

US EPA ARCHIVE DOCUMENT

Environmental Justice Analysis
Greenhouse Gas Prevention of Significant Deterioration Preconstruction Permit
for the Lower Colorado River Authority, Thomas C. Ferguson Plant

Permit Number: PSD-TX-1244-GHG

September 2011

Executive Order 12898, entitled “Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” states in relevant part that “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.” Section 1-101 of Exec. Order 12898, 59 Fed. Reg. 7629, (Feb. 16, 1994). “Federal agencies are required to implement this order consistent with, and to the extent permitted by, existing law.” *Id.* at 7632. Based on this Executive Order, the EPA’s Environmental Appeals Board (EAB) has held that environmental justice issues must be considered in connection with the issuance of federal Prevention of Significant Deterioration (PSD) permits issued by EPA Regional Offices and states acting under delegations of Federal authority. *See, e.g., In re Prairie State Generating Company*, 13 E.A.D. 1, 123 (EAB 2006); *In re Knauf Fiber Glass, GmbH*, 8 E.A.D. 121, 174-75 (EAB 1999) (“*Knauf I*”). Offices or their delegates in the states have for several years incorporated environmental justice considerations into their review of applications for PSD permits. The EAB reinforced the importance of completing an environmental justice analysis in a recent opinion. *See In re: Shell Gulf of Mexico, Inc. and Shell Offshore, Inc.*, OCS Appeal Nos. 10-1 to 10-4, Slip Op. at 63-4 (EAB December 30, 2010) (“*Shell II*”).

Demographic Analysis

Where an environmental justice community may be identified through a demographic analysis that centers on the project location, the objectives of the Executive Order may be promoted through special efforts to promote public participation. Public involvement in the permitting process may be encouraged through public hearings or comment periods that exceed the applicable regulatory obligations. A preliminary demographic analysis was conducted to determine whether communities surrounding the proposed project contained minority, low-income, or linguistically isolated populations that significantly deviated from county and statewide averages. The demographic information attached to end of this document/ does not indicate the presence of any environmental justice communities within 3 miles of the project location at 2001 FERGUSON ROAD MARBLE FALLS, TX 78657-7041.¹ EPA will, however, exercise its discretion in receiving comments on the draft permit to examine any “superficially plausible” claim that a minority or low-income population may be disproportionately affected by this facility. *See In re Avenal Power Center*, PSD Appeals Nos 11-02-11-05, Slip Op. at 20 (EAB August 18, 2011).

¹ Demographic information is taken from the EJView mapping tool at <http://epamap14.epa.gov/ejmap/entry.html> (accessed September 2011).

Conclusion

On the basis of the available information, we conclude the issuance of PSD-TX-1244-GHG for GHG emissions could not have disproportionately high and adverse human health or environmental effects on any environmental justice community near the Project, because none have been identified.

County and State Comparison

Overview			
	Study Area	LLANO County, TX	TEXAS
Total Persons:	5292	17044	20851820
Population Density:	218.19 /sq mi	18.23 /sq mi	79.65 /sq mi
Percent Minority:	21.5%	6.3%	47.6%
Persons Below Poverty Level:	662 (12.6%)	1733 (10.3%)	3117609 (15.4%)
Households in Area:	2193	7879	7393354
Households on Public Assistance:	58	73	234081
Housing Units Built <1970:	17%	28%	35%
Housing Units Built <1950:	1%	7%	11%

Race			
(* Columns that add up to 100% are highlighted)			
Race Breakdown	Study Area	LLANO County, TX	TEXAS
White:	4652 (87.9%)	16403 (96.2%)	14797985 (71.0%)
African-American:	21 (0.4%)	22 (0.1%)	2385554 (11.4%)
Hispanic-Origin:	1063 (20.1%)	876 (5.1%)	6670122 (32.0%)
Asian/Pacific Islander:	8 (0.2%)	23 (0.1%)	555928 (2.7%)
American Indian:	25 (0.5%)	25 (0.1%)	113755 (0.5%)
Other Race:	531 (10.0%)	421 (2.5%)	2455972 (11.8%)
Multiracial:	55 (1.0%)	150 (0.9%)	530162 (2.5%)

Age			
(* Columns that add up to 100% are highlighted)			
Age Breakdown	Study Area	LLANO County, TX	TEXAS
Child 5 years or less:	357 (6.8%)	764 (4.5%)	1935534 (9.3%)
Minors 17 years and younger:	1140 (21.5%)	2708 (15.9%)	5873930 (28.2%)
Adults 18 years and older:	4152 (78.5%)	14336 (84.1%)	14977890 (71.8%)
Seniors 65 years and older:	1124 (21.2%)	5208 (30.6%)	2067467 (9.9%)

Education			
Education Level (Persons 25 & older)	Study Area	LLANO County, TX	TEXAS
Less than 9th grade:	317 (8.6%)	630 (4.8%)	1465420 (12.1%)
9th -12th grade:	466 (12.7%)	1603 (12.3%)	1649141 (13.6%)
High School Diploma:	1013 (27.6%)	4427 (33.9%)	3176743 (26.2%)
Some College/2 yr:	954 (26.0%)	3544 (27.2%)	2858802 (23.6%)
B.S./B.A. or more:	915 (25.0%)	2848 (21.8%)	2972293 (24.5%)

Language			
Ability to Speak English	Study Area	LLANO County, TX	TEXAS

Population Age 5 and Over:	4993	16425	19241518
Speak only English:	4077 (65.7%)	15320 (86.1%)	13230765 (49.6%)
Non-English at Home:	916 (14.8%)	1105 (6.2%)	6010753 (22.5%)
Speak English very well:	437 (7.0%)	677 (3.8%)	3341150 (12.5%)
Speak English well:	180 (2.9%)	160 (0.9%)	1241091 (4.7%)
Speak English not well:	221 (3.6%)	244 (1.4%)	911915 (3.4%)
Speak English less than well:	299 (4.8%)	268 (1.5%)	1428512 (5.4%)
Speak English not at all:	77 (1.2%)	24 (0.1%)	516597 (1.9%)