

For Immediate Release

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**COMMUNITY GROUP CHARGES DISCRIMINATORY DECISION MAKING
BY LANE COUNTY AIR PROTECTION AGENCY**

*Agency's Permitting Decision Disproportionately Impacts Minority and Low-Income
Residents of West Eugene Neighborhoods*

(EUGENE, OR) Yesterday Beyond Toxics filed a civil rights and environmental justice complaint with the U.S. Environmental Protection Agency (EPA) challenging the Lane County Regional Air Protection Agency's decision to allow a power plant to increase its discharges of hazardous particulate matter. The complaint alleges that allowing Seneca Sustainable Energy to increase pollution discharges disproportionately impacts the health of minority and low-income residents of West Eugene. The complaint requests that U.S. EPA's Office of Civil Rights (OCR) invalidate the decision to increase pollutant discharges.

Seneca Sustainable Energy's plant emits fine particulate matter, which is highly dangerous to human health. Exposure to fine particles can affect lung function and worsen medical conditions such as asthma and heart disease, and increase the risk of premature death. Children's asthma rates in the West Eugene area are almost twice the state average.

Residents of the surrounding neighborhoods are disproportionately likely to be minority and low-income (in comparison with other areas of Eugene). The nearby neighborhoods (Bethel-Danebo, Trainsong, and parts of River Road) are also overburdened with industrial pollution, making these residents disproportionately likely to suffer from health effects such as asthma.

Chris Winter is an attorney with the Crag Law Center, a public interest environmental law firm, and is representing Beyond Toxics. Winter said, "LRAPA is accepting federal money with the promise that it will protect the most marginalized and vulnerable communities in Lane County. Instead of following through on this promise, LRAPA is ignoring its obligations under the Title VI of the 1964 Civil Rights Act."

Lisa Arkin, executive director of Beyond Toxics, says, "Neighbors in the area of West Eugene downwind from Seneca's biomass energy plant have repeatedly expressed concerns about LRAPA's approval of increasing amounts of particulate air pollution. We now must turn to the Office of Civil Rights to ask for help."

Beyond Toxics has asked OCR to require that LRAPA revoke its approval of the permit modification. The U.S. EPA can also revoke federal funding for violations of the Civil Rights Act.

Beyond Toxics has also requested OCR conduct a full review of LRAPA's programs to ensure compliance with Title VI of the Civil Rights Act, expressing its concern that the original SSE permit (issued in 2009) and other recent permitting decisions also have discriminatory effects on communities in West Eugene.

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Background on Title VI and Administrative Complaints

- The Civil Rights Act of 1964 provides that “[N]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving any Federal financial assistance.”
- The Environmental Protection Agency's regulations for implementing Title VI prohibit funding recipients from making decisions that “have the effect” of discriminating on the basis of race or ethnicity.
- The Environmental Protection Agency's (EPA's) Office of Civil Rights (OCR) is responsible for ensuring compliance with Title VI of the Civil Rights Act by recipients of EPA funding. <http://www.epa.gov/civilrights/>
- OCR has 20 days from its receipt of Beyond Toxics' complaint to accept the complaint, and 180 days in which to issue its preliminary findings.
- OCR is empowered to recommend ways in which LRAPA can comply with Title VI, conduct voluntary compliance negotiations, and/or terminate funding to LRAPA.

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