

Tad Aburn
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July 10, 2023

Adam Ortiz, Regional Administrator
U.S. Environmental Protection Agency, Region 3
Four Penn Center
1600 JFK Boulevard
Philadelphia, PA 19103-2029

Terry Garcia Crews, Regional Administrator
U.S. Federal Transit Administration, Region 3
1835 Market Street
Suite 1910
Philadelphia, PA 19103

Marianne Engelman-Lado, Acting Principal Deputy Assistant Administrator
Mathew Tejada, Deputy Assistant Administrator for Environmental Justice
Lilian Sotolongo Dorka, Deputy Assistant Administrator For External Civil Rights
U.S. Environmental Protection Agency
Office of Environmental Justice and External Civil Rights (OEJEER)
1200 Pennsylvania Avenue
WJC Building North, Room: 1448K
Washington, DC 20460

Re: Federal Funding and Environmental Justice

Regional Administrators Ortiz and Crews, Acting Principal Deputy Assistant
Administrator Engelman-Lado and Deputy Assistant Administrators Tejada and Dorka :

I am writing for your assistance on an environmental justice issue in Prince George's
County Maryland and numerous other communities of color throughout the Metropolitan
Washington area. I am writing to you as a group ... as the issue cuts across several
federal agencies and involves federally approved air quality and transportation plans

and government supported environmental racism. There are also potential civil rights issues.

The issue can be summarized as follows:

- The Metropolitan Washington Council of Governments (MWCOCG) will soon be submitting air quality and transportation plans that require federal approval
- These plans will continue to support systemic environmental racism by ignoring how “business as usual” processes for implementing federally approved plans clearly create high-risk air pollution hotspots and environmental injustices in communities of color across the MWCOCG region.
- As federal policy on environmental justice continues to evolve, at a minimum, these federally approved plans must include enforceable language that ensures that implementation of federally approved plans, especially when implementation involves federal transportation funding, will not create environmental justice problems and that existing environmental justice problems are not made worse.
- This is currently happening in Prince George’s County and throughout the MWCOCG region.
- MWCOCG appears to be unconcerned about this problem.

Based on President Biden's policies I urge you to make sure that environmental justice is addressed aggressively in these federally approved plans.

By way of introduction, my name is Tad Aburn. Last year I was the Director of the Maryland Department of the Environment's Air and Radiation Management Administration. I was a member of the NACAA Board for many years and a 2-time President. I chaired the NACAA Criteria Pollutants Committee for over 15 years. I was a member of MWCOCG's air quality committee (MWAQC) and chaired the MWAQC technical committee many times. I have considerable experience with the transportation conformity process and transportation related air pollution problems. I have many friends at EPA in Washington, Philadelphia and RTP. I am now retired and commenting today as a volunteer working for several Prince George's County environmental justice communities. I received my environmental engineering degree from Brown University.

Air quality improved dramatically during my career. Maryland’s efforts on climate change are amongst the best in the Country. I am proud of both of these accomplishments. Unfortunately, environmental justice has been overlooked for many, many years. I am not proud of that.

The issues I am raising at MWCOG are not uncommon ... They exist in many metropolitan areas. I am pushing these issues in the Washington, DC area, not because the region is inept, but because the area and its elected leadership have a long history of being environmentally progressive. For reasons that are not clear to me, MWCOG has chosen to ignore environmental justice problems resulting from transportation planning and projects creating air pollution hotspots in communities of color.

A few of the over 30 letters and public comments I have submitted to MWCOG are attached. Some of these letters provide sample language for including environmental justice from air pollution hotspots in federally approved air quality and transportation plans. Recent letters have also provided a simple framework for how MWCOG could begin to effectively address this serious issue. There has been no meaningful response. Knowing how strongly many of the elected members of MWCOG support the need to address environmental justice and racial equity, I believe there has been a significant communication breakdown between the MWCOG elected leadership and the MWCOG staff.

I have read the EPA legal analysis that identifies a long list of federal authorities and other federal tools to begin to more aggressively address environmental justice. It appears that both EPA and FHWA/FTA have ample authority to require areas like MWCOG to include enforceable requirements in their federally approved air quality and transportation plans to ensure that implementation of those plans does not create new environmental justice problems or make existing environmental justice problems worse.

I request that you use these authorities to require this in the air quality and transportation plans that will be submitted by MWCOG and the states over the next year.

I have already begun to work with Cristina Fernandez, the Air Director for EPA Region 3 on this issue. I would be happy to provide a more detailed briefing to the federal agencies who I believe can be a key driver for making real, timely progress on environmental justice.

I have also attached a civil rights complaint to MWCOG that is being pursued in parallel to this request for assistance from the federal government.

Respectfully,

George S. Aburn Jr

Tad Aburn

tadaburn@gmail.com

(443) 829-3652

ccs:

Christian Dorsey, Chair, MWCOG Board
Reuben Collins, Chair, TPB
Anita Bonds, Chair, MWAQC
Ted Dernoga, Vice Chair, MWAQC
Takis Karentionis, Chair CEEPC
Era Pandya, Chair, ACPAC
Julie Kimmel, Vice Chair, ACPAC
Cristina Fernandez, USEPA
Mike Gordon, USEPA
Angus Welch, USEPA
Eric Schaefer, EIP
Leah Kelly, EIP
Anne Havemann, CCAN
Shailen Bhatt, Administrator, US FHWA
Christophe Lawson, US FHWA
Nuria Fernandez, Administrator, FTA
Dr. Sacoby Wilson, UMCP CEEJH
Phil Mendelson, DC Council
Clark Mercer, MWCOG
Kanti Srikanth, MWCOG
Lyn Erikson, MWCOG TPB
Jeff King, MWCOG MWAQC

Attachments

TITLE VI/DISCRIMINATION COMPLAINT FORM

Section I

Name: George S.Aburn

Address: Town of Cheverly, 6401 Forest Road, Cheverly MD 20785 or 39724 East
Sun Drive, FI DE

Telephone Numbers: (443) 829-3652

Electronic Mail Address:

tadaburn@gmail.com

Accessible Format Requirements?

Large Print NA Audio tape NA

TDD NA Other NA

Section II

Are you filing this complaint on your own behalf?

Yes No

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

Communities of color across the Metropolitan Washington Council of Governments (MWCOG) region

Please explain why you have filed for a third party.

MWCOG is ignoring serious public health risks and the civil rights of communities of color across the MWCOG region. The data and analysis demonstrating these high risks is definitive and readily available. Public comment on this issue since 2022 has virtually been ignored.

If you are filing on behalf

of a third party, have you have obtained the permission of the aggrieved party?

Yes and no. Actually not applicable.

Section III

Have you filed this complaint with any other federal, state or local agency, or with any federal or state court?

Yes No

If Yes, please

list:

USEPA,

USFHWA.

USFTA

Federal agency Yes _____ State Agency _____

Local Agency _____ Federal Court _____

Have you filed a lawsuit regarding this complaint? Yes No

If you answered "yes" to either of the two previous questions, please provide a copy of the complaint form or lawsuit. [Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the court, and COG will not take action.]

Attached

Name of office or department you believe discriminated against you:

Office or Department

MWCOG as a whole is discriminating against communities of color across the
MWCOG region_____

Name of Individual (if applicable)_____NA_____

Address_____

City_____State_____Zip code_____

Telephone_____

Basis(es) for complaint, check all that apply:

Race Color National Origin Gender Disability

On separate sheets, please describe your complaint. You should include specific details such as names, dates, times, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.

Description of complaint attached. Additional documentation attached.

Please sign here: **George S. Aburn Jr.** (fully signed version sent by US mail)_____

Date:_____July 10, 2023

You may attach any written materials or other information that you think is relevant to your complaint.

Please mail your completed form to: Title VI Officer, Metropolitan Washington Council of Governments, 777 North Capitol Street NE, Suite 300, Washington, DC 20002

Any individual, group of individuals, or entity that believes he/she, they, or it have been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by COG or its sub-recipients, consultants, and/or contractors, intimidation or retaliation of any kind is prohibited by law, may file a formal complaint with COG's Title VI Officer by completing and signing COG's Title VI Complaint Form. A formal complaint must be submitted in writing within 180 calendar days from the date of the alleged occurrence or when the alleged discrimination became known to the complainant. Complaints should be mailed to Title VI Officer, Metropolitan Washington Council of Governments, 777 North Capitol Street NE, Suite 300, Washington, DC 20002.

COG will acknowledge receipt of the complaint within 5 business days and determine if it accepts the complaint for investigation. Once accepted, COG will notify the parties within 5 calendar days. COG then has 40 calendar days to investigate the complaint. The investigation will be forwarded to the appropriate state agency within 60 calendar days of the acceptance of the complaint. Refer to COG's Nondiscrimination Complaint Procedures for additional information.

A person may also file a complaint directly with the appropriate state agency or the Federal Transit Administration at the following:

Virginia:

Civil Rights Division Administrator
Virginia Department of Transportation
Civil Rights Division
1401 E. Broad St.
Richmond, VA 23219
Telephone: (804) 786-2085
Toll free: (888) 508-3737; (TTY/TDD 711)

Equal Opportunity Compliance Programs
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202
Web: mta.maryland.gov
Telephone: (410) 539-3497 (TTY)

District of Columbia:

U.S. Department of Transportation
Federal Highway Administration
Virginia Division
Office of Civil Rights
400 N. 8th St., Suite 750
Richmond, VA 23219

District Department of Transportation
Office of Civil Rights
55 M Street, SE, Suite 400
Washington, DC 20003
Telephone: (202) 673-6813
Fax: (202) 671-0650

Maryland:

Maryland Department of Transportation
Title VI Program Manager
Office of Diversity and Equity
7201 Corporate Center Drive
Hanover, Maryland 21076

Federal Transit Administration:

FTA Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Alternative formats of this form can be made available upon request. Visit

www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD)

Attachment to MWCOG Title VI Complaint Form

Summary of Discrimination by the Metropolitan Washington Council of Governments (MWCOG)

Ignoring How MWCOG Regional Planning Processes are Creating High Risk Air Pollution Hotspots in Communities of Color Across the MWCOG Region - July 10, 2023

There is a clear record that MWCOG is ignoring the well documented issue that regional transportation and air quality planning processes and policies being developed by MWCOG and implemented by MWCOG members are creating high-risk air pollution hotspots in communities of color throughout the MWCOG region. It is my belief that this is being driven by MWCOG staff and, given the clear desire on the part of most elected MWCOG members to aggressively address racial equity, that elected members of MWCOG have not been adequately briefed on this serious issue.

I have attached a small sample of the more than 30 letters that have been written on this issue since late 2022. The MWCOG staff can provide a complete record. There have been virtually no written responses to the concerns being raised. This appears to be a violation of MWCOG's federally approved communication process for transportation planning.

The data and analyses that demonstrate that regional transportation and air quality planning and policies are readily available through MWCOG transportation and air quality technical committees. The Metropolitan Washington Air Quality Committee (MWAQC) was briefed on some of this data and analysis by Dr. Russ Dickerson. Doctor Dickerson commented that transportation related air pollution in the Ivy City area, one of the many environmental justice (EJ) communities in the region, were "alarming". In a 2021 report, the Maryland Department of the Environment concluded that the transportation driven air pollution plume from the Washington Ozone Nonattainment area was the most important contributor to air pollution hotspots in the EJ community around Sherriff Road in Prince George's County.

There appears to be a systematic, region-wide effort being made to ignore this critical racial discrimination issue and to ignore the civil rights of individuals living in communities of color across the MWCOG region.

If additional information, above and beyond what has already been provided in my letters, please feel free to contact me at tadaburn@gmail.com or (443) 829-3652.

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June 1, 2023

Anita Bonds, Chair, MWAQC
Kenny Boddye and Tom Dernoga, Vice Chairs, MWAQC
Committee Members, MWAQC
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

RE: Follow-Up Comments from the 05/24/2023 MWAQC Meeting

Chairwoman Bonds, Vice Chairs Boddye and Dernoga, MWAQC members:

Thank you very much for allowing me to provide public comments at your May 24th meeting and for the discussion of those comments during the “SIP (or State Implementation Plan) Approval” agenda item. I am particularly thankful for the interest in my letter expressed by the Chair and several committee members ... and the potential opportunity to provide additional information during, or in advance of, the next MWAQC meeting.

I thought that the Chairs recommended compromise on the potential inclusion of environmental justice in the SIP was very appropriate. That said, I still believe the best approach, which was not supported by the COG staff or the states, for moving forward quickly (because of the time-sensitive new “transportation budgets” in the draft SIP) would have been to require the following actions before the draft SIP was approved for state-level public comment:

1. Require that the draft SIP be revised to include policy language on environmental justice, and
2. Require staff to develop an aggressive time frame for developing the regional Environmental Justice program proposed by the Chair and supported unanimously.

During the meeting on the 24th, there was discussion of whether or not EPA is expecting SIPS to include provisions on environmental justice. Technical staff told

MWAQC that they thought that EPA was working on that issue, but that no guidance was available. Although detailed guidance has not been finalized by EPA ... the document below, according to EPA, provides a clear indication of what EPA will be looking for in SIP submittals. Unfortunately I was unable to make this comment during the meeting as I was muted by staff.

<https://www.epa.gov/ogc/epa-legal-tools-advance-environmental-justice>

Again, as background, my name is Tad Aburn. Last year I was the Chair of the MWAQC Technical Advisory Committee. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. During my time at the Maryland Department of the Environment, I helped the State begin its efforts to address environmental justice. Several partnerships with environmental justice communities have been initiated with the support of Dr. Sacoby Wilson's University of Maryland Center for Community Engagement, Environmental Justice and Health (CEEJH). I have an environmental engineering degree from Brown University. I am now retired and writing today as a volunteer for several environmentally overburdened communities in Prince George's County and as a member of the general public.

Below, I have provided some of my thoughts on a framework for quickly developing an environmental justice policy and program for the MWCOG region.

A Proposed Framework

Three Basic Steps that Need to be Implemented by MWCOG to Begin to
Address Environmental Justice in the Washington, DC Region

Introduction - This short white paper provides a basic framework that could be considered by the Metropolitan Washington Air Quality Committee (MWAQC) as they begin to develop the environmental justice policy and program that was approved at the Committees May 24, 2023 meeting.

Step 1 - Work with both county level and state level MWAQC members in VA, MD and DC to rethink and relocate current projects that are in the works that add to the existing environmental burden and make air pollution hotspots and racial inequality worse in environmental justice communities of color throughout the Washington DC region.

Many of these projects, like the Claybrick Road project and the Ivy City project can be built elsewhere ... in an area that does not impact a community of color or in an area with a larger buffer between the emissions from the project and the communities that breathe the air.

Step 2 - Begin to work with both county level and state level MWAQC members in VA, MD and DC to implement community-based partnership programs to reduce the existing inequitable exposures (hot-spots) to air pollution in environmental justice communities of color throughout the region.

The efforts in Maryland provide a template to begin this work. The Maryland efforts involve:

- *Building community partnerships.*
- *The establishment of community based, hyper-local air monitoring networks.*
- *Implementing focused community-based inspection and enforcement programs to use existing authorities to begin to reduce emissions in communities of color for sources like diesel trucks, fugitive dust and air toxics from stationary sources.*
- *Adopting new regulatory or legislative programs to address difficult issues that are not covered by existing authorities like multi-pollutant, cumulative exposure to many air pollutants at the same time.*

Maryland has begun to implement community partnerships, enhanced, community based enforcement programs and has proposed three new regulatory initiatives to begin to address the issue of environmental racism. The MWCOG staff has several reports summarizing this work in Maryland.

Step 3 - Begin regional discussions on how to change existing air quality, transportation and land-use policies that are unintentionally driving environmental racism in the region. This is a very difficult step and will take time.

The most critical policy change that is needed is to rethink current land-use policies that continue to encourage dirty businesses to be built in environmental justice communities of color because of antiquated zoning concepts.

This unintended consequence associated with decades of well intended land-use and zoning policy is not all that complicated:

- *Areas are zoned for medium to heavy industrial use*
- *Dirtier businesses, warehouses, other associated operations and traffic move into that area*
- *Housing costs drop in that area*

- *Low income communities, sometimes communities of color and other overburdened communities, move into that area*
- *More dirty businesses, warehouses, other associated operations and traffic continue to move into that area*

This is a very difficult problem to fix, but local governments in areas like California are working to begin to reverse this problem by considering environmental justice as part of land use and zoning decisions.

The above framework is intended to be very simple. Policy and technical support documents are available and probably already being considered by the MWCOG staff. I have also submitted several earlier letters to MWAQC, CEEPC, TPB and other Committees at MWCOG. These letters provide additional information on this issue and are available from MWCOG staff. I have also attached a stand-alone version of the proposed environmental justice framework.

There is a true sense of urgency associated with the need to adopt an environmental justice policy and program for the MWAQC/MWCOG region. At this time, there are at least two major high-polluting projects being planned in the region that would make the environmental justice problems in two communities of color significantly worse. MWCOG staff has information and "EJ Screen" output related to these projects and other projects within the region. Moving forward quickly to begin to address environmental justice is critical.

In closing, I would also like to thank you again for allowing public input and participation as part of the CEEPC process. I would be happy to discuss the simple environmental justice framework during a future meeting or with a smaller group of MWAQC leadership.

Please do not hesitate to contact me. I look forward to the continued leadership I expect you to show on this important but difficult issue.

Respectfully,

George S. Auburn Jr.

Tad Aburn
tadaburn@gmail.com
(443) 829-3652

Cc: MWAQC Members
Kate Stewart, Chair, MWCOG BOD
Tom Dernoga, Vice Chair, MWAQC
Reuben Collins, Chair, TPB
Clark Mercer, MWCOG
Takis Karantonis, Chair, CEEPC
Era Pandya, Chair, ACPAC
Julie Kimmel, Vice Chair, ACPAC
Tom Ballou, Chair MWAQC TAC
Dr. Sacoby Wilson, UMCP CEEJH
Cristina Fernandez, USEPA
Angus Welch, USEPA
Eric Schaefer, EIP
Leah Kelly, EIP
Anne Havemann, CCAN

Three Basic Steps that Need to be Implemented by MWCOG to Begin to
Address Environmental Racism in the Washington, DC Region*
June 1, 2023 (Update to 12/22/23)

Introduction - This short white paper provides a basic framework that could be considered by the Metropolitan Washington Air Quality Committee (MWAQC) as they begin to develop the environmental justice program approved at the Committees May 24, 2023 meeting.

Step 1 - Rethink and relocate current projects that are in the works that add to the existing environmental burden and make air pollution hotspots and racial inequity worse in communities of color throughout the Washington DC region.

Many of these projects, like the Claybrick Road project and the Ivy City project can be built elsewhere ... in an area that does not impact a community of color or in an area with a larger buffer between the emissions from the project and the communities that breathe the air.

Step 2 - Begin to work with both county level and state level MWAQC members in VA, MD and DC to implement programs to reduce the existing inequitable exposures (hot-spots) to air pollution in communities of color throughout the region.

The efforts in Maryland provide a template to begin this work. The Maryland efforts involve:

- *Building community partnerships.*
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- *Implementing focused community-based inspection and enforcement programs to use existing authorities to begin to reduce emissions in communities of color for sources like diesel trucks, fugitive dust and air toxics from stationary sources.*
- *Adopting new regulatory or legislative programs to address difficult issues that are not covered by existing authorities like multi-pollutant, cumulative exposure to many air pollutants at the same time.*

Maryland has begun to implement community partnerships, enhanced, community based enforcement programs and has proposed three new regulatory initiatives to begin to address the issue of environmental racism. The MWCOG staff has several reports summarizing this work in Maryland.

Step 3 - Begin regional discussions on how to change existing air quality, transportation and land-use policies that are unintentionally driving environmental racism in the region. This is a very difficult step and will take time.

The most critical policy change that is needed is to rethink current land-use policies that continue to encourage dirty businesses to be built in communities of color because of antiquated zoning concepts.

This unintended consequence associated with decades of well intended policy is not all that complicated:

- *Areas are zoned for medium to heavy industrial use*
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- *Housing costs drop in that area*
- *Low income communities, sometimes communities of color and other overburdened communities, move into that area*
- *More dirty businesses, warehouses, other associated operations and traffic continue to move into that area*

This is a very difficult problem to fix, but local governments in areas like California are working to begin to reverse the problem by considering environmental justice as part of land use and zoning decisions.

Tad Aburn
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May 24, 2023

Anita Bonds, Chair, MWAQC
Kenny Boddye and Tom Dernoga, Vice Chairs, MWAQC
Committee Members, MWAQC
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

RE: Additional Information for the 05/24/2023 MWAQC Meeting

Chairwoman Bonds, Vice Chairs Boddye and Dernoga, MWAQC members ... Thank you for the work you do and the opportunity to provide public comment during the March 24, 2023 MWAQC meeting. This letter is the letter containing the additional information mentioned in my short public comment for the 05/24/2023 MWAQC meeting.

My name is Tad Aburn. Last year I was the Chair of the MWAQC Technical Advisory Committee. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. I have an environmental engineering degree from Brown University. I am now retired and commenting today as a volunteer for several environmentally overburdened communities in Prince George's County and as a member of the general public .

My comments and letter for today, again focus on the two key air pollution issues discussed in my February 22nd comments and letter to MWAQC that are now critical in the Washington, DC metropolitan area ... the key roles that air quality planning has in addressing environmental justice and climate change. I am also submitting a comment on the draft State Implementation Plan or SIP that you have scheduled for approval on your agenda today.

The earlier issues that I have commented on can be summarized as follows:

:

- MWAQC needs to develop a plan to address the inequitable exposures to air pollution and climate change injustices in environmental justice communities.

These communities are often communities of color. The data is very clear that these inequities exist and that there are “air pollution hot-spots” in and around communities of color. EPA will now be requiring that SIPs address this issue.

- MWAQC should provide oversight and ensure that critical laws and policies (directly or indirectly included in the SIP) that are designed to reduce exposure and risk from air pollutants and to address climate change are actually being implemented.
- MWAQC should work with CEEPC and the MWCOG Board to strengthen the region's climate change goals to be consistent with the current science and goals set in other leadership areas. This is critical as TPB is developing strategies that could be inadequate to address climate change. These transportation strategies could also be extremely expensive and not cost-effective.
- MWAQC should work with TPB to require that the routine (usually annual) process for ensuring that new regional transportation plans are consistent with regional air quality goals also include climate change goals, not just air pollution goals. This process called “transportation conformity” currently only looks at air pollutants, not greenhouse gasses ... even though the data for greenhouse gasses is available as part of the modeling process used.

I have submitted several earlier letters to TPB, MWAQC and other Committees at MWCOG. These letters provide additional information on these environmental issues and are available from MWCOG staff. Several of the more important letters include: The attached letters listed below provide additional information on these issues.

- The March 24, 2023 letter to CEEPC
- The January 30, 2023 letter to ACPAC,
- The February 15, 2023 letter to TPB,
- The January 10, 2023 letter to the District of Columbia, and
- The December 30, 2023 letter to MWAQC and the COG Board.

Recent letters to TPB Tech also provide information on available data and analyses linked to the issues I am raising.

During your meeting on the 24th, you will be asked to approve a draft SIP for public comment at the State level. I believe MWCOG should ask for public comments on the draft regional SIP. I believe the SIP as currently drafted will be returned by EPA as incomplete.

Specifically, to the best of my ability to understand, the SIP includes no section discussing how the SIP will ensure that environmental justice issues are not created by the implementation of the measures in the SIP. EPA is now requiring this and developing detailed guidance. During the interim period before the EPA guidance is finalized, EPA expects MWAQC and the States to include language in the SIP similar to the language below:

“A core requirement of this SIP is that the emission reduction measures contained in the SIP directly or indirectly, and the implementation of those measures will not create or make worse environmental justice problems in already overburdened communities of color, or other environmental justice communities.”

The SIP should also include detailed descriptions of how MWAQC jurisdictions and the States plan to enforce that core element.

Environmental justice and climate change will be amongst the most important issues that MFCOG and MWAQC will need to address over the next 10 years. I urge you to show real leadership and begin to address these difficult issues.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on these very difficult issues.

George S. Auburn Jr.

Tad Auburn
tadaburn@gmail.com
(443) 829-3652

Cc: MWAQC Members
Takis Karantonis, Chair CEEPC
Dr. Sacoby Wilson, UMCP CEEJH

Copy of Comments Made by Tad Aburn
MWAQC Meeting
May 24, 2023

tadaburn@gmail.com
(443) 829-3652

Mr. Chairman, MWAQC members, thank you for providing the opportunity to provide public comment today.

My comments today focus on the draft State Implementation Plan or SIP that you will vote on later in today's meeting.

My name is Tad Aburn. In October of 2022, I was the Chair of MWAQC TAC. For the past 10 years I was the MDE Air Director and an MWAQC member. I have helped write and have submitted over 30 SIPs to EPA over my career. I am now retired ... doing volunteer work for overburdened communities in Prince George's County ... and commenting today as a concerned citizen.

I commend MWAQC for the work they have done to help make the dramatic progress over the past 10 years in cleaning up ozone and other air pollution. That said, I believe the SIP, as currently drafted, is missing a critical element and will be deemed "incomplete" by the USEPA.

During the last MWAQC meeting, Dr. Russell Dickerson provided a briefing on air quality progress. As part of that briefing he also discussed the serious remaining challenge of high-risk, air pollution hot-spots in environmental justice communities. He called the measured air pollution levels in the District's Ivy City environmental justice area "alarming". MWAQC Chair Bonds expressed concern over this problem. This issue of addressing environmental justice as part of SIPs is the major flaw in the draft SIP.

Specifically the SIP includes no section discussing how the SIP will ensure that environmental justice problems are not created by the implementation of the measures in the SIP. EPA is now requiring this and developing detailed guidance.

During the interim period before the EPA guidance is finalized, EPA expects MWAQC and the States to include language in the SIP that requires that the emission reduction measures contained in the SIP and the implementation of those measures will not create environmental justice problems or make environmental justice problems in already overburdened communities of color, or other environmental justice communities worse. The SIP should also include detailed descriptions of how MWAQC jurisdictions plan to enforce that requirement.

Additional information on the concerns I have over the draft SIP and sample language for inclusion in the SIP are included in the attached 5/24 letters to MWAQC and CEEPC. These letters also include additional information on the issues raised in my comments during the February 22, 2023 MWAQC meeting. I respectfully request that MWAQC provide a response, consistent with MWCOG public participation policy, to those earlier comments and to the comments that I am submitting today.

In summary, MWAQC should not approve the SIP until it includes the required information on environmental justice.

Thank you again for providing the opportunity to provide public comment.

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June 21, 2023

Reuben Collins, Chair, MWCOG Transportation Planning Board (TPB)
Members, MWCOG TPB
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

RE: Additional Information for the 06/21/2023 TPB Meeting

Chairman Collins, Board members, thank you for providing the opportunity to provide public comment for the June 21, 2023 TPB meeting. This letter is the letter containing the additional information mentioned in my short written public comments for the 06/21/2023 TPB meeting. The letter also includes a letter that provides public comment to the TPB Tech and CAC Committees. For these two TPB Committees there is no direct, or meaningful way for the public to provide comment or to participate in Committee activities.

My letter today builds from earlier comments I have submitted and focuses on concerns over federal approval of upcoming actions TPB may take on various transportation plans. I believe TPB's failure to adequately address environmental justice (EJ) and climate change will result in delays and potential disapproval by federal agencies over the next year. I have begun to work with several different federal agencies on these two issues and feel strongly that the federal government, based on President Biden's Executive Orders and other policies, is very supportive of the concerns that I have.

Again, my name is Tad Aburn. Last year I was the Chair of the MWAQC Technical Advisory Committee. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. I am now retired, doing volunteer work for EJ communities in Prince George's County. I received my environmental engineering degree from Brown University.

I have communicated with the EPA Air Quality and EJ Offices and US FHWA and US FTA over my concerns. These communications have at times been detailed and

comprehensive and at other times very preliminary. It is clear that all of the federal agencies are very focused on EJ and climate change.

The upcoming actions that I believe are at risk include TIPs, CLRPs, SIPs, conformity demonstrations and the overall MPO certification process. I have copied the federal agencies I have been communicating with..

Earlier letters and comments provide a significant amount of additional information on the issues that I am concerned over and information on data and analysis that clearly show these issues are real and significant. I will not repeat that information ... but, if you are interested, you should ask the MWCOG staff for the information that I have submitted over the past nine months. The two issues I have been commenting on can be summarized as follows:

- MWCOG TPB must address the environmental justice issues being created by out-of-date regional transportation planning that results in air pollution hot-spots around transportation projects. There are numerous transportation projects under development right now that will make air pollution hot-spots in communities of color significantly worse.
- MWCOG TPB must build the upcoming TPB climate change strategy using more scientifically credible and stronger climate change goals. Current MWCOG climate change goals are out of date, weak and not appropriate for a leadership area like MWCOG. Stronger goals would likely drive TPB to adopt a different mix of strategies in its upcoming TPB climate change plan.

Earlier communications have also provided short overviews of policies that could be adopted to address the concerns I have raised.

It is not clear to me why there has been no response from TPB to the issues that I have been raising for the past 9 months. Having worked with many elected officials in the MWCOG process, I know that the vast majority of members are very concerned about both environmental justice and climate change ... and anxious to address both issues. It appears that there is a disconnect between the MWCOG staff and the elected policy makers.

In closing, climate change, racial equity and environmental racism will be amongst the most important issues that MWCOG and TPB will need to address over the next 10 years. They are also very critical issues for the federal agencies that approve MWCOG air quality and transportation plans. I urge you to show real leadership and begin to address these difficult issues. These actions are important to ensure the protection of

public health and the environment, critical to moving forward with the region's transportation plans and simply the right thing to do.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on these very difficult issues.

Respectfully,

George S. Aburn Jr.

Tad Aburn

tadaburn@gmail.com

(443) 829-3652

Cc: TPB Members

Anita Bonds, Chair, MWAQC

Ted Dernoga, Vice Chair, MWAQC

Takis Karentionis, Chair CEEPC

Adam Ortiz, Regional Administrator, USEPA Region 3

Cristina Fernandez, Air Director, USEPA Region 3

Angus Welch, Environmental Justice Coordinator, USEPA Region 3

Mathew Tejada, Deputy Assistant Administrator, USEPA OEJECR

Shailen Bhatt, Administrator, US FHWA

Christophe Lawson, US FHWA

Nuria Fernandez, Administrator, FTA

Dr. Sacoby Wilson, UMCP CEEJH

Phil Mendelson, DC Council

Comments for the June 21, 2023 TPB Meeting

Tad Aburn

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Mr. Chairman, Board members, thank you again for the opportunity to provide public comment today.

My comments build from earlier comments I have submitted and today focus on concerns over federal approval of upcoming actions TPB may take on various transportation plans. I believe TPB's failure to adequately address environmental justice (EJ) and climate change will result in delays and potential disapproval from federal agencies over the next year. I have begun to work with several different federal agencies on these two issues and feel strongly that the federal government, based on President Biden's Executive Orders and other policies, is very supportive of the concerns that I have.

Again, my name is Tad Aburn. Last year I was the Chair of MWAQC TAC. I was an MWAQC member for over 10 years. For almost 20 years I was the director of the air pollution program in Maryland. I am now retired, doing volunteer work for EJ communities in Prince George's County.

I have communicated with the EPA Air Quality and EJ Offices and USFHWA and USFTA over my concerns. These communications have at times been comprehensive and at other times very preliminary. It is clear that all of the federal agencies are very focused on EJ and climate change.

The upcoming actions that I believe are at risk include TIPs, CLRPs, SIPs, conformity demonstrations and the overall MPO certification process.

Earlier letters and comments provide additional information on the issues and data and analysis that show these issues are significant. If you are interested, you should ask the MWCOG staff for the information that I have submitted for the past nine months.

It is not clear to me why there has been no response from TPB to the issues that I have been raising. Having worked with many elected officials in the MWCOG process, I know the vast majority of members are very concerned about both environmental justice

and climate change and anxious to address both issues. It appears that there is a disconnect between the MWCOG staff and the elected policy makers.

I have also submitted a more detailed letter that provides additional information on the issues I am raising. The federal agencies I am communicating with have been copied.

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November 7, 2022

Christain Dorsey
Chair, MWCOG Board of Directors
777 North Capitol St. N.E.
Suite 300
Washington, DC 20002

Chairman Dorsey:

Thank you for providing the opportunity to submit comments for consideration at the November 9, 2022 MWCOG Board meeting.

I am writing today to comment on a critical issue now surfacing in the Washington, DC metropolitan area ... racial inequity.

My name is Tad Aburn. Last month I was the Chair of the MWAQC Technical Advisory Committee. For almost 20 years I was the director of the air pollution program in Maryland. I am now retired and commenting today as a concerned, well-informed citizen.

As you meet today, the District of Columbia is planning to build a very large, very dirty bus maintenance and training facility next to and directly upwind of a small community of color located in the Cheverly and Seat Pleasant area of Prince George's County, Maryland. The facility will eventually help the region transition to electric buses and will provide significant environmental benefits to the residents of the region ... the primarily white residents of the region. The problem is that it is being done at the expense of a small, somewhat defenseless community of color. This is a classic case of government supported racial injustice ... specifically environmental racism.

The proposed facility to be built on Claybrick Road, will result in significant air pollution during construction and operation that will be breathed by the residents living in the area. A few of the specific air pollutants that will be released as a result of the new facility include cancer causing pollutants like diesel particulate and benzene and

airborne dust which is likely to contain deadly heavy metals and asbestos. To make things worse, because of ill-informed zoning and land-use decisions, this community of color is already overburdened by over 30 similar dirty facilities again located next to and directly upwind of where the residents breathe the air.

Simply stated, not one person on the MWCOG Board would want to live next to or near the new DC Claybrick Road facility or the other dirty businesses located in the area. I ask you ... why is it OK for the residents in a community of color to breathe that unhealthy air?

I recognize that this is a very difficult and sensitive issue. I am bringing it to the MWCOG Board because the Board and the region, in general, have historically demonstrated real national leadership on how to address this kind of difficult issue. As the past Chair of MWAQC TAC, I know that your MWAQC leadership has been asked to clarify MWAQC's policy on environmental racism and the emerging issue of regional projects that continue a legacy of dumping dirty businesses on communities of color. This is what is now happening because of the District's proposed Claybrick Road facility. According to the COG staff there are multiple other emerging situations similar to the Claybrick Road project, including one high profile project in the Ivy City community of color in the District of Columbia.

In closing, racial equity and environmental racism will be one of the most important issues that MWCOG will need to address over the next 10 years. I urge you to show real leadership, stop the Claybrick Road project and begin to work regionally to change the way that zoning and land use decisions are made. Unfortunately, it is now well recognized that these outdated policies not only enable, but actually promote environmental racism.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on this very difficult issue.

George S. Aburn Jr.

Tad Aburn
Concerned Citizen
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(443) 829-3652

Cc: Kate Stewart, MWCOG BOD Vice Chair
Charles Allen, MWCOG BOD, Second Vice Chair

Ted Dernoga, Prince George's County Council and MWAQC member
Koran Saines, Chair MWCOG CEEPC
Tara Failey, Chair, MWCOG AQPAC
Roger Thunell, Chair MWAQC TAC
Kelly Crawford, Air Director, DC DOEE

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January 10, 2023

The Honorable Muriel Bowser
Mayor, District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Mayor Bowser:

I am writing as I am concerned that you have not been adequately briefed on a proposed high polluting project that the District of Columbia (DC) Department of Transportation (DDOT) is proposing be built in an overburdened community of color in Prince George's County, MD.

My name is Tad Aburn and I am currently retired, but was, through November 2022, the Air Director for the Maryland Department of the Environment (MDE). I have worked with Tommy Wells and I am good friends with both Kelly Crawford and Hannah Ashenafi in your DC DOEE offices. I am currently doing volunteer work for overburdened communities in Maryland. I work closely with Dr. Sacoby Wilson and his University of Maryland Environmental Justice Center.

What is being proposed is a classic case of government driven environmental racism. I know of your stellar record and commitment to environmental justice issues and believe that you would not allow the DC DDOT project to be built in Ivy City or one of the Districts other environmental justice communities. I can only presume that you have not been well briefed on the DC DDOT proposed project in a Maryland environmental justice area on Claybrick Road, just outside of DC in Prince George's County. The project, which links to the metropolitan area's efforts to electrify buses, is well intended and will provide significant environmental benefits to the residents, the primarily white residents, of the region ... It is unfortunately being done at the expense of a small, overburdened community of color.

I have attached a recent letter to Dr. Amber Hewitt requesting her assistance with this issue. It includes additional details on the project. I have also attached a March 2022 letter from MDE to DC DDOT on this issue which has never been answered. In working with the community, it is very clear to me that transparency and not working openly with the community are also major issues.

In closing, I thank you for your leadership in the area of environmental justice and respectfully ask that the District consider an alternative, more appropriate site for the proposed Claybrick Road Project. In a meeting with the three Maryland Mayors who have expressed concern over this project, your senior DC leadership acknowledged that other sites were available. I urge you to relocate the project.

Respectfully

George S. (Tad) Aburn Jr.

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Cc: Dr. Sacoby Wilson, UM CEEJH
Dr. Amber Hewitt, DC ORE
Tommy Wells, DDOE
Carla Longshore, DDOT
Kelly Crawford, DDOE
Hannah Ashenafi, DDOE
Phil Mendolson
Sheila Sailo
Kaern Moe
Laila Riazzi
Dylan Galloway

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December 30, 2022

Christain Dorsey

Chair, MWCOG Board of Directors

Takis Karantonis

Chair, Metropolitan Washington Air Quality Committee (MWAQC)

777 North Capitol St. N.E.

Suite 300

Washington, DC 20002

Chairman Dorsey and Chairman Karantonis:

Thank you for providing the opportunity to submit comments for consideration at the November 9, 2022 MWCOG Board and December 7, 2022 MWAQC meetings.

I also appreciate the written and verbal responses to my comments and letters provided by the MWCOG leadership.

I am again writing today to comment on a critical issue now surfacing in the Washington, DC metropolitan area ... racial inequity. I am concerned that you are focusing on the District of Columbia's Claybrick Road Project ... where the real regional issue is how regional air quality, transportation and land use policies are creating air pollution hot-spots in communities of color and how these regional policies are unintentionally promoting environmental racism throughout the Washington region. The Claybrick Road project is just one of many examples of how MWCOGs regional policies are driving environmental racism in the real world.

I have attached my December 5th letter to MWAQC that provides more detail on this issue.

I am also attaching a very short summary of the three key steps that I believe the MWCOG leadership and Committees need to begin to address to begin to fix this very serious, but technically and politically difficult problem.

During the December 7, 2022 MWAQC meeting, Chairman Karantonis described the mission of MWAQC, which is primarily to coordinate the development of regional air quality plans, and how the Claybrick Road project and environmental justice were not clearly part of the MWQAQC mission. I respectfully disagree with that. EPA is now requiring that environmental justice and real world environmental racism issues like the Claybrick Road project be addressed as part of regional air quality plans also referred to as "SIPs" or State Implementation Plans. I am surprised the MWCOG staff was not aware of this. I have cc'd Cristina Fernandez, a friend of mine and the EPA Region 3 Air Director. I am certain Cristina would be happy to brief MWAQC or MWAQC TAC on this critical new emerging area of SIP development. This issue also fits into several other EPA initiatives that are designed to ensure that environmental justice issues are addressed as part of projects that involve federal funding.

I would be happy to discuss these issues or to provide briefings to MWAQC, MWQAC TAC, CEEPC or TPB.

At a minimum, I would encourage you to ask the MWCOG staff to brief the MWCOG leadership on how widespread the issue of environmental racism, similar to the Claybrick Road Project, is throughout the region.

In closing, racial equity and environmental racism will be one of the most important issues that MWCOG will need to address over the next 10 years. I urge you to show real leadership, stop the Claybrick Road project and begin to work regionally to change the way that zoning and land use decisions are made and how existing regional air quality and transportation policies are driving racial inequity. Unfortunately, it is now well recognized that these outdated policies not only enable, but actually promote environmental racism.

Please do not hesitate to contact me. I look forward to the leadership I expect you to show on this very difficult issue.

George S. Aburn Jr.

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Cc: Ted Dernoga, Prince George's County Council and MWAQC member
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