



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

MAR 24 2008

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7004-1160-0002-3622-9094

Robin C. Deykes
Disability Rights Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Referred Correspondence of [REDACTED]

Dear Ms. Deykes:

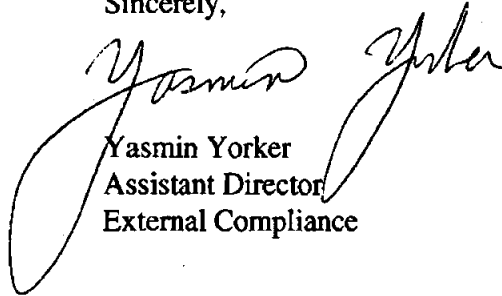
This letter concerns your referral of the administrative complaint received by the U.S. Department of Justice (DOJ) on November 19, 2007. The complaint was filed by [REDACTED] against the City of Belleville and the County of St. Clair, Illinois. DOJ referred the complaint to the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) in a letter dated January 8, 2008. The letter asked OCR to review the complaint, which alleges discrimination against a person with a disability, and determine whether EPA had the authority to investigate it under Section 504 of the Rehabilitation Act of 1973 (Section 504) or under Title II of the Americans with Disabilities Act (ADA). After careful review, EPA does not appear to have the jurisdiction to investigate this complaint.

EPA's nondiscrimination regulations that implement Section 504 prohibit discrimination against individuals on the basis of a disability under programs or activities that receive EPA assistance. 40 C.F.R. § 7.45. Pursuant to EPA's nondiscrimination regulations, OCR conducted a preliminary review of the complaint to determine whether it met EPA's jurisdictional criteria for acceptance. 40 C.F.R. § 7.120(d)(1). After careful review, OCR has concluded that it cannot accept this allegation for investigation because EPA does not provide assistance to either of the two recipients named in the complaint.

Regarding Title II of the ADA, EPA is not one of the eight federal agencies designated to investigate disability-related discrimination complaints filed under Title II of the ADA. 28 C.F.R. § 35.190(b). OCR, therefore, cannot accept this complaint for investigation. Since EPA does not have the authority under Section 504 or under Title II of the ADA to investigate any of the allegations in [REDACTED] complaint, EPA is returning all of the information previously forwarded by DOJ.

Please call me at (202) 343-9682 if you have any questions, or would like to discuss this further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Yasmin Yorker". The signature is written in dark ink and is positioned above the printed name and title.

Yasmin Yorker
Assistant Director
External Compliance

Enclosure

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

Final Disposition Response

We have completed processing the correspondence referred by the Department of Justice, CTS# 282230, and are notifying you about our final disposition in the case.

Agency Docket # 01D-08-R5 (if appropriate)

X Enclosed is the final written disposition.

_____ There is no final written disposition in this matter but we closed it for the following reason:

[illegible]

Name Loren Hall Telephone 202-343-9675

Title Envir. Protection Specialist Agency U.S. EPA Date 3/17/08

Return to DOJ by mail or FAX us at (202) 307-1197/98; or notify us separately to explain your agency's final action.



U.S. Department of Justice

Civil Rights Division

DJ# 204-25-0

Disability Rights Section - NYA
950 Pennsylvania Avenue N.W.
Washington, DC 20530

JAN 08 2008

Ms. Karen Higginbothan, Director
Office of Civil Rights
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Room 2450
Washington, D.C. 20460

RE: Correspondence of [REDACTED] v. City of Belleville
Date Received by DOJ: November 27, 2007

Dear Ms. Higginbothan:

We have determined that the enclosed matter is not within the jurisdiction of our office and are referring it to you for appropriate disposition. We are sending the complainant a copy of this letter so he/she will know how to contact you. By copying the complainant, we are advising him/her that future inquiries about this complaint should be made to your office at 202-564-7272 (Voice).

If you have jurisdiction under section 504 of the Rehabilitation Act of 1973, as amended, please investigate the allegations for compliance with both your agency's section 504 regulation and the Department of Justice's title II regulation, 28 C.F.R. part 35.

If you have jurisdiction under title II of the Americans with Disabilities Act of 1990, please investigate the allegations under the procedures in 28 C.F.R. part 35, subpart F.

Because we are responsible for coordinating enforcement of title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, please send us any final written disposition of complaints alleging noncompliance with title II or Section 504. You may use the enclosed Final Disposition Response form for this purpose. In all correspondence please refer to the complainant's name and the alleged discriminating entity.

282230

08-000
0484

-2-

If you have no jurisdiction over this complaint, please promptly return it to us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'RL C Deykes', with a stylized, cursive script.

Robin C. Deykes
Civil Rights Program Specialist
Disability Rights Section
Civil Rights Division

Enclosures

cc:

A large, solid black rectangular redaction box covering several lines of text at the bottom left of the page.

282230

U.S. Department of Justice
Civil Rights Division
Disability Rights Section

RECEIVED
CIVIL RIGHTS DIVISION

2007 NOV 27 P 1:12

DISABILITY RIGHTS SECTION

OMB No. 1190-0009

Title II of the Americans with Disabilities Act Section 504 of the Rehabilitation Act of 1973 Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on page 3.

Complainant: [REDACTED]

Address: [REDACTED]

City, State and Zip Code: [REDACTED]

Telephone: Home: [REDACTED]

Business: [REDACTED]

Person Discriminated Against:
(if other than the complainant)

Same, see above.

Address: _____

City, State, and Zip
Code: _____

Telephone: Home: _____

Business: _____

Government, or organization, or institution which you believe has discriminated: _____

204-26-0

NOV 27 2007

Name: City of Belleville
Address: 101 South Illinois Street
County: St. Clair
City: Belleville
State & Zip Code: Illinois 62220
Telephone: (618) 233-6810

Name: County of St. Clair
Address: 19 Public Square
County: St. Clair
City: Belleville
State & Zip Code: Illinois, 62220
Telephone: (618) 233-7703

When did the discrimination occur?

Date: On or about October 15, 2007 when residents are permitted to openly burn leaves and other yard debris.

Describe the acts of discrimination providing the name(s) where possible of the individuals who discriminated (use space on page 3 if necessary):

The City of Belleville, Illinois and the County of St. Clair, State of Illinois permit non-stop open leaf burning by residents. There is no enforcement of days or hours of burning. There is a thick haze over the entire city and county. I have already been to the hospital for emergency treatment and also to my physician for follow up treatment in the past week. The smoke blows into my house, I cannot even breath in my own home. I am experiencing severe respiratory distress as a result of the leaf burning. I cannot attend public functions out doors, because of all the smoke. I cannot take the Metrolink, public transportation, because of all of the smoke from leaf burning. I can't even go out and buy groceries on the weekends and utilize the public roads because of all of the blowing smoke from leaf burning. It triggers a severe asthma attack. I am taking more and more medication, but I can't breathe because of all the smoke. It just hangs in the air.

Have efforts been made to resolve this complaint through the internal grievance procedure of the government, organization, or institution?

Yes _____ No X _____

If yes: what is the status of the grievance?

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes _____ No X _____

If yes:

Agency or
Court:

Contact
Person:

Address:

City, State, and Zip
Code:

Telephone
Number:

Date
Filed:

Do you intend to file with another agency or court?

Yes _____ No _____

Don't know yet

Agency or

Court:

Address:

City, State and Zip
Code:

Telephone
Number:

Additional space for answers:

Signature:



Date:

19th November 2007

Return to:

CITY	ST. CLAIR COUNTY LEAF BURNING REGULATIONS 2007 OPEN BURNING ORDINANCE AND COLLECTION OR DROP-OFF ALTERNATIVES
Alorton 618-271-4586	Follow EPA guidelines Residents can burn yard waste Collection: Residents arrange with private hauler.
Belleville 618-233-6810	Leaf burning only: October 1 through December 15 and April 15 through May 15 (10:00 A.M. to 4:00 P.M.) Fine: \$100 to \$500 per occurrence Collection: Yard waste in paper bags or cans is collected by the city trucks the second full week of January, February, and March. Starting April weekly collection by city trucks through December 15.
Brooklyn 618-271-8424	No burn policy Collection: City picks up trash, yard waste & etc.
Cahokia 618-337-9517	Burn yard waste only on premises. When atmospheric conditions dissipate contaminants. Daylight hours only, with a person over 18. Burning not allowed on village streets. Collection: Residents arrange with private hauler.
Caseyville 618-344-1233	Burn yard waste only from dawn to dusk. Collection: Residents contracts with private hauler.
Centreville 618-332-1057	Yard Waste may be burned only on the premises in which it is produced during daylight hours only. Collection: Residents contract with private hauler. Conducts a once a year cleanup in the city where all types of yard waste and other items are collected.
Collinsville 618-344-5252	Ban on leaf burning. (No Burn Policy) Collection: Residents must arrange with a private hauler. City Street Department will provide bins in the fall at the Public Works Building (850 S. Morrison) from 9:00 A.M. 3:00 P.M. on various dates. City residents can bring properly bagged lawn waste and drop it off at no charge. Proof of residency is required. The city provides a bimonthly pickup of limbs – residents much schedule pickup at 618-346-5214.
Dupo 618-286-3280	Burning allowed year-round, except Monday through Wednesday, in a container on private property. Collection: Village picks up leaves.
East Carondelet 618-286-4660	Burn yard waste only. Daylight hours only, with a person over 18. No trash, agricultural waste, etc. (2006 Information)
East St. Louis 618-482-6811	Ban on leaf burning. (No Burn Policy) Residents can contract with private hauler
Fairmont City 618-274-4504	Burning allowed only during daylight hours, landscape waste only. Properly bagged waste can be dropped off at the city garage.
Fairview Heights 618-489-2000	Ordinance restricts burning to Nov. 1 to April 30, Tuesday, Thursday and Saturday from 9:00 A.M. – 4:00 P.M. No burning on roadways, curb and gutter or open drainage way in the city. Collection: Residents contract with licensed private haulers for trash and yard waste collection.
Fayetteville 618-677-3343	Residents are allowed to burn yard waste. Collection: Yard waste may be taken to the area by the Sewer Plant.
Freeburg 618-539-5545	Burn landscape waste on premises on which it is generated, no trash. Only when atmospheric conditions readily dissipate contaminants. Only if burning does not create visibility hazards. Only during daylight hours with a person over the age of 18. No burning of landscape waste shall be permitted on village streets. No burning if fire chief deems it unsafe. Collection: City collects leaves using the "Billy Goat," a dump truck with a leaf vacuum, from Oct. 31 st - Dec. 9 th . Additional dates will be added if necessary.
Lebanon 618-537-2193	Open burning of landscape waste only during the hours between sunrise and sunset of the same day, and attended by a person no less than 12 years of age. No burning on city street, alley, sidewalk or thoroughfare. Burning may occurs only on Mondays, Wednesdays and Saturdays during Sept. 15 through Dec. 15 and March 15 through May 15. (Leaves Only) Collection: Private hauler picks up yard waste by contract with residents.

Lenzburg Lenzburg Cont. 618-475-3347	Only burn what grows from the ground. No trash. Must finish burning before dusk. Can take yard waste to the city burn pile on Lake Drive. Drop off any time.
Marissa 618-295-2351	Landscape waste burned only on premises in which it was produced. Only when atmospheric conditions readily dissipate contaminants. Only if burning does not create a visibility hazard on roadways, walkways, or railroad tracks. Only during daylight hours with a person over the age of 18. No burning on village streets. No burning the weekend before Thanksgiving. Collection: Residents arrange for pick up with a private hauler. Residents can take landscape waste to the village shed (701 East Lyons). Landscape waste will be used for composting.
Mascoutah 618-566-2964	Ban on leaf burning. Collection: Residents arrange for pick up with a private hauler. Limb pickup provided on the 1 st and 3 rd Thursday of each month, limited to 15-minutes worth of pickup. Yard waste drop-off available at the Sewage Treatment Plant on Wed., Sat., and Sun. during daylight hours, for residents with city utilities only.
Millstadt 618-476-1514	Leaf burning allowed between sunrise and sunset. Cannot be within 3ft. of property line or within 12 ft. of combustible material. Attended by a competent person. As long as atmospheric conditions or local circumstances make such fires non-hazardous. Collection: Millstadt offers leaf-vac service from Oct. 1 to Nov. 30, Mondays and Tuesdays.
New Athens 618-475-2144	Burning during daylight hours only. No burning on public streets, sidewalks or alleys. Collection: The city provides a drop-off site for yard waste, see City Hall for key.
New Baden 618-588-3813	Ban on leaf burning. Collection: Residents can arrange pick-up through Allied Waste Management at resident's cost.
O'Fallon 618-624-4500	Ban on leaf burning. Collection: City provides yard waste pick-up once a week on trash pick up day.
St. Clair County Unincorporated 618-233-7769	Landscape waste is only allowed to be burned on the premises where it is generated so long as a local ordinance does not restrict open burning.
St. Libory 618-768-4216	N/A
Sauget 618-337-5267	No ordinance. Collection: The city picks up yard waste on Friday throughout the year.
Scott A.F.B. 618-256-2092	No burning allowed. Waste is collected by garbage trucks weekly. Yard waste is placed in a separate container.
Shiloh 618-632-1022	Allowed to burn yard waste only, from 9:00 A.M. to 4:00 P.M. on Tuesday, Thursday and Saturday between March 15 to June 1 and from Oct. 1 to Dec. 15. Burning on public or utility easement is prohibited. Burning that creates an excessive amount of smoke is prohibited. Collection: Resident arranges with a private hauler.
Smithton 618-233-4180	Burning of leaves is allowed until dusk. No burning on Sunday. Collection: Resident arranges with a private hauler.
Summerfield 618-934-3311	N/A
Swansea 618-234-0044	Yard Waste burning limited to Wednesday and Saturday, 11am to 4pm between Oct. 1 to Nov. 30 and April 1 to June 15. Collection: Residents can pay city \$12.75 for a sheet of 5 stickers, each good for pick-up of one bag of yard waste.
Washington Park 618-874-2100	Ban on leaf burning. \$500 fine. Collection: Resident can arrange with a private hauler for pickup of yard waste or call (618) 874-4800 to arrange pickup by the city.

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights - NYAV
Washington, D.C. 20530



HARMFUL EFFECTS AND ALTERNATIVES TO LEAF BURNING



As the fall approaches, the leaves will begin to turn brown, orange, yellow, red, gold colors. Looking at the leaves is a beautiful sight; however, they will fall from the trees, creating a cleanup problem for residents of St. Clair County. Burning leaves create heavy concentrations of toxic pollutants that are harmful to children, the elderly, asthmatics, healthy adults.....**EVERYONE**. The effects of leaf burning include:

- Increased hospital admissions for respiratory illnesses.
- Increased costs for trips to the doctor and medications for sensitive people.
- Increased mortality.
- Decreased visibility from intense leaf burning which increases the potential for auto accidents and death.
- Costs related to out-of-control fires such as personal injuries, property damage and cost for fire department.
- Personal injury and increased potential for injury to children.
- Airborne particles can aggravate the symptoms of those with respiratory problems.
- Those with chronic problems such as allergies and asthma are affected.
- 85% of the particles from leaf smoke are inhaled deep in the lungs which can cause adverse physical or chemical effects.
- Serious forest and grass fires may result from out-of-control leaf fires.
- The smoke from burning leaves affects more than just the yard or neighborhood where the burning occurs.
- Those experiencing respiratory problems have decreased mobility and cannot enjoy the fall season.
- Damage to streets can occur from piles of burning leaves.

Leaves can be properly cleaned up in an environmentally friendly way. Alternatives to leaf burning are listed below:



MULCH using a mulching lawn mower or spread out and mow over with a regular lawn mower.



COMPOSTING reduces leaves in volume by 75%.



Put leaves out for **COLLECTION**. Call your city or trash hauler.



Give leaves to a farmer or gardener to fertilize their soil.



Take yard waste to a local landscape waste disposal site.

Final Disposition Response

We have completed processing the correspondence referred by the Department of Justice, CTS# 282230, and are notifying you about our final disposition in the case.

Agency Docket # _____ (if appropriate)

 Enclosed is the final written disposition.

_____ There is no final written disposition in this matter but we closed it for the following reason:

[illegible]

Name _____ Telephone _____

Title_____ Agency_____ Date_____

Return to DOJ by mail or FAX us at (202) 307-1197/98; or notify us separately to explain your agency's final action.