February 1, 2013

John Faust, Chief
Community Assessment & Research Section
Office of Environmental Health Hazard Assessment
1515 Clay Street, Suite 1600
Oakland, CA 94612

Subject: Comments on the Second Public Review Draft of the CalEnviroScreen Tool

Dear Mr. Faust:

The County of Orange (County) has reviewed the Second Public Review Draft of the CalEnviroScreen Tool (Tool) proposed by the California Environmental Protection Agency (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) dated January 3, 2013. The stated intent of the Tool is to assist Cal/EPA in achieving its environmental justice goals by identifying environmentally disadvantaged communities so that funding can be targeted toward them. While the County is supportive of this mission, the results that have been obtained by applying this Tool are startling and of great concern to the County. We are particularly concerned about the potential negative effects the Tool will have on existing and newly developing communities that are captured inside a geographic area depicted as one of the most impacted in the state. The most concerning issues are discussed below.

Contained in the “Method” section is a discussion regarding the use of “cumulative impacts” in the Tool. It is widely known that “cumulative impacts” is a central component of analysis conducted under the California Environmental Quality Act (CEQA). Although the footnote at the bottom of the page indicates the definition adopted by Cal/EPA differs from the statutory definition contained in the California Environmental Quality Act (CEQA) and that these two terms “cannot be used interchangeably,” there will be misunderstanding and confusion about the use of the Tool for CEQA purposes. Additional discussion regarding the use of this phrase is contained in the Guidance Memorandum, dated January 3, 2013, which indicates that the results of the Tool “are not intended to be used for CEQA purposes.” The inclusion of the footnote and the discussion in the Guidance Memorandum reveals the amount of apprehension that has been demonstrated regarding the use of this phrase. Cal/EPA must consider abandoning use of this phrase and substituting it with another that is not used in CEQA.

Use of the large ZIP Code geographical boundaries in Orange County to identify environmentally disadvantaged communities has resulted in the identification of undeveloped natural habitat areas as some of the most impacted land in the state (top 10 percent). If the goal of the Tool is to assist communities that are truly impacted, then the geographical area used in the Tool must be small enough
to capture only those areas. The County recommends that Cal/EPA consider the use of census tract boundaries instead of ZIP Code geographical boundaries.

In Orange County, we are experiencing an increase of activity in the homebuilding industry. Land owners and developers are moving ahead with plans for new communities, which in turn will create new jobs and revenue. At least one of these new communities is located in an area, which the Tool has indicated to be highly impacted. This cannot be farther from the case and the land owner is concerned over this property being depicted as an area that is environmentally impacted. Homebuyers that may come across the Tool could misinterpret the results and be unaware of the intended use and limitations of the Tool and may choose to avoid those areas depicted as impacted. The Tool must include information that is easily understood so that the general public can make informed decisions.

The County respectfully requests that Cal/EPA review the enclosed comments and incorporate the suggested revisions into the final version of the CalEnviroScreen Tool. If you have any questions regarding this matter please contact Rick LeFeuvre, Deputy Director, OC Planning Services, at (714) 955-0124.

Sincerely,

Ignacio G. Ochoa, P.E.
Interim Director/Chief Engineer
OC Public Works

Enclosure

c: Rick LeFeuvre, Deputy Director, OC Public Works/OC Planning Services
Polin Modanlou, Manager, OC Public Works/OC Planning Services/Strategic Land Planning
Ruby Maldonado, Manager, OC Public Works/OC Planning Services/Strategic Land Planning/Advanced Planning & Sustainable Development
## County of Orange
Comments on EnviroScreen Tool
January 31, 2013

<table>
<thead>
<tr>
<th>Section</th>
<th>Proposed Method and Indicator</th>
<th>Comment</th>
<th>Suggested Revision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method (pg. 3)</td>
<td>Use of the word “Cumulative Impacts.”</td>
<td>“Cumulative Impacts” is a common term used with CEQA which may confuse the public and potentially be used inappropriately for CEQA review.</td>
<td>Either ensure “cumulative impacts” is used only to address funding and in no way is associated with meeting or adhering to CEQA requirements; OR consider adopting a different phrase altogether.</td>
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<tr>
<td>Indicator Selection and Scoring (pg. 9)</td>
<td>Selection of Geographic scale. For this statewide evaluation, the ZIP code scale is proposed as the unit of analysis.</td>
<td>Utilizing the ZIP code as the unit of analysis covers large areas which may include large variations in demographics and characteristics of the communities.</td>
<td>Utilize the census tract or census block as the unit of analysis to pin point areas that may be environmentally impacted.</td>
</tr>
<tr>
<td>Leaking Underground Storage Tanks and Cleanups (pg. 38)</td>
<td>Leaking Underground Storage Tanks and Cleanups</td>
<td>Leaking underground storage tanks and previous clean up activity may be unfairly included in the criteria even though they may have already been addressed and no longer a concern.</td>
<td>Ensure that only those areas that are still of concern are included in criteria.</td>
</tr>
<tr>
<td>General Concerns</td>
<td>N/A</td>
<td>The “EnviroScreen Tool” name suggests the tool is used for environmental screening standards associated with CEQA as opposed to its intended use of allocating funding to environmentally impacted communities.</td>
<td>Consider changing the name to “EnviroFunding Tool” as to not confuse the public with the intended purpose of targeting funding to environmentally impacted communities.</td>
</tr>
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<td>General Concerns</td>
<td>N/A</td>
<td>Developers are concerned that areas inappropriately depicted as highly impacted communities may contribute to homebuyers purchase decision since homebuyer may not fully understand indicator criteria.</td>
<td>Provide information that is easy to understand so potential homebuyers or the general public can make informed decisions.</td>
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<td>N/A</td>
<td>The use of the term “Environmentally Disadvantaged” communities provides a negative connotation to those that are impacted.</td>
<td>Consider using the terms “environmentally impacted”, “environmentally sensitive,” “environmentally exposed,” etc., to refer to communities that are impacted.</td>
</tr>
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