DEPARTMENT OF HEALTH & HUMAN SERVICES **OFFICE OF THE SECRETARY**

Voice - (214) 767-4056, TDD - (214) 767-8940
(FAX) - (214) 767-0432 http://www.hhs.gov/ocr/

Office for Civil Rights, Region VI
1301 Young Street, Suite 1169
Dallas, TX 75202

January 31, 2013

U.S. Environmental Protection Agency
Office of Civil Rights
1200 Pennsylvania Avenue, NW, Room 2540
Washington, DC 20460

RE: OCR Transaction Number: 06-13-153450

Dear Sir or Madam:

Enclosed for your review is correspondence received by the U.S. Department of Health and Human Services, Office for Civil Rights (OCR).

We have determined that the issues raised in the correspondence are outside of OCR's jurisdiction. The issues may fall within your agency jurisdiction; therefore we are referring this correspondence to your office for whatever action you deem appropriate. The complainant(s) has/have been informed of this referral.

Thank you for your assistance in this matter.

Sincerely,

George R. Bennett
Acting Regional Manager

Enclosure

received
FEB 07 2013

Bennett, George (HHS/OCR)

From: Alston, Valerie Morgan (HHS/OCR)
Sent: Thursday, December 27, 2012 3:32 PM
To: Rouse, Ralph (HHS/OCR); Bennett, George (HHS/OCR)
Cc: Frohboese, Robinsue (HHS/OCR); Hanrahan, Eileen (HHS/OCR); deKervor, Dylan (HHS/OCR)
Subject: Fw: Civil rights violations in Waller County Texas need to be investigated

Importance: High

Hello George,

This looks like a potential environmental justice case. It looks like one that should go to the EPA, but please consult with Eileen and Dylan to confirm this. If I am correct, please refer the case as soon as possible. Otherwise, make whatever referral is deemed appropriate by Eileen and Dylan. Please be sure to notify the complainant of the referral. Thank you.

Val

----- Original Message -----
From: [redacted]
Sent: Wednesday, December 26, 2012 08:12 PM
To: Alston, Valerie Morgan (HHS/OCR)
Subject: Civil rights violations in Waller County Texas need to be investigated

[redacted]

December 26, 2012

Deputy Director Valerie Morgan-Alston
200 Independence Avenue, SW
Room 522-E
Washington, DC 20201

Dear Deputy Director Morgan-Alston:

Last week the Waller County, Texas Commissioners voted "AGAINST" the civil rights of the residents of Hempstead, Texas and "FOR" a Landfill and environmental racism - and we need help!

This landfill will economically and environmentally destroy an area that's already struggling for survival. It was gut-wrenching to watch citizen after citizen after citizen stand up and plead with the Commission to support the ordinance and their constituents, only to witness our elected officials support the landfill company instead.

The Highway 6 Landfill is unwanted by the predominantly poor black and hispanic residents of Hempstead - and to add insult to injury, this landfill will be on the doorstep of Texas's oldest black university, Prairie View A&M.

Landfills leak - and Pintail has a history of building faulty landfills! -- and this acreage sits directly above the Chicot Aquifer, the only source of water for Hempstead. This area is also the headwater for Clear Creek, which runs to the Brazos River; water that originates here is used as drinking water in Houston! Additionally, of the four migratory flyways from Canada to the southern US coastline, the Central Flyway is a major flyway as

federally protected migratory game birds make their way to the warm coastal waters of Texas and on toward Mexico. This places Waller County at the northern end of the major roosting areas and along one of the main migration paths each year -- but Pintail did not conduct a migratory and protective species study on proposed landfill site.

The demographics of the economically underserved Hempstead area are ideal for a major corporation to build a controversial landfill: we fit the "Cerrell (landfill) formula" for a 'least likely to resist' community
- but we ARE resisting! Of course, they identified us because we are unlikely to be able to sustain a long and costly legal challenge, exspecially when our County Judge and Commissioners are supporting the landfill and not their constituents:

- Judge Beckendorff and the Waller County Commissioners entered into an undisclosed verbal agreement with Pintail Landfill LLC, a Georgia-based company, that is planning to build a landfill on HWY 6 in Waller County. - County Judge Glenn Beckendorff met secretly with Pintail's lobbyist and the Texas Commission of Environmental Quality without informing the public of the meeting or receiving the Commissioner's court consent for such a meeting. It was incumbent upon the Commissioners to report this meeting, preferably before the meeting. Minutes of the meeting may have been taken by the commissioners, but definitely after the meeting the citizens of Waller County should have had the opportunity of knowing about the meeting and what was discussed. And, if minutes were taken they should have been shared with the public. They were not. - At the November 28, 2012 County Commissioner's Court board meeting, one of the Commissioners revealed that Judge Beckendorff conducted a secret meeting with the other Commissioners in 2010 with Pintail in a hotel in Houston. No details of this meeting have been shared with the public. No minutes have been shared with the public. Judge Beckendorff, along with the Commissioners, has held private meetings regarding a "host agreement" with Pintail Landfill, LLC and has not shared the details of this agreement with the public. - August 3, 2011, Glenn Beckendorff, County Judge was supposed to discuss and take action on the Waller County Ordinance No. 2011-001 To Designate Areas in Waller County, Texas Where Municipal or Solid Waste Disposal is Not Prohibited Pursuant to Texas Health and Safety Code Sections 363.112 and 364.012. Judge Beckendorff cancelled the meeting citing lack of proper notice of the ordinance. It was his responsibility to post the notice in a timely manner and he did not. - At every Commissioner's Court meeting since then that the above resolution against the landfill has been on the Agenda, Judge Beckendorff and the Commissioners have tabled the vote against his constituents wishes.

That this can happen in America is astounding. We expect the people we vote into office to represent us, their constituents. In this case, the constituents overwhelmingly demanded, pleaded, begged and insisted that the Commissioners vote to insure that this landfill not be built. But our local officials acted like dictators and voted against the health and financial well being of the residents of Hempstead.

So there you have it. Waller County is being run by a set of rogue officials who feel that they don't have to answer to anyone. And they don't care a lick that their actions smack of corruption and impropriety.

After the vote, my seven-year-old child asked me, "Did we lose, Mommy?"
I told her that yes, we did, but that it is not over and I will keep fighting. She was very quiet for awhile, and then asked, "They really don't care about all the animals and children that can get sick and die if the landfill breaks, do they?" And I told her that no, they don't, but that I will make sure that that doesn't happen. The reality is, without help, we are doomed.

Can you please help me keep my promise to my daughter and help save our community from the crooks who are stomping on our civil rights?

Sincerely,

OCR–1
DEPARTMENT OF
HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS
REGIONAL OFFICE VI
1301 YOUNG STREET SUITE 1169
DALLAS TX 75202-4324

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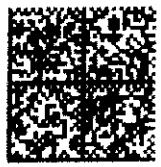

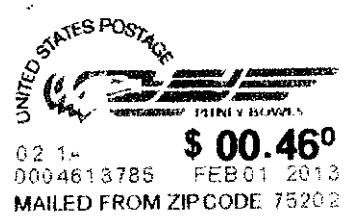
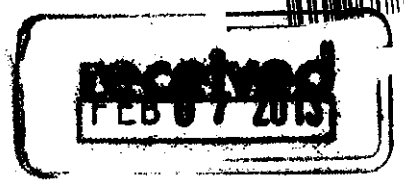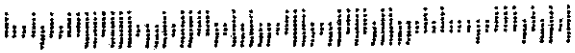
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