

Director of the Office of Civil Rights
U.S. Environmental Protection Agency
Mail code 1201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

April 11, 2016

Concerned Citizens of Carbondale
Carbondale Racial Justice Coalition
Post office Box 2201
Carbondale, IL 62902

**FOR INTERNAL USE ONLY
DO NOT DISTRIBUTE
CONFIDENTIAL**

We are writing to file a complaint to the Office of Civil Rights of the USEPA regarding what we believe is a longstanding environmental civil rights violation due to the disproportional health and safety impact of a site currently under EPA oversight in our city. This site, the former Koppers Wood Treatment Plant in Carbondale Illinois, has been designated an RCRA Corrective Action Site. The violation we allege pertains to the USEPA designation and pursuant cleanup of a contaminated site adjacent to and upwind of a residential district populated almost entirely by African Americans. We write your office today with questions about whether the kinds of corrective measures the USEPA has taken have been as aggressive or thorough as they would have been if the contaminated site was situated next to a neighborhood defined by a different demographic.

We are Concerned Citizens, a grassroots organization that studies and highlights local histories, laws, conditions and regulations pertaining to issues of welfare and justice of African Americans in Carbondale. Along with a younger organization, the Racial Justice Coalition, we advocate for and represent Carbondale's African American community regarding issues of discrimination and civil rights. As we draft this letter to the Office of Civil Rights of the USEPA, we are aware of that the US Commission on Civil Rights is already investigating your offices due to alleged unevenness in enforcement of pollution regulations. This serious allegation implies that the EPA has no effective oversight to ensure that clean up and toxin evaluation standards are evenhanded, regardless of the racial or economic constituency of those most impacted. This echoes exactly the suspicions we have harbored in our conversations with the District 5 EPA inspectors who have been evaluating the cleanup at Koppers/Beazer East. We, like the communities represented in the US Commission on Civil Rights' challenge to your office, already bear a burden of historic discrimination and systemic poverty. We depend upon your office and the USEPA to be fair, by ensuring that we are not also exposed disproportionately to industrial contaminations in the form of toxins, epigenetically active compounds and residual pollution.

In Carbondale, Illinois, the Koppers plant was extant prior to the expansion of a residential neighborhood at its south end. This neighborhood grew as a result of Jim Crow housing discrimination,

APR 18 2016

formal and informal, that relegated African Americans to settle in this area of town, and not any other. To this day, the population in this neighborhood is largely poor and African American. We believe there may be discrimination in the testing and cleanup oversight at the former Koppers Wood Treatment site because the toxins and derivative compounds saturating the ground here disproportionately affect the black and brown people of this community. This population was historically impacted by Koppers's creosote in terms of health outcomes, and today, in the clean up phase has the most to lose or to benefit, depending upon the long-term outcome of this site. We ask if as much is being done as is possible to ensure the area is contaminant free, or if this is being treated as a sacrifice zone.

Following is our roster of concerns and questions, along with suggestions as to what kinds of amends or studies we feel could begin to address the historic and present discrimination in the form of environmental civil rights injustice.

- Health studies/Cancer survey/health outcomes surveys never conducted in this neighborhood
For the past decade, we have monitored the EPA's cleanup process at the former Koppers Wood Treatment Plant site. For just as long, we have advocated for specific measures to identify the health risks and damage this facility has posed to the community in the past, and today, in the form of epigenetic damage to the population, cancer deaths, and ongoing toxic contamination flow from the movement of sub-surface and surface water off the property and into local yards and creeks. Our calls for these studies have fallen on deaf ears. Related to this are people in the community who are aware of patterns of particular cancers; we believe there should be collection of such data that could be used as evidence and for community education.

- Possible discrimination: No offsite testing

In Gainesville, FL, site of another Koppers plant, the EPA sampling included taking dust samples inside homes and offsite soil and water sampling. In Carbondale, there is a high potential for dust contaminated with dioxin or other chemicals to leave the property in the air or for contaminants to enter the ground water or the creeks running through the property. Neighbors of the Beazer East property have repeatedly requested testing of their groundwater or wells over a period of years. Why does the EPA insist they do not need to test offsite? If the neighborhood nearby was demographically Caucasian or the property values were higher, would offsite testing have been done?

- Possible discrimination in evaluation of scientific data/testing methods

During the recent period when the Brightfield Corp was conducting a financial assessment of the Koppers/Beazer East property as part of their solar power proposal, we had new surge of debate about the property. Given that the follow up on the above questions has been weak, nearby residents preferred there be no new development on the site.

When confronted with the question of developing the contaminated land for solar power, the EPAs testing results played a role in assuring the city it could accommodate Brightfield's business proposal to convert the land to a solar field, despite the acknowledgement the land is still laden with toxins. The EPA officials present at community meetings in April and July, 2014 patronized those people from the Northeast side of town who challenged the development plans and, and only reluctantly, agreed to do more tests and to present them to a community meeting in the late spring,

2015 which has not occurred with no word. In the wake of Flint Michigan, the silence of our EPA district office is unnerving.

At the community meeting on February 23, 2015, EPA district office representatives also agreed to share information with (b) (6) - Privacy a senior soil scientist and microbiologist who, after reviewing the EPA research, had very specific questions about the testing methods used around the Kopper's/Beazer East property. On May 13, 2015, (b) (6) - Privacy sent a letter to the EPA with further comments and questions about the testing methods and locations around the property that had been tested. (b) (6) - Privacy letter outlined limitations of the testing methods and asked for further explanation. He also suggested ways to expand the testing so as to give a degree of certainty to potentially affected citizens. As of this date, (b) (6) - Privacy still has not had a response from the EPA.

- Discrimination by EPA for not responding to legitimate concerns of the community.

The above interactions have led to a sense that the EPA responds to other factors besides the legitimate concerns of those who live within the contaminated community. The current US Commission on Civil Rights investigation, and other current situations especially in District Five reinforce this assumption. We wonder if this neighborhood was white or if it was located in a city with a larger population, would there be a different kind of response to citizen concerns?

- Possible discrimination in designation categories.

We would like to know whether contamination designation categories have a bearing on the remedies that are available to a cleanup. Many of the other former creosote facilities such as and including other Koppers in the identical industry- have been designated Superfund sites. Why not this one? Koppers Carbondale was, at one time, one of the largest facilities of its kind in the world. Does a Superfund site mean there are more resources or recourses available to the community as part of the cleanup process? If this neighborhood had been white, or less rural, would there have been a more tenacious cleanup? Why does the clean up in this location not consist of known bioremediation strategies that have been used and worked in other sites such as Oroville, Ca? If this neighborhood was not primarily African American, would there have been a more meticulous health study or expanded access to health care?

The Concerned Citizens of Carbondale wants to know if the EPA is doing the maximum that can be done for this site and for the people who have been impacted by the toxic brews in the soil and air in the northeast side of Carbondale. We suspect the standards were lowered because the location is rural, and that inquiry has not been rigorous because the nearest, most intimate population that is impacted are people color. We want to know if a different designation would have expanded access to health care and testing for the population, and allow an investigation into epigenetic disorders. As we allude to above when we mention Flint, each week uncovers new stories of how civil rights mandates are not being upheld fairly when it comes to the injustice of being subject to environmental contamination. We ask for a review of this case by your Civil Rights office, and for an investigation into the questions we have posed.

Yours truly,
Sarah Lewison
For Concerned Citizens of Carbondale

Command (1770343)
Per BY 2201
Columbiana, IL
62902



APR 26 2009



Director of the Office of Civil Rights
MS EPA
Municode 1201A
1200 Pennsylvania Ave NW
Washington, D.C. 20460
20460