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# CARD Civil Rights Complaint to EPA about Triassic Park – Thirteen Years and No Resolution

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## CCNS NEWS UPDATE

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In 2002, Deborah Reade, then Research Director for Citizens for Alternatives to Radioactive Dumping (CARD), filed a 27-page complaint with the Environmental Protection Agency's (EPA) Office of Civil Rights against the New Mexico Environment Department (NMED). The complaint alleged a pattern of discrimination against Spanish-speaking residents exhibited during the permitting process for Triassic Park, a hazardous waste facility in southeastern New Mexico.

The facility site, located between Roswell and Tatum in Chaves County, was permitted by the Environment Department and could have received hazardous waste from across the U.S. and from foreign countries. Though the facility has not been built, the owners of Triassic Park have applied to renew their permit, which is currently under review.

EPA regulations require acknowledgement of receipt of the complaint within five days. EPA accepted the CARD complaint in 2005, nearly 1,100 days later.

EPA is required to determine if an investigation is needed within 20 days, and if so, it must be completed in 180 days. Twelve years after the initial complaint was filed, EPA contacted Reade for additional information. EPA has yet to complete their investigation.

The 2002 complaint alleged the Department discriminated against Chaves County residents on the basis of race, color and national origin in violation of Title VI of the Civil Rights Act of 1964. During the Triassic Park permitting process, CARD alleged that the Department did not examine “possible disparate impacts on the basis of race and ethnicity” and conducted the administrative process “in a manner hostile to Spanish-speaking residents.”

Chaves County residents are mostly Hispanic New Mexicans and New Mexicans of Mexican origin; a high percentage live in poverty; and infant mortality rates are high. The complaint also alleged the Department “obstructed and excluded members of the public – particularly the Spanish-speaking public – from the permitting process” because they did not provide information in Spanish and harassed and intimidated the public.

In mid-July, CARD, along with four other non-governmental organizations based in California, Alabama and Michigan, filed suit in the U.S. District Court in Northern California against EPA for relief to challenge the unreasonable delay of [EPA] to enforce the Civil Rights Act. Between 1994 and 2003, the plaintiffs each filed a civil rights complaint with EPA. Between 1995 and 2005, EPA accepted their complaints for investigation, but EPA “utterly failed to meet” their regulatory deadlines. The plaintiffs asked the Court to compel EPA to act.

The groups are CALifornians for Renewable Energy, Ashurst/Bar Smith Community Organization, Maurice and Jane Sugar Law Center for Economic and Social Justice, Sierra Club and individual, Michael Boyd.

After an in-depth investigation of the EPA Office of Civil Rights, the Center for Public Integrity reported on the excessive delays, along with a close-up report on Chaves County.



<http://www.nbcnews.com/news/latino/thirteen-years-counting-anatomy-epa-civil-rights-investigation-n405201>

For more information, please visit the Center for Public Integrity’s website.

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 [...] For example, in September 2002, CARD filed a complaint against the New Mexico Environment Department for permitting the construction of the proposed Triassic Park hazardous waste treatment, storage, and disposal facility, located between Roswell and Tatum.  The complaint alleges a pattern of discrimination against Spanish-speaking residents exhibited during the public hearing and throughout the permitting process. To view this article click [HERE \[...\]](#)

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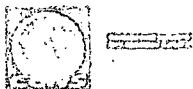
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