

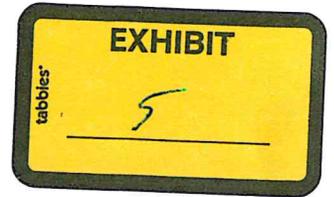
Gulf Coast Center for Law & Policy

620 Oak Harbor Blvd., Ste. 203
Slidell, Louisiana 70458
985.643.6186 office
985.643.6118 fax
www.gcclp.org



Thursday, March 31, 2016

Tegan Treadaway
Louisiana Department of Environmental Quality
P.O. Box 91154
Baton Rouge, LA 70821-9154



Re: GCCLP's Public Comment on Clean Power Plan Louisiana State Implementation Plan

Dear Ms. Treadaway:

Thank you for the opportunity to provide comments on the Louisiana Department of Environmental Quality's engagement with the development of a State Implementation Plan under the federal Clean Power Plan. We also offer our thanks and support to Governor Bel Edwards for shifting the tide on engaging in the EPA's Clean Power Plan for Louisiana.

The Gulf Coast Center for Law & Policy (GCCLP) is a non-profit, public-interest law firm and justice center serving communities of color on the frontlines of Climate Change in the five Gulf Coast states of Florida, Alabama, Mississippi, Texas and Louisiana.

GCCLP's mission is to ^{create} promote structural shifts that promote ecological equity in law, policy and social practices. In order to further ecological equity GCCLP provides free and low cost legal services that stabilize community residents and allows them to increase their civic engagement; offers participatory training and research on issues highlighted by the communities served; and, engages in intersectional policy advocacy initiatives that builds community power.

Louisiana has a unique energy profile and cultural heritage, both of which should be seen as an asset and not a burden; thus, it is in the State's best interest to develop an SIP that does not work around the State's unique characteristics, but rather incorporates them. Louisiana should be developing a plan with optimal environmental, social, and health outcomes, which we can only achieve by shifting to 100% renewable energy. Our comments today are to highlight what we see as one of the most important aspects of the CPP requirements as Louisiana moves forward with its SIP. We believe that no Louisiana plan should be created without substantial engagement by the communities that will be most impacted by Louisiana's energy future.

The recent Supreme Court stay allows for more time to engage in a state process rooted in meaningful involvement. It is important to have a stakeholder process that involves Louisianans in the visioning of the State's renewable energy future and allows current industry, new industry, and entrepreneurs to innovate in the pursuit of that future. Furthermore, the meaningful involvement of all stakeholders would include voices of communities living with environmental injustices, who can weigh in to guide Louisiana's State Implementation Plan (SIP) towards a more socially-just version of itself given that it will impact many generations of residents.

LAW:

The EPA's Clean Power Plan (CPP) calls for "meaningful involvement," which, according to the agency's definition, should:

- (1) include appropriate opportunities for potentially affected populations to participate in decisions about proposed activities that may affect their environment and/or health;
- (2) allow for the population's contribution to influence EPA's rulemaking decisions;
- (3) ensure that all involved participants' concerns are considered in the decision-making process; and,
- (4) include active recruitment of potentially impacted populations for involvement in the rulemaking process.¹

The CPP requires states developing a State Implementation Plan (SIP) to meaningfully engage *all* members of the public, including vulnerable communities.² The agency uses the terms "vulnerable" and "overburdened" in referring to low-income communities, communities of color, and indigenous populations that are most affected by, and least resilient to, the impacts of climate change, and are central to our community and environmental justice considerations.³

The EPA notes that meaningful public involvement goes beyond the holding of a public hearing, and includes ~~include~~ outreach to vulnerable communities, sharing information and soliciting input on state plan development and on any accompanying assessment.

OUR RECOMMENDATIONS:

With these requirements in mind, GCCLP proposes that in the development of the SIP LDEQ:

- (1) **Hold multiple listening sessions** to hear residents' concerns and establish community principles/values to guide the process. (One hearing should be a first step, not a check mark on a compliance list).
 - a. In order to ensure that participation in the stakeholder process is maximized, meetings should be held outside of traditional work hours (Monday through Friday, 9:00AM to 5:00PM), and should include sessions in the evenings and on the weekends.
 - b. The meetings should take place on a recurring, set schedule (e.g., the first Saturday of every month), with notes taken and made available online so that individuals that were not present at the meeting can review them. After the meeting, there should be a 7-day period for interested parties to submit feedback based on the notes. After 7 days the notes, available online, should be updated to reflect the notes taken in the meeting as well as feedback provided afterwards.
 - c. All meeting spaces should be ADA compliant, and accessible via public transportation; ideal settings would include public spaces already owned by the municipalities (such as libraries and recreational centers). All meetings should have interpreters for individuals who are hearing impaired or speak a different language; for the latter, interpreters should come from the communities for which they are translating. Meetings should be open to all residents of Louisiana.
- (2) **Develop a list of community recommendations by holding community assemblies** rooted in principles of democratic participation and using popular education techniques to break down and explain complex ideas.
- (3) **Develop a user-friendly CPP/SIP website** that includes video explanations of the CPP and the SIP development process in multiple languages, and a LDEQ CPP calendar.

¹ US EPA. (2015) Guidance on Considering Environmental Justice During the Development of Regulatory Actions. USEPA, pg. 32)

² Federal Register/Vol. 80, No. 205/Friday, October 23, 2015/Rules and Regulations, pg. 64827

³ Federal Register/Vol. 80, No. 205/Friday, October 23, 2015/Rules and Regulations, pg. 64848

- (4) **Set up a toll-free call center**, which provides information in English, Spanish, and Vietnamese for those without access to the Internet.
- (5) **Participate in the CPP's Clean Energy Incentive Program (CEIP)**, which is designed to incentivize investment in certain Renewable Energy (RE) and Energy Efficiency (EE) projects through EPA's matching of early action allocation of allowances or ERCs. Benefits of CEIP participation include:
 - a. Benefits of prioritizing investment in EE: Two-to-one allowance/ERC matching when EE projects are implemented in low-income areas, low implementation costs and relatively fast implementation time.
 - b. Benefits of prioritizing investment in RE: One-to-one allowance/ERC matching, and capitalizing and expanding on existing RE infrastructure and industry in Louisiana.

The CPP is an opportunity with impacts that aim to protect Louisianans from the most devastating impacts of climate change by curbing carbon dioxide emissions - one of the major drivers of climate change. As a state that is already experiencing, and will continue to experience, the devastating effects of climate-based disasters and sea level rise, Louisiana must go above and beyond what is being required by EPA and lead the way in the transition towards renewable energy. Louisiana is defined best by its culture and its people, and has sacrificed its land and people for long enough. The negative financial, social, environmental and climate impacts of a fundamentally extractive energy economy must no longer be ignored or denied. This SIP process offers an opportunity to make positive changes for our state and for our planet. Let us use this opportunity to promote Louisiana in the booming renewable energy economy with plans to decrease our dependence on fossil fuels. And let us take this opportunity to go beyond EPA's minimum requirements to position Louisiana as a renewable energy leader and an example for energy democracy through the meaningful involvement of its most unique and cherished communities that face extinction in the wake of continued climate disruptions.

Thank you again for this first of what we hope will be many public hearings for Louisiana. We appreciate the opportunity to offer our comments and recommendations.

Sincerely,



Colette Pichon Battle, Esq.
Executive Director
Gulf Coast Center for Law & Policy