

## **Friloux, James**

**From:** Laura Scheele[SMTP:lscheele@afton.com]  
**Sent:** Wednesday, June 24, 1998 4:22 PM  
**To:** Mike Hogan; Carl Lischeske; Lee Mathews; James Friloux; Tom Carlisle; Dale Randall; Russ Huck; Debbie Spiliotopoulos; Pete Baldrige; Robert Lewis Shaw; Don Womeldorf; Ron Gingerich; Charles Walsh; Womeldorf, Don; Carol Marshall; Bob Borzelleri; Murray Johnston, III; Lynn Thorpe; Ron Ross; Bryan Roosa; Scott Cameron; Christopher Foreman; Carol Leftwich; Terry Bossert; Tom Kennedy; Jack Spath; Thor Strong; Joe Nadenicek; Michael Owens; Gerald Johnston; Peter McMillin; Phil Wardwell; Philip J. O'Brien  
**Subject:** NABCO re Interim Guidance

National Association of Black County Officials (NABCO)  
"Enhancing County Government"

April 28, 1998

U.S. EPA -- Attention: Title VI Guidance  
Office of Civil Rights  
Mail Code 1201  
401 M Street, S.W.  
Washington, D.C.

Dear Sir or Madam:

The National Association of Black County Officials (NABCO) is opposed to the new "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits," published on January 23, 1998. As an organization that was founded in response to the civil rights needs of African American elected and appointed public officials and the constituents they represent, NABCO cares deeply about Title VI.

NABCO also cares deeply about local governance and as such, we are concerned that the proposed guidance will interfere with local land use policies and may ultimately work against efforts to achieve environmental protection in our communities. The guidance makes no apparent provision that Title VI complainants (1) first air their grievances with their local level before pursuing filing a grievance with their respective state or EPA's Office of Civil Rights.

Siting public works facilities -- solid waste landfills, wastewater treatment plants, composting facilities, and drinking water treatment plants -- is an activity local elected officials are required to do. The environmental justice movement, a movement initiated by people of color, has altered the way local governments proceed with land use decisions. Progress has been made. Local governments have worked with communities of color to achieve more equitable levels of parity, inclusion and representation in local decision making processes. The guidance as proposed is punitive to local governments and does not facilitate the continued growth of community-level participation in environmental protection.

We urge the Agency to amend the interim guidance to ensure that local processes for land use planning are participated in fully by the complainant prior to the filing of a state- or federal-level grievance. We further recommend that EPA make provisions to provide local communities with technical assistance that will help elected officials and their constituencies to work toward reasonable solutions to local land use issues. NABCO is both knowledgeable and experienced in this area and would like to initiate such a program with EPA support.

Sincerely,

Commissioner Edna Bell