



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

FEB 14 2008

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7004-1160-0002-3622-7519

In Reply Refer to:

EPA File No. 07R-07-R6

Jane Dale Owen, President
Citizens League for Environmental Action Now (CLEAN)
5120 Woodway, Suite 9004
Houston, TX 77056

Re: Rejection of Administrative Complaint

Dear Ms. Owen:

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). EPA received your complaint on July 25, 2007. The allegation in your complaint concerns the transportation of VX hydrolysate to the Veolia Environmental Services facility in Port Arthur, Texas, for incineration. This facility is located in an African-American community. Your letter also requests that OCR take action to ban the shipment of VX hydrolysate to Port Arthur, Texas. OCR has carefully reviewed your complaint, and has concluded that the complaint cannot be accepted for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for 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 nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates 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 calendar 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.)

Your complaint indicates that the U.S. Army has arranged for the VX hydrolysate, currently housed at an Army depot in Newport, Indiana, to be shipped to the Veolia Environmental Services facility in Port Arthur, Texas for incineration. OCR processes and investigates complaints of discrimination filed against programs or activities that receive

assistance from EPA. After careful review, OCR has concluded that your complaint cannot be accepted for investigation because neither the Army, nor Veolia Environmental Services are applicants for, or recipients of, EPA assistance. Therefore, OCR must reject your complaint for investigation.

Your letter also requests that EPA take action concerning the shipment of VX hydrolysate to Port Arthur, Texas. OCR is aware that EPA's Regional Office in Dallas, Texas (Region 6) has contacted you regarding your concerns. Please continue to work with Region 6 regarding the proposed shipment and incineration of VX hydrolysate in your community.

If you have any questions about this letter, please contact Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen D. Higginbotham", with a long horizontal flourish extending to the right.

Karen D. Higginbotham
Director

Enclosure

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

Sherry Brown-Wilson, Title VI Coordinator
EPA Region 6

Carl E. Edlund, P.E., Director
Multimedia Planning and Permitting Division
EPA Region 6