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bcc

Subject Greenaction Objection and Comments on Proposed Area of Potential Effects for US Filter Westates

To: US EPA
From: Bradley Angel, Greenaction for Health and Environmental Justice

I have just received your Public Notice of the Proposed Area of Potential Effects for the US Filter Westates hazardous waste facility on the Colorado River Indian Tribes reservation. Greenaction submits these comments at the request of and on behalf of our constituents from the Colorado River Indian Tribes.

We believe that your notice is totally defective and misleading, and violates the public notice and public participation requirements that EPA should follow. We also believe this notice – and the small Proposed Area of Potential Effects – is a violation of federal trust responsibility to Native Nations, and a violation of your environmental justice and civil rights mandates.

The "Public Notice" is defective for several reasons:

1. The notice is completely vague and defective as it fails to give any necessary information whatsoever – ZERO INFORMATION - and is shockingly lacking in that regard. There is zero information about what is inside the one mile radius, and what is adjacent to that radius. How can anyone comment without that information?
2. The map is also ridiculously inadequate – and totally misleading. There is NOTHING within the circle created by EPA except a dot for the facility. Where are the homes? Where are the roads? Where are the people? Where are the offices and buildings next to Westates? Where are the agricultural fields? Where is the sacred mountain that was identified by Elders and traditional people and brought to your attention years ago? The answer is that these important issues were TOTALLY OMITTED in your Public Notice text and map. What are we supposed to comment on?!

The Proposed Area is defective as the decision-making process conducted by EPA lacked transparency and lacked adequate public input and participation.

We request the following:

1. The Public Notice should be rescinded for the above reasons,
2. The proposed Area of Potential Effects should be rescinded for the above reasons,
3. The EPA should provide information and facts about your proposed decision on the Area of Potential Effects in order to provide a legitimate and fact-based opportunity for public comment,
4. The EPA should have a new public comment period and public hearing on this issue,
5. The EPA should comply with environmental justice, trust responsibility and public participation mandates by giving information, not just conclusions.

The fact that the EPA continues to make decisions like this without facts being presented, with the concerns of tribal elders and cultural/traditional people being ignored, and without transparent public processes, is truly sad as this so-called permit process continues to drag on year after year, all while Westates is allowed to pollute the air of the Colorado River Indian Tribes and the surrounding area without proper permits. This injustice needs to stop.