



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

MAR 26 2010

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail #7009-2820-0002-1759-2947

**In Reply Refer to:**

EPA File No. 09R-07-R2



**Re: Rejection of Administrative Complaint**

Dear [REDACTED]

This letter is in reference to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on August 20, 2007. Your complaint alleges that the New York City Department of Environmental Protection 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. After careful consideration, OCR has concluded that it cannot accept your complaint 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, 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 2, 2009, OCR sent you a letter requesting clarification of your administrative complaint. The letter requested that you provide OCR with specific information within 15 calendar days of receiving our letter. On January 5, 2010, the letter was returned to our office by the U.S. Postal Service (USPS) as undelivered. Our office then contacted you by telephone, at which time you provided us with a different address for you. On January 6, 2010, we re-transmitted the letter to your new address. On January 27, 2010, we were notified by the USPS that the letter was delivered to your new address and received by [REDACTED]. Because it has been more than 15 calendar days of your receipt of our letter, and you have not provided us with the requested information we need to conduct the jurisdictional review (the date the NYCDEP approved the construction activity or the date the construction activity began), OCR must reject your complaint.

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](mailto: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,



Karen D. Higginbotham  
Director

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

Mavis Johnson, EEO Officer  
Region 2