



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**MAR - 2 2016**

REPLY TO THE ATTENTION OF

E-19J

BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William McCutchen  
Concerned Citizens of Carbondale  
1039 Wall Street  
Carbondale, IL 62901

Re: Solar Development Project at Koppers Wood-Treating Site, Carbondale, Illinois  
Letter to Civil Rights Division, United States Department of Justice

Dear Mr. McCutchen:

Thank you for your letter of July 7, 2015, written to the U.S. Department of Justice, Civil Rights Division, about the planned solar energy development at the former Koppers Wood-Treating Site in Carbondale, IL (the Site). On February 5, 2016, the Justice Department sent the U.S. Environmental Protection Agency your letter for our consideration. Please refer to the enclosure.

In your letter, you assert that the Carbondale City Council and Illinois EPA violated a U.S. EPA requirement and raise a concern about environmental racism related to the violation. Accordingly, we have referred your letter to U.S. EPA's Office of Civil Rights for their review. We have also provided a copy to the Illinois EPA and the Office of the Illinois Attorney General for their review of allegations that local officials may have violated state law.

U.S. EPA Region 5 has sought to address environmental justice concerns during this project, and we are committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. We have reviewed your letter in light of this commitment and welcome further conversation with you should you have remaining questions after reading this response.

In response to the concerns about the project raised in your letter, we want you to know that U.S. EPA supports reusing vacant industrial sites and, in general, supports using them for renewable energy projects. However, we only allow redevelopment when it does not cause re-contamination or renewed risk to human health and the environment. Here, U.S. EPA is overseeing Beazer East, Incorporated's (formerly known as Koppers Company) cleanup of the Site under an administrative order. While this work is underway, Brightfields, LLC, has inquired whether the Site can be used for solar power development, and has provided information to

Beazer East and to us regarding specifications for such a project. As we stated in public meetings in Carbondale in 2014 and 2015, we have concluded that reusing the Site for solar power would not pose a renewed risk. The U.S. EPA based its conclusion on the information Brightfields provided, and we will review the detailed design plans as they are developed to ensure they meet our requirements.

We want to assure that the local community is kept informed and protected from renewed threats of exposure to environmental contamination. We welcome further conversation with you should you have remaining questions after reading this response. If so, please contact Ms. Lara Lasky of my staff at (312) 353-5614.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Walts" followed by a flourish.

Alan Walts, Director  
Office of Enforcement and Compliance Assurance, Region 5

Enclosure

cc: Heather Nifong, IEPA  
Office of Illinois Attorney General  
EPA Office of Civil Rights  
OCIR-ORO - Office of Regional Operations



U.S. Department of Justice  
Civil Rights Division

TW: RM  
DJ: 144-25-0

*Administrative Management Section  
950 Pennsylvania Avenue, NW  
Washington, DC 20530*

February 05, 2016

The Honorable Lisa Jackson  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington DC 20460

Dear The Honorable Lisa Jackson:

We are enclosing herewith for your information and consideration, a letter from Mr. William McCutchen. The letter appears to be self-explanatory.

We have informed Mr. McCutchen of this referral.

Sincerely,

Correspondence Unit  
Civil Rights Division

RECEIVED  
2016 FEB 17 AM 7:41  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Hazardous Toxic Waste, Scarce Federal and State EPA Involvement,

CIVIL DIVISION

Federal EPA Regulation Violations by City and State Officials,

2015 JUL 20 AM 10:52

Generations of Lives Lost in the Political Process, and the

Ensuing Ongoing Environmental Racism.

#15  
EPA

Concerned Citizens of Carbondale

Southern Illinois

1039 North Wall Street  
Carbondale, IL 62901

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Mr. William McCutchen  
Concerned Citizens of Carbondale  
1039 N. Wall Street  
Carbondale, IL 62901

July 7, 2015

U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Office of the Assistant Attorney General, Main  
Washington, D.C. 20530

Re: Environmental Racism Adversely Affecting Predominant African-American Community

Dear Sir/Madam:

The Carbondale City Council violated a federal EPA regulation with the fervent support of Illinois EPA employees, and simultaneously has been deliberately indifferent to its constituents' health concerns. Illinois EPA officials, using President Obama's likeness during one informational meeting to gain support for the city's and their hasty objective, have been instrumental in expediting the rural solar array panel development plans over the toxic waste site, inconsistent with a federal EPA 30-year monitoring regulation.

In compliance with federal EPA regulations, the toxic waste site located on the northeast side of Carbondale, Illinois—adjacent to a predominantly African-American community—ordered owner Beazer East, Inc. to clean the site in 2006, and thereafter it was scheduled to be monitored for thirty additional years, until 2036, according to published records.

Yet the Carbondale City Council made a reckless decision after receiving a sizable monetary donation by the applicant, Brightfields Development, LLC, who subsequently was approved for a Special Use Permit, thereby allowing it to hastily develop a solar array panel farm over extensive toxic land. Meanwhile the soil at this site is currently comprised of hazardous waste, including synthetic non-destructible coal tar that is associated with generations of deaths in the 1900s, prior to the state and federal EPA's later intervention.

Further deliberate indifference has occurred in previous, recent situations. Late last year the Carbondale City Council was reluctant to grant the Concerned Citizens of Carbondale two promised additional informational meetings intended to further discuss the toxic waste matter with the those making the presentation; the Illinois EPA, and Brightfields Development, LLC officials. Consequently the Concerned Citizens of Carbondale submitted a letter to retain its right to attend the two meetings previously promised by the city. Likewise, the Carbondale City Council's deliberate indifference was exhibited by each of the elected officials continued refusal to answer typewritten questions submitted to each of

them by the Concerned Citizens of Carbondale late last year. The unanswered questions sought to clarify severable and collective liability through each official's (in) direct decision-making authority over a specialized matter that most were underequipped to respond to. Instead, the unanswered questionnaire was submitted by city officials to the developer, even though the responses to the questions therein didn't require expert, but rather personal, individual knowledge pertaining to the acquisition of expert knowledge.

Current concerns involve remaining unanswered questions due to limited research over potential health complications from solar array panels and their effects on nearby residents. Thus unsubstantiated information is insufficient to validate the safety claims made by the city allowing for the construction and installation of a solar array panel farm on the nearby toxic land, with a proximity that is within 100-feet from the nearest resident. As such, the Concerned Citizens of Carbondale has not received adequate responses to its concerns pertaining to safety claims made by state and city officials who insist that the site is viable for such construction, inconsistent with federal EPA standards and regulations.

The toxic waste site where the disputed solar panel farm has recently been underway was formerly the site where Koppers Co. wood-treatment plant previously existed. It used toxic chemicals such as "creosote," and indestructible synthetic "coal tar" to treat railroad cross ties, utility poles and other wood products during much of the 1900s. These toxic chemicals were improperly handled in violation of safety regulations and standards, while the state and federal EPA were both largely absent. Consequently, a vast number of employees were predisposed to a host of illnesses and health complications leading to illness and early deaths for over half a century until the late 1900s when the state and federal EPA intervened. The federal EPA determined that the site would be monitored until 2036, yet the Illinois EPA and Carbondale city officials violated this federal regulation.

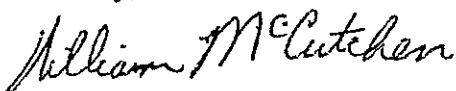
Environmental racism is suspected via "official misconduct" in violation of 720 ILCS 5/33-3, whereby a substantial monetary gift donated to the city by the recipient of the Special Use Permit was executed regardless of an existing "conflict of interest" by way of a long-standing contentious dispute over the toxic land. This occurred prior to the 30-year EPA monitoring restriction. Furthermore, the elected city officials have failed to respond to its constituents' typewritten questions regarding their decision-making knowledge.

During the past year most of the Carbondale City Council members have been replaced through ordinary elections and personal pursuits, including Joel Fritzler who left his mayoral position soon after the questions seeking accountability were submitted to the entire city council during a televised meeting. Meanwhile the Concerned Citizens of Carbondale members continue to be marginalized and are being placed at risk for further potential harm while other viable nearby rural areas exist for such infrastructure.

Overall, the nearby citizens' trust in those elected to protect them has already been breached over the past century when the previous company failed to properly handle toxic chemicals thus causing generations of deaths for much of the century. It's been further breached by recent city officials who deliberately ignored citizen's health concerns, by allowing the ongoing continuous development over the toxic waste site which could exacerbate the affected surviving citizens, and the widespread victims' descendants.

On behalf of the Concerned Citizens of Carbondale, I hereby request that you contact me by mail or by phone, at 618-549-2375, or at 618-203-2018, regarding the catastrophic environmental matters contained herein. Your time and consideration is of the utmost importance and is very much appreciated, as the "inalienable right to the preservation of life, liberty, and the pursuit of happiness," in accordance with the U.S. Declaration of Independence, are being infringed upon in this small southern Illinois city of Carbondale where accountability by those elected to protect the people is practically non-existent.

Sincerely,

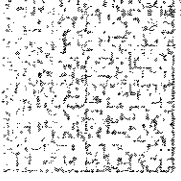
A handwritten signature in cursive script that reads "William McCutchen". The signature is written in dark ink and is positioned above the printed name.

William McCutchen  
Concerned Citizens of Carbondale

Department of Justice

D.C. 20530

Basic  
Service Use \$300



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US POSTAGE

FEB 16 2016

The Honorable Lisa Jackson  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington DC 20460

