



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

**MAY 27 2008**

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #7004-1160-0002-3622-6437

**In Reply Refer To:**

EPA File No. 08R-07-R6

Debra Ramirez  
Citizens Against Contamination  
[REDACTED]  
[REDACTED]

**Re: Rejection of Administrative Complaint**

Dear Ms. Ramirez:

This letter is in reference to your administrative complaint received by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on July 25, 2007. Your complaint alleges violations of 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. Since your allegations do not meet EPA's jurisdictional requirements for acceptance, OCR will not investigate your complaint.

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, the complaint must be in writing. Second, the complaint 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, the complaint 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.

On December 10, 2007, OCR sent you a letter requesting the information necessary to determine whether EPA could investigate the allegations in your complaint.<sup>1</sup>

<sup>1</sup> Letter from Yasmin Yorker, Assistant Director External Compliance, Office of Civil Rights to Debra Ramirez, Citizens Against Contamination, Re: Request for Clarification of Administrative Complaint (December 10, 2007).

The letter requested a description of the alleged discriminatory act(s) that occurred, the date(s) of those act(s), and the name of the agency/organization that committed the alleged discriminatory act(s). OCR received your response on January 22, 2008, however it provided only some of the information requested in our letter.

Your response stated that you believe EPA and other unnamed governmental entities discriminated against the African American and elderly residents of the Mossville community in 1995. The alleged discriminatory acts described consisted of a failure to relocate the residents, and a failure to direct the "responsible parties" to inform the community of the incidents which led to the ethylene dichloride groundwater contamination in the Mossville community.

After careful review, OCR has determined that it cannot accept your complaint for investigation for the following reasons. First, your complaint is untimely. As stated above, a complaint must be filed within 180 calendar days of the alleged discriminatory act. All of the alleged discriminatory acts described in the complaint occurred during 1995 and your complaint was filed in 2007. Second, your complaint names only EPA as the "recipient" responsible for the allegedly discriminatory acts. Under Title VI, a recipient of EPA assistance may be a public (e.g., a state, local or municipal) agency or a private entity. Title VI does not apply to actions by the Federal government. Therefore, EPA cannot be considered a "recipient" within the meaning of Title VI.<sup>2</sup> Since your complaint does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations, OCR must reject your complaint for investigation.

If you have any questions regarding this letter, please contact Ms. Yasmin Yorker Assistant Director of the OCR External Compliance Program by telephone at (202) 343-9894, via electronic mail at [yorker.yasmin@epa.gov](mailto:yorker.yasmin@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,

  
Karen D. Higginbotham  
Director

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

Nancy Tommelleo, Title VI Coordinator  
EPA Region 4

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<sup>2</sup> U.S. Department of Justice, *Title VI Legal Manual*, Section VI (A) (January 2001) (see page 20), available at <http://www.usdoj.gov/crt/cor/coord/vimanual.htm>.