

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	HB21-1266	SB21-260	SB21-272	SB21-249	SB19-181
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)	2 C.C.R. 404-1:100
Geographic Unit	Census block group	Census block group	Census block group	Census block group	Census Block Group
Definition	<ul style="list-style-type: none"> • 40% housing cost burdened (30% monthly HH income on housing) • 40% low-income (absolute: median HH income at or below 200% of federal poverty line) • 40% “minority” • History of environmental racism • Cumulative impacts 	<ul style="list-style-type: none"> • 40% housing cost burdened • 40% low-income (absolute only) • 40% “minority” 	<ul style="list-style-type: none"> • 40% housing cost burdened • 40% low-income (absolute, relative, & LI energy assistance) • 40% “minority” • History of environmental racism • Cumulative impacts 	<ul style="list-style-type: none"> • 40% housing cost burdened • 40% low-income (absolute) • 40% “minority” • History of environmental racism • Cumulative impacts 	<ul style="list-style-type: none"> • 50% “minority” (using EPA definition) • % “minority” population > county % “minority” • Median HH income ≤ 200% federal poverty line • 20% linguistically isolated
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



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