



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

MAY 27 2008

Return Receipt Requested

Certified Mail #7004-1160-0002-3622-6468

In Reply Refer To:

EPA File No. 06R-07-R9

OFFICE OF
CIVIL RIGHTS

Mr. Stephen M. Brittle
President
Don't Waste Arizona, Inc.
6205 South 12th Street
Phoenix, AZ 85042

Re: Rejection of Administrative Complaint

Dear Mr. Brittle:

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 July 13, 2007. The complaint generally alleges that the Arizona Department of Environmental Quality (ADEQ) 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.

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.

After careful consideration, OCR will not accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. Therefore OCR must reject your complaint.

Your complaint generally alleges that ADEQ violated Title VI by discriminating on the basis of race in its administration of the South Phoenix Multi-Media Toxics Reduction Project (SPMMTRP). Specifically, you allege that ADEQ intentionally and deliberately mishandled the EPA grant designed to collaboratively reduce toxics in South Phoenix, a low-income minority area known for disproportionate amounts of toxics in its environment. Your complaint also lists other associated concerns with SPMMTRP and ADEQ's administration of its programs. OCR cannot accept any of your allegations for investigation because they do not meet the jurisdictional requirement for timeliness. A complaint must be filed no later than 180 days after the date of the alleged discriminatory act. The alleged discriminatory acts described in your complaint all occurred more than 180 days before the filing of this complaint. Therefore, OCR cannot accept this complaint for investigation.

If you have questions regarding this letter, please contact Ericka Burwell of the OCR External Compliance Program at (202) 343-9224, via electronic mail at burwell.ericka@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,



Karen D. Higginbotham
Director

cc: Joann Asami, Title VI Coordinator
EPA Region 9

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