From: [redacted]
To: ECRD_Complaints
Subject: RE: Title VI Civil Rights Complaint and Petition for Objection — ADEQ Air Quality Permit No. 106233, Aluminum Dynamics Inc. (ADI), Benson, Arizona — Disparate Impact on Low-Income and Elderly Populations; Failure to Conduct Adequate Environmental Justi...
Date: Thursday, April 30, 2026 4:56:44 PM

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Dear Administrator and Office of External Civil Rights Compliance:

I am a resident of Benson, Arizona living [redacted] to the proposed Aluminum Dynamics Inc. (ADI) facility near the intersection of [redacted], Benson, Arizona 85602. I am writing to formally file a Title VI Civil Rights complaint against the Arizona Department of Environmental Quality (ADEQ), a recipient of EPA federal financial assistance, regarding the issuance of Air Quality Permit No. 106233 to ADI. I am also respectfully requesting that the EPA object to or withhold approval of this permit pending a thorough and independent environmental justice review.

I submit this complaint within 180 days of ADEQ's permitting action. I have children in my home who face direct, ongoing exposure to ADI's permitted emissions through an exposure pathway that was neither modeled nor addressed in the permitting process — the evaporative cooler air intake pathway — which is the primary means of home cooling for lower-income residents throughout Arizona and specifically in the Benson community.

I. ADEQ IS A RECIPIENT OF EPA FEDERAL FINANCIAL ASSISTANCE AND IS SUBJECT TO TITLE VI

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin, including through actions that have a discriminatory disparate impact. EPA's implementing regulations under 40 C.F.R. Part 7 extend this prohibition to permitting actions taken by EPA-funded state agencies. ADEQ receives EPA financial assistance for administration of Arizona's Clean Air Act programs and is therefore subject to Title VI in all of its permitting actions, including the issuance of Permit No. 106233 to ADI.

II. ADI'S OWN PERMIT APPLICATION REVEALS A COMMUNITY WITH DISPROPORTIONATE LOW-INCOME AND ELDERLY BURDENS — AND THEN DISMISSES THEM

Section 12 of ADI's Class I Permit Application, prepared by Trinity Consultants, includes an Environmental Justice analysis using EPA's EJ Screen 2.1 tool. The demographic data ADI itself submitted reveals the following about the Benson community near the proposed facility:

Demographic Indicator	Local Value	State Average	State Percentile
People of color	26%	44%	31st
Low-income population	39%	31%	67th
Linguistically isolated population	2%	4%	61st
Population under high school education	9%	12%	55th
Population over 64 years of age	31%	21%	80th
EPA Calculated Demographic Index	1.39	1.53	52nd

ADI's application notes that EPA's own guidance suggests using benchmarks at the 80th, 90th, or 95th percentile to trigger heightened environmental justice review. ADI then makes the following critical admission and conclusion: "The only community that exceeds any of these benchmarks is the population > 64 years of age, which is neither a group of color nor low income that triggers heightened EJ review. From this study, ADI does not believe that the proposed Benson plant will harm a potentially underserved community."

This conclusion is factually incomplete, legally inadequate, and internally contradictory, for the following reasons:

A. The elderly population benchmark IS met and was improperly dismissed. By ADI's own data, 31% of the Benson community near the proposed facility is over 64 years of age — placing it at the 80th state percentile,

which is the exact threshold EPA guidance identifies for heightened review. EPA's own National Ambient Air Quality Standards (NAAQS) are set specifically to protect sensitive populations, including elderly individuals with respiratory conditions. ADI dismisses the elderly population trigger solely because elderly residents are "neither a group of color nor low income" — but EPA's EJ guidance does not require that an elderly population also be a racial minority or low-income to warrant concern. Elderly residents are a recognized sensitive population under EPA health standards. Their dismissal of this finding was improper.

B. The low-income population is significantly elevated and was improperly minimized. At the 67th state percentile, Benson's low-income population exceeds that of two-thirds of Arizona communities. Nearly 4 in 10 residents near the ADI facility are low-income. This is not a minor or negligible disparity — it is a substantial socioeconomic burden that the permit analysis failed to adequately weigh against the health impacts of the facility's permitted emissions.

C. The interaction between low income and evaporative cooler dependency was never analyzed. This is the critical gap in the entire environmental justice analysis, described in detail in Section III below.

III. THE EVAPORATIVE COOLER EXPOSURE PATHWAY — A ARIZONA-SPECIFIC, CLIMATE-SPECIFIC ROUTE OF HARM THAT WAS NEVER MODELED

Evaporative coolers — also known as swamp coolers — are the dominant means of home cooling among lower-income residents throughout Arizona, including in Benson. Unlike central air conditioning, evaporative coolers operate by continuously drawing outside ambient air through wet cellulose or synthetic pads and circulating it directly into the interior of the home. The system cannot function with windows closed and requires open windows throughout the home to create the necessary airflow. The pads used in standard evaporative coolers are not HEPA-rated and provide essentially zero filtration of fine particulate matter (PM2.5), metallic particulates, or industrial odors.

This means that when ADI emits particulate matter, metallic compounds, and odorous substances during its operations, residents who rely on evaporative coolers have no means of protection. For every hour their cooler operates during the warmer months — which in Benson span approximately seven to eight months of the year — they are pulling ADI's permitted emissions directly and continuously into their living spaces and their children's bedrooms, unfiltered.

This is not a theoretical concern. Arizona law under A.R.S. § 33-1364(A) designates cooling as an essential service equivalent in legal standing to running water and electricity. Residents cannot simply choose not to cool their homes during Arizona summers, where temperatures regularly exceed 100 degrees Fahrenheit and the Arizona Attorney General has stated that adequate cooling is a matter of life and death.

Lower-income residents — who, as shown above, make up 39% of the Benson community near ADI and sit at the 67th state percentile — are far less likely to have central air conditioning and far more likely to depend on evaporative coolers. This creates a direct, measurable, and income-correlated disparity in exposure: wealthier residents with central A/C can close their windows and filter their indoor air. Lower-income residents with evaporative coolers cannot.

This specific exposure pathway — evaporative cooler air intake as a route of direct indoor exposure to ADI's permitted emissions — was never modeled, analyzed, or even acknowledged in ADI's permit application or in ADEQ's Technical Support Document. The PM2.5 dispersion modeling used AERMOD to predict outdoor ambient concentrations, but at no point was indoor exposure via evaporative cooler intake analyzed. This is a fundamental gap in the health impact analysis for a facility located in an arid, low-humidity community where evaporative cooling is standard practice.

IV. ADEQ'S OWN CONDUCT SUGGESTS AN INADEQUATE RESPONSE TO CITIZEN HEALTH CONCERNS

When I raised health concerns about my children's exposure to ADI's emissions with ADEQ, I received a written response (b) (6) Privacy, (b) (7)(C) Enf. Privacy

I submit that this response is not consistent with the regulatory purpose of air quality permitting. An air quality permit is designed to prevent harm to surrounding communities — not to outsource the burden of harm mitigation to individual residents (b) (6) Privacy, (b) (7)(C) Enf. Privacy ADEQ's suggestion (b) (6) Privacy, (b) (7)(C) Enf. Privacy as a remedy for industrial air pollution reflects an inadequate discharge of ADEQ's environmental justice obligations under Title VI and under EPA's implementing

regulations.

I have documentation of this written communication and am prepared to provide it to EPA's Office of External Civil Rights Compliance upon request.

V. THE AIR QUALITY MODELING USED AN INADEQUATE PROXY MONITORING STATION

ADEQ's Technical Support Document acknowledges that there is no PM2.5 air quality monitor located in or near Benson, Arizona. As a result, the background air quality data used in the AERMOD dispersion model was drawn from a monitoring station located in Tucson — a major urban area with significantly different air quality characteristics, traffic density, industrial activity, and population density than Benson. ADEQ characterized this substitution as "conservative," arguing that Tucson's higher urban baseline would overestimate background pollution levels near ADI.

This characterization is scientifically questionable. Using an urban monitoring station to represent a rural desert community introduces significant uncertainty into the baseline modeling. Benson's actual air quality baseline — particularly for PM2.5 — may be meaningfully different from Tucson's in ways that could affect whether ADI's contribution keeps the community within safe exposure thresholds. The absence of a local monitor is itself an environmental justice concern for a community that is about to host a new industrial facility: residents of Benson lack the air quality monitoring infrastructure that would allow them to verify ADEQ's modeled predictions against real-world measurements.

VI. RELIEF REQUESTED

Based on the foregoing, I respectfully request that EPA's Office of External Civil Rights Compliance:

- Accept this complaint for investigation as a Title VI civil rights complaint against ADEQ as a recipient of EPA financial assistance;
- Investigate whether ADEQ's issuance of Air Quality Permit No. 106233 to ADI constitutes a discriminatory disparate impact on the low-income and elderly residents of Benson, Arizona, in violation of Title VI and 40 C.F.R. Part 7;
- Require ADEQ to conduct a supplemental environmental justice analysis that specifically addresses: (a) the evaporative cooler indoor exposure pathway for lower-income residents who cannot afford central air conditioning; (b) the health impacts on the elderly population, which by ADI's own data meets the 80th percentile EJ trigger threshold; and (c) the adequacy of using Tucson monitoring data as a proxy for Benson's air quality baseline;
- Object to or withhold final approval of Permit No. 106233 pending completion of the above supplemental analysis;
- Require that a real-time PM2.5 air quality monitor be installed near the ADI facility as a condition of permit issuance, so that residents of Benson can independently verify compliance with permitted emission levels; and
- Investigate ADEQ's written suggestion (b) (6) Privacy, (b) (7)(C) Enf. Privacy as a potential indicator of inadequate civil rights compliance in ADEQ's handling of citizen environmental complaints.

I appreciate EPA's attention to this matter and the assistance already provided by EPA staff in identifying the applicable legal framework. The residents of Benson — including lower-income families and elderly residents who sit at the 67th and 80th state percentiles respectively — deserve the full protections that federal environmental and civil rights law provide.

Respectfully submitted,

(b) (6) Privacy, (b) (7)(C) Enf. Privacy Benson AZ 85602