

EPA closes civil rights complaints over Alabama landfill

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Gallery: Arrowhead Landfill in Perry County, Ala.

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The U.S. Environmental Protection Agency has dismissed two civil rights complaints filed against the Alabama Department of Environmental Management by residents of Uniontown, Ala., related to the department's permitting of a large landfill near the town.

Attorneys representing several residents of Uniontown filed the first formal complaint with EPA in 2013, arguing that by permitting a landfill to operate just outside Uniontown -- which has a population that is 90 percent African American and reports an average per capita income of \$9,000 per year -- ADEM had violated Title VI of the Civil Rights Act, which prohibits discrimination by entities that receive federal funding.

The EPA's External Civil Rights Compliance Office, announced in a [28-page letter](#) dated March 1, that it found "insufficient evidence" of discrimination by ADEM.

ADEM Director Lance LeFleur told AL.com the findings were "long overdue."

"We wanted those findings because we were very strongly holding the belief that we have gone the extra mile to make sure our non-discrimination program not only meets the requirements of all the federal regulations and laws, but that it goes beyond that," LeFleur said. "EPA issued those findings, and the language they used may not have been as strong as we would have liked, but the bottom line is they found our program to be in compliance."

LeFleur said ADEM provided EPA with more than 30,000 pages of documents relating to the Arrowhead Landfill permitting decisions, in addition to numerous interviews with Uniontown residents and department personnel.

EPA recommendations

The EPA did make some recommendations in the letter, specifically that ADEM work to promote understanding among the interested parties.

"While not legally required, [EPA's civil rights office] believes that ADEM could increase its leadership role by bringing together the Arrowhead community, permittees, as well as other local government entities to share important information, ensure that its citizens and stakeholders understand roles, rights and responsibilities and address issues constructively," the letter states.

LeFleur said the department would consider those recommendations, but noted ADEM has already hosted public meetings involving the landfill owners and Uniontown residents.

"EPA wants to be responsive to people who feel they've been discriminated against," LeFleur said. "One of the ways EPA believes we can be more responsive is to initiate activities that are not normally associated with a regulatory function."

"This is more of a community outreach program, and we have an extensive community outreach program, but they have asked us to be more proactive rather than reactive in our dealings with communities where there is heightened concern."

Long-standing conflict

Conflicts between the landfill operators and local residents have sprung up since the landfill was first permitted in 2005, and intensified in 2009 after the landfill began accepting train loads full of wet coal ash slurry, dredged from the Emory and Clinch Rivers in Tennessee after the massive [TVA Kingston Fossil Plant coal ash spill](#).



Uniontown locals: Landfill disturbed church graveyard

Landfill owners deny that they disturbed known graves or that the coal ash stored there is harming the water.

According to EPA records, more than 4 million tons of ash was sent to Arrowhead from Tennessee.

The group Black Belt Citizens Fighting for Health and Justice was formed in 2005 to organize opposition to the landfill, and the [landfill's owners sued the group](#) in 2016 for libel and slander, seeking \$30 million in damages. That [lawsuit was withdrawn last year](#).

Members of the Black Belt Citizens group said they were disappointed in the decision.

"If EPA can't see that what we experience are civil rights violations, then EPA will never protect people from discrimination," Ben Eaton, vice president of Black Belt Citizens group said in a news release. "It is disturbing to see this federal agency do nothing."

Other critics of the EPA's decision, including U.S. Sen. Cory Booker (D-NJ), said the problems in Uniontown should be evident.

"This decision is wholly unacceptable," Booker said in a news release. "The EPA has abdicated its responsibility to protect people of color and low-income communities from blatant discrimination."

"I saw with my own eyes how the residents of Uniontown struggle on a daily basis with a massive industrial garbage dump that's been planted in their backyards."

[Booker visited Uniontown](#) last summer and the met with the residents who filed the complaint, one of several recent trips to Alabama for the Senator from New Jersey.



Senator Cory Booker returns to Alabama

The New Jersey Democrat will speak before a national Baptist convention Wednesday in Mobile. His appearance in Mobile comes after a swing to the state in support of Doug Jones ahead of the Dec. 12 special Senate election.

"Access to clean air, clean water, and clean soil shouldn't be a privilege - it's a right and the EPA has failed to protect this right for the people of Uniontown," Booker said. "This issue goes to the core of a larger movement for equal justice in this country that we're unfortunately still struggling with."

Uniontown residents also testified in 2016 before the U.S. Commission on Civil Rights, which noted that the EPA's Civil Rights Office "has never made a formal finding of discrimination."

Marianne Engelman Lado, supervising attorney for the Yale Law Environmental Justice Clinic who helped file the civil rights complaints, said Uniontown was a classic example of environmental injustice.

"If EPA can't reach a finding in this case, where there is such extensive evidence of racially disparate impacts to residents' quality of life, it is hard to imagine that the agency will ever validate a civil rights claim," Engelman Lado said. "EPA is effectively ignoring citizens' firsthand testimony."