



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

AUG - 2 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail# 7004-2510-0004-2241-5421

In Reply Refer to:

EPA File No. 09R-11-R10

Ted Sturdevant
Director
The Washington State Department of Ecology
Post Office Box 47600
Olympia, WA 98504-7600

Re: Rejection without Prejudice of Administrative Complaint

Dear Mr. Sturdevant:

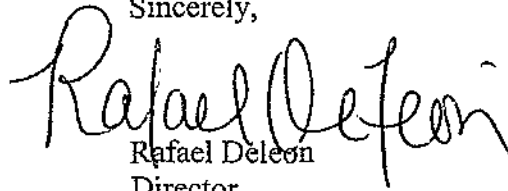
This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting without prejudice the complaint dated September 23, 2011. The complaint alleged that the Washington State Department of Ecology (WSDE), the Quincy Port District and the City of Quincy, WA, violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000 *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7. Specifically, the complaint states that WSDE violated Title VI by issuing a permit to allow for the expansion of the Microsoft Columbia Data Center in Quincy, WA. The complainant states that the expansion of the Microsoft Data Center will increase the emission of hazardous diesel engine exhaust particulate matter beyond acceptable levels.

OCR has determined that the matters raised in the complaint are currently the subject of ongoing litigation before the Pollution Control Hearings Board (PCHB) for the State of Washington. It is OCR's standard practice to reject without prejudice complaints where the same subject matter is involved in an adjudicative proceeding. A final decision in the pending litigation before the PCHB may impact the complaint filed with OCR. In addition, because the appeal of the permit is not yet final, and the issuance of the permit is central to the complaint, the complaint is not yet ripe for review. Therefore, while OCR will not accept the complaint at this time, the complainant may re-file the complaint against WSDE as indicated below.

Please note that the allegations against the WSDE may be re-filed within 60 calendar days of the conclusion of the adjudicative process, and OCR will review the re-filed complaint at that time. If you have any questions, please contact Samuel Peterson, of OCR's External Compliance Program, by telephone at (202) 564-5393, via e-mail at

peterson.samuel@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460-1000.

Sincerely,


Rafael DeLeon
Director

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (2399A)

Clifford Villa
Office of General Counsel
U.S. EPA Region 10

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