



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

'APR 22 2010

OFFICE OF
CIVIL RIGHTS

Mark Kappelhoff, Acting Chief
Coordination and Review Section - NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: Referral of Civil Rights Complaint

Dear Mr. Kappelhoff:

On January 11, 2010, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received an administrative complaint referred to us by the U.S. Department of Justice (DOJ). The complaint was submitted by [REDACTED]. The complaint alleges that several private companies – Atlantic Richfield Company (ARCO), ARCO Environmental Remediation LLC, Anaconda Local Development Corporation, and Rarus Railroad Company – along with several government agencies – Anaconda Deer Lodge County, Anaconda Law Enforcement, Montana Secretary of State, Montana Department of Revenue, Montana Department of Environmental Quality, and the US Environmental Protection Agency Region 8 (hereinafter “entities”) – violated the Age Discrimination Act of 1975, Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (CWA), and EPA’s nondiscrimination regulations found at 40 C.F.R. Part 7.

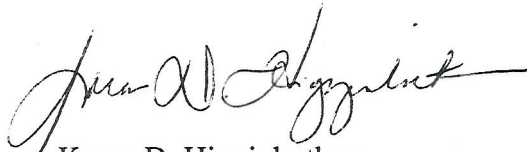
Additionally, the complaint alleged that these entities discriminated and retaliated against her privately owned business, **RDM Multi-Enterprises, Inc.**, which processed slag from the former Anaconda Smelter facility into roofing and sand blasting material. The complaint also referenced her son, [REDACTED] and her daughter [REDACTED] as also being subject to discrimination.

In the course of the review of the original complaint and subsequent clarifying information, the allegations of age and gender discrimination were rejected by EPA OCR due to issues relating to timeliness, EPA financial assistance status, and alleged discriminatory acts that do not violate EPA’s nondiscrimination regulations. However, one alleged act mentioned in [REDACTED] affidavit is listed as occurring on May 20, 2009, one month after the original complaint was filed with the DOJ. This alleged act

involved the local law enforcement department and is found on page two of [REDACTED].
[REDACTED] affidavit. This allegation is not under the jurisdiction of EPA OCR but may be under US DOJ's jurisdiction. EPA therefore, is referring the May 20, 2009, allegation to US DOJ. We have also copied the complainant on this letter to acknowledge that we have forwarded this complaint to you. EPA is enclosing all of the complainant's supplemental clarifying information along with the original complaint for your reference.

If you have any questions, please contact Thomas Walker, of OCR's External Compliance Program, by telephone at (202) 343-9680, via e-mail at walker.tom@epa.gov, or by mail at U.S. EPA Office of Civil Rights (MC 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: w/o enclosure

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

John Sullivan
Chief of Law Enforcement
Anaconda Police Department
PO Box 518
Anaconda, MT 59711

Linda King, Investigator
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Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (MC 2399A)