

Attachment 5
Pilot Sustainable Alternatives Agreement Process
October 2, 2009

A Sustainable Alternatives Agreement (SAA) is an agreement between a person proposing a project, an Interdepartmental Work Group (IWG), and/or the community stakeholder group that uses incentives to encourage economic development and impacts of the proposal on the affected community. Incentives should encourage actions to reduce emissions of harmful pollutants such as: a) priority access to grants or public financing tools to implement an alternative process that emphasizes pollution prevention and thereby creates less harmful impacts or b) priority access to grants, public financing tools or research assets to develop and implement in this project a less harmful process if none currently exists.

A pilot SAA process could be structured as follows:

1. Project proposal is presented to relevant regulatory agency in the form of a description of the project or a formal permit application. Proposers should be encouraged to contact the agency early to begin this process.
2. Using the tool developed by the disparate impacts subgroup, the regulatory agency informs proposer that the project may occur in a vulnerable environmental justice community.
3. Regulatory agency forwards project proposal to interagency workgroup (IWG) for assessment of impacts of the proposal on the community and evaluation of incentives to reduce those impacts.
4. The IWG enlists the assistance of a community liaison(s) to form a community stakeholder group.
5. With input from the stakeholder group and involvement of the proposer, the IWG reviews the proposal and determines the nature of the impact on the community taking into account existing burdens to the community. The IWG should use the EPA Title VI guidance to help structure this review. The determination will help the relevant agency in assessing its legal obligations under Title VI.
6. Based on the results of this review, the proposer and community group may be encouraged to participate in a voluntary process to develop a "Sustainable Alternatives Agreement" to address the impacts of the proposal on the community. The IWG participates in these discussions to help identify incentives that can be used to assist the proposer in undertaking actions to address impacts on the community.
7. Taking into account the determination of the IWG and the existence of an Agreement, the relevant agency determines whether to issue the

permit/approval for the project in light of the requirements of Title VI. If the permit approval would otherwise result in a violation of Title VI, terms of the Agreement can be incorporated in the permit as conditions.