

Brandywine/TB, Southern Region Neighborhood Coalition

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Title VI Complaint 'Informal Resolution' with DOT, PHMSA, EPA, ECROC

DATE: February 1, 2019

FROM: BTB Coalition President, Kamita Gray

Subject: June 14, 2016 Title VI Compliant EPA|DOT Informal Resolution Agreement

- Kamita Gray– President of BTB Coalition
- Executive Community Citizen’s Board (ECCB)— Community “Citizens” Representatives

As the President, of the Brandywine | TB Southern Region Neighborhood Coalition we are elated to announce that The U.S. Department of Transportation (DOT), Pipeline and Hazard Materials Safety Administration (PHMSA), and the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECROC) is resolving our complaint based on there internal 'Informal Resolution' process. An agreement was entered into and executed on January 30, 2019 between the Maryland Public Service Commission (“PSC” or “Commission”), Maryland Department of the Environment (“MDE”), Maryland Department of Natural Resources (“DNR”) (together, the “Agencies”), an behalf of the Brandywine TB Southern Region Neighborhood Coalition (“BTB Coalition”), regarding the Title VI complaint (“Standing Complaint”) filed with the U.S. Environmental Protection Agency (“U.S. EPA”) and the U.S. Department of Transportation (“U.S. DOT”) on June 14, 2016.

The ADR negotiations were unsuccessful and ended on October 19, 2017, since that time I’ve been actively working in view of the active Title VI complaint. While it is true that everyone involved with the ADR process sent his or her signature page voting in agreement thereof the ADR final draft; I myself did not because I represented the Brandywine community for which I felt deserved more along with the ECCB Committee. While I was the only holdout on the final ADR draft agreement enduring much backlash I was of the opinion that the Agencies could do better. I do feel this informal resolution agreement has accomplished just that through this EPA|DOT informal review process. By no means is this or should this be the end; more can and should be done with this being a magnificent milestone of accomplishments for the BTB Coalition and the Brandywine community with many environmental Health Disparities and risk factors in Prince George’s County then across communities in the State of Maryland.

The informal resolution agreement represents the countless hours of work that I put in especially throughout the ADR process and then the informal resolution process with agencies in working for the greater good of our communities. In consultation with long standing key members of the ECCB whom fully supported my decision.

We have to secure protection from environmental degradation for all citizens, especially African-American communities being it is a fact that life-threatening burdens and Health Impacts of Air Pollution from Oil & Gas Facilities are greater on African American Communities. As a result, many African American communities face an elevated risk of cancer due to air toxics emissions from natural gas development: Over 1 million African Americans live in counties that face a cancer risk above EPA’s level of concern from toxics emitted by natural gas facilities.

Serious health risks are caused by air pollution with Prince George’s County having serious air quality issues makes it imperative that Title VI factors are considered by our federal permitting agencies, as well as state or local agencies with delegated permitting responsibilities in the decision-making prior to allowing new pollution-generating facilities to operate in a minority and/or low income communities as with the State of Maryland that already has a number of such facilities. Communities deserve regulations,

behaviors, policies, planning and zoning decisions that support sustainable communities where people can interact with confidence that their environment is safe, nurturing, and productive.

As the President of the BTB Coalition I was of the opinion the final ADR draft Agreement did not come up to the mark and that Brandywine warranted more as did the communities across the State of Maryland. It was not easy in making the decision that the complaint be sent back to go through the EPA|DOT internal review Title VI process. More should have been on the table in the ADR Title VI final agreement. More has now been accomplished in this EPA|DOT informal resolution agreement. The June 14, 2018 BTB Coalition Title VI Complaint entered into this informal review process in November 2017.

I want to thank the State of Maryland agencies in the acceptance of the Governmental Agencies informal resolution agreement and the State of Maryland agencies in making no changes... while ones could have supplemented additions being there where many other particulars left on the table with addressing every aspect of the issues that plague African-American, minority and low-income communities but overall the BTB Coalition is very pleased with the signed informal resolution agreement that was formulated through the EPA|DOT internal review Title VI process.

In providing a brief history of these past four years of my life advocating for a community for which my family has lived for over twelve decades it was with much blood sweat and tears not to mention the many sleepless nights in my work concerning the BTB Coalition Title VI filed June 14, 2016 for which my work began months earlier in February of 2015 with the preparation of the Title VI then the many consultations with Earthjustice. I want to personally thank Dr. Sacoby Wilson for the contact reference with Earthjustice then for further support and technical assistance in the preparation of our Title VI environmental health data.

There was much Monday morning quarter backing and we are sure there will be more to come being it has from the beginning we do not expect the exploitation to end now. As with Earthjustice in conference with Marianne Engelman-lado stating our "Title VI would never be accepted", as was the position throughout with Fred Tutman on behalf of Patuxent Riverkeeper and his view of the EPA for which we had a difference of opinion. The situation in Brandywine MD has **only** three (3) NOT FIVE, power plants in a 2.9 radius in Prince George's County being the subject matter of the heavy pollutant industrial industries. The BTB Coalition along with Brandywine community and myself overcoming some very big hurdles to now obtaining this EPA|DOT informal resolution an outcome that I feel the BTB Coalition can be proud of along with the ECCB and the Brandywine Community.

Once Earthjustice agreed to represent Brandywine in the filing of the Title VI it was then that Fred Tutman was brought on without option as a component of the representation by Earthjustice, Neil Gormley Staff Attorney. Understanding that Brandywine, Maryland has three (3) power plants that sit within the **Potomac** Watershed.

The Departure of Earthjustice was imminent being on the horizon from the beginning the BTB Coalition and Patuxent Riverkeeper had very different views of the magnitude of our Title VI and our expectations as to what could be accomplished with the EPA through the filing of our Title VI complaint process but the BTB Coalition never waived. No difficulty though at times was frustrating, annoying, exasperating, an right out maddening an obstacles of dismay which did not discourage, or troubles that dishearten us enough to quit. I've been motivated in overcoming challenges and overcoming hurdles and obstacles that have faced me. My dad always said to me nothing beats a failure but a try... and sometimes the hurdles aren't really hurdles at all.

The BTB Coalition would like to make it clear that the departure situation with Earthjustice **not** a withdrawal did not in any way reflect on Earthjustice's or our Title VI principled and practical position on the presumed merits of our complaint, but rather a community being of the considered humble opinion a conflict that disenfranchised an African-American community, the intentional maligning of myself, and our organization was not in the best interest of the Brandywine community moving forward. Furthermore, in light of the situation the BTB Coalition was of the considered humble opinion that it was not in the best interest to continue in an adversarial situation and differences with legal representative. Being ones at the table did not represent the views of the community in it's best interest rather for the "greater good as to the public interest" of **all** to propagate our confidential intellectual data to spread far and wide was continuously a controversy.

With the departure of Earthjustice being they where asked to elevate through a series of emails to substantiate our position in rectifying the conflict with Fred Tutman was not an option for us being he was the registered CEO of Clean Air Prince George's. Earthjustice was not able to alleviate the conflict then withdrew on April 20, 2017. While I will say that Neil Gormley, Earthjustice Staff Attorney work was extraordinary with his dedication with his brilliance and work on our Title VI Complaint to its filing is to be admired. Brandywine, Maryland is a 72% African-American minority community and its issues should never have been whitewashed, demeaned, pimped for one's own self-interests or any NGO's Agenda for its grants their funding being "Accomplices Not Allies: Abolishing the Ally Industrial Complex along with the Trickle-Down Community Engagement (TDCE), a frustrating phenomenon. Enduring the colluding of such cohorts in the ignominious smear campaigns of myself with the pimpology to the detriment of the Brandywine community for ones own self-gain and seen throughout many other communities.

The NGO's parachuting of African-American communities pain does not help and/or facilitate change in our African-American communities whether direct or indirect. These organizations are not about a community-based leadership in solidarity, but division, having self-serving agendas of self-importance, not mutual aid and respect of as equals between forces fighting for the same objective and respect of community-based fenceline hosts as the leaders and community-oriented organizations in support thereof.

Only through the strength of GOD did I withstand in this place of giving four (4) years of my life work on this Title VI for the protection thereof the Brandywine community and now throughout the State of Maryland.

While I'm elated that we have completed this part of the agreement there is still much work that needs to be done within fenceline hosting communities as lead in advocating on their own behalf and being empowered. African-American communities deserve to be respected and the BTB Coalition Title VI is about the permitted pollution that will affect our health and welfare with a 35% increase in asthma incidents. Additionally, in relation to a community and its own self-determination, to effect policy changes that integrates Title VI, inequity formation in obtaining equality, health and justice.

In providing this overview through trials and tribulations we now have a momentous conclusion through the EPA|DOT 'Informal Resolution' agreement. I will leave it here for now with this short description. A fully documented depiction of this Title VI exercise, experience, the experiences, our development, the processes, our course of action and our guiding principles throughout this Title VI evolution will be imminent in helping others achieve.

Respectfully yours,


BTB Coalition In solidarity, Kamita Gray, President
Brandywine/TB Southern Region Neighborhood Coalition (Executive Community Citizen's Board (ECCB))

Subject Matter Expert (SME) Expertise

- The Law of Environmental Justice and Policy Fellow
- Participatory participation for the involvement and engaging of authentic community empowerment
- Disproportionate Risk and Exposures on Impacted Environmental Justice Communities
- Certified IRB Professional (CIP) Collaborative Institutional Training in research ethics education to the research community. Community Case Study (IRB administrator) Assist the Principle Investigator (PI) with the administrative oversight and coordination of research projects at University of Maryland and collaborators.
- Community Advocate & DAC Sustainability Coach
- Data Scientist Interdisciplinary
- Community Engagement, Environmental Justice, and Health (CEEJH)/Maryland Institute for Applied Environmental Health/School of Public Health/University of Maryland-College Park— Prince George's County Environmental Justice 2025 Plan Contributor

Reference Documents: Initial ADR Final Draft Agreement (failed negotiations)
Final (DOT), (PHMSA), (EPA), (ECROC) internal 'Informal Resolution' Agreement.