

Seneca Air Pollution A Civil Rights Issue

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Beyond Toxics has been calling attention for years to what it says are the “disproportionate environmental and human health effects” of the Seneca biomass burning plant on nearby communities. Seneca Sustainable Energy is located in the West Eugene Industrial Corridor, an area with a higher-than-average number of low-income and Latino residents, according to Lisa Arkin of Beyond Toxics. The group, represented by Crag Law Center, has filed a complaint under Title VI of the Civil Rights Act alleging discrimination by Lane Regional Air Protection Agency (LRAPA) in issuing a permit to Seneca to emit fine particulate matter (PM 2.5).

The complaint alleges that LRAPA was required by Title VI and the Environmental Protection Agency’s implementing regulations to consider the disproportionate effects of the pollution, and LRAPA should have conducted air quality modeling. It says LRAPA must comply with Title VI because the agency “regularly receives federal funding.”

PM 2.5 penetrates deeply into the lungs, and in 2010 more than 2.1 million premature deaths and 52 million years of healthy life were estimated as lost due to ambient fine particle air pollution, according to a study on the global burden of disease.

Arkin says when LRAPA first issued Seneca’s permit as a minor source of pollution, Beyond Toxics predicted the biomass plant would exceed limits and would apply to release more air toxics. If the company had applied to release higher levels as a major source it would have triggered a more stringent federal “new source review” under the Clean Air Act. In February 2014 LRAPA approved a modification of Seneca’s Standard Air Contaminant Discharge Permit.

According to the complaint, LRAPA has said that air quality modeling and impacts analysis aren’t necessary because Seneca purchased emissions reductions credits from International Paper in Springfield, but Arkin points out that International Paper is 13 miles away from the community where Seneca releases its particulate matter and located in a predominantly white area as opposed to a heavily Latino one.

Crag attorney Christopher Winter says LRAPA has an obligation to comply with the federal Civil Rights Act, and it’s up to EPA as the federal agency to ensure the agency has protected marginalized communities.

LRAPA executive director Merlyn Hough says the Title VI issues were addressed in the permit that was issued earlier this year. According to LRAPA’s assessment in the permit “there would be no significant adverse impacts to any community, regardless of demographic makeup.”

Arkin says that Beyond Toxics has patiently worked within the system “to let LRAPA know that it is not operating within the standards of justice and public health.”

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Camilla Mortensen is associate editor and reporter at *Eugene Weekly*. She is also a folklorist and a community college and university instructor. She has two horses, an assortment of dogs, and lives in a 1975 Airstream trailer.

Sometimes all these details collide in unforeseen ways.

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