

Kinder Morgan & Title VI Complaint FACT SHEET

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Environmental Law Center



Great Rivers Environmental Law Center intends to file a Title VI Complaint on behalf of Dutchtown South Community Corporation (“DSCC”) and the St. Louis Branch of the NAACP (“NAACP”) with the U.S. Environmental Protection Agency (“EPA”) against the Missouri Department of Natural Resources (“MDNR”), to oppose the MDNR’s recent decision to issue a Clean Air Act operating permit to Kinder Morgan Transmix Company. This is a fact sheet intended to provide you, as citizen who has been and will be impacted by the Kinder Morgan facility, with information about Kinder Morgan and the Title VI complaint process.

What is MDNR?

The MDNR is a state environmental agency charged with the protection of Missouri’s air, land, water and mineral resources, preserving unique natural and historic places, providing recreational and learning opportunities, while promoting the environmentally sound and energy-efficient operations of businesses, communities, agriculture, and industry for the benefit of all Missourians. MDNR receives much of its funding from the EPA.

What is Title VI?

Title VI is part of the Civil Rights Act of 1964. It precludes discrimination on the basis of race, color or national origin in connection with any program or activity receiving Federal financial assistance. In the environmental context, Title VI mandates that a state agency accepting EPA funding may not issue a permit to a polluting facility in a way that results in a discriminatory effect on predominantly minority or low-income communities. A discriminatory effect results when an agency’s decisions cause a predominantly minority or low-income community to shoulder significantly more environmental impact or pollution than other communities. Further, Title VI requires that the agencies funded by the EPA allow impacted communities substantial involvement in agency decision-making processes, particularly through permitting efforts.

Who is Kinder Morgan?

Kinder Morgan, one of America’s largest energy infrastructure companies, was co-founded by two former Enron Corporation executives over 20 years ago. In 1997, Richard Kinder, who had just resigned after six years in his roles as president and chief operating officer of Enron, teamed up with another former Enron executive, Bill Morgan, to buy Enron Liquids Pipeline Company from Enron for \$40 million. Soon after, they renamed the company Kinder Morgan. Today, the company is publicly traded on the New York Stock Exchange, and is valued at just under 32 billion dollars. Forbes magazine lists Kinder, who stepped down as CEO in 2015 but remains its executive chairman, as the 67th richest American with an estimated net worth of \$6.3 billion.



In St. Louis, Kinder Morgan operates a 16.5 acre bulk transport loading facility for gasoline and other fuel oil products. At this facility, the company receives and stores fuel on site, and loads fuels into tanks and onto transport vehicles. The facility is located just south and east of First and Gasconade Streets, within close proximity of the Dutchtown, Marine Villa, Mt. Pleasant and Gravois Park neighborhoods.

What are the potential health impacts from Kinder Morgan?

Kinder Morgan's operations at its South St. Louis facility result in emissions of volatile organic compounds (VOCs), hazardous air pollutants (HAPs), particulate matter less than ten microns in diameter (PM10), sulfur oxides (SOx), nitrogen oxides (NOx), and carbon monoxide (CO). Exposure to these compounds can cause a variety of negative health effects including cancer, heart disease, asthma, lung disease, adverse birth outcomes, and diabetes. In addition, the facility has the potential to catastrophically harm nearby residents in the event of an accidental release of the highly volatile compounds, large quantities of which are stored at the facility. Further, the facility subjects nearby residents to increased risk of fire and explosion that could be caused by ignition of flammable vapors or gases from the materials stored at the plant.

How has MDNR has violated Title VI?

In issuing the Kinder Morgan permit, the MDNR blatantly failed to comply with Title VI in two ways. First, the MDNR's decision to permit the Kinder Morgan facility has resulted in a disparate discriminatory impact on minority communities that already are disproportionately affected by multiple sources of air pollution. It is indisputable that Kinder Morgan is located adjacent to several predominantly minority, low-income neighborhoods. It is also indisputable that the Dutchtown neighborhoods are heavily impacted by industrial air pollution, as well as by air pollution caused by traffic, demolition, and other sources of air pollution. As a result, the MDNR's decision to permit the Kinder Morgan facility has contributed to a discriminatory and disparate impact on the Dutchtown neighborhoods. Second, MDNR has violated Title VI by failing to ensure any meaningful public involvement in its decision to grant an air pollution permit to Kinder Morgan. In fact, MDNR has failed to adopt any kind of Title VI program, as it is clearly required to do by the statute. Our Title VI Complaint will ask the EPA to address both of these issues.

How can I get involved in the Title VI Complaint process?

Great Rivers is preparing a complaint against the MDNR that will be filed with the EPA on behalf of DSCC, as well as the St. Louis Chapter of the NAACP. Upon filing this complaint, the EPA will conduct an investigation into the complaint that will result in them contacting DSCC for more information. If you are interested in being involved, please provide to DSCC your name, information about yourself and how you have been impacted by the Kinder Morgan facility or air pollution in the neighborhood. DSCC will pass along your information to the EPA as it conducts its investigation of the complaint.

For questions or additional information, please contact:

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