Tulane Environmental Law Clinic

December 14, 2010

Via E-mail and U.S. Mail

Lisa Jackson, Administrator
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Suzanne Murray, Regional Counsel
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RE: Complaint for an EPA investigation into Title VI violations by the Louisiana Department of Environmental Quality for issues related to issuance of renewal permit, LAD 008086506-PC/HSWA-RN-1, to PPG Industries, Inc.

Dear Administrator Jackson, Mr. DeLeon, Dr. Armendariz, and Ms. Murray:

Restore Explicit Symmetry to Our Ravaged Earth (RESTORE) and the People's Advocate of Southwest Louisiana, through their attorneys and authorized representative, the Tulane Environmental Law Clinic, respectfully submit this complaint to the Office of Civil Rights of the U.S. Environmental Protection Agency (EPA) for an investigation into Title VI regulatory violations by the Louisiana Department of Environmental Quality (LDEQ). The violations at issue are methods that LDEQ has applied in Calcasieu Parish, Louisiana that result in disproportionate impacts on African-American Louisiana residents in violation of 40 C.F.R. § 7.35(b) & (c) (prohibiting, *inter alia*, a recipient of federal funding from using "criteria or methods of administering its program which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex"). These violations have culminated in LDEQ's issuance within the last 180 days of a Hazardous and Solid Waste Amendments corrective action renewal permit for PPG's Lake Charles Complex that ratifies, continues, and extends disproportionate impacts in Calcasieu Parish. This complaint is filed under 40 C.F.R. § 7.120.

LDEQ's issuance of the PPG corrective action permit is part of an ongoing practice of regulatory decisions that cause disproportionate impacts to constituents of the People's Advocate and RESTORE's members, including those who reside in or near Willow Springs, Calcasieu Parish, Louisiana, and who use and enjoy the environment of Calcasieu Parish. EPA should take this opportunity to investigate and eliminate the disproportionate impacts resulting from an infamous example of environmental injustice, that is LDEQ's ongoing failure to protect the health and welfare of African-American residents in the Lake Charles area, including Willow Springs. LDEQ's PPG corrective action permit fails to provide adequate cleanup of contamination in Calcasieu Parish, including without limitation, contamination of Bayou d'Inde.

LDEQ provided notice of its permit action on or after June 29, 2010. RESTORE intends to submit more information shortly to support its Complaint.

Respectfully submitted on December 14, 2010,

Prepared by:

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