

From: [Gillman, Rebecca](#)
To: [Harrison, Brenda](#)
Subject: FW: Environmental Justice complaint against the City of Malden regarding Roosevelt Park
Date: Tuesday, January 17, 2023 8:43:34 AM
Attachments: [City of Malden response to HUD objections filed with new ERR.docx](#)
[Adjacent Neighbors opposition petition page 2.jpg](#)
[Adjacent Neighbors opposition petition.jpg](#)
[HUD Objection letter.docx](#)
[City of Malden Community Resilience Building Workshop 04_23_20.pdf](#)

Hi Ms. Brenda,

Please see the below thread with the original City of Malden complaint.

Thank you!
Rebecca

From: Hoang, Anhthu <Hoang.Anhthu@epa.gov>
Sent: Thursday, December 15, 2022 1:15 PM
To: Gillman, Rebecca <Gillman.Rebecca@epa.gov>; Sweeney, Alfred <Sweeney.Alfred@epa.gov>
Subject: FW: Environmental Justice complaint against the City of Malden regarding Roosevelt Park

Hi Al and Rebecca.

Hope you're well. Please see the forwarded email, I'm going to be setting up a meeting with [REDACTED] [REDACTED] for clarification regarding her message. I'm going to include you on that invitation, because she raises concerns that may involve HUD assets and public health concerns.

Rebecca, please read through the documents she attached and draft a one-paragraph summary of the issues: one for EPA concerns and another for HUD. I'm also going to try to get someone from Region 1 to be on the phone with us. Please let me know if you have any questions. Thanks.

From: Temple, Kurt <Temple.Kurt@epa.gov>
Sent: Wednesday, December 14, 2022 11:42 AM
To: Hoang, Anhthu <Hoang.Anhthu@epa.gov>; Vong, Suong <Vong.Suong@epa.gov>
Cc: Harrison, Brenda <Harrison.Brenda@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: FW: Environmental Justice complaint against the City of Malden regarding Roosevelt Park

This email came to me directly, not through the T6 mailbox. Not sure of the context or whether it is a new complaint or related to something we are currently dealing with.

-Kurt

From: (b)(6) Privacy, (b)(7)(C) Enf. Privacy [REDACTED]
Sent: Wednesday, December 14, 2022 11:20 AM
To: usama.environmental@usdoj.com; esf.hotline@mass.gov; Temple, Kurt <Temple.Kurt@epa.gov>; Norcross, Jeffrey <Norcross.Jeffrey@epa.gov>; Environmental-Justice <Environmental-Justice@epa.gov>; Abigail.Taylor@state.ma.us

Subject: Environmental Justice complaint against the City of Malden regarding Roosevelt Park

Dear Environmental Strike Force, Environmental Justice representatives from the EPA and the Department of Justice,

I wish to file a complaint against the City of Malden who has received federal funds Section 108 loan from HUD. My name is (b)(6) Privacy, (b)(7)(C) Enf. Privacy. My home is adjacent to Roosevelt Park. My neighborhood is currently under the weight of significant environmental burden by decisions made by the City of Malden both past and present. When you look at the scale of environmental justice for our community, we have many environmental hazards and few environmental benefits. The City of Malden has deemed it an opportunity cost that our community be burdened with an additional environmental hazard, rising daytime heat temperatures and slowing cooling temperatures at night, additional environmental risk to the elderly residents and other at-risk residents in our community and loss of our last significant environmental benefit of the living grass multi acre Roosevelt Park and mature tree canopy so that there will be more playing time for sports organizations.

As a Malden resident and an adjacent neighbor to Roosevelt Park, I object to Section 108 federal funds being used to carryout the improvements to Roosevelt Park on the basis of objection that the City of Malden and Mayor Christenson , have failed to address and did not meet the protocols of Environmental Justice as defined by § 58.5 Related Federal laws and authorities. Environmental justice. Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 ([59 FR 7629](#)), [3 CFR](#), 1994 Comp. p. 859.

Environmental Justice

Mayor Christenson and the City of Malden, left the Environmental Justice portion of the Environmental Review Report entirely blank in their submission to request Section 108 federal funds. In so doing, the City of Malden failed to address the Environmental Justice aspect of this project altogether.

Neglecting to acknowledge the connected elementary school students as main/primary stakeholders in the Roosevelt Park Improvement Project. The (b)(6) Privacy, (b)(7)(C) Enf. Pri School which is adjacent to Roosevelt Pak, houses Malden's English Language Learners program, in which 73% of students do not speak English as their first language.

- Neglecting the inclusion of key stakeholders, the adjacent neighbors of the park and the (b)(6) Privacy, (b)(7)(C) Enf. Pri School community during the design and planning stages due to possible language discriminatory practices by providing almost all materials advertising open comment periods, public hearings, and projects updates solely in English with a note to have non-English speakers translate the documents themselves.
- Neglecting to sufficiently notify the key stakeholders, the adjacent neighbors and (b)(6) Privacy, (b)(7)(C) Enf. Pri School community, of the active, lead contamination discovered in the soil at Roosevelt Park, which is the daily playground for K-8 students, including a tot lot and play area for neighborhood children. The city sent only one notice in 2019 to (b)(6) Privacy, (b)(7)(C) Enf. Pri families and neighbors related to the lead contamination. This notice was written in

English with instructions to have the non-English speakers translate the documents themselves.

- Neglecting the impact of adding another heat island (environmental hazard) to an urban neighbor which is already under the weight of an imbalance environmental justice scale. There are four multi acre turf fields that current exist within walking distance of Roosevelt Park. The City of Malden imbalances the environmental justice scale further by choosing to remove the last environmental benefit from precinct 5-1, where Roosevelt Park is located, which is the multi acre living grass park, Roosevelt Park. The mayor of Malden calls it an opportunity cost he is prepared to incur.
- Neglecting the City of Malden Community Resilience Building Workshop Finding Report (attached to this email) prepared for the City of Malden by [REDACTED] [REDACTED] The report called for Roosevelt Park to remain grass in order to mitigate flood and heat island effects caused by climate change consequences. The City of Malden had access to this report and chose not to use findings from it which discuss the effects of climate change and vulnerabilities due to flooding and heat island effects.
- Neglecting significant community opposition (attached a adjacent neighbors signature sheet opposing the project) to the project in its current state due to environmental racism, including environmental risk of flooding and heat island effect increases, the loss of important multi acre living grass space for this low income neighborhood and school community. Roosevelt Park is located in the lowest income tract from recent 2020 U.S. Census information for the city of Malden.
- Neglecting the proposal by the community for a living grass park renovation and full removal of all lead down to a depth of 3 feet with the assistance of UMASS Toxic Use Reduction Institute and the National Grass Advisory.
- Neglecting input for this park renovation while doing extensive outreach for four other park renovations in other parts of the community which will all be living grass park renovations and will all have sports activities played on them.

Insufficient Public Outreach and Notification

Notice sent to parents on lead contamination wasn't translated. A second translated notice to families only referenced the plan to remediate "historic fill" with no mention of the specific lead contamination in the soil. This plan remains in draft format and is only provided to readers in English.

Adjacent neighbors and [REDACTED] School community were not invited to participate in the design and planning stages of the park renovation.

Public meeting announcements to reveal the proposed Roosevelt Park renovations and notify [REDACTED] School community about the lead contamination were not translated.

The City of Malden's proposes to remove one area with "unacceptable levels of lead and other heavy metals" while leaving the other lead contamination in place and capping it.

The Roosevelt Park Improvement Project does not account for or include plans for full decontamination of Roosevelt Park from either lead or "historic/urban fill" contaminants completely. This is a park that young children play on every day both in the [REDACTED] School but also the adjacent neighbors and sports organizations.

The current Community Preservation Committee requested city officials to change the direction of the project by removing “all” contaminated soil to a depth of 3 feet and replacing the surface with living grass.

MA DEP PIP report answers questions about seeking Brownfield Grants to remove contamination and historic fill. The City did not pursue those grants to remove the contaminated soil. The Commonwealth has a new portal for various grant programs. Through the so-called “One Stop”, municipalities can apply for various grants including brownfields clean-up. Expressions of interest to determine eligibility were due before April 2, 2021. If an applicant is invited to submit an application, successful applicants would be awarded grants in the Fall of 2021. Maximum awarded is \$250,000 with a 20 % match (MA DEP PIP Report).

FLOOD ZONE PROXIMITY

Surrounding neighborhood is also subject to flooding due to being in a flood zone but the scope of the project did not include a flood impact study for the adjacent neighbors and the [REDACTED] School community. City of Malden Community Resilience Building Workshop Findings Report compiled by [REDACTED] an independent third party environmental consulting group, talks about Roosevelt Park on multiple occasions in its findings report. It identifies Roosevelt Park as a key asset for the local neighborhood as a flood mitigator and heat island mitigator. The report also identifies natural solutions for the maintenance and improvements to Roosevelt Park including a living grass field and mature tree canopy. I have attached the report to this email for your review.

City of Malden’s view of flooding concerns at Roosevelt Park and the adjacent neighborhood

Section 108 Loan Application Appendix B Q and A: “The City believes that the risk of damage to the field resulting from flooding is limited and, after weighing the considerable benefits of the synthetic turf against the likelihood of flood damage, the City accepts that risk”

CLIMATE VULNERABILITY

This project will add an additional heat island to this congested urban neighborhood sandwiching it between two multi acre artificial turf fields and possibly subjecting it to increased flooding. In addition to the multi acre artificial turf field direct behind the adjacent neighbors, there are currently 3 multi acre artificial turf fields within walking distance of Roosevelt Park.

Please review the City of Malden’s Community Resilience Building Workshop with findings by [REDACTED] for its assessment of climate change and its impact on Malden particularly low income and minority areas.

One might wonder why the City of Malden didn’t use some of the extensive flooding, rising temperatures and heat island effects reports and data provided by the [REDACTED] report to support some of the statements and evidence it is weighting its decision-making outcomes in their response to HUD(attached to this email) when answering questions raised in a HUD Objection letter(attached to this email).

How did City consultants determine current flood storage conditions? Did the design include past rainfall amounts or predicted increase in precipitation with climate change consequences? In its response to HUD, it never cites specific evidence to support its

statements.

According to the Climate Vulnerability Tool Kit. This area/census tract is in a high vulnerability area for heat and other consequences of climate change. High vulnerability: .83/1.0 (<https://toolkit.climate.gov/regions/northeast>). CDC Social Vulnerability for this census tract. SVI (<https://svi.cdc.gov/map.htm>).

INSUFFICIENT PUBLIC OUTREACH AND NOTIFICATION

Notice sent to parents on lead contamination wasn't translated. A second translated notice to families only referenced the plan to remediate "historic fill" with no mention of the contamination in the soil.

Neighborhood and school community were not invited to participate in the design and planning stages of the park renovation.

Public meetings, public hearings, public comment periods, and project update announcements were not translated.

The (b)(6) Privacy, (b)(7)(C) Enf. Privacy object to the federal funding requested by the City of Malden related to the Roosevelt Park Improvement Project (RPIP) on the basis of civil rights violations relating to Title VI. We further object to the City of Malden's plan to place another environmental hazard in a low income and marginalized community. If the park improvement project is to proceed as the City of Malden plans the adjacent neighbors will lose the last significant environmental benefit for their precinct 5-1 and will be burdened with another significant environmental hazard. The City of Malden plans to cover 3.7 acre Roosevelt Park with artificial turf in its improvements for the park. Simultaneously, the City of Malden is planning and executing several other park renovation projects. All other projects currently active will have a living grass field and sports activities designated.

The Commonwealth of Massachusetts has identified Malden as an Environmental Justice Community:

Municipality	EJ Criteria	Number of EJ block groups	Total number of block groups	Percent of block groups with EJ	Population in EJ block groups	Total population	Percent of population in EJ block group
Malden	E=English Isolation, I=Income and M=Minority	49	52	94.2	59,058	60,984	96.8

This is significant due to the fact that Roosevelt Park is located in and abuts U.S. Census tracts made up of significantly diverse populations, as follows:

Block Group 4, U.S. Census Tract 3418, Middlesex County, Massachusetts (Tract where Roosevelt Park is Located)

This 2020 block group in Malden is an EJ population with the criteria: Minority, income and English isolation

EJ characteristics for this block group:

Total minority population: 65.5%

Households with language isolation: 55.2%

The median household income: \$50,658; this is 60.5% of the MA MHHI

This municipality has a median household income of \$73,399 which is 87.0% of the MA MHHI.

In 2020 this block group had a population of 992 in 319 households.

Languages other than English spoken by 5% or more of the population who do not speak English very well

Spanish or Spanish Creole: 5.4%

French Creole: 5.7%

Chinese: 5.2%

Block Group 3, Census Tract 3417, Middlesex County, Massachusetts (Tract north of Roosevelt Park)

This 2020 block group in Malden is an EJ population with the criteria: Minority

EJ characteristics for this block group:

Total minority population: 53.5 %

Households with language isolation: 7.5%

Median household income: \$56,343; this is 66% of the MA MHHI

In 2019 this block group had a population of 1,142 in 476 households:

Languages other than English spoken by 5% or more of the population who do not speak English very well

Spanish

Spanish Creole: 4.6%

Chinese: 10.6%

Block Group 3, Census Tract 3416, Middlesex County, Massachusetts(Tract north of Roosevelt Park)

This 2020 block group in Malden is an EJ population with the criteria: Minority

EJ characteristics for this block group:

Total minority population: 58.8 %

Households with language isolation: 11.3%

Median household income: \$75,774; this is 89.8% of the MA MHHI

In 2019 this block group had a population of 1,750 in 539 households:

Roosevelt Park is the recess field for the [Redacted] School, a K-8 public school.:

Demographics of the [Redacted] School	% of School	% of District	% of State
First Language not English	72.4	57.2	23.9
English Language Learner	36.6	18.3	11.0
Low-income	78.4	65.2	43.8
Students With Disabilities	10.7	17.4	18.9

Enrollment by Race/Ethnicity (2021-22)			
Race	% of School	% of District	% of State
African American	22.7	19.5	9.3
Asian	16.0	22.7	7.2
Hispanic	36.5	26.7	23.1
Native American	0.3	0.3	0.2
White	21.9	27.1	55.7
Native Hawaiian, Pacific Islander	0.0	0.0	0.1

The City of Malden has demonstrated a:

- Failure to ensure meaningful access to the proposed park improvements/activities by persons with limited English proficiency - The city did not make translated materials available throughout the many years of the Roosevelt Park Improvement Project, including but not limited to: notices for public hearings, public comment periods, environmental reports, city reports, meeting notes, and/or project updates. Materials have been provided in English, with translated instructions stating: "This is an important notice. Please have it translated."
- Failure to ensure meaningful access to the proposed park improvements/activities by persons with limited English proficiency - High levels of lead were discovered in the soil of Roosevelt Park back in 2019. To date, there has only been one official notice delivered to school families and neighbors by the city of Malden and it was sent out in English with directions that stated: "This is an important notice. Please have it translated."
- Failure to ensure meaningful engagement and involvement from minority and English isolated populations of the adjacent neighbors and the [REDACTED] School Community throughout the Roosevelt Park Improvement Project planning and development process. Limited outreach by the City of Malden was only conducted after the plan was fully developed. This is a violation of Title VI of the Civil Rights Act of 1964 (race, color, national origin); Section 109 of the Housing and Community Development Act of 1974 (race, color, national origin, religion, sex). When processing their HUD CDBG funding application, the city of Malden blatantly left blank the required section on Environmental Justice. The city failed to address the EJ issues the RPIP could cause, effect, or render by proceeding in a specific census tract containing 55.2% of households with language isolation, and 65.5% total minority population.
- Failure to include community input or involvement from the adjacent neighborhood and the [REDACTED] School community. The city identified stakeholder groups that did not include the diverse [REDACTED] School community and adjacent neighborhood. The meetings that I did attend were very controlled by the City of Malden. At the meeting, you were allowed to speak for 2 minutes with no chance to speak again. You were not allowed to ask questions at the meetings that I did attend and there was a lack of respect for my concerns and my point of view.
- Failure of the City of Malden to recognize the existing environmental hazards already present in the community and the City of Malden's acceptance of opportunity cost for the adjacent neighbors to lose their last multi acre living grass environmental benefit and to add to an existing heat island i.e. environmental hazard. Roosevelt Park is used every day by the adjacent neighbors as passive living grass recreational space, by the [REDACTED] School community as a recess field for the [REDACTED] School students and a sports field for sports organizations. I have lived directly adjacent to the park for more than 20 years and park has always been a multi functional park. There are already 4 multi acre artificial turf fields in close proximity to Roosevelt Park not to mention many

commercial buildings with large flat top roofs. There are also many other parks in Malden who have few environmental hazards and many environmental benefits. The City of Malden has never considered placing a artificial turf field in one of the communities in the city that has many environmental benefits and few environmental hazards because the adjacent neighbors in these communities do not want an artificial turf field in their park. The City of Malden decided and has maintained their decision to place a artificial turf field at Roosevelt Park even though the community is already under the burden of many environmental hazards. This decision by the City of Malden and all actions associated with their decisions are environmental racism. When the Mayor was read the definition of environmental racism by me, he stated he did not understand what it means. I asked if he would like me to read the definition again, he said no.

“Equal Protection” means protection of all groups of people, including all federal and state protected classes under Title VI of the federal Civil Rights Act of 1964, 42 U.S.C. Section 2000d et seq. and M.G.L. Chapter 15 1B, regardless of income, ethnicity, class, handicap, race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, or ancestry from an unfair burden of environmental hazard from industrial, commercial, state and municipal operations or limited access to natural resources, including green space (open space) and water resources, and energy resources, including energy efficiency and renewable energy generation.

- No interpretation services have been provided for public hearings. Interpreters should have been provided to accommodate project stakeholders, the adjacent neighbors and (b)(6) Privacy, (b)(7)(C) Enf. Priv. School community. Translated materials could have made this accommodation known to interested stakeholders if they needed it. The adjacent neighbors, and other stakeholders were only allowed to comment for 2 minutes and not allowed to ask questions about the presented information.

Today, I, (b)(6) Privacy, (b)(7)(C) Enf. Priv. ask for your assistance in bringing the Roosevelt Park project back in line with ever other park project being conducted by the city. We, the adjacent neighbors and the (b)(6) Privacy, (b)(7)(C) Enf. Priv. School community ask for equal protection from environmental inequities that are being unjustly put on us by the City of Malden. We ask that you assist us in working with the City of Malden for a rebalancing of the environmental justice scales for the adjacent neighbors of Roosevelt Park and (b)(6) Privacy, (b)(7)(C) Enf. Priv. School community and to the end the environmental racism that has been inflicted upon our community. We have the support of the (b)(6) Privacy, (b)(7)(C) Enf. Priv. and now ask for all of your support to see the Roosevelt Park Improvement Project include removal of all the lead contamination to a depth of three feet, the placement of a living grass field that can be used by the school, the adjacent neighbors and sports organizations and a documented maintenance plan to preserve the precious living environmental benefit for this underserved area of the city. It may seem like just a field to many but for the adjacent neighbors of Roosevelt Park and the (b)(6) Privacy, (b)(7)(C) Enf. Priv. School Community it is so much more. Roosevelt Park is our “backyard”. When school is not in session or there are no organized sporting events, Roosevelt Park is a living grass passive recreation area. It is our last environmental benefit, please assist us in preserving it.

I have much more documentation to support my complaint and would be happy to share them. I you have question or if there is further action necessary on my part to activate this complaint,

please contact me.

Thank you,

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Malden, MA 02148

Sent from [Mail](#) for Windows