

EPA to investigate Alabama's environmental agency

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Gallery: Arrowhead Landfill in Perry County, Ala.

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The U.S. Environmental Protection Agency's civil rights office has formally agreed to investigate the Alabama Department of Environmental Management's civil rights policies, in a move that could jeopardize millions of dollars in federal grants that ADEM receives every year.

The EPA's External Civil Rights Compliance Office issued [a letter dated July 2](#) stating that it would investigate "whether ADEM has adopted grievance procedures that assure the prompt and fair resolution of complaints," as required by the Civil Rights Act of 1964.

Earlier this year, [ADEM Director Lance LeFleur abruptly rescinded the department's policies](#) for accepting civil rights complaints. The change came in the midst of a court battle challenging the substance of the policies, and the process by which they were adopted.



ADEM drops civil rights complaint policy after lawsuit

Plaintiffs' lawyer says ADEM needs a formal discrimination policy or risks losing millions in federal funding.

David Ludder, the attorney who filed the complaint against ADEM, asked the EPA to force ADEM to enact new civil rights policies as quickly as possible, or begin the process of revoking millions of dollars in federal funding ADEM receives through EPA grants and other programs.

ADEM External Affairs Chief Lynn Battle told AL.com Thursday the department would not comment on the matter due to the ongoing litigation.

Ludder -- who previously worked for ADEM -- filed the initial complaint against the department on behalf of Alabama residents living near landfills or wastewater treatment plants who say the department approved permits for those facilities in areas largely inhabited by minorities.

The complaint also alleged that ADEM's civil rights complaint policies functioned as a rule, but had not gone through the mandatory rulemaking process, including the public notice and comment requirements.

"My contention is that the procedures that were rescinded were not supported by statutory authority and they were just a sham, a pretense, so ADEM could collect financial assistance from EPA without any real intention of providing protection for minorities," Ludder said.

After ADEM rescinded the policies that were being challenged in state court, Ludder filed a complaint with EPA stating that the department did not have in place mandatory grievance policies.

Ludder said he believes implementing an adequate civil rights complaint policy may require action by the state legislature, and will take some time to accomplish.

"It'll probably take a year, at minimum," Ludder said. "But ADEM needs to get moving on it."

ADEM's civil rights record has been challenged multiple times in recent years. The EPA [dismissed two civil rights complaints against ADEM](#) in March, stating it found insufficient evidence of discrimination. In that decision, the EPA did not address the procedural matters at issue in the latest complaint.