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The Washington Post[View Related Topics](#)**August 18, 1998, Tuesday, Final Edition****SECTION:** A SECTION; Pg. A08**LENGTH:** 248 words**HEADLINE:** Supreme Court Dismisses 'Environmental Racism' Case**BODY:**

The Supreme Court yesterday dismissed a case from Pennsylvania that asked whether private citizens can sue over government agency regulations that allegedly result in racial discrimination.

Chester, Pa., residents had accused the state of "environmental racism" by placing **waste** treatment facilities in their mostly black city, and the high court had agreed in June to hear arguments in the case. But the residents asked the justices last month to dismiss the case as moot because a permit for a proposed treatment facility was revoked and the facility will not be built.

The **lawsuit** had argued that the results of the permit-granting process were racially biased because most treatment plants were located in Chester rather than the rest of Delaware County, which is mostly white. The residents accused the state of violating a federal law that bars racial bias by any federally financed endeavor.

A federal judge threw out the **lawsuit** in 1996, saying the residents could not sue when they alleged only a discriminatory effect, not discriminatory intent.

The 3rd U.S. Circuit Court of Appeals last year reversed the judge's decision and said the residents were entitled to sue. The state appealed that decision to the Supreme Court.

The state's lawyers argued in papers filed with the high court that the case was not moot. But they said that if the justices decided the case was moot, the 3rd Circuit court's ruling should be set aside. The Supreme Court did that.

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