



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-2879

In Reply Refer To:

EPA File No. 01S-10-R3

[REDACTED]
[REDACTED]
[REDACTED]

Re: Referral of Administrative Complaint

Dear [REDACTED]:

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint was received by EPA on December 31, 2009. You allege that the Maryland Transit Administration (MTA), within the Maryland Department of Transportation (MDOT), violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. As stated above, a complaint must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act. Accordingly, MTA, which is an organization under the MDOT, is not a current applicant for or recipient of EPA financial assistance. Therefore OCR cannot accept your complaint for investigation.

Although your complaint was not accepted for investigation, OCR, in consultation with the U.S. Department of Transportation, is referring this matter to the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC may be able to assist you with your concerns regarding employment discrimination. EPA has copied EEOC on this letter for your convenience.

If you have questions regarding this letter, please contact Crystal Rennie of the OCR External Compliance Program at (202) 343-9839, via electronic mail at rennie.crystal@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Katherin E. Hall, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Cynthia Burrows, EEO Officer
EPA Region 3

Beverly K. Swaim-Staley, Secretary
Maryland Department of Transportation

Joseph Austin, Associate Director
External Civil Rights Programs Division
Civil Rights Office
U.S. Department of Transportation

Stuart J. Ishimaru, Acting Chairman
U.S. Equal Employment Opportunity Commission