

US EPA ARCHIVE DOCUMENT

# Summary of Title VI Complaint and Investigation Regarding Issuance of Permit for the Proposed Shintech St. James Parish Facility

(Complaint File No. 4R-97-R6)

On August 8, 1997, EPA's Office of Civil Rights (OCR) accepted for investigation an administrative complaint filed by the Tulane Environmental Law Clinic (TELC) on behalf of St. James Citizens for Jobs and the Environment et al. alleging violations of Title VI and EPA's Title VI regulations by the Louisiana Department of Environmental Quality (LDEQ). The complaint alleged that LDEQ discriminated against African Americans by issuing an air permit for Shintech's proposed polyvinyl chloride manufacturing factory.

In November 1997, OCR interviewed LDEQ officials and the Complainants. On January 30, 1998, OCR issued the document entitled "Draft Demographic Information," which represented EPA's initial analysis of the Complainants' allegation. It was provided to the Complainants, LDEQ, and Shintech and posted on EPA's web site for public access. In mid-February, EPA met with the Complainants, LDEQ, and Shintech representatives in Louisiana to discuss the January document. EPA also provided each an opportunity to provide written comments.

EPA reviewed the comments submitted by LDEQ and the Tulane Environmental Law Center, as well as the oral comments we received during the meetings. Due to refinements in EPA's thinking and as a result of some of the comments received, changes and adjustments were made to the analysis and incorporated into the April 7, 1998 "Draft Revised Demographic Information" which was also provided to the three parties and posted on EPA's web site for public access. In late April, EPA again met with the Complainants, LDEQ, and Shintech representatives to discuss the April document. OCR has not drawn any conclusions regarding the allegations based on either of the analyses.

In the course of the Shintech investigation, EPA also developed several approaches to the assessment of disproportionate adverse impacts. The methodologies, together with a portion of the Shintech input data and interim results, were transmitted to the Science Advisory Board (SAB) for review in August 1998. The SAB subcommittee issued a report on December 8, 1998.

On September 16, 1998, Shintech informed LDEQ that it was suspending further activity on its St. James Parish permits while it pursues permits for a new Iberville Parish project. Shintech will withdraw its permit applications for the St. James project after the Iberville project is approved. OCR has suspended its investigation of the St. James Parish-specific allegations, but continues to investigate the broader and related issue of whether LDEQ's permitting program has a disparate adverse impact on African Americans in the industrial corridor and the state.

[Page H5(a)1 - shinsum - 7/13/99]