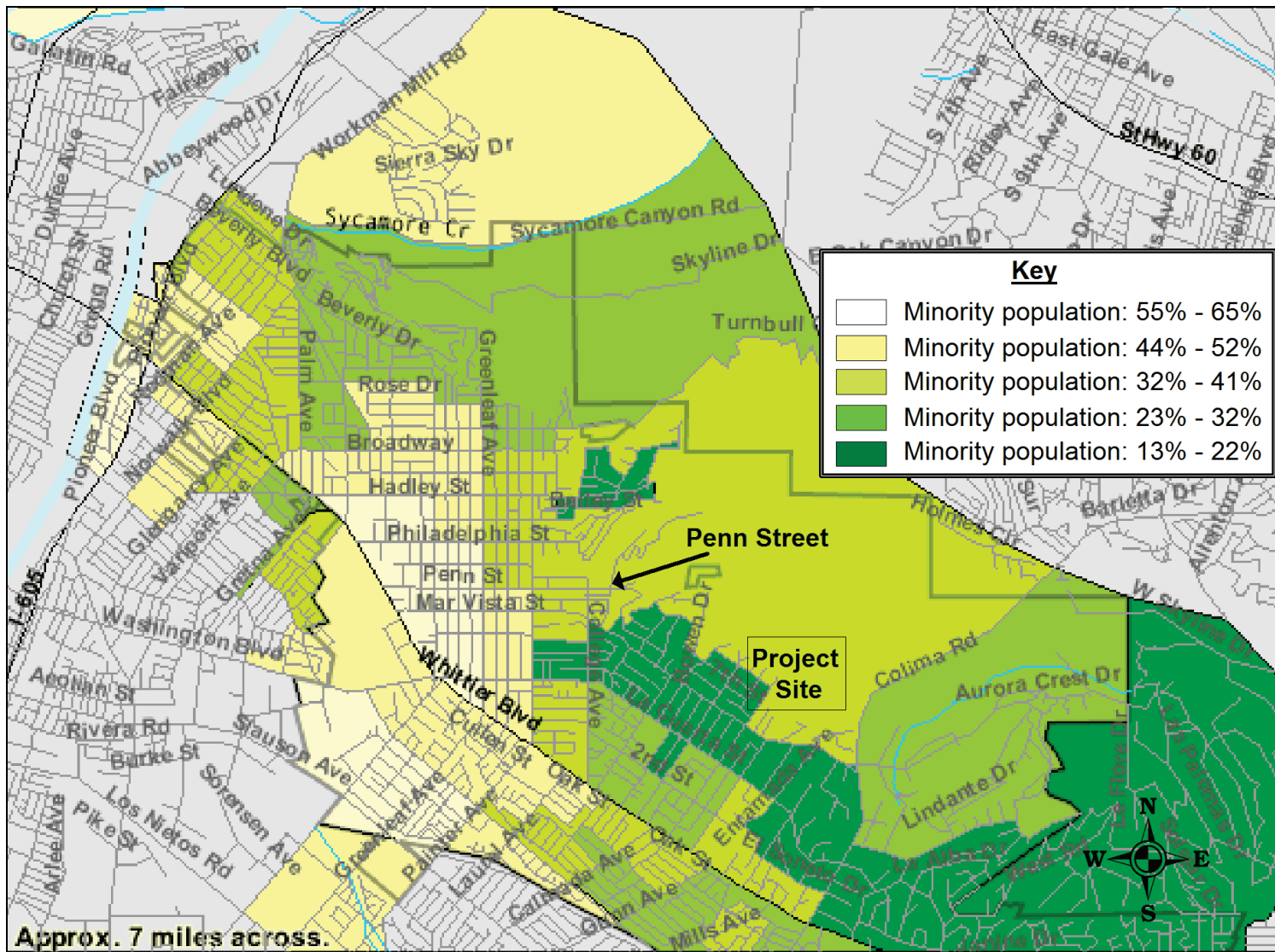
The study area includes 21 Census Tracts and 78 block groups; this analysis uses US Census 2000 data to characterize the study area. In addition, a more specific analysis has been included to encompass the residential areas surrounding Penn Street, which would provide access to the Savage Canyon Landfill and the Project Site, through the Preserve on an improved landfill road and the North Access Road.

According to EPA guidance, a minority or low-income community is disparately affected when the community bears a disproportionate level of health and environmental effects compared to the general population. Further, the guidelines recommend that the communities of comparison selected are the smallest governmental unit that encompasses the impact footprint for each resource. Therefore, the communities of comparison for this analysis are the City of La Mirada, the City of La Habra Heights, and the unincorporated County of Los Angeles communities of Hacienda Heights, Rowland Heights, and South Whittier. The State of California is also included for comparison.

In 2000, the population of the study area was 83,680 (USCB 2010a). The population of La Mirada was 46,783; the population of La Habra Heights was 5,172; the population of Hacienda Heights was 53,122; the population of Rowland Heights was 48,553; and the population of South Whittier was 55,193 (USCB 2010a). Figure 4.16-1 shows the distribution of minorities in the study area by block group. Overall, the minority population is approximately 37 percent of the total population within the study area. Table 4.16-1 shows the division of these areas by minority group. Specifically regarding Penn Street east of Painter Avenue, Figure 4.16-1 shows the minority population ranging between 32 percent and 41 percent.

The largest minority group within the study area identified themselves as ‘some other race,’ approximately 26 percent of the total population. In La Mirada, La Habra Heights, Hacienda Heights, and Rowland Heights the Asian category is the largest defined minority group, ranging from 15 percent in La Mirada to 50 percent in Rowland Heights. In South Whittier, 36 percent of the population identified themselves as ‘some other race’ (USCB 2010a).

Figure 4.16-1 Distribution of Minorities in the Study Area



Source: USCB 2010a

The ‘some other race’ category includes all responses other than White, Black or African American, American Indian and Alaska Native, Asian, and Native Hawaiian and Other Pacific Islander (USCB 2010a).

To ensure adequate identification of minority populations in the study area, the census gathered data for individuals of Hispanic origin; the U.S. Census Bureau considers Hispanic an origin, not a race. An origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person’s parents or ancestors before their arrival in the United States (USCB 2010a). People who identify their origin as Spanish, Hispanic, or Latino may be of any race. Therefore, people counted as Hispanic are also counted in one or more race categories.

Table 4.16-1 Study Area Population by Race

Race	California	Study Area (Whittier)	La Mirada	La Habra Heights	Hacienda Heights CDP ^a	Rowland Heights CDP	South Whittier CDP
White	20,170,059 (60%)	52,876 (63%)	30,155 (65%)	4,136 (72%)	21,797 (41%)	14,206 (29%)	28,958 (53%)
Black or African American	2,263,882 (7%)	1,019 (1%)	903 (2%)	69 (1%)	825 (2%)	1,268 (3%)	812 (2%)
American Indian and Alaska Native	333,346 (1%)	1,105 (1%)	350 (0.7%)	19 (0.3%)	380 (0.7%)	221 (0.5%)	678 (1%)
Asian	3,697,513 (11%)	2,770 (3%)	6,963 (15%)	1,051 (18%)	19,174 (36%)	24,432 (50%)	1,669 (3%)
Native Hawaiian and Other Pacific Islander	116,961 (0.3%)	126 (0.2%)	125 (0.3%)	6 (0.1%)	64 (0.1%)	150 (0.3%)	142 (0.3%)
Some Other Race	5,682,241 (17%)	21,588 (26%)	6,379 (14%)	221 (4%)	8,819 (17%)	6,228 (13%)	20,074 (36%)
Population of Two or More Races	1,607,646 (5%)	4,196 (5%)	1,908 (4%)	210 (4%)	2,063 (4%)	2,048 (4%)	2,860 (5%)
Minority Total	13,701,589	30,804	16,628	1,576	31,325	34,347	26,235
Total Population	33,871,648	83,680	46,783	5,712	53,122	48,553	55,193
Minority Percent	40.5	36.8	35.5	27.5	58.9	70.7	47.5

a. CDP = Censuses Designated Place
Source: USCB 2010a

Approximately 56 percent of the study area population is of Hispanic origin, compared with approximately 34 percent in La Mirada, 14 percent in La Habra Heights, 38 percent in Hacienda Heights, 28 percent in Rowland Heights, and 69 percent in South Whittier (see Table 4.16-2) (USCB 2010a).

Census data were also analyzed to determine poverty status in the study area. Figure 4.16-2 shows the distribution of poverty in the study area by block group. As shown in Table 4.16-3, in 1999 approximately 11 percent of the population earned income below the poverty level, compared to approximately 6 percent in La Mirada, 3 percent in La Habra Heights, 9 percent in Hacienda Heights, and 12 percent in both Rowland Heights and South Whittier (USCB 2010b). Specifically regarding Penn Street east of Painter Avenue, Figure 4.16-2 shows a range between 14 percent and 22 percent of residents with an earned income below the poverty level.

Table 4.16-2 Population of Hispanic Origin

Hispanic	California	Study Area (Whittier)	La Mirada	La Habra Heights	Hacienda Heights CDP ^a	Rowland Heights CDP	South Whittier CDP
Hispanic	10,966,556 (32.4%)	46,765 (55.9%)	15,657 (33.5%)	779 (13.6%)	20,320 (38.3%)	13,748 (28.3%)	38,256 (69.3%)

a. CDP = Census Designated Place

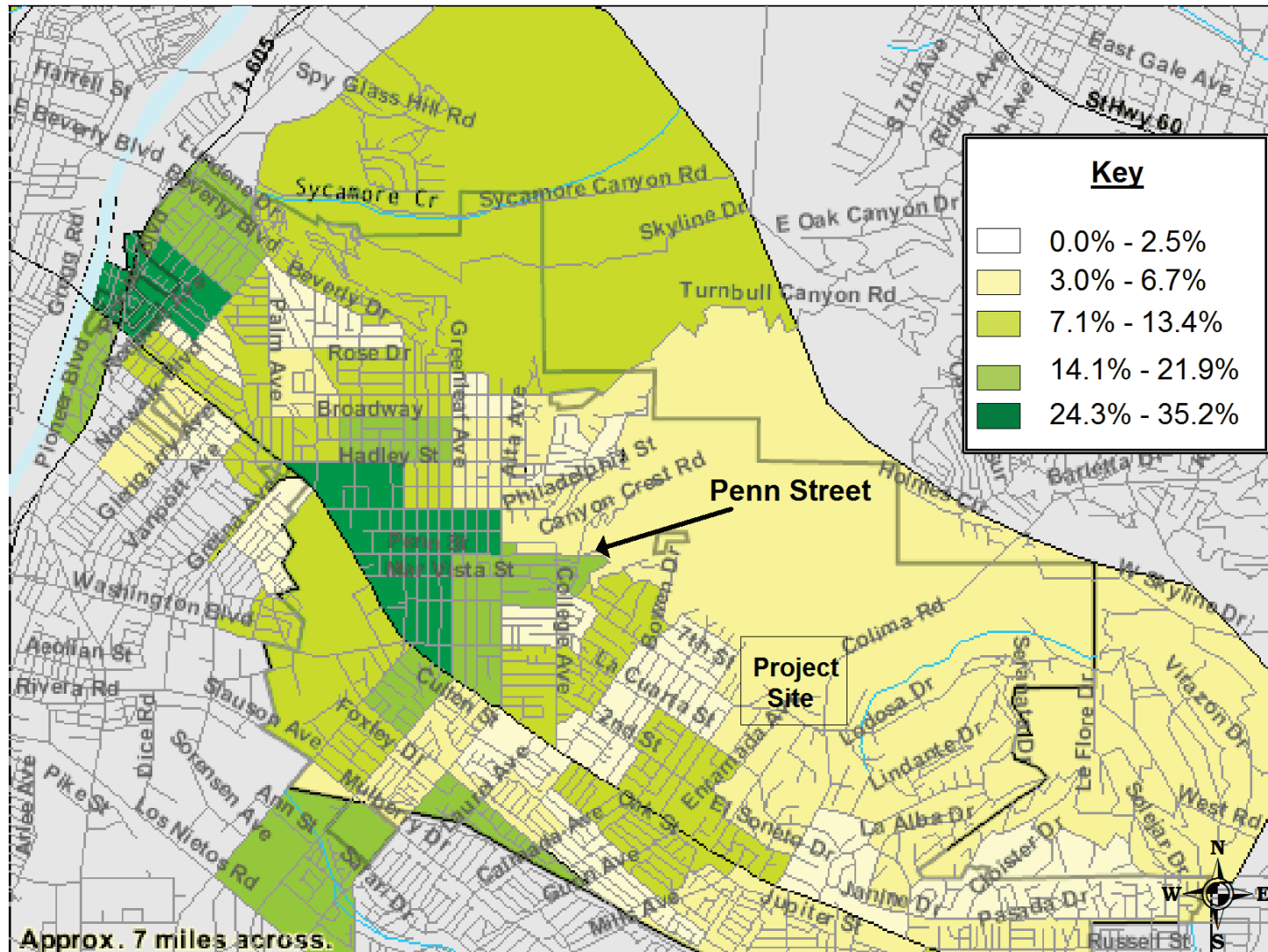
Source: USCB 2010a

Table 4.16-3 Poverty Status in 1999

All Individuals	California	Study Area (Whittier)	La Mirada	La Habra Heights	Hacienda Heights CDP	Rowland Heights CDP	South Whittier CDP
Population with Income Below Poverty Level	4,706,130 (14.2%)	8,549 (10.5%)	2,542 (5.6%)	182 (3.4%)	4,928 (9.3%)	5,744 (12%)	6,761 (12.4%)

Source: USCB 2010b

Figure 4.16-2 Distribution of Poverty in Study Area



Source: USCB 2010b

4.16.2 Regulatory Setting

The federal approach to environmental justice includes Executive Order 12898 and the EPA Environmental Justice Implementation Plan.

On the state level, several agencies have developed guidance, including the California EPA, CARB, and the California Energy Commission.

State legislation includes AB 1390, which directs local air districts to implement incentive programs in communities, especially low-income and minority communities, with the most significant exposure to air pollution, and AB 1553, which addresses environmental justice matters in city and county general plans.

The California EPA Environmental Justice Action plan addresses development of guidance on precautionary approaches, cumulative impacts analysis, and public participation. The program has implemented several pilot projects, including the CARB-sponsored Children's Environmental Risk Reduction Plan, the Department of Pesticide Regulation studies on children's exposure to pesticides, and the Department of Toxic Substances Control studies related to the impacts of illegal drug labs.

The CARB adopted the Policies and Actions for Environmental Justice in 2001. This directs CARB to integrate environmental justice into all programs, policies, and regulations; to strengthen outreach and education; to work with local air districts to meet health-based air quality standards and reduce health risks from toxic air pollutants; and to support research and data collection needed to reduce cumulative emissions, exposure, and health risks.

Locally, the South Coast Air Quality Management District (SCAQMD) adopted guiding principles and initiatives in 1997 to ensure environmental equity related to public participation and overriding goals of reducing air emissions and improving public health. The initiatives have generated programs such as the Children's Air Quality Agenda initiatives, the establishment of an Environmental Justice Task Force, the Multiple Air Toxics Exposure Study addressing the impacts of toxic emissions, programs to reduce diesel toxic emissions, low-emission school bus programs, and guidance on school site selection.

Los Angeles County addresses environmental justice through the activities of the SCAQMD and the Southern California Association of Governments. The Southern California Association of Governments has addressed environmental justice primarily through public access and outreach and equity analysis of disparities and associated mitigation.

4.16.3 Significance Criteria

An environmental justice impact would be considered significant if the potential future development would:

- Have the potential to disproportionately impact minority or low-income populations compared to the corresponding medians for the county where the Project is located; or
- Result in a substantial, disproportionate decrease in the employment and economic base of minority or low-income populations residing in the county or immediately surrounding cities.

4.16.4 Project Impacts and Mitigation Measures

The minority percentage in the study area is greater than those in La Mirada and La Habra Heights, but less than the other four communities of comparison, including the state of California. The Hispanic population percentage in the study area is less than in South Whittier, but greater than in the other five communities of comparison, including the state of California. The poverty rates in the study area are less than those in Rowland Heights, South Whittier, and the state of California, but greater than those in La Mirada, La Habra Heights, and Hacienda Heights.

Impact #	Impact Description	Phase	Residual Impact
EJ.1	Future development could disproportionately impact minority and low-income populations	Drilling, Construction, Operations	Less Than Significant

Section 4.3, Safety, Risk of Upset, and Hazardous Materials, and Section 4.1, Air Quality, analyze short-term and long-term risks to surrounding populations from accidental releases, fires, and explosions, as well as from long-term exposure to toxic emissions generated by the proposed Project.

Section 4.3, Safety, Risk of Upset, and Hazardous Materials, states that risks to the populations from the facilities would increase as a result of the potential future development primarily to increased truck loading of gas liquids. However, with mitigation, it was determined that impacts would be less than significant.

Section 4.3, Safety, Risk of Upset, and Hazardous Materials, assesses risks to human health from the potential future development. The exposure risks to the surrounding populations would be potentially significant due to the increased use of diesel engines associated with construction and drilling operations.

Section 4.1, Air Quality, assesses the impacts of odors that would negatively affect adjacent land uses. Odors from the potential future development would be considered potentially significant

due to the use of tanks and drilling activities. However, impacts could be mitigated to below the significance criteria.

Although the study area has an approximately 37 percent minority population, the potential future development could disproportionately impact minority populations. That is, the study area has an approximately 56 percent Hispanic population, which is higher than five of the six communities of comparison, including the state of California.

The potential future development would not, however, result in impacts to poverty areas with higher poverty populations than areas of comparison. The study area has a 10.5 percent population with income below the poverty level compared to 12.4 percent for the United States and 14.2 percent for the state of California. The study area has a higher income level than the United States, the state of California, Los Angeles County, and the comparison community of South Whittier. The potential future development would not result in a substantial disproportionate decrease in the employment and economic base of minority and/or low-income populations in the area.

Penn Street Traffic

The Environmental Justice analysis examines the long-term impacts. Therefore, impacts resulting from the operations phase of the proposed Project are analyzed in this section.

As shown in Figure 4.16-1, the minority population on Penn Street east of Painter Avenue ranges between 32 percent and 41 percent compared to the study area minority population of 37 percent. This does not result in a disproportionate impact to the minority population.

As shown in Figure 4.16-2, the range of residents on Penn Street east of Painter Avenue with an earned income below the poverty line is between 14 and 22 percent compared to 11 percent of residents in the study area. This suggests a disproportionate impact to residents with an earned income below the poverty line.

The proposed Project would result in increased traffic on Penn Street as project vehicles would access the site via Penn Street through the Preserve on an improved landfill road and the North Access Road. As shown in Section 4.7 Transportation and Circulation, the proposed Project would result in two additional truck trips per day on Penn Street during the operations phase. This increased number of vehicle trips per day on Penn Street would result in an LOS A, which is not a significant impact.

Therefore, minimal increased vehicle traffic maintaining a LOS A on Penn Street does not result in a disproportionate impact to residents of Penn Street and does not result in an environmental justice impact.

Mitigation Measures

Implement mitigation measures AQ-3a through AQ-3e, SR-3, N-1a and N-1b, N-2a through N-2c, and N-4. No additional mitigation measures are proposed.

Residual Impacts

The residual impact would not meet or exceed a level of significance.

4.16.5 Other Issue Area Mitigation Measure Impacts

None of the mitigation measures proposed for other issue areas would change the impacts discussed in this section. Therefore, the mitigation measures would not result in additional significant impacts, and additional analysis or mitigation is not required.

4.16.6 Cumulative Impacts and Mitigation Measures

Cumulative projects that could impact the analysis include projects that would impact the same populations as those impacted by the potential future development at the Whittier Main Oil Field. Most of the cumulative projects are small residential and commercial development projects that would not be expected to substantially impact the risk or public health of the study area populations. Therefore, cumulative impacts are considered to be less than significant.