

# Comparison of State Agency Definitions of Disproportionately Impacted Community

Agency	<u>CDPHE (AQCC)</u>	<u>CDOT</u>	<u>PUC</u>	<u>CPW</u>	<u>COGCC</u>
Legislative Bill	<a href="#">HB21-1266</a>	<a href="#">SB21-260</a>	<a href="#">SB21-272</a>	<a href="#">SB21-249</a>	<a href="#">SB19-181</a>
Legal Citation	C.R.S. 24-4-109(2)(b)(II)	C.R.S. 24-38.5-302(3)(a)	C.R.S. 40-2-108(3)(d)	C.R.S. 24-4-109(2)(b)(II)	<a href="#">2 C.C.R. 404-1:100</a>
Geographic Unit	Census block group	Census block group	Census block group	Census block group	Census Block Group
Definition	<ul style="list-style-type: none"> <li>• 40% housing cost burdened (30% monthly HH income on housing)</li> <li>• 40% low-income (absolute: median HH income at or below 200% of federal poverty line)</li> <li>• 40% “minority”</li> <li>• History of environmental racism</li> <li>• Cumulative impacts</li> </ul>	<ul style="list-style-type: none"> <li>• 40% housing cost burdened</li> <li>• 40% low-income (absolute only)</li> <li>• 40% “minority”</li> </ul>	<ul style="list-style-type: none"> <li>• 40% housing cost burdened</li> <li>• 40% low-income (absolute, relative, &amp; LI energy assistance)</li> <li>• 40% “minority”</li> <li>• History of environmental racism</li> <li>• Cumulative impacts</li> </ul>	<ul style="list-style-type: none"> <li>• 40% housing cost burdened</li> <li>• 40% low-income (absolute)</li> <li>• 40% “minority”</li> <li>• History of environmental racism</li> <li>• Cumulative impacts</li> </ul>	<ul style="list-style-type: none"> <li>• 50% “minority” (using EPA definition)</li> <li>• % “minority” population &gt; county % “minority”</li> <li>• Median HH income ≤ 200% federal poverty line</li> <li>• 20% linguistically isolated</li> </ul>
Comparison with CDPHE definition	n/a	Demographic components same, but no history of environmental racism or cumulative impacts	Same, except low-income definition includes relative metric (median HH income ≤ 80% of area median income) & income qualification under DHS LI energy assistance rules	Identical to CDPHE definition (uses same definition in APA)	Includes both absolute and relative race metric with absolute metric at 50%; includes linguistic isolation instead of housing cost burden, income is 50% threshold

# Application of State Agency Definitions of Disproportionately Impacted Community

Agency	<u>CDPHE (AQCC)</u>	<u>CDOT</u>	<u>CDOT</u>	<u>PUC</u>	<u>CPW</u>	<u>COGCC</u>
Bill	<a href="#"><u>HB21-1266</u></a>	<a href="#"><u>SB21-260</u></a>	<a href="#"><u>GHG Planning Rule</u></a>	<a href="#"><u>SB21-272</u></a>	<a href="#"><u>SB21-249</u></a>	<a href="#"><u>SB19-181 (Rules)</u></a>
How Definition Applies	<ul style="list-style-type: none"> <li>• Eligibility to serve on EJAB, EJATF, and as Ombudsperson</li> <li>• Eligibility for EJAB funding</li> <li>• Area where EJATF policy recommendations apply</li> <li>• Focus area for ombudsperson complaints &amp; advice</li> <li>• Subject for EJAB, EJATF, &amp; Ombudsperson to improve community engagement</li> <li>• Area where AQCC must focus enhanced outreach</li> <li>• Area where APCD enhanced modeling &amp; monitoring for permits applies</li> <li>• APCD can reopen permits in DICs to add monitoring requirements</li> <li>• Areas where additional or earlier emissions reductions are required in GHG rulemakings for oil &amp; gas, industrial, and electric utility sector (including O&amp;G rules adopted 12/2021)</li> </ul>	<ul style="list-style-type: none"> <li>• Eligibility to serve on Clean Fleet Enterprise (CFE), Community Access Enterprise (CAE), &amp; Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME)</li> <li>• Focus areas for CAE for electric vehicle charging</li> <li>• Eligibility for CFE grants to reduce fleet emissions</li> <li>• CAE, CFE, NAAPME, &amp; Clean Transit Enterprise must engage DICs</li> <li>• Focus of new CDOT EJ &amp; Equity branch</li> <li>• Both state &amp; local gov't GHG transportation plans must address DIC impx</li> <li>• Transportation capacity projects must address PM exceedances in DIC</li> <li>• Transportation Capacity projects must engage DICs</li> </ul>	<ul style="list-style-type: none"> <li>• Must seek input from DICs &amp; translate notice for transportation planning mtgs in DICs</li> <li>• Statewide Transportation Plan must include an analysis of impx on DICs</li> <li>• CDOT &amp; local planning agencies must create framework to measure &amp; prioritize local benefits of GHG mitigation measures in DICs</li> <li>• GHG Transportation reports must describe benefits to DICs, including estimate of mitigation project spending</li> <li>• If a GHG mitigation project is delayed, canceled or change, must explain how those measures or equivalent measures can still be achieved</li> </ul>	<ul style="list-style-type: none"> <li>• PUC must adopt rules to advance equity, including minimizing burdens to &amp; prioritizing benefits to DICs</li> <li>• PUC must adopt rules identifying DICs</li> <li>• PUC must engage DICs on retail customer programs to ensure proportionate access program benefits</li> <li>• SB 272 and other 2021 legislation require consideration of issues related to DICs, such as benefits/burdens and program participation, in various types of cases.</li> </ul>	<ul style="list-style-type: none"> <li>• CPW must engage DICs when making decisions about the Keep Colorado Wild Pass</li> <li>• When conducting engagement for the Keep Colorado Wild Pass, CPW must follow the community engagement provisions that also apply to the AQCC in the EJ Act</li> </ul>	<ul style="list-style-type: none"> <li>• Oil and Gas Development Plans (OGDPs or "Permits") proposed permits in DICs have longer comment &amp; consultation period</li> <li>• OGDPs in DICs require a community outreach plan describing mitigation measures, in language spoken by at least 5% of census block group, &amp; require a public meeting in DIC</li> <li>• OGDPs w/in 2000 feet of a residence in a DIC must conduct alternative location analysis</li> <li>• OGDPs must track nearby buildings in DICs in application materials</li> <li>• OGDPs must track cumulative impacts in DICs (other nearby O&amp;G facilities &amp; other industrial activities)</li> </ul>