



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

JUL 23 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-3876

In Reply Refer To:

EPA File No. 15R-10-R9

Mr. Abe Gupta
2224 Railroad Avenue
Pittsburg, CA 94565

Re: Rejection of Administrative Complaint

Dear Mr. Gupta:

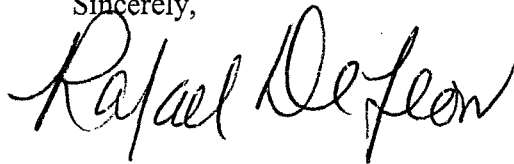
This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint was received by EPA on June 1, 2010. You allege that Union City, California violated Title VI of the Civil Rights Act of 1964, as amended (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. While your complaint did not provide dates for the alleged discrimination, OCR has determined that Union City, CA was not an applicant for, or recipient of, EPA assistance during the 180 days preceding the filing of the complaint. This is the time period in which the discrimination would have had to occur to make your complaint timely. Therefore, for the reasons stated above OCR cannot accept your complaint for investigation.

If you have questions regarding this letter, please contact Helena Wooden-Aguilar of the OCR External Compliance Program at (202) 343-9681, via electronic mail at wooden-aguilar.helena@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,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is fluid and cursive, with the first name "Rafael" being larger and more prominent than the last name "DeLeon".

Rafael DeLeon
Acting Director

Enclosure

cc: Steve Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Bridget Coyle, EEO Officer
Region 9

Mark Green, Mayor
Union City, California