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*October 18, 2016*

**Via Email**

[carolyn.flowers@oehha.ca.gov](mailto:carolyn.flowers@oehha.ca.gov)

Ms. Carolyn Flowers  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
Sacramento, CA 95812-4010

Re: Comment Letter - Draft CalEnviroScreen 3.0

Dear Ms. Flowers,

On behalf of the Tuolumne County Board of Supervisors (TCBS), we are writing in response to your request for public comment on the recently released draft of the California Communities Environmental Health Screening Tool (CalEnviroScreen) 3.0.

As you are aware, CalEnviroScreen was primarily developed as implementation of California EPA's (CalEPA's) 2004 Environmental Justice (EJ) Action Plan - "in carrying out its environmental justice mission to conduct its activities in a manner that ensures the fair treatment of all Californians, including minority and low-income populations" - and subsequently to meet the requirements of Senate Bill 535 (De Leon, 2012). SB 535 required CalEPA to identify a specific list of disadvantaged communities (DACs) and requires state agencies to allocate 25% of the available moneys in the Greenhouse Gas Reduction Fund (GGRF) to projects that provide benefits to DACs, with a minimum of 10% of the available moneys in the GGRF to projects located within DACs. Beginning in January 2017, this requirement will change to allocate the full 25% of the GGRF monies to projects located within DACs, another 5% to projects located in low-income areas within ½ mile of a DAC, and 5% to low-income areas anywhere in the state, in accordance with the newly signed Assembly Bill 1550 (Gomez).

While the intent of this tool is to provide state agencies with a means to prioritize and direct their resources and make policy decisions intended to benefit the most impacted communities, Tuolumne County is concerned that we, along with many other rural counties, are negatively impacted by the use of this tool for other purposes, particularly for eligibility for Greenhouse Gas Reduction Fund (GGRF) monies earmarked for DACs. Combining the pollution burdens with the population characteristics basically eliminates Tuolumne County and many other areas of the state with low levels of pollution burden (e.g. good air quality, low levels of pesticide use, etc.) from being defined as DACs, no matter what the population/socioeconomic characteristics represent. Rural areas, including Tuolumne County, cannot compete in many of the AB 32 programs since they cannot demonstrate the "biggest bang for the buck". Being denied access to the "disadvantaged community" designation basically eliminates Tuolumne County and many other rural counties from any access to the funds.

SB 535 required CalEPA to identify a specific list of disadvantaged communities. Health and Safety Code Section 39711 specifically states:

These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:

- (a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
- (b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

The statute specifies "either" environmental or socioeconomic criteria should be used, not "both." Tuolumne County, along with every other county in the state, can point to a specific area within their jurisdiction that is a "disadvantaged community." But strictly using the CalEnviroScreen as the source for eligibility of DACs for GGRF money will eliminate 30 counties, including Tuolumne County and 26 other RCRC counties, from access to these funds (see attached list).

In light of this statute, Tuolumne County recommends that the CalEnviroScreen be constructed so that DAC designations can be determined separately by pollution burden and population characteristics not by both sets of indicators combined. This allows the top scores from both categories to be defined as disadvantaged communities. In addition, there should be some mechanism to allow a jurisdiction to

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demonstrate how a community, smaller than a census tract, can meet the definition of a disadvantaged community.

As well, there are many local programs that can benefit GHG reductions in rural areas. The residents in every county are contributing to payments into the GGRF. These residents should also receive a direct benefit by having some GGRF money allocated to each county or at least on a regional basis rather than on a statewide comparison basis.

Thank you for your thoughtful consideration of Tuolumne County's comments.

Sincerely,



Karl Rodefer  
Chairman

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR  
Clerk of the Board

By: 

Attachment

**CALENVIROSCREEN 3.0  
LIST OF COUNTIES WITHOUT DACS**

The following 30 counties, many of them members of RCRC, do not have a single census tract identified in the top 25 percent of CalEnviroScreen 3.0:

1. Alpine County
2. Amador County
3. Calaveras County
4. Colusa County
5. Del Norte County
6. El Dorado County
7. Glenn County
8. Humboldt County
9. Inyo County
10. Lake County
11. Lassen County
12. Marin County\*
13. Mariposa County
14. Mendocino County
15. Modoc County
16. Mono County
17. Napa County
18. Nevada County
19. Placer County
20. Plumas County
21. San Benito County
22. San Luis Obispo County
23. Santa Barbara County\*
24. Shasta County
25. Sierra County
26. Siskiyou County
27. Sonoma County\*
28. Tehama County
29. Trinity County
30. Tuolumne County

\*Not RCRC County