
From: (b)(6) Privacy, (b)(7)(C) Enf. Privacy
Sent: Monday, February 21, 2022 8:59 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Szaro, Deb <Szaro.Deb@epa.gov>; Wells, Sharon <Wells.Sharon@epa.gov>; Moraff, Kenneth <Moraff.Ken@epa.gov>; Barmakian, Nancy <Barmakian.Nancy@epa.gov>; Holmes, Marcus <Holmes.Marcus@epa.gov>
Subject: (b)(6) Privacy, (b)(7)(C) Enf. Privacy Scituate, Massachusetts- Title 6 Complaint

February 17, 2022

Ms. Lillian S. Dorka, Director
EPA External Civil Rights Compliance Office - Office of General Counsel
US Environmental Protection Agency External Civil Rights
Compliance Office Massachusetts Department of Environmental Protection Agency 2310A
1200 Pennsylvania Avenue
Washington, DC 20460

Re: Filing Title VI Complaint

Dear Ms. Dorka:

I am the (b)(6) Privacy, (b)(7)(C) Enf. Privacy which is an environmental justice organization. (b)(6) Privacy, (b)(7)(C) Enf. Privacy is an environmental merit award winning organization from region one EPA Boston. (b)(6) Privacy, (b)(7)(C) Enf. Privacy in Freetown, Massachusetts. (b)(6) Privacy, (b)(7)(C) Enf. Privacy Our environmental justice organization (b)(6) Privacy, (b)(7)(C) Enf. Privacy is in a rich diverse community, with most being of Cape Verdean descent (b)(6) Privacy, (b)(7)(C) Enf. Privacy

I have been working in the field of environmental justice/ environmental racism for over 22 years in (b)(6) Privacy, (b)(7)(C) Enf. Privacy Massachusetts and other parts of the United States. I have

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

(b)(6) Privacy, (b)(7)(C) Enf. Privacy and/or community meetings. Through my involvement (b)(6) Privacy, (b)(7)(C) Enf. Privacy we have been committed to resolving environmental racism and feeding hundreds, clothing countless and meeting the spiritual, emotional, psychological, physical, financial needs of anyone, member or not, at no expense to them, their loved ones, and/or the community.

We are proud to say that (b)(6) Privacy, (b)(7)(C) Enf. Privacy also actively involved in environmental justice work, public safety, public health of human beings which includes a weekly substance abuse recovery program and treatment, (b)(6) Privacy, (b)(7)(C) Enf. Privacy advocacy, and outreach programs. On an annual basis, (b)(6) Privacy, (b)(7)(C) Enf. Privacy hosts Christmas and other holiday parties, a huge Christmas giving service and party, a Community Outreach Day, collaborating with the local sheriff, police departments, the DARE Program, fire departments (b)(6) Privacy, (b)(7)(C) Enf. Privacy and many other

professionals and community providers. This benefits all children and families in and around the surrounding communities dealing with environmental issues and environmental violations.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy
b(6) Privacy, (b)(7)(C) Enf. Privacy

(b)(6) Privacy, (b)(7)(C) Enf. Privacy is the tire dump (b)(6) Privacy, (b)(7)(C) Enf. Privacy in East Freetown, Massachusetts. For the last 30 years, the Board of Selectmen of Freetown, Massachusetts has not been able to clean up this hazardous dump. We asked to work with the Massachusetts Department of Environmental Protection and the state Executive Office of Environmental Affairs to clean up the (approximately one million) tire dump. The Lakeville, Massachusetts DEP office has refused to clean up this hazardous waste dump and neither have they developed an environmental plan to address this matter. The initiative to head this endeavor as a concerned citizen was my concern for the well-being, health, and safety of the public and surrounding communities. This dump was negatively impacting the environment due to the manifestation of mosquitoes, potentially causing West Nile disease and eastern equine encephalitis.

This same Lakeville, MassDEP office that refused to clean up this tire dump allowed an asphalt concrete plant to abut the only Black Cape Verdean community in Freetown Massachusetts at the direction of (b)(6) Privacy, (b)(7)(C) Enf. Privacy who oversaw the environmental justice program of the Lakeville, MassDEP Regional Office.

I have also functioned (b)(6) Privacy, (b)(7)(C) Enf. Privacy a committee set up to study issues raised by the (b)(6) Privacy, (b)(7)(C) Enf. Privacy which filed a federal civil rights, racial discrimination and retaliation lawsuit against (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Due to many years of work and experience in environmental injustice, (b)(6) Privacy, (b)(7)(C) Enf. Privacy the community have asked for my assistance in resolving the neglect, abuse and violations of federal and state environmental laws that is caused by the (b)(6) Privacy, (b)(7)(C) Enf. Privacy in (b)(6) Privacy, (b)(7)(C) Enf. Privacy, Massachusetts. I have also been asked to function as a consultant on other environmental issues (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Therefore, I am writing to you today to file a Title VI complaint based on discrimination of race in violation of the Federal Civil Rights Law 40 C.F.R.-7.105 by the Massachusetts Department of Environmental Protection Agency (MassDEP)

According to the law under the Civil Rights Act of 1964, this prohibits the MassDEP, who receives federal financial assistance, from discriminating based on race and discrimination in

their programs and activities and non-activities which is prohibited by the Environmental Protection (EPA) nondiscrimination regulations and Title VI of the Civil Rights Laws of Acts of 1964.

One of the many episodes of racial discrimination and pattern of neglect by the MassDEP was on August 30, 2021, which is within the 180 calendar days required to file this complaint.

Countless requests have been made to MassDEP to have testing done on the hazardous waste site and federal waters to no avail. Those requests have been totally ignored. Many requests for a site visit had been made of the MassDEP and others (listed below) to visit the site of the hazardous waste dump and after ten to twelve weeks, MassDEP had two representatives visit the (b)(6) Privacy, (b)(7)(C) Enf. Privacy Hazardous Waste Dump site.

On August 30, 2021, only (b)(6) Privacy, (b)(7)(C) Enf. Privacy of MassDEP was in attendance. (b)(6) Privacy, (b)(7)(C) Enf. Privacy made it clear that he had an extremely limited amount of time to meet with us due to a commitment to take a family member to (b)(6) Privacy. When asked if other division leaders would be in attendance, (b)(6) Privacy, (b)(7)(C) Enf. Privacy stated that only he and (b)(6) Privacy, (b)(7)(C) Enf. Privacy would be in attendance and their attendance alone would be sufficient.

What was and has been quite concerning to us was that none of the following division leaders (nor their representatives) were in attendance on this or any other date requested. Many times, (b)(6) Privacy, (b)(7)(C) Enf. Privacy discussed the need for their attendance and emphasized the concern for the safety and well-being of the citizens residing in the hazardous waste dump area and the groups desire to work with the MassDEP and others to resolve the issue at hand and the (b)(6) Privacy, (b)(7)(C) Enf. Privacy inability to rectify this problem alone. MassDEP has been guilty of saying the right words, but their behavior reflects something quite different, which seems to have become a pattern and history of racial discrimination and lack of environmental enforcement of the federal and State laws of Massachusetts.

MassDEP's mission statement clearly outlines the right for the citizens of Massachusetts to expect compliance, enforcement and emergency response at least some of the time, which has not been the case with this office.

MassDEP neglects phone calls, emails are ignored, countless requests for meetings and testing are completely ignored, requests for information, and many requests for site visits take months and months for MassDEP to consider and/or answer. They have informed (b)(6) Privacy, (b)(7)(C) Enf. Privacy that questions of that agency cannot be asked by the citizens, countless requests were made for site visits and when a representative showed up for one, he had no time to spend with the citizens due to a personal appointment he needed to attend to. MassDEP has made many promises that they are yet to keep.

The (b)(6) Privacy, (b)(7)(C) Enf. Privacy has gladly shared all evidence and information collected (such as: maps, letters, drone photographs, aerials, powerpoint presentations, etc.) with the EPA Regional Office staff, including Ms. Deborah Szaro Deputy Regional Administrator, Ms. Sharon Wells of the Civil Rights Unit, Mr. Markus Holmes of the Environmental Justice Office, Mr. Ken Moraff Water Division, Ms. Nancy Barmakian of the Land, Chemicals and Redevelopment Division and also forwarded to the EPA Civil Rights Complaint Office in Washington, D.C.

The attitude of MassDEP, in general, is that (b)(6) Privacy, (b)(7)(C) Enf. Privacy is being unreasonable for asking for the resolution of the violations pertaining to the federal waterways ways act and the hazardous waste dump. The MassDEP continues to blame the Town of Scituate and the Town of Scituate continues to blame the MassDEP for the lack of cooperation therefore, no action has been taken regarding testing to determine if the residents around the dump and wetlands are being adversely affected by the hazardous waste and wetlands contamination. The MassDEP's mission statement is quite different from what they provide to the citizens of Scituate. The Regional Offices are the focal point for most MassDEP permitting, compliance, enforcement, emergency response, and site cleanup activity that protects Massachusetts citizens and their environment on the local level. Staff based in these offices spend most of their time in the field and are remarkably familiar with the businesses and communities they regulate.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy, MassDEP Regional Director was asked to be in attendance at the site visit, to no avail, to fulfill the MassDEP's commitment to protect and enhance the Commonwealth's natural resources air, water, and land, to provide for the health, safety, and welfare of all people, and to ensure a clean and safe environment for future generations. In conducting this mission MassDEP commits to address and advance environmental justice and equity for all people of the Commonwealth, provide meaningful, inclusive opportunities for people to participate in agency decisions that affect their lives; and ensure a diverse workforce that reflects the communities we serve free of discrimination based on race, color, national origin, disability, age or sex. No show, no call, no contact, no access and no site visit.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy (MassDEP Director of Diversity and Civil Rights) was asked to be there to be sure that the agency complied with Title VI of the Civil Rights Act of 1964 and the Governor's Executive Order 526, section 4 in the implementation of its programs as the agency requires. She willfully, knowingly and deliberately did not fulfill these above-mentioned obligations in this job. No show, no call, no contact, no access, no site visit.

Public Affairs Officer: The Public Affairs Office (PAO) serves as the eyes, ears, and voice of MassDEP, speaking with and listening to the agency's many important constituencies. PAO also helps to coordinate content on the agency's web site and directs the agency's social media outreach effort. The Director of Public Affairs coordinates all communication between the agency and its various constituencies, including citizens, businesses, stakeholder groups and the news media. Neither did this person or representative attend the site visit. There was no show, no call, no contact, no access.

MassDEP Municipal Assistance Coordinator/ Technical Assistance Unit: The MassDEP has eight Municipal Assistance Coordinators (MACs) who provide technical assistance on waste reduction and recycling to geographically based groups of towns and cities. No show, no call, no contact, no access, no site visit.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy a member of the Environmental Justice Task Force. Responsible for answering questions or concerns regarding EJ issues. No show, no call, no contact, no access, no site visit.

Mass Department of Conservation & Recreation (DCR) Office of Water Resources: DCR manages state parks and oversees more than 450,000 acres throughout Massachusetts. It protects, promotes, and enhances the state's natural, cultural, and recreational resources. The health and happiness of people across Massachusetts depends on the accessibility and quality of our natural resources, recreational facilities, and great historic landscapes. DCR continues to improve the vital connection between people and the environment. No show, no call, no contact, no access, no site visit.

MassDEP's Waste Site Cleanup Program: The Bureau of Waste Site Cleanup is responsible for ensuring timely and effective responses to over 1,500 environmental emergencies (e.g., oil spills, chemical fires) per year, as well as timely assessment and cleanup of the more than 44,000 confirmed and suspected hazardous waste sites across Massachusetts by the private parties responsible for them. No show, no call, no contact, no access, no site visit.

Bureau of Water Resources from the Wetlands and Waterways and Wildlife: MassDEP regulates activities in wetland areas and protects our rivers, wetlands, streams, rivers, and other waterways. This agency provides outreach to local officials to help them protect wetlands in their towns. No show, no call, no contact, no access, no site visit.

MassDEP is a sub-recipient that receives federal financial assistance from the EPA through a primary receipt complaint and our Title VI complaint is based upon three or more violations of the Civil Rights Act of 1964, which follows:

- * Discrimination of race
- * Intentional discrimination which is also known as different treatment
- * Disparate Impact
- * Retaliation

Complainant Signature

Date: 2/17/2022

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

DISCRIMINATION OF RACE:

WHEREAS, Article 97 of the Constitution of the Commonwealth of Massachusetts provides that the people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose";

Environmental justice means that all people have a right to be protected from environmental pollution and to live in and enjoy a clean and healthy environment regardless of race, income, national origin, or English language proficiency.

WHEREAS, Environmental justice populations are discrete and identifiable communities, mostly lower income and of color, that are at risk of being disparately and negatively impacted by environmental policies and overburdened by a higher density of known contaminated sites and by air and water pollution.

WHEREAS, all residents of the Commonwealth should be involved in the development, implementation, and enforcement of environmental laws, regulations, and policies, as well as equal beneficiaries of them.

WHEREAS, under the Commonwealth's existing Environmental Justice Policy, first adopted in 2002, the Executive Office of Energy and Environmental Affairs continues to ensure that environmental justice is an integral consideration in the development and implementation of all state programs, including but not limited to, the grant of financial resources in the form of grants, loans, or other forms of economic assistance as authorized by law to protect environmental resources or provide recreational opportunities, and the provision of access to open space;

WHEREAS, the Massachusetts Climate Protection and Green Economy Act, codified in G.L. c. 21N, § 5, provides that the Secretary of Energy and Environmental Affairs shall determine whether activities undertaken to comply with state regulations and efforts disproportionately impact low-income communities and consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources and other benefits to the economy, environment and public health.

WHEREAS, to encourage sustained and continued efforts now and into the future to ensure that environmental justice remains a priority for the Executive branch.

NOW THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c.2, § 1, art.1, do hereby order as follows:

Section 1. Within fourteen days of the issuance of this Executive Order, the Secretary of Energy and Environmental Affairs shall appoint a Director of Environmental Justice within her office and make every effort to ensure the position is continuously staffed. The Director shall serve as liaison with designated Environmental Justice Coordinators in each Secretariat, a position established in Section 5 of this Executive Order.

Section 2. There is hereby established the Governor's Environmental Justice Advisory Council. The Advisory Council shall advise the Governor and the Secretary of Energy and Environmental Affairs on policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

The Advisory Council shall consist of at least nine, but not more than fifteen persons, including a Chair, each of whom shall be appointed by the Governor. All members shall serve without compensation at the pleasure of the Governor in a solely advisory capacity.

The Advisory Council's work shall include, but need not be limited to, making written recommendations to the Governor and the Director of Environmental Justice concerning policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

The Advisory Council shall meet at such times and places as determined by the Chair and shall submit an initial report to the Governor and Director of Environmental Justice within six months following the appointment of the Council's members. Thereafter, the Advisory Council shall meet at least semi-annually and submit supplemental reports giving advice and recommendations to the Governor and Director of Environmental Justice no less often than once per year.

The Advisory Council may hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice, and shall prepare for public review and include in its reports a summary of the comments and recommendations made at the public meetings.

Section 3. Within sixty days of this Order, the Executive Office of Energy and Environmental Affairs shall update its Environmental Justice Policy and post it online. This strategy shall include ensuring equal compliance and enforcement for facilities subject to environmental regulatory programs and/or permitting requirements and located in geographic areas with identified Environmental Justice Populations, establishing a process for reviewing which MEPA thresholds apply for enhanced public participation and substantive review, ensuring brownfield remediation in Environmental Justice Population areas, and creating an online Environmental Justice repository of information about the Commonwealths environmental justice initiatives for the general public and project proponents.

Section 4. Within sixty days of this Order, the Executive Office of Energy and Environmental Affairs shall review and revise, as needed, the definition of "Environmental Justice Population" in the 2002 Environmental Justice Policy. This review shall include consultation with the Interagency Environmental Justice Working Group and interested parties across the state. Thereafter, this definition shall be reviewed every ten (10) years. The Executive Office of Energy

and Environmental Affairs shall make publicly accessible maps and other information about the location of Environmental Justice Populations through the online environmental justice repository. Maps and statistical data shall be updated at least every five years. Other Secretariats shall assist the Executive Office of Energy and Environmental Affairs by sharing income, demographic, health, and similar data, as requested.

Section 5. Within one hundred-eighty days of this Order, each Secretariat shall develop and post online its own strategy to promote Environmental Justice in ways that are tailored to the specific authority, mission, and programs within the secretariat. Secretariat strategies shall include: i) identification of permitting or other applicable regulatory authority over development projects, brownfield remediation, industrial operations, and commercial facilities, which may impact Environmental Justice Populations and description of any mechanism to ensure that Environmental Justice Populations are protected (including through their participation) in the review process; ii) identification of economic development opportunities, environmental benefits, and other discretionary funding programs that do, or appropriately should, consider the needs of an Environmental Justice Population in the award process; and iii) an enhanced public participation plan for Environmental Justice Populations potentially affected by development projects, brownfield remediation, industrial operations, and commercial facilities that focuses secretariat resources on outreach activities that enhance public participation opportunities in Environmental Justice Populations, including a plan for communicating in multiple languages and scheduling public meetings at locations and times convenient for neighborhood stakeholders. In determining whether a program protects and/or considers the needs of an Environmental Justice Population, the strategy may accept use of an existing definition of protected or priority population that varies from the Environmental Justice definition so long as the intent of this Order is substantially met. Secretariat strategies shall be reviewed every five years and updated as needed.

Within thirty days, each Secretariat shall designate an Environmental Justice Coordinator. The secretariat's Environmental Justice Coordinator shall be the main point of contact regarding secretariat environmental justice matters and be responsible for developing and implementing the strategy.

Section 6. An Interagency Environmental Justice Working Group shall be established to maximize state resources, research, and technical assistance to further the goals of this Executive Order. The Environmental Justice Coordinators shall serve as their Secretariat representatives to the Interagency Environmental Justice Working Group. The Director shall convene meetings of the Environmental Justice Working Group and serve as Chair. Within one seventy-five days of this Order, the Interagency Environmental Justice Working Group should hold at least one meeting and develop a schedule for subsequent meetings.

Section 7. Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

Section 8. This Executive Order shall remain in effect until amended, superseded, or revoked by subsequent Executive Order.

Given at the Executive Chamber in Boston this twentieth day of November in the year two thousand and fourteen and of the Independence of the United States two hundred and thirty-nine.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

INTENTIONAL DISCRIMINATION:

The complainant and the Cape Verdean community located [REDACTED] of Scituate, Massachusetts of Environmental Protection are a member of a protected class in this underserved and underutilized community.

In addition, the complainant and others are eligible for the MassDEP's benefits, programs, activities, and/or services, which they have been denied and treated in an adverse manner due to their race and the inactivity and pattern of neglect by the MassDEP, as well.

According to the history of this community, the Cape Verdean population has been home to many Cape Verdean residents who began immigrating to the United States in the late 1800s. The Cape Verdean immigrants came to the Scituate Massachusetts area, primarily, [REDACTED] to establish farming and fishing businesses to provide for their families. The land [REDACTED] was primarily farms owned by non-English speaking Cape Verdeans and lower-income families until the late 1970s. The Cape Verdean residents were slowly forced out or moved because of systematic racism, environmental racism, and expository zoning. Along with the escalating cost of living, deteriorating environmental neighborhood conditions, and the lack of adequate English writing and speaking skills and amenities, due to the denial of services, programs, and opportunities. There is no substantial legitimate justification for these practices and policies other than racial discrimination in this minority community of Scituate, Massachusetts.

In 1927, the complainants [REDACTED] land on [REDACTED] and the Town of Scituate willfully, knowingly, and deliberately established a hazardous waste dump on the same property on [REDACTED] in 1935, which directly abuts the Cape Verdean neighborhood [REDACTED].

The hazardous waste dump began accepting municipal solid waste in 1935 which included: hazardous waste, municipal waste, C&D waste, sewer waste, sludge waste, tire waste, ash burning on site, chemical impurities, 55-gallon barrel drums of toxins, appliance waste, PCBs, PBBs, dioxins, organic alkaline, dielectrics, coolant fluid, computer parts, electronic parts, etc. The hazardous waste dump stopped receiving hazardous waste in 1976, the site was not lined at any time in its history of use, and neither has it been monitored adequately. (MassDEP) Attached please see inactive & Closed Landfills & Dumping Grounds document.

The additional evidence of toxic dumping on Stockbridge Road Waste Dump is a violation of (EPA)'s federal laws, which are documented below:

EVIDENCE OF (EPA) FEDERAL VIOLATION:

Example #1

The [REDACTED] Dump is built on wetlands.
Surrounded by wetlands and waterways which connect to federal waters.
Streams abutting feed public water supply.
Burn hazardous waste during the years the dump was open.
Utilized hazardous ash waste.

Laws Violated:

(EPA) 404 Federal Clean Water Act
(EPA) River and Harbors Act of 1899
(EPA) Executive Order of Wetlands and Floodplains

Example #2:

Brockton & Taunton Gas Waste Site - Brockton Taunton Gas & Light owned one acre abutting residential parcel that was operated from 1928 to 1967; sold to the Town of Scituate for \$100.00. The site was used as a Treatment, Disposal, and Storage Facility. The company is now known as Columbia Gas as of 2020.

Result:

MassDEP refuses to test for hazardous waste substances such as PCBs, PBBs, Dioxins, Organic Alkaline, Dielectrics, Hazardous Waste, etc.

Example #3:

Illegal expansion of landfill.

Site map on file with Town of Scituate reflects a 10-acre parcel.

Documentation on file with the MassDEP indicates the site is a 30-acre parcel.

Permit to expand from 10-30 acres is not found.

Landfill mound was pushed to abutting parcels owned by the Town of Scituate and residents to flatten the mound and reduce the runoff.

Result:

MassDEP refuses to acknowledge the expansion of the landfill and refuses to produce any historical aerial photographs of the landfill, USGS, and photographic maps of the gas facility to verify the boundaries of the (b)(6) Privacy, (b)(7)(C) Enf. Privacy Hazardous Waste Dump and/or the residents/E boundaries.

MassDEP refuses to assess the extent of the wetlands filling that connect to federal waterways.

Example #4:

Another example of intentional discrimination is the refusal of MassDEP to conduct any testing on (b)(6) Privacy, (b)(7)(C) Enf. Privacy Hazardous Waste Dump. Neither will they provide the Scope of Work to complete this project. At the August 30, 2021, meeting with (b)(6) Privacy, (b)(7)(C) Enf. Privacy he reported that the state doesn't have any funding to complete this project.

CONCLUSION:

In conclusion, the negative effects of toxic dumping that is improperly managed pose a serious threat to human health and the environment resulting in the Resource Conservation and Recovery Act which was passed in 1976 to set up a framework for the proper management of hazardous waste. (EPA.gov)

Toxic wastes often contain carcinogens and exposure to these elements can cause cancer. Wild or stray animals are unaware of what they are coming across and could therefore ingest toxic waste should it be left somewhere illegally. Animals can also ingest plastic, which is severely harmful (Google)

The Toxic Substances Control Act is a United States law passed by the United States Congress in 1976 and administered by the United States Environmental Protection (EPA) that regulates the introduction of new or already existing chemicals. (EPA.gov)

To date, this hazardous waste dump's status is listed as inactive-not currently disposing of solid waste, closure incomplete The closure status has no final remediation.

There is historical evidence of intentional racial discrimination. According to the preponderance of evidence, there is no substantial, legitimate justification as to why the Town of Scituate and the MassDEP continues to subject its residents and the environment (b)(6) Privacy, (b)(7)(C) Enf. Privacy to engage in harmful health standards and practices.

The complainant and the (b)(6) Privacy, (b)(7)(C) Enf. Privacy residents are in a comparable situation with a group that has not been deemed to be protected yet that group of residents was given better treatment by the Town of Scituate and the MassDEP.

Example #1:

A prime example of better treatment would be the Driftway Scituate Solar Landfill which was a former 29-acre municipal landfill that was: capped and covered with soil layer; 3 MW solar PV installation on 12.5 acres panels cover 6.1 acres; 10,560 polysilicon panels, expected \$200,000 annual savings for the town from net metering; T&D okys energy value; the project will produce 3.825 million kilowatt-hours per year; land lease to developer: \$1/year; PPA price; 8.4 cents/kWh plus escalators; developer retained the SRECs; all project labor was local. Please see enclosed (EPA) RE-Powering Americas Land: Siting Renewable Energy on Potentially Contaminated Land and Mine Sites newsletter.

Example 2:

Another example would be the environmental justice comparison of waste dumps.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy Dump

Opened in 1935

Unlined

Built on wetlands and surrounded by waterways

Not monitored by Town of Scituate from 1986 on

Built in a minority residential neighborhood

Not completed to date

Driftway Landfill

Opened in 1976

Closed in 1999

Built in an undeveloped area

Monitored by the MassDEP and Town of Scituate

Completed in 2000

Redeveloped as a solar site

Active public water supply well

Example #3:

While at the site visit meeting on (b)(6) Privacy, (b)(7)(C) Enf. Privacy with residents, direct butters, community members and (b)(6) Privacy, (b)(7)(C) Enf. Privacy

openly stated that he used the Cape Verdean population as leverage and the Environmental Justice Policy to reach his goal of completing the Driftway landfill project.

However, it has come to our attention that the MassDEP does not recognize the (b)(6) Privacy, (b)(7)(C) Enf. Privacy area as an Environmental Justice community.

As you can clearly see, there is sufficient evidence that the Driftway project was given better treatment by receiving the necessary attention for studies, plans, money, and remediation with better town services, creating higher real estate values and a vibrant real estate market. This area has upgraded utilities, better town services, new structures, and other infrastructure, which is intentional discrimination.

DISPARATE IMPACT:

The MassDEP, as the financial assistance recipient has implemented a facially neutral policy and/or decisions that have adversely and disproportionately impacted the community, residents, and direct abutters of the hazardous waste dump located (b)(6) Privacy, (b)(7)(C) Enf. Privacy in Scituate, The MassDEP has not protected the residents of (b)(6) Privacy, (b)(7)(C) Enf. Privacy as described in the federal civil rights laws.

There is no substantial legitimate justification for the discrimination imposed by MassDEP's policies, decisions, or lack of actions to remedy such.

There are no effective alternative practices or policies to lessen the adverse effect, harm, or impact. There is no plan, no policies, and no action by the MassDEP to rectify their discriminatory actions and decisions.

The historical evidence provided will show that the MassDEP has a history of intentional racism and environmental injustice throughout the Commonwealth of Massachusetts.

Environmental injustice has habitually been committed against the residents of (b)(6) Privacy, (b)(7)(C) Enf. Privacy Scituate, Massachusetts at large, and the historical pattern of environmental injustice of the MassDEP located in Lakeville, Massachusetts.

Example #1:

(b)(6) Privacy, (b)(7)(C) Enf. Privacy - MassDEP failed to address state and federal violations which had to be escalated to the EPA and successfully resolved by region 1 EPA.

Example #2:

(b)(6) Privacy, (b)(7)(C) Enf. Privacy Waste Dump of New Bedford, Massachusetts - MassDEP failed to address state and federal violations which had to be escalated to the EPA and successfully resolved by region 1 EPA.

Example #3:

(b)(6) Privacy, (b)(7)(C) Enf. Privacy Hazardous Waste Dump, Scituate, Massachusetts - The MassDEP is failing to address state and federal violations and has refused to escalate this matter to the EPA.

The MassDEP has willfully, knowingly, and deliberately refused to adhere to the Title VI Civil Rights Act of 1964. As aggrieved individuals, we believe they are more interested in protecting the Town of Scituate than the personal health and safety of human beings and the environment.

Disparate Impact and Disparate Treatment due to Solid Waste Landfill - Adverse Health, Financial and Emotional Effects:

It has been reported that some residing in the (b)(6) Privacy, (b)(7)(C) Enf. Privacy Dump have suffered from negative health, financial and emotional effects from this site. There have been complaints of runny noses, headaches, eye strain, burning eyes, blurred vision, diarrhea, nausea, congestion, ear, nose and throat problems, labored breathing, altered sense of smell and taste, depression, anxiety, frustration, and stress.

Living in this area has also negatively impacted the (b)(6) Privacy, (b)(7)(C) Enf. Privacy quality of life. It has resulted in unnecessary financial expenses causing financial burdens, the depreciation of property value, excessive, unnecessary legal fees, and strained relationships with neighbors and community members. MassDEP's unwillingness to test, protect and follow the environmental laws, has resulted in an adverse and disproportionate impact on the Cape Verdean community, its residents, family members, and friends.

RETALIATION:

It is evident that MassDEP, especially, (b)(6) Privacy, (b)(7)(C) Enf. Privacy is primarily concerned with and committed to the image and the protection of the Town of Scituate's leadership and the MassDEP. His behavior, actions, and conduct as a representative of MassDEP have been intentionally discriminatory, unprofessional, inappropriate, dishonest, and misleading. He and others have lied and coerced by making false statements and claims both verbally and in writing on numerous occasions. By doing so, they

have denied the services, opportunities, activities, and programs documented in the Civil Rights Laws of 1964. They have purposely and knowingly denied and interfered with this underserved community's civil rights and privileges without consequence against this Cape Verdean community, a protected class, and others by refusing to adhere to these same civil rights and the state and federal government's public health programs, services, policies, procedures and especially, the refusal of supplying information under the Freedom of Information Act law(s) on countless occasions.

Lastly, we are respectfully requesting the following from the External Civil Rights Compliance Office (ECRCO):

1. A full and neutral independent investigation plans of these claims within the allotted 180 days.
2. An assigned case manager appointed to this Title VI complaint.
3. An onsite visit of the (b)(6) Privacy, (b)(7)(C) Ent. Privacy Hazardous Waste Dump.
4. Interviews and testimonies of the direct abutters, neighbors, and community members negatively impacted by the (b)(6) Privacy, (b)(7)(C) Ent. Privacy Hazardous Waste Dump.
5. Investigative Plan.
6. Investigative Evidence.

Under the management protocol order of the Deputy Civil Rights Officials and the Title VI case and the EPA Order 4700, we also ask for the following:

1. Collaboration and oversight with the following from the EPA Region 1 Office.
2. DCRO & Regional Counsels from EPA.
3. Deputy of the Civil Rights Office.
4. Sharon Wells of the Civil Rights Division.
5. Director of Environmental Justice Marcus Holmes or his representative.
6. Division leaders of the Solid Waste Division.
7. Water Division of the Region 1 EPA.

Due to the factual evidence and historical pattern of discrimination and abuse by the MassDEP, we respectfully decline:

1. The Informal Resolution Process.
2. Early Complaint Resolution.
3. Alternative Dispute Resolution.

We trust that this complaint will be accepted and investigated by the External Civil Rights Compliance Office (ECRCO) and a decision made within the 180 calendar days as noted.

Enclosures:

1. List of Action Items provided by (b)(6) Privacy, (b)(7)(C) Ent. Privacy
2. EPA Region 1 PowerPoint Presentation of the (b)(6) Privacy, (b)(7)(C) Ent. Privacy Hazardous Waste Dump.
3. Created by the (b)(6) Privacy, (b)(7)(C) Ent. Privacy Citizens.
4. EPA Newsletter RE-Powering America's Land.
5. Aerial drone images (b)(6) Privacy, (b)(7)(C) Ent. Privacy