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MARYBELLE NZEGWU
CIVIL RIGHTS FELLOW

April 5, 2007

Steve Johnson
EPA Administrator
U.S. Environmental Protection Agency
401 M. Street SW
Washington D.C., 20460

Director
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
Room 5204
451 Seventh Street SW
Washington, DC 20410-2000

To Whom It May Concern:

Enclosed please find a Title VI civil rights complaint filed on behalf of the Hillcrest Residents Association, Corpus Christi, TX.

Sincerely,


Marybelle Nzegwu

OFFICE OF THE
EXECUTIVE SECRETARY

2007 APR 16 AM 8:38

PROCESSED

CC:

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**BEFORE THE
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
and the
UNITED STATES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Hillcrest Residents Association

Complainants,

v.

City of Corpus Christi,

Respondents.

**COMPLAINT UNDER TITLE VI OF
THE CIVIL RIGHTS ACT OF 1964, 42
U.S.C. § 2000d, 40 C.F.R. Part 7 and 24
C.F.R. Part 1.**

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I. INTRODUCTION

This is a civil rights complaint by the Hillcrest Residents Association (“Association”), under Title VI of the Civil Rights Act of 1964 and its implementing regulations, alleging discrimination in the siting of Corpus Christi’s proposed new sewage treatment facility. This complaint is against the City of Corpus Christi, which owns and operates the city’s sewage treatment plants and chooses the locations of these facilities.

In 1997, Corpus Christi promised Northside residents it would close down the aging Broadway Sewage Treatment Plant by 2001 – the plant is located across the street from residents’ homes, a park and a historical cemetery – and divert the sewage flows to the Greenwood Plant across town in a sparsely populated area. The City broke that promise, with discriminatory results. Not only did it not shut down the Broadway plant in 2001 – it operates to this day – in 2006, the City chose to build a *new* sewage plant in the same neighborhood.

1 The Northside is the City's densest residential neighborhood and is where African Americans
2 were required to live by law under Corpus Christi's earlier segregation laws. Prior to its
3 decision to site a new sewage treatment plant in the Northside, the City demolished 200 units
4 of HUD housing, and closed all the schools in the neighborhood. These actions, in addition to
5 the City's failure to shut down the Broadway plant, have resulted in a thirty-percent
6 population decrease in the area. The discriminatory past land uses continue today in Corpus
7 Christi's broken promise to the residents of Hillcrest and Northside.

8 This complaint will show all four elements required to make a prima facie case of a
9 violation of Title VI under U.S. Environmental Protection Agency ("EPA") and Department
10 of Housing and Urban Development's ("HUD") implementing regulations: (1) The City's
11 action has an impact; (2) that is discriminatory on the basis of race, color or national origin;
12 (3) caused by a recipient of federal financial assistance;¹ (4) within the statute of limitations
13 period.² The City's most recent discriminatory action took place on October 10, 2006 when
14 the City Council voted to acquire property on the Northside for the site of a new sewage
15 treatment facility. This action will result in a substantial adverse effect on the Northside and
16 Hillcrest neighborhoods because it will exacerbate the effects of the many other
17 environmental stressors already operating in or near the Hillcrest and Northside
18 neighborhoods, including the existing sewage plant. The residents will not gain the promised
19 respite from the odor of sewage that already permeates their community. The impact of this
20 new plant will fall primarily on the African American and Hispanic residents of these
21 neighborhoods in violation of EPA and HUD's Title VI regulations.

22 II. THE COMPLAINANT

23 The Hillcrest Residents Association is a Texas non-profit corporation. Members are
24 residents of the Northside and Hillcrest neighborhoods located in Corpus Christi Census
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26
27 ¹ 40 C.F.R. § 7.15.

28 ² 40 C.F.R. § 7.120(b)(2).

1 Tracts 4 and 5, north of Interstate Highway 37. Membership in the Association mirrors the
2 demographics of the Northside and Hillcrest neighborhoods, which are predominantly African
3 American and Hispanic.

4 The Association's purpose is to 1) expand job and educational opportunities available
5 to the low and moderate income residents of the Hillcrest and Northside neighborhoods; 2)
6 obtain affordable housing by providing decent, safe, and sanitary housing for such residents;
7 3) engage in activities which serve such residents' needs for community and economic
8 development and community self-help, in order to help such residents achieve self-
9 sufficiency; 4) undertake community economic development, neighborhood revitalization or
10 other activities to combat community deterioration; and 5) provide and engage in other
11 activities and services that are necessary or appropriate to carry out these purposes. The
12 Association works with the Northside Committee, which meets regularly at the Northside
13 Manor Apartments,³ to help children, families, and adults develop a positive, cohesive and
14 safe community through education, personal enrichment and other activities. The Association
15 also holds tutoring activities, job fairs, family days at the art museum and assists in summer
16 camp enrollment.

17 Henry J. Williams is the Association's president. He lives in Census Tract 5 across
18 from a memorial park named after his father, Dr. H. J. Williams.⁴ The proposed Flint Hills
19 sewage plant site is located approximately 1000 feet from his residence. About two blocks
20 from his residence in the other direction is "Refinery Row" where several oil refineries and
21 chemical plants are located. The other officers of the Association are Daniel Peña, Vice
22 President; Lamont Taylor, Vice-President; Gloria McChester, Vice President; and Justine
23 Knox, Secretary.

24
25 ³ The Northside Manor Public Housing Complex is located a mere 150 feet from the
26 existing Broadway Sewage Treatment Plant. The plant's digesters are clearly visible from the
27 resident's homes and the odor of sewage hangs in the air.

28 ⁴ Dr. H. J. Williams was instrumental in the Corpus Christi Civil Rights Movement
along with Dr. H. Boyd Hall (for whom the local chapter of the NAACP is named).

1 **III. RIPENESS**

2 Corpus Christi most recently took discriminatory action on October 10, 2006 where
3 the City Council determined it a public necessity to acquire by negotiation or by exercise of
4 eminent domain a tract of land presently owned by Flint Hills Resources, LP, for the public
5 purpose and use as a sewage treatment plant and other related sewage system purposes.⁵ This
6 complaint is timely filed under 40 C.F.R. § 7.120(b)(2) and 24 C.F.R. § 1.7(b).

7 **IV. FINANCIAL ASSISTANCE**

8 The City of Corpus Christi must comply with EPA and HUD's Title VI implementing
9 regulations because the City receives substantial federal financial assistance from the EPA
10 through the Texas Clean Water Act State Revolving Fund and from HUD through a
11 Community Development Block Grant.⁶

12 **V. STATEMENT OF FACTS**

13 **A. The Northside and Hillcrest Neighborhoods**

14 The City's current action comes in the context of a long history of racist land use
15 decisions affecting African Americans and the Northside and Hillcrest neighborhoods. The
16 Northside and Hillcrest neighborhoods are located in Corpus Christi Census Tracts 4 and 5,
17 north of Interstate Highway 37. These neighborhoods are historically African American. For
18 two generations, all African Americans who lived within Corpus Christi City limits were
19 required by law to live on the Northside. The City Planning and Zoning Commission
20 restrictively zoned African Americans to the area after oil was discovered in the area and oil
21 refineries began to locate in the Northside along the Corpus Christi port. Under this
22 residential segregation by City ordinance, African Americans in Corpus Christi (except those
23 who lived in servants' quarters) were forced to live on the Northside.

24 _____
25 ⁵ Resolution No. 027021, City of Corpus Christi, Texas, Regular Council Meeting,
26 October 10, 2006.

27 ⁶ Corpus Christi's Budget for Fiscal Year 2006 includes a Community Development
28 Block Grant of \$771,700 and federal monies through the Clean Water Act State Revolving
Fund of \$7,132,000. See 40 C.F.R. § 7.15; 24 C.F.R. § 1.1.

1 Segregated HUD housing was built on the Northside. After desegregation, these units
2 remained primarily African American but saw an influx of Hispanics and other people of
3 color. One HUD property with 200 units and approximately 1,200 persons suffered constant
4 flooding problems. Claiming insufficient funds to fix the deteriorating sewer lines, the City of
5 Corpus Christi Housing Authority decided to abandon the HUD units and relocate the
6 residents. In 1998, the 200 HUD units were demolished. This prior HUD land remains
7 vacant and the City of Corpus Christi is the legal owner. Yet, immediately after the HUD
8 units were demolished, the City had sufficient funds to build a new baseball stadium just
9 outside the neighborhood. The displacement of 200 families caused a significant decline in
10 enrollment in the neighborhood schools. Census data shows a thirty percent drop in the
11 population of Census Tracts 4 and 5 -- from 4,897 to 3,453 -- between 1990 and 2000.

12 The Northside neighborhood was originally a vibrant community with three schools.
13 All three have been closed. Charles W. Crossley and Booker T. Washington were closed first.
14 The last remaining school, Solomon Coles, was closed in 2005.

15 The total population of the Northside (counting only the Block Groups north of
16 Interstate 37, which are directly impacted by the City's action) is 3,032. Fifty-one percent of
17 residents are African American, forty-two percent are Hispanic and only five percent are
18 White. City of Corpus Christi Census 2000 population maps indicate that Census Tract 5
19 (including blocks south of Interstate 37) has the City's second highest population density.
20 Census Tract 4, including the blocks south of Interstate 37, has the City's third highest
21 population density. The Block Group in Census Tract 5 that is closest to the Flint Hills site
22 has a total population of 1,375 with 50.3% African American, 43.9% Hispanic and 4.3%
23 White. Census Tracts 4 and 5 have a higher percentage of minority residents than any other
24 census tracts in Corpus Christi. These tracts also have the highest percentage of people below
25 the poverty level.

26 Today, at least 16 refineries and other polluting industries are located on "Refinery
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1 Row," the port area immediately adjacent to the Hillcrest neighborhood.⁷ Many industries on
2 Refinery Row have repeatedly violated environmental laws by releasing unauthorized
3 emissions.⁸ These violators have installed air monitoring networks which have detected high
4 benzene levels (and the presence of other pollutants) along Refinery Row and in the Hillcrest
5 and Northside neighborhoods.⁹ Further, the neighborhood is marred by the remaining
6 foundation slabs of the demolished public housing units, and an abandoned Regional Transit
7 Authority maintenance yard (an entire block of solid concrete) that has remained vacant for
8 years because it requires remediation.

9 **B. Siting of Sewage Facilities in Corpus Christi**

10 The Hillcrest neighborhood is located in the Northside, adjacent to the site of the
11 proposed new sewage treatment plant. The existing plant, the Broadway Sewage Treatment
12 Plant is also on the Northside, located adjacent to the Washington Coles neighborhood. The
13 Broadway sewage treatment plant was first constructed in 1936 and became operational in
14 1938. Today, the plant serves the downtown and North Beach areas of the City. It serves a
15 total area of over 15,000 acres. Broadway was Corpus Christi's first sewage treatment plant.
16 It originally treated all of the City's sewage. Despite miles of vacant land around the small
17 town of Corpus Christi, the City built the sewage plant in Census Tract 4, by law, the only
18 area in the city where African Americans could live under the City's restrictive zoning.

19 The other plants owned and operated by Corpus Christi are:

20 Oso Treatment Plant: The largest of the six plants which the City owns, it serves the
21 Southside of the City where over 50% of the population lives. Located near the Texas A&M
22 University Campus, it was completed in 1941.

24 ⁷ Some of these include Valero Refineries East and West, Bill Greehy Refineries East
25 and West, Flint Hills Resources, LP Refinery, Javelina Refinery and CITGO.

26 ⁸ Suzie Canales, Citizens for Environmental Justice, *Supplemental Environmental*
27 *Projects: The Most Affected Communities are not Receiving Satisfactory Benefits* (June 2006)
at 3.

28 ⁹ *Id.* at 6.

1 Greenwood Treatment Plant: Located at the intersection of Saratoga Boulevard and
2 Greenwood Drive. The original construction commenced in 1957 and was completed in 1959.
3 This plant serves the International Airport and about 6,000 acres of the City's Westside. The
4 plant sits on 90 acres of land and only 16 are being used. The area is relatively undeveloped
5 and is located very close to the City's landfill where treated waste is presently hauled from the
6 Broadway Plant.

7 Allison Treatment Plant: Serves the Northwest side of the City and is located close to
8 the Nueces River. The plant became operational in 1966.

9 Laguna Madre Treatment Plant: This plant serves the Flour Bluff area and was
10 constructed in 1971.

11 Whitecap Treatment Plant: Serves the North Padre Island area. Constructed in 1974.

12 In 1995, the Broadway plant was in disrepair and continuously violating
13 environmental standards. There were virtually no odor controls and the stench of sewage
14 constantly enveloped the Northside neighborhood. The aging plant was unable to handle the
15 inflow from deteriorating sewer pipelines. The City ignored complaints by residents until
16 1995 when the City authorized \$237,000 in improvements to the plant.

17 Then, in 1996 the City commissioned an engineering study to determine if the
18 Broadway plant could be closed and the sewage transferred to another plant. The study
19 determined that diverting to the Greenwood plant was the most feasible plan and would save
20 the city some \$900,000 a year in operation and maintenance costs by reducing the number of
21 sewage treatment plants from 6 to 5. The initial projected cost of the diversion was \$6
22 million. The study also considered whether a new plant should be built on the Southside
23 because the area was expected to grow with major commercial activity and upper income
24 residential development. The study again concluded that the City's best option would be to
25 expand the *Greenwood* plant and divert additional flows there.

26 On March 18, 1997, the Corpus Christi City Council unanimously adopted a resolution
27 to divert sewage flows from the Broadway plant to the Greenwood plant located in
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1 South/Southwest Corpus Christi, in a sparsely populated area.¹⁰ The Broadway plant would
2 be closed by 2001. City staff were directed to implement the diversion plan without delay.
3 On August 18, 1998, the City passed a motion authorizing the execution of a contract for
4 engineering services for the diversion to Greenwood.

5 **C. The City's Duplicity**

6 In May 2000, without the City Council passing a new resolution or otherwise taking
7 any public action, City staff began considering the option of building a new sewage treatment
8 plant on the Northside. On November 28, 2000 City staff formally sought engineering
9 services to provide a task list for building a new plant on the Northside.¹¹

10 In March 2001, four years after the original Council vote to divert the Broadway
11 sewage to Greenwood and out of the Northside, and the year the Broadway Plant was
12 originally scheduled to be closed, air sampling of the air near the Broadway plant detected (1)
13 mercaptans, (2) sulfur dioxide, and (3) hydrogen sulfide releases exceeding permissible odor
14 thresholds. At that time, city staff were projecting the cost to divert the flows to Greenwood
15 at \$22 million. (The cost to build a new plant, regardless of where located, would be at least
16 \$37.5 million.) The city used funds originally planned for the diversion project to purchase
17 equipment to disperse a mist of odor-neutralizing chemicals around the Broadway plant to
18 reduce the offensive odors coming from the aerobic digester. The City took immediate action
19 to neutralize odor only because a developer wanted to build an amphitheater in the immediate
20 vicinity of the plant and did not want the smell to cut attendance and thus profits. The City did
21 not shut down the Broadway plant as promised, but moved ahead with plans for the new
22 sewage plant.

23
24 ¹⁰ Corpus Christi City Council, March 18, 1997. "Motion approving the
25 Oso/Greenwood Service Areas Sewage Facilities Implementation Plan (1997) and adopting
26 Alternative No. 2, including the diversion of Plant flows to the Greenwood Plant, as the plan
of action to provide sufficient and cost-effective treatment facilities through the year 2005."

27 ¹¹ The City, however, chose *not* to build a new plant on the Southside. It has already
28 built the force mains and lift stations and is in the process of expanding the Greenwood plant
for the Southside flows.

1 Northside residents were not told of the City's new decision to build a new plant in
2 their neighborhood. Council Agenda Items indicated to the public that the City was still
3 actively in the process of considering and implementing the original plan to divert the
4 Broadway flows to the Greenwood plant. Through the use of "Presentation Items" – public
5 comment is not allowed on Presentation Items – that misleadingly indicated that the City was
6 working on the Diversion project, over the course of 2001, City staff presented to the Council
7 their recommendation that a new plant be built on the Northside.¹² The Hillcrest residents
8 never had any indication that the City's plan had changed and were denied the opportunity to
9 comment or participate in the decision-making process. The Council took no formal action on
10 the staff's recommendations, but on January 29, 2002, the Council reached a consensus to
11 allow staff to proceed with the option of constructing a new sewage treatment plant on the
12 Northside.¹³ Thus, the Council completely abandoned the diversion to the Greenwood Plant
13 without formally vacating the March 18, 1997 action approving the diversion.

14 Over the next four years, the City had difficulty locating a suitable site for the new
15 treatment plant on the Northside.

16 In June 2005, Mr. Williams, President of the Hillcrest Association, was first informed
17 by the City Manager that the City would build a new treatment plant on the Northside. The
18 two sites under consideration were adjacent to the Hillcrest neighborhood: one owned by
19 CITGO and the other by Flint Hills Resources, LP. The residents protested vigorously and
20 the City consented to consider additional sites.

21 During the City's three-month review of other sites, 11 additional sites were
22 considered. Of the total 13 sites under consideration, eight sites were in the Northside, in

23
24 ¹² For example: on May 15, 2001, the posted agenda identified "Presentation Item 16:
25 Status Broadway Wastewater Treatment Plant Diversion." On September 18, 2001,
26 "Presentation Item 25: Broadway Wastewater Treatment Plant Diversion Project." On October
27 30, 2001, "Consent Item 5: Motion authorizing [execution of] engineering services contracts .
28 .. for the . . . Diversion to Greenwood/Nueces Delta."

¹³ January 29, 2002, "Presentation Item 12: Update on Broadway Wastewater
Treatment Plant Diversion Project."

1 neighborhoods.¹⁵ Both EPA and HUD's implementing regulations prohibit recipients from
2 making decisions which have the *effect* of subjecting individuals to discrimination because of
3 their race, color or national origin.¹⁶ Corpus Christi's duty to comply with Title VI is not
4 limited to only those programs that are funded by EPA and HUD. "Program or activity" is
5 defined as "all the operations of" a department, agency, special purpose district or other
6 instrumentality of a State or of a local government.¹⁷ Corpus Christi's City Council is a
7 program or activity under the Act and thus, all City decisions must comply with the
8 requirements of Title VI.

9 EPA's regulations provide that an EPA aid recipient "shall not use criteria or methods
10 of administering its program which have the effect of subjecting individuals to discrimination
11 because of their race, color, national origin or sex."¹⁸ Further, EPA regulations specifically
12 prohibit a recipient from siting of facilities in a discriminatory manner:

13 A recipient shall not choose a site or location of a facility that has the purpose or effect
14 of excluding individuals from, denying them the benefits of, or subjecting them to
15 discrimination under any program to which this part applies on the grounds of race,
color, or national origin or sex; or with the purpose or effect of defeating or
substantially impairing the accomplishment of the objectives of this part.¹⁹

16 Further, the City's October 10, 2006 decision to site a new sewage plant in the Northside
17 violates the City's statutory and regulatory duty to administer all programs and activities
18 related to housing and community development in a manner which affirmatively furthers fair
19 housing.²⁰ The City's action exacerbates existing adverse environmental and social impacts in

21 ¹⁵ EPA's regulations can be found at 40 C.F.R. Part 7. HUD's regulations are located
22 at 24 C.F.R. Part 1.

23 ¹⁶ 40 C.F.R. § 7.35(b), 40 C.F.R. § 7.35(c); 24 C.F.R. § 1.4(a), 24 C.F.R. §
24 1.4(b)(2)(i), 24 C.F.R. § 1.4(b)(5).

25 ¹⁷ 42 U.S.C. § 2000d-4a (1997).

26 ¹⁸ 40 C.F.R. § 7.35(b).

27 ¹⁹ 40 C.F.R. § 7.35(c).

28 ²⁰ 42 U.S.C. § 5304 (b)(2); 24 C.F.R. § 570.601.

1 the Northside neighborhood and creates a substantial adverse impact on the community.

2 All four elements required to make a prima facie case of a Title VI violations under the
3 implementing regulations are met here: (1) There is an impact (2) that is discriminatory (3)
4 caused by a recipient of federal financial assistance (4) within the statute of limitations. The
5 City's most recent action took place on October 10, 2006 when the City Council voted to
6 acquire a parcel owned by Flint Hills Resources, LP for the site of a new sewage treatment
7 facility. This action has a substantial adverse effect on the Northside and Hillcrest
8 neighborhoods. Siting yet another sewage plant in the Northside will exacerbate the effects
9 of the plants already operating in or near Hillcrest and the Northside. The impact of this new
10 plant will fall on the African American and Hispanic residents of these neighborhoods.

11 **A. The New Plant Will Have Significant Adverse Impacts**

12 **1. The Physical and Health Impacts are Significant.**

13 The new plant will not have sufficient odor control. EPA studies indicate that during
14 34% of the year, winds come from a quadrant that ranges from due east to the northwest,
15 bringing odor directly into the neighborhood. Further, during an additional 3% of the year, the
16 winds are calm. Thus, for an expected 135 days out of a year, the odor of sewage will blow or
17 waft through the Northside neighborhoods.

18 Sulfur dioxide emissions from the proposed plant will cause increased respiratory
19 irritation and will exacerbate asthma. Sulfur dioxide is also a suspected cardiovascular
20 toxicant, liver toxicant and neurotoxicant. The health impacts of these emissions combined
21 with the existing emissions of particulate matter, benzene, toluene and 1,3 butadiene from
22 nearby refineries will have a significant cumulative impact on the health of Northside
23 residents.

24 The nearby ship channel to which the effluent will flow is a potentially threatened
25 ecological receptor. The ship channel extends to Corpus Christi Bay. The site of the new
26 plant is a 16.8 acre tract of land currently owned by Flint Hills Resources, LP. The site has
27 been used for above-ground bulk storage of petroleum products since at least 1956. Five
28 existing groundwater monitoring wells are present on the property. They were installed as

1 part of a 1992 Agreed Order with the Texas Commission on Environmental Quality. The site
2 is contaminated. Testing reveals that the groundwater has been impacted by the petroleum
3 hydrocarbon constituent MTBE. At least one organic chemical of concern ("COC") was
4 detected in each of eight soil samples taken in 2005. At least one organic COC was detected
5 in each of six groundwater samples taken in 2005. Lead, arsenic, barium, and mercury may
6 be present as a result of past releases. Construction activities will likely result in additional
7 contamination being unearthed and discovered. The lateral extent of the contamination has
8 not been tested.

9 The site is located at eight feet above sea level. The 100 year flood plain is at 28.7 feet
10 above sea level. A majority of the site floods in peak weather conditions and at present a large
11 portion of the site is covered by standing flood waters. Storm water runoff from the plant will
12 affect the Northside neighborhoods. Further, construction on the contaminated site may pose
13 health risks to the workers and surrounding community because of exposure to contaminated
14 dust and groundwater. Surface flow of storm water from concrete formations may send
15 contaminated soil into the neighborhoods, especially since the lateral extent of the
16 contamination has not been determined.

17 **2. The Cultural Impacts are Significant**

18 The City's decision to build the new plant in the Northside has a significant cultural
19 impact. Since the Broadway Plant was not shut down in 2001 as promised, the odor
20 continually permeates the neighborhood. This has led to a further decline in population. In
21 2005, the lone remaining neighborhood school, a historical African American school named
22 after Solomon Coles, the first Black educator in Corpus Christi, was closed. Property values
23 have suffered severely. At one time, 19 predominantly African American churches were
24 located on the Northside. Now, only a few remain but parishioners who moved away still
25 return for Sunday service. Northside and Hillcrest residents cling to their neighborhood
26 because of its history. Buffalo Soldiers are laid to rest here. The Civil Rights struggle was
27 fought here. A memorial park is named after Mr. Williams' (President of the Association)
28 father. To the residents, the City's decision to locate a new sewage plant in their

1 neighborhood indicates that the City is willing to allow the neighborhood to simply die out,
2 and the building of the new plant furthers that goal.

3 The siting of the new sewage plant is evidence of the City's disdain and neglect of the
4 neighborhood residents' concerns. Fewer and fewer federal, state and local dollars are being
5 spent on the residents while more money is being spent on nearby arenas and ballparks. The
6 Broadway plant is being relocated away from those developments, but it remains in the
7 Northside neighborhood.

8 **B. The New Plant's Impacts are Disproportionate.**

9 Census data shows that the areas immediately surrounding the proposed facility
10 contain a disproportionately high number of people of color. While the total African
11 American population of Corpus Christi is 4.67%, the African American population in the
12 Northside neighborhood is 51.5%. Siting the sewage treatment plant *a mere 700 ft* from
13 residences in the Hillcrest neighborhood has a disproportionate impact on the predominantly
14 African American and Hispanic population of the Northside. The Census Tracts 4 and 5,
15 where the existing plant is located and the new plant is proposed to be located, together
16 comprise 12.5% of the city's African American population. No other two census tracts
17 combined contain more than 3 - 4% of the African American population. Census Tracts 4 and
18 5 also have poverty rates of over 57%. No other two census tracts combined in Corpus Christi
19 have poverty rates as great.

20 In addition, the Hillcrest neighborhood already bears the impact of the high number of
21 refineries located in the area known as Refinery Row, which is immediately adjacent to the
22 Hillcrest neighborhood. Corpus Christi was ranked number 1 in Texas for emissions of the
23 carcinogen benzene in 2002 and 2004. The confluence of so many environmental stressors in
24 the Northside neighborhoods increases the disproportionate impact of an additional new
25 sewage treatment plant in the neighborhood.

26 **C. There are Less Discriminatory Alternatives**

27 A comparison of costs between diversion to Greenwood or a new Flint Hills site
28 (based on data provided to the City) reveals that a Broadway diversion to Greenwood would

1 have cost approximately \$57,398,000 if constructed in 2002 while a Broadway diversion to
2 Flint Hills today would cost \$71,420,471.

3 Diversion to Greenwood is still feasible today. The City is already in the process of
4 expanding Greenwood to accommodate additional sewage from the Southside. Furthermore,
5 there are other feasible sites for a new sewage plant that are located across the ship channel
6 and between 1 to 2 miles away from the nearest residences.

7 **VII. REMEDIES**

8 Under EPA and HUD regulations, EPA and HUD may use any means authorized by
9 law to obtain compliance with Title VI.²¹ EPA regulations require a recipient who has
10 previously discriminated on the basis of race to take affirmative action to provide remedies to
11 those who have been injured by the discrimination.²² HUD regulations also require any
12 recipient of HUD assistance to take affirmative action to overcome the effects of prior
13 discriminatory conditions.²³

14 In order to provide effective remedies for the discrimination set forth in this
15 Complaint, both the EPA and HUD should require as a condition of continuing to provide
16 federal financial assistance to the City of Corpus Christi that the City:

17 (1) Reverse its October 2006 decision to acquire the property currently owned by Flint
18 Hills for the purpose of constructing a sewage treatment facility, and

19 (2) Consider less discriminatory alternatives for the site of its new sewage treatment
20 facility. The City could consider alternative sites that are across the ship channel or re-adopt
21 its original plan to divert the Broadway flows to Greenwood.

22 (3) Require the City to include residents of Hillcrest and the Northside in any decision-
23 making processes that affect their neighborhood.

24 (4) Sue to compel compliance with the law, to the extent that imposition of the

25 ²¹ 40 C.F.R. § 7.130(a); 24 C.F.R. § 1.8(a).

26 ²² 40 C.F.R. § 7.35(a)(7).

27 ²³ 24 C.F.R. § 1.4(6)(ii).

1 foregoing remedies proves in any way to be ineffectual.

2 (5) Provide complainants with copies of all correspondence to or from Corpus Christi
3 throughout the course of the investigation, deliberation and disposition of this Complaint.


4 **VIII. CONCLUSION**

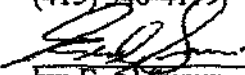
5 Corpus Christi's decision of October 10, 2006 to acquire the Flint Hills property for
6 use as a sewage treatment facility has a disparate impact on the African American and
7 Hispanic residents of the Northside. This is a violation of EPA and HUD's Title VI
8 regulations. As this Complaint makes clear, residents of Corpus Christi's Northside are being
9 forced to continue to live next door to the sewage treatment plants that serve the entire
10 downtown area.

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12 DATE: April 5, 2007

Respectfully submitted,

HILLCREST RESIDENTS ASSOCIATION

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