



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

SEP 28 2012

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail# 7004-2510-0004-2241-7081

**In Reply Refer to:**

EPA File No.: 22R-11-R6

Adam Babich  
Tulane Environmental Law Clinic Director & Professor of Law  
Tulane Law School  
6329 Freret Street  
New Orleans, LA 70118

**Re: REJECTION OF ADMINISTRATIVE COMPLAINT**

Dear Mr. Babich:

This letter concerns the administrative complaint received on November 5, 2010, which your clients, [REDACTED] and [REDACTED], filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) alleging that the City of Baton Rouge has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7. On December 2, 2010, OCR spoke to [REDACTED] and it was stated that the points of contact would be [REDACTED] and [REDACTED].<sup>1</sup> On December 20, 2010, your clients notified OCR that the adjudicative process had concluded and requested that OCR reopen this administrative complaint.

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.)

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<sup>1</sup> Telephone call from Ericka Farrell, Program Analyst, External Complaints and Compliance Team, OCR, US EPA and Helena Wooden-Aguilar, Assistant Director, External Compliance and Complaints Team, OCR to [REDACTED], complainant. (December 2, 2010)

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.

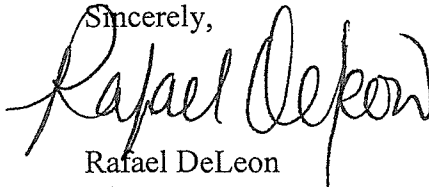
**Allegation:**

**The City of Baton Rouge's failure to require the North Baton Rouge Sewage Plant to prevent or minimize offensive odors and filter flies has created a discriminatory impact on the African American community of University Place Subdivision of Baton Rouge, Louisiana.**

This allegation is rejected for investigation because it is not timely. To be accepted for investigation, a complaint must be filed no later than 180 days after the date of the alleged discriminatory act. The complaint failed to describe an alleged discriminatory act that occurred 180 days before the filing of this complaint. OCR repeatedly sought clarification of the specific acts and dates of this allegation from 2010 to 2011.<sup>2</sup> In response, your clients did not identify a specific act or date when the city failed to prevent or minimize offensive odors or filter flies. OCR independently could not identify a specific date of an alleged discriminatory act. Therefore, after careful review, OCR was unable to determine that this complaint was timely.

If you have questions regarding this letter, please contact Helena Wooden-Aguilar, Assistant Director of the OCR External Compliance Program at (202) 564-0792, via electronic mail at [wooden-aguilar.helena@epa.gov](mailto: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,



Rafael DeLeon  
Director

Enclosure

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>2</sup> Telephone calls from Ms. Ericka Farrell, Case Manager, Office of Civil Rights, US EPA, to Mr. [REDACTED], Complainant regarding EPA File No. 22R-10-R6. (January 19, 2011, February 2, 2011, and June 22, 2011)

Mr. Pete Newkirk, Director  
City of Baton Rouge  
Department of Public Works  
P.O. Box 1471  
Baton Rouge, LA 70821

Julia Rhodes, Assistant General Counsel  
Civil Rights Law and Finance Office (MC 2399A)

Manuela (Nellie) Roblez,  
EEO Officer, EPA Region 6

Marcia Moncrieffe  
Title VI Contact, Region 6